

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

June 1, 2015

**Re: 2020 Decennial Census Residence Rule and Residence Situations
Comment in response to May 20, 2015 Federal Register Notice**

Dear Karen Humes,

I was chairman of the last Redistricting Committee here in Morgan County, a rural county in Tennessee and I am disappointed that we ended up with severe malapportionment because the Census Bureau counted inmates in a prison in the county as if they were residents of that neighborhood. I am now a County Commissioner and I am working very hard to correct this problem for my county, but I also know we are just one of many counties that are similarly affected.

Thank you for the opportunity to comment on the Census Bureau's Residence Rule and Residence Situations, especially to address where prisoners should be counted. I am writing you to share our experience of using the Census' data for redistricting and to urge you to count incarcerated people at their home address so that counties like mine can achieve fair representation.

As a county in Tennessee, we are basically faced with a classic 'Catch 22.'

Our goal was to follow the Constitution and give equal representation to all the citizens of our County. Nashville, however, told us that we had to count the prison population in our count when we did our redistricting because that is what the Census showed, even though that runs counter to the state's residence law. I realize that the Census' definition of residence is unlikely to perfectly track the 50 state's definitions, but let me walk you through the Tennessee's residence law (as described by the Secretary of State's "Guidelines for Determining Residency") to explain why the current interpretation of the Census Residence Rule and Residence Situations fails to count people where they live:

"1. The residence of a person is the place where the person's habitation is fixed and is where, during periods of absence, the person definitely intends to return."

Now, while I'm sure that a few of our guests at the gray bar hotel will return, (recidivism is a terrible problem in this country), I can pretty much guarantee that there isn't any one of them that "definitely intends to return." after they get out.

"3. A change of residence is made not only by relocation, but also by intent to remain in the new location permanently, and by demonstrating actions consistent with that intention."

These men have no intention of staying in our fair county one second longer than they have to. If not for the barbed wire and armed guards that place would empty out faster than the county courthouse at quitting time on a Friday afternoon.

These men all come from outside our county. Upon release they immediately leave our county. They are not buying homes, raising families and putting down roots here. They came here, quite simply because they were forced to at gunpoint and they stay here only because of walls, wire and armed guards.

The 2010 Censes put the population of Morgan County at approximately 22,000. The inmates at the Morgan County Correctional Facility number approximately 2,400. When we break the county up into 6 districts, that puts 3,667 people in each district. But whichever district gets the prison block will only have 1,267 actual residents in it and 2,400 prisoners. That adds a lot of weight to the votes cast in that district.

To be exact, we end up with the residents of one of our districts having 3 times the representation of the residents in the rest of the county.

And the problem has only gotten worse. Previously we had 2 prisons in our county. But one prison was shut down and the other facility was expanded to take in the inmates of the closed unit as well as additional prisoners. This resulted in just one census block containing 10% of our county's population, not one of whom is allowed to vote and not one of whom even considers themselves to be a resident of Morgan County.

It is impossible to count population bloc like that in our county electoral system and still achieve equal representation among the citizens of this county.

In Reynolds v. Sims the U.S. Supreme Court said "The weight of a citizen's vote cannot be made to depend on where he lives." Yet that is exactly what we are forced to do because of the Census. We're left with a 3 to 1 disparity in the representation of the residents in the district with the prison over the residents in other Morgan County districts.

As a County commissioner here in Morgan County I am asking you to please help us correct this problem and get back to the "One Man, One Vote" ideal. Please help us to achieve fair and equal representation to all the citizens of our county, and those across this great nation by revising the Residence Rule or Residence Situations to count incarcerated people at home in the Census.

Sincerely,



Jerry Zorsch
County Commissioner
Morgan County, Tennessee