

Testimony in support of H 5538--An Act Relating to Elections--Residence of Individuals in Government Custody Act

Common Cause Rhode Island supports H 5538, a bill to count incarcerated persons at their last known home address, for purposes of redistricting. While the 2020 redistricting cycle is fresh in our memories, we urge the committee to pass H 5538 and fix the problem of prison gerrymandering permanently.

Prison-based gerrymandering is a problem because it distorts the political power of municipalities where correctional institutions are placed. At present voters in the three districts (one Senate, two House) have outsized influence compared to voters in all other 110 General Assembly districts. At the same time, voters in communities disproportionately affected by incarceration are underrepresented.

The reapportionment revolution that established the principle of "one-person-one-vote" and began with *Baker v. Carr* in 1963 is not done, and this is just an extension of that. We have made great strides from the dawn of the 20th Century when 7.5 percent of the Rhode Island population controlled a majority of the General Assembly.

This legislation will not affect the money flowing to Cranston from the State of Rhode Island. According to the Prison Policy Initiative, there are currently no funding formulas based on legislative districts. As written this legislation expressly forbids correcting the numbers to account for prison-based gerrymandering from financially affecting Cranston.

In the last decade thirteen states, including Rhode Island, have reassigned those held at prisons to their last known home addresses. Rhode Island is the only state that has chosen to reassign only those serving sentences of two years or less, or who are not yet sentenced, at the time of the census. The results are that only 41% percent of those counted at the ACI on April 1, 2020 are being reassigned.

One feature of this bill is a yearly requirement that the Department of Corrections submit address data to the Division of Statewide Planning for purposes of determining quality. Recent research indicates that thoughtful data analysis can reallocate a larger number of incarcerated individuals than was done during the most recent redistricting cycle. Rhode Island needs to begin now to prepare for the results of the 2030 census.

During the last redistricting cycle, the redistricting commission heard from dozens of Rhode Islanders from communities affected by prison gerrymandering. They spoke of the effects of mass incarceration on their communities and how making this change would positively impact their communities.

