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FOR IMMEDIATE RELEASE

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Rep. Kessler Introduces Census Correction Amendment
Would remove incarcerated, disenfranchised felons from electoral districting data

MADISON – Rep. Frederick Kessler, D-Milwaukee, today introduced a state Constitutional amendment to change the way state and local electoral districts are drawn. If enacted, the amendment would direct that incarcerated felons, who may not vote, also not be counted toward the population of the districts where their prisons are located. Joining Kessler in proposing the amendment are Reps. Spencer Black, Tamara Grigsby, Robert Turner and Polly Williams.

The federal Census Bureau regards prison inmates as “residents” of the prisons where they are held, regardless of any permanent home address and regardless of the length of sentence. This means that a person arriving at Dodge Correctional Institution on April 1, 2010, (the Census date), is counted as a resident of Waupun, even if that person will serve only a year in prison and even if that person lived in Superior before being arrested and plans to return there upon release.

Wisconsin uses federal census data to draw its electoral districts, which must contain an equal number of persons. The Census Bureau policy means that certain districts in Wisconsin in fact have significantly fewer voting-eligible residents than other districts, even though on paper they appear to have equal population. For example, nearly 10% of the population of the 53rd Assembly District consists of prisoners who cannot vote and are unlikely to have any connection to the communities of the District. This malapportionment effectively turns those who happen to live near prisons into “supervoters”: they have more powerful votes and more representation in the Legislature than other Wisconsinites.

The problem is even more pronounced on the local level. Because county and municipal board districts are smaller, the inmate population of even one prison can make up a large percentage of a given district. In Waupun’s Third Aldermanic District, for example, inmates make up 79% of the population. One vote in this district is equivalent to five votes in a district without a prison.

Kessler’s amendment would allow federal census data to continue to be used, but would require that the data be altered to remove disenfranchised, incarcerated felons before districting maps are drawn. The amendment would apply to Assembly and Senate districts as well as county and local board districts. The United States Supreme Court has held, in *Burns v. Richardson*, 384 U.S. 73, 92 (1966), that states need not include disenfranchised felons in the data used to draw district maps.

At this time, no other state requires the exclusion of prisoners from districting data for state legislative districts, though Oregon, New York and Texas all have legislation pending on the subject. In addition, Virginia, Colorado and New Jersey require or allow correction of census data regarding inmates for the districting of certain local boards, and some municipalities and counties around the nation, and particularly in New York State, alter census data to remove prisoners on their own authority.

More information on the effect of prison inmates on redistricting can be found at www.prisonersofthecensus.com.

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