

Article IV, Section III, Paragraph 2 New Jersey Constitution

LEGISLATIVE HISTORY CHECKLIST

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(Modifies legislative redistricting schedule if census data is delayed)

New Jersey Constitution: Article IV, Section VII, Paragraph 2

BILL NO: ARC188

SPONSOR: McKeon, Jamenez, Wimberly, Lopez, Scutari, Timberlake, Giblin, Reynolds-Jackson, Jasey, Chaparro, Quijano, Mejia, McKnight, Speight, Pintor Marin

DATE INTRODUCED: 3/5/2020

COMMITTEE: **Assembly:** Judiciary

Senate: --

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 7/30/2020

SENATE: 7/30/2020

FILED WITH SECRETARY OF STATE: 7/30/2020

DATE OF ADOPTION: 11/3/2020

EFFECTIVE: 12/3/2020

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

SPONSOR'S STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: Yes

974.90 Committee meeting of Assembly Judiciary Committee: the following bill(s) will be considered : Assembly
L514 Concurrent Resolution No. 188: July 9 2020, [Trenton, New Jersey]
2020a

974,90 Public hearing before Assembly Judiciary Committee : the public hearing will be held in compliance with
L514 Article IX, paragraph 1 of the New Jersey Constitution and Rule 19:3 of the General Assembly on the
2020b following Assembly Concurrent Resolution: Assembly Concurrent Resolution 188 (1R): proposes
amendment to modify legislative redistricting schedule if receipt by Governor of decennial census of United
States is delayed: July 20, 2020. [Trenton, NJ]

NEWSPAPER ARTICLES:

Yes

Johnson, Brent, 'Democrats to ask voters to delay redrawing how power is allocated in N.J. Legislature', *The Star-Ledger*, 7/7/2020

Johnson, Brent, 'Democrats to ask voters to delay redistricting', *The South Jersey Times*, 7/8/2020, pg 2

Johnson, Brent, 'Dems to ask voters to delay redistricting rawing how power is allocated in N.J. Legislature Redistricting', *The Times*, 7/9/2020, pg 10

'Kennedy win doesn't spell end to Norcross machine', *The South Jersey Times*, 7/10/2020, pg 12

'Amid COVID-19 crisis, lawmakers struggle over fate of N.J.'s political map', *The Hunterdon County Democrat*, 7/12/2020, pg 19

'Trump attempts to tamper with census will hurt N.J. Republicans', *The Hunterdon County Democrat*, 7/26/2020, pg 10

Moran, Tom, 'Change the state Constitution. Protect Jersey from Trump's Census mischief.' *The Star-Ledger*, 7/26/2020

Wang, Sam, Aaron Barden, Ronald Chen, 'Don't make communities of color wait for fair representation', *The South Jersey Times*, 7/30/2020, pg 18

Barchenger, Stacey, 'NJ ballot question 3: Should redistricting be delayed by a late census? What you need to know', *northjersey.com*, 10/9/2020

Barchenger, Stacey, 'Should Late Census Delay New Jersey's Redistricting?', *The Record*, 10/10/2020, pg A6

'A yes vote on census helps N.J. get the count right', *The Hunterdon County Democrat*, 10/18/2020, pg 18

Kahn, Lea, 'Voters asked to weigh in on legalized marijuana, tax credit for veterans, changing legislative redistricting schedule', *The Cranbury Press*, 10/21/2020

Scheer, Rebecca, "'Yes' vote is wrong solution to bad census count | Letters to the Editor', *The Star-Ledger*, 10/26/2020

'NJ public question 3: Live results on drawing voting districts', *northjersey.com*, 11/2/2020

KA

**ASSEMBLY CONCURRENT
RESOLUTION No. 188**

**STATE OF NEW JERSEY
219th LEGISLATURE**

INTRODUCED JULY 6, 2020

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Co-Sponsored by:

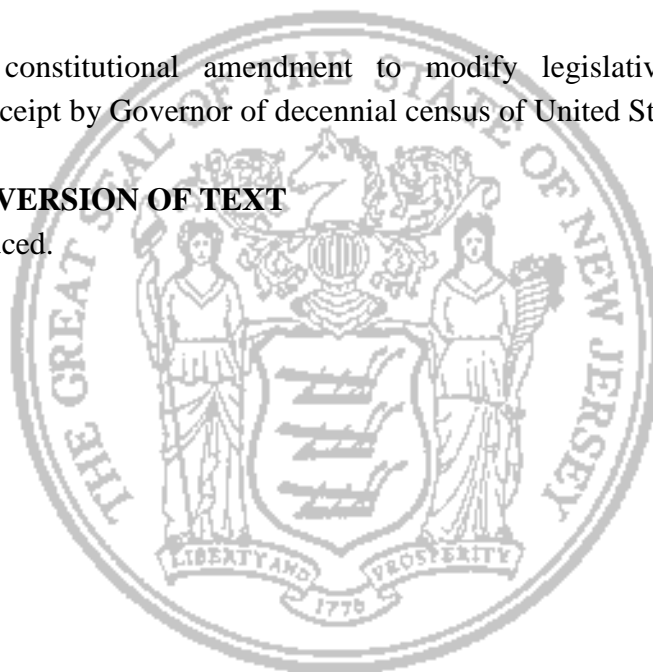
**Assemblywoman Timberlake, Assemblyman Giblin, Assemblywomen
Reynolds-Jackson and Jasey**

SYNOPSIS

Proposes constitutional amendment to modify legislative redistricting schedule if receipt by Governor of decennial census of United States is delayed.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/9/2020)

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

3

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

6

7 1. The following proposed amendment to the Constitution of the
8 State of New Jersey is hereby agreed to:

9

10 **PROPOSED AMENDMENT**

11

12 Amend Article IV, Section III, by adding a new paragraph 4 to
13 read as follows:

14

15 4. Notwithstanding the provisions of paragraphs 1, 2, and 3 of
16 this Section III, when the receipt by the Governor of the official
17 decennial census of the United States for New Jersey occurs after
18 February 15 of the year ending in one, following the year in which
19 the census is taken, the commission shall certify the establishment of
20 Senate and Assembly districts and the apportionment of Senators and
21 members of the General Assembly to the Secretary of State after the
22 November general election of that year ending in one, but not later
23 than December 31 of that year. Such establishment and
24 apportionment shall be used for the election of members of the Senate
25 and General Assembly beginning with elections conducted in the
26 year ending in three, and elections thereafter, and shall remain
27 unaltered until the following decennial census of the United States
28 for New Jersey shall have been received by the Governor.

29 The Senate and Assembly districts certified to the Secretary of
30 State by the previous Apportionment Commission for the previous
31 decade shall remain in effect in that year ending in one and in the
32 year ending in two, and shall be used for legislative elections in those
33 years.

34 For the election of members of the Senate and General Assembly
35 occurring in November of that year ending in one, members shall be
36 elected by the legally qualified voters of their district as drawn by the
37 previous Apportionment Commission for the previous decade, for
38 terms beginning at noon of the second Tuesday in January next
39 following their election and ending at noon of the second Tuesday in
40 January two years thereafter.

41

42 2. When this proposed amendment to the Constitution is finally
43 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
44 shall be submitted to the people at the next general election occurring
45 more than three months after the final agreement and shall be
46 published at least once in at least one newspaper of each county
47 designated by the President of the Senate, the Speaker of the General

1 Assembly and the Secretary of State, not less than three months prior
2 to the general election.

3

4 3. This proposed amendment to the Constitution shall be
5 submitted to the people at that election in the following manner and
6 form:

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

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

11 If you favor the proposition printed below make a cross (X), plus
12 (+), or check (✓) in the square opposite the word "Yes." If you are
13 opposed thereto make a cross (X), plus (+) or check (✓) in the square
14 opposite the word "No."

15 b. In every municipality the following question:
16

		<p>CONSTITUTIONAL AMENDMENT TO CHANGE THE LEGISLATIVE REDISTRICTING SCHEDULE IF CENSUS DATA IS DELAYED</p> <p>Do you approve amending the Constitution to change when new legislative districts are created if the federal census data is delayed?</p> <p>The current COVID-19 pandemic has delayed census data collection. If New Jersey does not receive the census data in a timely manner, new legislative districts may not be ready in time for State legislative elections in the year ending in one.</p> <p>This change to the redistricting schedule will allow legislators to be elected that year from their existing districts for their two-year term in office. The new districts will be used starting with the next scheduled general election for the State legislature.</p>
	YES	

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	NO	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This constitutional amendment changes when new legislative districts are created if the federal census data is delayed.</p> <p>The United States Constitution requires that a census be taken every ten years to count the people living in the country. Census data is then used to create new legislative districts to ensure residents have equal representation from elected officials. However, the current COVID-19 pandemic has delayed census data collection. This may delay census data to the states and may affect the creation of new legislative districts.</p> <p>The State Constitution requires an Apportionment Commission to create new legislative districts every ten years after the federal census is completed. If the census data is delayed, the new legislative districts may not be created in a timely manner to hold elections.</p> <p>This constitutional amendment requires the commission to delay creating the new districts if the Governor receives the federal census data after February 15 of the year ending in one. The commission will adopt the new districts after the November general election, but not later than December 31 of that year.</p> <p>The new districts will be used starting with legislative elections in the year ending in three. They will continue to be used until new districts are again created by the Apportionment Commission after the next federal census.</p> <p>For the June primary and November general elections in the year ending in one, Senators and Assembly members will use their existing districts to run for a term of two years. The old districts will also be in effect in the year ending in two if any legislative election is held in that year.</p>
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STATEMENT

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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. It 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 but not later than December 31 of that year. 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

ACR188 MCKEON, JIMENEZ

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1 June primary and November general elections in that year ending in
2 one, Senators and Assembly members will be elected by the voters
3 of their existing districts, instead of the new districts. As usual,
4 Senators and Assembly members run for office in the year ending in
5 one and are elected for a term of two years. The old districts will
6 also be in effect in the year ending in two for election purposes, if
7 any legislative election is held in that year.

**SENATE CONCURRENT
RESOLUTION No. 123**

**STATE OF NEW JERSEY
219th LEGISLATURE**

INTRODUCED JULY 9, 2020

Sponsored by:
Senator NICHOLAS P. SCUTARI
District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Proposes constitutional amendment to modify legislative redistricting schedule if receipt by Governor of decennial census of United States is delayed.

CURRENT VERSION OF TEXT

As introduced.



SCR123 SCUTARI

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

3

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

6

7 1. The following proposed amendment to the Constitution of
8 the State of New Jersey is hereby agreed to:

9

10 PROPOSED AMENDMENT

11

12 Amend Article IV, Section III, by adding a new paragraph 4 to
13 read as follows:

14

15 4. Notwithstanding the provisions of paragraphs 1, 2, and 3 of
16 this Section III, when the receipt by the Governor of the official
17 decennial census of the United States for New Jersey occurs after
18 February 15 of the year ending in one, following the year in which
19 the census is taken, the commission shall certify the establishment
20 of Senate and Assembly districts and the apportionment of Senators
21 and members of the General Assembly to the Secretary of State
22 after the November general election of that year ending in one, but
23 not later than March 1 of the year ending in two. The commission
24 shall begin conducting its business upon the receipt by the
25 Governor of the official decennial census of the United States for
26 New Jersey, and the eleventh member of the commission shall be
27 appointed by the Chief Justice of the Supreme Court of New Jersey
28 within one month of the Governor's receipt of that census data.
29 Such establishment and apportionment shall be used for the election
30 of members of the Senate and General Assembly beginning with
31 elections conducted in the year ending in three, and elections
32 thereafter, and shall remain unaltered until the following decennial
33 census of the United States for New Jersey shall have been received
34 by the Governor.

35 The Senate and Assembly districts certified to the Secretary of
36 State by the previous Apportionment Commission for the previous
37 decade shall remain in effect in that year ending in one and in the
38 year ending in two, and shall be used for legislative elections in
39 those years.

40 For the election of members of the Senate and General Assembly
41 occurring in November of that year ending in one, members shall be
42 elected by the legally qualified voters of their district as drawn by
43 the previous Apportionment Commission for the previous decade,
44 for terms beginning at noon of the second Tuesday in January next
45 following their election and ending at noon of the second Tuesday
46 in January two years thereafter.

47

48 2. When this proposed amendment to the Constitution is finally
49 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it

SCR123 SCUTARI

1 shall be submitted to the people at the next general election
2 occurring more than three months after the final agreement and
3 shall be published at least once in at least one newspaper of each
4 county designated by the President of the Senate, the Speaker of the
5 General Assembly and the Secretary of State, not less than three
6 months prior to the general election.

7

8 3. This proposed amendment to the Constitution shall be
9 submitted to the people at that election in the following manner and
10 form:

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

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

15 If you favor the proposition printed below make a cross (X), plus
16 (+), or check (✓) in the square opposite the word "Yes." If you are
17 opposed thereto make a cross (X), plus (+) or check (✓) in the
18 square opposite the word "No."

19 b. In every municipality the following question:

20

	YES	<p>CONSTITUTIONAL AMENDMENT TO CHANGE THE LEGISLATIVE REDISTRICTING SCHEDULE IF CENSUS DATA IS DELAYED</p> <p>Do you approve amending the Constitution to change when new legislative districts are created if the federal census data is delayed?</p> <p>The current COVID-19 pandemic has delayed census data collection. If New Jersey does not receive the census data in a timely manner, new legislative districts may not be ready in time for State legislative elections in the year ending in one.</p> <p>This change to the redistricting schedule will allow legislators to be elected that year from their existing districts for their two- year term in office. The new districts will be used starting with the next scheduled general election for the State legislature.</p>
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SCR123 SCUTARI

	NO	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This constitutional amendment changes when new legislative districts are created if the federal census data is delayed.</p> <p>The United States Constitution requires that a census be taken every ten years to count the people living in the country. Census data is then used to create new legislative districts to ensure residents have equal representation from elected officials. However, the current COVID-19 pandemic has delayed census data collection. This may delay census data to the states and may affect the creation of new legislative districts.</p> <p>The State Constitution requires an Apportionment Commission to create new legislative districts every ten years after the federal census is completed. If the census data is delayed, the new legislative districts may not be created in a timely manner to hold elections.</p> <p>This constitutional amendment requires the commission to delay creating the new districts if the Governor receives the federal census data after February 15 of the year ending in one. The commission will adopt the new districts after the November general election, but not later than March 1 of the year ending in two.</p> <p>The new districts will be used starting with legislative elections in the year ending in three. They will continue to be used until new districts are again created by the Apportionment Commission after the next federal census.</p> <p>For the June primary and November general elections in the year ending in one, Senators and Assembly members will use their existing districts to run for a term of two years. The old districts will also be in effect in the year ending in two if any legislative election is held in that year.</p> <p>This amendment requires the commission to begin conducting its business when the Governor receives the census data. It also requires the eleventh member of the commission to be appointed by the Chief</p>
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SCR123 SCUTARI

	<p>Justice of the New Jersey Supreme Court within one month after the Governor receives the census data.</p> <p>Nothing in this amendment will 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.</p>
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STATEMENT

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

SCR123 SCUTARI

1 ready to be used in the June primary and November general
2 elections for legislators that occur in that year ending in one.
3 However, if the census data is delayed, the new legislative districts
4 would not be ready on time to meet these State legislative election
5 deadlines.

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

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

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

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

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.

[First Reprint]

**ASSEMBLY CONCURRENT
RESOLUTION No. 188**

**STATE OF NEW JERSEY
219th LEGISLATURE**

INTRODUCED JULY 6, 2020

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Assemblywoman Timberlake, Assemblyman Giblin, Assemblywomen Reynolds-Jackson, Jasey, Chaparro, Quijano, Assemblyman Mejia, Assemblywomen McKnight, Speight and Pintor Marin

SYNOPSIS

Proposes constitutional amendment to modify legislative redistricting schedule if receipt by Governor of decennial census of United States is delayed.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on July 9, 2020, with amendments.

(Sponsorship Updated As Of: 7/30/2020)

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

3

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

6

7 1. The following proposed amendment to the Constitution of
8 the State of New Jersey is hereby agreed to:

9

10 PROPOSED AMENDMENT

11

12 Amend Article IV, Section III, by adding a new paragraph 4 to
13 read as follows:

14

15 4. Notwithstanding the provisions of paragraphs 1, 2, and 3 of
16 this Section III, when the receipt by the Governor of the official
17 decennial census of the United States for New Jersey occurs after
18 February 15 of the year ending in one, following the year in which
19 the census is taken, the commission shall certify the establishment
20 of Senate and Assembly districts and the apportionment of Senators
21 and members of the General Assembly to the Secretary of State
22 after the November general election of that year ending in one, but
23 not later than ¹**【December 31 of that year】** March 1 of the year
24 ending in two. The commission shall begin conducting its business
25 upon the receipt by the Governor of the official decennial census of
26 the United States for New Jersey, and the eleventh member of the
27 commission shall be appointed by the Chief Justice of the Supreme
28 Court of New Jersey within one month of the Governor's receipt of
29 that census data¹. Such establishment and apportionment shall be
30 used for the election of members of the Senate and General
31 Assembly beginning with elections conducted in the year ending in
32 three, and elections thereafter, and shall remain unaltered until the
33 following decennial census of the United States for New Jersey
34 shall have been received by the Governor.

35 The Senate and Assembly districts certified to the Secretary of
36 State by the previous Apportionment Commission for the previous
37 decade shall remain in effect in that year ending in one and in the
38 year ending in two, and shall be used for legislative elections in
39 those years.

40 For the election of members of the Senate and General Assembly
41 occurring in November of that year ending in one, members shall be
42 elected by the legally qualified voters of their district as drawn by
43 the previous Apportionment Commission for the previous decade,
44 for terms beginning at noon of the second Tuesday in January next

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 July 9, 2020.

1 following their election and ending at noon of the second Tuesday
2 in January two years thereafter.

3

4 2. When this proposed amendment to the Constitution is finally
5 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
6 shall be submitted to the people at the next general election
7 occurring more than three months after the final agreement and
8 shall be published at least once in at least one newspaper of each
9 county designated by the President of the Senate, the Speaker of the
10 General Assembly and the Secretary of State, not less than three
11 months prior to the general election.

12

13 3. This proposed amendment to the Constitution shall be
14 submitted to the people at that election in the following manner and
15 form:

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

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

20 If you favor the proposition printed below make a cross (X), plus
21 (+), or check (✓) in the square opposite the word "Yes." If you are
22 opposed thereto make a cross (X), plus (+) or check (✓) in the
23 square opposite the word "No."

24 b. In every municipality the following question:

25

	YES	<p>CONSTITUTIONAL AMENDMENT TO CHANGE THE LEGISLATIVE REDISTRICTING SCHEDULE IF CENSUS DATA IS DELAYED</p> <p>Do you approve amending the Constitution to change when new legislative districts are created if the federal census data is delayed?</p> <p>The current COVID-19 pandemic has delayed census data collection. If New Jersey does not receive the census data in a timely manner, new legislative districts may not be ready in time for State legislative elections in the year ending in one.</p> <p>This change to the redistricting schedule will allow legislators to be elected that year from their existing districts for their two- year term in office. The new districts will be used starting with the next scheduled general election for the State legislature.</p>
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26

	<p>NO</p>	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This constitutional amendment changes when new legislative districts are created if the federal census data is delayed.</p> <p>The United States Constitution requires that a census be taken every ten years to count the people living in the country. Census data is then used to create new legislative districts to ensure residents have equal representation from elected officials. However, the current COVID-19 pandemic has delayed census data collection. This may delay census data to the states and may affect the creation of new legislative districts.</p> <p>The State Constitution requires an Apportionment Commission to create new legislative districts every ten years after the federal census is completed. If the census data is delayed, the new legislative districts may not be created in a timely manner to hold elections.</p> <p>This constitutional amendment requires the commission to delay creating the new districts if the Governor receives the federal census data after February 15 of the year ending in one. The commission will adopt the new districts after the November general election, but not later than ¹December 31 of that year] <u>March 1 of the year ending in two</u>¹.</p> <p>The new districts will be used starting with legislative elections in the year ending in three. They will continue to be used until new districts are again created by the Apportionment Commission after the next federal census.</p> <p>For the June primary and November general elections in the year ending in one, Senators and Assembly members will use their existing districts to run for a term of two years. The old districts will also be in effect in the year ending in two if any legislative election is held in that year.</p> <p>¹<u>This amendment requires the commission to begin conducting its business when the Governor receives the census data.</u></p>
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It also requires the eleventh member of the commission to be appointed by the Chief Justice of the New Jersey Supreme Court within one month after the Governor receives the census data.

Nothing in this amendment will 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.¹

1