

Prison Policy Initiative

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Governor Jerry Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814

Dear Governor Brown:

The Prison Policy Initiative submits this letter in support of AB 420, which will greatly ameliorate the effects of prison-based gerrymandering in California.

The bill will fix a longstanding conflict between Census Bureau practices and California law. Redistricting data provided by the Census Bureau does not count incarcerated people at their home address; rather it counts them at the location of a prison. This approach is incongruous with California law which specifies that incarceration does not change a person's residence.

The Prison Policy Initiative is a non-profit, non-partisan organization that documents the effects of mass incarceration on democracy. For the past ten years we have studied how Census Bureau data is used in redistricting. We closely track the effects of the data's hidden prison populations on districts at all levels of government across the country.

Democracy requires that everyone have equal say in government, a concept termed "one person, one vote" by the United States Supreme Court. Creating districts with equal populations allows each person to have the same voice regardless of where they live. Redistricting data that counts incarcerated people as if they were actual residents of the community where the prison is located, however, distorts the actual resident population totals. The process of prison-based gerrymandering thus gives more political clout to people who happen to live in a district that contains a prison.

Incarcerated people are not residents of the community where the prison is located. California Election Code §2025 states: “A person does not gain or lose a domicile solely by reason of his or her presence or absence from a place while... kept in an almshouse, asylum or prison.” Using non-voting prison populations to pad a district’s population not only violates the principle of “one person, one vote” but also runs contrary to California law concerning residence. Districts should be based on actual resident populations, not prisons.

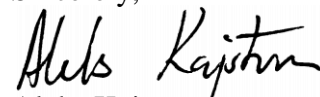
We discovered that most California counties with large prisons have already taken steps to limiting the impact of prison populations on their County Supervisory Districts. These ten counties remove the prison population from their redistricting data. Solano County is one of the two counties that did not adjust the census data in redistricting last decade and as a result, every group of 9 people who actually live in District 4 (which contains the CSP Solano and California Medical Correctional Facility) were granted as much influence as 10 people in Solano’s other districts. This bill would make sure that no county’s districts are unintentionally distorted by prison populations as they were in Solano.

The bill would also make the task of adjusting redistricting data easier for the counties that already avoid prison-based gerrymandering, and it would provide all counties with a uniform data source.

Although the impact of prison populations on state districts is comparatively smaller (8.6% of the 30th Assembly district is incarcerated in state prisons), the bill would make the same data adjustment available to the Citizens redistricting Commission so that the Commission could end prison-based gerrymandering across the state.

There is a growing national trend to end prison-based gerrymandering, with bills already enacted in New York, Maryland and Delaware. The Prison Policy Initiative urges you to sign AB 420 into law, to ensure equality in representation for every California resident.

Sincerely,



Aleks Kajstura
Legal Director