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From: applications.administrator@capitol.local
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To: Senate Redistricting
Subject: INETMAIL: Redistricting Public Input
Attachments: Alesandra Lozano_Prison Gerrymandering Testimony_TX Senate.pdf

Date: 2020-10-21
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Affirm public info: I agree

Regarding: Senate

Message:
Texas Senate Redistricting Committee
Written Testimony, October 20, 2020
Prison Gerrymandering in the Redistricting Process

Alesandra (Ali) Lozano, MSW
Voting Rights Outreach Coordinator, Texas Civil Rights Project Resident, Texas Senate District 13

Chairwoman Huffman and members of the committee,

My name is Ali Lozano and I am the Voting Rights Outreach Coordinator at the Texas Civil Rights Project. I am also a resident and voter in Texas Senate District 13.

I'm here today to bring up concerns about the use of prison gerrymandering in the redistricting process. Prison gerrymandering counts imprisoned individuals as "residents" of the county where they are incarcerated for purposes of representation, rather than as residents of their home county. It falsely inflates the population in the often smaller, more rural counties that host prisons while depriving other larger counties of their fair share of representation.

This irrational practice becomes even more insidious when you pair it with the fact that Texas felons cannot vote while in prison. So a jurisdiction with 10,000 non-incarcerated individuals may get to vote as if they were a community of 15,000 if the incarcerated population was included in total population, a "bonus" in political power that other jurisdictions without prisons don't get.

This redistricting shell game has had real and negative consequences for places like Harris County. In 2011, the exclusion of incarcerated individuals from the population count in Harris County resulted in us losing one seat in the Texas House of Representatives. This loss was used as a justification by state lawmakers to combine two Harris County districts with

large minority populations, resulting in overall voting power dilution of these historically disenfranchised communities. This practice is unacceptable.

It doesn't have to be this way. The Census Bureau provides detailed group quarters information in part to help facilitate states that wish to count inmates in their home counties rather than their county of incarceration. The Texas Legislature has the authority to define "population" in a manner that counts inmates towards their home district, rather than the district where the correctional facility is located.

Prison gerrymandering flies in the face of two bedrock principles of our representative democracy: every person's vote should be equal and elected leaders of a community should reflect the people who call that place home.

Even if Texas does not formally coordinate with TDCJ in advance to properly identify incarcerated individuals who maintain residences in their home counties, the legislature can still take steps to remedy the inequities created by counting prison populations where they are incarcerated. First, because of the County Line rule, before state house districts are redrawn, the seats themselves must first be apportioned among the counties. However, since it would be almost impossible for county populations to be neatly divisible into the total population, there are often situations where the legislature must make a decision to slightly round county populations up or down to fit whole numbers of districts within them. Since the legislature is already rounding population totals, it would be easy to err on the side of rounding populations up or down to compensate for communities that lose population due to high incarceration numbers. These gross numbers are easily ascertainable and the allowable population deviations between state legislative districts further facilitates this possibility.

Thank you for the opportunity to submit testimony to you today and additionally you can find our full 36 page report on this specific subject, "Handcuffing the Vote: Diluting Minority Voting Power Through Prison Gerrymandering and Felon Disenfranchisement," here:

<https://texascivilrightsproject.org/wp-content/uploads/2019/10/Handcuffing-the-Vote.pdf>

Thank you.

Alesandra Lozano, MSW
Voting Rights Outreach Coordinator
Texas Civil Rights Project

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