

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.



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.).

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

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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.

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37 2. This act shall take effect immediately.

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STATEMENT

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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

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.