



Prison-Based Gerrymandering in Erie 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. A state law passed last summer prohibits using prison populations to pad state and county legislative districts.
- Last decade the county was divided into 15 districts, each of which was to have 63,351 people. However, three of those 15 districts contain non-voting prison populations as part of their population.
- Erie County's most significant case of using prison populations to pad out a district is County District 13, where the Collins and Gowanda Correctional Facilities provide 6% of the district's population. This gives every group of 94 actual residents of District 13 as much say in county government as 100 residents living in districts without correctional facilities.

What other counties have done

- Thirteen New York counties with large prisons exclude the prison population when apportioning local government.
- More than 100 counties and municipalities around the country exclude prison populations when apportioning local government.

Solutions for Erie County

- The new redistricting law enacted last year prohibits counting prison populations as residents of the location of the prison in county redistricting. The county can either:
 - wait for adjusted population data to be published by the state.
 - adjust the data by excluding the prison populations from the population totals used 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...."