

# ALABAMA

**PRISON**  
POLICY INITIATIVE

## County omits prison count

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By Lisa Tindell

The 2010 U.S. Census will determine more than just how many people live in a given regional area. Those numbers are also used when counties across the state of Alabama determine where district lines are drawn for government representation.

Escambia County makes determinations on those district lines based on actual residential population, unlike other counties that may use prison population as part of district residents.

Escambia County Administrator Tony Sanks said the population of prisons in the county is excluded when district lines are determined.

“The district lines in the county were redrawn in 2001 following the last Census,” Sanks said. “The prison count was not included when a determination was made on the number of residents living in a particular area were considered.”

Sanks said the reason for that is simple — prisons aren’t served by the county.

“We don’t serve the prison systems in any way so they simply are not included as constituents in a district,” Sanks said. “They maintain their own roads and take care of their own services. Since we don’t serve them, we don’t count them as part of a district.”

Sanks said districts are divided based on total residential population in a given area.

“We do our best to make sure that each district represented by a county commissioner is balanced,” Sanks said. “The geographical layout of the county makes that difficult sometimes, but ideally we have only about a 5 percent variance in population count from one district to another.”

A national Web site, Prisoners of the Census, said some districts are given more power than others since prison population is taken into account when drawing up district lines for governmental purposes.

“The prison-based gerrymandering violates the constitutional principle of ‘One Person, One Vote,’” the Web site said. “The Supreme Court requires districts to be based on equal population in order to give each resident the same access to government. But a longstanding flaw in the Census counts incarcerated people as residents of the prison location, even though they can’t vote and aren’t a part of the surrounding community.”

The Web site did credit Escambia County with making a conscious decision to discount those prison population numbers in order to keep districting more balanced.

“Escambia County rejects the Census Bureau’s prison count when drawing county commission districts,” the Web site stated. “Otherwise the people who live near the prison would have 10 percent more political influence than residents of other county districts. Substantial prison-based gerrymandering problems exist in Bibb, Coosa and Talladega counties. In Bibb County, for example, District 5 is 22 percent incarcerated, giving some residents more influence than others. More research needs to be done, especially in the counties of Bullock, Barbour and Limestone. (These communities contain large prisons relative to their actual population.) Unless the prison populations were removed from the redistricting base after the last Census, these communities have one or more districts that are significantly padded with non-resident prison populations.”

Final tallies in the 2010 U.S. Census have not been released and Sanks said no discussion has been made by the Escambia County Commission on redistricting following the count.

Sanks said specific guidelines must be followed when making any considerations in re-drawing district lines in any area.

“There are certain guidelines that are required when considering prison population in any redistricting situation,” Sanks said. “There are two prisons in our county, Holman and Fountain. We must either use the count from both prisons or from neither prison. In the past, prison population counts have not been used from either facility.”

Sanks said commissioners have not discussed any redistricting possibilities and will not make any determinations on that process until 2010 U.S. Census reports are completed.

# ILLINOIS

**PRISON**  
POLICY INITIATIVE





And the  
winner is ...  
FAVORITE TEACHER, INSIDE

DIXON NAMES ITS NEXT  
BASKETBALL COACHES  
SPORTS, B1



# daily GAZETTE

Thursday, April 14, 2011 ■ SERVING ROCK FALLS, STERLING AND THE SURROUNDING AREA SINCE 1854

## One district has more clout

BY DAVID GIULIANI  
dgiuliani@svnmail.com  
800-798-4085, ext. 525

DIXON – Residents in north Dixon get more representation on the Lee County Board than what their actual population warrants, a nonprofit group maintains.

The county's population is 36,000, which works out to 9,000 for each of the county's four districts.

District 4, which consists of the Dixon Township north of the Rock River, includes the Dixon Correctional Center, a state prison with at least 2,000 inmates. And, of course, the prisoners have no choice in being there and don't use county services. They certainly aren't constituents in the conventional sense. That means the seven District 4 board members have fewer people to represent – 7,000.

Prisons give some people in counties more representation because they actually live closer to a prison. The incarcerated people don't really live in the county. They can't vote in the county.

Aleks Kajstura,  
legal director for Prison Policy Initiative

They are Jim Wentling, Joe Patzer, Bill Palen, Tom Demmer, Hal Moroney, Marvin Williams and David Chandler.

"Prisons give some people in counties more representation because they actually live closer to a prison. The incarcerated people don't really live in the county. They can't vote in the county," said Aleks Kajstura, the legal director for Northampton, Mass.-based Prison Policy Initiative, which has been studying the issue.

The prison makes up nearly 25 percent of Dis-

trict 4's population. That means 75 residents in District 4 have the same political clout as 100 people elsewhere in the county.

Every 10 years, governments must update their legislative districts so that each one contains the same population. Lee County must complete this process by July.

The Illinois courts have given counties the discretion to exclude prison populations during redistricting, according to the Prison Policy Initiative. Most counties with large prisons reject the U.S. Cen-

sus count and apportion political power within their jurisdictions on the basis of residents, not its prison cells, the group says.

In fact, 10 Illinois counties already count residents this way.

County Board Chairman Jim Seeberg said he wouldn't want to exclude the prison population, contending the county would lose \$100,000 in tax revenue a year if it did so. County Treasurer John Fritts agreed with Seeberg's number.

Kajstura said she's heard that argument many times, and it's not correct – government funding is never based on redistricting.

Some government money is distributed based on population, but if a county doesn't include prisoners in redistricting, that would have no effect on the Census numbers.

50¢

Lawrence County's  
newspaper

# Daily Record

Serving the area since 1847

Friday, March 18, 2011



## Misleading census results cause stir at local, state levels

Ashley Smith  
Daily Record

**LAWRENCE COUNTY** — A threat to Lawrence County's democratic equality is not the only result of population findings from the Census 2010. The area is now poised to receive more government funding, but a Chicago legislator is working to take it back.

According to figures released last month by the U.S. Census Bureau, Lawrence County is flourishing with a 9-percent increase to its population. While this is technically true, a closer look at the findings reveals the new arrivals are not conventional residents: They're inmates incarcerated at Lawrence Correctional Center (LCC).

According to the 2000 census, Lawrence County was home to 15,452 residents. One year later, LCC opened its doors with the capacity to house more than 2,300 inmates. In 2010, both residents and inmates were counted for the census, resulting in a total popu-

lation of 16,833, misleading the public into thinking people were relocating to Lawrence County.

The culprit is a provision in the census that counts prison inmates as "residents" of the institutions where they are held. Although they are denied the right to vote in Illinois, the inmates are nonetheless treated as voters during local redistricting, a process required by state statute to be conducted following each census.

During this process, the Lawrence County Board will take the county's total population and divide it evenly into seven legislative districts to ensure all residents have equal voting power. However, with inmates thrown into the mix, District 2, which contains the prison, will only have 49 people who can actually vote after redistricting takes place. These residents will have 50 times more voting power than residents in other districts.

For example, if two candidates were running for the District 2 seat on Lawrence County Board,

one candidate would only need 25 votes to win the election. However, if the candidates were running in any other district, one would need 1,204 votes to win.

Crawford County faced a similar situation in 2000. Robinson Correctional Center opened in 1991, just one year after the 1990 census was conducted. The 2000 census reflected a population increase of almost 1,000 residents thanks to the 1,199 inmates housed at the correctional center that year. Before redistricting the county, the Crawford County Board adopted a resolution excluding the prisoners from its population total, allowing its legislative districts to remain fair and balanced.

According to documents at Lawrence County Courthouse, the county has not participated in redistricting since 1981.

Lawrence County Clerk Will Gibson said he and the board have not yet discussed redistricting this year.

"Redistricting has not been brought to the table yet, but it

will be in the near future," Gibson said. "When it is, the prison population will definitely be something we take into account."

The inmate population at LCC now accounts for 13.7 percent of Lawrence County's population.

The board has until July 1 to complete the process.

### We're not alone

Illinois has prisons in 40 communities across the state. After 1941, every prison was built more than 100 miles away from Chicago. Now 12 of them are located in southern Illinois (south of I-70), housing almost 27,000 Chicago residents and 90 percent of all Illinois prisoners.

According to the Prison Policy Initiative (PPI), a Massachusetts-based advocacy group that analyzes how prison counts distort democracy, six cities — Canton, Crest Hill, Danville, Galesburg, Pontiac and Vandalia — have rejected the Census Bureau's prison count when drawing districts on the basis of actual resident populations. In addition to Crawford, nine Illinois

counties have followed suit as well, including Bond, Christian, Fayette, Fulton, Knox, LaSalle, Livingston, Logan and Montgomery, with more expected to follow.

### Benefits

While the census findings negatively affect local democracy, by padding the local population, they also create new avenues for state and federal funding in the area.

"There are avenues for state and federal funding that are formulaic based on population," said Josh Weger, region manager for the Illinois Department of Commerce and Economic Opportunity. "So from that perspective, the findings are beneficiary."

Sumner has already witnessed the benefits first-hand. After the prison was constructed in 2001, Sumner paid for a special census to be conducted to reflect its new influx in population.

"With the addition of the prison, the number of minorities in our town increased so much that we were put into a higher bracket see CENSUS, page 2



# CENSUS, from the front

that made us eligible for thousands and thousands of dollars," said Betty Brian, who served as mayor of Sumner for more than 10 years and was in office when the prison was built. "We received more money from our user tax and the population tax and our Motor Fuel Tax, which we were able to use to blacktop a road we had only been able to chip-and-seal before. And now we're able to blacktop a new road every year."

Brian said counting the prison population also allowed Sumner to complete another phase of work to its sewer and water systems.

"I'm sure we received at least an extra \$50,000 a year just in taxes alone," Brian said. "The prison was definitely the breath of life Sumner needed to keep going."

## Opposition from the north

By having the power to reject the census findings locally but recognizing them on a state level, the county is able to have the best of both worlds; but Rep. La Shawn K Ford (D-Chicago) has introduced a bill in the state legislature that aims to change the rules.

"This legislation corrects a flaw in the federal census data that counts prisoners at the location of the prison, giving extra representation to districts that contain prisons and diluting the votes of everyone else," Ford said.

With the majority of Illinois inmates from Cook County, Ford suggests in his bill that urban Chicago exports political and economic power to rural downstate via prison inmates.

According to the Prison

Policy Initiative, padding thinly populated districts with prison inmate populations exposes an unfair and undemocratic consequence of the country's high incarceration rates, which it calls prison-based gerrymandering.

"This unsavory practice exaggerates the political power of the largely rural districts where prisons are built and diminishes the power of the mainly urban districts where inmates come from and where they inevitably return," said Peter Wagner, Executive Director for the Initiative.

State Rep. Roger Eddy (R-Hutsonville) and State Sen. Dale Righter (R-Mattoon), who both represent Lawrence County, disagree.

"It's contrary to common sense. You're counted where you reside, and those prisoners are not residing in Cook County," Righter said. "They made the choice that landed them in prison. While they're (in Lawrence County) they can't vote, but they do contribute to expenses. For that, we should be able to count them."

Eddy agreed.

"The truth of the matter is, the services provided to those prisoners are not provided in the ZIP code where those people are from; we're doing it," Eddy said. "This is just an attempt from a Chicago legislator to increase census numbers in their area to use them for political reasons."

Eddy said he plans to work against the legislation, and as a first step, has put a fiscal and correctional note on the bill.

"What this means, is I

want someone to see how much of a fiscal impact it would have on the state for the prisoners to be counted differently. I also want to see the impact on the correctional system," Eddy said. "It doesn't make a lot of sense for us, and we're going to try and kill it in the House."

Brian said if Ford is successful with his legislation, Sumner will "hurt tremendously."

"Right now in Sumner, the prison is the only thing we have going for us," she said. "It's fair to say our streets would be folding up if we didn't have it. We're grateful for what it helps us with, but we're still barely surviving."

The census bureau has considered prison an inmate's "usual residence" since 1790. The rule, as it relates to where inmates are counted, didn't mean much until the 1970s when incarceration rates began to soar. For years, advocates have unsuccessfully lobbied the census bureau to change how it counts inmates. But in 2010, for the first time ever, the bureau left it up to the states to decide where inmates would be counted.

In April 2010, Maryland lawmakers became the first in the country to vote to count prison inmates at their home address for state and local redistricting purposes. Delaware and New York followed soon after, and now Illinois, Arkansas, Georgia, Indiana and Oregon have similar legislation underway.

Ford's bill has passed the House State Government Administration Committee and now goes before the full House of Representatives for further consideration.

## Are legislative maps hurting prison reforms?

In April, Maryland lawmakers voted to count prison inmates at their home addresses, instead of where they're incarcerated, for state and local legislative redistricting purposes.

New York lawmakers followed suit in August.

And what does this have to do with anything down here in the middle of Illinois?

Exactly nothing. Yet.

Prison-based gerrymandering is a touchy topic down here. I know, I know, it's tough to wrap the brain around the phrase. How do you gerrymander with a prison?

Easy. State and local lawmakers do it all the time all around the country. But it really breaks down how democracy works, probably as much, if not more, than who turns out to vote and the obscene amounts of money candidates raise and spend to influence how voters vote. That's why Maryland and New York gave prison-based gerrymandering the political death sentence.

Illinois?

Let's just say Democrats get to decide, as they did in Maryland and New York. But here, Democrats benefit as much from the current arrangement as Republicans.

For all the bluster about how Chicago's political clout governs much of what happens in the state, downstaters — both Democrats and Republicans — are reluctant to talk about the political advantages of counting prisoners where they're confined (mostly downstate) instead of their last address (mostly Chicago).

Take the 91st legislative district. Long-time Democratic incumbent Mike Smith and Republican challenger Mike Unes fought it out in one of the most costly and closely watched races in the state. Unes ultimately won by almost 2,800 votes.

The district's boundary lines, which run through parts of Fulton, Tazewell and Peoria counties, include Illinois River Correctional Center in Canton and the federal prison in Pekin. Conservatively, the combined population at the two prisons is about 3,000 inmates. According to the U.S. Census Bureau, they're more than just inmates. They're residents of the 91st District. And when it comes to using Census figures to draw legisla-

tive boundaries, state lawmakers agree.

They are residents who don't have the right to vote for the candidate of their choice in their residential district. They are residents with issues a candidate can conveniently ignore when it comes to constituent services. But without them, the 91st District, as we know it, wouldn't meet the population requirements to be a state legislative district.

In a report released earlier this year, the Massachusetts-based think tank and advocacy group Prison Policy Initiative found 11 state legislative districts that relied on the prison population to pad overall population figures to make their numbers equal to every other legislative district in the state. Equal population size happens to be a legal requirement for

legislative districts. The 91st District happens to have the most prison inmates counted in its total population figures.

At the time of the analysis, the other 10 districts happened to have equal numbers of Democratic and Republican representatives.

The state has about 50,000 men and women in prison.

Though most of the state's prisons are downstate, most of the state's prison inmates are from the Chicago area. Most of them will return to the Chicago area in less than two years. Counting prison inmates where they're confined rather than where they live means Chicago basically exports political power to prison-padded districts downstate.

We ought to be a bit more grateful to Chicago down here. Especially with a round of legislative redistricting on the horizon and downstate potentially in line to lose yet another Illinois House seat because population hasn't kept up with the competition.

Except it's not fair. Not to the prison inmates who can't vote. Not to voters in districts that don't have prisons. Not to basic democratic principles.

And it definitely doesn't provide much political incentive to pass reforms that would reduce the more than \$1 billion annually the state spends on prisons.



PAM  
ADAMS

# INDIANA

**PRISON**  
POLICY INITIATIVE



“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Wednesday, May 16, 2012

Page editor: Max Jones, (812) 231-4336

## TRIBUNE-STAR EDITORIAL

# Correcting the prison imbalance

## Council made right move on districts

Terre Haute will no longer count federal prisoners when the city slices its population into six equal City Council districts. That decision by the City Council last week to remove the inmates at the Terre Haute Federal Correctional Complex from the council district mathematical formula may not make waves, but it makes sense.

The one-person, one-vote concept is the bedrock of the constitutionally guided U.S. electoral process. The council's unanimous vote to leave the penitentiary population out of the district division formula solidifies Terre Haute's compliance with the promise of equal access to government representation under the U.S. Constitution. The action corrects an imbalance.

The need to fix the imbalance became apparent during the past decade, and was illuminated by the 2010 U.S. Census process. After every decennial census, national, state and local legislative bodies reconfigure their districts, based on the updated population count. The Constitution and subsequent Supreme Court rulings call for each entity's districts to contain roughly the same number of citizens. The system gives each person's vote equal weight and their representatives equal influence in the affairs of government.

Terre Haute's numbers are skewed, though. Each of its six City Council districts contain approximately 9,500 residents under maps drawn after the 2000 Census. But in District 1, nearly one-third of its residents are men incarcerated in the federal prison. Those 3,200 inmates are not eligible to vote. Thus, the remaining 6,300 free residents of

District 1 have greater access to their City Council representative – and more heavily weighted votes – than the 9,500 residents in each of the other five districts.

The problem grew, literally, in 2005. That year, the penitentiary complex added a third facility, nearly doubling the overall inmate population from 1,700 to 3,200. The prison lies entirely within District 1, meaning one-third of the district consisted of federal prisoners who cannot vote in the city elections.

Terre Haute's prison-influenced imbalance was one of the nation's most extreme cases, according to Peter Wagner, executive director of the nonpartisan Prison Policy Initiative in East Hampton, Mass. Wagner commented and offered expertise on the local situation several times in response to a series of Tribune-Star columns and reports. In reaction to last week's decision, Wagner said, “I think it's great news that the Terre

Haute City Council is going to avoid prison-based gerrymandering and give every resident of the city the same access to government, regardless of whether they live next to the federal prison.”

The city Legal Department will now draft new council boundaries, using the 2010 Census figures. The City Council would then vote on those revised borders. New districts must be in place by the end of this year. By removing the inmate count from the council district determinations, the city will still be able to include those prisoners in the overall population total. Under the Constitution, the decennial census counts inmates as residents of the prison town, rather than their hometowns.

Though the situation did not involve heated public debate, it needed to be addressed. One-person, one-vote should not just be a concept; it should be reality.



## Council removes prisoners from legislative district

BY ARTHUR FOULKES  
TRIBUNE-STAR

Terre Haute is joining hundreds of other communities with big prison populations by voting to remove those prisoners when drawing legislative districts.

At the urging of the city's legal department, the City Council voted unanimously Thursday evening to exclude the approximately 3,200 federal inmates in the city from being counted when officials draw new city council district boundaries this year. The move will allow each district to have approximately the same number of eligible voters, a redistricting priority.

Inmates in the federal prison cannot vote, so their prior inclusion in District 1 meant that approximately one-third of the residents of

that district were ineligible to cast ballots.

"I think it's great news that the Terre Haute City Council is going to avoid prison-based gerrymandering and give every resident of the city the same access to government regardless of whether they live next to the federal prison," said Peter Wagner, executive director of the Prison Policy Initiative, a Massachusetts-based nonprofit that has worked to remove prison populations from legislative districts around the country during the past decade.

The problem posed by non-voting prison populations in legislative districts has become larger as prison populations in the U.S. have grown, Wagner said. The U.S. prison population has grown

from fewer than 200,000 in 1970 to 1.6 million in 2010, he noted.

In drawing the city's six legislative districts this year, city officials will aim to have about 9,500 residents in each district. The removal of the 3,200 prisoners will bring the population of District 1 to about 8,100, city officials said last month.

While officials in the Terre Haute Legal Department will draft new council boundaries this year, it will be up to the City Council to approve those districts. New districts must be drawn according to 2010 census figures by the end of this year.

Reporter Arthur Foulkes can be reached at (812) 231-4232 or [arthur.foulkes@tribstar.com](mailto:arthur.foulkes@tribstar.com).





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# Tribune Star

WEDNESDAY, APRIL 11, 2012

SERVING TERRE HAUTE AND THE WABASH VALLEY

75¢ NEWSSTAND

## Prison part of redistricting considerations

BY ARTHUR FOULKES  
TRIBUNE-STAR

Terre Haute's City Council districts may soon be changing shape.

This year, the law requires the City Council to officially set new district boundaries in response to new U.S. Census population figures.

On Thursday at 5:30 p.m., officials from the city's legal department will be briefing members of the Terre Haute City Council in a special meeting on what to expect as they draft new boundaries this year. Most of the council members are new to the body since the last redistricting in 2002 and have not been through the process before, city officials noted.

"It's really just going to be educational," said Stephannie Gambill, paralegal in the city's legal department. She and City Attorney Chouil Lee will explain to council members what to expect as the redistricting process moves forward this year, she said.

Before the city's legal department can begin working on drafting new proposed district boundaries, one critical question must be answered: Will the city's council districts include inmates at the Terre Haute federal penitentiary or not?

Currently, the approximately 3,200 inmates at the federal prison, who are not permitted to vote, make up part of the city's 1st City Council District. That means that about one-third of District 1's population is shut out of the political process, effectively giving extra representation to the free population of District 1 compared to the city's other districts.

Terre Haute is not alone in facing this problem and many communities have taken steps to remove inmate populations from their representative districts, said Peter Wagner, executive director of the Prison Policy Initiative.

"Generally, legislators almost always conclude it doesn't make sense to give some people more representation than others,"

Wagner said. He would like to see Terre Haute follow suite and remove the inmate population from the city's population for purposes of redistricting.

The law requires that the population of city council districts be approximately equal. This year, the "ideal" district population will be 9,587, Gambill said.

As part of Thursday night's presentation, city legal officials plan to "discuss the prison population, that it skews the voting population," Gambill said.

"It's totally a puzzle game," Gambill said of the redistricting process, noting that she and other legal department officials do not take politics into account as they draft potential boundaries for council approval.

"We're not looking at registered voters or voting history numbers or how voter turnout has been in the past," Gambill said. "That's what politicians look at. We only, solely, consider Census numbers."

*Arthur Foulkes can be reached at (812) 231-4232 or [arthur.foulkes@tribstar.com](mailto:arthur.foulkes@tribstar.com).*





# The Star Press

MONDAY, APRIL 11, 2011 \*\*

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## Inmate population complicates Henry Co. Council

Including the inmates in redistricting efforts could result in disproportionate representation in Council District 4

By **NICK WERNER**  
nwerner@muncie.gannett.com

**NEW CASTLE** — Prairie Township in Henry County has experienced a population explosion since the 2000 Census, and authorities there must decide how to balance government representation accordingly.

The problem is that the population growth happened behind concrete walls and razor wire among men who are legally prevented from voting.

Since the New Castle Correctional Facility opened in 2002, it has brought around 2,500 new residents to Henry County and Prairie Township. The township's population expanded from 3,317 in 2000 to 5,517 in 2010, and the prisoners, identified as local residents under the Census, accounted for all of that growth.

"With the injection of prisoners into Prairie Township, that does distort things," said Henry County Councilman Nate LaMar, who represents Prairie and seven other townships in District 4.

Government watchdogs argue that prisoners should not be counted in the redistricting of political boundary lines. Attorney Peter Wagner, executive director of the nonprofit Prison Policy Initiative in Massachusetts, said democracy suffers when prisoners are counted in redistricting, because it artificially inflates political power in one district while diluting it elsewhere.

Wagner calls this disproportionate representation "prison-based gerrymandering," though he pointed out it is as often the result of inattention as it is trickery.

In an extreme example, in Anamosa, Iowa, one city council ward had 1,321 prisoners and 58 actual constituents. Those 58 constituents, therefore, held 25 times the political influence of constituents in the other three wards.

See **INMATES**, Page 2A

# Inmates

Continued from 1A

The situation is not quite as dramatic in Henry County.

If prisoners are included in redistricting efforts, about 20 percent of Lamar's constituency would be behind bars.

"Are there districts that are 80, 90, 95 percent? Yes. But 20 percent is still a big deal," Wagner said.

As of last week, the Henry County commissioners, who are responsible for county council redistricting, had not decided whether to count the prisoners when they draw new boundary lines.

"It's something we would have to look at," Commissioner Bill Cronk said. "I'd have to talk to some other people and other counties and even the secretary of state."

With the nationwide growth in prisons and

prison populations, Henry County has company in its redistricting conundrum. According to Wagner, at least 118 communities have new or substantially increased prisons since the 2000 Census.

Indiana's prison communities have traditionally included the inmates in their redistricting. Sullivan County, for example, has a county council district with 39 percent of its population in the Wabash Valley Correctional Facility. Perry County has a county council district with 27 percent of its population behind the bars of Branchville Correctional Facility.

LaMar speculated the commissioners would move Jefferson Township into neighboring District 3 to counterbalance the population growth in District 4.

"It would make it easier for me to campaign in a smaller district," LaMar

said. "But I certainly regret losing any of my district."

LaMar said he believed the inmates legally had to be included in redistricting efforts, and worried that not including the inmates might constitute a civil rights violation.

But according to Wagner, Delaware, Maryland and New York have all passed legislation putting procedures in place to count inmates at their home addresses for state and local redistricting purposes. Furthermore, 100 local governments have implemented solutions on their own, he said.

"It's absolutely up to the discretion of local government," he said.

Redistricting in Henry

County government would have to be finished by 2014, when the next elections are for council districts.

District 2 council member Robin Reno-Fleming told The Star Press she hadn't thought about whether prisoners should be counted in redistricting efforts and hadn't formed an opinion yet. Efforts to reach Steven Dugger, District 3, and Richard Bouslog, District 1, were unsuccessful.

The prison situation does not affect Henry County commissioners because they represent a geographic area, not based on population, and are elected at large.

Contact reporter Nick Werner at 213-5832.



# PERSPECTIVES

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Sunday, February 13, 2011

Editorial page editor: Max Jones, (812) 231-4336 or max.jones@tribstar.com

Page editor: Zach Taylor

## OUTTA HERE

Community effort needed to reverse drop in under-18 population

Vigo County needs an exodus czar. Not the biblical Exodus. Instead, this exodus (lower-case e) refers to the departure of young people from this community, as revealed in the newly released 2010 Census figures. An independent czar – and who wouldn't want that title? – could study the problem, develop a strategy and coordinate its execution with city and county officials as well as economic development and business leaders. That person could be a retired college prof or CEO. Teams of students from the five local colleges could assist in the research. With so many energetic, progressive organizations here – from the campuses to civic groups, Terre Haute Ministries and others – the community could mount a full-scale attack on a trend threatening its future.

~~In the past decade, many families have left the county to live elsewhere.~~

The numbers, closely analyzed, reveal the frustrating reality. At first glance, the Census Bureau statistics look pretty good. Vigo County's population grew 1.9 percent to 107,848 in the 2010 count, up from 105,848 in 2000. Likewise, Terre Haute's population jumped by 2 percent to 60,785 in the latest census, compared to 59,614 in 2000.



MARK  
BENNETT

TRIBUNE-STAR

► Turn to BENNETT, D6

# Bennett: Vigo County School Corp. enrollment dropped

► Continued from D1

But those increases contain an asterisk. Most of the growth can be attributed to the expansion of the Federal Correctional Complex and the additional inmates it now houses. (In the census, federal prison inmates count as residents of the community where they're incarcerated.) In 2000, the local penitentiary held 1,764 prisoners at maximum- and minimum-security structures. A third facility was added in 2004. Thus, by Census Day 2010, Terre Haute's federal inmate population had grown to 3,251, according to U.S. Bureau of Prisons statistics gathered by Peter Wagner of the Massachusetts-based Prison Policy Initiative.

So, the non-federal-inmate population of Vigo County rose only slightly (from 103,915 free residents to 104,597) from 2000 to 2010.

And, the non-federal-inmate population of Terre Haute (the prison is within the city limits) dropped in the past decade, from 57,850 to 57,534.

The extra inmates also show up in the most troubling stats in the community's preliminary census profile. (The Census Bureau will release more detailed information this spring and summer.) The number of Vigo County residents 18 years of age and older climbed by 3,167 people (or 3.9 percent) between 2000 and 2010. Terre Haute's over-18 crowd grew by 1,757 people (which would include the additional 1,487 federal prisoners).

By contrast, the county's under-18 population decreased by 1,167 youths (or 4.8 percent) from 2000 to 2010. The city's kid total dropped by 586 in the same timespan.

Last fall, the Vigo County School Corp. announced that its enrollment had dropped by 208 students from the previous year. In 2007-08, the district had 16,184 students in grades K-12; in 2008-09, it was 16,041; in 2010-11, it's fallen to 15,780. The corporation usually receives between \$5,000 and \$6,000 per student in state funding, so resources dwindle. Those vacant desks and chairs and lockers also represent the lost talents and potential

contributions of the students and their families.

Birth and death rates apparently aren't to blame. Baby announcements outnumbered funerals by 212 in 2008, and by 400 the year before, according to the Indiana Business Research Center.

The primary culprit – plant closings throughout the decade, especially recession-era shutdowns such as Pfizer.

"It's very likely that, with the loss of jobs, the area around Terre Haute lost families or people of family-formation ages," said Carol Rogers, deputy director of the IBRC.

"They had to go elsewhere to look for work," Rogers speculated.

The community isn't alone. Sixty-nine of Indiana's 92 counties lost population in the under-18 age group, said Matt Kinghorn, demographer for the IBRC. Some counties experienced far worse, double-digit percentage drops, including Posey, Blackford, Newton, Grant and Delaware. Relative to those places, Vigo County has fared decently. Kid populations shrank in neighboring Clay and Vermillion counties by 7.1 and 6.2 percent, respectively.

Hot spots around the state, though, saw growth in their school-age population. Those included "the usual suspects," as Kinghorn put it – Hamilton, Hendricks and Hancock counties in the affluent Indianapolis suburbs – but also Tippecanoe County (home of Purdue University), Monroe County (home of Indiana University) and the suburbs of Louisville, Ky., and Evansville. (Statewide, the under-18 population rose 2.2 percent.)

How can Vigo County join that hot spot list? Well, there's the natural way, which puts a lot of pressure on young couples to up their family sizes to three or four kids. "In most places in Indiana, we're not seeing that kind of reproduction," Rogers said.

The other option is to focus on being a hub for jobs (which the mayor, county commissioners and economic development folks already are busy doing), and on being a family-friendly community and trying to attract young people, Rogers added. An exodus czar (or

"growth czar" if that sounds more positive) and a coalition of students, volunteers and churches could help local officials with the latter task.

The czar would decide what Vigo County needs (along with the obvious, jobs) to recruit young families to come here, and how to keep more graduates of Indiana State University, Rose-Hulman and St. Mary-of-the-Woods. Then, by the 2020 Census, the exodus czar can retire – preferably here in Terre Haute, not Florida or Arizona.

*Mark Bennett can be reached at (812) 231-4377 or mark.bennett@tribstar.com.*

# IOWA

**PRISON**  
POLICY INITIATIVE

## ***Prisons and City Elections***

Iowa Public Radio, November 3, 2009. Listen: [mp3](#)  
Transcript by the Prison Policy Initiative.



**Reporter Joyce Russell:**

Fifty-four year old Danny Young is a backhoe operator for Jones County. He got elected to City Council four years ago even though he never meant to run.

**Danny Young:**

I was elected with write-ins and there was just nobody running from this area, so... and there was only two write-ins for me.

**Joyce Russell:**

Getting elected that way isn't that unusual for small-town Iowa where it's sometimes hard to recruit candidates for city office.

But in Anamosa's Ward 2 it was extra hard. There were hardly any people, only about 140 who weren't inmates at the state prison. So starting today, Anamosa abandons the ward system.

Instead, every city council member will be elected at large to represent the entire town. That's drawing praise from good government advocates across the country.

Anamosa city administrator, Patrick Callahan, says since convicted felons in the prison can't vote, under the old system, at least on paper, the residents of Ward 2 got better representation than everybody else.

**Patrick Callahan:**

You only have a small pool of 140 people who have a vote on the city council. Whereas the rest of the wards, it's over 1,400 people for one vote on the city council. So you do not have the 'one man, one vote' principle that you normally strive to achieve.

**Joyce Russell:**

That 'one man one vote' principle is important for the Massachusetts-based Prison Policy Initiative. Director Peter Wagner says they've been keeping an eye on Anamosa.

**Peter Wagner:**

Anamosa is one of the most important examples of prison-based gerrymandering in the country because it had a district that was almost entirely prisoners.

**Joyce Russell:**

Or by his math, 95% of the residents of Ward 2 are prisoners, the highest such percentage in the nation. Wagner says a similar disparity exists in Clarinda, Iowa. He says in the ward where the state prison is located, almost 60% of constituents are in jail.

A receptionist at Clarinda City Hall says there have been some discussions of the issue there, but in her words, "It hasn't been a problem."

Wagner explains that while the Census Bureau counts prisoners where they're jailed, cities, counties, and states have the authority to count them instead where they lived before they were convicted. He says dozens of local jurisdictions around the country have made that change, and several states have legislation pending to do the same for legislative districts. If that ever happened in Iowa, State Senate Gene Fraise would feel the heat.



His district, 46, in southeast Iowa includes two state prisons, at Mt. Pleasant and Ft. Madison, so more than 2000 of his 53,000 constituents are inmates, or roughly 4%. That's just fine with him.

**Gene Fraise:**

Yeah, I like it the way it is. [laughs] I like those numbers, and it keeps my district smaller.

**Joyce Russell:**

Meaning that if those inmates were no longer counted in his district, the geographical size of the district would have to grow to pick up more residents to keep the number of his constituents roughly equal to that of other senate districts.

Reformers admit that the change would mean less representation for rural areas where most prisons are built. Senator Fraise says he's not aware of any discussions among majority Democrats to change the system.

Meanwhile back in Anamosa, Danny Young says he won't be running for re-election for one of the at-large seats. After all, he says, remember, he ... didn't choose the job 4 years ago but got elected with write-ins. He says that could happen again, though.

**Danny Young:**

I still have people saying they are going to vote me in. So I guess I haven't totally ruled it out.

**Joyce Russell:**

And he says if he's elected at large it won't be that much different than being a ward councilman. He says in such a small town he always felt he was representing the whole town anyway.

I'm Joyce Russell, Iowa Public Radio News.

# The New York Times

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## That's Two for Me

We've all heard of close elections. But consider the strange (and outrageous) case of the 2006 City Council election in Anamosa, Iowa.

According to census figures, Anamosa's Ward 2 has nearly 1,400 residents, about the same as the town's other three wards. The problem is that 1,300 of the ward's "residents" are inmates of the Anamosa State Penitentiary. Minus the prisoners, Ward 2 has only 58 actual residents. A councilman won his election to represent the ward with two write-in votes: one from his wife and one from a neighbor.

While Anamosa's case is extreme, the phenomenon is not. It is called prison-based gerrymandering when politicians draw legislative districts around prisons and count inmates — who are denied the vote in all but two states — as residents.

At the state level, prison-based gerrymandering exaggerates the political power of the mainly rural districts where prisons are built. And it dilutes the power of the

mainly urban districts where inmates come from and to which they nearly always return. But as the Anamosa case shows, this kind of gerrymandering is also a problem within cities and towns.

Anamosa's voters were so outraged that they have passed a referendum that will require its City Council members to be elected at large beginning in 2009. And other states and localities are beginning to wake up to the problem. But a study by the Prison Policy Initiative, an advocacy group, has found 21 counties across the nation where at least one in five people counted as residents were actually prison inmates.

The ideal solution would be for the United States Census Bureau to count prison inmates, not as residents of prisons, but at their actual home addresses. Until the bureau gets around to that, state and local lawmakers should make sure that prisoners are excluded from the population counts when legislative districts are drawn. The current arrangement undermines the most basic democratic principle of one person, one vote.



# The New York Times

FRIDAY, OCTOBER 24, 2008

## Census Bureau's Counting of Prisoners Benefits Some Rural Voting Districts

By SAM ROBERTS

Danny R. Young, a 53-year-old backhoe operator for Jones County in eastern Iowa, was elected to the Anamosa City Council with a total of two votes — both write-ins, from his wife and a neighbor.

While the Census Bureau says Mr. Young's ward has roughly the same population as the city's three others, or about 1,400 people, his constituents wield about 25 times more political clout.

That is because his ward includes 1,300 inmates housed in Iowa's largest penitentiary — none of whom can vote. Only 58 of the people who live in Ward 2 are nonprisoners. That discrepancy has made Anamosa a symbol for a national campaign to change the way the Census Bureau counts prison inmates.

"Do I consider them my constituents?" Mr. Young said of the inmates who constitute an overwhelming majority of the ward's population. "They don't vote, so,

I guess, not really."

Concerns about so-called prison-based gerrymandering have grown as the number of inmates around the nation has ballooned. Similar disparities have been identified in upstate New York, Tennessee and Wisconsin.

Critics say the census should count prisoners in the district where they lived before they were incarcerated.

"The Census Bureau may count prisoners in the wrong place, but that doesn't mean that democracy must suffer there as a result," said Peter Wagner, executive director of the Prison Policy Initiative, an advocacy group that favors alternatives to prison sentences and urges that inmates be counted in their hometowns.

In 2006, experts commissioned by the Census Bureau recommended that the agency study whether prison inmates should be counted in 2010 as residents of the mostly urban neighborhoods where they last lived rather than

as residents of the mostly rural districts where they are temporarily housed against their will.

Any such change would probably require Congressional approval. It could benefit Democrats, since it would add population to the party's urban strongholds and subtract from the Republican-dominated rural areas where most prisons are.

"With only one exception nationwide," Mr. Wagner said, "every time a community learns that prison populations are distorting their access to local government, the legislature has reversed course and redrawn districts based on actual population, not the Census Bureau's mistakes."

The sole exception he cited is St. Lawrence County in upstate New York. Each legislator on the county board represents about 7,500 residents, Tedra L. Cobb, the board's vice chairwoman, said, but in two districts well over 1,000 of those residents are prison inmates. Ms. Cobb hopes to place

*In one Iowa district of 1,400 people, 1,300 are inmates.*

a referendum on the ballot to change the apportionment process before the 2010 elections.

"The outcome is almost like weighted voting," Ms. Cobb said.

Pending legislation in New York would require the state to use prisoners' home addresses in apportioning legislative districts.

"In New York and several other states, the regional transfer of a minority population does have a representational impact," said Prof. Nathan Persily, director of the Center on Law and Politics at Columbia Law School. "There's no reason why a community ought to gain representation because of a large, incarcerated, nonvoting population."

Prof. James A. Gardner of the University at Buffalo Law School, said that because "prisoners don't want to be there, leave at the first opportunity, and there's no chance they can vote, it is taking advantage of a completely inert population for the purpose of sneaking out extra political power."

The Prison Policy Initiative found 21 counties across the country where at least one in five people, according to the Census Bureau's count, were actually inmates from another county.

In Lake County, Tenn., Mr. Wagner said, 88 percent of the population in one county commissioner district are prisoners at the Northwest Correctional Complex. In Chippewa County, Wis., he said, redrawing the districts of local supervisors on the basis of an influx of inmates to new prisons this decade would create one district in which 72 percent of the population would be prisoners.

Anamosa, population 5,700, is

best known as Iowa's pumpkin capital, the birthplace of the artist Grant Wood and the home of the American Motorcycle Museum. It is also the home of the Anamosa State Penitentiary, in Ward 2, where more than 95 percent of the population is in prison, according to the census.

Bertha Finn, a 76-year-old retired writer and court clerk, was instrumental in organizing a referendum last year to allow for the election of council members at large, rather than from wards.

Patrick Callahan, the city administrator, said the change would take effect in November 2009. Councilman Young said he was undecided on whether to seek re-election to the seat that he won, more or less, by default.

"The people of Anamosa have the right idea," Mr. Wagner said. "A small group of people should not be allowed to dominate government just because the Census Bureau counted a large prison there."

# MAINE

**PRISON**  
POLICY INITIATIVE

# The Herald Gazette

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VOLUME 2, NUMBER 9 | SIXTEEN PAGES - \$1.00 | TUESDAY, JANUARY 20, 2009

## Policy initiative questions balance of power in RSU 13

By Shlomit Auciello  
[sauciello@villagesoup.com](mailto:sauciello@villagesoup.com)

NORTHAMPTON, MASS. — An organization that analyzes the impact of prisons on communities has sided with a St. George School Board member who claims the distribution of voting power on the new Regional School Unit 13 board is unconstitutional.

For some local public officials, however, the claims are not very weighty.

After St. George School Board member Josiah Wilson raised objections to the formula used for determining representation to the new RSU 13 board last month, his story was discovered by Peter Wagner, executive director of the Prison Policy Initiative.

The Northampton, Mass., nonprofit documents the impact of mass incarceration on individuals, communities and the national welfare. Wagner's report, released Jan. 14, suggests that the U.S. Census policy that calls for the inclusion of prisoners in the count for the localities where they are incarcerated, rather than the communities where they vote and maintain homes, is harmful

to democracy.

"Phantom Constituents in Maine's Regional School Unit 13: How the Census Bureau's outdated method of counting prisoners harms democracy" is the result of Wagner's research into the effect of a discrepancy between the 2000 Census (and the resulting numbers used for vote apportionment for the RSU 13 board), and the actual population of the town of Thomaston.

"Under federal law, each resident of a community must have the same access to government," the report states. Wagner goes on to describe the court decisions of the 1960s and 1970s that led to what is called the One Person One Vote Rule and the processes that the federal government, states and municipalities use to determine districts for fair voter apportionment.

"Instead of drawing districts, smaller governments like that of Regional School Unit 13 often use other methods to comply with One Person One Vote," the report states. "The school district chose to use a system of weighted voting, where each town elects one or more members to the school

## • RSU 13

from page A1

board, and each member exercises influence in proportion to the population they represent."

Wilson's complaint, which he filed in the form of a letter to Maine Commissioner of Education Susan Gendron in late December, is based on a discrepancy in census numbers for the town of Thomaston, used by the regionalization planning committee, that included more than 400 prisoners at the Maine State Prison who are no longer in residence now that the prison in that town has been closed.

David Connerty-Marin is a spokesman for the Department of Education. He said Dec. 19 that as far as the department is concerned the plan submitted for RSU 13 was done according to requirements, and the different population numbers would not call for a shift in the number of representatives for any of the RSU's towns as long as that plan is in place.

Wagner claims this takes votes away from the residents of the other five towns in the district, since the votes were not weighted on the basis of the actual population of the town of Thomaston.

"The current system gives every group of 10 residents of Thomaston the same power over school district decisions as 11 residents in the other towns," his report states.

"About 11 percent of the population used to determine Thomaston's weighted votes on the school board is actually people who used to be incarcerated at the Maine State Prison," the report states. "The designers of the school board's weighted voting system have given every group of 10 residents of Thomaston the same power over school district decisions as

each group of 11 residents in the other towns."

Wagner suggests in his report, and throughout the Prison Policy Initiative Web site, that even if the prisoners were still housed in Thomaston their numbers should not be used for determining board representation, and Maine law seems to back him up.

According to the section on residence for voting purposes (21-A M.R.S. § 112) the statute says, "A person does not gain or lose a residence solely because of the person's presence or absence ... while kept in any institution at public expense."

Wagner said the law that has prisoners in the Pine Tree State vote by absentee ballot in their home communities, and Thomaston's subtraction of the prison population when calculating the population of the town after the 2000 Census, are evidence that the regionalization planning committee got it wrong.

"The current weighted voting system violates the U.S. Constitution," the report states. It offers tables to illustrate the current apportionment method and two possible solutions to the problem.

"Any other action will come at the expense of the almost 15,000 residents who do not live in Thomaston," the report states.

Thomaston Town Manager Valmore Blastow Jr. said Jan. 14 that Wagner's report is "much ado about nothing."

"The Census is just as accurate a count as possible of population with some variable of error," he said. Changing the vote apportionment methods for RSU 13 wouldn't alter the outcome in any significant way, he said.

Wagner's Table 1 shows 73 votes for each of Thomaston's three directors, and the proposed methods in Tables 2 and 3 end up giving the directors 67 votes each. Overall, Blastow

said, a change in method would only mean a difference of 18 out of a possible 1,008 apportioned votes. "It's the number of directors, not this supposed constitutional challenge, that has merit in an outcome," he said.

Julie Flynn agrees. Flynn is deputy secretary of state at the Maine Bureau of Corporations, Elections and Commissions.

Flynn said Jan. 14 that the Census is the basis of state and federal legislative districts and that it would be impractical to recalculate the numbers when they change between the 10-year Census periods.

She said she was uncomfortable commenting on the specifics of the RSU 13 situation because her department has no jurisdiction over municipal or school district elections. "The easier way would have been to change the school district rules," she said.

One alternative she mentioned was used in Harpswell, where every voter in the district can vote for any candidate district-wide. "That's how you do it in an unapportioned way," Flynn said. In this scenario, all board members are considered to be at-large representatives of the entire district.

While the distribution of numbers in RSU 13 means that changing the method in this case would not significantly alter the outcome, in communities such as Orono, where University of Maine students swell the Census count, or Warren, where the 2010 Census will include approximately 900 inmates of the state prison system, the differences may matter more.

For RSU 13, the decision whether to change the method by which each voter in the six towns receives representation will rest with the board that is elected on Tuesday, Jan. 20.

Wagner's report can be found at [prisonersofthecensus.org/maine](http://prisonersofthecensus.org/maine).

# MARYLAND

**PRISON**  
POLICY INITIATIVE





## Inmates to play new redistricting role

### Maryland law changes way federal, state prisoners are counted

By LIAM FARRELL  
Staff Writer

A new law will play a role in the pending redistricting of Anne Arundel County and the rest of Maryland by changing the way prisoners in state and federal institutions are counted.

The law, passed in the recent General Assembly session and set to take effect Oct. 1, will exclude individuals who were not state residents prior to their incarceration in state or federal correctional institutions from the population numbers used to create congressional, state, county and municipal legislative districts.

It also requires prisoners to be counted as residents of their last known address, rather than

lumped into the areas — such as Jessup in Anne Arundel County — where the facilities are located. Under current U.S. Census Bureau guidelines, prisoners are counted where they are at the time of a census interview.

Del. Joseline Pena-Melnyk, D-College Park, the House sponsor of the bill, said the new law is meant “to create equality among the districts in Maryland,” prevent nonvoting prisoners from inflating a district’s size, and reflect the number of released inmates who go back to their homes.

“(Past law) exaggerates the power of those districts,” she said.

The initiative, which came out of discussions in the Legislative Black Caucus, was spurred by the experience of Somerset County. No African-American has ever been elected or appointed as a county commissioner there even though 42 percent of the county’s population is black and a 1986 voting rights

settlement was supposed to create a “majority-minority” district.

In a January letter to the attorney general, the caucus said this is caused by the inclusion of the Eastern Correctional Institution in that district, undermining the power of the minorities who can actually vote.

Maryland is set to go through another redistricting process following the completion of the 2010 census. According to the state Department of Legislative Services, the target population for a General Assembly legislative district is expected to increase from about 113,000 to 120,000 people.

That means a district could shift if it loses inmates and hasn’t seen a corresponding amount of new residents. There are about 5,000 inmates in six state correctional facilities in Jessup, with five of them in Anne Arundel County, according to Mark Vernarelli, a

(See INMATES, Page A8)

## INMATES

(Continued from Page A5)

spokesman for the state Department of Public Safety and Correctional Services. The state is in the process of creating a database of prisoners’ previous addresses, he said.

Councilman Daryl Jones, D-Severn, represents the Jessup area and anticipates it is unlikely his district will be greatly affected since the area has experienced population increases as well. In addition, the new law will only affect district lines and not any counts used for funding purposes.

“On average, there is probably no real loss,” he said.

Pena-Melnyk and other District 21 state representatives — Del. Ben Barnes,

Del. Barbara Frush and Sen. Jim Rosapepe, all Democrats who voted for the bill, too — conceivably could lose ground because their district includes Jessup as well.

Pena-Melnyk believes the importance of equity overrides any parochial interest.

“It doesn’t matter,” she said. “To me, it is just a fair way to count.”

Some opponents of the bill, such as lawmakers in western Maryland, have criticized it as an attempt by urban politicians to shore up their own declining districts and contend inmates still use community resources near the prisons, like hospitals.

House Minority Whip Christopher Shank, R-Washington, said inmates in western Maryland often have sentences stretching into decades.

“It is a blatant power grab

from Democrats ... to bolster their population numbers,” he said. “(Inmates) are in there for a long time.”

Shank, who has thousands of prisoners in his area, said there also is a danger in “slicing and dicing” rural districts to the point where some counties don’t have representation from a resident.

“That would split up a community,” he said.

But Sen. Catherine Pugh, D-Baltimore City, the Senate sponsor of the bill, disagreed with those comments and said every taxpayer in the state bears the cost of prisoners. Inmates don’t use the parks, schools or roads where they are incarcerated, she said.

“It is not a power grab,” Pugh said. “It was the right thing to do.”

[lfarrell@capitalgazette.com](mailto:lfarrell@capitalgazette.com)

# VOICES

A6 | [www.DelmarvaNow.com](http://www.DelmarvaNow.com)

## THE DAILY TIMES

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### CHEERS

#### Victory for fairness



Maryland's new "No Representation Without Population Act" requires that inmate populations be counted by the U.S. Census, but not in the district where the prison is located.

Instead, those inmates will be counted in the populations of their home districts — but with an important caveat: this exclusion is only for the purpose of establishing election districts. Somerset County will benefit from this new law; ideally this would happen through election of Somerset's first-ever black member to the County Commissioners. Since inmates are not eligible to vote while incarcerated, the roughly 73 percent black inmate population at Eastern Correctional Institution in Somerset County skewed demographics, rendering the court-ordered minority district in which it is located unable to elect a black commissioner. Perhaps now Somerset County's governing body will begin to more accurately represent the county's 42 percent African-American population.

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THE DAILY TIMES

Saturday, April 17, 2010



# THE DAILY TIMES

Friday, April 16, 2010

[ **delmarvaNOW.com** ]

Salisbury, Md. 75 cents

## Rights groups rejoice in election change

**Somerset district will no longer count inmates at Eastern Correctional Institution**

**By Liz Holland**  
Staff Writer

ANNAPOLIS — Civil rights officials are cheering the recent passage of a bill that excludes inmates in state prisons from being counted as part of local election districts.

The measure — signed into law this week by Gov. Martin O'Malley — would affect a district in Somerset County where the nonvoting, majority black population at Eastern

Correction Institution is counted as part of District 1 — considered the county's minority district.

Officials with the American Civil Liberties Union of Maryland, who co-authored the bill, have said counting inmates in that district is at the expense of local residents.

The "No Representation Without Population Act" requires prisoner populations be counted in their home districts, not where they are incarcerated.

"This new law holds great civil rights promise for Somerset County," said Kirkland Hall, president of the Somerset County branch NAACP. "We believe that with the passage of this bill, democracy will have more meaning, because counties like Somerset will finally be able to achieve elected representation that better reflects our population."

The bill will also affect election districts in Western Maryland, which is home to four state correctional facilities.

In Somerset County, which is 42 percent African-American, no black candidate has ever been elected as a County

Commissioner.

However, the new law wasn't passed in enough time for this year's election for several county seats. County officials have said they will look at redrawing the election district boundaries using data from the 2010 U.S. Census, and will be required to make any changes before the 2012 election.

The law would not apply to anyone locked up in county jails, nor would it affect federal aid to states, which uses a formula based on census numbers, because most of the inmates would still be counted as Maryland residents, ACLU officials said.

Last month, the group asked the Maryland Attorney General to exclude inmates when Somerset County redraws its election districts.

The ACLU and NAACP sent a 14-page letter to Attorney General Douglas Gansler outlining the reasons why inmates should not be counted as part of the election district.

The letter came on the heels of a report by the Somerset County Task Force on Diversity which details racial disparities in the county.

somersetthermal@dmg.gannett.com  
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# THE DAILY TIMES

Monday, April 5, 2010

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## OUR VIEW

# Fairer election districts ahead

## Bill to remove inmates from redistricting formulas passed

The Maryland House of Delegates and Senate each passed a bill this year in an effort to more fairly draw election districts to

**In summation**  
**Somerset County's minority district has never elected a minority commissioner because inmates, who cannot vote, have been counted as residents and skewed population figures. That will change when a bill passed by the state legislature is signed.**

reflect voting populations. Although the two versions must be reconciled and approved as a single version, this is encouraging news for Somerset County, which has a minority voting district for its County Commissioners that has never managed to elect an African-American

representative. This is because the population of Eastern Correctional Institution is included by the U.S. Census in the overall demographics and population of county residents.  
Including ECI's inmate population when drawing election districts creates problems. It skews the demographics of the district along racial lines; of 3,263 inmates, 74.9

percent are African-American, while the county overall has a 42 percent black population. If inmates voted, perhaps this would not matter so much, but convicted felons are not allowed to cast a ballot. Thus, counting inmates makes the black population of District 1, the court-ordered minority district, seem much higher than it is for voting purposes. Hence, although Somerset County's District 1 was created to comply possible for voters to elect a minority commissioner, this has not happened.

The bills, which would still count those inmates as county residents for purposes of federal aid to the state, would also create a formula that removed these nonvoting inmates from the numbers used to redraw election districts.

Allegations of racial disparity have been raised in the past year by the Somerset County Task Force on Diversity; the American Civil Liberties Union and National Association for the Advancement of Colored People were involved in urging passage of this legislation.

Although it's too late to make district changes before this year's elections — and assuming that these two versions of the bill are reconciled and signed into law — information from the 2010 Census would be used to redraw the county's voting districts before 2012 balloting.

It clearly does not make sense to include prison inmates who are not allowed to participate in the electoral process in the demographics used to draw election districts, in Maryland or anywhere else in the nation. Enacting this long-overdue legislation should be cause for congratulations to Maryland lawmakers.

# MICHIGAN

**PRISON**  
POLICY INITIATIVE

CENSUS DEBATE

# Counting convicts: Do it here or there?

For 216 years, the U.S. Census has been counting prison convicts by the "usual residence" rule. That is, they're counted in the place they hang their hats, eat and sleep — that is, where they are incarcerated. At Congress' directive, the Census Bureau is considering whether a change is in order. We welcome the review.

Why would anyone want prisoners counted in any other way than by the "usual residence" rule? Because the flaws of that policy are becoming apparent.

Consider how census results skew reality right here in Blackman Township. We'll frame a series of statements based on Blackman's 2000 Census data and then offer some comments:

■ Blackman's population is 22,500 — 63.2 percent male and 36.8 percent female.

■ By race, residents are 79.5 percent white and 17.2 percent black (the other 3.3 percent being other categories).

■ Per-capita income in Blackman is \$18,708. That's \$3,460 below the state average. Curiously, the only age category in which Blackman residents exceed the state average is householders under 25. Their average income is about \$3,000 more than the state average.

■ Blackman residents are poorly educated. Only 9.4 percent of its residents have a bachelor's degree, compared to the state average of 13.7 percent; and only 3.5 percent have a master's or other advanced degree, compared to 8.1 percent for the state as a whole.

Now, do these official census facts give a true profile of Blackman Township? No. They are so far from reality that it is a disservice to report them as fact. Here's why: In one way or another, the profile suggested by these "facts" is skewed because of the inclusion of inmates as part of the populace.

How many? Of Blackman's official 22,500 residents, 7,244 are listed under "institutionalized population" (the figure includes 305 nursing-home residents).

Now, a few questions: Does anyone believe that six of 10

Blackman residents are male when both the state and national averages are only 49 percent? That 17.2 percent of Blackman residents are black, when the county average is not even 8 percent? That per-capita income in Blackman is \$3,460 below the state average? Or that Blackman is such a poorly educated township?

As we peruse Blackman's census data, we can't be sure any of those results have not been skewed in one way or another by the inmate populace.

Yet Blackman officials will never complain, for the township benefits from inmates. Much of state and federal revenue sharing (what is left of it) goes to counties, cities, townships and villages based on population. Stop counting prison inmates as part of Blackman, and you have a township of only 16,000 or so.

One option for the Census Bureau is to count inmates, not where they are incarcerated, but where they lived before. We do not favor that approach because the inmates are, well, not living there and not using the services offered by their hometowns. Police and fire services, for example, are eligible for state and federal grants, based on population.

Instead, we favor another solution for prison communities such as Blackman: Since prisoners are an isolated community, isolate them within the census. Give two profiles — one including prisoners, one without them. At present, we are assured that prisoners do not skew all data, but when we dig into specifics, it is clear that no one can say with certainty which statistics can be taken at face value, and which can't.

Since taking a census is a federal task, this policy shift should be made at the federal level. It is time to stop reporting a misleading census profile of prison communities.

—The Jackson Citizen Patriot

## THE JACKSON CITIZEN PATRIOT



THURSDAY, FEBRUARY 9, 2006

(Jackson, Michigan)

# MISSOURI

**PRISON**  
POLICY INITIATIVE





Your Award-Winning Hometown Newspaper

# The Fulton Sun

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50¢

## Group argues prison populations result in unbalanced wards

By KATHERINE CUMMINS  
katherine@fultonsun.com

The Fulton City Council is set to hear and vote on a second reading of a bill that reorganizes the city's wards based on results of the 2010 U.S. Census.

Although Director of Administration Bill Johnson said it is not a concern that has ever been raised before, the Prison Policy Initiative — which, according to its website, is a "non-profit, non-partisan (group that) documents the impact of mass incarceration on individuals, communities, and the national welfare." —recently contacted The Fulton Sun to express concern that the local prison counts were included in those redistricting plans.

Peter Wagner, executive director for the initiative, said he runs a project that looks at how cities with large prisons draw their city council districts. He argued that including the prison population — even though they cannot vote and are not actual residents of the city — in ward populations lends those wards "disproportionate influence over city affairs."

"Fulton's wards have about 3,200 people each, but almost half of the second ward is incarcerated," Wagner said. "Using prison populations to pad the second ward unintentionally dilutes the votes of every other ward that has the required population."

"It's a basic fairness question, and it's an outcome question when it comes to regional issues."

That is precisely why Gregory Beavers — city administrator for Farmington, Mo., which also has a large prison population — said his city does not include the prison population when setting up its wards, even though that is how the U.S. Census Bureau presents census results.

"Our wards are set up to give equal representation, and quite simply, (the prison population) can't vote," Beavers said. "They're included in the count, but that ward is larger by approximately the population of the prison."

"There is no rational reason to include them in the ward count because it gives imbalanced representation for your citizens. The elected officials are not elected to represent the inmates."

Despite those concerns, Johnson said Fulton has always included the prison population when organizing the city's wards.

"We've never considered not counting them. They've been

counted in every redistricting attempt in the past decade," Johnson said.

*"Using prison populations to pad the second ward unintentionally dilutes the votes of every other ward that has the required population. It's a basic fairness question, and it's an outcome question when it comes to regional issues."*

—Peter Wagner, executive director of Prison Policy Initiative

Presented with Wagner and Beavers' arguments about unfair representation, Johnson responded, "that could be one point of view, I'm not going to disagree."

"Another predominant factor (when laying out wards) is the college

factor — we count students. I don't know the percentage of them that actually are registered to vote here, but we do know it is small," Johnson said, noting that Fulton's four wards all are within 1 percent of the others in terms of population, even though the law allows up to 10 percent. "No system is going to be perfect, and you're not going to get everybody to agree on one system, so we take the census at face value and draw lines based on what is provided by the census bureau."

The council is set to vote on the proposed ward adjustments at its next meeting, to be held at 6:30 p.m. Tuesday at city hall.

**NEW YORK**

**PRISON**  
POLICY INITIATIVE

# 7A Opinions

OBSERVER-DISPATCH | FRIDAY, JULY 12, 2013

## Free prisoners – from voting data

Rome needs to get rid of its prisoners in the Second Ward – at least on paper. More than two years after a state law passed requiring municipalities to account for prisoners when redrawing legislative lines, nothing has happened. The city is still counting prisoners as population, and while that might work for census purposes, it's wrong to include them when voter representation is determined.

That must change. In 2011, 2,083 of the second ward's roughly 5,000 residents were prisoners in the Oneida and Mohawk correctional facilities. But they do not vote or participate in city affairs.

The 2010 law provided two options: Either remove prisoners from the counts altogether or use new state data that reallocates them to their hometowns. Either option is fair. What's not fair is the status quo. Some believe lower numbers would affect state aid, but Peter Wagner, executive director of the nonprofit Prison Policy Initiative, says that's not so.

Rome is considering redrawing ward lines. It should exclude the prisoners. Putting them in the mix is a grave injustice to taxpaying Romans.

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ALBANY

-----X  
SENATOR ELIZABETH O'C. LITTLE, ET AL.

Index No.:2310/2011

Plaintiffs,

-against-

NEW YORK LEGISLATIVE TASK FORCE ON  
DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT,  
NEW YORK STATE DEPARTMENT OF  
CORRECTIONAL SERVICES,

**AFFIDAVIT OF  
TEDRA COBB**

Defendant(s).

-----X

STATE OF NEW YORK                    )

) ss.:

COUNTY OF ST. LAWRENCE            )

Tedra Cobb, being duly sworn, declares and states:

1. My name is Tedra Cobb, and I am over the age of eighteen.
2. I submit this Affidavit in support of my motion to intervene in the above-captioned case.
3. I have resided at 365 Townline Road, Hermon, NY 13652 since 1993. (My property line is on Townline Road of Canton, but the mail is delivered by Hermon.) Before that, I lived on County Route 25, also in Canton. I was there for three years.



4. Since 1993, I have been registered to vote at 365 Townline Road. I first registered to vote in 1990, when I first moved to Canton. I am a regular voter in town, county, state, and federal elections.
5. I live in Senate District 48, in Assembly District 118, and in the 8<sup>th</sup> District of St. Lawrence County.
6. Currently, I run a consulting firm dedicated to providing organizations with reliable, consistent and up-to-date training programs, along with other professional and development services.
7. From 2002 through 2010, I was a county legislator for District 8 in St. Lawrence County. In this capacity, I created a government review committee in which we rewrote the County Ethics Law. The previous law from 1991 did not meet the minimum requirements set by the General Municipal Law. Now, as required by the law, we have an ethics board and a new law in place. I'm proud of that achievement, because I believe in responsible government.
8. Also while acting as a local legislator, I served on the New York State Committee on Open Government. This is a local government position appointed by the Governor. In that capacity, I helped oversee implementation of the Freedom of Information Law and the Open Meetings Law. Again, these issues are important to me because I firmly believe in a transparent and accountable government. Government simply cannot function well unless elected officials are responsible to their constituents.
9. As a candidate and elected official, I developed a strong interest in the issue of redistricting and in ensuring that districts were drawn in a way that upheld the longstanding democratic principle of "one person, one vote." In St. Lawrence County,

every legislator has around 7400 people whom he or she represents. In my district – District 8 – I represented about 7400 people who all resided in the district, and who were (for the most part) eligible to vote. I had no prisons in my district, but the Ogdensburg and Gouverneur districts both include prisons. Before Part XX was passed, incarcerated persons were included in the apportionment plans, and – unlike some other counties – St. Lawrence County did not take it upon itself to remove the prison populations from its plans. In effect, then, legislators for the Ogdensburg and Gouverneur districts represented fewer than the requisite 7400 residents, because some of these people were prisoners who are not entitled to vote, do not participate in the political process, and do not interact with the community in any significant way. This system falsely inflates the numbers for some legislators, thereby giving them more power.

10. It is fundamentally unfair to include the prison populations in the upstate apportionment plans. Each legislator should be representing the same number of people who are true residents of the community and able to participate in the civic life of the community. Because the upstate counties are so rural, a legislator may represent large areas of land. Legislators in districts with prison populations do not have to travel far, or campaign widely, to secure their vote; other legislators do not get that benefit.
11. I ran for local government and became a legislator because I care about open government; I believe that government should be accountable to the people. If districts are drawn based on incarcerated populations, then legislators can be elected without real accountability to all their constituents.
12. I have heard some people say that including incarcerated persons in the apportionment bases of the prison counties should be allowed, since including student populations is

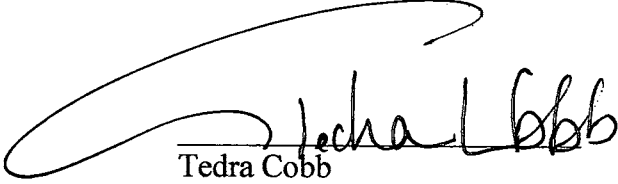
allowed. These two populations, though, are entirely different from each other. Students come here of their own accord; they are here on a voluntary basis. Prisoners do not have that same choice. Once students enroll at local universities, they can register to vote, vote, and can become quite politically active on campus. Prisoners have no such rights, and cannot vote. Students also interact with the community in ways that are legally barred to incarcerated persons. Legislators, then, are accountable to student populations, but they are not accountable to incarcerated persons.

13. I strongly supported the recent enactment of Part XX, and I agree that prisoners should be included in the apportionment bases of their home communities, rather than in the counties in which the prisons are located.
14. If the current lawsuit were successful in striking down Part XX, I would be injured insofar as how my vote is counted in my county. This issue no longer affects me as a legislator; it affects me as a voter. My district doesn't include a prison population, but two other districts in the county do include such populations. Under Part XX, St. Lawrence County finally will be required to remove non-resident prison populations from the apportionment base when drawing local districts. If the law gets struck down, and the other districts in my community go back to including incarcerated persons, my vote will get diluted; it will have less weight. I will also be affected in State Senate and Assembly elections. For example, my Senate District 48 includes incarcerated persons; Senate Districts 45 and 59, though, include several thousand more than are in my district. My Assembly District 118 also includes incarcerated persons, but Assembly District 114 includes thousands more than are in 118. Against these districts, my vote will count less.

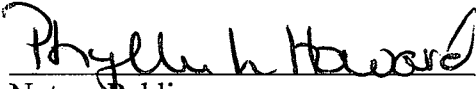
15. My interests in this litigation differ from those of the two named defendants. The New York Legislative Task Force on Demographic Research and Reapportionment (LATFOR) does not represent the interests of ordinary voters like me who are concerned about the impact of redistricting policy on the community, especially one including a prison population in the county but not in the voter's district. LATFOR is partially composed of legislators who have a vested interest in how redistricting occurs for their own districting purposes; the legislators' interests do not line up with my interest in ensuring that prisoners do not get included in the upstate counties (the counties in which the prisons are located) in order to prevent vote dilution. Furthermore, the Department of Correctional Services (DOCS) does not represent my interests either. DOCS is responsible for the confinement and habilitation of persons convicted of crimes in New York. Its mission is not to help create a more equitable districting system or to represent my interests in defending Part XX.
16. I very much care about County elections. After all, I used to be a County Legislator. County government is important because that's where some of the closer-to-home issues – the issues that affect our day-to-day lives – get decided. As a regular voter, and one who cares about the issues that affect this state, I also want my vote to have full weight in all State elections.
17. If the current lawsuit were successful in striking down Part XX, New Yorkers' votes in the State would have unequal value. It would run counter to the idea that each person's vote holds the same weight.



WHEREFORE, I respectfully request that the Court grant my motion to intervene in the above-captioned case.

  
Tedra Cobb

Sworn to before me this 9  
day of May 2011

  
Notary Public

**PHYLLIS L. HOWARD**  
Notary Public, State of New York  
No. 01HO5061068  
Qualified in St. Lawrence County  
My Commission Expires June 3, 2014

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ALBANY

-----X  
SENATOR ELIZABETH O'C. LITTLE, ET AL.

Plaintiffs,

-against-

Index No.:2310/2011

NEW YORK LEGISLATIVE TASK FORCE ON  
DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT,  
NEW YORK STATE DEPARTMENT OF  
CORRECTIONAL SERVICES,

**AFFIDAVIT OF  
GRETCHEN STEVENS**

Defendant(s).

-----X  
STATE OF NEW YORK )

) ss.:

COUNTY OF COLUMBIA )

Gretchen Stevens, being duly sworn, declares and states:

1. My name is Gretchen Stevens, and I am over the age of eighteen.
2. I submit this Affidavit in support of my motion to intervene in the above-captioned case.
3. I live at 563 County Route 21, Hillsdale, NY 12529. I have lived in the Town of Hillsdale for the past 20 years, and at 563 County Route 21 for the past 17 years.
4. I have been registered to vote in Hillsdale for the past 20 years, and have voted in virtually every election over those years. I vote in town, county, state, and, federal elections.

5. I live in Senate District 41, Assembly District 103, and in the Hillsdale township in Columbia County.
6. Over the past six years, I have been active in various community efforts, especially related to revisions of the town comprehensive plan. Four years ago, I became a member of the Town of Hillsdale Conservation Advisory Council. The Council is an advisory commission to other town agencies, including the Planning Board, the Town Board, and the Zoning Board of Appeals. The members, including myself, are appointed to this council by the Town Board. As the secretary for the Council, I help review new development proposals and then make recommendations on them to the Planning Board. Additionally, the other Council members and I conduct research and make recommendations on town matters related to natural resource conservation.
7. I joined the Council because I am very interested in the issues of conservation and responsible development and am interested in ensuring that my community is properly protecting its natural resources. I'm a biologist by profession, and study issues surrounding the environment. It's important to me that I participate and contribute to the community in any way I can, and I want to ensure that my contributions and my voice are fully heard when it comes to local, county, and state matters that are important to me.
8. I fully supported the enactment of Part XX. I strongly believe that incarcerated people should be included in the apportionment bases where their families live and their interests lie – in their home communities. Incarcerated persons do not have an interest in the communities in which the prisons are located. They do not participate in, or contribute to, the day-to-day matters of these communities. Because of this distinction, they should not be included in the apportionment bases for the counties in which the prisons are

located. Instead, they should be included in their home counties, where they most often return after completing their sentences. Their lives and interests are in those communities, not in the prison communities.

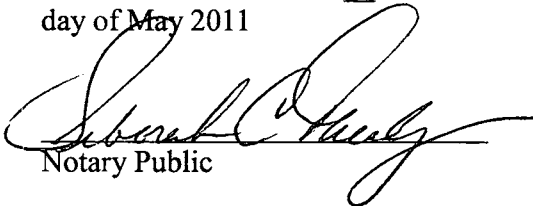
9. If the current lawsuit were successful in striking down Part XX, I would be injured as a voter in both County and State elections. My vote will be diluted in County elections because, while I live in a town with no prisons, the city of Hudson contains a prison. Thus, if the prison population is included in the apportionment base, a district in Hudson will get the benefit of a higher population base in the county board of supervisors without any additional voters in them. Additionally, there are several senate and assembly districts in New York that contain more prisons than my senate or assembly districts. Senate District 45, for example, includes several thousand more incarcerated persons than are in my Senate District 41. My vote in Senate District elections, then, will be diluted by neighboring districts with inflated counts if prison populations are included in prison communities for apportionment. My vote in Assembly District elections will also be affected. Assembly Districts 116 and 147 both contain several thousand more incarcerated persons than are in my District 103. So I stand to have my vote diluted in County, State Senate, and State Assembly elections if plaintiffs' lawsuit is successful.
10. My interests in this litigation are different from those of the New York Legislative Task Force on Demographic Research and Reapportionment (LATFOR) and the Department of Correctional Services (DOCS). LATFOR and DOCS – organizations, not individuals – simply cannot share my same interests, and cannot represent me as a voter in this litigation. The legislators on LATFOR will likely make decisions in this case that benefit them as legislators; they will not necessarily look out for the interests of all voters. As



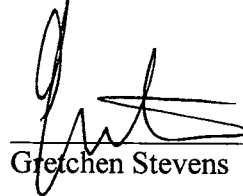
for DOCS, it is only in this litigation because it is the entity that must provide data on the inmates' residences to LATFOR. Like LATFOR, DOCS does not represent the interest of the voters in this state.

WHEREFORE, I respectfully request that the Court grant my motion to intervene in the above-captioned case.

Sworn to before me this 12<sup>th</sup>  
day of May 2011

  
Notary Public

**DEBORAH C. TREADWAY**  
Notary Public State of New York  
No. 01TR5017597  
Qualified in Dutchess County  
Commission Expires September 7, 2013

  
Gretchen Stevens

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ALBANY

-----X  
SENATOR ELIZABETH O'C. LITTLE, ET AL.

Index No.:2310/2011

Plaintiffs,

-against-

NEW YORK LEGISLATIVE TASK FORCE ON  
DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT,  
NEW YORK STATE DEPARTMENT OF  
CORRECTIONAL SERVICES,

**AFFIRMATION OF  
ROBERT BALLAN**

Defendant(s).

-----X

STATE OF NEW YORK )

) ss.:

COUNTY OF ST. LAWRENCE )

Robert H. Ballan, an attorney and counselor at law, affirms that the following is true under penalties of perjury:

1. My name is Robert Ballan, and I am over the age of eighteen.
2. I submit this Affirmation in support of my motion to intervene in the above-captioned case.
3. I have resided at 207 Lakeshore Drive, Norwood, New York 13668 since June of 1988.
4. Since 1988, I have been registered to vote at the above address. I usually vote in all general elections. In such elections I vote for federal, town and county candidates..
5. I live in Senate District 47, in Assembly District 118 and in the 12th District of St. Lawrence County.

6. I am an attorney and counselor at law, duly admitted to practice in the State of New York, on January 14, 1982, by the Appellate Division of Supreme Court, sitting in and for the Third Judicial Department. I have been employed in this capacity by the St. Lawrence County Public Defender since May of 2010. Before joining the Public Defender's Office, I had my own law practice in the Village of Norwood, New York, from 1983 through May of 2010. I was a general practitioner, and accepted labor, criminal, family, civil rights, administrative and personal injury cases, including appellate work.
7. Before and after joining the Public Defender's Office, I have had occasion to represent incarcerated persons as well as those who had formerly been incarcerated in nearby New York State prisons. Based on my professional experience, incarcerated persons typically prefer to return to their home communities. Given that incarcerated persons do not have any ties to the counties in which the prisons are located – they don't use the parks or hospitals, they don't benefit from local social services, and they cannot hold legislators accountable to their campaign promises, as they are unable to vote – I find it odd that they would be included in their apportionment bases.
8. Sometime in 2000, I became more interested and active in local politics. I eventually acted upon my interest by providing statistics and voter micro-targeting to local candidates, using techniques that predicted the relative probabilities of registered voters voting in a particular election and the likelihood of these voters supporting a particular candidate. I helped several local candidates win election with my analyses. When I began reviewing the voter database, and studying the census data, it occurred to me that there was a "one person, one vote" problem. The high number of incarcerated persons in

some election districts grossly inflates their apportionment bases. This is unfair to voters who live in neighboring districts without prison populations, without similar inflation of their census populations. As a result, the votes of those in districts without prison populations are diluted.

9. In 1992, St. Lawrence excluded incarcerated persons from its apportionment base. A decade later, in 2002, the county began to include the prison population, and many residents – myself included – became upset with this change. In response, I and a few others organized a petition drive to do away with prison-based gerrymandering. Unfortunately, that drive was not ultimately successful. Still, many county residents are hopeful that, with Part XX in place, the county will not ever be permitted again to include incarcerated persons in the apportionment base.
10. I strongly supported the recent enactment of Part XX, because I believe incarcerated persons should be included in the apportionment bases of their home communities, not in the counties where prisons are located. When a particular candidate is elected to the county or State legislature, and represents the interests of his or her district, it simply does not materially affect the lives of these incarcerated persons. Virtually nothing candidate X does in office will affect the livelihoods of these incarcerated persons. After all, the incarcerated persons are not stakeholders in the communities where prisons are housed; their interests lie in their home communities, the places where their lives will resume once they complete their sentences. It is not fair to deprive the real stakeholders – the members who are active in a community, the real, voting residents of a community – of an equally weighted vote in local and State elections by inflating the voting power of

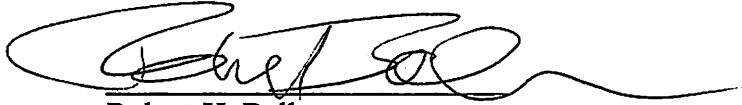


those residing in some districts with incarcerated persons included in the apportionment base.

11. If the current lawsuit were successful in striking down Part XX, I would be injured as a voter in county, State Senate, and State Assembly elections. I live in a county district that does not include prisons, but other districts in my county do house prisons and, thus, get the benefit of an inflated apportionment base. If the county continues to include incarcerated persons in the apportionment base, my vote will be diluted relative to that of other districts in county elections. I am also affected as a voter in State elections. My Senate District 47 includes incarcerated persons but Senate Districts 45 and 59 include several thousand more incarcerated persons than are in my district. My Assembly District 118 also includes incarcerated persons, but Assembly District 114 includes thousands more than are in 118. Against these districts, my individual vote will count less than the vote of others.
12. My interests in this litigation differ from those of the two named defendants. The New York Legislative Task Force on Demographic Research and Reapportionment (LATFOR) does not represent the interests of ordinary voters like me who are concerned about the impact of redistricting policy on the community, and the watering down of my individual vote. LATFOR is partially composed of legislators who have a vested interest in how redistricting occurs for their own districting purposes; the legislators' interests do not represent the interests of individual voters like me. Furthermore, the Department of Correctional Services (DOCS) does not represent my interests either. DOCS is responsible for the confinement and habilitation of persons convicted of crimes in New

York. Its mission is not to help create a more equitable districting system or to represent my interests in defending Part XX.

WHEREFORE, I respectfully request that the Court grant my motion to intervene in the above-captioned case.

A handwritten signature in black ink, appearing to read 'Robert H. Ballan', with a long horizontal flourish extending to the right.

Robert H. Ballan

N4-1100

# St. Lawrence County questions law on counting prisoners in redistricting

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By **ELIZABETH GRAHAM**  
TIMES STAFF WRITER  
SUNDAY, DECEMBER 19, 2010

CANTON — St. Lawrence County lawmakers cannot count the inmate population of its three state prisons when redrawing legislative districts based on the 2010 Census, according to the head of a Massachusetts organization dedicated to the subject.



County Planning Director Keith J. Zimmerman as said whether prisoners can be counted is among the chief questions his office will explore as he prepares lawmakers for reapportionment next year.

The state Legislature earlier this year passed a bill barring prisoners from being counted for redistricting purposes where they are incarcerated. Mr. Zimmerman had said he believed the law was intended for the state's own redistricting purposes, and that counties still had the option of counting prisoners.

"The intent is to apply it to local redistricting as well," said Peter J. Wagner, executive director of the Prison Policy Initiative. "St. Lawrence County is the only county I know of in the country where the public learned about this issue during the last redistricting, and the Legislature didn't immediately reverse course and take prison populations out."

Lawmakers' decision in 2001 to count prisoners in order to minimize changes to the Legislature's 15 districts prompted an attempt at forcing a public vote on the county's redistricting plan and a lawsuit. Former County Administrator Donald R. Brining had invalidated more than 200 signatures on a petition force a referendum, and a group of citizens opposed to counting state inmates sued the county to reverse Mr. Brining's decision.

The opponents had said counting the prison populations at Ogdensburg, Riverview and Gouverneur correctional facilities artificially inflated the population of the districts in which they are located, giving some voters in those districts greater representation than others.

Mr. Wagner said it is for that reason that his organization was active in lobbying for the state legislation's passage.

"We should base districts on where people actually reside and what communities they're part of," Mr. Wagner said. "Legislatures used to have a choice. Now they don't."

Deputy Planning Director Jason C. Pfotenhauer said even if the county is not allowed to count prisoners, the number of lawmakers will probably not change. That is a number legislators may decide themselves, he said.

"If prisoners aren't counted, that will affect the town of Gouverneur and the city of Ogdensburg," he said. "The boundaries would likely be changed. That would be the extent of it."

Districts cannot deviate in population by more than 16 percent per a 1973 Supreme Court ruling. Other courts have ruled that population can differ among districts by no more than 10 percent.

Although it may have a minimal effect on the county's reapportionment, Mr. Pfotenhauer said not counting prisoners could affect how much federal and state aid the county gets.

"We'd love to see as many people in St. Lawrence County as possible counted," he said. "At the state level, if you lose population you lose a representative, and that's an issue. You lose money if you have fewer people and less representation."

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[SHOW COMMENTS \(5\)](#)



## Our Opinion

# Prison-based gerrymandering should be abolished

Drawing electoral districts to accommodate incumbents, a process known as gerrymandering, is one of the principal but unprincipled means used by Pennsylvania lawmakers to ensure their longevity.

A look at Pennsylvania's electoral map, with its amoeba-like legislative districts, is the most obvious proof of the politicians' dedication to gerrymandering for their own advantage.

A far less obvious aspect of the process crosses the line from political chicanery to injustice and should be eliminated.

The U.S. census counts prison inmates as residents of the political districts in which they are incarcerated, rather than the districts where they lived before being arrested. Even though those inmates may not vote while in prison, they are counted by the state as residents when the politicians draw their own electoral districts in the wake of each census.

Results of that are dramatic. A study last year by the Prison Policy Initiative found that eight state legislative districts in Pennsylvania would not comply with the federal "one person, one vote" civil rights standard if non-voting state and federal prisoners in those districts were not counted as district residents. That means that voters in those districts, mostly in rural south-central Pennsylvania, are over-represented while those in the districts from which the prisoners came are under-represented.

Since 40 percent of the state's prisoners are from Philadelphia but the vast majority of prison beds are in rural areas outside the city, the gerrymandering falsely inflates the voting populations of those rural districts.

New York State had a similar gerrymandering protocol until recently, when the legislature outlawed prison-based gerrymandering. As in Pennsylvania, New York prisons predominantly are in rural areas while most of the inmates come from more populous urban areas.

Pennsylvania should follow New York's lead in ending prison-based gerrymandering.

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# The Daily Review

SATURDAY  
August 7, 2010



# OBSERVER-DISPATCH

75 CENTS

OUR VIEW

## Don't count prisoners with voters

**AT ISSUE: Redraw districts following 2010 Census to reflect true constituency**

Counting prisoners as residents of a specific area for census records is one thing. But figuring those prisoners into the mix when voter representation is determined is absurd, and that needs to change.

In January, it was reported that the 8,000-plus prison inmates at Oneida County's four prisons are factored into population totals for county legislative districts in Marcy and Rome. Meanwhile, in the city of Rome, nearly half the people in the Second Ward are prisoners. That means a non-prisoner in the Second Ward has twice the clout on the Common Council over a resident in another part of the city. That's wrong.

While prisoners are counted for census purposes — they do need some local services, particularly medical care — they contribute nothing to the community that would in any way justify them being part of the constituency represented by local government. They don't pay local property taxes, drive on our highways, vote, attend municipal meetings or otherwise become enmeshed in local affairs. Most aren't even from our region.

Peter Wagner, executive director of the nonprofit Prison Policy Initiative, says New York state allows its 62 counties to discount prisoners when determining the population base on which legislative representation is based. Thirteen counties do that, but Oneida County is not among them. In the wake of the skewed representation, county officials say they may consider excluding prisoners as they prepare to update the

### ONLINE

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While prisoners are counted for census purposes ... they contribute nothing to the community that would in any way justify them being part of the constituency represented by local government. They don't pay local property taxes, drive on our highways, vote, attend municipal meetings or otherwise become enmeshed in local affairs.

county's 29 legislative districts. They should.

And so should Rome. Mayor James Brown agrees that the current setup doesn't create fair and equal representation, and says he'll consider it. Brown also thinks the approach should be consistent throughout municipalities in New York state.

He's right. Wagner says there are two bills pending in the state Assembly and Senate that would require the state to distribute adjusted counts for county use in redistricting. It would make sense for Sen. Joseph Griffo, R-Rome, and Assemblywoman RoAnn Destito, D-Rome, to get behind such legislation.

If, however, the state fails to act in timely fashion — that's been known to happen in Albany — area localities affected by the lopsided numbers should make plans now to redraw lines and exclude prisoners in the redistricting immediately following the 2010 Census. It's only fair.

### MORE ONLINE

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### EDITORIAL BOARD

Editorials on this page are the result of a consensus opinion of the five editorial board members.

Donna Donovan, Publisher  
792-5002, [ddonovan@uticaod.com](mailto:ddonovan@uticaod.com)

Mike Killen, Senior Editor/content  
792-5006, [mkillen@uticaod.com](mailto:mkillen@uticaod.com)

Joseph Klets, Editor  
792-5004, [jlets@uticaod.com](mailto:jlets@uticaod.com)

Ron Johns, Senior Editor/production  
792-5057, [rjohns1@uticaod.com](mailto:rjohns1@uticaod.com)

Dave Dudejek, Editorial Page Editor  
792-5090, [ddudejek@uticaod.com](mailto:ddudejek@uticaod.com)



# The Post-Standard

P.O. BOX 4915, SYRACUSE, NEW YORK 13221-4915

OUR OPINION

## Not at Home

Legislation would stop 'prison-based gerrymandering'

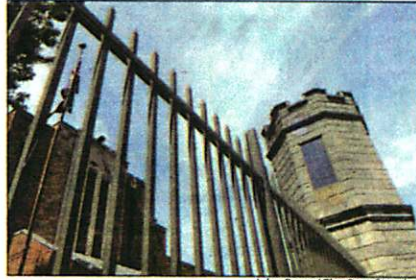
**C**ayuga County is the temporary home of more than 2,500 people who don't want to live there. They live inside the state prisons in Auburn and Moravia and, as such, have little or nothing to do with county life and use few if any county services. All but a relative handful of them — 24 as of Jan. 1 — lived outside the county before they were sent off to prison.

Yet for the purposes of the U.S. Census, those inmates are considered Cayuga County residents. The Census numbers beef up the government aid the county receives and add to the county's political clout because they are used when legislative districts are redrawn.

Both of those practices are unfair. Most of the inmates in Upstate prisons come from poor, urban communities. They have families in those communities and will eventually return to those communities, where they will use county services. Onondaga County, for example, has no state prisons, but currently has about 1,900 people serving time in prisons in other counties. That's 1,900 people who will not be counted as Onondaga County residents in the Census.

The counties that benefit from the arrangement — those that contain state prisons — understand that it makes little sense to count inmates as local residents for redistricting purposes. Many of them don't count the inmates as residents when they do their own redistricting of county legislature districts. Here's what Essex County said when it changed its law:

"Persons incarcerated in the 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



John Berry / The Post-Standard  
**THIS IS HOME?:** The Auburn Correctional Facility in Cayuga County.

in other towns within Essex County."

Exactly. And including them in the statewide redistricting effort dilutes the votes of people living in the counties from which the inmates came — and will return. It is nothing more than "prison-based gerrymandering," as its opponents properly call it.

A bill introduced in the state Senate and Assembly would remedy that. The bill would require the state to count inmates as residents of their home communities for the purpose of legislative redistricting. The legislation would have no impact on funding that communities receive based on their Census counts.

State Sen. Michael Nozzolio, R-Fayette, who represents the Auburn area, calls the legislation an attempted power grab by New York City, where many of the inmates are from. He says it's simple logic to count the inmates where they actually live — in the county where they are serving their prison terms.

We disagree. We think the proposal deserves quick passage as the state prepares to redraw all the Senate and Assembly districts in 2012. Ideally, that redistricting should be done by an independent commission, rather than by the Legislature itself, but that is an issue for another day. For now, fairness demands that whoever does the job counts prison inmates as residents in their home communities, providing those often-depressed communities with the resources and political clout to which they are entitled.

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## Opinion

TIMES HERALD-RECORD • RECORDONLINE.COM

## EDITORIAL

In new Census,  
home is where  
the vote should be

Four recent stories make it clear that New York state needs a fair and uniform definition for something that most people take for granted — where you call home.

The attempt by several people to register to vote in Sullivan County, where they spend the summer, ended last month with a ruling by the board of elections that living in a bungalow colony for a few months does not meet the minimum qualifications for residency. Those people will likely now be voting where they live for the rest of the year.

A more subtle but similar dispute is going on in Dutchess County, where some local politicians are worried that New York City residents who own vacation homes are starting to register and could change the character of the electorate. That's a politically correct way of saying that lots of Republicans in Dutchess want to make sure that the Democrats keep voting in the city, where they spend most of their time. Some of those Democrats who say they are about to be disenfranchised respond that the homes they own are far from temporary, contribute a lot in taxes and are occupied many days of the year all year round.

Don't forget Harold Ford, the former congressman from Tennessee who has discovered his inner New Yorker and is thinking about following in the carpetbagging footsteps of Robert Kennedy and Hillary Clinton by running for the U.S. Senate.

Much more important than all of these combined, however, are the questions concerning how to count all of the people in prison in New York. Traditionally, those prisoners have gone into the Census as living in their cells, inflating the population of towns that house the prisons. That has affected, some would say distorted, the borders of election districts and given several upstate politicians more clout than they would have otherwise.

If it is not right to let a two-month bungalow colony resident vote in the Town of Bethel or the owner of a year-round vacation home vote in Taghkanic, then it should be even less acceptable to let thousands of people who cannot vote, who do not pay taxes, and who really would rather be somewhere else count toward the population of an Assembly, Senate or House district.

The board of election decision in Sullivan County could be challenged in court, although there has been no indication that any action is coming. Those who tried to register were upset with some local board decisions and wanted to show their clout at the polls. But their absentee ballots, which were challenged, would not have changed the election results, so that could discourage any thoughts of pursuing this. Those Dutchess County Democrats might also decide that the money it would take to go to court would not be worth it just to cast votes in some local elections.

But the issues at stake in the Census decision are enormous, worth the fight for those on both sides. In fairness, a politician should be embarrassed to claim that people held in prisons should count as constituents. In reality, it is likely to take an expensive court fight to take away those numbers and return them to their rightful homes.

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# OBSERVER-DISPATCH

75 CENTS

## Should prisoners count when drawing legislative lines? Half of Rome district behind bars

By JENNIFER FUSCO  
Observer-Dispatch  
jfusco@uticaod.com

ROME — Nearly half the people in this city's Second Ward are prisoners.

They don't vote or otherwise get involved in city affairs, but the 2,451 prisoners at Mohawk and Oneida correctional facilities are counted as residents in the deciding of Rome's council boundaries.

And that creates unbalanced representation, compared with the city's six other wards, a prison policy advocacy group says.

In other words, a non-prisoner in the Second Ward has twice the clout on the Common Council than a resident in another section of the city.

"The actual resident population of the city in that ward is half of the other wards," said Peter Wagner, executive director of the nonprofit Prison Policy Initiative.

So what can be done? The city should exclude the prison population following the 2010 Census, Wagner said.

Rome Mayor James Brown said it's something he'd consider, acknowledging the current setup doesn't create fair and equal representation. But he said the approach should be consistent throughout municipalities in

### VOTERS AND PRISONERS

■ **Population** of Rome's Second Ward: About 5,000.

■ **Number of prisoners** in Second Ward: 2,451.

■ **Number of them** who vote or participate in city affairs: 0.

New York state.

"I don't think the prisoners should be counted anywhere," he said. "That way, nobody is getting the benefit of an individual that is incarcerated in New York state."

### 'Don't foresee a problem'

In January, the O-D reported that two Oneida County Board of Legislators districts — in Rome and Marcy — count prisoners from the county's four prisons for the purpose of drawing district lines.

County officials subsequently said they may consider excluding the prison population as they prepare to update the county's 29

Please see SHOULD, 3A



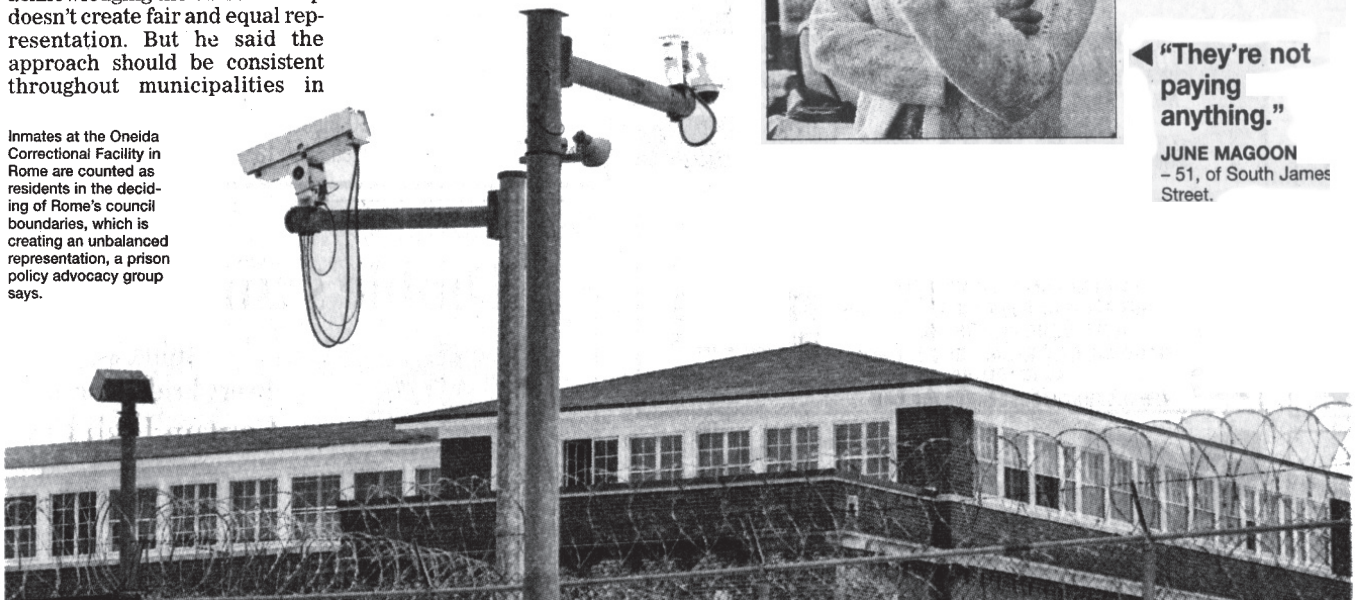
▲  
"My question is what do they contribute? Everybody's got to give."

**BERNIE SZCZESNIAK**  
— 55, of Old Oneida Road, on prisoners being included in Rome district assignment.

◀ "They're not paying anything."

**JUNE MAGOON**  
— 51, of South James Street.

Inmates at the Oneida Correctional Facility in Rome are counted as residents in the deciding of Rome's council boundaries, which is creating an unbalanced representation, a prison policy advocacy group says.





# Should prisoners count when drawing district lines?

Continued from 1A

legislative districts.

New York state gives its 62 counties the discretion to take prisoners out when determining the population base, and 13 counties exclude prisoners in local redistricting, Wagner said.

As for looking at such a change in Rome, Councilor John Mortise, R-2, said he's open to the possibility, but wants to learn more about it.

Councilor Ramona Smith, D-4, also said she wants to look into the issue further, but said at first glance, it raises a lot of questions.

"They do use water, sewer," she said of the city's prisoners. "That's several thousand people using that, and someone needs to pay for that."

## District's issues

What are the issues that most affect a ward such as Mortise's, which includes much of South Rome as well as the two prisons?

"Appearance is one thing," he said. "There's a lot of abandoned, boarded-up houses, and it takes time to get rid of them," he said.

Another problem is the condition of some roads and street signs in Rome's outer district, he said.

Second Ward residents gave similar responses, adding issues of their own - flooded yards, stray animals and rundown buildings.

As for counting prisoners, resident June Magoon, 51, who resides in the lower portion of South James Street, said they shouldn't be tallied.

"They're not paying anything," she said.

Bernie Szczesniak, 55, of Old Oneida Road agreed.

"My question is, 'What do they contribute?'" he asked. "Everybody's got to give."

## What's next?

Prison Policy Initiative official Wagner said Rome should exclude the inmate population when it next updates its council districts in 2012.

Residents should also support the passage of bills pending in the state Legislature that would require the distribution of adjusted counts for local use in redistricting, he said.

State Sen. Joseph Griffo, R-Rome, said it should be left up to localities to determine whether they want to count their prison population when it comes to crafting districts or wards.

But when it comes to counting prisoners in the state, Griffo said he disagrees with the Senate bill, which would count prisoners where they are originally from, not where they currently are.

State Assemblywoman RoAnn Destito, D-Rome, said doing anything that would affect the Census would need to be discussed in further detail.

## OUR VIEW

# Don't count prisoners as constituents

**AT ISSUE:** Using inmates to determine county's legislative districts is wrong

It is simply inane that the 6,000-plus prison inmates at Oneida County's four prisons are factored into population totals for county legislative districts.

County legislators have the power to raise county taxes and approve local laws on issues such as texting while driving. Yet absolutely none of their actions apply to state prisoners incarcerated at Marcy, Mid-State, Mohawk and Oneida correctional facilities.

Prisoners don't pay local property taxes. They don't drive on county roads. They don't vote, or attend county meetings, or advocate for or against local issues. The vast majority of them are not even from our region.

So assigning them to legislative districts makes absolutely no sense. In essence, as a group called the Prison Policy Initiative points out, nonprisoners in county legislative districts in Marcy and in Rome, where the prisons are located, have a greater weight on county matters than do residents elsewhere.

A principle of our democracy is "one man, one vote." But since prisoners are local citizens in name only, the remaining people in those legislative districts technically have somewhat more of a say than "one man, one vote."

The U.S. Census Bureau has good reason to count prisoners where they are incarcerated. Those prisoners do need some local services,

## ONLINE

Discuss this issue at [uticaod.com](http://uticaod.com).

particularly medical services. But localities need to avoid taking that census count as direction for drawing legislative district lines.

## ONEIDA COUNTY SHOULD TAKE TWO STEPS

**1** Stop counting prisoners as county constituents for the purposes of determining legislative districts. More than a dozen counties around the state have already done so, including quite a few where prisons exist, including Clinton, Essex and Franklin counties in Northern New York.

**2** Cut the number of legislative districts. Oneida County, a place with fewer residents now than 20 years ago, hardly needs 29 legislators to conduct the county's business, especially because many county residents would be hard pressed to name their own legislator. So in the act of ending the practice of counting state prisoners as county constituents, there is an opportunity to start trimming the number of legislative districts as well.

State prisons are among our region's largest employers, and their presence is welcomed here. But county government owes it to local voters to play it straight when it comes to defining who is really a constituent, and who is not.

## EDITORIAL BOARD

Editorials on this page are the result of a consensus opinion of the five editorial board members.

Donna Donovan, Publisher  
792-5002, [ddonovan@uticaod.com](mailto:ddonovan@uticaod.com)

Mike Kilian, Senior Editor/content  
792-5008, [mikilian@uticaod.com](mailto:mikilian@uticaod.com)

Joseph Kieta, Editor  
792-5004, [jkieta@uticaod.com](mailto:jkieta@uticaod.com)

Ron Johns, Senior Editor/production  
792-5057, [rjohns1@uticaod.com](mailto:rjohns1@uticaod.com)

Dave Dudejek, Editorial Page Editor

# **Watertown Daily Times**

Saturday, October 17, 2009

## **Census must take prison numbers into account**

The Watertown Daily Times editorial of Oct. 3 ("An accurate census") properly calls for a precise U.S. population count in 2010.

However, this editorial completely failed to acknowledge that equitable local representation sometimes requires adjustments to the federal population count.

Thus, there is a compelling need for the U.S. Census Bureau to collect data about the prison populations of north country communities.

Franklin County always adjusts the federal census count to ensure that local residents get proper one-person one-vote representation. Without

such an adjustment, the prison population centered on Malone would overwhelm a legislative district. Just a tiny number of people living near this cluster of correctional institutions could elect and be represented by their own county legislator.

Similar distortions can occur at the state level as well.

The U.S. Census needs to count and report the prison and other transient populations so that local and state governments can make adjustments and be legitimately apportioned into equal-sized voting districts.

**DANIEL JENKINS**  
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DEREK PRUITT FILE PHOTO—DPRUITT@POSTSTAR.COM

The Great Meadow Correctional Facility is among many correctional facilities in the 45th Senate district. The district's 13 prisons hold more than 14,000 inmates, all of whom are counted when determining the map of political districts.

## Political power of prisons

Facilities' populations play large role in how districts are drawn up

By WILL DOOLITTLE  
will@poststar.com

Advocates for prison reform and some New York politicians are pushing efforts to change the way prison inmates are counted — a change which, if it occurs, could have a significant effect on the state's political map.

The effort is particularly relevant in the North Country, especially in the six local counties that make up Elizabeth Little's 45th Senate district. With 13 prisons, the 45th has the most of any state Senate district.

Those 13 prisons house more than 14,000 inmates, all of whom get counted as residents. Without the prisoners, the district's population would fall below the minimum allowable level, which would mean it would have to expand, perhaps by swallowing the northern end of Saratoga County.

Other upstate districts with large prison populations face the same issue, and the cumulative effect could redraw the political map with fewer districts upstate and more downstate.

State Sen. Eric Schneiderman, D-Manhattan, recently proposed legislation to count prisoners at their last address

before incarceration.

Since most prisoners are from downstate urban areas represented by Democrats and most prisons are in upstate rural areas represented by Republicans, Schneiderman's proposal, if put in place, could affect the balance of power in the state Senate.

Republicans now hold a slight edge in the Senate, while Democrats dominate the Assembly.

As long as Republicans control the Senate, Schneiderman's proposal is unlikely to pass, although its supporters say it's a matter of fairness, not politics.

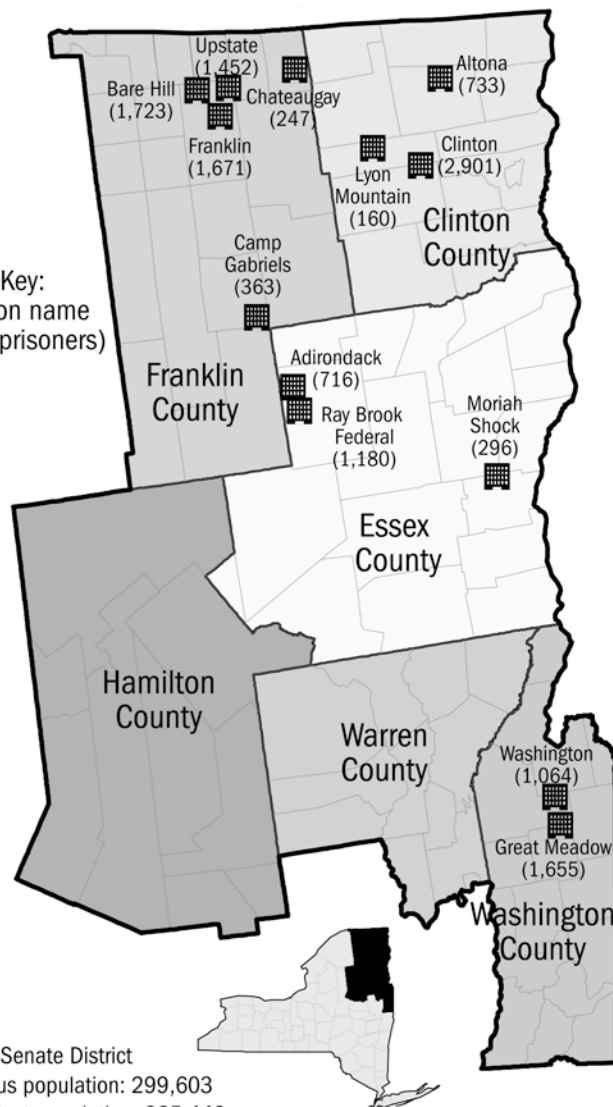
"You have all these people and they're not being represented at all," said Alice Green, executive director of the Center for Law and Justice, an inmate advocacy group in Albany.

"Counting prisoners as residents of the prison districts where they do not vote or otherwise participate in those communities is simply bad policy," Schneiderman said. "Disenfranchised people become an undeserved source of political power for legislators who benefit from locking up more people for longer sentences."

In addition to pushing for policy changes in New York, the reformers seek to pressure the Census Bureau to change the way it counts prisoners nationwide.

"The bureau's current

Key:  
Prison name  
(# of prisoners)



45th Senate District  
Census population: 299,603  
Resident population: 285,442  
Prison population: 14,161  
State and federal prisons: 13

Please see **NEW**, Back Page

# New York's 45th Senate district is largest in entire state

◆ **NEW**

*Continued from A1*

practice made sense before prison populations became large enough to distort democracy," said Peter Wagner, director of the Prison Policy Initiative, based in Northampton, Mass. "However, more people now live in prison than our three least populous states combined, and African Americans are imprisoned at seven times the rate of whites."

In New York, the 45th is already the largest district in the

state, said Little, who spends much of her time in the car traveling to events that can be 100 or more miles apart.

"I don't get any reimbursement for driving all over my district," she said. "Schneiderman can practically walk around his." Little's district includes six entire counties — Clinton, Essex, Franklin, Hamilton, Warren and Washington.

Thanks to the political clout of the 45th's former senator, the late Ron Stafford, many of the prisons built by the state over the last few decades — places

like the Shock Incarceration Camp in Moriah and Upstate Correctional in Malone — have been placed among the forests and lakes of the 45th.

Wagner, of the Prison Policy Initiative, points out that, when North Country political leaders draw up their in-county voting districts, they subtract inmates from their counts.

County leaders say they don't want to base local political power on prisoners who don't participate in the political or social life of their communities.

Essex County's supervisors

addressed the issue specifically in 2003, passing a law excluding inmates from local political counts.

The law points out that, were the approximately 1,900 inmates in the town of North Elba included in the local count, they would make up about 22 percent of the town's population.

The Census Bureau has traditionally counted prisoners as living at the prisons where they're incarcerated on the day of the census.

Advocates for changing the custom point out that some state

constitutions seem to forbid it.

New York's constitution states, "No person shall be deemed to have gained or lost a residence, by reason of his presence or absence ... while confined in any public prison."

But Little pointed out that other temporary populations, such as nursing home residents and college students, are also counted where they are living on the day the census is taken.

She characterized the push to change census policy as a power grab, with Democrats trying to take control of every branch of

state government.

With a Democratic governor, Eliot Spitzer, and with Democrats already controlling the Assembly, Democrats could, if they also gain a majority in the state Senate, redraw all the state's districts to favor their party, she said.

And, Little added, if they were in control of each branch, Democrats would be able to redraw not only the state districts, but the U.S. congressional districts, too. "They could redraw congressional lines," she said. "That's the big one."



# Watertown Daily Times

October 21, 2007

www.watertowndailytimes.com

## Legislator reopens prison-count spat

By COREY FRAM

TIMES STAFF WRITER

CANTON — By signing on with a national prison watchdog group, a St. Lawrence County lawmaker is opening an old wound over legislative districts.

Vice Chairwoman Tedra L. Cobb, D-Canton, signed a letter sent Tuesday urging the director of the U.S. Census Bureau to count prisoners in their home communities, not where they are locked up. She's disregarding state and federal impacts and

focusing on how inmates propped up two county legislative districts in a court-contested 2001 decision.

"There's no logical or ethical reason for them to be counted," she said. "I'm not dealing with the congressional seat."

Counting prisoners gives resi-

dents in those districts the same legislative voting strength as otherwise more-populated districts.

The county's 15 districts were created using the 2000 census. Each district had between 7,182 and 7,889 residents. District 2 — Lisbon and the portion of the city with Ogdensburg and Riverview correctional facilities — had 7,713, including 2,074 prisoners. District 5 — the town of Gouverneur — had 7,418, including 1,046 prisoners at Gou-

verneur Correctional.

A challenge calling for a public vote on the decision garnered more than 2,000 signatures, but the effort fell short after a state Supreme Court ruling invalidated too many signatures.

The county cited state and federal practices of counting prisoners where they're incarcerated. Opponents said it was a political ploy to protect incumbents.

Getting Ms. Cobb's support was important to the Prison Pol-

icy Initiative because the Legislature defied the petition, said Peter G. Wagner, executive director.

"Every time the public finds out, there's a big roar. But in every other case, they changed course. In St. Lawrence County, they didn't," he said.

Prison Policy has drummed up its message as the federal government prepares for the 2010 census. New York City and

See COUNTING B5



Cobb

## Counting prisoners...

FROM PAGE B1

15 counties in the state, including Jefferson, count prisoners when drawing legislative districts or figuring weighted voting for boards of supervisors.

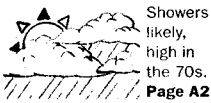
District 5 Legislator Donald A. Peck had questions Friday when told of Ms. Cobb's letter. The Republican was elected to the Legislature in November.

"Would my district and Dave's district go away? Would we redo them all?" he said. "I'm not too excited about it, but what will be, will be. I'm not going to say she's wrong. I want to talk to her and hear her reasoning."

District 2 Legislator David W. Forsythe, a Republican who was also elected in November, was unavailable Friday.

WEDNESDAY

July 18, 2007



Showers likely, high in the 70s.  
Page A2

# PRESS-REPUBLICAN

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## Using inmates for politics

### Prison census boosts political influence for some N.Y. counties

By **MICHAEL HILL**  
Associated Press Writer

ALBANY — Prison towns can wield disproportionate local political clout in the New York counties that count inmates as constituents, according to a report from an advocacy group Wednesday.

The Prison Policy Initiative identified 15 counties in the state, plus New York City, that rely on Census tallies including prisoners when they draw lines for county legislative districts or weight the votes for county boards of supervisors (county governments usually use one system or the other).

Critics have long contended that the practice of counting state and federal prisoners, who cannot vote, as local residents creates “phantom constituents” and gives undue political power to places with prisons. The effect can be especially acute in sparsely populated rural counties.

The report found five counties — Chautauqua, Livingston, Oneida, Madison and St. Lawrence — contained districts that consisted of at least 20 percent prisoners. Report author Peter Wagner said this creates a “crisis” in those counties because it gives people in the prison districts more concentrated voting power than their neighbors in other parts of the county.

“It allows certain parts of counties to dominate the future of their counties,” Wagner said.

#### COUNTIES AND INMATES

**New York counties that include prisoners in population:**

Chautauqua County  
Chenango County  
Columbia County  
Erie County  
Fulton County  
Jefferson County  
Livingston County  
Madison County

Monroe County  
Oneida County  
New York City  
Saratoga County  
St. Lawrence County  
Ulster County  
Wayne County  
Westchester County

**Counties that exclude prisoners from population:**  
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: Prison Policy Initiative**

For example, the report said 62 percent of the residents counted by the Census in the Livingston County town of Groveland are incarcerated. That means every four residents there have the same say over county affairs as 10 residents elsewhere in the county, according to the report.

James Merrick, chairman of the Livingston County Board of Supervisors, said he did not want to comment on a report he had not seen. But Merrick, Groveland’s supervisor, said the county’s system works fine.

“I don’t think there has been any talk of any change,” he said, “everybody likes the system.”

Wagner said five other counties had at least one district with 8 to 15 percent prisoners: Chenango, Columbia, Fulton, Jefferson and Wayne. New York City fell within

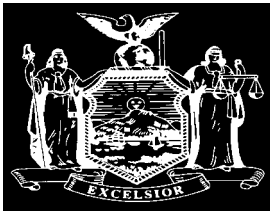
that range also.

Researchers measured relatively small effects in five other counties, like Monroe County, where the average district size is more than 25,000 and the lone state prison holds 90 inmates. The other counties in that group were Erie, Saratoga, Ulster and Westchester.

Thirteen counties — including Clinton, Essex and Franklin counties — exclude prisoners for redistricting purposes.

Wagner called for counties to end the practice of counting inmates when drawing district lines.

The Prison Policy Initiative is a not-for-profit group based in Northampton, Mass., that works for new criminal justice policies by documenting what it calls the “disastrous impact of mass incarceration.”



THE SENATE  
STATE OF NEW YORK  
ALBANY



October 23, 2006

Charles Louis Kincannon  
Director  
U.S. Census Bureau  
4700 Silver Hill Road  
Washington DC 20233-0001

Dear Director Kincannon:

As duly elected state and local legislators, we are writing to request that the U.S. Census Bureau collect the home addresses of all incarcerated persons in the next national decennial census. We need accurate information about the prison population in order to comply with the “One Person, One Vote” rulings of the Supreme Court, which require that legislative districts at every level of government contain equal numbers of residents in order to ensure equal representation for all. A change in Census methodology will help us better serve our constituents, our states, and our country.

Currently, the Census Bureau includes everyone housed in federal, state, and local prisons in its count of the general population of the Census block that contains the prison. State law, however, defines residence as the place where one voluntarily lives. Most states also have constitutional clauses or election law statutes that explicitly declare that incarceration does not change a residence. Prisoners therefore remain legal residents of their pre-incarceration addresses, and in situations where they retain voting rights, they send absentee ballots to their home districts. Unfortunately, the current census methodology disregards this, instead counting a significant proportion of our national population in the wrong place. Crediting the population of prisoners to the Census block where they are temporarily and involuntarily held creates electoral inequities at all levels of government.

For example, 65% of state prisoners in New York are from New York City, and 45% of state prisoners in Illinois are from Chicago, yet virtually all of these state prisoners are incarcerated in far-flung rural areas. In Brown County, Illinois, 28% of the official census population consists of prisoners from other parts of the state. According to your agency, the African-American population of Brown County more than doubled in ten years, to a total of 1,265 persons, but in actuality all but 5 of these persons were prisoners brought in from other areas. When census data like this is used for decennial redistricting, the results can be profoundly disturbing. According to

the Prison Policy Initiative report, *Importing Constituents: Prisoners and Political Clout in New York*, seven New York state senatorial districts met minimum population size requirements only because they included large prisons in the population total. The actual voting residents in these seven districts have inequitably inflated voting power relative to the inhabitants of the rest of the state.

Many rural communities have their local votes diluted as well. Most counties, cities, and towns use federal census data to draw their local legislative district and ward boundaries. St. Lawrence County, in northern New York, drew legislative districts with Census 2000 data that included more than 3,000 people in 3 correctional facilities as if they were actual residents of two small towns, Ogdensburg and Gouverneur. The increased voting power of Ogdensburg and Gouverneur residents diluted the votes of the many St. Lawrence County residents who don't live near those prisons. This inequity created a long-running and disruptive controversy in St. Lawrence, and a petition opposing the unequal representation gathered more than 2,000 signatures.

In neighboring Franklin County, to ensure equal representation and avoid creating a legislative district consisting mostly of prisoners, legislators subtracted the prison population from the official count. Franklin and other rural counties would be spared time, expense, and painstaking work if the federal census identified prisoners as residents of their legal pre-incarceration addresses. A better count would also automatically correct state redistricting distortions.

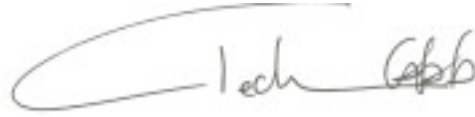
As duly elected representatives sworn to uphold the U.S. Constitution, we are required by law to comply with the "One Person, One Vote" rulings of the Supreme Court of the United States. Therefore we request that you collect prisoner home-of-record information as part of the next decennial census, and we ask that this data be made available in the PL94-171 redistricting data file. Furthermore, we call upon our fellow legislators at all levels of government to support these efforts to ensure that all American communities have fair and equal representation. We need the U.S. Census Bureau to collect accurate prison population data in order to preserve and protect the democratic principles on which our country was founded.

Thank you for your attention to this matter.

Sincerely,



Eric Schneiderman  
Deputy Minority Leader  
New York State Senate  
31st Senate District  
80 Bennett Avenue, LA  
New York, NY 10033  
Phone: 212-928-5578  
Fax: 212-928-0396



Tedra L. Cobb  
County Legislator  
St. Lawrence County, New York  
District 8  
365 Townline Rd.  
Hermon, NY 13652  
(315)386-4928 Phone and Fax

N2-556.

2 of 2 DOCUMENTS

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Gannett News Service

March 8, 2006 Wednesday

SECTION: Pg. ARC

LENGTH: 640 words

HEADLINE: Census inmate count gives some areas more political clout

BYLINE: GREG WRIGHT

DATELINE: WASHINGTON

BODY:

Communities that host America's growing jail and prison populations may have a political edge over those that do not, prompting activists and one lawmaker to urge the U.S. Census Bureau to change its inmate counting method.

The census counts prisoners, who cannot vote, where they are incarcerated, not in their hometowns. This allows counties and towns with federal and state prisons and local jails to claim a higher population, in some cases giving them more representation on a local school or county board or a bigger share of state funding.

But Rep. Jose Serrano, D-N.Y., wants the Census Bureau to change the way it accounts for inmates in Census 2010 for accuracy's sake. The issue concerns Serrano, whose Bronx congressional district has hundreds of residents incarcerated miles away in upstate New York.

"We need to have the most precise demographic snapshot of the country possible, and I believe that counting prisoners in some far-off penitentiary distorts that picture," Serrano said via e-mail.

The U.S. jail and prison population almost tripled in the past two decades to 2.1 million inmates at the end of 2004, the U.S. Justice Department said. There were 1,668 adult correctional facilities in the United States in 2000, up 14 percent in five years, according to the Justice Department. And prisoners are often jailed away from home.

Census counts inmates using the "usual residence" concept, or the place where a person lives or sleeps most. Congress would have to change this counting method, Serrano's spokesman Philip Schmidt said.

Census data have myriad uses, including apportioning the House of Representatives and helping state and local governments set legislative boundaries and establishing funding formulas for all kinds of government programs.

How inmates are counted has little effect on boundaries of U.S. congressional districts, which can each have several hundred thousand residents, said Eric Lotke, who studied the issue for the left-leaning Open Society Institute in New



Printed: Tuesday, March 14, 2006 11:02:06 AM

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York City. However, a local population of a few thousand inmates can skew state-level district boundaries because these districts usually have just 40,000 to 60,000 people, Lotke said.

For instance, northeast Greene County in New York's Hudson Valley had 3,000 inmates in 2003 at the Coxsackie and Greene County state correctional facilities. But if the inmates were added the northeast would have had four out of 12 representatives on the county Legislature, giving it more legislative clout, said Richard Hussey, who was sheriff at the time.

But the county Legislature agreed it was fair to take prisoners out of the population, giving the northeast two county representatives, Hussey said.

Things do not always turn out so fairly, Lotke said. According to his analysis, Virginia's Sussex County south of Richmond got an extra \$100,000 in population-based state education money in 2003 and Richmond lost more than \$200,000 because hundreds of people from the city are incarcerated elsewhere and Sussex has two state prisons.

Colorado, New Jersey and Mississippi require local governments to subtract inmates from their populations while Virginia encourages counties that have a 12 percent or higher inmate population to do so, said Wagner, an advocate for changing the prison count. Census should do this on a national level, advocates said.

The debate could continue this spring when the National Academy of Sciences releases a report on census residency rules, including how inmates are counted. Such a report could influence a change in the prisoner counting method, supporters of the prison count change said.

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Contact Greg Wright at [gwright@gns.gannett.com](mailto:gwright@gns.gannett.com).

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On the Web:

[www.census.gov](http://www.census.gov), U.S. Census Bureau.

[www.brennancenter.org](http://www.brennancenter.org), New York University School of Law's Brennan Justice Center.

[www.prisonpolicy.org](http://www.prisonpolicy.org), Prison Policy Initiative.



[Home Page](#) > [Blog](#) > Rural citizens call for change in how Census counts prisoners

## ***Rural citizens call for change in how Census counts prisoners***

by [Peter Wagner](#), September 6, 2004

*This fact of the week is a letter written by 3 residents of Franklin County in upstate New York to the Census Bureau describing how rural New York counties with prisons would benefit from a Census Bureau decision to stop counting prisoners as residents of the prison town. The letter chronicles “unnecessary controversy and confusion” as rural residents react to flawed Census data that would distort how political power is distributed among county residents.*

July 9, 2004

Director  
U.S. Census Bureau  
Room 2049  
Federal Building 3  
Washington D.C. 20233

Re: Establishment of the 2010 Census Redistricting Program

Director:

We are writing to express our concern that the Census Bureau’s method of counting incarcerated people as residents of the facility makes it difficult to use Census data in local county redistricting. We are two former legislators in Franklin County, New York and a private citizen. All of us have been involved in redistricting litigation to enforce the creation of equally sized districts.

While the Census Bureau is very helpful in adapting its geographic units so that county government can readily use Census data in local redistricting, we have found that *who* the Census Bureau counts within our election districts creates unnecessary controversy and confusion. Left uncorrected, Census counts of prisoners leads to a significant change in how our county legislatures work.

Franklin County is in Northern New York on the Canadian border. Census 2000 reported our population at 45,622 including 5,512 state prisoners in 5 state prisons. Almost 5,000 of the prisoners are in 3 large prisons in the Village of Malone. We do not consider the prisoners to be residents of our community as they originate outside of our community, have no interaction with it and immediately leave the district when their sentences expire or the Department of Corrections chooses to transfer them elsewhere.

Franklin County has always excluded state prisoners from the base figures used to draw our

**We do not consider the prisoners to be residents of our community as they originate outside of our community, have no interaction with it and immediately leave the district when their sentences expire or the Department of Corrections chooses to transfer them elsewhere.**

legislative districts. To do otherwise would contradict how we view our community and would lead to an absurd result: creating a district near Malone that was 2/3rds disenfranchised prisoners who come from other parts of the state. Such a district would dilute the votes of every Franklin County resident outside of that area and skew the county legislature. We know of no complaints from prisoners as a result, as they no doubt look to the New York City Council for the local issues of interest to them.

While Franklin County has consistently excluded prisoners from its redistricting population, our research in to the practices in other counties has revealed a diversity of approaches. This diversity stems not from a difference of opinion on whether prisoners are a part of the prison town, but from a difference of opinion as to whether it is permissible to modify Census Bureau figures. We will give the examples of Greene County (south of Albany), St. Lawrence County (directly to our west) and Wayne County (east of Rochester).

Prior to 2002, the Greene County New York Legislature used unadjusted Census figures for its county redistricting. An increase in the prison population during the 1990s meant that 6% of the county's Census population was in two state prisons in Cossack in the northeast corner of the county. When *The Daily Mail* reported that Cossack would be getting an extra legislator from the arrangement, there was a large protest and the county reversed course and drew district lines based on data that excluded the prison population.

St. Lawrence County, which borders Franklin, is the only county we know of to have previously excluded prisoners from its redistricting base and now includes them. The county did this on the basis of advice from their county attorney about a 1993 state case, which other counties read to require exclusion. Factually separate from the legal analysis, the legislators admit that the prisoners have no stake in issues of county taxation or policy making. Most critically, there was a large public effort in the county to attempt to repeal the most recent redistricting legislation precisely because large external populations were included making the votes of 8 residents near the prisons worth as much as 10 residents elsewhere in the county.

According to our survey, about 1/3rd of the New York counties with prisons exclude prisoners from their local redistricting population base. This may be a minority of counties, but with the exception of St. Lawrence County, we know of no local county that included the prisoners *after* the issue became known to the public. In fact, our research in Wayne County may express the magnitude of the problems caused by how populations are credited to our communities.

**with the exception of St. Lawrence County, we know of no local county that included the prisoners after the issue became known to the public.**

The Wayne County Board of Supervisors is apportioned with weighted votes to each town. The Board told us that they do not consider prisoners to be residents and including prisoners in the Butler Shock Camp would have a significant impact on the weighted voting scheme. However, the County was under the incorrect assumption that prisoners were not credited to the town of Butler. While the Board was aware that Butler had a small population, its actual population is much smaller than the Board — relying on Census figures — had been lead to believe.

## Conclusion

We appreciate the data that the Census Bureau supplies to our communities and thank you for your efforts to make it easier to use this data in our redistricting efforts. As part of your deliberations establishing the 2010 Redistricting Data Program, we urge you to not count prisoners as residents of our communities.

Thank you for the opportunity to participate in this process.

Sincerely,

Daniel Jenkins  
646 Indian Carry Road  
Tupper Lake NY 12986  
(*Wells, et al v. Franklin County* co-Plaintiff)

Mark Flack Wells  
Attorney at Law  
P.O. Box 505  
Fort Covington NY 12937  
(Former Franklin County Legislator)  
(*Wells, et al v. Franklin County* lead Plaintiff)

Norman Gervais  
18 County Route 21  
Constable NY 12926  
(Former Franklin County Legislator)

## Related posts:

- [Rural Michigan newspaper calls for change in Census counts of prisoners](#)
- [Counting urban prisoners as rural residents counts out democracy in New York Senate](#)
- [Black leaders urge census to change how it counts inmates](#)
- [Citizens Union Backs Bill To Count Prisoners At Former Place Of Residence For Redistricting Purposes](#)
- [Prior to 1990 Census, prisoners were not explicitly excluded from Census counts](#)

— [Blog Archives](#) — — [Best of](#) —

## **Prisoners: North Country Residents?**

North Country Public Radio (New York), March 5, 2004. [Listen in Real Audio](#)  
Transcript by the Prison Policy Initiative.

**Reporter David Sommerstein:**

Two years ago, St. Lawrence County decided to include its prison population when it drew new legislative districts. That caught the attention of Peter Wagner, a Soros Justice Fellow at the Prison Policy Initiative in Cincinnati, Ohio.

**Peter Wagner:**

Some counties have always excluded them. And some counties have never thought about it, and have just included them and not noticed. However, St. Lawrence is the only county I know of where prisoners were previously not included and they made a decision to change practice.

**David Sommerstein:**

Wagner will tell a U.S. Census Bureau Symposium today that counties that include prisoners are violating the constitutional principle of "one person - one vote". Here is his argument. The districts are redrawn every decade to contain approximately the same number of people, so each resident has an equal voice. The new districts in St. Lawrence County each have about seventy-five hundred people. But Wagner says in County District 2, for example, where the Ogdensburg and Riverview correctional facilities are, two thousand of those people are behind bars.

**Peter Wagner:**

The prisoners are an artificial population. They are not really in St. Lawrence. They're there for a few months at a time, at the discretion of the Department of Corrections. They're very much like someone who is passing through. Prisoners are not welcome to even walk into town in Ogdensburg and buy a cup of coffee.

**David Sommerstein:**

Let alone have a stake in county taxation or policy making. Wagner contrasts St. Lawrence County to neighboring Franklin County. The legislature there voted last month to continue to exclude prisoners. Legislative Chairman Earl LaVoie says their stance was a no-brainer, because one district near Malone has more prisoners than residents. But he adds, prisoners shouldn't be counted among North Country residents on principle.

**Earl LaVoie:**

Personally, I wouldn't of. They're generally felons. They lose their right to vote. On what basis would you want to include them? I think they should be registered if they want to be, and they get the right to vote back, then they should be in their home town.

**David Sommerstein:**

The U.S. Census counts prisoners as residing where the prison is located, but New York's Constitution gives counties the option of counting them or not. St. Lawrence County Legislative Vice Chairman Tom Nichols says they made the safest choice.

**Tom Nichols:**

The County Attorney said: certainly you can start to eliminate groups of individuals, if you so choose. However, in doing so, you put yourself at a greater risk of being challenged successfully in court for having left out, or disenfranchised, different groups of people.

**David Sommerstein:**

The Board was divided. Republicans wanted to count prisoners. Democrats didn't. Former legislator Jim McFaddin, then a part of the Board's democratic minority, says the reason for counting the inmates was political.

**Jim McFaddin:**

The majority party could maintain their respective legislative districts and not run against each other. And I didn't think it was of benefit to anyone, the prisoners, the citizens of St. Lawrence County, or anyone else to include them.

**David Sommerstein:**

Republican legislator Steve Teele, who represents the Ogdensburg district with two prisons, grants he only represents the prisoners on a narrow range of issues. Things like county medical services and roads to and from the prisons. But he says the county is stuck with the U.S. Census numbers.

**Steve Teele:**

Until the state and federal government does something to change their districts, we would probably defer to what they're doing, and we don't see that happening at the present time.

**David Sommerstien:**

Prison Policy researcher Peter Wagner is challenging that status quo. If he succeeds, the results could dramatically shrink the North Country census count in 2010, affecting everything from federal services, to state grants, to representation at all levels of government.

For North Country Public Radio, I'm David Sommerstein.

*In Reapportionment*

# Greene County Not Excluded From Inmate Headcount Debate

**By Sean Springer**

GREENVILLE—Greene County hasn't been alone in facing difficulties in reshaping representation in county government.

Following the 2000 Census, counties around the state have been redrawing boundaries and/or recomputing the voting weight of unequally populated districts. Issues a number of these counties have been fac-

ing included changes in population, prison populations, district shapes and sizes, multiple- or single-representative districts and weighted votes.

In Greene County, public input to a Reapportionment Task Force has reflected a desire to see the county's prison population, just shy of 3,000, excluded from the picture. Also, many speakers at recent public hear-

ings favored smaller districts with single representatives or preserving the individual-town districts that currently exist.

The Greene County Legislature is expected to address the issue in March. Whatever plan the Legislature adopts through a local law, which is subject to permissive referendum, the public can force a public

*See Inmate, page 20*



# Inmate

continued from front page

vote by gathering the signatures of five percent of the number of registered voters in the county who were eligible to vote in last November's election.

Such a petition was turned in two weeks ago in Ulster County, where Democrats are leading a challenge against a multi-member/multi-town district plan. A similar 2001 plan was successfully challenged in court. A replacement plan was drawn up by the Ulster County Legislature, but it will likely be up for a public vote in November.

A petition signed by a reported 7,830 people was submitted to that county on January 30. The county has one month to accept the petitioners' signatures as valid or not.

In Ulster, 7,830 voters represent 6.7 percent of the county's 116,396 registered voters. According to Ulster County Attorney Frank Murray, the petition needs 5 percent of the eligible voters from the last general election, or 5,820 people.

The current 33-legislator plan has one single-legislator district that covers part of the town of Woodstock, but otherwise uses multi-member multi-town districts. One district covers several towns and has six legislators.

These large multi-town, multi-legislator districts are unfair, said Joshua Koplovitz, an attorney working with the petitioners. The town of New Paltz, for instance, is heavily Democratic, he said, but is lumped together with a number of other towns, resulting in no county representation for New Paltz.

If the plan survives a referendum, Koplovitz said, court challenges remain an option.

Murray said the previous plan was challenged because the Legislature attempted to keep the City of Kingston as an intact district. This

resulted in an unequal population margin beyond the state's allotted 10 percent deviation. Deviations beyond 10 percent are permitted if there is good reason.

Murray said the local court ruled the Kingston exception was not a good reason, and the new plan split up Kingston into separate districts.

While the Democrats advocate single-representative districts, the referendum will allow the public to approve or deny the current plan, which was approved by the Ulster County Legislature December 19.

Murray said the county used the Census figures as-is, and deleted no one: prisoners, college students or otherwise.

Ulster County has a population of 177,749, according to the county planning office. With 3,633 inmates at four facilities, inmates make up 2 percent of the county population. Prisoners have no voting rights.

Whether to include prison populations in calculating legislative districts is a hotter issue in less-populated counties, such as those in the Adirondack region.

Following the 1990 Census, Essex, Franklin and Jefferson counties counted prison populations in their reapportionment plans, while St. Lawrence County did not. In 2000, St. Lawrence and Jefferson did, while Essex and Franklin opted not to.

On several occasions, the courts have upheld that while the state includes prison populations in creating congressional or state legislative districts, counties are allowed the option of excluding or including these populations.

In Greene County, prisoners account for almost 6 percent of the county population and almost one third of Coxsackie's population of 8,884, based on Census 2000 data. Another 40 from the county jail are

cited as part of Catskill's 11,849 headcount.

More recent Coxsackie figures *The Press* obtained from the state Department of Corrections show that as of January 1, 2003, Greene Correctional had 1,750 inmates, while Coxsackie Correctional had 1,010. According to County Attorney Carol Stevens, the county is obligated to use Census 2000 information.

Essex County faced a similar situation, and excluded prisoner headcounts. There, 2,194, or 5.6 percent of the county's population, were inmates, 296 in Moriah and 1,898 in North Elba. The county's population is 38,851. Out of its towns, 11 have populations less than 1,898.

Even without the prisoners, North Elba is already the most populated town in Essex County, with 6,763 people. Ticonderoga is second with 5,167, while Moriah is third with 4,583. The other 15 towns have populations ranging from 266 to 2,409.

Essex County's Local Law No. 1 of 2003 updates the weighted votes of each member of the Board of Supervisors, based upon a population of 36,657, using Census figures modified to exclude the prison counts.

"These incarcerated persons are not residents of the county since they are not here voluntarily and can be relocated by [DoC] at the latter's discretion. [They] receive no services from the county—except when they commit new criminal acts and are brought before county court" or for certain parole hearings, the law states.

Franklin County took a similar stance. With 5,907 inmates in a county of 51,134 people, according to the 2000 Census, 11.55 percent of the county is behind bars.

St. Lawrence County Director

of Planning Keith Zimmerman said his county realized early on that the prison populations would be an issue. In August 2001, the county attempted to survey each of the 62 counties in the state. (They did not hear from all of them.) Fourteen counties included prisoner populations, while nine excluded them, he said.

St. Lawrence County has a combined total of 3,120 prisoners at three facilities in different towns. The county population is 111,931, according to the 2000 Census.

Two other factors were considered by the St. Lawrence County Board of Legislators, he said: the use of prison counts in state and federal redistricting, and a Jefferson County lawsuit.

The 1993 Longway v. Jefferson County Board of Supervisors lawsuit upheld a county's right to use prison and other non-permanent resident counts.

This ruling has been cited both by counties who argue these populations should be included, such as Oneida, and also by counties who choose to exclude them, such as Essex.

Court challenges are also a possibility in Albany County, where rural/suburban Republicans appear to have an unlikely ally in inner city minority activists.

The Albany County Legislature has 39 members, before and after the redistricting plan passed December 2. While the county's population has only grown slightly, the City of Albany has lost some, while suburban Colonie and Guilderland have grown. District populations have grown slightly, from 7,500 to 7,553, according to Betsy Weiss of the (Democratic) Majority Counsel's Office.

Minority Leader John Graziano (R-Watervliet) describes the new

plan as gerrymandering. He said that city Democrats have drawn lines to maintain control, by extending districts slightly out into the suburbs to compensate for the loss of constituents, protect incumbents and maintain control over the county.

The plan may come under legal fire from activists. Graziano said Republicans do not currently plan litigation of their own, but did not rule it out.

# OHIO

**PRISON**  
POLICY INITIATIVE

## Are prisoners Youngstown residents?

About one in every 20 people who the U.S. Census Bureau counts as Youngstown residents "live" in three locations.

None of them is pleasant: the Northeast Ohio Correctional Center private prison, the Ohio State Penitentiary (also known as the Supermax), and the Mahoning County jail.

Of the 66,982 counted as residents in the 2010 census, 3,050 are incarcerated at those three facilities.

### RESIDENTS

The census considers prisoners to be residents of where they are incarcerated, even though except for some at the county jail, none of them can vote, and members of council don't really represent them.

Consider the 1,500 or so of the 2,071 inmates at the NEOCC who are illegal immigrants convicted of felonies.

When officials with the Prison Policy Initiative read in *The Vindicator* about Youngstown City Council redistricting the seven



**POLITICS**  
*David Skolnick*

wards to make each more equitable, they pointed out that counting inmates doesn't really balance the populations in the wards.

It's perfectly legal to count prisoners when redistricting, and in Ohio, only Lima excludes inmates.

The initiative is a think tank critical of counting prisoners as residents of the community in which they're incarcerated.

Council hasn't bothered to redistrict in 30 years so the existing populations of the wards are already seriously unbalanced and quite likely unconstitutional.

Council is working to resolve that, and have the new boundaries in place well before the next council election in 2015. But the initiative's concern certainly merits serious discussion.

**Thomas Finnerty**, associate director of Youngstown State University's Center

for Urban and Regional Studies, who proposed ward maps based on census numbers to city officials, said the institute's recommendation should be considered.

"I'll give them that option without prisoners," he said. "In the end, it's their decision and one they'll have to answer to. It's a valid choice."

Finnerty's proposed redistricting moves the private prison to the East Side's 2nd Ward and keeps the Supermax there because so few people live in that part of the city.

But it also means 27.3 percent of the proposed 2nd Ward's population are heavy-duty felons.

"Three residents who live near the prison would have more say in local government than four people living anywhere else," said **Leah Sakala**, policy analyst for Prison Policy Initiative.

The 2nd Ward takes in about 25 percent to 30 percent of the city's land, but is currently the second-least populous ward. The

sparsely-populated 2nd would get larger if council agrees to remove prisoners when dividing the wards by population.

"Area is meaningless," Finnerty said about redistricting, adding that some members of council are having trouble accepting that.

The most vocal opponent on council to the initiative's recommendation is **Annie Gillam**, D-1st, who previously stated she doesn't like Finnerty's proposed map that takes the private prison and her home and moves them to the 2nd Ward.

Prisoners are residents of the city, Gillam said, even though they can't vote.

She also points out that the 1st Ward includes the downtown business area and Youngstown State University, and she represents that area even though most downtown workers, YSU employees and students don't live there.

"That swells my population," Gillam said.

# OKLAHOMA

**PRISON**  
POLICY INITIATIVE

# McAlester News-Capital

SEVENTY-FIVE CENTS | TUESDAY SEPTEMBER 13, 2011

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## Butting heads on head count

**DISTRICTS** | City must include inmate population when drawing new boundaries for wards

By JAMES BEATY  
SENIOR EDITOR

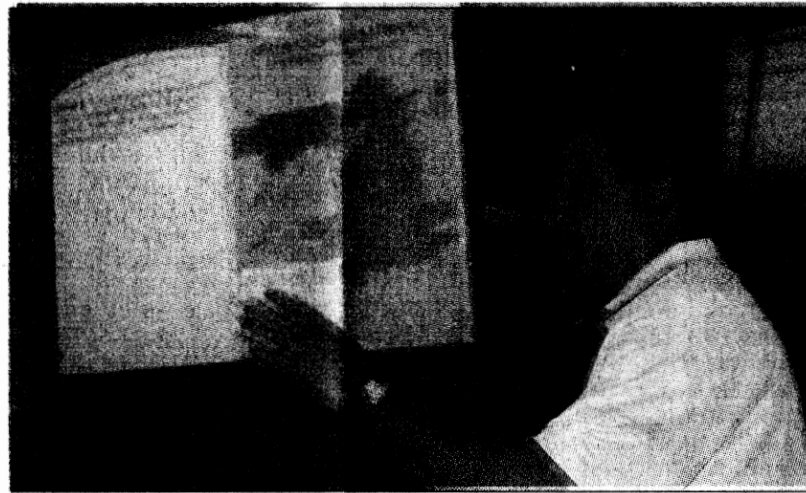
Several McAlester residents told members of the city's Ward Commission on Monday night that they didn't like including state prison inmate populations when re-drawing the boundaries for the city's six wards.

Ward Commission members responded they didn't like it either — but said they were required to do so.

The matter arose during a public meeting the Ward Commission held Monday night at the Kiamichi Technology Center's Seminar Center.

Ward Commission members, with the exception of Commission Chairman Evans McBride, were appointed by city councilors from the city's six wards. Commission members then selected McBride to serve as commission chairman.

Most of the citizens who attended and spoke during the meeting were concerned about including the prison population in Ward 4, which means Ward 4 Councilor Robert



Staff photo by JAMES BEATY

McAlester Ward Commission Chairman Evans McBride relates a point about how the commission chose the new ward boundaries it's suggesting for the city of McAlester. McBride spoke during a Monday evening presentation of the commission's plan held at the Kiamichi Technology Center.

Karr will be losing a number of his regular constituents.

Among those questioning the loss were Karr himself.

Ward Commission Chairman McBride told those present that the Ward Commission had to follow strict guidelines to redraw the city's ward boundaries to reflect population changes in the 2010

federal census.

McBride said the city's population had grown from 17,783 to 18,383, or by 600 individuals, between the 2000 and the 2010 Census.

Commission members have said they were following requirements



# Districts

CONTINUED FROM PAGE 1A

of the City Charter. However, McBride said that even if the charter hadn't required the prison population to be included when redrawing the boundaries, it's likely that federal and state law would have required it anyway.

When one woman in the audience responded that prison inmates don't vote, Ward Commission member Mel Stubbings told her that it was not about who votes — but was required to be about population.

McBride also told those present that the Ward Commission had managed to stay within the required 5 percent variance in population when redrawing the boundaries — and had actually come in less than 4 percent.

Dorothy Crone, who had been a member of the commission that created the new City Charter, said it had not been the members' intent to have the prison inmate population included when redrawing the ward boundaries.

"I served on the City



Staff photo by JAMES BEATY

Ward 4 City Councilor Robert Karr, back row left, questions a plan by the city's Ward Commission that will include state prison inmates as part of the Ward 4 population. Karr spoke during a city Ward Commission Meeting held Monday at the Kiamichi Technology Center. Also pictured, front row from left: Ward 1 City Councilor Weldon Smith and Ward Commission member Frank Phillips.

Charter (Commission) when we made those changes," she said.

"I think we made a little mistake that needs to be corrected."

McBride said the city might consider taking another look at that part of the charter, but he said any changes would not take place until the 2020 Census results are completed.

He also suggested that if the proposed change is

made not to include the prison population next time, that a provision be added that it would be in effect as long as it was not in conflict with state or federal law.

City residents will now have 30 days to present their thoughts on the proposal to the city council, before the Ward Commission presents its plan for approval by city councilors.

Once the Ward Commis-

sion presents the matter to the city council, the city council will have 14 days to reject any provision of the proposed changes. If the council does not reject the document within 14 days after officially receiving the document, it will go into effect, McBride said.

If the council does reject it, the Ward Commission would have to start again.

During the meeting, McBride related how East

Central University had been involved in creating the changes, to take the political process out of it.

No effort had been made to serve the interests of any particular city councilor, he said.

McBride also recapped the changes that the Ward Commission is proposing:

- Ward 1 — West boundary moves from railroad track to D Street. South boundary moves from Washington Avenue to Carl Albert Parkway.

- Ward 2 — No change.

- Ward 3 — North boundary moves from railroad track to Madison Avenue.

- Ward 4 — East border with Ward 5 is Hickory Avenue. East border with Ward 1 is D Street. The south border with Ward 3 is Madison Avenue.

- Ward 5 — West border is Hickory Avenue. South border is Electric Avenue.

- Ward 6 — South border from Ninth Street to Second Street moved south one block to Seneca Avenue. North boundary is Carl Albert Parkway.

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Contact James Beaty at [jbeaty@mcalesternews.com](mailto:jbeaty@mcalesternews.com).

# McAlester News-Capital

SEVENTY-FIVE CENTS | WEDNESDAY MARCH 30, 2011

www.mcalesternews.com

## Feds: Prison populations not required in ward count

By WES CARTER

STAFF WRITER

The McAlester Ward Commission is in the midst of redistricting the population of McAlester into six city wards.

Ward populations, due to the city charter, are slated to include the population of both Jackie Brannon Correctional Center and Oklahoma State Penitentiary.

The reason for the inclusion of inmates into the city's ward population isn't due to a state or federal law, but it is because of the wording of the charter refers to population, not inmates.

"The charter doesn't address the prison population at all," said Weldon Smith, Ward 1 councilman and member of the city committee that wrote the new charter in 2008.

It seems the semantics of the charter are what is driving the ward commis-

sion to include the prison population.

"The charter says population," said Joe Ervin, McAlester's city attorney. "It doesn't distinguish between voters and inmates."

Although the charter doesn't distinguish between voters and inmates, it also doesn't distinguish between people and livestock.

"Wards shall be equal in population except where deviations from equality result from the application of the provisions hereinafter set forth, but no such deviation may exceed five percent (5%) of the average population of a City Council ward, calculated by dividing the total city population according to the most recent census by six," states the McAlester City Charter section 6.04.

It seems some people believe the inclusion of inmates derives from the

Federal Census Bureau, however, the director of the bureau has refuted this sentiment himself.

"This decade we are releasing early counts of prisoners (and counts of other group quarters), so that states can leave the prisoners counted where the prisons are, delete them from the redistricting formulas, or assign them to some other locale," said Robert Groves, Federal Census Bureau director. "As a nonpartisan scientific organization, the Census Bureau is not involved in redistricting. We collect the information under uniform rules that offer the promise of accurate counts. We provide this early release to allow users more information in doing their jobs."

The result of adding inmates to city wards will have drastic effects on the makeup of the city. The



Inmates of Jackie Brannon Correctional Center walk through the prison grounds Wednesday. Inmate numbers are being considered as part of the population for re-districting the city's wards.

Photo by Kevin Harvison



File photo

An ariel view of Oklahoma State Penitentiary shows the compound that is located in McAlester. Currently, city wards are being drawn to include inmates in McAlester's six wards.

## FROM PAGE ONE

# Count

CONTINUED FROM PAGE 1A

prison population at the moment is scheduled to be located in Ward 4. Inmates will make up approximately two-thirds of the population.

"It seems this wouldn't be fair," said Ward 4 Councilmen Robert Karr. "Prisoners can't vote so I can't real-

ly represent them."

Not only would it be hard for an elected official to represent inmates, the smaller voting block would dilute the votes of voters in the other five wards.

"I think it is fair the way we have done it in the past," said Karr. "Hopefully

common sense will prevail."

The commission meets Wednesday in a special meeting at 4:30 p.m. Commission meetings are open to the public and are held in the second floor conference room at McAlester City Hall.

Contact Wes Carter at [wcarter@mcalesternews.com](mailto:wcarter@mcalesternews.com).





Staff photo by WES CARTER

Evans McBride, McAlester Ward Commission chairman, discusses future plans on how to best redistrict McAlester's six wards. The new districts must include the approximate 2,000 inmates populating McAlester's two correctional facilities.

# City ward boundaries to be re-drawn after census

By WES CARTER  
STAFF WRITER

The McAlester Ward Commission met at city hall Wednesday night to discuss the best way to begin redistricting the city's six wards.

Although population hasn't changed dramatically since the 2000 Census, with approximately 600 more people, the rules or rather the enforcement of census laws has changed.

"The federal census bureau says we have to count the population of both of our prisons," said Mel Stubbings, a ward commission board member. "It's not a question of 'why now?' but a question of 'why wasn't it before?'"

Counting the prison population as part of the voting block will essentially dilute the representation of voters in the other five

wards. The McAlester population is estimated at 18,000 residents, while the estimate for the combined population of both McAlester prisons sits at 2,000 inmates. These two numbers add up to the make 20,000 people McAlester's six wards must represent!

When disbursed equally, each city council member will represent 3,333 people. However, Ward 4, which is where both prisons are located, will have 2,000 inmates and 1,333 citizens in its district. The Ward 4 council member will represent 39 percent of what the other council members represent; however, he will have the same amount of responsibility.

The city is working with Dr. Greg Plumb, the East Central University chair of cartography and geography, to help map the

changes for the future city voting map. At the meeting Plumb gave a presentation to explain how ECU's involvement could benefit the city.

A special meeting is slated for next Wednesday at 4:30 p.m. to vote on whether to accept Plumb's proposal.

Commission members attending the meeting were Aaron Watkins, Evans McBride, Mel Stubbings, Dr. William Blanchard Frank Phillips. Others in attendance included City Manager Pete Stasiak, Ward 2 Councilor Steve Harrison and Ward 1 Councilor Weldon Smith.

Travis Read resigned from the commission through a letter that Chairman McBride read during the meeting.

Contact Wes Carter at [wecarter@mcalesternews.com](mailto:wecarter@mcalesternews.com)

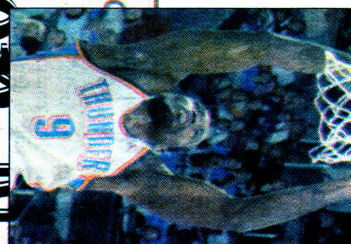
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# McAlester News-Capital

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# TENNESSEE

**PRISON**  
POLICY INITIATIVE





# Morgan County News

www.morgancountynews.net

Volume 94 Number 38 • Wartburg, Tennessee • Wednesday, October 5, 2011 • Two Section, 22 Pages • 75¢

## REDISTRICTING NEWS

### Committee finalizes two of three plans to present to county commission

The redistricting committee made real progress at the meeting on Sept. 20. Two of the three plans that the committee is preparing to present to the county commission for their consideration were voted on as being finished and ready to present.

These were plan B, which has 9 county commissioners and results in a disparity of 1.5 to 1 in the representation of voters in the district that contains the prison. And plan C, which has 13 county commissioners and results in a disparity of 1.9 to 1 in the representation of voters in the district that contains the prison.

Plan A will be worked



Jerry Zorsch

on at the next meeting and we hope to be able to finish it at that time. In Plan A there will be 18 county commissioners in 6 districts which will result in a 3 to 1 disparity in the representation of the voters in the prison district over the voters in the rest of Morgan County.

At this meeting I also presented to the committee a copy of a letter that had been sent to Tom

Fleming, the Tennessee Comptroller of the Treasury, from Peter Wagner and Aleks Kajstura from the Prison Policy Initiative, a national group that is working to end prison-based gerrymandering.

Prison-based gerrymandering is what causes the disparity in representation between the voters in the district with the prison and the rest of the county. Whether it is the 1.5 to 1 of the 9 commissioner plan or the much larger 3 to 1 of the 18 commissioner plan.

I also informed the committee that after a phone conversation with an attorney, it was my understanding that those interested in ending prison-based gerrymandering were looking

for a test case somewhere here in Tennessee. There are many other counties in Tennessee that have prisons besides Morgan County. The Tom Fleming letter was 6 pages long. Four of the 6 pages focused on Morgan County. I did not think that was a good sign.

The U.S. Supreme Court has said "The weight of a citizen's vote cannot be made to depend on where he lives." Reynolds v. Sims

With all the problems that Morgan County is already dealing with, I sincerely hope that we do not end up having to defend the redistricting plan we adopt in Federal Court.



## Should where you live determine the amount of representation you get on County Commission?

Submitted by Jerry Zorsch on Fri, 09/30/2011 - 6:35pm

The Redistricting Committee put Plans 'B' and 'C' to bed and now only have to finish Plan 'A'. Plan 'B' is the one where county commission is reduced to 9 members and gets the voters the most equal representation possible under the law as it stands now in Tennessee. One and a half to one. Plan 'C' has 13 county commissioners and results in a 1.9 to 1 advantage in representation for those who happen to live near the prison.

Plan 'A' will hopefully be done soon and is the one that county commission specifically asked for. This will have 18 county commissioners located in 6 districts and will result in a 3 to 1 advantage in representation for those who happen to live in the same district as the prison.

This is the result of what is often referred to as Prison-based Gerrymandering. Whether it is done deliberately or not the result is the same. Some voters get a lot more power and representation than the others.

At the 20 Sept. meeting I presented a copy of a letter that had been sent to Tom Fleming, Tennessee Comptroller of the Treasury, from the Prison Policy Initiative that dealt with Prison-based Gerrymandering here in Tennessee. This is apparently a group that has been set up to help end the practice of Prison-based Gerrymandering. The letter outlines the problem as it exists here in Tennessee and presented several possible solutions to it.

If the county commission decides to adopt the 18 commissioner plan with its 3 to 1 disparity in representation for the voters, then I fear that Morgan County will very likely have to defend that decision in court. I expressed this fear to the redistricting committee at the last meeting.

There are several reasons that I believe this.

First: The people fighting to put an end to Prison-based Gerrymandering are looking for a good test case that they can take to court here in Tennessee.

Second: The letter from the PPI group to Tom Fleming, was 6 pages long. There are at least 10 counties in Tennessee that have large prisons that I know of. There may be more. And yet Morgan Co. was the focus of 4 of those 6 pages. I don't think that this is just a coincidence.

Third: The 9 commissioner plan would lower the inequity from the 3 to 1 of the 18 commissioner plan, to 1.5 to 1 and still include the prisoners as presently required by TN. law. This would at least show a good faith effort to achieve the "one person one vote" ideal. Going with the 18 commissioner plan does not.

Fourth: In the 1963 landmark case Reynolds v. Sims, the U.S. Supreme Court said "The weight of a citizen's vote cannot be made to depend on where he lives." And that is exactly what will happen with the 18 commissioner, 6 district plan.

Fifth: Morgan County failed to do a reapportionment, as required by law, 10 years ago. We are very lucky not to have gotten sued then. It also shows a predisposition on the part of the county commission to violate voters' rights.

Lastly: When I'm on the phone with a Massachusetts lawyer and he asks me if I am the one writing the articles in the paper, I know that Morgan County is under some pretty close scrutiny. A lot of people that live here in Morgan County don't read the Morgan County News. When someone almost a thousand miles away, that isn't from here, is reading the Morgan County News, you can bet it isn't to see how the Sunbright Tigers are doing this season.



# Redistricting Committee has a tough job

The Redistricting Committee has now had its second meeting and it's becoming more and more obvious that the task before them isn't going to be accomplished overnight or even in a couple of weeks.

And I think one of its biggest jobs is going to be not letting personalities hinder its progress.

I remember well the events of about 10 years ago. When people found out that they were being moved into another district, they came out and expressed their protest in loud voices. You would think that it shouldn't be such a big deal — so what if you live in the Petros district near Stephens and you're moved into the Coalfield District. That's no big deal, right? Maybe. Maybe not.

Or what about if you live in the Nemo area of Catoosa? It's okay for them to be moved into the Oakdale District, right? You know there's a road back there somewhere that will take you into the Oakdale area in a matter of minutes? Well, that is if you have a 4-wheel drive or an ATV or TWRA hasn't closed the road to through traffic.

And why in the world, do we have to count inmates at the Morgan County Correctional Complex? After all that throws our numbers way off!

As I listened Monday night, some of the discussion called for putting three commissioners in a district with the prison and having two commissioners in the other districts. But the Chairman



Judy  
Byrge

pointed out that would give Wartburg more representation on the County Commission.

The idea is to have each commissioner representing the same number of people within 10 percent. Our census data shows that we have about 22,000 people living in Morgan County but about 2,400 of those are incarcerated at the prison.

Guess what? Apparently you can't just decide not to give them representation. I'm sorry but I find that hilarious! I'm one of those people who believe that for the most part they have more representation and a stronger voice than you and I, the common working men and women.

Do you remember the state spending more than \$180,000 million for a place to hold them? Do you remember who built the schools in Morgan County, not once but twice in the last 30 years, to the tune of about \$35 to \$40 million? Local tax payers did.

They are incarcerated in a state facility that is controlled by the state. Our districts will be for local county elections. Why do they need representation in what the county does? Doesn't make sense to me. Maybe the law needs to be changed!

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Morgan County News

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# Morgan County News

www.morgancountynews.net

Volume 94 Number 30 • Wartburg, Tennessee • Wednesday, August 10, 2011 • Two Section, 22 Pages • 75¢

## REDISTRICTING UPDATE

### Committee chairman shares progress the group has made

Your Morgan County Redistricting Committee meet, for the first time on Aug. 21 in the County Courthouse at 5 p.m. A Chairman Jerry Zorsch, Vice Chairman Tim Sweat, and Secretary Margaret Gibson were elected and we began what promises to be a very challenging task.

The committee consists of 14 people. The county executive, seven serving county commissioners, two former county commissioners, the administrator of elections and three private citizens.

Helping us from the State of Tennessee CTAS office was Ben Rogers. The first and greatest challenge facing the Redistricting Committee is how to handle the situation created by the presence of the MCCX, under the current state laws.



**JERRY  
ZORSCH**

The problem as it stands is this: the State of Tennessee demands that the prison population be included in the head count for each district, despite the fact that these are all convicted felons and cannot vote, at least not now. We are also told that we are not allowed to split the prison population up between several different districts. That would at least help reduce the impact of their numbers.

What this means is that if we divide the county's (population @ 22,000)

into six districts, as it is now, with an equal head count in each district (3,367), no matter how we draw the lines or shape the districts, which ever district gets the prison (population 2,441) will, in effect, give the voters in that district (1,226) almost three times the representation of the voters from the other five districts. How we are going to solve this I do not yet know but we are exploring options and will be talking with people who have had to deal with it in other counties.

The next scheduled meetings are at 5 pm Aug. 12 and 23. The public is invited and encouraged to attend.

*Editor's Note Jerry Zorsch will also be blogging about the committee's work on [morgancountynews.net](http://morgancountynews.net).*





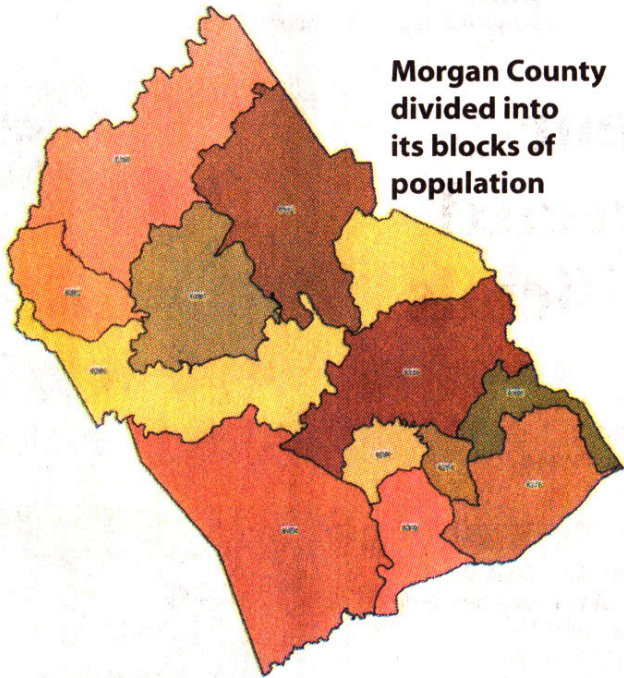
# Morgan County News

[www.morgancountynews.net](http://www.morgancountynews.net)

## Work begins to realign districts

By JUDY BYRGE

[jbyrge@morgancountynews.net](mailto:jbyrge@morgancountynews.net)



**Morgan County  
divided into  
its blocks of  
population**

It doesn't look like six districts are going to work so next up is a plan for seven.

That's the decision the Redistricting-Reapportionment Committee reached during its first meeting last week.

The problem with keeping six districts as it stands now is dealing with the prison population at Morgan County Correctional Complex.

Former County Commissioner Wade Adcock, who served on the committee the last time districts needed to be realigned after a census was taken, said this is old news.

"We had this problem before," Adcock said. "But then part of the prison population was in Petros and the Sixth District. This time it's all in the Third District.

Based on the new census taken in 2010, Morgan County's population is

about 22,000. It will be the committee's responsibility to come up with a plan to be sure that each of us are represented equally. Although it defines the voting districts it really isn't based on the number of voters but the number of people inside each district.

The state has sent along someone to help the committee do its job. Ben Rogers with County Technical Assistance Service (CTAS) is that person for Morgan County.

"Whatever you do here, the commission does not dictate," Rogers said. "You are a stand alone committee."

Rogers went on to give the group, which was meeting for the first time, an overview of how the state has divided the county into population blocks.

"The blocks can't be changed," Rogers explained. That means the committee cannot divide a population block between two districts although it may

**Districts/3A**



# Districts

From Page 1A

make sense.

As guidelines, the county must have at least nine commissioners and no more than 25. Every district does not have to have the same number of commissioners, according to Rogers. As an example a district could be drawn with 3,000 people in it and have three commissioners elected while another district has only 1,000 people and one commissioner.

From the beginning, Rogers said one of the committee's biggest challenges will be developing a plan to bring the Third District into alignment with the other districts.

As it stands now with the prison population topping 2,400, the district is more than 57 percent out of alignment.

"You cannot split the prison population. It has to be kept as a population block," he explained.

The goal of the committee will be to come up with a plan and number of districts that are within 10 percent of each other.

Commissioner Ken Jones, who serves on the committee, told cohorts on the committee that some "common sense" also has to be applied.

"It doesn't make sense to have some people drive from Catoosa, past the courthouse and past Mossy Grove to go to

Oakdale to vote," he said.

In some cases the population blocks do not take those geographic boundaries and things like rivers and mountains into consideration.

"It doesn't work as the bird flies," said Commissioner Kay Johnson. "Sometimes you have to drive around those mountains."

"It kills you when they don't give you good blocks of population," said Election Administrator Tim Sweat, who is serving as a voting member of the committee.

Several weeks ago county commissioners voted to instruct the committee to stick with 18 commissioners but the committee determined that it wants to look at other possibilities.

Commissioner Tommy Francis wanted the committee to look at an alignment for nine districts with one commissioner from each district.

The committee had been working on a seven-district plan and Rogers suggested some organization to their consideration and working one idea at a time.

"Personally, I don't think we need to take anything off the table," said County Executive Don Edwards, who is also serving as a voting mem-

ber of the committee.

"Let's continue with where we've started tonight," said Commissioner Susie Kries. "Let's look at seven districts next time."

Francis was not able to get enough votes from the committee to move his idea for nine districts forward but that may be coming after the committee reviews the plan for seven districts during its meeting on Aug. 15.

"They (county commissioners) aren't going to pass anything I put forward but they may (consider this committee's recommendation)," Francis said.

A representative from the state who helped Bledsoe County deal with its prison population is supposed to attend to give insight into what was done there.

The deadline for the county to have its plan to the state is Dec. 31, 2011.

It will also meet on Aug. 23. Both meetings will begin at 5 p.m. and are scheduled to be held in the main courtroom at the Morgan County Courthouse. The meetings are open to the public.

The Chairman Jerry Zorsch will share his take on its progress following each meeting with a column on our Opinion Page.

# VIRGINIA

**PRISON**  
POLICY INITIATIVE

# THE ROANOKE TIMES

## Prisoners shouldn't pad electoral districts

Let small localities with comparatively big prisons skip the prisoners when redistricting.

Prisoners skew the electoral map in some Virginia communities because they count as residents where they are incarcerated. They may not vote, though, so the rest of the people in a district with a prison receive greater political power than their neighbors.

Del. Riley Ingram, R-Hopewell, has introduced a bill to allow a few more localities to end such local prison-based gerrymandering. If H.B. 13 becomes law, localities would not have to count prisoners when they draw their legislative maps if the prisoners would constitute at least 12 percent of the ideal population of a district.

That would not affect redistricting for state or federal offices, only local offices.

The 12 percent threshold is a vestigial organ from existing law. In 2001, lawmakers gave localities the option to ignore prisoners in redistricting if 12 percent of all residents were prisoners. Ingram's bill simply shifts the same percentage to a single district.

The nonpartisan Prison Policy Initiative identifies more than a dozen Virginia localities that could stop padding districts with prisoners. None is around these parts,

but Pulaski and Pittsylvania counties both have incarceration facilities that could be eligible in 2021, when the next redistricting takes place.

Ingram sponsored a similar bill last year. It passed the House of Delegates on a 99-0 vote, but it died in the Senate Privileges and Elections Committee. Local senators split on the committee vote. Sen. John Edwards, D-Roanoke, supported the bill. Sen. Ralph Smith, R-Roanoke County, opposed it.

It faces better prospects this year. The evenly divided Senate is now under Republican control with the tie-breaking vote of Lt. Gov. Bill Bolling. Moreover, the NAACP has come out in favor of the change, contradicting concerns raised last year that blacks would oppose the measure.

Ideally, the General Assembly would simply allow all localities not to count prisoners in their local districts. After all, whether they are 5 percent or 15 percent of the population in a district, they artificially boost the population count and the political clout of some voters.

Ingram's bill does not go that far, but it would move the commonwealth in the right direction.

**Pittsylvania  
County**

# Should prison inmates count?

Proposal would  
exclude prisoners  
from redistricting

**BY JOHN R. CRANE**  
jcrane@registerbee.com  
(434) 791-7987

A Virginia lawmaker plans to re-introduce a bill that could allow Pittsylvania County to avoid counting its prison population during the redistricting process.

Delegate Riley Ingram, R-Hopewell, pre-filed House Bill 13 early this month. He plans to bring it back to the General Assembly in 2012 after it passed the House of Delegates 99-0 during the last session but died in a Senate committee.

**FRIDAY**

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# Danville Register & Bee

# Prison

From Page A1

Under current state law, a city, county or town containing a state adult correctional facility whose population exceeds 12 percent of the locality's total population can leave those prisoners out of the redistricting process—the drawing of new legislative districts.

Ingram wants to add language that would also

include federal and regional adult correctional facilities.

The bill would also allow localities to exclude inmates if they exceed 12 percent of an election district's population within a county, town or city.

"It's been a concern for some time," Ingram said Thursday.

Green Rock Correctional Center, a state prison located in Pittsylvania County's minority-majority Banister District, has a capacity of slightly more

than 1,000 prisoners, said County Administrator Dan Sleeper. The Banister District's population is about 9,000.

Though the bill would not help Pittsylvania regarding the 2010 U.S. Census, it could possibly benefit the county in the 2020 Census, Sleeper said. The county had to include Green Rock's population in its redistricting from last year's count, which skewed the results because convicted felons cannot vote, Sleeper said.

"You want a fair representation of voters in your district," Sleeper said.

Peter Wagner, executive director of the Prison Policy Initiative in Easthampton, Mass., said Ingram's bill would more than double the number of rural counties eligible to leave out prison populations from their districts. The current law gives voters in certain districts more power than they should have, Wagner said.

"It gives unearned extra influence to residents that

live next to the prison to the detriment of residents in every other district," Wagner said.

The Prison Policy Initiative focuses on how prisons affect society.

Delegate Donald Merricks, R-Pittsylvania County, said he would probably support Ingram's bill if it comes to a vote in the House.

"I don't know why you'd include them [prisoners], anyway," Merricks said.

Crane reports for the Danville Register & Bee.



## Powhatan Redistricting Panel to begin gathering community input

By Michael Copley  
Staff Writer

[mcopley@powhatantoday.com](mailto:mcopley@powhatantoday.com)

Published: March 10, 2011

As the Powhatan Board of Supervisors approaches the delicate job of reshaping the county's electoral districts, a group of citizens tapped to be the board's eyes and ears will hold three town hall meetings over the next 30 days to determine which concerns weigh heaviest on the minds of residents.

The idea is to "cast the net as wide as possible [and] involve as many people as possible" in the redistricting process, Supervisor Carson Tucker said. "We want transparency."

The Redistricting Advisory Panel – made up of one resident from each electoral district and a representative appointed by the School Board – was instructed to gather input from the community and deliver its findings to the board April 13.

Town hall meetings are scheduled for March 23, March 30 and April 6 at 6 p.m. Locations for the meetings have not yet been announced, but there is a desire to hold each in a different part of the county.

"All we're asking you to do is collect data, sift through it and present it," Tucker told panel members March 9.

Beginning in mid April, supervisors will start reconfiguring voting districts so that each comprises nearly equal numbers of residents while at the same time preserving minority voting rights. Redistricting is conducted after each census and is intended to respond to both geographic shifts and increases in population.

The county's inmate population had factored in as the great uncertainty, but a bill that would have permitted localities to exclude prisoner populations when they exceed 12 percent of the population of an individual voting district was passed over indefinitely in the Virginia Senate in February.

According to Tucker, in 2008 inmates made up 14 percent of the population in District 3 and more than 30 percent in District 5.

That fact compromises the standard of one man – one vote because "the votes of the Supervisors of District 3 and District 5...carry slightly more weight than the individual votes of Districts 1, 2 and 4," Tucker wrote in an editorial in the Powhatan Today.

Peter Wagner, executive director of the Prison Policy Initiative, a non-partisan think tank, said the bill was halted in the Senate on a party-line vote. Localities should have the opportunity to choose whether to include or exclude prisoners from the population count, he said.

Wagner believes the census counts prisoners in the wrong place, which he said "is a problem for democracy" both in the prisoner's home community and in the locality where the prisoner is held.

***Tucker said the Board of Supervisors could push to have the bill reintroduced in the future if the advisory panel finds that the issue is important to residents.***

...Cont'd on back

Cont'd from front...

According to 2010 census information, the county's total population grew 25 percent over the past decade to 28,046 residents. District 3, the largest district by population, has 2,200 more residents in it than District 5, the district with the fewest residents. The Eastern end of the county experienced the most growth.

Tucker said District 5, the block he represents, needs to pick up about 1,500 residents during redistricting – but without “disenfranchising black voters,” he said. Currently, District 5 is almost 37 percent black. The ideal population per district is 5,609 residents.

Because black residents comprise only about 14 percent of the county's total population, Eric Gregory, the county's attorney, admitted it will be difficult to increase the number of residents in District 5 without reducing the percentage that are black. And that could conflict with the standard of non-retrogression, which requires localities to preserve the position of minority residents with respect to the right to vote, Gregory said.

Tucker said achieving that balance is “what we're good at as Americans.”

The Department of Justice, which will have to sign off on the county's plan, does not identify the point at which retrogression has occurred, Gregory said.

Karl Lipscomb, chairman of the advisory panel and representative for District 3, acknowledged the process of redistricting, and all its moving parts, “is going to be very complex.”

## MY POINT OF VIEW

# Taking a closer look at redistricting process

By Carson Tucker, District 5 Supervisor

**W**e will continue to receive over the next few weeks new census data on Powhatan. As a result, we will be looking at redistricting to insure that each of the five districts contains more-or-less equal numbers of residents, so that each supervisor will represent an equal number of residents for each vote that comes before the Board of Supervisors.

In this MPOV, I will as objectively as possible outline the situation and put the facts about redistricting on the table, without, at this time, trying to articulate answers to the problems we face.

A perennial question that occurs at each decennial census is what to do about the substantial prison populations which are incarcerated in Powhatan. Historically, since prisoners "have to be counted somewhere," their numbers have been counted as "Powhatan residents" and in District 3 (Powhatan Correctional Center, PCC) and in District 5 (Deep Meadow Correctional Center, DMCC). It is true that the law (Virginia 24.2-304.1) allows localities to exclude the prison population from its redistricting apportionments if that population exceeds 12% of the county's total population. It appears that the prison population in Powhatan does not trigger that option because (i) Powhatan's residential population has continued to grow [over 25.3% in ten years], and (ii) the prison population has decreased slightly.

There are several issues that face Powhatan County as we deliberate redistricting. First, counting the prison population in the 3<sup>rd</sup> and 5<sup>th</sup> Districts (where the prisons are located) creates districts where there are fewer actual residents (and registered voters) than there are in the other three districts. By the last census, for instance (when prisoners were counted in Powhatan's population), there were 4409 residents (3081 actual registered voters) in District 1; 4547 residents (3102 actual registered voters) in District 2; 4367 residents (2293 actual registered voters) in District 3 (the 4367 included PCC inmates); 4419 residents (2927 actual registered voters) in District 4; District 5 had 4635 residents (which included DMCC inmates) and 1528 actual registered voters. Analyzing these numbers (remember, again, based on the last U.S. Census), it is clear that the principle of "one person, one vote" is an issue. Therefore, the votes of the Supervisors of District 3 and District 5 on issues that come before the Board of Supervisors carry slightly more weight than the individual votes of Districts 1, 2, and 4. Another way of putting it: each registered voter (and each resident eligible to register to vote) in Districts 3 and 5 carries slightly more "weight" than those in the other three districts.

The second issue caused by the new

## MPOV: Issues loom large

Continued from page 8A

census and redistricting is the recognition that the Department of Justice asks localities to pay particular attention to minority representation in local governance, to insure that minorities have a "voice." It is clear from the way that Powhatan's African-American population is spread throughout the County that a "majority minority" district is not possible. To create such a district, it would be necessary to gerrymander in some bizarre way (which no one wants). The present shape of District 5 resulted from a good-faith effort by a previous Board of Supervisors to create a voting district with a significant African-American population to give that population as meaningful a voice in the governance of the county as possible, even if a majority minority district cannot be. The Department of Justice, under the auspices of Section 5 of the Voting Rights Act, approved the district, including the inclusion

of the prison population, as proposed a decade ago by that earlier Board of Supervisors. Incidentally, the U.S. Department of Justice had rejected Powhatan's redistricting plan in 1990 "because it did not include a black-majority district" (Richmond Times Dispatch, September 17, 2001). In that district, created as a result of the 2000 census, Mrs. Manning was the first African-American elected to Powhatan's Board of Supervisors; of course, she represented all residents of District 5, not only African-Americans.

The 2000 census indicated that the African-American population of Powhatan stood at 17%. In the 5<sup>th</sup> District, the African American population stood at 49.95%. These figures both included the Deep Meadow Correctional Center prison population (but not voting age inmates at Beaumont Learning Center, a juvenile offender facility; the law refers to "adult facilities" only). Similarly, District 3's African American population was 11.47%, which

included PCC inmates.

These are not small issues for us:

1. One person, one vote
2. Our sensitivity to our African-American residents and their representation in government decisions.

Further, if we were to choose, and DOJ approved our plan, to exclude the prison population in our redistricting deliberations, we have to recognize that significant redrawing of the district lines for all five districts might very well occur, because of the domino effect. Redrawing the lines of Districts 3 and 5, for instance, to disinclude prison populations, will increase the number of residents in District 5 by some percentage of the numbers of inmates at DMCC and of District 3 by some percentage of PCC's inmate population. This could be seen as a dilution of the African-American "voting power", especially in District 5.

What is clear is that we have a responsibility to recognize the changes

in our population and that population's equitable representation on the Board of Supervisors. I have proposed, and I believe they will approve, to my peers on the Board of Supervisors a Redistricting Advisory Panel, composed of a cross section of our residents, white and black, to study these issues (constitutional, legal, racial, ethical)—to conduct public meetings to collect public input, summarizing such input and ideas and reporting its findings to the Board of Supervisors. The final proposal for redistricting is the responsibility of the Board.

Our society is always in flux. As a people, we thrive in seeking solutions and improving the way we do things. We will get through this to a meaningful redistricting solution, if necessary, for the people of Powhatan. Equal representation in the governance process is the cornerstone of our government. As a society, we have also committed to fair treatment of every segment of our population.

# Richmond Times-Dispatch

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## Prison populations distort districting

Va. urged to change how inmates figure into drawing of lines

**BY FRANK GREEN**

Times-Dispatch Staff Writer

Almost half of Powhatan County Supervisor Carson Tucker's constituents are pretty rough actors, but they don't gripe about real estate taxes and they never vote against him.

Three state prisons holding more than 2,000 non-voting felons sit in Tucker's Board of Supervisors district.

Because the U.S. Census Bureau counts them as county residents, census-based redistricting in 2001 left each of Tucker's 5th District voters with a lot more clout than his or her counterparts in the county's four other districts.

Tucker, however, believes the whole county — not just his district — benefits from the inmates because they give Powhatan an edge over other counties when it comes to divvying up state and federal aid.

**“Every single resident of districts 1, 2, 3, and 4 in Powhatan County have their votes on county issues diluted because District 5 is being padded with prisoners.”**

PETER WAGNER  
Prison Policy Initiative

“It's a balancing act to us and we are satisfied,” he said.

In recent decades, the explosive growth of prisons in Virginia and across the country in sparsely populated rural areas has led to distortions in districting that challenge the principle of one-person, one-vote.

With the 2010 census numbers becoming available in February and redistricting for 2011 about to

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**RT-D  
FIRST**



# Prisons

From Page B1

start, the Virginia General Assembly has a chance to alter the way prisoners figure into county and city redistricting, as it did in 2001 when counties with populations that were more than 12 percent prisoners were permitted to ignore the inmates when doing internal redistricting.

Counties like Powhatan, however, do not have enough inmates to qualify and must include them.

Peter Wagner, executive director of the Prison Policy Initiative, urges Virginia to allow any city or county with prisoners to ignore them when redistricting — as do about 100 counties in other states across the country — in order to give every voter equal representation.

“Every single resident of districts 1, 2, 3, and 4 in Powhatan County have their votes on county issues diluted because District 5 is being padded with prisoners. In fact, a vote cast in the 5th District is worth almost twice as much as a vote cast anywhere else in the county,” he said.

Any advantage the county might gain in federal and state aid would be

quite small, Wagner said. Federal and state funding is distributed on the basis of detailed formulas, he said. Total census population plays a generally minor part and no federal or state funding formula is based on county redistricting.

But, the effects of prison populations on districting within localities can be huge, as they are in Powhatan, he said. Other examples include Southampton County, where inmates constitute 58 percent of the population in one Board of Supervisors district, and Nottoway County, where inmates are about a quarter of the population in the 1st and 3rd districts.

Wagner also said that unless corrective action is taken, a new federal prison in Lee County could be about a third of a district, and inmates in a new federal prison in Petersburg could be about 40 percent of a City Council district. Both prisons, along with two new state ones, opened in Virginia since the 2000 census.



**Of the five counties** eligible under the 12 percent law passed in 2001, four — Brunswick, Greenville, Richmond and Sussex — excluded

the prison population when drawing internal districts. The fifth county, Buckingham, arrived at the same result by splitting the prison population among all the districts.

Any change in the 12 percent option for localities would have to be enacted as emergency legislation so it could take effect prior to July 1, 2011, which would be too late. The U.S. Justice Department must approve changes to voting district lines in most of Virginia and has 60 days to do so.

Wagner said that ideally, the U.S. Census Bureau would change where it counts prison inmates. They should be counted as residents of their home — not prison — addresses, he said. That would solve the distortions caused by prisons when redistricting state Senate and House of Delegate seats along with congressional districts.

That will not happen this census or for the 2011 redistricting, but Wagner hopes Virginia asks the Census Bureau for the change for 2020.

Del. Roslyn C. Tyler, D-Sussex, represents a large district in Southside Virginia. In 2001, it had prisons holding roughly 8,000 to 9,000

inmates, almost a third of the state's total. She has said she hopes a more equitable solution — such as those suggested by Wagner — is found.

It is hard to get out the vote when so many people in her district cannot vote, she said last week. The 75th House District includes all or parts of the counties of Greenville, Sussex, Brunswick, Lunenburg, Southampton and Isle of Wight; all of the city of Emporia and part of the city of Franklin. When redistricting last took place, the district had seven major prison complexes.

Since 2001, however, two of the prisons have closed and there has been population growth in areas such as Southampton County.

“At this time, it's kind of hard to judge what the census is going to be,” Tyler said. She says she believes the next General Assembly session should take a look at the impact of prison populations on redistricting.

“It's going to be interesting to see how the lines are going to be drawn,” she said.

• Contact Frank Green at (804) 649-6340 or [fgreen@timesdispatch.com](mailto:fgreen@timesdispatch.com).

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## Prisoners count for census, should they determine voting districts?

STEPHANIE JONES  
stephanie.jones@journaltimes.com

**RACINE COUNTY** — They cannot leave the prison walls. They cannot vote. But the question remains, should prisoners be counted when the county draws new voting districts?

The way Racine County has its county supervisor voting districts drawn now, people in prison or youthful corrections are counted as part of the population of a district. Now, with new 2010 census numbers, the county has a chance to change that as the board looks at creating new district boundaries.

It's an issue that was brought up Wednesday at a county reapportionment meeting and that a Massachusetts nonprofit has been watching closely for the past 10 years in an attempt to create fair voting districts.

For instance, when one voting district includes the population of people in prison, then the votes of the people in that district mean more, said Peter Wagner, the executive director for the Prison Policy Initiative, a nonprofit that focuses on prisoners' effects on census data and voting districts.

More on **PRISONERS**, Page 3B

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Each district is supposed to represent an equal share of the county. But according to data from the 2000 census, 17 percent of the population in Racine County's 13th county supervisory district were incarcerated in the Racine Correctional Institution in Sturtevant, Wagner said.

It had a population of more than 1,000 then and it had 1,573 inmates in 2010, according to figures in the institute's 2010 annual report.

Therefore, when people in that district voted for a county supervisor, their votes counted for more.

"Every 83 people who live near the prison are represented on county issues as if they were 100 people," Wagner said.

It can also affect Assembly districts, Wagner said. But congressional districts are so large, it doesn't play much of a role, he said.

County Supervisor Ken Lumpkin, whose district includes the Racine Youthful Offender

Correctional Facility, 1501 Albert St., is concerned that counting the inmates at the facility unfairly affects his district.

They have 450 beds at the youthful offender facility and the population can vary.

"It's unfair they are utilized in the census count," Lumpkin said. "They are not active participants in the community."

Robert Miller, the chairman of the county's Special Committee Regarding Reapportionment, which is responsible for creating new boundaries, said prisoners deserve to be counted somewhere. He said the county could look at making the prison's district larger so more voters are in the district or the county could divide it in half so the prison is split between two districts. But he didn't know if all of the options would be legal and he directed the question to the county's corporation counsel.

The county needs to determine the districts by the end of May.

# WYOMING

**PRISON**  
POLICY INITIATIVE

# Opinion

Sunday, March 4, 2012



Joan Barron

## Prisoners pad the population

**T**he new Senate district for Goshen County looks like a finger as it hugs the eastern Wyoming border north then twists to the west at the tip.

The main purpose of this truly weird configuration is to take in the population of the medium security prison at Torrington to get enough population for the Senate district for Goshen County.

Although the inmates cannot vote, they are counted as residents in the federal census. The 2010 census listed 499 inmates. Currently 631 male inmates live at the Torrington institution.

Sen. Curt Meier of LaGrange had the idea for the amendment which is a better deal for Goshen County and saves his seat.

Under the original redistricting plan approved by the Joint Interim Committee on Corporations, Elections and Political Subdivisions, Meier's home would have been in the same district as Sen. Wayne Johnson of Cheyenne. In a face-off election, Johnson would have been the favorite.

Meier said his idea had been used before for a Senate district seat held by former Rae Lynn Job, a Democrat from Rock Springs in Sweetwater County.

The district curved around to take in the prison population at Rawlins in neighboring Carbon County.

"They've been counting people who don't vote for a long time in legislative districts," Meier said last week.

He said the effort was not gerrymandering. "We pointed and clicked and used census blocks," he said. "It worked out for Goshen County residents because only 350 have to vote for Laramie County residents."

Without his amendment 850 Goshen County residents would be in a Laramie County Senate district.

One difficulty in drawing different lines, he said, were the restrictions against disturbing the lines for the "hands-off" counties — Natrona and Laramie counties. "That stuck so everybody had to work around those two big counties," Meier said.

Wyoming's redistricting effort caught the attention of Peter Wagner, who is working on prison policies. He runs a national project about how prison populations in the census can skew legislative redistricting.

Wyoming has two problems with "prison-based gerrymandering," Wagner wrote in an email. One is Senate District 6 in Goshen County. The second is Senate District 11 in Carbon County where the high security prison is located. Neither district can meet minimum population requirements without using prison populations.

"They are the clearest examples we have seen in a state legislative district of prisons influencing the shape of boundary lines," he wrote.

"The proposed Wyoming districts are really unique. They take knowledge of how prison populations can distort the redistricting process and they use that knowledge in a very negative — if creative — way."

The national trend, Wagner wrote, is going in the opposite direction from what the Wyoming Legislature has done. Recently, four states have passed legislation to count incarcerated people at home when drawing districts; two of them had their laws take effect immediately. More than 100 local governments with large prisons refuse to use the prisons when drawing their districts.

"The concern is that using the prison population to pad the population of the districts with the prisons gives extra representation to that district and dilutes the votes of all other districts," he wrote.

The Wyoming 2012 redistricting bill passed easily, despite unhappy mutterings from some lawmakers. Before the last vote, Sen. Cale Case, a Lander Republican, who was co-chairman of the corporations committee, expressed his dissatisfaction with the odd Goshen County configuration.

To be sure the Senate members hadn't missed it, he showed the plan with the finger-like district to his colleagues then showed them the boxy configuration in the committee's plan.

And then he showed them the two plans again — before and after.

Only two senators voted against the bill, Sens. John Barnard of Evanston and Ogden Driskill of Devils Tower.

The most outspoken critic of the plan was Driskill, who claimed it shorts the small population, rural counties.

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