

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.



CLERK OF THE SUPREME COURT