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**U.S. Census Bureau Will Continue to Count Incarcerated Individuals as Residents of Prisons,
Contributing to the Diminished Voting Power of Communities of Color**

The NAACP Legal Defense and Educational Fund, Inc. (LDF) is extremely disappointed with the Census Bureau's recent decision to continue to count upwards of 2 million incarcerated people, including a disproportionate number of Black and Latino individuals, in the wrong location on Census Day. As recently as 2016, LDF—along with redistricting experts, legislators, and formerly incarcerated people themselves—urged the Bureau to count in 2020 incarcerated persons as residents of their home communities. That approach would recognize that it is their home communities where incarcerated persons have familial and other ties and are likely to return over the course of the decade, rather than the prison facilities where they are involuntarily confined.

This decision to maintain an inaccurate and outdated Census count will contribute to another decade of problematic and potentially discriminatory redistricting through the practice of prison-based gerrymandering. Prisons are often located in rural, white areas of our country: counting prisoners as “residents” of those areas inflates the allocation of legislative seats in those places while minimizing representation for incarcerated persons’ home communities.

“This Census method is misguided and disproportionately impacts urban communities of color due to the racial discrimination which infects our criminal justice system,” said [Leah Aden](#), Senior Counsel at LDF. “The reality is that most incarcerated individuals are unable to vote in the areas where their prisons are located and do not have the ability to use the facilities and services in those communities. Thus, incarcerated individuals are not meaningfully represented nor treated as residents where they are imprisoned. This is a Census miscount that can lead to redistricting that has the potential to weaken the voting strength of communities of color and give disproportionate political power to predominately white areas of our country.”

LDF is pleased, however, that in their memo, the Census Bureau indicated that it plans to provide data on correctional facility populations at the same time as they publish the main redistricting information that will be sent to states, as well as to assist jurisdictions with adjusting data to account for incarcerated individuals. This will aid the states who have the political will or have already ended prison-based gerrymandering on their own (such as New York, California, Maryland, and Delaware and over 200 local jurisdictions) in making the necessary data adjustments.

States and local jurisdictions will have to do their own work, if they choose or are compelled, to reallocate incarcerated people to their home communities during the redistricting cycle that follows the 2020 Census. LDF has been advocating since before the last decennial count in 2010 for the Census to do that work of counting incarcerated people in the correct place on Census Day and LDF expects to continue to do so. LDF also has engaged in related state-level legislative advocacy and litigation to encourage the adoption of legislation to address the distortion of our democracy due to prison-based gerrymandering.

Had the Bureau heeded the change that LDF and other advocates urged, incarcerated people would be treated like boarding students or others who are away on Census Day, who the Census will count as residents of their home communities.

[Read more](#) about LDF's work around prison-based gerrymandering reform.

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.