

# STATEMENT OF CITIZENS FOR A REPRESENTATIVE LEGISLATURE TO THE 1966 NEW JERSEY CONSTITUTIONAL CONVENTION ON APPORTIONMENT OF THE STATE LEGISLATURE

My name is Henry S. Haines of Burlington, New Jersey. I am chairman of Citizens for a Representative Legislature, which has been formed for the purpose of making recommendations to this Convention on behalf of a number of citizens and statewide organizations. I appear here today, authorized to speak for a number of citizens and the following organizations who have endorsed this policy statement of Citizens for a Representative Legislature. (See attached list.)

The central purpose of our group is to work toward the development and adoption of a plan for reapportionment of the Legislature that will carry out the mandate of the Court, and at the same time insure a Legislature that will be truly representative of the entire population of the state.

## General Approach

Before presenting our specific recommendations, we would like to indicate our general approach to legislative apportionment and the responsibility of this Convention.

We applaud the wisdom of the Legislature and the people of New Jersey in the composition of the delegate body of this Convention. The decisions reached by the Convention and subsequently approved by the voters will fundamentally influence the future of our state and its most important political institution.

The legislative process in New Jersey has a long and proud history. Viewed in this historical perspective, the legislative branch of our state government has served the needs and aspirations of our people well. The present high level of our political, economic and social advancement is ample evidence of that fact. The over-all purpose of this Convention should be to make sure that whatever plan of apportionment is devised, it is carefully calculated to continue and advance this record of steady achievement so as to insure that the legislative branch of our government grows in stature and significance; and continues to serve the best

interest of all of our people .

As a group of responsible citizens and associations representing a broad cross section of the economic and political community that is New Jersey, we are concerned about the status of the Legislature . We insist that the Legislature be in a position to perform its vital role as the full equal of the executive and judicial branches of government . Only the election of men and women of stature to the Legislature can fully insure this goal; but the framework in which it can be achieved must be provided .

It is the construction of such a framework that has been assigned to the delegates to this Convention . If this framework is to be sturdy and true for the future, it needs to be as free as humanly possible from the purely partisan considerations of the present or future members of the Legislature . The goal of this Convention must be to provide a legal framework for the Legislature that will protect the welfare of all citizens, regardless of where they live, their present political coloration, or their community or economic interests .

#### Specific Recommendations

With these general considerations in mind, we wish to make the following specific recommendations :

1. We believe the present size of both houses of the Legislature is about right; and that neither body should be appreciably increased or reduced .

2. We believe the bicameral type of legislature should be retained in New Jersey, provided that senators are elected from larger districts than assemblymen . The Nebraska system has been pointed to as an example of a successful unicameral legislature; but we do not believe that such a nonpartisan legislature with only one body would serve the diverse interests of New Jersey as well as a bicameral system with its inherent checks and balances .

The Legislature must be a deliberative body, where all interests can be represented and all viewpoints expressed and considered . Any desired improvements in the operation of



the Legislature can be achieved as well with a bicameral system as with a unicameral system. The change brought about by the present mandate of the courts will be enough shock to our legislative system without the unnecessary radical change to a unicameral system.

This does not mean, however, that we completely rule out a unicameral legislature for New Jersey. If it could be demonstrated that such a legislature could be apportioned in such a way as to maximize the preservation of county lines with single-member districts within such lines; and if the rules governing the procedures of such a legislature were to be written into the Constitution as they are in Nebraska, then we would give consideration to a unicameral system.

3. We believe that both houses of the Legislature should consist of members elected from single-member districts. These districts should be compact, contiguous and substantially equal in population, as determined by the United States census. In the drawing of district lines, municipal and county boundaries should be respected and retained wherever feasible,

Single-member districts will make it possible for every voter to vote for one congressman, one state senator, and one assemblyman, regardless of where he or she lives. It is important that each citizen be able to identify himself with his congressman, his state senator, and his assemblyman. In multiple-member districts, this relationship is not possible, since a citizen in such a district must contact several such assemblymen or senators. He cannot identify with any one such representative.

It is possible that the courts might consider multiple-member districts invalid, since some citizens would have the opportunity to vote for only one senator or assemblyman, whereas other citizens would have the opportunity to vote for several such representatives.

We believe that single-member districts will result in smaller legislative districts that will better assure representation of community interest; that such district lines can be more finely drawn to achieve a more precise population equality of representation; and that such

districting will make it possible to preserve some regional interest in our Legislature, and prevent absolute domination by well-organized special interests .

Multiple-member districts will inevitably lead to serious under-representation of the suburban and rural areas of the state . This could occur despite the fact that a majority of people in New Jersey do not live in the larger municipalities . As a matter of fact, it takes the combined population of at least 52 of the largest municipalities in the state to equal half of the total population . Multiple-member districts too often result in bloc or boss control .

We are as aware as anyone else of the desirability of maintaining county boundaries in legislative representation; but we believe that the one-man, one-vote decision of the Court makes such boundaries almost impossible to use in all cases in drawing the lines of legislative districts that are equal in population .

4. The Convention should go beyond mere constitutional guidelines in the determination of legislative districts for the 1967 election . We believe the bipartisan composition of the Convention will better assure an apportionment plan that will be fair to all concerned . The Convention should actually draw the lines for the 1967 election by designating such districts in an amendment to the Constitution, subject to the approval of the voters; and provide that subsequent districting be accomplished by the Legislature following the promulgation of the next decennial United States census and every ten years thereafter .

5. A definite plan for the control of gerrymandering should be a part of the proposals of the Convention . It is true that moving boundaries of single-member districts could result in excessive gerrymandering; but this can be controlled to a large extent by constitutional safeguards . The Constitution should provide that all districts must consist of contiguous territories; that each district must be as compact as practicable, measured by a definite yardstick of compactness . The Constitution also should provide that no local unit of government be divided unless it contains enough population to justify a division; and that maximum deviation in



population among districts should not exceed a plus or minus five per cent.

6. We favor a provision in the Constitution, giving the Legislature primary responsibility for reapportionment, as set forth in the Constitution. To forestall future delay and uncertainty in re-districting, however, we recommend an amendment to the Constitution providing for a definite system of reapportionment within one year following the promulgation of each decennial United States census. Such an amendment should provide for the establishment of a Legislative Apportionment Commission that would be empowered to prescribe congressional and legislative districts if the Legislature failed to act within one year following the promulgation of each decennial census.

7. The basis for apportionment should be total population, as determined by the United States census. For purposes of drawing district boundaries for the 1967 election, however, we believe the Convention should use the 1965 population estimates published by the State Department of Conservation and Economic Development, since they are obviously more current than the 1960 United States census.

This would make it possible for this Convention to create districts that most nearly adhere to the Court's population guideline, and would mean any needed changes in district lines following the 1970 census will be minor in nature.

8. In drawing the district lines, the Convention should give first consideration to the objective purpose of apportioning seats in the Legislature on the basis of population and community of interest, rather than purely personal or partisan considerations of preserving or protecting the interests of either political party or any present member of the Legislature.

In conclusion, we plead with you to do the job assigned to you by the Legislature and the courts. This responsibility should not be passed along to the Legislature itself, or to the courts. We look with dismay at the situation that has developed in some of our sister states, where the courts have been forced to district the legislature or at-large elections have become necessary. The people of New Jersey are looking to the delegates to this Convention for definite constitutional recommendations on legislative apportionment. They have elected you for that purpose. We are confident that the delegates to this Convention will accomplish this historic mission.

We appreciate the opportunity to present our views.