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PUBLIC MEETING
of the
SENATE STATE GOVERNMENT, FEDERAL AND INTERSTATE RELATIONS
AND VETERANS' AFFAIRS COMMITTEE
on
CONGRESSIONAL REDISTRICTING

Held:
December 8, 1983
Room 318
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Wynona M. Lipman, Chairwoman
Senator Herman T. Costello, Vice Chairman
Senator James A. Bornheimer
Senator Gerald Cardinale

ALSO PRESENT:

Joseph P. Capalbo, Research Associate
Office of Legislative Services
Aide, Senate State Government, Federal and
Interstate Relations and Veterans' Affairs Committee

New Jersey State Library

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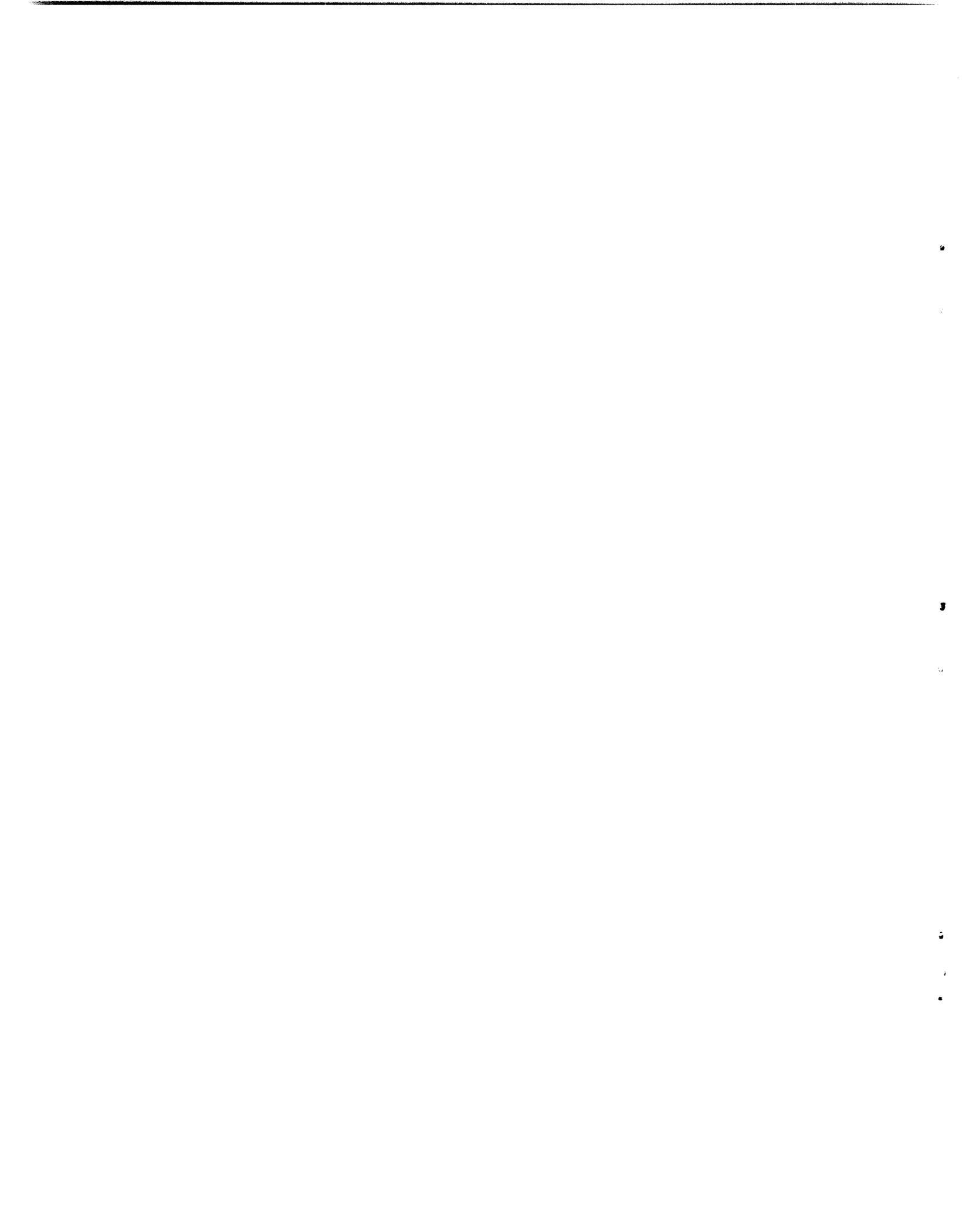
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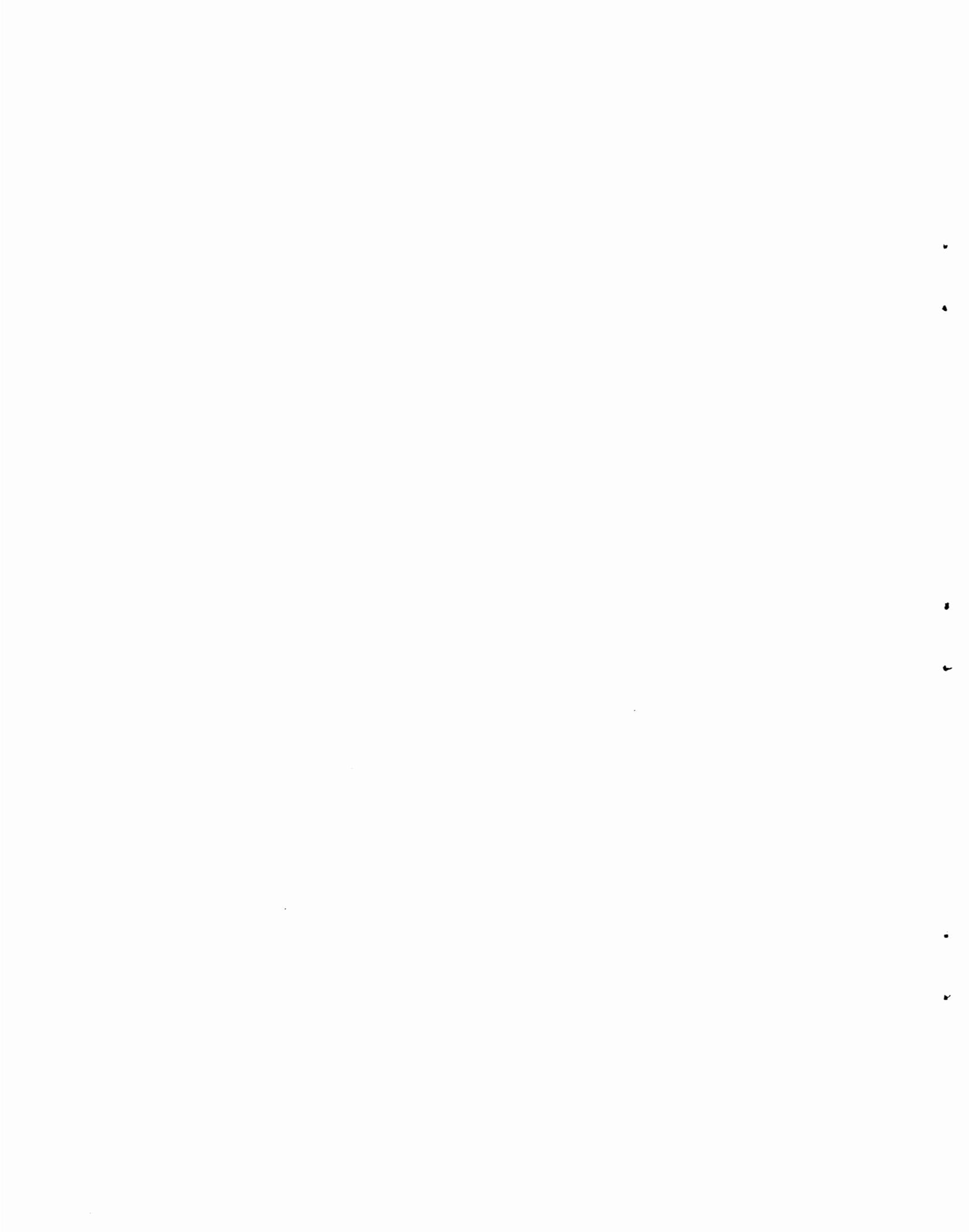
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MAR 7 1984



I N D E X

	<u>Page</u>
Senator John A. Lynch District 17	1 & 1x
Otto S. Roquemore District Leader Newark, New Jersey	13
mjz: 1-16 jb: (ed/paq) 1-16	



SENATOR WYNONA M. LIPMAN (Chairwoman): This portion of the meeting will be given to a discussion of our Congressional redistricting in the State by the Legislature.

As a result of the 1980 census, the New Jersey Legislature was required to reapportion the State's Congressional districts. On January 19, 1982, Governor Byrne signed Senate Bill 711, introduced by Senator Feldman, into law (P.L.1982,c.1). The "Feldman Plan" contained fourteen districts with an average population per district of 526,059 people. Each district, on the average, differed from the "ideal" figure by 0.1384%. The largest district, the Fourth, had a population of 527,472, and the smallest district, the Sixth, had a population of 523,798. The difference between them was 0.6984% of the average district.

This plan was challenged in United States District Court. The three-judge District Court declared the plan unconstitutional because the population deviations among the districts, although small, were not the result of a good-faith effort to achieve population equality.

On March 2, 1983, an appeal from the United States District Court was argued before the United States Supreme Court. On June 22, 1983, the Supreme Court upheld the District Court's decision.

We are here today to entertain new legislation, different legislation, on how this State should divide its Congressional districts. Senator Lynch has a bill, S-3564, which he would like to talk to us about. Senator Lynch?

SENATOR JOHN A. LYNCH: Good morning. I appear before this Committee this morning to urge you to recommend Senate Bill 3564 to the full Senate, for approval as our State's new Congressional district plan. I offer the following analysis for your consideration to support my contention that this bill fulfills the standards and criteria set forth by the United States Supreme Court, better than any other proposal yet submitted to the Legislature.

As all of you know, the United States Supreme Court on June 22, 1983, struck down Chapter One of the Laws of 1982 as having unconstitutional features, remanding to the New Jersey Legislature the task of enacting a rectified plan which meets the guidelines and

criteria set forth in that decision, as well as other decisions of the Court.

The essence of the court decision was that the Legislature must have a legitimate justification for population deviations in the bill it chooses to enact, if it passes over a plan which has more exact population equality. In rejecting the arguments of legislative counsel who represented us before the Court to defend the State's statute, the Court said that its deviation of 0.69% was constitutionally unacceptable because there were plans of lower deviation before the Legislature, and there was presented insufficient justification for not adopting these lower deviation plans. In so doing, the Court rejected an argument that the deviation of 0.69% was the functional equivalent of zero, because it was less than the statistical level of error in the census data.

Senate Bill 3564 represents the lowest deviation plan introduced in either House of the Legislature. Furthermore, it is the lowest deviation plan advanced by any outside party as a recommendation to the Legislature.

On September 27, 1983, Senate President Carmen Orechio sent a letter to all Senators commending S-3564 to their review and asking each Senator to submit ideas for amendments or modifications to the bill, or any new bills, which they believed better met the dictates of the Supreme Court.

One Senator responded, Senator Stockman. He advocated a bill, S-3583, which actually affirms the superiority of the map in Senate Bill 3564. The map he proposes is identical to the one in my bill. His proposal merely adds a provision that a commission be created in the future to do redistricting based upon the 1990 census, rather than leaving it to the Legislature. I believe that Senator Stockman's recommendations for a commission for 1990 are better left for consideration in the next Legislature, as they involve substantial policy issues regarding delegation of legislative power.

Senator Orechio's letter was also distributed to all members of the press corps, and it has been publicly known for many months that the Legislature would consider this subject after the November elections.

Virtually all map submissions to the Legislature to date are before this Committee today, including a plan proposed by Minority Leader Donald DiFrancesco (S-1206), Republican of Essex and Union Counties, which resembles the autonomous efforts of Professor Reock of Rutgers University. For the purposes of my discussion this morning, I will give some attention to all these proposals as well.

I believe this Committee need look no further than the deviations of the various bills before it to conclude that S-3564 is the preferred bill for enactment by the Senate. It has a total deviation of 0.01%, or a range from the highest to the lowest district of sixty-seven people. (It's average deviation, taking it out two decimal points, is 0.00%.) No other plan before you comes close to that deviation.

In fact, let us set aside for a moment District 10, the Newark-based district which is shaped to assure a 55% Black majority to preserve minority voting strength -- a constitutionally mandated justification for some population deviation. When one excepts District 10, the range of deviation in the plan is a total of twenty-six people -- an overall deviation of 0.00%. This is absolute exactitude of population equality.

Furthermore, S-3564 achieves its low deviation without dividing any municipal boundaries, a standard adhered to by the Legislature in the enactment of P.L.1982,c.1, and a very legitimate standard to be followed in consideration of current bills. All redistricting plans submitted by all parties have adhered to it. Given the fact that no municipal boundaries are violated by this bill, we would argue that, in fact, S-3564 has achieved the mathematical equivalent of zero.

I would strongly urge that no consideration be given to dividing any municipality in order to reduce further the plan's infinitesimal deviations, because to do so would be worse than the imperceptible "inequality." As you know, I also serve as the Mayor of the City of New Brunswick, and I am keenly aware of the importance of the local community as the basic building block of both political organization and citizen awareness. People are aware of their municipal officials, and feel attachment to their municipal

communities, far more than they do for county government or legislative districts, or even Congressional districts. To divide municipal lines anywhere in the State would cause confusion and administrative nightmares with regard to running Congressional elections. It would present monumental problems for Congressional candidates campaigning within "their" precincts of a split municipality, and would cause mischief with municipal party committees on which the entire political party structure is built.

The courts have also found a constitutional advantage in preserving the core of existing districts, so much so that it is even a "good-faith" justification for some population deviation. Happily, this plan accomplishes that valid purpose without any sacrifice whatsoever of population equality. The map proposed in S-3564 provides minimal dislocation to voters from the districts already established by law. Only 9.9% of the State's people are transferred out of the district of their current congressman. I think it is a major asset of this map that it holds existing districts together as much as possible. Once the dislocations which must inevitably follow the population shifts of a new census have been absorbed, it makes no sense to go through subsequent major transfers, confusing voters and candidates alike, by wildly different redistricting plans later in the same decade.

Although I believe you need not legally require any further analysis to adopt S-3564 because it is the lowest deviation plan before the Legislature, let me also address some other questions that arose regarding our most recent statute. Such analysis would further support the adoption of S-3564.

In the litigation involving P.L.1982,c.1, there were allegations regarding so-called "political fairness," charging that one party had sought to draw a map to gain unfair partisan advantage, creating a disproportionate number of districts dominated by its voters. An analysis of S-3564 will clearly demonstrate that no such condition exists with regard to this bill.

I call your attention to Exhibit "A." This is an analysis prepared by the Office of Legislative Services breaking out the results for the statewide presidential election in 1980, gubernatorial election

in 1981, and United States Senate election in 1982 for each of the fourteen districts. We have chosen these statewide election results because they remove the distorting impact of personality and the power of incumbency of an incumbent congressman, and instead they measure how the district reflects voters' sentiment about a Democratic versus a Republican candidate in that given year. In two of those three elections, statewide voter sentiment was evenly divided; 50%-50% in 1981, 52%-48% in 1982.

We have consulted outside authorities on political science to confirm whether this is a legitimate test of political fairness. In this respect, we have been assured by Professor Michael Danielson, Chairman of the Department of Politics at Princeton University, that, "This is a reasonable test of fairness." He states, to the question, "Does the electoral system discriminate against one political party or another?," that, "A review of results in statewide elections can provide a meaningful answer. If the division of districts is fairly even in statewide elections where the total vote is evenly divided, then the plan can be adjudged 'fair' -- 'fair,' of course, with respect to the distribution of votes between the candidates of the major parties." By this test, he says this plan is "fair."

As you can see, the statewide Republican candidate won in eleven of the fourteen districts in 1980, in eight of the fourteen districts in 1981, and in six of the fourteen districts in 1982. There is no conceivable method of analyzing these results that would lead one to conclude that the districts contained within this plan offer a partisan advantage to the majority Democratic party. In fact, the opposite conclusion is more readily supported.

If one is not satisfied with the statistical analysis, he would only have to look to the actual results of the 1982 elections based upon P.L.1982,c.1, which is analogous to S-3564, to determine whether one party was dealt with unfairly. In fact, every incumbent of both parties running for reelection won, except for Congressman Hollenbeck in District 9. In that district, he had a majority of 10,109 votes based upon the 1980 Congressional election, and further analysis reveals that he lost in many of the municipalities which were in his prior district. Clearly, the determination in District 9 was

one of voter preference and not due to the district lines. By contrast, three members of Congress -- two Democrats and one Republican -- who found themselves in districts that supposedly "belonged" to the other party, were able to win reelection.

There was also discussion with respect to the last map of the "shapes" that its districts assumed on a map. Judgments on shapes are inevitably somewhat subjective, as professionals involved in psychiatric testing will confirm. The fact is that New Jersey is an irregularly shaped State, made up of 567 irregularly shaped municipalities. And, to argue that one shape is better than another, or that one shape is constitutional while another is not, is ludicrous. Take a look at the shapes of our own legislative districts, drawn by a bipartisan commission, copies of which I have here at your disposal. I would submit to this Committee that any argument concerning shape is purely one of personal taste, all the more so if the analysis of actual election data does not support a contention of unfair partisan advantage.

There is one last observation I would like to make, not only as an elected official, but as a citizen of this State. New Jersey, like the other industrial states of the Northeast, is a State with problems on which it must have support from the Federal government. The degree to which it receives that support is largely determined by the influence and effectiveness of its Congressional delegation. For years, we observed Southern states improving their position and obtaining greater Federal funding because their Congressmen were able to build seniority in key positions. New Jersey is now in the happy position of having several key Congressmen chairing powerful committees, and who are able to bring substantial benefits back to the State in areas such as transportation, urban policy, pollution cleanup and control, and repairs to our infrastructure. We have ranking minority members on major house committees, like Marine and Fisheries. It is perfectly legitimate and reasonable for this Legislature to make note of that fact, and to hope not to jeopardize those incumbencies.

Now, let us quickly compare the other bills before us. Please note, by the way, that of these bills, only S-880 was ever requested for legislative consideration by its sponsor; it is only by

waiver of normal procedure that the other bills, evidently of little interest to their sponsors, are listed for consideration today.

S-770: The bill's sponsor alleges in his introductory statement that the map it proposes has an overall range of deviation of 0.063%, which is five times the deviation in S-3564. The bill is defective, however, because it apparently includes three Burlington County municipalities in both the Second and the Sixth Districts. The bill also eliminates a Black majority from any Congressional district, redrawing the Tenth District so that Blacks constitute only 39% of the population, the worst of any plan. The bill shifts 62.5% of the State's population into a different Congressional district, with a different Congressman, than where they are now -- again, the worst of any plan. Under the test of political fairness, the number of its districts voting Republican in the last three statewide elections was, eleven in 1980, eight in 1981, and five in 1982.

S-878: The Office of Legislative Services' analysis finds major deviation problems in this bill, especially between Districts One and Two, creating 6.86% overall range. Its Tenth District is 53% Black. It would move 59.3% of the State's population into another district. The map would yield eleven Republican districts in 1980, seven in 1981, and six in 1982.

S-879: This plan contains an overall range of .137% deviation -- over ten times that in S-3564. It somewhat dilutes minority voting strength in District 10 to 53%. It would transfer 53.4% of the State's population into districts of other Congressmen than they currently have. In terms of electoral results, it would produce twelve Republican districts in 1980, seven in 1981, and seven in 1982.

S-880: This bill is defective for its failure to place three entire municipalities in any Congressional district, Hawthorne, North Haledon and Prospect Park, all in Passaic County.

S-1205: This bill proposes a population inequality three times that of S-3564 -- .035%. Its Tenth District is 53% Black. It would require the shifting of 54.8% of the State's population into districts represented by a different Congressman than their current one. Measuring political fairness, it produced twelve Republican districts in 1980, eight in 1981, and six in 1982.

S-1206: This bill has a deviation range (0.203%) of almost seventeen times that of S-3564. The Black majority in District 10 is more concentrated (57%) than even S-3564; this extra-strength concentration is produced by a two-fifths reduction in the Black population in adjacent District 11. The bill would reshuffle 46.2% of the State's population into another Congressman's district. The map produced twelve Republican districts in 1980, seven in 1981, and six in 1982.

S-1207: This bill has a deviation range (0.180%) of fifteen times that of S-3564. The Black majority in District 10 is 57% of the total. The bill would transfer 54.6% of the State's people into another Congressional district. It would create twelve Republican districts in 1980, eight in 1981, and six in 1982.

S-1282: This bill proposes a map with an overall range of deviation of .046% -- almost four times that of S-3564. Its Tenth District is 53% Black. It requires a transfer of 55.6% of the State's population into another Congressman's district. It would create twelve Republican districts in 1980, seven in 1981, and six in 1982.

As you can see, all the other plans have constitutionally deficient higher deviations. They are all clearly inferior, and I urge you to recommend S-3564 favorably.

SENATOR LIPMAN: That was a masterful job, Senator. Do you have any questions, Senator Cardinale?

SENATOR CARDINALE: First, Senator, let me comment that you have done a lot of work and a great deal of statistical analysis.

SENATOR LIPMAN: Yes.

SENATOR CARDINALE: I have to compliment you very highly on all of that. I wish you had also done one more thing. When you look at the map relating to the districts as you have drawn them, you'll see that Demarest, which happens to be the town in which I live, is joined in a Congressional district that includes the town -- I think it's Lawrence -- which abuts Trenton. Well, I think I have the distinction, but perhaps Senator Hurley might argue with me -- we would have to take a tape measure out to find out -- about who lives further from Trenton. But, it strikes me as extremely odd that we would have to go from Demarest to the borders of Trenton to create a district. We would

have to include areas of Bergen County, where the population is generally considered by many in the State of New Jersey as really not even being New Jerseyites, but rather displaced New Yorkers who use that area as a bedroom. But, they have a certain community of interest, and to place those same individuals within a district which includes such rural and farming, and almost what one might call pioneer areas, and I'm not being facetious -- well, I am being a little bit facetious in using that terminology -- but, the community of interest and the geographical problem for the people who live in that district, becomes a very real one. It is necessary for that particular Congresswoman to have district offices spread all over the place. She has a habit of having little round-table type meetings. There is one scheduled this coming month. She has had many of them for people who live in her legislative district. To get to those meetings becomes a major problem, and compactness is something we really ought to look at.

Whether the Supreme Court has said it is a criteria, or it has not said it is a criteria, we have an obligation to the people in the State of New Jersey beyond the obligations which are imposed by the Supreme Court. We have an obligation to all of the people in the State of New Jersey, that we give them a liveable program. I don't really know whether the other things that have been proposed can be considered better than your plan, or worse than your plan on the various criteria. I suspect, while I can't prove it, and no one can -- and no one can prove the contrary -- that in the minds of the judges who made the decision, this had to be a factor. They didn't say it was. They talked about other things. They talked about just strict population deviation. They chose not to open this area. Perhaps we all would have been better off if they had, because it is something that seems to me to be so obvious a need for our people.

If no one else has done it, perhaps we should constitute a commission of this Legislature, to sit down and try to do it on that kind of basis, and to perhaps ignore some of the other things. You talked a great deal about political fairness, and I can appreciate that there are certain majorities in the State, and that the districts that are drawn should take into consideration the make-up politically, and how those districts are going to be formed. I don't think it is any

secret that several people ran outside the district in which they live to accomplish the degree of political fairness that you cited. Many would call it "gerrymandering," but I object to that term because I am sometimes called Gerry -- but, several people, and you know who we are talking about. Courter and Rinaldo ran outside of their own legislative districts, and were successful at winning their seats. Had they run in the districts in which they resided, perhaps there would have been some other problems and the kind of political fairness you related would not have been the case. So, we have political fences coming about almost as a result of an accident of personalities.

All of those things being said, I realize that the decisions that are going to be made are probably not going to be related to any of the arguments that any of us place here, so I am not going to burden this meeting and the time of all of my colleagues with any greater discourse with respect to these. However, I hope that in whatever eventual end result comes about, and I doubt that it is going to be decided by the Legislature, but whatever end result does come about, I hope these other factors, in addition to all the factors you named, all of which are very, very important, will be considered, so we can come up with districts which will do a better service to the constituents of those districts, as well as a better service to the political parties, to the various groups we are trying to represent, and to people who hold office at the present time, because what seems to be left out of all of these plans is the overall interest of the people of the State of New Jersey.

SENATOR LYNCH: I would just like to respond for a moment. A great deal of what you say is true; the concerns you express are real concerns. We have some problems in New Jersey drawing district lines, which may not be unique to the nation, but which are relatively unique. We have 75% of our population in the north/northeast part of the State, in 25% of the total area of the State. So, in order to do compactness, it becomes a very, very difficult task, almost an impossible task, and I think that becomes one of the problems.

The primary consideration that the Court expressed was population deviation. Compactness was one of a variety of other secondary purposes to be conformed to in drafting district lines,

others being municipal lines, and so forth. However, there is consistency, I believe, given the problems one faces in drawing district lines and where the population is concentrated in the State. There is consistency in District 5, because you have what is essentially, even though it covers a very wide area and seems to be circumvential, a consistency in its rural and suburban characteristics. I think there is a great deal of identification in the nature of the life style and the nature of the people in that entire district.

I don't think that given the problems that one faces in drawing lines, and given the Court's placement of significance almost in totality on population deviation, leaving secondary functions -- if one takes that in proper context and looks at the problem of directing lines to accommodate some degree of compactness, you'll see that the consistency in District 5 is not that bad, and I assume that is what you referred to.

Now, if you look at the legislative districts that were drawn by a bipartisan committee in your own Bergen County, you will find some very strange lines, much like you see in this map before you. One of the reasons, obviously, is because it is very, very difficult to get the right kind of tolerance. That is the problem the drafters have had here, and I submit to you that there are no other plans before us that come even close to what we have here, regardless of the criticisms that may be addressed, regardless of the lack of some degree of compactness in some districts. We have had districts in the past -- in the 1960's, it went from the eastern border of the State to the western border of the State. They were legitimized.

SENATOR CARDINALE: Regarding your observations with respect to the other plans, perhaps I'm wrong, but I think some of the other plans have a far more compact relationship of the districts. Some of the plans do not have the degree of lack of compactness. I'm sure that none of them are perfect with respect to any particular criteria. My remarks were meant to point out to you the horrendous departure from compactness which exists within this plan, and, if you study the exact wording of the Court decision, it was not strictly population deviation, but the failure to justify the population deviation on which

the judges centered. I think that many population deviations of a greater number exist in this country, but they have not been challenged because there is a justification. There had to be at least a suspicion in the minds of some of the judges that the reasons for the deviation were not good reasons, and the reasons for the overall plan were not necessarily of whatever value they placed on good reasons. They centered their argument on population deviation, true. I am certainly hopeful that if your plan is passed by the Legislature, that they will come back to us and say, "Look, you've done a great job on population deviation, but you really should have considered some of the other things." Maybe they will then consider some of those other things and give us a plan.

I think it is unfortunate that we can't do it ourselves, but I understand the realities of what is going on at a meeting like this, and I have to accept those realities too. I don't want to belabor this, you know, we're good friends, so let's not get--

SENATOR LYNCH: I know, but without meaning to sound funny, we really shouldn't look to -- as we have learned from experience -- what is in the minds of the judges. We have to look to what is in the opinion of the Court. It seems very clear to me that with the population deviation as expressed in S-3564, we certainly meet the criteria enunciated by the Court's opinion. Unless there is another plan, either submitted through the Legislature, or independently thereof, which is better suited to the terms of the Court's opinion, I think this is the way we have to go.

SENATOR LIPMAN: Senator Bornheimer, do you have a question?

SENATOR BORNHEIMER: No questions.

SENATOR LIPMAN: Senator Costello?

SENATOR COSTELLO: I think Senator Lynch has expressed my concerns in his responses to Senator Cardinale. Therefore, I won't ask Gerry a question. This is the way I interpret this whole thing, Gerry. I'll say this: We have mandated guidelines, okay? There is one exception they will accept dealing with the Black majority in the country. I think it would be difficult to accomplish what you are suggesting in your district, whatever your concerns might be, without having an adverse effect in another area. So, I am delighted with the

results of this thing. If the deviations are acceptable, and I don't think this is all true, then I don't see how it can be contested or challenged in the Court.

SENATOR LIPMAN: Gentlemen, I think we have one other witness who wishes to speak. He is the District Leader from Newark, the great Tenth Congressional District, Mr. Otto Roquemore. Don't leave, Senator Lynch, please.

O T T O S. R O Q U E M O R E: Good morning, Senators. After having heard that eloquent presentation, with several maps and statistical information, I really feel as though perhaps I have taken a great step. Having said that, I will attempt to proceed right along.

I am a resident of the tenth district, which is a district that is predominantly Black, and which is perhaps the majority/minority group in the State of New Jersey. In the testimony at the previous hearing, they talked about discrimination only against women, and I'm not sure that is necessarily so. I think we still have a few problem areas in the State of New Jersey where race is still a problem.

I have viewed the reapportionment with some interest and, of course, I too have problems with shapes. I don't know whether that is psychologically unsound or not. However, at first blush, it does look as if we should have been able to put it on some kind of uniform grade that would certainly address the concerns of the population of the State. But, when you review the State and you understand how the State grew up since its very early days to date, you realize that the population settled where they did because of various water facilities, topography, and other things like that, which means that in terms of square footage, square acreage and square miles, to have any division along those lines would be equally suspect.

I thought when I came out this morning that I had a copy of the Senate bill, and I see I have a copy of the Assembly bill, which was introduced by Assemblyman Willie Brown from District 29, on July 11, 1983, Assembly Bill 3810. I am not absolutely positive of this, but I believe that would be Senate Bill 3564.

SENATOR LIPMAN: Yes, Senator Lynch's bill.

MR. ROQUEMORE: I sincerely believe that given the problems-- By the way, the people who made an effort to draw this plan certainly ought to be applauded. I think they made every reasonable effort to be equitable. I'm sure that this redistricting plan and/or any other redistricting plan will not be totally equitable for all parties concerned. We all recognize that as a fact of life. Insofar as it relates to the Tenth District, we feel that the interest, which is the primary one I have most at heart, is adequately protected, and I would not like to see it tampered with at all.

I also believe I heard some testimony as to what is in the minds of judges and, if I may be so bold as to suggest to the Senators, I think what you should be most concerned with are the electorates which make it possible for you to be here, or not to be here. I would hope that, while this issue might well be vetoed by the Governor and/or eventually decided by the Court, I believe you distinguished Senators were elected to do this, and I think you should do it to the best of your ability. I am sure that whenever the Court does whatever it does, we will better understand what is in their minds, if they get around to doing anything on this.

I thank you for your kind attention, unless someone has some questions.

SENATOR LIPMAN: Well, we thank you for that vote of confidence in the Legislature, Mr. Roquemore. Are there any questions of Mr. Roquemore? Senator Lynch?

SENATOR LYNCH: I just want to make one or two points for the record. We discussed S-1206 in my analysis, and that is the exact same bill as A-4030, which has been listed on the agenda. So, for the purposes of the analysis, the comments made to S-1206 are the same as those for A-4030.

Just one other point for clarification of a comment that was made by our good Senator here. With reference to people having been displaced from their own district, or not living in their own district, there is one added feature to this proposal, and that is that Congressman Courter in his hometown of Hackettstown winds up back in the district he represents.

SENATOR CARDINALE: It also made a very nice district, if I should ever want to run.

SENATOR LIPMAN: Senators, I see no other witnesses for any of the other bills.

SENATOR COSTELLO: I move that Senate Bill 3564 be released to committee.

SENATOR BORNHEIMER: I second the motion.

MR. CAPALBO: Senator Lipman?

SENATOR LIPMAN: Yes.

MR. CAPALBO: Senator Costello?

SENATOR COSTELLO: Yes.

MR. CAPALBO: Senator Bornheimer?

SENATOR BORNHEIMER: Yes.

MR. CAPALBO: Senator Cardinale?

SENATOR CARDINALE: No.

SENATOR LIPMAN: All right, the Senate bill is released, Senator.

SENATOR LYNCH: Thank you very much.

SENATOR LIPMAN: We would like to know if some of this fine statement you made will be incorporated in the statement of your bill? Is that possible, Counsel?

UNIDENTIFIED COUNSEL: I think it is more appropriate, Madam Chairman, that it be incorporated into the Committee recording.

SENATOR LIPMAN: The Committee statement, the statement.

UNIDENTIFIED COUNSEL: The Committee statement, that's right.

SENATOR LIPMAN: Yes, that is what I meant, our statement.

UNIDENTIFIED COUNSEL: Yes.

SENATOR LIPMAN: Right, since he is the only witness.

SENATOR CARDINALE: Senator, just as a matter of formality, I would like to also move that S-1206, which is on our agenda, be released.

SENATOR LIPMAN: S-1206, are you going to testify on it?

SENATOR CARDINALE: Well, I think you have already heard testimony on it which was given by Senator Lynch, who analyzed all of it. As I listened very carefully to him, I thought that that one was superior. There is no rule that says we can't release more than one bill for consideration by the full membership. So, if there is anyone who would like to second that motion, I have made the motion.

SENATOR LIPMAN: May I point out to you that his comments about S-1206 were not favorable.

SENATOR CARDINALE: Well, in his mind perhaps, but in my mind, I can have some other view.

SENATOR LIPMAN: Are you prepared to refute his argument that the deviation is seventeen times greater than the deviation in his bill?

SENATOR CARDINALE: No, I believe he is probably right on his statistics, although I can neither support nor deny them. However, in my own mind -- I think I have already stated it is my belief that the Court said more than just population deviation. It said things with respect to justification. I think it is obvious to everyone that S-1206 gives us far more compact districts, and things. It is my understanding, also, that this was drawn by a nonpartisan person, who has had the benefit of a great deal of university experience and background, and who was, in fact, the arbiter of the reapportionment which we enjoyed for our legislative districts. He enjoys the confidence of various members of the Judiciary, who appointed him to that -- at least one member appointed him to that. It comes as close as anything to being a nonpartisan plan.

SENATOR LIPMAN: Is this Mr. Reock?

SENATOR CARDINALE: Yes, this is Mr. Reock. It is my understanding that his plan is the basis for Senator DiFrancesco's bill. For no other purpose than to put it on the record, I would like to make the motion that we release that from committee.

SENATOR LIPMAN: Okay. I am not sure how to proceed; I can call for a vote. Senator Lynch, do you want to say anything?

SENATOR BORNHEIMER: Is there a second to his motion?

SENATOR LIPMAN: Oh, I'm sorry, I was making further discussion.

SENATOR LYNCH: Senate Bill 1206 is a disruptive plan. The population shift out of current districts is over 46%. I think the deviation, since it is over twenty times more than the one being proposed here, is extremely significant, in view of the ruling of the Supreme Court, and I don't think it has any merit in comparison with the bill that has been voted out.

SENATOR LIPMAN: All right. Senator Cardinale has made a motion that this Committee send out Senate Bill 1206. Do I hear a second to this motion? I will call the roll. Senator Bornheimer?

SENATOR BORNHEIMER: No.

SENATOR LIPMAN: Senator Costello?

SENATOR COSTELLO: No.

SENATOR LIPMAN: Senator Cardinale, I think the motion to send Senate Bill 1206 out has failed for lack of a second. I'm very sorry. All right. Senator DiFrancesco was here, and that is his bill, isn't it?

SENATOR CARDINALE: He was here earlier.

SENATOR LIPMAN: No, S-880 is his bill.

SENATOR BORNHEIMER: No, S-1206 is his bill, DiFrancesco and Gagliano.

SENATOR LIPMAN: All right. I guess we have just about accomplished what we were supposed to accomplish, to send out at least one bill on the Congressional redistricting. Are there any comments? (no response) Will someone move that we adjourn?

SENATOR BORNHEIMER: So moved.

SENATOR LIPMAN: This meeting is ended.

(MEETING CONCLUDED)



OFFICE OF LEGISLATIVE SERVICES
DIVISION OF INFORMATION AND RESEARCH

POLITICAL STATISTICS FOR
S-3564
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DISTRICT	POPULATION	DEM PRES VOTES	REP PRES VOTES	DEM GOV VOTES	REP GOV VOTES	DEM SEN VOTES	REP SEN VOTES
01	526084	86523	94933	115795	49813	84868	60193
02	526066	81158	112228	79287	90819	79409	76721
03	526031	74797	124040	73731	91429	82360	83207
04	526076	94584	88639	90443	63950	87065	65999
05	526084	65776	140302	59247	112630	63759	104573
06	526078	88716	106657	85586	77454	84621	67851
07	526066	84794	108547	77150	87529	79201	83329
08	526082	72676	101676	68093	77343	72093	57959
09	526087	93844	129216	98942	91593	102954	82673
10	526020	90610	35452	76148	25893	70622	22175
11	526080	83519	126324	84406	97785	84178	86027
12	526078	68998	147491	59681	123739	59803	119493
13	526068	67693	132909	83624	91938	73169	92425
14	526081	90003	89512	93725	55725	90868	43768
** TOTAL **	7365011						

EXHIBIT "A"

