

PRISON POLICY INITIATIVE

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State, Veterans, & Military Affairs Committee
State Capitol Building
200 E Colfax Avenue
Denver, CO 80203

February 18, 2020

Re: Support of HB 20-1010, ending prison gerrymandering

Dear Members of the State, Veterans, & Military Affairs Committee:

I write to you in support of HB20-1010 to end prison gerrymandering in Colorado.

I am the Legal Director of the Prison Policy Initiative; a national, non-profit, non-partisan research and policy organization that focuses on how prison populations affect redistricting. For the last 15 years, we have been leading the national effort to urge the Census Bureau to count incarcerated people as residents of their legal home addresses. At the same time, we work closely with state and local governments to develop workable solutions to the Census Bureau's flawed prison count and the prison gerrymandering.

HB20-1010, before the Committee, would correct the harmful effects of a long-standing flaw in the decennial Census: tabulating incarcerated people as residents of the wrong location within Colorado. Crediting incarcerated people to the location of the correctional facilities gives extra representation to the people who live near prisons and dilutes representation for every Colorado resident who does not live in one of those few districts.

While the state is required by federal law to redistrict each decade, it is not required to use this flawed federal Census data to do so. In fact, Colorado law already requires counties and school board districts to avoid prison gerrymandering by excluding the prison populations from their redistricting data.¹

And Colorado's Constitution states unequivocally: "for the purpose of voting and eligibility to office, no person shall be deemed to have gained a

¹ Colorado Revised Statutes §30-10-306.7(5)(a) and §22-31-109(c), respectively.

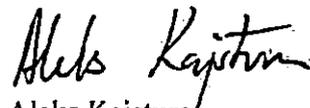
residence... while confined in public prison.” (Colorado Constitution, Article VII, §4.)

Seven states have already passed legislation to end prison gerrymandering for state legislative districts. New York and Maryland have already successfully implemented their laws² this past redistricting cycle and California, Delaware, Nevada, New Jersey and Washington State’s laws will first apply after the 2020 census. By passing this bill, the state would become the 8th in the country to end prison gerrymandering at the state level.

Lastly, I want to address a common misconception I’ve seen come up in other states with similar bills. Legislators are often concerned about the impact this might have on the distribution of government funds. Please note that HB20-1010 adjusts population data that is only used for redistricting purposes, just like counties and school boards do now. Because there are no funding formulas that rely on redistricting data, this bill would not affect any federal or state aid or grants.

I urge you to vote in support of HB20-1010 to end prison gerrymandering in Colorado. And if my experience in other states can be of help, please don’t hesitate to call me at 413-203-9790.

Sincerely,



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² The laws of both states ending prison gerrymandering were upheld in the courts. New York’s law was upheld in state court (*Little v New York State Task Force on Demographic Research and Reapportionment* No. 2310-2011 slip op. (NY Sup Ct. Dec. 1, 2011)) and Maryland’s law was affirmed by the U.S. Supreme Court (*Fletcher v. Lamone*, 133 S. Ct. 29, (June 25, 2012. No. 11-1178) affirming F.Supp.2d 887 (D. Md. 2011).