



Governor Paterson Signs Bill for Fair Voter Count

By David R. Jones
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New York State is finally on the way to abolishing “prison-based gerrymandering.” In passing the budget, the Legislature included a provision mandating the state to count incarcerated prisoners in their home communities for the purpose of drawing district lines rather than in the districts where the prisons are located. This should positively affect New York’s Latino voting strength since Latinos comprise about one-fourth of the state prison population and most of their home communities are in the city.

From now on, the state Department of Corrections will identify the home addresses of prisoners and include them in the population counts at their home districts for the purposes of state and local redistricting. Any prisoner whose residence before incarceration was outside of New York State or whose address cannot be identified will not be counted for these purposes.

We applaud the efforts of State Senator Eric Schneiderman and Assemblyman Hakeem Jeffries, chief sponsors of the legislation, and Governor Paterson for signing off on it. A broad based coalition of organizations, including the Community Service Society, worked to get the legislation adopted. Special thanks also to the Prison Policy Initiative for leading this reform nationally.

Previously, legislative districts were drawn counting people in prisons as residents of those districts, although they cannot vote. This use of the non-voting prison population awarded greater representation to upstate districts that contain prisons at the expense of the home communities of those incarcerated. This process undermined the principle of “one person, one vote,” which was mandated by the U.S. Supreme Court in the Reynolds v. Sims case in 1964.

Seven upstate Senate districts manage to meet the current minimum population requirements only by counting incarcerated persons as residents of their districts. The result is to diminish the electoral clout of these communities. Given the overwhelming number of black and Latino inmates in state prisons – over 70 percent - this is an instance of people of color being used to shore up the political fortunes of white elected officials and white majority communities.

The legislation is a step in the right direction but, unfortunately, it affects only the drawing of state legislative districts and local districts, not the distribution of state or federal funds or redistricting for the House of Representatives. Thus, the city continues to be deprived of its fair share of representation and government funding. The U.S. Census Bureau still allows inmates to be counted as residents of communities where they are incarcerated rather than their home communities.

Because the law does not change the way Census information about residence is collected, no federal funding based on Census data will be affected. This cost New York City billions of dollars in federal aid

over the past decade alone. It is a policy that the city's congressional delegation should be fighting to correct. The city provides far more in tax monies to Washington than it gets back in funding.

Human Rights Bill

The Legislature has sent the governor a bill that will help thousands of New Yorkers with criminal histories fight illegal discrimination. It gives people with criminal histories who face discrimination from public agencies the same opportunities to seek redress for human rights violations as those facing other forms of discrimination. This law will help all people with criminal histories find and keep jobs, but it will have a particular impact on communities of color. Studies have shown that people of color with criminal histories face even higher levels of discrimination in the job market. We strongly urge Governor Paterson to sign this bill into law.

David R. Jones is president and CEO of the Community Service Society (CSS), the leading voice on behalf of low-income New Yorkers for over 160 years. For over 10 years he served as a member of the board of directors of the Puerto Rican Legal Defense and Education Fund. The views expressed in this column are solely those of the writer.