PRISON
POLICY INITIATIVE

ENDING PRISON GERRYMANDERING IN MINNESOTA

The Problem

The Census Bureau counts incarcerated people as residents of the communities where prisons are based, as opposed to their homes of record. Even though the Minnesota constitution declares that incarceration does not change a person's residence, Minnesota uses the Census' figures for redistricting purposes. This longstanding flaw in the Census undermines the state's constitutional duty to draw legislative districts on the basis of equal population.

The unfortunate result of prison populations padding the legislative districts that contain prisons is to enhance the weight of votes cast in that district while diluting every vote cast in a district that does not include a prison. Using these counts to draw legislative districts gives people who live near prisons extra clout and distorts democracy at both the state and local levels:

- Four state house districts (11B in the Pine County area, 24B near the City of Faribault, 38A near the City of Lino Lakes and 39B in the Stillwater area) each claim at least 3% of their required population from prisons located in the district.

- 35% of Ward 3 in the city of Waseca is incarcerated in a federal prison. This gives every 65 residents of Ward 3 the same voting power as 100 residents of the other wards. The problem is only slightly less dramatic in Pine and Waseca Counties.

The solution

The Minnesota model bill to end prison gerrymandering sets up a system for collecting the homes of record of incarcerated persons and ensures that districts are drawn based on where Minnesotans reside instead of at the facilities where they may be incarcerated.

Ideally, the U.S. Census Bureau would change its policy and count incarcerated people as residents of their home of record, but the state can take steps now to ensure that districts are drawn more fairly in 2021.

Similar efforts

New York, Maryland, California and Delaware all recently enacted similar laws. New York and Maryland redistricted after the 2010 Census with data adjusted to count incarcerated people at home. This process will be followed in California and Delaware during redistricting in 2021.

The benefits

- Every resident in the state would have the same access to the legislature regardless of whether she lived in a district that contained a prison.

- The state would be in compliance with the U.S. Supreme Court's "one person, one vote" rule which requires that all residents be given the same access to government regardless of where they live.

- Currently, elected officials that represent districts that have a lot of residents incarcerated elsewhere are responsible for both their official district population and their incarcerated constituents. Basing districts on more accurate population data would allow these districts to be drawn more fairly.

- Rural counties and municipalities with large prisons will be no longer be forced to draw districts that are distorted by prison populations.

- There would be no effect on the distribution of federal or state funds, because all funding programs have their own data sources that do not rely on redistricting data.