

**Written Testimony of Aleks Kajstura,
Legal Director, Prison Policy Initiative**

**House Committee on
House and Governmental Affairs**

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May 10, 2017**

SUPPORT House Bill 228

Thank you, Chairman Danahay and members of the Committee for the opportunity to provide written testimony for the May 10 hearing on House Bill 228. My name is Aleks Kajstura and I am an attorney and Legal Director of the Massachusetts-based non-profit, non-partisan Prison Policy Initiative. For more than a decade, the Prison Policy Initiative has been working to convince the Census Bureau to update their methodology and count incarcerated people as residents of their legal home addresses. Because the Census is slow to make changes, I have also been working very closely with state and local governments on creating interim solutions.

Each decade, Louisiana redraws its state and local legislative districts on the basis of population to ensure that each district contains the same population as other districts. In this way, all residents are given the same access to representation and government. However, the Census Bureau's practice of counting incarcerated people as residents of the prison locations, instead of their home communities, results in significant distortions in representation — prison gerrymandering.

For example, over 12% of the people counted for House District 18 are actually residents from throughout the state who are temporarily incarcerated in prisons located in the district. That means District 18

contains fewer actual constituents than any other district, giving each resident of District 18 more representation than anyone else in Louisiana.

The Census Bureau's internal procedures for counting prison populations not only result in such unfair representation, but they are also in conflict with the law of Louisiana (and that of most states), which says that prison is not a residence. A legal residence is the place where a person chooses to live and does not intend to leave. The Louisiana statute is explicit:

For purposes of the laws governing voter registration and voting, 'resident' means a citizen who resides in this state and in the parish, municipality, if any, and precinct in which he offers to register and vote, with an intention to reside there indefinitely. (Louisiana Annotated Revised Statutes § 18:101(B))

The clearest illustration of the disconnect between the Census' count and the state's residence law comes from how persons are treated for voting purposes. In Louisiana, some persons in prisons retain the right to vote – for example, if they are awaiting trial or are serving time for misdemeanors. For voting purposes, they are not permitted to claim residence in the prison, but must vote absentee in their home communities. Yet when the state draws legislative districts, it credits the prison population to the prison community, in clear conflict with the treatment of incarcerated persons for voting.

Parishes that contain large prison populations agree that there is a problem. For example, the Iberville, West Carroll, West Feliciana, and Winn Parish avoided prison-based gerrymandering by excluding the prison population prior to drawing Police Jury districts. In fact, the impact of the incarcerated population is highest at the local level: In the Iberville's case, including the prison population would have meant drawing a district that contained only the incarcerated population and no local voters.

The basic principle of our democracy is that representation is distributed on the basis of population. Crediting incarcerated people to the wrong location has the unfortunate and undemocratic result of creating a system of representation without population.

I applaud the Committee for tackling this important issue and working toward ensuring equal representation for all Louisiana residents. I urge you to vote in favor of passing HB 228 to end prison gerrymandering in Louisiana and supporting the principle of one person, one vote. Thank you for your time and consideration.



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