

OBSERVER-DISPATCH

*SUNDAY, JAN. 3, 2010 ■ BREAKING NEWS AT UTICAOD.COM ■ WEATHER: HIGH 15, LOW 12 ■ \$1.50

Should prisoners count when drawing legislative districts?

Oneida County to consider changes following 2010 census

By **JENNIFER FUSCO**
Observer-Dispatch
jbfusco@uticaod.com

More than 6,000 inmates currently help pad the population of two Oneida County legislative districts.

And one prison policy advocacy group says the four prisons – two in Rome and two in Marcy – result in unbalanced representation in those areas.

Now, as officials prepare to update the county's 29 Board of

Counties that exclude the prison population in local redistricting, 4A

Legislators districts following the 2010 census, changes are possible.

“It’s unfair for certain districts and certain groups of people that have extra representation just because they live next to a prison,” said Peter Wagner, executive director of the nonprofit Prison Policy Initiative.

Please see **SHOULD, 4A**

Prison-based gerrymandering

Each decade, counties update their legislative districts so that each district contains the same population. The U.S. Census Bureau counts people where they are incarcerated. Due to prisons within their boundaries, some legislative districts have an advantage.

The Oneida County Board of Legislators uses 6,055 state prisoners to pad the populations of legislative districts in Westmoreland/Rome and Marcy.

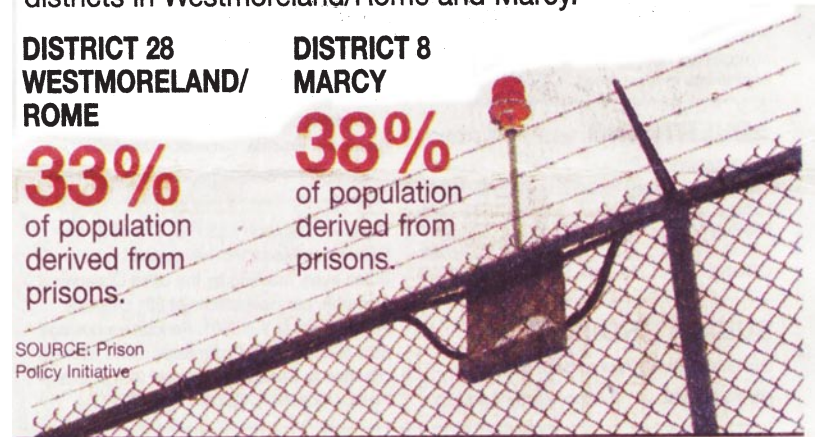
**DISTRICT 28
WESTMORELAND/
ROME**

33%
of population
derived from
prisons.

**DISTRICT 8
MARCY**

38%
of population
derived from
prisons.

SOURCE: Prison
Policy Initiative



Should prisoners count when drawing legislative districts?

Continued from 1A

Consider that:

■ District 8 (Marcy) derives 38 percent of its population from its prisons, giving each group of 62 people in the district as much of a say over county matters as 100 people elsewhere, according to the Prison Policy Initiative.

■ District 28 (Rome/Westmoreland) draws 33 percent of its population from its prisons, giving each group of 67 people in the district as much political clout as 100 people elsewhere, according to the report.

New York state gives its 62 counties the discretion to take prisoners out when determining the population base, Wagner said.

Thirteen counties in New York – including Cayuga and Essex – exclude the prison population in local redistricting.

The fact that counties in this state can do that came as news to Oneida County Executive Anthony Picente.

Picente said it's something to consider but a variety of factors would need to be taken into consideration – namely whether aid would be affected.

"I don't want to get penalized for that," Picente said. "I don't want that impacting our overall Census."

Still, Picente recognized that not counting prisoners could help the county in its quest to reduce the number of legislators on the board, something that has been discussed at length by the Oneida County Charter Reform Commission.

Reducing the size of the board from 29 to 23, and establishing a bipartisan committee to reapportion county districts as a result of the 2010 Census are among the group's recommendations.

Other counties

In 2003, Essex County ignored the prison population when apportioning its Board of Supervisors and enacted a local reapportionment law, Wagner said.

"The inclusion of these federal and state correctional facility inmates unfairly dilutes the votes or voting weight of persons

OTHER COUNTIES

These New York state counties exclude the prison population in local redistricting.

- 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

Source: Peter Wagner, executive director, Prison Policy Initiative

residing in other towns within Essex County," according to an explanation of the county's law provided by the prison initiative.

And in 2004, the then chairman of the Franklin County Board of Legislators said ignoring the prison population when drawing districts was a "no-brainer," according to the nonprofit.

Oneida County's Board Republican Majority Leader David Wood of Rome, who represents District 28, said he'd be open to something similar as long as population-based aid wasn't affected.

"It would be more toward one man, one vote," he said. "I think it would be fair not to count them in."

'Targeted for reduction'

Issues that affect Wood's district include county roads, both the new and former county airports and the Oneida Indian Nation, he said.

District 28, which according to the prison initiative includes 2,451 prisoners, easily could be absorbed into neighboring ones if the board chooses to eliminate it, Wood said.

"I'm convinced that's one of the ones that probably should be targeted for reduction," he said.

Legislator Edward Welsh, R-

Utica, said he was unaware that the county could choose not to count prisoners, but supports the concept.

"It's a matter of fair representation," he said. "The prison population are guests in our county. They are not voting. They don't pay taxes."

"I think that when we go to change the numbers and size of the board, this is a very important thing that needs to be considered," he added.

The board would have to vote on downsizing itself, as suggested by the charter commission, Welsh said. It then would have to be put to public referendum, he said.

If lines were going to be redrawn, the charter commission suggested a bipartisan committee look into that. Any changes to district lines would have to be approved by the board, he said.

State bills pending

Counting prisoners in places where they are incarcerated has proven to be the best way to go for Census purposes, said Bruce Kaminski of the U.S. Census Bureau.

"If the population in a given area includes a correctional facility, you want to make sure you have enough medical personnel, fire ... those numbers do count for communities," he said.

When asked whether it's fair to districts that have prisons compared with those that don't, he wouldn't say.

"We do not make that determination whether it's fair or unfair," he said.

So what can be done from here?

While local officials say they plan to look into various options, Wagner said residents should support the passage of two pending bills in the state Assembly and Senate that would require the state to distribute adjusted counts for county use in redistricting.

State Sen. Joseph Griffo, R-Rome, said he wasn't familiar with the legislation. But on a local level, it would make sense for any immediate action to be dealt with by county governments, he said.