

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 698

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED JUNE 16, 2021

Sponsored by:

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblymen Caputo, Holley, Assemblywomen Reynolds-Jackson, McKnight, Assemblyman Zwicker, Assemblywomen Timberlake, Jasey, Vainieri Huttle, Assemblyman McKeon, Assemblywoman Speight, Assemblymen Wimberly, Verrelli, 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 General Assembly on June 21, 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 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.

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

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

6

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

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

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

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

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

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

47 c. All constituent districts shall be listed in ascending order of
48 their number of inhabitants. If the first constituent district in said list

1 has a number of inhabitants which is less than the representative ratio,
2 it shall be combined with the constituent district contiguous to it
3 having the smallest number of inhabitants. This process shall be
4 repeated for each successively larger constituent district or
5 combination of constituent districts until all remaining constituent
6 districts or combinations of constituent districts shall have a number of
7 inhabitants equal to, or exceeding the representative ratio. The districts
8 formed in this manner shall be known as representative districts.

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

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

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

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

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

32 h. Whenever the above reapportionment procedure is used for a
33 regional district having more than nine constituent districts, the terms
34 of office of all incumbent board of education members shall terminate
35 on the day on which the annual organization meeting of the board is
36 held pursuant to N.J.S.18A:13-12 following certification by the
37 executive county superintendent of the representative districts and the
38 number of members to be elected from each; provided, that if the
39 reapportionment results in any representative district retaining its
40 former boundaries and the same number of board members, that the
41 members elected from such a district shall serve the full term for
42 which they were elected. All other board members shall be elected in
43 an election to be held on the date of the annual school election at least
44 60 days following certification by the executive county superintendent
45 for initial terms of office to be designated in advance by the executive
46 county superintendent so that, as nearly as possible, one-third of the
47 board shall be elected in each future year, to serve for three-year terms,

1 and where a representative district has more than one member, their
2 terms of office shall terminate in different years.

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

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

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

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

16

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

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

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

42

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

45 3. a. Notwithstanding the provisions of any section of law to the
46 contrary, the board of education of a regional district and the board or
47 boards of education of one or more local districts determined to
48 enlarge the regional school district may by resolution frame and adopt

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

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

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

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

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

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

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

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

13

14 ¹[2.] 5.¹ This act shall take effect immediately.