

Item 16: Incarcerated People & Redistricting

RECOMMENDED ACTION

When carrying out its redistricting responsibilities under Article XXI of the California Constitution, the Citizens Redistricting Commission shall deem people incarcerated in a state correctional facility on April 1, 2020, as residing at their last known place of residence, rather than at the institution of their incarceration, as described in [Section 21003 of the Elections Code](#).

Presenters

- [Aleks Kajstura](#), Legal Director at [Prison Policy Initiative](#)
- [Karin Mac Donald](#), Director, [Statewide Database](#) & the Election Administration Research Center at UC Berkeley

Background

During the decennial census, the Census Bureau, state, and local governments have traditionally counted incarcerated individuals as residents of the areas where they are imprisoned, rather than in their home communities. This data is then used for redistricting—potentially resulting in distorted local and state representation and hidden transfers of political power to communities that host prisons. According to advocates, by inflating the apparent size and the political influence of areas with incarceration facilities, prison gerrymandering violates our constitutional right to equal political power based on population size. This problem is especially urgent and harmful in today’s mass incarceration era and may limit the voices and power of communities of color.

In 2011 the California legislature passed [CA Election Code 21003 \(enacted via 2011 CA AB 420 and 2012 CA AB 1986\)](#), which was later amended in 2018 by a bill (AB 2172) introduced by Dr. Shirley Weber, then-District 79 Assembly Member and currently the newly appointed State of California’s Secretary of State. The CA Election Code 21003 directs the Department of Corrections and Rehabilitation to provide the Legislature and the Citizens Redistricting Commission with the last known residential address of each inmate incarcerated in a state facility, except those inmates whose addresses cannot be found or whose last known address is outside of California. Data must be provided between April 1 and July 1 of each census year, beginning in 2020.

Because the Citizens Redistricting Commission is an independent body, the legislature has recommended that the Citizens Redistricting Commission implement CA Election Code 21003. Local and county redistricting efforts are required to follow this election code.

Background Resources

Pew. January 2019. [Counting Prison Inmates Differently Could Shift Political Power to Cities](#).
Prison Policy Initiative. March 2020. [Ending Prison Gerrymandering](#).
Prison Policy Initiative. Overview of the [Prison Gerrymandering Project](#)