

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:
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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

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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)

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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)

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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)

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

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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.