

## New Jersey

State website:	State legislative commission, Congressional commission
2010-cycle districts:	Congress, State legislature 
2000-cycle districts:	Congress, State legislature
Primary governing law:	N.J. Const. art. II, § II; N.J. Const. art. IV, § II; N.J. Const. art. IV, § III

### The Latest

**Congress:** On December 23, the commission drawing congressional districts [approved](#) a final plan.

**State leg:** On April 3, the commission drawing state legislative districts [approved](#) a [state legislative map](#). On August 31, a state judge dismissed a [lawsuit](#) against that map.

### Institution

Redistricting political control:

	Governor	State Senate	State Assembly
Congressional lines	Politician commission with balanced partisan composition		
State legislative lines	Politician commission with balanced partisan composition		
2000 cong. lines	Politician commission with balanced partisan composition		
2000 state lines	Politician commission with balanced partisan composition		

New Jersey's congressional lines are drawn by a 13-member [politician commission](#), in place since 1995 (and based on a statutory model developed in 1991). The four legislative leaders (majority and minority leader in each legislative chamber) and the chairs of the state's two major political parties each choose two commissioners, none of whom may be a congressional member or employee. Those twelve commissioners then choose a thirteenth who has not held any public or party office in New Jersey within the last five years. If the twelve commissioners are not able to select a thirteenth member to serve as chair, they will present two names to the state Supreme Court, which will choose the chair. The members of the commission are to be appointed with "due consideration to geographic, ethnic and racial diversity." [N.J. Const. art. II, § II] Current members of the commission are listed [here](#). If the commission is not able to draw lines by its deadline, it must submit two plans to the state Supreme Court, which will select a winning plan.

The state legislative lines are drawn by a similar, but distinct, 10 or 11-member [politician commission](#), in place since 1966. The chairs of the state's two major political parties each choose five commissioners; because those ten commissioners could not agree on a plan by March 3, 2011, the Chief Justice of the state Supreme Court appointed an eleventh member to serve as tiebreaker. In making appointments, the state party chairs are asked to give "due consideration to the representation of the various geographical areas of the State." [N.J. Const. art. IV, § III] The commission's eleven members are profiled [here](#).

The New Jersey Supreme Court has exclusive jurisdiction to review legal challenges to congressional districts that are filed in state court; there is no such provision with respect to legislative districts. [N.J. Const. art. II, § II, ¶ 7]

### Timing

New Jersey law requires that the initial ten members of its state legislative apportionment commission be appointed no later than November 15, and this commission must attempt to draw lines no later than one month after receipt of Census data, which was received on [February 3, 2011](#). If by March 3, 2011, the commission had not produced a plan, the Chief Justice of the state Supreme Court was to appoint a tiebreaking eleventh member; the commission must then

produce a legislative plan no later than April 3, 2011. Candidates must file for state legislative primary elections by April 10, 2011. [N.J. Const. art. IV, § III]

The congressional redistricting commission has a different timeline. The initial twelve members of the commission must be appointed by June 15, 2011, and the thirteenth member must be selected no later than July 15, 2011 (or, if selected by the Supreme Court, no later than August 10, 2011). The commission must produce a congressional plan no later than January 17, 2012. Candidates must file for congressional primary elections by April 2, 2012. [N.J. Const. art. II, § II; N.J. Stat. § 19:23-14]

New Jersey explicitly prohibits redrawing either congressional or state legislative lines mid-decade. [N.J. Const. art. II, § II, ¶ 8; N.J. Const. art. IV, § III, ¶ 3]

### Public input

New Jersey law requires the congressional redistricting commission to hold at least three public hearings in different parts of the state, and if convenient, to review plans submitted by the public. Hearing materials are archived [here](#). [N.J. Const. art. II, § II, ¶ 4]

Though there are no similar constitutional provisions with respect to state legislative districts, the state legislative commission did set a hearing schedule. Materials are archived [here](#).

### Criteria

Like all states, New Jersey must comply with constitutional [equal population requirements](#); the New Jersey constitution further provides that state legislative districts should be as equally populated as possible. [N.J. Const. art. IV, § II, ¶¶ 1, 3]

New Jersey must also, like all states, abide by [section 2 of the Voting Rights Act](#).

New Jersey law provides additional constraints for state legislative districts. These districts must be contiguous, and must be as nearly compact as possible (compactness will be policed if noncompact districts are pursued for partisan advantage). Municipalities must also be kept intact, except where otherwise required by law. [N.J. Const. art. IV, § II, ¶¶ 1, 3; *Davenport v. Apportionment Comm'n*, 319 A.2d 718 (N.J. 1974); *Scrimminger v. Sherwin*, 291 A.2d 134 (N.J. 1972)]

There is some conflicting law with respect to incumbents' residences: one case states that deviations from other criteria may not be justified by incumbents' residences, but another declares that it is a valid state purpose to protect incumbents. [*Davenport v. Apportionment Comm'n*, 319 A.2d 718 (N.J. 1974); *Jackman v. Bodine*, 231 A.2d 193 (N.J. 1967)]

State legislative districts are, by definition, nested; one Senator and two Representatives are elected from each district. [N.J. Const. art. IV, § II, ¶ 3; *Jackman v. Bodine*, 231 A.2d 193 (N.J. 1967)]

### 2010 cycle cases

***Lavergne v. Bryson***, No. 3:11-cv-07117 (D.N.J.) & No. 12-1171 (3d Cir.) & **No. 12-778** (S. Ct.): an action in federal court challenging the number of congressional seats and the consequent apportionment of congressional districts, based in part on the assertion that the bill originally proposed as the 1st Amendment was actually ratified by the states in 1792.

- Trial court

- [Complaint](#) (Dec. 6, 2011).
- [Motion for preliminary injunction](#) (Dec. 6).
- [Opinion rejecting challenge](#) and dismissing case (Dec. 16).

- Court of appeals

- Brief of [appellant, appendix](#) (Feb. 28, 2012).
- Briefs of [Executive branch and Senate](#) (Apr. 16), [House](#) (Apr. 18).
- [Reply](#) (May 14).

- [Opinion](#) summarily affirming (Sept. 20).

- **Supreme Court**

- [Petition for writ of certiorari](#) (Dec. 19).
- Defendant's waiver of right to respond (Jan. 14, 2013).
- [Cert. petition denied](#) (Feb. 19).

**The latest:** On December 16, 2011, the trial court [dismissed the case](#). On September 20, 2012, that decision was [summarily affirmed](#) on appeal.

**Gonzalez v. NJ Apportionment Comm'n**, No. L-001173-11 (N.J. Super. Ct., Mercer County), No. C-000069-11 (N.J. Super. Ct., Ocean County), No. A-0747-11T4 & A-0869-11T4 (N.J. Super Ct., App. Div.) & No. C-438 (N.J. Sup. Ct.): a challenge in state court on state and federal constitutional grounds to the [state legislative map](#) passed by New Jersey's politician commission, and the process that created the map.

- **Trial court**

- [Complaint](#) (Apr. 20, 2011) and amended complaint (May 11).
- [Denial of application for TRO](#) (May 26).
- Motion to dismiss (July 1).
- [Opinion granting motion to dismiss](#) (Aug. 31).

- **Appellate division**

- [Opinion affirming trial court, dismissing case](#) (Sept. 10, 2012).

- **Supreme Court**

- Petition for certification
- [Order denying petition](#) (Jan. 24, 2013).

**The latest:** On August 31, 2011, the judge rejected the plaintiffs' claims, and [granted](#) defendants' motion to dismiss. On September 10, 2012, the decision was affirmed on appeal, and the Supreme Court denied a petition for certification on January 24, 2013.

## 2000 cycle

In the [2000 redistricting cycle](#), New Jersey's state legislative commission adopted state legislative district plans on April 11, 2001; the congressional redistricting commission adopted congressional plans on October 26, 2001.

The state legislative plan was challenged in both federal and state court, and upheld. [[Page v. Bartels](#), 144 F. Supp. 2d 346 (D.N.J. 2001); [Robertson v. Bartels](#), 148 F. Supp. 2d 443 (D.N.J. 2001), *aff'd* 534 U.S. 1110 (2002); [McNeil v. Legis. Apportionment Comm'n](#), 828 A.2d 840 (N.J. 2003)]

## Other state links

[New Jersey Legislative Redistricting Coalition](#)

Congress	State legislature	Maps & Data	States			
Current status	Current status		Alabama	Indiana	Nebraska	South Carolina South Dakota
Timing	Timing		Alaska	Iowa	Nevada	
Authority	Authority	<a href="#">Litigation</a>	Arizona	Kansas	New Hampshire	Tennessee
Institution	Institution		Arkansas	Kentucky	New Jersey	Texas
Party control	Party control		California	Louisiana	New Mexico	Utah
Criteria	Criteria	<a href="#">Reform</a>	Colorado	Maine	New York	Vermont
			Connecticut	Maryland	North Carolina	Virginia
			Delaware	Massachusetts	North Dakota	Washington
			Florida	Michigan	Ohio	West Virginia

Overview of redistricting	Redistricting criteria	Further resources	Georgia	Minnesota	Oklahoma	Wisconsin
Why it matters		My work	Hawaii	Mississippi	Oregon	Wyoming
Public engagement	Preclearance	Tools	Idaho	Missouri	Pennsylvania	Rhode Island