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**Testimony for the Senate Education, Health & Environmental Affairs
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SB 400—No Representation Without Population Act

SUPPORT

The U.S. Census Bureau counts incarcerated people where they are confined, not where they are from. Using these counts to draw legislative districts artificially enhances the votes of districts with prisons and unfairly dilutes the votes of all other districts, especially the districts that the prisoners call home.

Taxpayers statewide fund prisons. However, their impact is uneven and disproportionate. The prisons generate income (and population) for their communities while they decimate other communities, which are already challenged by disproportionate lack of resources and advocacy. While Washington County houses three state prisons, in Baltimore City, the former home to 68% of the state's prisoners, only 17% of the state's prisoners are incarcerated in the City.

Recognizing this problem, the U.S. Census Bureau announced in February 2010 that it will for the first time provide census block data for correctional facilities early enough for state and local redistricting bodies to use in draw fair districts. This bill will allow Maryland to take full advantage of this new data to correct serious statewide imbalances in representation.

Representation Without Population in Maryland Distorts Voting Power Statewide

There are approximately 25,000 state and federal prisoners in Maryland. While Baltimore City is home to 68% of the state's prisoners, the vast majority of them are incarcerated elsewhere in prisons that are consolidated in a handful of legislative districts--districts that tend to be rural and sparsely populated. These prison districts artificially gain population when prisoners from elsewhere are counted in the prison district while places like Baltimore City unfairly lose population.

The impact is significant in jurisdictions throughout the state--from Washington County to Baltimore City to Somerset County. For example, Washington County gains thousands of residents due to the three state prisons located there—18% of Washington County's population is incarcerated. This enhances the voting power of the prison

districts at the expense of all other rural districts statewide. *Every group of 4 residents in District 2B has as much political influence as 5 residents elsewhere in the state.*

In Somerset County, local District 1 houses Eastern Correctional Institution (ECI). As a result, 64% of the total population and 64% of the African American population of District 1 are prisoners in ECI. Discounting the prison population, only about 28% of District 1 is voting age, compared to other Somerset Districts that have voting age populations of more than 75%. *A vote in this district is worth 2.8 times more than a vote in neighboring districts.*

Voting Rights Act & Dilution of African American Votes

The impact on African American voters across the state is profound:

- Of the 5,628 African Americans in District 2B/Washington County, 90% are incarcerated residents from other parts of the state.
- Somerset County settled a 1985 Voting Rights Act lawsuit by creating its local District 1 as a majority-minority "remedial" district. However, 64% of District 1's total population and 64% of its African-American population are prisoners at ECI. District 1's "majority" minority population is majority of prisoners. Somerset County has not ever elected an African American to County Commission. This includes District 1 never having been represented by an African American despite redistricting in the Voting Rights Act settlement.

Nationwide movement to correct the prison miscount

Over 100 jurisdictions have corrected unfair vote enhancement by excluding prison population from the prison district. Four states require local governments to fix the prison miscount. State legislation to correct the prison miscount is pending in Congress and in New York, Illinois, Florida and Wisconsin, in addition to this bill.

As noted above, the U.S. Census Bureau has acknowledged the problem and is supporting redistricting efforts to correct it by publishing relevant data before redistricting occurs.

This bill corrects the imbalance and ensures fair representation statewide with a very common sense fix. Count prisoners in their home districts. The bill is structured to make the best and most efficient use of newly available data from the U.S. Census. The bill should receive a favorable report.