PRISON POLICY INITIATIVE

For more information about prison-based gerrymandering, see our website and newsletter at http://www.prisonersofthecensus.org

Prison gerrymandering disproportionately harms America's Native residents

In the states, prison gerrymandering reduces the political power of nearly all residents by allowing a few state legislative districts with large correctional facilities to claim residents from all over the state. And while it does that, it also enshrines the racial inequities of mass incarceration into states' democratic institutions.

What is prison gerrymandering?

Everyone is supposed to have an equal voice in their government's decisions, but an outdated and misguided Census Bureau policy that counts incarcerated people in the wrong place gives a few residents a megaphone.

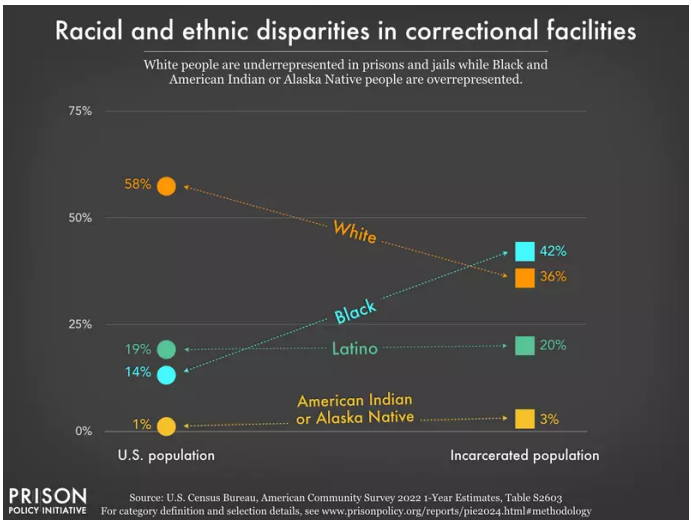
Every ten years, when the Census Bureau conducts its official tally of the nation's population, it incorrectly counts incarcerated people as residents of prison cells rather than in their home communities. When state officials then use that Census data in the legislative redistricting process, they inadvertently inflate the populations of those areas — in violation of constitutional principles of equal representation. This gives residents of state legislative districts that contain correctional facilities a particularly loud voice in government, at the expense of nearly every other person in the state.

In the ten most prison gerrymandered districts in the country, for example, correctional facilities make up at least 12% of a state house district's population.

Disproportionate impact for Native American residents

In states across the country, mass incarceration has a disproportionate impact along racial lines. Native American, Black, and Latino residents are incarcerated at disproportionate rates and therefore counted in the wrong place more often than white residents:

- The racial impact of prison gerrymandering is so strong that, for example, in Wyoming a majority of Native people counted in State House District 2 were actually behind bars, rather than living in the community.
- In Alaska nearly half of Native people counted in State House District 30 were actually behind bars, rather than living in the community.



States need to end prison gerrymandering now

Nearly half of the US population now lives in a place that corrects redistricting data they receive from the Census to avoid prison gerrymandering. States that have ended prison gerrymandering include deep "blue" states like California, "purple" states like Maine and Pennsylvania, and deep "red" states like Montana — where prison gerrymandering-reform legislation received wide bipartisan support.

The Census Bureau is unlikely to change its policies about how to count incarcerated people in time for the 2030 Census, meaning that unless states act quickly, they will once again be driven into prison-gerrymandering their legislative districts.

It's now time for the remaining states to pass legislation ending prison gerrymandering and count incarcerated people at home when drawing districts.

Our reports on prison gerrymandering in select states with a significant impact on Native American communities (Alaska, Kansas, Oklahoma, Oregon, Vermont, and Wyoming) are available at https://www.prisonersofthecensus.org/news/2025/11/12/14-state-reports/.

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