



League of Women Voters
of Virginia

**League of Women Voters of Virginia Supports HB 1465
To Count Prisoners in Their Home Districts for Redistricting Purposes**

The League of Women Voters of Virginia supports HB 1465 for the following reasons:

- While incarcerated prisoners are ineligible to vote, they continue to be legal residents of the home districts they come from; they usually return to their home districts upon release, and continue to have an interest in their home locations. Accordingly, this bill provides for the reassignment of prisoner incarceration counts to their home districts which will remove the current concentration of the Census prison populations, predominantly in one district, and properly credit those counts to other districts throughout the state.
- Currently, in accordance with Virginia Code § 24.2-304.1(C), counties, cities and towns in Virginia are permitted, but not required, to exclude incarcerated populations from their redistricting data. Six counties have done so and 18 counties and 1 city have not, thus creating a lack of uniformity in the way residents are counted for redistricting purposes in Virginia. Details about those jurisdictions are listed on the attachment.
- Counting incarcerated people as if they are residents of the prison location effectively gives extra representation to people who happen to live near prisons, which undermines the Constitutional right to fair and equal representation as required by both the Virginia Constitution's article II, § 6 and the Federal Constitution's "one person, one vote" mandate. For example, in one of Southampton's seven Board of Supervisor districts the incarcerated population is 51% of the population reported by the Census Bureau. This means that one member on the Board of Supervisors in one Southampton district represents approximately half as many county residents as any other Board member in the remaining districts in Southampton.
- Prisoner incarceration numbers are only reallocated for redistricting purposes and will have no impact on Federal and state funding streams which are based on U.S. Census data.
- This bill will have no negative impact on majority-minority districts.
- Only one Virginia state district, District 75, will be significantly affected by this bill, that of Delegate Tyler: Incarcerated population in her District is 12% of the population reported by the Census Bureau. Delegate Tyler has said she does not oppose this bill.
- Four other states, representing 21 percent of the U.S. population, have adopted laws similar to this bill -- Maryland, Delaware, New York, and California. Maryland's law was challenged and upheld by the U.S. Supreme Court.
- Many other organizations have expressed support for the principle that states should remove incarcerated counts from prison locations when redistricting and reassign those counts to prisoner home districts. Attached is a list of some of those organizations.
- This bill will help to restore equity in the electoral process in Virginia.

**Effect of Prison Populations on Local County and City Districts
Virginia Counties That Did Not Exclude Prison Populations When Redistricting**

County or City	Total Population as reported by the 2010 Census	Incarcerated Population as reported by the 2010 Census	Prison population percentages in a Board of Supervisor or City Council district*
Augusta County	73,750	2,138	12%
Bland County	6,824	637	36%
Buchanan County	24,098	839	13%
Buckingham County	17,146	2,173	45%
Culpeper County	46,689	1,263	18%
Fluvanna County	25,691	1,218	23%
Goochland County	21,717	1,276	30%
Lunenburg County	12,914	1,173	30%**
Mecklenburg County	32,727	1,310	23%
New Kent County	18,429	447	12%
Nottoway County	15,853	1,371	42%
Powhatan County	28,046	2,021	22%
Prince Edward County	23,368	725	25%
Pulaski County	34,872	691	10%
Scott County	23,177	450	11%
Southampton County	18,570	1,464	51%
Tazewell County	45,078	1,023	11%
Wise County	41,452	2,017	11%
Suffolk city	84,585	762	6%

Source: Analysis by Prison Policy Initiative for League of Women Voters of Virginia

*The percentages refer to a district where a prison is located within the county or city, not to the county or city as a whole.

**Lunenburg County divided its prison population between two districts, Districts 1 and 2.

Attachment to Written Testimony on Behalf of the League of Women Voters of Virginia in Support of HB 1465

Counties in Virginia That excluded Incarcerated Populations When Redistricting Their Board of Supervisors Districts After the 2010 Census

Place	Total Population	Incarcerated Population	Percent of the county that is Incarcerated population
Brunswick County	17,434	1,762	10.11%
Greensville County	12,243	3,499	28.58%
Lee County	25,587	1,486	5.81%
Prince George County	35,725	4,495	12.58%
Richmond County	9,254	1,651	17.84%
Sussex County	12,087	2,443	20.21%

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Selected Organizations Which Support the Removal of Incarcerated Counts from Prison Locations When Redistricting and Reassignment of Those Counts to Prisoner Home Districts

In addition to support by the National and League of Women Voters of Virginia for the proper allocation of prisoner counts to their home districts, the following are among an additional 210 organizations which have also expressed their support for this change:

- The ACLU
- The Advancement Project
- American Civil Liberties Union
- Asian American Justice Center
- Black Leadership Forum
- Brennan Center for Justice
- Common Cause
- Fair Elections Legal Network
- FairVote
- FedCURE
- Human Rights Defense Center
- Justice Policy Institute
- Lawyers' Committee for Civil Rights Under Law
- LatinoJustice PRLDEF
- Legal Action Center
- Mexican American Legal Defense and Educational Fund
- NAACP
- NAACP Legal Defense Fund
- NAACP National Voter Fund
- National Alliance For Prisoners Rights
- National Resource Center on Children and Families of the Incarcerated
- National Urban League
- Nonprofit VOTE
- Offender Aid and Restoration, Arlington, VA
- Prison Policy Initiative
- The Center for Church and Prison, Inc.
- Racial Justice Action Center
- Southern Center for Human Rights
- The Leadership Conference on Civil and Human Rights
- The Sentencing Project
- The U.S. Conference of Mayors
- Virginia CURE
- Voice of the Ex-offender
- Washington Association of Criminal Defense Lawyers
- Washington Lawyers' Committee for Civil Rights
- X-Offenders for Community Empowerment