



November 29, 2021

Dear Members of the Special Commission on Reapportionment:

At the Commission's November 15 meeting addressing prison gerrymandering, Kim Brace from Election Data Services presented his mapping analysis of the address data available from the Department of Corrections. We believe the Commission would find it helpful to have additional context for his findings. Based on our experience in other states, we urge the commission to use the data available to address the issue for this redistricting cycle.

As we explain below, the ACI mapping data is comparable with, and in some instances better than, the data compiled by other states, and the success rate in gathering it is actually greater than how it was portrayed at the last Commission meeting.

Quality of address data is comparable with other states

Mr. Brace's presentation showed that he was able to map (geocode) 1,927 of the 2,618 addresses he received from the ACI. That amounts to a 74% success rate. That is similar to the result of 77% that the state of Maryland achieved after several months of effort in the last redistricting cycle. Although such results are not perfect, they are a major step in the right direction and much more accurate than misleadingly counting all those individuals as Cranston residents.

Tackling the reallocation now will not only lead to a fairer redistricting dataset for the current redistricting cycle, it will also give the state an opportunity to use the lessons learned to improve the reallocation procedures for the next redistricting cycle. Now, in their second decade of going through the process, Maryland is successfully mapping about 98% of their addresses. Rhode Island cannot reasonably expect that sort of future success if it does not

start tackling the problem now. The state will be falling behind its peers if the Commission fails to act.¹

Mapping success rate is actually better than portrayed

The 74% success rate in Mr. Brace's presentation is an unduly modest take on his achievements with the data. If you look at the categories of addresses that failed to geocode, you will see that Mr. Brace included 154 "Inmate from Out of State." That number represents folks who are not Rhode Island residents and therefore should rightly not be geocoded to an address in Rhode Island.

Mapping an out-of-state address to out of state is in fact a successful reallocation. If you agree that out-of-state residents rightly should not be included in the state's redistricting data, then Mr. Brace's geocoding success rate is in fact 79%.

Rhode Island's data is far superior to some states

Other states are proceeding with reallocation despite mapping fewer addresses than Rhode Island.

Montana is not going to surpass about a 50% geocoding rate, and Nevada appears to be able to map about 65% of their incarcerated people back home.

Despite having these gaps in their address data, both states are proceeding with reallocation. Nevada is required to reallocate by statute, but the Montana Districting and Apportionment Commission is choosing to do so of its own initiative, despite its limited mapping projections. That Commission is embracing ending prison gerrymandering by deciding to count as many incarcerated people at home as their limited data will allow.

¹ Making such good faith progress against prison gerrymandering is also legally sound. A three-judge panel of the U.S. District Court for Maryland upheld Maryland's redistricting process in *Fletcher v. Lamone*, and found that Maryland had conducted the adjustment in a systematic manner that was documented and "applied in a nonarbitrary fashion." While the First Circuit appellate court in Boston has held that addressing prison gerrymandering is not constitutionally *required*, it is clearly constitutionally *allowable* and, as we have consistently argued, much more preferable than the alternative.

An opportunity to improve redistricting data

To put it simply, the ACI's address data isn't perfect, but it is far from inadequate. Rhode Island is lucky to have address data on hand that is as good as it is, even if we all wish it were 100% complete.

The Commission should not waste this opportunity to take a step in the right direction and ensure that the state's redistricting data better represents residents' home communities.

Sincerely,

Steven Brown, Executive Director
American Civil Liberties Union of Rhode Island
128 Dorrance Street, Suite 400 - Providence, RI 02903
sbrown@riaclu.org

John Marion, Executive Director
Common Cause Rhode Island
245 Waterman St., Suite 400A - Providence, RI 02906
john_marion@commoncauseri.org

Aleks Kajstura, Legal Director
Prison Policy Initiative
69 Garfield Ave Floor 1 - Easthampton, MA 01027
akajstura@prisonpolicy.org