

ASSEMBLY, No. 595

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman LUSTBADER

1 AN ACT concerning the election of members of a board of freeholders  
2 by districts in certain counties and supplementing P.L.1972, c.154.

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

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7 1. Notwithstanding any provision of law or the results of any  
8 referendum to the contrary, all of the members of a board of  
9 freeholders of a county that adopted one of the optional plans  
10 provided for in P.L.1972, c.154 (C.40:41A-1 et seq.) shall be elected  
11 by districts whenever the county contains a municipality the population  
12 of which, according to the most recent federal decennial census,  
13 comprises at least one-third of the total population of the county.

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15 2. Any county that has adopted one of the optional plans provided  
16 for in P.L.1972, c.154 (C.40:41A-1 et seq.) prior to the effective date  
17 of P.L. , c. (C. )(pending before the Legislature as this bill) and  
18 is required to adopt a district representation system or adjust district  
19 boundaries pursuant to section 1 of P.L. , c. (C. )(pending  
20 before the Legislature as this bill) shall be divided into districts by  
21 district commissioners in accordance with the provisions found in  
22 sections 117 through 123 of P.L.1972, c.154 (C.40:41A-117 through  
23 123), except that notwithstanding those provisions:

24 a. The district commissioners shall consist of five members who  
25 shall be appointed:

26 (1) within 10 days following the effective date of P.L. , c.  
27 (C. )(pending before the Legislature as this bill) with respect to the  
28 initial adoption of a district representation system or adjustment of  
29 district boundaries pursuant to P.L. , c. (C. . )(pending before the  
30 Legislature as this bill), or

31 (2) within 60 days following the official promulgation of each  
32 decennial federal census with respect to subsequent adjustment of  
33 district boundaries;

34 b. Two district commissioners shall be appointed by each of the  
35 county chairmen of the county committees of the two political parties

1 whose candidates for Governor received the largest number of votes  
2 at the most recent gubernatorial election. Each county chairman, in  
3 making such appointments, shall give due consideration to the  
4 representation of the various geographical areas of the county. The  
5 Chief Justice of the Supreme Court of New Jersey shall appoint a fifth  
6 district commissioner who shall be a fair-minded and impartial person  
7 and who shall not have held elected public or party office in this State  
8 at any time during the three-year period immediately prior to  
9 appointment as a commissioner;

10 c. The district commissioners shall fix and determine the district  
11 boundaries so that each district is formed of compact and contiguous  
12 territory having clearly definable boundaries. The districts so created  
13 shall be as equal as possible in population. In no event shall any  
14 district contain less than 95% or more than 105% of the total number  
15 of inhabitants of the county divided by the total number of districts.  
16 Unless necessary to meet the foregoing requirements, no municipality  
17 shall be divided among districts unless it shall contain more inhabitants  
18 than the districts being formed contain;

19 d. The district commissioners shall meet within 15 days following  
20 the effective date of P.L. , c. (C. )(pending before the  
21 Legislature as this bill) with respect to the initial adoption of a district  
22 representation system or adjustment of district boundaries, or within  
23 75 days following the official promulgation of each decennial federal  
24 census with respect to subsequent adjustment of district boundaries,  
25 and shall proceed to divide the county into districts in proportion to  
26 the total number of members of the board of freeholders chosen by the  
27 voters of the county. Notwithstanding any statute, rule or regulation  
28 to the contrary, meetings of the district commissioners shall not be  
29 subject to the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6  
30 et seq.);

31 e. Within 60 days following the effective date of P.L. , c.  
32 (C. )(pending before the Legislature as this bill) with respect to the  
33 initial adoption of a district representation system or adjustment of  
34 district boundaries, or within 120 days following the official  
35 promulgation of each decennial federal census with respect to  
36 subsequent adjustment of district boundaries, the district  
37 commissioners shall make and file their report and certificate in  
38 accordance with the provisions found in section 121 of P.L.1972,  
39 c.154 (C.40:41A-121); and

40 f. A notice of the district boundaries shall be published in  
41 accordance with the provisions found in section 122 of P.L.1972,  
42 c.154 (C.40:41A-122) within 14 days immediately next succeeding the  
43 filing of the report and certificate.

44 The districts established pursuant to this section shall be in effect  
45 for any election to fill the office of freeholder following the  
46 establishment of districts and shall remain in effect until the

1 establishment of districts following the subsequent federal decennial  
2 census pursuant to this section. Any adjustment of district boundaries  
3 shall conform to the provisions of this section.

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5 3. This act shall take effect immediately.

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8 STATEMENT

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10 This bill would require that all of the members of a board of  
11 freeholders in certain counties be elected by districts. The bill would  
12 only affect a county that has adopted, or chooses to adopt, one of the  
13 optional forms of government set forth in the "Optional County  
14 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), within which is  
15 located a municipality whose population comprises at least one-third  
16 of the total population of the county according to the most recent  
17 federal decennial census.

18 When a municipality comprises a significant proportion of a  
19 county's population, voters residing in the municipality in counties that  
20 hold elections at large can oftentimes control the results of the  
21 county-wide election. When all or a majority of the members of a  
22 board of freeholders recognize that a particular municipality controls  
23 election results, the needs of voters from other areas may go  
24 unrecognized or be ignored while the interests of the most populous  
25 area receive disproportionately favorable representation. By requiring  
26 freeholders to be elected by districts whenever the county contains a  
27 municipality which comprises at least one-third of the county  
28 population, composition of the membership of a board of freeholders  
29 will more accurately reflect the diverse interests of voters residing  
30 throughout the county.

31 Under the bill, any applicable county adopting an optional plan  
32 subsequent to the bill's effective date would follow the procedures set  
33 forth in the "Optional County Charter Law" for adoption of a district  
34 representation system. Any county which has adopted an optional plan  
35 prior to the effective date of the bill which is required to adopt a  
36 district representation system or adjust district boundaries pursuant to  
37 the bill would generally follow the procedures set forth in the  
38 "Optional County Charter Law" with the following modifications:

- 39 1) appointment of five district commissioners;  
40 2) direction to divide the county into districts in proportion to the  
41 total number of freeholders chosen by county voters;  
42 3) direction that each district is to be formed of compact and  
43 contiguous territory having clearly definable boundaries. The districts  
44 created are to be as equal as possible in population and shall in no  
45 event be less than 95% or more than 105% of the total number of  
46 inhabitants of the county divided by the total number of districts.

1 Unless necessary to meet the foregoing requirements, no municipality  
2 shall be divided among districts unless it contains more inhabitants  
3 than the districts being formed contain;

4 4) exemption from the "Open Public Meetings Act," P.L.1975,  
5 c.231 (C.10:4-6 et seq.);

6 Districts established pursuant to this bill will remain in effect until  
7 new districts are established following the subsequent federal decennial  
8 census.

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13 Requires that election of freeholders in certain counties be held by  
14 district.