



Support HB 62

No Representation without Population Act

Ensuring fair representation for all Illinoisans

Prison-based gerrymandering violates the most basic redistricting principles required by the U.S. and Illinois Constitutions including counting people at their “legal residence,” equal population, compactness and contiguity, and the Voting Rights Act. **This practice violates the right to “One Person, One Vote” and fair representation for all Illinoisans**, not just prisoners.

Legal Residence: The U.S. and Illinois Constitutions require all residents of the state to be counted at their “legal residence” for the purpose of redistricting. **Illinois courts are clear that prison is not a “legal residence.”** Illinois’ current practice of counting the state’s 47,500 prisoners at their prison address violates this legal residency requirement.

Equal Population: Because over 47,000 prisoners were counted in the wrong place in 2000, our current redistricting map has **house districts with deviations as high as 4,323—up to 7,869 at the senate level.** This not only violates fair representation for prisoners or communities in which prisoners are from—it violates the right to fair representation for all Illinoisans.

Compact and Contiguous: All districts are required to be relatively compact and contiguous. The practice of counting a prisoner at their place of incarceration—often **hundreds of miles away from their “legal residence”**—is a clear violation of this requirement.

Federal Voting Rights Act: Prison-based gerrymandering removes tens of thousands of Blacks and Latinos population from concentrated areas, and disperses them to largely majority-white areas throughout the state. This **violates the Voting Rights Act that prohibits vote dilution** and requires state’s to draw majority-minority districts wherever possible.

19 Illinois counties and cities already correct their data

Bond, Christian, Crawford, Fayette, Fulton, Jefferson, Lawrence, Lee, Livingston, Logan, Montgomery, Rock Island and Will counties, as well as the cities of Canton, Crest Hill, Danville, Galesburg, Pontiac and Vandalia in Illinois have already taken corrective action by removing prison populations from their population data before redrawing political boundaries.

Four states—Maryland, New York, California, and Delaware— have also passed legislation to correct this problem. In June 2012, the U.S. Supreme Court upheld the constitutionality of Maryland’s law.

HB 62, modeled after Maryland’s law upheld by the U.S. Supreme Court, will correct this problem. This bill will require the state to collect the “legal residences” in which prisoners are from, and are most likely to return, on an annual basis. This new data will allow the state, counties and municipalities to correct Census figures to draw truly equal population districts in 2021, and beyond.

Nothing in this bill will impact current funding formulas or allocations.