SENATE DOCKET, NO. 786 FILED ON: 1/17/2013

SENATE . . . . . No. 309

The Commonwealth of Massachusetts

PRESENTED BY:

Sonia Chang-Diaz

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:

Resolutions 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:
Sonia Chang-Diaz	*Second Suffolk*
Thomas M. Stanley	*9th Middlesex*

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SENATE . . . . . No. 309

By Ms. Chang-Diaz, a petition (accompanied by resolution, Senate, No. 309) of Sonia Chang-Diaz and Thomas M. Stanley for the adoption of resolutions urging the Census Bureau to provide redistricting data and the counting incarerated persons. Election Laws.

The Commonwealth of Massachusetts

Resolutions urging the Census Bureau to provide redistricting data that counts prisoners in a manner consistent with the principles of "One Person, One Vote.".

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

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

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

WHEREAS, this Census data results in distortions of the one-person, one-vote principle in drawing electoral districts in Massachusetts, diluting the representation of the majority of districts that do not contain prisons;

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

WHEREAS, the Census Bureau has already recognized the demand from states and counties for data that better reflects their actual populations, and has agreed to release data on prison populations to states in time for redistricting, enabling some states to individually adjust the population data used for redistricting; and

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

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

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