

New Jersey Appleseed PILC (“NJ Appleseed”) has carefully reviewed the recent report issued by Patrick Murray of the Monmouth University Polling Institute and five fellow academics and lawyers regarding reform of the process of legislative redistricting in New Jersey, which is formally known as the apportionment process. It is an important contribution to the public debate on this matter, and NJ Appleseed thanks the members of the Murray Committee for their hard and thoughtful work on this matter.

In our [December 15, 2018 statement](#) on this matter, we emphasized three key points about the components of any apportionment proposal that NJ Appleseed would find to be acceptable and in the public interest for New Jersey voters:

First, although political parties and officeholders should have expansive rights to notice and a full and fair opportunity to be heard with regard to legislative apportionment, they must not control the process;

Second, any proposal in which legislators serve as, or appoint, a majority of the committee that actually draws the maps, would not be acceptable; and

Third, a responsible apportionment process is one that minimizes the influence of political party insiders, either as members of the apportionment commission, or with the responsibility of directly appointing members of such commission.

Similar concepts inform our views on the reform of commissions that redraw the boundary lines for Congressional districts.

While we have articulated the foregoing criteria as minimums for appropriate redistricting reform, we emphasize that they are just that: minimums. New Jersey would be better served by creating an appropriate and truly independent citizen redistricting commission, like those of California and Arizona, and that proposed in pending federal legislation, H.R. 1, the For the People Act of 2019.

Regrettably, we find that the Murray Committee’s proposal, while including important improvements on the current process, falls short of even the minimum criteria that we established.

We do support the recommendations of the Murray Committee about clarifying and expanding the criteria that the legislative apportionment commission should use in drawing legislative district boundaries. We are especially enthusiastic about its recommendations on public input, including the requirement for multiple public hearings and the ability of the public to obtain and submit recommendations on mapping proposals through an online process.

We part company with the Murray Committee on its recommendations regarding independent members of the legislative apportionment commission in two respects: the number of independent members and their qualifications.

To ensure that a majority of the apportionment commission are neither legislators nor people appointed by legislators, there must either a limitation on the number of legislators able to serve, or an elimination of their ability to serve. Under current rules, since as many as 10 of the commissioners can be legislators (the 2010 apportionment commission had seven), the only way to ensure that independent commissioners appointed by the Chief Justice constitute the majority would be to increase their number to 11. This would yield an unwieldy, 21-member commission, larger than that of any other state. To avoid this result, one could reduce the number of party chair appointees who could be legislators, and create a committee of a size where the independent commissioners exceed that number by at least one. This would yield a committee of a more workable size.

We also believe the Murray Committee takes too crabbed a view of who should be disqualified as an independent apportionment commission member. Initially, we think it is important for one or more unaffiliated or third-party voters to have a vote on the commission as an independent member. We also agree that holders of public or party office in the past five years should be disqualified as independent committee members, but would expand that to those who in the past five years were candidates for office, governmental affairs agents, chairs or treasurers of political committees, continuing political committees, or independent-expenditure-only committees, and the close relatives (parent, sibling, child, aunt, uncle, niece, or nephew, by blood or marriage) of any of the foregoing. In short, there must be a more robust test for vetting who genuinely qualifies for “independent” commissioner status.

Notwithstanding our differences, NJ Appleseed looks forward to working with all stakeholders as this important public work of improving our legislative apportionment and congressional redistricting processes moves forward. We just believe it necessary to push the status quo a bit more than the Murray Report did to enable and encourage more voters to participate in all aspects of electoral system, not just in elections.