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Written Testimony in Support of House Bill 6679, An Act Concerning the Counting of Incarcerated Persons for the Purposes of Determining Legislative Districts and Distributing State and Federal Funds

Good afternoon Senator Coleman, Representative Fox and members of the Committee on Judiciary. My name is David McGuire. As the Staff Attorney for the American Civil Liberties Union of Connecticut, I am here to support Raised Bill 6679, An Act Concerning the Counting of Incarcerated Persons for the Purposes of Determining Legislative Districts and Distributing State and Federal Funds.

Recently attention has been brought to the issue of prison gerrymandering. Although prisoners are not allowed to vote, they are still counted as citizens for purposes of districting and allocation of representatives and funds. Currently, these prisoners are not counted as citizens of the district they lived in when arrested but rather as citizens of the district where they are incarcerated. The result is that those districts where prisons are located are treated as if they have a much larger population of voters than they actually do. This bill would end prison gerrymandering in Connecticut by requiring that incarcerated individuals be counted at their last home address for state redistricting purposes. This type of legislation has been passed in New York, Maryland, Delaware and California. Significantly, the New York law has been successfully implemented and upheld in court. I urge you to join these states today in protecting voting equality.

The current districting method gives districts that contain prisons greater representation in the legislature, effectively making the votes of citizens of those districts count more than the votes of citizens in districts without prisons. This method of counting prisoners, although neutral on its face, leaves open the opportunity for abuse, creating incentives for political parties to consider the political makeup of districts before voting to fund prisons in them. Even absent political abuse, this weighting of votes dilutes the votes of people in other districts and undermines a fundamental ideal of democracy: that all votes are equal.

Being treated as larger districts also can result in disproportionate distribution of funds, giving larger amounts to towns and districts with prisons, to be distributed among a smaller population. This denies funding to districts without prisons, leaving those districts that prisoners actually lived in with less funding than their population merits.

The town or district a prisoner lived in before being incarcerated is the district most likely to be affected by the prisoner: it is diminished by his incarceration and harmed by his misdeeds. Likewise, the district the prisoner lived in prior to his incarceration is the district to which a prisoner is most likely to return upon being released, the district that will have the greatest interest in the prisoner's

rehabilitation and reintegration into society, and the district that will bear the burden of helping the prisoner reintegrate upon release. Therefore, these are the districts whose population counts should include the prisoner.

A fundamental principle of our democracy is that representation is distributed on the basis of population. Please pass this bill and restore this principle in Connecticut.