



MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120

April 30, 2021

The Honorable Max Baer
Pennsylvania Judicial Center
601 Commonwealth Avenue
Harrisburg, PA 17120

Dear Chief Justice Baer:

As you know, Article II, Section 17 of the Pennsylvania Constitution provides for the redistricting process for state House and Senate districts. We, as the leaders of our respective caucuses, serve as commissioners on the Legislative Reapportionment Commission. One of the first tasks required under the Constitution is to determine who will serve as the fifth member and chair of the Commission. If we do not make a selection within 45 days of our certification, the Pennsylvania Supreme Court has 30 days to make that decision. Today is the 45th day since our certification, and the Commission is unable to make a decision on a fifth member.

Over the past month and a half, we conducted a thorough and transparent process to vet candidates to serve as the fifth member of the Commission. We received many qualified applicants and held a series of hearings over two days to interview the candidates. The candidates came from all over the Commonwealth with diverse and interesting backgrounds. While we were unable to find consensus on one individual to serve as chair, we were thoroughly impressed by the field of applicants who came forth to testify.

However, we have collectively decided through this interview process, there are certain criteria that should be considered when selecting the chair of the Legislative Reapportionment Commission. Now that this decision is in your hands, we respectfully submit to you the following recommendations.

The Honorable Max Baer

Page 2

April 30, 2021

The chair should be a fair and neutral arbiter of this process, essentially a baseball umpire calling balls and strikes. As the Pennsylvania Supreme Court noted in dicta in *Commonwealth ex rel. Specter v. Levin*, the Commission preserves equal representation, with the chair serving in a “tie-breaker” role. Simply put, a chair should possess the qualifications that would enable them to resolve disagreements in a fair and transparent manner.

Furthermore, a qualified candidate should have some distance from the political process. While running for public office should not disqualify someone to serve, a chair should be several years removed from engaging in the political process. Similarly, a strong candidate should not have been recently engaged in lobbying efforts at any level of government. This will ensure the chair of the Commission will come into this process dissociated from partisan politics.

Finally, the chair should have no interest in nor intention of running for an office in a district drawn by the Commission.

As you weigh your decision on this important matter, we wanted to briefly provide you with our thoughts on this process and hope you will consider our experiences thus far. We look forward to hearing from you.

Sincerely,



Kim Ward
Senate Majority Leader



Jay Costa
Senate Minority Leader



Kerry Benninghoff
House Majority Leader



Joanna McClinton
House Minority Leader

cc: Justices of the Pennsylvania Supreme Court
Acting Secretary of the Commonwealth Veronica Degraffenreid