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Prison-Based Gerrymandering in the City of Waupun, 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, but Wisconsin law says that incarceration does not change a person's residence. Wis. Stat. § 6.10
- The Waupun Common Council currently uses 2,833 prisoners to pad the populations of 2 of its 6 aldermanic districts.
- For the past decade District 3 has derived 79% of its population from the Dodge Correctional Institution; effectively giving each group of 21 people in District 3 as much of a say over city matters as 100 people elsewhere in the city.
- District 2 derives 63% of its population from the Waupun Correctional Institution; effectively giving each group of 37 people in District 2 as much of a say over city matters as 100 people elsewhere in the city.

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.
- In Michigan, nearly all counties avoided distorting democracy by ignoring the prisoners in drawing the districts, whether the potential for distortion was very large or quite small. Gratiot County modified data to avoid creating a district that would have been 50% prisoners. In Lapeer, using the census would have meant a district with just 6% prisoners, but even there the county clerk told us that they excluded prisoners because the prisoners were "not really residents."
- Lima Ohio, Gardner Massachusetts, and Milledgeville Georgia are all small cities with large prison populations in their Census; and all choose to ignore the prison when drawing legislative districts.

Solutions for the City of Waupun

- The City of Waupun 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