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November 14, 2022

Via Electronic Mail

Karen Battle
Chief, Population Division
U.S. Census Bureau
Washington, DC 20233
DCMD.2030.Research@census.gov

Re: FRN Response - The need to Count Incarcerated Individuals at Their Home Address to Facilitate Fairness in Local Redistricting

Dear Ms. Battle,

The Southern Coalition for Social Justice is writing to urge the U.S. Census Bureau to change its Residence Criteria in 2030 to count incarcerated individuals at their last home address, instead of at the facility in which they are involuntarily and temporarily confined on Census Day.

This change will remedy a long-standing inaccuracy in the U.S. Census by properly counting individuals where they have often-times remained residents under state law and where they have maintained meaningful community connections. It will further lend consistency to the treatment of temporarily displaced individuals, such as truck drivers, boarding school students, members of Congress, and military personnel, who are all counted at home. Furthermore, as described in detail below, counting incarcerated individuals at home will facilitate fairness in local redistricting for communities that want to ensure equal representation, despite having large prison facilities within their boundaries.

The Southern Coalition for Social Justice is a 501(c)(3) nonprofit organization that partners with communities of color and economically disadvantaged communities in the South to defend and advance their political, social, and economic rights through the combination of legal advocacy, research, organizing, and communications. In anticipation of the 2020 Census release, SCSJ executed an initiative across the South to end prison gerrymandering, the distortion in local representation that occurs when incarcerated populations are included in local electoral maps. Prison gerrymandering causes electoral districts that do not accurately reflect constituent populations and the transfer of political power from densely populated urban areas to more sparsely populated rural hubs, contributing to the systemic under-representation of disproportionately incarcerated Black and Latino communities.

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SCSJ partnered with 14 grassroots advocacy organizations in seven states across the south to advocate for an end to prison gerrymandering in over 240 local jurisdictions.¹ We would like to call your attention to several things we learned during this process as relevant to our requested change in Residence Criteria:

1. Residents and local elected officials want to stop prison gerrymandering and only continue to do so because of how the U.S. Census Bureau counts incarcerated individuals.

As part of SCSJ's anti-prison gerrymandering initiative, we advocated for local leaders in Granville County, North Carolina to end the practice of prison gerrymandering when drawing their County Commissioner districts. Granville County has within its borders the Butner Federal Correction Complex with over 2,000 incarcerated individuals from across the United States, including (famously) New York resident Bernie Madoff. The County Commissioner districts were historically drawn without excluding this population, causing severe distortions in representation. For example, before 2021 redistricting, over 40% of Granville's Commissioner District 3 population was incarcerated individuals, and thus a resident in District 3 had almost double the representative power of residents in other districts.

After SCSJ and its partners raised this issue and engaged in a concerted (and time-intensive) public education and advocacy campaign, County Commissioners acted to exclude the prison population when they redistricted in 2021 after agreeing that it distorted representation in the county. Importantly, one Commissioner publicly commenting that prisoners had only been included before because "those folks all went into the census count."² This was a common sentiment we witnessed across jurisdictions.

In other words, the U.S. Census Bureau's practice of counting incarcerated individuals where they are temporarily displaced, instead of at home, makes the distortion of prison gerrymandering the "default" across local jurisdictions, and one that leaders and local advocacy groups agree causes unfair electoral maps at the local level. There is simply not enough time or resources to do the type of concerted advocacy and education that we were able to do in Granville County in 2021 to fix this. A change to the Residency Criteria to count incarcerated individuals at home is therefore crucial to ensuring accurate and fair electoral maps at the local level.

2. The current "fix" to prison gerrymandering—excluding incarcerated populations when redrawing local electoral districts—is not good enough and a change to Residence Criteria is needed.

SCSJ and its partner organizations advocated across the South for local jurisdictions to avoid prison gerrymandering by excluding the numbers of incarcerated individuals when redrawing local electoral maps (as Granville County did in 2021). But this "fix" falls far short of the best solution, which would be for the U.S. Census Bureau to count incarcerated individuals at their last place of

¹ See <https://southerncoalition.org/southern-coalition-for-social-justice-prison-policy-initiative-lead-anti-prison-gerrymandering-campaign-throughout-south/>.

² See <https://www.wfae.org/politics/2021-10-12/north-carolina-cities-counties-to-decide-whether-to-count-prisoners-in-voting-districts>.



residence. This is because the “fix” of excluding incarcerated populations still allows for distortions in the drawing of local electoral maps, particularly where local prison facilities have some county residents in their facilities.

This is the case in Yazoo County, Mississippi, which has both Federal and Regional correctional facilities. But there is no data on how many individuals counted in either facility, and especially the Yazoo Regional Correctional facility, are actually Yazoo County residents and therefore should be counted in the county’s districts. Furthermore, in many counties such as Yazoo, the evaluation of whether they are complying with one person, one vote federal requirements depend on how their prison populations are counted, and thus can determine whether or not they choose to redraw county lines at all.

In other words, the U.S. Census Bureau’s current practice of counting incarcerated individuals where they are temporarily displaced make it very difficult for local jurisdictions to avoid prison gerrymandering and to ensure fair and equal representation at the local level. A change in the Residency Criteria to count incarcerated individuals at home is needed to help local jurisdictions eliminate all distortions in representation in their local maps.

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For these reasons, we urge the U.S. Census Bureau to change its Residence Criteria in 2030 to count incarcerated individuals at their last home address, and thereby facilitate fair and equal representation in local jurisdictions across the United States.

Thank you,



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