



Legislative Testimony
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**Written Testimony Supporting House Bill 5611,
An Act Concerning the Counting of Incarcerated Persons for
Purposes of Determining Legislative Districts**

Senator Flexer, Representative Fox, and distinguished members of the Government Administration and Elections Committee:

My name is David McGuire, and I am executive director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony regarding House Bill 5611, An Act Concerning the Counting of Incarcerated Persons for Purposes of Determining Legislative Districts. The ACLU-CT would like to voice our support this bill if the committee adds a provision allowing incarcerated people the right to vote.

As an organization committed to the liberties guaranteed by our Constitution, the ACLU-CT strongly supports a free and fair voting system to uphold the foundational cornerstone of our democracy: the right to vote. We believe that the state should count people who are incarcerated as residents of their last town of residence and allow those people to vote in that district's elections.

The average period of incarceration in our country is 34 months, or a little less than three years. The short-term nature of incarceration means that most incarcerated people will likely return fairly quickly to the town in which they lived prior to incarceration. They will be expected to integrate back into that same community and so should be counted as a resident of that community.

Additionally, people should not be counted as residents of the community in which they are incarcerated because they do not decide where they will be imprisoned. Counting someone who is incarcerated as a resident of the town in which the prison is located is misleading because it implies that they chose to live in that area. Incarcerated people are generally not

considered by their neighbors to be part of the community, and they do not benefit from community resources the way permanent residents do.

People of color are much more likely to be incarcerated than white people, meaning that including a prison's population in a community's overall population skews the racial composition of the community. Because of this, the African-American subcommittee of the Census Bureau's Race and Ethnicity Advisory Committee Census Bureau believes prisoners should be counted as residents of their prior addresses.

In addition to counting incarcerated people as residents of the town in which they lived prior to incarceration, the ACLU-CT encourages the committee to add a provision to this bill to allow incarcerated people to vote. The right to vote is a fundamental part of America's democracy, and the government should not abridge that right lightly. Being able to vote in elections is an incredibly important right that should not be denied to someone simply because they were convicted of a crime and are incarcerated. Allowing people who are incarcerated to vote strengthens our democracy, gives them the opportunity to have their voices heard, and affirms the concept of self-government.

Affording incarcerated people the right to vote is the right thing to do under the national and Connecticut Constitution, and it is in line with the opinion of the Supreme Court and Congress. Both entities have found that prisoners deserve to enjoy their constitutional rights, such as freedom of religion and speech, while incarcerated.

By passing this bill with a provision allowing incarcerated people to vote, Connecticut would join Maine and Vermont, which protect incarcerated people's rights to vote. New Mexico is also considering such a law. Additionally, Arizona, Nevada, and New York constitutions define a prisoner's residence as the place they lived prior to incarceration.

Mass incarceration, combined with disenfranchisement laws, subverts participatory democracy, particularly for communities of color. Such communities have traditionally faced disenfranchisement and should not continue to face it due to the racial inequity in our police and criminal justice systems. Allowing people who are incarcerated to vote is an important step to dismantling these harmful and discriminatory laws.

The ACLU-CT urges the committee to add a provision allowing incarcerated people to vote to House Bill 5611 and support the bill.