

SUPREME COURT OF NEW JERSEY
R-3 September Term 2021
086587

In the Matter of Establishment
of Congressional Districts by
the New Jersey Redistricting
Commission,

Douglas 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 LoGrippe, in his 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,

v.

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
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.

Pending before the Court is plaintiffs' complaint in lieu of prerogative writs filed on December 30, 2021, invoking the Court's original jurisdiction under Article II, Section 2, Paragraph 7 of the New Jersey Constitution.

Plaintiffs, members of the Republican Party delegation of the New Jersey Redistricting Commission, challenge the map certified by the Redistricting Commission.

The Democratic Party and Republican Party delegations of the Redistricting Commission proposed competing Congressional district maps. On December 22, 2021, a majority of the Redistricting Commission voted in favor of certifying the map proposed by the Democratic Party delegation. The independent thirteenth member and Chairperson of the Commission, the Honorable John E. Wallace, Jr. (ret.), voted in favor of that map.

In an oral statement of reasons, the Chairperson explained:

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.

A more detailed statement of reasons would assist the Court. Rule 2:5-1(b) allows a trial judge or agency head to submit “an amplification of a prior [oral] statement [or] opinion” when an appeal is taken. By analogy to that rule, the Court respectfully requests that the Chairperson of the Redistricting Commission amplify the grounds for his decision and present that amplification to the parties and to the Court by January 11, 2022.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this 4th day of January, 2022.

A handwritten signature in blue ink that reads "Heather J. Baker". The signature is written in a cursive style with a large, looping initial "H".

CLERK OF THE SUPREME COURT