

Court: N.Y. prisoners count at home in redistricting

By Michael Gormley Associated Press | Posted: Friday, December 2, 2011 8:24 pm

ALBANY (AP) — A state court ruled Friday that prisoners must be counted among voters back in their home neighborhoods rather than in upstate prisons for the purpose of redrawing state legislative districts, a likely blow to the slim Republican majority in New York’s Senate.

Although prisoners can’t vote, the decision means more voters will be counted as living in heavily Democratic New York City and other urban areas as part of the redistricting process, which is tied to the census. That would reduce the population upstate and likely result in fewer seats in the Assembly and Senate representing sparsely populated upstate areas where prisons are located.

The two prisons in Attica, Wyoming County — Attica Correctional Facility and Wyoming Correctional Facility — house about 4,000 inmates. Albion has two prisons, the Orleans Correctional Facility and Albion Correctional Facility, that have about 2,500 inmates combined.

The Senate’s Republican majority says it will appeal the ruling by a trial level judge in Albany.

The immediate practical result of the decision could be minor. The state redistricting commission is already redrawing legislative districts by following a 2010 law requiring prisoners to be counted in their latest home neighborhoods.

But if Senate Republicans overturn the law, prisoners could again be counted as living in their prison communities for the redistricting due to be completed in 2012. Those lines will be in place for the next 10 years. Where prisoners are counted could affect representation and which party controls the Senate, as well as the levels of some state and federal aid for communities.

“We will review the judge’s decision, but regardless of the final outcome of this lawsuit Republicans will expand our majority in the Senate next year,” said Republican spokesman Scott Reif.

Attorney General Eric Schneiderman, who defended the law in court, called Friday’s decision “a victory for fundamental fairness and equal representation.”

Schneiderman, a Manhattan Democrat, had supported the 2010 bill approved by what was then a Democrat-controlled Senate and the Assembly’s Democratic majority and signed into law by Democratic former Gov. David Paterson.

State Supreme Court Justice Eugene Devine in Albany County rejected the claim that the law passed in what Republicans called a “power play” by Democrats was intended to “usurp the strength of the Republican Party, its voters and its representatives.”

Senate Republicans have a 32-30 majority in the chamber, while Democrats have a 2-to-1 statewide enrollment advantage. Senate Republicans are redrawing Senate lines based on the 2010 census to be used in next year's elections. The Assembly's Democratic majority controls the redrawing of its lines. The census is used to make sure racial minorities have appropriate representation and that similar communities are represented in each district.

"The time for delay is over," said Mike Murphy, spokesman for the Senate's Democratic minority. "Any further delay is an outrageous and illegal assault on democracy."