



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

Prison-Based Gerrymandering in Texas Counties

The Supreme Court requires counties to update their commission precincts once per decade so that each precinct contains the same population, giving each resident equal representation in county government. The U.S. Census Bureau counts people where they are incarcerated, not where they are from, and when the Census figures do not reflect the county's actual population, democracy suffers.

The problem

The Census Bureau counts incarcerated people as residents of the prison, but people in prison can't vote and are not residents of the surrounding community. The practice of including prisons in local districting plans leads to serious distortions of political power in county governments.

For example, Willacy County has a Commissioners Court precinct where 20% of the Census population is behind bars, giving 8 residents of that precinct the same electoral power as 10 residents in other precincts. If uncorrected, prison-based gerrymandering will be an even larger problem in the county after this Census, because the detention facility has been expanded over the last decade.

Many Texas counties have a solution

Ideally, the Census Bureau would not include prison populations in local population counts. But counties can fix the problem themselves by removing the prison populations prior to redistricting. With one exception, every county for which we have precinct information, including Anderson, Bee, Brazos, Childress, Concho, Coryell, Dawson, Grimes, Karnes, Madison, Mitchell, Pecos, Walker, and Wood counties, have ignored the prison populations when drawing their county commissioner precincts.

This solution has prevented absurd and unjust situations in those counties. For example, if Concho County had not ignored prisoners when creating its precincts, it might have had an entire precinct made up solely of incarcerated individuals. Mitchell County too could have had an entire precinct without a single eligible voter, because the prisoner population there is large enough to compose its own precinct.

While the situation in Concho and Mitchell counties are extreme examples, this problem is significant elsewhere. Even counties with relatively small prison populations can end up with precincts that are substantially padded with incarcerated individuals. A precinct which is "only" ten percent incarcerated still gives 9 of its residents the same power over the county's Commissioners Court as 10 residents in a precinct without a prison—a plainly unfair advantage.

Texas counties which do not already should follow the lead of these counties and exclude prison populations when they redistrict in 2011 so that all their residents will have equal access to county government.

See our Texas Census 2010 Guide at <http://prisonersofthecensus.org/50states/TX.html> for more data, resources, and updates.

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Texas law says a prison cell is not a residence:

"[R]esidence' means domicile, that is, one's home and fixed place of habitation to which one intends to return after any temporary absence.... A person who is an inmate in a penal institution... does not, while an inmate, acquire residence at the place where the institution is located." (Texas Annotated Code §1.015(e).)