

**SENATE CONCURRENT  
RESOLUTION No. 123**

**STATE OF NEW JERSEY  
219th LEGISLATURE**

INTRODUCED JULY 9, 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  
8 the 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  
20 of Senate and Assembly districts and the apportionment of Senators  
21 and members of the General Assembly to the Secretary of State  
22 after the November general election of that year ending in one, but  
23 not later than March 1 of the year ending in two. The commission  
24 shall begin conducting its business upon the receipt by the  
25 Governor of the official decennial census of the United States for  
26 New Jersey, and the eleventh member of the commission shall be  
27 appointed by the Chief Justice of the Supreme Court of New Jersey  
28 within one month of the Governor's receipt of that census data.  
29 Such establishment and apportionment shall be used for the election  
30 of members of the Senate and General Assembly beginning with  
31 elections conducted in the year ending in three, and elections  
32 thereafter, and shall remain unaltered until the following decennial  
33 census of the United States for New Jersey shall have been received  
34 by the Governor.

35 The Senate and Assembly districts certified to the Secretary of  
36 State by the previous Apportionment Commission for the previous  
37 decade shall remain in effect in that year ending in one and in the  
38 year ending in two, and shall be used for legislative elections in  
39 those years.

40 For the election of members of the Senate and General Assembly  
41 occurring in November of that year ending in one, members shall be  
42 elected by the legally qualified voters of their district as drawn by  
43 the previous Apportionment Commission for the previous decade,  
44 for terms beginning at noon of the second Tuesday in January next  
45 following their election and ending at noon of the second Tuesday  
46 in January two years thereafter.

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48 2. When this proposed amendment to the Constitution is finally  
49 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it

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1 shall be submitted to the people at the next general election  
2 occurring more than three months after the final agreement and  
3 shall be published at least once in at least one newspaper of each  
4 county designated by the President of the Senate, the Speaker of the  
5 General Assembly and the Secretary of State, not less than three  
6 months prior to the general election.

7  
8 3. This proposed amendment to the Constitution shall be  
9 submitted to the people at that election in the following manner and  
10 form:

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

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

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

19 b. In every municipality the following question:  
20

	YES	<p style="text-align: center;"><b>CONSTITUTIONAL AMENDMENT TO CHANGE THE LEGISLATIVE REDISTRICTING SCHEDULE IF CENSUS DATA IS DELAYED</b></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;"><b>INTERPRETIVE STATEMENT</b></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 March 1 of the year ending in two.</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> <p>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</p>
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	<p>Justice of the New Jersey Supreme Court within one month after the Governor receives the census data.</p> <p>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.</p>
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STATEMENT

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

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

25 Currently, the State Constitution requires new legislative districts  
26 to be adopted every 10 years following the Governor's receipt of  
27 the decennial census results. The United States Census Bureau  
28 conducts the count of the population in each year ending in zero,  
29 and provides this data to the states in the year following the year in  
30 which the census is taken, ending in one. The State Constitution  
31 requires the Apportionment Commission to certify the new  
32 legislative districts within one month after the Governor receives  
33 the official census data for New Jersey, or on or before February 1  
34 of the year ending in one, whichever date is later. If the 10-member  
35 bipartisan commission cannot adopt the new districts within that  
36 month, then the Supreme Court appoints an independent member to  
37 break the tie vote. The 11-member commission then has one more  
38 month to adopt the new districts. Usually, the new districts are

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1 ready to be used in the June primary and November general  
2 elections for legislators that occur in that year ending in one.  
3 However, if the census data is delayed, the new legislative districts  
4 would not be ready on time to meet these State legislative election  
5 deadlines.

6 This constitutional amendment modifies the schedule for  
7 adopting the legislative districts when the census data is delayed.

8 This constitutional amendment provides that if the Governor  
9 receives the census data after February 15 of the year ending in one,  
10 the commission will certify the new districts after the November  
11 general election of that year, but not later than March 1 of the year  
12 ending in two. This constitutional amendment also requires the  
13 commission to begin conducting its business upon the receipt by the  
14 Governor of the official decennial census of the United States for  
15 New Jersey, and requires the eleventh member of the commission to  
16 be appointed by the Chief Justice of the Supreme Court of New  
17 Jersey within one month of the Governor's receipt of that census  
18 data.

19 The new districts will be used for legislative elections beginning  
20 in the year ending in three, and will continue to be used in elections  
21 until new districts are adopted after the next census. For the June  
22 primary and November general elections in the year ending in one,  
23 Senators and Assembly members will be elected by the voters of  
24 their existing districts, instead of the new districts. As usual,  
25 Senators and Assembly members run for office in the year ending in  
26 one and are elected for a term of two years. The old districts will  
27 also be in effect in the year ending in two for election purposes, if  
28 any legislative election is held in that year.

29 This constitutional amendment will not alter the appointment of  
30 the members of the commission made by the State political party  
31 chairs pursuant to Article IV, Section III, paragraph 1 of the State  
32 Constitution on or before November 15, and certified by the  
33 Secretary of State on or before December 1, of the year in which the  
34 census is taken.