ASSEMBLY JOINT RESOLUTION
No. 111

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED APRIL 5, 2018

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
As introduced.

(Sponsorship Updated As Of: 2/26/2019)
A Joint Resolution calling on the Congress of the United States to permit incarcerated individuals to use their home address as their address of record for the purpose of the federal decennial census.

Whereas, Article I, Section II, paragraph 3 of the Constitution of the United States requires that an enumeration of the population of the country, known popularly as the census, be taken once every 10 years; and

Whereas, The information thus collected is used by the states to draw Congressional districts equal in population through a process known as redistricting, and the information is also used for the distribution of money and other benefits by the federal government; and

Whereas, Pursuant to rules adopted and followed by the Census Bureau, a person is considered a resident of a particular locality if the person is a “usual resident,” meaning the person lives and sleeps there most of the time, with limited exceptions; and

Whereas, Because of this rule, a person who is incarcerated in a correctional facility at the time the census is taken is considered a “usual resident” of the location of the facility, not of the address at which the person was living before incarceration; and

Whereas, Prisons are often located in rural areas of the country, so that counting prisoners as usual residents of the area inflates the allocation of congressional seats in such places while taking population away from the urban areas that most prisoners call home; and

Whereas, Because most incarcerated individuals are people of color from urban areas, the Census Bureau’s policy usually leads to a diminution of political power and federal benefits allocated to people of color who live in cities and an unfair allocation of political power and federal benefits to predominately white and rural areas of the country; and

Whereas, Although the Census Bureau considered changing the rule between 2015 and 2016, the bureau announced in February of 2018 that the policy for the 2020 census would continue to be the policy of counting incarcerated people where they are imprisoned because it considered that to be the place where such people lived and spent the most time; and

Whereas, It is notable that the Census Bureau does collect information on correctional facility populations during the census and that it makes such information available to the states to assist them with adjusting data to account for incarcerated individuals if the states so choose; and

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

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

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

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

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

3. This joint resolution shall take effect immediately.

STATEMENT

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