

APPENDIX



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

Testimony of Henal Patel  
New Jersey Institute for Social Justice  
in Opposition of ACR188/SCR122  
New Jersey State Assembly Judiciary Committee

Thursday, July 9, 2020

Board of Trustees  
Douglas S. Eakeley, Esq.  
*Chair*  
Jerome C. Harris, Jr.  
*Vice Chair*  
Kenneth Y. Tanji  
*Treasurer*  
Patricia Nachtigal, Esq.  
*Secretary*  
Ryan P. Haygood, Esq.  
*President & CEO*  
Elise C. Boddie, Esq.  
Paulette Brown, Esq.  
John J. Farmer, Jr., Esq.  
Paul J. Fishman, Esq.  
Michael D. Francis, Esq.  
Rev. Timothy Adkins-Jones  
Sandra King  
Robin A. Lenhardt, Esq.  
John H. Lowenstein, Ph.D.  
Diana DeJesus-Medina  
James McQueeney  
B. John Pendleton, Jr., Esq.  
Darrell K. Terry, Sr.  
Martin Vergara II  
Nina Mitchell Wells, Esq.  
Antoinette Ellis-Williams, Ph.D.  
Gary M. Wingens, Esq.

Zulima V. Farber, Esq. (*Emerita*)  
Roger A. Lowenstein, Esq. (*Emeritus*)  
Theodore V. Wells, Jr., Esq. (*Emeritus*)

Founders  
Alan V. and Amy Lowenstein\*

Founding Board President  
Nicholas deB. Katzenbach, Esq.\*

Founding Board Vice President  
Hon. Dickinson R. Debevoise\*

\*deceased

60 Park Place, Suite 511  
Newark, NJ 07102-5504  
ph. (973) 624-9400  
fax (973) 624-0704  
email: justice@njisj.org  
www.njisj.org

do social justice.

Chairman Mukherji, Vice-Chair Murphy, and members of the Assembly Judiciary Committee:

Thank you for the opportunity to submit this testimony.

My name is Henal Patel and I am the Director of the Democracy and Justice Program at the New Jersey Institute for Social Justice ("Institute"). Established twenty years ago by Alan V. and Amy Lowenstein, the Institute is a legal advocacy organization that seeks to ensure that people of color live in a society that respects their humanity, provides equality of economic opportunity, empowers them to use their voice in the political process, and protects equal justice.

I offer this testimony in opposition to this bill on behalf of the Institute; Rev. Eric Dobson, Deputy Director, Fair Share Housing Center; Richard T. Smith, President, NAACP New Jersey State Conference; Rev. Dr. Charles F. Boyer, Executive Director, Salvation and Social Justice; and Elise Boddie, Founder, The Inclusion Project, Rutgers Law School—who are members of the United Black Agenda.

We are living in unprecedented times. COVID-19 has devastated New Jersey and we have been forced to meet the challenges of this international pandemic, not just as a matter of public health, but across all aspects of our lives. At this time, it is imperative for elected officials to act in the best interest of the public in every decision they make. Today's bill is not in the best interest of the people of New Jersey generally, and its people of color in particular.

While both the government and the people of this State have taken drastic measures to address this pandemic, we continue to face the worst of this virus. Crucially, it is communities of color who have suffered the most.

This public health crisis has exposed the cracks of structural racism in New Jersey's foundation. And that those cracks have caused earthquakes in Black and Brown communities in New Jersey. Our groups have been working to ensure that these earthquakes don't reach our democracy.

ix

We oppose the proposed bill today because it will exacerbate the cracks of structural racism in our foundation by using the existing, outdated legislative maps, which do not include the substantial growth of people of color in New Jersey since 2010, thereby diluting the political strength, influence, and power to which people of color are entitled based on their composition of New Jersey's population as it exists right now.

Just this week, a New York Times analysis found that in each county in New Jersey, Black or Latino communities had the highest rates of coronavirus.<sup>1</sup> People in New Jersey—but particularly people of color who are facing the brunt of systemic racial inequalities—must have a meaningful opportunity to elect officials and to have a government that represents them.

As a result of COVID-19, we have had to make difficult decisions regarding our democracy this year. We have changed the date and format of our elections. We have had to change our outreach efforts as we work toward a full count for the 2020 Census. The Census Bureau has also announced that it will need more time to conduct the Census and, in turn, will need more time to provide redistricting data to the states.

We oppose this bill today both on substance and process, and urge this Committee to take the time to do this the right way.

*First*, the Census Bureau announced its delay on April 13, 2020.<sup>2</sup> This Legislature has had almost three months to work on a solution, and despite requests from advocates and the significant public interest about this issue, these discussions have been in backrooms.

Redistricting is foundational to our democracy. But instead of holding public hearings and discussions during this time, members of the Legislature have waited to the last minute to introduce and fast track a problematic constitutional amendment. This is not how democracy should work.

*Second*, turning to the substance of the bill, the 2011 legislative map is no longer representative of New Jersey. New Jersey has become increasingly more racially diverse, with people of color comprising 45% of the population of our State.<sup>3</sup>

The current map, however, does not represent the significant increase in Black, Latina/o and Asian communities in New Jersey in the last ten years. This is apparent by the too few number of legislators in the Legislative Latino Caucus and that New Jersey only has just two Asian-American legislators.

Conducting another election using this non-representative map, as this bill proposes, must not be countenanced. Indeed, the interests of Black and Brown communities in New Jersey—who confront some of the worst racial disparities in the country and who are now facing the worst of this pandemic—must be prioritized.

This bill, unfortunately, ignores the interests of communities of color in a manner that may violate Section 2 of the Voting Rights Act.

*Finally*, this bill inappropriately seeks to make a permanent change to our redistricting process. The Legislature is undertaking this effort in light of COVID-19, as is noted in the bill statement, yet this change would apply for all redistricting cycles in the future.

The Census Bureau only provides New Jersey with redistricting data by February 15 as a courtesy. As recently as 2001, it provided us the data weeks after that date. The solution at that time was to simply delay the primary.

Today's bill would not allow that in the future. Instead, 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.

Over the last few decades, New Jersey has increasingly become more racially diverse. This encouraging trend will continue.

Today's bill does not serve the interests of communities of color now, and will undermine those communities in the future.

For these reasons, we oppose this bill. We urge you not to pass it.

Thank you.

---

<sup>1</sup> Richard A. Oppel Jr., et al., *The Fullest Look Yet at the Racial Inequity of Coronavirus*, NY TIMES (July 5, 2020), <https://www.nytimes.com/interactive/2020/07/05/us/coronavirus-latinos-african-americans-cdc-data.html>.

<sup>2</sup> Press Release, U.S. Dep't of Commerce Secretary Wilbur Ross and U.S. Census Bureau Director Steven Dillingham Statement on 2020 Census Operational Adjustments Due to COVID-19, (April 13, 2020), <https://www.census.gov/newsroom/press-releases/2020/statement-covid-19-2020.html>.

<sup>3</sup> U.S. CENSUS BUREAU, QUICKFACTS: NEW JERSEY, <https://www.census.gov/quickfacts/fact/table/NJ/POP815218> (last visited July 9, 2020).

July 9th, 2020  
New Jersey State Assembly  
Judiciary Committee  
ACR188/SCR122  
Public Testimony: Amy Torres

Good Afternoon, my name is Amy Torres, I am a resident of Legislative District 33. I am active in a number of civic and community empowerment groups in Hudson County and am employed as the Director of Policy & Advocacy at the nation's largest social services organization for Asian Americans where Census and redistricting in New York City and State are a significant part of my work. Thank you Chair Mukherji and members of the Judiciary Committee for the opportunity to testify. This testimony is largely focused on two areas:

- **ACR188/SCR122's Potential for Court Challenges and Commitment to Principle of Fairness**
- **Reforming the Redistricting Process**

Even casual observers of the Census understand that the 2020 cycle has seen unprecedented challenges. The Supreme Court ruling on the addition and subsequent removal of the citizenship question gained national attention, as did leaked documents suggesting its addition was a suggestion by political operatives to benefit "non-Hispanic whites."<sup>1</sup> But the equally damaging and less visible undercurrents of years of federal underbudgeting, understaffing, and underinvestment were compounded by the sudden, unforecasted delays wrought by the COVID-19 pandemic.

Given these challenges and changes, it seems logical that many states will wish to delay their redistricting process. Indeed, California has already begun the process of asking its courts for relief and extend their state constitution's redistricting deadline until later in the year. These extensions not only allow for a state to remain compliant with their own constitutions, they allow additional padding for states and localities who may launch appeals against potential undercounts under the Census Bureau's Count Question Resolution. While Detroit and New York City launched notable appeals after the 2010 Census, we may expect many more to be filed due to the duplication and potential for deletion caused by Americans displaced by the pandemic.

New Jersey and Virginia have a particular interest in these extensions given that they are the only two states holding state legislative races in 2021. While these states have historically<sup>23</sup> received their Census data in advance of others, the unmatched challenges and delays outlined above may still thwart any efforts to expedite reports back in time for the redistricting

---

<sup>1</sup> [Deceased GOP Strategist's Hard Drives Reveal New Details on the Census Citizenship Question](#)

<sup>2</sup> [U.S. Census Bureau Delivers New Jersey's 2010 Census Population Totals, Including First Look at Race and Hispanic Origin Data for Legislative Redistricting](#)

<sup>3</sup> [U.S. Census Bureau Delivers Virginia's 2010 Census Population Totals, Including First Look at Race and Hispanic Origin Data for Legislative Redistricting](#)

July 9th, 2020  
New Jersey State Assembly  
Judiciary Committee  
ACR188/SCR122  
Public Testimony: Amy Torres

commissions to responsibly draw districts and for candidates to subsequently file, petition, and campaign before the eventual election. New Jersey is also unique in that our state is only one of two that has a politically appointed redistricting commission, further limiting opportunity for public participation and oversight during an accelerated process.

**While I am generally in favor of extending the redistricting timeline, I am not in favor of deferring accurate and fair representation for the New Jersey electorate until 2023 as outlined in this bill. Below I raise key questions for this committee on ACR188/SCR122<sup>4</sup>, and urge you to go further to redraft and modify the language proposed to go to voters this fall before voting the bill out of committee.**

**Potential for Court Challenges and Commitment to Principle of Fairness**

As written, ACR188/SCR122's amendment to the state constitution could still allow a court case claiming that the State has gone beyond its limit. One could claim that it is unfair and out of federal compliance for the state to go more than ten years without redistricting, and, with data released in advance of the redistricting cycle and elections, one could also claim malapportionment or use more recent American Community Surveys to demonstrate that an election on 10+ year data is a deprivation of one person one vote. A rational court will likely allow the redistricting delay because of pandemic but may not allow the extra years that ACR188/SCR122 propose to push through to 2023. The court would need to look at the voter's change and then accept or reject the language to the state constitution, perhaps still ordering the redistricting commission to release results in 2022 but also ordering special elections with the newly drawn districts. This would come at extreme costs to the taxpayer at a time when our state is facing a mounting budget shortfall.

As the legislature goes through the process of putting the constitutional change to the voter, there is a unique opportunity to bring New Jersey into alignment with the overwhelming majority of other state legislatures who run on even-numbered year election cycles, saving their states time, resources, and taxpayer dollars. Further, this preserves the State's duty to provide fairness in elections and increases voter turnout. Statewide voter turnout in the last three state legislative cycles that do not include a Governor's race topping the ballot have been appallingly low, 27%<sup>5</sup>, 22%<sup>6</sup>, and 27%<sup>7</sup>, negating any argument of the proponents of odd-numbered election cycle years who claim "expecting" a primary every June and an election each November is good for

---

<sup>4</sup> ACR188 / SCR122 Text

<sup>5</sup> 2011 Total Number of Registered Voters, Ballots Cast, Ballots Rejected, Percentage of Ballots Cast and the Total Number of Election Districts in New Jersey

<sup>6</sup> 2015 Total Number of Registered Voters, Ballots Cast, Ballots Rejected, Percentage of Ballots Cast and the Total Number of Election Districts in New Jersey

<sup>7</sup> 2019 Total Number of Registered Voters, Ballots Cast, Ballots Rejected, Percentage of Ballots Cast and the Total Number of Election Districts in New Jersey

July 9th, 2020  
New Jersey State Assembly  
Judiciary Committee  
ACR188/SCR122  
Public Testimony: Amy Torres

voter turnout. New Jersey originally changed to odd-year state elections as part of a political maneuver, but timing, costs, and a commitment to fair democracy should necessitate the same change now.

### Reforming the Redistricting Process

New Jersey is one of only two states with political redistricting commissions. Only the Congressional Redistricting Commission is required to have public hearings, but the law only provides that the public's plans be reviewed "subject to timing and convenience."<sup>8</sup> There are no provisions requiring the State Legislative Redistricting Commission to hold public hearings, though they have done so previously. Further, the State of New Jersey does not require congressional districts to be compact or contiguous, making it one of only ten states<sup>9</sup> that do not impose any criteria or prohibitions on how congressional districts are drawn. Given political appointment, the low level of public involvement, and the Supreme Court's weakening of prohibitions against partisan gerrymandering<sup>10</sup>, the average person must ask if New Jersey's redistricting process will ever lay in favor of the voter or be drawn in a way that fairly and accurately represents them.

Putting a public question on the ballot is the right choice and seems to be the only time voters have to weigh in on the redistricting process. But this legislature has an opportunity to move beyond the simple question of extension and instead transform the process by expanding public input. Advocates and academics have long called for a ballot referendum to improve the redistricting process, most recently releasing a report that would not only expand public participation, but end the inevitable partisan gridlock of the current system of political appointment.<sup>11</sup><sup>12</sup> In the few weeks before August 3rd, I urge this committee to consider a redraft that more appropriately acts in the public's interest.

Thank you again to Chair Mukherji and members of the Judiciary Committee for the opportunity to testify. I look forward to continuing to work with you on this and other issues that preserve and advance democracy for New Jersey. For questions, comments, or clarifications, I can be reached at [amytorres@gmail.com](mailto:amytorres@gmail.com).

---

<sup>8</sup> N.J. Const. art. II, § II, ¶ 4

<sup>9</sup> National Conference on State Legislatures: Redistricting Criteria

<sup>10</sup> RUCHO ET AL. v. COMMON CAUSE ET AL.

<sup>11</sup> IMPROVING NEW JERSEY'S LEGISLATIVE APPORTIONMENT PROCESS: Recommendations to increase transparency, accountability, and representation

<sup>12</sup> Fair Districts: Petition for Redistricting Reform in NJ

# ACR188 - League of Women Voters of New Jersey testimony and supporting documents



Helen Kioukis <hkioukis@lwvnj.org>

Reply all |

Today, 12:42 PM

OLSaideAJU

Inbox

RedistrictingProposal\_Ju...  
29 KB

Testimony - ACR188 - O...  
437 KB

Show all 2 attachments (466 KB) Download all

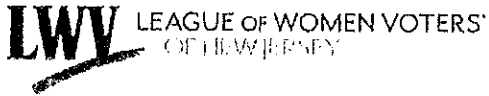
Hello – Attached, please find a copy of my written testimony for today’s 3pm Assembly Judiciary Hearing, as well as a supporting document that includes a redistricting reform proposal in addition to suggested amendments for ACR188/SCR122. Thank you.

On behalf of the League of Women Voters of New Jersey,  
Helen Kioukis  
cell: 609-816-8671

---

Helen Kioukis  
Program Associate  
League of Women Voters of New Jersey  
609-394-3303  
[www.lwvnj.org](http://www.lwvnj.org)  
[www.fairdistrictsnj.org](http://www.fairdistrictsnj.org)

7x



**Testimony in Opposition of ACR188  
Assembly Judiciary Committee  
July 9, 2020**

The League of Women Voters of New Jersey is a nonpartisan political organization that works to protect our democratic processes and empower voters across the state. I am here on behalf of the organization to testify with concerns about Assembly Concurrent Resolution 188, a Constitutional Amendment proposal that would extend the term of the 2011-2020 legislative district map for two additional years, in light of the COVID-19 pandemic. While we recognize this is a complicated, unprecedented situation that requires swift action, we are opposed to the permanent changes in our Constitution that would delay the implementation of a new voting district map every time census data is delivered to New Jersey after February 15<sup>th</sup> of years ending in "1."

A new system that would require a decade-old map to stay in effect for an additional election cycle whenever data arrives after February 15<sup>th</sup> is a far-reaching and overly-broad solution for future scenarios that may allow for other solutions that don't compromise our political representation. Delaying the implementation of a new voting district map that more accurately reflects New Jersey's population changes and demographic shifts will deny New Jersey's diverse communities of their full voting strength. This current situation requires immediate attention, but we have to make sure we get this remedy right.

We are also concerned with how the proposal shifts the redistricting timeline, in case of a data delay, into the holiday season and the Legislature's lame duck session, from mid-November to New Year's Eve. The new voting district map should be developed in an open and transparent manner, at a time when the public is able to meaningfully engage in the process. If public participation and input are not the guiding forces behind the Apportionment Commission's decision-making, we will not have fair district maps in place.

Finally, there are no process improvements to our legislative redistricting process included in SCR122/ACR188. The Fair Districts New Jersey coalition has identified several areas of improvement that would give our state a map-drawing process that is more independent, inclusive, transparent and community-driven, and has submitted these recommendations, along with amendments to SCR122/ACR188, to this committee. In these uncertain times, with the Census' delayed operational timeline, a complete count in jeopardy, political polarization at a high and public trust in government at a low, the redistricting "status quo" in New Jersey is not only inadequate, but harmful to our democracy. Any proposed solution must certainly address the pandemic's effect on the census data delay, but it also ensure "equal and fair representation" for all through an improved redistricting process that puts the people's interests first.

Thank you for the opportunity to testify and share the League of Women Voters' concerns with Assembly Concurrent Resolution 188.

Testimony submitted by:

Helen Kioukis  
League of Women Voters of New Jersey

8x

## FAIR DISTRICTS NEW JERSEY – CONSTITUTIONAL AMENDMENT PROPOSAL

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

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

### PROPOSED AMENDMENT

a. Amend Article IV, Section II, paragraph 3 to read as follows:

3. The General Assembly shall be composed of eighty members. Each Senate district to which only one senator is apportioned shall constitute an Assembly district. Each of the remaining Senate districts shall be divided into Assembly districts equal in number to the number of senators apportioned to the Senate district. [The Assembly districts shall be composed of contiguous territory, as nearly compact and equal in the number of their inhabitants as possible, and in no event shall each such district contain less than eighty per cent nor more than one hundred twenty per cent of one-fortieth of the total number of inhabitants of the State as reported in the last preceding decennial census of the United States. Unless necessary to meet the foregoing requirements, no county or municipality shall be divided among Assembly districts unless it shall contain more than one-fortieth of the total number of inhabitants of the State, and no county or municipality shall be divided among a number of Assembly districts larger than one plus the whole number obtained by dividing the number of inhabitants in the county or municipality by one-fortieth of the total number of inhabitants of the State.]

b. Amend Article IV, Section III, paragraphs 1, 2, and 3 to read as follows:

1. After the next and every subsequent decennial census of the United States, the Senate and Assembly districts shall be established, and the senators and members of the General Assembly shall be apportioned among them, by an Apportionment Commission consisting of [ten] fifteen members, five to be appointed by the chair[man] of the State committee of each of the two political parties whose candidates for Governor receive the largest number of votes at the most recent gubernatorial election, and five members to be appointed by a three-member subcommittee of retired judges convened by the Chief Justice of the Supreme Court of New Jersey no later than May 15 of each year ending in the number zero, pursuant to subparagraph b. of this paragraph. One of the five members selected by the judiciary subcommittee will chair the commission. Each State chair[man] and the judiciary subcommittee, in making such appointments, shall give due consideration to the representation of the various geographical areas and the racial, ethnic and gender diversity of the populace of the state. All members appointed shall be registered voters in New Jersey.

a. No person shall be eligible to serve as a member of the commission if the person:

1) currently holds elective public office at the Federal, State, county or municipal level, whether they hold such office as a result of an election or because of appointment to that office by virtue of a vacancy or otherwise. "Elective public office" means any office in the government of this State or any of its political subdivisions filled at elections by the electors of the State or political subdivision, but does not include members of local or regional school boards;

2) currently holds an elective or appointed party office at the Federal or State level. "Party office" means the office of delegate or alternate to the national convention of a political party or member of the State committees of a political party. "Party office" shall not include members of political party county committees;

3) has been a candidate from either the largest political party or next largest political party in the State in a general election for any Federal, State, county or municipal level elective public office during the three years prior to appointment;

4) is serving as an officer or employee of, a consultant to, or holding a contract with the Senate Democratic Office, the Senate Republican Office, the Assembly Democratic Office or the Assembly Republican Office, or any individual who holds elective public office at the State or county level, as defined in subparagraph a.1, whether they hold such office as a result of an election or because of appointment to that office by virtue of vacancy or otherwise.

5) is serving as an officer, employee, or paid consultant of a political party, political party committee, political committee, continuing political committee, legislative leadership committee, or a campaign committee for a candidate for Federal or State elective public office;

6) is registered as a governmental affairs agent or lobbyist in the State;

7) is an immediate family member – defined as either a spouse through marriage or civil union; or a parent, child, or sibling through blood or law – of the Governor, a member of the Legislature, or a member of Congress.

A member of the commission shall not be eligible, for a period of three years from the date of appointment, to hold any elective public office at the State level, as defined in subparagraph a.1, whether that position would result from an election or because of appointment to that office by virtue of a vacancy or otherwise.

A member of the commission shall not be eligible, for a period of three years from the appointment, to: serve as an officer or employee of, or as a consultant to, the Senate Democratic Office, the Senate Republican Office, the Assembly

Democratic Office or the Assembly Republican Office, or any individual legislator in the State; or register as a governmental affairs agent in this State.

Appointments to the Commission shall be made on or before October [November] 15 of the year in which such census is taken and shall be certified by the Secretary of State on or before November [December] 1 of that year. The Commission, with an affirmative vote of at least nine of [by a majority of the whole number of] its members, shall certify the establishment of Senate and Assembly districts and the apportionment of senators and members of the General Assembly to the Secretary of State within [one month] 60 days of the receipt by the Governor of the official decennial census of the United States for New Jersey[,], or on or before February 1 of the year following the year in which the census is taken whichever date is later.]

b. The five members appointed by a three-member subcommittee of retired judges shall be selected as follows:

1) No later than June 15 of each year ending in the number zero, the subcommittee shall create and make available the application for membership on the commission. Applications shall be available in either paper form or by electronic means through the online Supreme Court Committee Management System. The subcommittee shall publicize and distribute the application for membership to the public in a way that maximizes submissions particularly among racial and language minority communities. The application period shall end on September 15 of each year ending in zero.

2) The subcommittee shall review all submitted applications from persons interested in serving on the commission. From the applications of persons determined by the subcommittee to be eligible, the subcommittee shall select and interview 30 persons that are reflective of and have an appreciation for the racial, ethnic, geographic, gender and other diversity of the state: 10 applicants who are registered as members of the largest political party in the State; 10 applicants who are registered as members of the next largest political party in the State; and 10 applicants who are not registered as members of either the largest or next largest political party in the State. Each applicant selected for an interview shall have been registered continuously with the same political party or with no political party for at least three years preceding the date of the person's application for appointment to the commission.

The subcommittee shall determine which persons in each of the three subpools will best be able to discharge their duties in an independent, honest, and impartial manner; who will not engage in an effort to purposefully or unduly favor or disfavor any candidate or potential candidate or any political party; and who will ensure that all racial and ethnic minorities have an equal opportunity to elect candidates of their choice or substantially influence the outcomes of elections. As a result of those interviews, the subcommittee shall select by unanimous vote five persons to serve on the commission who are reflective of and have an appreciation for the racial, ethnic, geographic, gender and other diversity of the

state: 1 person registered as a member of the largest political party in the State; 1 person registered as a member of the next largest political party in the State; and 3 persons who are not registered as members of either the largest or next largest political party in the State. All commissioners shall be appointed no later than October 15 of each year ending in the number zero.

If, for any reason, a member appointed by the judiciary subcommittee is unable to fulfill her/his term as commissioner, the subcommittee appointed by the Chief Justice of the New Jersey Supreme Court shall appoint a new member from the same political affiliation and region as the departing commissioner within 14 days of the departure or removal.

[2. If the Apportionment Commission fails so to certify such establishment and apportionment to the Secretary of State on or before the date fixed or if prior thereto it determines that it will be unable to do so, it shall so certify to the Chief Justice of the Supreme Court of New Jersey and he shall appoint an eleventh member of the Commission. The Commission so constituted, by a majority of the whole number of its members, shall, within one month after the appointment of such eleventh member, certify to the Secretary of state the establishment of Senate and assembly districts and the apportionment of senators and members of the General Assembly.]

2. The commission shall conduct the process of establishing the legislative district boundary lines in a fair and transparent manner. Each commission member shall act in an impartial manner that ensures public confidence in the integrity of the process. Commission members may not communicate with any person or receive communications about redistricting matters outside of the public hearing setting. Commission members may, however, communicate with other Commission members and any staff, legal counsel or consultants retained by the Commission outside of the public hearing setting.

Any communications relating to redistricting are not protected by any evidentiary or constitutional privileges, and are subject to the rules of discovery in court. This provision applies to any entity assisting the Legislature or Apportionment Commission in redistricting.

The commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice. Three members from each appointed group, for a total of 9 members, shall constitute a quorum. Before commencing public hearings, the commission shall prepare and publish Census estimates, the commission's redistricting priorities, the redistricting criteria that will be used in the commission's decision-making process, and an overview of how the commission will balance competing redistricting requirements.

The commission shall, through a website, television, radio and other current means for electronic dissemination of public information, provide, at a minimum, timely information about the time and place of each meeting of the commission and a description of the role of the commission in the redistricting process. The website

shall also provide access to data used by the commissioners to draft redistricting plans, the recordings and transcripts of public hearings and copies of materials submitted to the commission. The commission shall also use technology to contemporaneously broadcast redistricting meetings and public hearings. All testimony, redistricting plans, and supporting materials shall be public record.

The commission shall hold no fewer than six public hearings across the State prior to drawing any maps, with at least two public hearings in South Jersey, two public hearings in Central Jersey, and two public hearings in North Jersey. The commission shall use technology to contemporaneously broadcast redistricting meetings and public hearings. The commission shall conduct outreach to and seek input from all significant communities of interest, and may conduct additional outreach and hold additional public hearings if it determines that the public input received does not represent the full diversity of demographic backgrounds within the state. The commission shall make reasonable efforts to make available translation services and other accommodations for limited English-speaking individuals.

The commission shall permit submissions of redistricting plans and supporting materials from any member of the public, in-person, by mail or online. The commission shall provide written comment on public submissions of maps.

After establishing a preliminary plan of legislative district boundary lines, the commission shall display the map for a minimum of seven days for public comment in a manner designed to achieve the widest public access reasonably possible before establishing a final plan. Public comment may be submitted in person, by mail, or online.

a. The commission shall establish preliminary and final plans of legislative district boundary lines using the following standards in the following order of priority.

1. The plan shall comply with the United States Constitution, and districts shall be reasonably equal in population based on the total number of inhabitants therein except where deviation is required to accommodate municipal boundaries. For purposes of determining the total number of inhabitants, incarcerated persons shall be deemed to reside at the last known residence prior to incarceration.
2. The plan shall comply with the federal Voting Rights Act, or its successor.
3. The districts established in the plan shall be geographically contiguous.
4. The plan shall give racial minorities and language minorities an equal opportunity to participate in the political process and shall not dilute or diminish their ability to elect candidates of choice, whether alone or in coalition with others.

5. The plan shall preserve communities of interest within the same district to the maximum extent. A community of interest shall mean a geographically contiguous population sharing common interests relevant to the legislative process such as trade areas, communication and transportation networks, media markets, or social, cultural, or economic interests. Communities of interest shall not include relationships with political parties, elected office holders, or candidates for elective public office.

6. The plan shall respect the geographic integrity of any municipality, county, or other political subdivision in a manner that minimizes their division as long as doing so does not inhibit the compliance with the requirements of any of the preceding standards.

7. To the extent practicable, the districts established in the plan shall be geographically compact so that nearby areas of population are not bypassed for more distant populations.

8. To the extent practicable, the districts established in the plan shall maximize the number of politically competitive districts.

b. A plan shall not be established for the purpose of favoring or disfavoring any elected office holder, candidate for elective public office, or political party.

c. No later than 60 days following the receipt by the State of the official federal decennial census, the commission shall approve a preliminary plan after meaningfully considering public input, and approve a final plan of legislative district boundary lines. Nine members of the commission shall constitute a quorum. Upon its approval, the commission shall certify the final plan of legislative district boundary lines to the Secretary of State.

The commission shall issue with the preliminary and final plans of legislative district boundary lines a report that explains the quantitative and qualitative bases on which the commission made its decisions in achieving compliance with the standards set forth above and shall include definitions of the terms and standards used in establishing the final plan of legislative district boundary lines.

d. If the commission does not approve a final plan of legislative district boundary lines by the 60<sup>th</sup> day after the receipt by the Governor of the official decennial census of the United States for New Jersey, the Secretary of State shall immediately petition the Supreme Court of New Jersey for an order directing the appointment of a special master to establish a final plan in accordance with the standards set forth herein, while also taking into consideration the bases on which the commission drew its final map and the testimonies of the public. Upon the approval of the final plan of legislative district boundary lines approved by the special master, the Supreme Court shall certify the resulting plan to the Secretary

of State, and the plan shall constitute the certified final plan of the legislative district boundary lines.

e. There shall be appropriated the funds necessary to meet the costs associated with the New Jersey Apportionment Commission.

3. Such establishment and apportionment shall be used thereafter for the election of members of the Legislature and shall remain unaltered until the following decennial census of the United States for New Jersey shall have been received by the Governor.

a. The New Jersey Apportionment Commission shall have sole legal standing to defend any action regarding a final plan of legislative district boundary lines that it has certified to the Secretary of State, and shall inform the Legislature if it determines that funds or other resources provided for the operation of the commission are not adequate for this purpose. The Legislature shall provide adequate funding to defend any action regarding the certified final plan of legislative district boundary lines. The commission shall have the sole authority to determine whether the Attorney General or other legal counsel retained by the commission shall assist in the defense of the certified final plan of legislative district boundary lines.

b. The Supreme Court of New Jersey shall have original and exclusive jurisdiction in all proceedings in which a final plan of legislative district boundary lines certified by the commission to the Secretary of State is challenged.

Any registered voter in this State may file a petition, within ten business days after the commission has certified a final plan of legislative district boundary lines to the Secretary of State, to bar the implementation of the plan by the Secretary of State on the grounds that the certified final plan violates this Constitution, the United States Constitution, or any federal or State law.

The Supreme Court of New Jersey shall give priority to ruling on any petition filed. If the Court determines that a certified final plan of legislative district boundary lines violates this Constitution, the United States Constitution, or any federal or State law, the Court shall order the relief that it deems appropriate, including, but not limited to, the relief set forth in subparagraph d. of Section III, Article IV, paragraph 2 of this Constitution.

(cf: Art. IV, Sec. III, par 3: amended effective December 8, 1966)

c. Amend Article IV, Section III, by adding a new paragraph 4 to read as follows:

4. Notwithstanding the provisions of paragraphs 1, 2, and 3 of this Section III, if the receipt by the Governor of the official decennial census of the United States for New Jersey occurs after April 1, 2021, following this decennial census for this decade, the

commission, by a majority of the whole number of its members, shall certify the establishment of Senate and Assembly districts and the apportionment of Senators and members of the General Assembly to the Secretary of State within 90 days of the receipt by the Governor of the official decennial census of the United States for New Jersey or by December 31 of that year, whichever date is earlier. Such establishment and apportionment shall be used for the election of members of the Senate and General Assembly beginning with the next elections conducted after such new district boundaries are certified, and for elections thereafter, and shall remain unaltered until the following decennial census of the United States for New Jersey shall have been received by the Governor.

The Senate and Assembly districts certified to the Secretary of State by the previous Apportionment Commission for the previous decade shall remain in effect until new district boundaries are certified, and shall be used for legislative elections until such time.

For the election of members of the Senate and General Assembly occurring in November of that year ending in one, or for any election before new district boundaries are certified, members shall be elected by the legally qualified voters of their district as drawn by the previous Apportionment Commission for the previous decade, for terms beginning at noon of the second Tuesday in January next following their election and ending at noon of the second Tuesday in January two years thereafter.

(c. Amendment to Article IV, Section III, same as above, but with ACR188/SCR122 tracked changes:

4. Notwithstanding the provisions of paragraphs 1, 2, and 3 of this Section III, ~~when if~~ the receipt by the Governor of the official decennial census of the United States for New Jersey occurs after ~~February 15~~ April 1, 2021 of the year ending in one, following the year in which the census is taken this decennial census for this decade, the commission, by a majority of the whole number of its members, shall certify the establishment of Senate and Assembly districts and the apportionment of Senators and members of the General Assembly to the Secretary of State ~~after the November general election of that year ending in one,~~ within 90 days of the receipt by the Governor of the official decennial census of the United States for New Jersey or by but not later than December 31 of that year, whichever date is earlier. Such establishment and apportionment shall be used for the election of members of the Senate and General Assembly beginning with the next elections conducted after such new district boundaries are certified, and for elections thereafter, and shall remain unaltered until the following decennial census of the United States for New Jersey shall have been received by the Governor.

The Senate and Assembly districts certified to the Secretary of State by the previous Apportionment Commission for the previous decade shall remain in effect ~~in that year ending in one and in the year ending in two,~~ until new district boundaries are certified, and shall be used for legislative elections ~~in those years~~ until such time.

For the election of members of the Senate and General Assembly occurring in November of that year ending in one, or for any election before new district boundaries are certified, members shall be elected by the legally qualified voters of their district as drawn by the previous Apportionment Commission for the previous decade, for terms beginning at noon of the second Tuesday in January next following their election and ending at noon of the second Tuesday in January two years thereafter.)

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

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

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

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

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

b. In every municipality the following question: (Insert Question and Interpretive Statement here)

# Re: Princeton Gerrymandering Project Written Statement Regarding ACR188



Aaron J. Barden <abarden@princeton.edu>

Reply all |

Today, 2:34 PM

OLSAideAJU; Samuel S. Wang <sswang@princeton.edu>

Inbox

Princeton Gerrymanderi...  
604 KB

Download

Sincerest apologies for not attaching the pdf. Thank you.

---

**From:** Aaron J. Barden  
**Sent:** Thursday, July 9, 2020 2:33 PM  
**To:** OLSAideAJU@njleg.org <OLSAideAJU@njleg.org>  
**Cc:** Samuel S. Wang <sswang@Princeton.EDU>  
**Subject:** Princeton Gerrymandering Project Written Statement Regarding ACR188

Honorable members of the Assembly Judiciary Committee,

Attached is the written statement of myself and Dr. Sam Wang of the Princeton Gerrymandering Project regarding ACR 188, which includes our statement and exhibits. Thank you for the opportunity to submit comment on this bill today, and we appreciate your consideration.

Sincerely,  
Aaron Barden  
Legal & Policy Analyst  
Princeton Gerrymandering Project

18x

**Statement On ACR188 To Change The  
Legislative Redistricting Timeline.**  
Sam Wang and Aaron Barden  
Princeton Gerrymandering Project, Princeton University  
July 9, 2020

Mr. Chair, members of the committee, thank you for the opportunity to provide a written statement on this proposal to amend the state constitution regarding redistricting deadlines.

My name is Sam Wang. I am a professor at Princeton University and the Director of Princeton University's Gerrymandering Project (PGP). At PGP, we seek to use math, data, and law to help bring about fairer and more representative redistricting. We have provided analysis in a number of states, including our home state of New Jersey. We see two problems with an amendment to change the trigger date for the redistricting timetable: (1) its permanence and (2) the effect of a two-year delay on New Jersey's growing minority communities.

**The trigger date is too early, and its permanence is likely unnecessary.**

The proposed bill, ACR188, would delay redistricting by two years if Census data is not delivered by a trigger date. This mechanism would be permanently enshrined in the state constitution, despite the possibility that the current Census crisis is a once-in-a-lifetime anomaly. Our analysis suggests that a trigger date in February 15 is far earlier than necessary.

Typically, the U.S. Census Bureau provides New Jersey with the population data required for redistricting sometime in February. For example, in 2011, the data was delivered on February 3, and the Reapportionment Commission was able to deliver a map by April 3. Over the last few redistricting cycles, the latest that Census data ever arrived was March 8, but maps were in place and a primary still took place by June.

Receiving data as late as March 15 would allow a normal date for a primary. Receiving data after April 15 would require a change in the primary. Receiving data after May 15 would require a delay of Election Day to December. But in all cases, elections could still take place in 2021. A trigger date in June would take into account these possibilities.

No matter what the trigger date, this amendment's scope could be limited to the upcoming cycle, or at the very least, be coupled with broader reform of the process. In July 2019, the Princeton Gerrymandering Project, along with other academics in the state, produced a report describing such reforms. We would be glad to assist with such a goal.

**A delayed redistricting will likely harm growing communities of color, and can be avoided by rearranging the election calendar.**

A two-year delay in redistricting may harm communities of color, who have grown in population in areas across the state. The legislature therefore faces the task of weighing the loss of representation by those communities against the benefit of taking an extra two years to redistrict the state.

Based on preliminary estimates from the American Community Survey, the Latino and Asian populations in New Jersey have risen by 20% since 2010. This is a major demographic change. In contrast, the population share of each of New Jersey's counties has changed by less than half a percentage point.

- Since 2010, Latino populations have increased by more than 5 percent of the total county population in Bergen, Passaic, and Union Counties. In Bergen, Warren, Hunterdon, Burlington, Gloucester, Salem, and Cape May Counties, the Hispanic/Latino populations have grown by more than 25% since 2010.
- Asian populations have increased by more than 5 percent of the county population in Somerset County, and in Hudson, Somerset, Mercer, Gloucester, and Salem Counties, Asian populations have grown by more than 25% since 2010
- In 11 out of 21 counties, the combined Black, Latino, and Asian population will exceed 37%, a threshold above which it may be possible to build a coalition ability-to-elect district. Two counties, Bergen and Somerset, are new additions to this list. Visualizations of this population growth are attached to the end of this statement.

To avoid representational harm to these communities, it would be best to adapt the redistricting and election schedule for 2021 to be as efficient as possible. A key step is to proactively appoint the Commission's eleventh member, as allowed under the state constitution. Article IV, sec. 3, para. 2 states that the eleventh member may be appointed if the Commission "determines that it will be unable to" produce a map by the initial one-month deadline. By appointing this member proactively, the Commission could save itself a month, expanding the time allowed for a delayed primary and general election.

Once appointed, the delayed schedule depends largely on the receipt of the Census data, as shown by the spreadsheet attached to the end of this statement. Each of the scenarios we evaluated allows an eight-day candidate filing period, the same amount of time provided in 2011. Here are some examples of how this would play out:

- If Census data arrives in late April, a primary election on August 3 could be held with a regularly scheduled general election on November 2.
- If Census data arrives in late May, the primary election could occur on September 7, again with a November general election.
- If Census data arrives in early July, then both the primary and general election would have to be delayed: the primary election could occur on October 12 and the general election on December 12.

In all cases, new legislators could be seated by January 2022.

20x

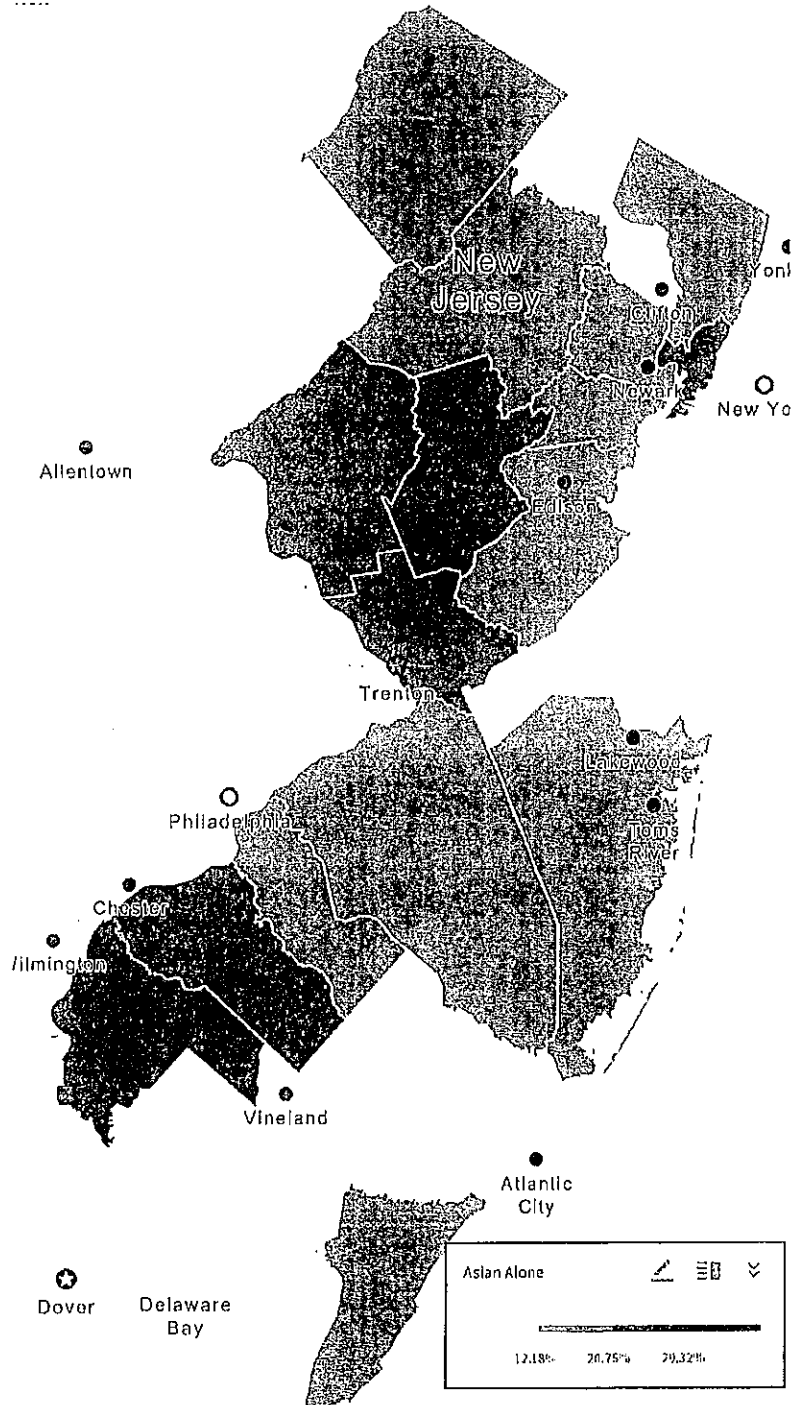
Each of these scenarios would allow a month for public hearings after the release of Census data, as shown in rows 12 and 13 of the spreadsheet. Indeed, public hearings could even start before Census data are released, allowing considerable time for public input.

### Conclusion

We at the Princeton Gerrymandering Project suggest that long-term needs of redistricting do not require a prematurely-set trigger date. Other solutions would involve a one-off amendment that applies to 2021 alone, or an amendment with a later trigger date. Either solution would be beneficial to the growing diversity of the state. In any event, the Legislature could compress the redistricting and election schedule to allow elections to take place under new district lines in 2021, rather than wait until 2023. We thank the committee for their attention on this important matter.

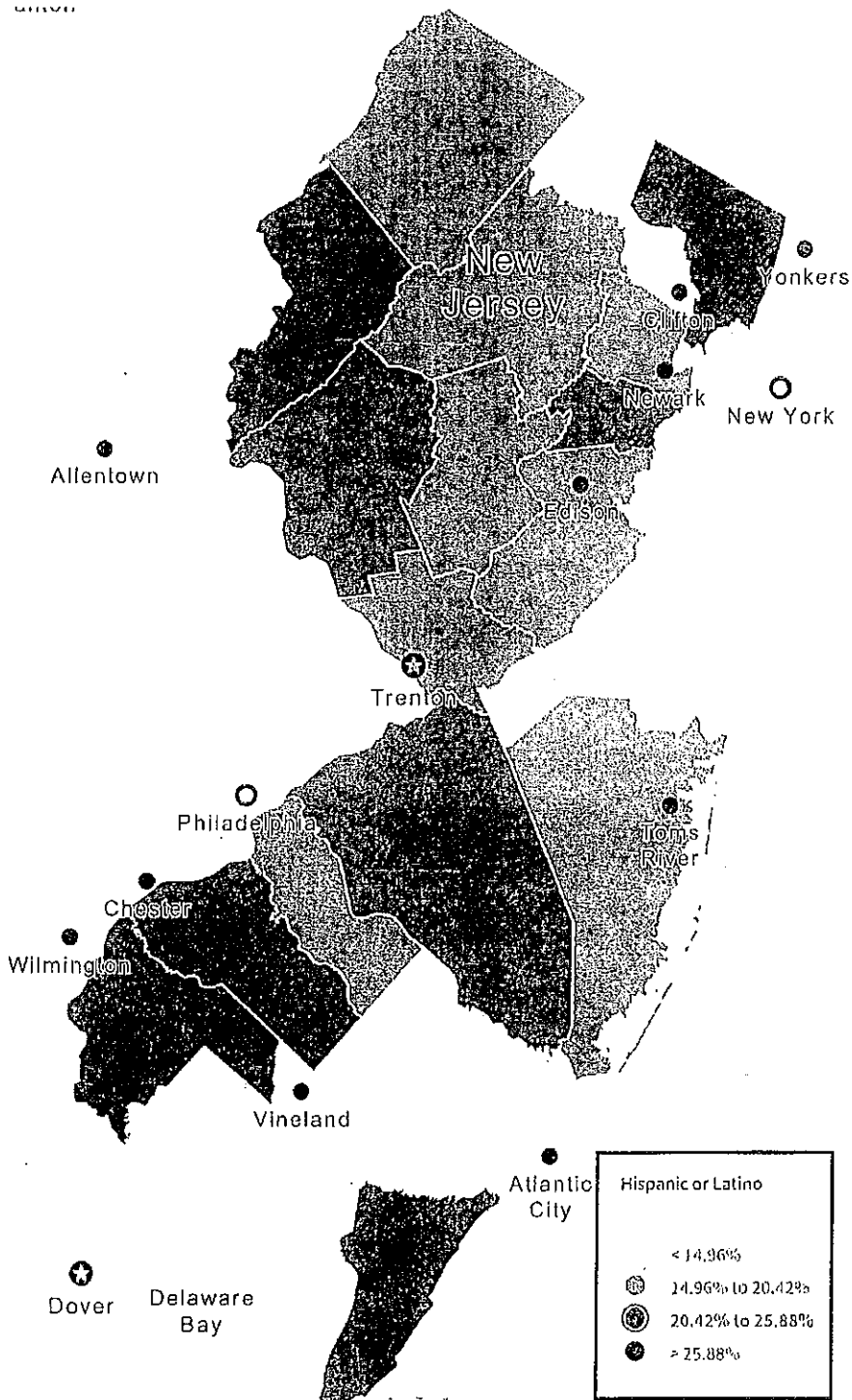
Minority Community Growth by County (based on 2019 American Community Survey)

Asian Population Growth (% Change) by County, 2010-2018





Latino Population Growth (% Change) by County, 2010-2018



24x

## Hypothetical Timetables for New Jersey Redistricting and Elections - 2021

Requirement	Actual	2021			
		June primary	August primary	October primary, December election	
Census Data Release and Appoint 11th Commissioner	Latest possible date	February 3	February 27	April 23	July 1
<b>Redistricting</b>					
Commissioners appointed	November 15 of Census year	November 15, 2010	November 15, 2020	November 15, 2020	November 15, 2021
Map released	Later of February 1 or 1 month after Census data	April 3	March 28	May 23	August 1
If deadlock occurs	1 month after 11th member appointed	N/A	N/A	N/A	N/A
	Days for testimony to commission	18	13	19	25
	Days for post-Census-data testimony	58	29	50	31
<b>Primary Season</b>					
Candidate filing deadline	64 days before primary (but after map release)	April 11	April 5	May 31	August 9
Mail-in ballots sent out	Starting 45 days before primary	April 23	April 24	June 19	August 28
Mail-in ballot request deadline	7 days before primary	June 1	June 1	July 27	October 5
Ballot printing deadline	Saturday preceding primary	June 4	June 5	July 31	October 9
Primary election	Tuesday after 1st Monday in June	June 7	June 8	August 3	October 12
	Days from primary to general election	151	147	81	61
<b>General Election Season</b>					
Mail-in ballots sent out	Starting 45 days before general	September 15	September 18	September 18	October 28
Mail-in ballot request deadline	7 days before general	November 1	October 26	N/A	December 5
Ballot printing deadline	5 days before general	November 3	October 28	N/A	December 7
General election	Tuesday after 1st Monday in November	November 8	November 2	November 2	December 12
Legislators Take Office	Second Tuesday in January of following year	January 11	January 11	January 11	January 11

Note: This timetable assumes that the Commission certifies a deadlock on the date Census data are received, and that the Chief Justice appoints the 11th member immediately.

Governing authorities: Const IV§3-1, §3-3, §11(2),(4); NJSA §19:2-1, 2-3, 23-14, 63-9.

Created by the Princeton Gerrymandering Project, <http://gerrymander.princeton.edu>

25x

## NO to amendment ACR-188 in NJ

Vincenia Annuzzi <vincenia1@yahoo.com>

🔄 Reply all | ▾

Today, 1:02 PM

OLSaideAJU; Sweeney, Sen. D.O.; Coughlin, Asm. D.O.; Oroho, Sen. D.O. ▾

Inbox

Senators,

We are opposed to the attempt by the NJ legislature to amend the NJ Constitution via ACR-188 as it is yet another way for incumbents to unfairly skew the redistricting process and remove the integrity of the process - which is designed to be a representative democracy.

This is a blatant attempt to supersede methods that are already available to the legislature and clearly invalid excuses are being made to justify this unfair act. The timing of census data release is NOT a legitimate cause for this action, which is an obvious attempt to circumvent the process.

This legislature does not have the right to permanently alter the state Constitution - especially in this rushed manner with minimal notice given to the constituency. Do not pass ACR-188 to modify the redistricting schedule.

Anthony & Vincenia Annuzzi

24 Potter Ave  
Newton, NJ 07860

26x

written comment re: ACR188

Ken Kaplan <kennykap@aol.com>

🔄 Reply all | ▾

Tue 7/7, 7:40 PM

OLSaideAJU ▾

Inbox

You replied on 7/9/2020 9:40 AM.

I oppose this constitutional amendment because the issue of late census results, if that actually happens, can be dealt with legislatively by postponing the 2021 primary and/or election, without a constitutional amendment. Further, it is in the best interest of true representation that the most up to date census information be used for the 2021 election, not old districts based on 10 year old population statistics.

Sincerely

**Kenneth Kaplan**

1480 Route 46, Apt. 231B

Parsippany, NJ 07054

**Cell: 973-978-9722**

27x

# NJ Appleseed Testimony in Opposition to ACR188



Mary Gallagher <mary@njappleseed.org>

Reply all |

Today, 10:55 AM

OLSaideAJU; renee@njappleseed.org

Inbox

Testimony--ACR188--Re...  
50 KB

Download

To the Assembly Judiciary Committee:

I hereby submit the testimony of NJ Appleseed Public Interest Law Center in opposition to ACR188.

Thank you for your attention.

Mary Pat Gallagher, Communications and Policy Director  
NJ Appleseed PILC  
50 Park Place—Room 1025  
Newark, NJ 07102  
973-735-0523  
[www.njappleseed.org](http://www.njappleseed.org)



TESTIMONY OF NJ APPLESEED IN OPPOSITION TO ACR188  
BEFORE THE ASSEMBLY JUDICIARY COMMITTEE

JULY 9, 2020

Chairman Mukherji, Vice-Chairwoman Murphy and members of the Committee.

My name is Mary Pat Gallagher and I am the Communications and Policy Director for New Jersey Appleseed Public Interest Law Center ("NJ Appleseed"), a nonprofit, nonpartisan legal advocacy group based in Newark that has been active in voting rights issues since its inception in 1998.

NJ Appleseed is a member of the Fair Districts New Jersey Coalition, which opposes ACR188 in its current form. We join with the other members of the Coalition in supporting the position articulated by the League of Women Voters of NJ calling for a revision and expansion of the proposed amendment so that it will not only address the anticipated delay in U.S. Census results but also effect long overdue reforms that will make the redistricting process more transparent, inclusive and fair.

Amending our Constitution is and should be a weighty matter. If we are going to do it and ask the public to approve the amendment, let it be to achieve meaningful and lasting change that strengthens our democracy, and directly benefits the very people whose interests the Legislature is mandated to advance.

Thank you for your consideration.

Respectfully submitted,

Mary Pat Gallagher  
New Jersey Appleseed PILC

New Jersey Appleseed  
Public Interest Law Center of New Jersey  
50 Park Place, Suite 1025  
Newark, New Jersey 07102

Phone: 973.735.0523 Fax: 973-710-4653  
Email: renee@njappleseed.org  
Website: www.njappleseed.org

29x

ACR-188

Komuves <fkomuves@optonline.net>  
Today, 2:24 PM  
OLSaideAJU

Reply all |

Inbox

I was unable to locate the registration form; however, please note for the record that I am OPPOSED to ACR-188, both with regard to its content and the needlessly rushed process that is being used to consider it.

Very truly yours,

Flavio L. Komuves

Election Law Attorney & former Deputy Public Advocate in charge of the voting rights program (2006-2010)

304 Lincoln Ave.

Highland Park, NJ 08904

609/216-5014

## testimony on ACR188

Murray, Patrick <pdmurray@monmouth.edu>

🔄 Reply all | ▾

Today, 2:59 PM

OLSaideAJU ▾

Inbox

Testimony of Patrick Murray

July 9, 2020

New Jersey General Assembly Judiciary Committee

Re ACR188: Leg. redistricting sched.-constit. amendment, modify if decennial census delayed

Mr. Chairman and members of the committee:

It is almost certain that the 2021 apportionment process will need to be delayed a cycle based on information we have from about the U.S. Census count at this time. I fully sympathize with legislative leadership's concerns about wanting to know this by a date certain – and that a constitutional amendment is the most effective way to ensure by avoiding the need to pursue other judicial remedies next year.

However, inserting a permanent change into the Constitution to deal with this cycle's unprecedented challenge must be considered with great care. Population shifts since the last decennial census means that the proper representation of some communities of interest will be deferred for two years. The practical need to delay implementing a new map for two years needs to be weighed against the deferred representation of those communities.

As you know, I was part of a team of academics who authored a white paper last year on [Improving New Jersey's Legislative Apportionment Process](#). As such, I have concerns about two dates in the proposed amendment.

The first making February 15 the cutoff date for receiving census data. It appears that the main reason for choosing this date is to avoid having to alter the state's current primary calendar. That rationale is insufficient. And we already have precedent for missing that date under "normal" circumstances. In 2001, the census date was not received until March 8 and the primary was pushed back to late June.

Our report in fact recommends that the state primary should be pushed back even further during redistricting years as a matter of course. We suggested following Virginia's lead – another state that generally holds a June primary, but in their case moves it to August in years ending in 1. The February 15<sup>th</sup> cutoff date is a matter of convenience that does not justify delaying the new map for two years. Mid-April is a more reasonable cutoff date that would give the commission adequate time to deliberate and gather public input and hold the primary well in advance of the general election.

The other date of concern is having the delayed map submitted by December 31 of the year ending in 1. The map does not go in effect until the year ending in 3. Why not allow for a longer deliberative process, as recommended in our report, rather than cramming the commission's activities in the midst of a legislative election and end of the year holiday obligations and distractions? If the proper representation of key communities of interest is going to be deferred for two years, allowing public input and the deliberation process to continue into March or April of the following year seems a reasonable expectation.

Again, I fully appreciate why legislators would like certainty about knowing if and when the legislative apportionment process would need to be delayed. Thank you for considering these concerns.

3/x