



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

## Ending prison-based gerrymandering would aid the American Indian vote in New Mexico

The Census Bureau counts incarcerated people as residents of their prison addresses, rather than at their legal home residences. This little-known policy has a big impact on how our elections work. When Census prison counts are used for redistricting, communities with large prisons get extra representation, and the voting rights of everyone else are diluted. The practice especially reduces the voting strength of American Indian communities because of racially disparate rates of incarceration.

### American Indians are incarcerated at a far higher rate than whites in New Mexico

- American Indians in New Mexico are incarcerated at almost twice the rate of non-Hispanic whites in the state. Six out of every 1,000 American Indians in New Mexico are incarcerated compared to only 3 out of every 1,000 non-Hispanic whites in the state.

#### New Mexico law says a prison cell is not a residence:

“[A] person does not gain or lose residence solely by reason of his presence or absence... while confined in a public prison.”

New Mexico Statutes §1-1-7(D).

### The legislative districts most advantaged by prison-based gerrymandering have few American Indian residents

- Two districts drawn after the 2000 Census include more than 1,000 incarcerated people as constituents, giving the actual residents of districts 8 and 62 about 4% more influence than each of the districts without large prisons.
- Without the private prison population, District 62 (in Lea County) would have the smallest American Indian population of any district.
- Almost 90% of the state’s prison cells are located in districts with disproportionately small American Indian populations.

### The solution

The constitutional principle of “One Person One Vote” requires that political power be equally distributed on the basis of population, without special treatment for particular regions or industries.

New Mexico should follow the lead of Delaware, Maryland, and New York and pass legislation to count incarcerated people at their home addresses for redistricting purposes, or at least pass legislation ending the practice of padding prison districts by including incarcerated individuals in those districts for redistricting purposes.

Prison-based gerrymandering hurts everyone who doesn’t live next to a large prison, but the communities that experience high rates of incarceration pay the highest price of all. Basing legislative districts on actual population would give all communities the same voice in government regardless of whether or not they contain a large prison.

#### Aztec City’s solution

Aztec City in San Juan County already rejects the Census Bureau’s prison counts. If the city had based its city districts on Census Bureau population counts, 35% of the fourth district’s population would have been incarcerated, giving every group of 65 residents near the county jail as much influence as 100 residents elsewhere.

See our New Mexico 2010 Census Guide at <http://www.prisonersofthecensus.org/50states/NM.html> for more data, resources, and updates.