

[First Reprint]

**ASSEMBLY CONCURRENT
RESOLUTION No. 4**

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED DECEMBER 14, 2015

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman TROY SINGLETON

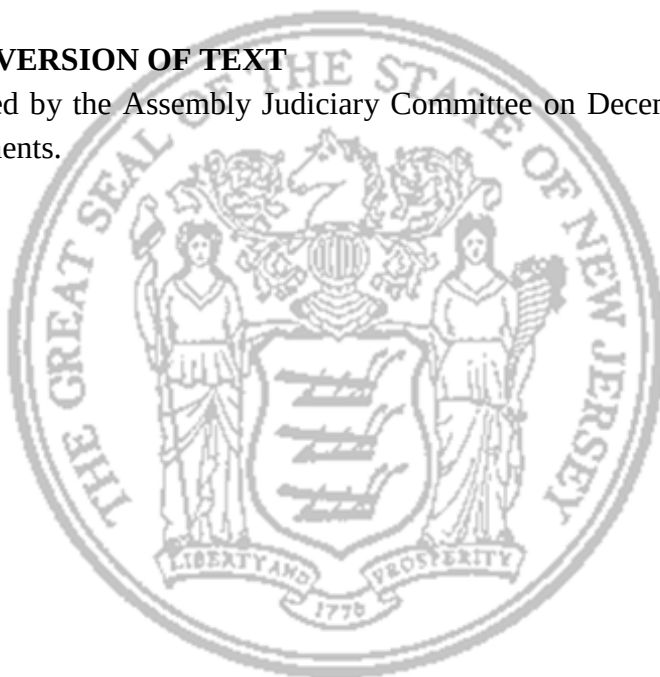
District 7 (Burlington)

SYNOPSIS

Proposes constitutional amendment to change membership of legislative Apportionment Commission; imposes certain requirements on commission for process and legislative district composition.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on December 21, 2015, with amendments.



(Sponsorship Updated As Of: 12/18/2015)

1 A CONCURRENT RESOLUTION proposing to amend Article IV,
 2 Section III, paragraphs 1 and 2 of the Constitution of the State of
 3 New Jersey.

4
 5 BE IT RESOLVED by the General Assembly of the State of New
 6 Jersey (the Senate concurring):

7
 8 1. The following proposed amendment to the Constitution of
 9 the State of New Jersey ¹~~are~~ is¹ hereby agreed to:

10
 11 PROPOSED AMENDMENT

12
 13 Amend Article IV, Section III, paragraphs 1 and 2 to read as
 14 follows:

15 1. After the next and every subsequent decennial census of the
 16 United States, the Senate districts and Assembly districts shall be
 17 established, and the senators and members of the General Assembly
 18 shall be apportioned among them, by an Apportionment
 19 Commission consisting of ~~ten~~ ¹~~13~~ 11¹ members~~], five to be~~ .
 20 ¹~~Twelve~~ Ten¹ of the members shall be appointed as follows:
 21 ¹~~two~~ three¹ members appointed by ~~the~~ each chairman of the
 22 State committee of each of the two major political parties whose
 23 candidates for Governor receive the largest number of votes at the
 24 most recent gubernatorial election; ¹~~two members~~ one member¹
 25 appointed by the President of the Senate; ¹~~two members~~ one
 26 member¹ appointed by the Speaker of the General Assembly; ¹~~two~~
 27 ~~members~~ one member¹ appointed by the Minority Leader of the
 28 Senate; and ¹~~two members~~ one member¹ appointed by the
 29 Minority Leader of the General Assembly. The Chief Justice of the
 30 Supreme Court of New Jersey shall appoint the ¹~~13th~~ 11th¹
 31 member of the Commission. Each ~~State chairman~~ person, in
 32 making such appointments, shall give due consideration to the
 33 representation of the various geographical areas of the State and to
 34 ethnic and racial diversity. No member of the Commission shall be
 35 a member of the Senate or General Assembly. [Appointments] All
 36 appointments to the Commission shall be made on or before
 37 November 15 of the year in which such census is taken and shall be
 38 certified by the Secretary of State on or before December 1 of that
 39 year. ~~The Commission, by a majority of the whole number of its~~
 40 ~~members, shall certify the establishment of Senate and Assembly~~
 41 ~~districts and the apportionment of senators and members of the~~
 42 ~~General Assembly to the Secretary of State within one month of the~~
 43 ~~receipt by the Governor of the official decennial census of the~~
 44 ~~United States for New Jersey, or on or before February 1 of the year~~

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted December 21, 2015.

1 following the year in which the census is taken, whichever date is
2 later.】

3 (cf: Art. IV, Sec. III, par. 1; amended effective December 8, 1966)

4
5 2. 【If the Apportionment Commission fails so to certify such
6 establishment and apportionment to the Secretary of State on or
7 before the date fixed or if prior thereto it determines that it will be
8 unable so to do, it shall so certify to the Chief Justice of the
9 Supreme Court of New Jersey and he shall appoint an eleventh
10 member of the Commission.】 a. The Commission so constituted, by
11 a majority of the whole number of its members, shall at a public
12 meeting, within 【one month】 two months after the 【appointment of
13 such eleventh member】 receipt by the Governor of the official
14 decennial census of the United States for New Jersey, certify to the
15 Secretary of State the establishment of Senate and Assembly
16 districts and the apportionment of senators and members of the
17 General Assembly.

18 b. Within the two-month period following the receipt by the
19 Governor of the official decennial census of the United States for
20 New Jersey, the Commission shall hold at least three public
21 hearings in different parts of the State at times and locations
22 convenient to the public. The Commission shall establish a
23 website, to be administered by the Office of Legislative Services, or
24 its successor, starting on January 1 of the year following the year in
25 which the census is taken. By January 1, the website shall describe,
26 in plain language, the process of the Commission; provide the total
27 votes received in each municipality by candidates in all Statewide
28 general elections in the preceding decade for the offices of United
29 States President, United States Senator, and Governor; and provide
30 a process for members of the public to submit written plans for the
31 establishment of legislative districts and more general comments to
32 the Commission. The website shall also provide access to the
33 transcripts and recordings of the public hearings and the materials
34 submitted to the Commission, and provide such other information
35 as the Commission deems appropriate. The Commission shall
36 provide the public with at least 48 ¹【hours】 hours¹ notice on the
37 website of the public meeting of the Commission at which a plan is
38 certified to establish legislative districts, including with the notice
39 the final proposed plan of legislative districts produced by each
40 political party, and shall provide the public an opportunity to
41 comment at the public meeting.

42 c. The Commission shall only certify a plan to establish
43 legislative districts that ensures fair representation such that each of
44 the two major political parties has an equal number of districts more
45 favorable to that party. A district shall be more favorable to a
46 political party if the percentage of total votes received in that
47 district in all Statewide general elections by that party over the
48 preceding decade for the offices of United States President, United

1 States Senator, and Governor exceeds the percentage of total votes
2 that party received in the average district in the plan, weighting
3 each district equally.

4 d. The Commission shall only certify a plan to establish
5 legislative districts that ensures that at least 25 percent of all
6 districts are competitive districts, which shall mean a district that is
7 more favorable to either major political party by no more than five
8 percentage points of the average district in the plan. For each
9 competitive district in which the percentage of total votes for a
10 major political party exceeds that party's percentage of total votes
11 in the average district, there shall be a corresponding district in
12 which that party's percentage of total votes is less than the other
13 major party's percentage of total votes in the average district by
14 approximately the same percentage.

15 e. In certifying a plan, the provisions of subparagraphs c. and
16 d. of this paragraph shall supersede all other considerations, except
17 that the Commission, in all circumstances, shall only certify a plan
18 in which all districts comply with federal law, including but not
19 limited to any requirements on population deviation and of the
20 Voting Rights Act or any successor act, all districts are comprised
21 of contiguous territory, and all districts comply with the limitations
22 on division of municipalities set forth in Article IV, Section II,
23 paragraph 3 of this Constitution.

24 f. In deciding among multiple plans that meet the provisions of
25 subparagraphs c., d., and e. of this paragraph, the Commission shall
26 consider which plan best preserves communities of interest within
27 the same district. A community of interest shall mean a
28 geographically contiguous population sharing common interests
29 relevant to the legislative process such as trade areas,
30 communication and transportation networks, media markets, or
31 social, cultural, or economic interests.

32 (cf: Art. IV, Sec. III, par. 2; amended effective December 8, 1966)

33
34 2. When this proposed amendment to the Constitution is finally
35 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
36 shall be submitted to the people at the next general election
37 occurring more than three months after the final agreement and
38 shall be published at least once in at least one newspaper of each
39 county designated by the President of the Senate, the Speaker of the
40 General Assembly and the Secretary of State, not less than three
41 months prior to the general election.

42
43 3. This proposed amendment to the Constitution shall be
44 submitted to the people at that election in the following manner and
45 form:

46 There shall be printed on each official ballot to be used at the
47 general election, the following:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- a. In every municipality in which voting machines are not used,
a legend which shall immediately precede the question as follows:
If you favor the proposition printed below make a cross (X), plus
(+), or check (✓) in the square opposite the word "Yes." If you are
opposed thereto make a cross (X), plus (+) or check (✓) in the
square opposite the word "No."
b. In every municipality the following question:

	CONSTITUTIONAL AMENDMENT REQUIRING STANDARDS AND A PUBLIC PROCESS IN ESTABLISHING LEGISLATIVE DISTRICTS Do you approve changing the Constitution to change the membership of the Apportionment Commission, require public hearings, and set standards for the way it creates legislative districts? Do you approve adding ¹two more members, one from each major political party and¹ to the commission¹ an independent member ¹at the beginning of the process¹, ¹to the commission¹ and changing who appoints some of the members¹? Do you approve banning legislators from serving on the commission? Do you approve requiring the commission to provide information to and take comments from the public? The amendment would also require the commission to hold at least three public hearings. Do you approve requiring the commission to establish districts that are competitive and fairly represent voter preferences? This amendment would also require preserving communities of interest within the same district.
YES	

	INTERPRETIVE STATEMENT Districts for the New Jersey Legislature are established by the Apportionment Commission every 10 years after the federal national census is taken. This ensures that each district has approximately the same number of people. This amendment to the Constitution would increase from 10 to ~~'[13] 11'~~¹ the number of members of the commission, none of whom could be a member of the Senate or General Assembly. This amendment would require an independent member of the commission to be appointed from the start of the process by the Chief Justice of the Supreme Court. This amendment would require each of the leaders of both major parties in the Senate and General Assembly to appoint ~~'[two members]~~ <u>one member</u>¹. Presently, all the members are appointed by the chairs of the two major political parties. Under this amendment, each chair would appoint ~~'[two]~~ <u>three</u>¹ members. The members of the commission would be appointed with regard to ethnic and racial diversity, as well as geographical diversity which is already required. This amendment would require the commission to hold at least three public hearings in different parts of the State. The commission would also be required to provide information to the public, and accept district plans and comments from the public. This amendment would require the commission to vote to establish the legislative districts at a public meeting. The commission would be required to take comments from the public at that meeting. This amendment would prohibit creating a plan in which more than half of the districts favor either major political party compared to the average district. It also would require at least 25 percent of the districts to be competitive. The amendment would also require communities of interest within districts to be preserved. This amendment would require districts to comply with federal law and be comprised of contiguous territory. This amendment requires the districts to follow the limit on dividing municipalities already set forth in the Constitution.
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NO