

Prison-based Gerrymandering in Minnesota

The Supreme Court requires state and local governments to update their legislative districts once per decade so that each district contains the same population, giving each resident equal representation. The U.S. Census Bureau counts incarcerated people where they are confined, not at their legal residences. Using these counts to draw legislative districts gives people who live near prisons extra clout. It violates the Minnesota Constitution and distorts democracy.

The Problem

- There are now so many people behind bars in Minnesota the Census count of the incarcerated population has a direct impact on democracy at the state and local levels.
- Incarcerated people come from all over Minnesota, although disproportionately from some areas. But the Census Bureau concentrates these population in a handful of locations where they do not reside: in prison.
- For example, in 10 state house districts drawn after the 2000 Census, a substantial portion of the population is incarcerated people from elsewhere in the state. In 3 districts, more than 3% of the district is incarcerated, giving every group of 97 residents in those districts the same influence as 100 people in the typical district elsewhere. The voting power of all Minnesotans who do not live a state legislative district that contains a prison is diluted due to prison-based gerrymandering.
- Prison-based gerrymandering has an even greater impact on the local government level, where a prison can make up a large part of a single city or county district. In Waseca County, for example, District 5 derives 24% of its population from a federal prison; effectively giving each group of 76 people in District 5 as much political clout as 100 people in other Waseca county districts.

The Solutions

- Minnesota should follow the example of Maryland, New York, Delaware, and California and pass a law that would require incarcerated people to be counted at home for state and local redistricting purposes.
- Alternatively, Minnesota could change the state law that governs county and municipal redistricting, to prohibit local governments from using prison populations to dilute the votes of residents who do not live near prisons. Colorado, Michigan, Mississippi, New Jersey and Virginia laws already do this, and more than 100 counties across the country — without a mandatory state law — already refuse to engage in prison-based gerrymandering.
- The U.S. Census Bureau could agree to count incarcerated people at home in the next Census, making the above state-based solutions unnecessary.

State Constitution says prison is not a residence

The Minnesota Constitution states that “no person loses residence ... while confined in any public prison.” (Article VII, § 2.)

The Census Bureau, however, counts incarcerated people as if they were residents of the prisons in which they are confined.

When redistricting both state and local districts, Minnesota and its counties should use data that are consistent with the state constitution and stop giving extra representation to state, county and city districts that contain prisons.