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Prison-Based Gerrymandering in the City of New Lisbon, WI?

The Supreme Court requires cities to update city council districts once per decade so that each district contains the same population, giving each resident equal representation in city 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 city's population, democracy suffers.

The problem

- The Census Bureau counts incarcerated people as residents of the prison's location, but Wisconsin law says that incarceration does not change a person's residence. Wis. Stat. § 6.10
- The 2010 Census just counted 1,025 incarcerated people at the New Lisbon Correctional Institution as if they were residents of the City of New Lisbon.
- 2010 is the first Census since the opening of the facility, so this is the first time the City of New Lisbon has had to draw districts with prison populations included in the redistricting data.
- The New Lisbon Correctional Institution is larger than a single ward, and that gives the city three options, two of which don't make much sense:
 - If the City treats the prison as a ward, since the prisoners can't vote and aren't residents of the city, the ward will be incapable of electing alderpersons.
 - If the city splits the prison between two wards, the handful of people who live near the prison will have far more political influence on the Common Council than residents who live in wards with the correct number of constituents.

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. Many other counties decide on their own to exclude the prison population prior to redistricting.
- Lima Ohio, Ionia Michigan, and Crest Hill Illinois are all small cities with large prison populations in their Census data. These three cities — and over 100 other similar cities and counties around the country — choose to ignore the prison when drawing legislative districts.

Solutions for the City of New Lisbon

- The City of New Lisbon should exclude the prison population when it updates its aldermanic districts.
- In May 2011 the Census Bureau will be publishing the correctional facility and other group quarters counts, so that cities can choose to use Census data to remove prison populations from the redistricting data. In decades past, these counts were published too late to be useful.

“a false presentation”

“The study found 64 percent of Adams County's 5th and 6th districts, 59 percent of Dodge's 31st District and 53 percent of Dodge's 29th District are prisoners. In these districts, constituents get double the electoral power of other voters. James Layman, the Dodge 31st supervisor, who describes himself as a conservative-leaning independent, says the inequality should be addressed. 'I think that's a false presentation because I don't represent those people,' he says of the prisoners.”

—“Fuzzy Math: Is the Census Bureau creating unfair politics in Wisconsin?”, by Evan Solocheck, Milwaukee Magazine March 2008