

ENDING PRISON GERRYMANDERING IN RHODE ISLAND

The problem

Rhode Island law says that “confinement in a correctional facility” does not change a residence. The U.S. Census Bureau, however, counts incarcerated people as residents of the communities where prisons are based, not as residents of their home communities. By using this Census data to count incarcerated people as if they were residents of Cranston for redistricting purposes, the state ignores its own residence law and distorts democracy at both the state and local levels.

The facts in Rhode Island

- African-Americans are incarcerated in Rhode Island at a rate 9 times higher than non-Hispanic whites, and Latinos are incarcerated at a rate 3 times higher than non-Hispanic whites.
- The Adult Correctional Complex is split between two state house districts. These two districts met their minimum population requirements by using thousands of incarcerated people who are residents of other districts. Every resident of the state not in district 20 has their vote diluted by about 15% compared to voters in district 20, and 8% compared to voters in district 15.
- Most people at the ACI are barred from voting, but one third retain the right to vote, yet can't vote for or against the representatives who claim the ACI as a part of their Cranston districts. Instead, these incarcerated people must vote via absentee ballot in their home districts.

The solution

Senator Metts and Representative Williams have introduced legislation (S 2310 / H 7400) that will require Rhode Island to adjust the Census figures to draw districts based on people in prison being counted in their home communities. The bills apply to both state and local redistricting and will not effect funding distributions. The Senate version unanimously passed that chamber in the 2014 and 2015 sessions.

New York and Maryland have passed and implemented similar legislation, and the Maryland law was upheld by the U.S. Supreme Court.

Prison gerrymandering contradicts Rhode Island election law

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

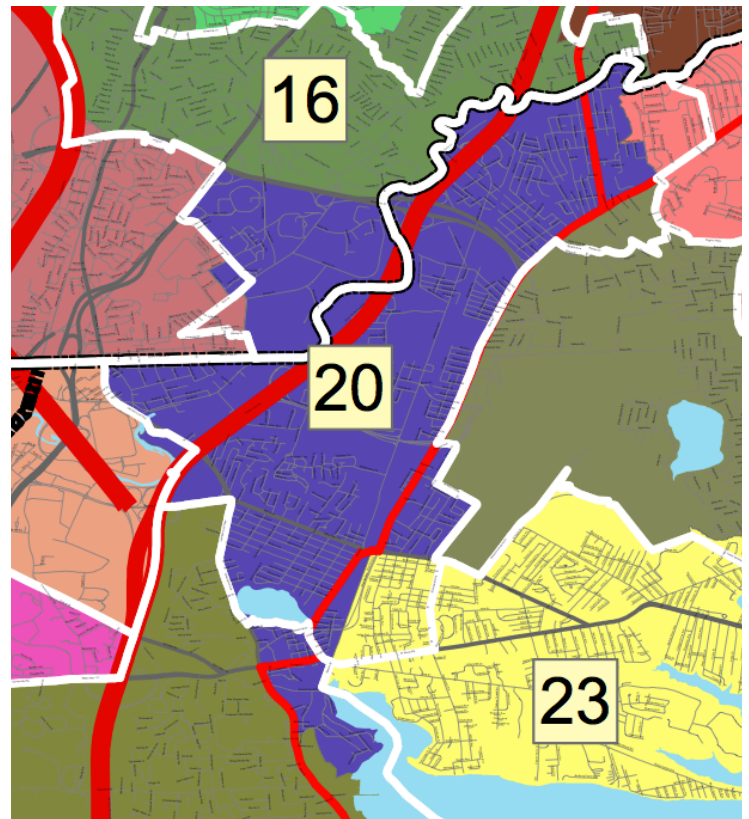
“A person's residence for voting purposes is his or her fixed and established domicile... A person can have only one domicile, and the domicile shall not be considered lost solely by reason of absence for any of the following reasons: ... Confinement in a correctional facility...” (Rhode Island General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

District 20 profile

African-Americans in Rhode Island are incarcerated at a rate 9 times higher than non-Hispanic whites, so where incarcerated people are counted is important to a fair representation of African-American political power.

The Census Bureau reports that seven percent of the voting age population in the district is African-American. That's more than the state's average, and a higher percentage than in 55 other districts. But most (82%) of this African-American population is not actually residents of this district, rather they are temporarily locked up at the ACI.

By Census figures, House District 20 should be a notable base of African-American voting power, but it's not. In fact, based on its actual resident population, the district has one of the smallest African-American populations in the state.



RI House of Representatives Districts (Source: State of Rhode Island Board of Elections)

Who benefits from ending prison gerrymandering?

- Everyone who lives outside of districts 15 or 20 will benefit in the state legislature because these two districts will no longer have enhanced representation.
- Residents of Providence, and of other cities which incarcerated people disproportionately call home, will get the representation they deserve in the state legislature.
- African-Americans and Latinos, who are disproportionately incarcerated and counted outside their home districts, will get the representation they deserve in the legislature.
- The residents of Cranston's Wards 1, 2, 3, 4, and 5 will benefit because Ward 6 will no longer have enhanced representation in city government.