

PRISON POLICY INITIATIVE

Testimony of

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Before the
Senate State Government, Wagering, Tourism & Historic
Preservation Committee

In SUPPORT of S758

Thank you, Mister Chairperson and members of the Committee for providing the opportunity to submit this testimony today in support of Senate Bill 758.

I am the Legal Director of the Prison Policy Initiative; a national, non-profit, non-partisan research and policy organization that focuses on how prison populations affect redistricting. For the last 15 years, we have been leading the national effort to urge the Census Bureau to count incarcerated people as residents of their legal home addresses. At the same time, we work closely with state and local governments to develop workable solutions to the Census Bureau's flawed prison count and the prison gerrymandering.

S758, before the Committee today, would correct the harmful effects of a long-standing flaw in the decennial Census: tabulating incarcerated people as residents of the wrong location within New Jersey. Crediting incarcerated people to the location of the correctional facilities gives extra representation to the people who live near prisons and dilutes the votes of all other New Jersey residents.

While the state is required by federal law to redistrict each decade, it is not required to use this flawed federal Census data to do so. And I note that in New Jersey, any school board that has more than

9 members is already statutorily required to avoid this “prison gerrymandering.”¹

By passing this bill, the state would become the 5th in the country to end prison-based gerrymandering at the state level. Four states have passed legislation to end prison-based gerrymandering. New York and Maryland have already successfully implemented their laws² this past redistricting cycle and California and Delaware’s laws will first apply after the next census.

Lastly, I want to address a common misconception I’ve seen come up in other states with similar bills. Legislators are often concerned about the impact this might have on the distribution of government funds. Please note that S758 adjusts address data that is only used for redistricting purposes. Because there are no funding formulas that rely on redistricting data, this bill would not affect any federal or state aid or grants.

If my experience in other states can be of help, please don’t hesitate to call me at 413-203-9790.

Thank you for your time.



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More Information:

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¹ At that small scale, the statute simply requires that the district totals exclude any prison populations (N.J. Stat. Ann. § 18A:13-8; Board v. New Jersey, 372 N.J. Super. 341, 858 A.2d 576 (2004).)

² The laws of both states ending prison gerrymandering were upheld in the courts. New York’s law was upheld in state court (Little v New York State Task Force on Demographic Research and Reapportionment No. 2310-2011 slip op. (NY Sup Ct. Dec. 1, 2011)) and Maryland’s law was affirmed by the U.S. Supreme Court (Fletcher v. Lamone, 133 S. Ct. 29, (June 25, 2012, No. 11-1178) affirming F.Supp.2d 887 (D. Md. 2011).