KING MOENCH HIRNIAK & COLLINS, LLP
Matthew C. Moench, Esq. (031462007)
Michael L. Collins, Esq. (068092013)
51 Gibraltar Drive, Suite 2F
Morris Plains, New Jersey 07950-1254
973-998-6860
973-998-6863 (facsimile)
MCM@kmhmlawfirm.com
MLC@kmhmlawfirm.com
Attorneys for Plaintiffs

IN THE MATTER OF ESTABLISHMENT OF CONGRESSIONAL DISTRICTS BY THE NEW JERSEY REDISTRICTING COMMISSION,

DOUG STEINHARDT, in his official capacity as Delegation Chair and Member of the New Jersey Redistricting Commission, MICHELE ALBANO, in her official capacity as Member of the New Jersey Redistricting Commission, JEANNE ASHMORE, in her official capacity as Member of the New Jersey Redistricting Commission, MARK DUFFY, in his official capacity as Member of the New Jersey Redistricting Commission, MARK LOGRIPPO, in her official capacity as Member of the New Jersey Redistricting Commission, and LYNDA PAGLIUGHI, in her official capacity as Member of the New Jersey Redistricting Commission,

Plaintiffs,

vs.

NEW JERSEY REDISTRICTING COMMISSION, JOHN E. WALLACE, JR. in his official capacity as Chair and Member of the New Jersey Redistricting Commission, JANICE FULLER, in her official capacity as Delegation Chairwoman and Member of the New Jersey Redistricting Commission, IRIS DELGADO, in her official capacity as Member of the New Jersey Redistricting Commission, VIN GOPAL, in his official

SUPREME COURT OF NEW JERSEY

DOCKET NO.:

COMPLAINT IN LIEU OF PREROGATIVE WRITS

PURSUANT TO ORIGINAL JURISDICTION OF THE SUPREME COURT OF NEW JERSEY UNDER ART. II, § II, ¶ 7 of the NEW JERSEY CONSTITUTION

capacity as Member of the New Jersey Redistricting Commission, STEPHANIE LAGOS, in her official capacity as Member of the New Jersey Redistricting Commission, JEFF NASH, in his official capacity as Member of the New Jersey Redistricting Commission, DANA REDD, in her official capacity as Member of the New Jersey Redistricting Commission, and TAHESHA WAY, in her official capacity as New Jersey Secretary of State,

Defendants.

Plaintiffs, by way of Complaint in Lieu of Prerogative Writs, hereby state as follows:

INTRODUCTION AND JURISDICTION

1. This is an action challenging the establishment of Congressional districts by the New Jersey Redistricting Commission ("NJRC"), a body established pursuant to Article II, Clause II of the New Jersey Constitution.

2. The Supreme Court of New Jersey possesses original jurisdiction over matters involving the NJRC, including the adoption of Congressional districts, pursuant to Article II, Section II, Paragraph 7 of the New Jersey Constitution.

3. On December 22, 2021, the NJRC held a meeting for the purpose of selecting one of the two maps proposed by the respective partisan delegations. The Independent Member began the meeting by reviewing the criteria he utilized to consider the proposals and proclaimed that both maps equally met the criteria – a claim the Republican delegation disputed based on its map more closely meeting and exceeding the Independent Member's standards and general legal principles applicable to redistricting.

4. Despite the Independent Member's statement that the maps were equally acceptable to him, the Independent Member inexplicably cast his vote upon the stated basis that the

Republican Delegation's Congressional Redistricting Map prevailed in the last round of redistricting one decade ago, requiring the Democratic Delegation's Congressional Redistricting Map to prevail in this round of redistricting.

5. The Independent Member specifically stated: "In the end, I decided to vote for the Democratic map, simply because in the last redistricting map it was drawn by the Republicans. Thus, I conclude that fairness dictates that the Democrats have the opportunity to have their map used for this next redistricting cycle."

6. This reasoning established that New Jersey's congressional redistricting through 2032 – and all of its significant implications for federal representation – were reduced to a predetermined decision that a Democratic map must prevail because Republicans "won" last time.

7. This action by the Independent Member, and in turn the NJRC, undermines the constitutional structure of the NJRC and fails to satisfy any potential standard of judicial review held applicable under New Jersey law, including being arbitrary, capricious, and unreasonable.

8. This action by the Independent Member also presents violations of both federal and state constitutional equal protection and due process protections, under either strict scrutiny or rational basis review.

9. This matter is justiciable, with the New Jersey Constitution specifically affording the Supreme Court of New Jersey with original jurisdiction over the establishment of Congressional districts and setting forth a procedure in the event a map is declared unlawful by this Court.

10. For these reasons, the Plaintiffs seek judicial relief from this court to vacate the Congressional districts established by the NJRC and to remand the matter to the NJRC for further proceedings.

PARTIES

11. Plaintiff Douglas Steinhardt is a member of the New Jersey Redistricting Commission and Delegation Chair for the Republican Party.

12. Plaintiff Michele Albano is a member of the New Jersey Redistricting Commission and a member of the Republican Party delegation.

13. Plaintiff Jeanne Ashmore is a member of the New Jersey Redistricting Commission and a member of the Republican Party delegation.

14. Plaintiff Mark Duffy is a member of the New Jersey Redistricting Commission and a member of the Republican Party delegation.

15. Plaintiff Mark LoGrippo is a member of the New Jersey Redistricting Commission and a member of the Republican Party delegation.

16. Plaintiff Lynda Pagliughi is a member of the New Jersey Redistricting Commission and a member of the Republican Party delegation.

17. Defendant New Jersey Redistricting Commission is a body established pursuant to Article II, Clause II of the New Jersey Constitution.

18. Defendant John E. Wallace, Jr. is the Independent Member of the New Jersey Redistricting Commission. Wallace was appointed to this position by the Supreme Court of New Jersey in accordance with Article II, Section II, Paragraph 1(c) of the New Jersey Constitution.

19. Defendant Janice Fuller is a member of the New Jersey Redistricting Commission and Delegation Chair for the Democratic Party. She is named solely in her official capacity and only to the extent that the members of the Democratic delegation may be indispensable parties to this action.

20. Defendant Iris Delgado is a member of the New Jersey Redistricting Commission and a member of the Democratic Party delegation. She is named solely in her official capacity and only to the extent that the members of the Democratic delegation may be indispensable parties to this action.

21. Defendant Vin Gopal is a member of the New Jersey Redistricting Commission and a member of the Democratic Party delegation. He is named solely in her official capacity and only to the extent that the members of the Democratic delegation may be indispensable parties to this action.

22. Defendant Stephanie Lagos is a member of the New Jersey Redistricting Commission and a member of the Democratic Party delegation. She is named solely in her official capacity and only to the extent that the members of the Democratic delegation may be indispensable parties to this action.

23. Defendant Jeff Nash is a member of the New Jersey Redistricting Commission and a member of the Democratic Party delegation. He is named solely in her official capacity and only to the extent that the members of the Democratic delegation may be indispensable parties to this action.

24. Defendant Dana Redd is a member of the New Jersey Redistricting Commission and a member of the Democratic Party delegation. She is named solely in her official capacity and only to the extent that the members of the Democratic delegation may be indispensable parties to this action.

25. Defendant Tahesha Way is the New Jersey Secretary of State, who is responsible for overseeing elections in the State, including the implementation of the Congressional Districts certified to her by the NJRC.

ESTABLISHMENT OF NJRC

26. Under the New Jersey Constitution, the NJRC is established and tasked with the establishment of Congressional districts every ten years for the forthcoming decade, comprising New Jersey's congressional redistricting process.

27. The NJRC is comprised of six appointees of the majority political party, six appointees of the minority political party, and one "Independent Member."

28. The New Jersey Constitution provides an opportunity for the twelve partisan members to select the thirteenth "Independent Member." In the event that the twelve partisan members are unable to select the Independent Member, the Supreme Court of New Jersey is tasked with selecting from two individuals that received the greatest number of votes to serve as the Independent Member.

29. The NJRC reached an impasse for the selection of an Independent Member between the Republican Delegation's support for the Hon. Marina Corodemus (ret.) and the Democratic Delegation's support for the Hon. John E. Wallace, Jr. (ret.).

30. The NJRC certified this impasse to the Supreme Court of New Jersey, and the Supreme Court of New Jersey resolved the impasse by certifying the Democratic Delegation's choice of the Hon. John E. Wallace, Jr (ret.) to serve as the Independent Member.

NJRC PROCESS

31. The fully constituted thirteen-member NJRC held its first organizational meeting on September 1, 2021. At that meeting, John Wallace was officially recognized as the Chair of the delegation, and Douglas Steinhardt and Janice Fuller were recognized as the chairs of their respective partisan caucuses.

32. Following the organizational meeting, both partisan delegations spent significant time assembling their professional teams, which included attorneys, demographers, professional mapmakers, and other staff and technical assistance to provide them the information and tools to analyze the census data and help them craft a map. Both delegations and Chair Wallace were provided with and expended public money and resources towards the Congressional redistricting process.

33. Between October 23, 2021 and December 9, 2021, the NJRC held ten public hearings, around the state, in both virtual and in-person formats.

34. During that time, the NJRC heard public testimony on a myriad of issues that New Jersey citizens believed that the NJRC should consider when drawing Congressional districts and selecting a map.

35. Chair Wallace did not engage in any negotiations with the Republican or Democratic Delegations as part of any of these public hearings, nor did any negotiations or discussions take place in private during the time of the public hearings.

36. Following the final public hearing, the partisan delegations met with Chair Wallace and his team of advisors over the course of December 17, 2021 to December 20, 2021, at a hotel in Cherry Hill.

37. During those discussions, Chair Wallace provided feedback to the Republican delegation (and presumably to the Democratic delegation as well), and the Republican delegation made changes to its proposed map based upon the comments from Chair Wallace.

38. At no time during the three-days of discussions did Chair Wallace meet with the two partisan delegations together, nor did the partisan delegations exchange maps.

39. At the conclusion of these meetings with Chair Wallace, at Chair Wallace's request, each delegation submitted a map to him. Chair Wallace provided no concerns or additional suggestions to the Republican delegation.

40. The NJRC still had nearly one month prior to the New Jersey Constitution's deadline of January 18, 2022 to hold further negotiations towards the establishment of Congressional districts, but no such negotiations took place.

ADOPTION OF CONGRESSIONAL REDISTRICTING MAP

41. Instead, at the request of Chair Wallace, on December 22, 2021 at 10:30 AM, the NJRC held a meeting at the State House Annex in Trenton, New Jersey. The meeting lasted only approximately 15 minutes.

42. A true copy of a transcript of this meeting is attached hereto as **Exhibit A** and incorporated by reference.

43. Chair Wallace opened the meeting by making his own remarks.

44. Chair Wallace discussed the standards that his "team" considered in reviewing maps that were provided to him by both the Republican Delegation and the Democratic Delegation.

45. Chair Wallace concluded that, "in summary, both delegations aptly applied our standards to their map."

46. Thus, Chair Wallace acknowledged that he reached an impasse between selecting the maps provided by the Democratic delegation and Republican delegation, which were equally compliant with his standards.

47. Chair Wallace did not choose to take any actions to resolve the apparent impasse, such as delaying a vote on the map, pursuing further negotiations, or requesting more information from the partisan delegations. Given that the New Jersey Constitution does not require a map be

selected until January 18, 2022, Chair Wallace was under no pressure to make a decision on December 22, 2021.

48. Instead, and inexplicably, Chair Wallace determined that he was going to vote for the Democratic Delegation's map, based upon the following reasoning**:** "In the end, I decided to vote for the Democratic map, simply because in the last redistricting map, it was drawn by the Republicans. Thus, I conclude that fairness dictates that the Democrats have the opportunity to have their map used for the next redistricting cycle."

49. Chair Wallace's on-the-record explanation essentially held that an impasse between the Democratic and Republican delegations was required to be resolved in favor of the Democratic delegation.

50. If Chair Wallace found there to be an impasse between the Democratic Delegation's map and the Republican Delegation's map that he could not resolve, the New Jersey Constitution designates the Supreme Court of New Jersey to resolve the impasse and select between the two maps receiving the greatest number of votes.

51. If Chair Wallace had chosen that option, the Republican delegation (and Democratic Delegation) could have been provided an opportunity to present its map to the Supreme Court to argue why its map was preferable if Chair Wallace was unable to differentiate between the two maps.

52. Following Chair Wallace's remarks, the NJRC adopted the Democratic delegation's map on a party-line vote, with all Democratic Commissioners and Chair Wallace voting in favor, and all Republican Commissioners voting against.

53. The NJRC's vote and establishment of Congressional district for the next decade was invalid because it was contingent upon the flawed vote and reasoning by Chair Wallace.

54. Chair Wallace's reasoning and actions lacked any reasonable basis and were inconsistent with the constitutional structure of the NJRC and role of the Independent Member.

55. These apparent legal infirmities can be remedied by this Court vacating the NJRC's establishment of Congressional districts and remanding the matter for further proceedings by the NJRC, as provided in the New Jersey Constitution.

56. The New Jersey Constitution authorizes this Court to judicially extend the January 18, 2022 deadline for the NJRC to certify a Congressional map in the event of a map being declared unlawful.

57. The filing deadline for Congressional candidates is not until April 5, 2022 under Title 19 of the New Jersey statutes.

58. Thus, this Complaint has been filed with ample time for this Court to order a remand and for the NJRC to engage in further proceedings to remedy the foregoing legal infirmities.

COUNT I – ENTITLEMENT TO PREROGATIVE WRIT RELIEF

59. Plaintiff repeats and realleges each of the foregoing allegations and makes the same a part hereof as if set forth at length

60. The New Jersey Constitution specifically vests the Supreme Court of New Jersey with sole and original jurisdiction over "any action" of the NJRC, "including the establishment of Congressional districts[] by the [NJRC]" pursuant to Article II, Section II, Paragraph 7 of the New Jersey Constitution.

61. The New Jersey Constitution also provides for action by this Court to invalidate an unlawful map adopted by the NJRC and remanding for further proceedings, with Article II, Section II, Paragraph 9 stating that in the event "a plan certified by the commission is declared unlawful,"

the NJRC "shall reorganize and adopt another Congressional district plan in the same manner as herein required . . . ."

62. Thus, the actions of the NJRC are subject to judicial review under the New Jersey Constitution.

63. In contrast, the New Jersey Constitution provides that the Council on Local Mandates, pursuant to Article VIII, Section II, Clause 5 shall render "decisions" that are "political and not judicial determinations," thus immunizing them from judicial review.

64. The New Jersey Constitution also generally affords the judiciary with the power of judicial review, with Article VI, Section V specifically providing that prerogative writs are superseded, and in lieu thereof, relief shall be heard by the Superior Court upon rules established by this Court.

65. The New Jersey common law and case law generally establish that governmental actions are subject to judicial review and may be set aside if arbitrary, capricious, and unreasonable.

66. Chair Wallace's reasoning and actions fail to satisfy any modicum or standard of judicial review that may be held applicable to the NJRC under New Jersey law, including being arbitrary, capricious, and unreasonable.

67. The NJRC's adoption of the Democratic map is justiciable under the New Jersey Constitution and must be set aside by this Court because its adoption was based upon an arbitrary, capricious, and unreasonable vote and reasoning by Chair Wallace.

WHEREFORE, Plaintiffs respectfully request that this Court:

A: Order that the NJRC's establishment of Congressional districts on December 22, 2021 be vacated;

B: Order that the establishment of Congressional districts be remanded to the NJRC for further proceedings in accordance with the New Jersey Constitution;

C: Order that the Secretary of State be enjoined from taking any actions effectuating the Congressional districts approved by the NJRC on December 22, 2021; and

D: All such other relief that this Court deems appropriate and necessary.

COUNT II – VIOLATIONS OF ARTICLE I, PARAGRAPH 1 OF NEW JERSEY CONSTITUTION

68. Plaintiff repeats and realleges each of the foregoing allegations and makes the same a part hereof as if set forth at length

69. Article I, Paragraph 1 of the New Jersey Constitution "has been interpreted as conferring the right to equal treatment under the law, a right analogous to the guarantee of equal protection under the Fourteenth Amendment to the New Jersey Constitution." Doe v. Poritz, 142 N.J. 1, 94 (1995). "Although conceptually similar, the right under the State Constitution can in some situations be broader than the right conferred by the Equal Protection Clause." Ibid.

70. This constitutional provision has also been interpreted as affording a due process right. See Greenberg v. Kimmelman, 99 N.J. 552, 563 (1985).

71. The NJRC's adoption of a Congressional redistricting map that will classify and bind New Jersey voters for the next 10 years implicates the fundamental right of voting that is subject to equal protection and due process protections.

72. Chair Wallace's reasoning and actions fail to satisfy any modicum or standard of judicial review that may be held applicable under the State Constitution's equal protection and due process guarantees, including under either rational basis or strict scrutiny review.

WHEREFORE, Plaintiffs respectfully request that this Court:

A: Order that the NJRC's establishment of Congressional districts on December 22, 2021, be vacated;

B: Order that the establishment of Congressional districts be remanded to the NJRC for further proceedings in accordance with the New Jersey Constitution;

C: Order that the Secretary of State be enjoined from taking any actions effectuating the Congressional districts approved by the NJRC on December 22, 2021; and

D: All such other relief that this Court deems appropriate and necessary.

COUNT III – VIOLATIONS OF FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

73. Plaintiff repeats and realleges each of the foregoing allegations and makes the same a part hereof as if set forth at length

74. The Fourteenth Amendment to the United States Constitution contains a procedural due process and equal protection right that is binding upon the States, and in turn, the NJRC.

75. Case law provides that issues involving the fundamental right of voting are subject to strict scrutiny review.

76. Case law provides that issues that do not involve such fundamental rights or suspect classifications are subject to rational basis review.

77. The NJRC's adoption of a Congressional redistricting map that will classify and bind New Jersey voters for the next 10 years implicates the fundamental right of voting that is subject to equal protection and due process protections.

78. Chair Wallace's reasoning and actions fail to satisfy any modicum or standard of judicial review that may be held applicable under the Federal Constitution's equal protection and due process guarantees, including either rational basis or strict scrutiny review.

WHEREFORE, Plaintiffs respectfully request that this Court:

A: Order that the NJRC's establishment of Congressional districts on December 22, 2021, be vacated;

B: Order that the establishment of Congressional districts be remanded to the NJRC for further proceedings in accordance with the New Jersey Constitution;

C: Order that the Secretary of State be enjoined from taking any actions effectuating the Congressional districts approved by the NJRC on December 22, 2021; and

D: All such other relief that this Court deems appropriate and necessary.

DESIGNATION OF TRIAL COUNSEL

Matthew C. Moench, Esq. is hereby designated as trial counsel in this matter.

CERTIFICATION PURSUANT TO R. 4:5-1

I certify that the matter in controversy is not the subject of any other action pending in any court or a pending arbitration proceeding, and no such action is contemplated. I know of no other parties that should be made part of this lawsuit. I recognize my continuing obligation to file and serve on all parties and the Court any amended certification, if there is a change in the facts stated in the original certification.

KING, MOENCH, HIRNIAK & COLLINS, LLP
Attorneys for Petitioners

By: s/*Matthew C. Moench*
MATTHEW C. MOENCH

Dated: December 30, 2021

RULE 1:38-7(b) CERTIFICATION

I hereby certify that all confidential identifiers have been redacted from any documents now submitted to the Court, and will be redacted from all documents submitted in the future in accord with R. 1:38-7(b).

KING, MOENCH, HIRNIAK & COLLINS, LLP
Attorneys for Petitioners

By: s/*Matthew C. Moench*
MATTHEW C. MOENCH

Dated: December 30, 2021

EXHIBIT A

In The Matter Of:

In Re: NJ Redistricting Commission Hearing

Transcript Of Proceedings

December 22, 2021

RIZMANRAPPAPORT
CERTIFIED COURT REPORTERS
66 W. Mt. Pleasant Avenue
Livingston, NJ 07039
T (973)992-7650 F (973)992-0666
www.rizmanrappaport.com
reporters@rizmanrappaport.com

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IN THE MATTER OF: : STENOGRAPHIC
: TRANSCRIPTION OF
: WEBSITE AUDIO
NJ REDISTRICTING :
:
COMMISSION HEARING :
:

Wednesday, December 22, 2021
Commencing at 10:30 a.m.
Videoconference

C O M M I S S I O N M E M B E R S:

HON. JOHN E. WALLACE, JR., Chairperson

JANICE FULLER, Delegation Chair
DOUG STEINHARDT, Delegation Chair

COMMISSIONERS:
IRIS DELGADO
MICHELE ALBANO
VIN GOPAL
JEANNE ASHMORE
STEPHANIE LAGOS
MARK DUFFY
JEFF NASH
MARK LoGRIPPO
DANA REDD
LYNDA PAGLIUGHI

RAYSA MARTINEZ KRUGER, Secretary

T R A N S C R I P T of the stenographic notes of RENEE RUSSO, CCR, CRCR, RPR, CRR, a Certified Court Reporter and Notary Public of the State of New Jersey, Certificate No. XI00143700.

(Audio begins.)

CHAIRPERSON HON. WALLACE: I welcome you and I'm sorry to get started a little bit late, but I think we -- at least I had little problems getting from the garage to this room.

In any event, the meeting is hereby called to order and I ask the secretary to please take the role.

SECRETARY KRUGER: Commissioner Redd.

COMMISSIONER REDD: Present.

SECRETARY KRUGER: Commissioner Pagliughi.

COMMISSIONER PAGLIUGHI: Present.

SECRETARY KRUGER: Commissioner Nash.

COMMISSIONER NASH: Here.

SECRETARY KRUGER: Commissioner LoGrippo.

COMMISSIONER LoGRIPPO: Here.

SECRETARY KRUGER: Commissioner Lagos.

COMMISSIONER LAGOS: Present.

SECRETARY KRUGER: Commissioner Gopal.

COMMISSIONER GOPAL: Here.
SECRETARY KRUGER: Commissioner Duffy.
COMMISSIONER DUFFY: Here.
SECRETARY KRUGER: Commissioner Delgado.
COMMISSIONER DELGADO: Present.
SECRETARY KRUGER: Commissioner Ashmore.
COMMISSIONER ASHMORE: Here.
SECRETARY KRUGER: Commissioner Albano.
COMMISSIONER ALBANO: Here.
SECRETARY KRUGER: Republican chair Steinhardt.
DELEGATION CHAIR STEINHARDT: Here.
SECRETARY KRUGER: Democratic chair Fuller.
DELEGATION CHAIR FULLER: Here.
SECRETARY KRUGER: Chair Wallace.
CHAIRPERSON HON. WALLACE: Here.
Thank you.
And good morning again. I am prepared this morning --
(Audio stops and starts.)

I would remind everyone that's on the call to please mute your phones. Thank you very much.

We'll try it again. As I was about to say that I am prepared this morning to make a very difficult decision. I say "difficult" because both delegations have presented me with a map that substantially satisfies the standards proposed at the outset. I will list those standards shortly.

To be sure, the citizens of New Jersey have aided the commission greatly in the process of formulating the two maps. The commission held 10 hearings, between in person and Zoom hearings, where almost 200 people testified, while others submitted written testimony and some even submitted proposed maps.

Following the public hearings, the two delegations, considering the evidence, submitted by the public began the process of preparing their map.

I am fortunate to have had Judge LeFelt as my special counsel and together we prepared and suggested standards that each delegation should consider in the map-making

process. Here are the congressional redistricting standards we proposed:

1) Mapmakers shall establish 12 congressional districts that shall be geographically contiguous and counting the total population for each district to be formed.

(Interruption in the proceedings.)

CHAIRPERSON HON. WALLACE: And that is Judge LeFelt.

In counting the total population for each district to be formed, incarcerated prisoners should be counted at their prior addresses. Districts must be as equal in population as possible to the ideal district population of 773,585.

2) Mapmakers shall comply with the Voting Rights Act, and all relevant Supreme Court decisions apply in the Equal Protection clause and the Apportionment clause. The map should include sufficient numbers of minority/majority districts, and provide the racial and language minorities with reasonable opportunity to participate in the political processes, and elect representatives at of their choice whether alone or in coalition with others.

Furthermore, any consideration of race shall only be as necessary to avoid a violation of the Voting Rights Act and shall be narrowly tailored to satisfy the Act's requirements.

3) Political subdivision boundaries and communities of interest; that is, cultural, ethnic, linguistic, economic and religious shall be respected. Mapmakers shall not split political subdivision boundaries and communities of interest unless necessary to achieve compliance with standards 1 or 2.

4) Competitive districts are favored so long as compliance with standards 1, 2 or 4 -- or 3, that is, would not be significantly hindered or impaired.

5) No district may be formed solely to favor or disfavor any political party or the election of any person.

6) To assist voters in assessing incumbents and minimizing voter confusion, districts may include the cores of existing districts, provided the new district to be formed will substantially comply with all of the preceding standards.

7) All districts shall be as compact and regularly shaped as possible unless deviation is required to comply with any of the above standards.

Each delegation engaged outstanding map experts. It was my privilege to work with them during this process. In addition to Judge LeFelt's expert guidance, I have been greatly assisted by the Electoral Innovation Lab at Princeton University throughout.

Turning to this commission, the chairs and their delegations are outstanding, and clearly represented the interests of New Jersey and their respective parties. Each member has been extremely considerate throughout the process and responded positively to the many comments my team proposed in an effort to make a good map even better.

The delegation spent four consecutive days and evenings meeting with my team in an effort to improve the respective map and to convince me that their map was the better of the two. You can imagine the process was not easy.

For example, in order to meet the constitutional requirement of one person one

vote, each time we proposed a new configuration, it caused other changes in the district or other districts that were not always contemplated. Nevertheless, in my view, the process produced two constitutional maps.

In brief, both maps comply with the Federal Equal Population mandate; each has 12 districts with substantially equal population. Both maps satisfy the Voting Rights Act in that each proposal contains five majority/minority districts.

(Interruption in the proceedings.)

CHAIRPERSON HON. WALLACE: Both maps satisfy the Voting Rights Act in that each proposal contains five majority/minority districts, I repeat.

Both maps consider race only to the extent necessary to avoid a violation of the Voting Rights Act, and those considerations were narrowly tailored to satisfy the Act's requirements.

Similarly, both maps were close to one another in county and town splits and considered communities of interest in each district. Competitiveness, preservation of

district cores and compactness were also satisfied in both maps.

The only area where one map pulled ahead of the other is in partisan fairness; that is, no district may be formed solely to be -- to favor or disfavor any political party or the election of any person.

Both maps were evaluated by my team using various statewide tests for partisan fairness. Without getting into the details of the tests, I simply state that the results showed that the partisan fairness would favor the democratic's map. However, because neither delegation used these tests, I have decided not to give any weight to them in making my decision.

In summary, both delegations aptly applied our standards to their map. In the end, I decided to vote for the democratic map, simply because in the last redistricting map it was drawn by the republicans.

Thus, I conclude that fairness dictates that the democrats have the opportunity to have their map used for this next redistricting cycle. Thank you. That concludes my comments.

I open the floor to any chairs wish to make a comment. Chair Fuller.

DELEGATION CHAIR FULLER: Thank you, Chairman Wallace.

Good morning, everyone, here with us today and watching us from home. It's a privilege to be with you all here today at the Statehouse for this incredibly important meeting that carries tremendous significance for the future of our state and the nation.

First and foremost, let me take -- let me thank Justice Wallace -- Chairman Wallace for his service to the commission. Your leadership has sought us a fair and collegial process that we can all -- we were all honored to have been a part of, and we thank you for your service.

I want to thank my fellow commissioners, my democratic colleagues, and the republican delegation, particularly Chairman Steinhardt, who have all given their time and their effort and their focus on the citizens of the state of New Jersey.

I would like to take a moment to thank those who helped us develop this map. Our

staff led by our executive director Sarah Jones, our legal team led by Raj Parikh, and our mapmaker Tom Bonier.

From the outset, the democratic commissioners had a primary goal to put forth and develop a fair and representative map that embraces the diversity of our state, not just for the next election but for the next decade. We wanted an open and transparent process, but allowed for robust participation. And we're proud to have convened more public hearings than ever before with nearly 200 witnesses testifying.

We put forth a map for consideration, which we will be voting on today, that we believe is responsive to the voices of the public and also the principles set forth by Chairman Wallace. We have limited arbitrary splits in towns and counties to ensure that citizens select the representatives and not the other way around. In fact, nine counties have no municipal splits at all and only 14 of our state's 565 municipalities are split.

The map maintains core competitive districts and does not gerrymander to favor one political party. We maintain all of the existing

majority/minority districts and have ensured a decade of real and meaningful representation by minority voters.

In a state where people of color represent more than 48 percent of the population, we believed it is our responsibility to fight for the right of minority voters to choose a representation and to increase opportunities for minority representation.

In the wake of the Supreme Court striking down parts of the Voting Rights Act, our democratic commissioners understood that our map must show leadership on the issue of racial justice and be a map that represents all of New Jersey not just the privileged.

We increased African American population of district 10 maintaining a majority African American district.

The map increases Asian American influence reflecting our state's fastest growing population and ensuring that the people of AAPI descent will have an opportunity to participate robustly in our democracy.

We preserved the Latino influence of district eight, not diluting an important and

growing voice in our communities. These are just some of the highlights of the map before you today.

We believe the map achieves our primary goal of creating a fair and representative map and embraces the robust political public participation we have heard over the course of the past months.

On behalf of the most diverse partisan delegation in history, and as the first female chair, I again thank Chairman Wallace for his service, and thank you for the opportunity to offer these remarks.

CHAIRPERSON HON. WALLACE: I thank you for your comments, Chair Fuller.

Chair Steinhardt.

DELEGATION CHAIR STEINHARDT: Thank you so much. Thank you very much.

Chairman, thank you.

Grateful for the opportunity, of course, to participate in this process. Grateful to Chairwoman Fuller for her professionalism and those of my democratic counterparts for their service. They were all a pleasure to deal with.

Grateful especially to my republican

colleagues, Michele Albano, Jeanne Ashmore, Lynda Pagliughi, Mark Duffy and Mark LoGrippo for their time and service, held each of you in the highest regard, and your time and energy have earned the respect of your colleagues and your state.

Our map was designed to empower New Jersey voters. The final map, we feel, is just the antithesis of that. Our map provided voters including minority voters with meaningful opportunities to impact elections and met or exceeded every standard.

We were provided with five majority/minority districts and nine districts of the minority voting age population above 30 percent. The distribution of minority population among all districts accurately reflected the state's diverse nature.

After consideration the testimony from 11 public hearings and a full adoption and agreement with Special Counsel LeFelt's philosophy that towns and counties are a strong measure of communities of interest, we believe we improved the current map.

Our map left nearly 85 percent of the state's voters in their current districts

avoiding unnecessary voter confusion, and maintained five districts that gave voters the opportunity to meaningfully impact general election outcomes and elect a candidate from either party.

To be candid, we're disappointed in the final result. We're disappointed in a process that disenfranchises most of the state's voting population. We're equally disappointed in a process that purported to promote equity, fairness and competition, but in the end eschewed those virtues.

We went to the 13th member with a map that we believe empowered the greatest number of New Jersey voters, and our caucus will vote today in that spirit and that spirit alone.

CHAIRPERSON HON. WALLACE: Thank you, Stan -- chair -- Chair Steinhardt.

Any other Commissioner members wish to make a comment?

Hearing none, do I have a motion on the, on the floor?

DELEGATION CHAIR FULLER: Justice Wallace, I move to adopt the map presented by the democratic commissioners.

CHAIRPERSON HON. WALLACE: Is there a second?

COMMISSIONER REDD: And, Justice Wallace, I wish to second that motion.

CHAIRPERSON HON. WALLACE: All right. It's moved and second. Please call the role.

SECRETARY KRUGER: Commissioner Redd.

COMMISSIONER REDD: Yes.

SECRETARY KRUGER: Commissioner Pagliughi.

COMMISSIONER PAGLIUGHI: No.

SECRETARY KRUGER: Commissioner Nash.

COMMISSIONER NASH: Yes.

SECRETARY KRUGER: Commissioner LoGrippo.

COMMISSIONER LoGRIPPO: No.

SECRETARY KRUGER: Commissioner Lagos.

COMMISSIONER LAGOS: Yes.

SECRETARY KRUGER: Commissioner Gopal.

COMMISSIONER GOPAL: Yes.

SECRETARY KRUGER: Commissioner Duffy.

COMMISSIONER DUFFY: No.

SECRETARY KRUGER: Commissioner Delgado.

COMMISSIONER DELGADO: Yes.

SECRETARY KRUGER: Commissioner Ashmore.

COMMISSIONER ASHMORE: No.

SECRETARY KRUGER: Commissioner Albano.

COMMISSIONER ALBANO: No.

SECRETARY KRUGER: Republican chair Steinhardt.

DELEGATION CHAIR STEINHARDT: No.

SECRETARY KRUGER: Democratic chair Fuller.

DELEGATION CHAIR FULLER: Yes.

SECRETARY KRUGER: Chair Wallace.

CHAIRPERSON HON. WALLACE: Yes.

The motion carries. The democratic map is adopted for the next redistricting cycle.

Any other business to come before the commission today?

Hearing none, do I hear a motion to

adjourn?

DELEGATION CHAIR STEINHARDT: So moved.

CHAIRPERSON HON. WALLACE: It's been moved. A second?

DELEGATION CHAIR FULLER: Second.

CHAIRPERSON HON. WALLACE: All in favor of adjournment say Aye.

(All members stated "Aye.")

CHAIRPERSON HON. WALLACE: Thank you very much again. Thank you, everyone. Please be safe. Have a very happy holiday and look forward to seeing you in, on other occasions.

(Audio ends.)

C E R T I F I C A T E

I CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken by and before me stenographically at the time and place aforementioned.

I FURTHER CERTIFY that I am neither attorney for nor counsel to any of the parties; parties of any of the attorneys in this action; and that I am not financially interested in the outcome of this case.

RENEE RUSSO, CCR, CRCR, RPR, CRR

CCR Certificate No. XI01437

CRCR Certificate No. 0106