

[First Reprint]

**ASSEMBLY CONCURRENT RESOLUTION**

**No. 188**

**STATE OF NEW JERSEY**

**219th LEGISLATURE**

INTRODUCED JULY 6, 2020

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**acCo-Sponsored by:**

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

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

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

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

**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 IV, Section III, by adding a new paragraph 4 to read as follows:

4. Notwithstanding the provisions of paragraphs 1, 2, and 3 of this Section III, when the receipt by the Governor of the official decennial census of the United States for New Jersey occurs after February 15 of the year ending in one, following the year in which the census is taken, the commission shall certify the establishment of Senate and Assembly districts and the apportionment of Senators and members of the General Assembly to the Secretary of State after the November general election of that year ending in one, but not later than <sup>1</sup>[December 31 of that year] March 1 of the year ending in two. The commission shall begin conducting its business upon the receipt by the Governor of the official decennial census of the United States for New Jersey, and the eleventh member of the commission shall be appointed by the Chief Justice of the Supreme Court of New Jersey within one month of the Governor's receipt of that census data<sup>1</sup>. Such establishment and apportionment shall be used for the election of members of the Senate and General Assembly beginning with elections conducted in the year ending in three, and elections thereafter, and shall remain unaltered until the following decennial census of the United States for New Jersey shall have been received by the Governor.

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

For the election of members of the Senate and General Assembly occurring in November of that year ending in one, members shall be elected by the legally qualified voters of their district as drawn by the previous Apportionment Commission for the previous decade, 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 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, 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 that 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 (a) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (a) in the square opposite the word "No."

b. In every municipality the following question:

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|  | YES | <p style="text-align: center;"><b>CONSTITUTIONAL AMENDMENT TO<br/>CHANGE THE LEGISLATIVE<br/>REDISTRICTING SCHEDULE IF CENSUS<br/>DATA IS DELAYED</b></p> <p>Do you approve amending the Constitution to change when new legislative districts are created if the federal census data is delayed?</p> <p>The current COVID-19 pandemic has delayed census data collection. If New Jersey does not receive the census data in a timely manner, new legislative districts may not be ready in time for State legislative elections in the year ending in one.</p> <p>This change to the redistricting schedule will allow legislators to be elected that year from their existing districts for their two-year term in office. The new districts will be used starting with the next scheduled general election for the State legislature.</p> |
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|  | NO | <p style="text-align: center;"><b>INTERPRETIVE STATEMENT</b></p> <p>This constitutional amendment changes when new legislative districts are created if the federal census data is delayed.</p> <p>The United States Constitution requires that a census be taken every ten years to count the people living in the country. Census data is then used to create new legislative districts to ensure residents have equal representation from elected officials. However, the current COVID-19 pandemic has delayed census data collection. This may delay census data to the states and may affect the creation of new legislative districts.</p> <p>The State Constitution requires an Apportionment Commission to create new legislative districts every ten years after the</p> |
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federal census is completed. If the census data is delayed, the new legislative districts may not be created in a timely manner to hold elections.

This constitutional amendment requires the commission to delay creating the new districts if the Governor receives the federal census data after February 15 of the year ending in one. The commission will adopt the new districts after the November general election, but not later than <sup>1</sup>[December 31 of that year] March 1 of the year ending in two<sup>1</sup>.

The new districts will be used starting with legislative elections in the year ending in three. They will continue to be used until new districts are again created by the Apportionment Commission after the next federal census.

For the June primary and November general elections in the year ending in one, Senators and Assembly members will use their existing districts to run for a term of two years. The old districts will also be in effect in the year ending in two if any legislative election is held in that year.

<sup>1</sup>This amendment requires the commission to begin conducting its business when the Governor receives the census data. It also requires the eleventh member of the commission to be appointed by the Chief Justice of the New Jersey Supreme Court within one month after the Governor receives the census data.

Nothing in this amendment will alter the appointment of the members of the commission made by the State political party chairs pursuant to Article IV, Section III, paragraph 1 of the State Constitution on or before November 15, and certified by the Secretary of

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|  |  | <u>State on or before December 1, of the year in</u><br><u>which the census is taken.</u> <sup>1</sup> |
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