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## Prison-Based Gerrymandering in Fond du Lac County, WI

The Supreme Court requires counties to update their legislative districts once per decade so that each district contains the same population, giving each resident equal representation in county 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 county's population, democracy suffers.

### The problem

- The Census Bureau counts incarcerated people as residents of the prison, but Wisconsin law says that incarceration does not change a person's residence. Wis. Stat. § 6.10
- The Fond du Lac County Board of Supervisors used 979 state prisoners at the Taycheedah Correctional Institution to pad the population of a legislative district in the City of Fond du Lac.
- District 36 (City of Fond du Lac) derives 37% of its population from the Wisconsin Women's Correctional System; effectively giving each group of 63 people in the district as much of a say over county matters as 100 people elsewhere.
- Now called the Wisconsin Women's Correctional System, the Taycheedah facility was expanded in 2002 to confine about 1,300 women. If uncorrected, the negative impact on Fond du Lac County's democracy will even be larger in the next round of redistricting.

### What counties 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. Many other counties decide on their own to exclude the prison population prior to redistricting.
- In Michigan, nearly all counties avoided distorting democracy by ignoring the prisoners in drawing the districts, whether the potential for distortion was very large or quite small. Gratiot County modified data to avoid creating a district that would have been 50% prisoners. In Lapeer, using the census would have meant a district with 6% prisoners, but even there the county clerk told us that they excluded prisoners because the prisoners were "not really residents."

### Solutions for Fond du Lac County

- Fond du Lac County should exclude the prison population when it next updates its legislative districts in 2011.
- Residents of Fond du Lac County should support the passage of constitutional amendment AJR63/SJR42, pending in the state legislature, to require the state to distribute adjusted counts for county use in redistricting.

### "a false presentation"

"The study found 64 percent of Adams County's 5th and 6th districts, 59 percent of Dodge's 31st District and 53 percent of Dodge's 29th District are prisoners. In these districts, constituents get double the electoral power of other voters. James Layman, the Dodge 31st supervisor, who describes himself as a conservative-leaning independent, says the inequality should be addressed. 'I think that's a false presentation because I don't represent those people,' he says of the prisoners."

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