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LDF Statement on the End of Prison-Based Gerrymandering in Pennsylvania's State Legislative Districts

Today, Pennsylvania's Legislative Reapportionment Commission (LRC) voted 3-2 to end prison-based gerrymandering in the state's legislative redistricting maps. The decision follows sustained advocacy from local residents and organizations, including the National Association for the Advancement of Colored People (NAACP) and the Pennsylvania State NAACP – represented by the NAACP Legal Defense and Education Fund, Inc. (LDF), the Public Interest Law Center of Philadelphia, the Abolitionist Law Center, and Ballard Spahr's Racial Justice & Equality Initiative – who submitted testimony arguing that the practice of counting incarcerated people as residents of the prisons in which they are involuntarily and temporarily held violates Pennsylvania law and contributes to racial injustice and unequal representation in the state. (*Note: LDF has been completely separate from the NAACP since 1957.*)

In its resolution on Tuesday to end the practice beginning with the current redistricting process, the LRC acknowledged that counting incarcerated people as residents of their prisons, rather than from the districts they come from, results in the artificial distortion of population counts based on where officials decide to locate prisons. Pennsylvania's prison population comes disproportionately from its cities and metropolitan areas, which are in turn home to Pennsylvania's communities of color, while the state's prison facilities are located in more rural areas where more white residents live. The result of the practice is the dilution of the voting and representational rights of Pennsylvanians of color in particular.

"LDF has long highlighted the harmful and undemocratic practice of prison-based gerrymandering as a perversion of the principle of 'one person, one vote,'" said Cara McClellan, Assistant Counsel at LDF. "In [our recent litigation](#) against this practice in Pennsylvania, the Court pointed to the LRC as a key party to addressing this problem. We are gratified that the Commission has voted for the apportioning of residents in a fairer and more equal way, to ensure that people of color – all people – are fairly counted and represented in our democracy."

"Racial injustice can be seen in the mass incarceration of mostly Black and Brown people in Pennsylvania and across the country, and it is undeniably compounded when states count incarcerated people as residents of the districts in which they are held behind bars, even though they cannot vote in these districts, cannot form ties with the communities where prisons are located, and have no expectation of influencing representatives or being treated as constituents in those areas," said LDF Policy Counsel Steven Lance. "Prison-based gerrymandering erodes the ideal of fair and equal governance in Pennsylvania and extends mass incarceration's racially discriminatory harms into the electoral sphere. We applaud the LRC for taking action at this critical juncture for our democracy."

LDF has advocated against prison-based gerrymandering – in state legislatures, courts, and communities, as well as before the U.S. Census Bureau – for nearly two decades. As the first and foremost civil rights legal organization in the country, LDF is firmly committed to achieving legal protections that will allow people of color, and all people, to be fairly counted and represented in our democracy.

Moving forward with the data from the 2020 U.S. Census, in drawing state legislative maps the LRC will apportion most incarcerated individuals to the address where they last resided before being incarcerated. The approach follows that of several other states that have ended prison-based gerrymandering by leveraging Department of Corrections data for more accurate counts during apportionment and redistricting.

“We commend the LRC for heeding our call to end the unjust and unfair practice of prison-based gerrymandering,” said Kenneth Huston, President of the Pennsylvania State NAACP, who [submitted comments](#) to the LRC calling for the change. “There is no reason incarcerated people should be counted as residents of the areas of where they are held, given that they are expressly barred from attaining residence in those districts, cannot vote in them, and almost always maintain ties to their previous districts and return there upon release. The real-world impact of this senseless practice was to dilute the votes and political power of Black Pennsylvanians and other people of color in our state, and we are happy to herald its end.”

In 2020, LDF, the NAACP Office of General Counsel, and Ballard Spahr filed a lawsuit challenging Pennsylvania’s prison-based gerrymandering system. That lawsuit was on behalf of plaintiffs the NAACP, NAACP Pennsylvania State Conference, Philadelphia NAACP, UPenn Chapter of the NAACP, Progressive NAACP, UPenn Chapter of Beyond Arrest: Re-Thinking Systematic-Oppression (BARS), Robert L. Holbrook, Abd’Allah Lateef, Terrance Lewis, and Margaret Robertson. The Commonwealth Court dismissed the case on procedural grounds without reaching the merits, holding that the LRC was a necessary party to the claim.

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).