



For more information about Prison-Based Gerrymandering, see our website and weekly newsletter at <http://www.prisonersofthecensus.org>

## Prison-Based Gerrymandering in Waseca County, MN

The Supreme Court requires counties to update their legislative districts once per decade so that each district contains the same population, giving each resident equal representation in county government. The US Census Bureau counts people where they are incarcerated, not where they are from, and when the Census figures do not reflect the county's population, democracy suffers.

### The problem

- The Census Bureau counts incarcerated people as residents of the prison, but the Minnesota Constitution says that incarceration does not change a person's residence.
- After the 2000 Census, the Waseca County Board of Commissioners used 943 federal prisoners to pad the population of the 5th District in St. Mary, Wilton and parts of the City of Waseca.
- The county's legislative districts average 3,906 county residents, but District 5 has only 2,985 residents.
- 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 elsewhere.

### What local governments in other states do

- Mississippi, Colorado and New Jersey require counties with prisons to remove the prison population prior to redistricting, and Virginia law encourages it. About 100 counties around the country ignore the prison populations when drawing county districts.
- In Michigan, nearly all counties avoided distorting democracy by ignoring the prisoners in drawing the districts, even when the distortion would be quite small. In Lapeer County, for example, using the census would have meant a district with 6% prisoners. The county clerk told us that they excluded prisoners because the prisoners were "not really residents."

### Solutions for Waseca County

- Waseca County should exclude the prison population when it next updates its legislative districts in 2012.

#### A NY County's Rationale

In 2003, Essex County not only ignored the prison population when apportioning the Board of Supervisors, it enacted a local reapportionment law with the following explanation:

"Persons incarcerated in state and federal correctional institutions live in a separate environment, do not participate in the life of Essex County and do not affect the social and economic character of the towns.... The inclusion of these federal and state correctional facility inmates unfairly dilutes the votes or voting weight of persons residing in other towns within Essex County...."