



## JUDICIAL REDISTRICTING FAQ

### WHAT IS THE JUDICIAL REDISTRICTING BILL – HB 38?

A Proposed Amendment to Pennsylvania's Constitution to change the way citizens of PA will vote for Appellate Court Judges

- Currently, we vote for **all** appellate court judge positions when an opening arises or when they are up for retention
- Under the system proposed in the bill, you would only be able to vote for one Supreme Court judge, one Superior Court judge, and one Commonwealth Court judge from your district

### WHAT DOES THIS MEAN?

- We currently can vote for 7 Supreme Court judges, 15 Superior Court judges, and 9 Commonwealth Court judges
- Proposal – you would only vote for one of each and therefore only when up for election and retention, so possibly every 10 years

### WHY IS THIS CHANGE BEING PROPOSED?

- Allegedly to make sure there are judges from every geographic region/district of the state

### WHY DOES GEOGRAPHIC REGION NOT REALLY MATTER?

- Appellate Court judges render decisions statewide based on analysis, interpretation of laws, constitution, rules and cases
- Judges' loyalties are not to a person, business, political party but to the law
- There is currently and has been geographic diversity in the appellate courts

### WHAT IS UNDERLYING MOTIVATION FOR THIS CHANGE?

- Legislators are not happy with recent decisions by the Supreme Court on voting redistricting, on the state mandated closures because of COVID, and on the voter fraud and elections
- Legislators want to hold judges "accountable"

### WHAT ARE THE PROBLEMS WITH THIS BILL?

- Threatens the Judiciary's independence
- Disenfranchises voters
- Creates potential for greater influence of money
- Makes Judges Politicians responsible to their local constituency as opposed to the law
- Harmful to diversity of the Courts
- Hurts public's confidence in the Courts
- There were no public hearings, testimony from lawyers, citizens, businesses, bar associations or experts on this proposed constitutional amendment

## HOW IS THIS PROPOSED CHANGE GOING TO BE IMPLEMENTED

- The General Assembly shall establish the judicial districts, determine transition to this system, establish the order of election, and determine the eligibility to seek retention.

## WHAT QUESTIONS ARISE FROM THE PROPOSED IMPLEMENTATION?

- There are a number of issues that are not addressed in the bill including:
  - Will all judges be removed at the same time, a clean slate?
  - Will judges not be permitted to run for retention? Or a second retention?
  - Is this redistricting going to take place first in the Supreme Court, and then after completed in the Superior Court, and then after that's completed in the Commonwealth Court?

## WHAT IS THE URGENCY NOW?

- This bill has been passed once by the PA House and PA Senate without any hearings, testimony or transparency
- This bill is being voted on by the PA House at the end of January and by the PA Senate in the beginning of February, and again without any public hearings, testimony, or transparency
- The goal is to place this as a question to the voters on the primary ballot
- Turnouts for primaries are historically low, independents don't vote in primaries unless there is a ballot question
- Ballot questions are usually confusing, and this question is drafted in that manner
- Voters typically approve a ballot question as they assume legislators have approved and done their homework

## DO ANY OTHER STATES DO THIS?

- 9 states have partisan statewide elections for appellate courts, and only 2 states (Illinois and Louisiana) have partisan district/regional elections for appellate courts

## WHAT CAN YOU DO?

- Educate your friends, acquaintances and neighbors about this bill
- Write letters to the editor or Op-eds
- Communicate with your legislators – you can download a postcard on [PMC's website](#). To request a group of postcards for your organization, please email [staff@pmconline.org](mailto:staff@pmconline.org)
- Invite Pennsylvanians for Modern Courts to speak at a meeting or event (virtually of course) by emailing [staff@pmconline.org](mailto:staff@pmconline.org)
- Connect with PMC on [Facebook](#), [LinkedIn](#), and [Instagram](#) to receive updates on our work related to judicial redistricting and other issues impacting Pennsylvania's courts