



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

## Prison-Based Gerrymandering in Indiana

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 where they are from. Using these counts to draw legislative districts violates Indiana state law and makes democracy suffer.

### The problem

- Marion County (Indianapolis) is home to less than 14% of Indiana, but more than 29% of the state's prisoners are from Marion County.
- The city of Gary is home to 0.4% of Indiana, but almost 0.7% of the people incarcerated in the state are from Gary.
- Most of the state's prisoners are incarcerated far from their homes.
- 5.7% of the population credited to House District 20 after the 2000 Census is incarcerated. Padding this district with prison populations gives every 94 people in District 20 in La Porte and Pulaski counties as much influence as 100 people in other House districts. Enhancing the votes cast in District 20 dilutes the votes of everyone else in the state.

### Indiana law says a prison cell is not a residence

- Because incarceration is not voluntary, it can not be a residence under state law:

#### Abandonment of residence

Sec. 4. A person who has a residence in a precinct retains residency in that precinct until the person abandons the residence by:

- (1) having the intent to abandon the residence;
- (2) having the intent to establish a new residence; and
- (3) acting as provided in this intent by establishing a residence in a new precinct.

Indiana Code §3-5-5-4.

### Solutions for Indiana

- Ideally, the U.S. Census Bureau would change where it counts incarcerated people. They should be counted as residents of their home — not prison — addresses. There is no time for that in 2010, but Indiana should ask the Census Bureau for this change for 2020.
- After the 2010 Census, the state and its local governments should, to the degree possible, count incarcerated people as residents of their home communities for redistricting purposes. Where that is not feasible, incarcerated people should be treated as providing unknown addresses instead of being used to pad the legislative districts that contain prisons. (See sidebar and the example bill at <http://www.prisonersofthecensus.org/models/example.html> .)

### Maryland's solution

#### No Representation Without Population Act

Maryland is the first state to pledge to collect the home addresses of incarcerated people and correct redistricting data state-wide.

Maryland recently passed legislation (H.B.496/S.B.400) requiring the state to collect home addresses for people who were counted in prison by the Census Bureau.

Maryland will use this information to adjust the redistricting data provided by the Census Bureau.