



February 28, 2011

Citizens Redistricting Commission
1130 K Street, Suite 101
Sacramento, CA 95814
(866) 356-5217

Dear Commissioners,

Following up on the February 26, 2011 testimony of Erica Teasley Linnick, of the African American Redistricting Collaborative (AARC), I am pleased to share with you a report by the Political Participation Group of the NAACP Legal Defense Fund (LDF), *Captive Constituents: Prison-Based Gerrymandering and the Distortion of Our Democracy*.

As our report explains, “prison-based gerrymandering” is a practice whereby many states and local governments count incarcerated persons as residents of the areas where they are housed when election district lines are drawn. This practice distorts our democratic process by artificially inflating the population count—and thus, the political influence—of the districts where prisons and jails are located. As a result, everyone living outside of those districts suffers a dilution of their voting power.

This practice is not only unfair and undemocratic, it violates basic principles of law: under California Election Code § 2025, a person does not gain or lose domicile because of his presence or absence from a place while kept in a prison. Given that incarcerated individuals remain legal residents at their home addresses, it makes little sense to treat them as “constituents” where they are incarcerated.

Last year, Maryland became the first state in the country to definitively reject prison-based gerrymandering for the upcoming redistricting cycle, by passing the “No Representation Without Population Act.” Since then, New York and Delaware have followed suit.

We urge you to consider implementing a similar reform in California. Given the Census Bureau’s recent decision to release data on prison populations, you have a unique opportunity to reaffirm principles of equality and eliminate a potential source of legal liability in the always-contentious redistricting process.

We would be happy to provide you with additional materials on prison-based gerrymandering, or

to give a more detailed presentation on this issue to you. Please feel free to contact me at [REDACTED]. You may also email me at [REDACTED]g with your request and contact information. You can also download our report from our website at www.naacpldf.org.

Sincerely,



Dale Ho
Assistant Counsel, Political Participation Group
NAACP Legal Defense and Educational Fund, Inc.

[REDACTED]