



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

Prison-Based Gerrymandering in Winnebago County, WI

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 Wisconsin law says that incarceration does not change a person's residence. Wis. Stat. § 6.10
- The Winnebago County Board of Supervisors currently uses 2,524 state prisoners to pad the populations of two legislative districts in the city of Oshkosh.
- District 12 derives 42% of its population from the Oshkosh Correctional Institution; effectively giving each group of 58 people in District 12 as much of a say over county matters as 100 people elsewhere.
- District 30 derives 16% of its population from the Oshkosh Correctional Institution; effectively giving each group of 84 people in District 30 as much of a say over county matters as 100 people elsewhere.

What counties 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."

Solutions for Winnebago County

- Winnebago County should exclude the prison population when it next updates its legislative districts.
- In May 2011 the Census Bureau will be publishing the correctional facility and other group quarters counts, so that counties 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