



Legislation Text

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Res. No. 190-A

Resolution calling on the New York State Legislature to amend the Election Law so that prisoners are counted as residents of the county in which they reside prior to incarceration, rather than as residents of the county in which they are detained.

By Council Members Jackson, Barron, Comrie, Dickens, Foster, James, Koppell, Mark-Viverito, Palma, Sanders Jr., Vann, Weprin, White Jr., Mealy, Ferreras, Seabrook, Liu, Dilan, Garodnick and Arroyo

Whereas, Obtaining an accurate count of the population is so vital to representative democracy that the framers of the United States Constitution addressed the issue of the census and apportionment in the opening paragraphs of this governing document; and

Whereas, The right to vote and the right to representation is a fundamental civic right; and

Whereas, The Census Bureau applies the ‘usual residence’ rule when it tabulates where people reside, which means that the Census Bureau generally counts people according to where they live and sleep most of the time; and

Whereas, Prisoners are therefore tabulated as residents of the counties of their incarceration rather than residents of the counties in which they resided prior to incarceration, locations where they likely have significant ties and interests; and

Whereas, The ‘usual residence’ method of tabulation therefore results in a population shift to locations where prisons are situated; and

Whereas, This population shift is in direct contravention to the democratic principle of “one person, one vote;” and

Whereas, Minority communities and other traditionally disenfranchised groups suffer especially high rates of incarceration; and

Whereas, Prisons in New York state are overwhelmingly located in rural counties, yet the majority of prisoners in New York reside in urban counties prior to incarceration; and

Whereas, Therefore the uneven rates of incarceration in New York state result in a population shift of minorities from urban counties, where they are counted as members of substantial voting blocks and in which they have an interest, to rural counties where they do not enjoy civic participation; and

Whereas, During the 1990's, 30% of new residents of upstate New York were brought there as prisoners; and

Whereas, Current census practices thereby deprive urban areas of the benefits that accrue to a jurisdiction as a result of population size, such as voting and funding; and

Whereas, Such population distortions affect U.S. Congressional Districts, but have an even greater impact on state legislative districts; and

Whereas, Bill S1633, sponsored by State Senator Eric Schneiderman and Bill A5946, sponsored by State Assemblymember Adriano Espaillat, address this problem by requiring incarceration facilities to collect accurate demographic and geographic information and report it to the state Board of Elections so that prisoners are counted as residents of the county in which they resided prior to incarceration; and

Whereas, Under these bills, the state Board of Elections would then disseminate adjusted population counts for each geographic unit included in the census counts; and

Whereas, Such new procedures are certain to more accurately reflect demographic patterns and thus correct the distortions created by the current law; now, therefore, be it

Resolved, That the Council of the city of New York calls on the New York State Legislature to amend the Election Law so that prisoners are counted as residents of the county in which they reside prior to incarceration, rather than as residents of the county in which they are detained.

