

July 19, 2015

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

Via email:

POP.2020.Residence.Rule@census.gov

Dear Ms. Humes,

My name is William S. Cooper. For over 25 years, I have provided redistricting expertise to civil rights organizations, community groups, and local governments across the country. I estimate that I have developed state and local election plans for at least 750 jurisdictions in about 40 states – primarily in the American South and Rocky Mountain West (Indian Country). I have testified in federal courts on voting matters in about 35 cases and submitted declarations or been deposed in an additional 50 cases.

I always recommend to local-level clients that the prison population should be removed or reallocated to establish an apportionment base that is in keeping with the principle of one-person, one-vote. But this adjustment is not always possible to do, given the current structure of the PL94-171 files and some state and local laws that restrict the apportionment base to the counts in the PL94-171 files.

I submit 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). I urge you to count incarcerated people at their home address, rather than at the particular facility where they happen to be located on Census Day.

Below are four specific steps that I believe you must take for the 2020 Census to more accurately reflect present-day demographic realities.

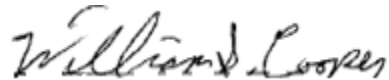
- (1) Reassign or reallocate all adults in prisons and jails to their home address. This single step would eliminate a distortion in the complete count Census that often results in extreme violations of the one-person, one-vote constitutional principle in state and local election plans.
- (2) Cordon off all prisons and jails (using building footprints) into 2020 census blocks that contain only incarcerated persons. This step is necessary because some percentage of the incarcerated population will continue to list prison and jail facilities as their home address. This will facilitate overpopulating prison-impacted districts to meet one-person, one-vote requirements in statewide election plans and allow for the removal or reassignment (using other official prisoner address documents not relied upon by the Census Bureau) of this remaining non-voting population in local election plans.
- (3) Release an Advance Group Quarters Summary File as I understand you plan to do, within the PL94-171 files (I use the 2010 Advance Group Quarters Summary File almost every day to identify prisons, college dorms, military bases, etc. as I develop election plans. I cannot overstate how useful the 2010 file has been for my work.) The 2020 Advance Group Quarters Summary File will be extremely helpful to identify any of the remaining incarcerated persons who report prison facilities as their home address, as noted in (2) above.
- (4) Release a complete count census block-level summary file that tallies the reallocated prison population by race, age, and ethnicity. I have in mind that this file would be identical in format to the PL94-171 file. It should be released no later than the early summer of 2021. This block-level summary file is critical for Voting Rights Act “ability to elect” analysis -- especially for districts that are close to having 50% minority voting-age populations.

In conclusion, the incarcerated population in the United States is now about 2.3 million. There are 16 states with populations that are less than 2.3 million. A summary file as noted in (4) above is important for various social policy and

programmatic reasons unrelated to election plans, such as community development, targeted neighborhood-level programs to reduce recidivism, academic research, etc. Such a summary file will pay for itself over time.

Thank you for the opportunity to comment on the Residence Rule and Residence Situations, as it pertains to the 2020 Census.

Sincerely,

A handwritten signature in cursive script that reads "William S. Cooper".

William S. Cooper
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