

# The Massachusetts General Court



## Resolutions

URGING THE CENSUS BUREAU TO PROVIDE REDISTRICTING DATA THAT COUNTS PRISONERS IN A MANNER CONSISTENT WITH THE PRINCIPLES OF "ONE PERSON, ONE VOTE".

**WHEREAS**, OBTAINING AN ACCURATE COUNT OF THE POPULATION IS SO VITAL TO REPRESENTATIVE DEMOCRACY THAT THE FRAMERS OF THE UNITED STATES CONSTITUTION ADDRESSED THE ISSUE OF THE CENSUS AND APPORTIONMENT IN THE OPENING PARAGRAPHS OF THE CONSTITUTION; AND

**WHEREAS**, THE MASSACHUSETTS CONSTITUTION REQUIRES THAT FEDERAL CENSUS DATA BE THE BASIS FOR STATE REDISTRICTING; AND

**WHEREAS**, THE CENSUS BUREAU CURRENTLY HAS A POLICY OF COUNTING INCARCERATED PEOPLE AT THE ADDRESS OF THE CORRECTIONAL INSTITUTION, EVEN THOUGH FOR OTHER LEGAL PURPOSES THEIR HOME ADDRESS REMAINS THEIR LEGAL RESIDENCE; AND

**WHEREAS**, THIS CENSUS DATA RESULTS IN DISTORTIONS OF THE ONE-PERSON, ONE-VOTE PRINCIPLE IN DRAWING ELECTORAL DISTRICTS IN MASSACHUSETTS, DILUTING THE REPRESENTATION OF THE MAJORITY OF DISTRICTS THAT DO NOT CONTAIN PRISONS; AND

**WHEREAS**, THE SIMPLEST SOLUTION TO THE CONFLICT BETWEEN FEDERAL CONSTITUTIONAL REQUIREMENTS OF "ONE PERSON, ONE VOTE" AND MASSACHUSETTS CONSTITUTIONAL REQUIREMENTS OF USING THE FEDERAL CENSUS IS FOR THE CENSUS BUREAU TO PUBLISH REDISTRICTING DATA BASED ON THE LOCATION OF AN INCARCERATED PERSON'S RESIDENCE, NOT PRISON LOCATION; AND

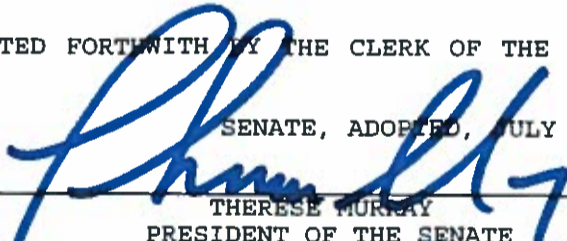

**WHEREAS**, THE CENSUS BUREAU HAS ALREADY RECOGNIZED THE DEMAND FROM STATES AND COUNTIES FOR DATA THAT BETTER REFLECTS THEIR ACTUAL POPULATIONS, AND HAS AGREED TO RELEASE DATA ON PRISON POPULATIONS TO STATES IN TIME FOR REDISTRICTING, ENABLING SOME STATES TO INDIVIDUALLY ADJUST THE POPULATION DATA USED FOR REDISTRICTING; AND

**WHEREAS**, PUBLIC LAW 94-171 REQUIRES THE CENSUS BUREAU TO WORK WITH STATES TO PROVIDE GEOGRAPHICALLY RELEVANT DATA AND THE CENSUS BUREAU HAS BEEN RESPONSIVE TO STATE'S DATA NEEDS FOR THE PAST 3 DECADES; NOW THEREFORE BE IT


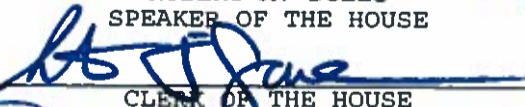
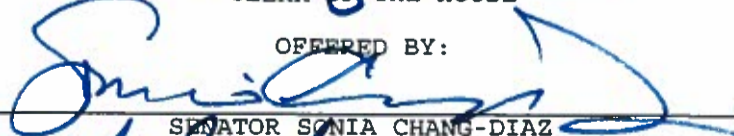




**RESOLVED**, THAT THE MASSACHUSETTS GENERAL COURT HEREBY URGES THE CENSUS BUREAU, IN THE NEXT CENSUS AND THEREAFTER, TO PROVIDE STATES WITH REDISTRICTING DATA THAT COUNTS INCARCERATED PERSONS AT THEIR RESIDENTIAL ADDRESS, RATHER THAN THE ADDRESS OF THE CORRECTIONAL INSTITUTION WHERE THEY ARE TEMPORARILY LOCATED; AND BE IT FURTHER

**RESOLVED**, THAT A COPY OF THESE RESOLUTIONS BE TRANSMITTED FORTHWITH BY THE CLERK OF THE SENATE TO THE DIRECTOR OF THE CENSUS BUREAU.

SENATE, ADOPTED, JULY 31, 2014.

  
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THERESE MURRAY  
PRESIDENT OF THE SENATE  
  
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WILLIAM F. WELD  
CLERK OF THE SENATE

HOUSE OF REPRESENTATIVES, ADOPTED, AUGUST 14, 2014.

  
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ROBERT A. DeLEO  
SPEAKER OF THE HOUSE  
  
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CLERK OF THE HOUSE  
OFFERED BY:  
  
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SENATOR SONIA CHANG-DIAZ  
  
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REPRESENTATIVE MICHAEL J. MORAN  
  
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SENATOR LINDA DORCENA FORRY  
  
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REPRESENTATIVE EVANDRO C. CARVALHO  
  
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REPRESENTATIVE BYRON RUSHING

