

SENATE, No. 3488

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 24, 2024

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Morris and Passaic)

SYNOPSIS

Requires Secretary of State to adjust census redistricting data to remove noncitizens for redistricting purposes in this State.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring the Secretary of State to adjust the census
2 redistricting data to remove the noncitizen population for
3 redistricting purposes in this State and supplementing chapter 4
4 of Title 52 of the Revised Statutes.

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8

9 1. The Legislature finds and declares that:

10 a. Article I, Section 2 of the United States Constitution requires
11 that a census be conducted every 10 years.

12 b. The census has a profound influence on the nation's
13 democracy, as the results are used to apportion seats in the United
14 States House of Representatives to each state, determine each
15 state's electoral votes allocated for a presidential election, and
16 redraw congressional, state legislative, and local districts.

17 c. The census figures are based on actual counts of all persons
18 living in the United States, including citizens, noncitizen legal
19 residents, noncitizen long-term visitors, and illegal immigrants.

20 d. Due to the inclusion of noncitizens in the census counts,
21 congressional, state legislative, and local districts with low numbers
22 of noncitizens suffer politically in comparison to districts with high
23 numbers of noncitizens.

24 e. Current estimates suggest that, under the leadership of
25 President Biden, over 10 million people have illegally entered the
26 United States.

27 f. The number of illegal immigrants continues to overwhelm
28 U.S. Customs and Border Protection and the municipal services of
29 border towns, illicit drugs like fentanyl continue to pour over the
30 border, and the Biden administration willfully turns a blind eye to
31 human trafficking and the safety of unaccompanied children.

32 g. At a hearing held on January 17, 2024 by the House
33 Committee on Oversight and Accountability, immigration policy
34 and law enforcement experts testified how the unilateral decisions
35 by the Biden administration are fueling unprecedented illegal
36 immigration and jeopardizing border security.

37 h. According to current estimates, the more than 10 million
38 people who have entered the country illegally under President
39 Biden have increased the population of illegal immigrants in the
40 United States to more than 20 million people.

41 i. The total noncitizen population in the United States, including
42 illegal immigrants, noncitizen legal residents, and noncitizen long-
43 term visitors, is estimated to be as high as 30 million people.

44 j. It is imperative that the right of each American citizen to
45 receive equal representation in government be protected from
46 dilution.

1 k. It is therefore essential for the Secretary of State to adjust the
2 census redistricting data to remove the population of noncitizens for
3 legislative and local redistricting purposes in this State.

4
5 2. Notwithstanding the provisions of any law, rule, or regulation
6 to the contrary, the data prepared by the Secretary of State under
7 section 4 of P.L.2019, c.385 (C.52:4-1.4), together with data
8 provided by the Census Bureau pursuant to Pub.L.94-171 (13
9 U.S.C. s.141), shall be adjusted by the secretary to exclude the
10 population of noncitizens in this State. The population of this State
11 as adjusted pursuant to this section shall be the basis of the
12 legislative districts established by the Apportionment Commission,
13 county districts established by each county district commission, and
14 municipal wards established by each municipal ward commission.

15
16 3. This act shall take effect immediately.

17
18
19 STATEMENT

20
21 This bill requires the Secretary of State to adjust the redistricting
22 data received from the Census Bureau to remove noncitizens for
23 redistricting purposes in this State.

24 Article I, Section 2 of the United States Constitution requires
25 that a census be conducted every 10 years. The census has a
26 profound influence on the nation's democracy, as the results are
27 used to apportion seats in the United States House of
28 Representatives to each state, determine each state's electoral votes
29 allocated for a presidential election, and redraw congressional, state
30 legislative, and local districts. The census figures are based on
31 actual counts of all persons living in the United States, including
32 citizens, noncitizen legal residents, noncitizen long-term visitors,
33 and illegal immigrants. Due to the inclusion of noncitizens in the
34 census counts, congressional, state legislative, and local districts
35 with low numbers of noncitizens suffer politically in comparison to
36 districts with high numbers of noncitizens.

37 Current estimates suggest that, under the leadership of President
38 Biden, over 10 million people have illegally entered the United
39 States. The number of illegal immigrants continues to overwhelm
40 U.S. Customs and Border Protection and the municipal services of
41 border towns, illicit drugs like fentanyl continue to pour over the
42 border, and the Biden administration willfully turns a blind eye to
43 human trafficking and the safety of unaccompanied children. At a
44 hearing held on January 17, 2024 by the House Committee on
45 Oversight and Accountability, immigration policy and law
46 enforcement experts testified how the unilateral decisions by the
47 Biden administration are fueling unprecedented illegal immigration
48 and jeopardizing border security. According to current estimates,

S3488 PENNACCHIO

1 the more than 10 million people who have entered the country
2 illegally under President Biden have increased the population of
3 illegal immigrants in the United States to more than 20 million
4 people. The total noncitizen population in the United States,
5 including illegal immigrants, noncitizen legal residents, and
6 noncitizen long-term visitors, is estimated to be as high as 30
7 million people. It is imperative that the right of each American
8 citizen to receive equal representation in government be protected
9 from dilution.

10 This bill therefore requires the Secretary of State to adjust the
11 census redistricting data to remove the population of noncitizens for
12 legislative and local redistricting purposes in this State. Under this
13 bill, the Secretary of State will be required to adjust the census data
14 that is used for redistricting purposes, to exclude the population of
15 noncitizens in this State. The population of this State as adjusted to
16 remove noncitizens would be the basis of the legislative districts
17 established by the Apportionment Commission, county districts
18 established by each county district commission, and municipal
19 wards established by each municipal ward commission.