

COMMON CAUSE PENNSYLVANIA TESTIMONY

Senate State Government Committee

July 13, 2020

Thank you for the opportunity to submit testimony today.

Common Cause Pennsylvania actively opposes House Bill 196, which would establish judicial districts here in the Commonwealth. The role of the judiciary is to decide cases based on the law and the facts in front of them, not to provide political representation for Pennsylvanians in a specific region. Electing judges in expensive, partisan elections by judicial districts subverts the role of the judiciary and encroaches on the roles of the other two branches of government.

Common Cause Pennsylvania is a nonpartisan good government organization dedicated to holding power accountable to the people. On behalf of our 36,000 members across all 67 Pennsylvania counties, we urge our elected officials to strongly oppose this bill.

The idea of fair and impartial courts is one of the foundational principles of our democracy. Unlike representation in the legislature, where local needs are a critical part of effectively representing the needs of the people in a district, there is no “Montgomery County way” or “Elk County way” to interpret statutes or our Constitution. We know that both racial and other diversity are paramount on Pennsylvania’s courts; this amendment is not the way to achieving it.

Common Cause Pennsylvania advocates for transparency and fairness when it comes to choosing judges and shaping our courts. Ensuring that judges are beholden only to the law and keeping courtrooms fair are keys to building a strong 21st century democracy. We have long supported a merit selection system that would minimize partisan politics, promote racial, ethnic, gender, geographic and other diversity, and essentially eliminate the insidious role of money in judicial politics.

We are also concerned that this bill allows the General Assembly to create judicial districts via future legislation. It is imperative that lawmakers not have sole power to draw district lines of any kind, including the judicial districts outlined in this bill. Common Cause has been on the forefront of the fight for years, advocating that the power must be given to the people because the legislature has proven itself incapable of drawing districts.

Our court system and the impartiality of the courts exist to uphold limitations on our government. They are the first line of defense against abuses by each branch of government and exist to protect the rights of the people. In order for our court system to effectively protect our rights, they must exist as an equal and completely separate branch of government. Legislation like this would inherently diminish the court system’s standing, in that it is the responsibility of our courts, to administer justice without fear or favor. This legislation would cloud that duty.

The Founding Fathers designed our governmental systems with a clear separation of powers to limit any one branch from exercising the core functions of another. This principal is inherent to our democracy, clear in its intent to prevent a concentration of power and provide for each branch a series of checks and balances on one

another This legislation goes against that principal by allowing the legislature to operate in the judicial branch. This cannot stand.

For these reasons, we continue to oppose House Bill 196 and urge all members of the Senate to vote no.

