

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

In the Matter of) Resolution No.: 2011 - 100
)
BOARD OF SUPERVISORS) A RESOLUTION REGARDING PRISON
) POPULATIONS AND SUPERVISORIAL
) DISTRICTS
_____)

WHEREAS, the U.S. Census currently counts incarcerated people as residents of their place of incarceration; and

WHEREAS, the Constitution of the State of California, Article II Section 4, states “The Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony.”; and

WHEREAS, almost all of the people incarcerated at the correctional facilities located within the borders of our County are not residents of our County; and

WHEREAS, these incarcerated persons do not become residents of the County when they are incarcerated, since they are here involuntarily and can be relocated by the state Department of Corrections and Rehabilitation; and

WHEREAS, persons incarcerated in state and federal correctional institutions live in a separate environment, do not vote or otherwise participate in the life of Madera County, cannot build enduring ties in Madera County, and do not individually affect the social and economic character of the towns in which the correctional facilities are located; and

WHEREAS, although these individuals are counted by the U.S. Census as if they were residents of our County, in the past the County has not used these Census counts to draw legislative districts; and

WHEREAS, when the County uses prison populations to draw legislative districts, it gives extra influence to the districts that contain the prisons. For example, the two prisons in District 2 house approximately 7,000 inmates. Dividing the total county wide population of 150,865 by the five Supervisorial districts allows for a population of 30,173 per district. Seven thousand out of that 30,173 are inmates, or 23 percent of the population of District 2. This leaves each group of 77 people in District 2 as much say over county issues as 100 people in the other four districts; and

WHEREAS, this prison-based gerrymandering contradicts the basic principles of equal representation embraced by the State of California and federal Constitutions; and

WHEREAS, the counties of Amador, Del Norte, Imperial, Kern, Kings, Lassen, Monterey, San Luis Obispo, and Tuolumne, as well as more than 100 counties across the United States avoid the problem of prison-based gerrymandering by ignoring the prison populations when drawing legislative districts; and

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Madera, State of California, that the Board will remove the prison populations from the redistricting data used to draw County legislative districts.

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The foregoing Resolution was adopted this 24th day of May,

2011, by the following vote:

Supervisor Bigelow voted:	<u>yes</u>
Supervisor Rogers voted:	<u>yes</u>
Supervisor Dominici voted:	<u>yes</u>
Supervisor Rodriguez voted:	<u>yes</u>
Supervisor Wheeler voted:	<u>yes</u>

Frank Bigelow
 Chairman, Board of Supervisors

ATTEST:

Danna Boyd
 Clerk, Board of Supervisors



Approved as to Legal Form:
COUNTY COUNSEL

By Walter W. [Signature]