

A New Jersey Redistricting Fix May Create Future Problems

By Yurij Rudensky

This November, New Jersey voters will consider Public Question 3, a constitutional amendment that would push back redrawing the state’s legislative district map by two years if the Census Bureau does not deliver the necessary population file by February 15 of the year after the census. While this fix may be the best option for responding to delays caused by the Covid-19 pandemic,¹ it could create problems for fair representation in New Jersey down the road.

Historically, New Jersey has received the population data needed to redraw districts in February or March of the year after the census. However, delays in completing the 2020 Census due to the Covid-19 pandemic mean that this data may not be released until summer 2021. Because New Jersey holds state legislative elections in 2021, such a delay would not leave enough time to redraw the map, allow for a candidate filing process, and hold primary and general elections under new districts. This means New Jersey will likely have to use its existing map (or a slightly modified one) for the 2021 elections and wait until 2023 to put a new one into effect.

But, while Public Question 3 may create certainty and be an unavoidable necessity to address current Covid-19-related redistricting delays, it could also create problems for the future. This is because the February 15 deadline for the receipt of redistricting data from the Census Bureau would apply not just in 2021 — when delays are expected to be severe — but again in 2031 and each subsequent decade. Moreover, the cutoff it would impose for the delivery of data is extremely early. If future data from the Census Bureau is even slightly delayed, redistricting would be postponed for a whole two years even if there is more than ample time to draw maps and hold elections.

¹ “2020 Census Operational Adjustments Due to COVID-19,” accessed October 9, 2020, <https://2020census.gov/en/news-events/operational-adjustments-covid-19.html>

These concerns are not illusory. For example, after the 2000 census, New Jersey received its population file on March 8, 2001² — well after the deadline advanced by Public Question 3 — but nonetheless managed to draw new legislative districts in time for elections that fall. Had the changes proposed by Public Question 3 been in effect in 2000, New Jersey would not have had new legislative maps until 2003, and the regions of the state that had experienced population growth over the preceding decade would have had to wait two additional years for new, properly-sized districts.

Changes to the map-drawing timeline that would regularly and unnecessarily postpone new maps would harm all New Jersey residents, but they would especially disadvantage those communities that are entitled to additional representation because they have grown over the course of the decade.

In New Jersey, those fast-growing communities are more often than not communities of color. For example, according to 2018 population estimates, Legislative Districts 31 and 32, which include Jersey City, Bayonne, and surrounding areas, are New Jersey's most populous and have seen significant growth since 2010. They also have significant Black, Latino, and Asian populations and contain the country's most diverse communities.³

Because of the pandemic, it may be inevitable that this part of New Jersey will likely have to wait until 2023 to receive the representation that it is due. But this is only because the census delays may be so significant as to make drawing new districts impossible. Given the stakes of redistricting, impossibility is the right standard for delays that deprive communities of fair representation. Unfortunately, that is not standard that Public Question 3 would adopt for future map-drawing cycles.

² U.S. Census Bureau, "Census Bureau Delivers New Jersey's Census 2000 Population Totals for Legislative Redistricting; First Race and Hispanic Data," news release no. CB01-CN.36, March 8, 2001, https://www.census.gov/newsroom/releases/archives/census_2000/cb01-cn36.html.

³ Teri West, "Jersey City Ranked the Most Diverse U.S. City in 2020," The Jersey Journal, February 11, 2020, <https://www.nj.com/hudson/2020/02/jersey-city-ranked-the-most-diverse-us-city-in-2020.html>.