It isn’t encouraging when a professor from the Columbia University Law School, who specializes in redistricting, tells you that your state will almost certainly be sued when redistricting takes place across the country next year.

“You are going to get sued,” said Nathaniel Persily, the professor in question, at the Intergovernmental Affairs Committee meeting Sunday afternoon. “That’s true. There’s going to be a lot of that.”

One of the big issues that may be generating some of the lawsuits concerns how prisoners are counted. Traditionally, prisoners were counted in the figures for where the prison is located. This does create some significant imbalance in apportioning representation.

For example, Persily said in New York the vast majority of prisoners are from New York City, while the prisons are located upstate. That shifts representation from New York City to a different section of the state.

Three states passed legislation this year to address that issue. Delaware, Maryland and New York all now have laws that require prisoners to be counted at their last known address. How those laws are implemented, Persily said, will be interesting to watch and almost certainly end up in the courtroom.

“How do you deal with prisoners whose last known address isn’t really known,” he said. “There will be litigation on this. The litigation may go both ways.”

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