



Prison Gerrymandering Is Unfair, Undemocratic and Wrong – And We Can Fix It!

By Werner Oyanadel

More than anything, it is a question of fairness. When the state divides its 169 communities into 151 districts to elect members to the House of Representatives and 36 districts for State Senate seats, it is done based on population. Each House district has roughly the same number of people, and each Senate district is roughly equivalent as well.

However, when the handful of towns that host major correctional institutions count those who are incarcerated as residents of the communities in which the prison is located, doing so inflates the population with people who are not constituents, who must either vote by absentee ballot in their home community, or who are not legally eligible to vote at all.

The consequence of relying on U.S. Census Bureau data that includes prison populations for determining House and Senate district lines, as is currently done in Connecticut, is to enhance the weight of a vote cast in the districts that contain the state's largest prison complexes and dilute the votes cast in every other district.

It is called prison gerrymandering, and it is not only unfair and undemocratic, but a departure from the U.S. Supreme Court's one person, one vote mandate. The prison population artificially increases the political power of a handful of towns at the expense of cities and towns where these incarcerated people had previously lived, which tend to be urban communities - contrary to the principle of equal representation.

It has been pointed out by the executive director of the Prison Policy Initiative, Peter Wagner, that *"in Connecticut, the population incarcerated in state prisons is almost large enough to be a state house district by itself. That population comes from all over the state, disproportionately the state's urban cities, but is then concentrated in the Census Bureau's data as if they were residents of just 16 Census blocks that contain prisons. As a result, almost two-thirds of the state's prison population is credited to just five towns (Cheshire, East Lyme, Enfield, Somers and Suffield)."*

The basic unfairness of this system, and its potential to skew elections and representation, is obvious. In fact, Cheshire and Enfield have long recognized the inequity and impact, and therefore do not count prison populations in determining local districts for their municipal elections. We should demand nothing less at the state level.

Beyond that, the Census Bureau's counting prison populations conflicts with Connecticut law, which explicitly states that *"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.” Yet, the current legislative district lines do just that.

There are inconsistencies at every turn. In Connecticut, some individuals in prison retain the right to vote – for example, if they are awaiting trial or are serving time for misdemeanors. For voting purposes, they are not permitted to claim residence in the prison, but must vote absentee in their home communities. The contradiction could not be more glaring.

Wagner notes that *“there is also a clear racial justice issue at stake: African-Americans are nine times as likely to be incarcerated as White people in Connecticut, and Latinos five times as likely. But the Census Bureau counts the incarcerated population as residents of those mostly-white towns, and this creates a serious inequity.”*

The system is broken, and ought to be fixed now. The repair begins with the passage of legislation such as Raised SB No. 459 which is currently under consideration in Connecticut – as four other states (New York, California, Maryland and Delaware) have already done – to count prisoners in their home communities, rather than the cells in which they temporarily reside.

Werner Oyanadel is Executive Director of LPRAC – 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.