



# LEAGUE OF WOMEN VOTERS® OF WISCONSIN

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July 7, 2015

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

Dear Karen Humes:

The League of Women Voters of Wisconsin 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.

The League supports equality in representation for all citizens in our state. In 2010 we supported legislation to amend our state constitution to exclude incarcerated, disenfranchised felons from the enumeration of population for the purposes of apportionment and redistricting of legislative, county and certain other district offices. We believe this resolution is an important step in achieving equality. However, we noted at the time that it would be preferable if the U.S. Census Bureau would change the way it counts incarcerated offenders.

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 past 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 has 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.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. For example, Wisconsin has historically drawn legislative districts so that their population-sizes are within 2% of the average. But by counting incarcerated individuals as part of the districts in which they are incarcerated, Wisconsin awards greater political representation to districts with prisons than to those without them. To make matters worse, many of the incarcerated individuals are disenfranchised, which reduces the number of eligible voters in the prison districts and magnifies the influence of their vote.

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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 in their home district, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

While this strategy lessens the problem in those four states, such an ad hoc approach is not an efficient solution overall nor will it work in every state. 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 the League of Women Voters of Wisconsin believes in a population count that accurately represents communities, we urge you to count incarcerated people as residents of their home address.

Sincerely,



Andrea Kaminski  
Executive Director