

**SENATE CONCURRENT
RESOLUTION No. 122**

**STATE OF NEW JERSEY
219th LEGISLATURE**

INTRODUCED JULY 6, 2020

Sponsored by:
Senator NICHOLAS P. SCUTARI
District 22 (Middlesex, Somerset and Union)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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

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

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10 PROPOSED AMENDMENT

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

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

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

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

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

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

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

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

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

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

15 b. In every municipality the following question:
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	YES	<p>CONSTITUTIONAL AMENDMENT TO CHANGE THE LEGISLATIVE REDISTRICTING SCHEDULE IF CENSUS DATA IS DELAYED</p> <p>Do you approve amending the Constitution to change when new legislative districts are created if the federal census data is delayed?</p> <p>The current COVID-19 pandemic has delayed census data collection. If New Jersey does not receive the census data in a timely manner, new legislative districts may not be ready in time for State legislative elections in the year ending in one.</p> <p>This change to the redistricting schedule will allow legislators to be elected that year from their existing districts for their two-year term in office. The new districts will be used starting with the next scheduled general election for the State legislature.</p>
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	NO	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This constitutional amendment changes when new legislative districts are created if the federal census data is delayed.</p> <p>The United States Constitution requires that a census be taken every ten years to count the people living in the country. Census data is then used to create new legislative districts to ensure residents have equal representation from elected officials. However, the current COVID-19 pandemic has delayed census data collection. This may delay census data to the states and may affect the creation of new legislative districts.</p> <p>The State Constitution requires an Apportionment Commission to create new legislative districts every ten years after the federal census is completed. If the census data is delayed, the new legislative districts may not be created in a timely manner to hold elections.</p> <p>This constitutional amendment requires the commission to delay creating the new districts if the Governor receives the federal census data after February 15 of the year ending in one. The commission will adopt the new districts after the November general election, but not later than December 31 of that year.</p> <p>The new districts will be used starting with legislative elections in the year ending in three. They will continue to be used until new districts are again created by the Apportionment Commission after the next federal census.</p> <p>For the June primary and November general elections in the year ending in one, Senators and Assembly members will use their existing districts to run for a term of two years. The old districts will also be in effect in the year ending in two if any legislative election is held in that year.</p>
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STATEMENT

The United States Constitution requires a census to be taken every ten years to count the people living in the United States. Data

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

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

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

37 This constitutional amendment modifies the schedule for adopting
38 the legislative districts when the census data is delayed. It provides
39 that if the Governor receives the census data after February 15 of the
40 year ending in one, the commission will certify the new districts after
41 the November general election but not later than December 31 of that
42 year. The new districts will be used for legislative elections
43 beginning in the year ending in three, and will continue to be used in
44 elections until new districts are adopted after the next census. For the
45 June primary and November general elections in that year ending in
46 one, Senators and Assembly members will be elected by the voters
47 of their existing districts, instead of the new districts. As usual,
48 Senators and Assembly members run for office in the year ending in

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- 1 one and are elected for a term of two years. The old districts will
- 2 also be in effect in the year ending in two for election purposes, if
- 3 any legislative election is held in that year.

WITHDRAWN