



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

Prison-based Gerrymandering: Wisconsin & the Nation

The U.S. Census Bureau counts incarcerated people where they are confined not where they are from. Despite state laws that say incarcerated people are residents of their home addresses, states and local governments use the Census data to create districts that give more political power to people who live near prisons. Wisconsin is a good example of what is wrong.

The Prisons

- In 2010, Wisconsin incarcerated almost 22,000 people. The sheer size of the prison population is new, only 30 years ago, the Wisconsin prison system had less than 4,000 prisoners.

The People

- Milwaukee County contains 17% of the state population and is home for 42% of its prisoners.
- Wisconsin has the second highest Black incarceration rate in the country, and the fifth highest racial disparity in incarceration.

The Districts

- Crediting thousands of people to the wrong place makes it impossible to draw districts that contain equal numbers of residents.
- Using Census data to pad districts with prison populations makes a mockery of equal representation.
- Assembly District 53, represented by Richard Spanbauer (R), contains 5,583 prisoners from other parts of the state. Using Census counts of incarcerated people to pad out the district gives each group of 90 residents in District 53 as much political power as 100 residents elsewhere in the state.
- The impact is even larger in some county and city districts. Chippewa, Juneau, and Waushara counties are drawing individual county districts that are more than 50% incarcerated, giving residents in those districts twice as much of a say over county matters as residents in other districts. The cities of New Lisbon and Stanley will draw individual districts with no population outside the prison walls, unless they take decisive action.

“You might call Wisconsin’s 53rd State Assembly District the land of prisons.... Some 5,000 “constituents”... are actually prisoners who don’t vote and are legal residents of another district, with many from Milwaukee.”

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

Not just unfair, prison-based gerrymandering flouts the law:

- The U.S. Supreme Court requires districts to be based on equal numbers of people, giving all residents the same access to government.
- The law in Wisconsin, and most states, says that incarceration does not change a person’s residence.

Solutions

- Citizens and legislators across the U.S. are asking the Census Bureau to change the way it counts prisoners.
- Maryland and New York are already reallocating prison populations to their home addresses for redistricting purposes. Delaware will do the same for redistricting following the 2020 Census. Over 100 local governments are not waiting for the Census Bureau to take action either; they exclude prison populations when drawing city or county district lines.