



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

## Why our opponents should support ending prison-based gerrymandering in New York State

1. No federal or state funding program will be affected by revising the redistricting data.
2. The New York State Constitution says that a prison cell is not a residence: "no person shall be deemed to have gained or lost a residence, by reason of his or her presence or absence ... while confined in any public prison." Art II, S 4. When they take office, legislators swear an oath to uphold the Constitution of the State of New York. Art XIII, S 1.
3. The overwhelming majority of NY counties with large prisons already reject the prison counts for internal redistricting. In these districts, every time the public learns that prison populations are being used to distort districts, they insist on reform. The one time a county legislature — St. Lawrence County — ignored the public outcry and gerrymandered districts around prisons, the county majority lost the next election. Further, two additional jurisdictions that included the prison populations in local districts, Oneida County and the City of Rome, are expected to remove the prison populations prior to districting even if the Schneiderman/Jeffries bill does not pass. A total 13 New York counties currently reject the Census Bureau prison count and draw fair districts. The trend is clear: upstate counties do not think that incarcerated people are residents of their counties.
4. Upstate papers, including the Times Herald-Record (Middletown NY), Post-Standard (Syracuse, NY) and Observer-Dispatch (Utica, NY) have all called for an end to prison-based gerrymandering. The Observer-Dispatch said that "figuring those prisoners into the mix when voter representation is determined is absurd" and the Times Herald-Record said that "a politician should be embarrassed to claim that people held in prisons should count as constituents."
5. Changing where incarcerated people are counted will not mean eliminating your district and transferring it to New York City. New York Senate districts each contain more than 306,000 people each. The total prison population is far smaller than a single district, and both the total prison population and the portion that is from New York City has shrunk over the last decade. Ten years ago, the state had 71,466 people in prison with 66% from New York City. Today, the prison population is down to 58,000 with only 50% being from the city.
6. The issue of prison closures should not be confused with the issue of where incarcerated people should be counted. The Governor wants to close a number of upstate prisons in the next few years, but this issue is entirely separate from the Census. The question of whether the state needs those facilities and what kind of alternative investments the state should be making upstate are entirely unrelated to the question of where incarcerated people are counted.
7. Some Republicans have justified continuing prison-based gerrymandering because they don't trust the new Democratic majority to treat them fairly during redistricting. Claiming incarcerated people as constituents to get an extra 1% population is not worth ceding the ability to criticize the other sides' dirty tricks at redistricting time. If the minority party wants to ensure it is treated fairly, it should seek the moral high ground.
8. Using prison populations to pad districts has large effect on New York's districts, but the numbers were even more dramatic in Maryland. Yet, their "No Representation Without Population Act" passed with bi-partisan support from urban and rural areas. Both lead sponsors (who were Democrats) and some of the rural Republican Senators who voted for the bill had large prisons in their districts. Self-interest and partisan bickering did not come in to play. Annapolis Maryland's The Capital asked Delegate Joseline Pena-Melnyk why she sponsored the bill despite the large prisons in her district: "It doesn't matter," she said. "To me, it is just a fair way to count."

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