

**Summary of Comments Received in Response to the “2020 Decennial Census Residence Rule and Residence Situations; Notice and Request for Comment,”  
80 Federal Register 28950 (May 20, 2015)**

*Overview*

The U.S. Census Bureau is currently reviewing the 2010 Census residence rule and situations to determine if clarifications, revisions, or changes are needed to the rule or situations for the 2020 Census. On May 20, 2015, the Census Bureau published a notice in the *Federal Register* asking for public comment on the 2010 residence rule and situations, and suggestions for changes to be made for the 2020 Census. The Census Bureau received 252 submission letters containing 262 comments to the notice during the 60-day comment period that ended on July 20, 2015. (Some submission letters included multiple comments.)

*Summary of Comments*

Of the 262 comments received, 162 pertain to where we count prisoners<sup>1</sup> and 87 pertain to where we count military personnel overseas. We also received two comments on people in group homes for juveniles, two comments on people in residential treatment centers for juveniles, and one comment on students in boarding schools. We also received one comment on the residence rule itself and one comment on each of four other residence situations: visitors on census day, people who live in more than one place, people without a usual residence, and nonrelatives of the householder. Finally, we received three comments that covered broader issues: one pertaining to how the residence rule and situations are communicated, one pertaining to how field staff are trained on the residence rule and situations, and one on how alternative addresses are collected from certain types of group quarters (GQs). Table 1 summarizes all the comments received.

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<sup>1</sup> The majority of comments received on this topic used the terms ‘prisoner,’ ‘incarcerated,’ or ‘inmate.’ Although the terminology is not exactly what the Census Bureau uses in the residence rule documentation, the Census Bureau believes the context of the comments suggests the comments apply to people in Federal and State Prisons, local jails and other municipal confinement facilities, and possibly Federal detention centers. References in this document to “prisons” or “prisoners” should be interpreted as referring to all of these Group Quarters types.

	<b>Number</b>	<b>Percent of All Comments</b>
<b>Total</b>	<b>262</b>	<b>100%</b>
Prisoners	162	61.8%
Military Deployed Overseas	87	33.2%
Group Homes for Juveniles	2	0.8%
Residential Treatment Centers for Juveniles	2	0.8%
Boarding School Students	1	0.4%
Residence Rule	1	0.4%
Visitors on Census Day	1	0.4%
People Who Live in More Than One Place	1	0.4%
People Without a Usual Residence	1	0.4%
Nonrelatives of the Householder	1	0.4%
Issues other than Residence Rule or Situations	3	1.1%

Summary of Comments on Prisoners

Of the 162 comments pertaining to prisoners, 155 stated that prisoners should be counted at their home or pre-incarceration address (See Table 2). They stated that counting prisoners at the prison inaccurately represents the prisoners’ home communities, inflates the political power of the area where the prison is located, and deflates the political power in the prisoners’ home communities. These commenters suggested that this distorts the redistricting process. A number of these commenters also specifically commented that counting prisoners away from their home address goes against the principle of equal representation, and some further noted that the current residence rule for prisoners is inconsistent with their state laws regarding residency for elections.

One of these comments focused only on inmates in local jails awaiting trial, noting that as they are presumed innocent, they should be counted at their usual residence.

A number of commenters argued that the “usual residence” concept itself should change as it relates to incarcerated persons, arguing that the tremendous increase in the number of incarcerated people in the last 30 years and the Supreme Court’s support of equal representation warranted a change in the interpretation of the concept of “usual residence.”

Additional arguments cited were that prisoners do not interact or participate in the civic life of the community where they are incarcerated, are there involuntarily, and generally do not plan to remain in that community upon their release.

Six comments were in support of the 2010 practice of counting prisoners at the prison, arguing that adjusting prisoners’ locations would be difficult, expensive, add unneeded complexity, and would be prone to inaccuracy. Of the six comments in support of counting prisoners at the prison, one mentioned a concern that adjusting the prisoners’ locations could disenfranchise minorities in rural areas, and two argued that changing the current practice could open the door to future Census population count adjustments motivated by political gain.

We also received a comment suggesting the Census Bureau establish an exact time on Census Day to record where people are, and use that to determine where to count people who may be in transit to/from/between prison facilities.

	<b>Number</b>	<b>Percent</b>
<b>Total</b>	<b>162</b>	<b>100%</b>
Support changing guidance and counting at some other address	155	96.0%
Support current situational guidance (count at prison)	6	3.4%
Suggest Census Bureau establish exact time on Census Day to record people	1	0.6%

Summary of Comments on the Military Overseas

Of the 87 comments we received pertaining to the military overseas, all argued for counting military service members overseas on short-term deployments at their home base or port (See Table 3). Some of the comments also added that deployed military with spouses should be counted with their families. The commenters also suggested that the Census Bureau work with

military bases to locate more accurate administrative records for counting deployed military and use administrative records to also provide socioeconomic information on the deployed military.

There are two issues referenced in these comments. First of all, the comments generally refer to military personnel *deployed* overseas, making a distinction from military personnel *stationed* overseas. (In censuses prior to 2010 where the military overseas were counted, deployed and stationed personnel were treated the same.) Second, the comments indicate that not only do they want military personnel deployed overseas to be counted at their “usual residence,” “last duty station,” or “home base or port,” (which we are inferring to mean the same thing), they want these personnel counted in the resident population rather than the overseas population (which is used for apportionment purposes only). Some comments explicitly state this, but for many it is implied. For example, many comments referred to the need for counting deployed military in the communities where they usually reside, because doing otherwise “produces flawed data that harms funding and planning in military communities.” Another comment referred to ensuring “communities have the needed resources to support these soldiers and their families.” These and other comments seem to refer to local level planning and funding that is normally determined using the Census resident population data (available down to the tabulation block level) and not the apportionment counts, which are only available at the state level.

One of the 87 comments drew a connection between how the Census Bureau counts deployed military overseas and how we count U.S. military personnel on U.S. military vessels with a U.S. homeport, to support his argument. The *Residence Rule and Residence Situations for the 2010 Census* document states that the latter are “counted at the onshore U.S. residence where they live and sleep most of the time. If they have no onshore U.S. residence, they are counted at their vessel’s homeport.” The commenter argued that this is inconsistent with how we have counted deployed military with a U.S. land base or post, and asked that all branches of service be treated the same and counted at their residence or home base/port.

	<b>Number</b>	<b>Percent</b>
<b>Total</b>	<b>87</b>	<b>100.0%</b>
Support counting in resident population at person's home base or port	87	100.0%

Summary of Comments on Group Homes for Juveniles and Residential Treatment Centers for Juveniles

We received two comments on group homes for juveniles and two comments on residential treatment centers for juveniles. All four of the comments supported counting the juveniles in these situations at their “household residence.” One of the comments on the group homes and

one of the comments on the residential treatment centers further stated that the juveniles should only be counted at their household residence if it is in the same state as the facility. If the residence is not in the same state, they should be counted at the facility. All four comments argued that counting juveniles at the facility inflates the political power of the area where the facility is located and dilutes the representation of the juveniles' home communities.

#### Summary of the Comment on Boarding Schools

We received one comment pertaining to boarding schools. The commenter suggested applying the current guidance for students attending college to students attending boarding schools. The commenter noted that for foreign students attending boarding school, the school is their usual residence most of the year, and their parents live overseas. Therefore, these students likely were not counted under the 2010 guidance, even though they reside in the United States most of the year, because they do not have a parental home in the United States.

#### Summary of Comments on the Residence Rule, Visitors on Census Day, People Who Live in More Than One Place, People Without a Usual Residence and Nonrelatives of the Householder

We received a letter from the National Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Task Force that included five comments, one on the residence rule itself and one comment on each of the following four situations: visitors on census day, people who live in more than one place, people without a usual residence, and nonrelatives of the householder. The letter commented on the “unique ways in which lesbian, gay, bisexual, transgender, and queer (LGBTQ) people often experience homelessness” and cited an argument that LGBTQ people are “disproportionately likely to experience homelessness” The writer argued that LGBTQ people experiencing homelessness are more likely to avoid shelters and instead “couch-surf,” “trade sex for shelter,” or “stay with friends or family.” Therefore, the writer argues,

*”LGBTQ people may be less likely to be regarded as ‘residents’ by those with whom they are staying. Census respondents might assume that such people have another residence where they spend more time or might otherwise dismiss counting them as part of their residence.”*

The comment pertaining to the “Visitors on Census Day” situation was to eliminate it as a separate situation and merge it into the “People Away From Their Usual Residence on Census Day” situation. The comments on the residence rule and the other three situations were to add specific wording to provide clearer guidance so that people experiencing homelessness might recognize that these situations apply to them.

## Other Comments

We received three comments that were unique in that they did not address the residence rule directly, nor did they address any particular situation. One comment argued for the importance of “an easily-interpreted and logically consistent residence rule for each type of residence situation,” including “how respondents should interpret the often-used Residence Rule phrase ‘most of the time.’” The commenter went on to argue for applying and communicating the rules consistently across the country and cited the need for sound training for 2020 Census field workers, clear communication to 2020 Census partners and the public, and a “designated point-of-contact for residence determination.”

A second comment encouraged the Census Bureau to produce summary file tabulations based on the answers to the “Does Person [X] sometimes live or stay somewhere else?” question, arguing that it would “help facilitate the best interpretation and use of decennial census data at the state and local level.”

Finally, we received one comment asking the Census Bureau to revisit the 2010 Individual Census Report (ICR) questions related to collecting information about where else the respondent might live or stay, and making it more consistent with the household Census questionnaire.