



August 4, 2021

Mark A. Nordenberg, Chair
 Legislative Reapportionment Commission
 209 Irvis Office Building
 Harrisburg, PA 17120

The Honorable Kim Ward
 Majority Leader
 Pennsylvania Senate
 Room 292 Main Capitol
 Harrisburg, PA 17120

The Honorable Jay Costa
 Minority Leader
 Pennsylvania Senate
 Room 535 Main Capitol
 Harrisburg, PA 17120

The Honorable Kerry Benninghoff
 Majority Leader
 Pennsylvania House of Representatives
 Room 110 Main Capitol
 Harrisburg, PA 17120

The Honorable Joanna McClinton
 Minority Leader
 Pennsylvania House of Representatives
 Room 423 Main Capitol
 Harrisburg, PA 17120

Dear Members of the Legislative Reapportionment Commission:

We the undersigned organizations are writing to you because we are concerned about the ramifications of continuing this commission's practice of distorting the redistricting process by choosing not to use available data to identify true home districts for temporarily incarcerated Pennsylvanians. This practice, commonly known as prison gerrymandering, gives extra political influence to a small number of residents who live near prisons while diluting the votes of residents in every other legislative district. It skews democracy on both the state and local levels and is harming every county and city governments in the Commonwealth where there is not a prison.

We strongly urge you to use your power to count temporarily incarcerated residents in their home districts when drawing legislative maps.

Failing to count incarcerated Pennsylvanians at home for redistricting purposes undermines the constitutional guarantee of "one person, one vote," with clear ramifications for our democracy. In essence, by counting the temporarily incarcerated in their prison district, this commission will be diluting the votes of residents who do not live near prisons. Incarcerated people who are allowed to vote, those incarcerated for misdemeanor offenses or currently being held pending trial, are not legally allowed to vote in the district where they are imprisoned. They must vote in their home district. There are people in state prison on misdemeanor offenses. While the elected officials in the communities housing their prison are technically supposed to represent them, these temporarily incarcerated Pennsylvanians will most often have to call on the elected officials from their home communities for constituent services. This creates a dynamic that is unfair for both residents and elected officials, and it creates a situation where there is little to no incentive for the elected official representing the community housing the prison to service those temporary constituents.

But the most compelling reason to count temporarily incarcerated Pennsylvanians in their home districts is simple: these are their home districts. The average offender in Pennsylvania prisons serves only around four years. That means the typical Pennsylvanian who is temporarily incarcerated in one of our prisons will go home during the 10-year period of time when legislative maps remain set, and they will return to a home district where they have not been counted as a constituent.

You and your fellow commissioners have the ability to right this wrong, and, compared to the many complicated variables you will need to weigh as you draw legislative maps, rectifying this problem is not particularly difficult.

As organizations we will continue to push hard to fix this flaw. Time is of the essence, and we are confident that you, too, understand the urgency of the moment when it comes to prison gerrymandering in Pennsylvania.

Sincerely,

Free The Ballot
Abolitionist Law Center
Amistad Law Project
BetterPA
ACLU of Pennsylvania
Fair Districts PA
League of Women Voters of Pennsylvania
NAACP Legal Defense and Educational Fund
New Pennsylvania Project
Common Cause
Conservation Voters of PA
POWER Interfaith
Keystone Progress Education Fund
The Pennsylvania Budget and Policy Center
We the People – Pennsylvania
The Keystone Research Center
1VOTE COUNTS Inc
The Hub for Progress
Our Revolution Pennsylvania
Straight Ahead
Reclaim Philadelphia
PA Stands Up
215 People's Alliance
Action Together NEPA
Pennsylvania Voice
1Hood Media
1Hood Power
Americans for Democratic Action, Southeastern Pennsylvania
Alliance for Police Accountability (APA)
PA Working Families Party
VietLead
One Pennsylvania
Make the Road Pennsylvania
LIVE FREE
Capitol Region Stands Up