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Rome still counting prisoners in legislative districts

2 years after law change,
city considering next move

BY NED CAMPBELL
ncampbell@uticaod.com

ROME – About half of Rome's Ward Two residents are prisoners – more than two years after state legislation required municipalities to account for those prisoners when redrawing legislative lines.

In 2011, 2,083 of the second ward's roughly 5,000 residents were prisoners in the Oneida and Mohawk correctional facilities, according to census data.

Those prisoners do not vote or

participate in city affairs, so they should not be counted in deciding who legislators represent, said Peter Wagner, executive director of the nonprofit Prison Policy Initiative.

The state legislation, passed in August 2010, gave counties and cities two options: remove those prisoners from the counts altogether or use new state data that reallocates them to their hometowns.

"The whole assumption is that legislators represent equal numbers of people, so that the will of the majority can actually be met," Wagner said.

Oneida County – which, in addition to the prisoners in Rome, had 2,608 prisoners in

Marcy in 2011 – went with the second option when it redistricted in the spring.

"I think that's better, because there are people from the county who are in prison elsewhere," Wagner said.

Rome is considering redrawing its ward lines.

Now or later?

Mayor Joseph Fusco said the issue is a "double-edged sword."

"Although they can't vote, counting them in the population is impor-

tant for our state aid and other things like that," he said.

Wagner, however, said it's a common misconception that how local district lines are drawn affects outside funding, such as federal highway funds.

"This law does not affect funding," he said. "The highway department doesn't care how you draw your districts. They use highway formulas."

Fusco said the city's Corporation Counsel, Tim Benedict, is in talks with the county about redrawing lines to account for prisoner tallies.

"His next move is to

talk to the Laws and Rules Committee and start kicking it around with the councilors," Fusco said. "That will be something that we will be dealing with here in the future."

Councilman John Mortise, R-2, said Rome should redistrict eventually, "but right now the wards should stay the same."

Mortise said the city's seven wards should be divvied up, not by population, but by square miles – "because some wards are twice the size of other wards, which is a big factor that people don't take into consideration."