

## MARYLAND AND NEW YORK HAVE TAKEN THE LEAD

Maryland and New York were the first two states to resolve the democratic inequities caused by the Census Bureau's method of tabulating prison populations. These two states passed historic legislation in 2010 that ended prison gerrymandering by ensuring that incarcerated people are tabulated at home for redistricting purposes. By taking legislative action, New York and Maryland remedied the severe political inequities that prison gerrymandering had caused during the previous round of redistricting, including:

### In Maryland...

- 18% of the population in one western Maryland state house district was incarcerated. As a result, every four voting residents in that district were granted as much political influence as five residents in any other district.
- In Somerset County, Maryland, prison gerrymandering made it impossible to elect an African American to county government until 2010. In order to settle a Voting Rights Act lawsuit in 1986, the county agreed to create one district where African Americans could elect the candidate of their choice. But because the district included a large prison, the pool of eligible African Americans in the district was too small to elect a candidate of their choice, and the actual residents of the district were majority-White. An effective African American district could have been drawn if the prison population had not been included in the population count used for redistricting.

### In New York...

- Although 81% of New York's prison population was Black or Latino, virtually all — 98% — of New York state's prison population was counted in state senate districts that were disproportionately White. This dramatically diluted the political power of African American and Latino voters.
- Seven New York state senators represented districts drawn after the 2000 Census that met minimum population requirements only because the districts were padded with prison populations. Four of those senators sat on the state's legislative committee responsible for drafting criminal law and opposed proposals to reform New York's draconian Rockefeller drug laws that dramatically boosted the prison populations in their own districts. One of them, Republican New York state Senator Dale Volker, boasted that he was glad that the almost 9,000 people confined in his district could not vote because, he said, "they would never vote for me."
- The city of Rome had a city council ward that was 49% incarcerated, giving the people who lived near the prison twice as much political influence over the future of Rome as residents of other wards.

New York's law was upheld in state court, and the U.S. Supreme Court affirmed Maryland's law. Both states freed themselves of the inequities caused by the Census Bureau's method of counting people in prison, and Delaware and California have already followed their lead by passing their own laws. Will your state be next?

