



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

## Prison-Based Gerrymandering in Wayne County, NY

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.

### 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.
- Each of the 15 Supervisors in Wayne County represents a town and gets a number of votes equal to about 1/22nd the population.
- In 2000, the census counted 4,692 people in Wolcott, 240 of whom (5%) are incarcerated at part of the Butler Correctional Facility.
- In 2000, the census counted 2,277 people in Butler, 291 of whom (13%) are incarcerated at part of the Butler Correctional Facility.
- As a result of the prison populations, the Wolcott Supervisor receives 216 votes instead of 205.
- As a result of the prison populations, the Butler Supervisor receives 105 votes instead of 92.

### What other counties 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 Wayne County

- Wayne County should exclude the prison population when it next updates its legislative districts in 2012.
- Residents of Wayne County should support the passage of bills S6725A and A9834A, pending in the state legislature, to require the state to distribute adjusted counts for county 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...."