

ASSEMBLY JOINT RESOLUTION

No. 41

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblyman Wirths

SYNOPSIS

Calls on Congress to permit incarcerated individuals to use home address as address of record for federal decennial census.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **A JOINT RESOLUTION** calling on the Congress of the United States
2 to permit incarcerated individuals to use their home address as
3 their address of record for the purpose of the federal decennial
4 census.
5
6 **WHEREAS**, Article I, Section II, paragraph 3 of the Constitution of the
7 United States requires that an enumeration of the population of the
8 country, known popularly as the census, be taken once every 10
9 years; and
10 **WHEREAS**, The information thus collected is used by the states to
11 drawn Congressional districts equal in population through a process
12 known as redistricting, and the information is also used for the
13 distribution of money and other benefits by the federal government;
14 and
15 **WHEREAS**, Pursuant to rules adopted and followed by the Census
16 Bureau, a person is considered a resident of a particular locality if
17 the person is a “usual resident,” meaning the person lives and sleeps
18 there most of the time, with limited exceptions; and
19 **WHEREAS**, Because of this rule, a person who is incarcerated in a
20 correctional facility at the time the census is taken is considered a
21 “usual resident” of the location of the facility, not of the address at
22 which the person was living before incarceration; and
23 **WHEREAS**, Prisons are often located in rural areas of the country, so
24 that counting prisoners as usual residents of the area inflates the
25 allocation of congressional seats in such places while taking
26 population away from the urban areas that most prisoners call
27 home; and
28 **WHEREAS**, Because most incarcerated individuals are people of color
29 from urban areas, the Census Bureau’s policy usually leads to a
30 diminution of political power and federal benefits allocated to
31 people of color who live in cities and an unfair allocation of
32 political power and federal benefits to predominately white and
33 rural areas of the country; and
34 **WHEREAS**, Although the Census Bureau considered changing the rule
35 between 2015 and 2016, the bureau announced in February of 2018
36 that the policy for the 2020 census would continue to be the policy
37 of counting incarcerated people where they are imprisoned because
38 it considered that to be the place where such people lived and spent
39 the most time; and
40 **WHEREAS**, It is notable that the Census Bureau does collect
41 information on correctional facility populations during the census
42 and that it makes such information available to the states to assist
43 them with adjusting data to account for incarcerated individuals if
44 the states so choose; and

1 **WHEREAS**, It is also notable that four states—California, Delaware,
2 Maryland, and New York—will use this information to reallocate
3 the location of incarcerated individuals to their home communities
4 during the redistricting cycle that follows the 2020 Census, but 46
5 states, including New Jersey, will not be doing so; and

6 **WHEREAS**, Given the basic unfairness that results from the “usual
7 resident” rule, and the fact that it is possible to rectify this disparity
8 without difficulty, as shown by California, Delaware, Maryland,
9 and New York, it is fitting and proper for this State to call on the
10 Congress of the United States to permit incarcerated individuals to
11 use their home address as their address of record for the purpose of
12 the federal decennial census; now, therefore,

13

14 **BE IT RESOLVED** *by the Senate and General Assembly of the*
15 *State of New Jersey:*

16

17 1. This State calls on the Congress of the United States to
18 permit incarcerated individuals to use their home address as their
19 address of record for the purpose of the federal decennial census.

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21 2. Copies of this resolution, as filed with the Secretary of State,
22 shall be transmitted by the Clerk of the General Assembly or the
23 Secretary of the Senate to the Majority and Minority Leaders of the
24 United States Senate, the Speaker and Minority Leader of the
25 United States House of Representatives, and to every member of
26 Congress elected from this State.

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28 3. This joint resolution shall take effect immediately.

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STATEMENT

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33 This Joint Resolutions calls on the Congress of the United States
34 to permit incarcerated individuals to use their home address as their
35 address of record for the purpose of the federal decennial census.