

**Written Testimony of Aleks Kajstura,  
Legal Director, Prison Policy Initiative**

**Joint Committee on Government Administration and Elections  
of the Connecticut General Assembly**

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**Support H.B. 5611**

Thank you, Co-chairs Flexer and Fox, and members of the Committee for providing the opportunity for me to provide written testimony. My name is Aleks Kajstura and I am an attorney and Legal Director of the Massachusetts-based non-profit, non-partisan Prison Policy Initiative. For more than a decade, we've have been working to convince the Census Bureau to update their methodology and count incarcerated people as residents of their legal home addresses. Because the Census is slow to make changes, I have also been working very closely with state and local governments on creating interim solutions.

**How Connecticut stumbled into prison gerrymandering**

Each decade, Connecticut redraws its state and local legislative districts on the basis of population to ensure that each district contains the same population as other districts. In this way, all residents are given the same access to representation and government. However, the Census Bureau's practice of counting incarcerated people as residents of the prison location, instead of their home communities, results in significant distortions in achieving fair representation.

The Census Bureau's rule for counting prison populations is in conflict with the law of Connecticut and that of most states, which says that prison is not a residence. A legal residence is the place where a person chooses to live and does not intend to leave. The Connecticut statute is explicit:

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.)

The clearest illustration of this comes from how persons are treated for voting purposes. In Connecticut, some persons in prisons 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.<sup>1</sup> Yet when the state draws legislative districts, it credits the prison population to the prison community, in clear conflict with the treatment of incarcerated persons for voting.

### **Connecticut's prison gerrymandering is significant, inequitable**

The Census Bureau's prison miscount—and the prison gerrymandering that results—is larger in Connecticut than in most states. Here, 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, though disproportionately from the state's urban cities. But incarcerated people are 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 2/3rds of the state's prison population is credited to just 5 towns (Cheshire, East Lyme, Enfield, Somers and Suffield).

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<sup>1</sup> See Caroline Porter, "State Prisons Create Uneven Districts," Cheshire Record-Journal, November 8, 2005 (noting issuance of absentee ballots to eligible incarcerated persons in Cheshire).

There is also a clear racial justice issue at stake: African-Americans are 9 times as likely to be incarcerated as white people in Connecticut, and Latinos 5 times as likely. But the Census Bureau counts the incarcerated population as residents of those mostly-white towns, and this creates a serious inequity at redistricting time.

**Ending prison gerrymandering does not impact federal or state aid formulas, or any other use of Census data**

Lastly, I want to address a common misconception I've seen come up with similar bills. Legislators are often concerned about the impact this type of bill might have on the distribution of government funds. Please note that HB5611 adjusts address data that is only used for redistricting purposes. This bill would not affect any federal or state aid or grants because there are no funding formulas that rely on redistricting data.

**Conclusion**

The basic principle of our democracy is that representation is distributed on the basis of population. Crediting incarcerated people to the wrong location has the unfortunate and undemocratic result of creating a system of representation without population.

Thank you for your time and consideration.

  
Aleks Kajstura  
Legal Director