

League of Women Voters of Orange County
P.O. Box 10621
Santa Ana, California 92711

Karen Humes, Chief
Population Division
U.S. Census Bureau
Room 5H174
Washington, DC 20233

The League of Women Voters of Orange County California, joins over 200 organizations in strongly opposing the Census Bureau's proposal to continue the inaccurate and outdated practice of counting incarcerated people as "residents" of prisons, rather than at their home addresses.

California has 220,203 prisoners representing over 9% of the national prison population. Lacking the power to require the Bureau to conduct a fair and equitable count, California has passed two bills (AB 420 in 2011, revised by AB 1986 in 2012), requiring the California Department of Corrections to report the home addresses of incarcerated people to the Citizens Redistricting Commission, requesting the Commission use that data to count incarcerated people when drawing districts.

Drawing districts based on Bureau counts of prisoners violates California law that defines a legal residence as the place that people choose to be and do not intend to leave. California's statute is explicit:

"A person does not gain or lose a domicile solely by reason of his presence or absence from a place ... while kept in an almshouse, asylum or prison." (Cal. Elec. Code § 2025 (2010)).

Three states, Delaware, New York and Maryland, plus over 200 counties and municipalities, have prepared to adjust population data to **avoid** prison gerrymandering. But some states are prohibited by law from adjusting census data when drawing district lines. In other words, the principle of one person one vote will continue to suffer until the Census Bureau changes the way it counts prisoners.

This practice has come to be known as "prison gerrymandering" for good reason. Counting incarcerated people in the wrong place inflates the political power of people who live near prisons when those counts are used for redistricting or other purposes. With over 2.4 million persons **temporarily** housed in the U. S. prison system the 1790 definition of "usual residence" no longer reflects our nation.

The Bureau has chosen to reject common sense. Under the Bureau residence rules a formerly incarcerated Connecticut resident was counted in one town while registered to vote in another. The Bureau has decided to ignore the reality that prison populations are transient, but has decided that other transient populations – deployed overseas military and juveniles staying in residential treatment centers – should be counted in their home location.

"The **fundamental reason** that the decennial census is conducted is to fulfill the

Constitutional requirement (Article I, Section 2) to apportion the seats in the U.S. House of Representatives among the states. Thus, for a **fair and equitable apportionment**, it is crucial that the Census Bureau counts everyone in the right place during the decennial census.” (emphasis added) (Federal Register, Vol. 81, No. 126)

The Census Bureau's own report found that the 2010 census distorted the political process. Yet has chosen to disregard it.

The LWV of Orange County supports apportionment of congressional districts and elected legislative bodies at all levels of government based **substantially** on population.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations. Because we believe in a population count that accurately represents communities, we urge you to fulfill the Bureau’s duty and conduct a “fair and equitable” count.

Sincerely,

Susan Guilford
President, LWV Orange County

Janice Wagner
President LWV North Orange County

Diane Neid
President LWV Orange Coast

Susan Guilford
President, LWV Central Orange County Area