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To: Members of the Committee on Judiciary

From: David McGuire, ACLU-CT Staff Attorney

**Written Testimony Supporting Raised Bill Nos. 1193 and 6606
An Act Concerning the Determination of the Town of Residence of Incarcerated
Persons and An Act Concerning the Determination of the Residence of
Incarcerated Persons for Purposes of Legislative Districting.**

Good afternoon Senator Coleman, Representative Fox and members of the Committee on Judiciary. My name is David McGuire. As the Staff Attorney for the ACLU of Connecticut, I am here to support Raised Bill Nos. 1193 and 6606.

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 happen to be located are treated as if they have a much larger population than they actually do. Other states have begun to recognize and deal with this problem of prison gerrymandering by enacting legislation that counts prisoners as citizens of the district where they were arrested. I urge you to join them 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 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 money comes from money not given 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. Raised Bill Nos. 1193 and 6606 will restore this principle in Connecticut.