



**For Immediate Release**  
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## **U.S. Supreme Court Punts Decisions on Partisan Gerrymandering**

The U.S. Supreme Court today delayed action in critically important voting cases that could have provided voters with a tool to combat partisan manipulation, as well as help identify the worst attempts to gerrymander the electoral system.

In *Gill v. Whitford*, the Court sent a challenge to Wisconsin's state assembly map back to the lower courts for further consideration. The Supreme Court held that the plaintiffs would have to present additional evidence that they were personally affected by the maps – which plaintiffs argued had been unconstitutionally drawn to systematically disadvantage voters based on partisan affiliations – before a court could address the constitutional issues.

The NAACP Legal Defense and Educational Fund, Inc. ([LDF](#)) filed an amicus *curiae* [brief](#) in the Wisconsin case *Gill v. Whitford* in September 2017, urging the Supreme Court to protect Americans' voting rights by recognizing a partisan gerrymandering claim and adopting a standard for assessing it to prevent manipulative redistricting that undermines our democracy. Justin Levitt of Loyola Law School, LatinoJustice PRLDEF, Asian Americans Advancing Justice – AAJC, Asian Americans Advancing Justice – Asian Law Caucus, Lambda Legal Defense and Education Fund, Inc., and The Leadership Conference on Civil and Human Rights joined LDF as signatories to the brief.

The Court also rejected a challenge to Maryland's legislative map in *Benisek v. Lamone* on procedural grounds today.

Because the Court did not address the constitutional claims in either case, the door remains open for voters to bring claims that legislative maps are unconstitutional because they are designed to entrench one party in power by manipulating district lines, a practice called "partisan gerrymandering." In a concurring opinion in the Wisconsin case, Justice Elena Kagan stressed that the Court has already recognized that partisan gerrymandering is "incompatible with democratic principles," and she also provided a detailed roadmap for how plaintiffs may make credible partisan gerrymandering claims in the future.

**"Gerrymandering not only pre-determines election results, it dilutes voting power and unfairly gives an advantage to one political party over another—sometimes over an entire decade,"** stated [Leah Aden](#), LDF's Senior Counsel. **"We must have safeguards in place that ensure a fair process in which voters elect their representatives rather than representatives choosing their voters."**

**“Over the next several years, the 2020 Census process will occur, and a new redistricting cycle will begin,”** added [Samuel Spital](#), LDF’s Director of Litigation. **“The Supreme Court’s failure to address the merits of urgent partisan gerrymandering today underscores the importance of that process, which must be carried out in a manner that is not improperly politicized and in a way that respects the United States Constitution, the Voting Rights Act of 1965, and other voting protections.”**

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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 and 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 multidisciplinary 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.*