

MY POINT OF VIEW

Taking a closer look at redistricting process

By Carson Tucker, District 5 Supervisor

We will continue to receive over the next few weeks new census data on Powhatan. As a result, we will be looking at redistricting to insure that each of the five districts contains more-or-less equal numbers of residents, so that each supervisor will represent an equal number of residents for each vote that comes before the Board of Supervisors.

In this MPOV, I will as objectively as possible outline the situation and put the facts about redistricting on the table, without, at this time, trying to articulate answers to the problems we face.

A perennial question that occurs at each decennial census is what to do about the substantial prison populations which are incarcerated in Powhatan. Historically, since prisoners "have to be counted somewhere," their numbers have been counted as "Powhatan residents" and in District 3 (Powhatan Correctional Center, PCC) and in District 5 (Deep Meadow Correctional Center, DMCC). It is true that the law (Virginia 24.2-304.1) allows localities to exclude the prison population from its redistricting apportionments if that population exceeds 12% of the county's total population. It appears that the prison population in Powhatan does not trigger that option because (i) Powhatan's residential population has continued to grow [over 25.3% in ten years], and (ii) the prison population has decreased slightly.

There are several issues that face Powhatan County as we deliberate redistricting. First, counting the prison population in the 3rd and 5th Districts (where the prisons are located) creates districts where there are fewer actual residents (and registered voters) than there are in the other three districts. By the last census, for instance (when prisoners were counted in Powhatan's population), there were 4409 residents (3081 actual registered voters) in District 1; 4547 residents (3102 actual registered voters) in District 2; 4367 residents (2293 actual registered voters in District 3 (the 4367 included PCC inmates); 4419 residents (2927 actual registered voters) in District 4; District 5 had 4635 residents (which included DMCC inmates) and 1528 actual registered voters. Analyzing these numbers (remember, again, based on the last U.S. Census), it is clear that the principle of "one person, one vote" is an issue. Therefore, the votes of the Supervisors of District 3 and District 5 on issues that come before the Board of Supervisors carry slightly more weight than the individual votes of Districts 1, 2, and 4. Another way of putting it: each registered voter (and each resident eligible to register to vote) in Districts 3 and 5 carries slightly more "weight" than those in the other three districts.

The second issue caused by the new

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census and redistricting is the recognition that the Department of Justice asks localities to pay particular attention to minority representation in local governance, to insure that minorities have a "voice." It is clear from the way that Powhatan's African-American population is spread throughout the County that a "majority minority" district is not possible. To create such a district, it would be necessary to gerrymander in some bizarre way (which no one wants). The present shape of District 5 resulted from a good-faith effort by a previous Board of Supervisors to create a voting district with a significant African-American population to give that population as meaningful a voice in the governance of the county as possible, even if a majority minority district cannot be. The Department of Justice, under the auspices of Section 5 of the Voting Rights Act, approved the district, including the inclusion

of the prison population, as proposed a decade ago by that earlier Board of Supervisors. Incidentally, the U.S. Department of Justice had rejected Powhatan's redistricting plan in 1990 "because it did not include a black-majority district" (Richmond Times Dispatch, September 17, 2001). In that district, created as a result of the 2000 census, Mrs. Manning was the first African-American elected to Powhatan's Board of Supervisors; of course, she represented all residents of District 5, not only African-Americans.

The 2000 census indicated that the African-American population of Powhatan stood at 17%. In the 5th District, the African American population stood at 49.95%. These figures both included the Deep Meadow Correctional Center prison population (but not voting age inmates at Beaumont Learning Center, a juvenile offender facility; the law refers to "adult facilities" only). Similarly, District 3's African American population was 11.47%, which

included PCC inmates.

These are not small issues for us:

1. One person, one vote
2. Our sensitivity to our African-American residents and their representation in government decisions.

Further, if we were to choose, and DOJ approved our plan, to exclude the prison population in our redistricting deliberations, we have to recognize that significant redrawing of the district lines for all five districts might very well occur, because of the domino effect. Redrawing the lines of Districts 3 and 5, for instance, to disinclude prison populations, will increase the number of residents in District 5 by some percentage of the numbers of inmates at DMCC and of District 3 by some percentage of PCC's inmate population. This could be seen as a dilution of the African-American "voting power", especially in District 5.

What is clear is that we have a responsibility to recognize the changes

in our population and that population's equitable representation on the Board of Supervisors. I have proposed, and I believe they will approve, to my peers on the Board of Supervisors a Redistricting Advisory Panel, composed of a cross section of our residents, white and black, to study these issues (constitutional, legal, racial, ethical)—to conduct public meetings to collect public input, summarizing such input and ideas and reporting its findings to the Board of Supervisors. The final proposal for redistricting is the responsibility of the Board.

Our society is always in flux. As a people, we thrive in seeking solutions and improving the way we do things. We will get through this to a meaningful redistricting solution, if necessary, for the people of Powhatan. Equal representation in the governance process is the cornerstone of our government. As a society, we have also committed to fair treatment of every segment of our population.