

SENATE, No. 511

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator BASSANO

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:

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

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

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35 b. Two district commissioners shall be appointed by each of the
36 county chairmen of the county committees of the two political parties
37 whose candidates for Governor received the largest number of votes
at the most recent gubernatorial election. Each county chairman, in

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

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

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

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

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

41 The districts established pursuant to this section shall be in effect
42 for any election to fill the office of freeholder following the
43 establishment of districts and shall remain in effect until the
44 establishment of districts following the subsequent federal decennial
45 census pursuant to this section. Any adjustment of district boundaries
46 shall conform to the provisions of this section.

1 3. This act shall take effect immediately.

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STATEMENT

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

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

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

35 1) appointment of five district commissioners;

36 2) direction to divide the county into districts in proportion to the
37 total number of freeholders chosen by county voters;

38 3) direction that each district is to be formed of compact and
39 contiguous territory having clearly definable boundaries. The districts
40 created are to be as equal as possible in population and shall in no
41 event be less than 95% or more than 105% of the total number of
42 inhabitants of the county divided by the total number of districts.
43 Unless necessary to meet the foregoing requirements, no municipality
44 shall be divided among districts unless it contains more inhabitants
45 than the districts being formed contain;

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

3 Districts established pursuant to this bill will remain in effect until
4 new districts are established following the subsequent federal decennial
5 census.

6 Currently, three counties, Atlantic, Hudson and Essex, elect some
7 or all of their freeholders by district. Of those counties only Essex
8 would be affected by the provisions of this bill.

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