

# Presentation to the Governor's Commission to Examine Racial Inequity in Virginia Law

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# DISCLAIMER

The ideas and recommendations expressed in this presentation are not those of the University of Virginia, or the University of Virginia School of Law. They are those of the authors of this presentation alone.



1. Introduction
2. Data Review & Policy Recommendations (for detail on recommendations review attached Memo):
  - a) Housing
  - b) Education
  - c) Criminal Justice
  - d) Voting
3. Overview of Racial Disparities in Health and Covid-19 Impact

# VIRGINIA AND STRUCTURAL RACISM

- *Structural Racism*: “A system in which public policies, institutional practices, cultural representations, and other norms work in various, often reinforcing ways to perpetuate racial group inequity...Structural racism is not something that a few people or institutions choose to practice. Instead it has been a feature of the social, economic and political systems in which we all exist. “( Aspen Institute)
- As documented in the first report of the Commission, the undeniable consequences of Virginia’s lengthy history of intentional and pervasively discriminatory policies and practices - in other words, Virginia’s history of structural racism – are the negative and stark disparities between white people and people of color across nearly all systems and areas of life in the Commonwealth.

# NOTE ON RESEARCH METHODOLOGY

## Research Team's Methodology:

- 1) Collect data from **published reports** and **reputable organizations** on disparities in commission's chosen policy areas in Virginia.
- 2) Identify **data gaps** that could be rectified by statutes or regulations.
- 3) Distill **policy focus areas** for substantive policy recommendations.
- 4) Connect those policy focus areas to **statutes and regulations** currently on the books in Virginia.
- 5) Policy recommendations **do not generally include** budget recommendations.

## The Commission's Charge:

Identify current statutes and regulations that have a *disparate impact* on the basis of race, and recommend changes to those statutes or regulations.

## Commission's Current Focus Areas:

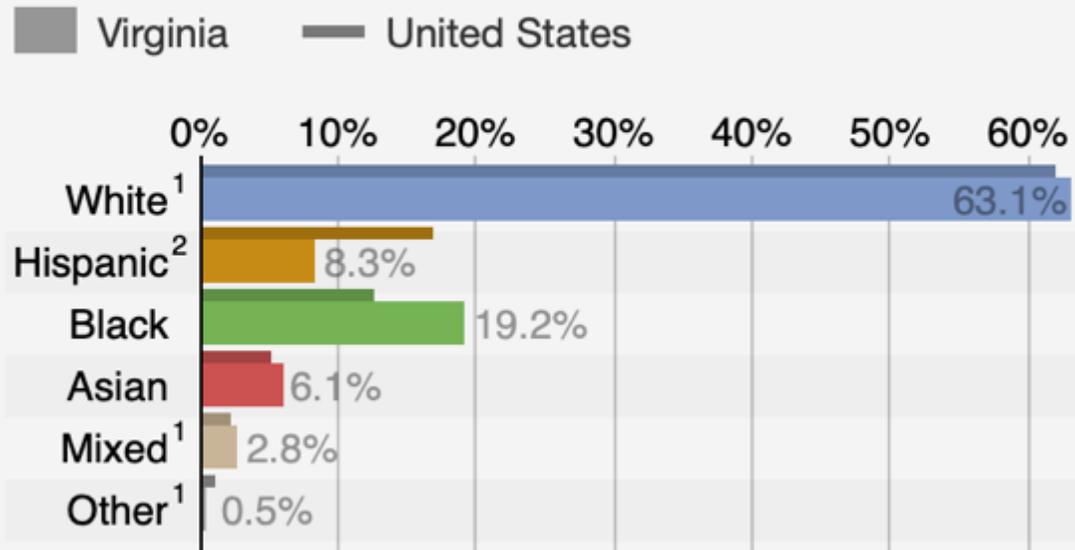
- Education
- Housing
- Voting
- Criminal Justice

# RACIAL MAKEUP

## Race and Ethnicity

Percentage of the total population.

Scope: population of the United States and Virginia



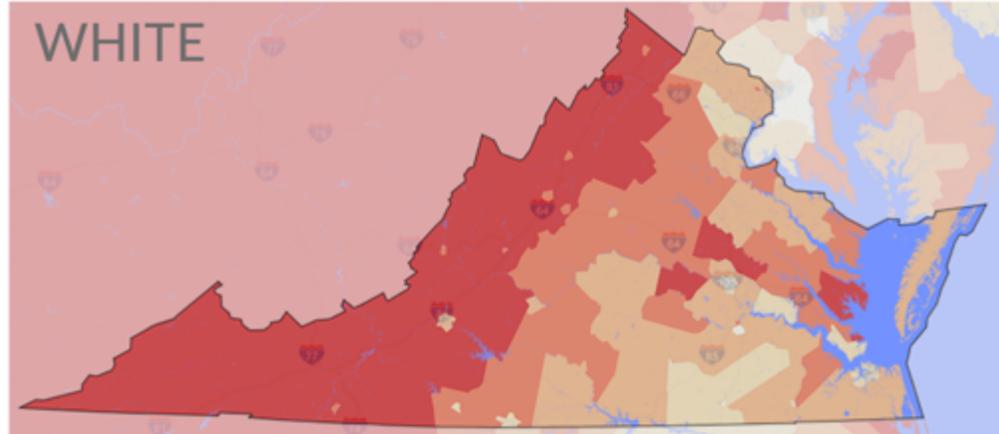
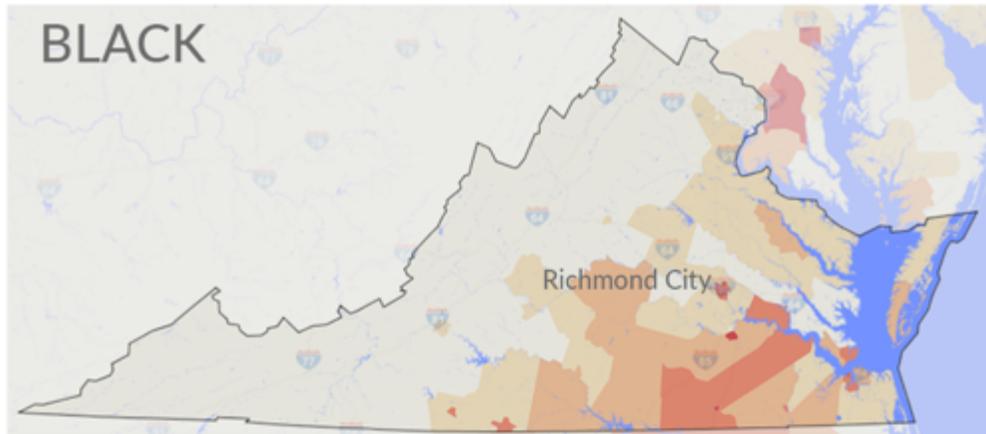
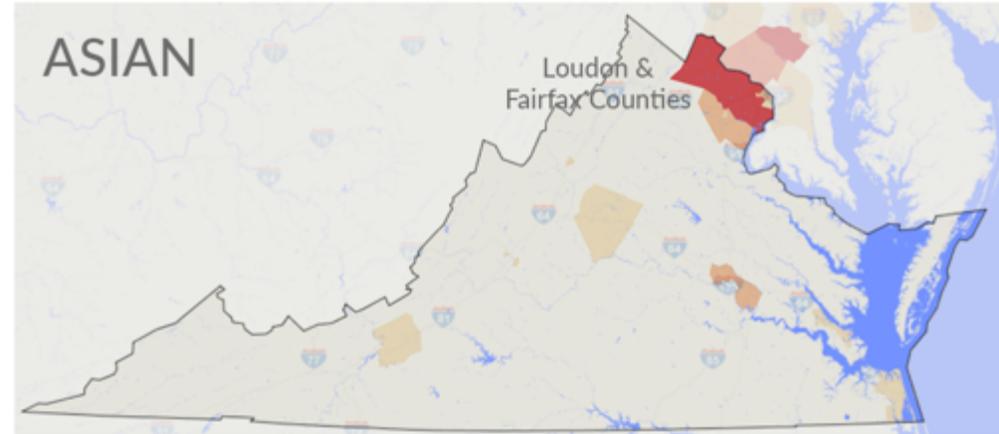
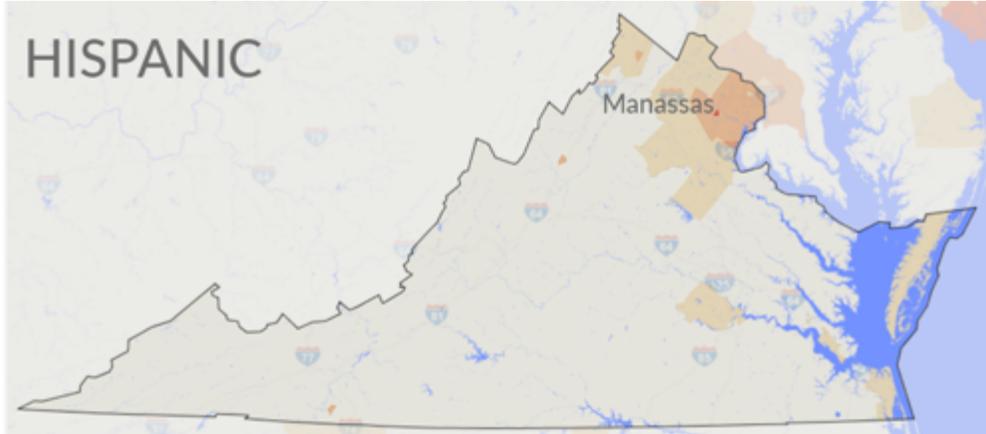
Count number of members in ethno-racial group

<sup>1</sup> non-Hispanic

<sup>2</sup> excluding black and Asian Hispanics

Sources: Statistical Atlas. Data from ACS and the U.S. Census Bureau.

# GEOGRAPHY



Sources: Statistical Atlas. Data from ACS and the U.S. Census Bureau.

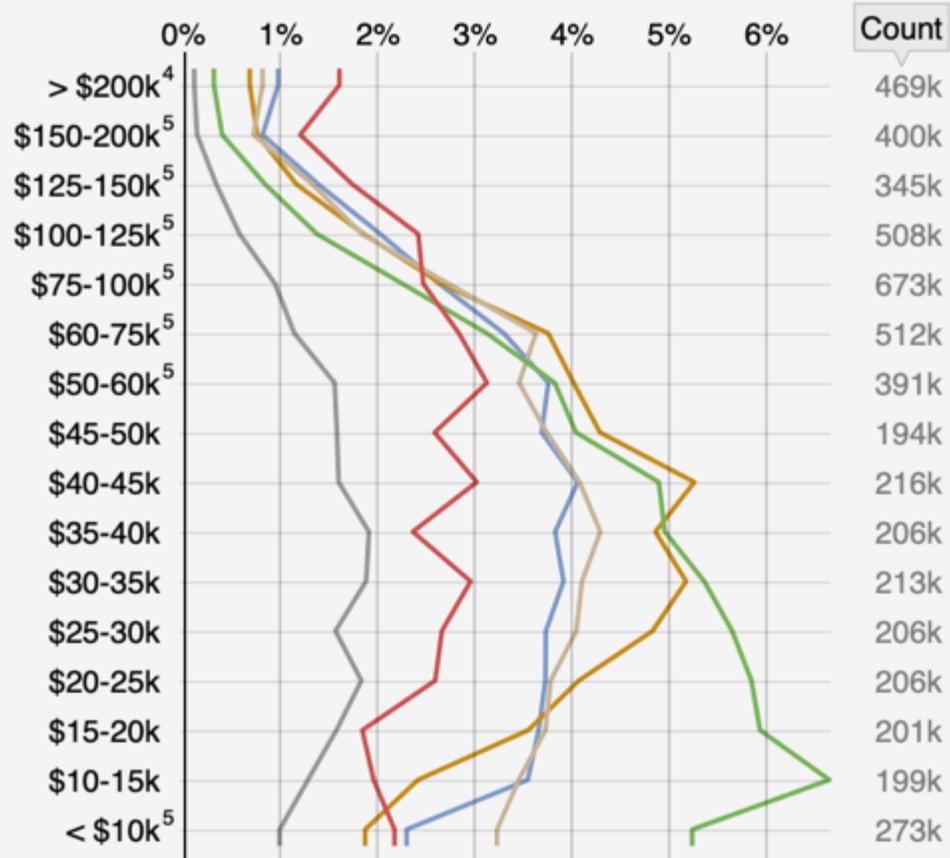
## Household Income Distribution by Race

#9

Independent household income distributions of the given ethno-racial groups, normalized with respect to a standard interval of \$5k.

Scope: households in Virginia

— White<sup>1</sup> — Hispanic<sup>2</sup> — Mixed<sup>3</sup>  
 — Black<sup>3</sup> — Asian<sup>3</sup> — Other<sup>3</sup>



Count number of people in interval

<sup>1</sup> non-Hispanic white    <sup>2</sup> white Hispanic    <sup>3</sup> including Hispanic

<sup>4</sup> normalized assuming interval of \$50k    <sup>5</sup> normalized

# INCOME

Note the disproportionate rate of extreme poverty faced by Black Virginians, as compared to other racial groups.

Source: Statistical Atlas. Data from ACS and the U.S. Census Bureau.

# VIRGINIA'S WEALTH

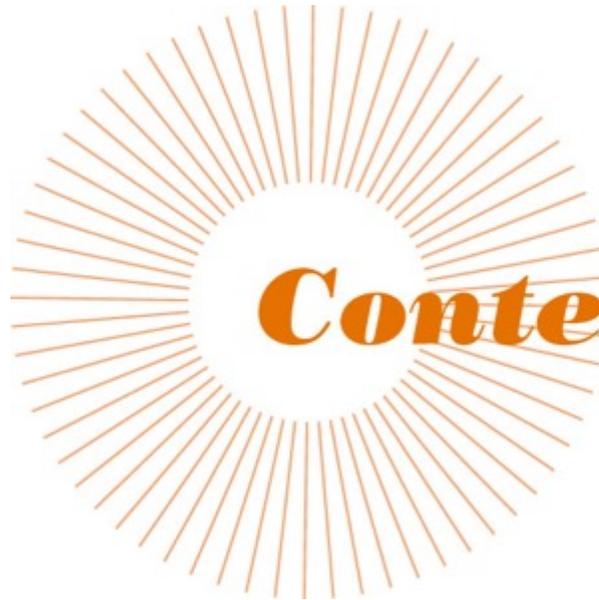
- 10<sup>TH</sup> Wealthiest State (based on 2018 household median income)
- One of the best states to do business (#1 according to CNBC, and # 4 according Forbes Magazine, 2019)
- AAA bond rating

# RACIAL DISPARITIES IN HOUSING

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# ***Contents***

1. Historical segregation and discrimination
2. Lending
3. Exclusionary zoning
4. Homeownership
5. Affordable housing
6. Evictions
7. Fair Housing
8. Policy recommendations

# History and Segregation

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# Racial disparities have been codified through housing laws and practices for decades, creating significant gaps.

CHAP. 157.—An ACT to provide for designation by cities and towns of segregation districts for residence of white and colored persons; for the adoption of this act by such cities and towns, and for penalties for the violation of its terms.

Approved March 12, 1912.

Whereas, the preservation of the public morals, public health and public order, in the cities and towns of this commonwealth is endangered by the residence of white and colored people in close proximity to one another; therefore,

1. Be it enacted by the general assembly of Virginia, That in the cities and towns of this commonwealth where this act shall be adopted in accordance with the provisions of section eleven hereof, the entire area within the respective corporate limits thereof shall, by ordinance, adopted by the council of each such city or town, be divided into districts, the boundaries whereof shall be plainly designated in such ordinance and which shall be known as "segregation districts."

2. That no such district shall comprise less than the entire property fronting on any street or alley, and lying between any two adjacent streets or alleys, or between any street and an alley next adjacent thereto.

3. That the council of each such city or town shall provide for, and have prepared, within six months after such council shall have adopted the provisions of this act, a map showing the boundaries of all such segregation districts, and showing the number of white persons and colored persons residing within such segregation district, on a date to be designated in such ordinance of adoption, but which shall be within sixty days of the

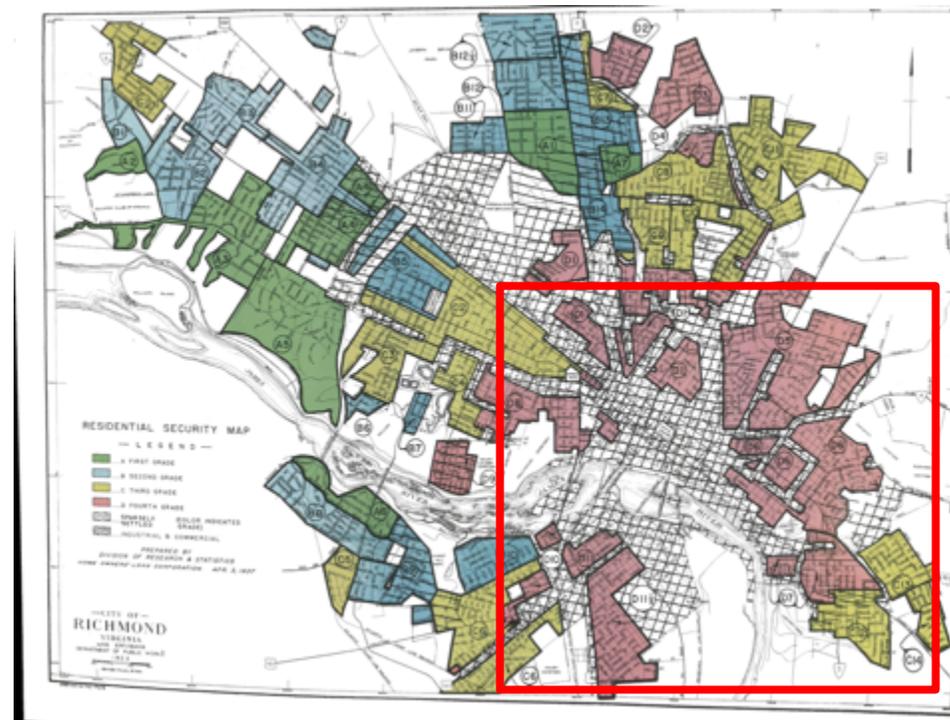
In the 1930s, the Home Owners Loan Association graded neighborhoods by lending risk. These grades were highly dependent upon race and have lasting effects today. At the time of this Richmond map's creation, 100% of people of color lived in Grade D areas (coded in red), making it extremely difficult to secure financing.

**Grade A** = reasonably safe mortgages

**Grade B** = not as desirable but “still good”

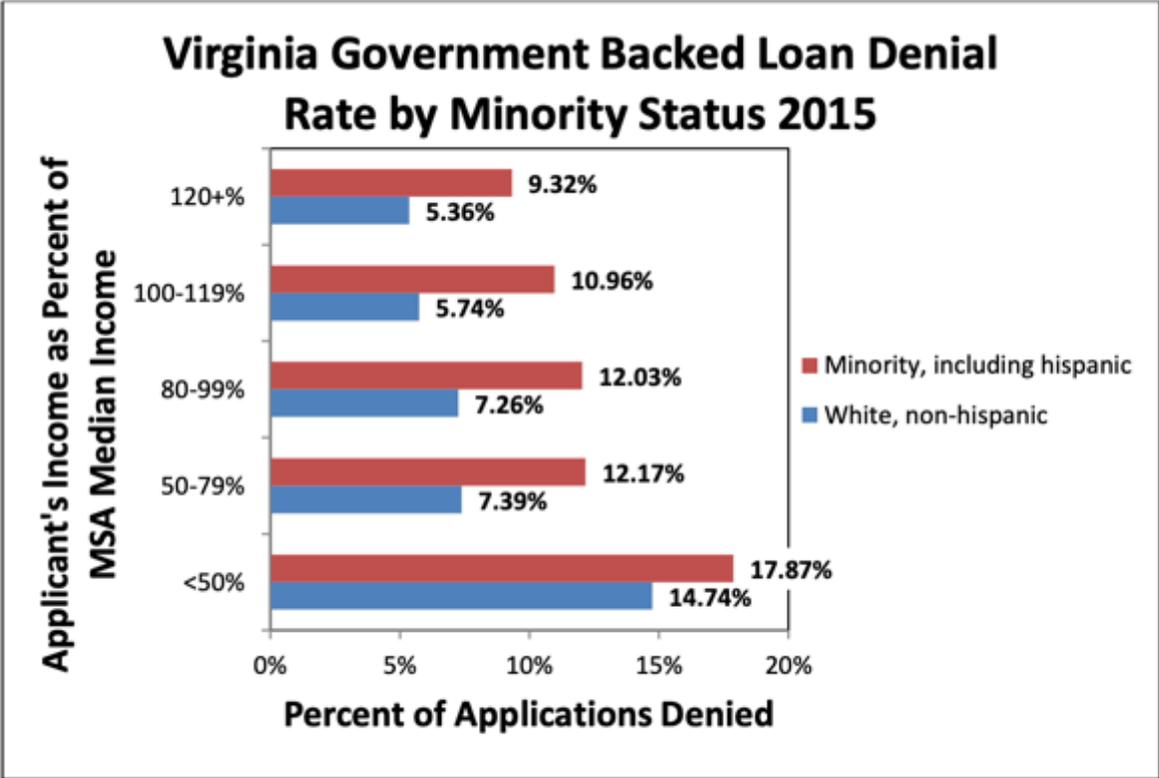
**Grade C** = in decline due to factors in addition to “infiltration of lower grade population.”

**Grade D** = fully declined areas “characterized by detrimental influence in a pronounced degree.”



Source: Mapping Inequality and Redlining Richmond (University of Richmond)

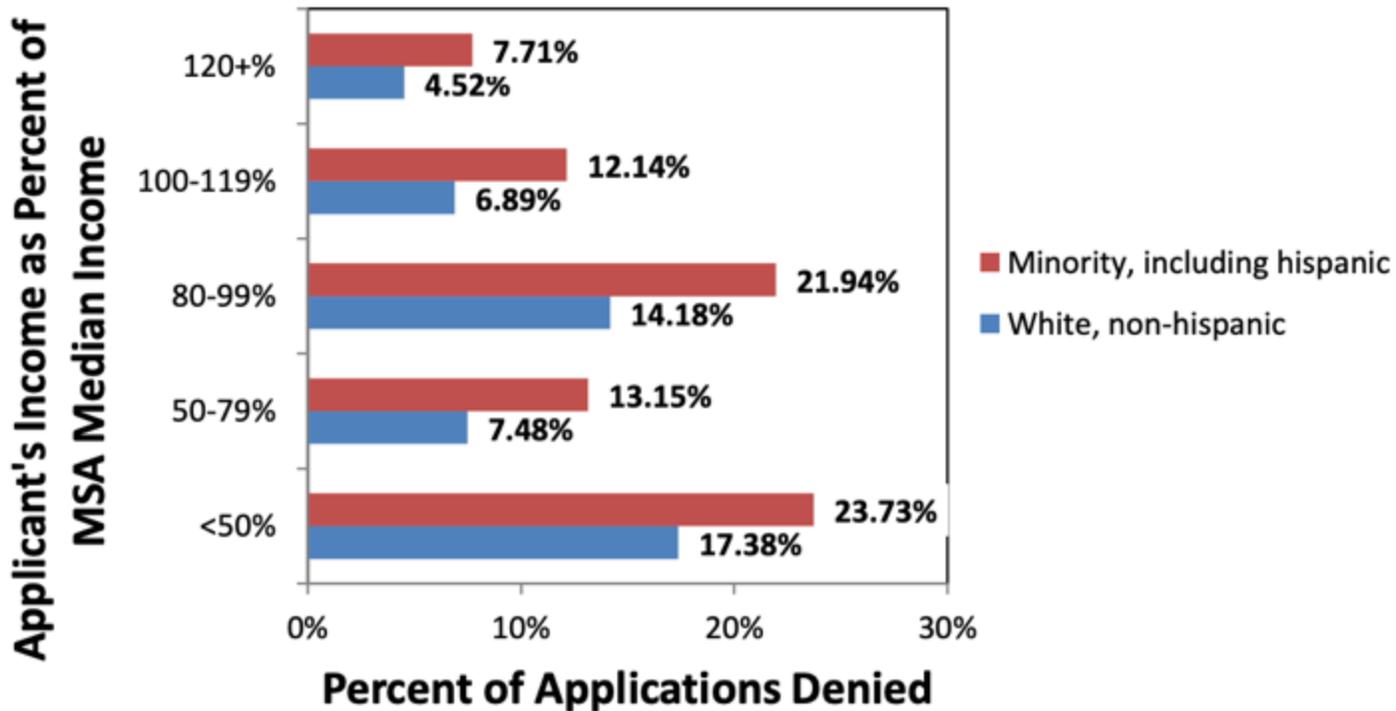
Even when a person of color's income far exceeds the necessary income, they are much more likely to be denied a loan.



Source: HMDA Data, Federal Financial Institutions Examination Council

Source: Virginia Department of Housing and Community Development

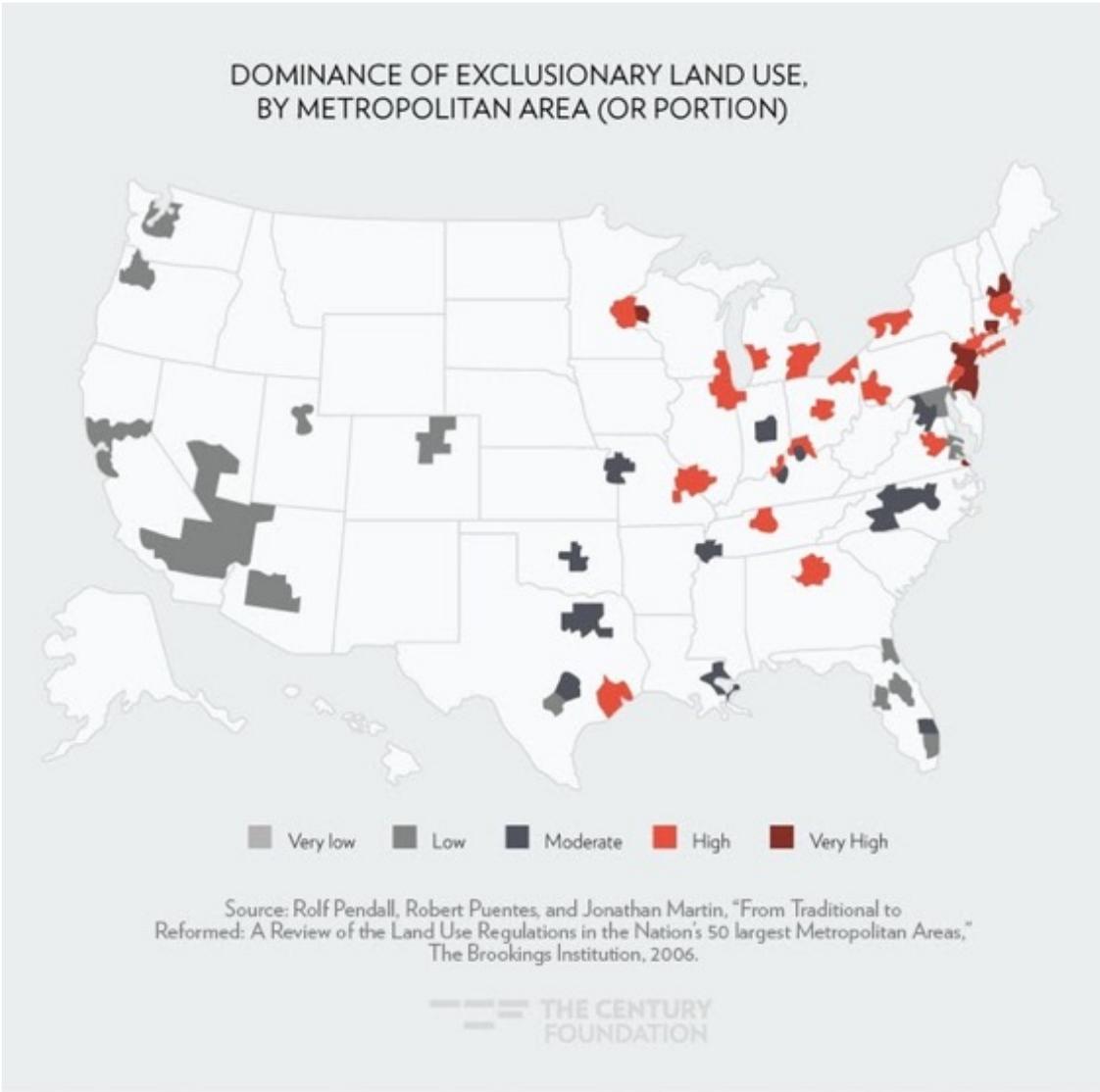
## Virginia Conventional Loan Denial Rate by Minority Status 2015



Source: HMDA Data, Federal Financial Institutions Examination Council

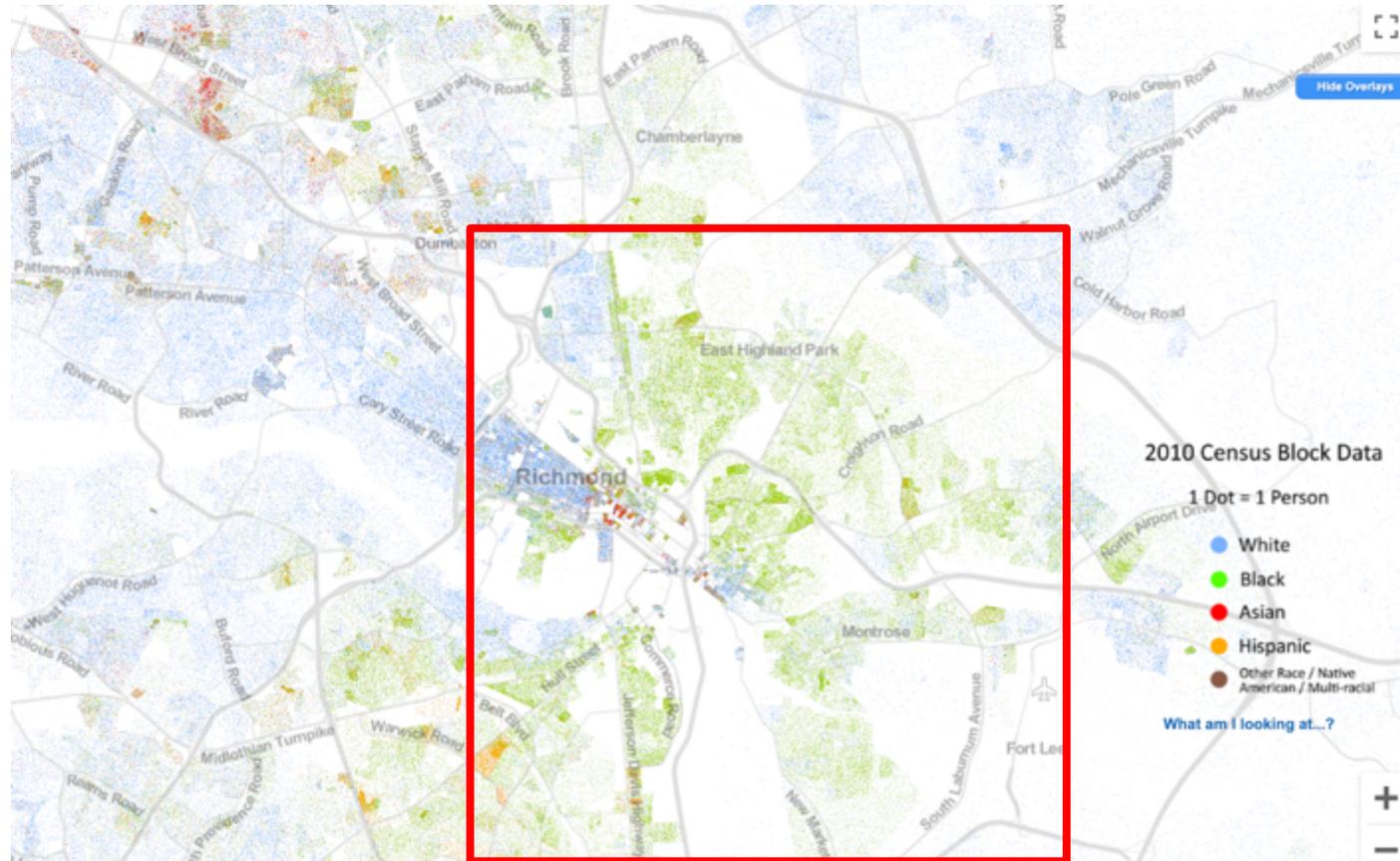
Source: Virginia Department of Housing and Community Development

Exclusionary Zoning  
is the act of zoning  
out certain groups,  
usually by income or  
race.



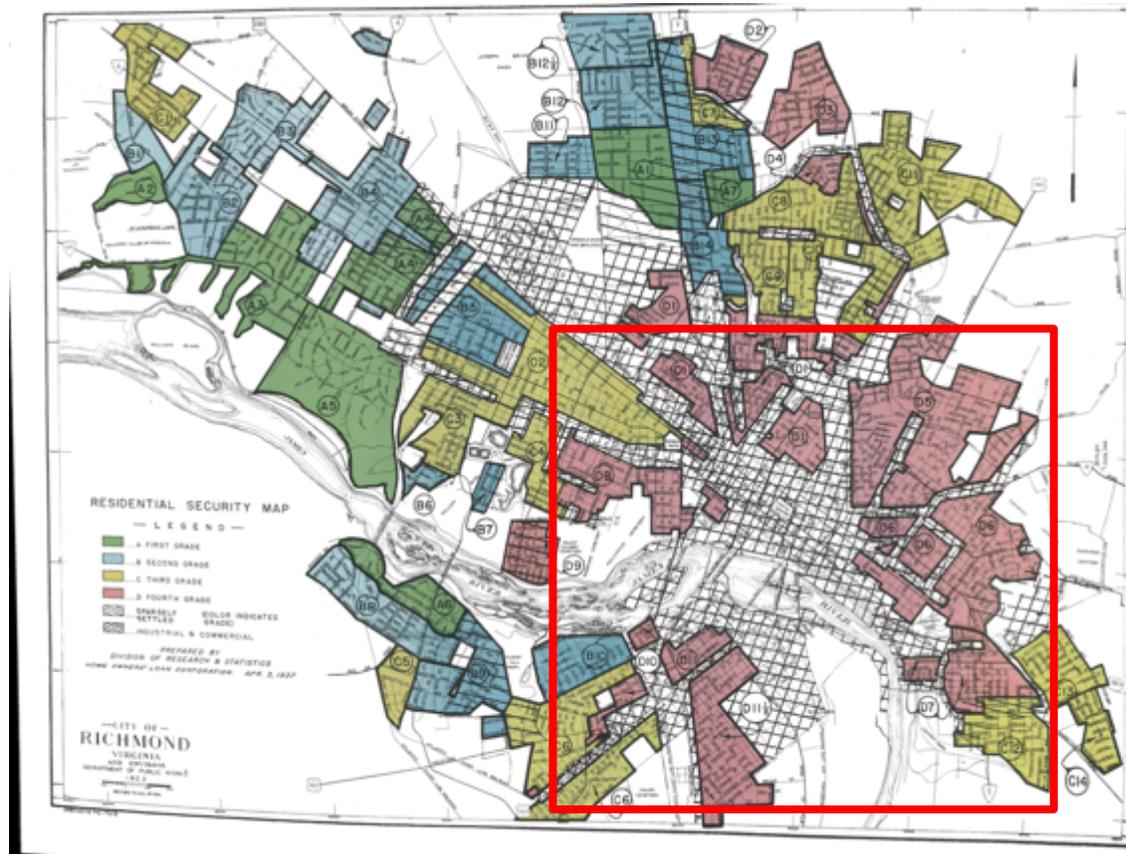
Source: Virginia Department of Housing and Community Development

This dot map shows the modern-day segregation in Richmond.

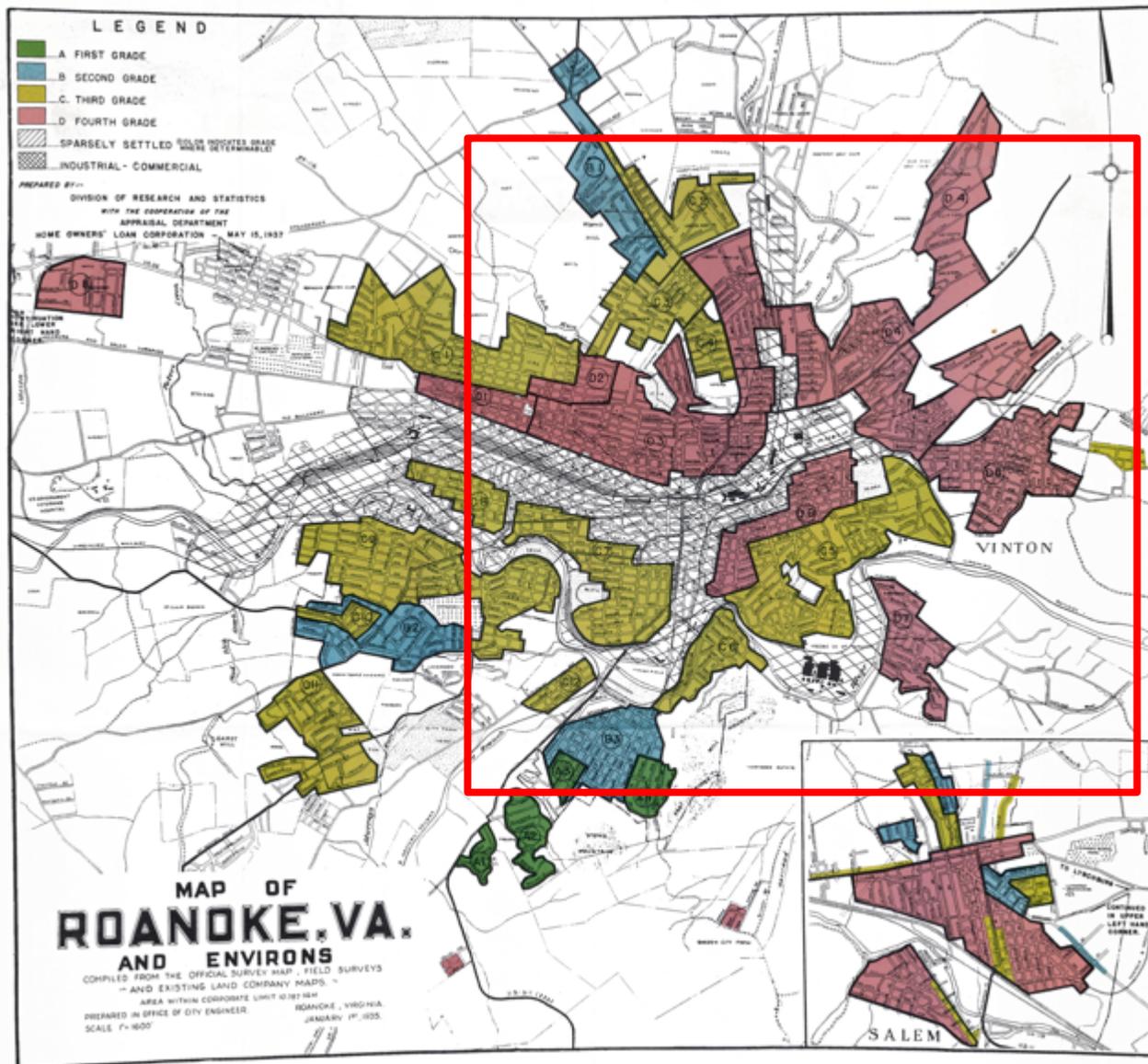


Source: Racial Dot Map, University of Virginia

To compare, the historical HOLC map tracks nearly exactly to segregation seen today.



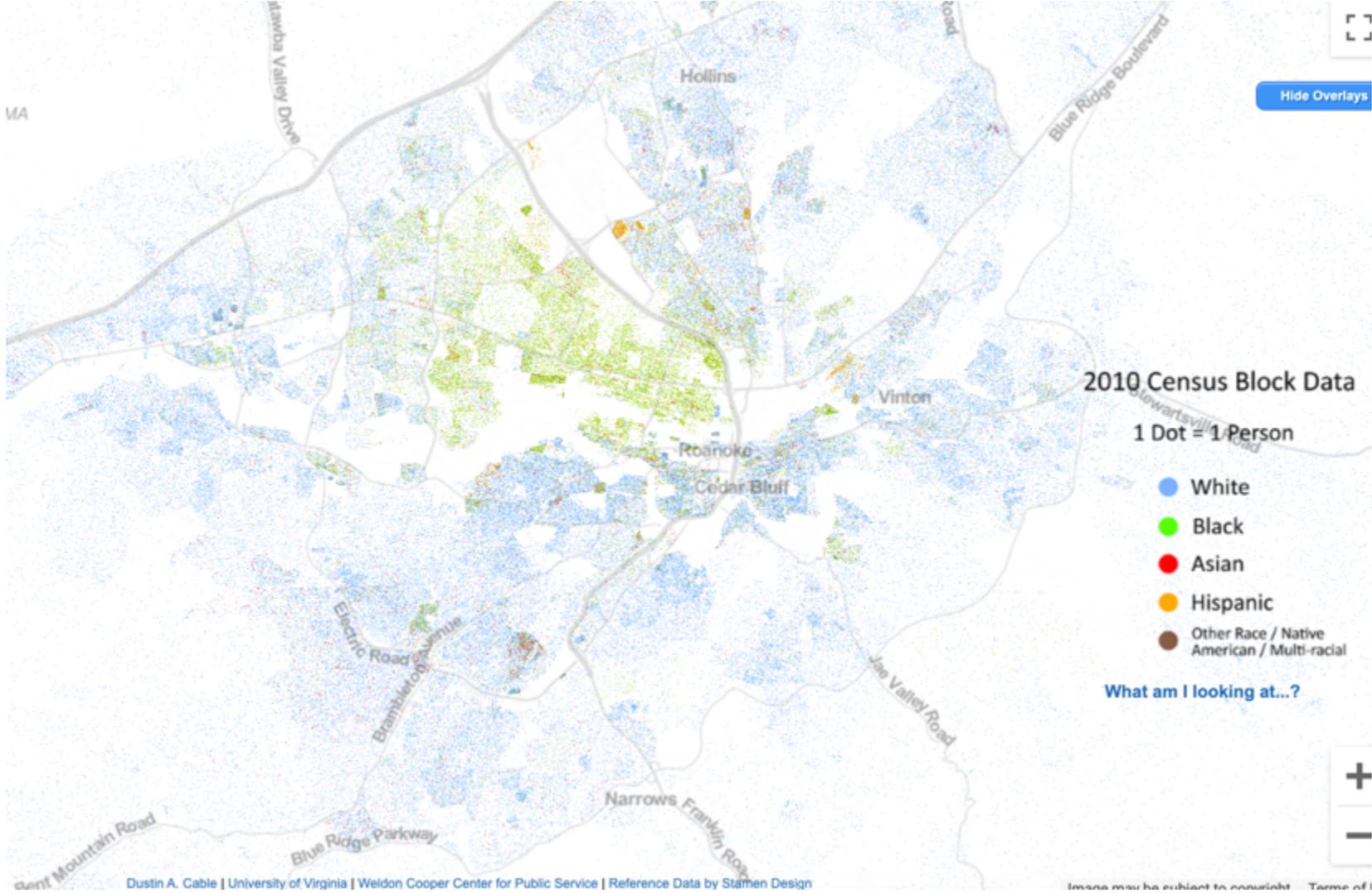
Source: Mapping Inequality and Redlining Richmond (University of Richmond)



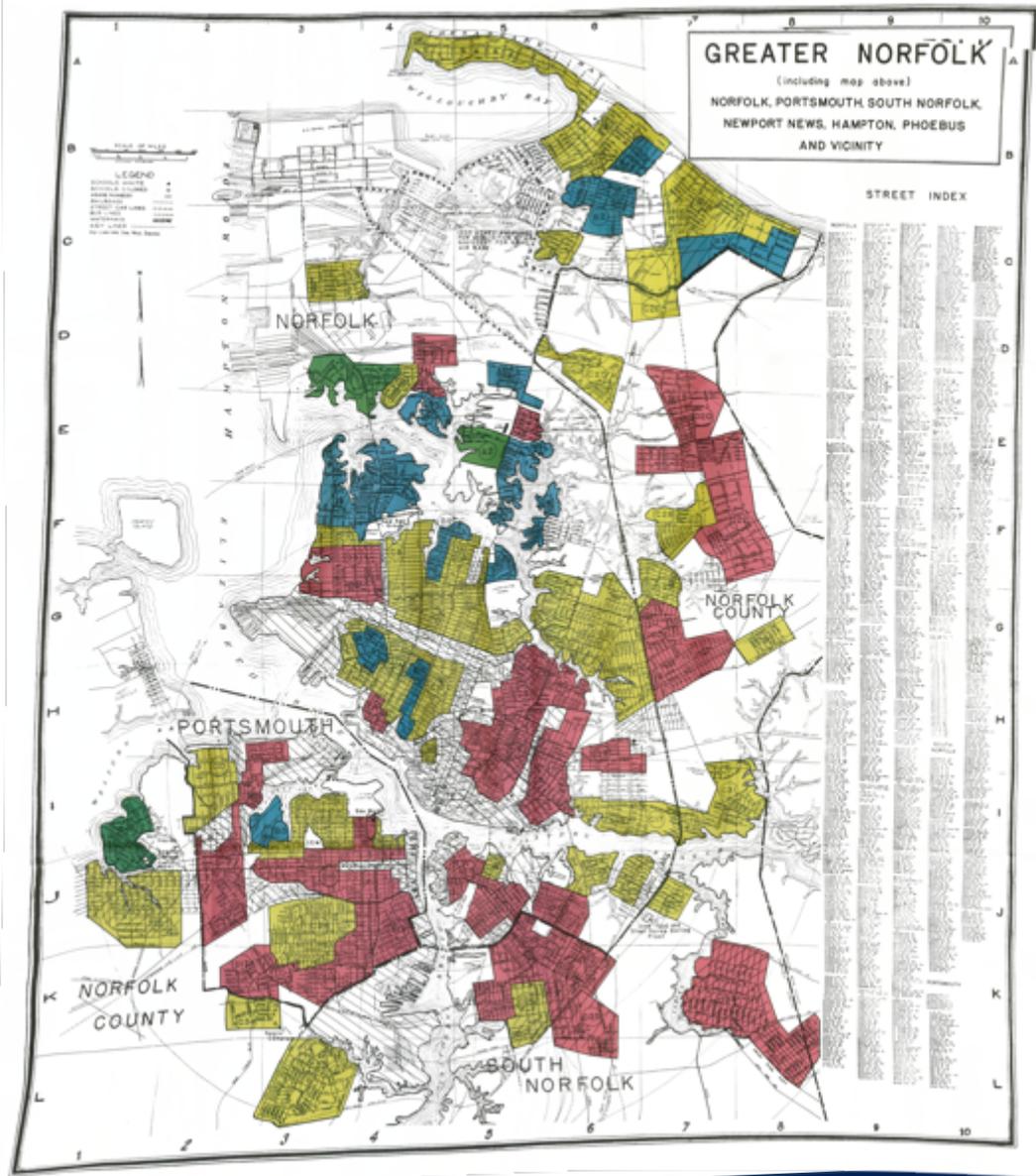
Similar segregation patterns can be seen in other Virginia cities such as Roanoke.

Source: Mapping Inequality

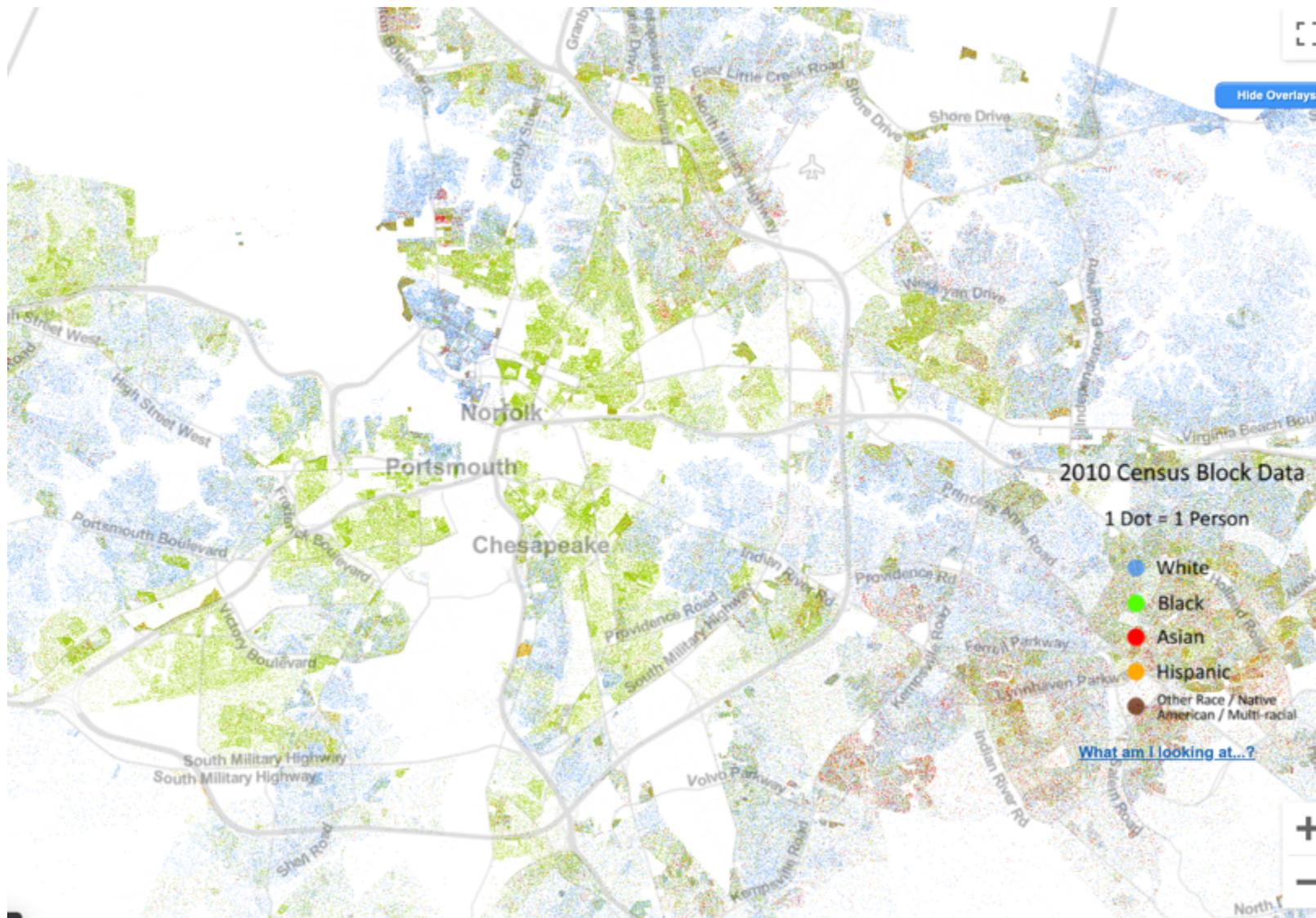
While the HOLC map is not the only cause of lasting segregation, it does indicate how historic housing discrimination has a lasting effect.



Source: Racial Dot Map, University of Virginia



Source: Mapping Inequality



Source: Racial Dot Map, University of Virginia

Likely because of historical lending and legal discrimination, there is a significant difference in homeownership rates between white Virginians and people of color.

Homeownership Rate by Race in Virginia



PROSPERITY NOW  
SCORECARD

Source: American Community Survey, 2018

Source: Prosperity Now Scorecard

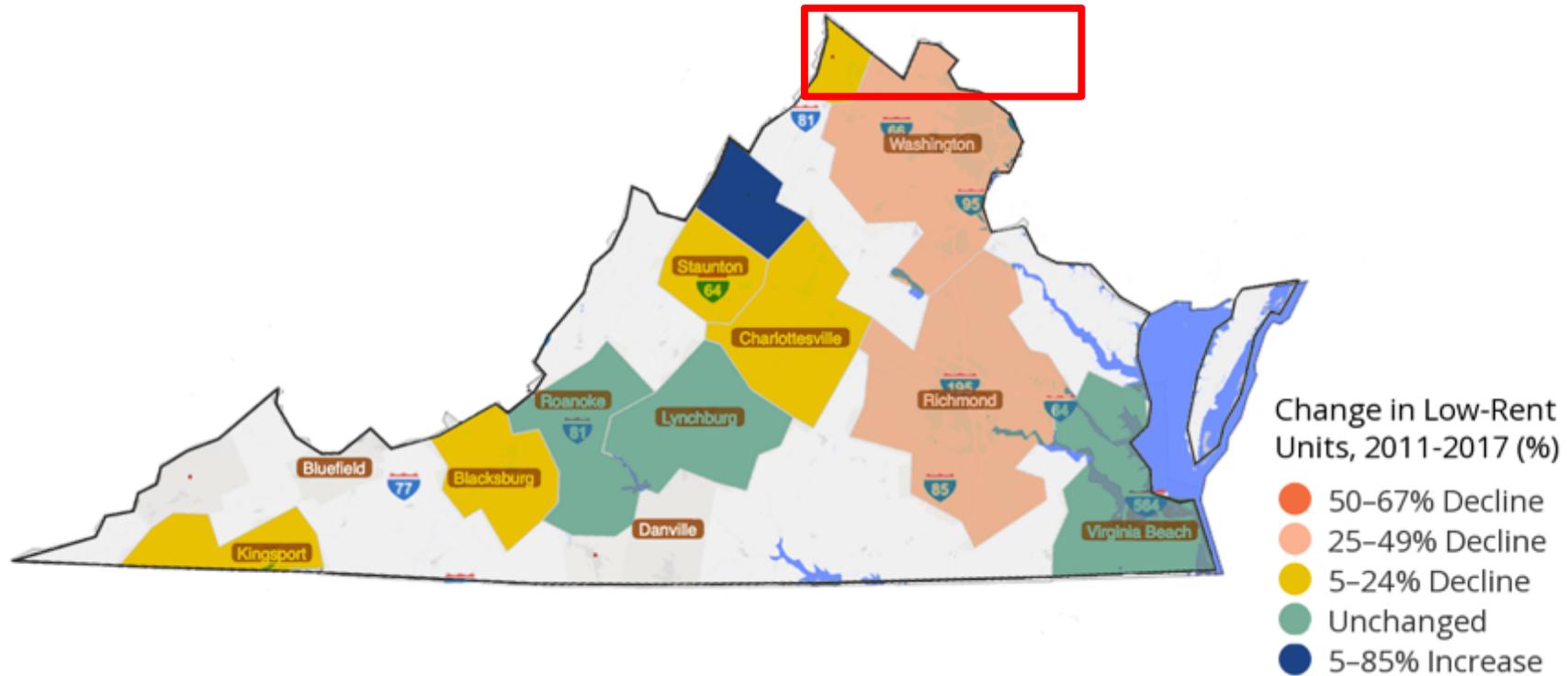
# Renters and Affordable Housing

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## The Low-Rent Stock in Most Metros Has Declined Substantially Since 2011



# Virginia lacks adequate affordable rental housing.

- It would take **128** hours a week at minimum wage to afford an average 2-bedroom rental at FMV (\$1,203) in Virginia without causing rent burden (30% or more of income spent on rent).
- Though estimates vary, the Commonwealth needs at least **140,992** units to alleviate this burden.

Source: National Low Income Housing Coalition

Severe rent burden (over 50%) and moderate rent burden (30-50%) is experienced at much higher rates among people of color.

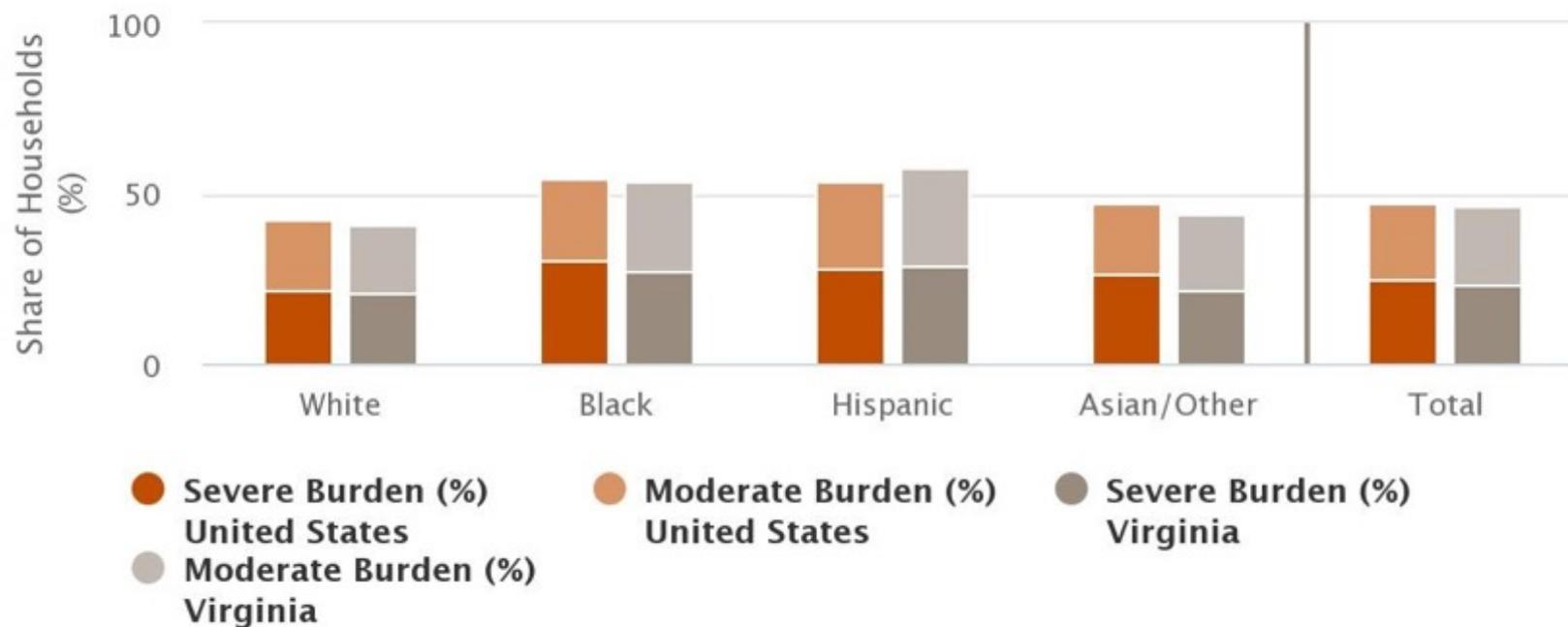
Share of Renters with Cost Burden by Race

	White		Black		Hispanic		Asian/Other	
	Moderately Burdened	Severely Burdened						
VA	20.2%	20.7%	26.1%	27.5%	29.0%	28.9%	21.9%	22.0%

Table 1.16

Source: Virginia Department of Housing and Community Development, 2017 data provided by Joint Center for Housing Studies of Harvard

## Renter Cost Burdens by Race and Ethnicity



Notes: Moderately (severely) cost-burdened households pay 30-50% (more than 50%) of income for housing. Households with zero or negative income are assumed to have severe burdens, while households paying no cash rent are assumed to be without burdens. White, black, and Asian/other householders are non-Hispanic. Hispanics may be of any race.  
 Source: JCHS tabulations of US Census Bureau, 2016 American Community Survey 1-year Estimates using the Missouri Data Center MABLE/Geocorr14.



# Evictions

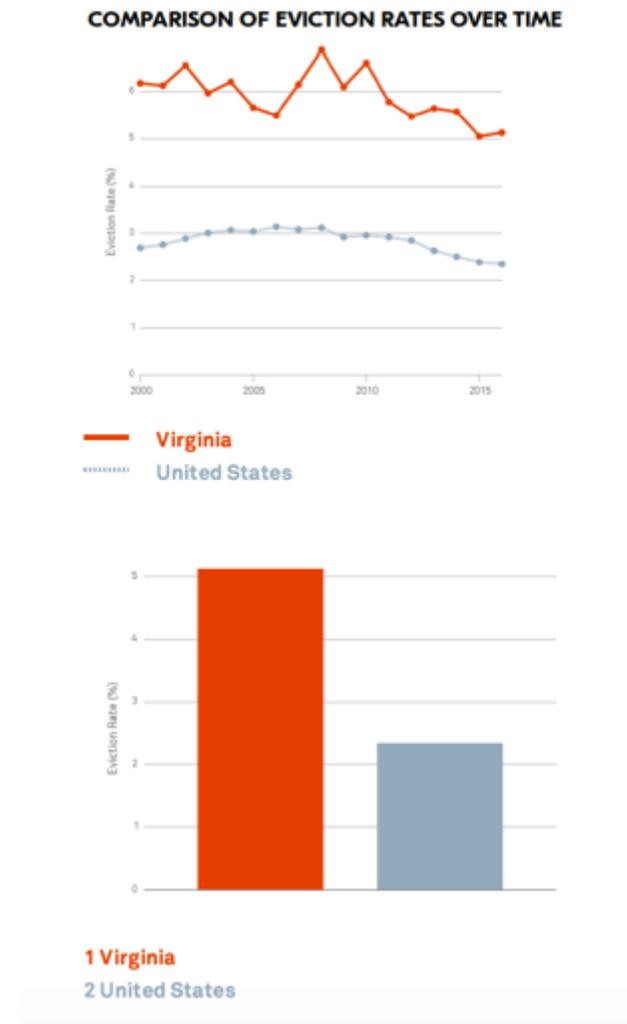
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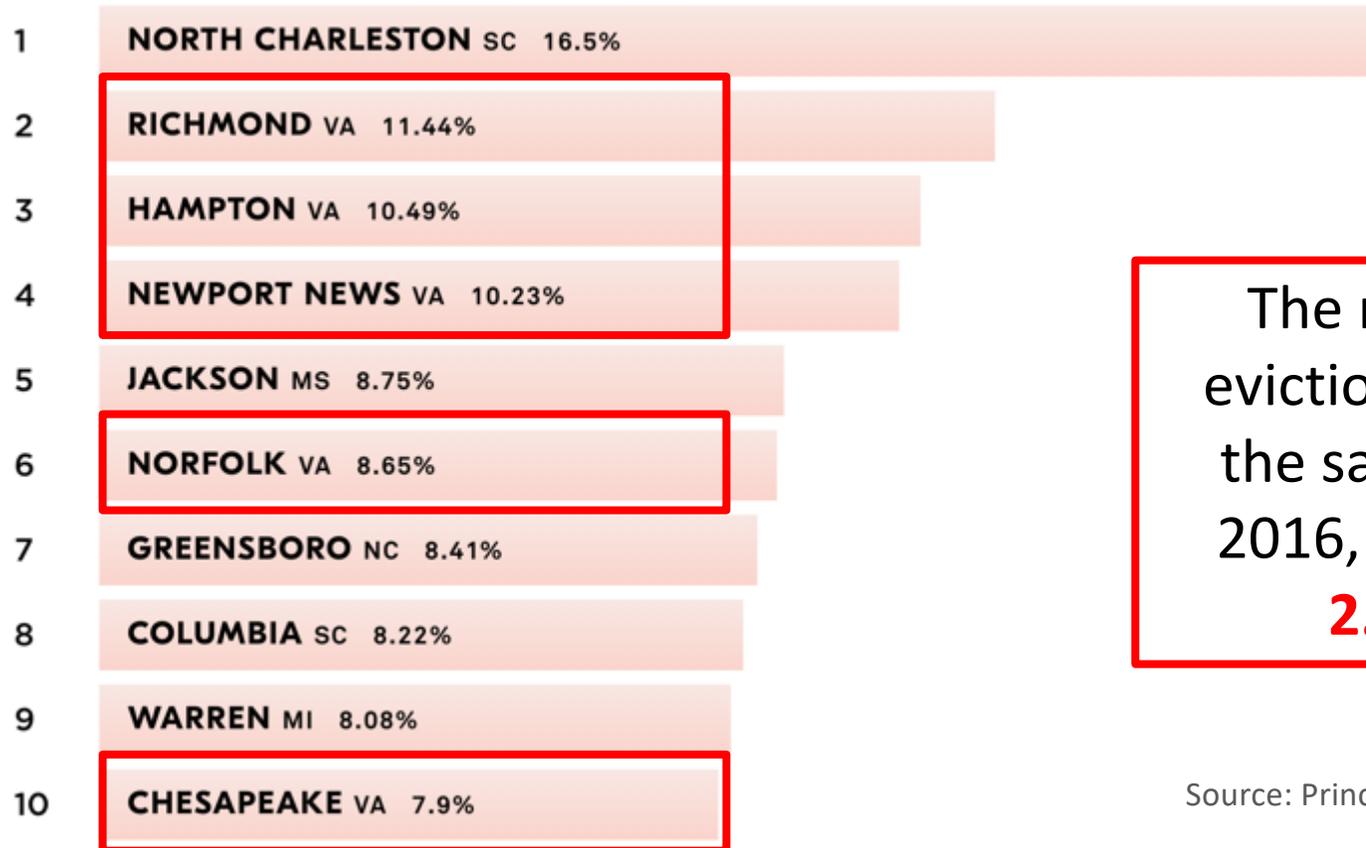
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There is a substantially higher eviction rate in Virginia than nationally.



Source: Princeton Eviction Lab

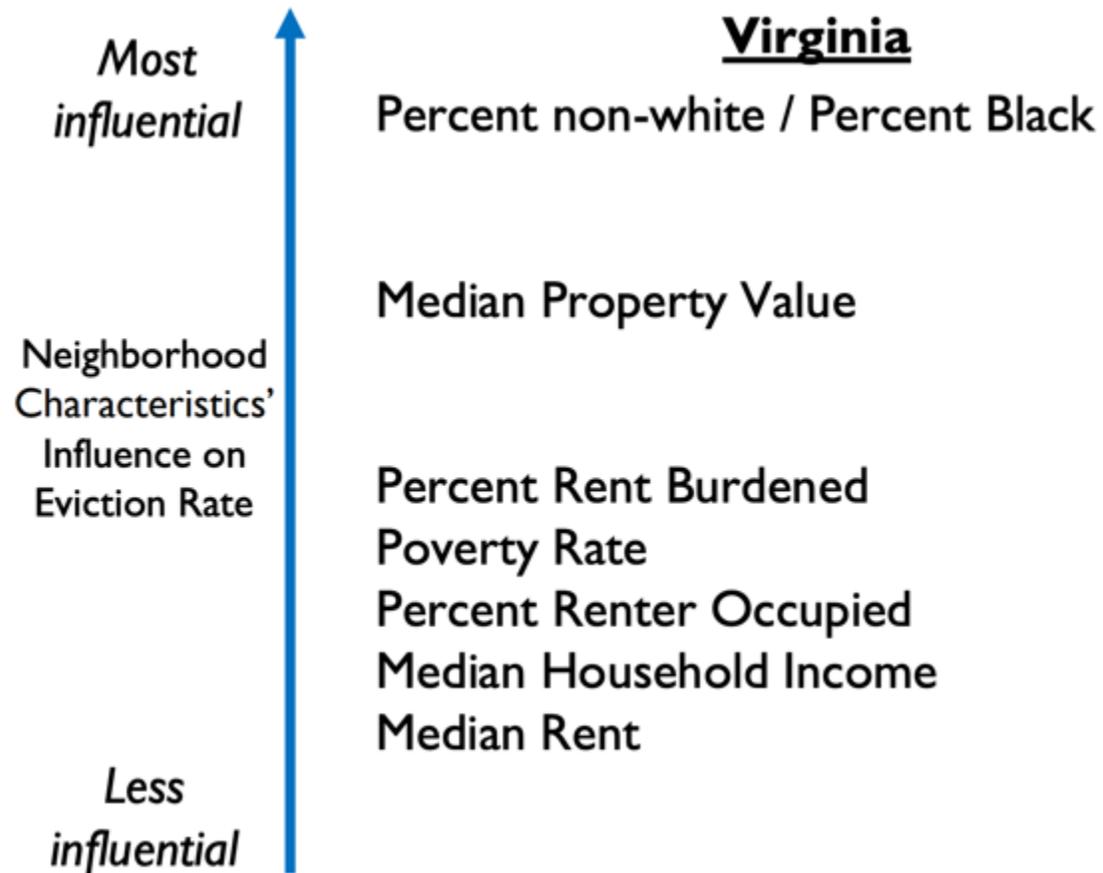
## 5 Virginia cities are in the top 10 large cities nationally with the highest eviction rates.



The national eviction rate for the same year, 2016, was only **2.34%**

Source: Princeton Eviction Lab

Race is **two** times more influential on the eviction rate than any other characteristic.



Source: Benjamin Teresa, Co-Founder of the RVA Eviction Lab

Fair housing complaints of race discrimination have risen substantially since 2013.

Virginia Fair Housing Offenses by Protected Class: FY2013-FY2017 Aggregated County/City Dockets								
Year	Race	Religion	Sex	Disability	Familial	National Origin	Elderliness	Total
FY 2013	35	3	9	54	16	7	8	132
FY 2014	34	5	15	70	25	11	18	178
FY 2015	46	2	10	55	17	10	5	145
FY 2016	51	4	13	76	19	8	16	187
FY 2017	50	9	19	77	22	10	23	210
<b>Total</b>	216	23	66	332	99	46	70	852

Source: Virginia Fair Housing Office

Source: Virginia Department of Housing and Community Development

# Housing and COVID-19

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# The Princeton Eviction Lab has Evaluated the Commonwealth's Response to the Pandemic and Given the State a Failing Score

## Protections in Place:

- Eviction hearings were suspended, and eviction orders are stayed through May 17<sup>th</sup>. While it is unclear how localities will respond, no protections appear to be in place.
- Utility companies must suspend involuntary service disconnections during this time.
- Courts are not hearing foreclosure cases.

Source: Princeton Eviction Lab; COVID-19 Housing Policy Scorecard

# The Princeton Eviction Lab Recommends a Host of Further Protections

## Missing Protections:

- Landlords can still post a notice of eviction, file even if the tenant has COVID-19, file for nonpayment of rent, and file for non-emergency reasons. Eviction records are also not sealed.
- Law enforcement are still allowed to enforce orders of evictions for nonpayment or financial hardship due to the pandemic.
- The existing orders do not extend past the state of emergency.
- Landlords can still report tenants to credit agencies and there is no grace period to repay back rent from pandemic-related financial issues.
- Late fees and rent raises for renewed leases are allowed.
- There is no court-provided legal counsel for tenants.

Source: Princeton Eviction Lab; COVID-19 Housing Policy Scorecard

# Missing Data

There are large discrepancies in the narrative that housing advocates tell and what data shows statewide. This is primarily thought to be a result of both a lack of documentation and a lack of analysis on the available data.

1. Home Quality
2. Forms of discrimination in the home buying process.
3. Effects of modern-day zoning
4. Discrimination committed by lenders in Virginia
5. Black landowner (including farmers) land loss and over-assessment of taxes

# Recommendations to the Commission:

- Address **gap** between what stakeholders know to be true in housing discrimination and the available statewide data.
- Review existing zoning laws that are exclusionary instead of inclusionary. Address affordable housing policies and laws to **stem segregation and wealth disparities**.
- Create housing stability through **increased legal protections for renters from evictions**.

# RACIAL DISPARITIES IN EDUCATION

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# ***Contents***

1. Historical Context
2. Present-Day Access & Achievement Gap
3. Recommendations

# Historical Context

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## Race & Education in Virginia



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# A Brief History of Race & Education in Virginia

Relevant U.S. Supreme Court Decisions

**Brown v. Board (1954):**  
School segregation is illegal.

**Green v. County School Board (1968):**  
Schools must be *actually* integrated, without further delay.

**Milliken v. Bradley (1974):**  
Ended court-ordered integration across district lines.

1955



**Massive Resistance:**  
Harry F. Byrd leads the state to defund localities who integrate and shut down schools across the state.

1959

**Freedom of Choice Plans & Pupil Placement Board:**  
State took over all student transfers to limit integration.

1966

**Federal courts** order integration & busing across state.

1971

**Virginia's Constitutional Revision**

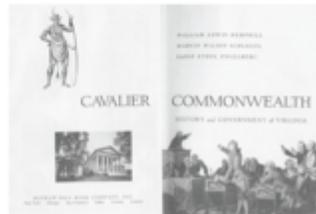


Governor Holton oversaw the removal of mandatory segregation from the state constitution.

1978

**Board divested of power to change division lines**

...today



**Textbook Commission:** Statewide mandatory history textbooks exalted white supremacy and called slavery a "comprehensive form of social security." The books weren't voted out until 1971.



# Present-Day Access & Achievement Gap



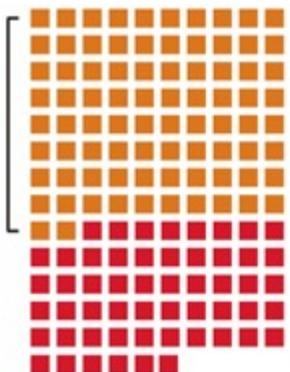
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# SEGREGATION

## Highly Segregated

The number of schools isolated by poverty and race has grown dramatically in Virginia since 2003 and so has their enrollment.

In **2003** Virginia had **82** low-income, high-Black/Hispanic schools with **36,061** students



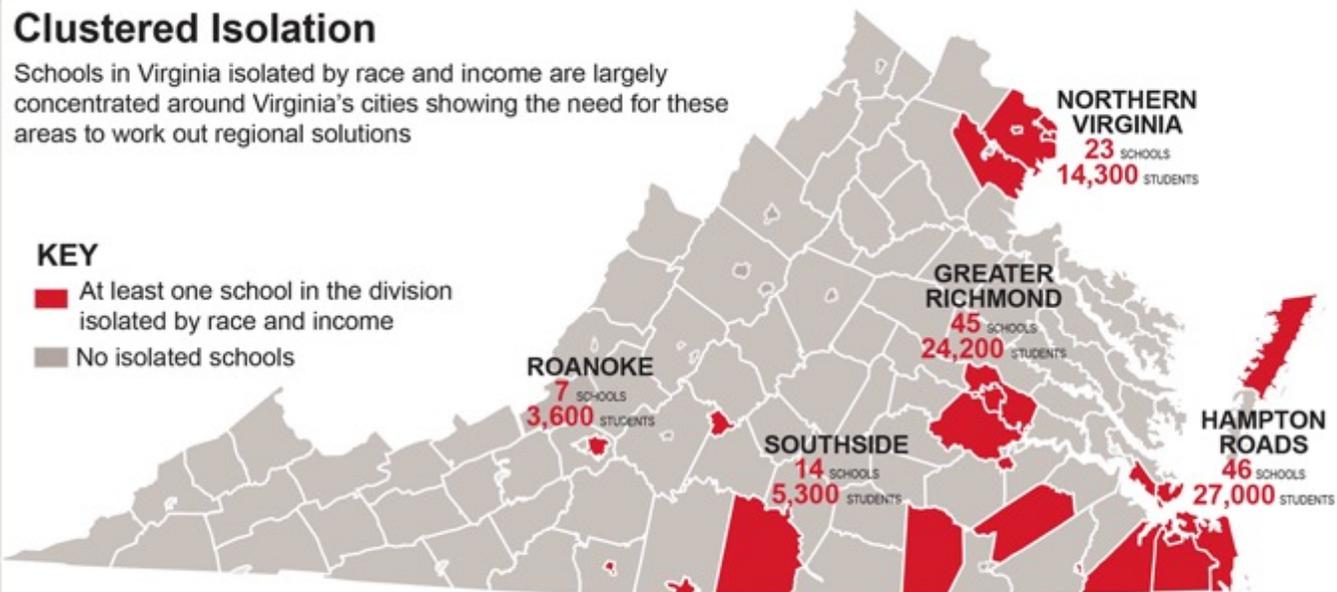
By **2014** that number has grown to a total of **136** low-income, high-Black/Hispanic schools with **74,515** students

Note: Schools are classified as high-poverty, high-Black/Hispanic if 75% or more of their students receive free or reduced lunch and 75% or more are Black or Hispanic.

Source: TCI Analysis of VDOE Student Membership and Free and Reduced Lunch data.

## Clustered Isolation

Schools in Virginia isolated by race and income are largely concentrated around Virginia's cities showing the need for these areas to work out regional solutions



Source: TCI Analysis of VDOE Student Membership and Free and Reduced Lunch data

THE COMMONWEALTH INSTITUTE

# SCHOOL FUNDING BY PROPERTY TAX?

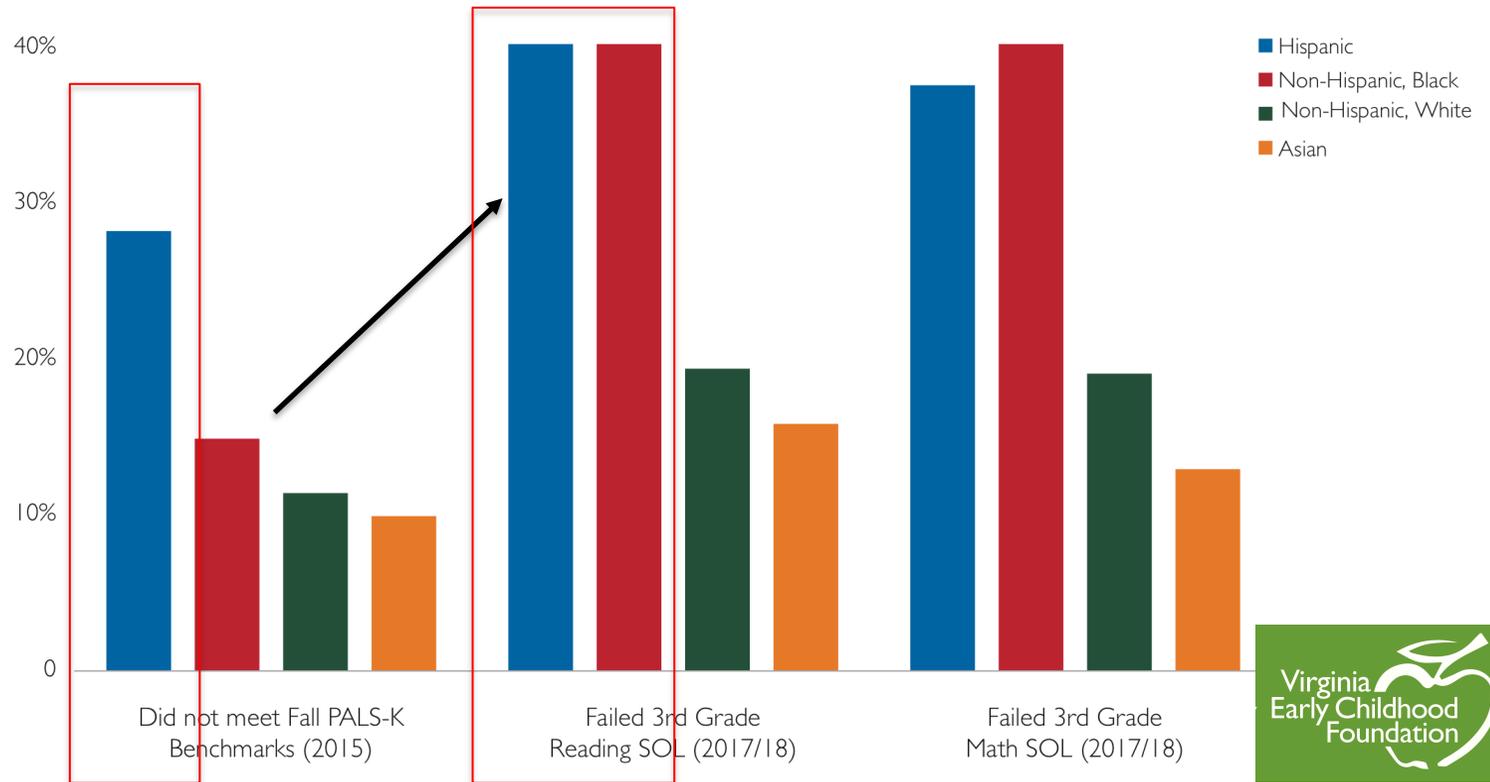
According to the NEA's 2018 Ranking of the States Report:

- Virginia's state-level contributions to education rank in the **bottom ten states in the nation** (#41), leaving nearly 60% of non-federal school dollars in Virginia to come from **localities**. This proportion is significantly higher than the national average.
- This is a problem because local funding is dependent on **property values– which align with massive racial disparities from historical government practices**.

Source: <http://www.nea.org/assets/docs/2019%20Rankings%20and%20Estimates%20Report.pdf>

# DISPARITIES: KINDERGARTEN TO 3RD

Figure 2. Selected indicators of poor school performance by race/ethnicity, Virginia.



Black and Hispanic students who show up Kindergarten-ready fall behind faster than their white and Asian peers.

# DISPARITIES: CURRICULUM & DISCIPLINE

## Access to Advanced Courses

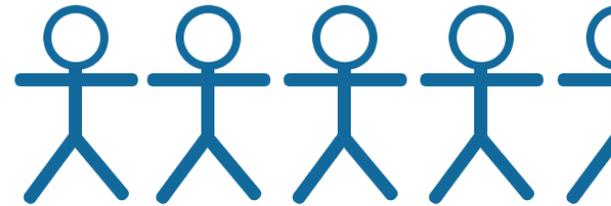


White students are **2.1x** more likely than their Black peers to be enrolled in gifted or AP courses. They are 1.9x more likely than their Hispanic peers.

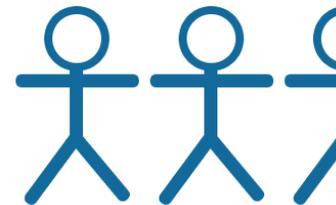
Data from <https://projects.propublica.org/miseducation/state/VA>

## Discipline Disparities

Black students are **4.5x** more likely than white students to be suspended from school.



Black students are **2.5x** more likely than whites to be referred to law enforcement in school.



Data on law enforcement from "Investing in Student Safety and Success" (2018) on 2015-16 School Year, The Commonwealth Institute with Legal Aid Justice Center. Data on suspensions from 2016-17 School Year: <https://www.justice4all.org/suspension/>

# TEACHER DIVERSITY

“Increasing teacher diversity is a very important strategy ... While white students also benefit by learning from teachers of color, the impact is especially significant for students of color, who have **higher test scores, are more likely to graduate high school, and are more likely to succeed in college** when they have had teachers of color who serve as role models and support their attachment to school and learning.”

Source: The Learning Policy Institute, 2018.

Yet Virginia’s teaching workforce is not representative:

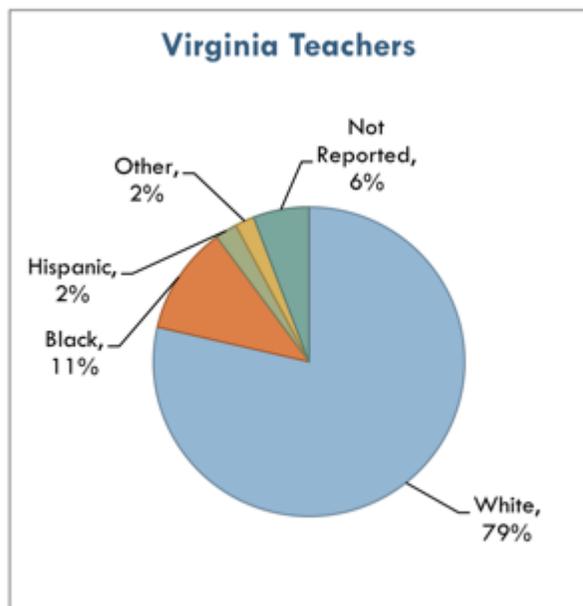


FIGURE 2: LICENSED INSTRUCTIONAL PERSONNEL IN VIRGINIA BY RACE AND ETHNICITY, 2014-15

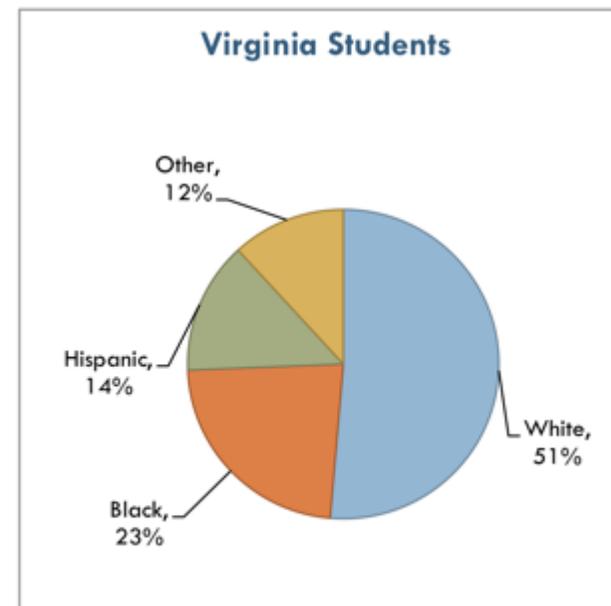
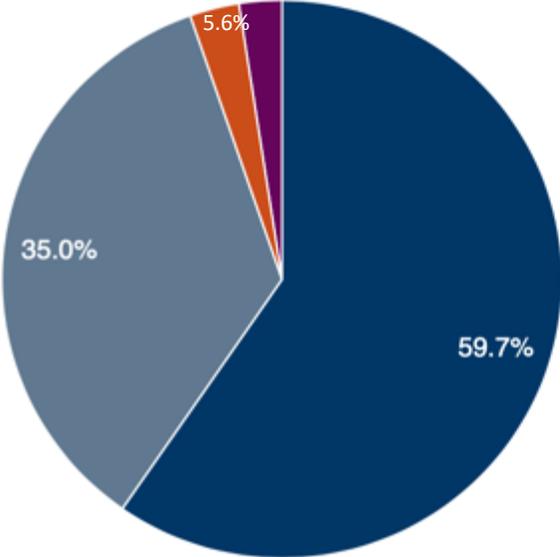


FIGURE 3: VIRGINIA ENROLLED STUDENTS BY RACE AND ETHNICITY, 2014-15

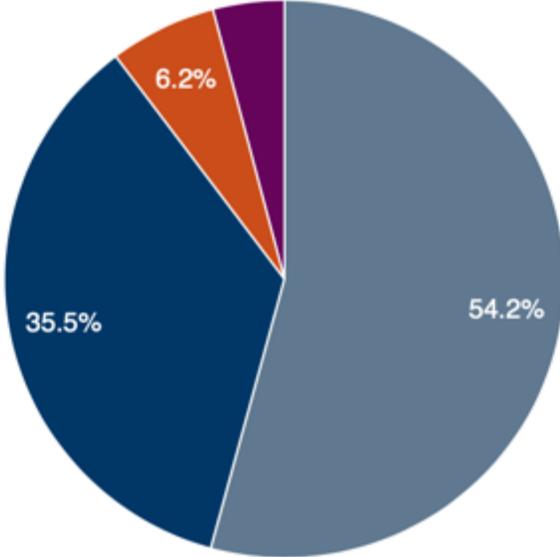
Source: Taskforce on Diversifying Virginia’s Educator Educator Pipeline, 2017.

# DISPARITIES: DIPLOMAS & GRADUATION

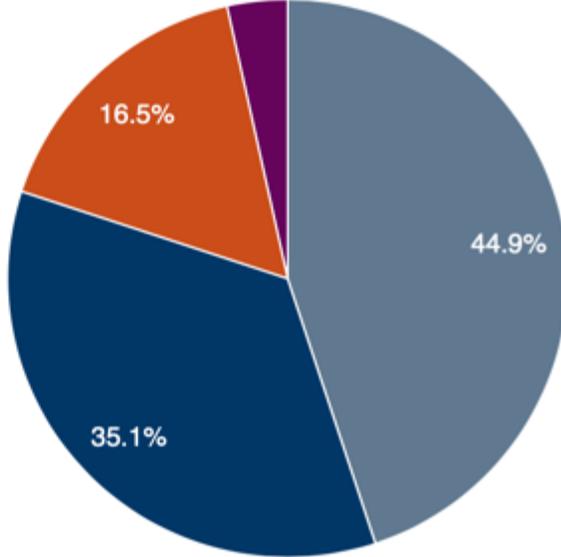
Class of 2019: White



Class of 2019: Black



Class of 2019: Hispanic



■ Advanced Diplomas ■ Standard and Other Diplomas ■ GEDs, Certificates and Other Non-Graduates ■ Dropouts

Data & visuals from Virginia Department of Education

# DISPARITIES: COLLEGE READINESS

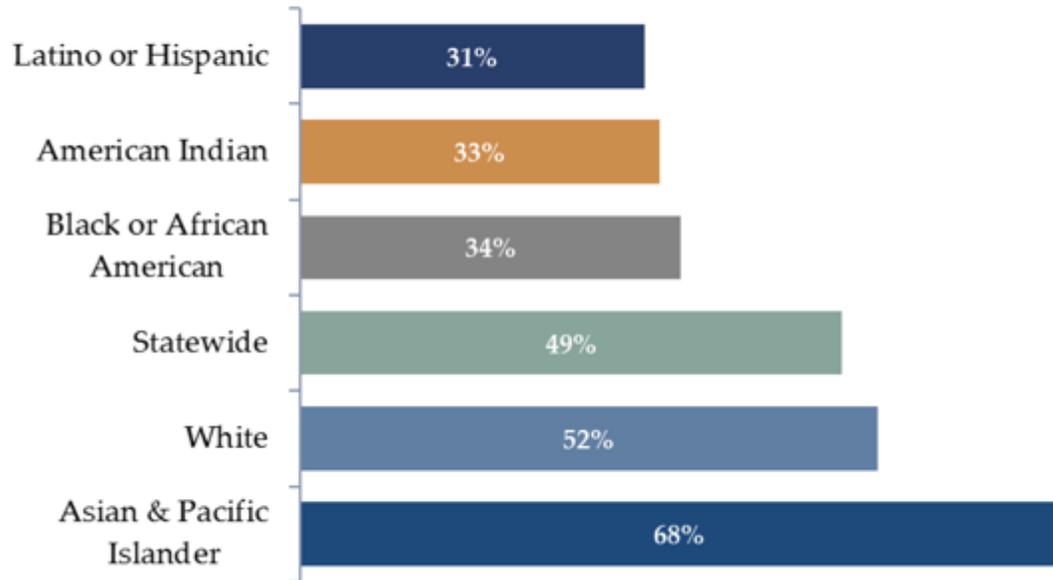
## Average Scores

SAT	1159	972	1070	1250
ACT	24.9	19.1	22.8	27.2
	White	Black	Hispanic	Asian

Sources: <https://reports.collegeboard.org/pdf/2019-virginia-sat-suite-assessments-annual-report.pdf> and <http://www.act.org/content/dam/act/unsecured/documents/cccr-2019/Virginia-CCCR-2019.pdf>

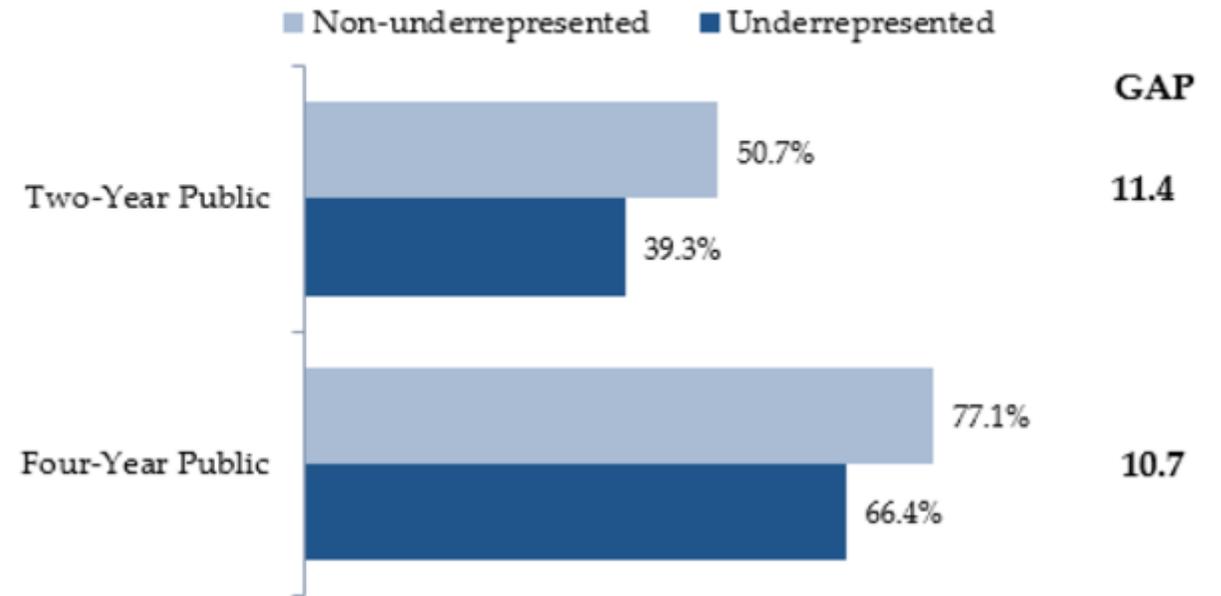
# DISPARITIES: HIGHER EDUCATION

### Population with Associate Degree or Higher by Race & Ethnicity (2017)

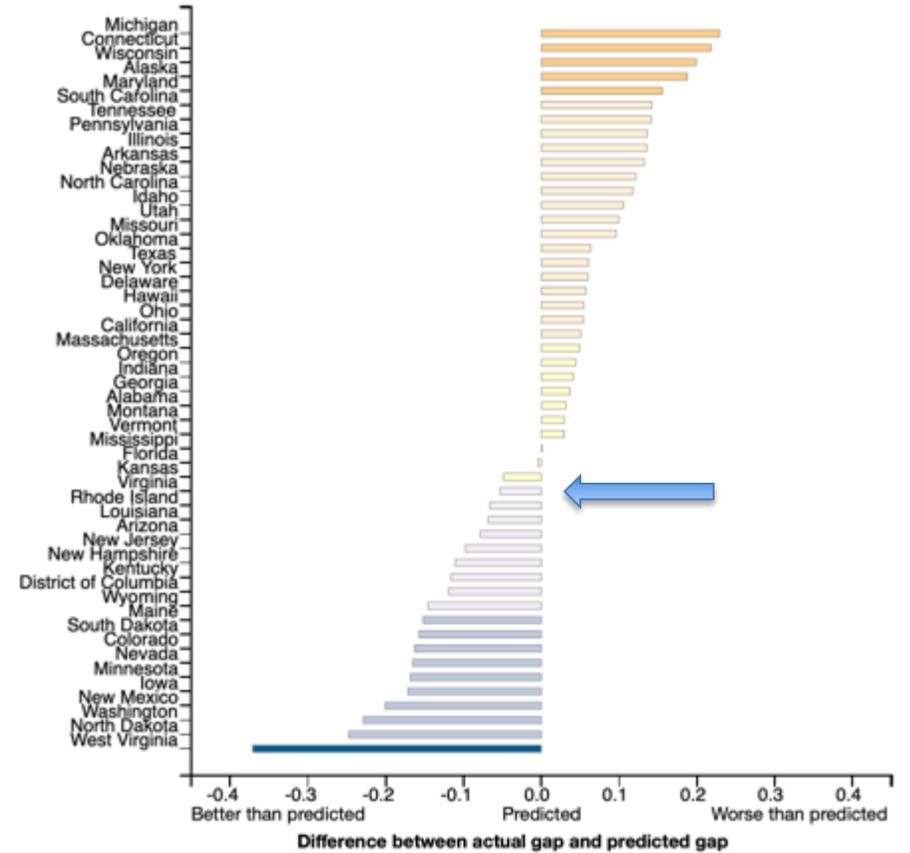
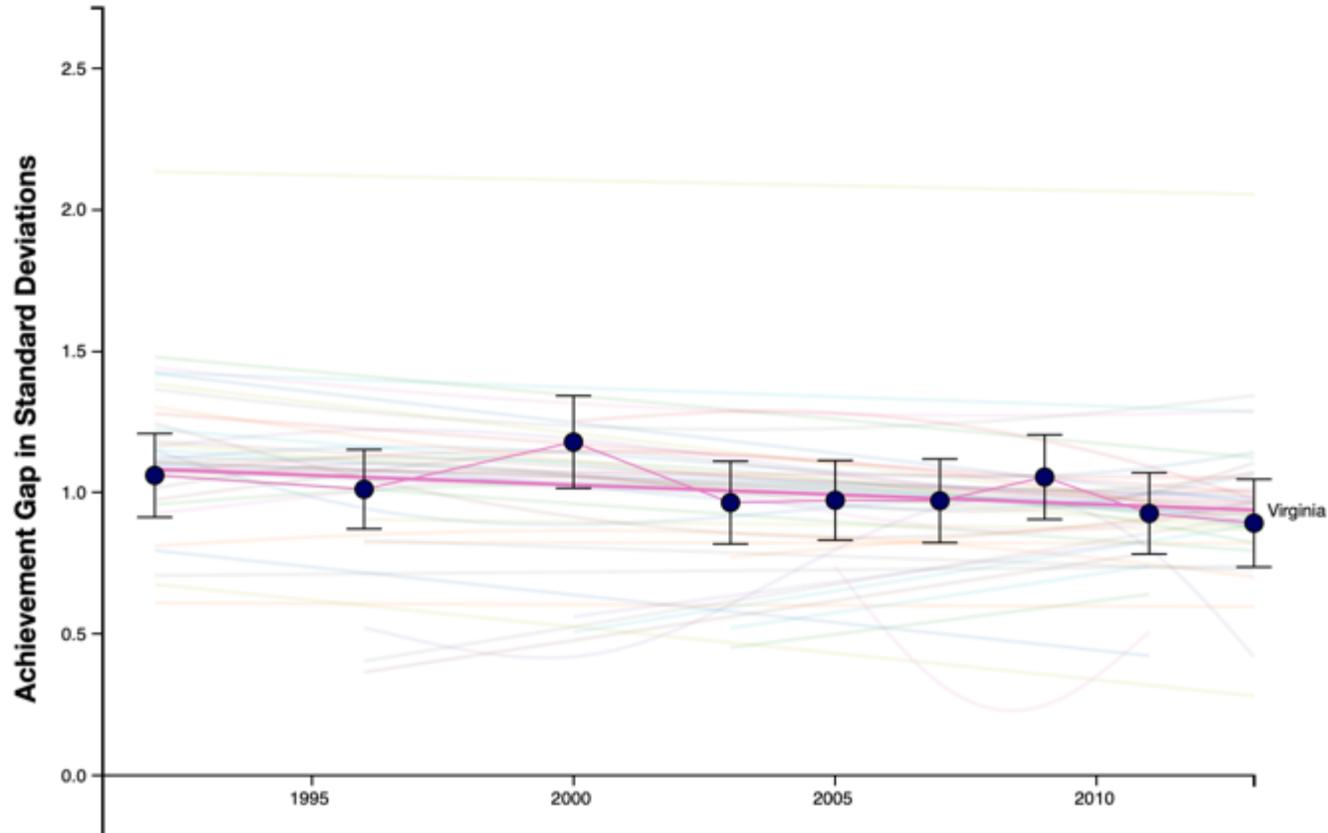


Source: <http://strongemation.luminafoundation.org/report/2019/#nation>

### Success Index for Public Institutions



# COMPARED WITH OTHER STATES



# Recommendations

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# INTEGRATION

## **Current Code: § 22.1-25 How School Divisions Made**

... 1. The school divisions as they exist on July 1, 1978, shall be and remain the school divisions of the Commonwealth until further action of the Board of Education taken in accordance with the provisions of this section except that when a town becomes an independent city, the town shall also become a school division.

2. No school division shall be divided or consolidated without the consent of the school board thereof and the governing body of the county or city ...

3. No change shall be made in the composition of any school division if such change conflicts with any joint resolution ...of the General Assembly ...

**Challenge:** *Achieving Meaningful Integration*

**Context:** *Virginia not only resisted integration in the past: it still has limits on integration in place today. The Commonwealth has never, in fact, made state-level efforts to encourage integration of schools.*

**Recommendation to the Commission:** *This language should be repealed and replaced with incentives for the Board to integrate schools and districts.*

# TEACHER DIVERSITY

*No specific code section*

**Challenge:** Recruiting and Retaining Teachers of Color

**Context:** Students of color who have teachers who reflect their backgrounds are more likely to graduate and more likely to go to college. Yet, despite half of Virginia students being children of color, Virginia's teaching workforce is 80% white.

**Recommendation to the Commission:** The Board of Education should annually collect and publish data from districts on the recruitment, hiring, and retention of teachers of color. In addition, the commission should support recommendations by the Taskforce on Diversifying Virginia's Educator Pipeline.

# EARLY CHILDHOOD EDUCATION

## **Current Code § 22.1-287.03 (B) Unique Student Identification Numbers:**

... (B) The Department of Education shall develop a system of unique student identification numbers. Each local school board shall assign such a number to each student enrolled in a public elementary or secondary school. No student identification number shall include or be derived from the student's federal social security number. Each student shall retain his student identification number for as long as he is enrolled in a public elementary or secondary school in the Commonwealth.

**Challenge:** Expanding Access to ECE

**Context:** Though one of the most effective investments a state can make, Virginia's early childhood education system is still fragmented. Because of a lack of data, it is hard to know what is working or isn't.

**Recommendation to the Commission:** Support the governor's initiative to create a unified Pre-K data system and to issue student identifiers to children at a younger age— even those not in any kind of state Pre-K program. These early-childhood identifiers could be added into this statute.

# SCHOOL FUNDING

**HB29 as Enrolled (2020), Item 136 (4a.)**

4.a. "Composite Index of Local Ability-to-Pay" -

An index figure computed for each locality.

The composite index is ... multiplied by the local nominal share of the costs of the Standards of Quality of **0.45 in each year.**

The **indices of wealth** are determined by combining the following...: (1) true values of real estate and public service corporations as reported by the State Department of Taxation for the calendar year 2015 - 50 percent; (2) adjusted gross income for the calendar year 2015 as reported by the State Department of Taxation - 40 percent; (3) the sales for the calendar year 2015 which are subject to the state general sales and use tax, as reported by the State Department of Taxation - 10 percent.

**Challenge:** Developing a more equitable funding scheme

**Context:** Virginia is unusually reliant on local revenue to fund schools, and the state funding formula is considered one of the least equitable in the country. Children of color are disproportionately harmed.

**Recommendation to the Commission:** Support increased state funding of schools (increase the current 55% share) and reconfigure the LCI formula to account for concentrated student need, not just local ability to pay.

# CRIMINAL JUSTICE

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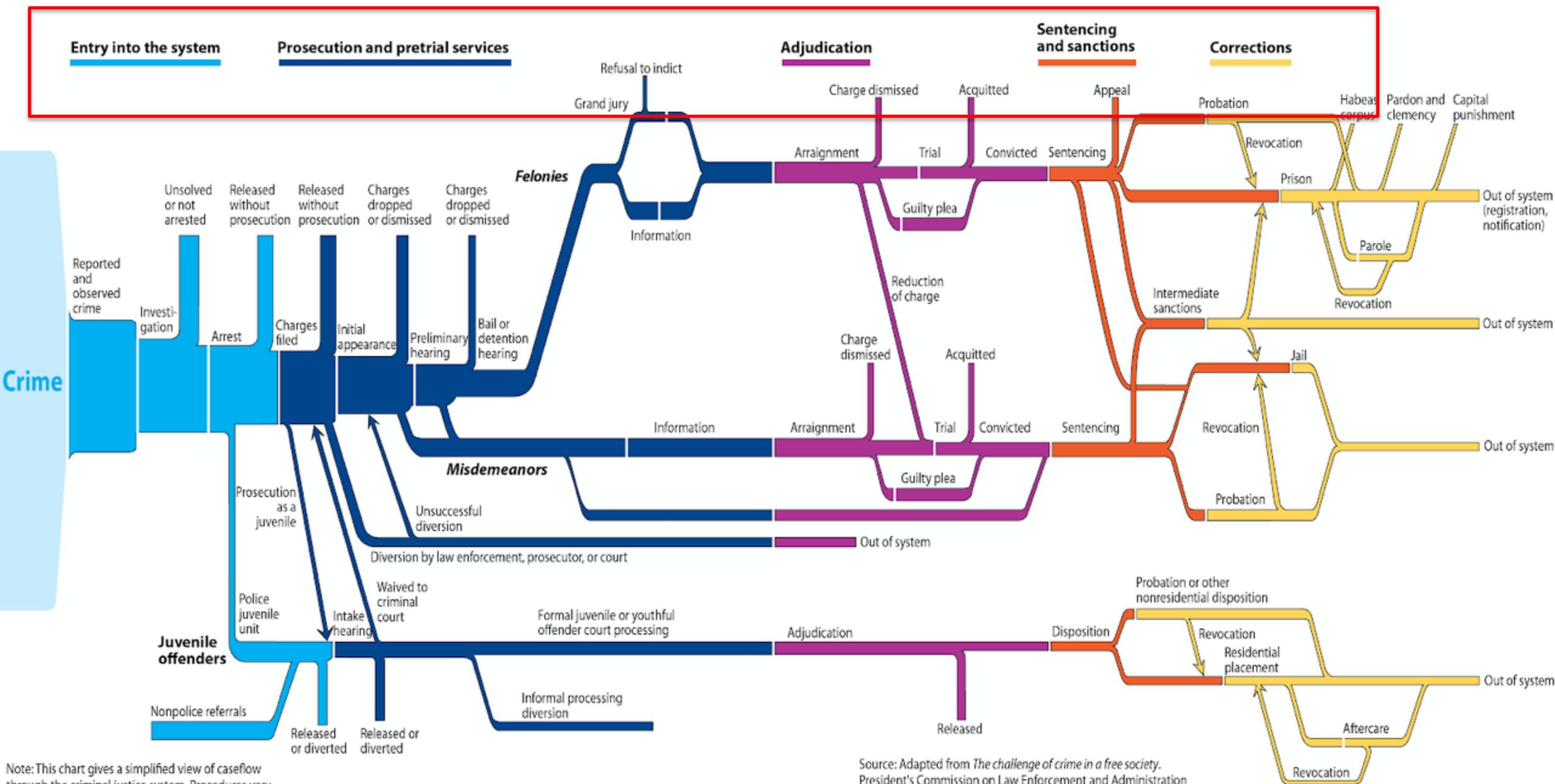
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# *Contents*

1. The path of an offender
2. What we **don't** know
3. Recommendations

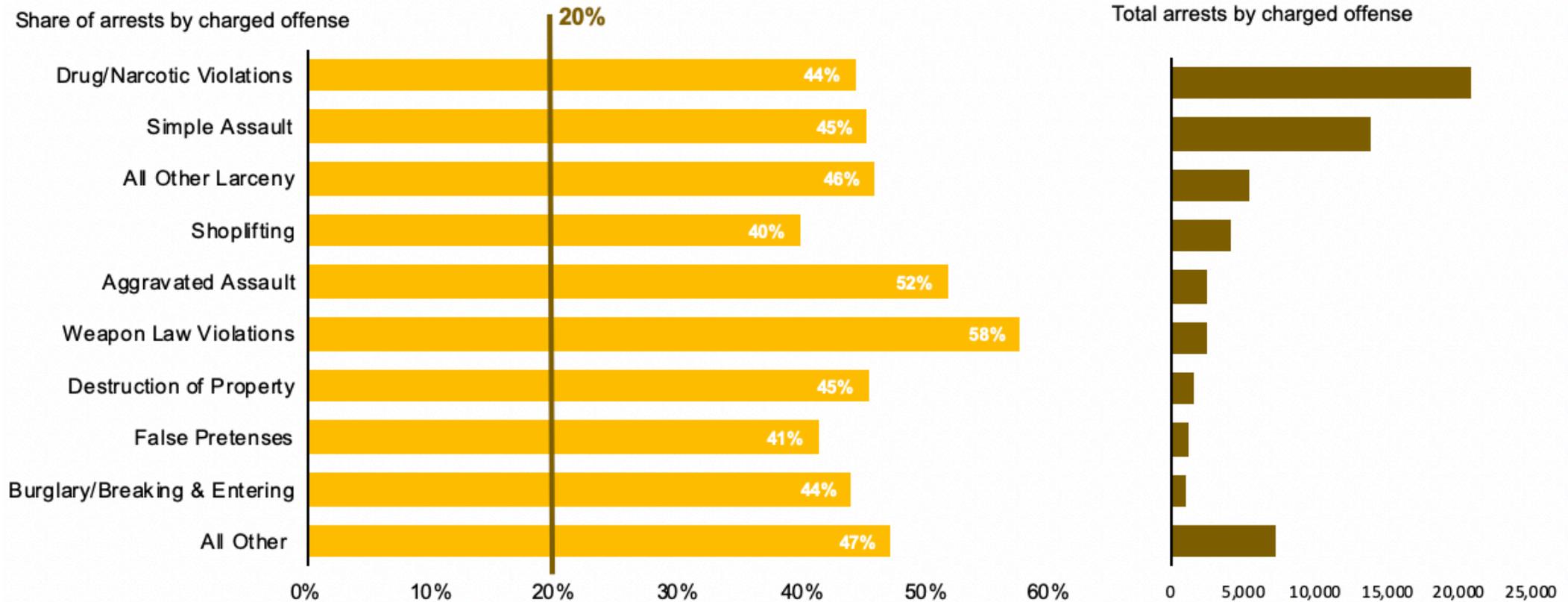
# What is the sequence of events in the criminal justice system?



Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

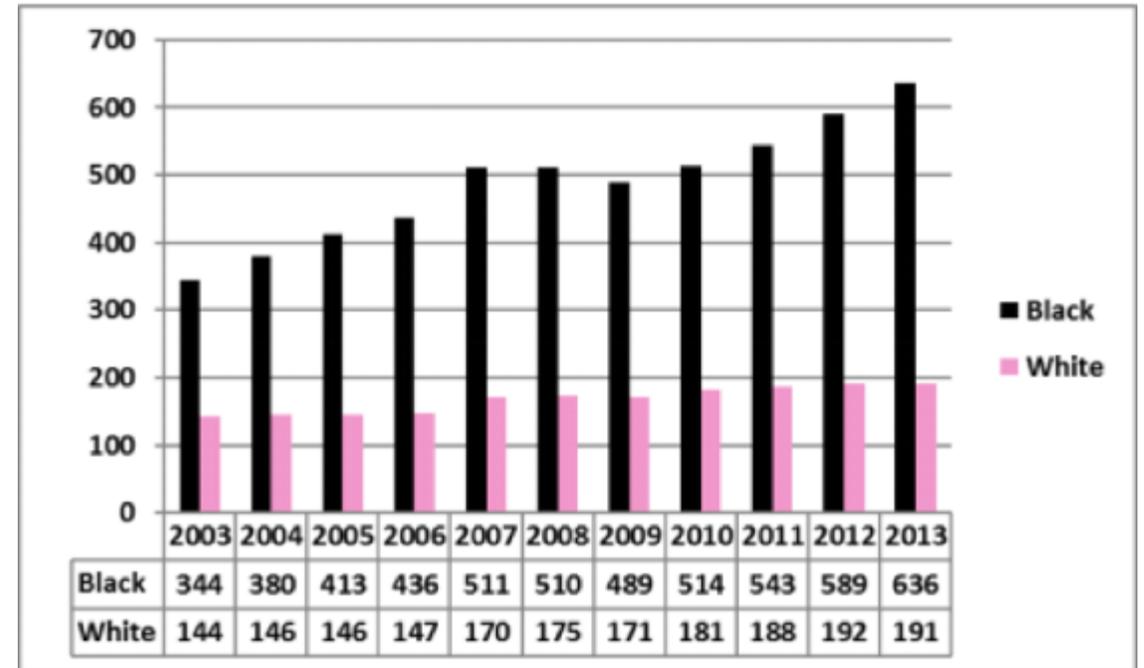
Source: Adapted from *The challenge of crime in a free society*. President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared

In 2018, Blacks made up 20% of the Virginia population but **45%** of all arrests



SOURCE: Arrests by race and charged offense, Virginia State Police, 2018.

Marijuana arrests remain grossly imbalanced, despite public health research demonstrating marijuana use rates being virtually equal across races.



Source: Racial Disparities in Marijuana Arrests in Virginia, Drug Policy Alliance, 2013.

Data on 5 million traffic stops in Virginia from 2006 to 2016 showed little to no apparent disproportionality in the number of traffic stops by race.

**63.9%**

of stopped drivers were white

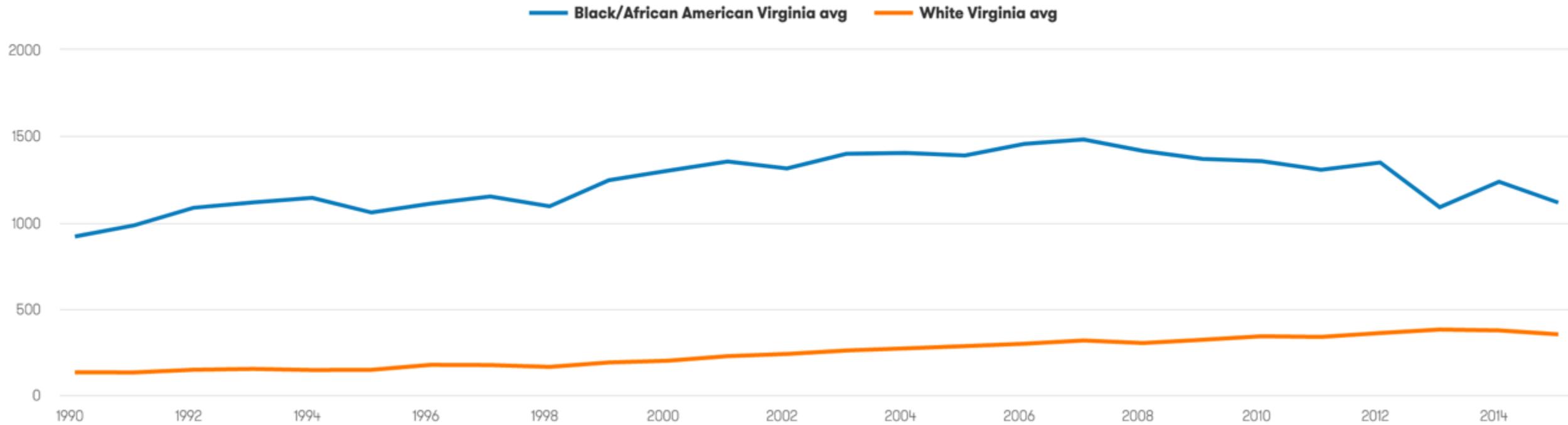
**24%**

of stopped drivers were black

Source: The Stanford Open Policing Project

### Jail population

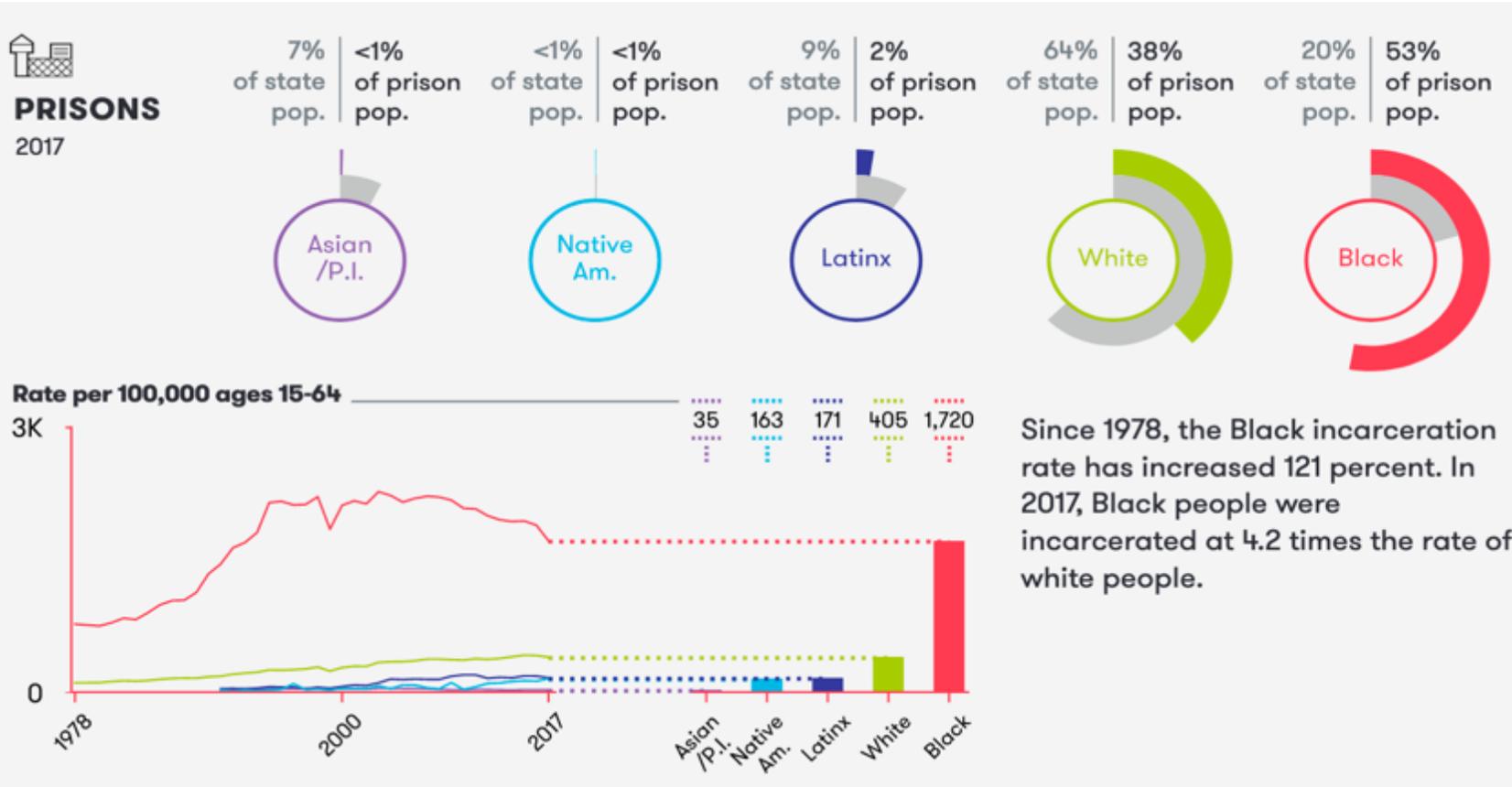
Per 100,000 residents age 15-64



Source: "Incarceration Trends in Virginia", Vera Institute for Justice, December 2019



There is a massive gap in understanding pre-trial and sentencing decisions because of a lack of reporting at both the local and state levels.



Source: "Incarceration Trends in Virginia", Vera Institute for Justice, December 2019

Diversion has a valuable place in efforts to combat recidivism, but studies show it is being applied unevenly.

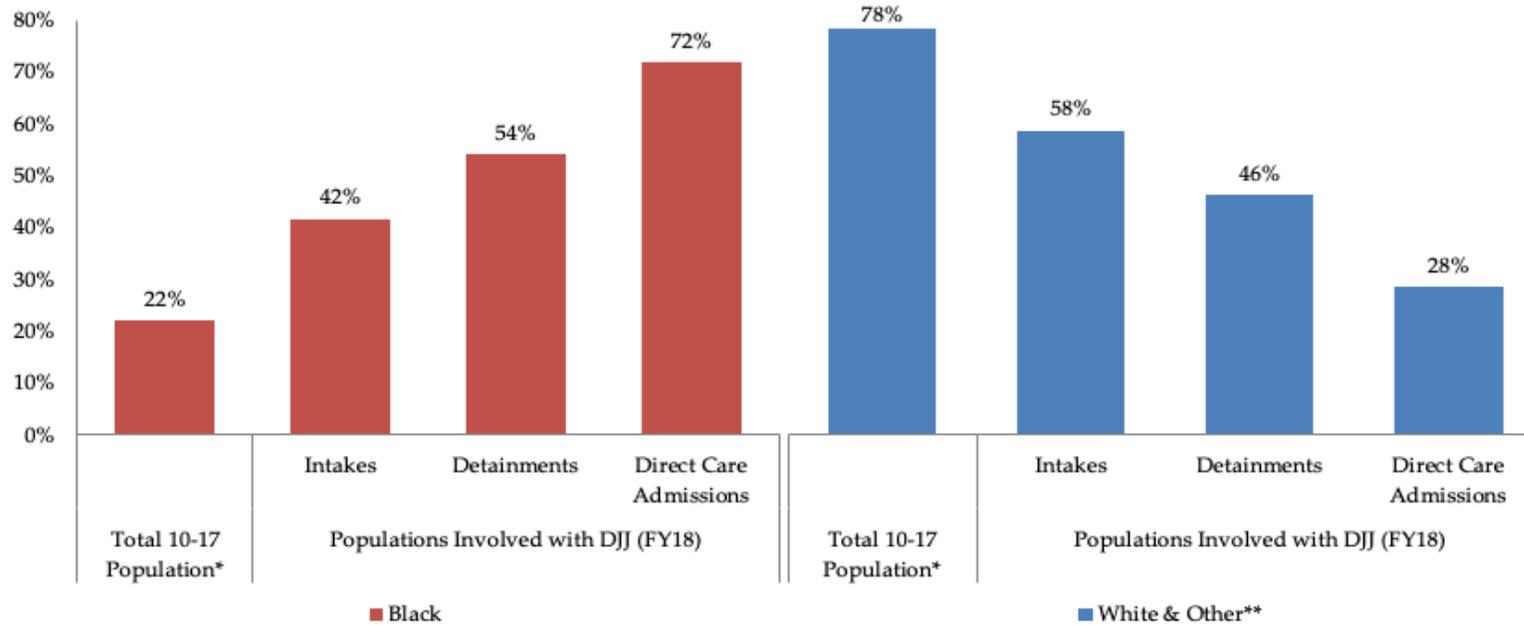
Racial Group	Drug Court Participants	Comparison Group
African American	472 (45.4%)	2088 (64.2%)
Caucasian	554 (53.3%)	1153 (35.4%)
Asian	2 (0.2%)	8 (0.3%)
Other	11 (1.1%)	5 (0.2%)
Total	1156	3254

Source: "Virginia Adult Drug Treatment Courts Impact Study," National Center for State Courts, April 2012

Virginia has **889**  
different collateral penalties  
for convicted persons in the  
Virginia Code, which we know is a  
disproportionately black  
population

Source: National Inventory of Collateral Consequences of Conviction – The Council for State Governments

# JUVENILE JUSTICE



In FY 2018, black youth were overrepresented at every stage of the juvenile justice system.

\* Source: U.S. Census Bureau FY 2015 population estimates

\*\* "White & Other" includes any juveniles not identified as black but excludes juveniles whose race was missing.

Source: Virginia Department of Juvenile Justice

# JUVENILE JUSTICE

Black youth comprise approx. 22% of youth in Virginia, but represent:

- **42%** of intake cases
- **45%** of petitions
- **54%** of detainments
- **72%** of commitments

Source: Virginia Department of Juvenile Justice

# JUVENILE JUSTICE

- 65% of complaints of disorderly conduct in 2018 DJJ were for black youth
- By FY 2018, the petition rate was lower for black youth than for white youth indicating that the petition stage for disorderly conducts reversed some of the disproportionality occurring in intakes

# WHAT WE DON'T KNOW

- Bail decisions
- Pre-trial risk assessment outcomes
- Discretionary sentencing guideline outcomes
- How many Latinx offenders are incarcerated

# RECOMMENDATIONS

The Sentencing Commission doesn't track race, but it can and should.



*“The Commission shall...[m]onitor sentencing practices in felony cases throughout the Commonwealth, including the use of the discretionary sentencing guidelines, and maintain a database containing the information obtained.”* Code of Virginia § 17.1-803

# RECOMMENDATIONS

- Require the Sentencing Commission to report on all sentencing outcomes by race and ethnicity.
- Require magistrate-level and other reporting on all pre-trial decisions, including bail decisions, by race.
- Change Compensation Board policies so that Commonwealth Attorneys are incentivized to divert cases and reduce felony charges

# RECOMMENDATIONS

- Reduce collateral consequences for felons
- Identify and change policies and practices that contribute to disproportionate arrest rates between white and black Virginians
- *Study the role that mandatory minimum sentences play in racial disparities and propose corresponding repeals.*

# RACIAL DISPARITIES IN VOTING

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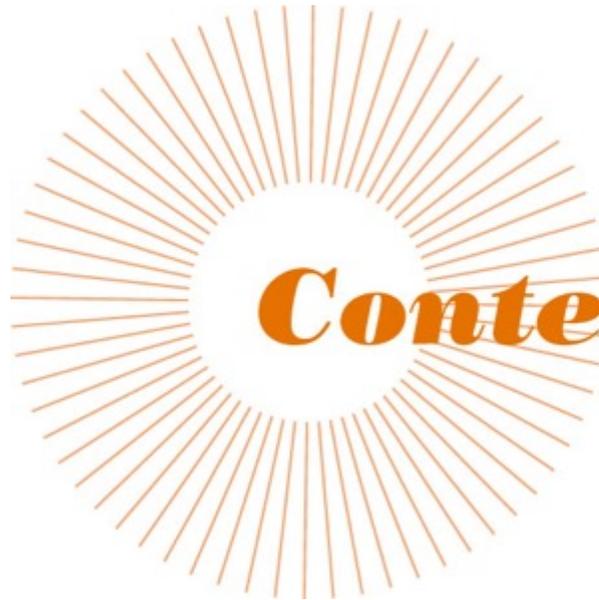


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# Before We Get Started, Important Things to Note

1. Voting in Virginia is Currently Changing
2. Voting's Importance to the Commission
3. Profound lack of Virginia-Specific Data



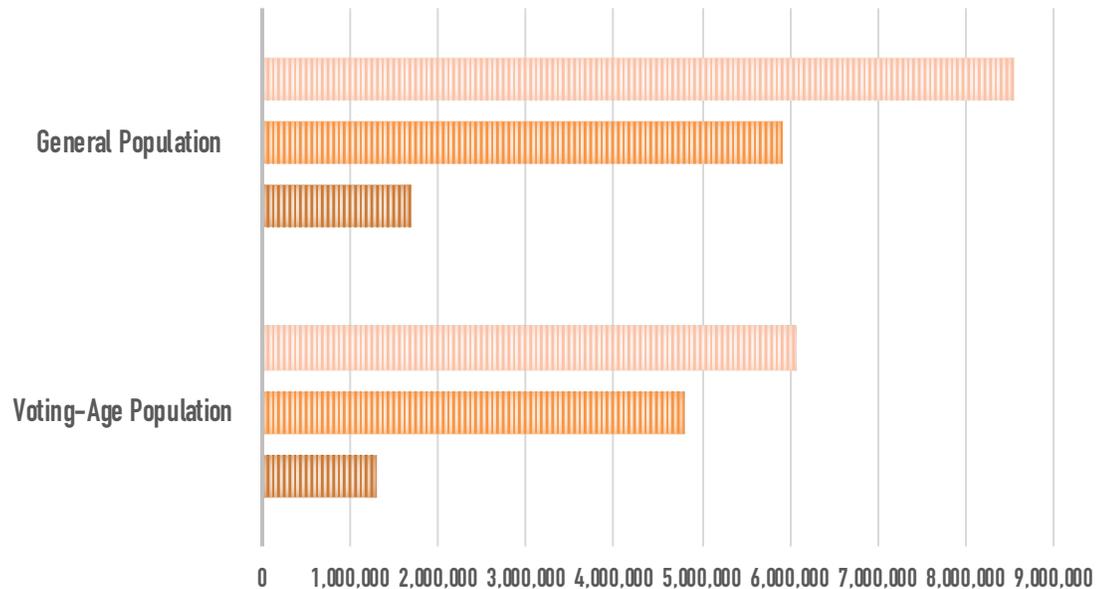
# ***Contents***

1. Overview of Virginia voters
2. Obstacles in registration and at the polls
3. Obstacles regarding felony disenfranchisement
4. Recommendations

# Virginia Voters, Overview

VIRGINIA POPULATION, 2019 ESTIMATES

Total Virginians White Virginians Black Virginians



Source: U.S. Census Bureau, Population Division, Vintage 2019 Population Estimates.

## Virginia's Voting-Age Population (VAP), By the Numbers

Estimated  
**8.5 million**  
Virginians

Estimated  
**1.7 million**  
Black Virginians

Estimated  
**5.7 million**  
Registered Voters  
in Virginia

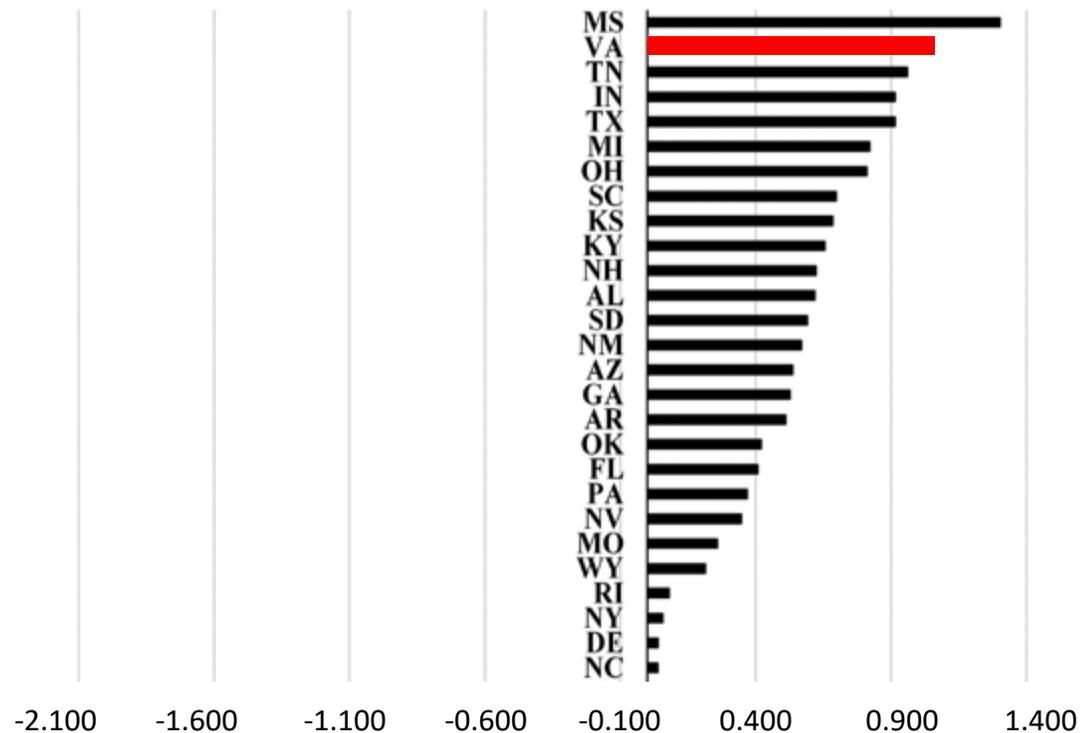
Estimated  
**6.6 million**  
VAP Virginians

Estimated  
**1.2 million**  
Voting-Age Black Virginians

**?? million**  
Black Registered Voters  
In Virginia

# Obstacles to Voting, Cost of Voting Index

## COST OF VOTING INDEX, 2018



## Areas of Concern

1. Absentee & Early Voting
2. Wait Time at the Polls
3. Photo ID Requirement

1.900  
Source: Department of Political Science at Northern Illinois University

# Obstacles to Voting in Virginia

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## Registration and At the Polls

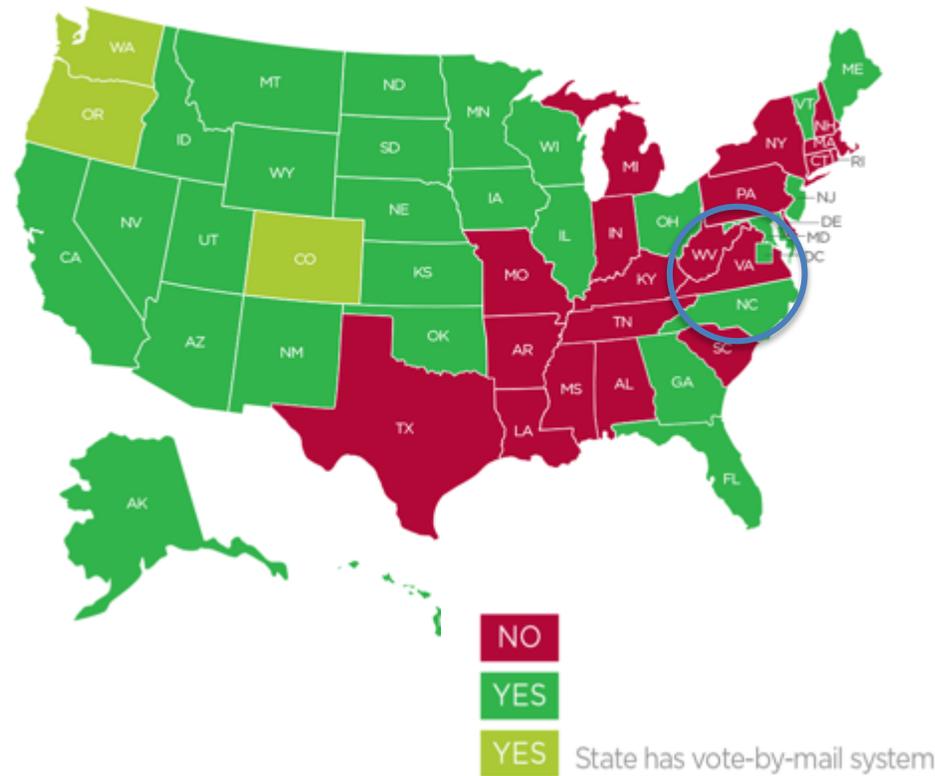


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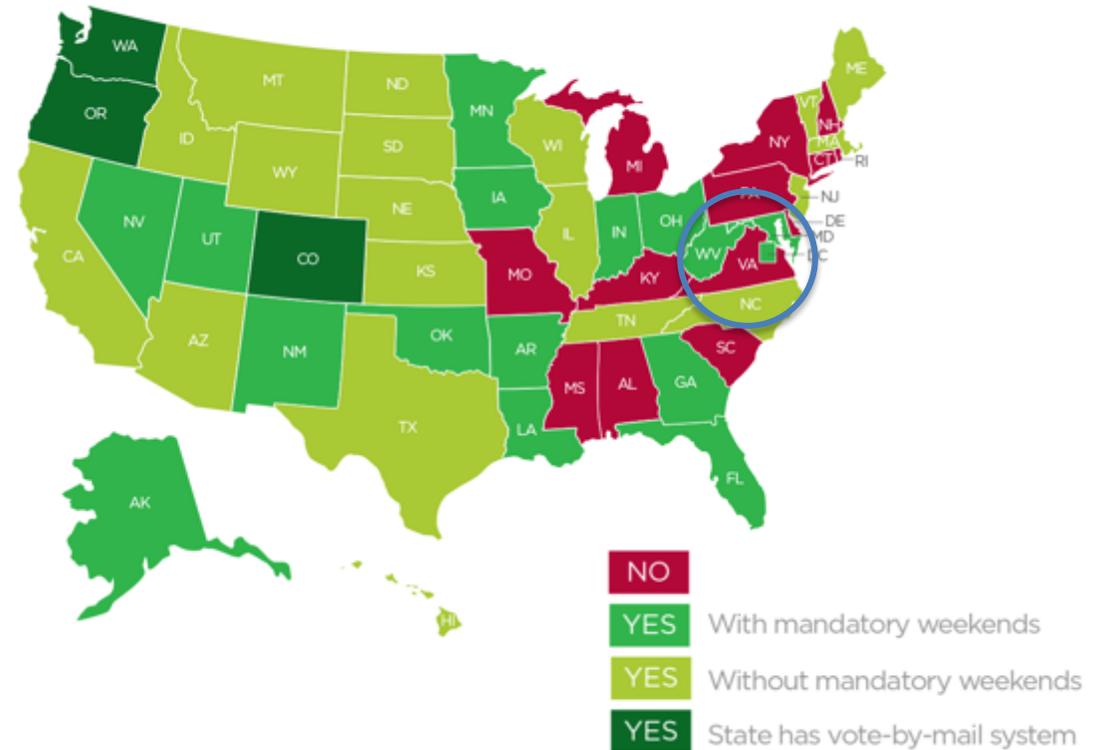
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# Racial Bias in Voting , Absentee and Early In-Person Voting

Availability of No-Fault Absentee Voting



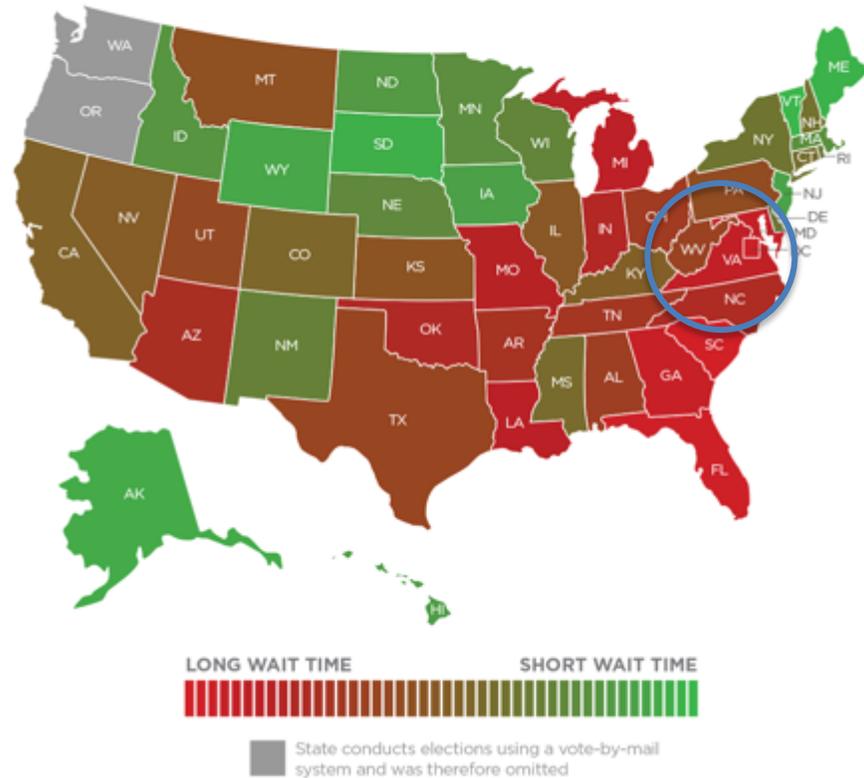
Availability of In-Person Early Voting



Source: [www.healthofstatedemocracies.org](http://www.healthofstatedemocracies.org)

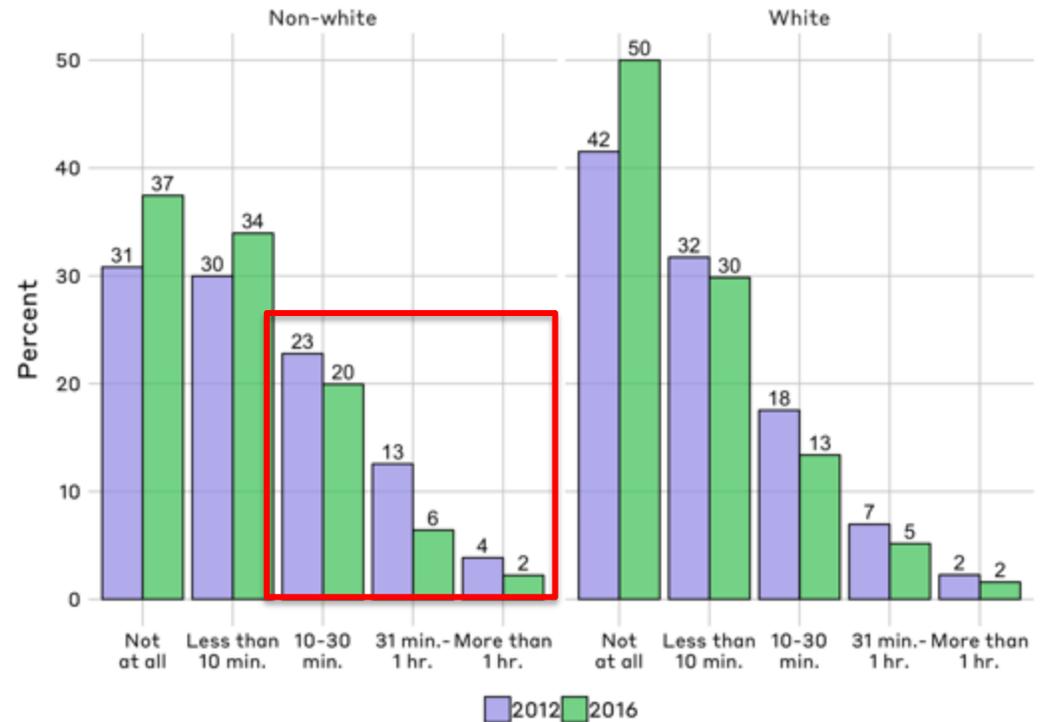
# Racial Bias In The Voting Process, Wait Time

Voting Wait Time, 2008 and 2012



Source: [www.healthofstatedemocracies.org](http://www.healthofstatedemocracies.org)

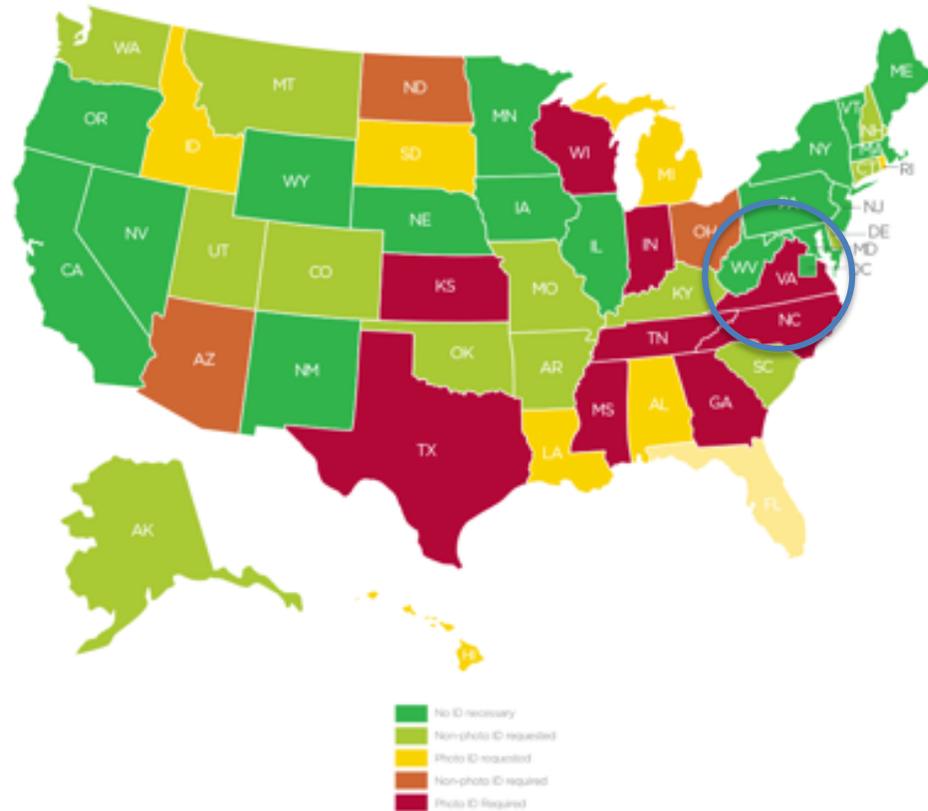
Time Spent Waiting in Line to Vote by Race (2012 and 2016)



Source: MIT Election Data and Science Lab, Elections Performance Index (EPI)

# Racial Bias In The Voting Process, Photo ID

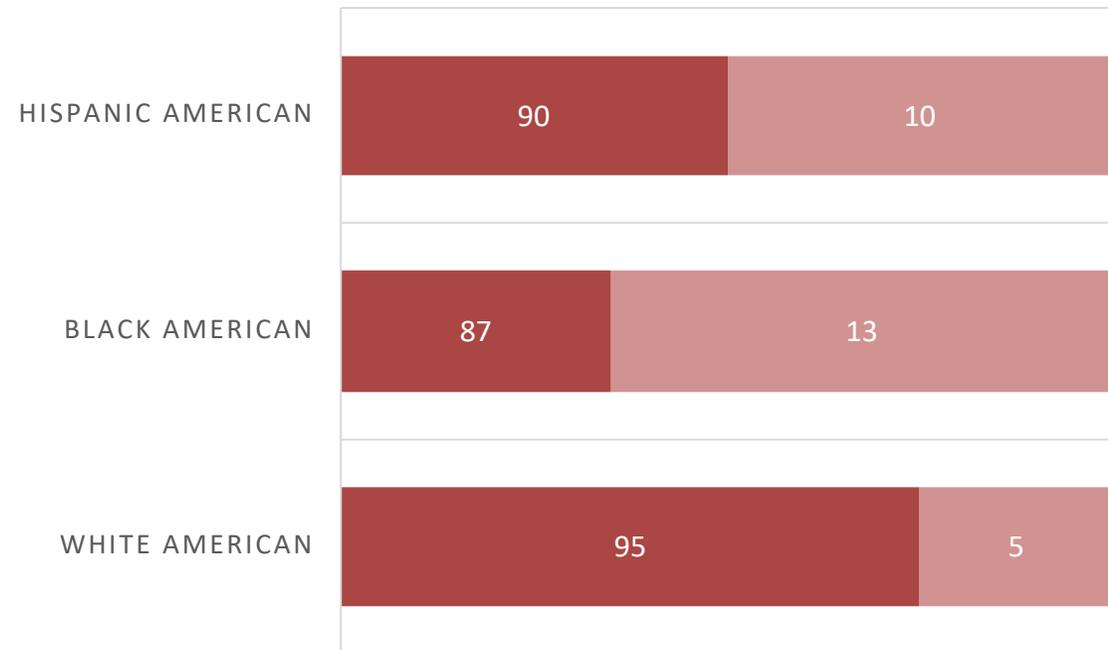
## Voter ID Laws



Source: [www.healthofstatedemocracies.org](http://www.healthofstatedemocracies.org)

## OWNERSHIP OF GOVERNMENT-ISSUED IDS, DEMOGRAPHICS

Confirmed ID Ownership    No Confirmed ID Ownership

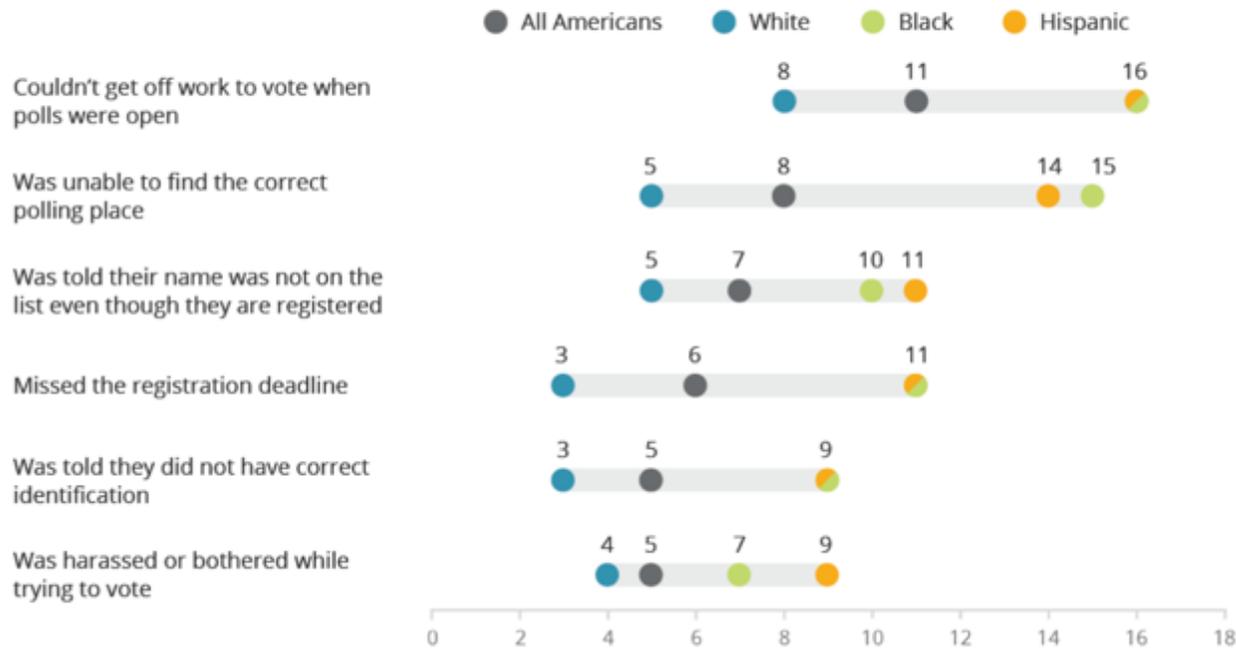


Source: Project Vote 2015 Research Memo

# Racial Bias Throughout the Voting Experience

**FIGURE 3. Black and Hispanic Americans More Likely to Report Experiencing Problems at the Polls**

Percent who report they or someone in their household experienced the following the last time they tried to vote...



Source: PRRI/The Atlantic 2018 Voter Engagement Survey.

## OVERALL TAKE-AWAY

While many obstacles to equity show themselves within the voting experience, there is not sufficient research in these areas.

# Obstacles to Voting in Virginia

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## Felony Disenfranchisement



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# Voter Disenfranchisement, Virginia's Constitution

## Article II. Franchise and Officers

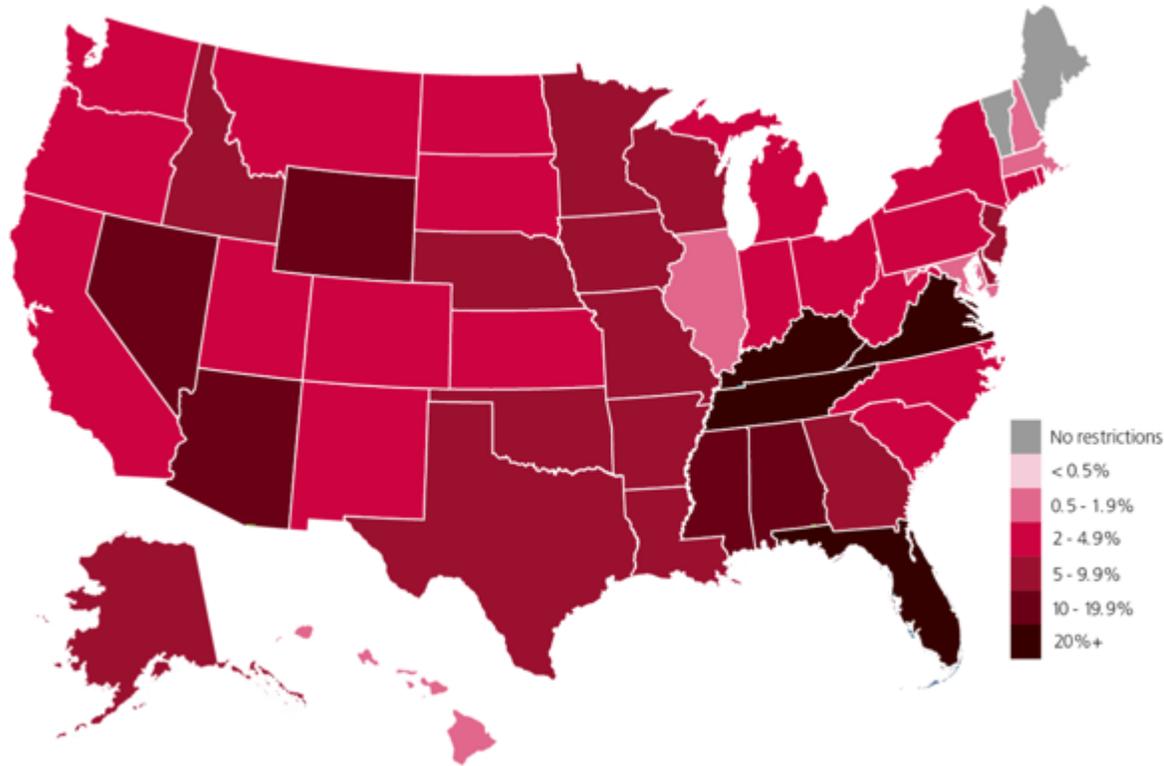
### Section 1. Qualifications of voters

In elections by the people, the qualifications of voters shall be as follows: Each voter shall be a citizen of the United States, shall be eighteen years of age, shall fulfill the residence requirements set forth in this section, and shall be registered to vote pursuant to this article. No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority. As prescribed by law, no person adjudicated to be mentally incompetent shall be qualified to vote until his competency has been reestablished.

Source: [www.law.lis.virginia.gov](http://www.law.lis.virginia.gov)

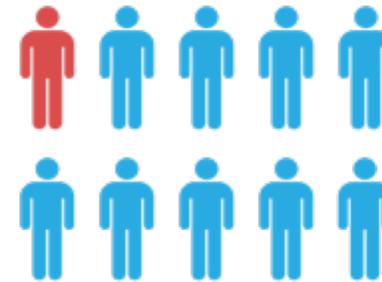
# Voter Disenfranchisement, 2016

Figure 7. African American Felony Disenfranchisement Rates, 2016



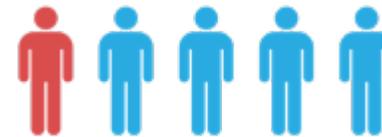
**1 out of every 10**

Non-Black Virginians is Permanently Disenfranchised



**1 out of every 5**

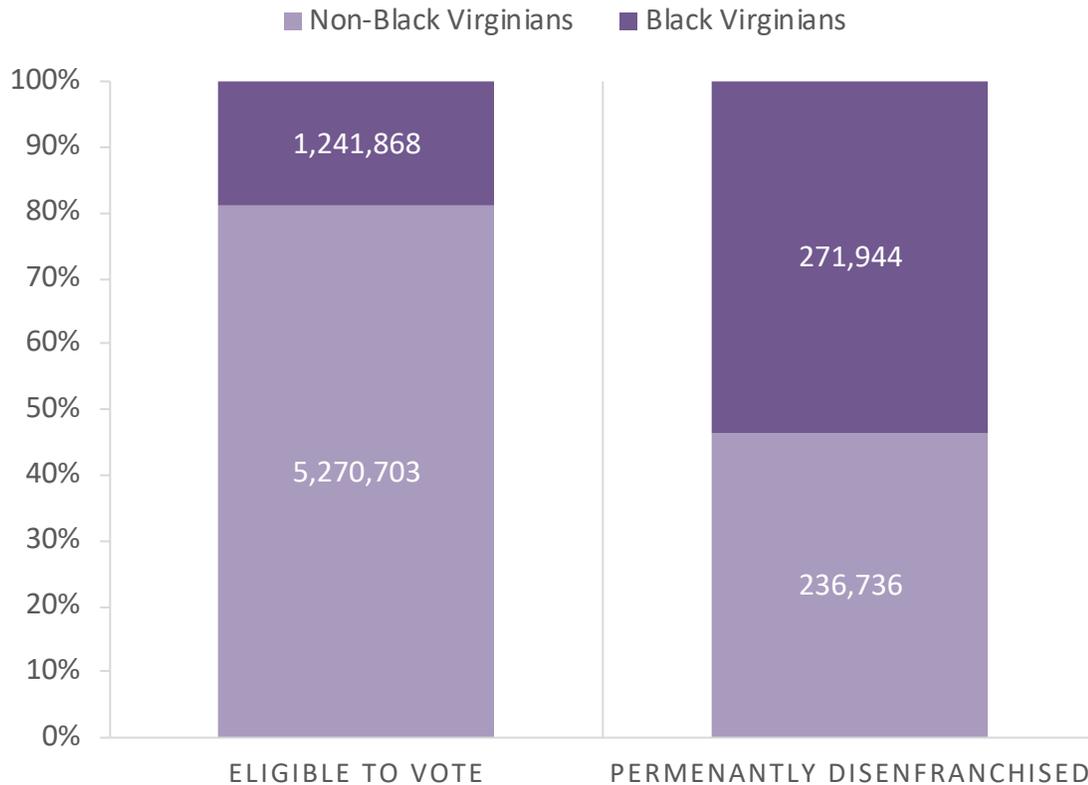
Black Virginians is Permanently Disenfranchised



Source: The Sentencing Project, 6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016

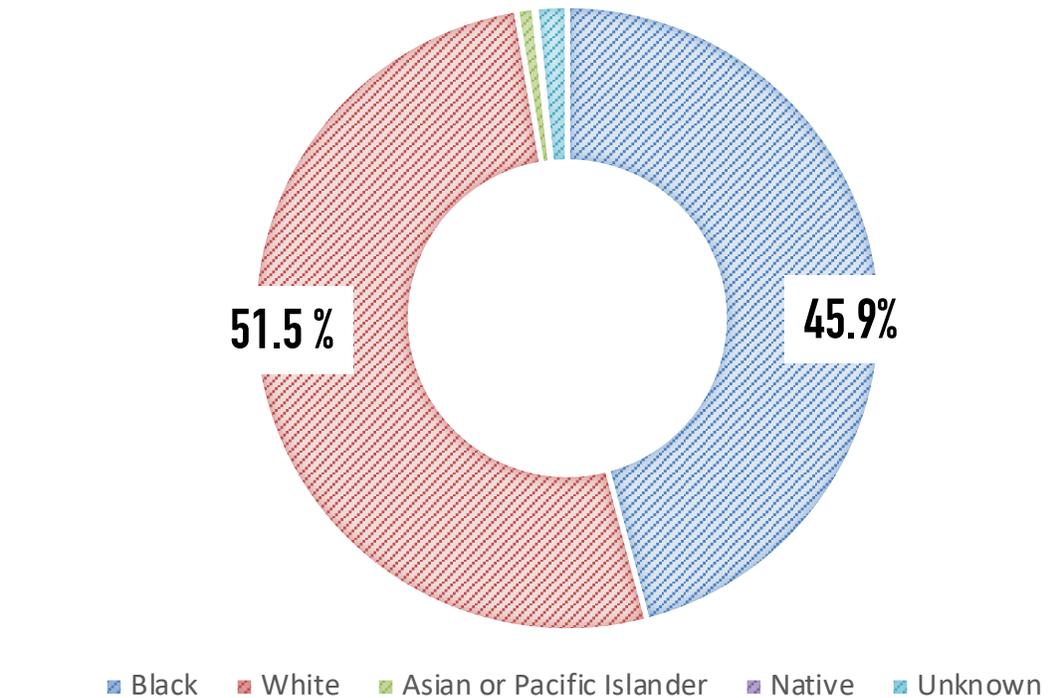
# Voter Disenfranchisement, 2016

VIRGINIA'S VOTING-AGE & DISENFRANCHISED POPULATION, 2016



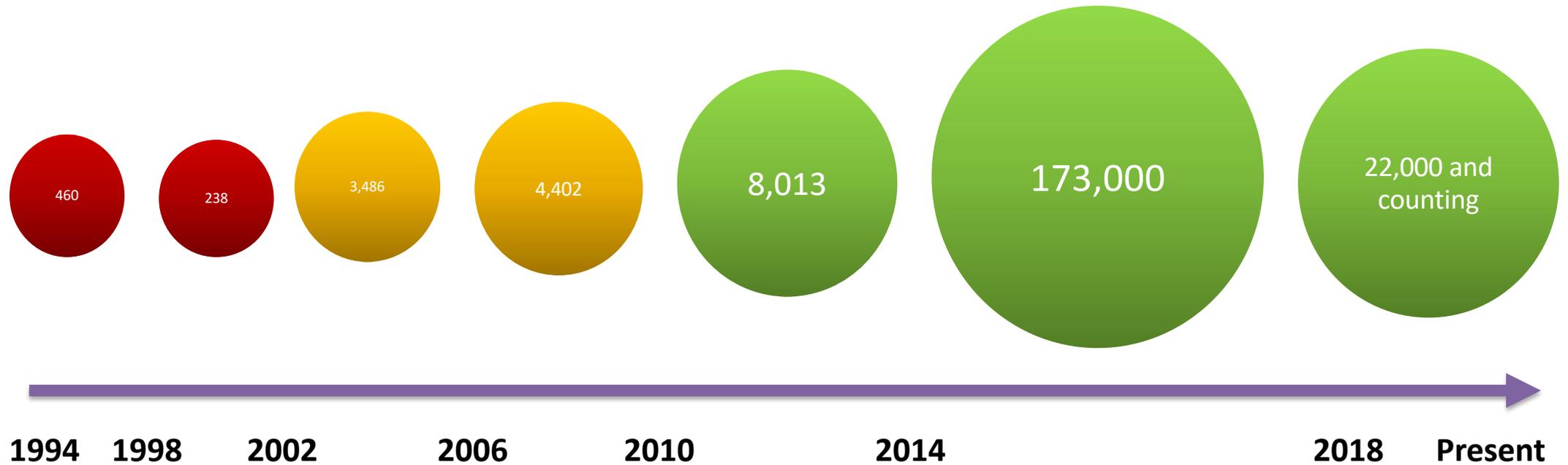
Source: The Sentencing Project

RIGHTS RESTORED BY RACE, 2016



Source: Commonwealth of Virginia, Restoration of Rights Demographics

# Voter Disenfranchisement, Rights Restoration



Source: The Sentencing Project , 6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016

# Recommendations for the Commission

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# Moving Forward

- Amend the Virginia Constitution
- Look to Other States' Examples
- Invest in Virginia-Specific Research

# RACIAL DISPARITIES IN HEALTH AND COVID-19 PANDEMIC

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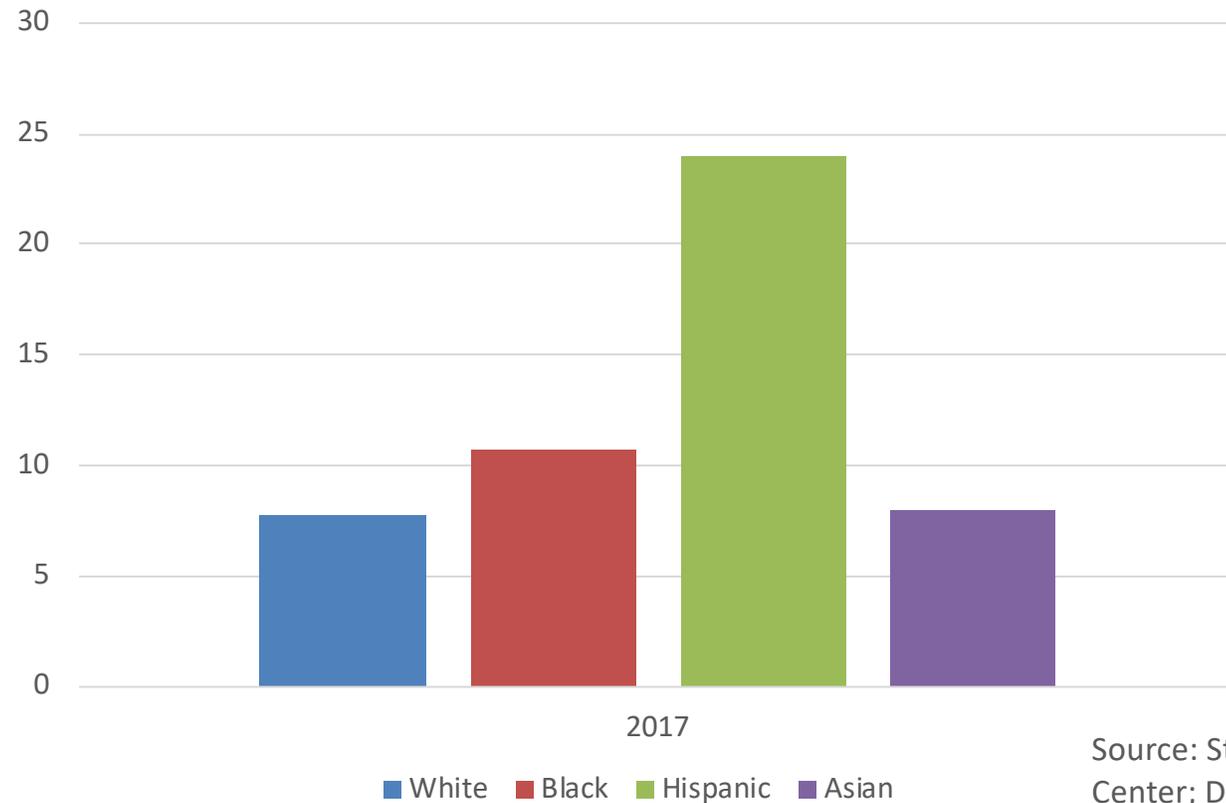


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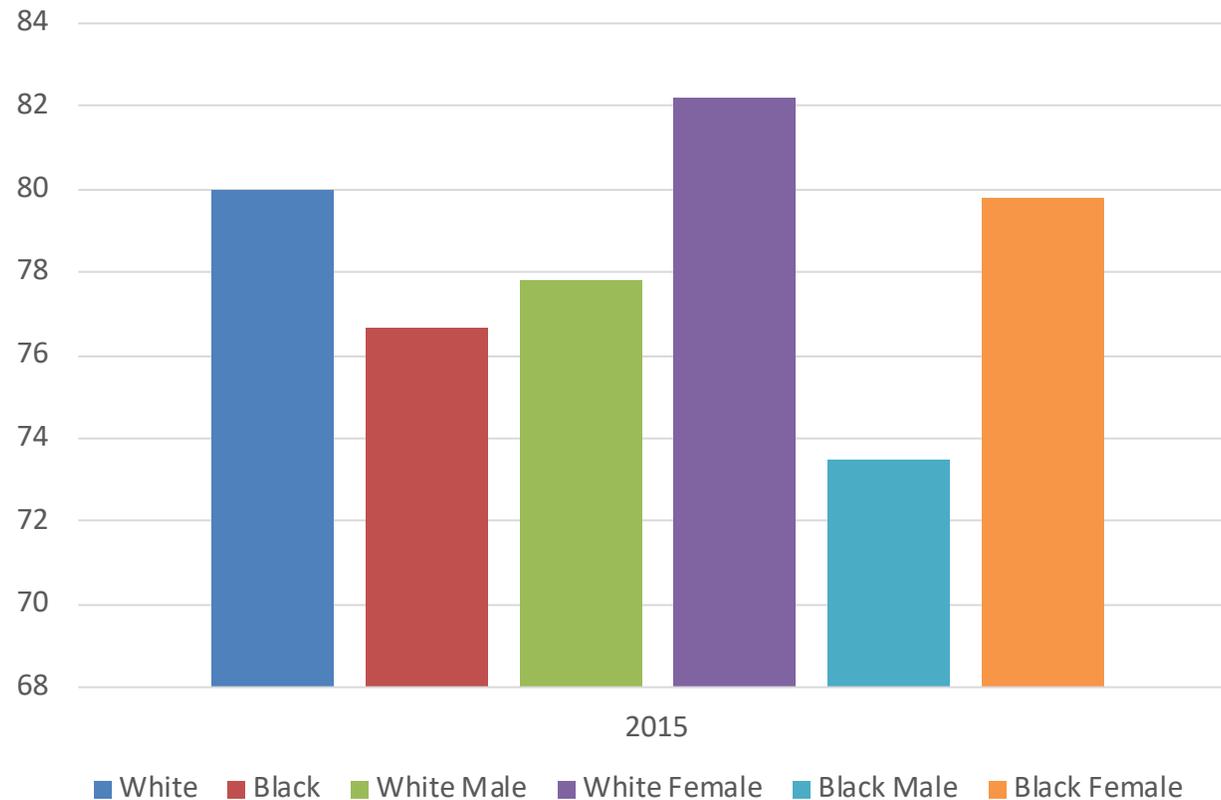
## Percentage of Uninsured for Virginia 2017 (prior to Medicaid expansion)

While we may not know the full effects of COVID-19 yet, existing data shows significant racial inequities in health care. For instance, Hispanic or Latinx Virginians, in addition to black Virginians are much less likely to be insured.



Source: State Health Access Data Assistance Center; Data from the U.S. Census Bureau 2016 and 2017 American Community Surveys

# Life Expectancy in Virginia

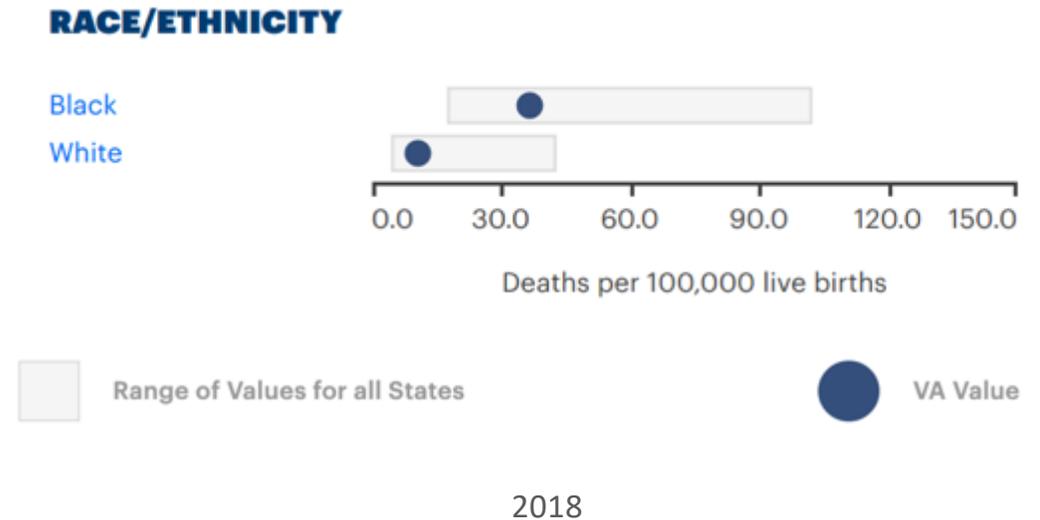


Life expectancy for black Virginians varies both by race and gender. Black males had a life expectancy of 74 years in 2015 compared to 82 years for white females.

Source: Virginia Department of Health

# Mother Mortality

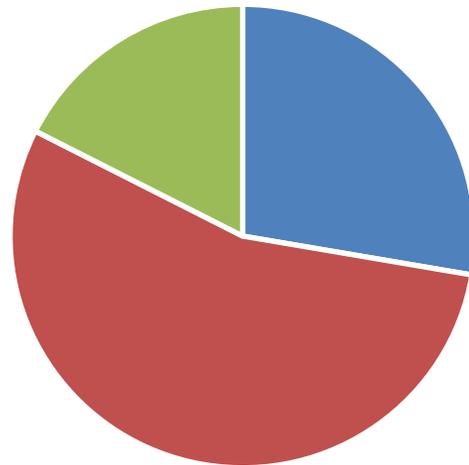
- Black Mothers in Virginia are three times as likely to die during childbirth according to America's Health Rankings.



Source: America's Health Rankings (utilizing U.S. Census ACS data)

# Infant Mortality

Total Infant Death Rates Per  
1,000 Live Births

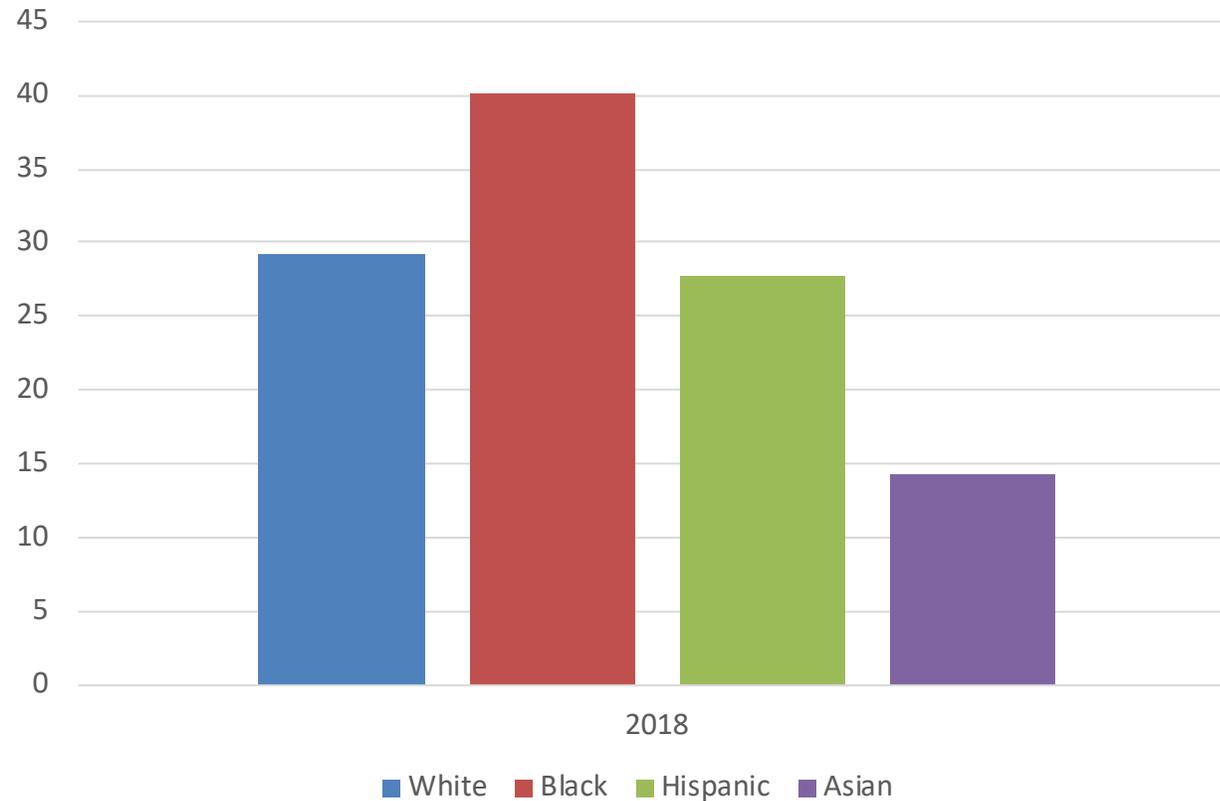


■ White ■ Black ■ Other

- Black infants die at twice the rate as white infants.
- Black infants have a death rate of 9.7 to the white infant death rate of 4.9.

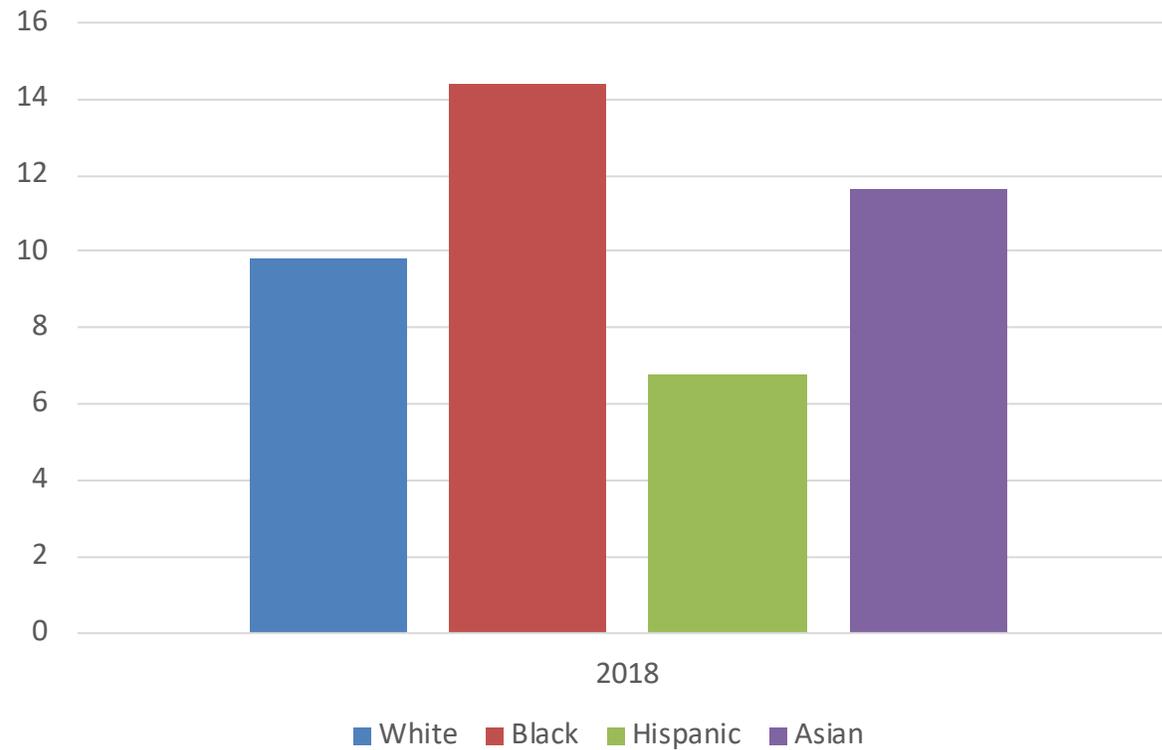
Source: "Infant Mortality Trends in Virginia 2014-2016," prepared by Virginia State Child Fatality Review Team.

# Obesity Percentages in Virginia



Source: Behavioral Risk Factor Surveillance System (BRFSS) Data from the CDC

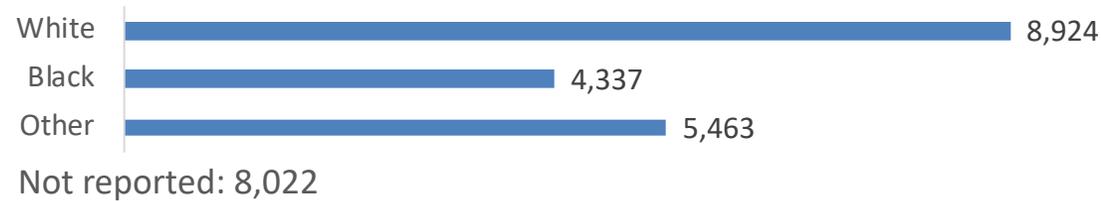
# Percentages of those Diagnosed with Diabetes



Source: BRFSS Data from the CDC

# Virginia and COVID-19: Black and White Residents

## Cases by Race-Virginia

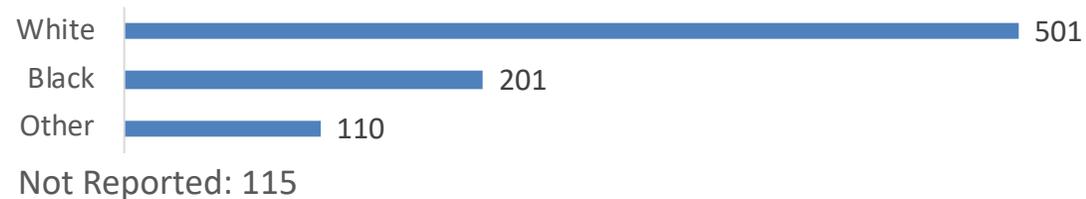


- In Virginia, Black people only account for 20% of the population, but account for 23% of cases, 27% of hospitalizations, and 25% of deaths

## Hospitalizations by Race-Virginia



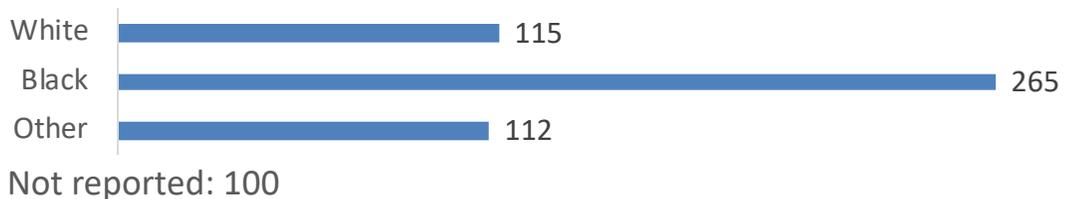
## Deaths by Race-Virginia



Source: Virginia Department of Health

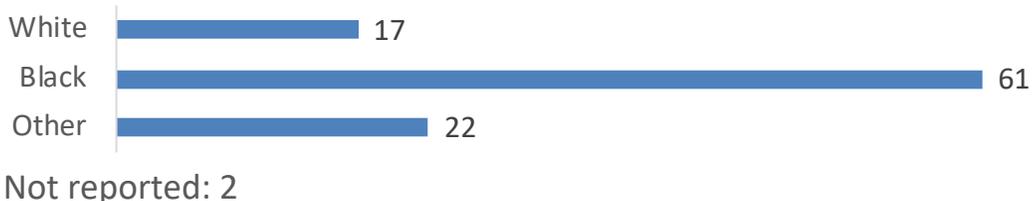
# Richmond and COVID-19: Black and White Residents

### Cases by Race-Richmond



- In Richmond, Black people only account for 48% of the population, but account for 54% of cases, 61% of hospitalizations, and 89% of deaths

### Hospitalizations by Race-Richmond



### Deaths by Race-Richmond



Source: Virginia Department of Health

# Virginia and COVID-19: Latinx Residents

## Cases by Ethnicity-Virginia



- In Virginia, Hispanic or Latinx people only account for **10%** of the total population, but account for **44%** of cases of COVID-19, **34%** of hospitalizations, and **10%** of deaths.

## Hospitalizations by Ethnicity-Virginia



## Deaths by Ethnicity-Virginia



Source: Virginia  
Department of Health