

PRISON GERRYMANDERING IN CONNECTICUT

The problem

The U.S. Census Bureau counts incarcerated people as residents of the communities where prisons are based, as opposed to their homes of record. Even though Connecticut law declares that incarceration does not change a person's residence, the state uses Census figures for redistricting purposes. This longstanding flaw in the Census undermines the state's constitutional duty to draw state legislative districts on the basis of equal population. After the 2011 redistricting, for example, 9 Connecticut state house districts met federal minimum population requirements only by counting prison populations as if they resided at the location of the correctional facilities.

The unfortunate result of prison populations padding the legislative districts that contain prisons is to enhance the weight of votes cast in those districts while diluting every vote cast in a district that does not include a prison. Using these counts to draw state legislative districts gives people who live near prisons extra clout and distorts democracy:

- Although almost every town in Connecticut had residents incarcerated elsewhere on Census Day, the majority of the state's prison cells are in 5 small towns: Cheshire, East Lyme, Enfield, Somers, and Suffield.
- The majority-white residents of 7 State House districts got significantly more representation in the legislature because each of their districts included at least 1,000 incarcerated African Americans and Latinos from other parts of the state.
- For example, State House District 59, (Enfield) claimed more than 3,300 African Americans and Latinos as constituents. But 72% of the African Americans and 60% of Latinos were not actually residents of the district, but rather were temporarily incarcerated in the Enfield, Willard, and Robinson Correctional Institutions.
- The dilution of African-American and Latino political power was not limited to the 59th district: 86% of the state's prison cells are located in disproportionately white house districts.

The solution

A law to end prison gerrymandering (similar to HB 6606 in 2011) would set up a system for collecting the homes of record of incarcerated persons, and would ensure that districts are drawn based on where people legally reside instead of where correctional facilities are located.

Prison gerrymandering ignores Connecticut law

Treating incarcerated people as residents of a correctional facility ignores the state's definition of residence, 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." (General Statutes of Connecticut § 9-14.)

Similar legislation has already been passed in New York, Maryland, Delaware, and California. The New York and Maryland laws have been implemented and upheld by the courts, and the Maryland law was upheld by the U.S. Supreme Court. Ideally, the U.S. Census Bureau would change its policy and count incarcerated people as residents of their home of record, but Connecticut can take steps now to ensure that districts are drawn more fairly in 2021.

The benefits of ending prison gerrymandering

- Every resident in the state would have the same access to the legislature regardless of whether she lived in a district that contained a prison.
- The state would be in compliance with the U.S. Supreme Court's "one person, one vote" rule, which requires that all residents be given the same access to government regardless of where they live.
- The state would be ensuring that its redistricting data matched that of the towns of Enfield and Cheshire, which both currently refuse to use the prison populations when drawing their local town districts.
- There would be no effect on the distribution of federal or state funds because all funding programs have their own data sources and none rely on redistricting data.

Prison gerrymandering is unpopular

In 2012, both the *Hartford Courant* and *The Norwich Bulletin* called for Connecticut to pass legislation that would count incarcerated people as residents of their home addresses for redistricting purposes.

A Quinnipiac University poll reveals that most New York State voters say that incarcerated people should be counted as residents of their home districts, not of where they're imprisoned. Supported by public opinion, the New York legislature passed a law in 2010 to end prison gerrymandering. The law has been successfully implemented and the state counted incarcerated people at home during the 2011 redistricting process.