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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 residence. Using these counts to draw legislative districts violates the Minnesota Constitution and makes democracy suffer.

The problem

- There are now so many people behind bars in Minnesota that the question of where this population is counted is large enough to have a direct impact on democracy.
- Crediting all of Minnesota's incarcerated people to a few locations enhances the political clout of the people who live near prisons, while diluting voting power of all other Minnesotans.
- For example, in Waseca County, 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.

The Solution

- Minnesota could follow the example of Maryland, Delaware and New York to pass a law that would prohibit padding legislative districts with prison populations. The law could require the state, the counties and other local governments to remove the state prison population from the data used for redistricting.
- Ideally, the Census Bureau would count incarcerated people at home or the state would have enough time to develop a solution that would count incarcerated people at their home addresses.

Counties already use this solution

- 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.

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 prison.

When redistricting legislative districts, Minnesota and its counties should use data that are consistent with the state constitution and stop basing legislative districts on prison populations.

Basic democratic principles

"It is inconsistent with our Constitution and basic democratic principles of our republic to continue a practice that inflates the political influence of people within a legislative district with a correctional facility and dilutes the influence of the surrounding communities and the home districts of the incarcerated persons."

Keesha Gaskins, Executive Director, League of Women Voters Minnesota.