
Public Hearing

before

ASSEMBLY JUDICIARY COMMITTEE

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

Assembly Concurrent Resolution 188 (1R)

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

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

DATE: July 20, 2020
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Raj Mukherji, Chair
Assemblywoman Carol A. Murphy, Vice Chair
Assemblyman Nicholas A. Chiaravalloti
Assemblyman Gordon M. Johnson
Assemblyman Robert Auth
Assemblyman Christopher P. DePhillips



ALSO PRESENT:

Miriam Bavati
Office of Legislative Services
Committee Aide

Mark Iaconelli
Assembly Majority
Committee Aide

Kevin Logan
Assembly Republican
Committee Aide

This transcript was prepared using an outside recording not designed for transcription purposes. Therefore, portions of this transcript may not be completely accurate as portions were inaudible and/or indiscernible.

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

Raj Mukherji
Chair

Carol A. Murphy
Vice Chair

Nicholas A. Chiaravalloti
Gordon M. Johnson
Robert Auth
Christopher P. DePhillips



Miriam Bavati
Sarita J. Welsh
Office of Legislative Services
Committee Aides
609-847-3865
Fax 609-292-6510

NEW JERSEY STATE LEGISLATURE

ASSEMBLY JUDICIARY COMMITTEE

STATE HOUSE ANNEX • P.O. BOX 068 • TRENTON, NJ 08625-0068
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**REVISED
COMMITTEE NOTICE
&**

PUBLIC HEARING NOTICE

TO: MEMBERS OF THE ASSEMBLY JUDICIARY COMMITTEE
FROM: ASSEMBLYMAN RAJ MUKHERJI, CHAIRMAN
SUBJECT: COMMITTEE MEETING - JULY 20, 2020

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

The Assembly Judiciary Committee will meet on Monday, July 20, 2020 at *10:00 AM in Committee Room TBD, State House Annex, Trenton, New Jersey.

Due to the public health emergency, the State House Annex remains closed to visitors and the public will not be allowed to attend the meeting in person. The public may view the meeting on the New Jersey Legislature home page at <https://www.njleg.state.nj.us/>. The Committee will take oral testimony on bills, by telephone and/or video.

If you are interested in registering your position with the committee, please fill out the Registration Form located on the New Jersey Legislature home page under the applicable Committee heading. If you wish to testify, check the box on the form "Do you wish to testify?" The form must be submitted by 3:00 PM Friday, July 17, 2020. Instructions for providing testimony will be forwarded to you.

The public is encouraged to submit written testimony electronically in lieu of oral testimony. Written testimony will be included in the committee record and distributed to the committee members. Written testimony should be submitted to OLSAideAJU@njleg.org.

(OVER)

The following bill(s) will be considered:

<u>Released/Aca</u> A-883 Giblin/Timberlake	Directs the development and posting of notices containing information for victims of human trafficking.
<u>Released</u> A-2717 Murphy/Mukherji	Provides for immediate issuance of marriage and civil union licenses; provides for 72 hour waiting period prior to ceremony.
<u>Released</u> **A-3594 Zwicker/DeCroce, B/ Reynolds-Jackson	Renames "board of chosen freeholders" to "board of county commissioners" and "freeholder" and "chosen freeholder" to "county commissioner"; requires counties to update materials to reflect this title change.
<u>Released</u> **A-4225 Mukherji/Lopez/Schaer	Prohibits lawful presence in United States as qualification for obtaining professional or occupational license.
<u>Released/Aca</u> **A-4235 Mukherji/Sumter/ Reynolds-Jackson	Requires public health emergency credits to be awarded to certain inmates during public health emergency declared by Governor.
<u>Released/Aca</u> A-4250 Downey	Revises law concerning notaries and notarial acts; authorizes electronic signatures.
<u>Released</u> **A-4412 Freiman	Requires facilities offering COVID-19 tests to provide accurate timeframes for test results; requires DOH to update COVID-19 website with information regarding testing locations that provide COVID-19 test results within 48 hours.

***The Assembly Judiciary Committee will hold a public hearing immediately following the committee meeting.**

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

ACR-188 (1R)
McKeon/Jimenez/
Wimberly/Lopez

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

Issued 7/1/20

*Revised 7/10/20 – Meeting time changed to 10:00 AM; added Public Hearing on ACR188 (1R).

**Revised 7/16/20 – A3594 (pending referral), A4225 (pending referral), A4235 (pending referral), A4412 were added for consideration.

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.

REPORT OF ASSEMBLY JUDICIARY COMMITTEE
ON
ASSEMBLY CONCURRENT RESOLUTION NO. 188 (1R)

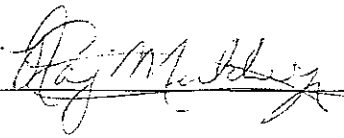
In accordance with Rule 19:3 of the New Jersey General Assembly, a public hearing on Assembly Concurrent Resolution No. 188 (1R), entitled "A Concurrent Resolution proposing to amend Article IV, Section III of the Constitution of the State of New Jersey,," was held in Committee Room 11, 4th Floor, State House Annex,, Trenton, New Jersey on July 20, 2020 before the Assembly Judiciary Committee.

The following members of the committee were present:

Assemblyman Raj Mukherji
Assemblywoman Carol A. Murphy
Assemblyman Nicholas A. Chiaravalloti
Assemblyman Gordon M. Johnson
Assemblyman Robert Auth
Assemblyman Christopher P. DePhillips

Pursuant to Rule 19:4 of the New Jersey Assembly, the committee reports that the public hearing was held on Assembly Concurrent Resolution No. 188 and that it may be ordered to a third reading for final passage.

The Clerk is directed to enter this report in the Minutes of the General Assembly.



**ASSEMBLY CONCURRENT
RESOLUTION No. 188**

**STATE OF NEW JERSEY
219th LEGISLATURE**

INTRODUCED JULY 6, 2020

Sponsored by:

Assemblyman **JOHN F. MCKEON**
District 27 (Essex and Morris)
Assemblywoman **ANGELICA M. JIMENEZ**
District 32 (Bergen and Hudson)
Assemblyman **BENJIE E. WIMBERLY**
District 35 (Bergen and Passaic)
Assemblywoman **YVONNE LOPEZ**
District 19 (Middlesex)

Co-Sponsored by:

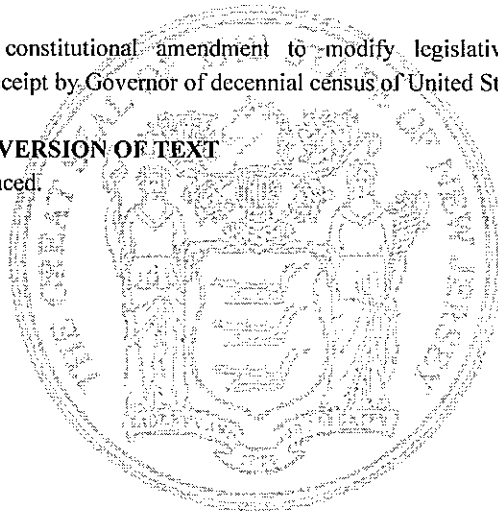
Assemblywoman **Timberlake**, Assemblyman **Giblin**, Assemblywomen
Reynolds-Jackson and **Jasey**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/9/2020)

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

3
4 BE IT RESOLVED by the General Assembly of the State of New
5 Jersey (the Senate concurring):

6
7 1. The following proposed amendment to the Constitution of the
8 State of New Jersey is hereby agreed to:

9
10 PROPOSED AMENDMENT

11
12 Amend Article IV, Section III, by adding a new paragraph 4 to
13 read as follows:

14
15 4. Notwithstanding the provisions of paragraphs 1, 2, and 3 of
16 this Section III, when the receipt by the Governor of the official
17 decennial census of the United States for New Jersey occurs after
18 February 15 of the year ending in one, following the year in which
19 the census is taken, the commission shall certify the establishment of
20 Senate and Assembly districts and the apportionment of Senators and
21 members of the General Assembly to the Secretary of State after the
22 November general election of that year ending in one, but not later
23 than December 31 of that year. Such establishment and
24 apportionment shall be used for the election of members of the Senate
25 and General Assembly beginning with elections conducted in the
26 year ending in three, and elections thereafter, and shall remain
27 unaltered until the following decennial census of the United States
28 for New Jersey shall have been received by the Governor.

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

34 For the election of members of the Senate and General Assembly
35 occurring in November of that year ending in one, members shall be
36 elected by the legally qualified voters of their district as drawn by the
37 previous Apportionment Commission for the previous decade, for
38 terms beginning at noon of the second Tuesday in January next
39 following their election and ending at noon of the second Tuesday in
40 January two years thereafter.

41
42 2. When this proposed amendment to the Constitution is finally
43 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
44 shall be submitted to the people at the next general election occurring
45 more than three months after the final agreement and shall be
46 published at least once in at least one newspaper of each county
47 designated by the President of the Senate, the Speaker of the General

1 Assembly and the Secretary of State, not less than three months prior
2 to the general election.

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

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

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

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

15 b. In every municipality the following question:

16

	YES	<p>CONSTITUTIONAL AMENDMENT TO CHANGE THE LEGISLATIVE REDISTRICTING SCHEDULE IF CENSUS DATA IS DELAYED</p> <p>Do you approve amending the Constitution to change when new legislative districts are created if the federal census data is delayed?</p> <p>The current COVID-19 pandemic has delayed census data collection. If New Jersey does not receive the census data in a timely manner, new legislative districts may not be ready in time for State legislative elections in the year ending in one.</p> <p>This change to the redistricting schedule will allow legislators to be elected that year from their existing districts for their two-year term in office. The new districts will be used starting with the next scheduled general election for the State legislature.</p>
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17

	NO	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This constitutional amendment changes when new legislative districts are created if the federal census data is delayed.</p> <p>The United States Constitution requires that a census be taken every ten years to count the people living in the country. Census data is then used to create new legislative districts to ensure residents have equal representation from elected officials. However, the current COVID-19 pandemic has delayed census data collection. This may delay census data to the states and may affect the creation of new legislative districts.</p> <p>The State Constitution requires an Apportionment Commission to create new legislative districts every ten years after the federal census is completed. If the census data is delayed, the new legislative districts may not be created in a timely manner to hold elections.</p> <p>This constitutional amendment requires the commission to delay creating the new districts if the Governor receives the federal census data after February 15 of the year ending in one. The commission will adopt the new districts after the November general election, but not later than December 31 of that year.</p> <p>The new districts will be used starting with legislative elections in the year ending in three. They will continue to be used until new districts are again created by the Apportionment Commission after the next federal census.</p> <p>For the June primary and November general elections in the year ending in one, Senators and Assembly members will use their existing districts to run for a term of two years. The old districts will also be in effect in the year ending in two if any legislative election is held in that year.</p>
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STATEMENT

1
2
3 The United States Constitution requires a census to be taken every
4 ten years to count the people living in the United States. Data
5 received by the states from the United States Census Bureau is used
6 to create new legislative districts at the start of each new decade to
7 ensure residents have equal representation from their elected
8 officials. However, in New Jersey, if the federal census data is not
9 received by February 15 of the year ending in one, the new legislative
10 districts cannot be ready on time to meet the legal deadlines for state
11 legislative elections, causing disruptions in the election process. The
12 COVID-19 pandemic has caused the United States Census Bureau to
13 delay its procedures for collecting census data. This delay in data
14 collection may delay the release of the census data to the states,
15 possibly as late as July 31, 2021. This means that New Jersey will
16 not receive the population count on time to create the new legislative
17 districts to meet the legal deadlines for the 2021 State legislative
18 elections.

19 This constitutional amendment requires the Apportionment
20 Commission to delay its adoption of new legislative districts when
21 the United States Census Bureau does not provide the Governor the
22 redistricting census data by February 15 of the year ending in one.

23 Currently, the State Constitution requires new legislative districts
24 to be adopted every 10 years following the Governor's receipt of the
25 decennial census results. The United States Census Bureau conducts
26 the count of the population in each year ending in zero, and provides
27 this data to the states in the year following the year in which the
28 census is taken, ending in one. The State Constitution requires the
29 Apportionment Commission to certify the new legislative districts
30 within one month after the Governor receives the official census data
31 for New Jersey, or on or before February 1 of the year ending in one,
32 whichever date is later. If the 10-member bipartisan Commission
33 cannot adopt the new districts within that month, then the Supreme
34 Court appoints an independent member to break the tie vote. The 11-
35 member Commission then has one more month to adopt the new
36 districts. Usually, the new districts are ready to be used in the June
37 primary and November general elections for legislators that occur in
38 that year ending in one. However, if the census data is delayed, the
39 new legislative districts would not be ready on time to meet these
40 State legislative election deadlines.

41 This constitutional amendment modifies the schedule for adopting
42 the legislative districts when the census data is delayed. It provides
43 that if the Governor receives the census data after February 15 of the
44 year ending in one, the commission will certify the new districts after
45 the November general election but not later than December 31 of that
46 year. The new districts will be used for legislative elections
47 beginning in the year ending in three, and will continue to be used in
48 elections until new districts are adopted after the next census. For the

ACR188 MCKEON, JIMENEZ

6

1 June primary and November general elections in that year ending in
2 one, Senators and Assembly members will be elected by the voters
3 of their existing districts, instead of the new districts. As usual,
4 Senators and Assembly members run for office in the year ending in
5 one and are elected for a term of two years. The old districts will
6 also be in effect in the year ending in two for election purposes, if
7 any legislative election is held in that year.

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ASSEMBLYMAN RAJ MUKHERJI (Chair): We will call the public hearing to order.

The public hearing of the Assembly Judiciary Committee will be held in compliance with Article 9, paragraph 1, of the New Jersey Constitution; and Rule 19:3 of the General Assembly, on the following Assembly Concurrent Resolution: ACR-188, sponsored by Assemblyman McKeon, Assemblywoman Jimenez, Assemblyman Wimberly, and Assemblywoman Lopez.

It proposes a constitutional amendment to modify legislative redistricting schedule, if receipt by the Governor of the decennial census of the United States is delayed.

The public hearing is convened.

We are going to ask -- we're going to start with testimony from the Assembly sponsor, as well as a number of our esteemed colleagues from across the hall, and a number of public speakers.

We're going to ask -- to respect everyone's time and to get through the long list of speakers today -- if the participants would kindly keep your comments to three minutes, if possible, we would be appreciative so that everyone can participate in this important hearing and in the constitutional process.

So first, without further ado, if the sponsor of the ACR, Assemblyman John McKeon, would start us off.

A S S E M B L Y M A N J O H N F. M c K E O N: Thank you, Mr. Chairman, and thanks to the Committee. It was fun to listen in to the debate that preceded all of this.

Chairman, my testimony won't be much different than I posed before this Committee when the constitutional amendment was voted out last week.

As we probably all know, the United States Constitution Article 1, Section 2, requires a census be taken, as directed by Congress, of all the people here in our great country. Interestingly enough, the first census was done just three years after our Constitution was adopted; and it was a small consolidated time, because that's how they were going to figure out how they were going to pay for the Revolutionary War. And they thought that states would be honest because if they undercounted -- didn't have to pay as much -- they would lose congressional representation.

And so it's pretty interesting, as we get to the end of my discussion today, as to how they can be relevant to all of this.

So now it's been 24 times later, because after that first three-year period, censuses have been done every decade -- and that decade happens to be this historic year of 2020. Now, routinely the Census Bureau goes out in May with an army of a half-million people, and they come back by July 31, give or take, with numbers that then get processed and that get sent out to the states.

Now, New Jersey and Virginia are impacted by this timing, of course, because we happen to be in those years when there is a redistricting of our own map. Now, we all have known the tumult that comes -- for some of us who have been around here through a couple cycles -- when you get to February and have to draw a new map; and how we often have about two weeks to put ourselves into -- get petitions signed in districts that we're not

used to representing, or that challengers weren't used to knowing what it would look like until the very last minute.

Well, this year the U.S. Census Bureau, like many aspects of government, has basically asked for a timeout. They said, "We can't get out there." So as opposed to going out in May, their plan now is to go out with a half-million people on August 11, for the next number of months, to go door-to-door.

Now, we all know what's going on in the country. The likelihood that, in New Jersey, 45,000 people are going to be hired and are ready to go door-to-door come August 11 isn't very great. And so, as such, where does that leave us with regard to our redistricting process?

They have told us, by the way, the best case scenario is that we will have our numbers certified by June 15. So, what would that mean? Let's just use that best-case scenario; but, quite frankly, I question if that's going to occur.

So if we got our numbers June 15, that would take a 60-day process to get a map; 30 days for the bipartisan Commission to meet; and assuming they didn't come to consensus, 30 days for the independent. So we would have a new map, if you will, as of August 15. Give it seven days for petitions -- which is a tiny amount of time to start with -- that's August 22; 60 days for a primary, that takes us to October 22 for primaries to be conducted; and then a general election to happen on November 4.

Now that's untenable, unworkable, and I don't know that anybody would agree that that would be the correct way to proceed.

Following the lead of the Brennan Center -- who's indicated that New Jersey and Virginia need to do something different -- this is the solution

that I, and my co-sponsors, and hopefully a super majority of the Legislature, will be supportive of. And that will be a constitutional amendment to indicate that if we don't get numbers by February 15 -- which we won't -- then we will go with this particular legislative map to a 12-year cycle, as opposed to the 10-year cycle that we're all used to. And the difference being, is that the next cycle, that will be thoughtfully put together, will be an eight-year cycle.

Now, why wouldn't we do something different? Let's just go through some of the options that we have. And I think I could argue successfully that each and every one of them would be undemocratic.

Could we have less time for the 60-day process in creating new districts? Well, we could, but as it is, the public is clamoring for more and more input as it relates to that, as far as the public is concerned. And a tangential benefit of this change will be that that impact -- that will occur.

Let me just make one more important point, Mr. Chair

Everything stays the same, other than the 10-year, 12-year cycle now, versus the 8-year cycle that will come after it. One thing that does change is as follows: Since we could get these numbers in June, and, in theory, the map could be certified by August 15, it would be awkward for all of us to be running in districts in that November election that will probably look different than what they're currently constituted as in this current map. So as such, the amendment requires that the Committee does not certify the map until after the November election, and no later than March 1. And the tangential benefit to that is, there's going to be a significant amount of time; and, quite frankly, I think we'd all be disappointed knowing that they don't

have to certify the map until March 1 -- that they don't take significant time and get more public input, which is something that we're all clattering for.

So getting back to other alternatives, what we could do-- Again, if we're going to have a process that's going to be elongated, as far as creating the map, why would we want to have one that would be consolidated? That's undemocratic. Should we make it less time for petitions than seven days? Well, that's just silly. That's so quick as it is and, frankly, it would suppress newcomers and those who will -- that just we're looking to support through a redistricting process.

Should we have less time in the primary? So let's think about that for a moment. Is 60 days too much for a primary? Well, truth be told, maybe 15 of the 40 districts will be competitive. So truth be told, in at least 25 of them the real election happens during the primary. Why would we want to compress that? Again, anti-democratic.

As it relates to-- And the further part of that being less time -- again, it's more difficult to raise money, more difficult to recruit minority candidates, and the less time the worse for the democratic process. Getting to vote-by-mail -- we all know what the rules are now with vote-by-mail. How would we ever fit these kind of frames in allowing vote-by-mail to occur? And that would, in effect, depress voting totals, which is the last thing we want to do. Again, it would be undemocratic.

Now, one other thought: Could there be a special election, allowing us to run in our current districts, just for 2021, for one year; and then come back with a new district and run again in 2022; and then come back in the new district and run again -- or that District that's been created -- and run again in 2023? I don't know that anybody, God knows, who's an

elected official would want to subject us to election each year; nor, frankly, members of the public who would want to see that kind of a rapidity to a term. What would be undemocratic and unhealthy for our state in that regard is, we would literally have two years of one-year lame-duck sessions. You know, that's just not a good thing for good government. What we need now, more than ever, with all the challenges that we're going to have with COVID, is continuity and being in a position to make good decisions on behalf of the nine million people of this great state.

Another piece of that, of course -- and I love talking about the Founders in the form of not the Jeffersons, and Hamiltons, and Washingtons of the world, but of the Founders of the New Jersey Constitution. In 1947, they specifically had us, the Legislature, run in years that end with 1, 3, and 7, to make us separate and distinct from the Federal cycle, which is another reason against going with three elections in a row. Let alone, in 2022, it's going to be a brand new Congressional map -- and talk about confusing to the electorate.

So that's the sum and substance of it, Mr. Chair.

Look, you know, there will be -- let me anticipate some of the questions: Why February 15? And I thought about that and, you know, we've, I guess, gotten numbers as late as, maybe, March 1. And again, for all the reasons I won't repeat again, that's just such -- it's so chaotic. And in my view, it helps incumbents, because they have the benefit of incumbency; as opposed to new people who could crack into districts that, hopefully, are more proportionate to represent, and look more like what the state's composite will be.

And so February 15 is a very fair date. Anything after that is chaotic, and in my thoughtful opinion -- as with my co-sponsors -- is the right thing to do.

Then it's, like, why not one-off? Why don't we just do this for this one time? And again, I thought about that long and hard as well. Number one is, the Constitution isn't something to be trifled with as frequently as every X number of years. This is only being done because it's extraordinary circumstances. Then I thought, what's the worst thing that could happen? We get to February 15, 2030, and need to make this eight-year cycle, that's going to be thoughtfully put together, a 10-year cycle. That wouldn't be such a bad thing. And then we talk about 2040 -- about an eight-year cycle. And you know what? That's a long way into the future, 2040; and I certainly don't plan on being in the Legislature at that point in time. Chairman, you're pretty young; maybe you still will be. But this sets up a system that takes the chaos out of it, relative to setting a date certain, or else an alternative, now and forever, until others who have the wisdom to decide to go to a different system do.

And P.S.: You're going to hear from advocates, like we all did last time, talking about democratizing the system of selecting these districts. Interestingly is, we have a whole other year to have that debate and think about it, that can be impactful, relative to going into the next term, which otherwise we wouldn't have. So that's another good piece of it.

The other thing that I know people will argue is that there will be a variety of legal challenges -- anything from the interpretive statement, to the equal protection clause, one person, one vote. And there may well be. And I speak for one branch of government, not for what the Judiciary might

do. But here's what I do know -- that if our President -- because the Constitution isn't clear on this -- decides tomorrow to certify these numbers, or decides right after the November election -- as a parting gift to the people of New Jersey, with all of the other things that he's done to impact and impede the citizens of this great state -- we will at least have the ability to argue in court that our State has put forward a constitutional amendment; our view is imbued now in our Constitution. It was voted for by the people; and it will give us a leg to stand on, as opposed to the Trump Administration taking incomplete numbers, and all the ramifications that that would have to our State -- including likely losing a Congressional district, let alone to tens of millions, if not billions, of dollars in Federal aid.

So with that, I apologize; your meeting went a little longer than I thought it might, and I'm going to need to sign into the Environment Committee which starts at 1 p.m. So this is why I went on and on, Mr. Chairman, to try to get everything out, anticipating what some of the questions might be.

And I thank all of the members for thoughtfully considering the views of my colleagues who will testify today, as well as those of the public; and as well as what I'm sure will be a debate going into November, assuming a supermajority passes this with the people of this great state, who are ultimately going to be the ones to decide.

Thank you, again.

ASSEMBLYMAN MUKHERJI: Thank you, Assemblyman, for your leadership on this issue. And I reiterate my comments from our previous hearing on the amendments to the Concurrent Resolution, that I think that this is -- as you do -- an imperfect solution. But you have presented

one, and it's the least bad of all of the options as far as I can tell, which is why I voted in support of the amendments at the previous hearing, and will be doing so on the floor and at the ballot box. And I think that your consideration of all of the issues surrounding the delays in the census -- that none of us hoped for; the crisis caused by the pandemic and redistricting -- in a fair and equitable way, that's respectful of the changes in demographics and populations within our state, has been thoughtful, has been deliberative, has been inclusive. And so I just extend my appreciation to you.

ASSEMBLYMAN McKEON: Well, thank you, Mr. Chair.

I just need a final thought.

I know preliminary numbers at, like, 60-some percent have shown that the Hispanic and Asian communities have grown in our state. And you happen to be one of only two Asian American members of the Legislature, as well as-- Although 20 percent of our population is Hispanic, only 8 percent of the Legislature is. So those are goals that we want to be in a position to promulgate so there's better equality. But rushing this process, under any circumstances, is going to lead to the opposite result.

So I think, for a lot of reasons, this is important for us, as a state, to move forward with.

ASSEMBLYMAN MUKHERJI: Understood.

Before we ask Senators Pou and Cruz-Perez to speak, I know that you have to get going, Chairman.

Do any members--

ASSEMBLYWOMAN CAROL M. MURPHY (Vice Chair):

Thank you, Chairman.

Assemblyman McKeon, thank you so much for your leadership on this. And I concur with what the Chairman had said, as to everything; and my support for this Bill, not only voting for it last Committee, but also on the floor and at the ballot box.

But there is one thing I want to acknowledge, Assemblyman, is that it's always a pleasure to listen to you testify, because you always bring in the aspect of our Founders, whether it's the Constitution, or Declaration, or whatever. And it's good to see how this relates to those.

And I also want to thank you, not only for your leadership on this Bill, but also taking what was said at the last Committee meeting and thinking about it and clarifying some of those concerns that people had for today. And I want to thank you. And rest assured that I will also be supporting this on the floor and at the ballot box.

ASSEMBLYMAN McKEON: Thank you. I'm a history nerd; I'm sorry.

ASSEMBLYMAN MUKHERJI: Any other questions for Assemblyman McKeon from the members? (no response)

Okay.

Senator Pou.

SENATOR NELLIE POU: Thank you; thank you, Chairman
Good afternoon, Chairman Mukherji, Vice Chair Murphy, members of the Committee.

I want to take this opportunity to thank you for giving me the opportunity to talk about SCR-123 and ACR-188.

My name is Nellie Pou; I am the State Senator from the 35th District and Chair of New Jersey Legislative Latino Caucus.

The Latino population in New Jersey has grown 20 percent over the past decade. The Latino population is now 20 percent in New Jersey; as of now, all people of color comprise 45 percent of New Jersey residents.

Following the 2020 census, New Jersey, as it was mentioned just moments ago, New Jersey will be required to create new legislative districts. The new districts will have to accurately and fairly reflect the diversity of our communities.

Unfortunately, the coronavirus pandemic has made it impossible to accurately count communities in order for those gains to occur. In a normal year, the census form will have been sent out, many people will have self-reported, and then the Census Bureau will have sent hundreds of thousands of people out, door-to-door, into communities to count those who did not fill out the census form. That process would have started in May, and it would have concluded on July 31, 11 days from now.

But we know that that has not happened. Because of the virus, the Census Bureau has not been able to safely send out people into the community and accurately count them. The result is, first, the census has been conducted largely over the Internet, and communities without widespread access to filling out the census online have not been accurately counted. And second, there has not been any appropriate attempt to contact people in their communities. This threatens to undermine the concept of fair representation in new legislative districts.

Let me give you some examples in my District's largest municipality, Paterson. The New Jersey response rate is currently 64.1 percent, but Paterson has a response rate of 48 percent. Meanwhile in neighboring Wayne -- which has a much whiter population -- the response

rate is 74.8 percent. There are 27 separate census tracts in Paterson that are below 50 percent; there are 7 below 40 percent. Paterson is 11.4 percentage points lower on current responses than it was 10 years ago at the same point.

If allowed to stand, that would represent an undercount, in Paterson alone, of more than 16,000 people. Without a significant, multilingual, door-to-door and community outreach, Paterson will be severely disadvantaged, due to the virus, for a decade.

If there is an accurate count -- and let me just rephrase that -- if there is *not* an accurate count, the virus, which has disproportionately harmed communities of color, will lead to under-representation of my District for an entire decade. I know that I speak on those very same issues all in different parts of the state.

So we now know that, due to the pandemic, delays in door-to-door operations are necessary, and it will now not be possible to obtain accurate census data and create new districts in time for the elections in 2021. And to make matters worse, there were reports just last Friday in national publications that the Trump Administration plans to issue an executive order to exclude undocumented immigrants from census data submitted to states. Many communities in my District, as well as other districts throughout the state, are afraid of filling out the census in this environment, and actions like this will only make it worse.

So now that we are facing this crisis, the question is: What should we do about it? And how do we do it in a way that ensures people of color are able to achieve fair representation for the next decade?

The proposal is an attempt to do just that. First, it would ensure that the Census Bureau is under no outside political pressure to give New

Jersey data before it is ready to finish a complete and accurate count. Second, it would provide a clear and transparent roadmap to candidates and voters of the state, and it would do it in a way that maintains predictable election schedules that would allow people the ability to participate in the democratic process. Third, it guarantees that the Commission creating new districts will have adequate time to hear public testimony so that communities of color can help define their communities of interests and help craft fair districts. And finally, it places trust in the citizens of our state, and asks them to be partners in finding solutions to the pandemic.

Communities of color stand to make significant gains in the legislative map that represents New Jersey in the next decade. But a fair map can only be achieved if we have a fair and accurate census, and a thoughtful process to draw new districts with robust public input, followed by an electoral process that avoids confusion.

We are in a situation where no solution is perfect, as you said, Mr. Chairman. But the alternative is allowing a legislative map that under-represents people of color in New Jersey for a decade. The best available solution is to place a constitutional amendment before the voters to delay the process until the complete data is available.

And that is why I support SCR-123 and ACR-188.

Mr. Chairman, thank you so very much for your leadership. Thank you for the opportunity, to you and the members of this Committee, to allow me to testify.

I also was on the Zoom call for your earlier session, so I've been on this call for two-and-a-half hours or so.

I thank you for the actions that you've taken previously. I may have to leave after this, but I wanted to make sure to have an opportunity to testify on this very important issue.

Thank you very much.

ASSEMBLYMAN MUKHERJI: Thank you, Senator; and that means earlier you probably saw the progress on efforts that you have so boldly led in the Senate. So we very much appreciate your leadership on both issues.

SENATOR POU: Thank you, Mr. Chairman; thank you.

ASSEMBLYMAN MUKHERJI: Any questions for Senator Pou?

ASSEMBLYMAN DePHILLIPS: Mr. Chairman, I do -- I do have a question for the Senator.

SENATOR POU: Yes.

ASSEMBLYMAN DePHILLIPS: Hi, Senator; how are you?

SENATOR POU: I'm well, thank you. How are you doing?

ASSEMBLYMAN DePHILLIPS: Good.

So my question is, even if the census data does arrive in June, say June of 2021 -- which is a big *if* -- couldn't we have, under those circumstances, a September primary in September 2021, and then proceed to have the general election in November of 2021? Other states have primaries in September. If the census data doesn't arrive until June, why can't we do that?

SENATOR POU: Well, I think you heard the prime sponsor refer to that earlier in his opening remarks. And he indicated that there were many different scenarios that we could consider, but most of them would certainly be difficult to consider or achieve. I think the ultimate goal here is to ensure that we have a full and fair count of all of our residents throughout

New Jersey, in order to ensure that we have a complete count so that we are not under-representing any particular district; and we are certainly making sure that we take full advantage of the importance of making sure that everyone is counted, and is counted correctly.

ASSEMBLYMAN DePHILLIPS: Okay; and then my second question -- and then I know you need to get going -- and we talked about this last time; and if you attended our hearing, you know that Assemblyman McKeon and I had a very good chat and a good back-and-forth on various issues.

But my question to you is, why are these proposed constitutional changes permanent if it appears that the reason that we're even debating this is because of the pandemic? So why are you offering a one-off solution given the crisis that we're in today?

SENATOR POU: So thank you very much for the question.

Let me just say that I am speaking on behalf of the Resolution that's in front of us, as proposed by the prime sponsors in both houses. I believe that as we have the debate on this issue, it's one that the genesis of whether it should be permitted or not becomes a matter of consideration or discussion by the sponsors.

I strongly believe that, at the end of the day, the important part here-- And let us not forget the real intent of all of this is to ensure that we have adequate time to count all of our residents and make sure that every single individual in the State of New Jersey is properly counted. Clearly I know, Assemblyman, that I don't need to share this with you -- you know this

all too well -- the importance of making sure that, if we have our counts correctly, we can make sure that we lose no Congressional members; that we get the necessary funding that our state is certainly deserving and entitled to. You know that we provide large income tax revenue, in terms of the Federal dollars, and the return of those dollars are not the same for New Jersey. I want to make sure that our schools, our housing, that health -- that all those very important things that you and I understand, and approve, and agree upon, and want for our residents are made available to every single one of our constituents.

So for those very reasons, I think we all should work together in making sure that we can make this happen in New Jersey.

ASSEMBLYMAN DePHILLIPS: Okay; thank you, Senator; thank you, Mr. Chairman.

ASSEMBLYMAN MUKHERJI: Thank you.

Thank you, Senator.

Next, we have Senator Teresa Ruiz with us.

Senator Ruiz, when it comes to championing the representation -- the increased representation of women and minorities in the political process, you have led the way. I think after the President sought to reinstate the citizenship question -- I think your statement was out within, like, 30 seconds.

So we just appreciate your continued tireless leadership on this, and if you would speak.

SENATOR M. TERESA RUIZ: Chairman Mukherji, thank you; and Vice Chair Murphy, nice to see you, even if it's from a distance.

I don't want to prolong this, because the Chair of the Latino Caucus I think echoed what many of us are talking about.

Assemblyman and Chair McKeon alluded to this isn't an ideal scenario. We all know this, but nothing is ideal in the middle of a pandemic.

When I look at the numbers in Essex County, particularly a District that I represent in Newark, we're hovering at 44.5 percent; places like Irvington at 41.8; and East Orange at 47.1; and Orange at 46.9. That's at least 20 points under the state average, and almost double to some of our suburban municipality counterparts. If we would not want those percentages framing the resources that we will get for our schools, and infrastructure, and health, and wraparound services, why we would want those percentages framing how we would construct a map that would elect the next generation of leaders?

I don't want to go too much further, and just close with this. I was the first Puerto Rican person elected to the Senate, in 2007; which is an abomination, because you're talking about 2007, and not three decades ago. I was the first Latino elected, after 10 years of a hiatus of having a voice on that. But during the next cycle, when we had an opportunity to weigh-in through public hearings, I traveled across the state and argued what the benefits were of having individuals around policymaking decisions who didn't look exactly like each other, but reflected different lenses in the state. And we were able to secure another position, and then Senator Pou joined us in the Senate, and it was because of the redistricting process.

So I join you, and I thank you for giving me an opportunity. I, too, have to sign off, and I look forward to listening to the rest of the testimony. We know that in undercounted areas -- which is the biggest push

that the state has, as part of the census committee -- the biggest push from the beginning, before the pandemic, was, get out there, make sure our undercounted communities are being counted; figure out ways to create high energy around this; make sure that our families recognize that this isn't an imposition of secured information. That even if you're not a citizen, that you do count; that you're a resource, that you're part of the fabric of who we are in New Jersey. And all of that kind of shut down, the way we know it, because we know in undercounted communities the best way of connecting is knocking on doors, right? And that hasn't happened, and it is very clear and evident in our numbers.

And I would argue that anyone who would be considered representative of an undercounted community is probably hovering in that 40 to 45 percent, which is woefully undercounted still, and woefully undercounted from its very beginning.

So I argue and echo the same thing again: Why would we want the numbers that we were not framing for resources, for our education, for wraparound services, for health -- why would we want those numbers stifling the opportunity to bring more women and more people of color in a critically needed space, where I see hope, post-pandemic, to recreate systems that were never established to help our communities.

Thank you very much.

ASSEMBLYMAN MUKHERJI: Thank you, Senator.

Any questions? (no response)

Okay; Senator, we very much appreciate your being with us. And we'll be joined by another of your colleagues next, Senator Nilsa Cruz-Perez.

Senator Cruz-Perez.

SENATOR NILSA I. CRUZ-PEREZ: Good afternoon, everyone. Chairman, Vice Chairwoman, members of the Committee, thank you for allowing me the opportunity to testify on this important issue today, in support of this issue.

Assemblyman McKeon, I commend you for this proposed Resolution.

These numbers will ensure-- Due to COVID-19, it is critical that we have an accurate and complete census count. These numbers will ensure our fair representation and will have a positive impact in our communities of color in the next redistricting.

For communities of colors to realize the gains coming through redistricting, New Jersey needs a thoughtful redistricting process that allows communities of colors access to the process to help define their community of interest. It needs a primary election timeline that affords communities of colors time to recruit quality candidates and build sustainable coalitions on the new map; and a general election held on a normal timeline that does not disenfranchise voters through confusion of timelines that are too short. These gains can be achieved by ensuring a complete and accurate census count. Any attempt to rush the Census Bureau, or pressure it to submit data to states well before its ready to give accurate counts, would result in people of color being undercounted and under-represented for a decade.

This solution ensures that there is no political pressure on the Census Bureau to provide accurate data before it is available. Because of the pandemic, the census has been conducted almost entirely online. That puts

communities of color on the wrong side of the digital divide at a significant disadvantage.

Assembly Resolution 188 helps to protect the rights of communities of color. It creates up to 12-and-a half months to enact a new map. This ensures that there will be adequate time to receive public input and testimony about communities of colors. It creates a fair, transparent process for enacting new districts on a timeline that cannot be used to the advantage of any particular interest, and ensures communities of colors will have time to identify qualified candidates and build extensive coalitions for newly enacted districts.

Right now, the state has only received, on the census, a 64 percent return. Currently in my District, Camden City has only received a 45 percent return. Ten years ago, at this point in the process, Camden was at 57.9 percent. If this is not corrected through robust community, multilingual, door-by-door outreach, this will make Camden be undercounted by more than 9,000 people.

People of color have been the most harmed in the U.S. by the pandemic. Enacting a new map based on census that undercounts those communities will truly compound those problems for a whole decade. New Jersey cannot participate in any process that pressures the Census Bureau to provide data before it's able to be a complete, and fair, and accurate count. Not having an accurate count will lead to a very unfair map, not to mention the consequences of lack of financial resources.

So we must do everything we can to ensure that communities of color are no longer under-represented.

Thank you, Mr. Chairman; and thank you to everyone on the Committee.

ASSEMBLYMAN MUKHERJI: Thank you so much, Senator.

Any questions for Senator Cruz-Perez?

Okay; Vice Chair Murphy, if--

ASSEMBLYWOMAN MURPHY: Absolutely.

Thank you, Chairman.

ASSEMBLYMAN MUKHERJI: Thank you.

ASSEMBLYWOMAN MURPHY: We're all good; thank you, Chairman.

Okay; thank you, Senator, for those words, and we appreciate all of the Senator's remarks. Your words are very important, and I have to tell you, they mean a lot to us on this Committee to understand fully some of the issues and remarks that you have commented on. And I take them very seriously.

Thank you.

Next up is a Christian Estevez from the Latino Action Network.

Christian.

C H R I S T I A N E S T E V E Z: Thank you, Vice Chairwoman; and thank you, Chair Mukherji, for the opportunity to speak on this very important issue. We've spoken on it before.

I also want to thank the Bill sponsor -- the Resolution sponsor, Assemblyman McKeon, not only for bringing this forward, but for taking our concerns into account, making amendments, and also incorporating some of our thoughts on the issue in terms of his testimony earlier.

I'm speaking in support of this Resolution for the Latino Action Network; I'm the President. I will say that it's hard to follow the Chair of the Latino Legislative Caucus when she did such a great job of framing all the issues; and helped by the other distinguished members of the Latino Caucus, Senator Ruiz and Senator Cruz-Perez -- all three who are heroes in our community, and all three who are there -- and I'm sure they'll acknowledge -- because of the progress that we've made over the past few decades regarding redistricting; and how we've been able to, as a community, do a better job at speaking up about the needs of better representation. That job is not easy. Ten years ago, or roughly 10 years ago, the Latino Action Network, in our first year of existence, participated in pushing for a full count of the Latino community, warning against an undercount, and urging our community to participate, because the census has traditionally undercounted communities of color, especially the Latino community. And so we really had to go out there and push hard for our community to participate and be counted. And that was not easy, even during a normal time.

Now we're facing an unprecedented time in our community, where our community is one of the hardest hit by COVID-19. We're facing a very difficult time getting counted because, as we know, when you hit around this time of the year, in a census year, this is when the door-to-door really matters. And with COVID-19, that is very difficult to do.

So we have a huge task ahead of us, and that's only compounded by the attacks coming from Washington D.C. and this Presidential Administration, where all kind of attempts have been made to try to suppress the Latino count; first with the citizenship question, and then with recent --

as Senator Pou mentioned -- last week, word that the President was going to try to tell the census not to count undocumented.

Over and over again we're facing these challenges coming out of D.C. We push back against it, but we still know that we have a tough hill to climb.

So given all of that, and given what we're up against here, while this solution is not perfect, we're not in a perfect time. And the Latino Action Network acknowledges that, and knows that something has to be done.

And while we would prefer to have -- always would prefer to have any gains that would present themselves to redistricting realized right away, we also understand that going through a condensed and changed process -- either for redistricting, or for the primary that follows it, or for the general election that goes after it -- any type of change could really hamper our ability as a community to realize the changes in the map that would result from a full and fair count in the census.

So we have to weigh, as an organization, the pros and cons of this change. And in the end, on balance, this change we found to be necessary, because this would give us an opportunity to have the redistricting done with a full and fair count of the census. It would give that process the opportunity to go through in its normal time frame; and then it will give us time to really seek out candidates of our choice, of our communities' choice, without a condensed timeline, to make sure that not only do we get a better map, but that we have an opportunity to field candidates to run on that map so that we can improve our representation.

As happy as we are to have three Latinas sitting on the Senate, and so many Latinas on the Assembly -- which is really something we hold

up high in our community -- we are still under-represented, as Latinos, in the Legislature; woefully under-represented. And we look at the next redistricting, the next census, and the next redistricting as an opportunity to make forward strides in that respect. And any type of disruption to that we find to be not only problematic, but possibly a violation of our rights under the VRA. So while some people may say that this Bill may be a problem legally, I would say that not doing this could pose constitutional issues and legal issues that we would have to address later.

So we think this is -- out of all of the possibilities, this is the best way to move forward. It also-- I thank Assemblyman McKeon for also pointing out that this also presents another opportunity, an opportunity that we've been fighting for, for the past decade, to improve the redistricting process as a whole. Not in this particular Resolution, but it buys us some time as well to have a robust debate about how we do redistricting, and it still gives us a window of opportunity to make changes if we come to an agreement that that's what needs to be done. We think that is what needs to be done. We need to put into our Constitution in New Jersey fair redistricting standards that respect communities of interest, that look at fairness, that take the politics and the partisanship out of the process, improve transparency, and give more opportunity for public comment and public discourse over the maps. We know that we got best results last time on redistricting because-- And I know; I was busy out there, rounding people up all over the state to come and tell their stories about what the communities look like, so that the Commission could see their stories, not just through numbers -- what communities of interest look like. And we feel that that helped inform the Commission in a way that we got better maps because of it; and we saw the

results in terms of increased representation for communities of color, and for all communities.

So we feel that the way to go forward, given this imperfect situation, is to go forward with this Resolution that would make sure that we have time to do redistricting right, and that we have time to do elections right. And that's why we feel that this has to go forward; this is the best way.

ASSEMBLYMAN MUKHERJI: Thank you, Mr. Estevez.

Any questions for the Latino Action Network? (no response)

Okay; next we'll invite Senator Vin Gopal, the other half of the Legislative Asian Caucus, to speak.

Senator Gopal.

SENATOR VIN GOPAL: Thank you.

Right now, minority communities, including the Hispanic and Asian communities, are drastically underrepresented in the State Legislature, in part because old census records haven't kept up with changing demographics.

If we want to give everyone a voice in our government, we must draw legislative districts that accurately and faithfully reflect the most up-to-date census data, while also drawing on comprehensive input from the public that this data represents.

Three municipalities in my District, the 11th District in Monmouth County, have census response rates right now below 50 percent, far below the state average, and largely, in part, due to the difficulties of an outreach during COVID-19. If we allow redistricting to go forward without fully counting these communities, we have failed them. That is unacceptable.

We owe it to New Jersey's diverse voters and communities to make sure that nobody is undercounted, and the best way we can do this is to pass the constitutional amendment this fall.

Thank you.

ASSEMBLYMAN MUKHERJI: Thank you, Senator.

Next, Assemblyman Benjie Wimberly.

Assemblyman Wimberly, thank you for being with us.

A S S E M B L Y M A N B E N J I E E. W I M B E R L Y: Thank you, Chairman.

The speakers before me have conveyed, basically, the same concerns that I have -- representing a large District that represents people of color. I think not having the census extended and moved will be a major issue when it comes to representation and services. I think that's something that we have to look at.

And I'm just going to focus in on the largest city in my District, Paterson, which is in District 35.

Over the past decade, with a significant increase among people of color, particularly Hispanic and Latino populations, and Asians, Paterson currently has a response rate of only 48 percent, currently, on the census. Meanwhile, our neighbor in Wayne, which has a larger amount of white population, has a response of 74.8 percent.

Paterson is 11 percentage points lower on current responses than it was 10 years ago at the same point. If allowed to stand, that would represent an undercount in Paterson alone of more than 16,000 people.

The state average of response right now is 64.1 percent. There are 27 separate census tracts in Paterson that are below 50 percent; there are

7 below 40 percent. Without a significant, multi-lingual, door-to-door community outreach, Paterson will be severely disadvantaged due to the virus -- obviously, not being able to go door-to-door. And which, in turn, makes it a major factor from us come becoming a city of first class. We know, realistically, that Paterson has well over 150,000. But due to the virus and the lack of ability to get out hand-in-hand, we are below where we were 10 years ago in the census count. Obviously it will impact the quality of life and the services that the residents of this town and this District will get.

So I support this Bill, obviously, as a sponsor. And I just hope that this passes, because it's what's best when you want to represent everybody when it comes to the census.

Thank you.

ASSEMBLYMAN MUKHERJI: Thank you, Assemblyman.

Any questions? (no response)

Okay; next, on behalf of the New Jersey Institute for Social Justice, we have Ryan Haygood or Henal Patel signed up to testify.

I know Henal is one; will you be speaking alone, or will Mr. Haygood also be speaking?

HENAL PATEL, Esq.: No, it will be me testifying today.

ASSEMBLYMAN MUKHERJI: Okay, great; thank you.

MS. PATEL: Thank you.

Thank you, Mr. Chairman; and thank you members of the Committee for the opportunity to submit this testimony.

My name is Henal Patel, and I'm the Director of the Democracy and Justice Program at the New Jersey Institute for Social Justice. We are a

legal advocacy organization that seeks to ensure that people of color live in a society that respects their humanity and represents them.

I offer this testimony in opposition to ACR-188 on behalf of the Institute, Fair Share Housing Center, the NAACP New Jersey State Conference, Salvation and Social Justice, and The Inclusion Project at Rutgers Law School, all members of the United Black Agenda.

Before I begin, though, I wanted to address a couple of the points that have been brought up during this hearing, to clarify a couple of things.

First, in terms of where we are in the census process -- it's true that the pandemic has led to a great problem in terms of how we're doing the census. That's why the Census Bureau requested a delay, and a longer time to collect information. That is what they're doing. We are currently in the middle of the self-response period. The Census Bureau has not begun enumeration. They are expected to start on August 11; there is no indication that they won't.

Also, in terms of have they hired enough to enumerate -- they've been hiring for a year-and-a half and training workers. So there is no indication that there's some sort of significant gap in being able to go door-to-door to enumerate.

And finally, I wanted to clarify -- and I'm going to mention this a little later. From reporting last week, the Census Bureau has told New Jersey -- has informed New Jersey they will be providing us the census information, census data, no later than June 17, 2021. That is the date we are working against; that is it. I have not -- there is nobody-- I haven't heard any advocates, anybody in government suggesting -- in our government

suggesting that we should redistrict before receiving the census data. There's nothing to indicate that someone is suggesting that; and if they are, we'd love to hear so, because we would certainly not support that.

Moreover, under our New Jersey Constitution, the language says clearly that we have to redistrict using the formal decennial census data. So this idea that we might have to redistrict using incomplete data, somehow, is -- I'm a little confused about why so many legislators, elected officials, are saying that. Clearly, we are going to have to do something; we know this. The question is, what are we going to do now that we are receiving the data in June instead of February? That's the question on the table.

So turning to my testimony-- I testified in opposition of this Bill last week, during the Committee hearing before this very Committee. For that reason, I will not repeat all the same arguments, but state that the concerns I raised that day still stand today. The Legislature is voting on a Concurrent Resolution with the goal of using our existing legislative map for two more years, an entire election cycle, even though the existing map does not account for the increased racial diversity in our state. In particular, New Jersey is poised to soon become a majority people-of-color state, with people of color now accounting for 45 percent of the state's population.

While the stated need for this amendment is the delay of the census caused by COVID-19, the Bill under consideration is a permanent change that will be in effect for decades after COVID-19 is, hopefully, behind us. I've heard some argument to justify this by saying that anytime we receive data after February 15, we might -- it could create chaos. But, you know, it's one of those things that is a product of our own creation. The idea that we don't want to put pressure on the Census Bureau-- We do that all the time,

every single cycle, because they provide us the data as a courtesy on February 15. Every other state, but for Virginia, receives it later. We already put pressure on them. And asking for data by February 15, or no later, adds pressure; it does not take that away. So I'm not sure if I believe -- understand that argument clearly when it's brought up.

So should the Census Bureau, in 2031, or in any other future cycle, deliver redistricting data to the Governor even a day later than February 15, we would be forced to conduct an election using the old map that would no longer represent the population of the state. I heard earlier mentioned that, well, you know, it's not terrible, because that would just mean this current 8-year map would last for 10 years; and then it could happen again in 2041, and so on. That would put us off the redistricting cycle from the rest of the country. We do redistricting after the decennial census; that is the process. The idea that we should just willy-nilly shift it completely, where our new maps would go into effect two years later, is just really drastic, a drastic measure to take, in light of this being all brought upon by a pandemic we have, unprecedented in our times.

The purpose of redistricting is to ensure that we have a government that is representative of the people. This is why we must have districts of equal population, districts that keep communities of interest together, and why people of color must not be apportioned in a way that dilutes their ability to elect candidates of their choice. Redistricting is about representation and, in turn, power. We redistrict after every census to account for the shifts in our population, because over the course of 10 years, people move, both into the state and out of the state, as well as around the

state. New Jersey today is not the New Jersey of 2010. Most notably, our population is significantly more racially diverse now than it was 10 years ago.

As we learned last week during the Committee testimony -- and I imagine today, if they're testifying -- offered by the Princeton Gerrymandering Project, not only has the population of Latino and Asian communities grown substantially in various parts of the state, in 11 out of the 21 counties, the combined Black, Latino, and Asian population will exceed 37 percent, which would allow for the drawing of people-of-color coalition districts.

The constitutional amendment currently under consideration seeks to delay the redistricting process and, thereby, force us to use the current map that no longer represents the people of New Jersey.

We are clear that the COVID-19 pandemic has forced this issue upon us. But this is a byproduct of our off-year elections -- is that, every 10 years we redistrict earlier than most States. This is what it is. We are now, understanding what's going on -- we will have the data no later than June 17. That is the date we have to work with. As this date would be after when we normally hold our primary elections, clearly we must do something; agreed. It's not that we can just ignore this. There is no obvious, ideal solution available; that is also true. All the available options will cause harm to different groups and require some sacrifice. And Assemblyman McKeon went into the different alternatives, and said why different ones would be bad in different ways, or undemocratic and different ways. But interestingly enough, this one is somehow -- we didn't discuss the downsides of this proposal.

The reason I'm here today, testifying in opposition of this Bill, is because of all the options on the table -- the ones we discussed earlier -- this Legislature picked the one option where the only people harmed, the only people asked to make this sacrifice to their representation, are communities of color. In this path, white people are not harmed; in fact, they benefit from maps that were drawn when they made up a larger share of our population. Elected officials and candidates are not harmed. I heard the arguments that this is somehow undemocratic; but, in fact, it was just about how elected officials don't -- it might make it difficult to run again or in shorter time periods. And fair enough. But the harm here is to people of color, and everyone was okay with that.

We are even making this change permanent, ostensibly because some legislators are uncomfortable with having a one-off constitutional amendment, even though it is perfectly legal. Even that concern is accounted for in this solution.

ASSEMBLYMAN MUKHERJI: Just a time warning, Ms. Patel.
Go ahead.

MS. PATEL: Okay, I'll be quick.

But in this proposed plan, under which the people harmed are people of color, for which support from a super majority of legislators is sought, it should not be given. This proposal should be rejected. It is anti-democratic, harmful to residents of color, and potentially a violation of Section 2 of the Voting Rights Act.

Redistricting is about power; and in 2020, during a conversation about and reckoning with structural racism that is taking place here in New Jersey and nationally, this measure, nevertheless, follows in the long tradition

of State and Federal government choosing power at the expense of communities of color.

I just want to say that if you want-- You know, we've been hearing today, and in the past, how much we care about people of color. It is all about making sure we have an accurate count, making sure they're represented. It's just hard to believe when you're going with this path, without any other concessions, any other -- anything else done, it is really hard to believe. You should reject this.

But if you do actually care about redistricting reform, and about people of color who live in the state-- And we want to believe you -- communities of color want to believe you, people want to be able to trust and believe in their elected officials -- please reject this measure and fashion a solution that does not force us to use the current maps for an entire election cycle.

And move forward with the redistricting reforms that the Fair District Coalition has put forward. I know Helen Kioukis is testifying, so I won't go into too much detail in light of the time. But those reforms would ensure that racial equity, transparency, and public hearings are built into the redistricting in New Jersey -- which everyone has said, having a longer time period will allow for that; but it's not required at the moment. You should make it required; make it so we have a process that lets people participate.

So please pass that Bill by September 15 so it's on the ballot for November 2021.

Finally, I recommend that the Legislature should introduce and fast-track the New Jersey Voting Rights Act, a State version of the Federal Voting Rights Act, as the Federal VRA has been gutted by the Supreme

Court, and continues to be endangered. This Legislature should prioritize passing the NJ VRA to ensure that the people of New Jersey -- particularly its communities of color -- continue to have VRA protection. This would also honor the memory of Civil Rights icon and champion of democracy, Congressman John Lewis, as we mourn his passing.

To be clear, passing the second constitutional amendment and passing the New Jersey Voting Rights Act would not fix the problems with the Bill before us; we continue to urge you to reject this measure. However, it would show that this Legislature understands the harm they are causing communities of color in this process; it would demonstrate that when you say you care about the interests of people of color, you actually mean it.

Thank you.

ASSEMBLYMAN MUKHERJI: Thank you, Ms. Patel.

Any questions for this witness?

ASSEMBLYMAN DePHILLIPS: Yes, Mr. Chairman, I have a few.

Thank you so much for your testimony; I really appreciate it.

My first question is about the census data itself.

So I'm not sure to what extent you're an actual expert on the census data and the possibility, or probability, of when it would come in. But do you have an opinion as to whether the census data might actually arrive before the June 17 date that continues to be batted around?

MS. PATEL: So the Institute for Social Justice has been working on census outreach for two years now; over two years now. So we have been directly doing this work, and I know the Assembly has a hearing coming up on Thursday to address census-related issues, so a colleague will be testifying.

So to that question, I will say I think there is no reason to doubt that we are going to get this information in June -- the census data in June. It might not be June 17; it might be earlier. It might be June 15; we might get it a little bit earlier than June 17. But I do not anticipate we're going to get it significantly earlier than that, simply because of the timeline. Usually, as someone pointed out, the Census Bureau wraps up their process by the end of July -- their enumeration process; then does analysis, and we get it in February. Pushing this back to October means we're going to need those months on the back end as well.

ASSEMBLYMAN DePHILLIPS: Okay; and then do you have an opinion about the statewide participation rate to date? My understanding is, it's at about 64 percent. Do you have an opinion as to the adequacy of that, at this juncture, since we're in July and we're seven, eight months away from February?

So do you have an opinion, one way or another, as to the adequacy of that participation rate to date?

MS. PATEL: The participation rate statewide is 64 percent, which is higher than the national average. However, for communities of color, it's true it is lower in different parts of the state; that is an issue. We know this, we have known this, we are working on getting that measure up. And we hope-- The actual goal right now, for the Legislature, should be getting that up, getting to a full count, because that is what we have to do.

ASSEMBLYMAN DePHILLIPS: Right.

MS. PATEL: Considering the circumstances, I think we are doing fairly well. I also want to point out -- and I don't think it's been clear here -- we didn't have a full count in 2010; 2010 numbers weren't perfect

either, the ones that we're working with. I know the City of Irvington, for example, had a 50 percent response rate in 2010, and we're using that data for our current maps. Now, that being said, we're hoping that the continued outreach-- And by the time we get to the end of enumeration, we can at least match our 2010 numbers. And while that might not still be enough to get us to a full count -- which would be unfortunate; and hopefully it will -- it would be better to use the count right now than an undercount from 2010.

I mean, we're hoping by the end of enumeration that we actually do get to at least even to the 2010 count; hopefully better, hopefully we really do get to a full count through our combined efforts. But even if we somehow don't, unfortunately, it would be better to use the numbers now for this cycle than to use the undercount from 2010. So that's the reality we are in.

And I should be clear: This Legislature recognized the problems from the 2010 data when you allocated \$9 million dollars for outreach this year, which would afford the 2020 census, which was a great thing the Legislature did last year.

ASSEMBLYMAN DePHILLIPS: Okay. My final question to you is the same question I asked of Senator Pou, which is, even if the census data does arrive in June, why couldn't we have a September primary, like other states do, and do you think that that's possible? Do you have an opinion about that?

MS. PATEL: I think it's possible.

I think there's certainly-- I believe, actually, Princeton Gerrymandering laid out some dates last time as to what a cycle would look like. So it's possible to move the primary, possibly with the general, to have adequate time.

There's also other options. We could do just one extra year of the old map. We could also just move all our off-year elections to even-year elections. That would solve the problem forever, because we won't need the data early, and it would increase voter turnout. So that's also a possibility here.

ASSEMBLYMAN DePHILLIPS: Okay; thank you.

Thank you, Mr. Chairman.

ASSEMBLYMAN MUKHERJI: Thank you.

Anyone else for Ms. Patel?

ASSEMBLYWOMAN MURPHY: Yes, Chairman, I have one question.

Ms. Patel, thank you for your testimony.

I'm kind of concerned when you say we can just move the elections one more year.

As a State Legislator and a person who's on the Budget Committee, it's not that simple just to be able to move an election to the following year when it comes to funds and State funds, especially during this COVID-19.

So maybe you can address to me that if we just move it one more year, where do you anticipate us, as a State Budget Committee, being able to get those funds just to move the election one year?

MS. PATEL: So to clarify, I was addressing-- There were two options on the table; I'm not sure which one you're asking about. And that was my fault; like, I probably wasn't clear.

One was, as Assemblyman McKeon mentioned, we could do the old map for one more year and then have special elections in 2022; which is,

actually, completely possible under this thing. It wouldn't-- I mean, we would still be using the old map, which isn't good; but at the same time, it would be 50 percent better than what we're doing here -- all in the point of -- and ideally, not making it permanent.

The second one is, just shift all of our elections, our off-year elections, to even years, which would put us in line with the Federal system. I understand that there might-- I know a lot of people don't want that; I understand it's mainly because-- I've heard arguments that the framers intended for us to not be tied to the Federal system; that we can have a more independent election. Which I do appreciate -- and I also am a history nerd -- so I do appreciate what the framers, in 1947, intended.

But I don't see -- I haven't seen any evidence that we are actually, somehow, more independent, our elections. So if we just shifted to even-year, we would solve the redistricting challenge. And I'm not sure why that would affect the budgetary year.

ASSEMBLYWOMAN MURPHY: Well, with all due respect, through the Chair, it would definitely impact the budget. Because you have to-- If you're shifting into another year, you're now asking the Budget Committee to anticipate additional monies, for a following year budget, that we don't even know what they are. To be able to do that, you would have to be able, one, to address the fact that even if we did a special election for 2022, you're still adding additional funds that have to be allocated to an election.

With all due respect, I have to tell you-- I understand what you're saying, and I've taken everything into consideration, what you're saying. But we have had Latino and Latina legislators, Senators, along with the President of the Latino Action Network; along with Senator Gopal and

Chairman Mukherji; and along with Assemblyman Wimberly, who represent persons of color-- And I have to tell you, I fully appreciate what you're saying. I just think it's not that simple, just to come in and say, "We can move this around, we can move that around; the 60-day process is easy." It isn't easy to be able to alter an election, or to speed up an election, when you have close dates -- seven days to allow vote-by-mail to get counted; 30 days, 60 days-- You know, I'm sorry; that does not give our residents enough time to fully do their education on who the candidates are when a map is drawn -- to be able to understand who they are, and to be able to return the ballots back in enough time, regardless of how we look at it.

So I would really urge that, as we move forward, that you continue working with the sponsor, and fully understand what it is that you're asking the residents to do when it comes to saying, "No, we should not do this."

And I would also urge you to work with the sponsor if you have a better way of doing this. Because it's obviously clear by not doing this Bill, according to you that there is a better way to do it.

So I would urge you to really work with the sponsor to come up with something that you believe would be a better way of making a smoother transition when it comes to the census.

And by the way, the census does go to the President of the United States. And to be honest with you, I'm not so sure he will release the information, or the Feds will release the information within that time frame that we all anticipate, June 17.

With that, Mr. Chairman, thank you.

MS. PATEL: Can I respond to a couple of the points, since they were clarifications?

I thought there were some questions that she pointed out. That's why I wanted to just answer them, about the budget and all those -- the points she raised.

ASSEMBLYMAN MUKHERJI: Well, sorry; hang on.

What's the question on the table? We have a long list of speakers--

ASSEMBLYWOMAN MURPHY: Yes; no, I just--

ASSEMBLYMAN MUKHERJI: I've been very liberal; you've gone over the time. I just want to make sure -- can we just recap what question is on the table so that we can curtail the response to--

ASSEMBLYWOMAN MURPHY: I'm sorry, Mr. Chairman.

She basically answered that she didn't see how the budget was affected. I kind of responded back. So frankly, I don't have a new question put on the table; again, totally up to you, Mr. Chairman. I know we have a lot of people, as well, who--

ASSEMBLYMAN MUKHERJI: I didn't hear that there was a question on the table. I heard you responding to her response to the earlier question; that's why I didn't want to set up a debate. This isn't the forum for that.

ASSEMBLYWOMAN MURPHY: Thank you, Mr. Chairman.

ASSEMBLYMAN DePHILLIPS: Mr. Chairman, I would respectfully request that the witness be able to respond. I don't think this will go on that long.

ASSEMBLYMAN MUKHERJI: Yes; if you want to share a concluding thought, Ms. Patel.

MS. PATEL: Thank you, and I appreciate that.

I'll be quick.

I'll say I appreciate the people who have testified. I'll just say that the Institute -- we're a nonpartisan organization. We are just here for the people of New Jersey; we're advocating for the people in New Jersey. We don't have a vested interest in our own elections or anything of that effect. So that is how we're coming to the table.

I'll note, in terms of the budgetary thing-- I'm sorry, I was-- I thought you were saying you'd have to shift the budget year, the budget cycle. But that's not clear. You're just saying -- I now understand that you're just saying it's about allocating funds.

And to that, I'll just say that -- that's interesting because we've-- I mean, I've been speaking about what harm this does to people of color. And I understand that there will be a cost associated with the election. But I think you have to consider-- I mean, what exactly -- what dollar amount are we allocating to the harm we're causing, requiring people of color -- everybody to be represented by a map that is 10 years old for another election cycle? And I think we can find the money, if we need to; we've been finding it now, with a bond measure. So I think we certainly can do this, if we wanted to. And I would hope the Legislature does.

Thank you.

ASSEMBLYMAN MUKHERJI: I think the Brennan Center for Justice is also a nonpartisan group without a-- Well, their interest is as vested as any organization would be. And they've also pointed out that this solution

could be one of the only options, in their report; how changes to the 2020 census timeline will impact redistricting, where they point out that if we are going to anticipate a delay in delivery of redistricting data, as we are, that New Jersey and Virginia would be unable to finish the process in time to hold a delayed primary, or for the November general election in 2021.

So I just want to share that perspective as well.

All right, next we're going to have Assemblywoman Britnee Timberlake.

Assemblywoman Timberlake, thank you for joining us.

A S S E M B L Y W O M A N B R I T N E E N. T I M B E R L A K E:
Well, thank you so much for having me.

And through you, Mr. Chair, good afternoon. And I'm going to be short and sweet. I recognize we have a lot of people who are going to be speaking.

I'm going to speak about two main things, and it's very simple: It's representation and it's dollars.

Regarding representation, New Jersey cannot afford to lose any representative as we have in the past due to an inaccurate census counts.

As far as dollars, we're talking about schools, housing, roads, crumbling infrastructure, bridges and roads that we need to fix.

Especially as a Black elected official, dollars symbolize how one's future may or may not turn out in the community as far as resources; and yes, sadly, even life and death in some of the communities that I serve.

The pandemic has delayed practically every aspect of our society. We have all been doing our part, pushing the importance of the census. But quite frankly, we've been washed out by COVID-19 news, panic,

financial stress families are facing; and yes, again, unfortunately mourning the loss of their loved ones.

The data is incomplete if everyone is not filling out the census. That is why we legislators are choosing the greater good, and want to make sure everyone is accounted for.

The resources are based on a more accurate count of those who are actually using the resources. Everyone in the State of New Jersey uses resources. We need to make sure that we have the most accurate count as possible.

When I took my oath of office, I made three promises to myself. One was as to make my ancestors' history and family proud; two, was to ensure that I make those hard decisions for the greater good based on the facts at hand; and there, was to fight for every doggone dollar I can for the community.

And yes, my vote and sponsorship of this Bill hits all three of those promises I made to myself.

New Jersey is a casino state; but quite frankly, I am not willing to gamble resources and representation because of an incomplete census count during the pandemic. And that is why I am in support of making this very hard decision, and I'm happy to be one of the prime sponsors of the Bill.

Thank you, Mr. Chairman.

ASSEMBLYMAN MUKHERJI: Thank you.

Any questions for Assemblywoman Timberlake? (no response)

Assemblywoman Yvonne Lopez.

Assemblywoman Lopez, thank you for joining us.

ASSEMBLYWOMAN YVONNE LOPEZ: Thank you so much.

And thank you, Chairman Mukherji, and Vice Chair of Murphy, and members of the Committee, for the opportunity to speak on ACR-188, a Bill of which I am fourth prime sponsor.

For the past year and a half, I have focused the majority of my time and efforts as a legislator on the importance of the 2020 census, the census, which many take for granted, is arguably one of the single most important policy issues we face this year. And New Jersey has an incredible amount at stake.

The decennial census determines billions in Federal funding, our political representation, and provides crucial data that touches every aspect of our lives as residents of this state.

This year, the COVID-19 pandemic has created a serious obstacle to the U.S. Census, and our goal of a complete and accurate count of New Jersey is at tremendous threat. As I understand, the Census Bureau has been planning for this census since 2010, and never could they have imagined a situation in which their valuable door-to-door enumeration work would be completely compromised.

As of today, New Jersey's census response rate is 64.1 percent; and although laudable, without a comprehensive, non-response follow-up phase, hundreds of thousands of New Jersey residents will not be accounted for in the census. In fact, in my own hometown, Perth Amboy, the self-response rate is 56.6 percent, a figure that all but ensures an undercount is taking place.

While the non-response follow-up rate in our state is being planned for August, the COVID-19 pandemic will create severe complications towards the practice, further contributing to an undercount. Every individual who is not counted represents a net loss sustained and creates an impact that will be felt for the next 10 years.

On today's Bill, we focus on the census and the redistricting process. From the very beginning, the census has been a target of the Trump Administration in its concerted effort to disenfranchise Hispanic populations, in particular. First, the Administration attempted to add a citizenship question to the census; and more recently, the President is attempting to issue an executive order banning the undocumented from being counted in the census. This, coupled with a census that has been fraught with complications and errors, both show the importance of a measure like ACR-188 that will protect communities across the state so that we all can be accurately counted and so that their gains and our gains can be realized and translated through a thoughtful and deliberate redistricting process.

We all know that communities of color throughout New Jersey stand to make enormous gains in our state, gains that will increase our communities voting power and representation in State politics. These gains could only happen through an accurate and complete census count. Any attempts to rush the Census Bureau will result in under-representation for the people who need to be counted the most. Amending the Constitution is a solution that my colleagues and I do not take lightly; however, it is the best alternative we have to protect the integrity of the redistricting process and the collective voices of communities of color throughout our state.

ACR-188 must not be misaligned or misrepresented as a political machination. The Resolution deals with the cold hard facts that we have about the census and the very real consequences of an undercount. This policy provides a sensible solution that will put forth a redistricting process that has accurate and complete census data, ultimately resulting in a map that has realized the tremendous gains in minority communities over the past 10 years.

I also have to come off this call, because I was supposed to be in the Environment Committee. If anyone has any questions-- (no response)

If not, I want to thank Mr. Chairman and Vice Chair; thank you for the hours that you have been on this Zoom call, listening to testimony.

Thank you very much.

ASSEMBLYMAN MUKHERJI: Thank you, Assemblywoman; and also for your patience.

Do you have any questions? (no response)

ASSEMBLYWOMAN LOPEZ: Thank you.

ASSEMBLYMAN MUKHERJI: Thank you for your sponsorship of *a* solution. You know, we've heard some criticism and no alternative solutions that don't present a myriad of other problems that would also hurt the communities of color that a number of groups -- speaking both in favor of the ACR and against -- have as a shared value, as a shared goal.

Next, we will-- And thank you, Assemblywoman.

ASSEMBLYWOMAN LOPEZ: Thank you.

ASSEMBLYMAN MUKHERJI: Next, we'll invite up Helen Kioukis on behalf of the League of Women Voters.

HELEN KIOUKIS: Good afternoon.

Good afternoon, Chair, Vice Chair, members of the Committee. Thank you for this opportunity to testify.

I'm here on behalf of the League of Women Voters of New Jersey, and also the Fair Districts New Jersey Coalition, a Coalition that has been working to reform New Jersey's redistricting process to better serve the interests of the residents of our state.

Along with my written testimony, I have submitted a joint statement from members of the Fair Districts New Jersey Coalition, some who have testified already today orally, others who are not able to be here -- including groups like New Jersey Appleseed Public Interest Law Center and Blue Wave New Jersey. But that joint statement is part of my written testimony.

So we continue to have serious concerns with Assembly Concurrent Resolution 188, despite amendments made to the original version of the proposal.

While this proposal is being fast-tracked to address a very specific problem brought upon by COVID-19, it would result in a permanent constitutional change that makes all future redistricting cycles vulnerable to anything from a minor administrative issue to a single elected official's political whims. We do not believe extending the term of a legislative district map by two additional years whenever New Jersey receives new census data after February 15 is the right response to the current census delay caused by COVID-19.

And we do fully understand the concerns that many of you have with extremely condensing electoral timelines, or significantly altering election dates. Those could be more problematic. So we understand those,

and we understand that this is a serious dilemma that requires swift action because we won't have the new data before the June 2021 primary. And to echo Henal's statement, no one who I've heard of is advocating to try and get that data sooner, or to work with incomplete data. We know that the Census Bureau has requested a four-month extension so that they can fulfill their constitutional mandate and get their count done. And we believe that they are going to great lengths -- these career service Federal employees are going to great lengths to make sure that the coronavirus' impact on the count is not as severe as it could be if they didn't request an extension.

So just to be clear, we're not saying, "Let's redistrict with that data, incomplete data; or let's rush redistricting when the data hasn't even arrived yet." We understand all the concerns people have raised. But what we do not understand is the complete unwillingness -- despite what Assemblyman McKeon stated -- we don't understand the complete unwillingness to present this as a one-time solution; or to push forward that February 15 date by several weeks so that we're not finding ourselves repeatedly dealing with a two-year redistricting delay, decade after decade; or to offer additional solutions that would address the disproportionate harm that delaying the implementation of a new voting map will have on New Jersey's growing communities of color.

So we believe that we need a companion proposal with structural redistricting reforms to offset ACR-188 and give us process improvements that will amplify the voices of the communities that are most impacted by this pandemic, most impacted by the census undercount, and whose representation will be most impacted by delayed redistricting.

As written and as a stand-alone, ACR-188 should not move forward without a companion proposal.

Redistricting determines communities' political power and whether our voices and votes will matter. If the Legislature wants to move forward with a proposal that keeps us from having a new district map in place for two more years, then we must ensure that when that new map is certified, that diversity, racial equity, public participation, transparency, and fair line-drawing standards are the values and the standards that have guided that process.

And again, as Assemblyman McKeon stated earlier, and others have, this talking about having the opportunity to do this thoughtfully -- we want this done thoughtfully; but unfortunately, as written right now, our current legislative redistricting process doesn't allow for that because it is a non-transparent, hyper-partisan process with a lot of shortcomings: no clear line drawing rules, too much power in the hands of one tiebreaker, too much discretion given to that individual.

So our Coalition has identified a number of shortcomings that we need to address that should be introduced in a companion proposal, because ACR-188, and our current legislative redistricting process, falls short of those guarantees.

And we are urging our legislative leaders to introduce and move a companion proposal, hopefully as quickly as we have seen them introduce and move ACR-188.

In closing, what we've seen over the last two years, with regards to redistricting, is troubling. Instead of advancing good government reforms, we saw attempts to legitimize gerrymandering through a previously

introduced constitutional amendment proposal. There was party in-fighting regarding a chairmanship position and the power to appoint the redistricting commissioners. Most recently, there was widespread public criticism over the egregious lack of diversity represented within the partisan groups' commissioners appointments. And, at the same time, the U.S. Supreme Court has ruled that partisan gerrymandering cases can't be heard in Federal courts, and we learned that the manipulation of the redistricting process to increase the political power of non-Hispanic whites was what had motivated the proposal for a citizenship question on the census.

Over and over these headlines have sent a clear message to the public in New Jersey, and that is that our redistricting process is one to be gamed by elected officials and party operatives, and no place exists in the process for the public's voice. We feel that that message is also being sent now. We need a companion proposal to guarantee that when a new map is drawn, it's drawn in the public's interest to ensure equal and fair representation for all. Otherwise, ACR-188 should not move forward. We should not be compromising the integrity of the census, or of redistricting, or of our political representation in perpetuity for expediency.

And I also would like to share -- because the Brennan Center has been mentioned several times -- Yurij Rudensky of the Brennan Center for Justice has a very lengthy tweet about this proposal. And in conclusion, "The desire to create certainty around redistricting given the pandemic and census delays is understandable. But ACR-188 makes permanent changes that could cause real harm in the future by pushing redistricting when unnecessary, and doesn't take up more meaningful reforms." And they also bring up that

February 15 date being too early, and not really understanding why that deadline was set.

So we agree we need a complete count, we agree no one should be pressuring the Census Bureau to give us incomplete data. But the undercount, and what's happening in communities not self-responding at a higher rate because of the pandemic, and what this proposal will do, are not quite related. ACR-188 is not going to address the undercount; it's going to address not being able to redistrict on time, but it's not actually addressing what we need to do to make sure that the response rate increases and that we do have a complete, accurate count.

So thank you again for this opportunity to testify.

ASSEMBLYMAN MUKHERJI: Thank you.

Any questions for Helen?

ASSEMBLYMAN DePHILLIPS: Yes, Mr. Chairman, I do.

ASSEMBLYMAN MUKHERJI: Sure.

ASSEMBLYMAN DePHILLIPS: Thank you again for your testimony, not only today but at the last hearing as well.

Do you have a position on a potential fall primary? I think you testified that you didn't think it was ideal. But what is your opinion, if we are forced to be in that position? With the census data coming in June, a September primary is possible. Do you have an opinion about it?

MS. KIOUKIS: The League of Women Voters does not have an organizational position on that.

I'll just state that we are advocating -- we have been -- for more time in redistricting. So in order for a September primary to work -- just realistically, knowing that June 17 will probably be the date New Jersey gets

the numbers -- then that process -- not only will the process have to be shortened, but the amount of time between when a candidate petition is due and the primary happens will also need to be shortened. So a lot of different timelines need to have time shaved off to make it work. And then we'll probably need to change the date of the general election. So it is a complicated, not ideal situation.

But what we believe is a companion proposal for ACR-188 to actually give us the language in the Constitution that will guarantee a thoughtful redistricting process once it happens -- that that could be a solution to what we're dealing with right now. Because unfortunately, ACR-188 cannot be amended anymore. We thought, after the Committee meeting before, we might be able to get some additional tweaks; but that didn't happen, unfortunately.

ASSEMBLYMAN DePHILLIPS: Well, why do you think the general election date would have to be moved if we did have a September primary? Other states have September primaries, and have their general elections in November.

MS. KIOUKIS: I don't have it up right now -- I have my Zoom screen up, taking up my full screen -- but we did, similarly to Princeton Gerrymandering Project, kind of track, using the timelines in all of the Title 19 statutes, to see what would have to take place in order to keep that November general election date. And there are a lot of Title 19 statutes, and what needs to happen when. The one that I think most know about is that mail-in ballots need to start getting sent 45 days before the general election.

ASSEMBLYMAN DePHILLIPS: Okay. Do you have a specific proposal for the Committee at this time?

I know that your testimony is that no solution appears to be ideal. But do you have a specific solution at this juncture for the Committee?

MS. KIOUKIS: We have submitted our Fair Districts New Jersey proposal; I believe I also submitted it at the last Committee hearing. But we've sent that to the legislative leaders as well.

ASSEMBLYMAN DePHILLIPS: Okay, all right.

Thank you.

ASSEMBLYMAN MUKHERJI: Any other questions? (no response)

Okay; next, we'll have Mayor Green of East Orange. (no response)

Your Honor, are you with us? (no response)

Okay; Assemblywoman Angela McKnight, from the great City of Jersey City.

Assemblywoman, welcome.

A S S E M B L Y W O M A N A N G E L A V. M c K N I G H T:
Thank you, Chairman Mukherji, Vice Chair Murphy, and the members of the Assembly Judiciary Committee, for allowing me to testify in support of ACR-188.

Every 10 years in New Jersey, census information is used to fulfill our constitutional obligation of redistricting. Under normal circumstances, the Redistricting Commission would have accurate data that shows New Jersey's demographics and create legislative districts with equal representation.

However, we are currently living in unprecedented times. The coronavirus pandemic has affected us in ways we have never seen in most of

our lifetimes; and communities of color have been hit the hardest. Because of the pandemic, the census has been conducted almost entirely online. The digital divide is, unfortunately, a reality in our state, which further puts communities of color at a significant disadvantage.

I represent the 31st District, which includes the majority of Jersey City. Jersey City is one of the most diverse cities in the country, and will bear the brunt of any undercount. Jersey City's self-response rate is currently only 49.5 percent, compared to the statewide average of 64.1 percent. In 2010, the self-response rate in Jersey City was 58.4 percent. If this is not corrected, Jersey City will be significantly undercounted.

As a Black legislator, I will continue to advocate for a process that prioritizes the Voting Rights Act that my ancestors fought for, which provides for a proper redistricting process that does not discriminate, and guarantees communities of color have input on who represents them in government.

Enacting a new map, based on a census that undercounts communities of color, would cruelly compound problems in housing, school funding, and other social services, for years to come.

Communities of color should achieve significant gains in New Jersey's next redistricting, but we must have an accurate census. ACR-188 provides us with time to accomplish all of this, as we are unsure as to when the pandemic will die down, or when New Jersey will receive adequate census data from the Federal government, especially given the President's recent comments towards our undocumented community.

New Jersey must be prepared, and ACR-188 is a step in that direction.

Thank you.

ASSEMBLYMAN MUKHERJI: Thank you.

Any questions for the Assemblywoman? (no response)

Okay; next we'll hear from Middlesex County Freeholder Director, future County Commissioner, Ron Rios.

F R E E H O L D E R D I R E C T O R R O N A L D G . R I O S :

Thank you, Chairman; and thank you for allowing me to testify here this afternoon.

And to the members of the Committee, I appreciate this opportunity for speaking here today.

I would like to begin by focusing my comments around the vital importance of an accurate census count, especially during our fragile recovery from COVID-19.

We all should know by now what is at stake: billions in Federal funding for vital programs, like Medicare and Medicaid; CDBG; transportation programs; student loans; and more. These are crucial programs which many New Jerseyans are currently relying upon to get through the COVID-19 crisis.

In addition, the census determines our political representation. New Jersey has lost a Congressional seat in every census count since 1980, chipping away our State's representation in Congress and weakening our advocacy ability in Washington. An undercount sets off a chain reaction of negative consequences for teachers, students, businesses, hospitals, infrastructure, and, most of all, our most vulnerable families. The consequences of an undercount will be felt for the next 10 years, and it is up to all of us here today to ensure that this does not happen.

As Freeholder Director of one of the largest counties in our state, I feel compelled to acknowledge that Middlesex County has much to lose should an undercount occur. Not only is our County growing rapidly with over 825,000 residents, but it is one of the most diverse counties in our state and our country. In Middlesex County, 34.5 percent of our population is made up of immigrants, and we speak 51 languages. Diversity is a gift, and part of what makes Middlesex County truly special.

It was with this in mind that my colleagues and I on the Board of Chosen Freeholders, and our Co-Chair, Assemblywoman Yvonne Lopez, acted quickly to establish a Complete Count Committee in 2019. We are proud that our Committee includes a range of partners and reflects the diversity of our County. This includes representatives from all 25 Middlesex County municipalities; community and faith-based groups such as PROUD (phonetic), PRAB, NAACP, YMCA, Asian American Federation, Inspiring South Asian American Women, Catholic Charities, and the United Way; assignees from institutions such as Rutgers University, Middlesex County College, Hackensack Meridian Health, and RWJ Barnabas Health.

The reality is that this pandemic has greatly impacted our ability to obtain a complete and accurate count. On March 4, New Jersey had their first diagnosed COVID-19 case; by March 11, Middlesex County had our first two of what would become over 17,000 positive cases.

On March 12, households began receiving invitations to complete the census online. As you might imagine, I don't believe the census was at the top of everyone's mind that week.

With that said, we have made progress. Our County's response rate is 68.1 percent, which I'm proud to say is 5 percent above the State

average, placing us in the top third of all counties. However, communities like Perth Amboy and New Brunswick, that have been historically undercounted, are trailing behind with 56.5 percent and 40.5 percent response rates, respectively. Even with the resources and joint efforts across the County, we fear our communities will not be accurately counted before the deadline; and we must be accurately represented in the census so that vital resources and representation can occur in the upcoming decade.

Thank you for your time and consideration.

ASSEMBLYMAN MUKHERJI: Thank you so much.

Any questions for the Director? (no response)

Okay; Freeholder Claribel Azcona-Barber.

Clary; and welcome.

F R E E H O L D E R C L A R I B E L A Z C O N A - B A R B E R :

Thank you; thank you, Chairman.

I also support Bill 188. It is important for us, as Latinos, to be counted, and to make sure that we have the time that we need.

Thank you.

ASSEMBLYMAN MUKHERJI: Thank you so much.

Any questions? (no response)

Okay; next we'd invite Mayor Delisfort of Union Township.

Mayor.

M A Y O R M I C H E L E S . D E L I S F O R T : Good afternoon, Chairman Mukherji and members of the Committee.

Thank you for the opportunity to speak in favor of SCR-123 and ACR-188.

My name is Michele Delisfort, and I am the Mayor of Union Township.

The onset of the COVID-19 pandemic has created enormous strains on government services at every level. We've done everything we can to ensure quality services continue to be provided to our citizens, but there have still been significant disruptions. This has also applied to the U.S. Census for 2020. Last April it became very evident that, due to the pandemic, the census would be unable to go through the process of employing half-a-million people, providing the necessary training to said employees, sending them door-to-door to homes that have not yet completed the census, or conducting much-needed outreach to populations that are hard to count, in order to get fair and accurate count.

The census is the basis to make sure residents receive their fair share of State and Federal dollars when it comes to public safety, health, transportation, and education. It's also used to ensure a fair representation across many levels of government.

When we talk about a commitment to *one person, one vote*, the census is one of the tools that exists to deliver that promise. It's now clear, however, that because of the required delays we will not have census data on time to draw new State legislative districts in time for the 2021 election.

People of color stand to make gains due to population changes in New Jersey over the past decade. None of those gains can be fully realized unless we have a fair and accurate census count.

The good news for Union Township is that we have a slightly higher response rate than the State of New Jersey; 71.6 percent of our residents have completed the census form, compared to the state average of

64.1 percent. The bad news, however, is that, like most communities with significant populations of color, we're behind the self-response rate from 10 years ago. If the current undercount is not addressed, we would miss approximately 1,500 Township residents in the 2020 census; that's not okay.

In order to remedy that issue, the Census Bureau will need to send people door-to-door to engage members of our community. Additionally, Union Township is an ethnically diverse municipality. It consists of populations who speak Spanish, French Creole, Portuguese, and more, who will need to be engaged in order to complete an accurate count. I fully support ensuring we create districts that reflect the diversity of our communities in New Jersey. That simply can't happen without an accurate census count that's followed by a fair and transparent election process.

I support this Bill because it ensures that we create new districts that represent New Jersey, it provides sufficient time for a thoughtful process to create new districts with significant opportunities for input from the general public, and it ensures continuity in our elections so that voters aren't confused by the process.

And finally, instead of asking the courts to intervene and resolve this issue, we're making a statement that we trust the people of our state to have input to be part of a solution.

So for all of these reasons, I urge you to support ACR-188, and support it on the ballot in November.

Thank you.

ASSEMBLYMAN MUKHERJI: Thank you.

Any questions for the Mayor?

ASSEMBLYMAN DePHILLIPS: Mr. Chairman, I do.

Mayor, thank you for being here.

Are you in favor of permanently amending the Constitution for this purpose, and not having the solution be a one-off solution because of the pandemic?

MAYOR DELISFORT: I'm sorry?

ASSEMBLYMAN DePHILLIPS: I said, are you in favor of the Resolution which is permanently making constitutional changes, instead of a one-off solution because of the pandemic?

MAYOR DELISFORT: I am.

ASSEMBLYMAN DePHILLIPS: And why is that?

MAYOR DELISFORT: Because, again, I feel that we really need the adequate time to really-- I feel like every 10 years this becomes an issue. You know, earlier we heard somebody mention that the count -- we're always behind, we're always trying to catch up. And it's just -- if this is going to become a constant issue every 10 years, then it needs to be resolved now.

ASSEMBLYMAN DePHILLIPS: So does that mean, in your mind, that the Resolution is not really about the pandemic? It's just about chronic problems that we've had every 10-year cycle?

MAYOR DELISFORT: No, not at all. I feel like the pandemic has actually just made this issue worse, quite honestly. Again, as I mentioned earlier, in Union County we've had higher percentage counts, but now we're behind. And so because of the pandemic, we did not have the opportunity to go door-to-door, and that was very important to us. I think our numbers would have been better reflected and increased substantially if we had that opportunity.

ASSEMBLYMAN DePHILLIPS: Okay; thank you for your testimony.

MAYOR DELISFORT: You're welcome.

ASSEMBLYMAN MUKHERJI: Thank you, Mayor.

On behalf of the Princeton Gerrymandering Project, Aaron Barden.

Welcome back.

A A R O N J. B A R D E N, Esq.: Hi; nice to see everybody again.

So thank you, Mr. Chairman, Ms. Vice Chairwoman, and the Committee. It's nice to see you guys again.

My name is Aaron Barden, the Legal and Policy Analyst for the Princeton Gerrymandering Project.

I will try to not say some of the same points; so all of the stuff about compressed timelines -- I would just direct you to the written statement that we submitted before the last hearing.

So, shocker -- we are still opposed to ACR-188 for pretty much the same reasons as before; but I will give different explanations, as we've thought about it a bit more.

So despite the possibility that this delay is a once-in-a-lifetime anomaly, this delayed redistricting mechanism, as written, would exist permanently. The latest that census data has arrived in the last few cycles is March 8. We still had a June primary, although it was a couple of weeks afterward. And even so, if ACR-188 existed in 2001, redistricting would have been delayed for two years instead of having a three-week delayed primary.

A trigger date aligning with the Census Bureau's deadline of April 1 would have avoided this problem. By having February 15 as the trigger

date, the Census Bureau can now have the discretion to cause delayed redistricting in the future by ending its courteous early delivery of data. That could put the decision for when to redistrict in New Jersey into the hands of future Presidential Administrations, rather than the State itself. So this trigger date takes a once-in-a-lifetime situation and turns it into a recipe for repeated delays in the future.

And aside from the trigger date -- the permanence of -- other states affected by the census delay are putting in solutions that only affect the 2021 cycle. For example, California's legislature proposed a constitutional amendment, and also petitioned their state Supreme Court for a delay that only affects 2021. And this one-time delay was accepted by the Supreme Court on Friday, I believe.

In any case, this amendment should, at the very least, be coupled with the passage of a reform, suggested by the Princeton Gerrymandering Project and other academic groups in a July 2019 white paper; as well as those suggested by the Fair Districts New Jersey Coalition.

Which brings me to the other issue that we touched on before, but we have some slightly updated information.

So delayed redistricting will likely harm communities of color that have grown in population since 2010, especially Asian and Latino communities as we have heard. New Jersey's redistricting timeline, however, will in no way affect the collection or release of census data; so the data will come when it's ready, and ACR-188 will not ensure a proper count of communities of color. I believe the census is going to do that anyway.

And indeed, ACR-188 would delay proper representation for these communities, causing an undercount for an extra two years in this cycle

and possibly in future cycles as well. Whereas, New Jersey used to be one year ahead of the entire country, along with Virginia -- and sometimes Louisiana and another state -- one year ahead of the country in using census data to reflect demographic changes, we will instead be one year behind the entire country in doing so.

So since the last time I spoke about ACS data on the county level, we have found a way to get some district-level information.

So according to the ACS, both of these groups have increased by 20 percent since 2010, and there are current trends that would likely repeat in future cycles. In all but four districts the Latino or Asian communities have increased in population; in nine districts, the Asian share of the population is now about 15 percent; in another nine districts, the Latino share is above 25 percent. In fact, in 13 districts the Latino and Asian populations combined are above 33 percent of the population share, which could be teetering on an opportunity to elect coalition districts. District 36, in particular, has a Latino share that rose from 37 to 40 percent; and District 18 has an Asian share that rose from 28 to 31 percent. District 18 also has a combined population that rose from 37 to 40 percent. These increases could indicate at least three new opportunity-to-elect districts that might not be realized until three years after the census.

Finally, district maps that do not represent communities of color can have large effects on political power, just as a census undercount could. Following a recent Virginia case, a special master redrew 25 of the districts in the southeastern part of Virginia to unpack a racial gerrymander and more evenly spread out the Black voting-age population. Within these newly drawn districts, four flipped in the 2019 elections. In other words, from 2011

to 2019, African American voters in Virginia were deprived of four districts, a result as problematic as any census undercount. In each district that flipped, the BVAP rose by more than 7.4 percent due to the redrawn map, and this number is only slightly larger than the predicted growth of Asian and Latino communities in most of New Jersey's current districts.

We suggest that the long-term redistricting needs of New Jersey do not require ACR-188 as a solution; instead, a one-off amendment or an amendment with a later trigger date would have been more reasonable. For these reasons, the Committee should reject this amendment.

However, if ACR-188 does pass the Legislature, it should follow up on its promise of reform and pass reforms before New Jerseyans vote on ACR-188 in November.

I thank you again for taking the time.

ASSEMBLYMAN MUKHERJI: Thank you, Mr. Barden.

You acknowledge, though, based on what we've heard from the Census Bureau, that -- or would you agree, rather, would be my question -- that pushing the trigger date would be a safeguard you're seeking because it would improve the implementation, or the applicability, of the amendment after future decennial censuses, right? Because for purposes of the 2021 elections, there's little question that both the Federal statutory deadline and the February deadline are going to be blown. Is that fair to say? So for the one-off, that wouldn't bother you; but for future--

MR. BARDEN: Yes, I would agree. I mean, this year's cycle is already messed up.

ASSEMBLYMAN MUKHERJI: Okay.

MR. BARDEN: I think this is-- Pushing that trigger date back is a future-looking thing; looking ahead to 2031, 2041, etc.

ASSEMBLYMAN MUKHERJI: So if the black swan issues didn't present themselves -- as we've heard from some of the sponsors and others -- you wouldn't have a problem with this if this were limited to this cycle? Just so I understand your perspective.

MR. BARDEN: I think there would still be the issue of delayed redistricting harming communities of color; and the fact that changing the timeline does that, but doesn't necessarily change whether or not there's going to be an undercount.

ASSEMBLYMAN MUKHERJI: And you were in-- I think I remember from the last hearing that you had time in Virginia before; or you are a Virginian?

MR. BARDEN: I'm from Virginia, yes.

ASSEMBLYMAN MUKHERJI: You're from Virginia, okay. So you have experience with the only other state with off-year elections like ours. Because our Constitution gives us 60 days to draw the new districts, based on the data that comes back, if we are to take the Trump Administration at its word and we are going to get the census data by the end of June -- and there's no assurance of that; but if we are to accept that, now you're two months past that to go through the redistricting process to draw the new districts. Our State laws, then, allow 60 days for everything needed for an election to occur, if that's enough time. You have to file the petition, challenge petitions, you have to print ballots, you have to send out the ballots for vote-by-mail. You have about a 45-day window that we've heard testimony about. You have to establish early vote locations, you have to set

up voting machines and polling locations. And all of that before you have fair and free elections, and ensure the fairness of the elections. And that's without a pandemic.

So that's why I-- I mean, in my view -- and I apologize that there's no question -- but that's why I think that the idea of having-- Really, it's not a September primary; then you're talking about an October primary. You have a month, two months to campaign in a general election after you've won the primary. And I don't know that that does the voters a service, in terms of being able to have a transparent, and open, and hopefully, competitive general election cycle, with such a short window following the primary.

Any members have questions?

ASSEMBLYMAN DePHILLIPS: I do, Mr. Chairman.

ASSEMBLYMAN MUKHERJI: Go ahead.

ASSEMBLYMAN DePHILLIPS: Thank you again for your testimony, and thank you for coming back.

I just want to be clear on what your opinion is as to what the trigger date should be -- not just for this cycle, but in general in the State of New Jersey. Obviously the February 15 date is inconsistent with the Federal law, but what is your opinion on that?

MR. BARDEN: Yes; so I think a trigger date of April 1 makes more sense, because that is the drop-dead date for the redistricting. It prevents any discretion from, like, the Census Bureau ending its courtesy for some reason in the future. Then that's the statutory date--

ASSEMBLYMAN DePHILLIPS: Okay.

MR. BARDEN: --and that's what the trigger should be.

ASSEMBLYMAN DePHILLIPS: Okay, thank you.

ASSEMBLYMAN MUKHERJI: Thank you, Assemblyman.

Any other questions? (no response)

Okay; is Liz Glynn on, from New Jersey Citizen Action?

E L I Z A B E T H G L Y N N: Yes, I'm here.

ASSEMBLYMAN MUKHERJI: Okay, go ahead.

MS. GLYNN: Okay, great.

Well, thank you so much, Chairman and Chairwoman, for this opportunity to provide virtual testimony today.

And I applaud the Assembly for continuing to allow virtual testimony during the pandemic to keep ourselves and our families safe and healthy.

My name is Liz Glynn; I'm the Director of Organizing for New Jersey Citizen Action, and I'm going to keep this brief.

I'm here to echo a lot of what the League of Women Voters has already pointed out, as we're part of the Fair Districts Coalition. We mainly just want to make sure that the New Jersey Legislature should be reconsidering their plans to pass this constitutional amendment, ACR-188. It lacks meaningful improvements to our woefully flawed redistricting process.

Now, of course we understand we're in unprecedented times; we need to decide how to proceed amidst this horrific pandemic. But we don't believe this is how we should be proceeding. We think we really need to be looking at some of these structural improvements to our redistricting process that would guarantee diversity, racial equity, public participation, transparency, and fair districting standards to guide the map-drawing process.

We don't think we should be rushing forward right now; we need to make sure that-- We think it's really short-sighted for there not to be any offering to improve the process that would amplify the voices and prioritize -- especially prioritize representation of communities of color, which have been the hardest hit by the pandemic and likely to suffer as a result of the current census undercount; which has already been, I know, stated.

But considering we know that we are likely to have some shortcomings as a result of the census, we really need to make sure we're pushing for it again -- the companion bill that Helen mentioned. There are a lot of improvements. I don't need to go into them in detail, but there's just everything from improving the process of appointing Commissioners; ensuring we have better criteria that eliminates or reduces conflicts of interest; ensuring we expand the opportunity for even average citizens to be able to apply for a seat to participate in the democratic process; improving transparency, such as mandating public hearings -- I could go on.

I know that, again, the Fair Districts Coalition has already submitted, numerous times to the Legislature, our full list of recommendations. And we urge the Assembly to fully consider these recommendations; and ensure that the next time the district lines are drawn, we make up for all these shortcomings and ensure that we have a better process in place.

So thank you again for the opportunity to testify today.

ASSEMBLYMAN MUKHERJI: Thank you so much for participating.

Any questions for Ms. Glynn? (no response)

Mayor Dahlia Vertreese of Hillside.

Your Honor, thanks for joining us.

MAYOR DAHLIA O. VERTREESE: Hi; thank you for having me, Chairman; and thank you to the Judiciary Committee for allowing my testimony today.

My name is Dahlia Vertreese; I'm the Mayor of Hillside, New Jersey, and I come in favor of ACR-188.

The Resolution has proposed more transparency in reapportioning of our legislative districts -- which a lot of people do not understand the intricacies of what is required for reapportionment.

The only references I have is with Congressman Payne and Congressman Albio Sires. You move two blocks over, and people do not understand how their representation could change in a blink of an eye. So I do believe that we need to be as open and transparent, if we're going to make these changes, as possible. And I do not think that's possible without the appropriate census data.

As a former teacher, I'm all about monitoring and adjusting. So when the Census Bureau said that they needed a four-month delay, I think that it's our responsibility to make sure that we respond in kind. And we are definitely in a new normal. So while I'm in support of this legislation, I do ask my State Legislators to continue to tweak and work out some of the kinks, as we've heard today. And I say that because I'm very sensitive to the 1994 Crime Bill. One of my major criticisms was that our legislators did not continue to work on what was an ongoing issue that seemed to come to its worst head with the death of George Floyd.

Another thing that seems to plague my community is dealing with the Federal anti-lynching legislation, which has been proposed over and over again for the last century; again, an issue that we should have been continuing to work on, talk about, and address.

So we have these ongoing problems every 10 years. But within that time frame, we should have been working on these issues. And I'm not a *woulda, shoulda, coulda* person; but I also am not in favor of making any decisions whereby communities of color, in particular, may face being confused and disenfranchised. This issue creates a big problem, considering the fact that we hold State legislative elections in 2021. And any delay in receiving that census data will cause us to miss elections.

Going door-to-door is paramount. Here in Hillside we were able to do a 15-week food distribution during this pandemic; and it was embarrassing when I could not give my constituents resources in their language, and that included Creole, Spanish, Portuguese, Arabic. And these were individuals who I met at a food distribution. And while at that food distribution, we were required to record the amount of people who we were servicing so that when we gave news reports and reflected back on how many families were impacted, we had accurate numbers. So if we're willing to do that on a grassroots level, why wouldn't we afford the Census Bureau that same opportunity?

So this year we are 8.4 percentage points lower in the self-response rate than we were 10 years ago. And our self-response rate is 61.3 percent. That was without all of the technological advances that we see today, but imagine door-to-door, plus the self-reporting that has already occurred. We would not have to be facing, as of today, being undercounted

by approximately 1,800 people. And that's not considering some of the emigration -- with an *E* -- from our surrounding states, which are much more expensive. Here in Hillside, we have incurred an uptick in people moving from New York City, wanting a home, and a yard -- out of their apartments; as well as people from Jersey City, who have experienced some gentrification.

And so with the moving of people willfully, we can't forget the fact that, in the fall, New York City was secretly putting people in New Jersey, which further increased our population and further increased the need for these resources. So there were a lot of unexpected issues that we've had to incur within the last six month. And door-to-door operations would really benefit my Township, as well as delaying when we would move forward with our elections.

So that being said, I support this legislation, whereby we create transparent solutions for how we move forward. And we can see ahead of time where we would provide as little disruption to our election process as possible and ensure that voters are not confused. I don't want to be the one to tell someone who's been voting for someone for 10 years why, all of a sudden, that person has magically disappeared, or that they could vote for them if they lived across the street.

It allows time for significant public input in the process of creating our new districts so a fair map can be enacted. It involves voters to help craft a solution for problems created by this virus today, and going forward. I think we all want fair legislative maps that reflect our communities. It will help our elected officials be more responsive, and make sure that we have the adequate resources necessary to address things like adequate testing; the digital divide, which has impacted Hillside

tremendously; as well as access to health care, especially for townships that are full of essential workers, again like my town.

So I thank you all for your time and your efforts today. I appreciate all of the testimony that I've heard; it has given me a whole lot to think about. And I just appreciate the ongoing dialogue that I see my State Legislators working on.

Thank you.

ASSEMBLYMAN MUKHERJI: Thank you, Mayor.

Any questions for the witness? (no response)

Okay; next is Dave Pringle, on behalf of Clean Water Action. (no response)

Okay; Lucia Gomez.

LUCIA GOMEZ: Yes; hi, how are you?

Well, thank you so much. And I am really happy that this hearing is still going on. I know it started early, and there was other business, and I'm glad for everyone that has stayed on to have their voices heard.

My name is Lucia Gomez; I'm representing Latinas United for Political Empowerment, *LUPE*. It's a statewide organization advancing the interests of Latinas and our families. We advocate for the economic education and political empowerment of Latinas by engaging in issue advocacy, voter education, and mobilization; and in training and supporting Latinas to run for public office. Our mission is to advocate for the rights of Latinas to have a seat at the table in government and politics so that our community can have a voice in enacting policies that encourage economic opportunity, equity, and inclusion across all areas of society for Latinos in New Jersey.

In light of the current health crisis in our state and country, we acknowledge that the proposed amendments to the Constitution of the State of New Jersey are an attempt to create a new timeline for redrawing legislative districts in light of the Federal U.S. Census collection and processing delays. Specifically, their adjusted delivery days for Public Law, 94-171, which is our redistricting data, from May 1 to July 31.

I've heard testimonies about the dates that the Census Bureau has provided of June 17; and so it's within their time frame of May 1 to July 31.

In light of these proposed amendments, though, Latinas United for Political Empowerment stands in opposition to the proposed changes for the following reasons.

There have always been long-standing concerns with New Jersey's tight redrawing schedule. I've been involved in two redistricting cycles already -- this would be my third -- and yet the Census Bureau has provided New Jersey with data on the earliest possible side of their timeline. And the off-year election has always taken place with some spontaneous adjustments, whether it's legal adjustments -- because the courts will come in -- or adjustments made to the timeline due to the delay in the independent -- the individual deciding on which side they're going to decide on. We did not need the pandemic to make adjustments to the timeline; we really didn't. This has always been an issue; we're debating this now, and proposing hasty amendments to our Constitution that we simply cannot take lightly.

There are always concerns with the highly partisan nature of New Jersey's redistricting process and the limited input of the public, yet we aren't necessarily addressing those concerns in these amendments. Providing

additional time for input does not mean we will actually create a process to manage that input and provide the transparency that advocates, including LUPE, seek. Promising for a debate is not the same as creating true reforms to an existing flawed system.

We cannot support any amendments that potentially give any presumption that LUPE does not value the equal voting power of Latinx people. We strongly stand on the side of the U.S. Constitution, and our rights under the one person, one vote principle. These amendments, if passed, will be presented to the voters as the most democratic of all options; and yet, there really isn't anything democratic about districts being malapportioned and, unfortunately, disproportionately disproportioned in areas of robust growth for communities of colors.

The redrawing of New Jersey districts will have a huge impact for a decade. We have seen tremendous growth in our cities and towns throughout the state and, unequivocally, from traditional growth spots like Passaic, Hudson, and Middlesex counties. This is no shocker. We currently have census estimates and sample population data that I'm sure is currently being analyzed prior to the arrival of the official decennial data in order to simulate possible changes to the New Jersey district map. The Legislature would not be starting from scratch upon receipt of the decennial data next spring or early summer. We currently have information that we are using almost every day that is more current than the decennial 2010 data.

The options for a delayed primary for September 2021, or a new election in June 2022, will take all this data delay into account, but still afford voters a chance to elect candidates of their choice in districts of equal proportion.

Unfortunately, I do wish that we were discussing how to ensure every single person in New Jersey is captured in the census count; but we aren't. That conversation probably took place last year, or I know we've been having it in a bunch of different circles -- on how to adjust due to the pandemic. But the reality is that we're trying to create a new timeline on numbers that we haven't yet received, and are essentially being asked to sign a blank check, as voters, which LUPE cannot support. We will not gamble our voters' chance to elect candidates of their choice after a legally mandated population adjustment to the districts.

And I would just say this, based on all the testimonies that I've been hearing about what's the most democratic process. I kind of feel like it's a bit undemocratic to be a sitting legislator and basically say, "We could potentially see lame-duck sessions for the next couple of years if this is not the alternative that is actually passed." I'm kind of saddened by that fact.

I really want to thank you for giving us a chance to present testimony, and we look forward to working with you, regardless of what happens after this year.

Thank you.

ASSEMBLYMAN MUKHERJI: Thank you, Ms. Gomez.

Any questions for Ms. Gomez? (no response)

Okay; William Field of the City University of New York.

Mr. Field.

WILLIAM FIELD: Hi, thank you.

I'll try to make this brief.

First of all, thank you so much for having me. I wanted to, first, personally make it clear that my testimony today is on my own behalf. These

are my own opinions; I'm testifying as a constituent from Maplewood, New Jersey, in the 27th District.

I am involved at the CUNY Graduate Center. I'm working on *censushardtocountmaps2020.us*, a website where you can find resources on how census operations are going, and how the self-response rate is looking.

I mainly wanted to focus on two issues that I have with ACR-188.

So the first issue is -- there's a very real possibility that this will not pass in a referendum in November. And I've heard almost no plan for what would happen in that situation. I think it would leave us with even less time to come up with a solution, and I would just like to know what the plan is, in case it doesn't pass the referendum. I think it's very easy to frame -- regardless of its merits, I think it's very easy to frame this as a *power grab*. It's very difficult to explain the importance of census data; and I think, given that, it's very likely that it would not pass the referendum

Secondly, I wanted to address the February 15 triggering date. So a lot of people have been talking about, "Is that too soon, should it be moved up to April 1," or whatever -- some other date. But I just wanted to point out that I think it's a mistake to enshrine any date in the Constitution, because throughout U.S. history the April 1 census day and the schedule surrounding it -- it has changed nine times throughout U.S. history. So the earliest census day has been January 1, and the latest it's been has been all the way into August. So if this is going to be in our Constitution, and we're looking forward decades, there's no reason that April 1 -- that we can expect it to stay where it is. It could very well move around; in which case, we have

this February 15 deadline enshrined, or another date. But either way, we have this in our Constitution, and I think that's problematic.

So those are the two points I wanted to make. I want to keep this very short, because we're coming up on five hours now.

I know Assemblyman DePhillips asked earlier about the statewide self-response rates. I would suggest that he look at *censushardtocountmaps2020.us*; you can dig through demographic data; and look at maps of New Jersey; look at different statewide response rates, versus county rates, versus all the way down to tract level. So hopefully that is a resource that you'll find helpful.

Thank you again for your time.

ASSEMBLYMAN MUKHERJI: Thank you, Mr. Field.

Any questions? (no response)

Okay; Middlesex County Freeholder Shanti Narra.

F R E E H O L D E R S H A N T I N A R R A, Esq.: Thank you, Chairman Mukherji, and also Vice Chair Murphy.

COVID-19 has decimated the Census Bureau's original plans for both the deployment of enumerators and traditional methods of engagement with the public. And this has resulted in an almost complete online-based census push that's resulted in less-favorable responses from New Jersey residents.

And I want to agree with both Senator Cruz-Perez and Assemblywoman McKnight, who pointed out that one of the things we've learned is what a prevalent digital divide we still have, in not only our country, but in New Jersey.

But the other issue that that has revealed is how access and participation by non-native English speakers, living in hard-to-count areas has been disproportionately affected.

As Freeholder Director Ron Rios mentioned earlier, for a diverse County such as ours, in Middlesex County, this results in a major impact and potential undercount of our more than 125,000 residents who have limited English proficiency.

The Census Bureau has already pushed the deadline for the census responses back until October 31, and this decision underscores the grim reality of the count for us here in New Jersey. This is particularly problematic for communities that have large immigrant populations; and in Middlesex County, that's specifically our South Asian and Latino communities. And these communities have already experienced issues with our Federal government attempting to block their participation in the decennial census, and also the fears it has engendered -- all of the actions of the Federal government -- the fears that have been engendered with retribution that these communities feel.

One in every three South Asian individuals in New Jersey currently live in my County. In the last census, four of the five largest Asian populations were in Middlesex County. We need time to ensure that everyone in New Jersey is counted, and we need a thoughtful and deliberate redistricting process that ensures that communities of color, that have a lot to gain in the census, are accurately counted.

As the pandemic continues and the possibility of enumerators from hard-to-count communities effectively going door-to-door becomes less feasible -- and it certainly becomes, to the extent it's done, more onerous -- it

will certainly mean a serious delay in the census certification. It is up to this Legislature to find a solution to ensure that we get the map right, and we not have a chaotic process. Because I think that only leads to more disenfranchisement for communities of color.

As one of the very few South Asian elected officials in this state, I can't express to you enough how important I think it is that we do not rush this process for the sake of meeting a 2021 deadline. I think that has much more serious consequences for the communities that many of us represent; and that is why I think this Committee needs to take action immediately so that we are not in a situation where we are pushing redistricting and rushing the process.

Thank you.

ASSEMBLYMAN MUKHERJI: Thank you; and I hope you and your family are well.

FREEHOLDER NARRA: Thank you.

ASSEMBLYMAN MUKHERJI: It's good to see you here.

Any questions for the Freeholder? (no response)

Okay.

We also have a number of members of the public who have submitted slips, either in favor or opposed to the Concurrent Resolution. They will be incorporated into and be made a part of the record of the proceedings of this Committee.

There are a lot of them (indicating), so I won't read them individually, unless any member of the Committee objects.

We also had Mayor Green, from East Orange, who was signed up to testify in favor. I think that we missed him on the Zoom.

And with that, we stand adjourned.

Thank you all for participating, and for your patience throughout the day. I know it was a long hearing, but an important one.

And thanks to all for participating.

(HEARING CONCLUDED)