



MEMORANDUM OF SUPPORT
S.6725 (Schneiderman)/A.9834 (Jeffries)
(Not amended)
March 16, 2010

Title

An act to amend the correction law, the legislative law, and the municipal home rule law, in relation to the collection of census data.

Summary

This bill provides that for the purposes of redistricting at the state and municipal level, incarcerated persons shall be counted at their places of residence prior to incarceration, rather than as residents of their place of incarceration.

Statement of Support

Citizens Union supports S.6725/A.9834 because it moves New York State's redistricting process in line with the New York State Constitution; ensures that New York adheres to the "one person, one vote" principle inherent in the Fourteenth Amendment of the U.S. Constitution; and also because it is one way to guarantee the process of assigning voting power to districts is accurate and fair.

The New York State's Constitution is very clear in how it defines the residency of prisoners as it relates to elections. In Article II Section 4 it states, "For the purposes of voting, no person shall be deemed to have gained or lost a residence...while confined in any public prison." Therefore, S.6725/A.9834 ensures that New York State's redistricting process is in line with the New York State Constitution. Furthermore, this legislation ensures that New York State upholds the federal constitution's "one person, one vote" requirement, because the legislation will inhibit the creation of artificial population centers that enhance the voting power of certain districts, distorting representation and giving voters in one area power beyond the numbers of those entitled to vote within that district.

It is the belief of Citizen Union that we cannot have honest, open, accountable government if the basis on which our legislative representation is determined is on a deliberately inaccurate basis. The current process has consequences to democracy, since certain districts attain more power at the expense of another community. This is especially true as the state incarcerates ninety-one percent of its prison population in upstate communities, increasing the size of their districts in which they have no voice or vote. Sixty-six percent of prisoners come from New York City, resulting in disenfranchising communities of their accurate representation. Therefore, displacing the electoral clout from urban communities – where most prisoners come from – to rural areas, where most states build prisons, dilutes the electoral power of the urban communities and the amount of influence through representation.

However, passing this legislation alone is but one element, though an important one, of ensuring an accurate and fair redistricting process. Citizens Union urges the Legislature to start reforming and improving the redistricting process by passing this important and needed piece of legislation.