



To: Senator Michael J. McCaffrey, Chairman, Judiciary Committee  
From: Dale Ho, Assistant Counsel, NAACP Legal Defense & Educational Fund, Inc.  
Date: May 5, 2010  
Re: Support for H7833 / S2452

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The NAACP Legal Defense & Educational Fund, Inc. (“LDF”) submits this memorandum to express its support for H7833 / S2452 (Almeida / Metts), which will end prison-based gerrymandering and bring the Rhode Island election districting process in line with basic principles of democracy.

Counting prisoners where they are incarcerated violates the one person, one vote principle. The United States Constitution requires that election districts be roughly equal in size, such that elected officials represent the same number of constituents. But prison-based gerrymandering—the practice of counting prisoners where they are incarcerated—artificially inflates population numbers, and thus, political influence, in districts where prisons are located, at the expense of voters living in all other districts.

Under Rhode Island General Laws § 17-1-3.1., prisoners do not obtain legal residence in a particular district by being confined there. This law comports with common sense: prisoners do not choose the districts where they are incarcerated, and can be moved at any time at the discretion of the Department of Corrections. They have no opportunities to interact with or develop enduring ties to the surrounding communities. They cannot use local services such as parks or libraries. And, of course, prisoners cannot vote in those communities. They are not “constituents” of those districts in any ordinary sense.

By contrast, prisoners remain legal residents at their pre-incarceration addresses. Moreover, prisoners maintain ties to the outside world through their families and other relationships in their home communities. At the end of their sentences, prisoners are released to those communities. The average length of incarceration is less than three years, but the prison count remains in effect for a decade. By counting incarcerated residents of these communities elsewhere, prison-based gerrymandering deprives these districts of the level of political representation to which they are entitled.

African Americans living in Rhode Island are incarcerated at a rate approximately 9 times higher than are whites. Prison gerrymandering unfairly dilutes the voting strength of communities of color, and undermines principles of fair representation. LDF, the nation’s oldest civil rights law firm, is committed to the full and equal participation of all persons in our democracy, and supports H7833 / S2452.

Sincerely,

/s/

Dale Ho  
Assistant Counsel  
NAACP Legal Defense & Educational Fund, Inc.  
99 Hudson St., Ste. 1600  
New York, NY 10013  
(212) 965-2200