



For more information about Prison-Based Gerrymandering, see our website and weekly newsletter at <http://www.prisonersofthecensus.org>

Prison-based gerrymandering in Rhode Island

The problem

Currently, Rhode Island gives extra representation to the people who live near prisons. This is because the state relies on U.S. Census data when drawing legislative districts, and the Census Bureau counts people in prison as if they were residents of Howard Avenue in Cranston. The Supreme Court's "one person, one vote" rule requires legislative districts to be redrawn each decade so that each district contains the same population, giving each resident the same access to government. But this process fails when the underlying data is flawed.

Counting incarcerated people in the wrong spot pads some legislative districts to the detriment of every person who lives in a legislative district without a prison.

- Currently, based on the 2000 Census, Cranston City Council Wards are supposed to contain 13,212 city residents, but the Council used 3,252 incarcerated people to pad the population of the 6th ward. This has, for the past 10 years, given every 3 actual residents in that ward as much influence over city affairs as 4 residents in other parts of the city.
- In the present redistricting cycle, after the 2010 Census, the Redistricting Commission risks drawing a state house district in Cranston that would derive 24% of its influence not from actual residents of Cranston but from people incarcerated there. If the redistricting data is uncorrected, Rhode Island is likely to produce the most dramatic example of prison-based gerrymandering in any state legislative district in the country.

The law

Drawing districts that count incarcerated people as prison residents contradicts Rhode Island state law which says that incarceration does not change a person's residence:

"A person's residence for voting purposes is his or her fixed and established domicile... A person can have only one domicile, and the domicile shall not be considered lost solely by reason of absence for any of the following reasons: ... Confinement in a correctional facility...." (Rhode Island General Laws § 17-1-3.1.)

The solution

The Redistricting Commission should use the Census Bureau's Advance Group Quarters Summary File to remove the prison populations from total district population and also from the calculation of average district size used in redistricting. The Census Bureau published this group quarters data, which includes prisons, specifically to aid redistricting efforts in states that want to avoid prison-based gerrymandering.

Using this data to remove the prison populations would solve the majority of the problems posed by the Census' practice of counting incarcerated people who come with legal addresses from all over the state in a single cluster in Cranston. Mathematically, excluding the prison population from redistricting data has a lesser vote dilutive effect than counting them in the wrong location.