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Prison-Based Gerrymandering in the City of Elmira

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

The problem

- The Census Bureau counts incarcerated people as residents of the prison, but the New York State Constitution says that incarceration does not change a person's residence.
- The city's legislative districts average 5,157 city residents, but District 3 has only 4,518 people, of whom 1,845 are incarcerated at the Elmira Correctional Facility. The actual resident population of the district is only 2,673.
- By contrast, District 5 has 5,355 residents, and District 6 has 5,469 residents.
- Each resident of District 3 has more than twice as much political influence over the future of Elmira as each resident of Districts 5 or 6.

Chemung County avoids this problem

- Chemung County excluded prisoners, including the Elmira Correctional Facility, prior to drawing its 15 legislative districts; otherwise the district housing the Elmira Correctional Facility would have been 30% prisoners.

What other local governments in New York do

- Thirteen New York counties with large prisons exclude the prison population when apportioning local government.
- In 2004, the then Chairman of the Franklin County Board of Legislators told North Country Public Radio that ignoring the prison population when drawing districts was a "no brainer."

Solutions for the City of Elmira

- Elmira should exclude the prison population when it next updates its city council districts in 2012.
- Residents of Elmira should support the passage of bills S6725A and A9834A, pending in the state legislature, to require the distribution of adjusted counts for local use in redistricting.

Essex County Solution

In 2003, Essex County not only ignored the prison population when apportioning the Board of Supervisors, it enacted a local reapportionment law with the following explanation:

"Persons incarcerated in state and federal correctional institutions live in a separate environment, do not participate in the life of Essex County and do not affect the social and economic character of the towns.... The inclusion of these federal and state correctional facility inmates unfairly dilutes the votes or voting weight of persons residing in other towns within Essex County...."