Article II, Section I, Paragraphs 1-7; Section II, Paragraphs 1-9

New Jersey Constitution

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

New Jersey Constitution: Article II, Section I, paragraphs 1-7; Section II, Paragraphs 1-9

BILL NO: Assembly Concurrent Resolution 25 (A Concurrent Resolution proposing to amend Article II of the Constitution of the State of New Jersey)

SPONSOR: Assemblymen Franks & Martin and Senator Inverso

DATE INTRODUCED: February 3, 1992

COMMITTEE: **ASSEMBLY:** State Government

SENATE: State Government

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** May 6, 1993

SENATE: December 16, 1993

AMENDED AT GENERAL ELECTION: November 7, 1995

EFFECTIVE: December 7, 1995

FOLLOWING ARE ATTACHED IF AVAILABLE:

ACR25

FINAL TEXT OF BILL (Introduced bill enacted) Yes

SPONSOR'S STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY**: Yes

SENATE: Yes

SCR115

SPONSOR'S STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY**: No

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: N/A

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

Public hearing before Assembly State Government Committee : Assembly concurrent resolution no. 25 (ACS), proposes an amendment to the Constitution creating the New Jersey Redistricting Commission (ACR-65 of 1990) : Assembly concurrent resolution no. 125 (1R), proposes constitutional amendment to prohibit the use of one-time state revenue sources for state government operations and state aid and grants-in-aid spending.
Held: Committee Room 10, Legislative Office Building, Trenton, New Jersey, May 24, 1993.
Library call number: 974.90 F491, 1993b

NEWSPAPER ARTICLES: Yes

"Voters approve questions about mandates, gas tax," Trenton Times, November 8, 1995, page A7.

Note: Pages from the Minutes of the Assembly and Senate Journal that reference ACR25 attached.

Note: Results of Public Question No. 1.

Note: Robert F. Williams *The New Jersey Constitution* pg 89-90

Note: Historical Notes Prior Laws: N.J.S.A. §Const. 1844 Art. 2 pars. 1, 2, as amended, effective September 28, 1875

MMcB/RWH

ASSEMBLY CONCURRENT RESOLUTION No. 25

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1992

By Assemblyman FRANKS

A CONCURRENT RESOLUTION proposing to amend Article II and Article IV, Section II of the Constitution of the State of New Jersey, and providing a schedule therefor.

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

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

PROPOSED AMENDMENT

a. Amend Article II to read as follows:

Article II
ELECTIONS AND SUFFRAGE
SECTION I

1. General elections shall be held annually on the first Tuesday after the first Monday in November; but the time of holding such elections may be altered by law. The Governor and members of the Legislature shall be chosen at general elections. Local elective officers shall be chosen at general elections or at such other times as shall be provided by law.
(cf: Art.II, para.1)

2. All questions submitted to the people of the entire State shall be voted upon at the general election next occurring at least 70 days following the final action of the Governor or the Legislature, as appropriate, necessary to submit the questions. The text of any such question shall be published at least once in one or more newspapers of each county, if any newspapers be published therein, at least 60 days before the election at which it is to be submitted to the people, and the results of the vote upon a question shall be void unless the text thereof shall have been so published.
(cf: Art.II, para.2 amended effective 12/8/88)

3. (a) Every citizen of the United States, of the age of 18 years, who shall have been a resident of this State and of the county in which he claims his vote 30 days, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people; and

(b) [Deleted by amendment, effective December 5, 1974.]

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.

(c) Any person registered as a voter in any election district of this State who has removed or shall remove to another state or to another county within this State and is not able there to qualify to vote by reason of an insufficient period of residence in such state or county, shall, as a citizen of the United States, have the right to vote for electors for President and Vice President of the United States, only, by Presidential Elector Absentee Ballot, in the county from which he has removed, in such manner as the Legislature shall provide.
(cf: Art.II, para.3 amended effective 12/5/74)

4. In time of war no elector in the military service of the State or in the armed forces of the United States shall be deprived of his vote by reason of absence from his election district. The Legislature may provide for absentee voting by members of the armed forces of the United States in time of peace. The Legislature may provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election district in which they respectively reside.
(cf: Art.II, para.4)

5. No person in the military, naval or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.
(cf: Art.II, para.5)

6. No idiot or insane person shall enjoy the right of suffrage.
(cf: Art.II, para.6)

7. The Legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of such crimes as it may designate. Any person so deprived, when pardoned or otherwise restored by law to the right of suffrage, shall again enjoy that right.
(cf: Art.II, para.7)

SECTION II

1. (a) After each federal census taken in a year ending in zero, the Congressional districts shall be established by the New Jersey Redistricting Commission.

The commission shall consist of 11 members, except as otherwise provided in subparagraph (c) of this paragraph. The members of the commission shall be appointed with due consideration to geographic, ethnic and racial diversity and in the manner provided herein.

(b) There shall first be appointed 10 members as follows:

(1) one member to be appointed by the President of the Senate;

(2) one member to be appointed by the Speaker of the General Assembly;

(3) one member to be appointed by the minority leader of the Senate;

(4) one member to be appointed by the minority leader of the General Assembly; and

(5) six members, three to be appointed by the chairman of the State committee of the political party whose candidate for

Governor received the largest number of votes at the most recent gubernatorial election and three to be appointed by the chairman of the State committee of the political party whose candidate for Governor received the next largest number of votes in that election, each of whom shall serve in rotation as chairman of the commission from meeting to meeting.

Appointments to the commission under this subparagraph shall be made on or before November 15 of each year ending in zero and shall be certified by the appointing official or officials to the Secretary of State on or before December 1 of that year.

(c) There shall then be appointed one member, to serve as an independent member, who shall have been for the preceding five years a resident of this State, but who shall not during that period have registered in or declared officially his affiliation with a political party or voted in the primary election of a political party, and who shall never have held appointed or elected public or party office in this State. The independent member shall be appointed by the previously appointed members of the commission as follows: the members appointed by the appointing authorities of the political party whose candidate for Governor received the largest number of votes at the preceding gubernatorial election shall as a group select three nominees meeting the foregoing qualifications, and the members appointed by the appointing authorities of the political party whose candidate for Governor received the next largest number of votes at that election shall do the same. If one person is nominated by both groups, then that person shall be the independent member, and if more than one person is nominated by both groups, the previous appointees shall by lot choose one of them to be the independent member. If no person is nominated by both groups, the members shall elect the independent member by ballot upon the vote of six of the previously appointed members.

Appointment to the commission of the independent member under this subparagraph shall be made on or before January 15 of each year ending in one and shall be certified by the other members of the commission to the Secretary of State on or before January 31 of that year. If the other members are unable to appoint an independent member within the time allowed therefor, there shall be no independent member of the commission.

(d) The commission shall meet to organize as soon as may be practicable after certification of the appointment of the independent member or, if the commission is unable to agree upon that appointment, after the last day allowed for making that appointment, but in no case later than February 15 of each year ending in one. At the organizational meeting the members of the commission shall determine the order of rotation of the chairmanship thereof among the eligible members and such other organizational matters as they deem appropriate. Thereafter, a meeting of the commission may be called by the member designated under the order of rotation to serve as the chairman of that meeting or upon the request of six members, and six members of the commission shall constitute a quorum at any meeting thereof for the purpose of taking any action.

(e) Vacancies in the membership of the commission occurring prior to the certification by the commission of Congressional districts or during any period in which the districts established by the commission may be or are under challenge in court shall be filled within five days of their occurrence in the same manner as the original appointments were made.

(f) On or before August 1 of each year ending in one, or within three months after receipt by the Governor of the official figures for the federal decennial census, whichever is later, the commission shall certify the establishment of the Congressional districts to the Secretary of State. The commission shall certify the establishment of districts pursuant to a majority vote of its members. Any vote by the commission upon a proposal to certify the establishment of a Congressional district plan shall be taken by roll call and shall be recorded, and the vote of any member in favor of any Congressional district plan shall nullify any vote which he shall previously have cast during the life of the commission in favor of a different Congressional district plan. If the commission is unable to certify the establishment of districts by the time required due to the inability of a plan to achieve six votes, the two district plans receiving the greatest number of votes, but not fewer than four votes, shall be submitted to the Supreme Court, which shall select and certify whichever of the two plans so submitted conforms most closely to the standards established in subparagraphs (b), (c), (d), (e) and (f) of paragraph 2 of this section.

2. (a) The plan certified by the New Jersey Redistricting Commission for the establishment of Congressional districts shall provide for equality of population among districts; for the preservation of minority voting status within each district; for the geographical coherence of individual districts; for the protection of the interest which fellow citizens of the counties and municipalities share in having common representation, so that district boundaries follow county and municipal boundaries to the greatest extent possible; and for reasonable protection for districts from decade to decade against disruptive alteration due to redistricting.

(b) (1) In the plan, the population of each Congressional district shall be as nearly equal as possible, and the difference in population between the most populous and least populous districts as small as possible, as required by the Constitution of the United States.

(2) No Congressional district shall be established which fragments an ethnic or racial minority community which, if left intact, would constitute a majority or significant plurality of voters or potential voters within a single district. For the purposes of this subsubparagraph, a minority community means any group enjoying special protection under the civil rights provisions of the Constitution of the United States.

(c) A plan which first meets the standards provided for in subparagraph (b) of this paragraph shall next include Congressional districts which are contiguous and compact.

(d) A plan which first meets the standards provided for in subparagraph (b) of this paragraph and then meets the standards

provided for in subparagraph (c) of this paragraph shall next include Congressional districts in which the number of county fragments shall be no more than 20% greater than the lowest possible number of county fragments. The number of county fragments is obtained by determining the number of whole counties and parts of counties contained in each district and then totalling these fragments for all the districts.

(e) A plan which first meets the standards provided for in subparagraph (b) of this paragraph and then meets the standards provided for in subparagraphs (c) and (d) of this paragraph shall next include Congressional districts in which no district boundary divides a municipality unless the population of the municipality, as determined by the most recent federal decennial census, exceeds the number obtained by dividing the population of the State by the total number of Congressional districts.

(f) To the fullest extent reasonable and when not in conflict with the foregoing standards, Congressional districts shall be drawn to preserve geographic continuity.

3. Meetings of the New Jersey Redistricting Commission shall be held at convenient times and locations and shall be open to members of the general public.

4. The New Jersey Redistricting Commission shall hold at least three public hearings in different parts of the State. The commission shall, subject to the constraints of time and convenience, review written plans for the establishment of Congressional districts submitted by members of the general public.

5. The Legislature shall appropriate the funds necessary for the efficient operation of the New Jersey Redistricting Commission.

6. The establishment of Congressional districts shall be used thereafter for the election of members of the House of Representatives and, except during any period in which the districts so established shall be under challenge in the courts of this State or of the United States, shall remain unaltered, through the next year ending in zero in which a federal census for New Jersey is taken.

7. Notwithstanding any provision to the contrary of the Constitution of this State and except as otherwise required by the Constitution of the United States or by any federal law, no court of this State shall have jurisdiction over any judicial proceeding challenging the actions of the New Jersey Redistricting Commission, including its establishment of Congressional districts under this section.

b. Amend Article IV, Section II to read as follows:

[1. The Senate shall be composed of 40 senators apportioned among Senate districts as nearly as may be according to the number of their inhabitants as reported in the last preceding decennial census of the United States and according to the method of equal proportions. Each Senate district shall be composed, wherever practicable, of one single county, and if not so practicable, of two or more contiguous whole counties.

2. Each senator shall be elected by the legally qualified voters of the Senate district, except that if the Senate district is

composed of two or more counties and two senators are apportioned to the district, one senator shall be elected by the legally qualified voters of each Assembly district. Each senator shall be elected for a term beginning at noon of the second Tuesday in January next following his election and ending at noon of the second Tuesday in January four years thereafter, except that each senator, to be elected for a term beginning in January of the second year following the year in which a decennial census of the United States is taken, shall be elected for a term of two years.

3. The General Assembly shall be composed of 80 members. Each Senate district to which only one senator is apportioned shall constitute an Assembly district. Each of the remaining Senate districts shall be divided into Assembly districts equal in number to the number of senators apportioned to the Senate district. The Assembly districts shall be composed of contiguous territory, as nearly compact and equal in the number of their inhabitants as possible, and in no event shall each such district contain less than 80% nor more than 120% of one-fortieth of the total number of inhabitants of the State as reported in the last preceding decennial census of the United States. Unless necessary to meet the foregoing requirements, no county or municipality shall be divided among Assembly districts unless it shall contain more than one-fortieth of the total number of inhabitants of the State, and no county or municipality shall be divided among a number of Assembly districts larger than one plus the whole number obtained by dividing the number of inhabitants in the county or municipality by one-fortieth of the total number of inhabitants of the State.

4. Two members of the General Assembly shall be elected by the legally qualified voters of each Assembly district for terms beginning at noon of the second Tuesday in January next following their election and ending at noon of the second Tuesday in January 2 years thereafter.]

1. The Senate shall be composed of 40 senators. One senator shall be elected by the legally qualified voters of each legislative district for a term beginning at noon of the second Tuesday in January next following his election and ending at noon of the second Tuesday in January four years thereafter, except that each senator to be elected for a term beginning in January of the second year following a year ending in zero in which a federal census is taken, shall be elected for a term of two years.

2. The General Assembly shall be composed of 80 members. Two members of the General Assembly shall be elected by the legally qualified voters of each legislative district for a term beginning at noon of the second Tuesday in January next following their election and ending at noon of the second Tuesday in January two years thereafter.

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

Senate and the Speaker of the General Assembly and the Secretary of State, not less than three months prior to the general election.

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

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

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:

	CREATES THE NEW JERSEY REDISTRICTING COMMISSION
YES.	Shall the amendment of Article II and Article IV, Section II of the Constitution, agreed to by the Legislature, providing for the creation of a permanent New Jersey Redistricting Commission, be adopted?
	INTERPRETIVE STATEMENT
NO.	Adoption of this amendment would create a permanent bipartisan New Jersey Redistricting Commission that would redraw Congressional districts at the beginning of each decade. A temporary New Jersey Redistricting Commission was established in 1991 to create the Congressional districts for the 1990s.

SCHEDULE

This Constitutional amendment shall, if approved, be applicable to any establishment of Congressional districts for use subsequent to the official federal census in 2000.

STATEMENT

This concurrent resolution proposes an amendment to the State Constitution providing for the creation of a permanent New Jersey Redistricting Commission. This commission is to assume responsibility for establishing Congressional districts in each decade pursuant to the federal census taken at the commencement of that decade. In 1991, a temporary New

Jersey Redistricting Commission was established to create Congressional districts for the 1990s.

The Redistricting Commission is to consist of 10 or 11 members, appointed with due consideration to geographic, ethnic and racial diversity. The presiding officers and minority leaders of the two houses of the Legislature are each to appoint one member, for a total of four members; the respective State chairmen of the two principal political parties in the State are each to appoint three more members, for a grand total of 10. These 10 members are to select an 11th person to serve as an independent member of the commission. The independent member must have been a State resident for the preceding five years, but shall not during that period have registered in or declared an affiliation with a political party, nor held public or party office in the State. The selection is to be made by majority vote of the 10 previously appointed members. If no independent member has been appointed or certified within the time provided under the proposed amendment, there is to be no independent member of the commission.

The proposed amendment establishes five standards to guide the commission in preparing a Congressional district plan. These standards are listed in a ranked order of descending importance in such a manner that each can be considered only when any standard which precedes it on the list has been met. The standards are:

a. Equality of population among the districts and preservation of the voting power of ethnic and racial minority communities entitled to special protection under the civil rights provisions of the United States Constitution;

b. Contiguity and compactness of districts;

c. Restriction of the violation of county lines by Congressional district boundaries, so that the number of county fragments in the plan does not exceed by more than 20% the minimum possible number of such fragments;

d. Preservation of municipal boundaries; and

e. Preservation, from one district plan to the next, of geographic continuity among the respective districts.

The commission is to certify a Congressional district plan only upon a majority vote of its members. The vote of any member in favor of any plan will nullify any vote which he shall previously have cast during the life of the commission in favor of a different plan. Certification must occur by August 1 of each year ending in one or within three months of receipt by the Governor of the official decennial census figures, whichever is later. If no plan achieves six votes within the time allowed for certification, the two district plans receiving the greatest number of votes, but no fewer than four votes, are to be submitted to the Supreme Court, which shall certify whichever of them conforms most closely to the aforementioned standards.

The proposed amendment precludes the courts of New Jersey from having jurisdiction over any judicial proceeding challenging the actions of the New Jersey Redistricting

Commission.

The amendment also replaces outmoded provisions of the Constitution concerning the apportionment of the membership of the Legislature among legislative districts with language which more accurately reflects the actual legislative apportionment system now in effect.

Proposes an amendment to the Constitution creating the New Jersey Redistricting Commission.

01/15/92 ddv
0001006

DOC ID 1384
SC 066
SR MR
TR 066
FM JAY
CR 20

House Copy OLS Copy Public Copy

For Official House Use

BILL NO. ACR-35

Date of Intro._____

Ref._____

NOTE TO SPONSOR: Notify OLS if you require changes in this document. A revised copy for introduction will be prepared on the legislative computer system. Hand-written changes will not appear in the printed bill.

A CONCURRENT RESOLUTION proposing to amend Article II and Article IV, Section II of the Constitution of the State of New Jersey, and providing a schedule therefor.

Proposes an amendment to the Constitution creating the New Jersey Redistricting Commission.

PRIME Sponsor

CO-Sponsors

Same as ACR-65 w/c 90/91

_____ 92/93

Suggested allocation: _____

03/23/93/dsm
04/08/93/dsm
04/19/93/dsm
002049

Document ID 1065
SG 0044
SR 0006
TR XXXX0006

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY CONCURRENT RESOLUTION No. 25

ADOPTED
MAY - 6 1993

STATE OF NEW JERSEY

By Assemblyman MARTIN

A CONCURRENT RESOLUTION proposing to amend Article II of the Constitution of the State of New Jersey and providing a schedule therefor.

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

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

PROPOSED AMENDMENT

Amend Article II to read as follows:

Article II
ELECTIONS AND SUFFRAGE
SECTION I

1. General elections shall be held annually on the first Tuesday after the first Monday in November; but the time of holding such elections may be altered by law. The Governor and members of the Legislature shall be chosen at general elections. Local elective officers shall be chosen at general elections or at such other times as shall be provided by law.
(cf: Art.II, para.1)

2. All questions submitted to the people of the entire State shall be voted upon at the general election next occurring at least 70 days following the final action of the Governor or the Legislature, as appropriate, necessary to submit the questions. The text of any such question shall be published at least once in one or more newspapers of each county, if any newspapers be published therein, at least 60 days before the election at which it is to be submitted to the people, and the results of the vote upon a question shall be void unless the text thereof shall have been so published.
(cf: Art.II, para.2 amended effective December 8, 1988)

3. (a) Every citizen of the United States, of the age of 18 years, who shall have been a resident of this State and of the county in which he claims his vote 30 days, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people; and

(b) (Deleted by amendment, effective December 5, 1974.)

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.

(c) Any person registered as a voter in any election district of this State who has removed or shall remove to another state or to another county within this State and is not able there to qualify to vote by reason of an insufficient period of residence in such state or county, shall, as a citizen of the United States, have the right to vote for electors for President and Vice President of the United States, only, by Presidential Elector Absentee Ballot, in the county from which he has removed, in such manner as the Legislature shall provide.
(cf: Art.II, para.3 amended effective December 5, 1974)

4. In time of war no elector in the military service of the State or in the armed forces of the United States shall be deprived of his vote by reason of absence from his election district. The Legislature may provide for absentee voting by members of the armed forces of the United States in time of peace. The Legislature may provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election district in which they respectively reside.
(cf: Art.II, para.4)

5. No person in the military, naval or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.
(cf: Art.II, para.5)

6. No idiot or insane person shall enjoy the right of suffrage.
(cf: Art.II, para.6)

7. The Legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of such crimes as it may designate. Any person so deprived, when pardoned or otherwise restored by law to the right of suffrage, shall again enjoy that right.
(cf: Art.II, para.7)

SECTION II

1. (a) After each federal census taken in a year ending in zero, the Congressional districts shall be established by the New Jersey Redistricting Commission.

The commission shall consist of 13 members, none of whom shall be a member or employee of the Congress of the United States. The members of the commission shall be appointed with due consideration to geographic, ethnic and racial diversity and in the manner provided herein.

(b) There shall first be appointed 12 members as follows:

(1) two members to be appointed by the President of the Senate;

(2) two members to be appointed by the Speaker of the General Assembly;

(3) two members to be appointed by the minority leader of the Senate;

(4) two members to be appointed by the minority leader of the General Assembly; and

(5) four members, two to be appointed by the chairman of the State committee of the political party whose candidate for the office of Governor received the largest number of votes at the most recent gubernatorial election and two to be appointed by the chairman of the State committee of the political party whose candidate for the office of Governor received the next largest number of votes in that election.

Appointments to the commission under this subparagraph shall be made on or before June 15 of each year ending in one and shall be certified by the respective appointing officials to the Secretary of State on or before July 1 of that year.

Each partisan delegation so appointed shall appoint one of its members as its chairman who shall have authority to make such certifications and to perform such other tasks as the members of that delegation shall reasonably require.

(c) There shall then be appointed one member, to serve as an independent member, who shall have been for the preceding five years a resident of this State, but who shall not during that period have held public or party office in this State.

The independent member shall be appointed upon the vote of at least seven of the previously appointed members of the commission on or before July 15 of each year ending in one, and those members shall certify that appointment to the Secretary of State on or before July 20 of that year. If the previously appointed members are unable to appoint an independent member within the time allowed therefor, they shall so certify to the Supreme Court not later than that July 20 and shall include in that certification the names of the two persons who, in the members' final vote upon the appointment of the independent member, received the greatest number of votes. Not later than August 10 following receipt of that certification, the Supreme Court shall by majority vote of its full authorized membership select, of the two persons so named, the one more qualified by education and occupational experience, by prior public service in government or otherwise, and by demonstrated ability to represent the best interest of the people of this State, to be the independent member. The Court shall certify that selection to the Secretary of State not later than the following August 15.

(d) Vacancies in the membership of the commission occurring prior to the certification by the commission of Congressional districts or during any period in which the districts established by the commission may be or are under challenge in court shall be filled in the same manner as the original appointments were made within five days of their occurrence. In the case of a vacancy in the membership of the independent member, if the other members of the commission are unable to fill that vacancy within that five-day period, they shall transmit certification of such inability within three days of the expiration of the period to the Supreme Court, which shall select the person to fill the vacancy within five days of receipt of that certification.

2. The independent member shall serve as the chairman of the commission. The commission shall meet to organize as soon as may be practicable after certification of the appointment of the

independent member, but not later than the Wednesday after the first Monday in September of each year ending in one. At the organizational meeting the members of the commission shall determine such organizational matters as they deem appropriate. Thereafter, a meeting of the commission may be called by the chairman or upon the request of seven members, and seven members of the commission shall constitute a quorum at any meeting thereof for the purpose of taking any action.

3. On or before the third Tuesday of each year ending in two, or within three months after receipt in each decade by the appropriate State officer of the official statement by the Clerk of the United States House of Representatives, issued pursuant to federal law, regarding the number of members of the House of Representatives apportioned to this State for that decade, whichever is later, the commission shall certify the establishment of the Congressional districts to the Secretary of State. The commission shall certify the establishment of districts pursuant to a majority vote of the full authorized membership of the commission convened in open public meeting, of which meeting there shall be at least 24 hours' public notice. Any vote by the commission upon a proposal to certify the establishment of a Congressional district plan shall be taken by roll call and shall be recorded, and the vote of any member in favor of any Congressional district plan shall nullify any vote which that member shall previously have cast during the life of the commission in favor of a different Congressional district plan. If the commission is unable to certify the establishment of districts by the time required due to the inability of a plan to achieve seven votes, the two district plans receiving the greatest number of votes, but not fewer than five votes, shall be submitted to the Supreme Court, which shall select and certify whichever of the two plans so submitted conforms most closely to the requirements of the Constitution and laws of the United States.

4. The New Jersey Redistricting Commission shall hold at least three public hearings in different parts of the State. The commission shall, subject to the constraints of time and convenience, review written plans for the establishment of Congressional districts submitted by members of the public.

5. Meetings of the New Jersey Redistricting Commission shall be held at convenient times and locations and, with the exception of the public hearings required by paragraph 4 of this section and the meeting at which the establishment of districts is certified as prescribed by paragraph 3 of this section, may be closed to the public.

6. The Legislature shall appropriate the funds necessary for the efficient operation of the New Jersey Redistricting Commission.

7. Notwithstanding any provision to the contrary of this Constitution and except as otherwise required by the Constitution or laws of the United States, no court of this State other than the Supreme Court shall have jurisdiction over any judicial proceeding challenging the appointment of members to the New Jersey Redistricting Commission, or any action, including the

establishment of Congressional districts, by the commission or other public officer or body under the provisions of this section.

8. The establishment of Congressional districts shall be used thereafter for the election of members of the House of Representatives and shall remain unaltered through the next year ending in zero in which a federal census for this State is taken.

9. If a plan certified by the commission is declared unlawful, the commission shall reorganize and adopt another Congressional district plan in the same manner as herein required and within the period of time prescribed by the court or within such shorter period as may be necessary to ensure that the new plan is effective for the next succeeding primary and general election for all members of the United States House of Representatives.

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

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

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

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:

. . . .

CREATES THE NEW JERSEY
REDISTRICTING COMMISSION

YES. Shall the amendment of Article II of the Constitution, agreed to by the Legislature, making permanent provision for the creation of a New Jersey Redistricting Commission to establish Congressional districts, be adopted?

. . . .

INTERPRETIVE STATEMENT

NO. Adoption of this amendment would make permanent provision for the appointment at the beginning of each decade of a bipartisan New Jersey Redistricting Commission to redraw Congressional districts for that decade. A temporary New Jersey Redistricting Commission was established in 1991 to create the Congressional districts for the 1990s.

. . . .

SCHEDULE

This Constitutional amendment shall, if approved, be applicable to any establishment of Congressional districts for use subsequent to the official federal census in 2000.

Proposes an amendment to the Constitution creating the New Jersey Redistricting Commission.

PASSED ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY CONCURRENT RESOLUTION No. 25

DEC 17 1993

STATE OF NEW JERSEY

ADOPTED MAY 6, 1993

Sponsored by Assemblyman MARTIN

A CONCURRENT RESOLUTION proposing to amend Article II of the Constitution of the State of New Jersey and providing a schedule therefor.

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

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

PROPOSED AMENDMENT

Amend Article II to read as follows:

Article II
ELECTIONS AND SUFFRAGE
SECTION I

1. General elections shall be held annually on the first Tuesday after the first Monday in November; but the time of holding such elections may be altered by law. The Governor and members of the Legislature shall be chosen at general elections. Local elective officers shall be chosen at general elections or at such other times as shall be provided by law.
(cf: Art.II, para.1)

2. All questions submitted to the people of the entire State shall be voted upon at the general election next occurring at least 70 days following the final action of the Governor or the Legislature, as appropriate, necessary to submit the questions. The text of any such question shall be published at least once in one or more newspapers of each county, if any newspapers be published therein, at least 60 days before the election at which it is to be submitted to the people, and the results of the vote upon a question shall be void unless the text thereof shall have been so published.
(cf: Art.II, para.2 amended effective December 8, 1988)

3. (a) Every citizen of the United States, of the age of 18 years, who shall have been a resident of this State and of the county in which he claims his vote 30 days, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people; and

(b) (Deleted by amendment, effective December 5, 1974.)

(c) Any person registered as a voter in any election district

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.

of this State who has removed or shall remove to another state or to another county within this State and is not able there to qualify to vote by reason of an insufficient period of residence in such state or county, shall, as a citizen of the United States, have the right to vote for electors for President and Vice President of the United States, only, by Presidential Elector Absentee Ballot, in the county from which he has removed, in such manner as the Legislature shall provide.
(cf: Art.II, para.3 amended effective December 5, 1974)

4. In time of war no elector in the military service of the State or in the armed forces of the United States shall be deprived of his vote by reason of absence from his election district. The Legislature may provide for absentee voting by members of the armed forces of the United States in time of peace. The Legislature may provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election district in which they respectively reside.
(cf: Art.II, para.4)

5. No person in the military, naval or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.
(cf: Art.II, para.5)

6. No idiot or insane person shall enjoy the right of suffrage.
(cf: Art.II, para.6)

7. The Legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of such crimes as it may designate. Any person so deprived, when pardoned or otherwise restored by law to the right of suffrage, shall again enjoy that right.
(cf: Art.II, para.7)

SECTION II

1. (a) After each federal census taken in a year ending in zero, the Congressional districts shall be established by the New Jersey Redistricting Commission.

The commission shall consist of 13 members, none of whom shall be a member or employee of the Congress of the United States. The members of the commission shall be appointed with due consideration to geographic, ethnic and racial diversity and in the manner provided herein.

(b) There shall first be appointed 12 members as follows:

(1) two members to be appointed by the President of the Senate;

(2) two members to be appointed by the Speaker of the General Assembly;

(3) two members to be appointed by the minority leader of the Senate;

(4) two members to be appointed by the minority leader of the General Assembly; and

(5) four members, two to be appointed by the chairmen of the State committee of the political party whose candidate for the

office of Governor received the largest number of votes at the most recent gubernatorial election and two to be appointed by the chairman of the State committee of the political party whose candidate for the office of Governor received the next largest number of votes in that election.

Appointments to the commission under this subparagraph shall be made on or before June 15 of each year ending in one and shall be certified by the respective appointing officials to the Secretary of State on or before July 1 of that year.

Each partisan delegation so appointed shall appoint one of its members as its chairman who shall have authority to make such certifications and to perform such other tasks as the members of that delegation shall reasonably require.

(c) There shall then be appointed one member, to serve as an independent member, who shall have been for the preceding five years a resident of this State, but who shall not during that period have held public or party office in this State.

The independent member shall be appointed upon the vote of at least seven of the previously appointed members of the commission on or before July 15 of each year ending in one, and those members shall certify that appointment to the Secretary of State on or before July 20 of that year. If the previously appointed members are unable to appoint an independent member within the time allowed therefor, they shall so certify to the Supreme Court not later than that July 20 and shall include in that certification the names of the two persons who, in the members' final vote upon the appointment of the independent member, received the greatest number of votes. Not later than August 10 following receipt of that certification, the Supreme Court shall by majority vote of its full authorized membership select, of the two persons so named, the one more qualified by education and occupational experience, by prior public service in government or otherwise, and by demonstrated ability to represent the best interest of the people of this State, to be the independent member. The Court shall certify that selection to the Secretary of State not later than the following August 15.

(d) Vacancies in the membership of the commission occurring prior to the certification by the commission of Congressional districts or during any period in which the districts established by the commission may be or are under challenge in court shall be filled in the same manner as the original appointments were made within five days of their occurrence. In the case of a vacancy in the membership of the independent member, if the other members of the commission are unable to fill that vacancy within that five-day period, they shall transmit certification of such inability within three days of the expiration of the period to the Supreme Court, which shall select the person to fill the vacancy within five days of receipt of that certification.

2. The independent member shall serve as the chairman of the commission. The commission shall meet to organize as soon as may be practicable after certification of the appointment of the independent member, but not later than the Wednesday after the first Monday in September of each year ending in one. At the organizational meeting the members of the commission shall

determine such organizational matters as they deem appropriate. Thereafter, a meeting of the commission may be called by the chairman or upon the request of seven members, and seven members of the commission shall constitute a quorum at any meeting thereof for the purpose of taking any action.

3. On or before the third Tuesday of each year ending in two, or within three months after receipt in each decade by the appropriate State officer of the official statement by the Clerk of the United States House of Representatives, issued pursuant to federal law, regarding the number of members of the House of Representatives apportioned to this State for that decade, whichever is later, the commission shall certify the establishment of the Congressional districts to the Secretary of State. The commission shall certify the establishment of districts pursuant to a majority vote of the full authorized membership of the commission convened in open public meeting, of which meeting there shall be at least 24 hours' public notice. Any vote by the commission upon a proposal to certify the establishment of a Congressional district plan shall be taken by roll call and shall be recorded, and the vote of any member in favor of any Congressional district plan shall nullify any vote which that member shall previously have cast during the life of the commission in favor of a different Congressional district plan. If the commission is unable to certify the establishment of districts by the time required due to the inability of a plan to achieve seven votes, the two district plans receiving the greatest number of votes, but not fewer than five votes, shall be submitted to the Supreme Court, which shall select and certify whichever of the two plans so submitted conforms most closely to the requirements of the Constitution and laws of the United States.

4. The New Jersey Redistricting Commission shall hold at least three public hearings in different parts of the State. The commission shall, subject to the constraints of time and convenience, review written plans for the establishment of Congressional districts submitted by members of the public.

5. Meetings of the New Jersey Redistricting Commission shall be held at convenient times and locations and, with the exception of the public hearings required by paragraph 4 of this section and the meeting at which the establishment of districts is certified as prescribed by paragraph 3 of this section, may be closed to the public.

6. The Legislature shall appropriate the funds necessary for the efficient operation of the New Jersey Redistricting Commission.

7. Notwithstanding any provision to the contrary of this Constitution and except as otherwise required by the Constitution or laws of the United States, no court of this State other than the Supreme Court shall have jurisdiction over any judicial proceeding challenging the appointment of members to the New Jersey Redistricting Commission, or any action, including the establishment of Congressional districts, by the commission or other public officer or body under the provisions of this section.

8. The establishment of Congressional districts shall be used thereafter for the election of members of the House of

Representatives and shall remain unaltered through the next year ending in zero in which a federal census for this State is taken.

9. If a plan certified by the commission is declared unlawful, the commission shall reorganize and adopt another Congressional district plan in the same manner as herein required and within the period of time prescribed by the court or within such shorter period as may be necessary to ensure that the new plan is effective for the next succeeding primary and general election for all members of the United States House of Representatives.

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

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

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

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:

	YES	CREATES THE NEW JERSEY REDISTRICTING COMMISSION Shall the amendment of Article II of the Constitution, agreed to by the Legislature, making permanent provision for the creation of a New Jersey Redistricting Commission to establish Congressional districts, be adopted?
	NO	INTERPRETIVE STATEMENT Adoption of this amendment would make permanent provision for the appointment at the beginning of each decade of a bipartisan New Jersey Redistricting Commission to redraw Congressional districts for that decade. A temporary New Jersey Redistricting Commission was established in 1991 to create the Congressional districts for the 1990s.

SCHEDULE

This Constitutional amendment shall, if approved, be applicable to any establishment of Congressional districts for use subsequent to the official federal census in 2000.

Proposes an amendment to the Constitution creating the New Jersey Redistricting Commission.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY CONCURRENT RESOLUTION No. 25

STATE OF NEW JERSEY

DATED: MAY 6, 1993

The Assembly State Government Committee reports favorably an Assembly Committee Substitute for Assembly Concurrent Resolution No. 25.

This concurrent resolution proposes an amendment to the State Constitution making permanent provision for the appointment in each decade of a New Jersey Redistricting Commission to establish Congressional districts for that decade pursuant to the federal census taken at the commencement of that decade. In 1991, a temporary New Jersey Redistricting Commission was established to create Congressional districts for the 1990s.

The Redistricting Commission is to consist of 13 members, appointed with due consideration to geographic, ethnic and racial diversity. The presiding officers and minority leaders of the two houses of the Legislature are each to appoint two members, for a total of eight members, and the respective State chairmen of the two principal political parties in the State are each to appoint two more members, for a grand total of 12. These 12 members are, by majority vote, to select a 13th person to serve as an independent member of the commission. The independent member must have been a State resident for the preceding five years, but shall not during that period have held public or party office in the State. If no independent member has been appointed within the time provided under the proposed amendment, the names of the two persons receiving the largest number of votes for the position are to be certified to the Supreme Court, which shall select the one more qualified by education and occupational experience, by prior public service in government or otherwise, and by demonstrated ability to further the best interest of the people of the State, to be the independent member. The independent member is to serve as the chairman of the Redistricting Commission.

The commission is to certify a Congressional district plan only upon a majority vote of its full authorized membership. The vote of any member in favor of any plan will nullify any vote which that member shall previously have cast during the life of the commission in favor of a different plan. Certification must occur by the third Tuesday of each year ending in two or within three months of receipt by the Governor at the beginning of each decade of the official statement of the number of members of the United States House of Representatives to be apportioned to this State during that decade, whichever is later. If no plan achieves the necessary seven votes within the time allowed for certification, the two district plans receiving the greatest number of votes, but no fewer than five votes, are to be submitted to the Supreme Court, which shall certify whichever of them conforms most closely to the Constitution and laws of the United States.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY CONCURRENT RESOLUTION No. 25

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1993

The Senate State Government Committee reports favorably an Assembly Committee Substitute for Assembly Concurrent Resolution No. 25.

This concurrent resolution proposes an amendment to the State Constitution making permanent provision for the appointment in each decade of a New Jersey Redistricting Commission to establish Congressional districts for that decade pursuant to the federal census taken at the commencement of that decade. In 1991, a temporary New Jersey Redistricting Commission was established to create Congressional districts for the 1990s.

The Redistricting Commission is to consist of 13 members, appointed with due consideration to geographic, ethnic and racial diversity. The presiding officers and minority leaders of the two houses of the Legislature are each to appoint two members, for a total of eight members, and the respective State chairmen of the two principal political parties in the State are each to appoint two more members, for a total of 12. These 12 members are, by majority vote, to select a 13th person to serve as an independent member of the commission. The independent member must have been a State resident for the preceding five years, but shall not during that period have held public or party office in the State. If no independent member has been appointed within the time provided under the proposed amendment, the names of the two persons receiving the largest number of votes for the position are to be certified to the Supreme Court, which shall select the one more qualified by education and occupational experience, by prior public service in government or otherwise, and by demonstrated ability to further the best interest of the people of the State, to be the independent member. The independent member is to serve as the chairman of the Redistricting Commission.

The commission is to certify a Congressional district plan only upon a majority vote of its full authorized membership. The vote of any member in favor of any plan will nullify any vote which that member shall previously have cast during the life of the commission in favor of a different plan. Certification must occur by the third Tuesday of each year ending in two or within three months of receipt by the Governor at the beginning of each decade of the official statement of the number of members of the United States House of Representatives to be apportioned to this State during that decade, whichever is later. If no plan achieves the necessary seven votes within the time allowed for certification, the two district plans receiving the greatest number of votes, but no fewer than five votes, are to be submitted to the Supreme Court, which shall certify whichever of them conforms most closely to the Constitution and laws of the United States.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE CONCURRENT RESOLUTION No. 115

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1993

The Senate State Government Committee reports favorably Senate Concurrent Resolution No. 115.

This concurrent resolution proposes an amendment to the State Constitution making permanent provision for the appointment in each decade of a New Jersey Redistricting Commission to establish Congressional districts for that decade pursuant to the federal census taken at the commencement of that decade. In 1991, a temporary New Jersey Redistricting Commission was established to create Congressional districts for the 1990s.

The Redistricting Commission is to consist of 13 members, appointed with due consideration to geographic, ethnic and racial diversity. The presiding officers and minority leaders of the two houses of the Legislature are each to appoint two members, for a total of eight members, and the respective State chairmen of the two principal political parties in the State are each to appoint two more members, for a total of 12. These 12 members are, by majority vote, to select a 13th person to serve as an independent member of the commission. The independent member must have been a State resident for the preceding five years, but shall not during that period have held public or party office in the State. If no independent member has been appointed within the time provided under the proposed amendment, the names of the two persons receiving the largest number of votes for the position are to be certified to the Supreme Court, which shall select the one more qualified by education and occupational experience, by prior public service in government or otherwise, and by demonstrated ability to further the best interest of the people of the State, to be the independent member. The independent member is to serve as the chairman of the Redistricting Commission.

The commission is to certify a Congressional district plan only upon a majority vote of its full authorized membership. The vote of any member in favor of any plan will nullify any vote which that member shall previously have cast during the life of the commission in favor of a different plan. Certification must occur by the third Tuesday of each year ending in two or within three months of receipt by the Governor at the beginning of each decade of the official statement of the number of members of the United States House of Representatives to be apportioned to this State during that decade, whichever is later. If no plan achieves the necessary seven votes within the time allowed for certification, the two district plans receiving the greatest number of votes, but no fewer than five votes, are to be submitted to the Supreme Court, which shall certify whichever of them conforms most closely to the Constitution and laws of the United States.

SENATE CONCURRENT RESOLUTION No. 115

STATE OF NEW JERSEY

INTRODUCED JUNE 10, 1993

By Senator INVERSO

A CONCURRENT RESOLUTION proposing to amend Article II of the Constitution of the State of New Jersey and providing a schedule therefor.

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

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

PROPOSED AMENDMENT

Amend Article II to read as follows:

Article II
ELECTIONS AND SUFFRAGE
SECTION I

1. General elections shall be held annually on the first Tuesday after the first Monday in November; but the time of holding such elections may be altered by law. The Governor and members of the Legislature shall be chosen at general elections. Local elective officers shall be chosen at general elections or at such other times as shall be provided by law.
(cf: Art.II, para.1)

2. All questions submitted to the people of the entire State shall be voted upon at the general election next occurring at least 70 days following the final action of the Governor or the Legislature, as appropriate, necessary to submit the questions. The text of any such question shall be published at least once in one or more newspapers of each county, if any newspapers be published therein, at least 60 days before the election at which it is to be submitted to the people, and the results of the vote upon a question shall be void unless the text thereof shall have been so published.
(cf: Art.II, para.2 amended effective December 8, 1988)

3. (a) Every citizen of the United States, of the age of 18 years, who shall have been a resident of this State and of the county in which he claims his vote 30 days, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people; and

(b) (Deleted by amendment, effective December 5, 1974.)

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.

(c) Any person registered as a voter in any election district of this State who has removed or shall remove to another state or to another county within this State and is not able there to qualify to vote by reason of an insufficient period of residence in such state or county, shall, as a citizen of the United States, have the right to vote for electors for President and Vice President of the United States, only, by Presidential Elector Absentee Ballot, in the county from which he has removed, in such manner as the Legislature shall provide.
(cf: Art.II, para.3 amended effective December 5, 1974)

4. In time of war no elector in the military service of the State or in the armed forces of the United States shall be deprived of his vote by reason of absence from his election district. The Legislature may provide for absentee voting by members of the armed forces of the United States in time of peace. The Legislature may provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election district in which they respectively reside.
(cf: Art.II, para.4)

5. No person in the military, naval or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.
(cf: Art.II, para.5)

6. No idiot or insane person shall enjoy the right of suffrage.
(cf: Art.II, para.6)

7. The Legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of such crimes as it may designate. Any person so deprived, when pardoned or otherwise restored by law to the right of suffrage, shall again enjoy that right.
(cf: Art.II, para.7)

SECTION II

1. (a) After each federal census taken in a year ending in zero, the Congressional districts shall be established by the New Jersey Redistricting Commission.

The commission shall consist of 13 members, none of whom shall be a member or employee of the Congress of the United States. The members of the commission shall be appointed with due consideration to geographic, ethnic and racial diversity and in the manner provided herein.

(b) There shall first be appointed 13 members as follows:

(1) two members to be appointed by the President of the Senate;

(2) two members to be appointed by the Speaker of the General Assembly;

(3) two members to be appointed by the minority leader of the Senate;

(4) two members to be appointed by the minority leader of the General Assembly; and

(5) four members, two to be appointed by the chairman of the State committee of the political party whose candidate for the

office of Governor received the largest number of votes at the most recent gubernatorial election and two to be appointed by the chairman of the State committee of the political party whose candidate for the office of Governor received the next largest number of votes in that election.

Appointments to the commission under this subparagraph shall be made on or before June 15 of each year ending in one and shall be certified by the respective appointing officials to the Secretary of State on or before July 1 of that year.

Each partisan delegation so appointed shall appoint one of its members as its chairman who shall have authority to make such certifications and to perform such other tasks as the members of that delegation shall reasonably require.

(c) There shall then be appointed one member, to serve as an independent member, who shall have been for the preceding five years a resident of this State, but who shall not during that period have held public or party office in this State.

The independent member shall be appointed upon the vote of at least seven of the previously appointed members of the commission on or before July 15 of each year ending in one, and those members shall certify that appointment to the Secretary of State on or before July 20 of that year. If the previously appointed members are unable to appoint an independent member within the time allowed therefor, they shall so certify to the Supreme Court not later than that July 20 and shall include in that certification the names of the two persons who, in the members' final vote upon the appointment of the independent member, received the greatest number of votes. Not later than August 10 following receipt of that certification, the Supreme Court shall by majority vote of its full authorized membership select, of the two persons so named, the one more qualified by education and occupational experience, by prior public service in government or otherwise, and by demonstrated ability to represent the best interest of the people of this State, to be the independent member. The Court shall certify that selection to the Secretary of State not later than the following August 15.

(d) Vacancies in the membership of the commission occurring prior to the certification by the commission of Congressional districts or during any period in which the districts established by the commission may be or are under challenge in court shall be filled in the same manner as the original appointments were made within five days of their occurrence. In the case of a vacancy in the membership of the independent member, if the other members of the commission are unable to fill that vacancy within that five-day period, they shall transmit certification of such inability within three days of the expiration of the period to the Supreme Court, which shall select the person to fill the vacancy within five days of receipt of that certification.

2. The independent member shall serve as the chairman of the commission. The commission shall meet to organize as soon as may be practicable after certification of the appointment of the independent member, but not later than the Wednesday after the first Monday in September of each year ending in one. At the organizational meeting the members of the commission shall

determine such organizational matters as they deem appropriate. Thereafter, a meeting of the commission may be called by the chairman or upon the request of seven members, and seven members of the commission shall constitute a quorum at any meeting thereof for the purpose of taking any action.

3. On or before the third Tuesday of each year ending in two, or within three months after receipt in each decade by the appropriate State officer of the official statement by the Clerk of the United States House of Representatives, issued pursuant to federal law, regarding the number of members of the House of Representatives apportioned to this State for that decade, whichever is later, the commission shall certify the establishment of the Congressional districts to the Secretary of State. The commission shall certify the establishment of districts pursuant to a majority vote of the full authorized membership of the commission convened in open public meeting, of which meeting there shall be at least 24 hours' public notice. Any vote by the commission upon a proposal to certify the establishment of a Congressional district plan shall be taken by roll call and shall be recorded, and the vote of any member in favor of any Congressional district plan shall nullify any vote which that member shall previously have cast during the life of the commission in favor of a different Congressional district plan. If the commission is unable to certify the establishment of districts by the time required due to the inability of a plan to achieve seven votes, the two district plans receiving the greatest number of votes, but not fewer than five votes, shall be submitted to the Supreme Court, which shall select and certify whichever of the two plans so submitted conforms most closely to the requirements of the Constitution and laws of the United States.

4. The New Jersey Redistricting Commission shall hold at least three public hearings in different parts of the State. The commission shall, subject to the constraints of time and convenience, review written plans for the establishment of Congressional districts submitted by members of the public.

5. Meetings of the New Jersey Redistricting Commission shall be held at convenient times and locations and, with the exception of the public hearings required by paragraph 4 of this section and the meeting at which the establishment of districts is certified as prescribed by paragraph 3 of this section, may be closed to the public.

6. The Legislature shall appropriate the funds necessary for the efficient operation of the New Jersey Redistricting Commission.

7. Notwithstanding any provision to the contrary of this Constitution and except as otherwise required by the Constitution or laws of the United States, no court of this State other than the Supreme Court shall have jurisdiction over any judicial proceeding challenging the appointment of members to the New Jersey Redistricting Commission, or any action, including the establishment of Congressional districts, by the commission or other public officer or body under the provisions of this section.

8. The establishment of Congressional districts shall be used thereafter for the election of members of the House of Representatives and shall remain unaltered through the next year

ending in zero in which a federal census for this State is taken.

9. If a plan certified by the commission is declared unlawful, the commission shall reorganize and adopt another Congressional district plan in the same manner as herein required and within the period of time prescribed by the court or within such shorter period as may be necessary to ensure that the new plan is effective for the next succeeding primary and general election for all members of the United States House of Representatives.

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

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

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

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:

	CREATES THE NEW JERSEY REDISTRICTING COMMISSION
YES.	Shall the amendment of Article II of the Constitution, agreed to by the Legislature, making permanent provision for the creation of a New Jersey Redistricting Commission to establish Congressional districts, be adopted?
	INTERPRETIVE STATEMENT
NO.	Adoption of this amendment would make permanent provision for the appointment at the beginning of each decade of a bipartisan New Jersey Redistricting Commission to redraw Congressional districts for that decade. A temporary New Jersey Redistricting Commission was established in 1991 to create the Congressional districts for the 1990s.

SCHEDULE

This Constitutional amendment shall, if approved, be applicable to any establishment of Congressional districts for

use subsequent to the official federal census in 2000.

STATEMENT

This concurrent resolution proposes an amendment to the State Constitution making permanent provision for the appointment in each decade of a New Jersey Redistricting Commission to establish Congressional districts for that decade pursuant to the federal census taken at the commencement of that decade. In 1991, a temporary New Jersey Redistricting Commission was established to create Congressional districts for the 1990s.

The Redistricting Commission is to consist of 13 members, appointed with due consideration to geographic, ethnic and racial diversity. The presiding officers and minority leaders of the two houses of the Legislature are each to appoint two members, for a total of eight members, and the respective State chairmen of the two principal political parties in the State are each to appoint two more members, for a grand total of 12. These 12 members are, by majority vote, to select a 13th person to serve as an independent member of the commission. The independent member must have been a State resident for the preceding five years, but shall not during that period have held public or party office in the State. If no independent member has been appointed within the time provided under the proposed amendment, the names of the two persons receiving the largest number of votes for the position are to be certified to the Supreme Court, which shall select the one more qualified by education and occupational experience, by prior public service in government or otherwise, and by demonstrated ability to further the best interest of the people of the State, to be the independent member. The independent member is to serve as the chairman of the Redistricting Commission.

The commission is to certify a Congressional district plan only upon a majority vote of its full authorized membership. The vote of any member in favor of any plan will nullify any vote which that member shall previously have cast during the life of the commission in favor of a different plan. Certification must occur by the third Tuesday of each year ending in two or within three months of receipt by the Governor at the beginning of each decade of the official statement of the number of members of the United States House of Representatives to be apportioned to this State during that decade, whichever is later. If no plan achieves the necessary seven votes within the time allowed for certification, the two district plans receiving the greatest number of votes, but no fewer than five votes, are to be submitted to the Supreme Court, which shall certify whichever of them conforms most closely to the Constitution and laws of the United States.

Proposes an amendment to the Constitution creating the New Jersey Redistricting Commission.

05/27/93 dsa
002166

DOC ID 1958
SG 044
SR NR
TR xxxx44
FN N
CR 11

House Copy OLS Copy Public Copy

For Official House Use

BILL NO. SCR115

Date of Intro.

Ref.

NOTE TO SPONSOR: Notify OLS if you require changes in this document. A revised copy for introduction will be prepared on the legislative computer system. Hand-written changes will not appear in the printed bill.

A CONCURRENT RESOLUTION proposing to amend Article II of the Constitution of the State of New Jersey and providing a schedule therefor.

Proposes an amendment to the Constitution creating the New Jersey Redistricting Commission.

PRIME Sponsor Iorio

CO-Sponsors

Same as _____ 90/91

ACS for ACR-25 92/93

Suggested allocation: _____

On motion of Senator Brown that Senate No. 374 be withdrawn from the files.

Resolved: 1. That printed copies of Assembly Concurrent Resolution No. 25 entitled "A Concurrent Resolution proposing to amend Article VIII, Section II, paragraph 2 of the Constitution of the State of New Jersey,", be placed upon the desks of the members of the Senate forthwith; and

2. A record of the policy thereof be made in the Senate Journal and the Secretary certify such placing and the date thereof to the Clerk of the General Assembly.

The Secretary then caused to be placed upon the desks of each member a copy of Assembly Concurrent Resolution No. 25 and the placing thereof is hereby noted in the Journal.

Resolved: 1. That printed copies of Assembly Concurrent Resolution No. 25 entitled "A Concurrent Resolution proposing to amend Article II of the Constitution of the State of New Jersey,", be placed upon the desks of the members of the Senate forthwith; and

2. A record of the policy thereof be made in the Senate Journal and the Secretary certify such placing and the date thereof to the Clerk of the General Assembly.

The Secretary then caused to be placed upon the desks of each member a copy of Assembly Concurrent Resolution No. 25 and the placing thereof is hereby noted in the Journal.

Resolved: 1. That printed copies of Assembly Concurrent Resolution No. 27 entitled "A Concurrent Resolution proposing to amend Article IV, paragraph 6 and Section VI paragraph 1 of Article IV of the Constitution of the State of New Jersey,", be placed upon the desks of the members of the Senate forthwith; and

2. A record of the policy thereof be made in the Senate Journal and the Secretary certify such placing and the date thereof to the Clerk of the General Assembly.

The Secretary then caused to be placed upon the desks of each member a copy of Assembly Concurrent Resolution No. 27 and the placing thereof is hereby noted in the Journal.

The following public hearing transcripts were received:

Examination of community-based services available for children and their families throughout the State. Women's Issues, Children and Family Services Committee, held October 21, 1992.

The State's ability to retain and attract business. Joint Legislative Committee on Economic Recovery, held January 28, 1993; March 24, 1993

New Jersey's Travel and Tourism Industry. Coastal Resource Tourism Committee, held February 1, 1993.

The County and Municipal Waste Reduction Act." Community Affairs Committee Senate Bill No. 1366, held February 17, 1993.

Assembly Nos. 273/1870 Acs, Without Reference.

Assembly Nos. 1015 Aca Aca, Without Reference.

Assembly Nos. 1033 Acs, Budget and Appropriations.

Assembly Nos. 1181 Acs Aca, Environment.

Assembly Nos. 1182 Acs, Environment.

Assembly Nos. 1183 Acs Aca, Environment.

Assembly Nos. 1193, Commerce.

Assembly Nos. 1220 Aca, Education.

Assembly Nos. 1454 Acs Aca, Environment.

Assembly Nos. 1899, Women's Issues, Children and Family Services.

Assembly Nos. 2124/2013 Acs, Environment.

Assembly Nos. 2180 Aca, Education.

Assembly Nos. 2367 Aca, State Government.

Assembly Nos. 2455, Budget and Appropriations.

Assembly Nos. 2495 Aa, Without Reference.

Assembly Nos. 2555, Law and Public Safety.

Assembly Nos. 2614, Budget and Appropriations.

Assembly Nos. 2615, Budget and Appropriations.

Assembly Concurrent Resolution No. 25 Acs, State Government.

Assembly Concurrent Resolution No. 138, Budget and Appropriations.

Assembly Concurrent Resolution No. 144, Budget and Appropriations.

Senate No. 1049 SaSa Aca, Senators LITTELL, INVERSO, LaRossa, Ciesla, Ewing, Palaia, Assemblyman Haytaian, Assemblywoman Crecco and Assemblyman Bagger, Concur in Assembly Amendments.

Senate Joint Resolution No. 49 Aa, Senators DIMON, BROWN, Cafiero, Haines, Assemblywoman Anderson and Assemblyman Azzolina, Concur in Assembly Amendments.

The Budget and Appropriations Committee reported the following bills favorably with amendment, and on motion of the Chairman, the amendments were adopted and the bills, as amended, were taken up, read a second time and ordered to a third reading.

Assembly No. 2263 AcaSca, Senate Nos. 180/1399 Scs, 519 Sca Sca, 820 Sca, 1094 Sca Sca, 1503 Sca,1578 Sca, 1736 Scs, 1866 Sca Sca, 1870 Sca, 1877 Sca, 1927 Sca, Senate Concurrent Resolution No. 117 Sca.

The Budget and Appropriations Committee reported the following bills favorably without amendments and the bills were taken up, read a second time, and ordered to a third reading.

Assembly Nos. 42, 61 Aa, 97, 98, 99, 595 Aca, 893 Aca, 1033 Acs, 1683 Aca, 2175, 2614, 2615, Assembly Concurrent Resolution Nos. 138, 144, Senate Nos. 687 Aca, 1144, 1565, 1868, 1871, 1872, 1873, 1874, 1875, 1876,

The State Government Committee reported the following bills favorably with amendment, and on motion of the Chairman, the amendments were adopted and the bills, as amended, were taken up, read a second time and ordered to a third reading.

Assembly Nos. 101/194 AcsSca, 244 Acs Sca, 1561 Acs, 1948 Aca Sca, Assembly Concurrent Resolution No. 25 Acs, Senate Nos. 1521 Scs,.

The State Government Committee reported the following bills favorably without amendments and the bills were taken up, read a second time, and ordered to a third reading.

Assembly Nos. 1623/553 AcsAca, 2191, Senate Nos. 1181, 1836, 1911, 2213, 2234 and Senate Concurrent Resolution No. 115.

The Judiciary Committee reported the following nomination favorably.

To be a Judge of the Superior Court, Martin A. Herman, of Mickleton, to succeed himself, for the term prescribed by law.

The Judiciary Committee reported the following bills favorably with amendment, and on motion of the Chairman, the amendments were adopted and the bills, as amended, were taken up, read a second time and ordered to a third reading.

Assembly No. 2260 Sca, Senate Nos. 1676 Sca, 2192 Sca.

The Judiciary Committee reported the following bills favorably without amendments and the bills were taken up, read a second time, and ordered to a third reading.

Assembly Nos. 1633 AcsAa Aa, Senate Nos. 2126, and 2231.

On motion of Senator Dorsey, the following resolution was read and adopted.

Resolved, That when the Senate adjourns, it be to meet on Monday, December 13, 1993, at 2:00 P.M.

On motion of Senator Dorsey, the Senate then adjourned at 7:40 P.M.

Monday, December 13, 1993

At 4:04 P.M. the Senate met.

The session was opened with a prayer.

Upon calling the roll, the following Senators answered the call, and the President declared a quorum present:

> Adler, Bassano, Bennett, Bubba, Cafiero, Cardinale, Ciesla, Codey, Connors, L., Corman, Cowan, DiFrancesco, Dorsey, Ewing, Feldman, Girgenti, Gormley, Inverso, Kenny, Kosco, Kyrillos, LaRossa, Lesniak, Lipman, Littell, Lynch, Martin, Matheussen, McNamara, O'Connor, Palaia, Rand, Rice, Schluter, Scott, Sinagra, Singer, Smith, B., Zane - 39

The President announced:

Notice of and the calendar for this session of the Senate having been sent to the members of the Senate, the Secretary of the State, and the

Adler, Bassano, Bennett, Bubba, Cafiero, Cardinale, Ciesla, Codey, Connors, Corman, Cowan, DiFrancesco, Dorsey, Ewing, Girgenti, Gormley, Inverso, Kenny, Kosco, Kyrillos, LaRossa, Lesniak, Lipman, Littell, Lynch, Martin, Matheussen, McNamara, O'Connor, Palaia, Rand, Rice, Schluter, Scott, Sinagra, Singer, Smith, Zane - 38

In the negative: None

Senate No. 2211 was given third reading.

On motion of Senator Bassano pursuant to Rule 124 Assembly No. 2999 was substituted for Senate No. 2211 with which it is identical, and Senator Bassano was added as co-sponsor of Assembly No. 2999 which was adopted by voice vote.

Assembly No. 2999 was read a third time.

On motion of Senator Bassano that the bill pass the vote was as follows:

In the affirmative were:

Adler, Bassano, Bennett, Bubba, Cafiero, Cardinale, Ciesla, Codey, Connors, Corman, Cowan, DiFrancesco, Dorsey, Ewing, Girgenti, Gormley, Inverso, Kenny, Kosco, Kyrillos, LaRossa, Lesniak, Lipman, Littell, Lynch, Martin, Matheussen, McNamara, O'Connor, Palaia, Rand, Rice, Schluter, Scott, Sinagra, Singer, Smith - 37

In the negative: None

Senate Concurrent Resolution No. 115 was given third reading.

On motion of Senator Inverso pursuant to Rule 124 Assembly Concurrent Resolution No. 25 Acs was substituted for Senate Concurrent Resolution No. 115 with which it is identical, and Senator Inverso was added as co-sponsor of Assembly Concurrent Resolution No. 25 Acs which was adopted by voice vote.

Assembly Concurrent Resolution No. 25 Acs was read a third time.

On motion of Senator Inverso that the resolution pass the vote was as follows:

In the affirmative were:

Adler, Bassano, Cafiero, Cardinale, Ciesla, Codey, Connors, Cowan, DiFrancesco, Ewing, Girgenti, Gormley, Inverso, Kenny, Kosco, LaRossa, Lesniak, Littell, Lynch, Martin, Matheussen, McNamara, O'Connor, Palaia, Rand, Rice, Schluter, Scott, Sinagra, Singer, Smith, Zane - 32

In the negative were:

Bubba, Kyrillos - 02

Senate Concurrent Resolution No. 135 was given third reading.

On motion of Senator Kyrillos pursuant to Rule 124 Assembly Concurrent Resolution No. 160 was substituted for Senate Concurrent Resolution No. 135 with which it is identical, and Senator Kyrillos was

Senate No. 1927, Senators MATHEUSSEN, CORMAN and Codey, BUDGET AND APPROPRIATIONS -- Establishes an education and employment summer program for certain urban youths; appropriates $2,500,000.

Senate No. 1928, Senators MCNAMARA and SINAGRA, BUDGET AND APPROPRIATIONS -- Suspends for one year the debt ceiling on the amount of bonded indebtedness that the New Jersey Wastewater Treatment Trust may incur.

Senate No. 1929, Senator MCNAMARA, BUDGET AND APPROPRIATIONS -- Appropriates $150,000 to DOT to conduct acoustical and feasibility study along Route 208 in Fair Lawn Borough, Bergen County.

Senate No. 1930, Senator MCNAMARA, BUDGET AND APPROPRIATIONS -- Authorizes New Jersey Wastewater Treatment Trust to issue up to $75 million in loans for wastewater treatment system projects.

Senate No. 1964, Senators LAROSSA, SINAGRA, Cardinale and Scott, BUDGET AND APPROPRIATIONS -- Provides corporation business tax credit for qualified research expenses in New Jersey.

Senate No. 1965, Senator PALAIA, Without Reference -- Makes available certain information filed with air pollution registration reports.

Senate Concurrent Resolution No. 115, Senator INVERSO, STATE GOVERNMENT -- Proposes an amendment to the Constitution creating the New Jersey Redistricting Commission.

Senate Concurrent Resolution No. 116, Senator LAROSSA, BUDGET AND APPROPRIATIONS -- Approves projects of the New Jersey Building Authority.

Senate Concurrent Resolution No. 117, Senators CAFIERO and ZANE, BUDGET AND APPROPRIATIONS -- Approves a project of the New Jersey Building Authority.

Senate Concurrent Resolution No. 118, Senators CORMAN and MCNAMARA, BUDGET AND APPROPRIATIONS -- Approves FY 1994 Financial Plan of N. J. Wastewater Treatment Trust.

Senate Concurrent Resolution No. 121, Senator HAINES, TRANSPORTATION -- Memorializes the United States Congress to pass legislation eliminating the oxygenated fuel requirement under the federal Clean Air Act and directing EPA to reevaluate the program.

Senate Joint Resolution No. 33, Senator BUBBA, JUDICIARY -- Creates an Assignment Judge Appointment Policy Review Commission.

Senate Joint Resolution No. 35, Senator BASSANO, Without Reference -- Memorializes U. S. President and Congress to oppose changes to revised statistical definitions for metropolitan areas established by U. S. Office of Management and Budget.

The Senior Citizens and Social Services Committee reported the following resolutions favorably and as reported were given second reading:

Assembly Concurrent Resolution Nos. 94 Aca, 116, 135 and Senate Concurrent Resolution No. 81.

The State Government Committee reported the following bills favorably and as reported were given second reading:

Assembly Nos. 170 Aca, 1154 Aca, 2091 Aca, 2194 Aca, 2391 Aca and 2512 Aca.

The Judiciary, Law and Public Safety Committee reported the following bill and pursuant to Rule 80 was referred to the Appropriations Committee:

Assembly No. 1529/2266 Acs.

The Policy and Rules Committee reported the following bill and pursuant to Rule 80 was referred to the Environment Committee:

Assembly No. 17 Aca.

Mr. Collins offered the following resolution, which was read by the Clerk and adopted:

Resolved:

1. That printed copies of Assembly Concurrent Resolution 25, entitled "A Concurrent Resolution proposing to amend Article II of the Constitution of the State of New Jersey and providing a schedule therefor"

Mr. Collins offered the following resolution, which was read by the Clerk and adopted:

Resolved:

1. That printed copies of Acs for Assembly Concurrent Resolution 25, entitled "A Concurrent Resolution proposing to amend Article II of the Constitution of the State of New Jersey and providing a schedule therefor", be placed upon the desks of the members of the House forthwith, and that a record of such action be made in the Minutes of the General Assembly.

(The Clerk then caused to be placed upon the desk of each member a copy of Acs for Assembly Concurrent Resolution No. 25).

2. That the Clerk of the General Assembly forward 40 copies of said Acs for Assembly Concurrent Resolution No. 25 to the Senate with the request that the same be placed upon the desk of each Senator in open meeting forthwith.

3. Mr. Collins announced that a public hearing will be held on Monday, May 24, 1993, in Room 10, Legislative Office Building, at 10:00 A.M.

4. A message was received from the Secretary of the Senate as follows and was read by the Clerk:

Mr. Speaker: I am directed by the Senate to inform the General Assembly that a printed copy of Acs for Assembly Concurrent Resolution No. 25, entitled: "A Concurrent Resolution proposing to amend Article II of the Constitution of the State of New Jersey and

The Commerce and Regulated Professions Committee reported the following bill favorably and as reported was given second reading:

Assembly No. 2573/1210/1815 Acs.

The Education Committee reported the following bills favorably and as reported were given second reading:

Assembly Nos. 2547 Aca and 2600 Aca.

The State Government Committee reported the following bills favorably and as reported were given second reading:

Assembly Nos. 127, 1878, 2502 Aca, Assembly Concurrent Resolution No. 43 Aca, Senate No. 1224 and Senate Concurrent Resolution No. 26 Aca.

The Veterans and Military Affairs Committee reported the following bills favorably and as reported were given second reading:

Assembly Nos. 2342, 2433 Aca, 2501, Assembly Concurrent Resolution No. 133 Aca and Assembly Resolution No. 96.

The Education Committee reported the following bill and pursuant to Rule 80 was referred to the Appropriations Committee:

Assembly No. 2450.

The State Government Committee reported the following bill and pursuant to Rule 80 was referred to the Appropriations Committee:

Senate No. 70/A642/A1955 Acs.

REPORT OF ASSEMBLY STATE GOVERNMENT COMMITTEE ON ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY CONCURRENT RESOLUTION NO. 25

In accordance with Rule 143 of the New Jersey General Assembly, a public hearing on Assembly Committee Substitute for Assembly Concurrent Resolution No. 25, entitled "A Concurrent Resolution proposing to amend Article II of the Constitution of the State of New Jersey and providing a schedule therefor", was held in Committee Room 10, Trenton, New Jersey on May 24, 1993 before the Assembly State Government Committee.

The following members of the committee were present:

ROBERT J. MARTIN
JOHN HARTMANN
JOHN E. ROONEY
BYRON M. BAER

Pursuant to Rule 144 of the New Jersey Assembly, the committee reports that the public hearing was held on Assembly Committee Substitute for Assembly Concurrent Resolution No. 25 and that it may be ordered to a third reading for final passage.

REPORT OF ASSEMBLY STATE GOVERNMENT COMMITTEE ON ASSEMBLY CONCURRENT RESOLUTION NO. 125 (1R)

In accordance with Rule 143 of the New Jersey General Assembly, a public hearing on Assembly Concurrent Resolution No. 125 (1R), entitled "A

Mrs. J. Smith moved the bill which passed by the following vote:

78 YEAS 0 NAYS

In the affirmative were:

Albohn, Anderson, Arnone, Augustine, Azzolina, Baer, Bagger, R. Brown, W. Brown, Bryant, Catania, Charles, Colburn, Collins, Connors, Corodemus, Cottrell, Crecco, DeCroce, Derman, DiGaetano, Doria, Farragher, Felice, Frelinghuysen, Gaffney, Garcia, Garrett, Geist, Gibson, Green, Haines, Hartmann, Haytaian, Heck, Hudak, Impreveduto, Kamin, Kavanaugh, Kelly, Kramer, Kronick, Lance, LoBiondo, Lustbader, Martin, Mattison, McEnroe, Mikulak, Moran, Nickles, Ogden, Oros, Pascrell, Penn, Roberts, Rocco, Roma, Romano, Rooney, Russo, Shinn, Singer, J. Smith, R. Smith, T. Smith, Solomon, Sosa, Stuhltrager, Talmadge, Vandervalk, Warsh, Weber, Weinberg, Wolfe, Wright, Zangari, Zecker - 78

In the negative were: - 0

Assembly Concurrent Resolution No. 25 Acs was given third reading.

Mr. Martin moved the resolution which passed by the following vote:

78 YEAS 0 NAYS

In the affirmative were:

Albohn, Anderson, Arnone, Augustine, Azzolina, Baer, Bagger, R. Brown, W. Brown, Bryant, Catania, Charles, Colburn, Collins, Connors, Corodemus, Cottrell, Crecco, DeCroce, Derman, DiGaetano, Doria, Dunn, Farragher, Felice, Frelinghuysen, Gaffney, Garcia, Garrett, Geist, Gibson, Green, Haines, Hartmann, Haytaian, Heck, Hudak, Impreveduto, Kamin, Kavanaugh, Kelly, Kramer, Kronick, Lance, LoBiondo, Lustbader, Martin, Mattison, McEnroe, Mikulak, Moran, Nickles, Ogden, Oros, Pascrell, Penn, Roberts, Rocco, Roma, Romano, Rooney, Russo, Shinn, Singer, J. Smith, R. Smith, T. Smith, Solomon, Sosa, Stuhltrager, Talmadge, Vandervalk, Warsh, Weber, Weinberg, Wolfe, Wright, Zecker - 78

In the negative were: - 0

Assembly Concurrent Resolution No. 138 was given third reading.

Mr. Azzolina moved the resolution which passed by the following vote:

79 YEAS 0 NAYS

In the affirmative were:

Albohn, Anderson, Arnone, Augustine, Azzolina, Baer, Bagger, R. Brown, W. Brown, Bryant, Catania, Charles, Colburn, Collins, Connors, Corodemus, Cottrell, Crecco, DeCroce, Derman, DiGaetano, Doria, Dunn, Farragher, Felice, Frelinghuysen, Gaffney, Garcia, Garrett, Geist, Gibson, Green, Haines, Hartmann, Haytaian, Heck, Hudak, Impreveduto, Kamin, Kavanaugh, Kelly, Kramer, Kronick, Lance, LoBiondo, Lustbader, Martin, Mattison, McEnroe, Mikulak, Moran, Nickles, Ogden, Oros, Pascrell, Penn, Roberts, Rocco, Roma, Romano, Rooney, Russo, Shinn, Singer, J. Smith, R. Smith, T.

1995 PUBLIC QUESTIONS

1995 QUESTION: LANGUAGE and TOTAL VOTE

Votes cast Nov. 7, 1995

Public Question No. 1

CREATES THE NEW JERSEY REDISTRICTING COMMISSION

Shall the amendment of Article II of the Constitution, agreed to by the Legislature, making permanent provision for the creation of a New Jersey Redistricting Commission to establish Congressional districts, be adopted?

INTERPRETIVE STATEMENT

Adoption of this amendment would make permanent provision for the appointment at the beginning of each decade of a bipartisan New Jersey Redistricting Commission to redraw Congressional districts for that decade. A temporary New Jersey Redistricting Commission was established in 1991 to create the Congressional districts for the 1990s.

YES	612,525
NO	489,802

Public Question No. 2

DEDICATION OF CERTAIN EXISTING MOTOR FUELS TAXES FOR THE TRANSPORTATION SYSTEM IN THIS STATE

Shall the amendment to Article VIII, Section II, paragraph 4 of the Constitution of the State of New Jersey, agreed to by the Legislature, to dedicate an additional annual amount of the existing motor fuels tax to a special account in the General Fund available only for the funding of the State transportation system, subject to laws enacted on or before December 6, 1984 dedicating any of this amount for debt service on bonds of the State or other uses, from an amount equivalent to the revenue derived from $0.025 per gallon of the existing tax imposed on motor fuels to an amount equivalent to $0.07 per gallon of that existing tax for the first two State fiscal years after approval of the amendment, and to an amount equivalent to $0.08 per gallon of that existing tax for the third State fiscal year after approval of the amendment, and to an amount equivalent to $0.09 per gallon of that existing tax for the fourth State fiscal year after approval of the amendment and thereafter, and to make the provisions of this constitutional dedication permanent by deleting the current expiration date which is the year 2001, be approved?

Military Service Not Considered Residence

5. No person in the military, naval or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.

This provision appeared first in Article II, paragraph 1, of the 1844 constitution and was carried over in the 1947 constitution. It purports to create an exception to the paragraph 3 guarantee of voting rights, but despite its apparently clear language, it is of questionable validity under federal law. A 1972 Law Division opinion, relying heavily on a U.S. Supreme Court decision invalidating a similar provision of the Texas Constitution, concluded that the provision could not be applied to bar a resident on a military base who met the residency requirements of paragraph 3 from voting (*New Hanover Township v. Kelly*).

Incompetents May Not Vote

6. No person who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting shall enjoy the right of suffrage.

This operates as an exception to the paragraph 3 guarantee of voting rights. The provision used to use the words "idiot" and "insane," which were, of course, offensive, imprecise, and received no satisfactory definition. The Appellate Division held that persons who are mentally retarded and receiving residential services at the New Lisbon State School did not automatically meet those earlier definitions for exclusion from the constitutional right to vote (*Carroll v. Cobb*). The 2007 amendment adopted the current language.

Laws May Deprive Criminals of Right to Vote; Restoration

7. The Legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of such crimes as it may designate. Any person so deprived, when pardoned or otherwise restored by law to the right of suffrage, shall again enjoy that right.

This permits the legislature, if it chooses, to make exceptions to the paragraph 3 guarantee of voting rights. The provision has its origins in paragraphs 1 and 2 of Article II of the 1844 constitution, which were the subject of considerable debate at the 1844 convention.

The legislature implemented this paragraph by statute (N.J.S.A. 19:4–1). Its choice of crimes that would result in disenfranchisement was declared in violation of the Federal Constitution's equal protection clause in 1970 (*Stephens v. Yeomans*). The legislature's reenacted statute depriving people on probation or parole for indictable offences of the right to vote was upheld by the Appellate Division, against a claim that it denied African Americans and Hispanics of equal protection because of its dispirate impact on them (*New Jersey State Conference–NAACP v. Harvey*). Generally speaking, questions of voter eligibility under this

provision turn on questions of statutory, rather than constitutional, interpretation (*Hitchner v. Cumberland County Board of Elections*).

Section II. Congressional Redistricting Commission

1. (a) After each federal census taken in a year ending in zero, the Congressional districts shall be established by the New Jersey Redistricting Commission. The commission shall consist of 13 members, none of whom shall be a member or employee of the Congress of the United States. The members of the commission shall be appointed with due consideration to geographic, ethnic and racial diversity and in the manner provided herein.

(b) There shall first be appointed 12 members as follows:

(1) two members to be appointed by the President of the Senate;

(2) two members to be appointed by the Speaker of the General Assembly;

(3) two members to be appointed by the minority leader of the Senate;

(4) two members to be appointed by the minority leader of the General Assembly; and

(5) four members, two to be appointed by the chairman of the State committee of the political party whose candidate for the office of Governor received the largest number of votes at the most recent gubernatorial election and two to be appointed by the chairman of the State committee of the political party whose candidate for the office of Governor received the next largest number of votes in that election.

Appointments to the commission under this subparagraph shall be made on or before June 15 of each year ending in one and shall be certified by the respective appointing officials to the secretary of state on and/or before July 1 of that year.

Each partisan delegation so appointed shall appoint one of its members as its chairman who shall have authority to make such certifications and to perform such other tasks as the members of that delegation shall reasonably require.

(c) There shall then be appointed one member, to serve as an independent member, who shall have been for the preceding five years a resident of this State, but who shall not during that period have held public or party office in this State.

The independent member shall be appointed upon the vote of at least seven of the previously appointed members of the commission on or before July 15 of each year ending in one, and those members shall certify that appointment to the Secretary of State on or before July 20 of that year. If the previously appointed members are unable to appoint an independent member within the time allowed therefor, they shall so certify to the Supreme Court not later than that July 20 and shall include in that certification the names of the two persons who, in the members' final vote upon the appointment of the independent member, received the greatest number of votes. Not later than August 10 following receipt of that certification, the Supreme Court shall by majority vote of its full authorized membership select, of the two persons so named, the one more qualified by education and occupational experience, by prior public service in government or otherwise, and by demonstrated ability to represent the best interest of the people of

In re Absentee Ballots Cast by Five Residents of Trenton Psychiatric Hosp., 331 N.J.Super. 31, 750 A.2d 790 (A.D.2000). Elections ⇐ 59

The challengers to ballots cast by patients of psychiatric hospital had the burden to prove incompetence by clear and convincing evidence. In re Absentee Ballots Cast by Five Residents of Trenton Psychiatric Hosp., 331 N.J.Super. 31, 750 A.2d 790 (A.D.2000). Elections ⇐ 223

Mentally retarded person is not necessarily an "idiot," and a mentally ill person is not necessarily "insane," for voter registration purposes. Carroll v. Cobb, 139 N.J.Super. 439, 354 A.2d 355 (A.D. 1976). Elections ⇐ 98

7. Persons denied right of suffrage, conviction of crime; restoration of right

7. The Legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of such crimes as it may designate. Any person so deprived, when pardoned or otherwise restored by law to the right of suffrage, shall again enjoy that right.

Amended at general election Nov. 7, 1995, eff. Dec. 7, 1995.

Historical Notes

The 1995 amendment proposed by Assembly Concurrent Resolution No. 25 of 1993 redesignated Art. 2, par. 7 as Art. 2, § 1, par. 7.

Prior Laws: N.J.S.A. § Const.1844, Art. 2, pars. 1, 2, as amended, effective Sept. 28, 1875.

Cross References

Challenge on ground of conviction of crime, see N.J.S.A. § 19:15–19.
Denial of right of suffrage to person convicted of crime, idiots and insane persons, see N.J.S.A. § 19:4–1.
Pardons and reprieves, see N.J.S.A. Const. Art. 5, § 2, ¶ 1.
Penalty for vote by person convicted of disfranchising crime, see N.J.S.A. § 19:34–6.

Law Review and Journal Commentaries

Equal protection clause as a limitation on the states' power to disfranchise criminals. 21 Rutgers L.Rev. 297 (1967).

Expungement and sealing of arrest and conviction records. 5 Seton Hall L.Rev. 864 (1974).

Library References

Elections ⇐90.
Westlaw Topic No. 144.
C.J.S. Elections §§ 32 to 33.

United States Supreme Court

Felons as voters, see Richardson v. Ramirez, U.S.Cal.1974, 94 S.Ct. 2655, 418 U.S. 24, 41 L.Ed.2d 551, 72 O.O.2d 232.

Voting rights of persons detained awaiting trial, see O'Brien v. Skinner, U.S.N.Y. 1974, 94 S.Ct. 740, 414 U.S. 524, 38

Notes of Decisions

Convictions within paragraph 3
Pardons 4
Policy 2
Purpose 1

---

1. Purpose

Statute disenfranchising voting rights of persons on probation or parole for indictable crimes did not violate equal protection by having disparate impact on African- and Hispanic-Americans; statute was facially neutral and was not enacted with invidious purpose, and it was specifically authorized under state constitutional provision granting legislature authority to pass laws to "deprive persons of right of suffrage who shall be convicted of such crimes as it may designate." New Jersey State Conference-NAACP v. Harvey, 381 N.J.Super. 155, 885 A.2d 445 (A.D.2005), certification denied 186 N.J. 363, 895 A.2d 450. Constitutional Law ⇐ 3239; Elections ⇐ 60; Constitutional Law ⇐ 4284

Purpose of this paragraph is to maintain purity of elections. Application of Palmer, 61 A.2d 922 (Co.1948).

2. Policy

In determining its public policy with regard to withholding right of suffrage, as from person convicted of crime, the state may adopt such standard as it desires, subject to federal Constitution, and can therefore adopt a penal standard set by the federal government. Application of Marino, 23 N.J. Misc. 159, 42 A.2d 469 (1945). Elections ⇐ 18

3. Convictions within paragraph

Convicted criminal was entitled to vote in election where, on date of election, he was free on his own recognizance pending future surrender date to penitentiary. Hitchner v. Cumberland County Bd. of Elections, 163 N.J.Super. 560, 395 A.2d 270 (Co.1978). Elections ⇐ 90

Under this paragraph providing that legislature may pass laws to deprive persons of the right of suffrage who "shall be convicted" of such crime as it may designate, quoted words apply to persons convicted before or after adoption of 1947 Constitution. Application of Smith, 8 N.J.Super. 573, 73 A.2d 761 (Co.1950). Elections ⇐ 18

N.J.S.A. 19:4–1 et seq., effective on October 6, 1948, disfranchising persons convicted of certain crimes was not unconstitutional insofar as it purported to disfranchise persons who were convicted prior to effective date of the law. Application of Palmer, 61 A.2d 922 (Co.1948). Statutes ⇐ 278.36; Elections ⇐ 18

All persons including minors, convicted in an adult criminal court of offenses enumerated N.J.S.A. 19:4–1 would be included among those to whom the disenfranchisement provisions of the Constitution would apply, but such provisions do not apply to minors adjudicated as juvenile offenders in the juvenile and domestic relations court. Atty.Gen.F.O.1961, No. 7.

4. Pardons

Full pardon for an offense restores the right of suffrage forfeited for conviction of crime, and the word "law" in this paragraph, providing that a person convicted of crime shall not enjoy the right of an elector, unless pardoned or restored by law to the right of suffrage, means lawful action by the court of pardons and not by the Legislature. In re Court of Pardons, 3 N.J. Misc. 585, 97 N.J. Eq. 555, 129 A. 624 (1925). Pardon And Parole ⇐ 24

SECTION II

1. Congressional districts established by redistricting commission; appointment of members

1. (a) After each federal census taken in a year ending in zero, the Congressional districts shall be established by the New Jersey Redistricting Commission

21. Saving clause

This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people. As amended, election Sept. 7, 1875. Proclamation Sept. 28, 1875.

This paragraph was merely renumbered, without further change, by the amendment of 1875.

Its phraseology has some resemblance to that of the Ninth Amendment to the Constitution of the United States, which is expressed as follows: "The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

ARTICLE II

Right of Suffrage

1. Electors; qualifications; persons disqualified; electors in military service; absent electors

Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be elective by the people; provided, that no person in the military, naval or marine service of the United States shall be considered a resident in this state, by being stationed in any garrison, barrack, or military or naval place or station within this state; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector. And provided further, that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside. As amended, election Sept. 7, 1875. Proclamation Sept. 28, 1875.

The amendment of 1875, in addition to adding the clauses beginning with the words, "and provided further," eliminated the word "white" which originally appeared between the word "Every" and the words "male citizen" at the beginning of the paragraph.

The word "male" has in effect been stricken out by the Nineteenth Amendment to the Federal Constitution. See N.J.S.A. 19:4-1 relating to qualifications to vote.

The qualifications of electors, as embodied in the New Jersey Constitution of 1776, were set forth in article 4 thereof.

2. Conviction of bribery as disqualification

The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery. As amended, election, Sept. 7, 1875. Proclamation Sept. 28, 1875.

This paragraph was added by the amendment of 1875.

ARTICLE III

Distribution of the Powers of Government

1. Departments of government

The powers of the government shall be divided into three distinct departments—the legislative, executive and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

ARTICLE IV

Legislative

Section I

1. Legislature

The legislative power shall be vested in a senate and general assembly.

The first article of the New Jersey Constitution of 1776 provided: "That the government of this province shall be vested in a governor, legislative council, and general assembly."

2. Qualifications of members of senate and general assembly

No person shall be a member of the senate who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the state for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the general assembly who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state for two years, and of the county for which he shall be chosen one year, next before his election; provided, that no person shall be eligible as a member of either house of the legislature, who shall not be entitled to the right of suffrage.

Article 3 of the Constitution of 1776, relating to qualifications of members of the legislative council and general assembly, contained