APPENDIX

Jill Rhodes
[redacted]
Madison, NJ 07940

Testimony in Opposition of Senate Concurrent Resolution 43/152 Senate State Government, Wagering, Tourism and Historic Preservation Committee

Testimony in Opposition of Assembly Concurrent Resolution 205 Assembly Judiciary Committee Public Hearing Thursday, December 13, 2018

Good morning / Good afternoon, Chairman/Chairwoman and Committee Members. Thank you for this opportunity to testify. My name is Jill Rhodes and I am here as a concerned member of the public opposed to Senate Concurrent Resolution 152 and 43 / 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. 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. Congratulations to those Senate and Assemblypersons proposing these amendments. You have managed to unite Non-partisan organizations like the League of Women voters, Grassroots groups, Democratic party leaders and even Republicans to speak out against this.

Our democracy stands or falls on the strength of its **electoral process.** This attempt to introduce partisan and racial gerrymandering to 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, not simply following past election results and some complicated math.

Partisan gerrymandering leads to representatives who feel so secure in their office that they stop listening to voters and stop representing their interests. 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. 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 what you are proposing in these chambers. I have been proud to live in a state that draws district lines through a bipartisan effort. These proposed amendments only take New Jersey backwards. If you are 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. 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. Please protect our Constitution and vote "no" on December 17th.

Thank you, again, for this opportunity to testify.

Respectfully submitted,

Jill Rhodes

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LEAGUE OF WOMEN VOTERS OF NEW JERSEY

Testimony in Opposition of ACR205
Assembly Judiciary Committee – Public Hearing
December 13, 2018

The League of Women Voters of New Jersey is a nonpartisan political organization that has worked since 1920 to protect our democratic processes and empower voters across the state. We are strongly opposed to Assembly Concurrent Resolution 205 because it aims to do the opposite.

This Concurrent Resolution goes against all principles of good governance. It would make our Apportionment process worse by codifying the gerrymandering of our 40 legislative districts into our State Constitution. Using past voter data to manipulate district boundary lines and pre-determine election outcomes for decades to come is simply, gerrymandering. And gerrymandering is voter suppression.

Any positive aspects of this proposal, such as the requirement for public hearings, are completely negated by flawed, complicated calculations that make partisan data the driving force behind redistricting. Additionally, ACR205 would take New Jersey another step backwards by mandating that sitting legislators serve on the Apportionment Commission. This new language was an 11th hour amendment tacked onto the Senate version of the proposal for reasons we still don't understand.

This proposals also offer no protections for New Jersey's communities of color and would permit the "packing" and "cracking" of groups to meet the requirement of 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 <u>are</u> needed. Increasing public input, transparency, and participation in redistricting would strengthen our democracy. Meaningful reforms would encourage civic engagement, increase voter turnout, and produce a district map more reflective of the racial and ethnic diversity of our state. Meaningful reforms would also improve representatives' responsiveness to their constituents. ACR205 would do none of the above. When so many other states are moving forward to improve this fundamental component of our democracy and protect their district maps from gerrymandering, New Jersey is moving in the opposite direction.

Legislative districts should be re-drawn every ten years after the Census to reflect New Jersey's 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.

We are disappointed that this proposal is moving so quickly through the Legislature. Defending democracy and empowering voters has never been more important. We are asking you to take a stand and vote "no" on ACR205 on December 17th because New Jersey deserves a fair redistricting process and fair maps.

Thank you.

Testimony submitted by
Sandra Matsen, League of Women Voters of New Jersey

December 13, 2018

Susan Blubaugh

[redacted]

Milford, NJ 08848

Testimony in Opposition of Senate Concurrent Resolution 43/152
Senate State Government, Wagering, Tourism and Historic Preservation Committee
Public Hearing: Thursday, December 13, 2018
Testimony in Opposition of Assembly Concurrent Resolution 205
Assembly Judiciary Committee
Public Hearing: Thursday, December 13, 2018

Dear Chair and Members of the Committee,

I am a concerned member of the public here today to state my opposition to SCR43/SCR152 and ACR205.

I am a New Jersey resident, a registered Democrat and I am extremely concerned with the redistricting proposal that is being fast-tracked through the Legislature.
Redistricting will determine how we are represented for the next decade.
If the Legislature wants to make the New Jersey redistricting process fairer and wants to understand how voters want to be represented, then a non-partisan process needs to be put in place. These proposed changes would do the opposite.

SCR43/SCR15/ACR205 would use past statewide election results to gerrymander New Jerseyans into new, reliably Democratic or reliably Republican districts. Even "competitive" districts would likely become "safe" districts for the majority party. I believe past election results should be explicitly excluded from redistricting.

I vote IN EVERY ELECTION because my democracy matters to me! I want fair redistricting that gives me and other New Jersey voters, confidence in our democratic systems. Adding this language to our New Jersey State Constitution would make a mockery of my faith in free and fair elections where my voice and the voices of so many others will no longer matter, where politicians pick their voters, not the other way around as our founders intended.
This will inevitable lead to corruption! Or should I say, MORE corruption.

Haven't we been witnessing how decades of partisan gerrymandering in other states has locked legislators who do not represent the will of their constituents into local, state and federal government offices?

I urge you: do not do this in New Jersey. It's un-democratic and it's wrong!
It is a shameful proposal to change our redistricting process and it should not advance through the Legislature.

Please vote "no" on December 17th.

Thank you, again, for this opportunity to testify.

Respectfully submitted,
Susan M. Blubaugh

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do social justice.

"Social justice should be the underlying goal of all humanity."
-Alan V. Lowenstein, Institute Founder

Testimony of the New Jersey Institute for Social Justice
before the
Assembly Judiciary Committee on ACR205
December 13, 2018

My name is Scott Novakowski and I am Associate Counsel at the New Jersey Institute for Social Justice (the "Institute"). I want to start by thanking Chair Quijano, Vice-Chair Murphy, and members of the Assembly Judiciary Committee for allowing me the opportunity to testify before you today regarding ACR205, a proposal to change the way in which New Jersey draws its state legislative districts.

The Institute is a legal advocacy organization that seeks to ensure that urban residents can live in a society that respects their humanity, provides equality of economic opportunity, empowers them to use their voice in the political process, and protects equal justice. As Associate Counsel, I help to lead the Institute's Civic Engagement Pillar of work.

ACR205 Elevates Partisanship at the Expense of Communities of Color

The Institute's testimony today is anchored by the fundamental belief that fairly and transparently drawn legislative districts that comply with federal law and allow communities of color an opportunity to elect candidates of their choice must be the benchmark of any redistricting process.

The new maps drawn following each decennial Census should reflect the diversity and demographic changes in New Jersey, not past partisan preference.

The proposal before you today, however, pushes these fundamental criteria to the side and instead attempts to dictate specific political results without adequate protections for communities of color.

The Institute opposes ACR205 because it 1) writes partisan gerrymandering into our state constitution and 2) does not provide adequate protections for communities of color and their ability to elect a candidate of choice.

ACR205 Writes Partisan Gerrymandering Into New Jersey's Constitution

The U.S. Supreme Court has famously stated that partisan gerrymandering is "incompatible with democratic principles"[1] and just last year, Justice Elena Kagan wrote that partisan gerrymandering "violates the most fundamental of all democratic principles—that the voters should choose their representatives, not the other way around."[2]

The constitutional amendments proposed in ACR205 are the embodiment of the partisan gerrymandering about which the Court has been so concerned.

By requiring that districts be drawn based on the share of votes received by each major party in certain statewide elections, the proposed amendments reduce New Jersey's diverse population to party labels in order to achieve specific political results. Despite the goal of "competitive districts," the formula at the heart of this proposal can be manipulated to create extreme partisan gerrymanders.[3]

This focus on partisanship rather than people is in stark contrast to the direction in which other states are heading. In the November 2018 election, for example, voters in five states—Colorado, Michigan, Missouri, Ohio, and Utah—elected to put limits on partisan gerrymandering.[4] New Jersey will become a national outlier by constitutionalizing one of the most extreme methods of partisan gerrymandering at a time when other states are moving to reduce the role of partisanship in redistricting. The residents of New Jersey deserve better.

ACR205 Risks Diluting the Voting Power of New Jersey's 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 ACR205 is any clear recognition of the special protections afforded communities of color under federal law.

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[1] *Arizona State Legislature v. Arizona Independent Redistricting Comm'n*, 135 S. Ct. 2652, 2658 (2015).
[2] *Gill v. Whitford*, 138 S. Ct. 1916, 1940 (2018) (Kagan, J., concurring).
[3] SAM WANG, WILL ADLER & BEN WILLIAMS, THE PRINCETON GERRYMANDERING PROJECT, NEW JERSEY'S REDISTRICTING REFORM LEGISLATION (S.C.R. 43/A.C.R. 205): REPUBLICAN GERRYMANDERS, DEMOCRATIC GERRYMANDERS, AND POSSIBLE FIXES, http://election.princeton.edu/wp-content/uploads/2018/12/Princeton-Gerrymandering-Project-Analysis-of-S.C.R.-43-A.C.R.-205-5-December-2018-1.pdf (Dec. 5, 2018).
[4] PETER MILLER & BRIANNA CEA, BRENNAN CENTER FOR JUSTICE, EVERYBODY LOVES REDISTRICTING REFORM, https://www.brennancenter.org/blog/everybody-loves-redistricting-reform (Dec. 5, 2018).

The most recent amendments to ACR205 commendably seek to preserve "communities of interest," defined as "a geographically contiguous population 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 NJ Transit riders or people who live on the Jersey Shore, however. 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 would be little to protect against racial gerrymandering.

This is especially true if the competitiveness formula of ACR205 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 so 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 be 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.

Conclusion

ACR205 is a step backwards for New Jersey. The proposed amendments place partisanship before people, allow politicians to choose their voters rather than voters choosing their politicians, and will lead to the diminishment of the voting power of communities of color. For those reasons, the Institute opposes ACR205.

Thank you for the opportunity to testify before you today. Please do not hesitate to contact me at snovakowski@njisj.org or 973-624-9400 ext. 30 if you have any further questions or would like additional information.

Statement on proposals ACR205, SCR43, SCR152 to change legislative redistricting procedure.

William T. Adler, PhD, Princeton Gerrymandering Project

December 13, 2018

Members of the committee, thank you for the opportunity to testify on this proposal to change how legislative districts are drawn in New Jersey.

My name is William Adler, and I am a computational research specialist at Princeton University's Princeton Gerrymandering Project. The proposed bill changes a number of things about New Jersey's redistricting process, such as who appoints commission members, who serves on the commission, among other changes. I will leave it to other groups to talk about those elements of the bill.

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

We have analyzed redistricting reform bills from 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 the one here. This formula is not a commonly accepted way of drawing fair districts. But we have taken a look at it on its own merits, and by our analysis, it does not prevent partisan gerrymandering, by either party.

The formula sets up a requirement that districts be arranged in a certain way around the statewide mean vote share, which is about 55% Democratic. The bill defines these districts as "competitive," although it should be noted that this not a commonly accepted definition.

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 towards them.

What we'd like to see instead is a bill that could give all New Jerseyans, from all racial, ethnic, 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.

With that, I'm happy to take any questions.

Caroline Armstrong
[redacted]
Lambertville, NJ 08530

Testimony in Opposition of Senate Concurrent Resolution 43/152
Senate State Government, Wagering, Tourism and Historic Preservation Committee
Public Hearing
Thursday, December 13, 2018

Testimony in Opposition of Assembly Concurrent Resolution 205
Assembly Judiciary Committee
Public Hearing
Thursday, December 13, 2018

Dear Chair and Members of the Committee,

I am a Lambertville, New Jersey resident providing testimony in opposition to SCR43/SCR152 and ACR205 on behalf of Indivisible Lambertville-New Hope, the local indivisible group in which I'm actively 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 state 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 at the focus of determining district lines. It makes us susceptible to simply drawing lines based on party affiliation and manipulating boundary lines to favor one party or group over another. It means the fate of elections is being predetermined and it drowns out the voices of ordinary citizens – many of whom already feel like 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 increase 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: vote "no" against this proposal.

Thank you, again, for this opportunity to testify.

Respectfully submitted,

Caroline Armstrong

Princeton Community Democratic Organization
P.O. Box 481
Princeton, NJ 08542

December 13, 2018

Dear New Jersey Legislator,

We represent past and current presidents of the Princeton Community Democratic Organization (PCDO), one of the largest, oldest Democratic clubs in the State of New Jersey. Founded in 1966, our membership of 600+ has crossed two centuries and seen exponential growth since the election in 2016. Voters are tired of attacks on our democracy.

We write to urge you to vote no on the gerrymandering resolution SCR43/SCR152 and ACR60/ACR205 that would amend our State Constitution because it improperly:

> (1) Fosters self-dealing among sitting legislators by enabling sitting legislators to have a say in redistricting;
> (2) Dilutes the voice of voters who currently enjoy protected status based on race. The amendment as written currently permits race to be lumped into a category of Communities of Interest rather than its own separate category. Race should not be categorized the same way as "media markets," "trade areas," or "communication and transportation networks;"
> (3) Permits only three public hearings; the issue should not be fast-tracked;
> (4) Includes a poorly drafted and misleading ballot question.

Gerrymandering is not a founding principle of American democracy. In 1812, Massachusetts Gov. Elbridge Gerry approved a state Senate district shaped like a salamander that became known as a "Gerry-Mander." Prior to Governor Gerry's salamander map, decisions surrounding our country's electoral districts were rooted in the concept of fair representation. The Supreme Court referred to this concept as "one person, one vote" in Baker v. Carr, 369 U.S. 186 (1962) and Reynolds v. Sims, 377 U.S. 533 (1964).

Gerrymandering is only effective because of the wasted vote effect. Wasted votes are those that did not contribute to electing a candidate either because they were in excess of the bare minimum needed for victory or because the candidate lost. A wasted vote by definition is wasted and not the fair representation of one person, one vote.

To us, what is happening in Wisconsin, Michigan and what happened in North Carolina is a horror: An entrenched political party (in those cases, Republican) attempting to cement their hold on power regardless of the will of the voters, including severe gerrymandering. The test of anything affecting how our democracy works should be: How would we feel if the shoe were on the other foot? We oppose Republican gerrymandering and power grabs that devalue democracy and voters. So we must also oppose similar actions when proposed by Democrats.

Unaccountable power is dangerous and diminishes freedom, regardless of the party that may attempt to promote it.

We advocate for pro-democracy, nonpartisan redistricting. At the same time, we support expansions of voting rights, including automatic and/or same-day registration, early in-person voting, and other measures that encourage participation and turnout.

When voters go to the polls, they should have trust and confidence in the electoral system. They should not feel as though their votes are wasted because their district lines have been manipulated by party politics.

The will of the people is what our democracy is about, and "one person, one vote" is a fundamental fair principle that must govern your actions as legislators.

We ask that you vote "no" on SCR43/SCR152 and ACR60/ACR205. New Jersey deserves better.

Thank you.

Jean Y. Durbin, Esq., President, PCDO

Owen O'Donnell, Immediate Past President

Jon W. Durbin, Past President

David Cohen, Past President

Dan Preston, Past President

Jenny Crumiller, Past President

Andrew Koontz, Past President

Sheldon Sturges, Past President

Walter R. Bliss, Esq., Past President

I am here as a member of the League of Women Voters and RepresentUS, two non-partisan organizations, to voice my opposition to SCR43, SCR152, ACR60 and ACR205, which would use partisan data to draw legislative districts. Partisan data should never be used if we aim to draw districts based upon shared concerns and community. It encourages gerrymandering, which makes the basis our our democracy, a citizen's vote, less powerful.

Another way this proposal encourages gerrymandering is by mandating a minimum of four politicians on the commission. In states who have amended their redistricting commission to discourage unfair districts, members of the redistricting commission are *forbidden* to be on the commission, since politicians will always have a vested interest in maintaining their seat. This proposal *requires* politicians to be on the commission. This leads to members of the commission who have partisan and personal motives, rather than a desire to draw the fairest districts possible.

Gerrymandering causes voter disenfranchisement, leading to the long lamented poor voter turnout. It also leads to a government that is less responsive to the will of all voters, becoming more responsive to the will of the voters only in one party. In gerrymandered districts, the general election is pre-decided, so the candidate needs only to win the primary. In order to win a primary, politicians will move further away from the center and more toward the will of the base of their party. This leads to more extreme candidates, and a resistance to compromising with the other party, causing the current partisan divide we see throughout our country.

Although I do believe that there are better ways to enact redistricting than our current commission, this proposal would actually make redistricting less fair, and weaken voter's voices. This is a step in the wrong direction, and it comes at the wrong time for our state and our nation.

Laura Zurfluh
Cranbury, NJ

Nancy Griffeth
Westfield, NJ
UU FaithAction NJ

Testimony in Opposition to Assembly Concurrent Resolution 205

Assembly Judiciary Committee Public Hearing

Thursday, December 13, 2018

Dear Chair and Members of the Committee:

As UU Faith Action NJ, we oppose this resolution because it undermines the democratic process.

I strongly urge you to stand up for democracy and vote "no" on any bill that would enshrine partisan gerrymandering into our Constitution! I am appalled that this bill even made it out of committee. It claims to "reform" our redistricting process but turns it into an exercise in partisanship. It actually requires that legislators be on the redistricting commission. This is a clear conflict of interest, putting the fox in charge of the chicken house. Please do what's right for the people of New Jersey and vote "no" on ACR205 when it comes before you.

If this were a good bill that presented meaningful reforms to voters, leaders in the Legislature would not have to rush it through the Senate and Assembly. Not a single person testified in support of the Senate version of the bill in the Senate Budget and Appropriations Committee. In fact, one redistricting expert testified that some of the worst gerrymanders in the country in the last decade relied on calculations and tactics outlined in these bills. We have had a generally decent process—yes, it could be better, but why make it worse? We need more "small-d democracy", not less!

Gerrymandering dilutes the voices of voters. This bill allows legislators to choose their own voters, ensuring them safe reelection without the need to actually consider the viewpoints of dissenting constituents. The requirement for leadership to appoint legislators to the commission gives them the power to reward and punish legislative votes with commission seats (or removal), thus injecting self-interest into legislators' voting decisions. The bill harms all communities of interest by reducing the power of their voices. In particular it harms communities of color and grassroots communities. This is why other states working on redistricting reforms are proposing nonpartisan citizen commissions that will use fair standards to draw district lines. Why is New Jersey moving backwards? I am ashamed that any New Jersey legislators introduced this bill and voted it out of committee.

We rely on you, as our legislators, to approve ballot measures that benefit the people and democratic processes. ACR205 does the exact opposite. It is undemocratic and takes us backwards. It does not belong on our ballot, and it does not belong in our Constitution.

Please take a stand and vote "no."

Sincerely yours,

Nancy Griffeth

David Goodman
Princeton, NJ

Thursday, December 13, 2018

Testimony in Opposition to SCR 43/152 and ACR 205

Dear Chair and Members of the Committee,

I am here today to voice my opposition to SCR43/SCR152 and ACR205.

My name is David Goodman. I've lived in New Jersey for over 40 years, currently in Princeton. I am a volunteer and team leader of the **Central New Jersey chapter of Represent.Us.** Our chapter is one of 41 such grassroots organizations active in 21 states across America.

Our total membership in New Jersey is about **18,000** across all platforms, including social media. We have an email list of about **6000** subscribed members. And, we have **1000** New Jersey members who have taken some sort of action, such as signing a petition and sending an email to a legislator. In short, we are active and engaged.

Two issues concern our members the most: **To end gerrymandering and to end secret "Dark Money."**

For us, they are two sides of the same coin. Both are corrupting our politics and threatening the integrity of our elections.

When you strip away fancy computer data-mining and map drawing, gerrymandering amounts to rigging elections. It represents politicians prioritizing big donors to get elected and redrawing their districts to stay in office. They are picking their voters rather than the other way around.

On Election Day, November 6, 2018, Represent.Us was behind anti-gerrymandering ballot measures that passed in Ohio Michigan, Missouri, and Colorado.

Represent.Us volunteers have led over 70 local victories in their communities by passing binding and non-binding reform, and we're only getting stronger.

Yes, we have problems in New Jersey, but we are **not** Wisconsin or North Carolina where politicians seem intent on subverting the will of the voters. We are better than that.

As I said, our members are active – ***and we vote!*** We will take note of all who support this bad proposal to change our legislative redistricting process. We will make our voices heard in primaries and the General Election in 2019.

But, we urge you to show better judgment now and protect our Constitution by voting "no" on December 17th. Thank you for this opportunity to testify.

Respectfully submitted,

David Goodman

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Herbert L. Tarbous
[redacted]
Piscataway, NJ 08854
[redacted]

12/13/18

Re: My opposition to SCR152 and ACR205

Dear Chair and Members of the Committee,

I appear before you today as a concerned member of the public and as a Democratic Committeeman from Middlesex County to voice my opposition to SCR152 and ACR205.

I am opposed to the amendment for the following three reasons:

1) The amendment seems to run afoul of the equal amendment clause of the 14th Amendment of the U.S. Constitution.
2) The amendment seems to be inconsistent and ambiguous with the "political party" definition in Title 19 of the New Jersey statutes.
3) The amendment seems to establish a permanent structure of two-party rule in the State of NJ in which the State has no compelling interest in creating.

Regarding equal protection, by using election data rather than voter registration data citizens who have indicated on their voter registrations to remain unaffiliated with any political party or have chosen to register with a party other than the "two-major-parties", the amendment clearly disenfranchises approximately 2.5 million NJ registered voters from representation on the Redistricting Commission.

Regarding the definition of a "major" political party, the amendment is defective in that it assumes that there will only ever be "two major political parties" in the state of NJ while Title 19 of the New Jersey statutes defines a process by which more than two parties can achieve ballot column status. Is that to mean the parties which have achieved ballot column status under Title 19? What will be the procedure if a third party earns more votes under this scheme than one of the two "major" parties? How then will the redistricting commission be formed?

Regarding the attempt to establish a permanent structure of two-party rule, the resolution refers to the "two major parties" dozens of times. It seems to assume that there will only ever be two "major" parties and attempts to enshrine this into the State Constitution. What is the compelling interest the State of New Jersey has in limiting the number of major[political parties? I move that there is none.

For these reasons, the disenfranchisement of 2.5 million New Jersey voters, the defective and ambiguous language regarding "major" political parties, and the attempt to establish permanent two-party rule in the state of NJ. I urge you to oppose this resolution.

Respectfully Submitted this 13th day of December, 2018

Testimony for Public Hearing on SCR-43/SCR-152/ACR-205
Senate Republican Leader Tom Kean
December 13, 2018

Mr. Chairman, members of the committee, thank you for the opportunity to speak.

I am here to express my strong opposition to SCR-43, SCR-152, and ACR-205.

The constitutional amendment that's before us today is undemocratic. It's a shameless stunt and a power grab that is designed to give Democrats in the Legislature a permanent majority.

Those aren't my words. Rather, they're the dire warnings expressed by a host of independent election experts, newspapers, civil rights leaders, and academics from across the political spectrum.

In fact, not a single person, not a single expert, not a single organization... left, right, or center... has come out in support of this proposal.

Not one.

To the contrary, the many detractors have been unified in their opposition.

They've warned that the proposed amendment would disenfranchise millions voters, regardless of party affiliation.

They've said it would limit competition by prioritizing an advantage for Democrats in the New Jersey Constitution over every other consideration.

And over the last three days, well over 2,000 New Jersey residents have signed a petition on our website at **senatenj.com/fairelections** opposing the amendment.

16x

Still, despite all of those concerns, Democrats in the Senate and General Assembly continue to advance this constitutional amendment....

...not because it's in the public's interest....but because it's in their political interest.

There is one reason, and one reason only for this proposal...to cement the Democratic legislative majorities in perpetuity.

This amendment is not about making elections fairer or more competitive.

It's about power, plain and simple.

It's about growing their political power at the expense of our democracy.

It's about diminishing the ability of voters to hold incumbent officeholders accountable, regardless of what they do.

It's about giving those in the majority power to do whatever they want, whenever they want, over any voter objections.

Throughout the process of considering this amendment, the majority has demonstrated exactly how they would abuse their power going forward if the amendment is adopted.

Let's take a look at what they've done.

They've ignored public opinion and rejected the advice of experts.

They've run roughshod over the legislative process.

At our last hearing, they tried to change the language of the amendment even after the vote had begun, and then they mischaracterized their actions.

And today, they're holding simultaneous public hearings in both the Senate and General Assembly to prevent people from having the opportunity to testify before each committee.

Even worse, only one of these public hearings will count in the official record. We don't know which one, so it's likely much of the dissent expressed today will not make it into the final public record.

Democrats will get to pick the transcript that disguises the opposition best.

The incumbent majorities in the Legislature are giving us a clear preview of exactly how they will rule should this amendment be enacted.

These brazen actions are simply a prelude.

Citizens will lose the power to hold legislators and political parties accountable at the polls.

New Jerseyans will be left with little more than an illusion of choice when they enter the voting booth in future legislative elections.

The outcome will be assured before the first vote is cast.

That is of concern not just to Republicans, but to everyone.

To their credit, dozens of organizations from across the political spectrum have transcended their traditional affiliations to oppose this proposal together.

They see what's clear to everyone. There's no good government purpose this. All of the supposed benefits have been disproven.

To suggest otherwise is an insult to the intelligence of everyone in this room.

So, I urge my colleagues in the majority to stop this charade. Stop pretending this is some good government reform.

RBx

It may be good for Democratic incumbent officeholders, but it's clearly bad for our democracy.

Please do the right thing and table this ill-conceived amendment.

Copies of this testimony and a joint letter from all fifteen members of the Senate Republican caucus in opposition to the amendment have been provided to both the Senate State Government and Assembly Judiciary committees.

Please note that the letter applies equally to the identical versions of the amendment, SCR-43, SCR-152, and ACR-205.

Thank you.

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19x

New Jersey Senate

TRENTON

November 29, 2018

The Honorable Nicholas P. Scutari
1514 E. Saint Georges Ave.
2nd Floor
Linden, NJ 07036

The Honorable Stephen M. Sweeney
935 Kings Highway
Suite 400
West Deptford, NJ 08086

Dear Senator Scutari and Senate President Sweeney,

We write to you as a caucus united in our opposition to SCR-43/SCR-152, a proposed constitutional amendment that is designed to impart a permanent electoral advantage to incumbents and legislative candidates from the Democratic Party.

As we are sure you are aware, this amendment would constitutionally mandate that future legislative districts be drawn in a way that is mathematically guaranteed to cement and even grow the Democratic Party's legislative majorities.

Our democratic society was built on the principle of equal representation, through which every citizen should have the opportunity in fair and truly competitive elections to choose the leaders who serve in their town halls, state capitals, and in Washington.

Your proposal upends that principle. Quite simply, it's a blatant attempt to rig the electoral process in New Jersey forever. It's partisan gerrymandering to the extreme. It's the antithesis of democracy.

Those sentiments are not partisan hyperbole. Rather, they are the dire warnings expressed by a host of independent election experts, civil rights groups, and academics from across the political spectrum who have been unified in their opposition to this extremely dangerous measure.

In fact, not a single witness testified in support of the proposed constitutional change when a legislative hearing was held several days ago. To the contrary, every single witness vehemently opposed the amendment.

Helen Kioukis of the League of Women Voters said "voters should be choosing their politicians -- not the other way around," calling the proposal "undemocratic."

Richard Smith of the New Jersey Chapter of the NAACP expressed concern that "the proposed constitutional amendment is an unacceptable step backwards for New Jersey" that "will virtually ensure the voting power of communities of color will be diluted for decades to come."

Patrick Murray of the Monmouth University Polling Institute said the proposal "is Democrats being overly greedy for no good reason," warning that it "just further erodes public trust in government for little actual gain."

Brian Williams of the Princeton University Gerrymandering Project determined the amendment "would create an artificial, evenly distributed advantage for the majority party" that "would drastically reduce the number of seats for the minority party in a way most New Jerseyans would consider unfair."

Ronald Chen of the Center for Law and Justice cautioned that "requiring that districts be drawn on order to favor one political party, or even both major political parties, is contrary to sound redistricting practice, and enables partisan gerrymandering."

Ryan Haygood of the New Jersey Institute for Social Justice said the amendment would "constitutionalize a redistricting process for New Jersey that elevates partisanship over people," while impacting "the ability of communities of color to elect their candidates of choice."

David Pringle, a former Democratic candidate for Congress, said, "It is very difficult to see this as anything but a naked power grab by Democrats," adding, "this doesn't help create faith in government; it creates more distrust."

Those statements reflect a shared concern that the proposed amendment would disenfranchise millions of voters from across the political spectrum by limiting competition and prioritizing a partisan advantage for Democrats in the New Jersey Constitution over every other electoral concern or consideration.

In a democracy that holds true to its principles, citizens must have the power to hold individual legislators and political parties accountable at the polls.

Should your proposed constitutional amendment be enacted, however, New Jerseyans will be left with little more than an illusion of choice when they enter the voting booth in future legislative elections. The outcome will be assured before the first vote is cast.

We urge you to do the right thing. We urge you to listen to the unanimous wisdom of the widely respected experts and institutions that oppose SCR-43/SCR-152. We urge you to permanently table this undemocratic constitutional amendment.

Sincerely,

Thomas Kean
Leader

Robert Singer
Deputy Leader

Steven Oroho
Conference Leader

Chris Brown
Deputy Conference Leader

Joe Pennacchio
Whip

Dawn Marie Addiego
Deputy Whip

Anthony Bucco
Budget Officer

Kip Bateman
Senator – District 16

Gerald Cardinale
Senator – District 39

Christopher Connors
Senator – District 9

Kristin Corrado
Senator – District 40

Michael Doherty
Senator – District 23

James Holzapfel
Senator – District 10

Declan O'Scanlon
Senator – District 13

Samuel Thompson
Senator – District 12

CC: The Honorable Philip D. Murphy
Governor

The Honorable Craig J. Coughlin
Assembly Speaker

The Honorable Jon M. Bramnick
Assembly Republican Leader

NEW JERSEY
CITIZEN ACTION

Statement of New Jersey Citizen Action to the Assembly Judiciary Committee and the Senate State Government, Wagering, Tourism and Historic Preservation Committee on ACR205 and SCR 43/SCR152

Thursday, December 13, 2018

The redistricting process in New Jersey has always been controlled by elected officials and party operatives, and not the voters. New Jersey Citizen Action had hoped to see that change in this year's redistricting with the adoption of a citizen-led, independent Reapportionment Commission that gives voters more influence than elected officials and party operatives have had over the process in the past.

We are disappointed that ACR 205 / SCR 152 only shuffles around seats held by party and elected officials but makes no real progress to expand the power of the voters to help draw the new maps. Yes, the proposed constitutional amendment does creates a process for public and voter input, but it does not actually give voters any decision making authority. And that is not acceptable.

But that is not the worst of this proposal. If the shuffling of elected and party officials composing the Commission were the only change that this proposed amendment makes, it wouldn't be a step forward for voters and democracy, but neither would it be much of a step backward. Unfortunately, the redistricting process that this amendment proposes is a step backward for voters.

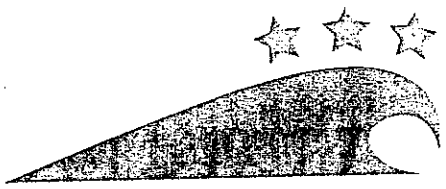
The party favorability calculation, competitive district requirement of 25%, the definition of competitive districts and the requirement that the Commission consider the election result data and political party vote-share from the preceding decade's Presidential, U.S. Senate and Gubernatorial elections when drawing new district boundaries all bake a tremendous bias into the redistricting process. These changes would create a fait accompli that would relegate the voters' voices to a soft whisper.

Now is not the time to weaken the influence and impact of voters over this most essential part of our democracy. Putting more power and influence over drawing district lines into powerful party leaders' hands and continuing to leave voters outside the decision making arena puts a damper on voter engagement and will only lead to more disillusionment and disengagement. And that is not something we can afford to let happen.

Members of this Committee, our democracy is in crisis. Voter turnout and engagement is already frighteningly low and in our view, elected officials go about their business fairly insulated from the will of their constituents. The crisis in our democracy is not Republicans. The crisis is the disengagement and disillusionment of voters. We won't solve the crisis by making it easier to elect Democrats and by giving Democratic Party leaders even more power than they already have.

We can only solve the problem by giving voters more power -- to choose their candidates, elect their leaders of choice and by enhancing voters' ability to hold their elected officials accountable.

Today, New Jersey Citizen Action joins the more than 50 pro-democracy and pro-voter groups and experts in opposing SCR43/SCR152 and ACR205. The bills take power away from voters and further insulate political Parties' and elected officials from the voters. We need a leap forward for democracy in New Jersey, but these bills only move us backward. We urge you to vote "No".



BlueWaveNJ

TURN THE TIDE

BlueWaveNJ Testimony In Opposition To
Assembly Concurrent Resolution 205
Assembly Judiciary Committee Public Hearing Thursday, December 13, 2018
&
Senate Concurrent Resolution 43/152
Senate State Government, Wagering, Tourism and Historic
Preservation Committee Public Hearing Thursday, December 13, 2018

Dear Chair and Members of the Committee,

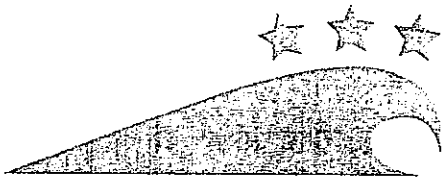
This redistricting amendment to the New Jersey Constitution does not represent a better plan to draw our legislative districts. Instead, if adopted, the plan would leave New Jersey vulnerable to abuse and gerrymandering. If our state's citizens are going to have confidence in our democratic systems, we must ensure that these systems are fair, transparent, representative and non-partisan.

The amendment gives disproportionate power to sitting legislators and incumbent parties to redraw boundaries in their own interests. District boundaries will effectively be sealed by the choice of members to sit on the Committee, rather than by the Committee's subsequent decisions made in the sunlight of principles of fairness.

The amendment makes it easier for legislators to act for their own self-preservation, rather than in the interests of the electorate. Our current legislators may well be invulnerable to the call of these incentives; but any sensible law must be robust to withstand less scrupulous individuals.

Horse trading across many dimensions will be the order of the day if the amendment passes: bargains between individual members or coalitions within each of the two majority parties; bargains that cross party lines; and bargains involving legislators and the party organizations. It will not be possible for individual legislators dedicated to fairness to withstand the pressure to horse trade along with their colleagues, and so the only people without a voice at these auctions of power will be the New Jersey electorate.

In short, we predict that the amendment is a recipe for partisan gerrymandering as plain and as dangerous as any we know. For years to come it would handicap challengers both of individual sitting legislators and of their parties. This is not the stuff of vital democratic institutions, will be perceived as unfair and rigged, and will diminish New Jerseyans' sense of ownership of their government, and, ultimately, their already-low participation in state elections. Bad incentives that result in such outcomes sometimes are present as unintended consequences of legislation; it would be a travesty to institute them with eyes open, as passing this amendment would.



BlueWaveNJ

TURN THE TIDE

This amendment is meant to produce a more fair and balanced district map for our state. The unfortunate fact is that it will do the exact opposite. It will divide communities, fuel partisanship, and take power away from the people. Redistricting of this kind is unacceptable no matter what party it comes from and New Jersey deserves better.

In order to produce fair and balanced redistricting we must increase input from the public and decrease input from party insiders and politicians. We must pay special attention to interests that might not otherwise be heard, but need a voice: by not including a separate "racial fairness" provision, the plan marginalizes minority voters. An independent and bipartisan citizen led commission is necessary to ensure that all voices are heard and the process is fair.

Our State government must be a fair representation of all of New Jersey citizens. Communities must be kept together and represented by officials elected by whole communities. This is what democracy must look like.

We ask that you oppose this redistricting bill.

BRENNAN
CENTER
FOR JUSTICE

Brennan Center for Justice
at New York University School of Law

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Suite 1750
New York, New York 10271
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Testimony of Yurij Rudensky, Redistricting Counsel,
Brennan Center for Justice at New York University School of Law
December 13, 2018

The Brennan Center for Justice at New York University School of Law appears in opposition to Senate Concurrent Resolution No. 43.

The Brennan Center is a nonpartisan law and policy institute that seeks to improve our systems of democracy and justice. Redistricting policy reform has been central to this mission since the Brennan Center was founded in 1995. We partner with legislators and advocates around the country to promote changes that make the redistricting process more independent, transparent, and community driven.

We strongly urge members of the legislature to vote no on Senate Concurrent Resolution No. 43 as it is presently written. There are three principal reasons to reject the resolution:

- First, it does nothing to protect the integrity of communities of color. In fact, by promoting a process where partisan outcomes dominate over other considerations, SCR 43 could make it harder for New Jersey's African-American, Latino, and Asian communities to elect candidates of choice. Under the proposal, these communities can be used, whether cynically or in good faith, to achieve political ends. The reality today is that the easiest way to dictate the political outcomes of any districting plan is to pack or crack voters of color. Not only does SCR 43 fail to prevent this, it incentivizes it.

- Second, it does not address the fundamental flaw in the current process—the disproportionate influence of the tiebreaking commissioner and the winner-take-all effect that occurs when the tiebreaker sides either with one party over the other.

- Third, it does not promote partisan fairness in any meaningful sense. Instead, it advances an ill-conceived formula that reduces New Jersey's residents to simplistic partisan labels and pursues preordained electoral outcomes. No states, other than those with extreme partisan gerrymanders, have taken this approach.

These fundamental flaws and omissions threaten to take the state backwards. New Jersey can do better. The state, after all, broke ground when it adopted bipartisan commission-based redistricting in 1966, and has since served as a national model for other jurisdictions.

It would not take much to turn the current regressive proposal into one that would once again make New Jersey a national leader. Adding a racial equity criterion to protect the hard-won political victories of communities of color would guard against gerrymandering more broadly. It would be an important safeguard in a world where federal voting rights protections may be weakened in the future. Requiring even a modest level of compromise and bipartisanship would lessen the influence of the tiebreaking member. A partisan fairness provision that forbids plans that intend to favor or disfavor either party would accomplish more than any formula can.

It is possible to address the concerns that motivated amending the redistricting process without ignoring best practices. And while we urge you to vote no on the proposal as written, we are committed to working with leaders in New Jersey to improve redistricting.

GOP chairman: Dems are conspiring for one-party rule in N.J. You should stop them

By Doug Steinhardt

The New Jersey state constitution is rich with history and we have a small window in which to fight for its integrity. Legislative Democrats are scheming to weaken it and marginalize the value of your vote, forever.

There have been three New Jersey constitutions: 1776, 1844 and 1947. The first was never amended. The second was amended three times, to conform with the US Constitution's 14th and 15th Amendments and to provide for free public education. The current version was amended seven times, although four of those amendments were adopted in 1947, with the constitution itself. Since then, it was amended just three times, to get rid of the old county court system, in 1966 (and revised in 1995) to conform with federal apportionment laws, and in 2005 to reflect the transfer of executive power. That's it.

But now, politicians in control of the state legislature want to strike at the heart of our constitution. Their amendment doesn't solve the state's fiscal crisis or even address it. It doesn't promote the health, safety or welfare of New Jerseyans.

Instead, Democratic leadership is conniving, over the holidays, to rush through a constitutional amendment that will rig the legislative redistricting process and secure for them a permanent majority by creating legislative districts that allow greedy politicians to take you and your votes for granted.

If they succeed, they'll no longer have to earn your support, because the rules will change to perpetuate one party rule, forever. It isn't criminal, but it should be.

These same politicians blame party "bosses," but many are themselves political "bosses", they just don't want you to know it. Even worse, they abuse the powers of their office, not to give more power to you, but to take more power for themselves. Their proposed amendment debases 242 years of New Jersey constitutional history so a few, power hungry legislators can prostitute the State's constitution for their selfish needs. We're a better state. We should demand better leadership.

As voters, we deserve more respect. After all, our votes should matter.

A fair and bi-partisan redistricting process is the key to giving voters a legislative map that reflects their votes and interests.

Without competitive elections and "swing" districts, politicians get complacent. If we want to get Trenton moving, politicians must be accountable to their constituents. Elected officials must be made to work hard for your support, not take it for granted. Safe districts give us self-contented, career politicians, not problem solvers.

The bill, ACR60/SCR43, is proposed by a few, powerful men to eliminate Republican competition and perpetuate their personal power. Period.

Democrats drew the current legislative map, which has proven to be a gerrymandered quagmire. It has responded more to the will of political insiders than the state's voters. For example, in 2013, Senate Republican candidates earned 52 percent of the vote statewide, but won only 40 percent of the legislative seats. How does that happen? Gerrymandering.

The current legislative map creates very few "swing" districts and a plethora of "safe" ones. These "safe" politicians have grown carnivorous with power and now want to erase any chance that they will lose that power or have to compete to keep it. Billions of dollars of tax hikes later and we can all understand why.

Ironically, Republicans wrote the State's current Congressional map, the one that resulted in the loss of four, previously Republican congressional seats. And as difficult a pill as that is for state Republicans to swallow, that's how districting maps are supposed to work. Democrats came out in force in 2018 and the map responded to their will.

Our constitution forms the bedrock of our state's government, where legislative redistricting is something most people think about once a decade, if at all. Neither should be taken lightly or altered or amended unconcernedly. Together they form a basis for our democratic process and a handful of politicians want to rig that system for their gain. That's a big deal and New Jerseyans everywhere should care.

If you're reading this, I ask you to find your state legislator and contact him or her. Let them know that they need to earn your support, that you demand fair elections, that you don't support SCR43, and that you won't make despots out of a select few legislators. We simply can't afford it.

ACLU
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
New Jersey

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TESTIMONY IN OPPOSITION TO SCR152/ACR205 AND SCR43/ACR60

JEANNE LOCICERO, LEGAL DIRECTOR
AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY

ASSEMBLY JUDICIARY COMMITTEE
AND
SENATE STATE GOVERNMENT COMMITTEE

December 13, 2018

Thank you, Committee Chairs, for the opportunity to testify on the proposal to change New Jersey's redistricting process through constitutional amendment.

My name is Jeanne LoCicero and I am the Legal Director of the American Civil Liberties Union of New Jersey. Founded in 1960, the ACLU-NJ is the state's leading organization dedicated to defending and advancing civil rights and liberties. We are a non-profit, non-partisan organization with more than 40,000 members and donors across New Jersey.

The ACLU-NJ is here today because of our serious concerns that the resolutions under consideration have the potential to lead to partisan gerrymandering, to undermine democratic principles of government, and to violate the rights of New Jerseyans.

Gerrymandering, that is, manipulating district boundaries to predetermine the outcome of elections, hinders voters from voicing their interests through their votes. I would refer you to the letter that Professor Ronald K. Chen (who is a board member of both the national ACLU and ACLU-NJ) wrote to Senator Sarlo on November 23, 2018, and is appended to this testimony. Professor Chen outlines the fundamental problems with the redistricting principles and formula set forth in these resolutions and concludes that partisan gerrymandering is the inevitable outcome.

Partisan gerrymandering is a serious risk of harm to our democracy because it reduces voters' faith in government and can discourage or reduce political participation.

Throughout the country, the ACLU has worked to ensure that redistricting takes place in a fair way that accounts for the size of a district's population and its racial and ethnic diversity. This includes a lawsuit filed earlier this year challenging Ohio's gerrymandered congressional map, as

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well as briefs filed at the U.S. Supreme Court on partisan gerrymandering cases in Wisconsin and Maryland. The ACLU supports the creation of impartial and independent redistricting commissions.

Democratic self-government is predicated upon voters choosing among candidates in free and fair electoral competitions. Partisan gerrymandering violates "the core principle of republican government ... that the voters should choose their representatives, not the other way around." *Ariz. State Legislature v. Ariz. Indep. Redistricting Comm'n*, 135 S. Ct. 2652, 2677 (2015). If this legislature sets up a system that skews electoral outcomes and insulates their majority from changes in voter preference, it will undermine the functioning of our democracy.

The state, as the administrator of elections, should have no role in undermining or advantaging one party over another. It may not draw districts with the intent to favor a particular party and entrench partisan advantage against potential changes in voter preference. By entrenching the party in power and insulating it from meaningful accountability to the electorate, partisan gerrymandering substantially burdens voters' fundamental rights, including their First Amendment right to associate for the advancement of political beliefs, to express political views, and to participate in the political process; their First and Fourteenth Amendment right to cast a meaningful vote; and their Fourteenth Amendment right to equal protection and treatment under the law.

It is inappropriate and undemocratic for legislators to purposefully make elections less competitive for themselves. The First Amendment principle that the government remain neutral in regulating expression is applicable to the redistricting context: just as the state may not regulate in ways that skew the marketplace of ideas, it may not regulate to skew electoral outcomes.

An additional concern is the impact the formulas have regarding communities of color. As drafted, the proposal elevates partisanship over other important considerations that go into redistricting. New Jersey has an obligation to ensure that the voting impact of communities of color are protected, and not diluted through redistricting process.

To truly reform redistricting this legislature should be creating a process that is driven by voters and there are models and responsible ways to do that, as you will likely hear today from experts and other members of the public.

Finally, I would note that while the ACLU of New Jersey strongly opposes the resolutions and asks you to vote against them, there are some elements of the proposal that should be carried forward into proposals for independent redistricting. Specifically, we appreciate the inclusion of transparency reforms, including public hearings and online access to information. However, these nods to public engagement do not outweigh our serious concerns that, as designed, the resolutions undermine the voting and political expression rights of New Jerseyans.

We urge you to reject these resolutions. Thank you for your consideration.

32x

RONALD K. CHEN

CENTER FOR LAW & JUSTICE
123 WASHINGTON ST.
NEWARK, NJ 07102
973-353-5378

November 23, 2018

The Honorable Paul Sarlo
Chair, Senate Budget & Appropriations Committee
New Jersey Senate
496 Columbia Blvd., 1st Floor
Wood-Ridge, NJ 07075

Re: SCR43/ACR60

Dear Senator Sarlo:

I understand that SCR43/ACR60 will be considered before the Budget & Appropriations Committee this Monday. I thank you in advance for the opportunity to convey my thoughts and concerns on this bill through this letter.[1]

I commend the sponsors of this bill for focusing attention on one of the most important civil rights issues of our time: a fair, transparent and democratic election system. There are many parts of the bill that are very positive, including the requirement of public hearings, and of public access to information about the reapportionment process through a public website.

I have grave concerns, however, about sections 2(c) to 2(f) of the bill. These provisions require that legislative districts be deemed "fair" between the two major political parties, and that at least 10 districts also be deemed "competitive," but under definitions of "fair" and "competitive" that are skewed towards one of those parties (in this case, my own party, the Democratic). These provisions will facilitate—and indeed inevitably require—the type of partisan gerrymandering that is contrary to our democratic principles of government.

Section (c) defines fairness and competitiveness in terms of the past ten years' election results for President, U.S. Senator, and Governor. If this calculation were performed today, it would

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[1] By way of background, I am currently a University Professor, Distinguished Professor of Law, and the Judge Leonard I. Garth Scholar at Rutgers Law School. I recently stepped down after five and ½ years as Co-Dean of the Law School (resident in Newark) and, before the 2015 merger of the two Rutgers law schools, as Dean of Rutgers School of Law—Newark. I teach in the Rutgers Constitutional Rights Clinic, and have frequently litigated voting rights cases in New Jersey courts.

From 2006 to 2010, I served as the Public Advocate of New Jersey in the administration of Governor Jon S. Corzine, and voting rights were an important part of the Department's agenda. I am also currently one of the three General Counsel of the national American Civil Liberties Union, a member of the boards of the national ACLU and the ACLU of NJ, and a member of the Advisory Board of the League of Women Voters of New Jersey. Both the ACLU and the League are non-partisan organizations that advocate in order to protect the rights of voters.

In 2011, I served as the counsel to the Hon. John Farmer (my predecessor as dean of the law school and former New Jersey Attorney General), in his capacity as Chair of the New Jersey Redistricting Commission, http://www.njredistrictingcommission.org/. With the assistance of Rutgers law students I provided legal advice and assistance to Chairman Farmer in the task of redrawing the 2012-2021 map of New Jersey's congressional districts.

My comments in this letter are of course solely my own and do not necessarily express the views of any of the entities with which I am or have been affiliated.

result in a 54.9% to 45.1% advantage in favor of the Democratic Party.[2] Thus, a proposed district whose prior voting pattern indicates a 54.0%/46.0% advantage for Democratic candidates would be labelled as *favoring* the Republican Party since the percentage of votes received in that district would still exceed the statewide average for Republicans.

Simple arithmetic and common sense contradict the assertion that a 54%D/46%R district favors the Republicans. Under section (d), however, this finding would then trigger a requirement that an offsetting "competitive" district be created that was equally favorable to Democrats, i.e. approximately 55.8%D/44.2%R. The range of so-called "competitive districts" would thus be from 49.9%D/50.1%R to 59.9%D/40.1%R. Even a casual political observer would understand that very little within that 10% range would actually be competitive for Republicans.

Moreover, as I observed when I was working with Dean Farmer in the 2011 Redistricting Commission, each of the two major political parties has access to extremely sophisticated mapping technologies and other proprietary expertise, such that even ostensibly moderate differentials in percentages can be amplified in effect, making the district non-competitive for the other party.

The fundamental flaw in the proposed amendment is that it conflates the redistricting principle of "fairness" with the principle of "competitiveness." Both are recognized redistricting principles but they are often in tension with each other, and as demonstrated above, a map that serves the principle of fairness does not necessarily serve the principle of competitiveness. Both principles, along with other equally important redistricting principles such as preserving communities of interest, compactness, respect for political subdivisions, etc., must be considered as a whole, and it is a mistake, in my view, to promote one of these principles as superseding the others through a formulaic requirement based on past election results.

I am very familiar with the article written by the late Professor Donald Stokes, *Legislative Reapportionment in New Jersey*,[3] which was argued with great vigor by very able counsel for the Democratic Party (and my friend) in the 2011 Redistricting Commission proceedings. I do not think that Professor Stokes intended his article to lead to the type of implementation contained in SCR43. First, it is important to note that Professor Stokes was addressing only the principle of fairness and how it might be factored into the overall process of

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[2] The results posted on the Division of Elections website are as follows:

	Democrat	Republican
2018 U.S. Senate	1,480,011	1,220,163
2017 Governor	1,203,110	899,583
2016 President	2,148,278	1,601,933
2014 U.S. Senate	1,043,866	791,297
2013 Governor	809,978	1,278,932
2013 U.S. Senate (Special)	740,742	593,684
2012 President	2,125,101	1,477,568
2012 U.S. Senate	1,985,783	1,329,405
2009 Governor	1,087,731	1,174,445
	12,624,600	**10,367,010**
TOTAL for past 10 years	**54.9%**	**45.1%**

[3] Available at: http://www.eagleton.rutgers.edu/research/newjersey/documents/LegReapportionmentNJ.pdf

reapportionment. He did not intend his analytical methodology to be adopted as the *exclusive* method by which maps were drawn, and he certainly did not intend that other redistricting principles, such as competitiveness, preserving communities of interest, and compactness, be subordinated as a result.

Moreover, Professor Stokes never suggested that past election data from elections for President, U.S. Senator, and Governor, i.e. offices *other* than those for which the maps are being drawn (here the State Legislature), should be used. His study, in fact, aggregated past election results from *state legislative races*. See Stokes, p.13-14. While Professor Stokes recognized that differential turnout in Democratic districts compared to Republican districts might unfairly skew these aggregated results (*id.* p.14-15), he did not suggest that using statewide results for other unrelated offices was the appropriate solution. It is at best an unproved assumption, and at worst a mistaken one, that voters always vote for the same party's candidate whether for President or for State Assemblyman. Especially in New Jersey, where state legislative elections are not held in the same year as federal elections, uncritically imposing the results of one election on the process for an entirely different election is "mixing apples and oranges."

As a general matter, requiring that districts be drawn on order to favor one political party, or even both major political parties, is contrary to sound redistricting practice, and enables partisan gerrymandering. According to the non-partisan National Conference of State Legislatures,[4] many states, including California and New York, now prohibit favoring or disfavoring an incumbent, candidate or political party, and some expressly prohibit the use of past election results as an unfair advantage to incumbents.

Finally, there is no evidence that this measure is at all necessary in New Jersey to protect partisan fairness. As I noted earlier, the methodology derived from Professor Stokes' article was vigorously promoted by counsel for the Democratic Party in the 2011 Redistricting Commission proceedings, but it is was not accepted by Dean Farmer, and he eventually chose the Republican map. Nevertheless in six short years (from 2012 to 2018), the New Jersey Congressional delegation has shifted from 6D-6R to (as of a few days ago) 11D to 1R. The current legislature is 62.5% Democratic in the Senate and 67.5% Democratic in the Assembly. All of these percentages, achieved through the existing process of redistricting, significantly exceed the 54.9% benchmark that this proposed amendment would currently create. It does not seem that there is a problem that needs fixing from a fairness perspective, but great damage could be done to other equally important principles as a result.

I therefore urge the Legislature to delete sections 2(c) to 2(f) of SCR43.

Respectfully yours,

Ronald K. Chen

Ronald K. Chen

cc: Hon. Loretta Weinberg
Senate Majority Leader

Hon. Thomas Kean
Senate Minority Leader

[4] See http://www.ncsl.org/research/redistricting/redistricting-criteria.aspx.

Indivisible Monroe Twp NJ
We Make a Difference
website: Monroe.Indivisible.blue

Thursday, December 13, 2018

Testimony in Opposition of Senate Concurrent Resolution 43/152
Senate State Government, Wagering, Tourism and Historic Preservation Committee
Public Hearing

Testimony in Opposition of Assembly Concurrent Resolution 205
Assembly Judiciary Committee
Public Hearing

We, the members of Indivisible Monroe Township, join with our coalition partners, the Indivisible NJ Advocacy Coalition, NJ Working Families Alliance, League of Women Voters of New Jersey, the Brennan Center for Justice and 40 other organizations in opposing New Jersey redistricting proposals (SCR43, SCR152, ACR60 and ACR205.)

The following are major concerns that lead us to call for revamping this ballot proposal:

- The new formula, which requires amending New Jersey's constitution, would create voting districts based on the state's past political/voting performance, consolidate party power, and confer undue partisan advantages that may not reflect voters' wishes. Carving out distinctly partisan districts and use of partisan data to accomplish this equates with gerrymandering.
- We have campaigned against this negative political tool because it skews voters' impact and outcomes, and manipulates the composition of voting communities.
- Sitting legislators would comprise at least 4 of 13 line-drawing commissioners– a conflict of interest and a step backwards for our state.
- New Jersey has a relatively healthy track record when it comes to redistricting, and does not need this type of change and certainly not one that is being processed in such haste and pressure.

We believe that elections should be won by honestly engaging with voters, not by "stacking the deck" and partisan gerrymandering. We do not need to "cheat" to win.

We maintain that legislative districts should not be determined by past election results and complicated formulas, nor by politicians and party insiders, but by New Jersey's own citizens. **To that end, we support the establishment of a non-partisan and independent redistricting commission and will work to advance that cause in NJ.**

We ask our legislators to stand up for what is right - ethical and impartial redistricting that lets all voters voices be heard.

We urge you to vote "**no**" on these undemocratic ballot measures.

Thank you.

Irene Linet and Rona Malkin, Co-Chairs, Indivisible Monroe Township

Contact: Gabriela Sadote, Legislative Advocacy Team 732 580 8491

Indivisible of Monroe Township is part of a nationwide grassroots movement that took root following the 2016 election. The organization is dedicated to promoting a progressive agenda and ideals through legislative advocacy, education and community outreach.

Sharon Podsada
[redacted]
Emerson, NJ 07630

Testimony in Opposition of Senate Concurrent Resolution 43/152
Testimony in Opposition of Assembly Concurrent Resolution 205
Public Hearing
Thursday, December 13, 2018

Dear Chair and Members of the Committee,

I am a lifelong resident of New Jersey and am writing to you today to voice my opposition to SCR43/SCR52 and ACR205. I am very concerned about the redistricting proposal that is being fast-tracked through the Legislature. I have always been proud of New Jersey as a forward-looking state with a vibrant and diverse populace. Our district maps should represent this diversity and insure that every voter is fairly represented.

The proposed Constitutional amendment, which includes a requirement to consider partisan data as well as past election results through a complicated set of calculations, will lay the groundwork for partisan gerrymandering which has no place in our Constitution. When partisan gerrymandering happens it is always at the expense of underserved communities and communities of color. This does not represent who we are...we are at our finest when all voices are equally and fairly represented. These proposals will not make our electoral process competitive, it will make it predictive and passage of these resolutions will ensure that elections will be manipulated by party politics.

I spent a good part of this past election cycle writing, calling and canvassing voters in my neighborhood. In talking to people I've come to understand that voters want and absolutely need trust and confidence in the system. No matter their political leanings, voters want to know that their vote matters. As many states across the nation are passing meaningful redistricting reforms that will protect their voters from partisan Gerrymandering, New Jersey, it seems, is on the verge of doing exactly the opposite of this. Do not let this happen. Do not open the door to partisanship that allows politicians to pick their voters rather than allowing voters to choose their representatives.

This proposal to change our redistricting process should not advance through the Legislature. Please protect our Constitution and our electoral process and vote "no" on December 17th.

Respectfully submitted,
Sharon Podsada

Timothy Larkin
[redacted]
Glen Rock, NJ 07452

Testimony in Opposition of Senate Concurrent Resolution 43/152
Senate State Government, Wagering, Tourism, and Historic Preservation Committee
Public Hearing
Thursday, December 13, 2018

Testimony in Opposition of Assembly Concurrent Resolution 205
Assembly Judiciary Committee
Public Hearing
Thursday, December 13, 2018

Dear Chair and Members of the Committee:

My name is Timothy Larkin. I am a resident of Glen Rock, NJ and a member of the Bergen County Democratic Committee. I have taken a day off from work to urge you to vote NO on SCR152 / ACR205. This bill is a poor patch to fix the inevitable deadlock when Democrats and Republicans draw their own partisan maps instead of working together in a bipartisan manner. Our redistricting process needs improvement but this should be done by taking legislators out of the process and not constitutionally requiring them to drawn their own districts. I believe that the voters should choose their legislators, not the other way around.

We have seen that an independent citizen based redistricting process can work as it has California. For example, their final map must be approved by three Democrats, three Republicans, and three unaffiliated members of their commission. Levitt, Justin, "California," http://redistricting.lls.edu/states-CA.php (last visited Dec. 12, 2018). The commissioners have no choice but to work together. According to the Democrats on their commission, voters have more trust in government, participation by voters has gone up, and candidates answer to their constituents over party. "California's Ambitious Experiment on Redistricting Reform Gets Nod from Harvard," https://ash.harvard.edu/news/california%E2%80%99s-ambitious-experiment-redistricting-reform-gets-nod-harvard (July 13, 2017).

There is nothing in SCR152 / ACR205 that actually forces the commission to work together on this sort of bipartisan line-drawing. I've heard pushback on creating a citizen commission because things didn't work perfectly in California. But we can learn from their experience and do better when we create a commission that works for the people of New Jersey. We can't do that, though, if you're cramming the bill through at the end of the year.

I am a Democrat who stays actively involved at all levels of government from local, to state, to federal. This past election I knocked on hundreds of doors and talked to many neighbors who already feel disenfranchised and like their voices are not heard. And while I am proud of the work our Democratic legislators have done to effect positive change, I am extremely disappointed that we didn't get the transparent process you promised when the same bill failed in 2016. Instead I am reading about secret meetings in a hotel in East Brunswick and about the vote for this bill scheduled before any public comments could even be heard. New Jerseyans deserve better. I urge you to vote NO.

Respectfully submitted,
Timothy Larkin

Kathleen Jerome
[redacted]
River Edge NJ, 07661

Testimony in Opposition of Senate Concurrent Resolution 43/152
Senate State Government, Wagering, Tourism and Historic Preservation Committee Public Hearing
Thursday, December 13, 2018

Testimony in Opposition of Assembly Concurrent Resolution 205
Assembly Judiciary Committee
Public Hearing
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Dear Chair and Members of the Committee,

I have lived and voted in New Jersey for over 20 years. I now live in a federal (not state) district that favors Republicans, while I am a Democrat, so I understand your frustration and your wish to create a map that favors Democrats. BUT- that is not the right approach. Senate Res. 43/152 and Assembly Res. 205 are bad bills and will cause more problems than they solve.

I want good legislators, who support their constituents, no matter the constituent's party. The legislator should listen and respond policy by policy in a non-partisan manner.

I do not want legislators choosing their own constituents by drawing their own districts.

I do not want legislators pressured to take bad votes to stop threats of redistricting.

I do not want our constitution changed.

Fair districting should happen, but these are bad bills and should not advance through the legislature. Vote NO on December 17.

Thank you for this opportunity to testify.

Respectfully submitted,

Kathleen Jerome

Ann Rea
[redacted]
Clifton NJ 07013

Testimony in Opposition of Assembly Concurrent Resolution 205 Assembly Judiciary Committee Public Hearing Thursday, December 13, 2018

Dear Chair and Members of the Committee,

This Redistricting amendment to the New Jersey Constitution is not about a better plan to draw our legislative districts, it is about the undermining of democracy. This proposed amendment will erode the people's trust in the results of their elections and reinforce the common complaint that voting doesn't matter.

Who are we New Jersey? Our State should model a government assembled by the popular vote, and our elections should not be cynically tipped towards the ambitions of the legislature.

Our governments compact with New Jerseyans should be fair, free, and transparent elections with the peaceful continuance of government after the results are in. This is what democracy looks like. Please oppose this redistricting bill.

My name is Shoshana Osofsky. I live in Fairfield Township in Cumberland County. I am here to speak on behalf of a Congressional District 2 group called Allied for the American Promise and to ask you to vote NO on SCR152/ACR205. Our group is a local affiliate of the national group American Promise. "The goal of American Promise is to organize Americans to win the 28th Amendment to the Constitution to restore American democracy in which We the People—not big money, not corporations, not unions, not special interests—govern ourselves." http://www.americanpromise.net/

Our members are passionate about our American experiment in democracy and like most Americans we are disgusted by the obscene amounts of money being spent in our elections and we are working to ensure that our elected officials are accountable to us the citizens, not the biggest donors. We believe *voters* should choose our representatives. Now we learn that our New Jersey legislature is considering bills that would allow the political parties to choose voters instead of voters choosing the candidates. As voters of CD2, which includes pieces of 8 counties we are incensed about opening the door to gerrymandering and the creation of legislative districts for the benefit of political parties.

In 1796 George Washington offered the following words of wisdom to We the People in his Farewell Address.

"The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it. "
http://avalon.law.yale.edu/18th_century/washing.asp

Our first president warned us against party and faction, and although his language may be dated, his words ring as true today as they did over 200 years ago. I and the members of Allied for the American Promise hope that you will be inspired and guided by the words of our first president and vote NO on SCR152/ACR205. Thank you for your consideration.

Shoshana Osofsky
[redacted]
Bridgeton, NJ 08302
[redacted]

4/x

Joseph Mangano
[redacted]
Saddle Brook, NJ 07663

Testimony in Opposition of Senate Concurrent Resolution 43/152 Senate State Government, Wagering, Tourism and Historic Preservation Committee Public Hearing Thursday, December 13, 2018

Testimony in Opposition of Assembly Concurrent Resolution 205 Assembly Judiciary Committee Public Hearing Thursday, December 13, 2018

Dear Chair and Members of the Committee,

It is with great concern that I testify in opposition to SCR43/SCR152 and ACR205. I am a registered Democrat and believer in the party's stated ideals. However, recent practices by New Jersey politicians and party leaders have given me and others of a like mind pause. These pieces of legislation sponsored by Democratic lawmakers are no exception.

At its core, redistricting is designed to ensure our elected representatives' districts are fairly drawn and reflective of their constituents. What these resolutions would do, though, is encourage the redrawing of districts for political gain, a practice known as gerrymandering. It's a practice that negatively impacts voter representation across the country, especially among minorities. Both parties have engaged in partisan gerrymandering over time. For a party that bills itself as a party of inclusion, Democrats' efforts in this regard strike me as particularly egregious.

As election results would suggest, when turnout is high, Democrats tend to fare well. As such, there should be need no for electoral chicanery when the Democratic Party has advantages at its disposal. An engaged base is not the least of these advantages.

Simply put, the language of SCR43/SCR152 and ACR205 should not become part of the State Constitution. It will risk undermining the confidence in the party and the political process in New Jersey that progressive Democrats and their supporters have worked so hard to secure. In stacking the proverbial deck for the next decade, you will convince voters that their voices and votes don't matter. It's the creation of a new problem in the face of an existing voter turnout problem that smacks of shortsightedness.

If you believe these resolutions bolster the party's credibility, they do not. If you believe that discerning voters desire these changes, they do not. If you believe academics and even members of your own party unequivocally support fast-tracking these proposals through the legislature, they do not.

Please consider voting "no" in the name of what is good and right on December 17. If you believe we the people will forget if you do otherwise, we will not.

Thank you for this opportunity to testify.

Respectfully submitted,
Joseph Mangano

Alexis Larkin
[redacted]
Glen Rock, NJ 07452

Testimony in Opposition of Senate Concurrent Resolution 43/152 Senate State Government, Wagering, Tourism and Historic Preservation Committee
Public Hearing
Thursday, December 13, 2018

Testimony in Opposition of Assembly Concurrent Resolution 205
Assembly Judiciary Committee
Public Hearing
Thursday, December 13, 2018

Dear Chair and Members of the Committee:

My name is Alexis Larkin. I am a long-time New Jersey resident, a Bergen County mom, and a Democratic county committee member. Our state deserves redistricting reform that emphasizes representation and accountability over the preservation of partisan power. I urge you to vote NO on SCR43 / SCR152 / ACR205 and hold open, public hearings on how best to conduct redistricting in New Jersey. In the alternative, if the legislature insists on moving forward with some version of this bill, I urge you to strike sections 2(c)-(d) of SCR152 / ACR205 and add language to section (2)(f) that specifically protects communities of color.

First and foremost, I ask that you remember we are real, live human beings that you are sorting into state legislative districts, and not merely data points to be sliced and diced for partisan gain. The elevation of mathematical measures of "fairness" and "competitiveness" over communities in the original SCR43 made me wonder whether the lives of everyday New Jerseyans were considered at all. No reams of partisan data, no high tech map-drawing tools, no desire to bake a veto-proof majority into our constitution should further erode the power of the people in choosing our state legislators.

Living in the gerrymandered 5th Congressional district, I can tell you first-hand how hard it is to band together on critical issues like infrastructure and gun sense when your district spans the cities and suburbs of Bergen County all the way to the farmlands of Warren and all our disparate interests in between. The ability to organize within district is even more critical for communities of color, which Democrats know as they rightly railed against Republicans for breaking up Asian American communities in Bergen County for the 2011 congressional map. *See* Friedman, Matt, "GOP wins N.J. congressional redistricting battle," Star Ledger (Dec. 23, 2011) (https://www.nj.com/news/index.ssf/2011/12/redistricting_commission_makes.html).

Passing this bill risks the same thing happening in our state legislative districts. Studies have shown that partisan gerrymandering, such as through the use of partisan voting data, is inherently racial gerrymandering; it harms communities of color. *See generally* Pierce, Olga and Kate

Rabinowitz, 'Partisan' Gerrymandering Is Still About Race, ProPublica (Oct. 9, 2017), (https://www.propublica.org/article/partisan-gerrymandering-is-still-about-race) (discussing Republicans "packing" communities of color into single districts and Democrats "cracking" communities of color into disparate districts for partisan advantage). The addition of "The Commission shall only certify..." language to the section (2)(f) communities of interest test does not solve this problem.

In the original SCR43, the partisan data tests clearly superseded community of interest considerations. At best, the revised SCR152 / ACR 205 raises communities of interest to equal footing with the partisan tests. But as an ordinary New Jerseyan, I wonder how that will play out in practice. What if a single map can't meet both the partisan and communities tests? Does the vague language of section (2)(f) give enough wiggle room for the data-driven, precision test of section (2)(c)-(d) to prevail if there is a conflict? Moreover, section (2)(f) lumps communities of color, who have been disproportionately disenfranchised in our voting system and specifically targeted by gerrymandering, with all other communities of interest. Finally, section (2)(f) does not include any language to specifically protect communities of color as many grassroots groups and the Princeton Gerrymandering Project have suggested. It is baffling to me that the amendment addresses racial diversity in describing the commission members, but not the actual voters they're sorting into districts.

We need comprehensive redistricting reform that will bring the entire commission together to draw a map that serves the people, not the politicians. With this amendment, we'll still have Republicans and Democrats drawing their own districts and fighting through the tie-breaker to see who wins. We already know New Jerseyans won't. Please don't offer voters a false choice between the status quo and this bill. In 2018, other states joined California in creating citizen-based redistricting committees and rejecting partisan gerrymandering. New Jersey should hold public hearings to explore creating such a commission here. Our Constitution does not give New Jerseyans the power to get such a commission on the ballot through direct democracy. We're relying on you our legislators to do the right thing.

Please vote NO on December 17.

Thank you for this opportunity to submit testimony.

Respectfully submitted,

Alexis Larkin

Leslie Kossar Schraer
[redacted]
Glen Rock, NJ 07452

Testimony in Opposition of Senate Concurrent Resolution 43/152
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Testimony in Opposition of Assembly Concurrent Resolution 205
Assembly Judiciary Committee
Public Hearing

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Dear Chair and Members of the Committee,

I am writing to you today to voice my vehement concern over SCR43/SCR152 and ACR205. I am a life-long New Jersey resident, and I am frustrated and discouraged with the redistricting proposal that is being fast-tracked through the Legislature.

Partisan data has no place in the drawing of our district maps – prioritizing the use of past statewide election results to figure out how to carve New Jerseyans into new, reliably Democratic or reliably Republican districts goes against what this country stands for and what the values of the voters who put you in office. NJ districts must represent the diverse population of NJ citizens, not random groupings of voters to make the politicians feel "comfortable". We have seen first hand, right here in NJ, how districts built on partisan voter data create lazy representatives. When legislators feel secure in gerrymandered districts, they are less likely to listen to voters and are harder to hold accountable. This contributes to voter frustration and voter apathy.

We deserve a redistricting process that is fair and makes us, as New Jersey voters, feel confident in our democratic systems. Every vote should count. If the language proposed becomes part of our State Constitution, however, my vote and the voices of so many others will no longer matter, because you will have created a gerrymandered map that ignores the will of the people and has politicians picking their voters.

DO NOT LET THIS HAPPEN.

Please protect our Constitution and vote "no" on December 17th

Thank you, again, for this opportunity to testify.

Respectfully,
Leslie Kossar Schraer

Current New Jersey Redistricting

Reform Proposals Do Nothing for

Latinx Political Strength

Post date: December 7, 2018 - 2:56pm.

CONTACT: Christiaan Perez, cperez@latinojustice.org ,212-739-7581

Below is a statement by Juan Cartagena, President and General

Counsel, regarding the redistricting proposal in New Jersey

Trenton is all af/utter over its independent redistricting commission. Who gets to sit, who decides on the tie-breaking appointment, and how do recent statewide vote tallies shape the districts the commission can devise, especially since the Democrats are on a roll in the State, are all in the mix of two legislative proposals placed on the fast track (SCR 43 and ACR 60). From a New Jersey Latinx perspective all of this distracts from the real impediments to more political power in Trenton: the insistence in New Jersey on jealously guarding the sanctity of 40 legislative districts electing one senator and two assembly members. They are called multi-member districts and they are disfavored under the Voting Rights Act.

So if you want to really reform redistricting in the Garden State let the Commission do two things: draw 80 independent Assembly districts with no requirement that they mirror Senate districts; and let them draw all districts with no requirement that they must keep municipal boundaries intact. Smaller legislative districts always provide more opportunities to emerging and growing communities. It's time for New

Jersey to level the playing field and provide for more representational opportunities for the State's growing people of color communities.