

Government Administration and Elections Committee

JOINT FAVORABLE REPORT

Bill No.: SB-753

AN ACT CONCERNING THE COUNTING OF INCARCERATED PERSONS FOR
Title: PURPOSES OF DETERMINING LEGISLATIVE DISTRICTS.

Vote Date: 3/29/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/10/2021

File No.:

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

The Government Administration and Elections Committee

REASONS FOR BILL:

In the State of Connecticut, incarcerated individuals are counted as residents of the municipality where their respective correctional institution is located. This bill seeks to ensure that incarcerated individuals will be counted as residents of the town where they last resided prior to their incarceration. With reconfigured population data that reflects the changes made in this bill, legislative redistricting set to take place in 2022 will utilize this information and make necessary changes.

RESPONSE FROM ADMINISTRATION/AGENCY:

Denise W. Merrill, Secretary of the State of Connecticut: Secretary Merrill reiterated her support for this bill, as she has done in the past. She believes that this bill will allow for population counts to be more accurately reflected in major cities as well as in the towns that have correctional facilities. Secretary Merrill believes that this change will allow for legislative districts to be drawn in a way that better represents communities. Citing the time-sensitive nature of this bill due to the post-census decennial redistricting scheduled to take place later this year, she urged that the bill be passed this session.

State of Connecticut Commission on Human Rights and Opportunities (CHRO): When the state counts incarcerated people as residents of the geographical area in which they are incarcerated, they implicitly assume that these individuals will not return to their home communities. This lowered population count results in underrepresentation from a political standpoint, as well as inadequate funding from the state. Municipalities that host correctional facilities tend to be predominately White and rural in nature. By gerrymandering these

legislative districts to count prisoners as part of the population, these regions are getting an unfair advantage in terms of legislative representation and access to state funding, all at the expense of already marginalized communities. CHRO strongly supports the bill, viewing it as a means to correct this grave injustice that has perpetuated the redistribution of resources from Black and Latinx communities to predominantly White communities.

Senator Martin Looney, President Pro Tempore, Connecticut State Senate: Senator Looney offered testimony in support of the bill. He identified the current prisoner apportionment practices as being at odds with CGS § 9-14. Senator Looney made reference to the fact that less than 20% of the state's population lives in cities like Hartford, Bridgeport, Waterbury, New Haven, New Britain and Stamford, but over half of the state's prison population comes from these cities. In addition, Senator Looney acknowledged the fact that the apportionment of prisoners based on correctional facility location has an impact on the amount these domiciles receive in state funding and financial aid. Senator Looney believes that funding should be allocated to the municipalities that incarcerated persons resided in prior to their imprisonment, that way the municipality can provide incarcerated individuals with services such as housing upon their release.

Shawn Wooden, Treasurer, State of Connecticut: Treasurer Wooden expressed support for Senate Bill 753. In his testimony, he referred to House District 59 in Enfield, where it is said that 3,300 Black and Latino constituents are represented. When taking a closer look at the demographics, it is clear that 72% of the African Americans and 60% of Latinos in the district are currently incarcerated at the correctional facilities located within the district. Treasurer Wooden acknowledged the diminished political power in urban districts, where they are underrepresented and underfunded due to misleading population counts.

NATURE AND SOURCES OF SUPPORT:

Zenaida Aguirre, Member, Yale Democrats: Ms. Aguirre expressed her strong support for this bill. She views the bill as a means to provide incarcerated persons with equal representation in the Connecticut General Assembly. Ms. Aguirre contends that the current practice of counting incarcerated individuals based on the location of their incarceration is wrong and highlights racial inequities in society. Considering the fact that most incarcerated people cannot vote, but are still counted as residents of the town of the correctional facility they are housed in, Ms. Aguirre views the current counting method as unequal since it affords these districts with an inappropriate level of electoral power.

Sauda Efia Baraka, Chairperson, Greater Bridgeport NAACP Criminal Justice Committee: On behalf of a coalition of voting rights groups in Bridgeport, Ms. Baraka submitted testimony in support of the bill. Citing information from the Prison Gerrymandering Project, Ms. Baraka contends that prison gerrymandering defrauds both urban communities with a high population of incarceration, as well as individuals living in rural communities that lack any correctional facilities. By ending prison gerrymandering in Connecticut, Ms. Baraka believes that the state could restore political power to disenfranchised communities and simultaneously correct the racial and socioeconomic injustices that have been perpetuated by this system.

Corrie Betts, Criminal Justice Chair, NAACP Connecticut State Conference: The NAACP Connecticut State Conference is in strong support of the bill. In their testimony, the conference emphasized the adverse impact that Connecticut's prison gerrymandering has had in terms of denying incarcerated people from meaningful representation. In addition, the conference made clear that prison gerrymandering deliberately attempts to reduce the political power of Black and Latinx voters in urban communities. Lastly, the conference addressed the urgency of this situation and the need for the Connecticut General Assembly to pass the bill this session, that way the new law will be in effect prior to the legislative redistricting efforts set to take place later this year.

Aaron Goode, Foundr, New Haven Votes Coalition: Mr. Goode identified disparities in PILOT reimbursements between cities like New Haven and relatively affluent towns like Cheshire. In his testimony, Mr. Good writes that Cheshire received 100% PILOT reimbursement for their prisons and gets increased representation in the legislature based on their incarcerated population. On the contrary, New Haven received only 20 cents per dollar for PILOT reimbursement and their representation is diminished due to prison gerrymandering. By eliminating the current prison gerrymandering system, Mr. Goode believes we can strengthen our cities and restore their true political representation.

Hartford Foundation for Public Giving: As a community foundation, one of the missions of the Hartford Foundation for Public Giving is to dismantle structural racism and improve social and economic mobility for Black and Latinx residents of Greater Hartford. Much of their funding goes towards investing in programs that help returning citizens succeed. The foundation expressed their support for the bill. Based on their position in the Greater Hartford community, the foundation recognizes the disenfranchising impact that the current legislative apportionment methods have on urban communities. While the foundation wishes that the United States Census Bureau would change the method by which they count incarcerated people, they believe that Connecticut should join the growing list of states that are changing the methods used to interpret census data and draw legislative districts.

Aleks Kajstura, Legal Director, Prison Policy Initiative: Mr. Kajstura makes reference to Connecticut General Statute § 9-14, which is in direct conflict with the prison apportionment methods currently employed by the state. By passing Senate Bill 753, Connecticut would join ten other states across the country that have implemented laws requiring redistricting that accurately represents incarcerated people. In addition, Mr. Kajstura addressed the misconception that bills like SB 753 would impact state or federal aid formulas and thus the distribution of funding. He dispels this notion, stating that there are no funding formulas that rely on redistricting data. Ultimately, on behalf of the Prison Policy Initiative, Mr. Kajstura supports this bill based on the core belief that representation should be distributed on the basis of population.

LatinoJustice PRLDEF and Hispanic Federation: LatinoJustice and Hispanic Freedom came together to submit testimony in support of immediate passage of the bill. By ending prison gerrymandering in Connecticut, political power can be restored to urban communities of color. For far too long, systemic discriminatory policies have disenfranchised urban voters of color in a concerted effort to diminish the value of their vote. Referencing House District 59, where 13.9% of the district "population" was incarcerated and unable to exercise their right to vote, Latino Justice and the Hispanic Federation make it clear that these prison districts wield a disproportionate amount of power based upon the incarcerated population. In

order to fulfil the Supreme Court's standard of "one person, one vote," Connecticut must put a stop to prison gerrymandering.

Mike Lawlor, Associate Professor of Criminal Justice, University of New Haven: Mr. Lawlor is a former state legislator and lifelong advocate for criminal justice reform. Citing many successful efforts in Connecticut to reform our criminal justice system, he acknowledged that much work remains to be done, especially the elimination of prison gerrymandering. Mr. Lawlor stated that a prisoner's body might be moved to a correctional facility across the state, but their life remains within their community, where their family, house, friends, churches and children remain. By failing to consider where an incarcerated person will return following their release, Mr. Lawlor believes that we are impeding upon the ability of an incarcerated individual to successfully re-immers themselves back into their community upon their release. To further his point, Mr. Lawlor wrote that when he was the state representative for East Haven, he would often address the concerns of the families of incarcerated individuals from his district, even if they were incarcerated in Enfield, Somers, Montville or Cheshire.

Kelly McConney Moore, Interim Senior Policy Counsel, American Civil Liberties Union of Connecticut (ACLU-CT): The ACLU-CT identified Connecticut's current prison gerrymandering practices as undemocratic and requiring major change. Prison gerrymandering harms incarcerated individuals by undermining their dignity and identity. Incarcerated people do not identify with the communities in which their prison or jail is located, they are not able to take advantage of local resources in the community surrounding the prison, and they are largely ignored by the legislators who represent the prison district. Additionally, the ACLU-CT believes that the communities where incarcerated people reside are adversely impacted by prison gerrymandering as well. Urban, low-income, people of color have had their votes diluted and their representation diminished because their districts are undercounted. In doing so, prison gerrymandering transfers political power and resources from communities of color to communities that host prisons and have a predominantly white population. Lastly, the ACLU-CT encouraged the committee to add a provision to SB 753 that would extend the right to vote to incarcerated people.

Garry Monk, Executive Director, National Veterans Council for Legal Redress: In his testimony, Mr. Monk discussed his family's story, in which his nephew was incarcerated at the Enfield Correctional Institution. While his nephew might have been physically in Enfield, his family, community and life remained in New Haven. Upon his release from prison, he left Enfield and returned to his home in New Haven. At no time did his nephew develop any sort of connection with the Enfield community. Mr. Monk identified the prison gerrymandering system as a way to water down the votes of Black and Brown urban communities.

The following organizations submitted testimony in support of SB 753. They cited reasons similar to those stated in the aforementioned testimonies:

Emily Byrne, Executive Director, Connecticut Voices for Children
Darryl Brackeen Jr, Chair, Generation Change CT
Gemeem Davis and Callie Gale Heilmann, Co-Directors, Bridgeport Generation Now Votes
State Employees Bargaining Agent Coalition
John Murphy, United Auto Workers Local 376 and the Connecticut Citizen Action Group
Jonathan Perloe, Co-founder and Steering Committee Member, Voter Choice Connecticut

Cheri Quickmire Executive Director, Common Cause in Connecticut
Bilal Dabir Sekou, PhD, Board Chair, Common Cause in Connecticut
Tanya Rhodes Smith, Director, Nancy A. Humphreys Institute for Political Social Work
SEIU Healthcare, SEIU District 119NE Connecticut
Yale Democrats (various members)
Patricia Rossi, Board Secretary, League of Women Voters Connecticut (LWVCT)
Sal Luciano, President, AFL-CIO Connecticut
Natasha Brunstein, Law Student Intern, Peter Guber Rule of Law Clinic at Yale Law School

The Government Administration and Elections Committee received via email over 50 pieces of testimony in support of SB 753. They cited reasons similar to those stated in the aforementioned testimonies. All copies of testimony are available on the Committee website under Testimony.

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: Trevor Hoffman

Date: 03/29/2021