

Testimony of Mr. Aula Maarufu Sumbry

Co-Chair, Integrated Justice Alliance; Chair, Racial and Economic Disparities Subcommittee

Before the

Senate State Government, Wagering, Tourism and Historic Preservation Committee

May 14, 2012

Thank you, Chairman Whelan, and members of the Committee, for holding this hearing here today. My name is Aula Maarufu Sumbry and I am the Co-Chair of the Integrated Justice Alliance, a solution-oriented collective of informed, cross-sector partners who advocate for effective public policies before, during, and after incarceration in New Jersey. I also serve as the Chair of the Racial and Economic Disparities Subcommittee of the Alliance.

On behalf of our member organizations, I am here today to urge you to support Senate Bill 1055: Ending Prison-Based Gerrymandering in New Jersey.

Senate Bill 1055 would end the practice of giving extra representation to the people who live near prisons and diluting the votes of all other New Jersey residents. Currently, New Jersey bases its legislative districts on U.S. Census Bureau data that counts incarcerated people in the wrong place: in the census block that contains the prison instead of at their homes. However, people convicted of felonies in New Jersey cannot vote while they are incarcerated, and those who are incarcerated for misdemeanors, or awaiting trial, vote absentee in their home districts.

This longstanding flaw in the Census undermines the legislature's constitutional duty to draw legislative districts on the basis of equal population. The unfortunate result of using prison populations to pad the legislative districts that contain prisons is to enhance the weight of votes cast in those districts while diluting every vote cast in districts without prisons. Residents of urban, African-American and Latino communities that disproportionately send people to prison bear this burden most of all.

Senate Bill 1055 is a simple state-based solution to a problem that should have been corrected by the federal government. Ideally, the U.S. Census Bureau will change its policy and count incarcerated people as residents of their home addresses, but the state should be prepared to have its own solution in place. New Jersey can remove the prison populations from the Census Bureau's redistricting data and, using its own administrative records, reassign incarcerated people to their home addresses before redistricting.

The benefits of passing this legislation are substantial: First, every resident in the state would have the same access to the legislature regardless of whether he or she lived in a district that contained a prison. Second, the state would be in compliance with the Supreme Court's "one person, one vote" rule which requires that all residents be given the

same access to government regardless of where they live. Third, legislators who represent districts where a disproportionate number of residents are incarcerated outside of the district are responsible for both their official district population and their incarcerated constituents. As such, basing districts on more accurate population data would allow these districts to be drawn more fairly. Finally, there would be no effect on the distribution of federal or state funds, because all funding programs have their own data sources that do not rely on redistricting data.

In closing, we urge the Committee to take the necessary steps today to free New Jersey from the harm to our democracy that prison-based gerrymandering causes. Our neighbors in New York, Delaware, and Maryland have already ended this practice. We trust that our legislators in New Jersey will join our neighbors in ensuring fair representation based on actual residents, not prisons.

Thank you.