

PRISON POLICY INITIATIVE

PRISON GERRYMANDERING IN ILLINOIS

Problems:

When legislators rely on the Census Bureau's prison counts to draw legislative districts, they unintentionally give extra representation to the districts that contain prisons and dilute the votes of everyone else. It's called "prison gerrymandering." It plays out in Illinois on two levels:

- Illinois engages in prison gerrymandering for state legislative districts.
- A minority of counties and municipalities with prisons continue to engage in prison gerrymandering despite the Illinois Appellate Court's ruling in *Knox County Democratic Committee* that supported excluding prison populations from a county's apportionment data.

Prison gerrymandering violates the constitutional principle of "one person, one vote." The Supreme Court requires districts to be based on equal population in order to give each resident the same access to government. But a longstanding flaw in the Census counts incarcerated people as residents of the prison location, even though they cannot vote and are not a part of the surrounding community.

Illinois law considers incarcerated people to be residents of their home addresses. "A person confined in prison under the judgment and sentence of a court does not thereby change his residence." (*County of Franklin v. County of Henry County*, 26 Ill.App. 193 (Ill.App. 2 Dist. 1887).) Using the Census Bureau's prison count data for redistricting purposes is inconsistent with Illinois's residence law.

Impact at the state level:

- After the 2001 redistricting¹ 11 Illinois House districts were drawn with at least 2% of their population derived from prisons located in the district.
- For example, each House district in Illinois should have had 105,248 residents. District 91, however, had only 101,672 actual residents.

Crediting all of Illinois's incarcerated people to a few locations far from home enhances the political clout of the people who live near prisons, while diluting voting power of every other resident of the state.

Impact at the county and municipal level:

The majority of Illinois counties and municipalities with large correctional facilities avoided prison gerrymandering by removing the prison populations during their most recent redistricting efforts. The 22 counties and cities are Bond, Christian, Crawford, Fayette, Fulton, Jefferson, Lawrence, Lee, Livingston, Montgomery, Rock Island, and Will counties, and the cities of Canton, Chester, Crest Hill, Danville, East Moline, Galesburg, Jacksonville, Pontiac, and St. Charles.

But prison gerrymandering is still a problem in the following counties and cities:

- 34% of a district in LaSalle County is incarcerated in a state prison. This gives every 66 residents of that district the same voting power as 100 residents of any other district.
- 30% of a district in the city of Pittsfield is incarcerated.
- 21% of a district in Clinton County is incarcerated.
- 20% of a district in Vermilion County is incarcerated.

¹ We haven't had time to update this analysis for the 2011 redistricting.

Past activity:

- In January 2013, Representative LaShawn K. Ford introduced HB62 to end prison gerrymandering. In the previous session, HB94 passed committee but was unsuccessful on the floor. Rep. Ford also introduced a similar bill in 2009, and Rep. Art Turner proposed a bill in 2004 and 2005.

Strategy:

- Pass bill HB 62 “No Representation Without Population Act,” that would count incarcerated people at home for state legislative, county and municipal redistricting purposes starting in the next redistricting cycle.

In-state contacts:

- Josina Morita, United Congress of Community and Religious Organizations
- Dan Johnson-Weinberger, Progressive Public Affairs

For more information, start with:

- Our Illinois campaign page is an actively maintained list of resources for the campaign to end prison gerrymandering in Illinois. It includes fact sheets, news coverage, and a district-by district report analyzing the redistricting after the 2000 Census: <http://www.prisonersofthecensus.org/illinois.html>