



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

Prison-Based Gerrymandering in Chautauqua County

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.
- Chautauqua County legislature uses 1,229 state prisoners to pad the populations of a legislative district in Portland.
- The county's legislative districts average 5,590 county residents, but District 23 (Portland) has only 4,273 residents.
- District 23 (Portland) derives 22% of its population from its prison; effectively giving each group of 88 people in District 23 as much political clout as 100 people elsewhere.

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 Chautauqua County

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