
Public Hearing

before

ASSEMBLY JUDICIARY COMMITTEE

Assembly Concurrent Resolution 205

LOCATION: Committee Room 11
State House Annex
Trenton, New Jersey

DATE: December 13, 2018
11:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblywoman Annette Quijano, Chair
Assemblywoman Carol A. Murphy, Vice Chair
Assemblyman Louis D. Greenwald
Assemblyman Gordon M. Johnson
Assemblyman William W. Spearman
Assemblyman Michael Patrick Carroll
Assemblywoman Nancy F. Muñoz



ALSO PRESENT:

Miriam Bavati
Sarita Welsh
Office of Legislative Services
Committee Aides

Brian Quigley
Assembly Majority
Committee Aide

Matthew Gould
Assembly Republican
Committee Aide

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

ANNETTE QUIJANO
Chairwoman

CAROL A. MURPHY
Vice-Chairwoman

GORDON M. JOHNSON
WILLIAM W. SPEARMAN
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New Jersey State Legislature
ASSEMBLY JUDICIARY COMMITTEE
STATE HOUSE ANNEX
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TRENTON NJ 08625-0068

PUBLIC HEARING NOTICE

The Assembly Judiciary Committee will hold a public hearing on Thursday, December 13, 2018 at 11:00 AM in Committee Room 11, 4th Floor, State House Annex, Trenton, New Jersey.

The public may address comments and questions to Miriam Bavati, Sarita Welsh, Committee Aides, or make bill status and scheduling inquiries to Denise Darmody, Secretary, at (609)847-3865, fax (609)292-6510, or e-mail: OLSAideAJU@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The public hearing will be held in accordance with Article IX, paragraph 1 of the New Jersey Constitution and Rule 19:3 of the General Assembly on the following Concurrent Resolution:

ACR-205 Greenwald/Murphy/Holley	Proposes constitutional amendment to change legislative Apportionment Commission membership; establishes new requirements on commission for process and legislative district composition.
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Those individuals presenting written testimony are asked to provide 15 copies to the committee aides prior to the start of the meeting.

Issued 12/5/18

For reasonable accommodation of a disability call the telephone number or fax number above, or for persons with hearing loss dial 711 for NJ Relay. The provision of assistive listening devices requires 24 hours' notice. CART or sign language interpretation requires 5 days' notice.

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**ASSEMBLY CONCURRENT
RESOLUTION No. 205**

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED NOVEMBER 26, 2018

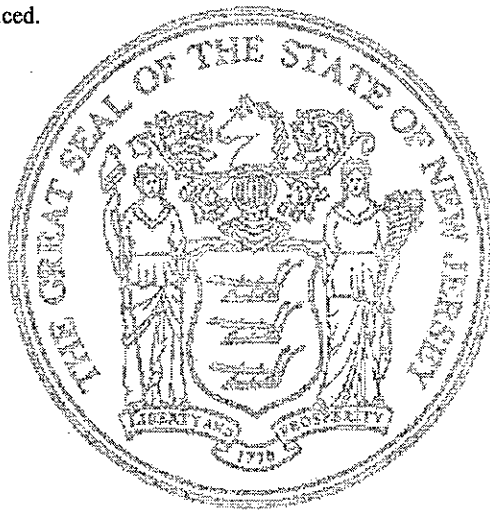
Sponsored by:
Assemblyman LOUIS D. GREENWALD
District 6 (Burlington and Camden)
Assemblywoman CAROL A. MURPHY
District 7 (Burlington)
Assemblyman JAMEL C. HOLLEY
District 20 (Union)

SYNOPSIS

Proposes constitutional amendment to change legislative Apportionment Commission membership; establishes new requirements on commission for process and legislative district composition.

CURRENT VERSION OF TEXT

As introduced.



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

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

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

10
11 PROPOSED AMENDMENT

12
13 Amend Article IV, Section III, paragraphs 1 and 2 to read as
14 follows:

15 1. After the next and every subsequent decennial census of the
16 United States, the Senate districts and Assembly districts shall be
17 established, and the senators and members of the General Assembly
18 shall be apportioned among them, by an Apportionment
19 Commission consisting of ~~ten~~ 13 members ~~five to be~~ Twelve
20 of the members shall be appointed as follows: two members, at least
21 one of whom shall be a member of the public, appointed by the
22 each chairman of the State committee of each of the two major
23 political parties whose candidates for Governor receive the largest
24 number of votes at the most recent gubernatorial election ; two
25 members appointed by the President of the Senate, at least one of
26 whom shall be a member of the Legislature; two members
27 appointed by the Speaker of the General Assembly, at least one of
28 whom shall be a member of the Legislature; two members
29 appointed by the Minority Leader of the Senate, at least one of
30 whom shall be a member of the Legislature; and two members
31 appointed by the Minority Leader of the General Assembly, at least
32 one of whom shall be a member of the Legislature. The Chief
33 Justice of the Supreme Court of New Jersey shall appoint the 13th
34 member of the Commission. Each State chairman person, in
35 making such appointments, shall give due consideration to the
36 representation of the various geographical areas of the State and to
37 ethnic, gender, and racial diversity. Appointments No member of
38 the Commission shall be a governmental affairs agent, as shall be
39 provided by law. All appointments to the Commission shall be
40 made on or before November 15 of the year in which such census is
41 taken and shall be certified by the Secretary of State on or before
42 December 1 of that year. The Commission, by a majority of the
43 whole number of its members, shall certify the establishment of
44 Senate and Assembly districts and the apportionment of senators
45 and members of the General Assembly to the Secretary of State

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

Matter underlined thus is new matter.

1 within one month of the receipt by the Governor of the official
2 decennial census of the United States for New Jersey, or on or
3 before February 1 of the year following the year in which the
4 census is taken, whichever date is later.】

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

6
7 2. 【If the Apportionment Commission fails so to certify such
8 establishment and apportionment to the Secretary of State on or
9 before the date fixed or if prior thereto it determines that it will be
10 unable so to do, it shall so certify to the Chief Justice of the
11 Supreme Court of New Jersey and he shall appoint an eleventh
12 member of the Commission.】 a. The Commission so constituted, by
13 a majority of the whole number of its members, shall at a public
14 meeting, within 【one month】 two months after the 【appointment of
15 such eleventh member】 receipt by the Governor of the official
16 decennial census of the United States for New Jersey, certify to the
17 Secretary of State the establishment of Senate and Assembly
18 districts and the apportionment of members of the Senate and
19 members of the General Assembly.

20 b. Within the two-month period following the receipt by the
21 Governor of the official decennial census of the United States for
22 New Jersey, the Commission shall hold at least three public
23 hearings in different parts of the State at times and locations
24 convenient to the public. The Commission shall establish a
25 website, to be administered by the Office of Legislative Services, or
26 its successor, starting on January 1 of the year following the year in
27 which the census is taken. By January 1, the website shall describe,
28 in plain language, the process of the Commission; provide the total
29 votes received in each municipality by candidates in all Statewide
30 general elections in the preceding decade for the offices of United
31 States President, United States Senator, and Governor; and provide
32 a process for members of the public to submit written plans for the
33 establishment of legislative districts and more general comments to
34 the Commission. The website shall also provide access to the
35 transcripts and recordings of the public hearings and the materials
36 submitted to the Commission, and provide such other information
37 as the Commission deems appropriate. The Commission shall
38 provide the public with at least 48 hours' notice on the website of
39 the public meeting of the Commission at which a plan is certified to
40 establish legislative districts, including with the notice the final
41 proposed plan of legislative districts produced by each political
42 party, and shall provide the public an opportunity to comment at the
43 public meeting.

44 c. The Commission shall only certify a plan to establish
45 legislative districts that ensures fair representation such that each of
46 the two major political parties has an equal number of districts more
47 favorable to that party. A district shall be more favorable to a

1 political party if the percentage of the combined two-major-party
2 votes received in that district in all Statewide general elections by
3 that party over the preceding decade for the offices of United States
4 President, United States Senator, and Governor exceeds the
5 Statewide percentage of the combined two-major-party votes that
6 party received in those elections. A major political party's
7 percentage of the combined two-major-party votes shall be
8 calculated by dividing the number of votes received by that political
9 party by the combined total number of votes received by the two
10 major political parties.

11 d. The Commission shall only certify a plan to establish
12 legislative districts that enhances competitiveness by ensuring that
13 at least 25 percent of all districts are more favorable to either major
14 political party by no more than five percentage points of the
15 average Statewide percentage of the combined two-major-party
16 votes received in all Statewide general elections by that party over
17 the preceding decade for the offices of United States President,
18 United States Senator, and Governor. For each such district
19 included in the foregoing in which the percentage of the combined
20 two-major-party votes for a major political party exceeds that
21 party's percentage of the combined two-major-party votes in those
22 Statewide elections, there shall be a corresponding district in which
23 that party's percentage of the combined two-major-party votes is
24 less than the other major party's percentage of the combined two-
25 major-party votes in the Statewide elections by approximately the
26 same percentage. A major political party's percentage of the
27 combined two-major-party votes shall be calculated by dividing the
28 number of votes received by that political party by the combined
29 total number of votes received by the two major political parties.

30 e. The Commission, in all circumstances, shall only certify a
31 plan in which all districts comply with federal law, including but
32 not limited to any requirements on population deviation and of the
33 Voting Rights Act or any successor act, all districts are comprised
34 of contiguous territory, and all districts comply with the limitations
35 on division of municipalities set forth in Article IV, Section II,
36 paragraph 3 of this Constitution.

37 f. The Commission shall only certify a plan that best preserves
38 communities of interest within the same district. A community of
39 interest shall mean a geographically contiguous population sharing
40 common interests relevant to the legislative process such as trade
41 areas, communication and transportation networks, media markets,
42 or social, cultural, or economic interests.

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

44
45 2. When this proposed amendment to the Constitution is finally
46 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
47 shall be submitted to the people at the next general election
48 occurring more than three months after the final agreement and

1 shall be published at least once in at least one newspaper of each
 2 county designated by the President of the Senate, the Speaker of the
 3 General Assembly and the Secretary of State, not less than three
 4 months prior to the general election.

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

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

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

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

17 b. In every municipality the following question:

	<p>CONSTITUTIONAL AMENDMENT REQUIRING STANDARDS AND A PUBLIC PROCESS IN ESTABLISHING LEGISLATIVE DISTRICTS</p> <p>Do you approve changing the Constitution to change the membership of the Apportionment Commission, require public hearings, and set standards for the way it creates legislative districts?</p> <p>Do you approve adding to the commission an independent member at the beginning of the process, and changing who appoints some of the members?</p> <p>Do you approve requiring that at least two members of the public serve on the commission?</p> <p>Do you approve requiring that at least four legislators serve on the commission?</p> <p>Do you approve barring governmental affairs agents from serving on the commission?</p> <p>Do you approve requiring the commission to provide information to and take comments from the public? The amendment would also require the commission to hold at least three public hearings.</p> <p>Do you approve requiring the commission to establish districts that fairly represent voter party preferences in Presidential, United States Senate, and gubernatorial elections in the previous 10 years and to require at least one quarter of those districts to be within five percent of the party average of Statewide election results? This amendment would also require that the commission only certify a plan that best preserves communities of interest within the same district.</p>
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		<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>Districts for the New Jersey Legislature are established by the Apportionment Commission every 10 years after the federal national census is taken. This ensures that each district has approximately the same number of people.</p> <p>This amendment to the Constitution would increase from 10 to 13 the number of members of the commission required to be appointed. The amendment would require an independent member of the commission to be appointed from the start of the process by the Chief Justice of the Supreme Court. This amendment would require each of the leaders of both major parties in the Senate and General Assembly to appoint two members, at least one of whom will be a legislator. Presently, all the members are appointed by the chairs of the two major political parties. Under this amendment, each chair would appoint two members, at least one of whom will be a member of the public. This will result in at least two members of the public serving on the commission.</p> <p>The members of the commission would be appointed with regard to ethnic, gender, and racial diversity, as well as geographical diversity which is already required. The amendment would prohibit a governmental affairs agent from serving as a member of the commission.</p> <p>This amendment would require the commission to hold at least three public hearings in different parts of the State. The commission would also be required to provide information to the public, and accept district plans and comments from the public.</p> <p>This amendment would require the commission to vote to establish the legislative districts at a public meeting. The commission would be required to take comments from the public at that meeting.</p> <p>This amendment would require the commission to establish districts that fairly represent voter party preferences in Presidential, United States Senate, and gubernatorial elections over the previous 10 years and enhance competitiveness by requiring at least one quarter of those districts to be within five percent of the Statewide average in those elections. The amendment would also require that the commission only certify a plan that best preserves communities of interest within districts.</p> <p>This amendment would require districts to comply with federal law and be comprised of contiguous territory. This amendment requires the districts to follow the limit on dividing municipalities already set forth in the Constitution.</p>
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NO

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STATEMENT

This proposed constitutional amendment would increase the membership of the Legislative Apportionment Commission and impose certain requirements on the process and composition of the districts established by the commission for the New Jersey

1 Legislature. Every ten years after the federal national census, the
2 commission uses information from the census to establish new
3 legislative districts. The commission does this to ensure that each
4 district has approximately the same number of people.

5 This constitutional amendment would increase the number of
6 members of the commission from 10 to 13 members. Currently, the
7 chairs of the State Committees of the two major political parties
8 each appoint five members to the commission, and an 11th
9 independent member is appointed by the Chief Justice of the New
10 Jersey Supreme Court if the commission cannot complete its work.
11 This constitutional amendment would require the chairs of both
12 State Committees to each appoint two members to the commission.
13 At least one of each of those appointments will be a member of the
14 public. This would result in at least two members of the public
15 serving on the commission. The amendment would also require the
16 four legislative leaders from both major political parties to each
17 appoint two members. At least one of each of those appointments
18 will be a member of the Legislature, providing that at least four
19 members of the Legislature will serve on the commission. The
20 legislative leaders are the President of the Senate, the Speaker of
21 the General Assembly, the Minority Leader of the Senate, and the
22 Minority Leader of the General Assembly. The Chief Justice of the
23 Supreme Court of New Jersey would appoint the 13th member at
24 the beginning of the process. Members would be appointed with
25 due consideration to geographic, ethnic, gender, and racial
26 diversity, and governmental affairs agents would not be permitted
27 to serve on the commission.

28 Within that two-month period, the commission would be
29 required to hold at least three public hearings, in different parts of
30 the State and at times and locations convenient to the public. The
31 commission would establish a website, to be administered by the
32 Office of Legislative Services, a nonpartisan State agency, to
33 inform the public about the commission's work. This website
34 would also allow members of the public to submit plans and
35 comments. The commission would be required to provide at least
36 48 hours' notice of the public meeting at which a plan is certified to
37 establish legislative districts, including notice of the final proposed
38 plan of legislative districts produced by each political party. The
39 commission would be required to certify the new legislative
40 districts at a public meeting. The public would be given an
41 opportunity to comment.

42 The commission would be required to certify a plan establishing
43 legislative districts that ensures fair representation. This means that
44 each of the two major political parties is required to have an equal
45 number of districts more favorable to that party, utilizing standards
46 for fair representation originally established by Dr. Donald E.
47 Stokes when he served as the independent member of the
48 commission in both 1981 and 1991. Dr. Stokes described these

1 standards in "Legislative Redistricting by the New Jersey Plan,"
2 published in 1993 by the Fund for New Jersey. A district would be
3 more favorable to a political party if the percentage of the combined
4 two-major-party votes received in that district in all Statewide
5 general elections by that party over the last 10 years for the offices
6 of United States President, United States Senator, and Governor
7 exceeds the Statewide percentage of the combined two-major-party
8 votes received by that party in those elections. A major political
9 party's percentage of the combined two-major-party votes will be
10 calculated by dividing the number of votes received by that political
11 party by the combined total number of votes received by the two
12 major political parties.

13 The commission would be required to certify a plan to establish
14 legislative districts that enhances the competitiveness by ensuring
15 that at least 25 percent all districts are more favorable to either
16 major political party by no more than five percentage points of the
17 average Statewide percentage of the combined two-major-party
18 votes received in all Statewide general elections by that party over
19 the preceding decade for the offices of United States President,
20 United States Senator, and Governor. Of those districts included
21 therein, for each district in which the percentage of the combined
22 two-major-party votes for a party exceeds that party's percentage of
23 the combined two-major-party votes in those Statewide elections,
24 there will be a corresponding district in which that party's
25 percentage of the combined votes is less than the other major
26 party's percentage of the combined votes in the Statewide elections
27 by approximately the same percentage.

28 Under the resolution, all districts must comply with federal law,
29 in all circumstances, including but not limited to the requirements
30 on population deviation and of the Voting Rights Act or any
31 successor act, and be comprised of contiguous territory. Districts
32 are required to meet the limitations on the division of municipalities
33 as already set forth in Article IV, Section II, paragraph 3 of the New
34 Jersey Constitution. The commission may only certify a plan that
35 best preserves communities of interest within the same district.

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ASSEMBLYWOMAN ANNETTE QUIJANO (Chair): Good morning.

Welcome to the Assembly Judiciary Committee.

I need a roll call, please.

MS. BAVATI (Committee Aide): Assemblywoman Muñoz.

ASSEMBLYWOMAN MUÑOZ: Yes; here.

MS. BAVATI: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Present.

MS. BAVATI: Assemblyman Spearman.

ASSEMBLYMAN SPEARMAN: Present.

MS. BAVATI: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Here.

MS. BAVATI: Vice Chair Murphy.

ASSEMBLYWOMAN CAROL A. MURPHY (Vice Chair):
Here.

MS. BAVATI: Chairwoman Quijano.

ASSEMBLYWOMAN QUIJANO: Present.

Assemblywoman Murphy will lead us in the Pledge of Allegiance. (all recite Pledge of Allegiance)

MS. BAVATI: I want to add to the roll call; Assemblyman Greenwald is present also.

ASSEMBLYWOMAN QUIJANO: Today we are conducting a public hearing on ACR-205, which proposes a constitutional amendment to change the Legislative Apportionment Commission membership; establish new requirements on Commission for process and legislative district composition.

Today's meeting is in accordance with Article 9, paragraph 1, of the State Constitution.

Today's meeting will run a little different from our regular Committee meeting, in that there will be no vote at the end. The purpose of today is to hear testimony on this measure.

We have lots of people signed up to testify today, and we want to get to everyone. So I am respectfully going to require that everyone keep their remarks to three minutes or less.

So let me explain to you the system that we are using today. It looks like a traffic light. When you begin your testimony, it will be green; it is timed for three minutes. At a minute, it will start flashing to help you wrap up. At 30 seconds, the yellow light will go on so that you know you only have 30 seconds; and then the red light will appear when your time is up.

I also want to make sure that you remember that we also accept written testimony.

And today we will start with the sponsor of the legislation, Assemblyman Greenwald.

ASSEMBLYMAN GREENWALD: Thank you, Madam Chairwoman.

Thank you for the graciousness to allow me to join you on this Committee this morning as we discuss this extremely important amendment that will add transparency, fairness, competitiveness to New Jersey's legislative map.

There have been many critics of this legislation, and quite a lot of rhetoric swirling. I wanted to take this opportunity to put people's

minds at ease and end some of the confusion that surrounds the amendment.

New Jersey, first and foremost, is one of the largest, most diverse states in the nation; and we see that reflected in our elected representation. When I look at this Committee, this Committee is, in fact, a byproduct of that diversity. Our state's continually changing demographics make us unique, and we must ensure that we're representing the people of New Jersey fairly.

This year, New Jersey's population has finally crossed the 9 million mark, and we are the 11th most populated state in the country. *WalletHub* has ranked Jersey City as the most diverse city in the nation. Our Legislature reflects the diversity of our state.

While just 24 percent of legislators across the nation are female, here in New Jersey, 30 percent are female. In 2011, we were ranked 50th out of the 50 states in women diversity; today we are 11th. We have more work to do, but we continue to move in the right direction. Many New Jerseyans are first-generation Americans, and we can say the same about the members of the Legislature.

The approach outlined in this amendment will help to create more minority representation and protect the important gains we've made to diversity.

For the first time ever in the history of the state there will be a guarantee that diversity and the protection of communities of interest will be considered in part of our Constitution. The anti-gerrymandering formula in this Bill, which uses voter participation -- not partisanship, but voter participation -- from the prior decade as a fairness standard to prevent

gerrymandering, has been a part of our reapportionment process for decades. In 1991, a version of this formula was used for a legislative map that favored Republicans, because that's what the data indicated; and in 2011, using a very similar formula, a map that favored Democrats, based on voting data, was produced.

Many of the reforms in this amendment are not changes; they merely codify current rules to govern the process that had been used for the past several decades. Without these rules in the Constitution, we risk the process being hijacked by personal agendas. Currently, no standard to ensure competitive districts exist. While this amendment would require at least 25 percent of districts to be competitive, that's currently 5 more than we have right now.

The claim that legislation is being rushed through with no oversight seems to be an unfair assessment, in my opinion. This legislation has been introduced and debated for years. It was first introduced in 2015.

For those worried about the impact of this amendment, it is the process that we are currently living in, and have lived in, for almost 40 years. It has been the process that has resulted in the map that currently reflects this Legislature. The cries that this will end democracy or create fearmongering are unfounded, in that you are living in the democracy that has a population and a Legislature that reflects a mirror image of the votes that have been produced.

The formula that we are using has no partisan bias and has transparency built into it. This amendment is about fairness, and ensuring that the rules of engagement and redistricting are clear, and will not be violated by personal or political agendas; and most importantly, for myself

and my colleagues who have supported the legislation, will not be subject to gerrymandering.

However, if this formula was used in any state, you would see a reflection of the voters' wills. Not as the Democratic Majority Leader, a Democratic map; but for instance, if this map and this formula was used in Texas, we would very likely see a Republican map produced, because that is the clear preference of the voters from that state over the past decade. However, you're seeing changing demographics in a state like Texas. And this map would allow for the voting preferences of that state to be reflected over the course of the next decade.

It would prevent the gerrymandering by ensuring that Democrats have an accurate share of legislative seats in the minority, instead of being redistricted out of competitive opportunity.

Currently, our process lacks transparency. Even though the map has produced a reflective image of the will of the voters, it has not been a transparent process. That's why this amendment would dramatically change that by requiring three public hearings; require that every map that is submitted for consideration -- every single map -- would be provided to the public. In 2011, 14 different trial maps were submitted, but none faced public scrutiny until the final map was produced.

Members of the public can also, for the first time in the history of the state, submit maps for consideration. For the first time ever, members of the public will have access to the same data that the Commissioners have.

Even the makeup of the panel will be updated. Currently, lobbyists are allowed to serve; they will be banned. There will be a cap on

the number of legislators serving on the Commission, for the first time in the history of the state. And most importantly to many of us -- and listening to the advocates -- for the first time in the history of the state two members of the Commission will be pulled from the public.

The process that we are codifying into law should be a national model.

I watched with interest the midterm elections, and the Supreme Court decisions out of Pennsylvania, around districts that had been gerrymandered. If we were to take this formula to a state like Pennsylvania or North Carolina, you would see states that often vote in high-turnout elections for Democrats, but cannot get close to the competitive percentage with which the voters turn out; but instead, reflect the map that has been well known to be gerrymandered, and publicly addressed, and taken to the Supreme Court. Voters suffer under that formula.

If we apply the model that we are proposing today, that we are living under currently, and have utilized for decades; if we codify this information, we will have a model that all American voters would be guaranteed a sense of fairness that they deserve -- both in the majority and in minority parties.

Madam Chairwoman, thank you very much for having me here today.

ASSEMBLYWOMAN QUIJANO: Thank you, Assemblyman.
Assemblywoman Murphy.

ASSEMBLYWOMAN MURPHY: Thank you, Madam Chair.

I'm going to be brief, because I know we have a lot of testimony to get through.

But I just want to echo some of the Majority Leader, Assemblyman Greenwald's remarks, and support this Bill -- along with Assemblyman Holley, who is also a prime sponsor of this Bill.

For those who have not actually read the Bill, I strongly urge you to read what the Bill states. One of the questions that I will probably, undoubtedly be asking you is, where in the Bill does it state some of the oppositions that you have. Reviewing the Bill you will also be able to see that it is a fair, sound Bill that provides fairness for all; provides the districts to be redistricted in a fair manner, regardless of race, color, creed, sexual orientation.

So I think as we move along, my door -- and I know Majority Leader Greenwald and Assemblyman Jamal Holley's doors are open; and phone calls will be returned, and talked with over the phone, to explain this Bill in more depth if you do. Right now, I have had no phone calls in my office asking for an explanation of the Bill. So it's a little puzzling how we have so much opposition, right now, to this.

So with that, Madam Chairman, thank you so much; and I look forward to the testimony.

Thank you.

ASSEMBLYWOMAN QUIJANO: Thank you, Assemblywoman.

Our next speaker is Assemblyman Bramnick.

A S S E M B L Y M A N J O N M. B R A M N I C K (Assembly Republican Leader): Good morning; and thank you, Charwoman, and members of the Committee.

This Bill talks about what we normally consider *gerrymandering*. I believe the history of gerrymandering itself has created a partisan rift in this country. We have districts that are Republican and Democrat, and we have candidates who play to the wings of those parties -- to the party. And consequently, this type of gerrymandering generally has created a partisan atmosphere, I think, in the state and in this country. My preference would be that we have all objective, and neutral, and competitive districts; and I think we'd have a better state and better country.

Let me start with thanking the Majority Leader, because this Bill would actually give me more power. It would actually give me two votes. I have none now, in terms of who would serve on the Commission.

But I'm rejecting that extra power for what I believe is a greater cause; and that is, competitiveness in this state.

Let's talk about what the newspapers have said about this Bill. These are newspapers that are not traditionally Republican-leaning newspapers.

Asbury Park Press: "A dastardly plan;" *The Philadelphia Inquirer*: "This stinker of a bill must die;" *The Bergen Record*: "Promoting competition should not start with 75 noncompetitive districts." And consequently, almost every editorial board in this state has come together with one message: It is a bad concept.

Working Families and the Republican Party both come together to oppose a Bill, or oppose a constitutional amendment. That sends a message that this Bill is not a competitive Bill; this is not a Bill that makes this state better.

I have a concept that a competitive district should be the equal number of Republicans and Democrats. The so-called competitive districts in this Bill favor Democrats. And that's not my only concern. My concern is a simple one, and that is we want a state where the voters choose who their representatives are; not a state that tells the voters who they should vote for.

I'm hoping that the better sense of this Committee, and this Assembly and Senate, reject this piece of legislation.

Thank you very much.

ASSEMBLYMAN GREENWALD: Madam Chairwoman.

ASSEMBLYWOMAN QUIJANO: Yes, Assemblyman.

ASSEMBLYMAN GREENWALD: Thank you.

Jon, thank you for your time. And I wish more people saw how often, in a bipartisan fashion, we've gotten things done and worked together on issues. So I appreciate you being here.

And your comments are very much the first salvo in a debate that we've had privately on redistricting committees. When I served on this Committee 20 years ago, and was asked to serve, we were coming out of a Republican map to a Democratic map. So I'm interested in your comment that you think that districts should be equally divided between registered Democrats and Republicans. And I'm not sure how we would factor in independent voters who are residents that make up part of that district.

But the underlying principle of this formula is not how many Democrats or how many Republicans, but looking at the will of the voter. And gerrymandering is a national issue, not a state issue. How would you factor in your approach in certain states in the Midwest that are 80-20,

Republicans to Democrat? Because I think the challenge for us is not to look at this from our personal-- You know, it's hard to take yourself out of the world that we live in, as elected public figures in major parties, in a state in which we do combat as political parties; and then become friends to work on bipartisan issues. That's why I've challenged myself to look at other states; and if you were to drop this formula into those states, would it reflect the will of the voter, not the desire of the partisan leaders?

So how would you craft a map -- not in a state like New Jersey, that's 55-45, which is the will of the voter over the last decade -- how would you craft a map in another state that is more leaning partisan to one party or the other and fit that same criteria?

ASSEMBLYMAN BRAMNICK: If I was a member of Congress, I certainly would try to answer that question.

My job, as a State Legislator, is to try to create as many competitive districts in New Jersey. I'm surely not here to try to create competitive districts in Indiana or Texas. And I'm not asking you to create a model for the rest of this country. What I'm asking this Committee to do, and this State to do, is simple: Create as many real competitive districts as possible.

Now, your argument, I understand, that those competitive districts should slightly favor Democrats because--

ASSEMBLYMAN GREENWALD: That's not true.

ASSEMBLYMAN BRAMNICK: Well,--

ASSEMBLYMAN GREENWALD: No, let me just--

ASSEMBLYMAN BRAMNICK: Well, let me just finish--

ASSEMBLYMAN GREENWALD: Jon, let me just-- Okay.

ASSEMBLYMAN BRAMNICK: Let me finish what I'm saying.

You want the so-called *competitive districts* to reflect the history of the voting pattern in statewide elections for the past 10 years. Not true?

ASSEMBLYMAN GREENWALD: Yes.

ASSEMBLYMAN BRAMNICK: Okay. And that voting pattern has favored Democrats. So if you incorporate the past 10 years into this concept of what a competitive district is, then you have districts that, at the beginning of this process, slightly favor or somewhat favor Democrats. I'm simply coming from a different position.

ASSEMBLYMAN GREENWALD: I understand.

ASSEMBLYMAN BRAMNICK: My position is, those competitive districts should start off equally in terms of competition, that's all.

ASSEMBLYMAN GREENWALD: So my last question then, Chairman.

So just so I understand -- your argument would be whether the voting record over the last decade -- influenced by scandals, by tax reform, coming out of Washington -- whatever is driving voter turnout, your standard would be a 50-50 breakdown amongst registered voters, Democrats and Republican, regardless of what the voting trends of those registered voters may be.

ASSEMBLYMAN BRAMNICK: In as many districts as you could do that, yes.

ASSEMBLYMAN GREENWALD: You said *every* to start; but would you--

ASSEMBLYMAN BRAMNICK: Well, but we don't, obviously, in a state such as New Jersey -- you could not break up 40 districts into equally competitive districts. But you could do, maybe, 10 or 15.

ASSEMBLYMAN GREENWALD: Thank you. Jon, that's my point. At the end of the day, you started with *every*, which would mean that the state would be broken down 50-50.

ASSEMBLYMAN BRAMNICK: In theory, yes, I would love to do that.

ASSEMBLYMAN GREENWALD: Understood.

ASSEMBLYMAN BRAMNICK: Sure; in theory--

ASSEMBLYMAN GREENWALD: But the state, unfortunately, doesn't vote that way. So you were saying you would try to do as many as you could; the more the better.

ASSEMBLYMAN BRAMNICK: Oh, absolutely.

ASSEMBLYMAN GREENWALD: Got it; that's all.

Thank you.

ASSEMBLYMAN BRAMNICK: And just in conclusion, there are ways to make this map more competitive; I think we can all agree on that. And this process, to me, is making it less competitive. And I think that's why the newspapers don't like it.

But I appreciate the opportunity, and I hope we can come together on a map that is more competitive than less competitive

Thank you very much.

ASSEMBLYMAN GREENWALD: Thank you.

ASSEMBLYWOMAN QUIJANO: Thank you.

We're going to start our first panel.

As you hear your name called, I need you to take a seat. We're going to fill each seat, and then we'll start with the first person who was called.

Katherine Abbott, League of Women Voters New Jersey.

If the individual is not here for any reason, we will fill the seat with an additional person.

Mary Alosio, League of Women Voters.

If I mispronounce your name, please say it correctly when you start to testify.

KATHERINE R. ABBOTT: Katherine Abbott.

ASSEMBLYWOMAN QUIJANO: Okay.

Let me seat everyone first, and then we'll start, okay?

Michael Wilson, Democracy is Love, opposed. Winn Khuong, Action Together New Jersey.

Katherine.

Can we start timing?

MS. ABBOTT: I'm Katherine Abbott; I'm on the State Board of the League of Women Voters.

And I've taken the day off from my work today to come down to Trenton to support the League position that this Bill will decrease opportunities for voters to choose candidates. And we think that it would allow more -- the New Jersey State Legislature to have more safe seats, and that would lead to more extremist positions and less creative problem solving in the State of New Jersey.

Thank you.

ASSEMBLYWOMAN QUIJANO: Thank you.

Next.

MARY ALOSIO: Yes, it's Mary Alosio, Mountain Lakes, New Jersey.

I represent the League of Women Voters-Mountain Lakes. We are 65 strong, and growing.

We oppose this Bill because we believe it is bad for Democracy. We do not support gerrymandering in any form.

Our Mountain Lakes High School is putting together a petition from students who are soon to be voters, or else they just voted in the last election. They oppose this Bill because they want a future that supports democracy in the way it was intended.

They want fair voting in New Jersey and throughout the country.

Thank you.

ASSEMBLYWOMAN QUIJANO: Thank you.

Next.

NHU - UYEN "WINN" KHUONG: Hi. My name is Winn Khuong; I'm the Executive Director of Action Together New Jersey. I'm also a Board member with the State League of Women Voters.

But today my hat is of a grassroots activist.

So I am so honored to be here to speak on behalf of the newly engaged grassroots members that sprung up between -- right out of the 2016 elections in November. And the reason we did that is because we saw the pillars of democracy being attacked by the complicit GOP and the Trump Administration.

So if you have gotten calls, or your mailboxes have blown up, or faxes, or petitions, it's all the grassroots members. And we have the largest group -- progressive group in the state, with 18,000 members and counting; 20 county chapters, including -- Salem-Cumberland is a combined group, but we cover all the counties.

And on this issue we take the lead from many who have done the work before us, especially the League of Women Voters, a nonpartisan group; the Brennan Center as well.

And so we relied on them and on their breadth of work and depth of work in this area. And lo and behold, we find ourselves, as a progressive group, in agreement with the Republicans on this issue, which is a surprise for us.

Why we're here; and for me, personally speaking as an immigrant from Vietnam, why I am here and I took my time -- I'm a mom of three in Morris County -- is that I believe that this Bill is very anti-democratic. And so I want to give voice to the thousands of New Jerseyans who have protested, rallied, and attended these marches. And then we ask you, the legislators, to give us a Bill, a redistricting Bill that is fair, that is nonpartisan, and that represents all New Jerseyans, voters, and nonvoters alike.

And speaking as someone who has voted both Republican and Democratic in the past, what one votes in one should not influence how they're going to vote in the future. And how that-- When you're using voter data, it's gerrymandering; and we are speaking up against that.

And we ask you to do your due diligence. And we elect you and we rely on you to do deliberate thinking so that you're speaking on behalf of all New Jerseyans.

So thank you so much.

ASSEMBLYWOMAN QUIJANO: Thank you.

ASSEMBLYMAN GREENWALD: Madam Chairwoman.

ASSEMBLYWOMAN QUIJANO: Yes, Majority Leader.

ASSEMBLYMAN GREENWALD: I'm sorry; ladies, I just have a couple of questions.

ASSEMBLYWOMAN QUIJANO: I need the panel to continue -- I need the panel to continue to sit until-- There's a question for you.

ASSEMBLYMAN GREENWALD: I just have a couple of questions; I apologize.

Thank you.

ASSEMBLYMAN GREENWALD: Is it Mary Alosio (indicating pronunciation)?

MS. ALOSIO: Alosio (indicating pronunciation).

ASSEMBLYMAN GREENWALD: Alosio (indicating pronunciation).

First of all, I'm thrilled you're getting student involvement; and I think that's wonderful.

And I would offer to you -- and I would be more than happy if you would like to help coordinate with my office, I would love to come and talk to the students at the school that you referenced.

MS. ALOSIO: That would be wonderful.

ASSEMBLYMAN GREENWALD: Okay; that would be great.

ASSEMBLYMAN CARROLL: Come to my District; you would need a passport. (laughter)

ASSEMBLYMAN GREENWALD: You would welcome me.

ASSEMBLYMAN CARROLL: I would. (laughter)

ASSEMBLYMAN GREENWALD: Okay.

ASSEMBLYWOMAN QUIJANO: Through the Chair.

ASSEMBLYMAN GREENWALD: I believe this has been crafted in a way to prevent the gerrymandering that has been a sign of national protest and subject to court decisions. That's my opinion in how we crafted it, and that was the intent with which we created it.

If you feel something else, that's important to us. What in this creates gerrymandering in your mind?

MS. ALOSIO: Well, just that you're using past voter records.

ASSEMBLYMAN GREENWALD: Okay. So we would say that that is a reflection of the will of the voters, so that you are electing a body that is responding to the public policy demand. So if I were to tell you my philosophy of how I think this works, I think people vote because they have been either inspired and motivated, or offended by something that has happened in government. And that leads to a trend.

And I would tell you, most recently, this last midterm election -- record turnouts, because people in New Jersey felt impacted by the Federal tax reform that took away the ability to have State and local taxes.

MS. ALOSIO: Right.

ASSEMBLYMAN GREENWALD: And I would tell you that people came out and voted a certain way because of that; and that if you take into consideration how people voted -- not partisan, not Democrat or

Republican -- but you are now creating maps that are reflective of an opportunity for those people to elect elected officials who fit the program and the mandates that they are pushing. The worst thing to me is when people feel frustrated that they are casting a vote *against* something that has offended them, or *for* something that has inspired them. Like many of the children who I talk to -- in states like New Jersey and in other states -- about gun violence prevention, they are frustrated that they can't get around the NRA; yet because districts have been gerrymandered, they can't have their will heard.

This Bill allows for that major public policy issue, that is emotional, to be heard by the people and to allow their votes to matter. And it is a reflection of a period in time.

Now, the hardest thing-- I'm sorry; I forgot your name. I apologize.

MS. KHUONG: Winn.

ASSEMBLYMAN GREENWALD: Gwen?

MS. KHUONG: Winn Khuong.

ASSEMBLYMAN GREENWALD: Winn?

MS. KHUONG: Yes.

ASSEMBLYMAN GREENWALD: To me, this is a nonpartisan issue. And the way that these maps are looked at-- And you have to draw a period of time. Constitutionally, we're driven every 10 years.

MS. KHUONG: Yes.

ASSEMBLYMAN GREENWALD: Right? But the map is really a reflection of the will of the voters on the first day that the map is drawn. And that first election that first year is a reflection of what that

turnout has been in the previous 10 years, based on census, based on people moving into the state. For instance, we crossed over the 9 million mark. When we drew this map last time, it was 8.8 million people. There are 200,000 people who now weigh in, in some capacity or another, as to what is their will.

So this map, on day one, is a reflection of that will. But over the course of time, there are issues that change voters' interests and intent, and swing them back both ways, Republican and Democrat. We had one of the most popular Republican Governors -- who we worked with, in a bipartisan fashion, on lots of legislation -- in Governor Christie. But as time went on, his popularity changed and waned. We still worked with him in bipartisan fashion, but we reflected the dictates of the people who we represent in one person-one vote.

So I don't think it discriminates; I think it's reflective of that. And I would be curious, Mary. How does this gerrymander? How would you do this otherwise if you're not taking into consideration those positions that people are voting for and on, that are driven, in many respects, along party lines; but are a reflection of the will of the voters? If you aren't considering that, how do you, then, consider to draw the maps in a way that allows for fairness of representation without locking out people's voices?

MS. ALOSIO: You know, I don't know enough about it to be able to recommend how; but just intuitively, I wonder if it shouldn't be done by demographics; straight by demographics, because that takes--

ASSEMBLYMAN GREENWALD: So I don't want to belabor it with you, but you should know that this sets the standard and codifies, for the first time, demographics that are included. So you have

geographical territory demographics that are mandated under this now, and will be taken into consideration; compactness of districts, so they can't be spread out over multiple counties where there's disrepresentation. It takes into -- disparity of different background groups and minority groups so that there is fair representation, so that they have equal opportunity to be elected. And I look at my friends on this panel, and I am very proud that this is a byproduct of a map that we've created. Because it reflects the will of the voter; that it has created a map that has a reflection of them when they vote.

So it should take that into consideration; and we believe it does.

But again, I don't want to belabor this here with you today. But I would love the opportunity to talk to you, so that you have a comfort level with it.

MS. ALOSIO: Okay.

ASSEMBLYMAN GREENWALD: And most importantly, I welcome the opportunity to come and talk to the students.

MS. KHUONG: Can I add something to that?

ASSEMBLYMAN GREENWALD: Sure; please.

MS. KHUONG: Assemblyman, with all due respect, I think it's unfair for you to come at us with these very technical questions.

ASSEMBLYMAN GREENWALD: I'm sorry.

MS. KHUONG: This Bill is being put forth; and we elected you, and others, to do the work for us.

ASSEMBLYMAN GREENWALD: I'm sorry.

MS. KHUONG: So I know that there are -- and you know, you're putting us on the spot. Having to write up a bill -- that's your responsibility. And you're rushing this through; you're voting it on Monday. There are many things that are problematic when you put it in totality, the least of which is the language. The proposed language that's going to go on the ballot leads the voter only to say "yes" and to vote "yes," which makes our job a lot harder.

When you're looking at all the groups that are against this, that should tell you something. There is not one organization for your proposal. So slow down the brakes (*sic*) (applause); slow it down.

ASSEMBLYMAN GREENWALD: So let me--

ASSEMBLYWOMAN QUIJANO: I need everyone to quiet down.

MS. KHUONG: And you know what? You should not -- excuse me -- you should not put citizens, you know, on the front lines for this. That's quite unfair, and so--

ASSEMBLYMAN GREENWALD: The most sincerest of-- Mary, if I made you feel uncomfortable, I sincerely apologize. I did not mean to do that. I did not mean to ask some kind of trick question; I did not mean that.

So let me just say--

MS. KHUONG: In all due respect, we are asking you to work with nonpartisan-- And I'm speaking as a progressive member, who sent out 300,000 vote-by-mail applications to New Jerseyans for this Blue Wave that you saw, right? We did that. But yet we are coming out against this. That should tell you something--

ASSEMBLYMAN GREENWALD: I understand.

MS. KHUONG: --about the people who are against this. There's not one organization--

So all that we're asking you to do is, do your due diligence. Talk to the nonpartisan groups, the Brennan Center, the League of Women Voters, the ACLU, and do something that's good for voters and nonvoters of New Jersey alike. (applause)

ASSEMBLYMAN GREENWALD: So, thank you.

ASSEMBLYWOMAN QUIJANO: I'm not going to ask you again to quiet down, please.

ASSEMBLYMAN GREENWALD: So I apologize if you felt these were trick questions. These are not technical questions. Gerrymandering is what this Bill is about. A statement was made that they are afraid this has gerrymandering. I'm explaining to you my position. I welcome any conversation to meet with you on this; any at all, okay?

Let me just finish.

So this process, though, is for us to hear from you. And this has been in place for three years, and we did meet with multiple organizations -- both progressive and conservative. And working-- The template of this is from a working document that we worked on with Working Families years ago. So I don't mean--

MS. KHUONG: I understand that they were for it last time, and now they are against it.

ASSEMBLYMAN GREENWALD: So that's--

MS. KHUONG: So you might want to call them up next.

ASSEMBLYMAN GREENWALD: I'm sure they'll testify.

MS. KHUONG: Yes.

ASSEMBLYMAN GREENWALD: But they were for this part on redistricting; it broke down on a completely separate piece about restoring voting rights, where we could not get consensus on restoring voting rights.

MS. KHUONG: And I would ask to add more groups on, other than New Jersey Working Families, who are great; but I would love to see more nonpartisan groups as part of your crafting of this legislation.

ASSEMBLYMAN GREENWALD: We will meet with any-- Every group that you represent, we're happy to meet with.

But we want to have an open conversation about what we crafted, and we want to hear from you, honestly, what technically is wrong with it, in your opinion. Because we did do what you asked us to do, which is take our responsibility and draft something, after working with different groups to craft it, based on decades of experience that seemed to reflect a map that voted both Republican and Democrat. If, in your mind, we missed the mark, we will share with you that technical data. But we would like to hear technical arguments back as to how to fix it; as opposed to just continuing to shoot in the dark then, okay?

ASSEMBLYWOMAN QUIJANO: Okay? All right.

ASSEMBLYMAN CARROLL: Madam Chair, can I ask--

ASSEMBLYWOMAN QUIJANO: Go ahead, Assemblyman.

ASSEMBLYMAN CARROLL: I'm not going to ask you a hypothetical question, per se; I don't want to earn your wrath again.

But our present Constitution has five factors that are considered when you draw districts: It has to be compact, contiguous, close

enough in population, can't split municipalities, and you can't split counties. It doesn't take party considerations into consideration at all; it just-- Is that something that your groups would more or less favor? I mean, a map that is drawn without respect to any considerations of partisanship, any consideration of competitiveness. Just simply one drawn on the basis of -- put shapes on a map that are all, more or less, the same, in terms of population; all contiguous, compact. Is that something that you're looking for?

MS. ABBOTT: The League of Women Voters recognizes this as an attempt to embed partisan politics into the redistricting 10-year process. And it was the partisan target of, "Okay, say we had 60 percent of New Jersey voters voting for a Democratic Governor, Democrat President. Therefore, we're targeting every district to be that same 60 percent." That seems to be extreme partisan gerrymandering, as opposed to looking at districts where people have something in common with each other. And I know that some of that wording is in there -- communities of influence -- but we do not want to see the partisan targets; we want to see something that's more neutral demographically.

ASSEMBLYMAN CARROLL: In fairness to Assemblyman Greenwald -- and I think he'll agree with me on this -- in both 1991 and in 2001 the tiebreaker, at that time, did, in fact, try to take precisely this sort of partisan makeup into consideration and create what he considered to be competitive districts. The idea was that -- at least the theory was that the vote -- the composition of the Legislature should be roughly commensurate with the votes that you got in that last election. I don't know; is there -- and again, I don't mean to put you on the spot -- but do you know of any

way to do that to ensure that the representation in the Legislature represents the votes of the people in the legislative election, that doesn't make some sort of partisan or, at least, some sort of attempt to balance partisanship?

MS. ABBOTT: I know that the targets are set by the statewide election, and not considering local elections and even State Legislature elections. So I would like to leave that to our formal lobbyist for the League of Women Voters who, I think, will be testifying, Sandy Matson.

ASSEMBLYMAN CARROLL: Again, I don't necessarily disagree. Because, of course, over the course of the last 18 years, on several occasions, you take the vote as a statewide, like we're doing a parliament. Republicans would have been in the majority because Republicans got more legislative votes than the Democrats. Obviously, that hasn't translated into majorities in the Legislature.

And again, I don't mean to put you on the spot, but is there any way to do that, short of a parliamentary system? Do you know? I mean, I'm just asking.

MS. ABBOTT: I can't offer technical advice on that personally.

MS. KHUONG: I think just as a citizen overall -- right? -- we don't do redistricting; that's not my job. My job is to raise three kids and try to advance the causes of grassroots people. So I am just going to have to defer to Eric Holder, who's doing this for a living; to the Brennan Center, who is nonpartisan, and they do this. And I would ask you to contact, for example, Jim Johnson, the Senior Fellow doing This.

But I think, overall, as a citizen -- ideally, when we're redistricting, we're keeping communities together, particularly protecting

protected classes. And as a woman of color, I think I should have a protection of that, over an industry, for example, in your communities of interest, right?

And so looking at the Congressional race -- and I'm just-- Excuse me, I don't have another example in the state -- but, for example, in Montclair -- it's divvied up between two different Congressional Districts, where Montclair is really one community. And you would like to think that when you're drawing the lines, that is a contiguous community.

So I think what we're just asking you all to consider is, when you're drawing these maps, to think about the communities together, and make sure that it's nonpartisan and that it's fair; that's all we're asking. And that includes non-voters and independents -- you know, the registered unaffiliated in the state as well.

ASSEMBLYMAN CARROLL: And you do know, not to-- We did have the Counsel for the Redistricting Commission last time -- you do know that the standard from Congress is somewhat different than they are for the legislature?

MS. KHUONG: Yes.

ASSEMBLYMAN CARROLL: That's why Montclair found itself divided up because--

MS. KHUONG: Of course.

ASSEMBLYMAN CARROLL: --Congress has only one consideration, and that's population.

MS. KHUONG: Right.

ASSEMBLYMAN CARROLL: And everything else is beside the point.

MS. KHUONG: Yes.

ASSEMBLYMAN CARROLL: We have others.

MS. KHUONG: Ergo my apologies for not having another example.

ASSEMBLYMAN CARROLL: No, I understand. I appreciate the comment.

MS. KHUONG: But you get the gist; yes.

ASSEMBLYWOMAN QUIJANO: Okay, thank you.

Majority Leader.

ASSEMBLYMAN GREENWALD: Madam Chairwoman, I don't want to belabor the point.

I just think it is important that the information that's being put out here is accurate. So I-- This is dealing with State legislative maps.

MS. KHUONG: Yes.

ASSEMBLYMAN GREENWALD: You cannot split towns in there; there are only two towns that can be split, which are Newark and Jersey City, because their population is larger than a district in and of itself. That's all.

MS. KHUONG: Yes, and that's why I apologize for not having a state-level example.

ASSEMBLYMAN GREENWALD: I understand.

MS. KHUONG: But the point was keeping contiguous communities together.

ASSEMBLYMAN GREENWALD: And that's what this map creates as a standard.

MS. KHUONG: Fantastic.

ASSEMBLYMAN GREENWALD: This is part of that standard.

So again, I don't mean to belabor-- And it does not require that all districts be 60-40. But if you choose a district, and you submit a district that's 60-40, you're actually also responsible to make the same percentage shift to a Republican district the other way. That's what helps create the balance, okay? That's written into it. And I know these are technical, but I'm happy to talk to you about it, okay?

MS. KHUONG: Thank you.

ASSEMBLYWOMAN QUIJANO: All right; I'm going to call the next panel.

Sally Gellert, UU Faith Action New Jersey; Jill Rhodes; Nancy Hedinger.

And then we'll have, on deck, for the next panel, Patrick Murray, Monmouth University Polling Institute; Christina Russoniello, Indivisible Garden State Values.

UNIDENTIFIED MEMBER OF AUDIENCE: (off mike) Sally Gellert is downstairs.

ASSEMBLYWOMAN QUIJANO: All right; well, as I call them up, whoever is not here we'll just name another person for the seat.

Beth Stevens, Greater New Brunswick League of Women Voters.

NANCY HEDINGER: Hi; I'm Nancy Hedinger with the League of Women Voters.

I'd like Sandy Matsen to take my spot right now, so that you can hear from the experts first.

ASSEMBLYWOMAN QUIJANO: Sandy-- I'm sorry; what's the name you want--

MS. HEDINGER: Sandra Matsen.

ASSEMBLYWOMAN QUIJANO: And what's your name again?

MS. HEDINGER: My name is Nancy Hedinger.

ASSEMBLYWOMAN QUIJANO: Okay; you want-- I'm sorry, you want who to take your spot?

ASSEMBLYMAN GREENWALD: Sandy Matsen.

MS. HEDINGER: Oh, I'll take her spot later. I'm going to let Sandy take my spot.

ASSEMBLYWOMAN QUIJANO: What's your last name again?

MS. HEDINGER: Mine is Hedinger.

ASSEMBLYWOMAN QUIJANO: I got that.

MS. HEDINGER: Hers is Matsen.

ASSEMBLYWOMAN QUIJANO: Matsen.

MS. HEDINGER: M-A-T-S-E-N.

ASSEMBLYWOMAN QUIJANO: Okay; I still don't have everybody-- Okay.

Are you Jill?

JILL RHODES: Yes.

ASSEMBLYWOMAN QUIJANO: Okay, hold on.

I just named six people, and I only see two.

Okay.

Jill, go ahead and start, and then I'll start calling other names.

MS. RHODES: Okay.

Good afternoon, Chairwoman and Committee members.

Thank you for the opportunity to testify.

My name is Jill Rhodes; I am active in a number of organizations and groups; but ultimately, I am here as an educated but concerned member of the public, and I'm opposed to the Assembly Concurrent Resolution 205.

I am very disturbed by how this legislation is being fast-tracked, with simultaneous hearings in both the Senate and Assembly; hence, you calling six names and two people appearing, because there are simultaneous hearings going on in the same building.

This feels like a deliberate attempt to limit the input of New Jersey voters; and is not surprising to me, considering these proposed constitutional amendments are the definition of bad governance, in my opinion.

I'd like to congratulate those who have proposed these amendments. You've managed to unite nonpartisan organizations, like the League of Women Voters, grassroots groups, Democratic Party leaders, and even Republicans to speak out against this.

And again, the point was made earlier -- there does not appear to be a single organization in support of this.

Our democracy stands or falls on the strength of its electoral process. And this attempt to introduce what amounts to partisan and racial gerrymandering into New Jersey's districting process undermines our democracy. Legislative districts should be drawn in an open and transparent way that is truly representational of the real community

diversity, and not simply following past election results and some complicated math.

Partisan gerrymandering, whether it's State or Federal, leads to representatives who feel so secure in their office that they stop listening to voters and stop representing their interests. And I direct you to ask Rodney Frelinghuysen how well that worked out for him; although through the efforts of some very strong women -- many present here today -- he was held accountable.

Partisan gerrymandering comes at the expense of the political voice of communities of color. It leads to voter apathy from a lack of trust in the system, and people need to believe their vote counts.

Across the United States, people are waking up, decrying partisan gerrymandering, and passing meaningful redistricting reforms to protect residents from just what you're proposing in these chambers. I have been proud to live in a state that draws district lines through what I understood to be a bipartisan effort. These proposed amendments only take New Jersey backwards. If you're worried for your seats, don't manipulate the system to make it easier to get re-elected; be a better representative. Meet with and listen to your constituents, reflect them in your legislative efforts. Be the public servants you are elected to be.

Civic engagement is on the rise in New Jersey, and voters are paying attention to what happens in the Legislature. Supporting this Bill would run counter to all principles of good governance and destroy the public's trust in our systems.

This proposal to change our legislative redistricting process should not advance through the Legislature. And please protect our Constitution and vote “no” on December 17th.

And before you start asking me technical questions, I elect you guys to make those decisions.

ASSEMBLYWOMAN QUIJANO: All right; thank you.

MS. RHODES: Thank you.

ASSEMBLYWOMAN QUIJANO: Next.

S A N D R A M A T S E N: I’m Sandra Matsen with the League of Women Voters of New Jersey, and their volunteer Legislative Agent.

We are a nonpartisan, political organization that has worked since 1920 to protect our democratic processes and empower voters across the state. And we are opposed to ACR-205.

Using past voter data -- which is our main concern -- to manipulate district boundary lines and pre-determine election outcomes for decades to come is, I submit, gerrymandering. And gerrymandering is voter suppression.

Any positive aspects in this proposal, such as the requirements for public hearings, are negated by the complicated calculations that make partisan data the main metric. Certainly, the other metrics are there, but this is raised up as the main one.

This proposal also offers no specific protections for New Jersey’s communities of color, and would permit the packing or cracking of groups to meet the requirement of what we consider arbitrary party favorability metrics.

We know from other states, whose gerrymandered maps have been challenged in the courts, that the political power of communities of color is disproportionately impacted when district lines are manipulated to favor one party over another. In one of the most diverse states in the country, it is completely inappropriate and quite harmful to lump all communities of color into the broad category *communities of interest*. Communities of color are a protected class, and as such require additional protections to ensure their voting power is not diluted.

Improvements to the legislative redistricting process in New Jersey are needed. Meaningful reforms would encourage civic engagement, increase voter turnout, and produce a district map reflective of the diversity of our state. Meaningful reforms would also improve representatives' responsiveness to their constituents. And ACR-205 would do none of the above.

We are not confused; we have read the Bill. We have analyzed it to the best of our ability, but have also spoken with others who do this for a living. ACR-205 is not good for New Jersey voters. Legislative districts should be re-drawn every 10 years after the census to reflect demographic shifts, not to reflect past voter preferences or speculate on future electoral outcomes.

In short, voters should be picking their politicians, not the other way around. And ACR-205 does not belong on the ballot.

Thank you.

ASSEMBLYWOMAN QUIJANO: Thank you.

Any questions from Legislators?

ASSEMBLYMAN GREENWALD: I don't mean to keep coming back to this, but if you could help me understand what -- if you've read the Bill-- If you believe that voters should pick their elected officials and not the other way around, if you do not look at and do not consider how they voted, how to do you ensure that process?

MS. MATSEN: I think this process is outcomes-driven. Whereas if you had a process that had more public hearings -- we have them now; they're in the bylaws, not in the Constitution; this moves them into the Constitution and that's all well and good -- and really listened to people, and where they wanted to be, and how they wanted to be represented-- Whether it's Shore communities, whether it's -- whatever is sort of your interest, and who your community of interest is, and you drew the maps that way. If you look at partisan information at the end of the process as sort of a test, "Does this look right? Do we need to do any little changes along the edges?" then I have less problem.

But you are baking into the Constitution -- not even into the bylaws as a Commission -- party favorability, past election results; basing it on statewide elections. And as someone else said, I happen to be a person who changes my party affiliation almost every primary, depending on where I want my primary vote to count. And I can assure you, I vote differently for Governor, and President, and U.S. Senator, than I vote for members of the Legislature.

And that is the piece for the lead; moving that metric into the Constitution, and almost -- we would say it elevates it above the others. You have not put into the Constitution, you know, "We will consider, in

some rank order, these considerations.” It implies it moves it to the top, and we think that is wrong.

ASSEMBLYMAN GREENWALD: Okay; I appreciate that opinion, because it is just one criterion. I think it’s drawn the most attention, but it is not intended to be the first. It could be considered the last. And the way this has worked -- as someone who served on the Commission 20 years ago, and as it is laid out now, and as it’s worked in each of the ones before -- the independent member chosen by the Supreme Court Chief Justice did not come into the process, before, until the process locked down and unable to get consensus. That person would now be included in the beginning, and act as a mediator to help guide those very principles.

And on the racial gerrymandering, when I served on it 20 years ago, that was the number one issue, where there was an attempt to pack minorities into certain areas. And we created this formula -- which is what we’re trying to codify -- that actually, I think, proves your point that minorities would be elected. Assemblywoman Murphy serves in a District with two African American men, that was the byproduct of that District. And that is the intent of this.

So I would like to, maybe, get some more information, in talking with you and maybe the experts who you have leaned on, as to why the map that we’re living in now, that has created those minority opportunities for diversity, would somehow create packing.

So I don’t want to put you on the spot, but if you’d -- you can answer if you like, but if you’d like me to meet with those groups, I’d be happy to talk to them.

MS. MATSEN: We're certainly willing to meet with everyone. And although I didn't wish to bring this up, you know, the League has -- was looking for sponsors to promote a different way to redistrict; and quite simply, nobody would touch it, since this Bill was out there.

There are lots of ways to do this, and lots of ways other states are moving. And certainly, in this Bill, there are some positive aspects. But I still say that your favorability -- your party favorability, those State elections -- putting that metric in overshadows everything else, and does not belong on the ballot.

ASSEMBLYMAN GREENWALD: So I don't want to put words-- I just want to make sure I understood your comment.

You don't mind it being considered; you think it should be the last consideration.

MS. MATSEN: I also don't think it should be in the Constitution.

ASSEMBLYMAN GREENWALD: Okay. Should it be--

MS. MATSEN: And you considered it, however many years ago; we are now-- I understand this is the Stokes principle, although people who were -- he was mentor to, get a little upset that it is being misread or misanalysed in the way that you are putting this forward. But that was an opinion; it was not baked into the Constitution. It was sort of a working understanding. And, you know, much of that happens -- it all happens behind closed doors, so none of us who weren't there know exactly, you know, who's sharing what for what.

ASSEMBLYMAN GREENWALD: You know, I do think that's--

MS. MATSEN: But it was also, I believe, legislative election data; which, of course, is much harder to get and much harder to manipulate.

ASSEMBLYMAN GREENWALD: So, you know, hearing your comment about this not being transparent in the past -- I think one of the, hopefully-- I appreciate your comment that there are some good things in this. And, hopefully, in today's new technological age, the ability for the public and organizations like yours, the League of Women Voters, to have access to the same information that we do, and to present maps that would be considered, which would factor in; maybe at some point, maybe last -- the will of the voter and how they voted.

Hopefully, that shed some light onto a process that has been done behind the scenes.

MS. MATSEN: Yes, but it makes it very difficult. I have a dream; get together groups -- of course, I have to find enough money to do this -- have them draw their own maps; be able to stand up with our maps when the final map comes out.

But that is putting a great amount of work on volunteers -- to go against a highly staffed and funded Redistricting Commission. And yes, it's nice that we now will have 72 hours' notice instead of 48. But, you know, I don't work that fast anymore; I'm sorry. And I just think there are better ways to do it.

ASSEMBLYMAN GREENWALD: Well, thank you.

MS. MATSEN: And this doesn't belong on the ballot.

ASSEMBLYWOMAN QUIJANO: All right; I'm going to call the next panel.

Lisa Bennett, League of Women Voters; Cindy Matute-Brown, Essex Rising; Susan Blubaugh; Marco Palladino; Scott Novakowski, New Jersey Institute for Social Justice; Ronald Chen, ACLU of New Jersey; Barry Brendel, Our Revolution New Jersey.

Ma'am, would you like to start?

S U S A N M. B L U B A U G H: Me?

ASSEMBLYWOMAN QUIJANO: Yes.

MS. BLUBAUGH: Oh.

Hi; my name is Susan Blubaugh. I live in Milford, New Jersey

I'm a registered Democrat, and I'm against this plan.

I want to just second what everything the representative from the League of Women Voters said just now. I agree with her completely.

So I'm not going to read my entire statement, but I'm going to say I think this is a bad plan. To take into account how people voted over the past 10 years doesn't take into account people who didn't vote or independent voters.

I vote in every election; but while canvassing in the past six months I met a lot of voters who don't, because they don't think their vote matters.

I want fair redistricting; I would like to see an independent, nonpartisan commission do it. I think it's a bad idea to take into account the last 10 years of voting patterns. I think that will lead to gerrymandering; virtually gerrymandered districts. And I don't want to live in one, basically; I don't want to vote in one, I don't want to work in one.

So I'd just like to say that gerrymandering -- if that's how it happens, if this Bill becomes codified in our Constitution -- that it will lead

to more corruption in New Jersey. That's my big concern -- more corruption in New Jersey. I met lots of voters this past six months who said that was their big issue. That's why they wouldn't register as a Democrat -- a lot of independent voters -- because of New Jersey corruption.

And we've witnessed what partisan gerrymandering does in other states; how it locks legislators who do not represent the will of their constituents into local, State, and Federal State government offices.

So I urge you to vote "no" on December 17. This proposal is undemocratic.

And I'm going to thank you for allowing me to testify.

ASSEMBLYWOMAN QUIJANO: Ma'am, if you want to hand in your written testimony, you can give it to Denise.

MS. BLUBAUGH: I did already.

ASSEMBLYWOMAN QUIJANO: Oh, you did?

MS. BLUBAUGH: Yes.

ASSEMBLYWOMAN QUIJANO: Okay, thank you.

The individual next to you; you're next.

M A R C O P A L L A D I N O: My name is Marco Palladino; and I'm concerned that this Bill would be able to put power into legislators who already have too much power.

Right now, the reelection rate of people in the Assembly is 95 percent, from 2015, from ELEC. And I'm not saying you guys don't do a good job, but I'm saying 95 percent is a lot.

And when you see who is supporting this Bill and who's against it -- that usually tells you everything you need to know.

And New Jersey is a state that's pretty unique, with a party line -- which isn't brought up -- and that's not really very democratic, if you want to talk about democracy.

And we also have pretty expensive elections.

So those are some of my concerns. I hope you address them, as well as shoot down this Bill.

ASSEMBLYWOMAN QUIJANO: Thank you.

And the individual next to you.

C I N D Y M A T U T E - B R O W N: Hi; good morning -- good afternoon, actually.

My name is Cincy Matute-Brown, and I'm here as a Steering Committee member for Essex Rising. Essex Rising is an organization, grassroots, that was born right after the 2016 election. And we are a progressive organization. Among its mission -- one is to civically engage our residents because voter apathy, as we all know, is not just our problem in New Jersey, but nationwide.

And we worked very hard this last two years to make sure that our residents throughout Essex County were engaged, and continue to work to make sure that they stay engaged.

This was the first time I had run for political office; and when we were campaigning, it was very frightening to me. We do nonpartisan elections in West Orange, and the amount of people who were disengaged was incredible. And the reason for their disengagement was fear of retribution from the currently elected officials. And retribution -- you can imagine what they feel; but the fact that they were reluctant to publicly put

a lawn sign, and said, "You have my vote, but I have to put the incumbent's sign on my lawn because" -- whatever reason to follow.

That, to me, as a first time -- newcomer to the political arena, if you will, was very disheartening to me.

So when we're talking about selecting legislators to be the ones who help draw out the lines -- that is concerning. It's almost -- and this is not an allegation to anyone presently sitting -- but the fear that voters already have, disfranchises them.

This, I feel, will further disenfranchise them, because it is a two-party system. I am a registered Democrat, but I still feel that the two-party system ignores and neglects independent voters. If we codify this into our Constitution, then it is solidifying something that I think continues to be more problematic for New Jersey registered voters, and particularly those who are not registered. Where is their representation?

So I do have concerns that, you know, one of the criterion is to look at the pattern of the last 10 years. I am afraid that, you know-- And we don't talk about the party bosses, but they're here. And it's concerning to give them that much more power, right? I feel that, you know, the vote would be diluted for those of us-- If we're given a choice as to who to vote for -- just, here are the people we want you to vote for -- that's going to shy (*sic*) away voters. And I feel we'll be in greater despair.

Thank you.

ASSEMBLYWOMAN QUIJANO: Thank you.

Any questions for this panel? (no response)

All right; so the three who spoke--

ASSEMBLYMAN GREENWALD: Can I just ask one quick question, Chair?

ASSEMBLYWOMAN QUIJANO: Sure.

ASSEMBLYMAN GREENWALD: I'm sorry.

Madam---

MS. BLUBAUGH: Yes.

ASSEMBLYMAN GREENWALD: You made an interesting comment.

An independent and nonpartisan commission; how would you select them? Or what have you seen in other states, should I say; how were they selected?

MS. BLUBAUGH: First of all, I'm a landscape painter. I am not a mathematician; I am not an expert in how to draw districts.

ASSEMBLYMAN GREENWALD: It's okay, ma'am; I apologize.

MS. BLUBAUGH: But I would make certain that people with skin in the game, on a partisan basis, are not part of the initial district-drawing process. That would be my bottom line.

Thank you for asking.

ASSEMBLYMAN GREENWALD: Thank you.

ASSEMBLYWOMAN QUIJANO: Okay; thank you, the three speakers who spoke on this panel.

Thank you.

Okay; whoever wants to start.

P A T R I C K M U R R A Y: Hi; I'm Patrick Murray, from the Monmouth University Polling Institute.

And I come at this from a different angle. I'm not one of the activists; obviously, I've been opposed to this, but I'm not one of the activists who rally the votes and whatever. But I do consider myself an advocate, and that's an advocate for the public voice.

I did not get into my profession in order to predict elections; although, quite frankly, I've gotten pretty good at that, particularly here in New Jersey. Which means I understand this formula, and how it works, and how it impacts the voter data that is behind it.

But what I got into-- The reason why I got into polling is because I wanted to make sure the voice of the public was part of any policy debate that took place. And that is part and parcel of where my opposition to this comes from.

Specifically, I want to focus on a couple of points. One minor point is the idea that this appoints public members. There is no qualification in this language about what a *public member* is. So a public member could be the spouse of somebody who is sitting up here in the panel, for example. So that's one point, but it's a minor point.

The other point is that there has been (*sic*) a public process about this; and I will get to the fairness formula as part of this. But this was introduced three years ago. I testified against it three years ago. And when this was reintroduced and reheard, up until November 26 it was exactly identical to the Bill from three years ago, except for one line about legislators being on the panel.

So all this debate that supposedly happened over the last three years -- I'm completely unaware of it. And at the time I opposed it three years ago, I said I was willing to sit down and work with legislators to talk

about different ways you could achieve similar aims to this. But that was not the case.

So I really take offense, really, to the fact that there hasn't been a public debate about this. In fact, right now, I was just simultaneously called at the Senate hearing. So this is just a question about, like, how much public input do you really want about this?

The other part of this that -- specifically about the formula. Posing a formula, any formula, into a Constitution that is based on partisan behavior or data metrics is inherently gerrymandering. That's the point. And I understand where the sponsors want to say, you know, we don't want somebody, an independent member-- This is one of the failings of our current system -- is that the independent member can come in and oppose any kind of standards that they want, other than maintaining municipal boundaries. And we've seen that; we've seen continuity of representation, incumbency protection; we've seen packing and unpacking. We have seen the Stokes formula, for fairness; which is -- by the way, has nothing to do with what is going on here.

ASSEMBLYWOMAN QUIJANO: Can you wrap it up? I need you to wrap up.

MR. MURRAY: The idea of imposing a fairness formula in the Constitution is inherently undemocratic.

ASSEMBLYWOMAN QUIJANO: All right; thank you.

Now, I just want a clarification.

When I call the names, only the people who I call their names do I want to come up. If I call your name and you missed your place, I will call it again. But fair is fair. Those who sat here waiting will be called.

DAVE PRINGLE: (off mike) Then why are you having two hearings at the same time? That's not fair.

ASSEMBLYWOMAN QUIJANO: Excuse me, excuse me. It is very fair. I sat in a 26-member meeting a few weeks ago, and a large number of people were never heard. This way, you're going to be heard.

Now, the next -- Professor Chen.

RONALD K. CHEN, Esq.: Thank you, Madam Chair.

I'm Ronald Chen; I'm here today representing the ACLU of New Jersey, which has 40,000 members and supporters here in New Jersey.

By way of background, I'm a law professor at Rutgers University. I was the Public Advocate of New Jersey under Governor Corzine, and I served as the Counsel to the Chair of the Congressional Redistricting Commission in 2011. So I have some experience with the provision of this proposed constitutional amendment, which the ACLU of New Jersey opposes.

I commend the sponsors of this Bill in drawing attention to the issue of redistricting fairness, competitiveness. I think there are very positive parts of the Bill. Assemblyman Grunewald, I very much agree -- as is the case in the Congressional Redistricting Commission -- that the independent member should be brought in early.

But what we oppose is the formulaic introduction of -- that is required, by which the districts are met, that is set by a formula from prior elections, for offices other than the districts for which the map is being drawn. Which I must agree -- in effect, I agree with -- I know Mr. Murray, and I think the Princeton Gerrymandering Project said this -- could effectively make 25 out of the 40 districts noncompetitive.

From my experience in the 2011 Redistricting Commission, mapping -- redistricting is an art, not a science. And I think one problem here is that it takes one redistricting principle, fairness -- which is a legitimate redistricting principle, but not the only one -- and by putting it in a formula that, in most cases, trumps the others, does not achieve its stated goal. The formula which sets the -- effectively, now, the data shows, would result in a midpoint of 55-45 in favor of the Democratic Party -- as most of you know, my own party -- would -- really addresses fairness. And I think it's a little misleading to call it promoting competitiveness. Competitiveness -- this is just a matter of arithmetic -- competitiveness would center around 50-50; that's just the way elections work.

But I think as much as fairness is a legitimate redistricting principle, by formulaically making it part of the Constitution it will dilute the other very important redistricting principles: competitiveness, communities of interest, contiguity, compactness.

Redistricting is not an exact science. And I think it is deceptive if you try to make it so.

Thank you.

ASSEMBLYWOMAN QUIJANO: Thank you.

Next.

B A R R Y B R E N D E L: My name is Barry Brendel; I am the Chairman of Our Revolution New Jersey, an organization inspired by the Bernie Sanders campaign. We have 56,000 members in New Jersey.

I wanted to address the idea of having legislators on the Commission. I have testified before this Committee on several different redistrictings over the decades. I have advised clients in how to do this; and

I've talked to Committee members. And there is one thing you can guarantee -- that if you have legislators on this Committee, their first mission is to ensure they have a safe district. And that's just simply not fair.

So we're going to have legislators design these safe districts, and you're supposed to create a fair map around it? That's just not going to happen.

And if you think that I'm just making this up, I testified one time; I brought my own map. I didn't expect the Legislature to choose my map, but I wanted to make some points to this, and they actually accepted several points. I brought my map and I showed it there; and in the middle of it, I touched on a district of one of the legislators who was on there. In the middle of it, they're shaking their head and going like this (indicates) to me. I didn't even get to say what I wanted to say about this.

That's what's going to happen. There was no consideration of how the entire map happened. There was a consideration about how it was going to affect that person's district, and that person had a vote. That's ridiculous. You don't put people in charge of legislating themselves; or you do if you're Donald Trump. But look what happens.

The other thing -- and just a final thing I want to say -- I hope you -- I want you to understand the passion that's out there against this thing. I have had a dozen calls this week, from very substantial people, who have said, "If my legislator votes for this, I'm primarying him; I want you to know right now." I'm not saying I'm generating this; I'm saying these calls are coming in to me.

Those are the two things I wanted to say, and I thank you for listening to me.

ASSEMBLYWOMAN QUIJANO: Thank you.

Any questions for this panel?

ASSEMBLYMAN GREENWALD: I do; I'm sorry.

Madam Chairwoman, I apologize.

Ron, if I ask -- you're not going to-- I'm going to ask you a couple of technical questions, since you and I have been through the wars together.

MR. CHEN: I am prepared, Assemblyman; absolutely

ASSEMBLYMAN GREENWALD: Okay; yes.

You took the words out of my mouth. This is not an exact science, right? And I think the problem is -- which has been very passionately and articulately said -- that the community is not-- It's not their responsibility to craft this; it is what we have been elected to do, which does kind of fall into the conundrum of -- we are crafting something, and it is something that we serve at the same time. And maybe it raises questions as to whether you want term limits. I have some real passion about that, where I think term limits are -- also can be, you know-- If you're-- I served my first six years in the Minority; I couldn't get auto insurance reform passed until I got to the Majority. I worked with Governor McGreevey on it, and we saw auto insurance rates go down dramatically. I've worked, for the last six years, on gun violence prevention. I couldn't get it passed until Governor Murphy got elected. Elections matter; they just matter.

But this is part of our democracy.

So Ron, how do you -- how would you recommend-- I struggle with this definition of *competitiveness*. I don't share your opinion that competitiveness, in a state that is -- let's not use New Jersey -- but in a state that is 70-30, like some of the states in the Midwest -- that if you craft those districts 50-50, I believe you are taking away the will of some of those voters.

So to me there has to be a some corridor that allows for flexibility. And the way our state is crafted-- And the way, for instance, a state like Pennsylvania is crafted -- Pennsylvania votes 55-45; I'm sorry; that's not right, I think it's 52-48, Democrat to Republican -- yet they have a legislature that is 55-45 Republican to Democrat. And I think it's because Democrats -- if I were to look at-- If we test this map in Pennsylvania, it produces a map that's much more comparable to the voter turnout; because they have packed minorities in, which we have made an effort to try to codify not to do.

So when I hear someone -- who I respect and have worked with for years -- say, "Competition is 50-50," Pat -- you or Ron -- how do you-- I can't help but think of all the public policy arguments that I've been in that I've gotten squeezed at, you know, one vote shy; that have not passed because we were in maps, or we didn't have votes that could get there. And I think if you had a 50-50 drawn map, that you're squeezing voters and their opinions into it.

And this, to me, allows for-- Like the woman from the League of Women Voters who said she changes party affiliation every year; she votes Republican and Democrat. This takes that into consideration.

So that's my one question to you.

And the other is, when people say we're looking at statewide elections, let me give you what our rationale is for that.

I am concerned -- and I was going to ask the young woman who was with Essex Rising, but I didn't want to belabor this for everybody -- we know we have communities that vote heavily in the primary. So we don't take those into consideration when you look at their November election in a legislative race. So if we look at statewide elections that vote Democrat and Republican, it allows that independent person appointed -- Bartells, in my case -- to look at the local races, but to also take into consideration the broader scope.

So one of the -- there were two reasons around the statewide. One was, we have large areas, Republican and Democrat, where people don't vote in the General; they only vote in the Primary, and that skews the numbers. So the attempt, from a fairness position, was look at statewide elections; take it in.

And the other was, there can always be, in certain areas, a question on the ballot that drives larger voter turnout in one community, at one time, that may have nothing to do with the candidates, but the question that's on the ballot; or an issue in Cherry Hill or in a town in Hunterdon.

So the idea was to spread that out-- Well, it's a consideration. Professor Rosenthal looked at many of those factors, but set the standards that we're trying to codify. It doesn't prevent that independent third party from coming in from the beginning to set other standards around this.

And nowhere in this does it say that the data is the first and most important criteria. That independent third party could look at that

last -- and I see you nodding your head; I appreciate that -- can look at that last after they've set all this other criteria.

So I know it's long-winded, but if you could touch on those issues-- That's what's behind this for us.

MR. CHEN: Let me try and address that.

I guess, Assemblyman Greenwald, I first want to make clear how I'm defining terms.

I think what you were addressing was, really, the concept of *fairness* -- trying to do the will of the voters, what is often called *partisan fairness*. And that's quite legitimate.

When I use the term *competitiveness*, it was simply a competitive district is where the result is quite uncertain and it's just a matter of arithmetic. That centers on 50-50.

ASSEMBLYMAN GREENWALD: So Ron, just on that, do you factor that fairness test into the 50-50; and how would you do that? Or do you not? I mean, that's a legitimate answer; I just don't know.

MR. CHEN: I think the important thing is that you have to acknowledge that these are separate concepts. I absolutely agree in a 70-30 state, it could be 70-30 Republican. Getting competitive districts -- requiring them -- would be unfair from a fairness point of view. Which is why I go back to before. These are concepts, these are factors; but I think we make a mistake when we take one of them -- and I think this formula tends to codify the concept of fairness and make it a formula. Which, as I'm reading the Bill, the Commission would be required to satisfy, short of a certain-- I mean, there are other provisions that trump them, but that would--

My experience from the Commission -- it would really empower the mapmakers who have the data. My observation was that both the major political parties have very, very good experts who have data -- some are proprietary -- who almost know, it seemed to me, how each person was going to vote, household by household. They can take that data and they can make a map that meets all these requirements -- go whichever way their employer wants it to. And that is somewhat disempowering.

I know Chairman Farmer, for one, (indiscernible) he'll speak for himself.

ASSEMBLYMAN GREENWALD: That sounds like the frustration I feel when I watch the Phillies; and the Manager Kapler comes in and looks at his data analytics and changes the pitcher in the middle of the count. So I share that concern. (laughter)

MR. CHEN: So it's one reason why I am reluctant to further empower, frankly, the statisticians -- all respect to statisticians in the audience -- from basically delivering a map that the Commission, and particularly the independent member of the Commission, really has little ability to look behind.

ASSEMBLYMAN GREENWALD: But all that data is shared with-- Look, I don't think that, in today's and age, you can't expect that these groups are not going to use data. They're going to use data. You're using data in your polling. Everybody's using data; and, you know-- And the people who are testifying today -- with all due respect -- are using the emotional data of the public. We are in a data-driven society today, and people are going to use that to educate themselves in their position.

But I understand your point.

Pat, anything you would add?

MR. MURRAY: Yes; I mean, just the same thing on competitiveness -- I think we're both using it from the public standpoint of how the public defines *competition*; and they define it as 50-50 when they use the word *competitive*.

In fact, one of the improvements that was made in A-205, over A-60, was a change in the ballot language to remove the word *competitive* and just simply describe the party fairness standard in a much more accurate way. So that was actually a positive change that was made after November 26 (*sic*).

But the other thing that we're talking about -- which is now that we look at-- When I was nodding my head, you were elevating the communities of interest standard, which really has no true definition in there. And that can be used by the independent member to change how important the formula is, and maybe even make the formula secondary. Like county lines are secondary to municipal lines in the current Constitution.

And I have the utmost respect for those who developed this formula, crunched the numbers, tried to figure it out, tried to debug it, stress-tested it and all those things. But now that it's seen the light of day and there have been some changes in there, I think there are a number of unintended consequences in this new language that you might -- that might push the independent member to a map that looks very different than what you think it should look like. For example, the calculation of averages -- the election average -- which is based on the past 10 years' statewide elections.

But it's based-- Every decennial period has a different combination of elections. So in 2021, we have two governors, three presidents, and five senates. In 2031, it will be three governors, two presidents, and four senates. So the first task of the independent member will be how to codify that to standardize it for every decennial redistricting period. One way to do it, for example, is to put all the state elections -- governor elections -- in one bucket, and all the Federal elections in the other bucket, because we have clear evidence that says that voters have different issues on their minds when they're voting in those different types of elections. And once you do that, and then you average the two buckets together, you bring down -- you can bring down the average -- the Democratic average, right now, by three or four points.

So that would be something that the independent member could potentially do, based on the way that it's worded right now.

So I think there are other ways to achieve the end that you're looking for, which is to avoid an independent member who can come in and arbitrarily say things like, "I'm going to make a 50-50 map." That doesn't necessarily affect the political will of New Jersey--

ASSEMBLYMAN GREENWALD: I mean, Pat--

MR. MURRAY: --with using different types of language. We do have examples of that.

ASSEMBLYMAN GREENWALD: Pat, look, I have the greatest respect for General Farmer. I've worked with him on many issues in the past. General Farmer came in with a position, his true belief--

MR. MURRAY: Right.

ASSEMBLYMAN GREENWALD: --that the State was 50-50. And he worked on the Congressional map which I wasn't involved with, and he created a Congressional map that was 50-50, and was 6-6 for most of the state, for most of the decade.

We also had lost population in that; and we pulled a Democratic member off of that, which caused two incumbents to compete against each other.

I disagree with that approach. I believe that many of the people -- like Congresswoman-elect Sherrill, who got elected in a district, feels like she was run in a very tough district that was gerrymandered. I know the late John Adler, who had lost a district, and then that -- Cherry Hill was mysteriously moved, you know, out of that district -- I'm sure felt gerrymandered. I think--

MR. MURRAY: I don't disagree with you.

ASSEMBLYMAN GREENWALD: Yes.

MR. MURRAY: That's what I'm saying.

ASSEMBLYMAN GREENWALD: That's why it comes--

MR. MURRAY: But there are--

ASSEMBLYMAN GREENWALD: This isn't an exact science in trying to figure it out.

MR. MURRAY: Right, right. But there are other ways -- and we have examples -- there are other ways to do that to avoid that kind of independent member using that kind of arbitrary decision.

ASSEMBLYMAN GREENWALD: Pat, what I'm--

MR. MURRAY: But it's different types of language than a formula. The problem is embedding a formula; that's the definition of

gerrymandering. That's what people like Eric Holder are actually fighting against across the country.

ASSEMBLYMAN GREENWALD: Yes; and one last thing, and then I'm done.

I apologize, Madam Chairwoman.

You made a comment about the public debate. I do want you to know -- and a number of people, including yourself, have mentioned this community of interest language -- we took that language directly from Working Families and the Brennan Center. And I don't know what has caused some of them to change around that language; but this was a process that took place in a collaborative effort. They're entitled to change their mind; I don't know why they changed their mind on it. I think much of theirs is centered around the one component of legislators serving, and not so much on this language. But when you end up in a setting like this, you know, lots of things come to the forefront.

ASSEMBLYWOMAN QUIJANO: Okay.

We're finished with that panel.

CHANÉ JONES, Esq.: I'm speaking for Mr. Scott Novakowski.

ASSEMBLYWOMAN QUIJANO: Hold on.

All right; you're not Lisa Bennet?

MS. JONES: I'm sorry?

ASSEMBLYWOMAN QUIJANO: Are you Lisa Bennett?

MS. JONES: No; my name is Chané Jones from the New Jersey Institute for Social Justice. I'm standing in for Mr. Novakowski.

ASSEMBLYWOMAN QUIJANO: Okay; I will call you-- I need to look for your sheet.

The next person who should be speaking is Lisa Bennett.

MS. JONES: You called Mr. Scott Novakowski, and I was not given the opportunity to speak.

ASSEMBLYWOMAN QUIJANO: Okay; so he was called at 12:29, and he wasn't here. You're subbing in for him?

MS. JONES: No, I was present; I came up-- And yes, I am. I was not given an opportunity to speak.

ASSEMBLYWOMAN QUIJANO: Okay; okay. I was going to go back for those who actually sat here.

So, all right. What is your name, ma'am?

MS. JONES: My name is Chané Jones, C-H-A-N-É.

ASSEMBLYWOMAN QUIJANO: Okay, so you're subbing in--

All right, go ahead and take one of the seats. I'm going to call some other names.

Lisa Bennett, League of Women Voters; Doug O'Malley, Environment New Jersey; Brian Lee, Indivisible Central New Jersey; Eliud Gautier; William Adler; Larry Imhoff, Indivisible Lambertville.

Okay, ma'am. Do you want to start us off?

MS. JONES: Yes.

Good morning; my name is Chané Jones. I am an Associate Counsel for the New Jersey Institute for Social Justice.

As has been noted, this matter is being heard before both the Senate and Assembly; therefore, I am standing in for Mr. Scott Novakowski.

I've provided a written testimony to you all, so I am going to focus specifically on the potential harm to communities of color.

Manipulation of the redistricting process has long been used as a means of reducing and diluting the voting power of communities of color. What is notably missing in ACR-205 is any clear recognition of the special protections afforded communities of color under Federal law.

The most recent amendments commendably seek to preserve communities of interest, defined as “geographically contiguous populations sharing common interests relevant to the legislative process, such as trade areas, communication, and transportation networks, media markets, or social, cultural, or economic interests.”

People of color are not simply another community of interest to be equated with New Jersey Transit riders, or people who live at the Jersey Shore. Racial discrimination in voting -- sometimes subtle, often explicit -- has a long and shameful history in the United States, including here in New Jersey. That is why racial groups are afforded specific protections, especially in regards to voting.

While the Federal Voting Rights Act currently provides some protection, that could easily change with an increasingly hostile Supreme Court. Without robust, State-level protections, there will be little to protect against racial gerrymandering.

This is especially true if the competitiveness formula of ACR-205 is allowed to stand. We know from other states, like North Carolina, whose district map has been ruled unconstitutional multiple times over the last few decades, that partisan gerrymanders look a lot like racial gerrymanders. Because race and party are closely correlated, partisan gerrymanders are often created by packing people of color into a single

district, thus reducing their influence in adjoining districts; or cracking what could a majority-minority district into multiple majority white districts.

The result is the same. Political parties create safe districts, while people of color lose the ability to elect a candidate of their choice.

This amendment is a step backwards for New Jersey. It will lead to the diminishment of the voting power of communities of color; and for this reason, the Institute opposes it.

Thank you.

ASSEMBLYWOMAN QUIJANO: Thank you.

Next.

W I L L I A M T. A D L E R, Ph.D.: Hi; thank you for the opportunity to testify.

My name is William Adler, and I am a computational research specialist at Princeton University's Princeton Gerrymandering Project.

Other groups today have talked about a number of features of the Bill, but I'm going to focus solely on the so-called *competitiveness formula*.

At the Princeton Gerrymandering Project, we take a nonpartisan, quantitative approach to studying whether proposed laws successfully prevent partisan gerrymandering. We're particularly interested in how policies that impose constraints on district partisanship can be gamed.

We've analyzed redistricting reform bills across the country. Most of them don't impose quantitative requirements on district partisanship, but a few of them do. Of the other bills that do, none of them implement a formula like this one. This formula is not a commonly accepted way of drawing fair districts.

But we've taken a close look at it on its own merits, and by our analysis it does not prevent partisan gerrymandering by either party.

The formula requires that districts be arranged in a certain way around the statewide average vote share, which in New Jersey is about 55 percent Democratic. The Bill defines districts close to this average as *competitive*, although this not a commonly accepted definition of *competitiveness*.

The formula in this bill does not substantially constrain the kinds of partisan maps that the Democrats or the Republicans on the Committee could make, if they were so inclined. As in past decades, the independent member of the Commission would be the only check against a partisan gerrymander by either party. But unlike in past decades, this formula would provide cover for the prospective gerrymanderer, who could claim their plan was intended to draw a high number of these pseudo-competitive districts, in compliance with the State Constitution, making their proposed map the ideal.

But it's pretty clear that either party can design a map that is in strict compliance with this formula and is still biased in their favor.

What we'd like to see instead is a bill that would give all New Jerseyans, from all racial, ethnic, economic, and political groups, a strong voice in the process. Such a bill would make New Jersey an example for the rest of the country. We fear that this Bill would foreclose that possibility.

Thank you.

ASSEMBLYWOMAN QUIJANO: Thank you.

Next.

LARRY D. IMHOFF: Good afternoon.

My name is Larry Imhoff. I'm a Lambertville, New Jersey, resident, providing testimony in opposition to these Bills on behalf of Indivisible Lambertville-New Hope, the local Indivisible group in which I'm engaged.

We feel that the current redistricting proposal is moving New Jersey in the wrong direction. We should be fighting against partisan gerrymandering, not amending our Constitution to gerrymander our State Legislative Districts.

Most states across the country are moving forward and making their districts more transparent and representative. We need to move New Jersey forward, not backwards.

Redistricting after the census should reflect changes in New Jersey's demographics and diversity, and ensure everyone is equally and fairly represented. Partisan data and election results should not be the focus of determining district lines.

It makes us susceptible to simply drawing lines based on party affiliation and manipulating boundaries in favor of one party or group over another. It means that the fate of elections is being pre-determined; and it drowns out the voices of ordinary citizens, many of whom already feel that their voice doesn't matter.

We deserve a redistricting process that puts public input at the forefront of the decision making. Encouraging greater public input in the process would encourage civic engagement and strengthen our democracy. New Jersey voters should feel confident in our democratic systems.

We cannot rely on the actions of politicians to draw fair lines. Some states are even taking away the line-drawing power from politicians.

This current proposal does just the opposite. I urge you to vote “no” against this proposal.

Speaking for myself, instead of speaking for Indivisible, I moved here to New Jersey about four years ago from Minnesota, where we think we have great government. And I came here and I asked, as this came up, “Well, how do we do this now?” And I heard, “Well, the State party leaders for the Democratic Party and the Republican Party put people on the Commission.” And somebody at the press conference outside said, “Well, how would this be different?” Well, instead we’d have -- instead of the Democratic and the Republican Party leaders; we’d have Democratic and Republican legislators making decisions.

It doesn’t seem like a move forward, is what I’m saying, you know? And it just doesn’t feel like it. And having moved here from Minnesota to New Jersey, and seeing in today’s *New York Times* that Eric Holder says that, “As currently constructed, the proposal in New Jersey fails to live up to these standards--”

I’ve really enjoyed living in New Jersey. I have had a very different experience than the stereotype that I expected of New Jersey, moving here from Minnesota. And I hope you guys will reconsider this process.

ASSEMBLYWOMAN QUIJANO: Okay; any questions?

ASSEMBLYMAN GREENWALD: Sorry; I apologize.

ASSEMBLYWOMAN QUIJANO: You don’t have to apologize.

ASSEMBLYMAN GREENWALD: Sir, I don't know if you were being facetious or not about Minnesota, but how do they draw -- how do they pick their commission? Do you know?

MR. IMHOFF: It's politically done as well.

ASSEMBLYMAN GREENWALD: Okay; it was--

I apologize; thank you.

No, I understand.

MR. IMHOFF: Somebody else said this is an art; and, you know--

Someone else said this is an art, and I certainly don't envy you the task. And other than this gentleman here (indicates), I don't know of any experts -- and perhaps this gentleman is -- who have been up here; but it's a difficult task, no doubt about it. But if somehow we could get it, at least so that the public perception isn't that it's a politically driven process, that will help.

ASSEMBLYMAN GREENWALD: You know, the challenge-- I think by expanding it to public members, and having the public put in maps, is our attempt to do that. You know, you could have judges appoint them, but judges are appointed by elected officials here. You know, we could have universities do this.

MR. IMHOFF: Yes.

ASSEMBLYMAN GREENWALD: We would get in fights over who got the funding for the universities and why. It's not easy to figure out how they get that perception.

Mr. Adler, I was interested by your comment that you could gerrymander this either way. And I don't know if you've studied the-- Is

the current map based upon the formula that we're trying to codify -- is it gerrymandered when you run your numbers?

DR. ADLER: Is it gerrymandered? I would say that the-- If you look at the process, the process is not ideal. The current map fits under the formula in the Bill, as it's laid out.

ASSEMBLYMAN GREENWALD: No; so my question to you is, that's what we're trying to codify. You're worried that it's subjected to gerrymandering. Have you studied the dynamics of the current map; and is it gerrymandered?

DR. ADLER: I think gerrymandering is a lot of things; but I think an important part of what gerrymandering is, is the process. And what this formula does -- it does not put meaningful constraints on the process. So things that are clearly partisan gerrymanders could clearly be done under this formula. The formula does not prevent that at all.

ASSEMBLYMAN GREENWALD: So even though we've lived in this for 30 years, and you don't seem to have a clear definition of whether or not it is currently resulting in a gerrymandered map, the concern is that there could be an outside influence that would gerrymander it.

DR. ADLER: I think -- my perception is that the point of having a formula like this is to prevent partisan gerrymandering, or at least give the impression that gerrymandering is not possible in the system. But if you just look at how this could be used in the future, it just doesn't prevent that at all.

ASSEMBLYMAN GREENWALD: But in the present, has it done that?

DR. ADLER: I don't know how the map has been drawn in the past.

ASSEMBLYMAN GREENWALD: It's been drawn, as you said earlier, based on all the statistics that are being-- This isn't changing anything; it's codifying it. The only change is, is lessening the legislators who are on it.

DR. ADLER: Yes, I think there are other people here who have lived in New Jersey for longer than I have. I have only lived here for one year; but there are people here who I think say that it does not fairly represent them.

ASSEMBLYMAN GREENWALD: So you haven't studied-- I'm just trying to get-- You haven't studied that at Princeton; the Princeton group has not studied that.

DR. ADLER: I've looked at how districts vote right now; and they vote in a fairly evenly spaced way, which is as the Bill requires it. I don't think that that is necessarily-- It doesn't make sense to mandate the current map as it is.

ASSEMBLYMAN GREENWALD: So am I wrong to look at gerrymandering as drawing a district that doesn't allow my voice to be heard. Is that what gerrymandering is?

DR. ADLER: Gerrymandering is a lot of things. I think gerrymandering usually refers to a district plan that someone doesn't like. Partisan gerrymandering is a little bit more specific, where -- partisan gerrymandering you're saying, "Okay, here are the votes as I have them. I'm going to try and squeeze out as many seats as I can." That's what partisan gerrymandering is. And this formula allows that to happen.

ASSEMBLYMAN GREENWALD: And my concern is, I don't know partisan gerrymandering. To me, factual gerrymandering is when I see the Supreme Court go into Pennsylvania and say, "The will of the voters is not being represented. You're redrawing this district before the election." That, to me, is gerrymandering. So that's--

DR. ADLER: That was about partisan gerrymandering, in that case. So in that case, they were specifically talking about the practice that I am describing -- that this Bill does not prevent.

ASSEMBLYMAN GREENWALD: But it's not currently happening in New Jersey.

DR. ADLER: I don't know what the process is like in New Jersey.

ASSEMBLYMAN GREENWALD: Okay; that's fine. That's the answer. I just wanted to know if you had studied it or not. I apologize.

You did make a comment, also, that it could be gerrymandered either way; and with the data that we ran -- I don't know if your group has done this or not -- for the Republican Party, in a 57 percent Democratic-performing statewide, as New Jersey is -- the Republican Party, if they could gerrymander, at best they could get to 20-20. Does that fit a-- Is that now a competitive criteria, or is that gerrymandered to get them seats that they otherwise wouldn't have had?

DR. ADLER: So our analysis-- What we try to do is, we try to say, yes, if Democrats get about 57 percent of the statewide vote, as you said, there's a range that could be gotten where you could draw a map, potentially, that could split 20-20 or split 10-30. And there's that whole range there; and that whole range is accessible to the gerrymanderer.

So yes, I would say that a split map, 20-20 -- 20 Republicans, 20 Democrats -- under a 57 percent Democratic vote share, yes, that's probably a gerrymander. I think it's also probably true that a 30-10 map under a 57 percent vote is probably a gerrymander. And this Bill does not prevent either of those possibilities. And those are the kinds of differences between vote share and seat share that we've seen all over the country in the last years; and that, you know, for instance, we saw in the Pennsylvania Congressional map, as you alluded to.

ASSEMBLYMAN GREENWALD: But when it produces a 24-16 outcome--

DR. ADLER: Yes, but this Bill is about the process in the future, right? And there's no-- What our analysis showed is, here's what could be done in the future; this whole range. It's not necessarily going to be this--

ASSEMBLYMAN GREENWALD: Okay; I understand.

DR. ADLER: Just because the current map complies with this formula doesn't mean that's what it's going to be like in the future.

ASSEMBLYMAN GREENWALD: Right. So if you shrunk those windows; if you took the windows that you think -- this spread, as you outlined -- and you shrunk it, there has to be some grace, some wiggle room to allow for the voters' change of position and opinions. Otherwise, you end up with something that doesn't reflect the will of the voters.

So I thought the last panel was interesting as -- there's a fairness and then there's competition. And I think somewhere in there is a definition, or a formula, that allows for the variabilities of the voters -- as it should, because it should be reflecting the vote with a competition. And I

guess what I would say to-- Like when you study this -- and again, I think it would be interesting for you to study New Jersey as it's currently constituted, because this has now, for three decades, produced a Republican and Democratic map based on the will of the voters. I think anything, if evil intent is inspired, could create gerrymandering. But even if you gerrymandered based on a 57 percent turnout, it would create a 20-20.

But I would argue District 1, District 2, District 7, District 11, and District 16 either have been split districts, or have swung from one party to the other, in this map, over the last 10 years. Now, I would also argue to you that the way it's crafted, we are looking at statistics that are anomalies, you know? When the Governor went under the investigation with Bridgewater, it changed numbers. We had certain parties selecting candidates that put books out with the most salacious comments I ever heard. Those candidates lost. There is something about the candidates you select.

And then, of course, the Trump phenomenon has done irreparable harm to the Republican Party for a period of time in this state.

The next map will take all that into consideration, but only on the first day. I would say to you that once that map is re-set, because we -- because of those phenomena -- and most particularly, and most recently with President Trump -- there was a swing to the Democratic Party. But the voter turnout over that decade is less than what we currently hold.

I would argue, if followed by this map, against our interest we would actually lose some seats in the Democratic Party. The opportunity to pick them up over the course of the next decade is driven by policy, driven in the state and outside of the state by parties, whether you're listening and

hearing the will of the voters and responding; whether you are engaged with your constituents and participating. And quite honestly, at the end of the day, are you running qualified candidates who can stand up and run? And you run candidates who are reflective of your state and the diversity which it represents.

DR. ADLER: Can I respond to two things there?

ASSEMBLYMAN GREENWALD: Yes, sure.

DR. ADLER: Okay, so the first thing is, yes, it's true that voters change their preferences; yes, it's true that incumbents change, and that changes the dynamics. But the thing is that, on average, people vote -- areas vote pretty much a lot like they do in the past. And that's the kind of tool that partisan gerrymanderers use. They use those patterns, and they're projecting forward, and they say, "Well, this is going to pretty much be like it was in the past."

The other thing you said that I want to respond to is, you said, "Well, maybe we need to tighten the constraints; maybe make that range smaller." But you don't need to do this outcome predetermination at all to get competitive elections. So if you look at what California does, for instance, they have a pretty good independent commission process. They don't look at outcomes like this; they don't have this formula. But when they started this process, they naturally got competitive, representative elections out of it. You don't need to do this. It's not required.

ASSEMBLYMAN GREENWALD: What did they do?

DR. ADLER: They have various criteria, and they have a fully independent commission, and they have a lot of public input. They have political subdivision preservation requirements and compactness

requirements; things like that. But they don't have partisan outcome predetermination.

ASSEMBLYMAN GREENWALD: So that's California?

DR. ADLER: Yes. And it's also fully independent.

ASSEMBLYMAN GREENWALD: So California has 14 members, right?

DR. ADLER: I'm talking about their Congressional-- Oh, oh, sorry, yes. On the Commission, yes; I think that's right.

ASSEMBLYMAN GREENWALD: So that independent commission is five registered with each of the two major political parties -- that's non-independent; four registered with neither political party--

DR. ADLER: They're citizens, is what I meant to say.

ASSEMBLYMAN GREENWALD: Yes.

DR. ADLER: Okay.

ASSEMBLYMAN GREENWALD: Eight chosen by the State Auditor Panel, which is an elected position, with input from the legislative majority and minority leaders; six chosen from those eight. That's why-- You know, I come back to it. It's a process that, at some point or another, even in the states that people point to, has that connectivity back to the political parties.

DR. ADLER: Yes, but my point is that they don't have partisan -- they don't use partisan data and they don't use partisan outcomes. They don't have a target the way this New Jersey Bill sets up. And they have competitive elections.

ASSEMBLYMAN GREENWALD: I just saw, in the last midterm elections, there was a lot of focus on California -- winning seats

that had not been won in generations, in a state that's overwhelming Democratic and has voted, nationally, Democratic probably back to Reagan. So I don't know that I would agree that it's competitive. I think up until that last election it denied the will of the voters.

And now you have a new dynamic, right? You have a dynamic in New Jersey or in California, where they just picked up 10 new seats that they didn't have. We have 11 of out the 12. Incumbency matters. So these new 11 Congressional people -- are they winning because of the map; or are they winning because they won a competitive race, and have done a good job, and are now incumbents?

So, anyway, thank you, Madam Chair.

ASSEMBLYWOMAN QUIJANO: Okay; thank you, panel.

I'll be calling out some other names.

Jean Durbin, Princeton Community Democratic Organization; Laura Zurfluh, League of Women Voters New Jersey and RepresentUS; Nancy Griffeth, UU Faith Action New Jersey; David Goodman, RepresentUS/Central New Jersey; Ann Vardeman, New Jersey Citizen Action.

I'll be turning over the microphone to Vice Chair Murphy.

ASSEMBLYWOMAN MURPHY: Okay; would you like to start us off?

ELIUD GAUTIER: Yes.

Good afternoon; my name is Eliud Gautier from Deptford, New Jersey; from the great southern part of this awesome state, where Assemblyman Greenwald hails from. Thank you for--

ASSEMBLYMAN GREENWALD: You're the only one who got my Phillies joke; thank you. (laughter)

MR. GAUTIER: Good to be here.

I'm here for two-fold reasons. First, let me get it out in front. I'm here as a community activist, urging this Committee to bring up in the future legislation, that was just introduced, offering driver's licenses for immigrants who cannot otherwise get a license. That's Bill A-4743. (applause)

Thank you.

But in reference to today -- today, I've been motivated. I've been listening to you carefully. One of my concerns is-- I oppose it, and let me tell you why.

And with all due respect, I'm here because of your mother. I'm here because Freeholder Maria Greenwald welcomed me into her home and encouraged me to participate in this beautiful process. We cannot legislate her heart that has been passed on to you. District 5 is a reflection of what Freeholder Maria Greenwald started 30 years ago in her heart. She was not legislated to be inclusive; she spoke from her heart. I ate in her home, with Alberto Santiago and Gloria Bonilla, because she knew in her heart that the right thing was to be diverse; to allow people to represent their state.

It wasn't because of patterns, it wasn't because of statistics. It was simply because she knew in her heart -- and she's passed it on to you, I know -- even though we oppose -- political parties. I'm a Republican, raised Republican -- but you know, I'm here because of people like your mother, yourself, who encourage the participation of a more inclusive New Jersey.

So I need you to explain to me how we're here trying to legislate what great people like your mother have done because of who they are. And I understand your attempt to put it own, but I think it has to come from the heart.

The 5th District -- Nilsa-Cruz Perez, Hispanic woman; Patricia Egan Jones, awesome woman; Mr. William Spencer (*sic*), an African American leader. It was not because they got legislated into office; it is because of people around them -- the people who understood that it is important that the 5th District, and districts in New Jersey, in South Jersey, properly represent the people who are making New Jersey great for all of us in the future.

Thank you.

If you can address that, I'd appreciate that.

ASSEMBLYMAN GREENWALD: So I appreciate -- obviously, I appreciate the warm sentiments about my mother. And I would tell you that while you and I may disagree on this, you know I wouldn't have my name on this if in my heart I didn't believe that it would give access to opportunities, to people like my mother.

MR. GAUTIER: I do, I do.

ASSEMBLYMAN GREENWALD: You know--

MR. GAUTIER: I know it stays a struggle, because you were talking about statistics and trends; and even the best people on Wall Street cannot predict trends.

ASSEMBLYMAN GREENWALD: But we live in a world of data and analytics. And if you're not using data and the other side is,

you're at a disadvantage. To think that data is not going to be a part of this is just naïve, okay?

MR. GAUTIER: Right.

ASSEMBLYMAN GREENWALD: Because if you're not using it, the other side is.

MR. GAUTIER: Right.

ASSEMBLYMAN GREENWALD: And if you're not using it, you're discriminating, in my opinion, against people who need that data to have their voice heard.

You know, you're here because of my mother.

MR. GAUTIER: Yes.

ASSEMBLYMAN GREENWALD: I wouldn't be here if it weren't for my mother. And not just in the physical sense, but in the literal sense. You know, long before there was a Hillary Clinton trying to break the glass ceiling, my mother was the first woman elected Mayor of Cherry Hill.

MR. GAUTIER: That's right, that's right. I remember that,

ASSEMBLYMAN GREENWALD: And when I look at this panel -- I take pride in this panel, not because they're just my friends; but because when we did this map 20 years ago-- I disagree slightly with you that you don't need to legislate this, because when we did this map 20 years ago, there was a push to pack people into districts because they did not believe that people in suburban America would vote for minorities. And we disproved that. When we did this map and used this formula 20 years ago, we did not have a single Latino ever elected to the State Senate; we now have two, in Nellie Pou and Nilsa Cruz-Perez.

MR. GAUTIER: And Teresa Ruiz.

ASSEMBLYMAN GREENWALD: And Teresa Ruiz from Essex County. And that is a byproduct of this.

I believe this is in the spirit of my mother, to be honest with you. I believe that this is about making sure that a poor kid from the City of Camden, whose father died when she was 3, who didn't speak the English language, and couldn't afford to go to college -- no county colleges existed at the time; and she became the first woman Mayor of Cherry Hill, the first woman Freeholder Director in Camden County -- I believe that this legislation fights for, advocates for people like them.

So it is very hard to sit here with groups that have supported the language in this legislation, to suggest that we are trying to do anything else.

And when I look at the body of the people that I serve with-- A Dream Act kid like Gabby Mosquera; she is a Dream Act kid. She serves in the State Legislature because this opportunity was created.

This legislation is not changing any of the formulas that crafted a map that allowed those people to get elected, because of your point, sir -- that they were inspired to go out and get the support of the people that surrounded them. But that support alone, with a map that crafts lines around people -- that walls people in -- will not create that opportunity; it will not. It did not. I am here-- I was the first Democrat in 25 years to be elected to this seat; I was the first Democrat in 25 years. And every one of these groups -- I love you all. You want to talk about taking money out of the system? I was the first Clean Elections candidate ever in the history of

the state; I walked away from campaign money. The Supreme Court ruled it unconstitutional. We couldn't do it anymore, all right?

So this is all about access. I've been doing this-- It's the only office I ever held. I got involved because my mother died tragically in a car accident; it's the only reason I ran. I've been here 23 years; I'm 51 years old. I got elected at the age of 28. I got fewer years in front of me than I do behind me, in this seat; but I want to make sure that people, like myself, who came from a district that was considered unwinnable; and people like my mother, and people like my friends, have an opportunity to run and win in a fair, competitive race, where the people who vote for them and the people who vote statewide have their voices represented. Because I don't ever want to look at the parents of Sandy Hook again, and tell them, when they come here to share with us about the violence and the impact on their lives of gun violence -- I don't ever want to look at those families again and say, "We just don't have the votes to get it." "Well, what do you mean?" "It's a Democratic state." "We just don't have the votes to get it done." I'm never doing that again.

You asked a question, sir; I wouldn't have-- I didn't mean to get on my soapbox, but you asked the question.

MR. GAUTIER: No, no, I appreciate your comments. I think that's what I needed to hear. I appreciate your comment on that.

And I hope that the same drive, the same determination that you're pushing for this Bill, you will also use for-- The same reason you just spelled out is the same reason why we need to pass A-4743; the same exact reasons. And I hear your heart and I believe you. You've always been a

gentleman of honor in our community. You've done well; you've done well by the Hispanic community in South Jersey, and I thank you for that.

So let's continue to talk and learn from each other; and I hope that in the future we can find more things in common than against.

ASSEMBLYMAN GREENWALD: Well, look, you know the one thing my mother taught me is, I'm a phone call away and my door is always open. So you call any time you like.

MR. GAUTIER: Thank you very much for the offer.

ASSEMBLYMAN GREENWALD: Thanks.

MR. GAUTIER: Thank you, sir.

ASSEMBLYWOMAN MURPHY: Thank you.

So we'll start here, directly in front of us.

J E A N Y. D U R B I N, Esq.: Thank you.

Jean Durbin, here, from the Princeton Community Democratic Organization, PCDO.

We submitted testimony; it's from nine past presidents of the organization. I'm not going to read that; I'm just going to say a few comments.

It's really been an education and enlightening here today. And I appreciate hearing everybody testifying; and learning a little bit about Assemblyman Greenwald's history here, and what brought him to the Assembly.

Despite all the good intents, if we've learned one thing today it's that this Bill supports, or is all about, partisan gerrymandering, which runs contrary to our democratic principles. Our country -- a founding principle is one person-one vote fair representation. Partisan

gerrymandering, by definition, relies on the wasted vote; the diluted voice of the voter.

And gerrymandering is not the way to go, and it's certainly not appropriate to codify it in our Constitution by way of an amendment; just not appropriate. This legislation -- even if it doesn't practically foster self-dealing among sitting legislators, it sets you up for the appearance of impropriety. That's really serious; the serious appearance of self-dealing. Don't do it; don't set yourselves up for failure. Don't codify it in a constitutional amendment.

Partisan gerrymandering, by definition, dilutes the voice of voters who currently enjoy protected status based on race. The way this legislation is drafted, race is categorized, as you've heard, as a community of interest with other groups that don't enjoy a protected status. It is a flawed approach. Do not codify it in our Constitution.

This process permits three public hearings. And if you've learned nothing today, or heard nothing today, it's that three public hearings are probably not enough. There are a lot of smart people in this state who care about this issue and could be involved and provide good input. I hear you --hat you've been talking about it since 2015; a lot of people in this room have not. And so include people; and if you really want to set a standard, let's really make it a nonpartisan approach to redistricting. Let's set that standard and set yourselves up to be the heroes for doing something that is not partisan.

And the ballot question itself is just so poorly drafted and misleading, that it's -- that stands for itself.

So if we could encourage you to do anything, it's that remember, you know, I'm a Democrat; your Democratic Party worked really hard to flip New Jersey blue, with all of our sister organizations across the state. We will fight vigorously to oppose this if it goes to the ballot. We will fight vigorously to oppose this constitutional amendment because it is flawed. And we won't forget.

And I think you should set yourselves up for a win, and actually listen to your constituents and vote "no."

Think you.

ASSEMBLYWOMAN MURPHY: Thank you, Ms. Durbin.

Next.

L A U R A Z U R F L U H, D V M: My name is Laura Zurfluh; I'm here as a member of the League of Women Voters and RepresentUS, two nonpartisan organizations, to voice my opposition.

The two points that I'm going to make have already been made, so I won't belabor them.

One is that partisan data should not be used to draw legislative districts; they should be drawn based on communities of interest. That would include communities that might be communities that are flooded, or communities that are near an airport where noise pollution might be an issue.

There are lots of reasons we can draw legislative districts, and partisan data should not be the primary one, or even up in the top. I agree with the League of Women Voters that it can come into play towards the end, but it shouldn't be the primary concern.

The other concern I have is mandating that politicians will be on this panel. Other states that are passing legislation to avoid gerrymandering actually preclude politicians from being on the panel; and yet, we are going to be mandating politicians be on the panel. And there's just no way that a politician can look at a map and not think of his own district first, rather than the interests of the voters.

It's clear to me that Mr. Greenwald, Assemblyman Greenwald is very passionate and feels that this is an appropriate Bill. But what concerns me, as a non-expert, is that every organization that I am part of, and that I look towards for guidance, has come out against this Bill.

Thank you.

ASSEMBLYWOMAN MURPHY: Thank you.

Does anyone have any questions for the three who just testified? (no response)

No?

Okay, thank you.

If you wouldn't mind stating your name and where you're from, please.

Thank you.

NANCY GRIFFETH: I'm Nancy Griffeth; I'm here representing Unitarian Universalist Faith Action New Jersey, a faith-based group that is interested in social justice.

As Unitarian Universalist Faith Action New Jersey, we oppose this Resolution because we fear that it undermines the democratic process. And one of the principles of our faith is adherence to the democratic process.

Now, I have turned in my comments, so you can read them; they don't add much to what we've already heard. But from listening to the testimony and to Assemblyman Greenwald's questions, it's become quite clear that in drafting this Bill you haven't taken advantage of the considerable expertise that's available in this region. And particularly Patrick Murray of Monmouth; he clearly is willing to help. The Princeton Gerrymandering Group has analyzed this; the Brennan Law Center testified on it before.

And what I think you should do is scrap this Bill and go back and work with them to come up with a better Bill.

Thank you for listening to me.

ASSEMBLYWOMAN MURPHY: Thank you.

DAVID GOODMAN: Good afternoon, Madam Chairwoman, and members of the Committee.

My name is David Goodman of Princeton, New Jersey. I'm the Team Leader of RepresentUS Central New Jersey. We're one of 41 chapters across the United States currently active in 21 states, representing nearly a million citizens who are concerned, at the grassroots, about the corruption of our politics.

There are two issues that are animating our members that really are relevant to today's discussion. One is partisan gerrymandering; and the other is dark money. And actually, the two issues are much more integrally related than, perhaps, is generally understood. In fact, we see them as two sides of the same coin.

New Jersey is currently being swung by dark money. It's referred to, legalistically or politely, as *independent expenditure committees*. In

the last election, some \$47 million-plus was spent on campaigns from sources that are unknown and untraceable, through things such as 501(c)(4) funds, and 527 funds, and other secret funds.

Partisan gerrymandering will serve to strengthen the forces and the effectiveness of dark money. Because what partisan gerrymandering amounts to, essentially, when you strip away the sophisticated computer data mining and the map drawing -- what it really amounts to is rigging elections. It represents politicians prioritizing big donors to get elected, and then redrawing their districts to stay in office. They are picking their voters instead of the other way around.

On Election Day, November 6, 2018, my organization, at a national level, was behind anti-gerrymandering ballots in the states of Michigan, Missouri, Colorado, and Utah. And now what we are looking at in New Jersey is backward movement, where a state, which has been held in esteem, is now risking becoming the next gerrymandered state.

I can assure you that our organization -- and we have 18,000 members in the State of New Jersey who are members across all platforms, including social media; 6,000 subscribed members through e-mail; and over 1,000 who have sent letters and petitions to the members, including the members of this Committee -- our numbers are formidable and growing. And I assure you that we'll take note of all who vote for this flawed proposal; we'll make sure that our voices are heard, not only next November, but in primary elections that may occur in June of next year.

This is an era of grassroots involvement; you've heard that from speakers throughout this day. And we urge you to reject this constitutional amendment.

Thank you.

ASSEMBLYWOMAN MURPHY: Thank you, Mr. Goodman.

Does anyone have any questions, comments for these two panelists? (no response)

No?

Thank you so very much.

ALL: Thank you.

ASSEMBLYWOMAN QUIJANO: Next panel: David Pringle, Clean Water Action; Herbert Tarbous, Central Jersey Progressive Democrats; Katie Wertheimer, Planned Parenthood Action Fund of New Jersey; Sandra Matsen, who testified earlier, but you are going to be subbing in. You guys flipped your positions; okay. Margaret Illis, New Jersey7 Forward; Amy Goldsmith--

UNIDENTIFIED MEMBER OF AUDIENCE: She's downstairs.

MR. PRINGLE: Thank you, Madam Chairwoman.

My name is David Pringle; I'm representing Clean Water Action today as a volunteer, as a long-time employee. I'm also wearing two others hats, as a candidate for Congress last year in the Democratic primary, and without-- I could be mistaken, but I believe I have more legislative experience for longer than anybody on the panel, or who has testified today. I've been a regular in the Legislature since 1988, so I've been through this a lot.

I want to believe that folks are working in good faith, but the process and the substance of this constitutional amendment -- and I have read it -- strains that credibility severely.

There are so many pieces of misinformation out there, it really would make Donald Trump proud -- way too many to go into here. I could testify for three hours and do a point-counterpoint.

Just a couple of little examples.

John Adler didn't lose because of redistricting, God bless his soul. He lost, in 2010, before the redistricting happened.

ASSEMBLYMAN GREENWALD: That wasn't my point; my point was--

MR. PRINGLE: But that's what you testified to.

ASSEMBLYMAN GREENWALD: No, that's what I said. I apologize.

ASSEMBLYWOMAN QUIJANO: All right.

ASSEMBLYMAN GREENWALD: My point was that, because John won that seat, they removed Cherry Hill because they wanted to make it less competitive. Is that not a true statement?

MR. PRINGLE: I'm going to move on.

You also talked about the will of the voters being represented. The will of the voters are not being represented by the map that you want to codify here. The map currently has 54 Democrats and 26 Republicans in the Assembly; 25 in the Senate and 15 Republicans. That's a 67.5 to 22.5 (*sic*) percent, and a 62.5 to a 37.5 percent -- way more than 55 to 45. That is extreme partisan gerrymandering. And if it was a more accurate map, and you actually reflected legislative races too -- as the intention of our forefathers who wrote our Constitution; that's why they have our elections in odd years, because they wanted a distinction between State and Federal

racess -- that number would be even more severe, because it would be closer to 50-50 than 55-45.

(references notes)

So much to say.

The amendment personifies false advertising. It would call a district *favorable* -- that one party is over the other party, 55-45 -- but allows the party that is 45 percent to be considered favorable to that party, even though they are down 10 point.

It allows a district to be called *competitive* that is 60-40. You don't have-- *Fair* and *competitive* don't have to be mutually exclusive. You can do both.

This map allows for 75 percent of the districts to be favoring one party and 25 percent to be 60-40. So where are the competitive districts in this map?

There is so much more--

ASSEMBLYWOMAN QUIJANO: I'm going to give you extra time, because you went back and forth the Majority Leader.

Can you-- Is there a possibility of giving him an additional two minutes?

Okay, thank you.

MR. PRINGLE: Thank you; I appreciate that.

As has been said, but I just want to emphasize -- everyone is testifying against this. I have yet to hear anybody, but a sitting Democratic legislator, came out in support of this. That speaks volumes.

And it's not just progressives, although it's progressives combating a Democratic map. The Chamber of Commerce has come out

against this; the League of Family Values (*sic*), I believe, John Tomicki, which is obviously a very culturally conservative group. The question on the ballot -- the interpretative statement on the ballot is incredibly biased. Those questions -- someday said they're poorly written. They aren't poorly written; they were purposely written for an intended result, and that's wrong, and needs to be fixed.

The amendments transfer power from State party chair to legislative leaders, who actually have a greater conflict of interest and a more narrow interest. It won't ensure diversity. I think -- I believe I heard you correctly, Assemblyman Greenwald, when you mentioned that it would be guaranteed diversity. It does not guarantee diversity; it says to *consider* diversity. *Guarantee* and *consider* are two very different verbs.

There are some good provisions in the Bill: public meetings; public hearings; website notice; input; access to information, including the proposed maps. The vast majority of that is already standard operating procedure. And what really matters is real input. What happens behind closed doors when the five Democrats, and the five Republicans, and the six Democrats, and the six Republicans are making a decision? It is incredibly unrepresentative of the electorate. The majority of the electorate is not represented on the Commission, because 40 percent aren't either a Democrat or a Republican; and there a lot who need to be heard who aren't registered voters, for one reason or another.

Let me just close by saying that it is very difficult to conclude anything other than this amendment is about consolidating power in the hands of people who already have too much power. This is not what democracy is supposed to look like. This hearing was flawed, the hearing

last week was flawed, the timing is flawed, the process-- There hasn't been three years' of discussion. There were three years of silence, and then you're trying to ramrod it through during the holiday season.

We've all been here, around a lot. You know how to do a really good process; I've done a really good process with you. Clean Car -- incredibly frustrating, but we worked it out, and it's helping the environment. This is a bad process, it's a bad amendment; if you really want good government, you hold the Bill and you do a good process.

Thank you.

ASSEMBLYMAN GREENWALD: Madam Chair.

ASSEMBLYWOMAN QUIJANO: Sure.

ASSEMBLYMAN GREENWALD: So Dave, I think you heard me say earlier that the maps are drawn every 10 years by Constitution, as you know. Maybe we should do it every four years, but it's driven every 10, right? It's driven to do this redistricting process every 10 years.

So yes, today, having 54 out of 80 seats, gives us 67.5 percent. The point I tried to make earlier was, in 2011, when the map was drawn, District 2 received 46.8 percent of Democratic votes amongst Democratic legislators. Seven years later, it receives 53 percent.

District 7, which was Burlington County, received 48.9 percent of Democratic votes for Democratic legislative candidates. Now it receives 65.5 percent. District 11 received 44.5 percent; seven years later, it receives 54.5 percent.

District 16 received 46.4 percent; seven years later, it received 52 percent. District 38 received 53.2 percent; today it receives 58.2.

That is not the drawing of a map; that is the change in the will of the voters and, in part, candidates that were selected. I know-- Because you're active in this House, you know, in District 38, the candidate was selected who wrote a book that had some of the worst racial epithets in it, right?

MR. PRINGLE: Yes.

ASSEMBLYMAN GREENWALD: That changed votes; it did. It's not a map, it's an event that took place. Democrats won, became incumbents, listened to their constituents, cast votes, and have changed the demographics of the voters of that District.

In District 7, where they received less than 49 percent, today they received 65 percent. There is a phenomenon going on in that County. They have been impacted by the Federal Tax Reform. You're seeing a change.

Now, I also said earlier -- and I could be wrong -- but I think if you were to craft a map using this formula, that 67.5 percent would reset itself back to a number that would be more competitive -- back to that 55. We would potentially lose seats. Now, you'd have to deal with the incumbency issue; you would have to deal with the change of national profiles, with President Trump, in a State like New Jersey -- different in others states, where he went to campaign. It shouldn't be lost on anybody that he didn't come to New Jersey and campaign against Senator Menendez. He didn't spend his time here.

So the reality is that -- the challenge that I'm asking those of you in your position to do is, yes, you can look at it today and say it's not competitive. It's not the map that drew that, as much as it is candidate

selection, hard work, changing demographics over time, and outside influences that impact and change the will of the voters. By setting this in stone, you would put Democratic seats in jeopardy by making them more competitive; and would probably come back down from the 54 in the Assembly -- that we are today -- and the 24 in the Senate. But it would be a reflection of that.

Now, over the course of the next 10 years, it could skew either way, because it's not an exact science.

So that's the statement I made earlier. I understand where we are today; I'm very clear in where we are today. And I make no apologies, as the Majority Leader of the Democratic Party, of recruiting men and women who were electable and helping them get elected. But we won in districts that we weren't supposed to win. I won in a District that I-- I was not supposed to beat John Rocco, myself; I was not. But I've been here 23 years since.

MR. PRINGLE: And there's a better way to draw a map, and it's not to use partisan data. It's to use other demographic factors -- the communities of interest and the like.

ASSEMBLYMAN GREENWALD: Okay.

ASSEMBLYWOMAN QUIJANO: Thank you.

Next speaker.

MS. HEDINGER: Hi, I'm Nancy Hedinger.

I'm actually President of the League of Women Voters. But we've given our testimony already.

So I just want-- And most of the experts have said what I feel in a much more eloquent way than I could have.

So I would just like to say that I'm really proud of all the citizens who came out here, two weeks before the holidays, to speak before all of you. This isn't an easy thing to do for someone who's never been here. And for some of them, their first experience was bouncing between floors, trying-- Because they wanted to get their word -- themselves heard in front of their legislators. And I think that's really sad that that is now their vision of democracy in the State House.

And I think if you really want -- if we want to have fair districts and fairly drawn districts, this should be a bipartisan effort. I think the Bill should be pulled; and if you want to hear what people have to say, have some hearings. You said people can come and speak with you. They only have until Monday to do that. So when are they going to do that? It's Christmas week in two weeks.

So all I'm saying-- I mean, I appreciate-- There are some good things in the Bill, as our testimony recognized. But I just wanted to make the point that -- I apologize to all these people who came out here for the first time and had this be their first experience.

ASSEMBLYWOMAN QUIJANO: Nancy, I have a question.

Is it better to have more than one venue so that everyone has the opportunity to share their opinion; or to have a joint meeting, where a number of individuals never get to speak?

MS. HEDINGER: It's wonderful to have different venues; but to do them at the same exact time, that's not -- that's really not--

ASSEMBLYWOMAN QUIJANO: Well, the thing is, you had gone to the Senate. After this panel finishes speaking, I will call-- And there are only seven people who were called who were not in the room. I

will call them again to give them the opportunity to speak. So they could have gone to the Senate, like you did, and they're coming back to speak like you did.

MS. HEDINGER: Yes, you can justify this any way you want. It's not -- it's really not the way this is supposed to work.

ASSEMBLYWOMAN QUIJANO: Okay.

Next.

M A R G A R E T I L L I S: Good afternoon, Chairwoman, and members of the Committee.

Thank you for the opportunity to testify today.

I'm one of those people who has never been here before, so--

MR. PRINGLE: How's the experience so far?

ASSEMBLYWOMAN QUIJANO: What is your name?

MS. ILLIS: What? (laughter)

MR. PRINGLE: How's the experience so far?

MS. ILLIS: I'm having a blast.

ASSEMBLYWOMAN QUIJANO: Don't use up her time.

What is your name, ma'am?

MS. ILLIS: My name is Margaret Illis--

ASSEMBLYWOMAN QUIJANO: Thank you.

MS. ILLIS: --and I'm here today as a voter; and also as the leader of NJ7 Forward, a grassroots group.

I'm testifying today to voice opposition to ACR-205, which is being fast-tracked through the Legislature.

We have been told, repeatedly today, by Assemblyman Greenwald, that he and the sponsors welcome conversations about this. But where is the time for this to happen?

If improvements to the Redistricting Commission and process need to be made, then it should be made in the open, with public input and with time for revision.

Over the past two years, I've been engaged in voter outreach throughout the 7th Congressional District, and also the 21st Legislative District; those are the two districts that I live in. When voters go to the polls they should trust the process. We deserve a redistricting process that is fair and gives New Jersey residents confidence that their communities are represented and their votes are their voices.

With legislators on the Commission and controlling seats on the Commission, how can this happen? With no representation of unaffiliated voters on the Commission, how can this happen?

I'm one of those voters who's independent; I am currently registered as a Democrat. Previously, I had been registered as a Republican. For most of my life in New Jersey I've been unaffiliated. I register with the party that I feel I need to have a voice during the primary period; or, at this point, I registered with the Democratic Party because of my emotional level with what's going on in D.C. I can't affiliate with the Republicans right now.

I've voted for Republicans, I've voted for Democrats; I try to vote for the best person who is up at any one time. But my voice wouldn't be heard on this Commission. People like me aren't represented on this Commission.

Voters across the country are calling for fairer districts, and I'm afraid that this constitutional amendment moves New Jersey backwards.

Please protect the voices of New Jersey voters, and vote "no" on December 17.

Thank you.

ASSEMBLYWOMAN QUIJANO: Thank you.

Assemblywoman Murphy.

ASSEMBLYWOMAN MURPHY: I just have a question, because I think -- I've heard this several times; people talking about the will of the voters, and not using data and not using the past elections to be able to identify them and use that process to determine districting, which I fully understand.

But I just have a question. And those who are grassroots folks can answer this for me; and I just want clarification. This isn't a technical question; this is a general question that all of you have testified to, so you should have an opinion on it.

How do we, and how does that grassroots -- and Mr. Pringle, you can answer this as well -- how do you identify those folks who are independent? How do you identify those folks who voted Republican or Democrat? Because to be honest with you, I voted several times for my Republican friends where I live. You guys didn't hear that.

UNIDENTIFIED MEMBER OF COMMITTEE: I heard it.

ASSEMBLYWOMAN MURPHY: I know you did.

But I would just like a little bit of clarification that -- if you don't use data, and you don't refer to the recent elections or the past elections, how do you identify who it is that these voters represent? We're

not talking-- And especially, everybody has made a comment that not all voters (*sic*) are registered to vote; not everybody votes. And I know for a fact that grassroots organizations do not go knocking on every single door. They target people; and I say this -- they find people through some type of -- whether it is a voter registration file; a State van, which is also a voter registration file. And we're not just talking about Republicans and Democrats; we're talking about a lot of organizations do have access to this van that points them in the direction of where they want to go to find the voters that they need, to be successful in what they do.

So maybe you could just clarify exactly what you think, or how you feel, that we should go about identifying people as to what party they are, as to who they are? Or how we are able to identify who is not going to get on the Commission -- that the State distinguishes them from somebody who should be, whether Democrat, or Republican, or Independent, if I'm-- Go from there.

And to be honest with you, I think your voice would be very well welcomed to people in a public setting, because you are independent; you do have a voice that says, "You know what? I'm not Democrat or Republican; I don't go based upon a party that I'm voting for. I'm voting for the person who represents my district and what we need to get done." Which, by the way, I think 90 percent of the Legislators, both parties, in both Assembly and the Senate, do represent their communities very well.

So, maybe just a little clarification there for me.

Thank you.

MS. ILLIS: Okay; so there's a lot to unpack there--

ASSEMBLYWOMAN MURPHY: True.

MS. ILLIS: --and you'll have to excuse me if I miss some of the points that you asked about.

ASSEMBLYWOMAN MURPHY: That's okay.

MS. ILLIS: So I can't speak for all of the grassroots; the grassroots are an incredible local and motivated group of people who are generally motivated based on interest or based on where they live. So most of the grassroots groups that I have been working with over the past two years are hyper-local. It will be a town; it's 20 people meeting in a living room in Watchung, New Jersey; or it can be 700 people getting together in a synagogue in Westfield. So there is a wide range. When you say the *grassroots*, that you can't just pigeonhole that. And there are statewide groups that also consider themselves grassroots organizations because they aren't specifically affiliated with a political party.

So from my perspective, the grassroots are people who got engaged because they wanted better representation from their government, and they felt like they weren't being heard through the current process. So therefore, I'm here in Trenton; I've never done this before.

ASSEMBLYWOMAN MURPHY: Thank you.

MS. ILLIS: We took a drive -- a group of us took a drive down to D.C., because we felt that the phone calls that we were making to our Congressional representatives and our Senators weren't cutting it. So we went and visited their offices.

We can do that. We feel empowered now. So how do you hear us? You ask us; you talk to us. I can vote for different parties at different parts of the ticket. Many of those unaffiliated voters in New Jersey are not party-line voters. But where you run into a problem, and where I have an

issue, personally, with this Bill, as a resident of Union County -- we don't always get-- There aren't competitive primaries for the Democratic seats available in Union County. Those decisions are made before it ever comes to a ballot in June. So that means that people who are more independent voters feel like they don't have a choice of their representatives. Those choices have been made before we ever get to the ballot box.

And by putting legislators-- By putting more control on the same elected officials who were not necessarily chosen by the people-- Yes, they were chosen by the people, because you go into a ballot and you cast a vote. But when there's only one person to vote for -- right? -- that's where you have a problem.

So when there are legislators who are dictating the lines for these districts, how do we have faith that they're doing that in my interest and not in their own interest? In the 25 years I've lived in New Jersey, I don't know -- I can't remember legislators being redistricted -- incumbents being redistricted out. It probably-- It might have happened once or twice; but we have some wacky lines in New Jersey now because the process favors incumbents.

So if we had people who were not legislators in charge of this process, and they represented people who were also unaffiliated or nonpartisan groups, then wouldn't we -- I feel that I would have more security in those results.

I never said, "Don't use data;" I never said, "Don't do formulas." Codifying that in a constitutional amendment is where I have a problem. The Commission should be able to determine what the Commission should be doing. You know, obviously, you have to map it out

on some level; but we already have a process that's better than some in other parts of the country. It just feels like, because it's the majority Democrats in these two bodies in Trenton that are making this push, at the end of the year, with a second vote already planned for January -- I feel like, you know, people like me, who just picked up our heads and said, "I need to read about this," are being left out in the cold. There isn't time to sit down and talk to you before it can be a meaningful process.

So I'm sure I missed some of what you wanted me to address, but that's what I got.

ASSEMBLYWOMAN MURPHY: I want to thank you.

ASSEMBLYWOMAN QUIJANO: Thank you.

MR. PRINGLE: May I, very briefly answer that question too?

ASSEMBLYWOMAN QUIJANO: Sure.

MR. PRINGLE: Three points: One, the census-driven-- You know, we're doing this in 2020 and 2021, because of the census. That is an incredible data-driven document. There's all kinds of data that we have access to, in this day and age, beyond partisan data. So there's lots of data that can and should be used.

Second, we're not naïve. Partisan data is going to be used. It would be political malpractice if partisans didn't use it. But how, and what form, and do you bake it into the Constitution, are the questions.

And finally, the best way to do this is to have a truly public Commission. Even under the amendments it says "two members of the public." There is no definition of the *public*, and it is partisans making those public appointments. George Norcross is a lot more likely to be that public member than a Margaret Illis or a Nancy Hedinger; and that's wrong.

Changing the Constitution should be hard; it is hard, and you need to do it right. And this process is not right. Slow down.

ASSEMBLYWOMAN QUIJANO: Are you done?

Okay.

MR. PRINGLE: Thank you.

ASSEMBLYWOMAN QUIJANO: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Just for clarification.

About incumbents not losing their districts -- that's not quite accurate.

I know my colleague and friend, Reed Gusciora, lost his District in the last go-around. Ralph Caputo lost his District in the last go-around. My friend and colleague in the 37th District, Loretta Weinberg, had to move when she lost her seat -- lost her town, but that was 20 years ago. So it does happen.

MS. ILLIS: Thank you for clarifying that.

ASSEMBLYWOMAN QUIJANO: Okay.

No, no, I need--

MR. PRINGLE: Can I point out that Reed Gusciora lost his District by fellow Democrats; and there's-- The 16th District is a wonderfully gerrymandered District -- that got Princeton and South Brunswick into a Hunterdon County District to make it Democratic.

ASSEMBLYWOMAN QUIJANO: All right; thank you.

I want to do callbacks for individuals who were not in the room when their names were called, to give a fair chance to everyone.

Doug O'Malley, for the second time, Environment New Jersey.

MR. PRINGLE: He was away. I texted him that he was called, but-- I'll text him again.

ASSEMBLYWOMAN QUIJANO: Lisa Bennett, second call; Brian Lee, Indivisible Central New Jersey, second call; Sally Gellert, UU Faith Action New Jersey, second call; Christina Russoniello, Indivisible Garden State Values, second call; Beth Stevens, Greater New Brunswick League of Women Voters, second call; Ann Vardeman, New Jersey Citizen Action, second call.

ANN VARDEMAN: (off mike) No need to testify.

ASSEMBLYWOMAN QUIJANO: No need to testify? Thank you very much. She has marked "opposed" on her slip.

Herbert L. Tarbous, Central Jersey Progressive Democrats, second call; Katie Wertheimer, Planned Parenthood Action Fund of New Jersey, second call; and Amy Goldsmith, second call.

Okay, Mr. Lee, start us off, please.

BRIAN LEE: Hello.

My name is Brian Lee; I'm from Somerset, New Jersey, and I'm with Indivisible Central New Jersey.

And I have to confess; I am a complete partisan. I have been a life-long Democrat. I have worked on countless Democratic campaigns, trying to get Democrats elected. So it is in my deep interest to see Democrats win every single time possible.

But I am completely repulsed by this current amendment and these Resolutions. In particular, I object to the guideline, that would be enshrined in the Constitution, to base it on past elections.

If you do that, that would rob the people, it would rob existing voters -- the independents, in particular -- of their right to change their minds. And we know that they do change their minds. In the recent elections, we have seen four of the five Republican house seats in New Jersey get flipped, in particular, because so many people did change their minds.

And it would also rob any new and untapped voters of their right to choose for the first time. It would dilute their vote.

And here's, as you know, a not-so-secret fact. Most of those untapped voters, those new voters, are going to be Democrats. You know, let's continue to make voting easier and more accessible in New Jersey, because as long as the Democratic Party is the party of inclusion, of diversity, of workers, of environmental stewardship; new voters, young voters, people of color, immigrants, city dwellers -- those are all people who are going to likely be voting Democrats.

So this year, in New Jersey, you guys put into law automatic voter registration; which is awesome. This is something -- this is a trajectory that should continue. You guys can pass Assembly Bill 3456, which will restore voting rights in New Jersey to people with felony convictions. This will be the largest expansion of democracy in New Jersey since 18-year-olds got to vote.

Let's also mandate civics classes that teach people how to vote. Because as a first-generation immigrant, and as someone who has done a lot of immigrant outreach in voter registration, I found that a lot of first-generation immigrants don't know anything about voting. Like, me, for instance, I didn't even know we had mid-term elections until I got

politically active. So just doing that alone you could activate so many more voters who are likely to be voting for Democrats.

So instead of wasting political capital and energy on this -- I'll call it a *gerrymandering scheme* -- and fighting progressive groups against it, you guys can be working with us to increase the number of voters.

We want to knock on doors in 2019 to flip more Assembly seats in favor of Democrats, instead of having to knock on doors and make phone calls to defeat this amendment.

So, ultimately, Democrats can shore up power by representing more people, by empowering more people; not by lessening the power of our vote.

Thank you.

ASSEMBLYWOMAN QUIJANO: All right; thank you.

Next.

SALLY JANE GELLERT: Good afternoon.

Sally Gellert. I believe my colleague has submitted written testimony from UU Faith Action of New Jersey, which I also read downstairs.

Basically, we believe that this amendment is undemocratic. It enshrines political partisan language into the Constitution inappropriately.

From my own perspective, based on some of the things I've also heard downstairs today, while the last Commission did have a number of legislators on it and that trend was increasing, this actually requires it -- which is a bad move. The difference between the current two political party chairs appointing the Commission, and expanding that to also include four legislative leaders is not that big of a difference. They're still all

representing the two main parties. They do not include the unaffiliated voters, which I have been most of my career.

We're moving backwards. We're not-- Whatever incremental advantage this gives is not enough to be worthy of a constitutional amendment. If we're going to do this, we should do it right. We should, you know-- Basically we need to--

We have a quasi-decent process now. We're not improving it. We are looking at, you know, a redistricting every 10 years, and yet we're hearing about this in 2018. Where was this discussion for the past eight or nine years? It's being rushed through; it's being done in a partisan manner, and it should not be.

Thank you.

ASSEMBLYWOMAN QUIJANO: Thank you.

Next.

AMY GOLDSMITH: My name is Amy Goldsmith; I'm the New Jersey State Director for Clean Water Action.

We have 150,000 members across the state. We canvas every day, talking to people, voters, every day, about the issues; and to encourage them to get out to vote on the issues that they care about. In our particular instance, it's about the environment.

We are very, very concerned about the language, and oppose the language as currently written. This is not what democracy is supposed to look like. The environment and the public are not best served by this process. It would be best served by open, independent, transparent, fair elections and government. A process that would be -- not what we're going through right now, which are rushed "public hearings," but don't really

engage in the way that we should, and did not take the time to come up with a thoughtful and fair process.

And this is gerrymandering. You can call it whatever you want, but it's a process that gets us to gerrymandering. And by definition, gerrymandering is partisan; and to say that gerrymandering is not part of this process is fake news. We've seen a lot of fake news, so we know what fake news looks like; and to us, this doesn't smell right.

The other is that -- to have a few deciding how and if our votes and the voters matter, by deciding if your district is competitive or not, means that we have an outcome that disengages the public and disengages the voters if they don't actually feel like they're being heard and have their votes count.

We've seen where votes do count in the recent Federal elections; and people are hungry to make democracy work and to be part of that democratic process.

So I would just-- In closing, I'd like to say that there were comments downstairs by the sponsor of the Bill that groups like mine -- and the 50 others that signed a joint letter that was organized by the League of Women Voters -- that we're a bunch of fearmongerers. We're not a bunch of fearmongerers; in fact, we believe in the integrity of the democratic process; we believe that there should be integrity within these walls. We believe that people should have confidence when they go to the voting booth that their vote is being counted. And the way we see it right now, that is not going to get us to the result that we want; and that we believe in democracy at its core. And votes matter -- individual votes matter; the

votes of people who have been disenfranchised for many years should not be disenfranchised in the future.

So we oppose this Bill; and we would like to see an open and fair conversation about this so we get to a good result, and then codify it in the Constitution in a proper way with the proper language.

Thank you.

ASSEMBLYWOMAN QUIJANO: Thank you.

Next.

HERBERT L. TARBOUS: Hi; my name is Herb Tarbous.

I'm from Piscataway. I consider myself an independent; however, I'm here representing the Central Jersey Progressive Democrats, and I'm also a Committeeman in Middlesex County for the Democratic Party.

I've heard a lot of talk about disenfranchisement of independent voters, unaffiliated; so I won't repeat that stuff again.

I do want to point out a couple of thing you probably haven't heard yet today -- is that both the current amendment -- or the current Constitution and the amendment speak about having two parties involved in the process. Meanwhile, Title 19 of the New Jersey State statutes has a process for more than two parties to earn ballot-column access. So the two -- the existing situation and the amendment are inconsistent with itself. It can't really exist together. Title 19 allows for more than two major political parties -- and *major* is not even defined in this amendment -- but the amendment only allows two parties to participate in the redistricting process. And I think that that's an inconsistency that has existed since the

last time the Constitution was amended; and I believe it needs to be fixed. And this is certainly not the way to fix it, right?

And additionally, again, from an independent perspective, this amendment seems to want to enshrine in the State Constitution permanently a system that has only two parties involved. And the State of New Jersey has no compelling interest to limit the number of major parties to only two. And so for those reasons, I urge you to oppose this amendment and take on some real reforms, fundamental reforms, which include things like ranked-choice voting, or multi-member districts, which are shown to have a system which will evolve naturally into one that is not polarized into two systems, like we have today.

Thank you.

ASSEMBLYWOMAN QUIJANO: Thank you.

Any questions? (no response)

No? Okay, thank you very much.

All right; I'm going to call the names of individuals who I have called twice so that we will put in record what they left on their slips.

So Lisa Bennett, League of Women Voters, opposed; Doug O'Malley, Environment New Jersey, opposed; Christina Russoniello, Indivisible Garden State Values, opposed; Beth Stevens, Greater New Brunswick League of Women Voters, opposed; Katie Wertheimer, Planned Parenthood Action Fund of New Jersey, opposed.

Okay; I'm going to start calling out the next list of name of the individuals who left sheets that have their position, and they checked off "no need to testify." So we're putting this in the record.

Senator Tom Kean, opposed, no need to testify; Jackie Bay, League of Women Voters ML, opposed, no need to testify; Tony Giordana, UUCMC, opposed, no need to testify; Timothy Larkin, opposed, no need to testify, written testimony; Marcia Marley, BlueWave, opposed, no need to testify; Shoshana Osofsky, Allied for the American Promise, opposed, no need to testify; Helen Duda, South Jersey Women for Progressive Change, opposed, no need to testify; Leslie Kossar Schraer, opposed, no need to testify, written testimony; Alexis Larkin, opposed, no need to testify, written testimony; Dennis Gormley, ATNJ, opposed, no need to testify.

Joseph Mangano, opposed, no need to testify, written testimony; Kathleen Jerome, opposed, no need to testify, written testimony; Sharon Podsada, opposed, no need to testify, written testimony; Roberta Reavey, South Jersey Women for Progressive Change, opposed, no need to testify; Susan Druckenbrod, South Jersey Women for Progressive Change, opposed, no need to testify; Shalini Gagliardi, opposed, no need to testify; Theresa Winegar, NJGOP, opposed, no need to testify; Jose -- I think it's C-R-U-A, Milburn-Short Hills Action Network, opposed, no need to testify; Patricia Kaiser, Millburn-Short Hills Action Network, opposed, no need to testify; Richard Bye, Jr., League of Women Voters; Teresa Stimpfel, opposed, no need to testify; Carol Gay, New Jersey State Industrial Union Council, opposed, no need to testify; Sally Maruca, League of Women Voters Lawrence Township; Nicole Plett, League of Women Voters of Lawrence Township; Elizabeth Morgan, Lawrence League of Women Voters, opposed, no need to testify; Ann Rea, opposed, no need to testify; Catherine Hunt, Monroe Indivisible, opposed, no need to testify; Yuriy

Rudensky, Brennan Center for Justice, opposed, no need to testify, testimony submitted; and Michael Wilson, opposed, no need to testify.

I've read all the names in of sheets that individuals had marked that they have -- that they're opposed and no need to testify.

I have called every sheet that we have here.

And with that, I am closing the meeting.

UNIDENTIFIED MEMBER OF AUDIENCE: (off mike) Has there ever been a meeting where no one ever support of something like this?

ASSEMBLYWOMAN QUIJANO: This is a public hearing; it is not a Committee hearing. So there will be no vote, which I did mention in the beginning of the meeting.

UNIDENTIFIED MEMBER OF AUDIENCE: Oh, no, I'm just wondering if you ever had a hearing on something that you didn't get one single testimony in support.

ASSEMBLYWOMAN QUIJANO: There were a couple sheets that were in favor.

UNIDENTIFIED MEMBER OF AUDIENCE: From non-legislators? (laughter)

ASSEMBLYWOMAN QUIJANO: Yes, from non-legislators. You weren't in the room.

UNIDENTIFIED MEMBER OF AUDIENCE: I guess not.

ASSEMBLYWOMAN QUIJANO: All right; thank you very much.

(HEARING CONCLUDED)