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P.L. 2021, CHAPTER 198, *approved August 20, 2021*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No. 698

1 AN ACT requiring the counting of an incarcerated individual at the
2 individual's residential address for municipal, county, and
3 congressional redistricting purposes ¹and for the apportionment of
4 regional school district board of education members, amending
5 N.J.S.18A:13-8 and P.L.2017, c.45,¹ and supplementing P.L.2019,
6 c.385 (C.52:4-1.1 et seq.).
7

8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:
10

11 1. ¹(New section)¹ a. Upon reporting the data determined under
12 section 4 of P.L.2019, c.385 (C.52:4-1.4) to the members of the
13 Apportionment Commission pursuant to section 5 of P.L.2019,
14 c.385 (C.52:4-1.5), the Secretary of State shall also report the same
15 to the members of the New Jersey Redistricting Commission
16 established under Article II, Section II, paragraphs 1 through 9 of
17 the New Jersey Constitution and P.L.1991, c.510 (C.19:46-6 et seq.)
18 for the establishment of congressional districts; to the members of
19 each county district commission for the establishment of the county
20 districts under section 121 of P.L.1972, c.154 (C.40:41A-121);
21 **[and]**¹ to the members of each ward commission for the
22 establishment of the municipal wards under section 7 of P.L.1981,
23 c.496 (C.40:44-15) ¹, and to each entity responsible for the
24 apportionment of the members of each board of education of a
25 regional school district pursuant to the provisions of N.J.S.18A:13-8,
26 and sections 1 and 3 of P.L.2017, c.45 (C.18A:13-34a and C.18A:13-
27 46.1, respectively)¹.

28 b. Notwithstanding the provisions of any law, rule, or regulation
29 to the contrary, the data prepared by the secretary under section 4 of
30 P.L.2019, c.385 (C.52:4-1.4), together with data provided by the
31 bureau pursuant to Pub.L.94-171 (13 U.S.C. s.141), shall be the
32 basis of the congressional districts established by the New Jersey
33 Redistricting Commission, of county districts established by each
34 county district commission, and of municipal wards established by
35 each municipal ward commission. To the greatest extent
36 practicable, congressional districts, county districts, and municipal
37 wards shall be drawn so as to meet equal population requirements
38 calculated under both data sets. Residences at unknown geographic
39 locations within the State described in section 4 of P.L.2019, c.385
40 (C.52:4-1.4) shall not be used to determine the ideal population of
41 any set of districts or wards.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted June 21, 2021.

1 ¹c. Notwithstanding the provisions of any law, rule, or regulation
2 to the contrary, the data prepared by the secretary under section 4 of
3 P.L.2019, c.385 (C.52:4-1.4) shall be the basis of the apportionment
4 of the members of each board of education of a regional school
5 district pursuant to chapter 13 of Title 18A of the New Jersey
6 Statutes. Residences at unknown geographic locations within the
7 State described in section 4 of P.L.2019, c.385 (C.52:4-1.4) shall
8 not be used to determine the apportionment of each board of
9 education of a regional school district.¹
10

11 ¹2. N.J.S.18A:13-8 is amended to read as follows:

12 18A:13-8. The board of education of a regional district shall
13 consist of nine members unless it consists of more than nine
14 constituent districts, in which case the membership shall be the same
15 as the number of constituent districts, plus one. Except as otherwise
16 provided pursuant to section 1 or section 3 of P.L.2017, c.45
17 (C.18A:13-34a or C.18A:13-46.1), if there are nine or less constituent
18 districts, the members of the board of education of the regional district
19 shall be apportioned by the executive county superintendent or
20 executive county superintendents of the county or counties in which
21 the constituent districts are situate, among said districts as nearly as
22 may be according to the number of their inhabitants except that each
23 constituent district shall have at least one member.

24 In making the apportionment of the membership of a regional
25 board of education among the several school districts uniting to create
26 a regional school district having nine or less constituent districts, as
27 required by section 18A:13-36, there shall be subtracted from the
28 number of inhabitants of a constituent school district, as shown by the
29 last federal census officially promulgated in this State as reported by
30 the Secretary of State pursuant to section 1 of P.L. , c. (C.)
31 (pending before the Legislature as this bill), the number of such
32 inhabitants who according to the records of the Federal Bureau of the
33 Census were patients in **[**, or inmates of,**]** any State or federal hospital
34 **[**or prison**]**, or who are military personnel stationed at, or civilians
35 residing within the limits of, any United States Army, Navy or Air
36 Force installation, located in such constituent school district.

37 Except as otherwise provided pursuant to section 1 or section 3 of
38 P.L.2017, c.45 (C.18A:13-34a or C.18A:13-46.1), if there are more
39 than nine constituent districts, the members on the board shall be
40 apportioned among the constituent districts and the weight of their
41 votes in all proceedings of the board shall be determined by the
42 appropriate executive county superintendent or superintendents
43 through the following procedure:

44 a. The number of inhabitants of each constituent district shall be
45 determined as shown by the last federal census officially promulgated
46 in this State as reported by the Secretary of State pursuant to section 1
47 of P.L. , c. (C.) (pending before the Legislature as this bill).

- 1 b. A representative ratio shall be calculated by adding the number
2 of inhabitants of all constituent districts and dividing the sum by the
3 board size.
- 4 c. All constituent districts shall be listed in ascending order of
5 their number of inhabitants. If the first constituent district in said list
6 has a number of inhabitants which is less than the representative ratio,
7 it shall be combined with the constituent district contiguous to it
8 having the smallest number of inhabitants. This process shall be
9 repeated for each successively larger constituent district or
10 combination of constituent districts until all remaining constituent
11 districts or combinations of constituent districts shall have a number of
12 inhabitants equal to, or exceeding the representative ratio. The districts
13 formed in this manner shall be known as representative districts.
- 14 d. There shall be established a priority list according to the
15 method of equal proportions for the apportionment of the members of
16 the regional district board of education among the representative
17 districts.
- 18 e. The members of the regional district board of education shall
19 be apportioned among the representative districts according to the
20 method of equal proportions, and where a representative district is
21 composed of more than one constituent district, members shall be
22 elected at large from within the representative district.
- 23 f. The number of inhabitants of each representative district shall
24 be divided by the number of members assigned to that district to find
25 the number of inhabitants per member.
- 26 g. The vote to be cast by each member of the regional district
27 board of education in all proceedings of the board shall be determined
28 by dividing the number of inhabitants per member in the representative
29 district from which the member is elected by the representative ratio
30 for the regional district, and rounding off the quotient to the nearest
31 tenth of a full vote.
- 32 Wherever any statute or bylaw of the board requires decision in
33 any matter by vote of a majority of the board members, or of the
34 members present, this shall be interpreted as meaning a majority of the
35 weighted votes of all members, or of the members present, as the case
36 may be.
- 37 h. Whenever the above reapportionment procedure is used for a
38 regional district having more than nine constituent districts, the terms
39 of office of all incumbent board of education members shall terminate
40 on the day on which the annual organization meeting of the board is
41 held pursuant to N.J.S.18A:13-12 following certification by the
42 executive county superintendent of the representative districts and the
43 number of members to be elected from each; provided, that if the
44 reapportionment results in any representative district retaining its
45 former boundaries and the same number of board members, that the
46 members elected from such a district shall serve the full term for
47 which they were elected. All other board members shall be elected in
48 an election to be held on the date of the annual school election at least

1 60 days following certification by the executive county superintendent
2 for initial terms of office to be designated in advance by the executive
3 county superintendent so that, as nearly as possible, one-third of the
4 board shall be elected in each future year, to serve for three-year terms,
5 and where a representative district has more than one member, their
6 terms of office shall terminate in different years.

7 If any constituent district is a consolidated district, or a district
8 composed of two or more municipalities, and

9 a. The original district is a limited purpose regional district and
10 such constituent district has such population that it is entitled to have
11 apportioned to it a number of members equal to or greater than the
12 number of districts making up such constituent district, or

13 b. The regional district is an all purpose district, the membership
14 of the regional board of education from such district shall be
15 apportioned, and from time to time reapportioned, and the members
16 from the district shall be elected, as their respective terms expire, in
17 the same manner as though each of the municipalities making up such
18 constituent district were constituent districts of the regional district.¹

19 (cf: P.L.2017, c.45, s.4)

20

21 ¹3. Section 1 of P.L.2017, c.45 (C.18A:13-34a) is amended to read
22 as follows:

23 1. Notwithstanding any section of law to the contrary, the boards
24 of education proposing to form a newly created regional school district
25 may by resolution frame and adopt a proposal to calculate and
26 apportion the membership of the board of education of the newly
27 created regional district other than in accordance with the provisions of
28 N.J.S.18A:13-8. If the commissioner approves the alternative
29 apportionment, then that alternative apportionment shall be included in
30 the consultation, study, and investigation conducted pursuant to
31 N.J.S.18A:13-34 to determine whether it is advisable for school
32 districts to form a newly created regional school district. If the
33 commissioner or his representative determines that it is advisable for
34 such districts to form a newly created regional school district, and the
35 question of whether or not the proposal to create a regional district is
36 submitted to the voters pursuant to N.J.S.18A:13-34, and the proposal
37 is adopted by the voters pursuant to N.J.S.18A:13-35, then the
38 members of the board of education of the regional district shall be
39 elected in accordance with such alternate apportionment.
40 Notwithstanding any provision of this section to the contrary, the last
41 federal census officially promulgated in this State as reported by the
42 Secretary of State pursuant to section 1 of P.L. , c. (C.) (pending
43 before the Legislature as this bill) shall be the basis for apportionment
44 under this section.¹

45 (cf: P.L.2017, c.45, s.1)

46

47 ¹4. Section 3 of P.L.2017, c.45 (C.18A:13-46.1) is amended to
48 read as follows:

1 3. a. Notwithstanding the provisions of any section of law to the
2 contrary, the board of education of a regional district and the board or
3 boards of education of one or more local districts determined to
4 enlarge the regional school district may by resolution frame and adopt
5 a proposal to calculate and apportion the membership of the enlarged
6 board of education other than in accordance with the provisions of
7 N.J.S.18A:13-8 and N.J.S.18A:13-36. If the commissioner approves
8 the alternative apportionment, then that alternative apportionment shall
9 be included in the consultation, study, and investigation conducted
10 pursuant to N.J.S.18A:13-43 to determine whether it is advisable to
11 enlarge the regional school district to include the local district or
12 districts therein. If the commissioner or his representative determines
13 that it is advisable to enlarge the regional school district to include the
14 local district or districts therein, and the question of whether or not the
15 proposal to enlarge the regional district is submitted to the voters
16 pursuant to N.J.S.18A:13-43, and the proposal is adopted by the voters
17 pursuant to N.J.S.18A:13-44, then the members of the enlarged board
18 of education of the regional district shall be elected in accordance with
19 the alternate apportionment.

20 For an enlarged regional district with a board of education
21 apportioned pursuant to this section, the executive county
22 superintendent of the county in which any new constituent district of
23 an enlarged regional district is situate shall, not later than 30 days after
24 the election for the enlargement thereof, appoint one member of the
25 enlarged board of education of the regional district from among the
26 qualified citizens of each new constituent district, and the members so
27 appointed shall serve until the first Monday succeeding the first annual
28 April school election of the enlarged regional district. In the case of a
29 regional district in which the annual school election is in November,
30 the members so appointed shall serve until the first week in January
31 next succeeding the first annual November school election of the
32 enlarged regional district.

33 b. The commissioner shall reapportion the membership of the
34 enlarged board of education in accordance with the alternative
35 apportionment determined pursuant to this section, and shall designate
36 the number of members to be elected from each constituent school
37 district. All members of the board of education of the enlarged
38 regional district shall be elected in accordance with the alternative
39 apportionment at the next annual school election after the election to
40 enlarge the regional district.

41 c. The commissioner shall allocate the initial elective terms for
42 the first elective members of the enlarged board in the following
43 manner:

44 (1) In regional districts having nine members, three members shall
45 be elected for three years, three for two years and three for one year,
46 which terms shall be allocated to the constituent districts to the extent
47 of apportioned membership on the regional board of education,
48 starting with the allocation of the terms of three years, by allocating

1 one of such terms to each of the constituent districts in the alphabetical
2 order of the names of such districts, and continuing then still in such
3 order with allocation of the terms of two years and with allocation of
4 the terms of one year.

5 (2) In regional districts in which there are more than nine
6 constituent school districts, the allocation for the tenth district shall be
7 a term of three years, for the eleventh district a term of two years, and
8 for the twelfth district a term of one year, with continuation of such
9 rotation until provision has been made for allocation of the terms to all
10 districts.

11 d. Notwithstanding any provision of this section to the contrary,
12 the last federal census officially promulgated in this State as reported
13 by the Secretary of State pursuant to section 1 of P.L. , c. (C.)
14 (pending before the Legislature as this bill) shall be the basis for
15 apportionment under this section.¹

16 (cf: P.L.2017, c.45, s.3)

17

18 ¹**[2.] 5.**¹ This act shall take effect immediately.

19

20

21

22

23 Requires incarcerated individual from State to be counted at
24 residential address for municipal, county, and congressional
25 redistricting purposes and for apportionment of regional school
26 district board of education members.

CHAPTER 198

AN ACT requiring the counting of an incarcerated individual at the individual's residential address for municipal, county, and congressional redistricting purposes and for the apportionment of regional school district board of education members, amending N.J.S.18A:13-8 and P.L.2017, c.45, and supplementing P.L.2019, c.385 (C.52:4-1.1 et seq.).

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

C.52:4-1.6 Reporting of certain data to the Apportionment Commission.

1. a. Upon reporting the data determined under section 4 of P.L.2019, c.385 (C.52:4-1.4) to the members of the Apportionment Commission pursuant to section 5 of P.L.2019, c.385 (C.52:4-1.5), the Secretary of State shall also report the same to the members of the New Jersey Redistricting Commission established under Article II, Section II, paragraphs 1 through 9 of the New Jersey Constitution and P.L.1991, c.510 (C.19:46-6 et seq.) for the establishment of congressional districts; to the members of each county district commission for the establishment of the county districts under section 121 of P.L.1972, c.154 (C.40:41A-121); to the members of each ward commission for the establishment of the municipal wards under section 7 of P.L.1981, c.496 (C.40:44-15), and to each entity responsible for the apportionment of the members of each board of education of a regional school district pursuant to the provisions of N.J.S.18A:13-8, and sections 1 and 3 of P.L.2017, c.45 (C.18A:13-34a and C.18A:13-46.1, respectively).

b. Notwithstanding the provisions of any law, rule, or regulation to the contrary, the data prepared by the secretary under section 4 of P.L.2019, c.385 (C.52:4-1.4), together with data provided by the bureau pursuant to Pub.L.94-171 (13 U.S.C. s.141), shall be the basis of the congressional districts established by the New Jersey Redistricting Commission, of county districts established by each county district commission, and of municipal wards established by each municipal ward commission. To the greatest extent practicable, congressional districts, county districts, and municipal wards shall be drawn so as to meet equal population requirements calculated under both data sets. Residences at unknown geographic locations within the State described in section 4 of P.L.2019, c.385 (C.52:4-1.4) shall not be used to determine the ideal population of any set of districts or wards.

c. Notwithstanding the provisions of any law, rule, or regulation to the contrary, the data prepared by the secretary under section 4 of P.L.2019, c.385 (C.52:4-1.4) shall be the basis of the apportionment of the members of each board of education of a regional school district pursuant to chapter 13 of Title 18A of the New Jersey Statutes. Residences at unknown geographic locations within the State described in section 4 of P.L.2019, c.385 (C.52:4-1.4) shall not be used to determine the apportionment of each board of education of a regional school district.

2. N.J.S.18A:13-8 is amended to read as follows:

Boards of education of regional districts.

18A:13-8. The board of education of a regional district shall consist of nine members unless it consists of more than nine constituent districts, in which case the membership shall be the same as the number of constituent districts, plus one. Except as otherwise provided pursuant to section 1 or section 3 of P.L.2017, c.45 (C.18A:13-34a or C.18A:13-46.1), if there are nine or less constituent districts, the members of the board of education of the regional district shall be apportioned by the executive county superintendent or executive county superintendents of the county or counties in which the constituent districts are situate, among said districts as nearly as

may be according to the number of their inhabitants except that each constituent district shall have at least one member.

In making the apportionment of the membership of a regional board of education among the several school districts uniting to create a regional school district having nine or less constituent districts, as required by section 18A:13-36, there shall be subtracted from the number of inhabitants of a constituent school district, as shown by the last federal census officially promulgated in this State as reported by the Secretary of State pursuant to section 1 of P.L.2021, c.198 (C.52:4-1.6), the number of such inhabitants who according to the records of the Federal Bureau of the Census were patients in any State or federal hospital, or who are military personnel stationed at, or civilians residing within the limits of, any United States Army, Navy or Air Force installation, located in such constituent school district.

Except as otherwise provided pursuant to section 1 or section 3 of P.L.2017, c.45 (C.18A:13-34a or C.18A:13-46.1), if there are more than nine constituent districts, the members on the board shall be apportioned among the constituent districts and the weight of their votes in all proceedings of the board shall be determined by the appropriate executive county superintendent or superintendents through the following procedure:

a. The number of inhabitants of each constituent district shall be determined as shown by the last federal census officially promulgated in this State as reported by the Secretary of State pursuant to section 1 of P.L.2021, c.198 (C.52:4-1.6).

b. A representative ratio shall be calculated by adding the number of inhabitants of all constituent districts and dividing the sum by the board size.

c. All constituent districts shall be listed in ascending order of their number of inhabitants. If the first constituent district in said list has a number of inhabitants which is less than the representative ratio, it shall be combined with the constituent district contiguous to it having the smallest number of inhabitants. This process shall be repeated for each successively larger constituent district or combination of constituent districts until all remaining constituent districts or combinations of constituent districts shall have a number of inhabitants equal to, or exceeding the representative ratio. The districts formed in this manner shall be known as representative districts.

d. There shall be established a priority list according to the method of equal proportions for the apportionment of the members of the regional district board of education among the representative districts.

e. The members of the regional district board of education shall be apportioned among the representative districts according to the method of equal proportions, and where a representative district is composed of more than one constituent district, members shall be elected at large from within the representative district.

f. The number of inhabitants of each representative district shall be divided by the number of members assigned to that district to find the number of inhabitants per member.

g. The vote to be cast by each member of the regional district board of education in all proceedings of the board shall be determined by dividing the number of inhabitants per member in the representative district from which the member is elected by the representative ratio for the regional district, and rounding off the quotient to the nearest tenth of a full vote.

Wherever any statute or bylaw of the board requires decision in any matter by vote of a majority of the board members, or of the members present, this shall be interpreted as meaning a majority of the weighted votes of all members, or of the members present, as the case may be.

h. Whenever the above reapportionment procedure is used for a regional district having more than nine constituent districts, the terms of office of all incumbent board of education members shall terminate on the day on which the annual organization meeting of the board is

held pursuant to N.J.S.18A:13-12 following certification by the executive county superintendent of the representative districts and the number of members to be elected from each; provided, that if the reapportionment results in any representative district retaining its former boundaries and the same number of board members, that the members elected from such a district shall serve the full term for which they were elected. All other board members shall be elected in an election to be held on the date of the annual school election at least 60 days following certification by the executive county superintendent for initial terms of office to be designated in advance by the executive county superintendent so that, as nearly as possible, one-third of the board shall be elected in each future year, to serve for three-year terms, and where a representative district has more than one member, their terms of office shall terminate in different years.

If any constituent district is a consolidated district, or a district composed of two or more municipalities, and

a. The original district is a limited purpose regional district and such constituent district has such population that it is entitled to have apportioned to it a number of members equal to or greater than the number of districts making up such constituent district, or

b. The regional district is an all purpose district, the membership of the regional board of education from such district shall be apportioned, and from time to time reapportioned, and the members from the district shall be elected, as their respective terms expire, in the same manner as though each of the municipalities making up such constituent district were constituent districts of the regional district.

3. Section 1 of P.L.2017, c.45 (C.18A:13-34a) is amended to read as follows:

C.18A:13-34a Board of education for newly created regional district.

1. Notwithstanding any section of law to the contrary, the boards of education proposing to form a newly created regional school district may by resolution frame and adopt a proposal to calculate and apportion the membership of the board of education of the newly created regional district other than in accordance with the provisions of N.J.S.18A:13-8. If the commissioner approves the alternative apportionment, then that alternative apportionment shall be included in the consultation, study, and investigation conducted pursuant to N.J.S.18A:13-34 to determine whether it is advisable for school districts to form a newly created regional school district. If the commissioner or his representative determines that it is advisable for such districts to form a newly created regional school district, and the question of whether or not the proposal to create a regional district is submitted to the voters pursuant to N.J.S.18A:13-34, and the proposal is adopted by the voters pursuant to N.J.S.18A:13-35, then the members of the board of education of the regional district shall be elected in accordance with such alternate apportionment. Notwithstanding any provision of this section to the contrary, the last federal census officially promulgated in this State as reported by the Secretary of State pursuant to section 1 of P.L.2021, c.198 (C.52:4-1.6) shall be the basis for apportionment under this section.

4. Section 3 of P.L.2017, c.45 (C.18A:13-46.1) is amended to read as follows:

C.18A:13-46.1 Apportionment of membership of enlarged district board of education.

3. a. Notwithstanding the provisions of any section of law to the contrary, the board of education of a regional district and the board or boards of education of one or more local districts determined to enlarge the regional school district may by resolution frame and adopt a proposal to calculate and apportion the membership of the enlarged board of education other than in accordance with the provisions of N.J.S.18A:13-8 and N.J.S.18A:13-36. If the commissioner

approves the alternative apportionment, then that alternative apportionment shall be included in the consultation, study, and investigation conducted pursuant to N.J.S.18A:13-43 to determine whether it is advisable to enlarge the regional school district to include the local district or districts therein. If the commissioner or his representative determines that it is advisable to enlarge the regional school district to include the local district or districts therein, and the question of whether or not the proposal to enlarge the regional district is submitted to the voters pursuant to N.J.S.18A:13-43, and the proposal is adopted by the voters pursuant to N.J.S.18A:13-44, then the members of the enlarged board of education of the regional district shall be elected in accordance with the alternate apportionment.

For an enlarged regional district with a board of education apportioned pursuant to this section, the executive county superintendent of the county in which any new constituent district of an enlarged regional district is situate shall, not later than 30 days after the election for the enlargement thereof, appoint one member of the enlarged board of education of the regional district from among the qualified citizens of each new constituent district, and the members so appointed shall serve until the first Monday succeeding the first annual April school election of the enlarged regional district. In the case of a regional district in which the annual school election is in November, the members so appointed shall serve until the first week in January next succeeding the first annual November school election of the enlarged regional district.

b. The commissioner shall reapportion the membership of the enlarged board of education in accordance with the alternative apportionment determined pursuant to this section, and shall designate the number of members to be elected from each constituent school district. All members of the board of education of the enlarged regional district shall be elected in accordance with the alternative apportionment at the next annual school election after the election to enlarge the regional district.

c. The commissioner shall allocate the initial elective terms for the first elective members of the enlarged board in the following manner:

(1) In regional districts having nine members, three members shall be elected for three years, three for two years and three for one year, which terms shall be allocated to the constituent districts to the extent of apportioned membership on the regional board of education, starting with the allocation of the terms of three years, by allocating one of such terms to each of the constituent districts in the alphabetical order of the names of such districts, and continuing then still in such order with allocation of the terms of two years and with allocation of the terms of one year.

(2) In regional districts in which there are more than nine constituent school districts, the allocation for the tenth district shall be a term of three years, for the eleventh district a term of two years, and for the twelfth district a term of one year, with continuation of such rotation until provision has been made for allocation of the terms to all districts.

d. Notwithstanding any provision of this section to the contrary, the last federal census officially promulgated in this State as reported by the Secretary of State pursuant to section 1 of P.L.2021, c.198 (C.52:4-1.6) shall be the basis for apportionment under this section.

5. This act shall take effect immediately.

Approved August 20, 2021.

ASSEMBLY, No. 698

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

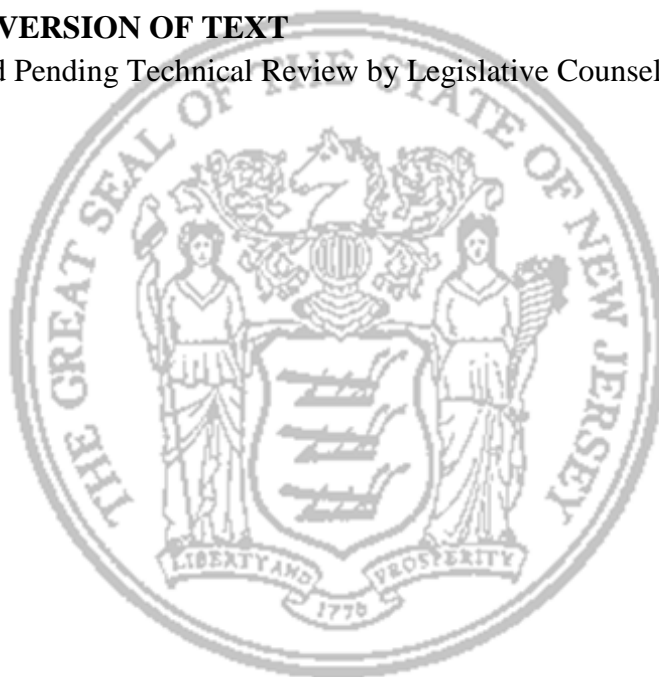
**Assemblymen Caputo, Holley, Assemblywomen Reynolds-Jackson,
McKnight and Assemblyman Zwicker**

SYNOPSIS

Requires incarcerated individual from State to be counted at residential address for legislative redistricting purposes.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT requiring the counting of an incarcerated individual at the
2 individual's residential address for legislative redistricting
3 purposes and supplementing Title 52 of the Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. The Department of Corrections shall collect and maintain an
9 electronic record of the residential address of each individual
10 entering its custody starting on the 30th day following the date of
11 enactment of P.L. , c. (C.) (pending before the Legislature
12 as this bill). At a minimum, this record shall contain the last known
13 complete street address of each such individual prior to
14 incarceration, the individual's race, whether the individual is of
15 Hispanic or Latino origin, and whether the person is over the age of
16 18. To the degree possible, the record shall also permit an
17 alternative residential address to be updated, as appropriate. For the
18 purposes of P.L. , c. (C.)(pending before the Legislature as
19 this bill), the classification of an individual's race, ethnic origin,
20 and age shall be the same as used by the United States Bureau of
21 the Census for the purposes of Pub.L.94-171 (13 U.S.C. s.141).

22
23 2. a. In each year in which the federal decennial census is
24 taken and in which the United States Bureau of the Census
25 enumerates incarcerated persons as residents of correctional
26 facilities, the Department of Corrections shall, by May 1st of that
27 year, deliver to the Secretary of State:

28 (1) a unique identifier, not including the name, for each
29 incarcerated individual subject to the jurisdiction of the department
30 on the date the bureau completes the federal decennial census for
31 the State;

32 (2) the street address of the correctional facility in which the
33 individual was incarcerated at the time of the report;

34 (3) the residential address of the individual prior to
35 incarceration or alternative residential address, if known;

36 (4) the individual's race, whether the individual is of Hispanic or
37 Latino origin, and whether the individual is over the age of 18, if
38 known; and

39 (5) any additional information the secretary may deem
40 necessary.

41 b. The department shall provide the information specified in
42 subsection a. of this section in such form as the secretary shall
43 specify.

44 c. Notwithstanding any other provision of law, the information
45 required to be provided under this section shall not include the
46 name of any incarcerated individual and shall not allow for the
47 identification of any such individual therefrom. The identity of
48 each such individual shall be treated as confidential and shall not
49 otherwise be disclosed except as aggregated by census block for

1 purposes specified in section 5 of P.L. , c. (C.)(pending
2 before the Legislature as this bill).

3

4 3. The secretary shall request of each agency that operates a
5 federal facility in this State that incarcerates persons convicted of a
6 criminal offense to provide the secretary with a report that includes
7 the information specified in section 2 of P.L. , c.
8 (C.)(pending before the Legislature as this bill).

9

10 4. a. For each individual included in a report received under
11 sections 2 and 3 of P.L. , c. (C.)(pending before the
12 Legislature as this bill), the secretary shall determine the
13 geographic units for which population counts are reported in the
14 federal decennial census that contain the address of the facility in
15 which the individual was incarcerated and the residential address of
16 the individual, as listed according to the report.

17 No later than December 31st of each year in which the federal
18 decennial census is taken and in which the United States Bureau of
19 the Census enumerates incarcerated persons as residents of the
20 geographic units in which the correctional facilities are located, the
21 secretary shall report to the members of the Apportionment
22 Commission, established pursuant to Article IV, Section III,
23 paragraphs 1 through 3 of the New Jersey Constitution, that this
24 determination has been completed.

25 b. For each individual included in a report received under
26 sections 2 and 3 of P.L. , c. (C.)(pending before the
27 Legislature as this bill), if the residential address of the individual is
28 known and located in this State, the secretary shall:

29 (1) re-allocate all relevant population counts reported in the
30 census to reflect residential address, as determined under sections 2
31 and 3, on the date the Bureau of the Census completes the federal
32 decennial census for the State; and

33 (2) ensure that the individual is not represented in any
34 applicable population counts reported in the federal decennial
35 census for the geographic units that include the facility at which the
36 person was incarcerated on the day the bureau completes the federal
37 decennial census for this State.

38 c. For each individual included in a report received under
39 sections 2 and 3 of P.L. , c. (C.)(pending before the
40 Legislature as this bill), and for all persons reported in the census as
41 residing in a federal correctional facility for whom a report was not
42 provided, if the residential address of the individual is not known or
43 not located in this State, the secretary shall:

44 (1) re-allocate all relevant population counts reported in the
45 census to reflect that the person resided at an unknown geographic
46 location within the State on the day the bureau completes the
47 federal decennial census for this State; and

1 (2) ensure that the individual is not represented in any
2 applicable population counts reported in the federal decennial
3 census for the geographic units that include the facility at which the
4 person was incarcerated on the day the bureau completes the federal
5 decennial census for this State.

6
7 5. The Secretary of State shall report the data as determined
8 under section 4 of P.L. , c. (C.)(pending before the
9 Legislature as this bill) to the members of the Apportionment
10 Commission, established pursuant to Article IV, Section III,
11 paragraphs 1 through 3 of the New Jersey Constitution, not later
12 than the seventh day after the Governor receives the data provided
13 pursuant to Pub.L.94-171 (13 U.S.C. s.141) for this State from the
14 United States Bureau of the Census. The data prepared by the
15 secretary under section 4 of P.L. , c. (C.)(pending before
16 the Legislature as this bill), together with data provided by the
17 bureau pursuant to Pub.L.94-171 (13 U.S.C. s.141), shall be the
18 basis of the legislative districts established by the Apportionment
19 Commission. To the greatest extent practicable, districts shall be
20 drawn so as to meet equal population requirements calculated under
21 both data sets. Residences at unknown geographic locations within
22 the State described in section 4 of P.L. , c. (C.)(pending
23 before the Legislature as this bill) shall not be used to determine the
24 ideal population of any set of districts or wards.

25
26 6. This act shall take effect immediately.

27
28 STATEMENT

29
30 This bill requires that individuals who are incarcerated in State
31 and federal facilities in the State are to be counted at the
32 individual's last known complete street address for legislative
33 redistricting purposes.

34 Under the bill, the State Department of Corrections is to collect
35 and maintain an electronic record of the residential address of each
36 individual entering its custody starting on the 30th day following
37 the date of enactment of the bill. At a minimum, this record would
38 contain the last known complete street address of each such
39 individual prior to incarceration, the individual's race, whether the
40 individual is of Hispanic or Latino origin, and whether the person is
41 over the age of 18. For the purposes of the bill, the classification of
42 an individual's race, ethnic origin, and age would be the same as
43 used by the United States Bureau of the Census for the purposes of
44 Pub.L.94-171 (13 U.S.C. s.141).

45 The information to be included in the report filed with the
46 Secretary of State provides:

47 1) a unique identifier, not including the name, for each
48 incarcerated individual subject to the jurisdiction of the department

- 1 on the date the bureau completes the federal decennial census for
- 2 the State;
- 3 2) the street address of the correctional facility in which the
- 4 individual was incarcerated at the time of the report;
- 5 3) the residential address of the individual prior to
- 6 incarceration or alternative residential address, if known;
- 7 4) the individual's race, whether the individual is of Hispanic or
- 8 Latino origin, and whether the individual is over the age of 18, if
- 9 known; and
- 10 5) any additional information the secretary may deem
- 11 necessary.

12 The secretary is to determine the geographic units for which
13 population counts are reported in the federal decennial census that
14 contain the address of the facility in which the individual was
15 incarcerated and the residential address of the individual. If the
16 individual's residential address is known, the secretary is to:

- 17 1) re-allocate all relevant population counts to reflect the
- 18 individual's residential address on the date the federal decennial
- 19 census for the State is completed; and
- 20 2) ensure that the individual is not represented in any
- 21 applicable population counts reported in the census for the
- 22 geographic units that include the facility at which the person was
- 23 incarcerated on the day the census for this State is completed.

24 If the residential address of the individual is not known or not
25 located in this State, the secretary is to:

- 26 1) re-allocate all relevant population counts reported in the
- 27 census to reflect that the person resided at an unknown geographic
- 28 location within the State on the day the census for this State is
- 29 completed; and
- 30 2) ensure that the individual is not represented in any
- 31 applicable population counts reported in the census for the
- 32 geographic units that include the facility at which the person was
- 33 incarcerated on the day the census for this State is completed.

34 When this is completed, the secretary is to report the data to the
35 members of the Apportionment Commission, established pursuant
36 to Article IV, Section III, paragraphs 1 through 3 of the New Jersey
37 Constitution, not later than the seventh day after the Governor
38 receives the census data required pursuant to federal law for this
39 State from the Bureau of the Census. The data prepared by the
40 secretary under the bill, together with data provided by the bureau,
41 is to be the basis of the legislative districts established by the
42 Apportionment Commission.

43 The bill also provides that to the greatest extent practicable,
44 districts are to be drawn so as to meet equal population
45 requirements calculated under both data sets. Residences at
46 unknown geographic locations within the State are not to be used to
47 determine the ideal population of any set of districts or wards.

ASSEMBLY COMMUNITY DEVELOPMENT
AND AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 698

STATE OF NEW JERSEY

DATED: JUNE 16, 2021

The Assembly Community Development and Affairs Committee reports favorably an Assembly Committee Substitute for Assembly Bill, No. 698.

Under current law, the New Jersey Department of Corrections and each agency that operates a federal facility in this State that incarcerates persons convicted of a criminal offense are required to collect and maintain an electronic record of the residential address of each individual entering their custody. That information is provided to the Secretary of State, who uses that data to adjust the federal decennial census data by reallocating the incarcerated population from the location of the correctional facility as reported by the United States Bureau of the Census to that person's residential address on record. The current law requires the secretary to report the adjusted data to the Apportionment Commission for drawing the State's legislative districts.

This bill expands the current law to require that incarcerated individuals from the State be counted at their residential address on record for municipal, county, and congressional redistricting purposes. Under the bill, the Secretary of State would report the same adjusted data to the members of the New Jersey Redistricting Commission for the establishment of congressional districts; to the members of each county district commission for the establishment of the county districts in such counties electing members of the governing body from districts; and to the members of each ward commission for the establishment of the municipal wards in such municipalities electing members of the governing body from wards. The adjusted data would be the basis for drawing such districts.

As under current law, the bill provides that, to the greatest extent practicable, congressional districts, county districts, and municipal wards must be drawn so as to meet equal population requirements calculated under both the adjusted and non-adjusted datasets, and residences at unknown geographic locations within the State would not be used to determine the ideal population of any set of districts or wards.

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 698

with Assembly Floor Amendments
(Proposed by Assemblywoman SUMTER)

ADOPTED: JUNE 21, 2021

These Assembly Amendments require incarcerated individuals from this State to be counted at their residential address for the apportionment of regional school district board of education members. Under the amendments, the adjusted federal census data as reported by the Secretary of State would be the basis for the apportionment of members of the board of education of regional school districts.

SENATE, No. 3964

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 15, 2021

Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Requires incarcerated individual from State to be counted at residential address for municipal, county, and congressional redistricting purposes.

CURRENT VERSION OF TEXT

As introduced.



S3964 CUNNINGHAM

2

1 AN ACT requiring the counting of an incarcerated individual at the
2 individual's residential address for municipal, county, and
3 congressional redistricting purposes and supplementing
4 P.L.2019, c.385 (C.52:4-1.1 et seq.).

5

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

8

9 1. a. Upon reporting the data determined under section 4 of
10 P.L.2019, c.385 (C.52:4-1.4) to the members of the Apportionment
11 Commission pursuant to section 5 of P.L.2019, c.385 (C.52:4-1.5),
12 the Secretary of State shall also report the same to the members of
13 the New Jersey Redistricting Commission established under Article
14 II, Section II, paragraphs 1 through 9 of the New Jersey
15 Constitution and P.L.1991, c.510 (C.19:46-6 et seq.) for the
16 establishment of congressional districts; to the members of each
17 county district commission for the establishment of the county
18 districts under section 121 of P.L.1972, c.154 (C.40:41A-121); and
19 to the members of each ward commission for the establishment of
20 the municipal wards under section 7 of P.L.1981, c.496 (C.40:44-
21 15).

22 b. Notwithstanding the provisions of any law, rule, or regulation
23 to the contrary, the data prepared by the secretary under section 4 of
24 P.L.2019, c.385 (C.52:4-1.4), together with data provided by the
25 bureau pursuant to Pub.L.94-171 (13 U.S.C. s.141), shall be the
26 basis of the congressional districts established by the New Jersey
27 Redistricting Commission, of county districts established by each
28 county district commission, and of municipal wards established by
29 each municipal ward commission. To the greatest extent
30 practicable, congressional districts, county districts, and municipal
31 wards shall be drawn so as to meet equal population requirements
32 calculated under both data sets. Residences at unknown geographic
33 locations within the State described in section 4 of P.L.2019, c.385
34 (C.52:4-1.4) shall not be used to determine the ideal population of
35 any set of districts or wards.

36

37 2. This act shall take effect immediately.

38

39

40

STATEMENT

41

42 Under current law, the New Jersey Department of Corrections
43 and each agency that operates a federal facility in this State that
44 incarcerates persons convicted of a criminal offense are required to
45 collect and maintain an electronic record of the residential address
46 of each individual entering their custody. That information is
47 provided to the Secretary of State, who uses that data to adjust the
48 federal decennial census data by reallocating the incarcerated

S3964 CUNNINGHAM

1 population from the location of the correctional facility as reported
2 by the United States Bureau of the Census to that person's
3 residential address on record. The current law requires the secretary
4 to report the adjusted data to the Apportionment Commission for
5 drawing the State's legislative districts.

6 This bill expands the current law to require that incarcerated
7 individuals from the State be counted at their residential address on
8 record for municipal, county, and congressional redistricting
9 purposes. Under the bill, the Secretary of State would report the
10 same adjusted data to the members of the New Jersey Redistricting
11 Commission for the establishment of congressional districts; to the
12 members of each county district commission for the establishment
13 of the county districts in such counties electing members of the
14 governing body from districts; and to the members of each ward
15 commission for the establishment of the municipal wards in such
16 municipalities electing members of the governing body from wards.
17 The adjusted data would be the basis for drawing such districts.

18 As under current law, the bill provides that, to the greatest extent
19 practicable, congressional districts, county districts, and municipal
20 wards must be drawn so as to meet equal population requirements
21 calculated under both the adjusted and non-adjusted datasets, and
22 residences at unknown geographic locations within the State would
23 not be used to determine the ideal population of any set of districts
24 or wards.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3964

STATE OF NEW JERSEY

DATED: JUNE 17, 2021

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3964.

Under current law, the New Jersey Department of Corrections and each agency that operates a federal facility in this State that incarcerates persons convicted of a criminal offense are required to collect and maintain an electronic record of the residential address of each individual entering their custody. That information is provided to the Secretary of State, who uses that data to adjust the federal decennial census data by reallocating the incarcerated population from the location of the correctional facility as reported by the United States Bureau of the Census to that person's residential address on record. The current law requires the secretary to report the adjusted data to the Apportionment Commission for drawing the State's legislative districts.

This bill expands the current law to require that incarcerated individuals from the State be counted at their residential address on record for municipal, county, and congressional redistricting purposes. Under the bill, the Secretary of State would report the same adjusted data to the members of the New Jersey Redistricting Commission for the establishment of congressional districts; to the members of each county district commission for the establishment of the county districts in such counties electing members of the governing body from districts; and to the members of each ward commission for the establishment of the municipal wards in such municipalities electing members of the governing body from wards. The adjusted data would be the basis for drawing such districts.

As under current law, the bill provides that, to the greatest extent practicable, congressional districts, county districts, and municipal wards must be drawn so as to meet equal population requirements calculated under both the adjusted and non-adjusted datasets, and residences at unknown geographic locations within the State would not be used to determine the ideal population of any set of districts or wards.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

STATEMENT TO
SENATE, No. 3964

with Senate Floor Amendments
(Proposed by Senator CUNNINGHAM)

ADOPTED: JUNE 24, 2021

These Senate Amendments require incarcerated individuals from this State to be counted at their residential address for the apportionment of regional school district board of education members. Under the amendments, the adjusted federal census data as reported by the Secretary of State would be the basis for the apportionment of members of the board of education of regional school districts.

Governor Murphy Takes Action on Legislation

08/20/2021

TRENTON – Today, Governor Murphy signed the following bills into law:

A-698/S-3964 (Sumter, Mukherji, Quijano/Cunningham, Turner) - Requires incarcerated individual from State to be counted at residential address for municipal, county, and congressional redistricting purposes and for apportionment of regional school district board of education members.

A-5207/S-3361 (Johnson, Reynolds-Jackson, Carter/Weinberg, Gill) – Prohibits State and local entities and private detention facilities from entering into agreement to detain noncitizens