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**Written Testimony in Support of Senate Bill 459,
An Act Concerning The Counting Of Incarcerated Persons For Purposes Of
Determining Legislative Districts And Distributing State And Federal Funds**

Good afternoon Senator Coleman, Representative Tong and members of the Committee on Judiciary. My name is David McGuire. As the Legislative and Policy Director for the American Civil Liberties Union of Connecticut, I am here to support Senate Bill 459, An Act Concerning The Counting Of Incarcerated Persons For Purposes Of Determining Legislative Districts And Distributing State And Federal Funds.

As an organization committed to liberty, justice, and equality for all, the ACLU of Connecticut supports voting rights, open government, and fair treatment under the law. Prison gerrymandering intersects with each of these critical issues. Although Connecticut does not allow prisoners to vote, the state still counts prisoners as citizens for purposes of districting and allocating elected representatives and funds. Currently, the state does not count prisoners as citizens of the districts where they lived at the times of their arrests, but rather as citizens of the districts where they are incarcerated. The result is that the state counts districts where prisons are located as if they have a much larger population of voters than they actually do. The result is prison gerrymandering: an unequal, unjust distribution of political representation in Connecticut.

This bill would end prison gerrymandering in Connecticut by requiring the state to count incarcerated individuals at their last home addresses for state redistricting purposes. The district the prisoner lived in prior to his or her incarceration is the district to which a prisoner is most likely to return upon being released, and it is the district that will have the greatest interest and financial investment in ensuring a prisoner's rehabilitation and reintegration into society. For prisoners, home is not where they hang their hats during their sentences—it is where they will hang their hats when they are released. Therefore, these are the districts whose population counts should include prisoners.

This bill will help ensure voting equality, as the state's current practice gives districts that contain prisons unjustified representation in the legislature, effectively making the votes of citizens of those districts count more than the votes of citizens in districts without prisons—and reducing the representation of districts that are providing prisoners.

Racial disparities in Connecticut's prison system contribute to the flaws in the current districting system. Although disparities have improved slightly, Connecticut still imprisons twice as many Black and Latino residents as whites, despite the fact that there are three times as many whites in Connecticut's general population.¹ Meanwhile, the five largest prisons in Connecticut are located in white-majority towns (Cheshire, East Lyme, Enfield, Somers and Suffield) and hold 65 percent of all prison cells.¹ This creates an unequal weight in white prison towns and disproportionately takes away the strength of votes in other towns.

The ACLU of Connecticut also calls upon this committee to remove language in this bill regarding funding formulas. Funding formulas in Connecticut rely on more than population alone to determine financial allocations. Transportation grants, for example, first make funding determinations based on a town's road mileage and only consider population when determining how to allocate fund remainders; in that case, the state uses public health statistics, not redistricting data, or other federal Census population numbers, to determine a town's population.

The bill's current language regarding funding is simply smoke and mirrors to disguise the real issues at hand: open government and equal representation. There is one area, however, in which we believe that this bill would impact funding. Connecticut's current method of counting prisoners, although neutral on its face, leaves open the opportunity for abuse, creating incentives for political parties to consider the political makeup of districts before voting to fund or eliminate prisons in them. Even absent political abuse, this weighting of votes dilutes the votes of people in other districts and undermines a fundamental ideal of our democracy: that all votes are equal.

Legislatures in New York, Maryland, Delaware, and California have passed similar legislation, and courts have upheld the New York law. Last year, the Rhode Island Senate approved similar legislation. I urge you to join these states today in protecting fairness in the distribution of state funds and voting equality. A fundamental principle of our democracy is that representation is distributed on the basis of population: one person, one vote. Please pass this bill, absent language regarding funding, and restore this principle in Connecticut.

¹ <https://csgjusticecenter.org/wp-content/uploads/2015/03/ExaminingtheChangingRacialCompositionofThreeStatesPrisonPopulations.pdf>