

PRISON GERRYMANDERING IN NEW MEXICO

The Supreme Court requires state- and local governments to update their electoral districts once per decade to ensure that each district contains the same population, which gives each resident equal representation in government. However, the U.S. Census Bureau counts people where they are incarcerated, not where they are from, so when jurisdictions rely on raw Census data which does not reflect their real populations, democracy suffers.

The problem in New Mexico

- At the state level, at least 9 state House districts are approximately 2% incarcerated or more, and in 3 of those districts, the incarcerated population accounts for about 4% of the district.
- In the City of Hobbs, 19% of people in City Commission District 5, were incarcerated at the Lea County Correctional Facility. This means that every 81 residents in District 5 have as much political power as 100 residents in the other city districts.
- In the City of Grants, the population counted at the New Mexico Women’s Correctional Facility accounts for about 25% of a City Council district.
- In Cibola County, 22% of people in County Commission District 4, were incarcerated at the Cibola County Correctional Facility. This means that every 78 residents in District 4 have as much political power as 100 residents in the other Cibola County districts. Similarly, New Mexico Women’s Correctional Facility accounts for 11% of District 2’s population.

New Mexico law says a prison cell is not a residence.

“[A] person does not gain or lose residence solely by reason of his presence or absence . . . while confined in a public prison.”

New Mexico Statutes §1-1-7(D).

What other states and local governments do

Ten states and more than 200 county and municipal governments now adjust Census data to account for prison populations prior to redistricting in order to create more equitable and accurate districts.

The solution for New Mexico

- States that are not able to implement legislation prior to the current redistricting cycle can still minimize the impact of prison gerrymandering by using correctional population data from the Census to avoid concentrating prison populations within a single district.
- Local governments—towns, cities, counties, and school districts—should exclude correctional facilities when local district lines are drawn. This approach will ensure that districts have equal numbers of actual residents and, therefore, that residents have truly equal representation.