

Opinion | EDITORIAL

Prison-Based Gerrymandering

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Prison inmates are barred from voting in 48 states. Even so, state legislatures typically count the inmates as "residents" to pad state legislative districts that sometimes contain too few residents to be legal under federal voting rights law. 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.

Prison-based gerrymandering has helped Republicans in the northern part of New York maintain a perennial majority in the State Senate and exercise an outsized influence in state affairs. A recent ruling by the United States Court of Appeals for the Second Circuit has pushed this little-known problem into the public eye and could one day be remembered as the beginning of the end of the practice.

The court held that prison inmates did not have the right to vote, as the plaintiffs were contending. But the court expressed interest in the question of whether counting minority inmates in prison as residents there, instead of in their home districts, unfairly diluted the voting power of minority voters in urban districts. The issue was referred to the lower court for consideration, and this in turn has already led to a broader public discussion of the role that inmates play in the political process.

New York State's Republican leadership dismissed the court's ruling out of hand

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Students live in dormitories voluntarily — and can actually vote. Inmates cannot vote, and their home districts lose representation when they are counted elsewhere.

Voters who come to understand how this system cheats them are unlikely to keep rewarding the politicians who support it.

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