

40:41A-118

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(County Districing Commissioners--
appointment)

NJSA: 40:41A-118
LAWS OF: 1992 CHAPTER: 1
BILL NO: S373
SPONSOR(S): Bassano and Gormley
DATE INTRODUCED: February 13, 1992
COMMITTEE: ASSEMBLY: ---
SENATE: Community Affairs
AMENDED DURING PASSAGE: No
DATE OF PASSAGE: ASSEMBLY: February 24, 1992
SENATE: February 24, 1992
DATE OF APPROVAL: March 6, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes
COMMITTEE STATEMENT: ASSEMBLY: No
SENATE: Yes
FISCAL NOTE: No
VETO MESSAGE: No
MESSAGE ON SIGNING: No
FOLLOWING WERE PRINTED:
REPORTS: No
HEARINGS: No

KBG:pp

SENATE, No. 373

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1992

By Senators BASSANO and GORMLEY

1 **AN ACT** providing for the reconstitution of district
2 commissioners in certain counties, providing a procedure to
3 effect a certification of district boundaries for 1992 and
4 amending and supplementing P.L.1972, c.154 (C.40:41A-1 et
5 seq.).
6

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

9 1. (New section) The Legislature finds and declares that:

10 a. It is generally acknowledged that the practice of
11 gerrymandering needs to be eliminated from the redistricting
12 process, whether it occurs during the creation of new
13 Congressional districts or the drawing of freeholder district
14 boundaries;

15 b. The current method of establishing district boundaries in
16 those counties with the district representation system, at present
17 the duty of the county clerk and the members of the county board
18 of elections, can lead to a gerrymander which favors the
19 members of one political party over another;

20 c. Given this, there is a need for a new method of establishing
21 district boundaries which would be fairer and promote the
22 purposes of good government, and which would benefit both the
23 public and county government; and

24 d. Fairness can be strengthened by adopting a method of
25 selecting district commissioners based on the provisions in the
26 New Jersey Constitution for the selection of members of the
27 Apportionment Commission, which establishes legislative
28 districts after each decennial Federal census.

29 2. Section 118 of P.L.1972, c.154 (C.40:41A-118) is amended
30 to read as follows:

31 118. [The members of the county board of elections, together
32 with the county clerk of the county, shall constitute the district
33 commissioners.] The district commissioners shall consist of four
34 members, two to be appointed by the chairman of the county
35 committee of each of the two political parties whose candidates
36 for Governor receive the largest number of votes at the most
37 recent gubernatorial election. Each county chairman, in making
38 such appointments, shall give due consideration to the
39 representation of the various geographical areas of the county.
40 Appointments of district commissioners shall be made on or
41 before the third day following the election at which the voters of
42 the county shall have adopted a district representation system
43 and commissioners shall serve until they discharge

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 their duties under sections 119 through 122 of P.L.1972, c.154
2 (C.40:41A-119 through 122). With respect to section 123 of
3 P.L.1972, c.154 (C.40:41A-123), appointments shall be made on or
4 before the tenth day following the receipt by the Governor of the
5 official decennial census of the United States for New Jersey,
6 and commissioners shall serve until they discharge their duties
7 under that section. If the commissioners fail to certify district
8 boundaries, pursuant to sections 119 through 123 of P.L.1972,
9 c.152 (C.40:41A-119 through 123), on or before the date fixed or
10 if prior thereto they determine that they will be unable to do so,
11 they shall so certify to the Chief Justice of the Supreme Court of
12 New Jersey, who shall appoint as a fifth commissioner a
13 fair-minded and impartial person who shall not have held elected
14 public or party office in this State at any time during the
15 three-year period immediately prior to appointment as a
16 commissioner. The commissioners, by a majority of the whole
17 number thereof, shall within one month after the appointment of
18 such fifth member certify district boundaries.

19 (cf: P.L.1972, c.154, s.118)

20 3. Section 123 of P.L.1972, c.154 (C.40:41A-123) is amended to
21 read as follows:

22 123. Within 3 months following the [official promulgation of
23 each decennial Federal census] receipt by the Governor of the
24 official decennial census of the United States for New Jersey, the
25 district commissioners shall meet, in the manner heretofore
26 provided in this article for the purpose of making such
27 adjustments in district boundaries as shall be necessary pursuant
28 to section 120 of this act. Within 30 days following such meeting
29 they shall discharge their duties and report to the county in the
30 same manner as provided in sections 121 and 122 of this act.

31 (cf: P.L.1972, c.154, s.123)

32 4. (New section) a. Any report and certification for district
33 boundaries on the basis of the 1990 decennial Federal census
34 made by the district commissioners prior to the effective date of
35 this act is void. Except as otherwise provided in subsection b. of
36 this section, within ten days following the effective date of this
37 act, appointments of district commissioners shall be made in
38 accordance with the amendatory provisions of this act, and the
39 district commissioners so appointed shall meet within three
40 months of that effective date and shall, on the basis of the
41 official decennial census of the United States for New Jersey
42 received by the Governor, fix and determine the district
43 boundaries and report and certify, all in accordance with sections
44 119 through 123 of P.L.1972, c.154 (C.40:41A-119 through 123),
45 as applicable. The districts thus established shall be in effect for
46 the year 1993 and shall remain in effect until the establishment
47 of districts following the decennial census in the year 2000
48 pursuant to sections 117 through 123 of P.L.1972, c.154
49 (C.40:41A-119 through 123).

50 b. Notwithstanding any provisions of sections 117 through 123
51 of P.L.1972, c.154 (C.40:41A-117 through 40:41A-123) to the
52 contrary, if this act takes effect before March 9, 1992:

53 (1) The Chief Justice of the Supreme Court of New Jersey
54 shall appoint a fifth commissioner and the county chairmen shall

- 1 make their appointments within three days of the effective date;
2 (2) The commissioners shall meet, fix and determine the
3 district boundaries and report and certify within ten days of their
4 appointments; and
5 (3) The notice of district boundaries shall be published as
6 provided in section 122 of P.L.1972, c.154 (C.40:41A-122) at least
7 once within one week immediately next succeeding the filing of
8 the report and certificate.
9 5. This act shall take effect immediately.

10
11
12 STATEMENT
13

14 This bill provides for the reconstitution of the district
15 commissioners in certain counties and provides a procedure to
16 effect the certification of district boundaries in those counties
17 for 1992 or thereafter.

18 Specifically, the bill provides that the current district
19 commissioners, made up of the county board of elections together
20 with the county clerk, be replaced by four commissioners, two of
21 whom shall be appointed by the chairman of the county
22 committee of each of the two political parties whose candidates
23 for Governor received the largest number of votes at the most
24 recent gubernatorial election. If these commissioners fail to
25 discharge their duties within the time allotted, they shall so
26 certify to the Chief Justice of the Supreme Court of New Jersey,
27 who shall appoint as a fifth commissioner a fair-minded and
28 impartial person who shall not have held elected public or party
29 office in this State at any time during the three-year period
30 immediately prior to appointment as a commissioner. The
31 commissioners then shall have one month to certify the district
32 boundaries by majority vote.

33 The bill mandates that the commissioners shall meet within
34 three months after the receipt by the Governor of the official
35 decennial census of the United States for New Jersey and produce
36 a district boundary plan within one month thereafter. Current
37 law provides that the commissioners must meet within three
38 months after the official promulgation of each decennial Federal
39 census.

40 The bill further provides that any certification of boundaries on
41 the basis of the 1990 decennial Federal census made prior to the
42 effective date of the bill is void and that new boundaries shall be
43 drawn in accordance with the provisions of this bill.

44 The bill then provides a timetable for the appointment and
45 duties of the district commissioners if the bill takes effect before
46 March 9, 1992. If the bill takes effect after that date, the
47 district commissioners shall be appointed within ten days of the
48 effective date of the bill and meet within three months
49 thereafter to establish district boundaries which shall be in effect
50 for the year 1993 and until new districts are established after the
51 decennial federal census in the year 2000.

SS73

4

1

2

3 Provides for the reconstitution of district commissioners in
4 certain counties and provides procedure to effect the
5 certification of district boundaries in those counties for 1992 or
6 thereafter.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 373

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 1992

The Senate Community Affairs Committee favorably reports Senate Bill No. 373, with committee amendments.

Senate Bill No. 373, as amended by the committee, provides for the reconstitution of the district commissioners in certain counties and provides a procedure to effect the certification of district boundaries in those counties for 1992 or thereafter.

Specifically, the bill provides that the current district commissioners, made up of the county board of elections together with the county clerk, be replaced by four commissioners, two of whom shall be appointed by the chairman of the county committee of each of the two political parties whose candidates for Governor received the largest number of votes at the most recent gubernatorial election. If these commissioners fail to discharge their duties within the time allowed, they shall so certify to the Chief Justice of the Supreme Court of New Jersey, who shall appoint as a fifth commissioner a fair-minded and impartial person who shall not have held elected public or party office in this State at any time during the three year period immediately prior to appointment as a commissioner. The commissioners then shall have one month to certify the district boundaries by majority vote.

The bill mandates that the commissioners shall meet within three months after the receipt by the Governor of the official decennial census of the United States for New Jersey and produce a district boundary plan within one month thereafter. Current law provides that the commissioners must meet within three months after the official promulgation of each decennial Federal census.

The bill further provides that any certification of boundaries on the basis of the 1990 decennial Federal census made prior to the effective date of the bill is void and that new boundaries shall be drawn in accordance with the provisions of this bill.

The bill then provides a timetable for the appointment and duties of the district commissioners if the bill takes effect before March 9, 1992. If the bill takes effect after that date, the district commissioners shall be appointed within ten days of the effective date of the bill and meet within three months thereafter to establish district boundaries which shall be in effect for the year 1993 and until new districts are established after the decennial federal census in the year 2000.

The committee amended the bill to specify the period through which the districts established under subsection b. of section 4 of the bill shall be in effect. Specifically, the districts established thereunder shall be in effect for any election or appointment to fill the office of freeholder in the year 1992 following the establishment of the districts and shall remain in effect until the establishment of districts following the decennial census undertaken in the year 2000.