

FAIR ELECTIONS LEGAL NETWORK

Working to remove barriers to voting and improve election administration across the United States.

Fair Elections Legal Network
1825 K Street NW, Suite 450
Washington, D.C. 20006

July 1, 2015

Karen Humes
Chief, Population Division
U.S. Census Bureau

Dear Ms. Humes:

Fair Elections Legal Network (FELN) submits this comment in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). We urge you to count incarcerated people at their home address, rather than at the particular prison facility they happen to be located at on Census day.

FELN is a national nonpartisan voting rights and legal support organization whose mission is to remove barriers to registration and voting for traditionally underrepresented constituencies. We work to improve overall election administration through administrative, legal, and legislative reform as well as provide legal and technical assistance to voter mobilization organizations. As such, we recognize that the Bureau's use of the prison as a "residence" contradicts most state constitutions and statutes, which explicitly state that incarceration does not change a residence.

When state and local officials use the Census Bureau's prison count data, they give extra representation to the communities that host the prisons despite the fact that those who are able to vote from prison must invariably do so by absentee ballot from their home address – not from the prison address. By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. The current definition of residence dilutes representation and is detrimental to democracy.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place in keeping with changes in society and population realities. Fair Elections Legal Network believes in a population count that accurately represents communities, thus, we urge you to count incarcerated people as residents of their home address.

Sincerely,

Robert M. Brandon
President, Fair Elections Legal Network