



# League of Women Voters® of Virginia

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John H. Thompson, Director  
US Bureau of the Census  
4600 Silver Hill Road  
Washington, DC 20233-0001

Dear Mr. Thompson:

The League of Women Voters of Virginia asks the Census Bureau to change the way it reports incarcerated prisoners for redistricting purposes.

Presently, the Bureau reports incarcerated prisoners as residents of their prison locations rather than as residents of their home addresses. In Virginia, prisoners are not eligible to vote and remain residents of their home addresses while in prison. For the reasons we explain below, the Census Bureau's practice of counting prisoners as if they were residents of the prison leads to prison-based gerrymandering. It denies population counts to any legislative district that has some of its residents in prisons across the state and awards greater representation to areas with large prison populations.

This is the problem we face in Virginia today. Eighteen counties and one city use the Census's data that tabulates prisoners as residents of prisons where they are incarcerated, resulting in severe prison-based gerrymandering. Thus, for example, incarcerated prisoners are 67% of the population in a district in Lunenburg County; in a Southampton County district, 51% are prisoners; in Buckingham County, it is 45%; in Nottoway County, that number is 42%. These are just some examples of the effect that current, census-based redistricting has in some areas in Virginia.

In 2013, the Virginia Legislature amended its law to permit all local governments to discount prisoner populations from census data when redistricting. Unfortunately, this change came too late for some counties. Only a few were able to take advantage of this option to exclude the Bureau's prisoner counts when redistricting their Boards of Supervisors. Virginia's progress toward ending prison-based gerrymandering remains inadequate.

The Bureau took an important step in providing states with the group quarters population data, showing where the prisoners were tabulated, but this has not solved the problem for Virginia or for other states. While four states in this country have passed legislation to count prisoners at home for redistricting purposes, other states either have not passed or have not been able to pass such legislation. We believe that the Census Bureau is ideally positioned to solve this problem for the states.

We urge the Census Bureau to change its methodology so that redistricting after each census will be equitable throughout the country. Fair and accurate census data will provide voters with the substantially equal representation that the United States and Virginia Constitutions require. This can only be accomplished if the Census Bureau provides states with census data which identifies prisoners with their last known home addresses.

Sincerely,

Anne Sterling, President  
LWV-VA