



PUBLIC QUESTION NO. 3

CONSTITUTIONAL AMENDMENT TO CHANGE THE LEGISLATIVE REDISTRICTING SCHEDULE IF CENSUS DATA IS DELAYED

Do you approve amending the Constitution to change when new legislative districts are created if the federal census data is delayed?

The current COVID-19 pandemic has delayed census data collection. If New Jersey does not receive the census data in a timely manner, new legislative districts may not be ready in time for State legislative elections in the year ending in one.

This change to the redistricting schedule will allow legislators to be elected that year from their existing districts for their two-year term in office. The new districts will be used starting with the next scheduled general election for the State legislature.

INTERPRETIVE STATEMENT

(as it appears on ballot)

This constitutional amendment changes when new legislative districts are created if the federal census data is delayed.

The United States Constitution requires that a census be taken every ten years to count the people living in the country. Census data is then used to create new legislative districts to ensure residents have equal representation from elected officials. However, the current COVID-19 pandemic has delayed census data collection. This may delay census data to the states and may affect the creation of new legislative districts.

The State Constitution requires an Apportionment Commission to create new legislative districts every ten years after the federal census is completed. If the census data is delayed, the new legislative districts may not be created in a timely manner to hold elections.

This constitutional amendment requires the commission to delay creating the new districts if the Governor receives the federal census data after February 15 of the year ending in one. The commission will adopt the new districts after the November general election, but not later than March 1 of the year ending in two.

The new districts will be used starting with legislative elections in the year ending in three. They will continue to be used until new districts are again created by the Apportionment Commission after the next federal census.

For the June primary and November general elections in the year ending in one, Senators and Assembly members will use their existing districts to run for a term of two years. The old districts will also be in effect in the year ending in two if any legislative election is held in that year.

This amendment requires the commission to begin conducting its business when the Governor receives the census data. It also requires the eleventh member of the commission to be appointed by the Chief Justice of the New Jersey Supreme Court within one month after the Governor receives the census data.

Nothing in this amendment will alter the appointment of the members of the commission made by the State political party chairs pursuant to Article IV, Section III, paragraph 1 of the State Constitution on or before November 15, and certified by the Secretary of State on or before December 1, of the year in which the census is taken.

Background (prepared by the League of Women Voters of New Jersey Education Fund)

Typically, New Jersey requires an Apportionment Commission to create new legislative districts in the year following the federal census. This means that New Jersey's legislative districts are currently created and certified in years ending in one (2021). New Jersey holds legislative elections in years ending in one (2021), and a new map is in place in time for those elections. This is done to ensure that the districts most accurately represent the state's population – how it has moved and changed.

This question asks voters if they approve delaying the certification of new legislative maps if census data is received after February 15 of the year ending in one (such as 2021). This delay would mean that New Jersey's Apportionment Commission would have until March 1 of a year ending in two (2022) to create new legislative districts and state legislative elections would be held under the new map in years ending in three (beginning in 2023).

This would be a permanent change and this delayed scheduled would apply every time New Jersey received the Census data after February 15.

This question is meant to address a possible, but unknown, delay of Federal Census data to the states as a result of COVID-19. Typically, as a courtesy New Jersey and Virginia receive Census data earlier than other states because New Jersey and Virginia hold "off-year" legislative elections and require the data for legislative elections held in years ending in one (2021). While we have often received the data by February 15, the Census bureau is not required to provide that data until April 1. New Jersey has received the data past the February 15 deadline in the past (such as in 2001).

New Jersey's state legislative districts are drawn by a 10 member commission that is appointed in equal numbers (5 Democrats and 5 Republicans) by the chairs of the state Democratic and Republican committees. This commission is certified by December 1 of the year in which the Census is taken (2020). If the commission cannot agree on map, an 11th member tie breaker is appointed by the Chief Justice of the New Jersey Supreme Court. This question does not change this process. It does give until March 1 of the year ending in two (2022) to certify a new map as opposed to prior to a June 2021 primary. This question also does not require any additional reforms to the map making process.

Reasons a voter might vote “no”:

- NJ population is more racially diverse than 10 years ago. New Jersey’s Latinx and Asian populations have grown by 20% since 2010. Extending the current district lines for 2 years means that these populations will not be accurately reflected or politically represented for an additional two years.
- There are other solutions—change primary election date in 2021, switch from odd to even year elections, or use existing map for just one year.
- This change is made permanent—every time New Jersey does not receive census data by Feb. 15, existing districts remain in effect for another 2 years. This would limit flexibility in handling delays for future census counts not affected by a pandemic.

Reasons a voter might vote “yes”:

- March 1, 2022 certification of new legislative district lines gives more time for the redistricting process in determining new legislative map.
- The proposed delay avoids compressing primary timelines, providing a normal time frame after new districts are certified to field and run candidates for 2023.
- The option prevents possible multiple one year terms and elections, such as an election in 2021 under the old map (if Census data was delayed), followed by a special election in 2022 and a regularly scheduled 2023 election.