



**CONNECTICUT STATE CONFERENCE OF THE NAACP**  
2074 Park Street, 2nd Floor, Hartford, CT 06106

March 10, 2021: Hearing before the Connecticut General Assembly Government Administration and Elections Committee

**Corrie Betts**, Criminal Justice Chair, Connecticut State Conference of the NAACP

**Testimony in Support of S.B. 753**  
**An Act Concerning the Counting of Incarcerated Persons for Purposes of Determining Legislative Districts**

Madam Chair Flexer, Mr. Chairman Fox, and members of the Committee,

My name is Corrie Betts, and I am the Criminal Justice Chair of the NAACP Connecticut State Conference.

On behalf of the NAACP of Connecticut and its thousands of members, I'm here today to testify in support of S.B. 753 which would abolish prison gerrymandering in Connecticut.

The mission of the NAACP is to “secure the political, educational, social, and economic equality of rights in order to eliminate race-based discrimination and ensure the health and well-being of all persons.”<sup>1</sup> Abolishing prison gerrymandering would uphold this mission, and is a core part of our agenda for racial justice and civil rights in Connecticut.

To that end, in addition to our legislative advocacy, we were a party in a lawsuit against the state, *NAACP v. Merrill*, arguing that prison gerrymandering in the state legislative maps drawn after the 2010 census violated the Equal Protection Clause of the U.S. Constitution.<sup>2</sup>

This bill, which is being considered at a crucial time, represents a long overdue opportunity to end this unjust practice.

I'd like to make three points in my testimony: first, prison gerrymandering denies incarcerated people meaningful representation. Second, prison gerrymandering unfairly reduces the political power of voters of color. And finally, it is important that the General Assembly pass legislation to end prison gerrymandering *this session*, before the redistricting process concludes.

---

<sup>1</sup> See NAACP of Connecticut, <https://www.ctnaacp.org/>.

<sup>2</sup> See *NAACP et al. v. Merrill*, No. 3:18 cv-01094 (D. Conn.).

## 1. Connecticut's Prison Gerrymandering Denies Incarcerated People Meaningful Representation

First, prison gerrymandering harms incarcerated people, depriving them of the representation to which they are entitled as Americans. Incarcerated people deserve to be represented in their home communities. These are the places where they have roots, families, and connections, and are the places to which they are most likely to return after they are released. In fact, under Connecticut state law, incarcerated people do not lose their residency in their home districts while they are incarcerated,<sup>3</sup> and pretrial detainees or incarcerated people who can still vote can only vote in the districts where they're from.<sup>4</sup> It is fair and sensible for incarcerated people to be counted as residents of their home communities for redistricting purposes.

Instead, prison gerrymandering counts incarcerated people as residents of the communities, often on the other side of the state, in which they are incarcerated. Incarcerated people have no meaningful connection to, or contact with, these prison communities, and can generally not even access them outside the prison wall. Few incarcerated people will remain in these communities after their release. And in general, the legislators who represent these communities rarely view themselves as representing the incarcerated people in them, and do not work to look out for their interests.

This situation is fundamentally unfair, and undemocratic. Incarcerated people deserve meaningful representation in their home communities just like every American. Instead, prison gerrymandering frustrates this, depriving incarcerated people of effective representation. And because, as discussed below, most incarcerated people are Black or Latinx, in practice it is largely people of color who are denied representation under this practice.

## 2. Connecticut's Prison Gerrymandering Unfairly Reduces the Political Power of Black Voters

Second, prison gerrymandering has a pronounced racial effect. Most incarcerated people come from urban areas, and are Black or Latinx. As of the most recent Department of Correction data, roughly 44% of the state incarcerated population is Black, while about 28% is Latinx.<sup>5</sup> Most prisons, on the other hand, are in white, rural or lightly populated areas, most prominently in the north of the state around Enfield and Somers.

Because of this, prison gerrymandering denies representation to Black and Latinx people, and reduces the political power of Black and Latinx voters.

Prison gerrymandering has the greatest impact on urban areas in Connecticut with large minority populations – not only larger cities like New Haven or Hartford, but also mid-size towns. Residents

---

<sup>3</sup> See Conn. Gen. Stat. §§ 9-14, 9-14a (2018) (“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.”).

<sup>4</sup> See *id.* § 9-14a.

<sup>5</sup> See Connecticut Department of Correction Monthly Statistics, Mar. 1, 2021, at 5, <https://portal.ct.gov/-/media/DOC/Pdf/MonthlyStat/Stat03012021.pdf>.

of these places see their votes count for less because of the effects of prison gerrymandering, while towns with prisons see their votes count more because incarcerated people are counted there. Let me provide you with a few examples to show how prison gerrymandering unacceptably harms the political power of Black and Latinx people.

- As of the 2010 data that informed the redistricting process, the three top towns of residence for incarcerated people were Hartford, New Haven, and Bridgeport.<sup>6</sup> These areas, in other words, are some of the places most harmed by prison gerrymandering. And these places are also considerably more diverse than Connecticut as a whole, with Black populations of 33-35% and Latinx populations of 29-44%.<sup>7</sup>
- But prison gerrymandering does not harm only Connecticut's largest cities. Smaller cities and towns like Danbury, Meriden, Norwalk, West Haven, and Waterbury are also affected – all places that are more diverse than Connecticut as a whole.<sup>8</sup>
- Conversely, towns with prisons like Enfield, Somers, and Cheshire, which benefit from prison gerrymandering, are much less diverse than Connecticut as a whole. Once incarcerated people are excluded, these towns are 85-92% white.<sup>9</sup>
- Two of the House districts most harmed by prison gerrymandering are HD-95 and HD-97, both in New Haven. HD-95 has a non-white population of about 88%, while HD-97 has a non-white population of about 62%.<sup>10</sup>
- In these districts, a resident's vote counts only for about 85% of the vote of residents of certain House districts in areas with a large incarcerated population, again using the 2010 data. Two of the best examples of House districts that benefit from prison gerrymandering are HD-52 and HD-59, both in the Enfield/Somers area. HD-52 is about 92% white, while HD-59 is about 89% white.<sup>11</sup>

The trend is clear: prison gerrymandering not only harms incarcerated people themselves, who are predominantly Black and Latinx, but also harms Black and Latinx communities in the state for the benefit of less diverse areas.

By operating in this way, prison gerrymandering is nothing less than a legacy of racism. It is a modern-day Three-Fifths Clause, operating to artificially reduce Black political power. The General Assembly has a moral imperative to correct this injustice.

### 3. The General Assembly Must Pass Legislation to End Prison Gerrymandering This Session, Before the Redistricting Process Concludes

Let me close by emphasizing the urgency of the situation. As you all know, this is the last legislative session before Connecticut's redistricting process gets fully underway, leading to the

---

<sup>6</sup> See Christopher Reinhart, *Towns of Residence of Incarcerated Inmates* (OLR Report 2010-R-0169), CONN. OFFICE OF LEGISLATIVE RESEARCH (Mar. 22, 2010), <https://www.cga.ct.gov/2010/rpt/2010-R-0169.htm>.

<sup>7</sup> See Amended Complaint at 14, *NAACP v. Merrill* (D. Conn. Oct. 15, 2019) (citing 2012-2016 American Community Survey five-year estimates).

<sup>8</sup> See Reinhart, *supra* note 6.

<sup>9</sup> See Amended Complaint, *supra* note 7, at 13.

<sup>10</sup> See *id.* at 20.

<sup>11</sup> See *id.*

adoption of new maps. Unless the General Assembly acts this session, there is a strong risk that Connecticut will lock in prison gerrymandering for the next decade, just as occurred in 2010. That would be simply unacceptable.

This issue is simply too important to put off any longer. The NAACP has fought for years to abolish prison gerrymandering, and now we need your support to get this over the finish line. I urge you to pass S.B. 753 and ensure that Connecticut adopts maps that treat incarcerated people, and Black communities, with the respect and fairness they deserve.

Thank you.