



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

Prison-based Gerrymandering in Wisconsin

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 Wisconsin state law and makes democracy suffer.

The Prisons

- In 2010, Wisconsin had incarcerated almost 22,000 people. As recently as 1980, the Wisconsin prison system had less than 4,000 prisoners.

The People

- Milwaukee County contains 18% of the state population and is home for 42% of its prisoners.
- Wisconsin has the second highest Black incarceration rate in the country, and the fifth highest racial disparity in incarceration.

The Districts

- Wisconsin has historically a very strict standard in redistricting, drawing districts with a maximum deviation of less than 2%.
- Despite Wisconsin's efforts toward equal districts, the way the Census Bureau counts incarcerated people undermines democracy.
- Assembly District 53, represented by Richard Spanbauer (R), contains 5,131 prisoners from other parts of the state who account for 9.7% of District 53's population. Using Census counts of prisoners to pad out the district gives each group of 90 residents in District 53 as much political power as 100 residents elsewhere in the state.
- The impact is even larger in county and city districts. One district in the city of Waupun almost 80% of its population from the Dodge Correctional Institution; effectively giving each resident who lives next to the prison 5 times as much of a say over city matters as residents who live in other districts.

You might call Wisconsin's 53rd State Assembly District the land of prisons. Hugging the western shore of Lake Winnebago, it includes sections of Oshkosh and also encompasses the Dodge, Waupun, Oshkosh and Winnebago correctional facilities. Some 5,000 "constituents," or 9.5 percent of the district, are actually prisoners who don't vote and are legal residents of another district, with many from Milwaukee.

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

Not just unfair, prison-based gerrymandering flouts the law:

- The U.S. Supreme Court requires districts to be based on equal numbers of people, giving all residents the same access to government.
- Wisconsin law says that incarceration does not change a person's residence. Wis. Stat. § 6.10
- Constitutional amendment AJR63/SJR42 would require the state, the counties and other local governments to remove the state prison population from the data used for redistricting. This would prohibit districts with prisons from exerting undue influence over all other districts, and would eliminate the majority of the prison-based gerrymandering problem.