



SOMERSET COUNTY NAACP - 31245 EDEN ALLEN ROAD - EDEN, MARYLAND - 21822 - (443) 235-8126

**Testimony for the Senate Education, Health & Environmental Affairs Committee
March 4, 2010**

SB 400 – No Representation Without Population Act

SUPPORT

We are African-American residents of Somerset County and organizers of a Community Task Force to promote racial diversity in Somerset County and we support SB 400. This bill would require that in future rounds of legislative redistricting, people residing in Maryland state prisons be counted in their home districts, and not in the places where they are incarcerated.

This bill matters a lot in Somerset County. Here's why: Somerset County is 42 percent African American, but never in history has it elected an African American to the County Commission or to any top job in Somerset County government. We believe that one reason for the continued exclusion of African Americans from the County Commission is the large prison in our County, Eastern Correctional Institution (ECI).

A little background: In the mid-1980s – before ECI opened – black voters sued Somerset County under the federal Voting Rights Act, alleging that the County's at-large election system unfairly discriminated against African Americans. To resolve that lawsuit, Somerset County changed from the at-large system to a system of five single member Commission districts, one being majority black in population. A few years later, ECI was opened, and after that when the County engaged in redistricting, it counted the prison population as part of the majority black district. The problem, of course, is that the inmates at ECI cannot vote. So creating a district dominated by the prison might make it look majority black on paper, but it does not function like a true minority district. In fact, ECI now constitutes 70 percent of the total population of the "majority black" district, and 70 percent of the district's African American population. We believe inclusion of the prison in this district may be a big part of why it has never elected an African American candidate, even though numerous black candidates have run over the years. Instead, in one election cycle after another, the same white incumbent has won reelection from the "minority" district.

The exclusion of African Americans from the Somerset County Commission was one of the issues highlighted last May in a report by the American Civil Liberties Union of Maryland and the Somerset County Branch of the NAACP, exposing stark racial disparities throughout Somerset government. To respond to this report, a number of us organized the Somerset County Task Force on Diversity, which worked over the summer of 2009 to develop recommendations for the how the County can address these racial

disparities and promote greater diversity in government here. One of the Task Force Recommendations was for the County to consider excluding the ECI population from our local redistricting process following the 2010 Census – just the thing that the No Representation Without Population Act would do statewide.

The Somerset County Commissioners – one of whom was a member of our Task Force -- have indicated that they are fully open to the option of excluding the nonvoting prison population from the 2012 redistricting plan, if that would meet legal requirements and make the system a fairer one. Thus, the General Assembly's passage of the No Representation Without Population Act would seem to ensure that this important change is made in Somerset County. For these reasons, we urge a favorable report for SB 400.