



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

Ending prison-based gerrymandering would aid the American Indian vote in Montana

The Census Bureau counts incarcerated people as residents of their prison addresses, rather than at their legal home residences. This little-known policy has a big impact on how our elections work. When Census prison counts are used for redistricting, communities with large prisons get extra representation, and the voting rights of everyone else are diluted. The practice especially reduces the voting strength of American Indian communities because of both racially disparate rates of incarceration, and the state's tendency to build prisons in disproportionately white areas.

Montana law says a prison is not a residence

"An individual may not gain or lose a residence while kept involuntarily... as a result of being confined in any prison."

Montana Annotated Code § 13-1-112(2).

The facts

American Indians are disproportionately incarcerated in Montana:

- While American Indians are 6% of the state population, more than 20% of the people behind bars are American Indians.

The political benefits of prison-based gerrymandering go primarily to districts in which American Indians are underrepresented:

- The American Indian community is underrepresented in all ten of the districts whose political power is most inflated by prison gerrymandering.
- For example, State House District 85 is a majority-white district in Powell and Deer Lodge Counties with more prisons than any other district. More than half of the district's American Indian population counted in the Census is incarcerated at the Montana State prison and is not actually resident of the district.
- The dilution of American Indian political power is not limited to the 85th District—95% of Montana's prison cells are located in districts where American Indians are underrepresented.

The solution

The constitutional principle of "One Person One Vote" requires that political power be equally distributed on the basis of population, without special treatment for particular regions or industries.

Ideally, Montana would follow the lead of Delaware, Maryland, and New York and pass legislation to count incarcerated people at their pre-incarceration addresses for redistricting purposes. Since insufficient time remains for that approach, as an interim solution, Montana can declare incarcerated people to reside at "address unknown" and refuse to award extra representation to districts that contain prisons. Future redistricting can properly count incarcerated people at their pre-incarceration addresses.

Prison-based gerrymandering hurts everyone who doesn't live next to a large prison, but the communities that experience disproportionate incarceration pay the highest price of all. Basing legislative districts on actual population would give all communities the same voice in government regardless of whether or not they contain a large prison.

For more information about prison-based gerrymandering in Montana see <http://www.prisonersofthecensus.org/oregon.html> for more data, resources, and updates.