

HOUSE No. 3185

The Commonwealth of Massachusetts

PRESENTED BY:

Linda Dorcena Forry

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying resolution:

Resolutions A Resolution Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of "One Person, One Vote."

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Linda Dorcena Forry

12th Suffolk

Sonia Chang-Diaz

Second Suffolk

HOUSE No. 3185

By Ms. Forry of Boston, a petition (accompanied by resolution, House, No. 3185) of Linda Dorcena Forry and Sonia Chang-Diaz for adoption of resolutions by the General Court memorializing the Federal Census Bureau to provide redistricting data that counts prisoners in a manner consistent with the principles of “One Person, One Vote”. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

Resolutions A Resolution Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of “One Person, One Vote.”.

1 WHEREAS, obtaining an accurate count of the population is so vital to representative
2 democracy that the framers of the United States Constitution addressed the issue of the census
3 and apportionment in the opening paragraphs of the Constitution; and

4 WHEREAS, the Massachusetts Constitution requires that federal census data be the basis
5 for state redistricting; and

6 WHEREAS, the Census Bureau currently has a policy of counting incarcerated people at
7 the address of the correctional institution, even though for other legal purposes their home
8 address remains their legal residence; and

9 WHEREAS, this Census data results in distortions of the one-person, one-vote principle
10 in drawing electoral

11 districts in Massachusetts, diluting the representation of the majority of districts that do
12 not contain prisons;

13 WHEREAS, the simplest solution to the conflict between federal constitutional
14 requirements of “one person, one vote” and Massachusetts constitutional requirements of using
15 the federal census is for the Census Bureau to publish redistricting data based on the location of
16 an incarcerated person’s residence, not prison location; and

17 WHEREAS, the Census Bureau has already recognized the demand from states and
18 counties for data that better reflects their actual populations, and has agreed to release data on

19 prison populations to states in time for redistricting, enabling some states to individually adjust
20 the population data used for redistricting; and

21 WHEREAS, Public Law 94-171 requires the Census Bureau to work with states to
22 provide geographically relevant data and the Census Bureau has been responsive to state's data
23 needs for the past three decades; now therefore be it

24 RESOLVED, that the Massachusetts General Court hereby urges the Census Bureau, in
25 the next Census and thereafter, to provide states with redistricting data that counts incarcerated
26 persons at their residential address, rather than the address of the correctional institution where
27 they are temporarily located; and be it further

28 RESOLVED, that a copy of these resolutions be transmitted forthwith by the Clerk of the
29 Senate to the Director of Census Bureau.