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Illinois's Prisoner Census Adjustment Act

The problem

The Census Bureau counts incarcerated people as residents of the communities where prisons are based, as opposed to their home addresses. Even though Illinois law declares that incarceration does not change a person's residence, Illinois uses the Census' figures, including the miscount of incarcerated people, for redistricting purposes. Most of the state's prisoners (60%) are Chicago residents, but the vast majority of them (90%) are counted as residents of downstate prisons. Counting incarcerated people as if they were residents of downstate prison towns distorts democracy at both the state and local levels.

The solution

Rep. LaShawn K. Ford has introduced legislation in the Illinois General Assembly (HB94) that will address this critical issue. The legislation would require Illinois to adjust the Census figures and draw districts based on people in prison being counted in their home communities.

Who do the bills benefit?

- Residents of urban communities will get the representation they deserve in the state legislature.
- Residents in rural towns that do not have prisons will benefit because the adjacent districts with prisons will no longer have enhanced representation in county government.
- Residents in state districts without prisons will benefit in the state legislature because the people who live in prison districts will no longer have enhanced representation.
- County legislators in counties with prisons will benefit, because the bill will remove the controversy about whether counties should continue to adjust the Census on their own; and the state will assume the difficult technical task of making the adjustments that 10 counties do individually.

Bill Summary

The law would require the state to collect and maintain home address data for each incarcerated person. The state would then use this information to adjust the Census data, and provide the corrected data to state and local redistricting bodies. This corrected data from the state will be used to draw state and local districts, starting after the 2020 Census.

Illinois should join the leaders of Census reform

Most of Illinois's rural counties and cities with large prisons already reject the Census and fairly apportion political power within the county on the basis of actual — not prison — populations. Adjusting the census to comply with a state definition of residence has precedent at the state level as well with Maryland, Delaware and New York passing similar legislation for the 2010 round of redistricting.

Illinois should follow its counties and three other states in providing an easy fix to a serious problem.

Fact sheet based on *Importing Constituents: Prisoners and Political Clout in Illinois*, (2010) available from the Prison Policy Initiative at: <http://www.prisonersofthecensus.org/illinois/>

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