

## PRISON POPULATIONS SKEW EQUAL REPRESENTATION IN OREGON

### The problem

This practice of counting incarcerated people as residents of the prison location distorts political power in Oregon.

The Supreme Court requires that states update their districts once per decade, ensuring that each district contains the same number of people and each resident has equal representation in state government. But the Census Bureau counts incarcerated people where they are imprisoned, not where they legally live.

When prisoners – who aren't allowed to vote and remain legal residents of their home communities – are included in the redistricting population counts for the prison's location, the political clout of every person who doesn't live in a district with a large prison is diluted.

### Solution: A bill to fix the prison count

Maryland and New York have both passed and implemented legislation count incarcerated people at home for redistricting purposes, and the laws of both states have been upheld. Similarly, California and Delaware will be implementing new legislation for the first time after the 2020 Census, and Oregon can join them.

#### Oregon constitution says a prison cell is not a residence

Treating incarcerated people as residents of a correctional facility ignores the state's definition of residence.

The Oregon state constitution states that:

"For the purpose of voting, no person shall be deemed to have gained, or lost a residence ... while confined in any public prison." Ore. Const. Art IV § 4.

#### Equal representation will not change funding formulas

While Census data, in some form, plays a part in the distribution of billions of federal and state aid, most federal and state funding formulas are too sophisticated to be skewed by the prison miscount.

Instead of relying on "total population," most formulas use more targeted factors that directly or indirectly exclude incarcerated populations, like the number of school age children, or the portion of families in poverty. (Poverty statistics are already calculated in a way that is not skewed by the prison populations.)

Further, the state adjustments to the redistricting data have zero impact on funding for the simple reason that not a single government aid formula relies on redistricting data.

Though the next census may seem far away, now is the best time to prepare by passing a law to count incarcerated people at home for the next round of redistricting. Oregon should pass SB 331, which would require collecting home addresses of incarcerated people and correcting the Census' population data to reflect people at their home addresses for state, county and municipal redistricting purposes.