

[First Reprint]
SENATE, No. 3964

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 15, 2021

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District 31 (Hudson)

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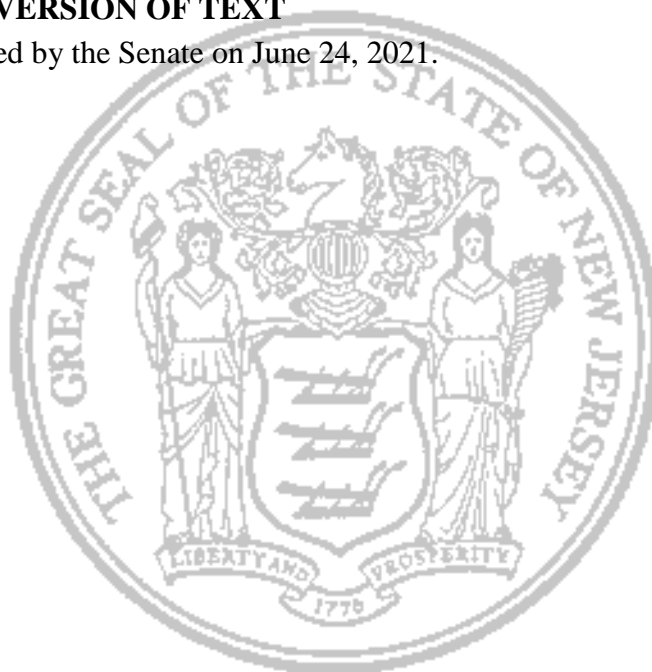
Senators Gill and Pou

SYNOPSIS

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.

CURRENT VERSION OF TEXT

As amended by the Senate on June 24, 2021.



(Sponsorship Updated As Of: 6/30/2021)

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
12 under section 4 of P.L.2019, c.385 (C.52:4-1.4) to the members of
13 the 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-
26 8, and sections 1 and 3 of P.L.2017, c.45 (C.18A:13-34a and
27 C.18A:13-46.1, respectively)¹.

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

42 ¹c. Notwithstanding the provisions of any law, rule, or
43 regulation to the contrary, the data prepared by the secretary under
44 section 4 of P.L.2019, c.385 (C.52:4-1.4) shall be the basis of the

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:

¹Senate floor amendments adopted June 24, 2021.

1 apportionment of the members of each board of education of a
2 regional school district pursuant to chapter 13 of Title 18A of the
3 New Jersey Statutes. Residences at unknown geographic locations
4 within the State described in section 4 of P.L.2019, c.385 (C.52:4-
5 1.4) shall not be used to determine the apportionment of each board
6 of education of a regional school district.¹

7
8 ¹2. N.J.S.18A:13-8 is amended to read as follows:

9 18A:13-8. The board of education of a regional district shall
10 consist of nine members unless it consists of more than nine
11 constituent districts, in which case the membership shall be the
12 same as the number of constituent districts, plus one. Except as
13 otherwise provided pursuant to section 1 or section 3 of P.L.2017,
14 c.45 (C.18A:13-34a or C.18A:13-46.1), if there are nine or less
15 constituent districts, the members of the board of education of the
16 regional district shall be apportioned by the executive county
17 superintendent or executive county superintendents of the county or
18 counties in which the constituent districts are situate, among said
19 districts as nearly as may be according to the number of their
20 inhabitants except that each constituent district shall have at least
21 one member.

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

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

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

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

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

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

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

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

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

23
24 ^{13.} Section 1 of P.L.2017, c.45 (C.18A:13-34a) is amended to
25 read as follows:

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

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

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

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

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

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

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

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

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

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

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

22

23 ¹**[2.] 5.**¹ This act shall take effect immediately.