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Testimony on Senate Bill No. 1055
to the
**Senate Committee on State Government, Wagering,
Tourism & Historic Preservation**
submitted by
Alexander Shalom, Policy Counsel
American Civil Liberties Union of New Jersey
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Thank you for the opportunity to speak in support of S-1055 to create a more just system of apportionment. My name is Alexander Shalom. As Policy Counsel for the American Civil Liberties Union of New Jersey, I engage in legal advocacy to address injustices in issues like voting rights and criminal justice, which disproportionately affect people of color. The ACLU is a private, non-profit organization founded in 1920 to promote and defend the founding American principles of freedom, justice and equality. We have nearly 15,000 members in New Jersey and hundreds of thousands nationwide.

As a preliminary matter, we believe that our democratic system is most fair when every adult citizen has the right to a vote and a voice. After all, if we don't hear the voices of those who struggle most in society, how will we know what to fix?

However, New Jersey currently denies voting rights to prisoners, parolees, and probationers. This injustice is compounded when those denied the right to vote are used to manipulate the apportionment of political power away from their home districts to the districts where they are imprisoned, a process we call prison-based gerrymandering.

By way of illustration, Cumberland County is home to three large prisons, which account for almost five percent of the total county population. By counting prisoners in Cumberland's population, we significantly and artificially inflate the voting power of residents living in Cumberland County. Camden and Essex counties each house a prison, but the number of residents from those counties who wind up in prison is far greater than the number of prisoners they receive. As a result, the voting power in those counties is artificially diluted.

No system of counting disenfranchised prisoners will completely eliminate the political imbalances caused by disfranchisement, but counting prisoners in their home districts mitigates the unfairness.

Although a prisoner's last address before incarceration is not a perfect proxy for his home, as a general rule, the place where a person lives when arrested is the best indicator of where he will call home once released. In addition, there is no question that the interests of a prisoner would be better represented by their loved ones than by residents of the district in which they are detained and with which they may otherwise have no connection.

In order to avoid artificially inflating voting power in certain districts, New Jersey must count prisoners as residents of their home districts, not their prison district. S-1055 does just this. New Jersey will be in good company by prohibiting prison gerrymandering. Over the past couple years New York, Delaware, Maryland and California passed laws requiring the states to count prisoners in their home districts for the purposes of apportionment and redistricting. New Jersey already requires that school districts be drawn without regard to prison populations.¹ It is time to take the logical, and just, next step.

The best way to promote a true participatory democracy is to allow prisoners and people serving sentences on parole or probation to vote. But until that democratic ideal is realized, New Jersey should count prisoners in their home districts as a way to protect the decades-old United States Supreme Court instruction on apportionment: one person, one vote.

We urge the Committee to support S-1055.

¹ *N.J.S.A. 18A:13-8; Bd. of Educ. v. N.J. State Bd. of Educ.*, 372 N.J. Super. 341 (2004)