

July 20, 2015

Dear Karen Humes,

Common Cause Minnesota 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 facility that they happen to be located at on Census day.

Common Cause Minnesota works to insure every voice in every community is heard and that those we elect to serve in office are held accountable. Counting those incarcerated at the particular facility fails Minnesota’s democracy in two ways.

First, counting prison populations as if they were actual constituents of the district the prison is located gives a few small communities more political power at the expense of everyone who does not live near a prison. The effect is that everyone who does not live in a district that contains a prison has their vote diluted by these artificially inflated populations.

Second, counting prison populations in this way also creates a second and more serious problem here in Minnesota in that if people are being counted in prison, they are not being counted in their home community. 47% of people currently incarcerated are people of color which is a huge disparity with the 18.1 % people of color represent in Minnesota’s population. In turn, the communities in which those incarcerated lived are now under-represented in terms of their size for every elected official, from city council all the way to their congressional representation.

 As you know, American demographics and living situations have changed drastically in the 225 years since the first Census, and the Census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Census to update its methodology again.

The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million. But since then, the number of incarcerated people as more than quadrupled, to over two million people behind bars. The manner in which this population is counted now has huge implications for the accuracy of the Census.

Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the Census’ population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

But this ad hoc approach is neither efficient nor universality implementable. The Massachusetts legislature, for example, concluded that the state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. *See* The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'” (Adopted by the Senate on July 31,2014 and the House of Representatives on August 14, 2014).

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. Because [org name] believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.

Sincerely,



Jeremy Schroeder

Executive Director

Common Cause Minnesota