



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

Prison-Based Gerrymandering in City of Waseca, MN

The Supreme Court requires cities to update their council wards once per decade so that each ward contains the same population, giving each resident equal representation in city 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 city's population, democracy suffers.

The problem

- The Census Bureau counts incarcerated people as residents of the prison, but the Minnesota Constitution says that incarceration does not change a person's residence. (MN Const. Art. VII, §2.)
- The 2000 Census erred and placed the federal prison just outside the city limits. The error was corrected, but not in time for redistricting, and that was just as well for democracy in the city.
- The 2010 Census will count the prison within the city limits. Unless the city takes corrective action, each city council ward will be about 3,333 people, and the prison will be almost a third of one ward.
- Using the prison as padding in one ward will mean that 2,300 actual residents of one ward will have just as much influence as 3,300 residents in the wards without the prison. This will violate the Supreme Court's One Person One Vote rule of equally-sized districts.

What local governments 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. About 100 counties around the country ignore the prison populations when drawing county districts.
- In Michigan, nearly all counties avoided distorting democracy by ignoring the prisoners in drawing the districts, even when the distortion would be quite small. In Lapeer County, for example, using the census would have meant a district with 6% prisoners. The county clerk told us that they excluded prisoners because the prisoners were "not really residents."

Solutions for the City of Waseca

- The City of Waseca should exclude the prison population when it next updates its council wards in 2012.

A NY County's Rationale

In 2003, Essex County not only ignored the prison population when apportioning the Board of Supervisors, it enacted a local reapportionment law with the following explanation:

"Persons incarcerated in state and federal correctional institutions live in a separate environment, do not participate in the life of Essex County and do not affect the social and economic character of the towns.... The inclusion of these federal and state correctional facility inmates unfairly dilutes the votes or voting weight of persons residing in other towns within Essex County...."