

**Remarks of Yurij Rudensky, Redistricting Counsel,
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The Brennan Center for Justice at New York University School of Law appreciates the opportunity to provide testimony to the Senate Budget Committee regarding Senate Concurrent Resolution No. 43.

The Brennan Center is a nonpartisan law and policy institute that seeks to improve our systems of democracy and justice. Redistricting policy reform has been central to this mission since the Brennan Center was founded in 1995. We partner with legislators and advocates around the country to promote changes that make the redistricting process more independent, transparent, and community driven. We have worked closely with the League of Women Voters on these issues in New Jersey and elsewhere in the nation.

Senate Concurrent Resolution No. 43 is a good start. The provisions establishing increased public input and transparency are particularly welcome. The Brennan Center, however, has concerns about the resolution as written and, in particular, with respect to provisions where SCR 43 does not advance best redistricting practices. We urge the committee to set aside this effort and consider alternative approaches.

Despite its good intentions, the central premise of the resolution is flawed. It reduces New Jersey's diverse communities to partisan labels, prioritizing a particular notion of partisan fairness over other concerns, such as keeping communities whole or enhancing the ability of communities of color to elect candidates. This is not how redistricting should work.

Indeed, the proposed changes would leave New Jersey more, not less, vulnerable to abuse and gamesmanship than before. It would set up a process primarily driven by political data. It would create explicitly Democratic and Republican districts. And the competitive district quota is not, on its own, sufficient to guard against partisan overreach. Indeed, some of the worst plans of this decade in gerrymandered states like North Carolina rely by design on one party winning a large number of nominally close contests. Such tactics, under the terms of the resolution, would be permissible. If the goal is to prevent gerrymandering, a simpler, easier to understand way of doing so would be to include language barring a map from unduly favoring a political party in intent or in effect. Colorado, Ohio, Michigan, and Utah, all adopted reforms this year which do that. California and Florida, likewise, have similar provisions in their constitutions.

A better redistricting process would be centered not on outcomes but on process, ensuring that all stakeholders have a chance to put their vision of what a fair map would look like on the

table. Part of that requires taking a ground up approach that is community driven. An approach where public testimony and metrics that consider shared demographic, housing, education, employment, and travel characteristics combine to produce districts with shared local concerns. This is the approach endorsed by 17 good government and civil rights groups, including the NAACP Legal Defense and Education Fund, LatinoJustice, NALEO Education Fund, the Asian American Legal Defense and Education Fund, Common Cause, and the Brennan Center. Focusing on communities, as defined by community input, would allow districts to evolve over time as communities and their needs and priorities evolve.

Importantly, putting communities first is not inconsistent with increasing electoral competition. Indeed, California had one of the most competitive maps in the nation in 2018 despite the fact that districts were drawn by that state's independent redistricting commission without regard to political outcomes. The same is true of Minnesota, where a court drew the map after a robust public input process.

Nor is a community-centric approach open to too much potential gamesmanship as is sometimes voiced as a fear. A well-designed redistricting process that ensures that there are robust checks and balances built into the process – an area where New Jersey currently is weak – would make sure that flexibility does not become an excuse for abuses.

We are committed to working with leaders in New Jersey to improve redistricting. We have submitted a written copy of this testimony with attachments summarizing our recommendations to all members of this committee. Again, we appreciate the opportunity to comment and would be happy to answer any questions.