

---

---

# *Public Hearing*

before

## SENATE STATE GOVERNMENT, WAGERING, TOURISM AND HISTORIC PRESERVATION COMMITTEE

Concurrent Resolutions

*SCR-43(1R) and SCR-152*

---

---

**LOCATION:** Committee Room 4  
State House Annex  
Trento, New Jersey

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

**MEMBERS OF COMMITTEE PRESENT:**

Senator Nilsa Cruz-Perez  
Senator Nicholas P. Scutari  
Senator Troy Singleton  
Senator Chris A. Brown  
Senator Samuel D. Thompson



**ALSO PRESENT:**

Raysa Martinez Kruger  
*Office of Legislative Services*  
*Committee Aide*

Kate Millsaps  
*Senate Majority*  
*Committee Aide*

Theodore Conrad  
*Senator Republican*  
*Committee Aide*

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

---

---



JAMES BEACH  
Chairman  
SHIRLEY K. TURNER  
Vice-Chair  
NILSA CRUZ-PEREZ  
CHRIS A. BROWN  
SAMUEL THOMPSON

RAYSA MARTINEZ KRUGER  
Office of Legislative Services  
Committee Aide  
(609) 847-3890  
(609) 777-2998 fax

**New Jersey State Legislature**  
**SENATE STATE GOVERNMENT, WAGERING,**  
**TOURISM AND HISTORIC PRESERVATION COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**PUBLIC HEARING NOTICE**

The Senate State Government, Wagering, Tourism & Historic Preservation Committee will hold a public hearing on Thursday, December 13, 2018 at 11:00 AM in Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.

The public may address comments and questions to Raysa Martinez Kruger, Committee Aide, or make bill status and scheduling inquiries to Kristi L. Cannella, Secretary, at (609)847-3890, fax (609)777-2998, or e-mail: [OLSAideSSG@njleg.org](mailto:OLSAideSSG@njleg.org). Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The public hearing will be held in accordance with Article IX, paragraph 1 of the New Jersey Constitution and Rule 24:3 of the New Jersey Senate on the following Concurrent Resolutions:

- |                                |   |
|--------------------------------|---|
| SCR-43 (1R)<br>Scutari/Sweeney | Proposes constitutional amendment to change legislative Apportionment Commission membership; establishes new requirements on commission for process and legislative district composition. |
| SCR-152<br>Scutari/Sweeney     | Proposes constitutional amendment to change legislative Apportionment Commission membership; establishes new requirements on commission for process and legislative district composition. |

Those individuals presenting written testimony are asked to provide 20 copies to the committee aides prior to the start of the hearing.

Issued 12/5/18

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

For changes in schedule due to snow or other emergencies, see website <http://www.njleg.state.nj.us> or call 800-792-8630 (toll-free in NJ) or 609-847-3905.

**SENATE CONCURRENT  
RESOLUTION No. 43**

---

**STATE OF NEW JERSEY  
218th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator STEPHEN M. SWEENEY**

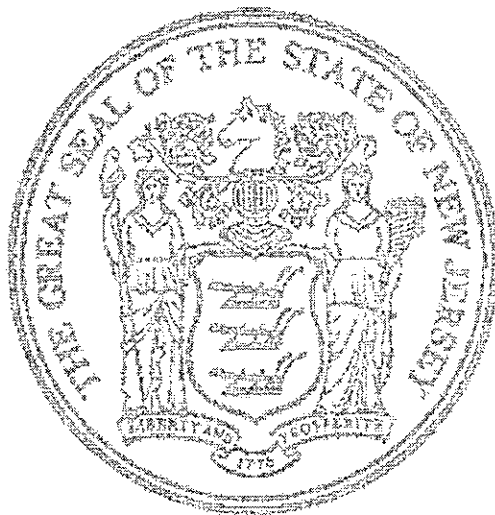
**District 3 (Cumberland, Gloucester and Salem)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



SCR43 SCUTARI, SWEENEY

2

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

4

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

7

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

10

11 PROPOSED AMENDMENT

12

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

15 1. After the next and every subsequent decennial census of the  
16 United States, the Senate districts and Assembly districts shall be  
17 established, and the senators and members of the General Assembly  
18 shall be apportioned among them, by an Apportionment  
19 Commission consisting of ~~ten~~ 13 members ~~five to be~~ twelve  
20 of the members shall be appointed as follows: two members  
21 appointed by the each chairman of the State committee of each of  
22 the two major political parties whose candidates for Governor  
23 receive the largest number of votes at the most recent gubernatorial  
24 election; two members appointed by the President of the Senate;  
25 two members appointed by the Speaker of the General Assembly;  
26 two members appointed by the Minority Leader of the Senate; and  
27 two members appointed by the Minority Leader of the General  
28 Assembly. The Chief Justice of the Supreme Court of New Jersey  
29 shall appoint the 13th member of the Commission. Each State  
30 chairman person, in making such appointments, shall give due  
31 consideration to the representation of the various geographical areas  
32 of the State and to ethnic, gender, and racial diversity.  
33 Appointments All appointments to the Commission shall be made  
34 on or before November 15 of the year in which such census is taken  
35 and shall be certified by the Secretary of State on or before  
36 December 1 of that year. The Commission, by a majority of the  
37 whole number of its members, shall certify the establishment of  
38 Senate and Assembly districts and the apportionment of senators  
39 and members of the General Assembly to the Secretary of State  
40 within one month of the receipt by the Governor of the official  
41 decennial census of the United States for New Jersey, or on or  
42 before February 1 of the year following the year in which the  
43 census is taken, whichever date is later.

44

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

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

Matter underlined thus is new matter.

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

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

38       c. The Commission shall only certify a plan to establish  
39 legislative districts that ensures fair representation such that each of  
40 the two major political parties has an equal number of districts more  
41 favorable to that party. A district shall be more favorable to a  
42 political party if the percentage of total votes received in that  
43 district in all Statewide general elections by that party over the  
44 preceding decade for the offices of United States President, United  
45 States Senator, and Governor exceeds the percentage of total votes  
46 that party received in the average district in the plan, weighting  
47 each district equally.

1 d. The Commission shall only certify a plan to establish  
2 legislative districts that ensures that at least 25 percent of all  
3 districts are competitive districts, which shall mean a district that is  
4 more favorable to either major political party by no more than five  
5 percentage points of the average district in the plan. For each  
6 competitive district in which the percentage of total votes for a  
7 major political party exceeds that party's percentage of total votes  
8 in the average district, there shall be a corresponding district in  
9 which that party's percentage of total votes is less than the other  
10 major party's percentage of total votes in the average district by  
11 approximately the same percentage.

12 e. In certifying a plan, the provisions of subparagraphs c. and  
13 d. of this paragraph shall supersede all other considerations, except  
14 that the Commission, in all circumstances, shall only certify a plan  
15 in which all districts comply with federal law, including but not  
16 limited to any requirements on population deviation and of the  
17 Voting Rights Act or any successor act, all districts are comprised  
18 of contiguous territory, and all districts comply with the limitations  
19 on division of municipalities set forth in Article IV, Section II,  
20 paragraph 3 of this Constitution.

21 f. In deciding among multiple plans that meet the provisions of  
22 subparagraphs c., d., and e. of this paragraph, the Commission shall  
23 consider which plan best preserves communities of interest within  
24 the same district. A community of interest shall mean a  
25 geographically contiguous population sharing common interests  
26 relevant to the legislative process such as trade areas,  
27 communication and transportation networks, media markets, or  
28 social, cultural, or economic interests.

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

30

31 2. When this proposed amendment to the Constitution is finally  
32 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it  
33 shall be submitted to the people at the next general election  
34 occurring more than three months after the final agreement and  
35 shall be published at least once in at least one newspaper of each  
36 county designated by the President of the Senate, the Speaker of the  
37 General Assembly and the Secretary of State, not less than three  
38 months prior to the general election.

39

40 3. This proposed amendment to the Constitution shall be  
41 submitted to the people at that election in the following manner and  
42 form:

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

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

47 If you favor the proposition printed below make a cross (X), plus  
48 (+), or check (✓) in the square opposite the word "Yes." If you are

SCR43 SCUTARI, SWEENEY

5

1 opposed thereto make a cross (X), plus (+) or check (✓) in the  
2 square opposite the word "No."

3

4 b. In every municipality the following question:

5

YES	<p>CONSTITUTIONAL AMENDMENT REQUIRING STANDARDS AND A PUBLIC PROCESS IN ESTABLISHING LEGISLATIVE DISTRICTS</p> <p>Do you approve changing the Constitution to change the membership of the Apportionment Commission, require public hearings, and set standards for the way it creates legislative districts?</p> <p>Do you approve adding to the commission an independent member at the beginning of the process, and changing who appoints some of the members?</p> <p>Do you approve requiring the commission to provide information to and take comments from the public? The amendment would also require the commission to hold at least three public hearings.</p> <p>Do you approve requiring the commission to establish districts that are competitive and fairly represent voter preferences? This amendment would also require preserving communities of interest within the same district.</p>
-----	--

6

INTERPRETIVE STATEMENT

Districts for the New Jersey Legislature are established by the Apportionment Commission every 10 years after the federal national census is taken. This ensures that each district has approximately the same number of people.

This amendment to the Constitution would increase from 11 to 13 the number of members of the commission. This amendment would require an independent member of the commission to be appointed from the start of the process by the Chief Justice of the Supreme Court. This amendment would require each of the leaders of both major parties in the Senate and General Assembly to appoint two members. Presently, all the members are appointed by the chairs of the two major political parties. Under this amendment, each chair would appoint two members.

The members of the commission would be appointed with regard to ethnic, gender, and racial diversity, as well as geographical diversity which is already required.

This amendment would require the commission to hold at least three public hearings in different parts of the State. The commission would also be required to provide information to the public, and accept district plans and comments from the public.

This amendment would require the commission to vote to establish the legislative districts at a public meeting. The commission would be required to take comments from the public at that meeting.

This amendment would prohibit creating a plan in which more than half of the districts favor either major political party compared to the average district. It also would require at least 25 percent of the districts to be competitive. The amendment would also require communities of interest within districts to be preserved.

This amendment would require districts to comply with federal law and be comprised of contiguous territory. This amendment requires the districts to follow the limit on dividing municipalities already set forth in the Constitution.

NO

## STATEMENT

1  
2  
3 This proposed constitutional amendment would increase the  
4 membership of the Legislative Apportionment Commission and  
5 impose certain requirements on the process and composition of the  
6 districts established by the commission for the New Jersey  
7 Legislature. Every ten years after the federal national census, the  
8 commission uses information from the census to establish new  
9 legislative districts. The commission does this to ensure that each  
10 district has approximately the same number of people.

11 This constitutional amendment would increase the number of  
12 members of the commission from 11 to 13 members. Currently, the  
13 chairs of the State Committees of the two major political parties  
14 each appoint five members to the commission, and an 11th  
15 independent member is appointed by the Chief Justice of the New  
16 Jersey Supreme Court if the commission cannot complete its work.  
17 This constitutional amendment would require the chairs of both  
18 State Committees to each appoint two members to the commission.  
19 This amendment would also require the four legislative leaders  
20 from both major political parties to each appoint two members. The  
21 legislative leaders are the President of the Senate, the Speaker of  
22 the General Assembly, the Minority Leader of the Senate, and the  
23 Minority Leader of the General Assembly. The Chief Justice of the  
24 Supreme Court of New Jersey would appoint the 13th member at  
25 the beginning of the process. Members would be appointed with  
26 due consideration to geographic, ethnic, gender, and racial  
27 diversity.

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

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

1 standards in "Legislative Redistricting by the New Jersey Plan,"  
2 published in 1993 by the Fund for New Jersey. A district would be  
3 more favorable to a political party if the percentage of total votes  
4 received in all Statewide general elections by that party for the  
5 offices of United States President, United States Senator, and  
6 Governor exceeds the percentage of total votes received by that  
7 party in the average district in the plan.

8 The commission would be required to certify a plan with at least  
9 25 percent competitive districts. A competitive district would be  
10 described as a district within five percentage points of the average  
11 district in the plan. For each competitive district in which a major  
12 political party's percentage of total votes exceeds that party's  
13 percentage of votes in the average district, there would be required  
14 to be a corresponding district in which that party's percentage of  
15 total votes is less than the average district by approximately the  
16 same amount.

17 Under the bill, all districts must comply with federal law, in all  
18 circumstances, including but not limited to the requirements on  
19 population deviation and of the Voting Rights Act or any successor  
20 act, and be comprised of contiguous territory. Districts are required  
21 to meet the limitations on the division of municipalities as already  
22 set forth in Article IV, Section II, paragraph 3 of the New Jersey  
23 Constitution.

24 In deciding among multiple plans that meet the preceding  
25 requirements, the commission would be required to consider which  
26 plan best preserves communities of interest within each district.

**SENATE CONCURRENT  
RESOLUTION No. 152**

---

**STATE OF NEW JERSEY**

**218th LEGISLATURE**

---

INTRODUCED NOVEMBER 26, 2018

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator STEPHEN M. SWEENEY**

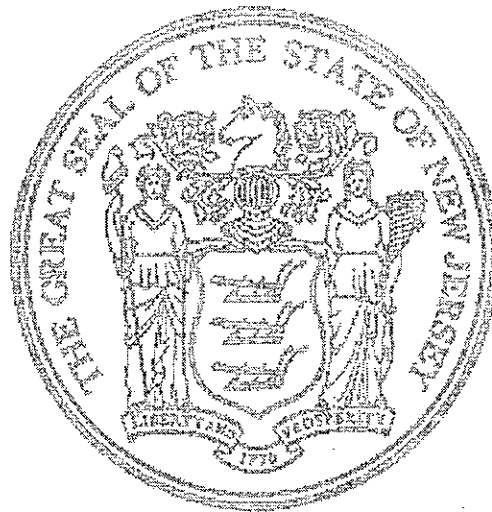
**District 3 (Cumberland, Gloucester and Salem)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



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

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

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

10  
11 PROPOSED AMENDMENT

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

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

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

Matter underlined thus is new matter.

1 within one month of the receipt by the Governor of the official  
2 decennial census of the United States for New Jersey, or on or  
3 before February 1 of the year following the year in which the  
4 census is taken, whichever date is later.]  
5 (cf: Art. IV, Sec. III, par. 1; amended effective December 8, 1966)  
6

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

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

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

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

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

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

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

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

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

SCR152 SCUTARI, SWEENEY

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

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

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

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

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

17 b. In every municipality the following question:  
 18

	<p style="text-align: center;">CONSTITUTIONAL AMENDMENT REQUIRING                  STANDARDS AND A PUBLIC PROCESS IN                  ESTABLISHING LEGISLATIVE DISTRICTS</p> <p>Do you approve changing the Constitution to change the membership of the Apportionment Commission, require public hearings, and set standards for the way it creates legislative districts?</p> <p>Do you approve adding to the commission an independent member at the beginning of the process, and changing who appoints some of the members?</p> <p>Do you approve requiring that at least two members of the public serve on the commission?</p> <p>Do you approve requiring that at least four legislators serve on the commission?</p> <p>Do you approve barring governmental affairs agents from serving on the commission?</p> <p>Do you approve requiring the commission to provide information to and take comments from the public? The amendment would also require the commission to hold at least three public hearings.</p> <p>Do you approve requiring the commission to establish districts that fairly represent voter party preferences in Presidential, United States Senate, and gubernatorial elections in the previous 10 years and to require at least one quarter of those districts to be within five percent of the party average of Statewide election results? This amendment would also require that the commission only certify a plan that best preserves communities of interest within the same district.</p>
	YES

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

1  
2  
3  
4  
5  
6  
7  
8

STATEMENT

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

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

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

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

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

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

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

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

## TABLE OF CONTENTS

	<u>Page</u>
Senator Thomas H. Kean, Jr. District 21	1
Eve Niedergang Representing Princeton Community Democratic Organization	24
Dena Mottola Jaborska Associate Director New Jersey Citizen Action	24
Jeanne LoCicero, Esq. Legal Director American Civil Liberties Union Foundation New Jersey	26
William T. Adler, Ph.D. Computational Research Specialist Princeton Gerrymandering Project Princeton University	31
Heather Santos Representing Highlands Chapter American Promise Association	33
Rozella Clyde, Ph.D. Education Chair Morristown Area League of Women Voters New Jersey	34
Helen Kioukis Program Associate League of Women Voters of New Jersey	36
Scott Novakowski, Esq. Director Civic Engagement Initiative New Jersey Institute for Social Justice	45

## TABLE OF CONTENTS (continued)

	<u>Page</u>
Amy Goldsmith State Director Clean Water Action	47
Sally Jane Gellert Representing Unitarian Universalists Faith Action NJ	49
Meredith Meisenheimer Board Member South Jersey Women for Progressive Change	49
Caroline Armstrong Representing Indivisible Lambertville-New Hope	53
Patrick Murray Director Monmouth University Polling Institute Monmouth University	60
Brian Lee Representing Indivisible Central New Jersey	70
Catherine Hunt Representing Indivisible Monroe Township	71
Dan Janowski Director Electoral Intelligence Action Together New Jersey	76
Herbert L. Tarbous Member Middlesex County Democratic Committee, and Representing Central Jersey Progressive Democrats	78

## TABLE OF CONTENTS (continued)

	<u>Page</u>
Marcia Marley Representing BlueWaveNJ	80
Heidi Williams Private Citizen	81
William F. Griffeth Jr., Ph.D. Private Citizen	81
Jean-Marie Donohue Assistant Director WATERSPIRIT	83
Timothy Larkin Member Bergen County Democratic Committee	84
Matthew Skeete Representing Our Revolution Essex County	85
Liz Glynn Representing NJ7 Forward	87
Ann Rea Private Citizen	88
Sue Altman Member Board of Directors South Jersey Women for Progressive Change	90
Sean Smith Group Representative Our Revolution Union County	90
Joni Gilton Representing League of Women Voters New Jersey	94

**TABLE OF CONTENTS (continued)**

	<b><u>Page</u></b>
<b>APPENDIX:</b>	
Testimony, plus attachment submitted by Senator Thomas H. Kean, Jr.	1x
Testimony, plus attachment submitted by Jeanne LoCicero, Esq.	8x
Testimony submitted by William T. Adler, Ph.D.	13x
Testimony submitted by Helen Kioukis	14x
Testimony submitted by Scott Novakowski, Esq.	15x
Testimony submitted by Sally Jane Gellert	18x
Testimony submitted by Meredith Meisenheimer	19x
Testimony submitted by Caroline Armstrong	21x
Testimony submitted by Catherine Hunt	22x

## TABLE OF CONTENTS (continued)

### APPENDIX (continued)

	<u>Page</u>
Testimony submitted by Dan Janowski	23x
Testimony submitted by Herbert L. Tarbous	24x
Testimony submitted by Marcia Marley	25x
Testimony submitted by William F. Griffeth, Jr., Ph.D.	27x
Testimony submitted by Timothy Larkin	28x
Testimony submitted by Liz Glynn	29x
Testimony submitted by Ann Rea	30x
Testimony submitted by Laura Zurfluh Member League of Women Voters, and RepresentUS	31x
PowerPoint Presentation submitted by New Jersey Working Families	32x

## TABLE OF CONTENTS (continued)

### APPENDIX (continued)

	<u>Page</u>
Testimony submitted by Kathleen Jerome Private Citizen	51x
Testimony submitted by Joseph Mangano Private Citizen	52x
Testimony submitted by Shoshana Osofsky Representing Allied for the American Promise	53x
Testimony submitted by Sharon Podsada Private Citizen	54x
Testimony submitted by Leslie Kossar Schraer Private Citizen	55x
Testimony submitted by Douglas J. Steinhart, Esq. Chairman New Jersey Republican State Committee	56x
Testimony submitted by Yurij Rudensky, Esq. Redistricting Counsel Brennan Center for Justice New York University School of Law	58x

## TABLE OF CONTENTS (continued)

### APPENDIX (continued)

	<b><u>Page</u></b>
Testimony submitted by Alexis Larkin Member Bergen County Democratic Committee	60x
PowerPoint Presentation submitted by Senator Nicholas P. Scutari Sponsor SCR-43 and SCR 152 District 22	62x
Letter, addressed to New Jersey Legislator from Princeton Community Democratic Organization	72x
Letter, addressed to Senator Paul Sarlo from Ronald K. Chen, Esq. Professor Center for Law and Justice Rutgers School of Law Rutgers, The State University - Newark, and Member Board of Directors American Civil Liberties Union Foundation	74x
Testimony submitted by New Jersey Citizen Action	77x
pnf:1-97	

**SENATOR NILSA CRUZ-PEREZ:** Good morning, everyone.

I want to take this opportunity to welcome everybody to our Senate State Government Committee this morning.

We have a lot of people who have signed up to testify, so I am going to limit comments to three minutes per person. And we are -- the Office of Legislative Services will be timing people.

We're going to start with the Pledge of Allegiance, led by Senator Thompson. (all recite Pledge of Allegiance)

The first person who we are going to have testify is Senator Tom Kean.

Good morning, Senator.

**SENATOR THOMAS H. KEAN, Jr.:** Thank you, Madam Chair.

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 of 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, [senatenj.com/fairelections](http://senatenj.com/fairelections), opposing the amendment.

Still, despite these concerns, Democrats in the Senate and the 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.

The 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 and every 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 look at history.

They've ignored public opinion and rejected the advice of experts. They've run roughshod over the legislative process. At the 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, there are 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 as the official record. We don't know which one, so it's likely that much of the dissent expressed today may not make it into the final public record. Democrats will get to pick which transcript that disguises the opposition the 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 their 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 the concern, not just to Republicans, but of everyone.

To their credit, dozens of organizations from across the political spectrum have transcended their traditional affiliations to oppose this proposal all together. They see what's clear to everyone. There's no good government purpose in this. All of the supposed benefits have been disproven. To suggest otherwise is an insult to the intelligence of everyone in this room.

I urge my colleagues in the majority to stop this charade. Stop pretending this is some good government reform. It may be good for incumbent Democratic officeholders, but it's clearly bad for our democracy.

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

I've provided copies of this testimony to this body, as well as to the Assembly.

And please note that the letter I have submitted on behalf of all 15 Republicans applies equally to the identical versions of the amendment, SCR-43, SCR-152, and ACR-205.

Thank you, Madam Chair.

SENATOR CRUZ-PEREZ: Thank you, Senator, for your testimony.

Before-- We need to do a roll call to make sure we have a quorum. I should have done that at the beginning of the meeting; I apologize for that.

Can I have a roll, please?

MS. MARTINEZ KRUGER (Committee Aide): Senator Thompson.

SENATOR THOMPSON: Here.

MS. MARTINEZ KRUGER: Senator Brown.

SENATOR BROWN: Here.

MS. MARTINEZ KRUGER: Senator Singleton.

SENATOR SINGLETON: Here.

MS. MARTINEZ KRUGER: Senator Scutari.

SENATOR SCUTARI: Here.

MS. MARTINEZ KRUGER: Senator Cruz-Perez.

SENATOR CRUZ-PEREZ: We have a quorum.

Just to remind everybody, this is a hearing. We're not taking an action; we're not voting on this today. It is just a hearing.

At this moment, I would like to introduce Senator Scutari, who is the sponsor of the legislation.

Senator Scutari.

SENATOR SCUTARI: Thank you, Madam Chair, and I appreciate your kind attention to this matter.

I would want to get to the facts as to what is in the Bill. I will tell you that, unfortunately, I think people have a tendency to react to legislation and constitutional amendments without reading them; without bothering to take the time to read what's actually in it.

I've heard these outlandish reactions and throwing around the word *gerrymandering*, which is just simply not true. Just read the legislation that is written and make your own decision as to what's in it -- and this goes for everyone listening -- not just what other people say.

So with that, I would like to review the contents of the constitutional amendment that's before you.

The first thing that it does is the Commission membership. It aligns it with congressional redistricting. It is called *reapportionment* in this; although we throw around the word *redistricting*, it's reapportionment.

Currently, five Democrats and five Republicans are all selected by party chairs. It's the only Commission in the nation with this provision -- that we centralize all of the power of the Realignment Commission into two individuals; who are not elected by members of the public, mind you. Those two people make all the picks.

What's democratic about that -- that two people, who are not elected by citizens of the State of New Jersey, pick everyone who is on the Reapportionment Commission? I don't see it. I believe that a fairer way to do so is to change the Commission by growing it slightly from a 10-member to a 12-member Commission, and giving opportunities to more individuals to make the selection to sit on the Reapportionment Committee: four to the Senate leaders; four to the Assembly leaders -- both of who have been elected by citizens of the State of New Jersey, mind you -- and retaining four for the State party leaders, which would be two each.

The appointment of the tie-breaker member, under the amendment, would be done at the outset of the reapportionment process to allow for additional type of input, not at the time of the tie-break -- which is two months later, and then has a rushed portion of moving forward; and a mandatory consideration of diversity with respect to those selections.

That is how we're proposing it to be put forward; nothing more. And I just can't imagine anyone objecting to that selection -- by allowing elected leaders to have some input as to who is on this important Commission. I just can't imagine the objection, but I look forward to hearing that. I just can't fathom why you would want to continue to centralize the selection of this important Commission -- which I believe is important, because there are so many people who are talking about it -- and centralize it into just two individuals.

Now, there are very few types of mandates, or guidelines in the Constitution as to how this Commission operates already. So I see this as a good government piece of legislation to give guidelines to how this Commission will operate. As a part of this, there will be a ban on lobbyists;

legislators, right now -- and I'll leave that to Senator Singleton -- legislators, right now, over the last two Reapportionment Commissions, made up the large majority of members of the Commission. The last go-round, I think it was 70 percent of the Commission was made up of either sitting legislators or past legislators, and a couple of the others were party chairmen as well. So these are not members of the public, quite frankly.

In our constitutional amendment it will guarantee, for the first time, the inclusion of public members. To me, I don't see how people could be opposed to that.

Transparency is also important, and that's why in this we would move the tie-breaker to the front of the process to allow more time to work with the public. And there would be a mandated three public hearings throughout the state during this process. Right now, there isn't any. I don't know what people think is in the Constitution now, but it's not there. So putting this in there would mandate more public input.

The data distributed to the public so they could submit their own maps is also part of this process, which is not included currently.

There will be public comment throughout the process as part of the amendment; that is also not part of the previous Constitution that we've been living with.

In 2011, the last Reapportionment Committee, 14 total maps were submitted by the various members of the Commission. None -- none were submitted to the public for their review until the final map, when that was selected. I just don't see how we don't improve on that through this process.

In this amendment, every map that's submitted will be available for the public's view.

The current standards-- Because I get the sense that people think that the current standards are so wonderful that we shouldn't make any changes. But there are very few standards that the Reapportionment Commission has to go by. It all has come down to whoever the tie-breaking member is, setting forth their standards. So we are basically just leaving it to chance as to whoever that current will be -- whoever that tie-breaking member will be.

Compact this continuity in one person-one vote. That's it. There have been arbitrary standards that have been utilized in the past. Continuity of representation was something that tie-breaking member Rosenthal utilized as a standard. People think that's a standard, but it's not. It's just the one that he implemented.

Two percent population deviation was a standard that tie-breaker Rosenthal put into the process. It does not exist in the Constitution either.

And then, just to digress a little bit, in the pure redistricting plan, when tie-breaker Farmer was the tie-breaking member, his number one priority was that Congressman Lance had a good district to be in; and that was the start of all those conversations. Also not in the Constitution -- but not within our purview today -- but congressional redistricting resulted in voter disenfranchisement for both parties last go-round.

Now, there is an anti-gerrymandering test put forward in this. The Stokes test model, which has been utilized over the past few times -- but is not set in stone; it is not set in the Constitution -- will be utilized to

change, to use statewide results. And by estimation, statewide result is the greatest barometer of where populations are, because those are the ones -- the elections with the most turnout.

This is the map we currently live in (indicates). The fairness test to align voter preference with seats won; compare districts to the average district; and equal numbers of districts above and below the average district.

In the proposal, there will be mandatory 25 percent competitive districts; they must be within 5 points of the statewide average; they must have symmetry to prevent clustering and promote fairness. This is what is being proposed.

Produces an outcome reflective of voter preference: It's not a Democratic model only. If this model was used in Texas it probably, or might, result in a Republican legislature. But as a bonus, minority parties won't be gerrymandered. And in 1991, under this, the Republican's map was the one that was adopted.

Communities of interest: For the first time, protections for communities of interest will be enshrined in the Constitution. It will be held to the same standard as anti-gerrymandering tests, and there will be continuity, contiguity, and one person-one vote; defined as having common interests, including trade areas, transportation networks, social cultural and economic interests.

Now, I do want to debunk a couple of myths that are out there that are not contained in this.

This constitutional change will not allow town-splitting, which is currently in the Constitution. It will allow undue-- The other myth is

that it will allow undue partisan advantage. It's reflective of the votes received in the most representative elections in the last decade -- that's the only thing in the amendment.

And finally, the process has been rushed, is another thing that I've been hearing; that we've been rushing through this process. But I spoke before this same Committee, in 2015, and spoke about this exact same constitutional amendment; and it passed out of this Committee at that point in time. I don't know the members who were on it at that point in time; but I, as the sponsor in 2015, presented this almost exact same constitutional amendment, because of the beliefs that I've set forth: that we need to be a more democratic process, and that more people need to fill in and be part of this process.

So just to summarize -- and I know I have taken up too much time already -- we're codifying the tradition that has happened so far, so that we don't leave it to chance. For the first time ever, provisions in this area of transparency, and public involvement, and protections of communities of interest are included in the amendment.

And many of these coalitions that I have heard from that are against this had previously supported this Bill in 2015. Nearly every provision of significance appeared in the 2015 legislation; and it had unanimous support amongst progressive groups, many of which helped us craft this.

So I am bewildered by the opposition, quite frankly; other than the opposition to the change for who makes the selections to sit on the Reapportionment Commission. And I just can't for the life of me think

that you would be against giving elected officials an opportunity to make those sections, rather than what's called *party bosses*.

With that, Madam Chair, I conclude my presentation. I think that that is a simple and concise recitation of what the constitutional amendment does.

But let me just reiterate so we don't lose sight. Sometimes people glaze out when we have PowerPoint presentations. But simply put, this is a codification of the traditions and the standards that were used in the last two Reapportionment Commissions -- simply put. And it is an expansion, and what I believe to be a good government measure by limiting legislative membership by including and mandating public members, and by speeding up the process in appointing the tie-breaking, or neutral, member at the front of the process; which will allow for the inclusion of the public's input with public testimony and public hearings, which simply do not occur or are not mandated at this time.

So with that, Madam Chair, I conclude my remarks.

I appreciate your time and attention to this. I hope that people listened; and I hope that they read the constitutional amendment for themselves, rather than just knee-jerk reacting to what it is; and using words like *gerrymandering* and other things to suggest that there is something nefarious in this Bill -- which simply are not in the Bill; they are simply not in the Bill. It is a codification of what's been done before; it is an expansion of the process of the selection of the Commission members; and essentially, that's it.

Thank you, Madam Chairwoman.

SENATOR CRUZ-PEREZ: Thank you, Senator Scutari.

I believe Senator Brown has a question.

SENATOR SCUTARI: Sure.

SENATOR BROWN: First of all, good morning.

SENATOR SCUTARI: Good morning, Senator.

SENATOR BROWN: I want to thank you for making that presentation, and have the courage to stand up and do that and make your points.

Death by PowerPoint has been said many times.

SENATOR SCUTARI: Sure.

SENATOR BROWN: One of the comments that you made was that, for example, the intent of this is such that if it were put in Texas, Texas would get a Republican legislature.

SENATOR SCUTARI: I didn't say it was the intent; I said it is a likelihood, it's a possibility because of the voter registration and the performance, if we use Texas by way of an example.

SENATOR BROWN: So in other words, a majority party would, obviously -- under the way the guidelines are written for that neutral arbitrator -- the majority party would obviously have an advantage.

SENATOR SCUTARI: Well, it depends on what that party's performance was in their statewide elections. If that majority party had a great turnout in those statewide elections, then they might have an advantage. But in our State, Governor Christie won by a large majority as a statewide candidate. That also will be figured out into this; and in New Jersey, particularly, Republicans will bode well, with respect to the results of the Christie Administration and the Christie reelection.

SENATOR BROWN: Well, right now, if you look at those results that you're talking about, the numbers would be 55 percent in favor of the Democratic party and 45 percent in favor of the Republican party, even including what we know about Christie; which clearly you would agree -- and that's why you pointed out before -- that with this, a majority party is certainly making it safer for themselves.

SENATOR SCUTARI: Well, you know, what I would say is that this-- This legislation does not ensure Democratic legislative districts to be drawn. It simply doesn't do that. You know, if Governor Christie had his continued popularity, this map--

SENATOR BROWN: Really? In what county are you referring to? (laughter)

SENATOR SCUTARI: Well, I'm saying, if he had--

SENATOR BROWN: There was a time, I would agree.

SENATOR SCUTARI: At some point in time, the Governor was extremely popular and had big, big election results. And if that would have continued, this would result in more of a Republican map, I would suggest.

SENATOR BROWN: Really? Okay; you have every right to make that suggestion. I respect you, I respect your opinion, and I thank you for testifying.

SENATOR BROWN: Thank you, Senator.

SENATOR CRUZ-PEREZ: Thank you, Senator.

Senator Thompson.

SENATOR THOMPSON: As a follow-up to Senator Brown, he pointed out, again, by utilizing the statewide races, then you get figures

of 55 percent Democrat, 44-45 percent Republican. However, if you were utilizing the data from the legislative elections, the vote there was 50.1 percent for Democrats, 49.9 percent Republicans. I think this, more clearly, reflects what should be there when you're considering drawing legislative districts, as opposed to-- I mean, you know, what happens at the Governor's level and the President's level is very different than what you're doing at the legislative level. So I don't see the justification for using the statewide elections, as opposed to the legislative elections.

SENATOR SCUTARI: And I respect your opinion on that, Senator. But I kind of think that that's the very definition of *disenfranchisement* -- that we want to utilize the elections, which have the lowest possible voter turnout, for the consideration of the representation; versus the elections at the higher or the highest voter turnout. What we've been trying to do--

SENATOR THOMPSON: But the reality is--

SENATOR SCUTARI: --as legislators and as public officials is to increase voter turnout, increase voter representation. And so the use of the elections that have the greatest voter turnout, in my estimation and in my judgement, is the greatest possible scenario. Because that's the true reflection of who lives here in New Jersey.

SENATOR THOMPSON: Now, that may be your opinion; but the fact that you're utilizing the statewide data to draw the districts is not going to increase the turnout in the legislative elections. This reflects what the real turnout is going to be when people are voting for the legislature. So to utilize numbers that are totally unrelated to that-- And of course, when you have a Governor running or President running, the people

are voting more on President and Governor than they are on legislators. So, again, if you use the legislative data, they're voting for legislators, and that's what you should really be utilizing here.

SENATOR SCUTARI: Well, Senator, I just want to respond by saying I thank you for pointing that out; because you're absolutely right. That is an important part of the constitutional amendment which is being lost in the hysteria and the arguments that are being talked about.

At least the Senator pointed out the important aspect that is being put forward -- is that we are using elections which have the greatest voter turnout. Now, we can have different opinions as to how that will turn out; but in my estimation, that is one of the most important aspects of the Bill, and that is what people should be discussing and talking about -- is that's really the way to go. And I believe that it is, because we're using the greatest voter turnout that reflects what we believe to be the preferences of the voters.

And that's the part of the Bill that really is in there; not all these other things. And so I appreciate you bringing that up, Senator Thompson.

SENATOR THOMPSON: Of course, the Bill also points out that it's 25 percent that has to be competitive. So 75 percent are not competitive, and that certainly is not going to increase the turnout either.

SENATOR SCUTARI: It's a minimum baseline of 25 percent that have to be competitive. And we don't have 25 percent competitive ones right now, I don't believe. We're doing better. I mean, I see about three districts that seem to be competitive every year; but if you see others, you let me know.

SENATOR THOMPSON: I have to say, you know, all of the experts who have looked at this, and so on, do not feel that this is making it a fairer process. I mean, if you read those who are very much involved in these kinds of processes at the universities, etc., you look at the editorial writers, and so on, they feel this is just making a real mess out of our elections and our districts.

SENATOR SCUTARI: I don't disagree with you suggesting that, Senator, because I think you're right; that is what is being printed. But I think that people haven't had the opportunity to really look at the Bill, and digest it themselves, and read it. I think that what's happening is, there's a certain hysteria that's going on, and knee-jerk reactions, and people throwing words like *gerrymandering*, and *fixing*, and this and that; when quite frankly, I simplified, I think, what's in the Bill. And you did as well, and you brought out one of the points that I think is a legitimate topic of discussion; and I think we should focus on those. And we do have a difference of opinion as to whether we think that that should be done, but at least that's legitimate. So I appreciate that.

SENATOR THOMPSON: I would also add that I suspect that these people who are very much involved in elections, and so on -- at the universities, and so on -- read the bill; that they're not just--

SENATOR SCUTARI: Well, I hope so.

SENATOR THOMPSON: --reaching out in the air. Because that's their job; that's what they do for a living.

SENATOR SCUTARI: So are legislators, but sometimes they don't read it either. So I'm just suggesting that people read it carefully, and make their decisions about it, and not have this fearmongering about what's

not in the Bill, what reaction it's going to do; as opposed to what is actually in there.

And I appreciate what you suggested about the difference of opinion. But that's actually an important piece of information, so thank you.

SENATOR BROWN: The only other point -- thank you, Madam Chair -- the only other point-- When you say what we should be talking about-- I think part of the problem is, you didn't include anybody but yourselves in the process. And now you have a Bill that you're putting up for public hearing, and it's going to be voted upon without inclusion. You talk about transparency -- to my knowledge, there's not one Republican who participated in this process. So how can we have that open and fair debate when you bring it to us and say, "Hey, you raise a good point, but we're going to pass it out of Committee and vote on it." So in fairness, that's a problem.

The other point I just wanted to make -- because I understand. I just think this is such an important thing that it's worth mentioning.

I have read the Bill; and I have to tell you, it took quite a while, despite a law degree, to really try to figure out what the heck is going on. And when I looked at it, the part that is most concerning -- if we're having the conversation now, here, as opposed to while the Bill was being prepared -- the thing that is most concerning is, we are now directing that neutral person-- We're giving that neutral person guidelines; whereas before, that neutral person could use their own brain, with their own set of life circumstance and fairness, and we are saying to them, "Look, 30 districts -- we fall outside of what we call *competitive*; however 15 of them have to favor

Republicans and 15 have to favor Democrats.” And then what we’re saying, “However, though, for the Democrats, in order to be one of those 15, they have to have 55 percent or greater. And the ones that favor the Republicans, they only to have 45 percent or greater, and that’s the guidelines we’re giving you.” Right off the bat, there’s a 10 percent disparity.

Then when we go to the 10 competitive districts, we’re saying 5 have to be favorable for Democrats; and in order to be fair to them, they have to have 55 to 60 percent likelihood. And in order to be favorable to Republicans, they only get 45 percent to 50 percent.

Those numbers and that direction that we’re giving somebody -- who is supposed to be neutral -- is clearly leaning it-- And I don’t use the word *clearly* because of trying to throw hyperbole into it. Obviously, without a doubt, that’s gerrymandering; that is the definition of finding a way to draw lines that favor one party or the other. And quite frankly, it would be just as horrific to me if the Republicans were trying to do it.

Look, being activated for war on two occasions, I went over and fought for this country for our democracy, for our democratic process; not for an oligarchy, not to allow one-party rule. And this portion, in particular, is the part that basically does away with New Jersey’s Constitution and the democracy that we enjoy. It creates a one-party system; and is not what I signed up for, nor my children who serve in the military either.

Thank you.

SENATOR CRUZ-PEREZ: Thank you, Senator.

Senator Singleton.

SENATOR THOMPSON: One more quick-- May I have one more comment?

SENATOR CRUZ-PEREZ: He's been waiting.

SENATOR THOMPSON: Okay.

SENATOR CRUZ-PEREZ: Senator Singleton.

SENATOR SINGLETON: Thank you, Madam Chair.

I'm appreciative of the conversation and the points that have been raised by my colleagues from the other side of the aisle; very much appreciative of the sponsor's succinct breakdown of this Bill.

A couple of points, if I could. This proposal that Senator Scutari has put forth is based, in large measure, on the same metrics that have been utilized to codify and create the last two legislative maps, both in 2011 and in 2001. And the principles of the Stokes model, in which they were used, actually speak to the point that my friend and colleague Senator Brown just articulated.

The Stokes model, as it were, indicated that -- and I'll read from Dr. Stokes' actual report on this -- that legislators chosen from geographic constituencies are meant to represent all their residents, not only those who go to the polls. So to address that, I believe the Senator, to include higher turnout elections, gives a more accurate depiction of just what the residents and general constituencies feel about those who are representing them, rather than just those who go to the polls in the smallest turnout possible in any of our 10-year cycles; oftentimes, when just the Legislature is running. And the Stokes model goes a little further than that, because I think it's important that we do talk about that, and talk about its length and its piece.

The Stokes model talks about two very important points. One, it says the map should be unbiased between the parties. And what that means, in his terms, is that when two parties are evenly divided in popular votes across the state, then there should be no reason to believe that one party would have a higher number than the next. Everyone around this table is well aware that that is not the case; so one party has exceeded its vote margin by looking at the higher turnouts than the other party.

The second piece of the Stokes model says its responsiveness to electoral tides. And if you look at the registration number, between the beginning of this decade until now, there are a million more members of one particular party than the other. So the map, as associated, should be responsive and reflective to that.

My last point on this particular issue -- before others come forth -- is a point that the Senator talked about that I think, again, has gotten underreported.

In 1991, 30 percent of the members of the Legislative Reapportionment Committee were legislators. In 2001, it was 40 percent; in 2011, it was 70 percent. We're not moving in the right direction, if you're talking about having more public input. What the Senator is proposing is mandating that there is a cap. For those who argue the point that, you know, legislators should not pick their constituencies, I agree. He is mandating a cap that no more than one-third of that Committee -- less than 40 percent; 33 percent, to be specific -- would be legislators. No one on that Committee could, also, be a lobbyist. If I add a lobbyist to the last number, it increases; it moves up to 80 percent of the number of people who served in reapportionment in 2011.

So there are a lot of principles which have been laid out, that are trying to move this issue to be reflective of the times not only in which we live, but also what the data tells us of where we are. It is also reflective of the fact that the Stokes model, which has been used over the course of the last two cycles, is being codified to make sure that all the pieces that the Senator talked about are embedded, so that we don't have a deviation from that when some other individuals are sitting around this dais, some other time. And taking lobbyists off of the reapportionment, limiting the number of legislators who will be a part of that, I think are important things.

There's only one state that I'm aware of that has a fairness test, currently, with respects to reapportionment, and that's the state of Missouri; and they just did it. And the state of Missouri also uses statewide election numbers in which it's doing it. And it also uses a mathematical equation to determine fairness.

So I think-- And I want to just echo the point that the Senator talked about -- there's a lot of hyperbole around what is being said and what is purported to be attempted to being accomplished. But I think on its merits, if you look at the data as it relates to the election models; if you look at the shrinkage of members of the Legislature being able to have influence in this process with respect to picking who serves on it, I think this proposal is moving in a direction that I think creates a more fair and balanced piece. That, as the Senator said, if you literally were to lift this model and put it into another state, the model would be reflective of the same turnout electoral piece as it relates to that state. That, to me, is not gerrymandering.

If you pick this up and put it somewhere else, and you reconfigure something around it, and you got a different outcome than what the voting populace, sort of, told you, then I would agree with you. But I think when we throw around words like that, we really need to be careful; because this proposal does not do that. It reflects not only what the will of the voters has been over this last decade, but also in a direction of putting some real control over who actually sits at the table to make those discussions.

Madam Chair, thank you for allowing me a little bit of length on that.

Thank you.

SENATOR CRUZ-PEREZ: With all due respect to my Senator colleagues, we have 40 people who have signed in to testify; and about another 40 who are not going to testify, but I have to read their names with their positions.

So I would like to commence the discussion with the public. So I'm going to start calling--

SENATOR THOMPSON: I'll be brief.

SENATOR CRUZ-PEREZ: At the end, you will have an opportunity to make your remarks; because if I-- This is going to be a back-and-forth.

SENATOR BROWN: No; this would be it, honestly.

SENATOR THOMPSON: I have two brief comments.

SENATOR CRUZ-PEREZ: I would like to start the input with the-- Okay?

SENATOR BROWN: You're the boss.(laughter)

SENATOR CRUZ-PEREZ: I'm going to start calling people three at a time. So you will start speaking in the order that I call your name.

I have Ingrid Reed, retired from directing the New Jersey Project at the Eagleton Institute; is Ingrid in the room?

UNIDENTIFIED MEMBER OF AUDIENCE: (off mike) No, she had to leave.

SENATOR CRUZ-PEREZ: Okay; she's not here.

Patrick Murray, from Monmouth University Polling Institute; is he here?

UNIDENTIFIED MEMBER OF AUDIENCE: (off mike) He's testifying upstairs at the moment. He'll be (indiscernible)--

SENATOR CRUZ-PEREZ: Okay, he's not here.

William Adler, Princeton Gerrymandering Project.

UNIDENTIFIED MEMBER OF AUDIENCE: (off mike) Same thing; he'll come down.

SENATOR BROWN: Madam Chair, I have people around me telling me that we need to make it clear that part of the problem with holding the same hearing in two different chambers--

SENATOR CRUZ-PEREZ: I am fully aware, Senator, that people are testifying.

SENATOR BROWN: --is that these people are testifying upstairs; and that we should at least give them a chance when they come back.

SENATOR CRUZ-PEREZ: Jeanne LoCicero, from New Jersey ACLU. Is she here? I don't see her. Oh, you're here; come forward.

Dena Mottola, New Jersey Citizen Action; Caroline Cleaves, Princeton Community Democratic Organization.

**E V E N I E D E R G O N G:** (off mike) Caroline had to leave. We were-- May I speak in her place?

**SENATOR CRUZ-PEREZ:** Yes; perfect.

So when you start speaking, you're going to have three minutes. Please state your name and who you represent; and thank you so much, and welcome to the Committee.

**D E N A M O T T O L A J A B O R S K A:** Thank you.

Chairwoman and Committee members, I'm Dena Mottola Jaborska. I'm the Associate Director at New Jersey Citizen Action.

And I'm pleased to be here today; thank you for hearing us.

My organization actively works to defend democracy; and we always done that since we've been founded. We work on issues that have to do with our democratic process, but also on issues that have to do with the rights of people; and have, at times, found that we struggle to pass important policy for people because we think our democratic process is not always as open to advocates and regular people.

And what I first wanted to start off by saying is that, you know, we will not be discredited with assertions that we have not read the Bill; because that is not the case. Our organizations, and all the people who want to come forward today, have both read the Bill and been briefed by the experts about the impact of this legislation, and are very concerned. And so I just wanted to say that right off the bat.

More than 50 organizations have signed a letter -- that I'm sure you have received -- penned by the League of Women Voters. And we feel

strongly that this is not a good amendment, and this is not a good way to go about redistricting in our state.

We had hopes-- Our concerns are not limited to the makeup of the Commission and who is sitting on the Commission. Really, in fact, the changes that the amendment makes to the “who is sitting on the Commission” are, effectively, sort of a shuffle of political leaders. It’s not really very different, in our view, of the changes you’re making to who’s sitting on the Apportionment Commission.

Our concern is that voters are not gaining power on the Committee; not that they’re not gaining seats. They may or may not, under the way this Committee is set up now -- public members can sit on the Commission. But what doesn’t change, from what we do now and what we would do under this amendment, is that voters will not gain additional influence or power over how the lines will be drawn for legislative districts in this state. So I wanted to say that right off the bat.

And our organizations are not in coalition with organizations that supported the previous amendment. So I also want to correct the record on that.

Okay; so where our concerns do lie, then, is with the requirements or the guidance that the Reapportionment Commission members will be getting on how they draw the lines; and that’s a number of things. It’s the party favorability calculation, the competitive district requirement of 25 percent, the definition of competitive districts, and the requirement that the Commission consider the election results from the past 10 years -- something that we just all talked about.

And basically what it feels like -- if I can articulate this as best I can -- is that the voters are basically like a pie. And somebody has a knife and they're going to, basically, carve us up. And maybe they're using data, but they're carving us--

SENATOR CRUZ-PEREZ: Dena, you have to wrap up.

MS. JABORSKA: Okay -- as they see fit without our input.

So I'll yield to my colleagues.

Thank you.

SENATOR CRUZ-PEREZ: Thank you so much for your testimony.

Raysa is going to signal you--

UNIDENTIFIED MEMBER OF AUDIENCE: Put the mike on, please.

SENATOR CRUZ-PEREZ: --when you have 30 seconds left; and the alarm will go off, so you know you have to--

UNIDENTIFIED MEMBER OF AUDIENCE: Put the mike on, please.

SENATOR CRUZ-PEREZ: She will let you know -- the Office of Legislative Services will let you know when you are 30 seconds away from the 3 minutes; and then an alarm is going to go off to tell you that your 3 minutes are up, okay?

Thank you so much, Dena, for your testimony.

MS. JABORSKA: Thank you.

J E A N N E L o C I C E R O: Yes, thank you for the opportunity to testify.

My name is Jeanne LoCicero; I'm the Legal Director at the ACLU of New Jersey. The ACLU has more than 40,000 members and supporters across the state who care about democracy, about voting rights, and about Civil Rights.

And I'll refer to my testimony, which also -- appended to the testimony is a letter from Professor Ron Chen, who is an ACLU Board Member, who was involved in the redistricting process in 2011; who outlines our concerns about the way the formula in Section 2 -- how voters are carved up, as my colleague referenced.

Throughout the country the ACLU works to ensure that redistricting takes place in a fair way, that it accounts for districts' size, and for their racial and ethnic diversity.

And I'm here today because we don't want New Jersey to join the list of states that have shamefully polarized communities and diluted the voices of communities of color. And we're concerned that this proposal -- which I have read -- does, in fact, do that through the formula -- complicated formulas set forth.

We also don't want New Jersey to be embroiled in litigation around this, because it will distract us from important advances that we need to make in our state.

The government should not be creating a redistricting process that allows one party to be favored or a party to be disadvantaged -- and that's what the concerns about the Concurrent Resolutions do -- because entrenching partisan power insulates our legislators from accountability. And I know there was reference about the -- which elections are part of the formula. And what it comes down to is that voters aren't a part of this

process. And if there was meaningful redistricting reform, you'd be working with advocates and people from across the state to create a process where we do have an independent Redistricting Commission.

And so, you know, we're talking about fundamental rights here, which include our right to associate, and to advance our political beliefs, our right to express political views, and our right to cast a meaningful vote, and to equal treatment under the law. And SCR-43, SCR-152, and ACR-205 don't do that.

Thank you.

SENATOR CRUZ-PEREZ: Thank you for your testimony.

MS. NIEDERGANG: Thank you so much for allowing me to speak, and for holding this meeting.

But I must object to the fact that it got started almost an hour late, with no apology or explanation. And that is not the way to encourage citizen participation.

My name is Eve Niedergang; I'm here representing the Princeton Community Democratic Organization. We have about 600 members in Princeton.

I've submitted a letter that was signed by the current and past Presidents of the PCDO, delineating our objections to the current redistricting Bill.

I'll keep my comments more general.

New Jersey's process is not perfect; but I think we need to strive to improve it by following the well-known mechanisms for nonpartisan redistricting that are accepted by experts around the country.

And I'd like to just close by quoting Congressman-elect Tom Malinowski, who said, "From coast to coast, we're fighting the GOP over partisan gerrymandering. Whatever New Jersey's Legislature does on redistricting, I hope it takes into account the necessity of Democrats keeping the moral high ground in this national fight." How can we criticize what Republicans are doing in Wisconsin, or Michigan, or North Carolina, or certainly to call up Texas as a model that we should follow. We need to pursue higher standards than that.

Thank you.

SENATOR CRUZ-PEREZ: Eve, you did really good. (laughter)  
I'm proud of you.

SENATOR BROWN: Can I just say one thing?

SENATOR CRUZ-PEREZ: Really quickly, Senator.

SENATOR BROWN: Thank you, Madam Chair.

I want to thank you very much for being here today.

And I would like to hope that our Republican Party would -- and our local chairs and members throughout the state -- would do the right thing, even though the redistricting -- or as you and I feel -- the gerrymandering that's going on may benefit one party over the other. I mean, if that is not one of the greatest signs, and gives me so much hope that principle comes before party and doing the right thing matters. And the courage it takes to stand up here--

And the beauty is, to be able to have -- whether it's the League of Women Voters, the NAACP -- there's just such an overwhelming amount of support from groups that often find themselves aligned with the Democratic Party for different reasons.

But to see everybody standup and say, “No, this is wrong,” and especially to a Democratic Party Chair, I commend you, I thank you, and I only hope we, as Republicans, would have the same courage, the same dignity, and stand up and do the right thing.

Thank you.

SENATOR CRUZ-PEREZ: Senator Thompson.

SENATOR THOMPSON: Yes, thank you.

I felt one of the Senator’s remarks was kind of insulting, when he suggested the opposition here is because people haven’t read the legislation. Clearly, you have read the legislation, as have a great number of people here testifying today have. In fact, I note two Democrat Senators also came out in opposition, as well as the Hudson County Chairman, and Governor Murphy came out.

And I would hope that-- Personally, I think these people read the legislation. It’s kind of insulting to suggest they hadn’t.

But you clearly did, and I thank you for your testimony.

SENATOR CRUZ-PEREZ: Ladies, thank you so much for your testimony.

The next three people I’m going to be calling are Caroline Cleaves, Princeton Community Democratic Organization.

UNIDENTIFIED MEMBER OF COMMITTEE: You called her earlier (indiscernible).

SENATOR CRUZ-PEREZ: Oh; Patrick Murray. (no response)  
William Adler.

Is Patrick Murray here?

UNIDENTIFIED MEMBER OF AUDIENCE: (off mike)  
He's testifying upstairs.

SENATOR CRUZ-PEREZ: Okay; we'll wait for him.

Laura -- and I'm sorry if I'm going to kill your last name --  
Zurfluh; Laura, from the League of Women Voters of New Jersey. (no  
response)

Dr. Rozella Clyde, League of Women Voters; she's here. Good  
morning.

And Heather Santos, New Jersey Highlands American Promise  
Association. Heather, are you here?

Good morning, everyone.

**WILLIAM T. ADLER, Ph.D.:** Good morning.

My name is William Adler; I'm a computational research  
specialist at Princeton University's Princeton Gerrymandering Project.

I'm just going to focus my remarks on the so-called  
*competitiveness formula* that's in this Bill.

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

We've analyzed redistricting reform bills from across the  
country. Most of them don't impose quantitative requirements on district  
partisanship, but a few of them do, like Missouri.

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.

And we should also note that you don't need to do this kind of partisan outcome predetermination to get competitive districts. Look at the process in California; they don't consider it at all, and competitive districts emerge naturally from that fair process.

So the formula here requires that districts be arranged in a certain way around the statewide average vote share which, in New Jersey, is about 55 percent Democratic. The Bill defines these districts as *competitive*, although this is not a commonly accepted definition of *competitive*. This formula does not substantially constrain the kinds of partisan maps that the Democrats or the Republicans on the Committee could draw, 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 that their plan was intended to draw a high number of these pseudo-competitive districts, in compliance with the State Constitution, making this proposed map the ideal.

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

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

I'm happy to take any questions.

SENATOR CRUZ-PEREZ: Thank you.

**H E A T H E R S A N T O S:** Thank you for hearing us, dear Chair, and members of the Committee.

I am Heather Santos, and I am the leader of the New Jersey Highlands Chapter of American Promise.

I am here to represent all four New Jersey chapters in order to express our opposition to the Senate Concurrent Resolution 152 and 43 and Assembly Concurrent Resolution 205.

American Promise is a national citizen-led cross-partisan organization working to resolve the corrosive effect of corporate and special interest campaign spending unleashed by Citizens United, by passing a constitutional amendment. Our advocacy efforts are motivated by the goal of restoring political equality and free and fair elections in self-government.

Nationally, there has been a move towards nonpartisan Redistricting Commissions and those composed of citizens, rather than elected members. Yet this proposal increases the power of party leadership in the State Legislature to determine the members of the Commission, and requires four lawmakers to be included. This seems a recipe for introducing bias, rather than equity, in district maps.

We are also troubled by the accelerated process of moving this proposal through, with little explanation as to the problem that necessitates these permanent changes to the redistricting process to be enshrined in our State Constitution. New Jersey's current redistricting process can benefit from increased public input and representation from communities of

interest in improving political equality of all citizens. But this Resolution does not adequately address those goals.

SENATOR CRUZ-PEREZ: Thank you, Ms. Santos, for your testimony.

Dr. Clyde.

**R O Z E L L A C L Y D E, Ph.D.:** Yes; I'm Dr. Rozella Clyde.

I'm speaking today both from my personal experience as an educator, and as the Education Chair of the Morristown Area League of Women Voters.

I oppose both the Senate Resolution 152 and 43, and the Assembly Resolution 205, the proposed constitutional amendments, and the move to place them on the November 2019 ballot.

If these two proposed amendments do clear the Legislature, we pledge together, with the coalition of over 50 other grassroots organizations, to work to defeat them. Our experience in the November 2018 elections demonstrates our ability to do that.

This action makes Democrats in New Jersey look bad. As a matter of fact, it makes all of us in New Jersey look bad.

The greatest problem facing our country today is the dearth of public engagement in our legislative process. These amendments will have an even more chilling impact on that involvement. There is a strong public reception, especially among millennials, that elections are rigged and, therefore, it's not worth their time to get involved. And my 44 years in Social Studies classrooms gives me ample evidence of how pervasive this attitude is among all of our youth.

I do agree that the current situation needs to be changed. I do support a Commission made up of 13 members. But I do not believe the Commission should contain any political appointees, and definitely not legislators. Legislators should not be selecting their legislative -- who's voting for them. It should be a public Civil Service Commission that provides a voice for independent voices, and that includes -- at least the statistics are that at least 40 percent of our voters in the State of New Jersey are Independents. There is nothing in this proposed legislation, this proposed amendment, that would provide voice for those Independents; and I think their voices matter; and the multiple other constituencies that have already been addressed.

Using past party preferences to determine the extent of the Commission -- and that's the point that we're looking most particularly at; is the composition of the Commission. We do agree that there needs to be changes in the way in which we're doing this. We just don't think that this proposed legislation addresses those changes effectively.

Thank you.

SENATOR CRUZ-PEREZ: Thank you, Doctor.

Thank you, everyone, for your testimony.

SENATOR THOMPSON: One little comment.

I do appreciate your bringing up the fact that while Senator Singleton mentioned that Democrats outnumber Republicans by almost a million, 40 percent of the voters are unaffiliated; and of course, they're really the ones who decide the elections -- the 40 percent unaffiliated; which way they go. So we have to give consideration to them.

SENATOR CRUZ-PEREZ: Okay, thank you so much.

Richard Bye, League of Women Voters. Is Richard here, or is he on the Assembly side? (no response)

Okay, we'll come back to him.

Helen Kioukis -- Helen, if I killed your last name, I have to apologize -- League of Women Voters; Joni Gilton, League of-- Is Joni here? (no response).

David Goodman, RepresentingUs, Central New Jersey. David, are you in the audience? (no response)

Scott Novakowski, New Jersey Institute for Social Justice. Scott?

Amy Goldsmith, Clean Water Action; and Dave Pringle. Are they in the audience?

UNIDENTIFIED MEMBER OF AUDIENCE: (off mike) Dave is upstairs.

SENATOR CRUZ-PEREZ: David is upstairs.

Meredith Meisenheimer, South Jersey Women for Progressive Change. And when you come forward, say your name and your last name correctly.

**HELEN KIOUKIS:** Good afternoon, Chairwoman, and members of the Committee.

My name is Helen Kioukis. I work with the League of Women Voters of New Jersey; I'm with the State League.

And before I begin my remarks, I just want to say, for the record, that we have read this proposal. National redistricting experts have read this proposal thoroughly. And the position we're taking is not fearmongering and it's not hyperbole.

Since 1920, the League of Women Voters of New Jersey has worked to protect our democratic processes and empower voters across the state. We're strongly opposed to Senate Concurrent Resolution 43 and Senate Concurrent Resolution 152 because they aim to do the opposite.

These Resolutions actually go against all principles of good governance. They 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 predetermine election outcomes for decades to come is gerrymandering. And gerrymandering is voter suppression.

Any positive aspects of this proposal that were outlined earlier by the sponsor's presentation -- they're undermined by these calculations to determine party favorability and competitiveness. The calculations are flawed, and they make partisan data the driving force behind redistricting. They make redistricting an outcomes-driven process, when it should be a community-driven process.

Additionally, these Resolutions 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 original proposal for reasons we still don't understand.

Another important concern that we have is that these proposals also offer no protections for New Jersey's communities of color. They would permit the packing and cracking of groups to meet the requirement of these 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 inappropriate and quite harmful to group communities of color under this *communities of interest* umbrella. They are a separate group; they are a protected class.

So I got my little sign up.

So we believe improvements are needed in the process. We do need more public input; we need more transparency; we need reforms that would encourage civic engagement, increase voter turnout, and produce a district map that is really representative of the people and reflects the will of the people.

So in short, voters should not (*sic*) be picking their politicians; and we're very disappointed that these proposals are moving so quickly through the Legislature.

We are asking all of you to vote "no" on December 17th.

Thank you.

SENATOR SCUTARI: Can I ask a question?

SENATOR CRUZ-PEREZ: Senator.

SENATOR SCUTARI: I want to understand your point, because you've made some points there that I obviously don't agree with.

So what should-- Should we just leave it the way it is? Because the last two times that there was a redistricting process, the metrics that you're suggesting, or gerrymandering, are exactly what was used by the tie-breaking member.

MS. KIOUKIS: That doesn't mean we agree with them.

SENATOR SCUTARI: So you don't think that the last two were right either.

MS. KIOUKIS: We believe reforms are needed. There needs to be standards in the Constitution. The Constitution, right now, is silent on most things.

SENATOR SCUTARI: So you agree that what we have is not perfect; is far from-- I mean, there aren't any standards. So there has to be something, right?

MS. KIOUKIS: We need standards; we need fair standards that protect communities of color, communities of interest, make the process transparent.

SENATOR CRUZ-PEREZ: We're not going to go back-and-forth.

MS. KIOUKIS: The standards that are proposed in SCR-43 and 152 -- these calculations that really, again, are the driving force behind the creation of the new map--

SENATOR SCUTARI: But what do we do then?

MS. KIOUKIS: --are not the correct standards to include in reforms.

This is something that comes around only once a decade. And it's really important that if the Constitution is going to be amended, it's amended in a fair way.

SENATOR SCUTARI: But what do we do? I mean, this is--

MS. KIOUKIS: We would be happy to meet--

SENATOR SCUTARI: So you're suggesting that the--

MS. KIOUKIS: Our coalition would be happy to meet with you to talk about, you know--

SENATOR SCUTARI: Because in the past, Legislative Districts were just counties; before 1946.

MS. KIOUKIS: And that's why it was changed, because the Supreme Court ruled that was in violation of one person-one vote.

So New Jersey did take great steps forward to change the process to abide by the Voting Rights Act, to make sure that the districts contained an equal number of population.

SENATOR SCUTARI: Right.

MS. KIOUKIS: We need to keep moving forward. We believe this would start taking us backwards.

SENATOR SCUTARI: But doesn't it move you forward by-- Right now, if the two State party chairs decided they were going to put all legislators on the Commission, they could do that, right?

MS. KIOUKIS: They could also choose to put all independent members of the public on there as well.

SENATOR SCUTARI: But they've never done that.

MS. KIOUKIS: They haven't. The League of Women Voters -- our position is it should be a more independent process.

SENATOR SCUTARI: So doesn't this become more independent, based on what's being proposed, than what's in the past?

MS. KIOUKIS: No; a political appointee--

SENATOR SCUTARI: It's less?

MS. KIOUKIS: A political appointee is a political appointee.  
(applause)

SENATOR SCUTARI: Well, who is supposed to appoint them? So how do you appoint them? I mean, do we have an election to decide who the Commissioners are to elect the electors of the election?

MS. KIOUKIS: Other states have developed processes to figure this out in a fairer way. And we have experts in the room today who are more than willing to talk more about what that process could look like, and it is possible. It's not too late to put forward a Bill that has bipartisan support that can get on the ballot by November 2019, and that all of these groups in here would stand behind.

SENATOR SCUTARI: But you would agree that this Bill does mandate that there are public members.

MS. KIOUKIS: I don't believe the way it is written--

SENATOR SCUTARI: It says exactly that; I just basically parroted it.

MS. KIOUKIS: It doesn't outline exactly how *public* is defined. So it's not much different -- I don't think it's much different than what's in the Constitution now. The current process -- there could be, theoretically, 10 members of the public chosen.

SENATOR SCUTARI: Would you agree that it's better to take the power that's vested in two individuals to make appointments to this Commission and spread it amongst six individuals? Wouldn't that be an improvement?

MS. KIOUKIS: I think it's better to put that power in the hands of voters. (applause)

SENATOR SCUTARI: But isn't six better than-- We won't agree that six is better than two.

MS. KIOUKIS: I didn't hear the question.

SENATOR SCUTARI: You don't agree that six people having input on who sits on it is better than just two? You don't agree with that?

MS. KIOUKIS: I don't think it makes a difference

SENATOR SCUTARI: It's no different?

MS. KIOUKIS: The way the process has worked is both parties go into a room; one comes up with a Democratic map--

SENATOR SCUTARI: I'm familiar with it.

MS. KIOUKIS: --one comes up with a Republican map.

SENATOR SCUTARI: I'm just asking you to simply, if you think--

MS. KIOUKIS: We believe the language that you're proposing will still result in two parties getting into their own rooms, coming up with their own map. That's why I don't think that the language you're proposing will really change the process much.

And just to be clear, other concerns we have -- the flawed calculations; communities of color not having their own racial equity provision, and being lumped under one communities of interest umbrella, is really problematic.

SENATOR SCUTARI: Well, what's in there now?

MS. KIOUKIS: Just communities of interest.

SENATOR SCUTARI: I mean in the Constitution.

MS. KIOUKIS: Nothing; so we need standards.

SENATOR SCUTARI: Nothing is in there now.

MS. KIOUKIS: We need standards--

SENATOR SCUTARI: So this is an improvement; wouldn't you agree?

MS. KIOUKIS: If you are going to put standards in, you cannot exclude communities of color as a protected class. We don't know the future of the Voting Rights Act; we need to do this change now because it's once every decade. There needs to be explicit protections for communities of color. (applause)

SENATOR SCUTARI: Just so we're clear--

SENATOR CRUZ-PEREZ: Senator-- I know everybody is very passionate about this issue, but I'm going to please ask you to please stop the applauding. Let's have a discussion.

And Senator, I actually would like to hear from the rest.

SENATOR SCUTARI: Sure, go ahead. I'm sorry.

SENATOR CRUZ-PEREZ: We have a whole bunch of people who want to testify; so I'm going to ask my colleagues -- I have to be the bad guy, but I have to be the one in control today, on both sides and in the front. So I'm going to ask--

SENATOR BROWN: May I make one statement, real quick, because it's right on-point with what--

SENATOR CRUZ-PEREZ: Senator, if it's possible, would you like to make your comments at the end?

SENATOR BROWN: I will, then, too--

SENATOR CRUZ-PEREZ: I would like to hear from the people who signed up to testify.

SENATOR BROWN: Well, this is a public hearing, and we're here to discuss--

I have one quick comment--

SENATOR CRUZ-PEREZ: Yes, but I--

SENATOR BROWN: --on what they just said.

SENATOR CRUZ-PEREZ: We can't keep interrupting the process.

SENATOR BROWN: I won't. It will be quick, I promise you.

SENATOR CRUZ-PEREZ: This will be your last one before-- You can have an opportunity at the end, unless you have a question, okay?

SENATOR BROWN: No, I think this is important, because I want to compliment Senator Scutari and people testifying, because you are highlighting the debate that should have occurred before it was put in bill form and jammed down our throats. (applause)

You are all making great points. Senator Scutari, I believe that your goal is an honorable one -- to set up guidelines, to set up a way that it is more fair. And in the process, though, by only bringing in a handful of Democrats -- not even the whole Democratic Party was included on this backroom deal.

SENATOR SCUTARI: But Senator, just to clarify--

SENATOR BROWN: I apologize.

SENATOR SCUTARI: I did this exact presentation three years ago. Three years ago I sat in a room upstairs from here and did the same presentation. And I've talked about it for three years.

SENATOR BROWN: So I apologize if that was--

SENATOR SCUTARI: So it's not a backroom-- This was something we've been talking about for three years.

SENATOR BROWN: If that was misspoken, I apologize. And I mean that sincerely. Because I'm trying to make a bigger point, and that is, if somebody watching and being part of the process -- this dialogue is what democracy is all about.

SENATOR SCUTARI: We had this dialogue three years ago.

SENATOR BROWN: Well, I was not sitting here three years ago.

SENATOR SCUTARI: That's true.

SENATOR BROWN: All I know is that as somebody sitting on the Senate, I learned about this shortly ago. I found out it's already been put in bill form; I found out they're going to have two hearings at the same time; I found out that everybody who's testifying or has anything to say is against it. And so this debate is what I'm trying to highlight.

SENATOR CRUZ-PEREZ: Okay--

SENATOR BROWN: This debate-- And the goal is an honorable one. And my only point is this is what happens when a democracy goes awry and we get something and we're told, "Talk about it now, but it doesn't matter, because we're going to put it up for a vote on Monday." It's on the Board List for Monday. (applause)

SENATOR CRUZ-PEREZ: Okay--

SENATOR BROWN: So thank you.

SENATOR CRUZ-PEREZ: Okay; thank you, Senator.

Scott Novakowski, please.

**S C O T T N O V A K O W S K I, Esq.:** Hi; Scott Novakowski from the New Jersey Institute for Social Justice.

Thank you, Madam Chair. And cognizant of the time, you all have my full, written testimony before you.

I just want to pick up on one of the points that Helen was making, that's extremely important to us at the Institute, related to the protections for communities of color.

As I'm sure you all know, manipulation of the redistricting process has long been used to dilute and diminish the voting strength of people of color. Yes, this proposal includes protections to preserve what are called *communities of interest*, defined as "geographically contiguous populations sharing common interest relevant to the legislative process, such as trade areas, communications and transportation networks, media markets, social, cultural, and economic interests."

People of color are not simply another community of interest to be equated with NJTransit riders or people who live at the Jersey Shore. Racial discrimination in voting has a long and shameful history throughout the United States, including here in New Jersey. That is why racial groups very commonly have heightened protections in the law, particularly around voting.

As Helen mentioned, yes, there are protections currently in the Federal Voting Rights Act. We've seen a big part of that struck down by the Supreme Court a few years ago, and I think it's safe to say the current composition of the Supreme Court is more hostile to voting rights and racial justice, and we can't guarantee that Section 2 of the Voting Rights Act will remain in place.

Right here, we're amending the State Constitution. We have the opportunity to include our own State-level strong and robust provisions

that would outlive a Voting Rights Act; and that would place, front and foremost, our values as New Jersey citizens.

And just to highlight again, really quickly, this becomes especially important when this competitiveness formula is used. We know that racial gerrymanders and partisan gerrymanders often look very similar, because there is a correlation between race and party. Without specific, clear, robust protections for communities of color, we are just not confident that their interests will be protected in the process.

Thank you.

SENATOR CRUZ-PEREZ: Thank you, Scott, for your testimony.

**AMY GOLDSMITH:** Hello; I'm Amy Goldsmith. I'm the New Jersey State Director for Clean Water Action.

We have 150,000 members throughout the state, and we canvas every day, knocking on doors, talking to people about the issues that we all care about, and ensuring drinking water is safe to drink and our air is safe to breathe.

We can't do that without having a democracy in action.

SENATOR CRUZ-PEREZ: So sorry; go ahead.

MS. GOLDSMITH: Thank you.

This proposal uses partisan data and is, by definition, gerrymandering. To say so otherwise is fake news, and we've seen a lot of fake news; and I know what fake news is. You should see fake news yourself.

This policy, this Bill that's put before you -- the whole process-- Even today, the public hearing is not really public if the public couldn't see

the PowerPoint. I actually stood over by a pole and took pictures of it. The fact that the screen didn't even face the public at a public hearing makes you wonder whether this process is really a public hearing and a public process.

The delays forced some people to leave because they had to go to work or they had other obligations. There are people who are here who aren't even -- had to take days off from work, so their lost time-- They're not getting paid to support their family. It monopolized the time in the beginning in favor of people who favor the legislation, as opposed to now to hear the people speak.

The fearmongering is not what -- the 50 co-signers of the letter that was sent to you and initiated by the League of Women Voters; but the fearmongering that goes on behind closed doors to undermine the interests of the public, undermine the integrity of the State House, and democracy at its core.

A few are deciding how and if our votes matter by deciding what districts are competitive and which are not.

We've seen the outcome of the recent Federal elections and the hunger for making democracy work. This proposal just flies in the face of democracy, of integrity, of making an open and transparent process. And the environment and the public are best served by open and independent, transparent, fair elections and government. This constitutional amendment fails on all of the above and makes the democracy -- small *d* -- shameful for the Legislature to consider this on just a few days' notice.

Thank you.

SENATOR CRUZ-PEREZ: Thank you, Ms. Goldsmith.

Just to let you know, if you need to have -- if you want to ask questions to the sponsor of the legislation, he is right here. So you might do so, okay?

So thank you so much for your testimony.

Meredith Meisenheimer, South Jersey Women of Progressive Change.

Good morning.

Sally Gellert, Faith Action New Jersey; good morning

**SALLY JANE GELLERT:** (off mike) Good morning.

**SENATOR CRUZ-PEREZ:** Doug O'Malley, Environment New Jersey. Is Doug O'Malley here? (no response)

Caroline Armstrong.

Meredith, good morning.

**MEREDITH MEISENHEIMER:** Good morning.

My name is Meredith Meisenheimer, and I'm here representing South Jersey Women for Progressive Change.

We're an all-volunteer organization. I took a day off work to be here; I'm not paid to be here.

I wanted to start out by discussing the fact that I've repeatedly heard, in this room, opposition to these Bills, Resolution 43 and 152, characterized as *hysteria*. I cannot ignore the gendered implication of that comment; and I think it's rather insulting to all of these people who are here, who have read the legislation and are opposed to it for very sound and logical reasons.

I also noticed that certain people were asked quite a few questions; whereas, no questions were asked of the representative from the

Princeton Gerrymandering project, who is an expert on this issue. That leads me to question the good faith nature of the questions being asked, and it again emphasizes that this debate should have been had in an open and public process prior to this point.

And primarily I'm here in opposition to these Bills because they would take our democracy backwards. These Bills would negate the good faith that the thousands of engaged citizens and voters, who came out during the last election, have placed in you. We did not turn out in record numbers in order to see our elected lawmakers write partisan gerrymandering into our Constitution. No voting or redistricting system will be perfect; there's always room for improvement. But the system we have right now in New Jersey is better than this proposed legislation.

If these bills pass, they will drag our state down to join the ranks of the most gerrymandered, least representative, and least democratic states in this country. It's almost beyond belief that in this era where voters are more progressive and engaged than ever, our legislators are trying to take New Jersey backwards.

Redistricting should not be a partisan process. One of the most egregious elements of these Bills is the requirement that current lawmakers sit on the Redistricting Commission. That is an absurd perversion of democracy; politicians should never be in the position of picking their voters. Citizens elect their representatives. Any attempt to subvert that basic fact is an attempt to subvert the foundations of our democracy.

Voters in this state are more energized, educated, and confident in their power than they have ever been. They are watching what you do. And they have sent a clear message that they want our state to

move forward. They do not want us to go backwards to a less functional, less representative democracy.

Please do not betray the faith they have placed in you, and in our democratic system, by advancing this effort to permanently alter our Constitution.

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

Thank you.

SENATOR CRUZ-PEREZ: Thank you, Meredith, for your testimony.

MS. GELLERT: Good morning -- good afternoon.

I’m Sally Jane Gellert, a life-long resident of Bergen County, currently in Cliff Lake, here to represent UU Faith Action New Jersey, which opposes these Resolutions because they undermine 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’m appalled that these Bills even made it this far.

They claim to reform our redistricting process, but turn it into an exercise in partisanship. It actually requires that legislators be put on the redistricting commission. Though we have had legislators on the Commission in the past, they have not been *required*.

This is a clear conflict of interest, putting the fox in charge of the chickens. Please do what’s right for the people of New Jersey and vote “no” when these proposals come before you on December 17.

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 SCR-43 in the Senate Budget and Appropriations Committee. This Bill introduces partisan voting record considerations into what was a relatively decent process -- that could be improved, but compared with other states it's relatively decent. And as states are giving ever more control to citizens, rather than the legislature and political party organizations, we go backwards.

One redistricting expert testified that some of the worst gerrymanders in the country in the last decade rely on calculations and tactics outlined in these Bills. Admittedly, our process could be much better. We rely too heavily on Democratic and Republican party organizations, to the exclusion of so-called third parties and unaffiliated voters. 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, who could be pushed into another district.

The requirement for leadership to appoint legislators to the Commission gives leaders the powers to reward and punish legislative votes with Commission seats, or removal, thus injecting self-interest into legislators' voting decisions.

This 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 legislator introduced this Bill and voted it this far.

We rely on you, as our legislators, to approve ballot measures that benefit the people and democratic processes. These Bills do the exact opposite. They're undemocratic, they take us backwards; they do not belong on our ballot, and they do not belong in our Constitution.

As a personal aside, I find it very frustrating to be diverted from my focus on improved voting machines to fight a gerrymandering Bill that has already been defeated in 2015.

Thank you.

SENATOR CRUZ-PEREZ: Thank you, Sally, for your testimony.

Ms. Armstrong.

**CAROLINE ARMSTRONG:** Good afternoon.

This is Caroline Armstrong, resident of New Jersey. And I am providing testimony in opposition to SCR-43 and 152, and also ACR-205. And I am doing so 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. We need to move New Jersey forwards with increased transparency and representation, 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 voices simply don'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 can't rely on partisan politics to draw fair lines.

You have heard from a number of experts here in the state on their positions. And I just want to end with this, and this is from a *New York Times* article, just today, which quotes Eric Holder Jr., the former Attorney General under President Barack Obama, who leads the national Democratic Redistricting Committee.

And he says, "The American people want redistricting reforms that help level the playing field so that elections are decided on who has the best ideas, not which party was in charge of drawing the lines. As currently constructed, the proposal in New Jersey fails to live up to those standards."

Thank you.

SENATOR CRUZ-PEREZ: Thank you so much for your testimony.

Senator Singleton.

SENATOR SINGLETON: Not a question, but more so a comment.

I think the first insinuation, that somehow comments or questions that are directed towards certain people have some connotation -- and I believe you were leading down a path of sort of sexism of some resort.

Let me be clear, and I'll speak for myself. That has never been, nor will it ever be, an intention of a question that I ask. I don't want you to leave with an impression that it was shaded in any particular type of way.

You mentioned the Princeton Gerrymandering folks, and no one asked them a question. The Princeton Gerrymander folks did also testify at the Senate Budget hearing, and there were several questions asked of the Princeton Gerrymander folks when they were here on the Bill as it was done at that time.

And I don't think just because some people get questions and some don't that that's a reflection of the person sitting at that table, or the intention of anyone up here to do that. I think when we, sort of, walk down that road of trying to almost determine what's in someone's mind when they're asking questions or not -- I think it's a slippery slope that is not beneficial for any of us. But if you, personally, took any offense -- and I'll just, again, speak for myself -- on any comment that I made that you thought was geared towards someone's gender, by no means was that the case, by no means was that the intention. I don't want you to leave with that impression.

But the conversation around packing the districts -- and I would ask each of you at the dais, if you so desire, to respond -- the current

configuration of how the legislative districts are done, do they encourage or do they indicate packing in the way they're currently constructed?

MS. MEISENHEIMER: I do appreciate your explanation. It's taken to heart.

Personally, I am not a statistician--

SENATOR SINGLETON: Sure.

MS. MEISENHEIMER: --this is not-- My day job isn't even in politics.

SENATOR SINGLETON: Right.

MS. MEISENHEIMER: But I do -- I've read the legislation and I do trust the experts on here who feel that this will divide communities of interest, and that this will lead to more gerrymandered districts and not less.

As a lay person, it's very clear to me that I'm uncomfortable with the fact that elected legislators get to be on that board, picking districts. I think that that is clearly something that shouldn't happen, and that will introduce more politics into the process.

SENATOR SINGLETON: I appreciate that.

The appointment of members, and who serves on it -- as you, even as a lay person, and very, sort of -- have become very learned, I guess, very quickly -- you are aware already that there's been a significant number of legislators who served on it. It can be all of them, if so desired and so chosen, based on the selection process. While I would tend to agree with you that we need to move in a different direction for that, we are actually walking back from where that current process is, where every member of that Committee can be a legislator. It is moving in a direction away from

that under the parameters of this Bill. And I apologize -- I don't have the section right in front of me -- but under the Bill it moves away from that process that that is even a reality. And I think that is a step in the right direction as well; probably not the full measure that I believe you've articulated you would like, but it is a step moving away from where the current process is, where there is no guardrails and there could be 10, or in this case, with the Bill, move to 13 -- it could have been 13 legislators all serving in that role.

MS. MEISENHEIMER: I mean, I still think that the proposed legislation is not -- it's not sound. And I don't think citing scenarios that it could be worse is necessarily an argument in favor of this legislation. (laughter)

SENATOR SINGLETON: I think what I was doing was telling you what it is right now. I don't think I'm saying it could be worse; there is no condition that stops that from happening, was the point I was trying to make. And this, at least, does put conditions that stop that scenario from happening.

Just like -- I think someone spoke earlier about their concern about the Voting Rights Act -- Section 2 of it -- which I am well familiar with because that matters a lot to me personally. That that could, somehow, go away. That is also worrying about something potentially that could or could not happen; that has not happened. And the Bill talks about making sure that it is adhering to the Voting Rights Act in specificity.

So there is this conversation about what can and what cannot happen; I totally understand that. That's not the best use of arguments for either side -- to worry about what potentially can and cannot happen. But

the Senator has codified that it has to adhere to those standards. And the communities of interest language in concert with that, dove-tailed with that, I think it does prevent and provide that strength that is consistent with the maps that have been done under the 2000 census, as well as the 2010 census. Which, as I recall -- at least in 2000 -- my friends on the other side of the aisle actually sued the map that was done, all the way to the Supreme Court, when then-Governor Codey, as one of the people on that, was fighting to make sure that districts were unpacked. This seemingly continues to move us in that direction to continue the unpacking of districts.

MS. MEISENHEIMER: According to the legal experts who I have spoken to and listened to, they feel that the language in this Bill is too vague to do what you are hoping it will do; and that there are too many loopholes that could be construed because of the vagueness of the language. And that's what the legal experts are saying.

SENATOR SINGLETON: I appreciate that; thank you.

MS. MEISENHEIMER: Thank you.

SENATOR CRUZ-PEREZ: Thank you so much.

You have a question?

SENATOR BROWN: I did.

SENATOR CRUZ-PEREZ: You do?

SENATOR BROWN: You don't mind? All right; I love you.

Thank you.

So again, I want to commend Senator Singleton for having this conversation with you. And it's the kind of conversation that should have been done out in the open before we were at a public hearing; where we

aren't even here to amend the Bill, we're only here to discuss what they already have on the Board List for Monday.

So while it's a thoughtful conversation -- exactly what government's all about -- it's a charade. Because they've already put it on the Board List and they've already rammed it through a Committee. In fact, this Bill didn't even see a Committee. This Bill was a product after the end of a different Committee, that they held with a different Bill, that was a day after Thanksgiving, after four hours of marijuana testimony. (laughter)

So if that's not the final part of an overall charade, I don't know what is.

So I want to thank you very much for your participation, for your voice. It's very important, very well said.

Thank you.

MS. MEISENHEIMER: Thank you.

SENATOR CRUZ-PEREZ: Thank you for your testimony.

ALL: Thank you.

SENATOR CRUZ-PEREZ: Patrick Murray -- we're not going to go back-and-forth.

SENATOR SINGLETON: Well, stop giving him the mike, and I will not go back and forth.

SENATOR CRUZ-PEREZ: I know.

Patrick Murray; Brian Lee, Indivisible Central New Jersey; Catherine Hunt from Indivisible Monroe.

Catherine; is she here?

Good morning.

Mr. Murray, you're first.

**PATRICK MURRAY:** Thank you, Madam Chairwoman.

And I'm sorry I couldn't be here when my name was first called, because I was simultaneously called to the meeting -- hearing upstairs with the Assembly.

So I thank you, and appreciate the opportunity to address you.

My opposition to this comes from my point of view as a public opinion pollster. I did not get into that profession to predict elections, although I've become pretty good at that, particularly here in New Jersey. So I understand New Jersey voter data a lot more intimately than I think most people. So I understand what's behind this formula and how the formula works.

But I got into it just because I wanted to make sure that the voices of the public were part and parcel of any discussion of policy. I guess that's what drove me, and that's what continues to drive me. I feel like I'm an advocate for the public voice being part of this.

And that's where my opposition comes from. I have unfortunately seen a disturbing trend in public trust in our institutions and processes of government, nationwide and here in New Jersey, that have reached critically dangerous levels. And part of that public trust is based on people feeling that their vote matters. When they feel their vote matters, they come out and vote, and we saw that just a month ago.

But when they feel that the system has been rigged and they interpret it that way, then they feel that the decisions that are made by that institutions are illegitimate or lack credibility. And that's what my concern is about imposing a partisan formula into the Constitution -- any partisan formula and any formula that is based on voter behavior.

That does not mean to say that I am opposed to the idea of a party fairness standard that reflects the will of the public politically, along with a whole bunch of other standards. But I think, and as I heard testimony before, that there are a number of unintended consequences here in the way that this is worded; that the independent member could come in and try to break this in terms of how they calculate it.

And we say that this formula is based on the Stokes standard; and I can go through a whole process about why it's not the Stokes standard, and I feel I understand the Stokes standard pretty well. But my point is really beyond that. It's just simply there are other ways to go about this; there is other language that you could have used to achieve a (indiscernible) to prevent an independent member coming in and doing a 50-50 split, or any other kind of split, that is against what the voter behavior has been.

But imposition of partisan language is absolutely what the Democratic Party nationwide is fighting against.

Thank you.

SENATOR CRUZ-PEREZ: Thank you so much for your testimony.

You have a question?

SENATOR SCUTARI: But sir, we did talk about this, and you really helped us redraft part of what's in front of us today, correct?

MR. MURRAY: Right, correct. And to be clear, the part that we were talking about was the ballot language itself; not the formula, but the ballot language.

SENATOR SCUTARI: And the ballot language that's before us is your language, is that correct?

MR. MURRAY: Yes, the ballot language was-- Actually, I will say this. From what happened on November 26 at the hearing is that the ballot language is now much more accurate -- a reflection of what is in the Bill.

But I did say, at the time, when we did make those changes, that I was still opposed to this on the merits of not putting a formula into the Constitution -- any formula.

SENATOR SCUTARI: Because that's -- you're theoretically opposed to installing a formula into the Constitution. But you would agree that the statement before the voters reflect -- is an accurate reflection of what they'll be voting on. And in fact, word for word, you drafted it.

MR. MURRAY: Well, not word-for-word; but yes--

SENATOR SCUTARI: Just the--

MR. MURRAY: No; absolutely. I did contribute to that wording, and I did have a lot of input into that wording.

The reason why I feel it still should not go in front of the voters -- which I think you're getting at Senator -- is that it still is not really a fair choice to voters. There has not been enough public input. And as I said, there are other ways to go about achieving this without the formula. I think people got stuck on -- who drafted this got stuck on this idea that you need a formula to achieve these ends of avoiding an independent member arbitrarily saying that they want a 50-50 map. And there are still other ways to do it. I just don't think it's fair to-- It's still -- it's not fair to present this to voters.

SENATOR SCUTARI: But isn't that exactly what happened in the Redistricting Commission with Congress?

MR. MURRAY: Yes, yes--

SENATOR SCUTARI: There was no--

MR. MURRAY: --and that's what I'm saying--

SENATOR SCUTARI: And that's exactly what happened when-- In the Congressional redistricting -- that that's what was asked to be achieved; and there were no standards to guide at all.

MR. MURRAY: Right; I absolutely agree with you. What I'm saying is that this is not the language to use. There was other -- there's other language, and I've discussed this with those who were involved in drafting the original formula. There's other language that you could use to make sure that the independent member could not do that, rather than using a formula. That's where my statement was.

SENATOR SCUTARI: Thank you.

SENATOR BROWN: May I just say this one question?

Could you elaborate? One of the things that has been pushed by those in favor of this is that it follows the Stokes model. But I hear you say that that is simply not true. Why do you say that?

MR. MURRAY: Well, it's an inaccurate interpretation of how Stokes arrived. And he had written about this when he had served after the 1991 redistricting.

What he did-- And his test -- and this is clear -- the Stokes test was that after you drew the map, you would look at the percentage of statewide vote that was won in an average district -- in a typical district of the 40 districts, the average district -- and whatever that amount was, that

the party that got more of that vote would have a similar number of seats in the Legislature. Not exact, but similar number.

Now, in order to draw that map you have to look at a whole host of other elections. But he didn't use a formula, per se, in the process of drawing that. That's the key. This is an outcomes-based formula; it's not a process formula. And that's what Stokes was using. Because he did say that you have to use other types of elections to get an idea of what the will of the people is because we have higher turnout in Presidential elections, we have higher turnout in Governor's elections than we do in legislative elections. So you can't just use legislative elections.

But that wasn't his test. His test was, after you used these as guidelines, these other elections, then you come back and you look at the first election that happens under the new map; and that's where your test happens. Did we do it right? But you can't determine ahead of time a formula that will get you to that endpoint. You have to look at a whole host of other factors, and that's what this formula is designed not necessarily to allow.

SENATOR BROWN: And did I hear you say that the language in this formula is exactly what the national Democratic Party is fighting against?

MR. MURRAY: Yes; I mean, that's exactly it. They're fighting against putting anything that relates to partisan -- using partisan-related metrics into the redistricting process. They want to take that out of the process, and this is-- I heard Eric Holder quoted. I mean, Eric Holder's whole position right now is he wants to make more legislatures across the country Democratic, and he's come out against the New Jersey proposal

because what he understands is that this proposal undermines national Democrats' credibility on the reform efforts that they're pushing forward.

And I keep using the term *unintended consequences*; I think unintended consequences in what the independent member would be able to do with this formula, and also the calculation of the vote. Because there are different ways you can calculate the vote than I think what the sponsors intended. But also unintended consequences of a lot of money pouring into New Jersey next year, because we would be the only thing of any interest nationally, electorally, if this is on the ballot. And it's just going to get ugly.

SENATOR BROWN: And so your opinion, that this would further discourage people from joining the process because they would believe that it's rigged--

MR. MURRAY: Right.

SENATOR BROWN: --is that based upon-- Do you have -- you're almost-called *expert knowledge*, or--

MR. MURRAY: Yes. And in fact, over the past two years, I mean, a lot of what I've been doing, as a public opinion professional polling, has been asking people about their trust in institutions, and why they feel institutions reflect them. And what we find is that active, interested people are unhappy with their own party when they feel that they're changing the rules just to benefit their party. It's a fascinating thing. And I think you've heard from a lot of those folks today, that that's the case.

And they say, "Well, what's the point? This is not what we fought for. We fought for a full and fair election."

And by the way -- this is a side point, and this won't make you feel any better -- but we found that looking at some of the election reforms

that have happened -- or excuse me, redistricting reforms that have happened -- like in places like California -- when you take politics out of the calculation, Democrats tend to do better than they were doing before when politics was in the calculations.

SENATOR BROWN: It all depends who's behind the scenes; how you define--

MR. MURRAY: Yes, yes, there are different scenes. But in a state as diverse as New Jersey, that's a slightly different case. I mean, there are things that we can do; I mean, we can have a real public-- We have a bipartisan Commission, not a public Commission. I think that's one of the things you could talk about -- whether we should have one of those as well. I mean, there are a lot of other ways that we could talk about that.

SENATOR BROWN: Thank you.

SENATOR CRUZ-PEREZ: Thank you.

SENATOR BROWN: Thank you, Madam Chair.

SENATOR CRUZ-PEREZ: Thank you so much.

SENATOR THOMPSON: Madam Chair, (indiscernible).

Thank you.

I believe Senator Kean has a proposed constitutional amendment related to this. And in his proposal, utilization of partisan material is prohibited in the process he put forward. Are you familiar with that?

MR. MURRAY: Yes, I have read that.

And I would still argue, though, that there needs to be other priorities put in there as well. But based on a state that's as diverse as New Jersey, that we need to ensure that-- And there are communities of interest

language in this proposal. I would argue that you would have to beef that up into a set of priorities. There's language out there that other states have used that I think would have to be part of that as well.

SENATOR SINGLETON: Madam Chair.

SENATOR CRUZ-PEREZ: Senator.

SENATOR SINGLETON: A question: Senator Brown coined you an *expert*, so I will ask you a question utilizing your expertise.

With respect to-- I know you studied this -- with respect to -- and there was a question I asked earlier, so I will ask you as well.

With respect to the redistricting processes of the 2010 census and the map that came with that, and the 2001 census and the map that came of that, were those districts-- Because there was a conversation around packing and cracking that was raised. Were those maps -- were they packed or unpacked, I guess, as it were, to prior examples of redistricting that happened, say, in the 1990, 1991 that Dr. Stokes talks about? Would they be packed or unpacked districts?

MR. MURRAY: In 2001, they were unpacked. That was the key criteria that Professor Bartels used in determining that particular map. And that led to a radical change in how New Jersey representation-- And what happened in 2011 was that Dr. Rosenthal -- his primary priority was what he called *continuity representation*. And what that basically meant was that whatever state we had at that point -- which was a number of unpacked districts -- would continue. And I think there are other ways to make sure that that continues to happen. In fact, I would think that you could argue, looking at the map today, and the changes in New Jersey's demographics, is that there are probably a few places where there are communities of interest

that are currently *cracked*, as it were -- they were pushed apart -- that could be put into districts together. We're not packing them, but basically giving them more opportunity to have representation for their community of interest.

That's why I like the idea of the community of interest part of this; I just think there are ways of doing it. Again, it comes down to, putting a partisan formula into the Constitution is inherently undemocratic and undermines public faith in that institution. That's the problem that I have.

SENATOR SINGLETON: And I know you've articulated that, and Senator Scutari has talked about, the role that you've helped try and play in refining this -- the question--

MR. MURRAY: The ballot question.

SENATOR SINGLETON: --the ballot question, to be very precise, and your role in helping to help refine the ballot question.

The language that's written in the actual Bill component of it -- and you went through-- Thank you for the delineation between packing and cracking in 2001 and 2011. Does the language within that -- does that revert us back to an area of packing districts again, the language of the Bill?

MR. MURRAY: I think there's a potential for that--

SENATOR SINGLETON: Okay.

MR. MURRAY: --depending on how the independent member defines it.

SENATOR SINGLETON: Okay; how he defines the communities of interest.

MR. MURRAY: The communities of interest standard.

SENATOR SINGLETON: The communities of interest standard; okay.

MR. MURRAY: And that's -- and I think that's problematic, because we don't want to go backwards on that.

SENATOR SINGLETON: Correct, correct.

But without having the parameters around it, one could have gone back anyway. It was just Dr. Bartels used a different understanding of doing it.

MR. MURRAY: Yes. Dr. Bartels used the--

SENATOR SINGLETON: Right.

MR. MURRAY: --unpacking standard; and the continuity of representation, used by Dr. Rosenthal, allowed that to continue.

SENATOR SINGLETON: To continue; understood.

MR. MURRAY: Yes.

SENATOR SINGLETON: Thank you, sir.

MR. MURRAY: Yes, yes, yes. And then, I'll admit, it is absolutely problematic not to have a standard--

SENATOR SINGLETON: Agreed.

MR. MURRAY: --not to have a set of standards in there at all; because we have one tie-breaking member. If we had an open public Commission, with a whole bunch of different things, it might be a different set of issues. Well, I actually -- I fully appreciate the concerns that the sponsors of this Bill have; I understand that. It's just that the unintended consequences of the formula in the Constitution -- that's what I'm worried about.

SENATOR SINGLETON: Understood; thank you.

SENATOR SCUTARI: At least somebody appreciates my concerns. (laughter)

Thank you.

SENATOR CRUZ-PEREZ: Thank you so much for your testimony.

Mr. Lee.

**B R I A N L E E:** Hello, my name is Brian Lee; and I am from Somerset, New Jersey, and I am with Indivisible Central NJ.

And first of all, a confession: I am a total partisan. I've been a lifelong Democrat; I have worked on countless Democratic campaigns. Just in the recent election, I was getting packets out on all the days leading up to the election. So I want to see Democrats win.

But I am completely opposed to this Bill. One of my biggest problems with it -- as so many other people have articulated, and you right here -- is the enshrinement in the Constitution of the partisan formula for basing it on past elections. And the huge problem with that is that it robs existing voters of the right to change their minds. As we saw in the recent elections, people do change their minds. We flipped four out of five seats in New Jersey.

In my County of Somerset we have got two Democrats on the Freeholder Board for the first time in, I believe, 40 years. So people do change their minds.

And the other thing is, it robs new and untapped voters of their right to choose for the first time. And here's the thing. Most of these untapped, new voters -- they tend to be Democrats.

So this year, in New Jersey, you guys put into law automatic voter registration; which is awesome. We should be continuing that trajectory and pass Senate Bill 2100, which would restore voting rights to people with felony convictions. This would be the largest expansion of democracy in New Jersey since 18-year-olds got to vote, and it would make New Jersey the first state with a substantial non-white population to pass a law like this.

We can also do other things, like mandating civics classes and actually teach people how to vote. Because I went through high school in New Jersey, and as a first-generation immigrant in New Jersey I had no idea about voter registration; I didn't even know midterm elections existed until I got into politics.

So these are things that you guys can put into law and into curriculum standards.

And these are just some of the ideas. Instead of wasting political capital and energy on gerrymandering and fighting progressive groups, you guys can be expanding the voter base. We want to knock on doors in 2019 to flip seats in the Assembly, instead of fighting this amendment.

You know, ultimately, Democrats can shore up power by representing more people, by representing them better, by empowering them; not by lessening the power of people's votes.

Thank you.

SENATOR CRUZ-PEREZ: Thank you, Mr. Lee.

Ms. Hunt.

CATHERINE HUNT: Thank you.

SENATOR CRUZ-PEREZ: Good morning.

MS. HUNT: Good morning.

SENATOR CRUZ-PEREZ: Or good afternoon.

MS. HUNT: Yes, good afternoon.

I'm Catherine Hunt; I live in Monroe. And I am reading a letter from the members of Indivisible Monroe Township.

We 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 SCR-43, SCR-152, ACR-60, and ACR-205.

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

One, 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.

And a second point: We have campaigned against this negative political tool because it skews voters' impacts and outcomes, and manipulates the composition of voting communities.

The third point is sitting legislators would comprise at least 4 of 13 line-drawing commissioners, a conflict of interest and a step backward for our state.

And four, 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 nonpartisan and independent Redistricting Commission, and will work to advance that cause in New Jersey.

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

And we urge you to vote "no" on these undemocratic ballot measures.

Thank you very much.

SENATOR CRUZ-PEREZ: Thank you, Ms. Hunt, for your testimony.

A quick question to Mr. Lee.

SENATOR SINGLETON: Brian, I was curious about what you said, so I want to make sure I understand it.

You were saying that the districts themselves need to be responsive to this change; goes throughout-- It's continual, like, through a decade cycle. If the district maps are drawn and had to adhere to a 10-year cycle, if there was a change, a change of some sort -- whatever it is; a higher number for Democrats or Republicans -- were you saying that somehow that

the map needs to be reflective and have the ability to change within a decade? Because I didn't think that's what you were saying. I don't know how you would be able to be responsive to that until the next time there was a redistricting process.

MR. LEE: My objection is not to the fact that the redistricting maps change. I think they do need to be changed occasionally. My main objection is to do the changes based on the performance of the parties in recent elections. That, to me, is the wrong way to configure a district. They should be, as other people have said -- there needs to be racial equity to communities of interest, towns shouldn't be split.

And the people drawing the lines should be independent and trusted by the public. Because as other people have pointed out, a lot of this-- I think what you're trying to say is that, what I found-- The other thing I have done a lot of is voter registration. I have literally talked to over 100,000 people about voting, trying to get them to vote. And I've seen, in my experience, there are two kinds of people who don't often vote or have never voted, but could. They are first-generation immigrants and young people. And these are people who are not going to be taken into account by this formula, because they are currently not voting.

But if we do activate them somehow, such as by New Jersey's automatic voter registration law, they would be left out in these formulas that draw 75 percent safe districts, based on past elections that they have not participated in.

SENATOR SINGLETON: Thanks.

SENATOR CRUZ-PEREZ: Thank you.

SENATOR BROWN: I just have one question for Mr. Murray.

Can you explain to me why you would draft language for a Bill that you believe is detrimental to the State of New Jersey?

MR. MURRAY: You're talking about the amendments that were made -- the changes that were made?

SENATOR BROWN: Apparently, if I heard it correctly--

MR. MURRAY: Yes; okay.

SENATOR BROWN: --and I may be wrong -- so correct me if I am -- but you drafted the language to go on the ballot.

MR. MURRAY: Right. You know, I had a two-part objection to the original Bill, SCR-43. And one part was imposing the formula -- which I discussed today -- the other part was the actual ballot question itself, which I felt was deceptive. Because all it said was, should the Commission -- and I don't remember the exact -- but should the Commission have to -- be required to draw fair and competitive districts? And that's all it said. These are not competitive districts in the way that the public defines them. The public defines competitive as 50-50.

SENATOR BROWN: Sure.

MR. MURRAY: And so it didn't say anything about this fairness formula or how it would be implemented. And it was, I felt, deceptive. So I felt if this-- I was still opposed to this, but if this was going to go in front of the voters, it needed to be an honest ballot question about what it was actually doing.

SENATOR BROWN: Okay; thank you.

SENATOR CRUZ-PEREZ: Thank you so much for your testimony. Have a great day.

Thank you.

ALL: Thank you.

SENATOR CRUZ-PEREZ: Dan Janowski, Action Together New Jersey; Herbert Tarbous, Central Jersey Progressive Democrats; Marcia Marley, BlueWave New Jersey.

Mr. Janowski.

**DAN JANOWSKI:** Hi; I'm Dan Janowski.

Thank you all for having us here, and having this hearing.

It's now the afternoon, so my "good morning" is old.

So my name is Dan Janowski; I'm the Director of Electoral Intelligence at Action Together New Jersey, the largest progressive on-the-ground, grassroots group in New Jersey, with 20 county chapters and over 18,000 members.

I'm here to speak on behalf of our progressive, grassroots activists, to give voice to the many newly engaged New Jerseyans on the redistricting proposal that is before you for consideration.

Grassroots activism has exploded since the November 2016 elections, because everyday Americans saw damaging actions aimed at the pillars of our democracy by Trump and the complicit GOP. That this partisan gerrymandering Bill is even being voted on is exactly the reason why our progressive organization stands with many others against it. We stand against harmful legislation regardless of political party. What matters is the negative impact that this highly partisan and damaging Bill will have on New Jerseyans for years to come, especially to communities of color.

In this election alone, ATNJ activists personally sent out close to 300,000 handwritten, personal post-it notes, along with 300,000 vote-by-mail applications and voter information to registered, infrequent

Democratic voters in six targeted Congressional Districts in order to flip five and to defend Representative Gottheimer's and Senator Menendez's seats.

We followed up with over 33,000 handwritten postcards to female Democrats who are infrequent voters. In the last two weeks leading up to the election we did 30,000 chase calls to educate voters to mail in their ballots; and on Election Day, we knocked on 5,300 doors to bank some blue votes.

We put in the work because all of us believe in democracy for the people, by the people. We were the blue wave; we became the change we wanted to see. And grassroots activists didn't build this movement from the bottom-up just to have it undermined by this proposal.

This proposal would be highly partisan and harmful to New Jerseyans for years to come. We should not use partisan data in redistricting. We should not have sitting legislators be part of the Commission. We should have language that any lay person could understand, and we should clearly understand how the Commissioners come up with the new map.

Finally, we should have a district map that is fair and takes into account protected classes.

And we depend on you, our elected officials, to do your due diligence, and to assess a proposal with adequate time and with plenty of public input before voting on it.

Lastly, the proposed language that would appear on the ballot, should this proposal pass, needs the voter to vote "yes." This whole proposal is partisan and intentionally vague and misleading. We ask you to

vote “no” on this proposal and take the time to come up with a proposal that is fair, equitable, nonpartisan, and sound.

SENATOR CRUZ-PEREZ: Thank you, Mr. Janowski; thank you so much for your testimony.

MR. JANOWSKI: Thank you.

SENATOR CRUZ-PEREZ: Herbert.

**H E R B E R T L. T A R B O U S:** Madam Chairman, thank you for the opportunity to testify today.

My name is Herb Tarbous; I am from Piscataway. I’m here representing the Central Jersey Progressive Democrats; I’m also a Middlesex County Democratic Committeeman.

I oppose this amendment for three reasons. The first is that the amendment seems to run afoul of the equal amendment clause of the 14th Amendment of the U.S. Constitution. Secondly, the amendment seems to be inconsistent and ambiguous with the *political party* definition in Title 19 of the New Jersey statutes. And third, the amendment seems to establish a permanent structure of two-party rule in the State of New Jersey, 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 New Jersey 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 New Jersey, while Title 19 of the New Jersey statutes does define a process by which more than two parties can achieve ballot column status. So is that to mean that the-- What is the definition of a *major party* in this amendment? Does that mean that the parties have achieved ballot column status? It's not clear.

And what will be the procedure if a third party does get more votes for Governor than one of the current major parties?

And regarding the attempt to establish a permanent structure of two-party rule, the Resolution refers to the two major parties 33 times in the Resolution. 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 that 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 New Jersey -- I urge you to oppose this Resolution.

SENATOR CRUZ-PEREZ: Thank you so much for your testimony.

Ms. Marley.

M A R C I A M A R L E Y: Hello, and thank you for having this public hearing.

SENATOR CRUZ-PEREZ: My pleasure.

MS. MARLEY: I am head of a grassroots organization.

And, for instance, just in this election, we knocked on over 51,000 doors, handed out thousands and thousands of literature at every

train station in the state; and also sent out hundreds of thousands of text messages for candidates -- for Democratic candidates, as head of BlueWave. We work for them.

But I am against this amendment.

And I'm also a DNC member. And as a DNC member, I have gone out publicly against Republican redistricting, against Republican gerrymandering; and I'm also against this for the same reason.

You have a chance here to move forward, not backward. I am not defending our current system, and I'm not suggesting that we should keep it. I'm suggesting that you take the time to do it right -- it's too important not to -- and that you actually institute best practices going forward, as delineated by others here. That best practices means that, if possible, do a citizen -- a public citizen-led Commission; at least include them in the process of setting it up, and in the actual Commission.

I'm also an economist. And the way it is structured right now, with 8 people either appointing, or on, the Commission from the Legislature; and 4 from the two parties, so you have 12 -- the incentive structure is for incumbents; it's for maintaining incumbents. It does not promote democracy as we know it and how we want it in our State.

New Jersey deserves better than this. Please look forward, not backwards. Use best practices; include the people in this room, include the public, include the experts.

Thank you.

SENATOR CRUZ-PEREZ: Thank you, Ms. Marley.

Heidi Williams.

**H E I D I W I L L I A M S;** (off mike) I can pass, in the interest of time. You've had excellent speakers, Senator.

SENATOR CRUZ-PEREZ: Okay; thank you.

William Griffeth, Jean-Marie Donohue, Timothy Larkin.

SENATOR THOMPSON: May I make one comment to the last person?

SENATOR CRUZ-PEREZ: Go ahead, Senator.

SENATOR THOMPSON: I'd just like to commend that last presentation there. I totally agree with what she had to say. She's correct; the present system certainly is not the best system, and coming up with a better one is very important. And the input that she's speaking of -- that's what we need to get it right.

SENATOR CRUZ-PEREZ: Thank you, Senator.

Mr. Griffeth.

**W I L L I A M F. G R I F F E T H, Jr., Ph.D.:** Yes, thank you.

Madam Chairperson and members of the Committee, I'm William Griffeth; I've campaigned, as a citizen of Westfield, since 1988, for Democratic candidates for Congress and other offices.

But I am testifying today in opposition to Senate Concurrent Resolutions 43 and 152; and there are several reasons for this.

Before I go to them, I wanted to thank Senator Scutari for coming here to defend his proposal; and thank the members of the Committee for the kinds of questions they've been asking, and engaging with us citizens.

But let me go ahead and deal with my objections.

First, I think the proposed amendment would solidify the position of politics in redistricting, rather than eliminating it. I favor a public or nonpartisan, rather than a bipartisan, solution for this. I don't like politicians being able to choose their own voters.

Second, the amendment would embed the two-party system more deeply into the State's Constitution at the expense of independents and third parties, like the Greens and the Libertarians.

Third, the amendment would facilitate gerrymandering for the benefit of the majority party, as representatives -- well, particularly as Princeton Gerrymandering, Mr. Adler -- had suggested. And that would be under the guise of making districts more competitive, which is ironic at best.

Fourth, communities of service (*sic*) are given some mention in the amendment, but they don't specifically call on minority communities, communities of color; which are protected, currently, by the Voting Rights Act, but we know that would be fragile.

And fifth -- and my objection here may be to an old version of this; I'm not sure -- but the explanatory ballot language hides the true effect of the amendment. So these are bad bills.

When my wife Nancy and I moved to Westfield in 1987, the town was a well-known Republican stronghold; and remained such until last year, when Democrats swept to power by landslides in all five races. How did this happen? Thanks to the 2016 election of him-who-shall-not-be-named, the sleeping dragon of widespread popular engagement in politics has been awakened in Westfield and in many other towns in New Jersey.

Grassroots organizing by Westfield 20/20 and Westfield Together flipped the Westfield town government.

In November, citizen activism flipped four of the five GOP seats in New Jersey.

But don't think that progressive activism gives the Democratic Party organization a blank check to run roughshod over its opposition, as Republicans have done to Democrats in North Carolina, Wisconsin, and Michigan.

Thank you.

SENATOR CRUZ-PEREZ: Thank you, Mr. Griffeth, for your testimony.

Ms. Donohue.

**J E A N - M A R I E D O N O H U E:** My name is Jean-Marie Donohue.

I am the Assistant Director of WATERSPIRIT. WATERSPIRIT is a faith-based organization sponsored by the Sisters of Saint Joseph of Peace, which is a Roman Catholic order of nuns in the State of New Jersey. They also are international.

The reason we are here today is because redistricting affects what we do. Redistricting affects the public policy that is being implemented here in the State House, in who we elect.

We do not claim to be redistricting experts, but we're here to support what the Princeton Gerrymandering Project said in their comments; we're here to support Patrick Murray, from Monmouth University; we're here to support the League of Women Voters in their comments. And we're also here to support the Brennan Center.

We support a nonpartisan Commission, an independent Commission of experts, not just our elected legislators.

The Sisters of Saint Joseph of Peace are key to social justice issues on the frontlines in the State of New Jersey. They have housed the homeless, they have educated people since the late 1800s.

And we really would advise you to please vote “no” on this; and to please give the communities of color a voice when they vote, because they are the people we serve.

Thank you.

SENATOR CRUZ-PEREZ: Thank you, Ms. Donohue.

Mr. Larkin.

**TIMOTHY LARKIN:** Hello; my name is Timothy Larkin. I’m a resident of Glen Rock, New Jersey, and a member of the Bergen County Democratic Committee.

I’ve taken a day off work today in order to urge you to oppose the amendment, SCR-152. This Bill is a poor patch to fix the inevitable deadlock that occurs 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 be added to it. I believe that 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 in California. For example, their final map must be approved by three Democrats, three Republicans, and three independent

people of the commission. The commissioners have no choice but to work together in order to come up with a map that meets everybody's approval.

There's nothing in this Bill 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 out 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, by cramming through a Bill at the end of the year.

I am proud of the work that our Democratic legislators have done to effect positive change in our State, but I am extremely disappointed that we didn't get the transparent process that was promised when this Bill failed in 2015.

New Jerseyans deserve better, and I urge everyone to oppose this Bill.

Thank you.

SENATOR CRUZ-PEREZ: Thank you, Mr. Larkin, for your testimony

Thank you so much to the panel. Say hello to the Sisters.  
(laughter)

Matthew Skeete, from Essex County; Liz Glynn, New Jersey Forward; Ann Rea.

Matthew.

**MATTHEW SKEETE:** Hi; thank you so much for all hearing me.

Thank you, Senator Brown, for your opposition; Senator Thompson as well.

My name is Matthew Skeete; I'm with Our Revolution Essex County, one of 20 Our Revolution chapters within the State of New Jersey. We are a progressive group -- mostly Democrats, including myself; I identify as a progressive Democrat -- who stand for good governance, and stand against SCR-43 and SCR-152.

I have a few reasons to bring forth for you.

Democracy is simple: It means one person, one vote. It doesn't mean machine politics; it doesn't mean consolidation of power.

Our officials should not get to decide their constituents. Redistricting for self-interest, and partisan gerrymandering, is antithetical for free and fair elections, regardless of political affiliation.

If elected officials throughout New Jersey don't feel secure in their reelection bids, then they should do a better job; not attempt to carve out favorable maps in order to allow them to retreat back into mediocrity and do just enough to skirt by.

At a time when the national Democratic Party -- as evidenced by a few people who have said this before -- is doing so much to ensure free and fair elections and combat gerrymandering, it's disgusting that the State Party is planning to award the tens of thousands of volunteers -- who did so much to make a blue progressive wave in New Jersey -- with gerrymandered districts. If you vote for this Bill, you won't make your seat safer; you'll paint a target for a primary election.

I'm saying this here, and I'm going off the script because we should to be at this point. The fact of the matter is, when I vote as Democrat, I want to vote standing as someone who stands for the will of the people. Not the will of the big party power; not the will of

powerbrokers; not the will of one or two people who want to ensure their things. We live in New Jersey; our State's already bent towards the Democratic Party. Can't we at least win using rules, being fair, keeping it free?

I implore you all to think about your votes on this, and how it should affect us, moving forward. We should stand here as Americans; we shouldn't stand here as Democrats or Republicans. This is the wrong way to go about this.

That's all I have to say.

SENATOR CRUZ-PEREZ: Thank you.

Ms. Glynn.

**L I Z G L Y N N:** Hi, yes. My name is Liz Glynn.

Thank you so much, Chairwoman, and members of the Committee, for the opportunity to testify.

So, yes, I stand here in opposition to SCR-43, SCR-152, and ACR-205. I'm a New Jersey citizen from Lambertville; and I also represent the voices of my grassroots group, NJ7 Forward, which was one of the many Indivisible groups here in opposition to this proposal.

We're concerned with this redistricting proposal for the many reasons already stated here. We do feel that it's partisan gerrymandering, and we are not hysterical; and I don't appreciate being accused of being hysterical for voicing my concerns. And I don't believe that we're trying to do any fearmongering; we're just making our voices heard as citizens of this state worried about our future.

We just saw historic voter turnout levels in our last election. This is a boon to democracy, and something that the many grassroots

activists here in the room and across the state -- that we're all very proud of. We achieved these high levels of participation by engaging voters. We didn't do it by creating some backroom deals and rules that are based on some scheme of calculations.

Really, this current redistricting proposal -- I do find that it's embarrassing here, as the State of New Jersey; and that there have been some national voices -- like Eric Holder Jr. -- who have come out to speak out against what we're doing here in the state.

Most states across the country are moving forward and making their districts more transparent and representative. I recognize that our current process is not perfect and certainly needs some corrections to be better in the future. But I don't feel that the current proposal is doing it right.

And I know, as other people have stated, that we should take the time to make sure that we're doing this right and not rushing through this just to-- And you know, we have to recognize the reason why people are trying to rush through this is because they can try to rush through and get a simple majority in two consecutive years, versus, "Let's make this right, and make sure there's more public input," even if that means we have to win with a different majority to win -- to pass the Legislature.

So I urge our legislators to please make sure that they're taking time for public input, listening to our voices. We have read the Bill, and we have listened, and I hope that you're taking the time to listen to us.

Thank you so much for your time.

SENATOR CRUZ-PEREZ: Thank you for your testimony.

Ms. Rea.

**A N N R E A:** Hello, my name is Ann Rea; and I'm here as a concerned citizen of New Jersey. I live in Clifton.

I am opposed to SCR-152 and 43, as well as ACR-205.

It appears this redistricting amendment to the New Jersey Constitution is not about a better plan to draw our Legislative Districts; it is kind of undermining our democracy. This proposed amendment will erode people's trust in the result of their elections and reinforce that common complaint that, "Voting doesn't matter."

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

Our government's 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.

And another comment: When we create bills like this, why don't we have the League of Women Voters at the table writing the bills, and the Brennan Center, and all these people who study good government? You know, call up Eric Holder; check with-- You know, there are a lot of resources, and I think a better bill could be crafted.

Thank you very much.

**SENATOR CRUZ-PEREZ:** Thank you, Ms. Rea, for your testimony.

Thank you.

**ALL:** Thank you.

Sean Smith, Heather Marko.

UNIDENTIFIED MEMBER OF AUDIENCE: (off mike)

Heather had--

SENATOR CRUZ-PEREZ: Is Heather here?

UNIDENTIFIED MEMBER OF AUDIENCE: No, Heather had to go.

SENATOR CRUZ-PEREZ: Let the record reflect that she's opposed to the Bill.

Sean; is Ingrid Reed in the room?

UNIDENTIFIED MEMBER OF AUDIENCE (off mike): She left earlier.

SENATOR CRUZ-PEREZ: Okay; so let the record show that she's opposed to the Bill.

William Adler.

MR. ADLER: (off mike) I have already testified.

SENATOR CRUZ-PEREZ: Oh, William; I'm sorry. Yes, you did.

Sue Altman; is Sue in the room?

**SUE ALTMAN:** (off mike) Yes.

SENATOR CRUZ-PEREZ: Okay; there she is.

Laura Zurfluh; Laura, are you here? (no response)

Let the record reflect that she's opposed to the Bill.

Richard Bye; Richard? (no response)

Let the record show that he's opposed to the Bill.

Joni Gilton, please come forward.

Mr. Smith, you can start.

**SEAN SMITH:** Thank you, Madam Chairwoman.

Good morning, everyone. My name is Sean Smith, and I'm here representing Our Revolution Union County.

I want to start by just stating that I've read the Bill; I didn't like it, and that's why I'm here opposing it today.

As I said, I represent Our Revolution Union County; we oppose SCR-43 because we view it, really, the only way it can be viewed. We see it as a vehicle for legislators to game the system, as has been said so often this afternoon here.

We strongly encourage you all to vote down this Resolution and to go forward in the future and campaign on your message and your merits. If your message is to help people and your accomplishments are worthy, you'll be reelected. If not, then rigging the system is not the answer.

We do believe that, possibly, a citizen-based Commission could be a possible solution, and should be something that should be considered.

As we heard outside when we were freezing at our press conference this morning, there are a multitude of activist organizations throughout the state; and a bunch of them are currently identifying and cultivating potential candidates. They're ready, willing, and able to mount serious primary challenges. So please, we implore you to do the right thing, or it may be you who gets primaryed in your next election.

Thank you.

SENATOR CRUZ-PEREZ: Thank you so much for your testimony.

Sue.

MS. ALTMAN: Hi; good afternoon.

SENATOR CRUZ-PEREZ: Good to see you.

MS. ALTMAN: Thank you, Senator Nilsa Cruz-Perez. It's good to see you.

So I represent South Jersey Women for Progressive Change, which, as my colleague Meredith up here before said, is an 8,000-member, all women -- none of whom are hysterical -- group of all South Jersey women, who believe firmly in the values of progressivism. And we define this, pretty clearly, on our website.

I, first, would like to recognize and thank -- many of them have gone home -- but the panoply of different progressive, activist grassroots groups that have come out here today just to explain their opposition to this Bill. We've had everything from New Jersey (Indiscernible) Change, Indivisible, Our Revolution, Action Together; groups from North Jersey, South Jersey, Princeton, the Shore.

And this is an amazing moment because, where I sit, this shows us that all of that resistance energy that came from the anti-Trump stuff has now been, first, funneled into grassroots groups -- which, to us, is a statement about how the party systems failed to capture that energy in an effective way right after the 2016 election -- they've been funneled into grassroots groups. And now, instead of just being upset about the Trump situation -- which our ability to do much about is limited -- we're actually using that energy at the State level.

And I think this is a bit of a paradigm shift for the folks in this room because, prior to now, progressive groups have not been hyper-organized outside of party structure. So this is a very specific moment in history; and I think it's important that every Democrat, in particular, in this

room pay attention to that, because there are structural things that need to change about how this State is run. And this Bill is a perfect example of that, and it's really providing an education to all of our members about what's wrong with New Jersey politics.

So in that, I thank you; but I also open an opportunity for us to make a good decision moving forward.

So we have a four-prong decision to make as a Democratic Party. First, we can decide whether or not we want to take a moral high ground and be consistent in our values at the national level and at the State level. And as others have noted, there are important people at the national level who have spoken out against this; and we can choose to then ignore that, or we can choose to be consistent in our values.

Two, we can choose to listen to experts. Again, this is another thing at the national level we criticize Republicans for. And, right here, we have an opportunity to listen to all kinds of experts from all kinds of places about what's best, as far as legislation is concerned.

Three, we can choose to value marginalized voices; and others have commented on that.

And four, finally, we can choose to work across party lines.

I have to admit I did find it super weird, but I am, like, snapping (indicates) when Republicans are speaking--

SENATOR BROWN: It's okay.

MS. ALTMAN: --but it's an opportunity for us, I think. It's an opportunity that the Democratic Party, progressive activists, can all have a coalition behind good governance. And I think it's an inspirational and

exciting opportunity for our State, to finally move in that direction for better structures for democracy writ large.

Thank you.

SENATOR CRUZ-PEREZ: Thank you, Sue, for that testimony.

Joni.

J O N I G I L T O N: Hello; thank you for the opportunity to speak today.

I'm deeply concerned about the effects that SCR-43 and 152 would have on democracy. So I must speak up, because it's all about hope versus hopelessness.

Two years ago, I moved to New Jersey from Texas, where I had lived for 35 years. As a regular voter and an engaged citizen, I know what it's like to live in a state that is hopelessly gerrymandered.

I've witnessed how the results of gerrymandering produced short-term gains in power, but at the expense of long-term losses and public confidence.

Texans don't feel represented by their elected officials; and over time, they've lost confidence and trust in the system. They feel desperately hopeless because they don't have a voice in government anymore. People have become disengaged because there is no longer truly representative democracy.

Of course, I moved here right before the 2016 election.

Until recently, I was not a student of history; but now I feel it is my duty as a citizen to study history in order to be a better guardian of democracy. Political history around the globe demonstrates that partisan

gerrymandering is, perhaps, the most insidious contributing factor in a government slide from democratic to authoritarian rule. These shifts often occur quickly, leading to extreme partisan polarization. We are experiencing this right now in the United States, state by state, as I've been learning; if we aren't careful authoritarianism can happen here. We all must make sure it does not, so we all need to serve as guardians of democracy.

When we witness the intentional design of an imbalance of power between the people who vote and the people they vote for, we cannot help but feel hopeless and hopelessness. So elections need to be fair, balanced, competitive, and representative. The process of redistricting must be done without partisan bias.

Partisan data needs to be excluded from the redistricting process; public input needs to be the guiding force behind the development of new district maps. If the language of the proposed Resolutions becomes part of our State Constitution, citizens may feel that their vote no longer matters because the system has become rigged. And a partisan gerrymandered map that ignores the will of the people, and sets off a chain of events that will ultimately lead to a more hopeless and less stable society, puts New Jersey on a more dangerous path.

I urge you, you cannot let this happen here. The job of a public servant requires you to be responsible for the hope of our citizens to be confident that we have a fair and represented democracy; and I hope that I've made myself clear, and that you can take this message to heart.

Thank you.

SENATOR CRUZ-PEREZ: Thank you so much for your testimony.

Thank you so much for the testimony, everyone.

David Goodman; is David here? (no response)

Doug O'Malley; is Doug in the audience? (no response)

So I have a package of people who are opposed to the Bill, which I am going to read.

Is there anybody in the audience who signed in to testify, and I haven't called your name? (no response)

Okay; I have Ronald Chen, ACLU of New Jersey, against the Bill; Yuriy Rudensky, Brennan Center for Justice, opposed, no need to testify; Ronald Pierce, New Jersey Institute for Social Justice, opposed, no need to testify; Sandra Perchetti, League of Women Voters, opposed, no need to testify; Cecile Kent, League of Women Voters, opposed, no need to testify; Jill Lewis-Spector, League of Women Voters, opposed, no need to testify; Karen Canter, League of Women Voters, opposed, no need to testify; Ethel Reid, League of Women Voters, opposed, no need to testify; Katie Wertheimer, Planned Parenthood Action Fund, opposed, no need to testify; Elizabeth Morgan, Lawrence League of Women Voters, opposed, no need to testify; Susan Pironti, League of Women Voters of Sussex, opposed, no need to testify; Sally Maruca, LWV, Lawrence Township, opposed, no need to testify; Nicole Plett, League of Women Voters of Lawrence Township, opposed, no need to testify; Michael Wilson, opposed, no need to testify; Shoshana Osofsky, Allied for the American Promise, opposed, no need to testify.

Carol Gay, New Jersey Industrial Union Council, opposed, no need to testify; Alissa Wolf, opposed, no need to testify; Kevinjohn Tardo, opposed, no need to testify; Joseph Mangano, opposed, no need to testify; Kathleen Jerome, opposed, no need to testify; Sharon Podsada, opposed, no need to testify; Leslie Kossar Schraer, opposed, no need to testify; Alexis Larkin, opposed, no need to testify; Lynn Kyzar, opposed, no need to testify; Teresa Stimpfel, opposed, no need to testify; Nickole Forbes, opposed, no need to testify; Theresa Winegar, opposed, no need to testify; Tony Giordano, opposed, no need to testify; William Farwell, opposed, no need to testify; Kyle Moore, opposed, no need to testify; Rhyan Grech, opposed, no need to testify; Jeff Grundy, opposed, no need to testify; Stefani Kasdin, opposed, no need to testify; Andrea Kane, opposed, no need to testify; Carol O'Neil, opposed, no need to testify; Lillian Wolfe, opposed, no need to testify; Andrea Mastro, opposed, no need to testify.

And that actually, unless someone else wants to testify, that will conclude this hearing.

This meeting is adjourned.

**(HEARING CONCLUDED)**