



State of Connecticut

Latino and Puerto Rican Affairs Commission

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Testimony Supporting SB 459 with Changes

Werner Oyanadel
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Judiciary Committee, March 21st, 2016, Hartford, CT

Good afternoon Senator Coleman, Representative Tong, and distinguished members of the Judiciary Committee. My name is Werner Oyanadel and I am the Executive Director of the Latino and Puerto Rican Affairs Commission (LPRAC). LPRAC supports **SB 459: AN ACT CONCERNING THE COUNTING OF INCARCERATED PERSONS FOR PURPOSES OF DETERMINING LEGISLATIVE DISTRICTS AND DISTRIBUTING STATE AND FEDERAL FUNDS** - with changes.¹

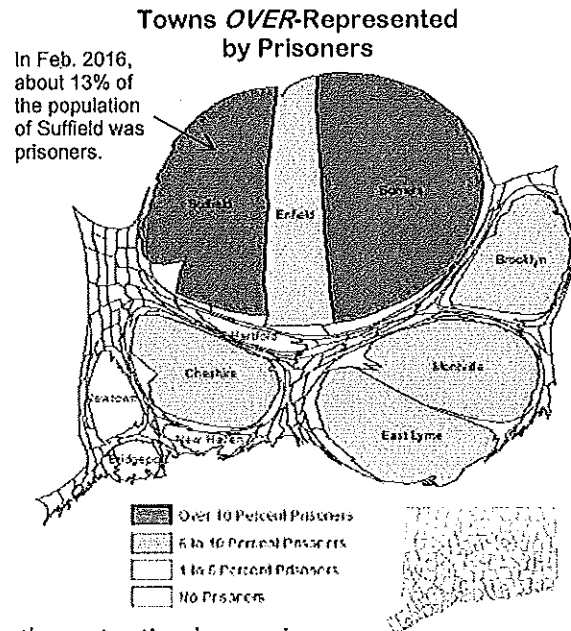
Connecticut State law prohibits prison gerrymandering, but it has been ignored.

“No person shall be deemed to have lost his residence in any town by reason of his absence therefrom in any institution maintained by the state.” C.G.S. § 9-14

Every ten years after the national census, the Connecticut General Assembly redraws its legislative boundaries to have equal population among the districts. (The population in House districts is smaller than the population in Senate districts.) This is meant to achieve equal representation for all state residents. It is referred to as one-person, one-vote for political representation. After redistricting in 2011, each Connecticut Senate district had a population of about 99,280 and each Connecticut House district had a population of roughly 23,670.²

During redistricting in 2011, the state included the population of over 18,000 prisoners from 12 towns.³ In fact, the total incarcerated population statewide would have comprised the majority of the population of a single House district if the prison facilities had been located close enough to each other.

District populations include both voters and non-voters such as children, legal foreign residents, and incarcerated felons. From 2010 to the next national census in 2020, some children will have grown to voting age and some legal foreign residents will have become naturalized citizen while remaining residents of the same legislative district. This is



¹ Unless otherwise noted, information used in this testimony can be found in LPRAC's 2016 Legislative Policy Agenda, at https://www.cga.ct.gov/lprac/docs/2016/LPRAC_2016Agenda_Web_08Jan2016.pdf
² Ballotpedia, *CT State Legislative Districts*, 18mar2016, https://ballotpedia.org/Connecticut_state_legislative_districts
³ Redistricting was based on population 01apr2010, CT DoC, Monthly Statistics, April 2010, at <http://www.ct.gov/doc/lib/doc/PDF/MonthlyStat/Stal201005.pdf>

not the case for the vast majority of prisoners, who will leave the prison town when released.

The town of Enfield is a good example of how political representation is skewed when prisoners are counted as residents of the town where they are incarcerated. During the last round of redistricting in 2011, Enfield was assigned a prison population of 3,359. Convicted felons are ineligible to vote; therefore, as many as 3,359 prisoners were substituted for voters in Enfield. Statewide, 12 prison towns are currently over-represented because they had a prison population in 2010. Consequently, the remaining 157 non-prison towns are underrepresented.

Residents in the prison towns of Enfield and Cheshire know that their prison population skews political representation. These towns have passed laws that exclude the prison population when drawing municipal district boundaries.⁴ Still, prisoners in these towns are allowed to over-represent Enfield and Cheshire in the state legislature.

Connecticut residents in the 157 non-prison towns are not the only ones underrepresented when we count prisoners as residents of the town where they are incarcerated. The state's Hispanic communities are also underrepresented. In 2010, over 30 percent of Hispanics in Enfield were incarcerated in the town's three prison facilities.⁵ Ironically, in 2014 the household population of Enfield was only 6 percent Hispanic; yet, incarcerated Hispanics in Enfield contribute disproportionately to the town's over-representation in the state legislature.⁶

SB 459 contains language that is not necessary to end prison gerrymandering in Connecticut and may cause needless opposition to the bill. We request the following changes to lines 72 and 73:

From "... basis for (1) determining state assembly and senatorial districts and municipal redistricting, and (2) the distribution of state or federal funds or other benefits."

To: "... basis for determining only state assembly and senatorial districts and municipal redistricting and no other purpose. This data shall not be used in federal, state, and local funding formulas."

This alternative language ensures that the prisoner population count is only for purposes of redistricting once every ten years after the national census. In addition, after adopting our wording change, we ask that this committee change the name of the bill to exclude references to funding.

California, Delaware, Maryland, and New York have ended prison gerrymandering and now count prisoners in their hometown rather than the prison cell where they happened to be on Census Day once every ten years. SB 459 will end prison gerrymandering in Connecticut starting on Election Day in 2022. Unfortunately, we cannot undo the skewed representation that currently exists in the Connecticut General Assembly.

LPRAC's board is grateful to this committee for wanting to end prison gerrymandering in Connecticut. Our board, which consists of both Republican and Democrat appointees, voted unanimously to end prison gerrymandering by counting prisoners, who are disproportionately Hispanic, at their last known town of residence for the sole purpose of redistricting once every ten years.

LPRAC is a nonpartisan policy agency within the legislative branch of government created in 1994 by an act of the Connecticut Legislature (i.e., P.A. 94-152, amended by P.A. 03-229 and amended by P.A. 09-07). Under Public Act 09-07, LPRAC consists of 21 appointed community leaders that are mandated to advise the Connecticut General Assembly and the Governor on policies that foster progress in the Latino communities residing in Connecticut.

⁴ Peter Wagner, *Imported "Constituents": Incarcerated People and Political Clout in Connecticut*, Prison Policy Initiative, at <http://www.prisonersofthecensus.org/ct/report2013.html>

⁵ Prisoner count of 920 Hispanics in Enfield facilities from <http://www.ct.gov/doc/lib/doc/PDF/MonthlyStat/Stat201005.pdf>; Hispanic population of 3,006 from 2010 Census table P12H

⁶ ACS 2010-2014 5yr tables B11002 and B11002I