

# Ending prison gerrymandering

*The Census, states, and local governments all have tools to fix the problem*

## PrisonersOfTheCensus.org

Population equality among legislative districts enables everyone to have equal representation from elected officials. However, the Census frustrates this goal by counting more than 2 million incarcerated people as residents of the places in which they are detained instead of at their home addresses. The Bureau does this even though (1) people in prison typically lack a constituent relationship with the elected officials serving prison districts, and (2) most incarcerated people remain legal residents of their home addresses while imprisoned and return home upon release. The resulting Census data lead to the creation of state and local districts that are distorted by correctional facilities; this “prison gerrymandering” skews representation in favor of districts with prisons and other correctional facilities.

## The problem at the state level

Crediting all of a state’s incarcerated persons to a small number of districts that contain large prisons enhances the representation of those districts and dilutes representation for everyone else in the state, distorting policy decisions statewide. In addition, using incarcerated populations — which are disproportionately Black and Latinx — to pad the populations of other districts dilutes minority voting strength.

## The problem at the local level

Because county and municipal districts are typically smaller than state legislative districts, prison gerrymandering can create even larger problems at the local level. For example:

- **Dysfunctional local districts.** In Anamosa, Iowa, a person won a city council seat with only two write-in votes, neither of which he cast. No candidates ran because 96% of his district was incarcerated in a large prison. This gave the handful of actual residents in the district 25 times as much influence on the city council as residents elsewhere in the city.
- **“Majority-minority” in name only.** Prison gerrymandering prevented African-American voters in Somerset County, Maryland from electing a candidate of their choice, even though a district had been drawn for that purpose to settle a Voting Rights Act lawsuit.

## States and localities are seeking more accurate data

So far, eleven states — Maryland, New York, Delaware, California, Washington, Nevada, New Jersey, Colorado, Virginia, Illinois, and Connecticut — have passed legislation to use state correctional data to ensure that districts are drawn with data that counts incarcerated people at home. The laws in Maryland and New York were first implemented after the 2010 Census and upheld by the courts; the U.S. Supreme Court affirmed Maryland’s law in 2012.

Further, additional states’ legislative or executive branches (Michigan, Mississippi) require or encourage local governments to modify the Bureau’s redistricting data in order to avoid padding districts with prison populations. In addition, more than 200 counties and municipalities independently adjust their redistricting data to avoid prison gerrymandering.

## Only the Census Bureau can provide a permanent national solution

The Census Bureau has already made an important, if subtle, change. The Census Bureau now publishes prison count data earlier than in the past, in order to assist states and counties with reallocating or removing incarcerated populations during the redistricting process. This “Group Quarters Table” is now included with the traditional (PL 94-171) redistricting data for every state.

Ideally, the U.S. Census Bureau will count incarcerated people as residents of their legal home addresses and not as residents of the correctional facilities. The Census Bureau should, as part of their research and planning agenda for the 2030 Census, determine the best and most economical way to properly count incarcerated people as residents of their home communities.