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Testimony of Sponsor

Senate Bill 400 - No Representation Without Population Act

Education, Health and Environmental Affairs Committee

Madame Chair, Mr. Vice Chair and members of the committee I stand before you today asking for your consideration of Senate Bill 400. On March 15, U. S. Census forms will begin arriving in our mailboxes an American tradition that began in 1790. The federal government will attempt to count every person in every corner of our nation. In 1790 the population of our nation was about the size of the city of Los Angeles with 3.9 million citizens. In 2010, the government will expect to count more than 308 million people, including an estimate 5.6 million residents of Maryland.

You have probably heard the advertisements promoting the importance of maximum participation in the Census; that having everyone counted affects how \$400 billion in federal funding is allocated for everything from roads and bridges to hospitals and schools. What all of you know and understand is that this decennial count has a second no less important purpose, which is to draw legislative districts that determine political representation at the county, state and federal levels.

In recent years, federal and state governments have become more sensitive to unique populations, such as the homeless, that have been traditionally undercounted. Prison inmates represent another unique population, but counting them is not the challenge. On the contrary, they are as you know counted several times a day for obvious security reasons.

In Maryland and many other states, the principle of one person-one vote is undermined because the Census Bureau counts incarcerated people as residents of the communities where prisons are based, as opposed to their home addresses. Maryland uses the Census's figures, including the miscount of incarcerated people, for redistricting purposes. 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 where these prisons are located.

There are approximately 25,000 state and federal prisoners in Maryland. Taxpayers statewide fund prisons. However, their impact is uneven and disproportionate.

Why does this matter. It matters because in a district with a state or federal prison, inmates who don't vote or participate in the community are counted as if they reside there and are actively engaged. More importantly, Maryland has historically drawn its legislative districts based on a count of incarcerated people who are counted again, as if

they are active members of the local jurisdiction in which they are imprisoned.

The good news is that with this bill we can correct this problem. Let me tell you we won't be the first to do so. There are over 100 jurisdictions in the state that are doing so and many more will follow. (I've attached a list of some of them for your purview) In fact, the United States Census, finally recognizing a problem, just announced a few days ago they will for the first time provide census block data for correctional facilities early enough for state and local redistricting bodies to use to draw fair districts. This bill will allow Maryland to take full advantage of this new data to correct serious statewide imbalances in representation.

Maryland, with this bill would take the data collected by the U.S. Census Bureau in its decennial count, remove persons in state and federal prisons, and instead count them at their last known addresses prior to incarceration. Some states have opted for the purposes of redistricting not include them in the count at all. However we have opted to use the route of counting them at their last known address.

I should mention that prison districts will not lose federal or state funding under this bill. This bill is about counting for legislative districting only; not about funding distribution.

The fiscal impact of this bill should be minimal especially with the new announcement of the United States Census Bureau a few days ago that it will provide prison census block information for this purpose.

Maryland can do its reapportionment right as it relates to redistricting. We should not count prisoners into communities where they are not active members. The solution is to exclude prison populations for redistricting purposes. The state can choose what population base to use for redistricting. The basic ideas of fairness in our democracy, such as, one person, one vote, requires that population count be based on a population count that accurately reflects local populations. Passing this legislation will require that Maryland state and county legislative districts be apportioned on the basis of census data adjusted to reflect the engaged members of the community.

Madame Chair, Mr. Vice Chair, this concludes my testimony...I ask for a favorable report.