



For more information about Prison-Based Gerrymandering, see our website and weekly newsletter at <http://www.prisonersofthecensus.org>

Prison-Based Gerrymandering in Brown County, WI

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

The problem

- The Census Bureau counts incarcerated people as residents of the prison, but Wisconsin law says that incarceration does not change a person's residence. Wis. Stat. § 6.10
- After the 2000 Census, the Brown County Board of Supervisors used 1,936 state prisoners counted at the Green Bay Correctional Institution to pad the population of a legislative district in Allouez.
- District 14 currently derives 22% of its population from the Green Bay Correctional Institution; effectively giving each group of 78 people in District 14 as much influence over county matters as 100 people in other districts.
- Ironically, the Census Bureau erred and double-counted the Green Bay facility in the 2000 Census, doubling the impact that the prison has on District 14. Assuming the Census Bureau counted the prison properly in 2010, the potential vote enhancement of the prison district would be about 11%.

What counties in other states do

- Mississippi, Colorado and New Jersey require counties with prisons to remove the prison population prior to redistricting, and Virginia law encourages it. Many other counties decide on their own to exclude the prison population prior to redistricting.
- In Michigan, nearly all counties avoided distorting democracy by ignoring the prisoners in drawing the districts, whether the potential for distortion was very large or quite small. Gratiot County modified data to avoid creating a district that would have been 50% prisoners. In Lapeer, using the census would have meant a district with just 6% prisoners, but even there the county clerk told us that they excluded prisoners because the prisoners were "not really residents."

Solutions for Brown County

- Brown County should exclude the prison population when it next updates its legislative districts.
- In May 2011 the Census Bureau will be publishing the correctional facility and other group quarters counts, so that counties can choose to use Census data to remove prison populations from the redistricting data. In decades past, these counts were published too late to be useful.

"a false presentation"

"The study found 64 percent of Adams County's 5th and 6th districts, 59 percent of Dodge's 31st District and 53 percent of Dodge's 29th District are prisoners. In these districts, constituents get double the electoral power of other voters. James Layman, the Dodge 31st supervisor, who describes himself as a conservative-leaning independent, says the inequality should be addressed. 'I think that's a false presentation because I don't represent those people,' he says of the prisoners."

—"Fuzzy Math: Is the Census Bureau creating unfair politics in Wisconsin?", by Evan Solocheck, Milwaukee Magazine March 2008