



To: Speaker Donovan
From: Dale Ho, Assistant Counsel, NAACP Legal Defense & Educational Fund, Inc.
Date: March 22, 2010
Re: Support for HB 5523

The NAACP Legal Defense & Educational Fund, Inc. (“LDF”) submits this memo to express its support for HB 5523, which will end prison gerrymandering and bring the Connecticut election districting process in line with basic principles of democracy.

Counting prisoners where they are incarcerated violates the one person, one vote principle. Under the United States Constitution, election districts must be roughly equal in size, such that elected officials represent the same number of constituents. But prison gerrymandering—the practice of counting prisoners where they are incarcerated—artificially inflates population numbers, and thus, political influence, in districts where prisons are located.

Under Connecticut G.S.A. § 9-40a, prisoners do not obtain legal residence in a particular district by being confined there. This law comports with common sense: prisoners do not choose the districts where they are incarcerated, and can be moved at any time at the discretion of the Department of Corrections. They have no opportunities to interact with or develop enduring ties to the surrounding communities. They cannot use local services such as parks or libraries. And, of course, prisoners cannot vote in those communities. They are not “constituents” of those districts in any ordinary sense of the word.

By contrast, prisoners remain legal residents at their pre-incarceration addresses. Moreover, prisoners maintain ties to the outside world through their families and other relationships in their home communities. At the end of their sentences, prisoners are released to those communities. The average length of incarceration is less than three years, but the prison count remains in effect for a decade. By counting incarcerated residents of these communities elsewhere, prison gerrymandering deprives these districts of the level of political representation to which they are entitled.

African Americans living in Connecticut are incarcerated at a rate approximately 12.5 times higher than are whites. Prison gerrymandering unfairly dilutes the voting strength of communities of color, and undermines principles of fair representation. LDF, the nation’s oldest civil rights law firm, is committed to the full and equal participation of all persons in our democracy, and supports HB 5523.

Sincerely,

/s/

Dale Ho
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