



*The Commonwealth of Massachusetts*  
*House of Representatives*  
*State House, Boston, MA 02133-1054*

JAMES J. O'DAY  
REPRESENTATIVE  
14TH WORCESTER DISTRICT

CHAIRMAN:  
JOINT COMMITTEE ON MUNICIPALITIES  
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Karen Humes, Chief  
Population Division  
U.S. Census Bureau  
Room 5H174  
Washington, DC 20233

July 13, 2015  
Re: Residence Rules for the 2020 Census

Dear Karen Humes,

I serve as a Representative in the Massachusetts Legislature, representing residents of 14th Worcester, which includes a large incarcerated population in a county House of Correction, and I submit 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). I 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.

As an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation's population.

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 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.

This problem is hardly limited to our state; and 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 universally implementable. In Massachusetts, for example, we concluded that the state constitution did not allow us to pass similar legislation, so we 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).

And even if we could solve the problem ourselves, it makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state to have to adjust the Census' data to count incarcerated people in their home district.

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 democracy relies on a population count that accurately represents communities, I urge you to count incarcerated people as residents of their home address.

Sincerely,

A handwritten signature in cursive script that reads "James O'Day". The signature is written in black ink and is positioned above the printed name and title.

James O'Day  
State Representative  
14<sup>th</sup> Worcester District