

[PrisonersOfTheCensus.org](https://www.prisonersofthecensus.org)

The problem

Just as equal populations in state districts ensure equal representation in state legislatures, electoral districts in cities and counties must contain the same number of people so that residents have equal representation from local elected officials. However, the Census frustrates this goal by counting incarcerated people as residents of the places where they are confined, even though they typically lack any constituent relationship with the representatives of those jurisdictions. This means that city, county, and other local districts with correctional facilities will have fewer actual residents than will local districts without such facilities; thus, their residents will have more representation in local government than will residents elsewhere.

Local governments have solutions

Ideally, incarcerated people would be treated as residents of their home addresses during all redistricting processes, including at the local level. In fact, the Census could solve the problem of prison gerrymandering everywhere simply by counting incarcerated people at home by default. However, in the absence of Census action (or any legislative solution adopted by a particular state), local governments can still address the problem on their own. In fact, more than 200 local governments have already implemented their own solutions—such as removing correctional facilities from their redistricting data—prior to drawing district lines. It may also be helpful to know that seven states (Colorado, Mississippi, New Jersey, Virginia, Maryland, Michigan, and New York) now encourage or require local governments to make these adjustments as well.

Confusion about exclusion

Some people mistakenly think that opponents of prison gerrymandering believe that only *voters* should count toward district populations. This is incorrect: *All* persons, whether or not they can vote, are entitled to equal representation. The key issue is not *whether* incarcerated people should count, but *where* they should count.

The misunderstanding likely arises from one solution to prison gerrymandering in *local* legislative districts: excluding correctional populations from redistricting data. To understand why promoting this solution is not an endorsement of voter-only districting, it is necessary to see that the problem of prison gerrymandering has two parts: (1) failing to count incarcerated people at their home addresses, and (2) subsequently allocating them to prison addresses. Sadly, local jurisdictions can't solve the first part on their own: all they can do is refuse to pad their own districts with prisons. Importantly, modifying the redistricting data that local governments receive from the Census does not alter the original data kept by the Census or affect the data used by the state, federal government, or any agency. In addition, the state-level solution is different; there, exclusion is neither necessary nor beneficial because states can count incarcerated people at their home addresses statewide and solve *both* parts of the problem.

Funding is not affected

Contrary to what is often reported, solving the problem in the ways discussed above does not reduce state funding for communities with correctional facilities. Nor does it impact federal funding allocations. For more information about the issue of funding, please visit <https://www.prisonersofthecensus.org/news/2020/07/13/prisons-census-funding/>.

More information

For more information on prison gerrymandering and its potential solutions, please visit our website. You may wish to start here:

- <https://www.prisonersofthecensus.org/solutions.html#local>
- <https://www.prisonersofthecensus.org/faq.html>
- <https://www.prisonersofthecensus.org/pathfinder.html>