

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY CONCURRENT RESOLUTION No. 188

with committee amendments

STATE OF NEW JERSEY

DATED: JULY 9, 2020

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Concurrent Resolution No. 188.

The United States Constitution requires a census to be taken every ten years to count the people living in the United States. Data received by the states from the United States Census Bureau is used to create new legislative districts at the start of each new decade to ensure residents have equal representation from their elected officials. However, in New Jersey, if the federal census data is not received by February 15 of the year ending in one, the new legislative districts cannot be ready on time to meet the legal deadlines for state legislative elections, causing disruptions in the election process. The COVID-19 pandemic has caused the United States Census Bureau to delay its procedures for collecting census data. This delay in data collection may delay the release of the census data to the states, possibly as late as July 31, 2021. This means that New Jersey will not receive the population count on time to create the new legislative districts to meet the legal deadlines for the 2021 State legislative elections.

This constitutional amendment requires the Apportionment Commission to delay its adoption of new legislative districts when the United States Census Bureau does not provide the Governor the redistricting census data by February 15 of the year ending in one.

Currently, the State Constitution requires new legislative districts to be adopted every 10 years following the Governor's receipt of the decennial census results. The United States Census Bureau conducts the count of the population in each year ending in zero, and provides this data to the states in the year following the year in which the census is taken, ending in one. The State Constitution requires the Apportionment Commission to certify the new legislative districts within one month after the Governor receives the official census data for New Jersey, or on or before February 1 of the year ending in one, whichever date is later. If the 10-member bipartisan commission cannot adopt the new districts within that month, then the Supreme Court appoints an independent member to break the tie vote. The 11-member commission then has one more month to adopt the new districts. Usually, the new districts are ready to be used in the June primary and November general elections for legislators that occur in

that year ending in one. However, if the census data is delayed, the new legislative districts would not be ready on time to meet these State legislative election deadlines.

This constitutional amendment modifies the schedule for adopting the legislative districts when the census data is delayed.

As amended by the committee, this constitutional amendment provides that if the Governor receives the census data after February 15 of the year ending in one, the commission will certify the new districts after the November general election of that year, but not later than March 1 of the year ending in two. As amended by the committee, this constitutional amendment also requires the commission to begin conducting its business upon the receipt by the Governor of the official decennial census of the United States for New Jersey, and requires the eleventh member of the commission to be appointed by the Chief Justice of the Supreme Court of New Jersey within one month of the Governor's receipt of that census data.

The new districts will be used for legislative elections beginning in the year ending in three, and will continue to be used in elections until new districts are adopted after the next census. For the June primary and November general elections in the year ending in one, Senators and Assembly members will be elected by the voters of their existing districts, instead of the new districts. As usual, Senators and Assembly members run for office in the year ending in one and are elected for a term of two years. The old districts will also be in effect in the year ending in two for election purposes, if any legislative election is held in that year.

This constitutional amendment will not alter the appointment of the members of the commission made by the State political party chairs pursuant to Article IV, Section III, paragraph 1 of the State Constitution on or before November 15, and certified by the Secretary of State on or before December 1, of the year in which the census is taken.

COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) require the commission to certify the new districts not later than March 1 of the year ending in two, rather than December 31 of the year ending in one;

(2) require the commission to begin conducting its business upon the receipt by the Governor of the official decennial census of the United States for New Jersey;

(3) require the eleventh member of the commission to be appointed by the Chief Justice of the Supreme Court of New Jersey within one month of the Governor's receipt of that census data; and

(4) clarify that this constitutional amendment will not alter the appointment of the members of the commission made by the State political party chairs pursuant to Article IV, Section III, paragraph 1 of

the State Constitution on or before November 15, and certified by the Secretary of State on or before December 1, of the year in which the census is taken.