

**SENATE CONCURRENT
RESOLUTION No. 128**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED AUGUST 20, 2020

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

SYNOPSIS

Proposes constitutional amendment to establish redistricting standards for Apportionment Commission; requires Chief Justice of Supreme Court to select 11th member from pool of general public applicants; requires commission to hold public hearings.

CURRENT VERSION OF TEXT

As introduced.



1 **A CONCURRENT RESOLUTION** proposing to amend Article IV,
2 Section II, paragraphs 1, 2, 3, and 4, and Article IV, Section III,
3 paragraphs 1 and 2 of, and to amend Article IV, Section II by
4 adding a new paragraph to, the Constitution of the State of New
5 Jersey.

6
7 **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*
8 *General Assembly concurring):*

9
10 1. The following proposed amendment to the Constitution of the
11 State of New Jersey is hereby agreed to:

12
13 PROPOSED AMENDMENT

14
15 a. Amend Article IV, Section II, paragraphs 1, 2, 3, and 4 to
16 read as follows:

17 1. The Senate shall be composed of forty senators **【**apportioned
18 among Senate districts as nearly as may be according to the number
19 of their inhabitants as reported in the last preceding decennial
20 census of the United States and according to the method of equal
21 proportions. Each Senate district shall be composed, wherever
22 practicable, of one single county, and, if not so practicable, of two
23 or more contiguous whole counties**】**.

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

25
26 2. **【**Each senator shall be elected by the legally qualified voters
27 of the Senate district, except that if the Senate district is composed
28 of two or more counties and two senators are apportioned to the
29 district, one senator shall be elected by the legally qualified voters
30 of each Assembly district.**】** Each senator shall be elected by the
31 legally qualified voters of each legislative district for a term
32 beginning at noon of the second Tuesday in January next following
33 his election and ending at noon of the second Tuesday in January
34 four years thereafter, except that each senator, to be elected for a
35 term beginning in January of the second year following the year in
36 which a decennial census of the United States is taken, shall be
37 elected for a term of two years.

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

39
40 3. The General Assembly shall be composed of eighty members.
41 **【**Each Senate district to which only one senator is apportioned shall
42 constitute an Assembly district. Each of the remaining Senate
43 districts shall be divided into Assembly districts equal in number to
44 the number of senators apportioned to the Senate district. The
45 Assembly districts shall be composed of contiguous territory, as
46 nearly compact and equal in the number of their inhabitants as
47 possible, and in no event shall each such district contain less than

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.

1 eighty per cent nor more than one hundred twenty per cent of one-
2 fortieth of the total number of inhabitants of the State as reported in
3 the last preceding decennial census of the United States. Unless
4 necessary to meet the foregoing requirements, no county or
5 municipality shall be divided among Assembly districts unless it
6 shall contain more than one-fortieth of the total number of
7 inhabitants of the State, and no county or municipality shall be
8 divided among a number of Assembly districts larger than one plus
9 the whole number obtained by dividing the number of inhabitants in
10 the county or municipality by one-fortieth of the total number of
11 inhabitants of the State】.

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

13

14 4. Two members of the General Assembly shall be elected by
15 the legally qualified voters of each 【Assembly】 legislative district
16 for terms beginning at noon of the second Tuesday in January next
17 following their election and ending at noon of the second Tuesday
18 in January two years thereafter.

19 (cf: Art.IV, Sec.II, par.4; amended effective December 8, 1966)

20

21 b. Amend Article IV, Section II by adding a new paragraph 5
22 to read as follows:

23

24 5. Every legislative district established by the Apportionment
25 Commission, pursuant to Article IV, Section III of the New Jersey
26 Constitution, shall be composed of contiguous territory and be as
27 nearly compact and equal in the number of inhabitants as possible.
28 No district shall be drawn to favor a political party, incumbent
29 legislator, or other person or group, or to dilute the voting strength
30 of a language or racial minority group.

31 In establishing legislative districts, the Commission shall not use
32 any of the following information:

33 (1) addresses of incumbent legislators;

34 (2) political affiliations of registered voters;

35 (3) previous election results; or

36 (4) demographic information, other than population head counts,
37 except as required by the Constitution and the laws of the United
38 States.

39

40 c. Amend Article IV, Section III, paragraphs 1 and 2 to read as
41 follows:

42 1. a. After the next and every subsequent decennial census of
43 the United States, 【the Senate districts and Assembly】 legislative
44 districts shall be established【, and the senators and members of the
45 General Assembly shall be apportioned among them,】 by an
46 Apportionment Commission consisting of 【ten】 11 members 【, five
47 to be】 . Ten of the members shall be appointed as follows: three

1 members appointed by **the** each chairman of the State committee
2 of each of the two major political parties whose candidates for
3 Governor receive the largest number of votes at the most recent
4 gubernatorial election; one member appointed by the President of
5 the Senate; one member appointed by the Speaker of the General
6 Assembly; one member appointed by the Minority Leader of the
7 Senate; and one member appointed by the Minority Leader of the
8 General Assembly. The Chief Justice of the Supreme Court of New
9 Jersey shall appoint the 11th member of the Commission. That
10 person shall be a registered voter who has not been affiliated with
11 any political party for at least 10 years preceding to the date of
12 application to serve in that position. The 11th member of the
13 Commission shall be selected by the Chief Justice pursuant to
14 subparagraph b. of this paragraph. The person appointed as the
15 11th member of the Commission shall serve as its chairman. Each
16 **State chairman** person, in making such appointments, shall give
17 due consideration to the representation of the various geographical
18 areas of the State and to ethnic, gender, and racial diversity.
19 **Appointments** All appointments to the Commission shall be made
20 on or before November 15 of the year in which such census is taken
21 and shall be certified by the Secretary of State on or before
22 December 1 of that year. **The Commission**, by a majority of the
23 whole number of its members, shall certify the establishment of
24 Senate and Assembly districts and the apportionment of senators
25 and members of the General Assembly to the Secretary of State
26 within one month of the receipt by the Governor of the official
27 decennial census of the United States for New Jersey, or on or
28 before February 1 of the year following the year in which the
29 census is taken, whichever date is later. **】**

30 b. The 11th member of the Commission shall be selected as
31 follows.

32 (1) No later than May 1 of the year preceding the year in which
33 the census is taken, the Chief Justice of the Supreme Court of New
34 Jersey shall issue an invitation to the general public to apply to
35 serve as the 11th member of the Commission. Applications shall be
36 available in either paper form or by electronic means from the
37 office of the Chief Justice and may be returned completed to that
38 office by postal delivery or electronic means. The application
39 period shall end on October 31st of the year preceding the year in
40 which the census is taken.

41 (2) To be eligible to serve as the 11th member of the
42 Commission, an applicant shall be registered to vote in this State,
43 and for at least 10 years preceding the date of application shall not
44 have, or have a family member who has:

45 (a) been appointed or elected to, or been a candidate for, federal
46 or State elective public office;

1 **(b) served as an officer, employee, or paid consultant of a**
2 **political party or of the campaign committee of a candidate for**
3 **federal or State elective public office;**
4 **(c) served as an elected or appointed member of a political**
5 **party;**
6 **(d) been a registered federal or State lobbyist or governmental**
7 **affairs agent, as defined by statutory law;**
8 **(e) served as paid congressional or legislative officer or**
9 **employee; or**
10 **(f) contributed more than \$2,000 in any calendar year to any**
11 **congressional, State, or local candidate for elective public office,**
12 **which amount shall be adjusted every 10 years to reflect the**
13 **cumulative change to the Consumer Price Index, or its successor.**
14 **In addition, a person serving as the employee of, consultant to, or**
15 **holding a contract with the Governor of this State, a member of the**
16 **Legislature, or a member of the Congress of the United States**
17 **elected from this State, or a member of that person's immediate**
18 **family, shall not be eligible to serve as the 11th member of the**
19 **Commission. For this purpose, "immediate family" shall include**
20 **any person with whom the 11th member of the Commission has a**
21 **bona fide relationship established through blood or legal**
22 **connection, including parent, spouse, child, sibling, and in-law.**
23 **(3) Starting on November 1 of the year preceding the year in**
24 **which the census is taken, all applications received from members**
25 **of the general public to serve as the 11th member of the**
26 **Commission shall be reviewed by a committee of five persons**
27 **appointed by the Chief Justice of the Supreme Court of New Jersey.**
28 **One member of the committee shall be a registered voter affiliated**
29 **with the political party whose candidate for the office of Governor**
30 **received the largest number of votes at the most recent**
31 **gubernatorial election. One member of the committee shall be a**
32 **registered voter affiliated with the political party whose candidate**
33 **for the office of Governor received the next largest number of votes**
34 **at the most recent gubernatorial election. Three members of the**
35 **committee shall be registered voters who have not been affiliated**
36 **with any political party for at least 10 years prior to the date of**
37 **appointment to the committee. Vacancies in the membership of the**
38 **committee shall be filled in the same manner as the original**
39 **appointments were made within five days of their occurrence. All**
40 **meetings of the committee shall be closed to the public. Among the**
41 **factors the committee shall consider when reviewing the**
42 **applications are an applicant's demonstrated analytical skills,**
43 **ability to be impartial, and appreciation of the State's diverse**
44 **demographics and geography. The committee shall complete its**
45 **review of the applications and provide the Chief Justice, no later**
46 **than April 30th of the year in which the census is taken, with the**
47 **names of and relevant information concerning seven persons, one of**

1 whom shall be selected by the Chief Justice as the 11th member of
2 the Commission.

3 (4) On May 1st of the year in which the census is taken, the
4 Chief Justice of the Supreme Court of New Jersey shall announce to
5 the public the names of the seven persons selected by the
6 committee. From that date until the next succeeding September 1st,
7 information concerning the seven persons so selected shall be made
8 available to the public by such means as are deemed appropriate by
9 the Chief Justice. Members of the public may submit to the Chief
10 Justice such comments and information regarding any of the seven
11 persons so selected and believed necessary by those members of the
12 public for the Chief Justice to consider before making the selection
13 of an 11th member of the Commission.

14 (5) On November 1st of the year in which the census is taken,
15 the Chief Justice of the Supreme Court of New Jersey shall
16 announce to the public the name of the person the Chief Justice has
17 selected to serve as the 11th member of the Commission. A
18 vacancy in the position of 11th member of the Commission shall be
19 filled within five days of its occurrence by the appointment by the
20 Chief Justice of one of the six remaining persons selected by the
21 committee.

22 c. The Commission shall hold at least three public hearings, one
23 each in the northern, southern, and central parts of the State.

24 d. The Commission shall establish a website, to be administered
25 by the Office of Legislative Services, or its successor, by January 1
26 of the year following the year in which the census is taken. The
27 website shall describe, in plain language, the process of the
28 Commission, and provide a process for members of the public to
29 submit written plans for the establishment of legislative districts
30 and more general comments to the Commission. The website shall
31 also provide access to the recordings of the public hearings and the
32 materials submitted to the Commission, and provide such other
33 information as the Commission deems appropriate. The
34 commission may review, subject to the constraints of time and
35 convenience, the written plans for the establishment of legislative
36 districts submitted by members of the general public.

37 e. The Commission shall arrange for a Certified Court Reporter
38 or a reporter from the Office of Legislative Services, or its
39 successor, to be present at the public hearings of the Commission to
40 transcribe the full proceedings of the public hearings. A written
41 transcript of each public hearing shall be prepared as soon as
42 possible after such hearing and shall be made available to the
43 members of the Commission.

44 f. The transcripts of the public hearings prepared by the
45 Certified Court Reporter or the Office of Legislative Services, or its
46 successor, shall become part of the official records of the
47 Commission and shall be submitted to the Secretary of State with

1 other official records of the Commission, if any, when the
2 Commission terminates its business.

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.】** The Commission so constituted, by a
11 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】** 40
16 legislative districts **【and the apportionment of senators and**
17 **members of the General Assembly】.**

18 (cf: Art.IV, Sec.III, par.2: amended effective December 8, 1996)

19
20 2. When this proposed amendment to the Constitution is finally
21 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
22 shall be submitted to the people at the next general election
23 occurring more than three months after the final agreement and
24 shall be published at least once in at least one newspaper of each
25 county designated by the President of the Senate, the Speaker of the
26 General Assembly and the Secretary of State, not less than three
27 months prior to the general election.

28
29 3. This proposed amendment to the Constitution shall be
30 submitted to the people at that election in the following manner and
31 form:

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

34 a. In every municipality in which voting machines are not used,
35 a legend which shall immediately precede the question as follows:

36 If you favor the proposition printed below make a cross (X), plus
37 (+), or check (✓) in the square opposite the word "Yes." If you are
38 opposed thereto make a cross (X), plus (+) or check (✓) in the
39 square opposite the word "No."

40 b. In every municipality the following question:

:	YES	<p>CONSTITUTIONAL AMENDMENT SETTING REDISTRICTING REQUIREMENTS AND A PUBLIC PROCESS FOR ESTABLISHING LEGISLATIVE DISTRICTS</p> <p>Do you approve amending the Constitution to change the membership of the Apportionment Commission and to set standards for the way it creates legislative districts?</p> <p>Do you approve adding an independent member to the commission at the start of the process? Do you approve requiring the person to be chosen from members of the general public who apply?</p> <p>Do you approve having the commission hold at least three public hearings?</p> <p>Do you approve having the commission establish a website to provide information to the public and to accept comments and districting plans from the public?</p>
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		<p>INTERPRETIVE STATEMENT</p> <p>This amendment to the Constitution provides standards for the Apportionment Commission to follow when creating districts for the New Jersey Legislature.</p> <p>Under the amendment, no legislative district could be drawn to favor a political party, sitting legislator, or other person, or to dilute the voting strength of a language or racial minority group. The addresses of sitting legislators, the political party of voters, and prior election results could not be used to draw districts.</p> <p>This amendment also increases from 10 to 11 the number of members of the commission. It requires an independent member to be appointed at the start of the process by the Chief Justice of the New Jersey Supreme Court. It provides a process for choosing that independent member from members of the general public. Presently, the Chief Justice appoints a member only when the commission cannot come up with a district plan</p> <p>The amendment also requires each of the leaders of the Senate and General Assembly to appoint one member of the commission. Presently, all the members of the commission are appointed by the chairs of the two major political parties in the State. Under this amendment, each chair appoints three members.</p> <p>This amendment also requires the commission to hold at least three public hearings in different parts of the State. The commission is required to set up a website to provide information to the public, and accept district plans and comments from the public.</p>
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STATEMENT

The purpose of this Constitutional Amendment is to establish redistricting standards for use by the Apportionment Commission when it establishes legislative districts, and to increase the membership of the commission.

Specifically, the amendment prohibits the creation of legislative districts that favor a political party, an incumbent office holder or other person or group, or dilute the voting strength of a language or racial minority group.

It also prohibits the use of:

- 1) addresses of incumbent legislators;
- 2) political affiliations of registered voters;
- 3) previous election results; or
- 4) demographic information, other than population head counts, except as required by the Constitution and the laws of the United States.

This constitutional amendment would also increase the number of members of the commission from 10 to 11 members. Currently, the chairs of the State Committees of the two major political parties each appoint five members to the commission. This constitutional amendment would require the chairs of both State Committees to each appoint three members to the commission.

This amendment would also require the four legislative leaders from both major political parties to each appoint one member. The legislative leaders are the President of the Senate, the Speaker of the General Assembly, the Minority Leader of the Senate, and the Minority Leader of the General Assembly.

The Chief Justice of the Supreme Court of New Jersey would appoint the 11th member, who would also serve a chair of the commission. That person would be a registered voter who has not been affiliated with any political party for at least 10 years preceding the date of application for the position. The 11th member is to be selected by the Chief Justice from a pool of seven applicants from the general public that are recommended by a committee of five persons appointed by the Chief Justice. Each of the members of the commission would be appointed with due consideration to geographic, ethnic, gender, and racial diversity.

Currently, if the commission fails to complete its work, the Chief Justice appoints one additional member. This amendment would require that member to be appointed from the start of the process, instead of one month after the process begins as is required currently.

The amendment requires that the Apportionment Commission hold at least three public hearings, one each in the northern, southern, and central parts of the State. The commission would establish a website, to be administered by the Office of Legislative Services, a nonpartisan State agency, to inform the public about the

1 commission's work. This website would also allow members of the
2 public to submit plans and comments. The commission may,
3 subject to the constraints of time and convenience, review the
4 written plans for the establishment of legislative districts submitted
5 by members of the general public. A transcript of each public
6 hearing is to be made and to become part of the official record of
7 the commission that is submitted to the Secretary of State with
8 other official records when the commission terminates its business.