



For more information about prison-based gerrymandering, see our website and weekly newsletter at <http://www.prisonersofthecensus.org>

# Prison-based Gerrymandering in Kentucky Counties

## The problem

The Supreme Court requires counties to update their magisterial districts once per decade, ensuring that each district contains the same population and each resident has equal representation in county government. But the US Census Bureau counts incarcerated people where they are imprisoned, not where they legally live. When prisoners — who aren't allowed to vote and who are legal residents of somewhere else — are included in districting population counts, the political clout of the real residents in districts with prisons is artificially inflated at the expense of the people residing in all other districts.

This practice of including prisons in local districting plans leads to serious distortions of political power in Kentucky county governments.

For example:

- In Clay County, District 2 is 40% prisoners from FCI Manchester and Clay County Detention Center. This means that every 3 residents in District 2 have as much political power as 5 residents in the other districts.
- In Lyon County, 27% of District A is prisoners from Kentucky State Penitentiary. 23% of District C is prisoners from Western Kentucky Correctional Complex. This results in the vote dilution of residents of District B, because District B has more actual residents than A or C.
- Oldham County has a massive prison complex split between the 2nd and 3rd districts, and both districts are about 30% prisoners. This causes the smaller number of actual residents in those districts to receive greater access to representation than the larger number of actual residents of other districts.

## Boyle County has a solution

Ideally, the Census Bureau would not count prison populations as if they were residents of the prison location. But counties can fix the problem themselves by removing the prison populations from their data prior to redistricting.

Boyle County has already taken steps to ensure that all its residents have a fair say in county government. Boyle County rejects the Census Bureau's prison miscount and instead draws districts on the basis of actual resident populations. If it did not, 20% of district 4's population would be incarcerated in the Northpoint Training Center, giving 4 residents of that district as much political power as 5 residents in any other district.

All Kentucky counties should follow the lead of Boyle County, and over 100 other counties across the country, in basing political representation on actual residents, not prison populations.

### Kentucky law says a prison cell is not a residence:

“(1) A voter's residence shall be deemed to be at the place where his or her habitation is, and to which, when absent, he or she has the intention of returning;

“(2) A voter shall not lose his or her residence by absence for temporary purposes merely; nor shall he or she obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making that county or precinct his or her home.”

Kentucky Annotated Revised Statute §116.035.