Prison Policy Initiative's Comment on the Census Bureau's Proposed Residence Criteria, 91 FR 57524 (September 10, 2026)

Introduction

The Prison Policy Initiative submits this comment in response to the September 10, 2026 Notice of Public Rule Making, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions." We oppose the proposed residence criteria and urge the Census Bureau to update the residence criteria to count incarcerated people at home.

The Bureau's proposal to count incarcerated people as residents of correctional facilities undermines the accuracy of the decennial Census.

This part of the proposed regulations suffers from the same deficiencies as already explained by the 86,000[1] other comments in opposition to date – but this comment will focus on two additional issues specific to the count of incarcerated people:

1. Treating a prison as a "usual residence" reflects a fundamental misunderstanding of the nature of incarceration. The critical issue is that while a prison itself seems permanent, the people located there on any given day change.

2. The language of proposed § 60.9 "Persons confined at correctional or detention facilities" is too vague and incomplete to be implementable. This failure not only guarantees an inaccurate Census, but is indicative of the lack of thought underlying the proposal.

Counting incarcerated people as if they resided in jail, prison, or detention facility gives a distorted picture of where people live, and skews our democracy through prison gerrymandering, disproportionately impacting our already-underserved minority communities and undermining the accuracy of the Census. The

[1] According to the Hands of Our Census "Comment Tracker" dated Sept 15-Oct 28, available at https://handsoffourcens.us/tracker.html

Prison Policy Initiative has been working to end this prison gerrymandering for 25 years. Based on the facts we present here, the Census Bureau should propose residence criteria that count incarcerated people at home.

A correctional facility is not representative of usual residence.

The Census Bureau proposes to conclude that a prison cell is a "usual residence". But such a conclusion ignores the realities of incarceration in our country – whether applied to the unspecified period in § 60.9, or the general "enumeration period".

There are two principal groups of incarcerated people: people confined in local jails and people confined in state or federal prisons.

People in Jails

People confined in jails account for about a third[2] of incarcerated people. Most are awaiting trial; the rest are serving short sentences of typically no more than a year.

The average time served in local jails is 23 days.[3] There is no national figure on the median time served in jails, but it is likely far shorter given that many people spend only hours or a few days in jail. County level data[4] confirms this:

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[2] For a helpful overview of the different types of correctional systems in this country along with their respective sizes, see Peter Wagner and Bernadette Rabuy, *Mass Incarceration: The Whole Pie 2016*, Prison Policy Initiative at http://www.prisonpolicy.org/reports/pie2016.html

[3] Vera Institute of Justice, p.10, "Incarceration's Front Door: The Misuse of Jails in America" (2015), available at, https://www.vera.org/publications/incarcerations-front-door-the-misuse-of-jails-in-america and Bureau of Justice Statistics, Table 9, "Census of Jails: Population Changes, 1999 – 2013" (2015), available at, http://www.bjs.gov/content/pub/pdf/cjpc9913.pdf

[4] Numbers are left blank for each specific calculation that is unavailable in the county's data.
Fulton County, GA: Jail Feasibility Study, Part 1 of the Phase 1 report, Table 2, available at https://www.prisonpolicy.org/scans/Fulton_Jail_StudyP1_Vol1.pdf
Hawaii (pretrial system): State of Hawai'i Department of Public Safety, FY 2023 annual report, Attachment D, pg 167, available at https://dcr.hawaii.gov/wp-content/uploads/2023/11/PSD-ANNUAL-REPORT-2023.pdf

County	Average (days)	Median (days)
Kansas City, KY	5.3	0.3
Johnson County, IA	5.3	
Whatcom County, WA	23.9	2.0

A study of 13 Tennessee counties found that 67% of people are released within 7 days.[5] Similarly, the American Jail Association asserts that "75% of people who come in the jails in this country are normally released within the first 72 hours."[6]

According to John Clark, a jails expert at the Pretrial Justice Institute, there are two main causes of the difference in the length of stay reported by jails (for example, compare King and Allegheny in the chart above): 1) some of the variation among jails is the result of policing, judicial and correctional policy, and 2) some jails do not include people who spend only a few hours in the jail in their admission figures. But whether one uses the 23-day

Kansas City, MO: Kansas City Adult Detention Center Population Trend Analysis & Forecasts, April 2024, Table 9 & 10. Available at https://www.thepitchkc.com/content/uploads/2025/04/v/v/FINAL-Kansas-City-2024-Report.pdf

Johnson County, IA: Johnson County Sheriff's Office and Jail Needs Assessment Vol. 1 Narrative Shive-Hattery Jul. 1, 2024, pg.18. Available at https://www.johnsoncountyiowa.gov/sites/default/files/2024-07/JCSO%20and%20Jail%20Needs%20Assessment%20VOLUME%20I%20-%20Needs%20Assessment.pdf

Whatcom County, WA: STV, EP&A, and Pasco Planners *Whatcom county jail population Forecast Analysis* (March 2026), Table 9. Available at https://www.whatcomcounty.us/4682/Justice-Project-Plans-and-Reports#docaccess-a01e62ee9c766dcb0720e288dd48017e22abe1a894c15a571a8cea39d4d76ee2

[5] 2025 Shelby County Jail Needs Assessment County Technical Assistance Service (May, 2025), pages 6-7. Available at https://assets.speakcdn.com/assets/2696/6-8-2025_shelby_county_jail_needs_assessment_report.pdf

[6] Testimony of Vice President of the American Jail Association, Assistant Sheriff Mitch Lucas, Workshop of Reforming Inmate Calling Services Rates – July 10, 2013, video available at (statement is around the 3:53:40 mark): https://www.youtube.com/watch?feature=player_detailpage&v=zBfIganIF1s - t=14020s

estimated average, or the more relevant [7] 2-12 day median figures, it is clear that a jail cell is not a usual residence.[8]

People in Prisons

The traditional line between prisons and jails is that prisons are for sentences of at least a year. But the reality of incarceration is that this population's presence in particular prisons is often more temporary and transient than that official distinction with jails implies. First, 42% of people released from state prisons in 2018 served less than a year.[9] And most people in state prisons do not stay in any given facility for long. Incarcerated people are transferred frequently between facilities, at the discretion of the administration.[10] Nearly 75% of incarcerated people are moved between facilities before they go back home.[11]

The operative fact is that people found in state or federal prisons on Census Day will not have been at that facility for very long, and will in all likelihood leave it soon. In fact, 30% of people in federal

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[7] We note that Census Bureau staff at the July Quarterly Program Management Review repeatedly referred to statistics about time served in various kinds of correctional facilities in terms of averages. We believe that where available, the median is a more appropriate figure to use because it more accurately reflects the reality of the typical incarcerated person; averages are significantly distorted by the very small number of incarcerated people who are serving very long sentences.

[8] This reality is no doubt why the Census Bureau intended to count the jail population at home in the 1990 Census. See Charles D. Jones, *Enumeration and Residence Rules for the 1990 Census*, 1990 Decennial Policy Memorandum No. 12, October 15, 1987 available at http://www.prisonpolicy.org/scans/Census_1990_Policy_Memo_No_12.pdf . We do not know why the Bureau reversed this decision before the 1990 Census.

[9] And the median time served at release was 1.3 years. Bureau of Justice Statistics, *Time Served in State Prison, 2018* (2021), at p.1 and Table 2. Available at https://bjs.ojp.gov/document/tssp18.pdf.

[10] In 2022 in New York for example, 92% of transfers were for administrative, disciplinary, or other reasons (any reason except a request from the incarcerated person). See Iolanthe Brooks, *"You want to be in the hell you already know": How prison transfers regularly upend incarcerated people's lives*, 2025, available at https://www.prisonpolicy.org/blog/2025/06/05/prison_transfers/

[11] Bureau of Justice Statistics, p. 20 *Sexual Victimization Reported by Former State Prisoners*, 2008, ("During their period of incarceration, inmates typically served time in more than one facility." "Three-quarters of former inmates had served time in more than one prison facility; nearly 1 in 8 had served time in 5 or more prison facilities before their release"), available at http://www.bjs.gov/content/pub/pdf/svrfsp08.pdf. While the Bureau of Justice Statistics has not updated that number, we have seen no evidence that the frequency of transfers has decreased since then. For a snapshot of transfers in New York in 2023-2024 see Iolanthe Brooks, *"You want to be in the hell you already know": How prison transfers regularly upend incarcerated people's lives*, 2025, available at https://www.prisonpolicy.org/blog/2025/06/05/prison_transfers/

and state prisons have been at the current facility for less than six months. Half have been there for under a year.[12]

Looking at this from another angle, the length of stay at a given facility for a typical incarcerated person will vary somewhat from state to state, but it is typically a very short period. While most states do not routinely publish this data, we were able to obtain it for a few states. In Georgia the median length of stay is 8 months[13]; and in New York over half of people have been at their current facility for under 9 months.[14] In Indiana and Massachusetts, in most of the correctional facilities, the stay at that particular facility was less than a year, and in a third of the facilities in each state, the length of stay was less than 6 months.[15] We understand that the Bureau has received a comment letter from the Vera Institute of Justice reporting a similar finding for Washington, Oregon and Nebraska.

The frequent transfer between facilities, combined with the relatively short total time away from the individual's real home, makes it impossible to conclude that the facility where someone is incarcerated in on Census Day should be considered that person's usual residence, especially when compared to their home address.

Apart from how short a time any given person spends at any given facility, the total length of individual sentences of persons in state prisons is much shorter than is routinely assumed. Almost half of the people incarcerated at year end in 2014 had been in state prison

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[12] Email from Allen Beck to Peter Wagner, July 20, 2016. Dr. Beck's figures were based on the National Inmate Survey 2011-12 data collection in state and federal prisons.

[13] Georgia Department of Corrections, *Profile of Inmate Releases - Calendar Year 2025* , p. 40, available at https://gdc.georgia.gov/organization/about-gdc/agency-activity/research-and-reports/annual-statistical-reports/calendar-2.

[14] State of New York Department of Corrections and Community Supervision, *Population Under Custody "Prison population by time at housing facility as of October 1, 2026"*, available at https://dashboards.doccs.ny.gov/prison?sectionId=countByTimeAtFacility&timePeriod=6+months&facility=All&gender=All&sex=All&ageGroup=All&race=All&ethnicity=All&sentenceLengthMin=All&sentenceLengthMax=All&chargeCountyCode=All&offenseType=All&chargeDescription=All&admissionReason=All&religion=All&maritalStatus=All&monthsAtFacility=All&dateInPopulation=October+1%2C+2026 .

[15] In both Indiana and Massachusetts, time served at current facility is only available at the more granular level of individual facilities and was not available to us system wide. The data we received upon request from Indiana is available at http://www.prisonpolicy.org/scans/Indiana_Facility_LOS_CY2015.pdf . The Massachusetts data was prepared by Jessica Simes, a Research Intern at the Massachusetts Department of Correction in August 2011 and is available at http://scholar.harvard.edu/files/jsimes/files/simes-los2011-brief.pdf

for less than two years.[16] And this population may be home quite soon as the median time served in state prison between the start of incarceration and first release is 16 months and the average is 29 months.[17]

The court in *Davidson v. City of Cranston*[18] – ruling against prison gerrymandering – summarized the reality of residence for people incarcerated in both prisons and jails in one representative fact about the incredible churn through Rhode Island's combined state prison and jail system (ACI):

"[T]he median length of stay for those serving a sentence at the ACI is 99 days. The median stay for those awaiting trial is three days."[19]

The Bureau's conclusion that the facility at which a person is detained on Census Day is their usual residence is thus unsupported by the facts on the ground and the factual realities of modern correctional systems.

The proposed language is too vague and incomplete to be implementable in any consistent manner.

The proposed regulation doesn't create a workable system for determining how to count incarcerated people. The pertinent section reads as follows:

> "§ 60.9 Persons confined at correctional or detention facilities.

[16] Almost a third (30.9%) have been incarcerated for less than a year and almost half (47.6%) have been incarcerated for less than two years. (National Corrections Reporting Program, public-use dataset DS4: Year-End Population, reporting time served in state prisons since incarcerated as of December 31, 2014.)

[17] National Corrections Reporting Program: Time Served In State Prison, By Offense, Release Type, Sex, And Race, 2009 Table 8 available at http://www.bjs.gov/content/data/ncrpt09.zip

[18] The City of Cranston used Census data for redistricting its City Council and School Committee following the 2010 Census and in so doing, allocated the entire incarcerated population of Rhode Island's Adult Correctional Institutions (ACI) as "residents" of one ward of the City.

[19] *Davidson v. City of Cranston*, p.3 Memorandum and Order (May 24,2016), (USDC Docket 1:14-cv-00091 D. Rhode Island)

Persons confined at correctional or detention facilities, including juvenile facilities. Counted at the facility."

This proposal lacks any temporal guidance

The proposed regulation does not specify a time period within which to determine a person's "confined" status. The proposed generally-applicable residence criteria in § 60.2 set out an "enumeration period" of January-April. But that enumeration period doesn't cover the proposed special criteria in §§ 60.3-60.10.

Most of those special situations either reference § 60.2 or specify Census Day as the reference date. Section 60.9 does neither.

As discussed above, incarceration is not a permanent state of being. So without a reference timeframe, each person responsible for filling out a Census form is left to guess whether this section applies:

- Does it mean being confined on Census day?
- Or at any single point in the enumeration period?
- Or the majority of time within the enumeration period?
- Perhaps being listed on the roster for whichever random day the facility happens to be filling out the Census form?

Not only is this vagueness unworkable, but it also exemplifies the disingenuousness of these proposed regulations, particularly given the Bureau's claim[20] that the proposed regulations were needed to clarify the reference period for residence.

Similarly, the use of the term "confined" only adds confusion about who the section applies to. Many incarcerated people are not continuously physically confined to a facility – but are required to work and leave regularly under supervision. For example, some

[20] "The Census Bureau is also proposing to define the relevant "census enumeration period" … clearly defining a relevant period leading up to April 1 is preferable to leaving the issue open-ended and uncertain", September 10, 2026 Notice of Public Rule Making, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions", available at https://www.federalregister.gov/d/2026-18481/p-26.

people on work release and firefighting crews in the western states.[21]

Once again, the regulation seems to have been drafted without considering the realities of incarceration in the real world. Given the obvious drafting deficiencies found throughout these proposed regulations, we assume that this particular oversight is also the result of sloppy drafting rather than an intentional change in Census Bureau policy.

The language of § 60.9 leaves too many basic questions unanswered – it does not create implementable regulation.

The inaccuracies in the Census Bureau's data have serious repercussions.

The state and federal prison population stands at about 1.3 million, a population larger than 8 of our smallest U.S. states. Just as misplacing all of Maine's population would have a major impact on the accuracy of the Census, so does tabulating people incarcerated in prisons in the wrong locations.

Prison Gerrymandering

To maintain equal representation and conform to the constitutional requirements of "one person one vote", regular population-based redistricting is required at the state and local level. The Census Bureau has become *the* data source for redistricting because it has the ability to provide accurate data down to the block level.

But it is precisely this need — accurate block level data — that is most dramatically undermined by the Bureau's current and proposed application of the residence rules which counts incarcerated people as if they were residents of the facility they happen to be in on Census Day.

[21] For example, in Washington State (for a description of the program, see Washington State Department of Natural Resources, Correctional Camps Program, available at https://dnr.wa.gov/wildfire-resources/fighting-fire/correctional-camps-program), and California (for a description of the program, see California Department of Corrections and Rehabilitation, Conservation Fire Camp Program, available at https://www.cdcr.ca.gov/facility-locator/conservation-camps/).

Most people in the country are harmed by prison gerrymandering to one extent or another. In Rhode Island, for example, when we tallied up all the people who suffer from prison gerrymandering on the state level with senate and house elections after the 2010 Census, as well as on the local level in municipal elections, we found that only 112 Rhode Islanders — 0.011% of the state — fully benefit from counting incarcerated people in the wrong place.[22]

These results are significant: seven New York state senate districts drawn after the 2000 Census met minimum population requirements only because they used prison populations as padding[23]; four of the senators from these districts controlled the powerful Codes Committee where they opposed reforming the state's draconian Rockefeller drug laws that boosted the state's prison population.[24]

Disproportionate Harm to Minority Communities

Worst of all, counting incarcerated people in the wrong place creates the greatest inaccuracies in Census data for historically marginalized minority communities of color.

Our analysis of 2023-2024 Census and Bureau of Justice Statistics data[25] shows that Black and American Indian/Alaska Native people are incarcerated at over 4 times the rate of White (non-Hispanic) people, and Hispanic and Native Hawaiian/Pacific Islander people are incarcerated at more than twice the rate of White (non-Hispanic) people. Within those disparities are greater disparities by age and gender. For example, the incarceration rate for Black men aged 25-29 peaked in 2001 when a shocking 13% of Black men of those ages were incarcerated in federal and state prisons or local

[22] Peter Wagner and Leah Sakala, Prison gerrymandering hurts the 99.989% (May 1, 2014), available at http://www.prisonersofthecensus.org/news/2014/05/01/ri-percent/
[23] Peter Wagner, *Importing Constituents: Prisoners and Political Clout in New York*, Prison Policy Initiative (May 20, 2002), http://www.prisonpolicy.org/importing/importing.html.
[24] Peter Wagner, *Locked Up, But Still Counted: How Prison Populations Distort Democracy*, (Sept. 5, 2008), http://www.prisonersofthecensus.org/news/2008/09/05/stillcounted/.
[25] Census Bureau, *U.S. resident population 2024 (July 1 estimate)*, available at https://www2.census.gov/programs-surveys/popest/tables/2020-2025/national/asrh/nc-est2025-sr11h.xlsx, and Bureau of Justice Statistics *Characteristics of Sexual Victimization in Local Jails Reported by Inmates, 2023–24 – Statistical Tables* Table 1.1 and *Characteristics of Sexual Victimization in Prisons Reported by Inmates, 2023–24 – Statistical Tables* Table 1.1

jails. By contrast, that same year, only 0.04% of white women aged 45-55 were incarcerated.

These disproportionate incarceration rates, coupled with the enduring and troubling trend of building prisons in communities that bear little demographic resemblance to the people they confine, create a false picture of our population at best, and risk retrenching systemic racially discriminatory outcomes at worst. For example, our 2015 analysis found 161 counties where incarcerated Blacks outnumber free Blacks, and 20 counties where incarcerated Latinos outnumber free Latinos.[26]

These inaccuracies not only permeate the Bureau's data, they taint it. Their impact is clear in the redistricting context: in the 2000 Census (the last cycle where New York engaged in prison gerrymandering) , virtually all — 98% — of the state's prison cells were located in state senate districts that were disproportionately White, diluting the votes of Black and Latino voters.[27] Similarly, in Connecticut, 75% of the state's prison cells were in state house districts that were disproportionately White.[28]

In Somerset County Maryland, these inaccuracies in the Bureau's data made it impossible for the residents of an African-American opportunity district to actually elect the candidate of their choice because the county counted people incarcerated in the district as if they were voting in that district. An effective African-American opportunity district could have been drawn if the prison population had not been included in the population count.[29] The Bureau's

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[26] Peter Wagner and Daniel Kopf, The Racial Geography of Mass Incarceration (July, 2015), available at http://www.prisonpolicy.org/racialgeography/

[27] Peter Wagner, *98% of New York's Prison Cells Are in Disproportionately White Senate Districts*, (Jan.17, 2005), http://www.prisonersofthecensus.org/news/2005/01/17/white-senate-districts/.

[28] *Ending Prison-Based Gerrymandering Would Aid the African-American and Latino Vote in Connecticut*, (Nov. 17, 2010), http://www.prisonersofthecensus.org/factsheets/ct/CT_AfricanAmericans_Latinos.pdf.

[29] Somerset County, which until 2010 had never elected an African-American to county government, settled a voting rights act lawsuit in the 1980s by agreeing to create one district where African-Americans could elect the candidate of their choice. Unfortunately, a prison was built and the 1990 Census was taken shortly after the first election, leaving a small African-American vote-eligible population in the district. This made it difficult for residents of the district to field strong candidates and for voters to elect an African-American Commissioner. (Brief of the Howard University School of Law Civil Rights Clinic et al. as Amici Curiae Supporting Respondents at 8–9, Fletcher v. Lamone, No. RWT-11cv3220 (D. Md. Dec. 23, 2011) (citing "*Maryland Bill" Podcast Episode #2*, (May 27, 2010), http://www.prisonersofthecensus.org/news/2010/05/27/podcast2/; *Our View: Fairer Election Districts Ahead*, Daily Times, Apr. 5, 2010, http://www.prisonpolicy.org/news/Delmarva_Daily_Times_MD_4_5_10.pdf; ACLU of Maryland & Somerset County NAACP, Semper Eadem: "Always the Same"? (2009),

inconsistent application of the residence rules to incarcerated people directly curtails the voting rights of people of color.

Conclusion: The Risks of Inaction

Over the last few decades, the Supreme Court's requirements for equal representation have created a need for more precise redistricting data. And the needs of redistricting bodies now require a level of accuracy that necessitates counting incarcerated people at home rather than where they are incarcerated.

In fact, over 200 local governments and a growing number of states have taken steps on their own to correct Census data to count incarcerated people at home. Nearly half of the US population now lives in a place that corrects redistricting data they receive from the Census to avoid prison gerrymandering.

States and local governments have spent over two decades trying to fix this problem, but that work is undermined when the Bureau not only fails to count incarcerated people at home, but now proposes unimplementable regulations for counting them elsewhere. The Bureau's proposal would guarantee an inaccurate Census, further shifting the burden of data correction to states and local governments.

The Bureau needs to count incarcerated people at home, and this conclusion is not only in accordance with public opinion,[30]

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available at http://www.aclu-md.org/uploaded_files/0000/0348/finalreportwapp.pdf.), *available at* http://www.prisonersofthecensus.org/fletcher/Final_Fletcher_amicus_with_affidavit_and_service.pdf.)

[30] A 2001 Quinnipiac University poll found that New York State "voters say 60 – 25 percent that prison inmates should be counted as residents of their home districts, not of where they're imprisoned. Republican and upstate voters support counting inmates in their homes, not their prisons." Quinnipiac University Poll Press Release, August 11, 2011, available at http://www.prisonpolicy.org/scans/QuinnipiacPoll.pdf . On this latter point that the call for reform is supported not just by urban people but by a majority of the people who live outside high incarceration areas, see also the November 6, 2013 letter from Peter Wagner to Director John Thompson and its 108-page attachment containing "a collection of news articles and editorials, plus two letters to Director Kincannon and several affidavits, that speak directly to the concerns that people who live outside of the nation's large cities have regarding the Census Bureau's current method of tabulating incarcerated people. The opinions range from concern about electoral inequities that result, to frustration with the difficulties devising a solution, to assigning responsibility for the problem." (The letter is available at http://static.prisonersofthecensus.org/letters/Wagner_to_Director_Thompson-2013-Nov-06.pdf and its attachments are at

legislative opinion,[31] and the federal judiciary; it is logically consistent, common sense, and safeguards the Census against participating in or importing racially discriminatory outcomes into the enumeration process itself.

The US District Court in Florida summarized its conclusion in this way:

> Defendants argue vigorously that excluding the JCI inmates from the population base for districting purposes would be "arbitrary." The opposite is true—including them in the population base is arbitrary. The inmates at JCI, unlike aliens, children, etc. living in Jefferson County, are not meaningfully affected by the decisions of the Boards. To say they are "constituents" of the Board representatives from District 3 is to diminish the term constituent. *To treat the inmates the same as actual constituents makes no sense under any theory of one person, one vote, and indeed under any theory of representative democracy. Furthermore, such treatment greatly dilutes the voting and representational strength of denizens in other districts. Jefferson County's districting scheme for its Board of County Commissioners and School Board therefore violates the Equal Protection Clause.* [32] [Citations omitted, emphasis added.]

http://www.prisonersofthecensus.org/letters/Wagner_to_Director_Thompson-2013-Nov-06_Attachments.pdf .) Finally, we note that 96% of the 162 comments relating to where incarcerated people are counted in the Census that the Bureau received in response to its 2015 *Federal Register* notice were supportive of counting incarcerated people at home.

[31] In just the last 6 years, four states have passed legislation addressing prison gerrymandering state-wide and two states (Virginia and Tennessee) have passed legislation changing their laws that required counties and other local governments to engage in prison gerrymandering. An additional 14 states (Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Minnesota, New Jersey, Oregon, Rhode Island, Tennessee, Texas, and Wisconsin) have recently considered legislation to end prison gerrymandering statewide, with some of those bills passing one chamber. A list of legislation is available at http://www.prisonersofthecensus.org/legislation.html

[32] *Calvin v. Jefferson County Board of Commissioners*, Case No. 4:15CV131-MW/CAS, (N.D. Florida). See also, *Davidson v. City of Cranston*, (USDC Docket 1:14-cv-00091 D. Rhode Island), on appeal US Court of Appeals First Circuit, No. 16-1692), a recent similar case in Rhode Island, where the court found that "the ACI's inmates lack a 'representational nexus' with the Cranston City Council and School Committee." The court noted that "Cranston's elected officials do not campaign or endeavor to represent their ACI constituents," and pointed out that that the majority of incarcerated persons cannot vote, and those who can are required by law to vote by absentee ballot from their pre-incarceration address.

The Bureau's current proposal would clearly result in data that is too inaccurate to be used for redistricting, leading to constitutional violations and precipitating multiple accompanying lawsuits against the Bureau's data users.

We urge the Bureau to establish residence criteria that count incarcerated people at home.

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