July 20, 2015

Karen Humes

Chief of the Population Division

US Census Bureau

Dear Ms. Humes:

After the 2010 census, my students at DePauw University, located in Putnam County, Indiana, did a project on local government redistricting. As part of this process, we found that some of Indiana’s 23 state and 3 federal prisons were distorting representation in local governments, sometimes dramatically.

For example, we have four school corporations and one major state prison in our county.  At the time of the 2010 census, the South Putnam School Board had four single-member electoral districts plus one member elected at-large. Seventy percent of the “residents” of one of those electoral districts were actually prisoners in Putnamville prison. The 765 “free residents” of that district elected one board member, as did the 2,493 residents of the school board’s most populous district. Thus, voters in the district with a prison had nearly four times the electoral power of voters in the district without a prison. We persuaded the South Putnam School Board to switch to residential districts rather than single-member electoral districts to address this problem, but Henry, Madison, and Vigo were other counties that used single member electoral districts and in which sizable portions of one school board district were prisoners.

School boards were not the only local governments in which we saw dramatic effects. The Sullivan County Council has four members elected from single-member districts (plus three at-large seats). In 2010, Sullivan County had 21,475 residents. Thus, the ideal size of each of the four county council districts would be 5,369. The Wabash Valley correctional complex had 2,118 prisoners or 39% of one district. We found 7 other counties (Henry, LaPorte, Madison, Miami, Parke, Perry and Vigo) where large prisons or prison complexes were seriously distorting democratic representation. My students created a informative website on every county council in Indiana, including maps and analysis, which you might find of interest:

<http://indianalocalredistricting.com/counties>

Counting prisoners as residents of their prison rather than as residents of their home undermines one-person-one-vote by giving greater electoral power to those who happen to live near prisons than to other members of their community or district who do not live near a prison.  Furthermore, unlike other transient populations who live in group quarters, such as college students and military families, prisoners are disenfranchised, their residency is non-voluntary, they do not participate in the local economy, they are not beneficiaries of local government decisions, which they are powerless to influence, and, in the case of school board districts, prisoners rarely have children who attend local schools.

A survey of all members of the Indiana House of Representatives in 2004 showed that our elected officials who happen to have prisons in their districts do not consider the prisoners to be their constituents.  The survey asked:

Which inmate would you feel was more truly a part of your constituency?

a)    An inmate who is currently incarcerated in a prison located in your district, but has no other ties to your district.

b)    An inmate who is currently incarcerated in a prison in another district, but who lived in your district before being convicted and/or whose family still lives in your district.

To quote the study:

"Every single one of the forty respondents who answered the question - regardless of their political party or the presence or absence of a prison in their district - chose answer (b). . . . [I]t is quite clear that representatives do not consider inmates to be constituents of the districts in which they are incarcerated - unless, of course, they happen to have prior ties to those districts." (“Counting Matters*,*”*Virginia Journal of Social Policy and the Law,*Winter 2004)

Electoral equality and representational equality in Indiana would be best served by not counting prisoners as residents of the prison where they happen to be incarcerated at the time of the census.

Sincerely yours,

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