

# Richmond Times-Dispatch

SUNDAY, SEPTEMBER 5, 2010

\$2.00 • VIRGINIA'S NEWS LEADER • TIMESDISPATCH.COM • A MEDIA GENERAL NEWSPAPER • FINAL

## Prison populations distort districting

Va. urged to change how inmates figure into drawing of lines

**BY FRANK GREEN**  
Times-Dispatch Staff Writer

Almost half of Powhatan County Supervisor Carson Tucker's constituents are pretty rough actors, but they don't gripe about real estate taxes and they never vote against him.

Three state prisons holding more than 2,000 non-voting felons sit in Tucker's Board of Supervisors district.

Because the U.S. Census Bureau counts them as county residents, census-based redistricting in 2001 left each of Tucker's 5th District voters with a lot more clout than his or her counterparts in the county's four other districts.

Tucker, however, believes the whole county — not just his district — benefits from the inmates because they give Powhatan an edge over other counties when it comes to divvying up state and federal aid.

**“Every single resident of districts 1, 2, 3, and 4 in Powhatan County have their votes on county issues diluted because District 5 is being padded with prisoners.”**

PETER WAGNER  
Prison Policy Initiative

“It's a balancing act to us and we are satisfied,” he said.

In recent decades, the explosive growth of prisons in Virginia and across the country in sparsely populated rural areas has led to distortions in districting that challenge the principle of one-person, one-vote.

With the 2010 census numbers becoming available in February and redistricting for 2011 about to

See **PRISONS**, Page **B2**

**RT-D  
FIRST**

# Prisons

From Page B1

start, the Virginia General Assembly has a chance to alter the way prisoners figure into county and city redistricting, as it did in 2001 when counties with populations that were more than 12 percent prisoners were permitted to ignore the inmates when doing internal redistricting.

Counties like Powhatan, however, do not have enough inmates to qualify and must include them.

Peter Wagner, executive director of the Prison Policy Initiative, urges Virginia to allow any city or county with prisoners to ignore them when redistricting — as do about 100 counties in other states across the country — in order to give every voter equal representation.

“Every single resident of districts 1, 2, 3, and 4 in Powhatan County have their votes on county issues diluted because District 5 is being padded with prisoners. In fact, a vote cast in the 5th District is worth almost twice as much as a vote cast anywhere else in the county,” he said. Any advantage the county might gain in federal and state aid would be

quite small, Wagner said. Federal and state funding is distributed on the basis of detailed formulas, he said. Total census population plays a generally minor part and no federal or state funding formula is based on county redistricting.

But, the effects of prison populations on districting within localities can be huge, as they are in Powhatan, he said. Other examples include Southampton County, where inmates constitute 58 percent of the population in one Board of Supervisors district, and Nottoway County, where inmates are about a quarter of the population in the 1st and 3rd districts.

Wagner also said that unless corrective action is taken, a new federal prison in Lee County could be about a third of a district, and inmates in a new federal prison in Petersburg could be about 40 percent of a City Council district. Both prisons, along with two new state ones, opened in Virginia since the 2000 census.



**Of the five counties** eligible under the 12 percent law passed in 2001, four — Brunswick, Greensville, Richmond and Sussex — excluded

the prison population when drawing internal districts. The fifth county, Buckingham, arrived at the same result by splitting the prison population among all the districts.

Any change in the 12 percent option for localities would have to be enacted as emergency legislation so it could take effect prior to July 1, 2011, which would be too late. The U.S. Justice Department must approve changes to voting district lines in most of Virginia and has 60 days to do so.

Wagner said that ideally, the U.S. Census Bureau would change where it counts prison inmates. They should be counted as residents of their home — not prison — addresses, he said. That would solve the distortions caused by prisons when redistricting state Senate and House of Delegate seats along with congressional districts.

That will not happen this census or for the 2011 redistricting, but Wagner hopes Virginia asks the Census Bureau for the change for 2020.

Del. Roslyn C. Tyler, D-Sussex, represents a large district in Southside Virginia. In 2001, it had prisoners holding roughly 8,000 to 9,000

inmates, almost a third of the state's total. She has said she hopes a more equitable solution — such as those suggested by Wagner — is found.

It is hard to get out the vote when so many people in her district cannot vote, she said last week. The 75th House District includes all or parts of the counties of Greensville, Sussex, Brunswick, Lunenburg, Southampton and Isle of Wight; all of the city of Emporia and part of the city of Franklin. When redistricting last took place, the district had seven major prison complexes.

Since 2001, however, two of the prisons have closed and there has been population growth in areas such as Southampton County.

“At this time, it's kind of hard to judge what the census is going to be,” Tyler said. She says she believes the next General Assembly session should take a look at the impact of prison populations on redistricting.

“It's going to be interesting to see how the lines are going to be drawn,” she said.

• Contact Frank Green at (804) 649-6340 or [fgreen@timesdispatch.com](mailto:fgreen@timesdispatch.com).