

JUDICIAL GERRYMANDERING



The amendment to the Pennsylvania Constitution changes how we elect judges and justices to our appellate courts, including our Supreme Court. Instead of electing them statewide, if this amendment becomes part of our Constitution, we will elect them from districts that, of course, would be drawn by members of the General Assembly.

- ➔ **Given the role judges play in our constitutional government, district election is unnecessary.** We elect legislators by district because it is important that regional interests be accounted for in the process of enacting legislation. But there is no Montgomery County or Lebanon County or Elk County way to interpret statutes and the Pennsylvania Constitution.
- ➔ **Electing judges in districts can make it more difficult to put the best-qualified judges on the bench.** Supporters of the amendment point out that the appellate judiciary does not represent the geographic diversity of the state. But that is not the relevant consideration. We want appellate courts judges with the requisite legal experience in appellate matters and / or judicial experience to sit on these courts. Men and women with that kind of experience are more likely to work as lawyers in the urban, commercial centers of the state, although many grew up in rural parts of the state. And the record shows that people with such experience from the more rural counties are able to secure places on the appellate courts.
- ➔ **Electing officials through districts opens up the possibility for gerrymandering district lines to give one party or another a political advantage.** The history of gerrymandering in this state is well-known. Given this history, why should any Pennsylvanian or fair-minded member of the General Assembly support a constitutional amendment that would give the General Assembly the power to draw judicial district line?
- ➔ **The amendment would undermine the independence of the courts required by the separation of powers by giving the General Assembly too much influence on them.** Most states that elect their highest court judges do so through statewide rather than district elections to avoid partisan chicanery and undue legislative influence over the courts. District election would give the General Assembly the power to influence both the partisan and individual composition of the courts by gerrymandering judicial districts and by using the transition process to prevent the current judges from running in retention elections.