



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

13 New York Counties Reject Prison-Based Gerrymandering

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.

New York State law gives counties the discretion to choose the population base used for redistricting. The decision to exclude the prison populations in the redistricting scheme therefore belongs to each county. Most of New York's counties with large prisons reject the Census and fairly apportion political power within the county on the basis of actual — not prison — populations.

Thirteen New York counties correct the Census count, removing the prison population before redistricting to avoid vote dilution in their districts:

- Cayuga County
- Chemung County
- Clinton County
- Dutchess County
- Essex County
- Franklin County
- Greene County
- Orange County
- Orleans County
- Schoharie County
- Sullivan County
- Washington County
- Wyoming County

While the majority of counties with large prisons choose to exclude the prison populations prior to redistricting, to our knowledge Essex County was the only county to publish a detailed justification for doing so. In 2003, Essex County ignored the prison population when apportioning the Board of Supervisors and 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....”

Many counties in New York consider prison-based gerrymandering a serious harm to democracy, and adjust Census data to fix the problem. New York State should do the same.

Some examples:

Clinton County:

Excluded prisoners prior to drawing its 10 legislative districts; otherwise the district which includes Clinton Correctional Facility would have been more than 36% prisoners.

Franklin County:

Redistricting based on uncorrected Census data would have resulted a district that contained more people in prison than outside it. Three residents of the county explained in a 2004 letter to the Census Bureau: "Franklin County has always excluded state prisoners from the base figures used to draw our legislative districts. To do otherwise would contradict how we view our community and would lead to an absurd result...."

Greene County:

Had the county not adjusted the Census data, the northeast corner of the county would have had twice the number of representatives than what it is entitled to based on its actual population. The Legislature originally proposed including the prison population in the districts, but residents elsewhere in the county strongly objected.