



July 20, 2015

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

VIA Email [POP.2020.Residence.Rule@census.gov]

Dear Chief Humes:

In response to the Census Bureau's *Federal Register Notice and Request for Comment* dated May 20, 2015, the League of Women Voters of New Jersey respectfully submits this comment regarding Residence Rule and Residence Situations, 80 FR 28950.

The League of Women Voters of New Jersey urges you to count incarcerated people as residents of their legal home addresses. The Census Bureau is "committed to counting every person in the correct place...to fulfill the Constitutional requirement (Article 1, Section 2) to apportion the seats in the US House of Representatives among the states."¹ For fair and equitable apportionment for legal voters, counting incarcerated populations at a correctional institutional is counting them at the incorrect location, one in which they happen to be temporarily located on Census day.

The League of Women Voters has been dedicated to protecting voter's rights since our organization was founded in 1920. The League's mission – Making Democracy Work® – includes ensuring a free, fair and accessible electoral system for all eligible voters. In protecting voting rights, we also want to ensure that each vote carries equal weight when electing state and federal legislators.

¹ http://www.census.gov/population/www/cen2010/resid_rules/resid_rules.html

Counting incarcerated people at their facility address violates the constitutional principle of “One Person, One Vote” and the Supreme Court’s mandate that districts be designed to give each resident the same access to government.² Including prison populations as legitimate constituents in the prison’s district gives disproportionate weight to the votes of those legal voters living in that district, more weight than voters living in districts that do not have correctional facilities.

The consequences of the Census Bureau’s policy of tabulating incarcerated people as residents of prison locations, rather than at their home addresses, skews democracy on both the state and local levels and is especially problematic in New Jersey where this policy unfairly enhances the weight of cast vote in 13 districts where state correctional facilities are located while diluting the vote in every other district.^{3 4}

This is particularly unfair for residents in Newark, New Jersey’s largest city, where the added prison population does not offset the disproportionate number of residents that have been incarcerated and counted in a different district.⁵ Another urban center, Camden, is considered the poorest city in the nation and prison gerrymandering has reassigned 12% of its residents to faraway districts, diluting further the power of the remaining voters.⁶

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 New Jersey, that number represents 76% of offenders in New Jersey correctional institutions as of January 2015.⁷

² <http://www.njleg.state.nj.us/legislativepub/our.asp> Legislators are elected from 40 legislative districts of substantially equal population.

³ http://www.state.nj.us/corrections/pages/about_us/org_struct/Division_of_Ops.html

⁴ This count does not include a 14th state facility opened since the 2010 Census.

<http://www.prisonersofthecensus.org/50states/newprisons.html>

⁵ 14% according to

http://www.state.nj.us/corrections/pdf/offender_statistics/2015/By%20County%20of%20Commitment%202015.pdf

⁶ http://www.state.nj.us/corrections/pages/about_us/org_struct/Division_of_Ops.html and

http://www.state.nj.us/corrections/pdf/offender_statistics/2015/By%20County%20of%20Commitment%202015.pdf

⁷ http://www.state.nj.us/corrections/pdf/offender_statistics/2015/By%20Ethnicity_Race%202015.pdf

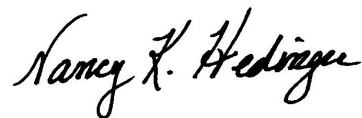
⁸ <http://www.prisonersofthecensus.org/50states/NJ.html>

The League of Women Voters of New Jersey also has identified other unfair outcomes flowing from the Bureau's current method of counting incarcerated persons. For example, New Jersey does not require school board districts based on population that have 8 or fewer members to exclude correctional populations when apportioning county districts thereby creating significant vote dilution in districts with prison populations.⁸

We have previously called upon the Census Bureau to change its practice when the League joined in a letter to Census Bureau Acting Director Thomas Mesenbourg (of February 14, 2013), requesting that the Census Bureau count incarcerated persons at their home address.⁹ The League will continue to watch the NJ Senate Bill 480 and Assembly Bill A-659 that require incarcerated individuals to be counted at their residential address for legislative redistricting purposes.¹⁰

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 New Jersey believes in a population count that accurately represents communities, we urge you to implement changes to the 'usual residence' rule to provide a count in the 2020 Census of incarcerated persons at their pre-incarceration addresses.

Sincerely,



Nancy Hedinger
President, League of Women Voters of New Jersey

⁹ <http://lwv.org/content/league-urges-census-bureau-end-prison-based-gerrymandering>

¹⁰ https://legiscan.com/NJ/text/S480/id/916795/New_Jersey-2014-S480-Introduced.html