

# House Bill 196 Fair Judicial Districts Floor Remarks

SENATOR RYAN P. AUMENT

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I rise today in support of House Bill 196, a joint resolution proposing an amendment to the Pennsylvania Constitution empowering the people to authorize the creation of judicial districts, ensuring that every resident of this Commonwealth receives fair and equal representation in all branches of our government.

Specifically, the bill establishes regional districts from which the 7 Supreme Court justices, 15 Superior Court judges, and 9 Commonwealth Court judges would be elected. This is a deviation from our current system that provides, according to Article V, Section 2, 3, and 4 of the PA Constitution, that Supreme Court justices, Superior Court judges, and Commonwealth Court judges are elected statewide.

The judicial districts would be drawn following the redistricting principles found in our state Constitution, requiring populations as equal as possible in each district with compact and contiguous geographic boundaries, and it would comport with the federal Voting Rights Act of 1965. No county, city, incorporated town, borough, township, or ward shall be divided unless absolutely necessary. The districts would also be consistent with any future Constitutional amendments, approved by the voters, to reform redistricting, such as the effort to establish an independent citizens redistricting commission.

Just as other district maps that are reapportioned regularly, regional judicial districts would be realigned every 10 years, and importantly, candidates for appellate seats would be required to reside in the district they would represent on the court for at least one year. The bill does not change the way cases are assigned at the appellate level, it does not set up regional courts, nor does it impact the minor judiciary.

If voters ultimately approve the amendment, the General Assembly will establish, by law, a transition to an appellate court judiciary elected from judicial districts. During the initial transition, each judge or justice would serve the remainder of their existing term. When that term expires, they would be required to seek election in a judicial district instead of being retained. After the initial transition, judges and justices would use the same retention system as is currently utilized.

I have been and continue to be supportive of efforts to reform our state government so that it best serves the people of Pennsylvania. Considering all that we have been through these last few months, I am even more convinced today that we must do all that we can to ensure that the voices of the people of this Commonwealth are heard and that they have full confidence in our system of government and in our institutions. This is even more essential during times of crisis. Today we have an opportunity to assure the residents of this Commonwealth that they are being heard.

Throughout this crisis, the Legislature has spoken, the Governor has spoken, and the courts have weighed in. Now it is time to listen to the people.

We have an opportunity to strengthen the people's confidence in our system of government.

Along with the other constitutional amendment we are taking up today, I believe judicial districts are an essential reform - ensuring fairness and proportionate representation, leveling the playing field, and accounting for the voice of each and every Pennsylvanian.

Based on the data, the current compliment of Pennsylvania's appellate courts clearly indicates that the current make-up is severely disproportionate:

- More than half of all the members of Pennsylvania's Superior Court and Commonwealth Court are from only 2 of the Commonwealth's 67 counties, which represent only 21% of the state's population.
- 4 of the 7 Supreme Court Justices, or over two-thirds of the justices, are from Allegheny or Philadelphia counties.
- Taken together, only 15 of Pennsylvania's 67 counties are home to an appellate court judge. With very little deviation, this has been the case for over 50 years.

I would submit that we must do more – far more – to ensure greater geographic diversity and fairness.

Pennsylvania would not be alone – other states have taken steps to preserve these very same principles in their judicial election or selection process. Further, the federal U.S. Courts of Appeals and U.S. District Courts also operate under a regional system.

We must do more – far more – to empower the residents of this Commonwealth to make choices rather than powerful special interests.

I am not at all surprised that powerful special interests have lined up in opposition to this effort. Though I would ask them what are they afraid of?

Do they fear the residents of this Commonwealth? I would submit that we ought to permit the people to decide.

Many of these very same powerful special interests have business before the courts and therefore have a vested interest in the outcomes of these elections and the current make-up of the courts. They've invested millions and millions of dollars to determine who is chosen to serve on our state appellate courts.

Judicial districts empower people and serve as a counterbalance to the power of special interests. A regional judicial district model dramatically increases the likelihood that voters will recognize, they will know, they will have the opportunity to interact with and question a candidate for the PA Supreme Court, Superior Court, and Commonwealth Court. This reform ensures voters are better positioned to make a more informed decision at the ballot box, rather than relying on a statewide mailer or 30 second TV ad purchased with the campaign contributions of those with business before the courts to tell them about unknown statewide candidates.

I have heard many express support for a merit selection process, so it's important to note that legislation introduced and debated previously in the General Assembly to accomplish this goal also recognizes the need for regional and geographic diversity in the selection of judges based on judicial districts. The language from the merit selection bill introduced and debated in the PA House last session specifically calls for the appointing authorities to "consider that the courts should reflect the geographic diversity of this Commonwealth."

The experiences and perspectives of residents in Lancaster County differ from those experienced by residents in Erie, McKean, Susquehanna, and certainly Allegheny and Philadelphia Counties. These differences – the diversity of our Commonwealth – should be reflected by the court as judges look through the lens of their personal experiences, judicial philosophy, and worldview to fairly apply the law.

And in the end, it is the people of this state that will decide what system should be used to elect our judges...and I have faith in the people to get it right and make the best choice for Pennsylvania.

Over the last two days I have heard members on the other side of the aisle deride this effort as a power grab. If it is a power grab, it is a power grab by the people of this Commonwealth.

Let's empower the residents of Pennsylvania to make their own decisions about how this Commonwealth is governed. Let's stand with the people over special interests.