

19:46-6

LEGISLATIVE HISTORY CHECKLIST
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(NJ Redistricting Commission
---establish)

NJSA: 19:46-6

LAWS OF: 1991 CHAPTER: 510

BILL NO: A5307

SPONSOR(S): Doria and Baker

DATE INTRODUCED: January 6, 1992

COMMITTEE: ASSEMBLY: State Government
SENATE: —

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
by asterisks

DATE OF PASSAGE: ASSEMBLY: January 10, 1992
SENATE: January 13, 1992

DATE OF APPROVAL: January 21, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: Yes

974.90 New Jersey. Redistricting Commission.
L514 Public hearing...regarding policy, held 2-19-92. Trenton,
1992 1992.

(over)

Public hearings during previous session.

974.90 New Jersey. Legislature. Assembly Committee on State Government.
L514 Public hearings, held 6-15-89, Trenton, 1987.
1987

974.90 New Jersey. Legislature, Assembly Committee on State Government.
L514 Public hearing held 4-16-87, Trenton, 1987.
1987g

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[SECOND REPRINT]
ASSEMBLY, No. 5307

STATE OF NEW JERSEY

INTRODUCED JANUARY 6, 1992

By Assemblymen DORIA and BAER

1 AN ACT establishing the New Jersey Redistricting Commission,
2 supplementing Title 19 of the Revised Statutes ²[and],²
3 repealing sections 1 and 2 of P.L.1982, c.1 ²and making an
4 appropriation².

5

6 BE IT ENACTED *by the Senate and General Assembly of the*
7 *State of New Jersey:*

8 1. There is hereby established the New Jersey Redistricting
9 Commission, which shall establish the Congressional districts for
10 use in the decade of the 1990s.

11 2. a. The commission shall consist of 13 members. The
12 members of the commission shall be appointed with due
13 consideration to geographic, ethnic and racial diversity and in the
14 manner provided herein.

15 b. There shall first be appointed 12 as follows:

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

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

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

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

24 (5) four members, two to be appointed by the chairman of the
25 State committee of the political party whose candidate for
26 Governor received the largest numbers of votes at the most
27 recent gubernatorial election and two to be appointed by the
28 chairman of the State committee of the political party whose
29 candidate for Governor received the next largest number of votes
30 at that election.

31 Appointments to the commission under this subsection shall be
32 made as soon as practicable after the enactment of this act but
33 not later than the seventh day after enactment and shall be
34 certified by the appointing authorities to the Secretary of State
35 as soon as practicable thereafter but no later than the fifth day
36 after the appointments are made.

37 c. There shall then be appointed one member, to serve as an
38 independent member, who shall not have held elected public or
39 party office in this State at any time during the three year period
40 immediately prior to appointment to the commission. The

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASG committee amendments adopted January 8, 1992.

² Assembly floor amendments adopted January 8, 1992.

1 independent member shall be appointed by the previously
2 appointed members of the commission as follows: the members
3 appointed by the appointing officials of the political party whose
4 candidate for Governor received the largest number of votes at
5 the preceding gubernatorial election shall as a group select three
6 nominees meeting the foregoing qualifications, and the members
7 appointed by the appointing officials of the political party whose
8 candidate for Governor received the next largest number of votes
9 at that election shall do the same. If one person is nominated by
10 both groups, then that person shall be the independent member,
11 and if more than one person is nominated by both groups, the
12 previous appointees shall by lot choose one of them to be the
13 independent member. If no person is nominated by both groups,
14 the members shall elect the independent member by ballot upon
15 the vote of seven of the previously appointed members.

16 Appointment to the commission of the independent member
17 under this subsection shall be made as soon as practicable but no
18 later than the seventh day after the appointment of the other
19 members of the commission and the certification shall be made
20 as soon as practicable thereafter but no later than the fifth day
21 after the appointment is made. Once selected, the independent
22 member shall serve as chairman of the commission. If the other
23 members are unable to appoint an independent member within the
24 time allowed therefor, the appointment of those other members
25 shall be void and each of the appointing officials shall, as soon as
26 practicable, appoint to be members of the commission persons
27 other than those originally selected to be members and the
28 selection process of the independent member shall proceed again
29 as provided for by this section.

30 2d. No person shall serve as a member of the commission who
31 is a member of the Congress of the United States or a
32 Congressional employee or has served as such during the one-year
33 period prior to the appointment of the members of the
34 commission.²

35 3. The commission shall meet to organize as soon as may be
36 practicable after the appointment of the independent member but
37 not later than February 15, 1992. At the organizational meeting
38 the members of the commission shall determine such
39 organizational matters as they deem appropriate. Thereafter, a
40 meeting of the commission may be called by the chairman or
41 upon the request of seven members, and seven members of the
42 commission shall constitute a quorum at any meeting thereof for
43 the purpose of taking any action.

44 Vacancies in the membership of the commission occurring prior
45 to the certification by the commission of Congressional districts
46 or during any period in which the districts established by the
47 commission may be or are under challenge in the courts of this
48 State or the courts of the United States shall be filled within five
49 days of their occurrence in the same manner as the original
50 appointments were made.

1 4. On or before March 20, 1992, or within three months after
2 receipt by the Governor of the official statement by the Clerk of
3 the House of Representatives regarding the number of
4 Representatives to which the State is entitled, pursuant to
5 section 2a of 2 U.S.C., whichever is later, the commission shall
6 certify the establishment of the Congressional districts to the
7 Secretary of State. The commission shall certify the
8 establishment of districts pursuant to a majority vote of its
9 members. Any vote by the commission upon a proposal to certify
10 the establishment of a Congressional district plan shall be taken
11 by roll call and shall be recorded, and the vote of any member in
12 favor of any Congressional district plan shall nullify any vote
13 which he shall previously have cast during the life of the
14 commission in favor of a different Congressional district plan.
15 Any Congressional district plan introduced by a member of the
16 commission shall be considered for adoption by the commission
17 and subject to a recorded vote to ascertain the level of support
18 for that plan among the members. If the commission is unable to
19 certify the establishment of districts by the time required due to
20 the inability of a plan to achieve seven votes, the two district
21 plans receiving the greatest number of votes, but not fewer than
22 five votes, shall be submitted to the Supreme Court, which shall
23 select and certify whichever of the two plans so submitted
24 conforms most closely to the standards established in section 5 of
25 this act. The independent member of the commission may vote
26 only when the vote of the other members of the commission in
27 favor of a Congressional district plan results in a tie.

28 5. a. The plan certified by the New Jersey Redistricting
29 Commission for the establishment of Congressional districts shall
30 provide for equality of population among districts; for the
31 preservation of minority voting status within each district; for
32 the geographical contiguity of individual districts; and for
33 reasonable protection for districts from decade to decade against
34 disruptive alteration due to redistricting.

35 b. (1) In the plan, the population of each Congressional
36 district shall be as nearly equal as practicable, and the difference
37 in population between the most populous and least populous
38 districts as small as practicable, as required by the Constitution
39 of the United States and all applicable decisions of the Supreme
40 Court of the United States.

41 (2) No Congressional district shall be established which
42 fragments an ethnic or racial minority community which, if left
43 intact, would constitute a majority or significant number of
44 voters or potential voters within a single district with the ability
45 to elect the candidate of their choice. For the purposes of this
46 paragraph, a minority community means any group enjoying
47 special protection under the civil rights provisions of the
48 Constitution of the United States and the federal "Voting Rights
49 Act of 1965," as amended and supplemented (42 U.S.C., section
50 1973 et seq.).

1 ²c. Congressional districts shall be drawn so that they are
2 contiguous.

3 ²[c.] d.² To the fullest extent reasonable and when not in
4 conflict with the foregoing standards, Congressional districts
5 shall be drawn to preserve ²[geographic]² continuity ²from
6 decade to decade² .

7 6. Meetings of the New Jersey Redistricting Commission shall
8 be held at convenient times and locations. The commission shall
9 hold at least three public hearings in different parts of the State.
10 The commission shall, subject to the constraints of time and
11 convenience, review written plans for the establishment of
12 Congressional districts submitted by members of the general
13 public. Notwithstanding any statute, rule or regulation to the
14 contrary, the commission shall not be subject to the "Open Public
15 Meetings Act," P.L.1975, c.231 (C.10:4-7 et seq.).

16 7. The establishment of Congressional districts shall be used
17 thereafter for the election of members of the House of
18 Representatives and shall remain unaltered through the next year
19 ending in zero in which a federal census for New Jersey is taken,
20 unless such districts are ruled invalid by the courts of this State
21 or the United States.

22 8. Notwithstanding any statute, rule or regulation to the
23 contrary and except as otherwise required by the Constitution of
24 the United States or by any federal law, no court of this State
25 shall have jurisdiction over any judicial proceeding challenging
26 the actions of the New Jersey Redistricting Commission,
27 including its establishment of Congressional districts under this
28 ¹[section] act¹, except that the Supreme Court of this State shall
29 have original and exclusive jurisdiction to consider any cause
30 brought upon the petition of a legally qualified voter of the State
31 ¹[concerning the qualifications of members of the commission
32 under section 2 of this act or concerning the compliance of the
33 commission or any of its members with the applicable procedural
34 requirements of sections 2, 3, 4, and 6 of this act,]¹ and to grant
35 relief appropriate to the cause, including the issuance of an order
36 to the commission to establish new districts. The Court shall
37 give any petition filed as provided herein precedence over all
38 other matters. It shall render judgment within 30 days of the
39 date on which the petition is filed.

40 ²9. The commssion shall be entitled to call to its assistance and
41 avail itself of the services of such staff or employees of any
42 State, county or municipal department, board, bureau, commsiion
43 or agency as it may require and as may be available for its
44 purposes, and to employ such stenographic, clerical and
45 professional assistance as it may deem necessary in order to
46 perform its duties, within the limits of funds appropriated or
47 otherwise made available to it for its purposes.²

48 ²[9. The Legislature shall appropriate the funds necessary for
49 the efficient operation of] 10. There is appropriated from the
50 General Fund to² the New Jersey Redistricting Commission

1 ²\$250,000 for the purposes of this act² .

2 ²[10.] 11.² Sections 1 and 2 of P.L.1982, c.1 (C.19:46-4 and 5)
3 are repealed.

4 ²[11.] 12.² This act shall take effect January 15, 1992 and
5 sections 1 through 9 shall expire on January 1, 2001.

6

7

8

STATE GOVERNMENT

9

10 Establishes the New Jersey Redistricting Commission;
11 appropriates \$250,000.

1 Congressional districts submitted by members of the general
2 public. Notwithstanding any statute, rule or regulation to the
3 contrary, the commission shall not be subject to the "Open Public
4 Meetings Act," P.L.1975, c.231 (C.10:4-7 et seq.).

5 7. The establishment of Congressional districts shall be used
6 thereafter for the election of members of the House of
7 Representatives and shall remain unaltered through the next year
8 ending in zero in which a federal census for New Jersey is taken,
9 unless such districts are ruled invalid by the courts of this State
10 or the United States.

11 8. Notwithstanding any statute, rule or regulation to the
12 contrary and except as otherwise required by the Constitution of
13 the United States or by any federal law, no court of this State
14 shall have jurisdiction over any judicial proceeding challenging
15 the actions of the New Jersey Redistricting Commission,
16 including its establishment of Congressional districts under this
17 section, except that the Supreme Court of this State shall have
18 original and exclusive jurisdiction to consider any cause brought
19 upon the petition of a legally qualified voter of the State
20 concerning the qualifications of members of the commission
21 under section 2 of this act or concerning the compliance of the
22 commission or any of its members with the applicable procedural
23 requirements of sections 2, 3, 4, and 6 of this act, and to grant
24 relief appropriate to the cause, including the issuance of an order
25 to the commission to establish new districts. The Court shall
26 give any petition filed as provided herein precedence over all
27 other matters. It shall render judgment within 30 days of the
28 date on which the petition is filed.

29 9. The Legislature shall appropriate the funds necessary for
30 the efficient operation of the New Jersey Redistricting
31 Commission.

32 10. Sections 1 and 2 of P.L.1982, c.1 (C.19:46-4 and 5) are
33 repealed.

34 11. This act shall take effect January 15, 1992 and sections 1
35 through 9 shall expire on January 1, 2001.

36
37

38 STATEMENT

39

40 This bill provides for the creation of a 13-member New Jersey
41 Redistricting Commission. This commission is to assume
42 responsibility, now lodged with the Legislature, for establishing
43 Congressional districts for use in decade of the 1990s.

44 The members of the commission are to be appointed with due
45 consideration to geographic, ethnic and racial diversity. The
46 presiding officers and minority leaders of the two houses of the
47 Legislature are each to appoint two members, for a total of eight
48 members; the respective State chairmen of the two principal
49 political parties in the State are each to appoint two more
50 members for a total of 12. These 12 members are to select an

1 13th member to serve as an independent member of the
2 commission and as its chairman. The independent member must
3 not have held elected public or party office in this State at any
4 time during the three year period immediately prior to
5 appointment to the commission. The selection is to be made by
6 majority vote of the 12 previously appointed members. If no
7 independent member has been appointed or certified within the
8 time allowed therefor, the appointment of the other members
9 shall be void and each of the appointing officials shall, as soon as
10 practicable, appoint to be members of the commission persons
11 other than those originally selected to be members. These new
12 members would then select the 13th member.

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

- 18 a. Equality of population among the districts;
- 19 b. Preservation of the voting power of ethnic and racial
20 minority communities entitled to special protection under the
21 civil rights provisions of the United States Constitution and all
22 applicable decisions of the Supreme Court of the United States;
- 23 c. Contiguity and compactness of districts; and
- 24 d. Preservation, from one district plan to the next, of
25 geographic continuity among the respective districts.

26 The commission is to certify a Congressional district plan only
27 upon a majority vote of its members. The vote of any member in
28 favor of any plan will nullify any vote which he shall previously
29 have cast during the life of the commission in favor of a different
30 plan. Members may submit their own district plans for adoption
31 by the commission and have recorded votes taken thereon.
32 Certification must occur on or before March 20, 1992 or within
33 three months of receipt by the Governor of the official statement
34 by the Clerk of the House of Representatives regarding the
35 number of Representatives to which the State is entitled,
36 pursuant to section 2a of 2 U.S.C., whichever is later. If no plan
37 achieves seven votes within the time allowed for certification,
38 the two district plans receiving the greatest number of votes, but
39 no fewer than five votes, are to be submitted to the Supreme
40 Court, which shall certify whichever of them conforms most
41 closely to the aforementioned standards. The independent
42 member of the commission may vote only when the vote of the
43 other members of the commission in favor of a Congressional
44 district plan results in a tie.

45 The bill precludes the courts of New Jersey from having
46 jurisdiction over any judicial proceeding challenging the actions
47 of the New Jersey Redistricting Commission, except that the
48 Supreme Court is given original and exclusive jurisdiction to
49 consider any cause brought by a qualified petitioner concerning
50 the qualification of commission members or compliance by the

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1 commission with various procedural requirements which this bill
2 would place on its deliberations.

3 The bill, if enacted, shall take effect January 15, 1992 and
4 sections 1 through 9 shall expire on January 1, 2001.

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6

7

STATE GOVERNMENT

8

9 Establishes the New Jersey Redistricting Commission.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5307

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 7, 1992

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No. 5307.

This bill provides for the creation of a 13-member New Jersey Redistricting Commission. This commission is to assume responsibility, now lodged with the Legislature, for establishing Congressional districts for use in the decade of the 1990s.

The members of the commission are to be 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; 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 to select a 13th member to serve as an independent member of the commission and as its chairman. The independent member must not have held elected public or party office in this State at any time during the three year period immediately prior to appointment to the commission. The selection is to be made by majority vote of the 12 previously appointed members. If no independent member has been appointed or certified within the time allowed therefor, the appointment of the other members shall be void and each of the appointing officials shall, as soon as practicable, appoint to be members of the commission persons other than those originally selected to be members. These new members would then select the 13th member.

The bill establishes four 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;
- b. 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 and all applicable decisions of the Supreme Court of the United States;
- c. Contiguity and compactness of districts; and
- d. 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. Members may submit their own district plans for adoption by the commission and have recorded votes taken thereon. Certification must occur on or before March 20, 1992 or within three months of receipt by the Governor of the official statement by the Clerk of the House of Representatives regarding the number of Representatives to which the State is entitled, pursuant to section 2a of 2 U.S.C., whichever is later. If no plan achieves 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 aforementioned standards. The independent member of the commission may vote only when the vote of the other members of the commission in favor of a Congressional district plan results in a tie.

Section 8 of the bill grants original and exclusive jurisdiction to the Supreme Court over proceedings challenging the actions of the Redistricting Commission.

Section 10 of the bill repeals the current redistricting plan.

The bill, if enacted, shall take effect January 15, 1992 and sections 1 through 9 shall expire on January 1, 2001.

COMMITTEE AMENDMENTS

Language which would have limited the Supreme Court's original and exclusive jurisdiction to challenges involving procedural matters was deleted by committee amendment.