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Prison-based Gerrymandering in Minnesota

The U.S. Census Bureau counts incarcerated people where they are confined not where they are from. Using these counts to draw legislative districts violates Minnesota state law and makes democracy suffer.

The problem

- In 1977 only 44 out of every 100,000 Minnesotans were incarcerated, by 2007, that rate jumped to 181 per 100,000.
- There are now so many people behind bars in Minnesota that the question of where this population is counted is large enough to have a direct impact on democracy.
- Each House district should have 36,713 residents. District 56A, which claims the populations of two large prisons, however, has only 35,066 actual residents.
- Crediting all of Minnesota's incarcerated people to a few locations enhances the political clout of the people who live near prisons, while diluting voting power of all other Minnesotans.

The Solution

- Ideally, the Census Bureau would count incarcerated people at home or the state would have enough time to develop a solution that would count incarcerated people at their home addresses. But as insufficient time remains for those strategies, the bill would require the state, the counties and other local governments to remove the state prison population from the data used for redistricting.
- Senator Higgins has introduced a bill (SF 3097) that would prohibit padding legislative districts with prison populations.

Counties already use this solution

- 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 Minnesota, Pine County already takes the prison count out of its total population for redistricting. Had the county not done so, 18% of the 5th Commission District would have been non-voting prisoners at the FCI Sandstone prison, giving the residents of the 5th district disproportionate influence over county affairs.

State Constitution says prison is not a residence

The Minnesota Constitution states that "no person loses residence ... while confined in any public prison." (Article VII, § 2.)

The Census Bureau counts incarcerated people as if they were residents of the prison. A legal residence is the place that people choose to be and do not intend to leave; and because prison is not voluntary, it cannot be a residence.

When redistricting legislative districts, Minnesota should use data that are consistent with the state constitution and stop basing legislative districts on prison populations.

Basic democratic principles

"It is inconsistent with our Constitution and basic democratic principles of our republic to continue a practice that inflates the political influence of people within a legislative district with a correctional facility and dilutes the influence of the surrounding communities and the home districts of the incarcerated persons."

Keesha Gaskins, Executive Director, League of Women Voters Minnesota.