

Public Questions 2020

- Prepared by League of Women Voters

Public Question #1

CONSTITUTIONAL AMENDMENT TO LEGALIZE MARIJUANA

Do you approve amending the Constitution to legalize a controlled form of marijuana called “cannabis”? Only adults at least 21 years of age could use cannabis. The State commission created to oversee the State’s medical cannabis program would also oversee the new, personal use cannabis market. Cannabis products would be subject to the State sales tax. If authorized by the Legislature, a municipality may pass a local ordinance to charge a local tax on cannabis products.

Approval will add to Article IV, Section VII a new paragraph 13

- 13. The growth, cultivation, processing, manufacturing, preparing, packaging, transferring, and retail purchasing and consumption of cannabis, or products created from or which include cannabis, by persons 21 years of age or older, and not by persons under 21 years of age, shall be lawful and subject to regulation by the Cannabis Regulatory Commission created by P.L.2019, c.153 (C.24:6I-5.1 et al.), or any successor to that commission.
- (1) The commission's or successor's regulatory authority concerning legalized cannabis shall be authorized by law enacted by the Legislature. (2) The receipts from retail purchases of cannabis or products created from or which include cannabis shall only be subject to the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et. seq.), as amended and supplemented, or any other subsequent law of similar effect; provided, however, that a municipality, subject to authorization by law enacted by the Legislature, may adopt an ordinance to impose an additional municipal tax on the sale, or any other form of transfer, of cannabis or products created from or which include cannabis by an authorized party located in a municipality. The municipal tax rate shall not exceed two percent of the receipts from each sale of cannabis or products created from or which include cannabis by an authorized party or the equivalent value from any other form of transfer by an authorized party.
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- As used in this paragraph:
- “Cannabis” means all parts of the plant Genus Cannabis L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. “Cannabis” does not include: cannabis dispensed and consumed for medical purposes pursuant to any law enacted by the Legislature; hemp or hemp products subject to regulation under the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.), or any successor enactment thereto; or unregulated cannabis, referred to as marijuana, and products created from or which include marijuana.

Background

- Legislature was unsuccessful in legalizing marijuana by statute. If the constitutional amendment passes, legislation still must be drafted addressing such issues as possession limits, homegrown plants, local control, retail regulations, social justice issues around disparate marijuana arrest rates in black communities.
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- The bills putting this question to the public are SCR183 and ACR 840 (2018-2019)
- Approval will add a new paragraph 13 to Article IV Section VII

- **PRO**

- Regulation of a legalized market and industry will allow for quality control and best practices, better ensuring a safer product than an unregulated market.
- Financial gain to state in job creation and additional sales tax revenue
- Driving marijuana use underground endangers consumers and workers
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- **CON**

- Decriminalization and adjusting criminal statutes will not be solved by creating a commercial marijuana market. The social justice issue of disparate arrest rates in black communities will need to be addressed legislatively.
- Using this constitutional amendment route has voters making a decision without any of the details of what legalization will look like
- It is still a federal offence to possess marijuana

Public Question # 2

PROPERTY TAX DEDUCTION AND EXEMPTION FOR PEACETIME VETERANS

- Do you approve amending the Constitution to give a \$250 property tax deduction to veterans who did not serve in time of war? Do you also approve amending the Constitution to give a 100 percent property tax exemption to certain totally disabled veterans who did not serve in time of war? The widow or widower of these veterans also would receive this \$250 deduction or 100 percent exemption after the veteran's death.

Background

- New Jersey has two property tax programs related to veterans
- Annual \$250 Deduction from property taxes for veterans
- Property tax exemption for totally disabled veterans

- Both require active wartime or peace keeping mission service for eligibility (14 qualifying conflicts/missions)
- Must be US citizen, resident of NJ and honorably discharged
- Must own property, be a shareholder in cooperative or mutual housing corporation or a resident of continuing care retirement community
- Surviving spouse/civil union/domestic partner is eligible for deduction

- Reference bills: ACR57/SCR123 (2018-2019)

- Constitution: Article VIII Section 1 Paragraph 3 is being amended

- **Pro:**

- Recognition of service rendered to our country

- **Con**

- NJ has more than 400,000 veterans, approximately 25% did not serve in a conflict or peace keeping mission. Passage increases expenditures from the Property Tax Relief Fund

Public Question # 3

CONSTITUTIONAL AMENDMENT TO CHANGE THE LEGISLATIVE REDISTRICTING SCHEDULE IF CENSUS DATA IS DELAYED

- Do you approve amending the Constitution to change when new legislative districts are created if the federal census data is delayed? The current COVID-19 pandemic has delayed census data collection. If New Jersey does not receive the census data in a timely manner, new legislative districts may not be ready in time for State legislative elections in the year ending in one. This change to the redistricting schedule will allow legislators to be elected that year from their existing districts for their two-year term in office. The new districts will be used starting with the next scheduled general election for the State legislature.

Background

- If approved by the voters, the amendment will allow the use of existing districts for the legislative elections ending in one whenever the Governor receives official decennial census after February 15 of the year ending in one. The apportionment commission shall certify new districts after the November election that year, but no later than March 1 of the year ending in two. The commission begins work upon receipt by the governor of the census data and the eleventh member of the commission will be appointed one month later. The new districts shall be used for election of members of the Assembly and Senate beginning in year ending in three and thereafter until following decennial census is received.
- SCR122/ACR188 (2020-2021)
- Constitution: Article IV Section III, adding a new paragraph 4

Time Lines

- **Current redistricting process and time line**

- 10 person NJ Apportionment Commission appointed by Nov 15, 2020
- The commission has one month from receipt of census data to draw and agree on new legislative district map. Requires 6 votes to approve map.
- If map does not get 6 votes, an eleventh member is appointed. Commission has one month extension to draw and agree on new legislative district map

- **Census timeline:**

- By current law the census count is to be completed by December 31, 2020 and provided to states by April 1, 2021. Census bureau requested pushing these time lines forward, (a mid June delivery of data) but no action has been taken to date.

- **NJ election time line**

- April 16, 2021 is deadline for primary candidates to file ballot petitions for June 8, 2021 primary (54 days before election). New Jersey would need the new district lines certified at least a week before that deadline. If Apportionment Commission takes the 60 days allowed by the NJ Constitution, NJ needs census data in early February.

Options when new Jersey receives census data late

- Some can be achieved legislatively—condensing electoral timelines and moving the primary date.
- Other options require constitutional changes:
- New Jersey could move legislative elections to even years as 48 other states do
- Use existing districts (2010 census data) for first two year term of decade (this proposal),
- Use 2010 districts for a one year term followed by a one year term with new district lines to get us back on odd year election cycle.
- The Fair Districts Coalition looked at 8 scenarios and the pros and cons of each.

Legislative Options

Table II

				NJ Needs New Census Data By:		
Moving Primary Election to Tuesday:	# Days before Nov. 2 Election:	Candidate Petition Deadline:	Map Certification Deadline:	60-day line-drawing period:	45-day line-drawing period:	30-day line-drawing period:
August 24, 2021	70-day window*	June 21, 2021	June 14, 2021	April 15, 2021	April 30, 2021	May 15, 2021
August 31, 2021	63-day window*	June 28, 2021	June 21, 2021	April 22, 2021	May 7, 2021	May 22, 2021
September 7, 2021	56-day window*	July 5, 2021	June 28, 2021	April 29, 2021	May 14, 2021	May 29, 2021
September 14, 2021	49-day window*	July 12, 2021	July 5, 2021	May 6, 2021	May 21, 2021	June 5, 2021

Pros

- March 1, 2021 certification of new legislative district lines gives more time for the redistricting process and public input in determining new legislative map.
- Doesn't compress primary timelines which is particularly important in competitive districts. It provides normal time frame once new districts are certified to field and run candidates for 2023.
- Prevents multiple one year terms and elections--election in 2021 under old map, 2022 under new map and then normal 2023 cycle. This scenario would leave citizens with several lame-duck legislators
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Cons

- NJ population is more racially diverse than 10 years ago with a 10.6% increase in persons of color. Extending the current district lines for 2 years compromises political representation.
- There are other solutions—change primary election date in 2021, switch from odd to even year elections, use existing map for just one year.
- This change is made permanent—every time New Jersey does not receive census data by Feb. 15, existing districts remain in effect for another 2 years. New Jersey received the new population count several weeks later than expected in 2001. The solution then was to reschedule the Primary Election.