

Commission Meeting

of

APPORTIONMENT COMMISSION

*"Testimony from the public on the establishment of legislative districts
in New Jersey that will be in effect for the next 10 years"*

LOCATION: Toms River Municipal Building
Toms River, New Jersey

DATE: January 29, 2011
2:30 p.m.

MEMBERS OF COMMISSION PRESENT:

Assemblyman John S. Wisniewski, Co-Chair
Assemblyman Jay Webber, Co-Chair
Nilsa Cruz-Perez, Vice Chair
Irene Kim Asbury, Vice Chair
Senator Paul A. Sarlo
Senator Kevin J. O'Toole
Assemblyman Joseph Cryan
George Gilmore
Bill Palatucci



ALSO PRESENT:

Frank J. Parisi
Commission Secretary

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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ASSEMBLYMAN JAY WEBBER (Co-Chair): If I could have your attention.

Is this on (referring to PA microphone)? Is the mike system on?

Well, I'll start and hopefully we can get the mike system going, especially up front so that we can get the testimony heard.

Thank you for coming today. This is the second public hearing of the 2011 Apportionment Commission. I apologize for the delayed start; we were over at Rutgers Camden this morning to have our first public hearing. That went long; we drove over as fast as we could; and we're going to get going right now.

Before we start, I wanted to make a couple of opening comments and explain to you what we're trying to accomplish and what the mission of the Apportionment Commission is. I'd put odds on the fact that this is your first Apportionment Commission hearing for most of you in the audience, and so I think it is worthwhile to explain why we're here and what we hope to accomplish.

First, let me start by thanking Mayor Kelaher and the Council here in Toms River for providing us this tremendous facility. We appreciate your hospitality. And I want to thank all the members of the public for coming out and making this such a worthwhile hearing. We look forward to hearing what you have to say.

Every 10 years, as you know, the Federal government performs a Census. It counts the number of individuals in each state in the nation. That process has been completed, and we know now how many people live in New Jersey. Next week, we expect the Federal Census Bureau to tell us

how many people live in our counties and our towns -- and those numbers should be coming in next week. Once those numbers become available, the State of New Jersey has to apportion the 40 legislative districts that we have that elect representatives to serve in Trenton -- 40 to the State Senate and 80 to the State Assembly. That process of drawing districts is described in some detail in the New Jersey State Constitution.

The members of this Commission were appointed by the Chairs of the Democratic State Committee and the Republican State Committee. Each State Committee gets five appointments each. Those appointments were made by November 15; they're made November 15 every year a Census is done.

The Commission is then tasked with the job of drawing the district lines once the numbers come in from the Census Bureau. The numbers that come down from the Census Bureau are an important constitutionally prescribed trigger. Once the numbers come in from the Census Bureau -- and again, they're coming in next week -- the Commission, the 10 members you see -- nine of us; we have one absent member -- the Commission will have 30 days -- one month -- from the time the numbers come in from the Census Bureau to try to agree on what New Jersey's next map should look like.

If the Commission is unsuccessful in its negotiations and deliberations amongst ourselves, then the Constitution calls for the appointment of a tie breaker -- an 11th member of the Commission -- and presumably the 11th member will help the Commission vote -- sometimes in a 6 to 5 vote; often in a 6 to 5 vote -- what the next map will look like.

The Constitution gives the sole authority to appoint that 11th member to the Chief Justice of the State Supreme Court, who today is Chief Justice Stuart Rabner. The Chief Justice can appoint that 11th member either upon the 30 days expiring from the time that the Census numbers come in to the Commission and our unsuccessful efforts to come up with a map; or if the Commission itself declares a deadlock and tells the Chief Justice that we cannot agree and that we need the 11th member sooner.

Once the 11th member is appointed, the 11-member Commission then has 30 days to agree upon a map that has to be certified to the Secretary of State, and that would be the map that the candidates would run in in the 2011 legislative elections.

I want to stress to you, this is an incredibly accelerated process. As you know, most states have their elections on the even years. So when they're redrawing their State legislative maps, they have as much as a year or more to get the numbers from the Census Bureau, take public input, deliberate, draw maps, come to a conclusion, and then present the maps to the public and the candidates would run, for example in this cycle, in 2012.

In New Jersey, as you know, we have State elections in the odd years; which means that the Census numbers come in in early 2011 and we are tasked with drawing the map rather quickly. It's the most accelerated process in the country because, as you know, our primaries are in June, which means our candidates have to declare their candidacies and file petitions in mid- to late-April. So we really only have a couple of months to do this. The Constitution gives us a maximum of 60 days from the time the

numbers come in from the Census Bureau until the time we have to come up with a map if an 11th member is necessary.

And so that is the process that we are undertaking. As we draw that map for 2011 and the next decade, we know that the current map, as it stands, will have to change. There have been legal developments in the laws that govern the drawing of this map. We have to worry about the United States Constitution's requirements -- one person, one vote. We have to worry about State Constitutional requirements about not splitting municipalities. We have to be concerned with Federal Voting Rights Act -- statutory provisions -- that govern what we can do and what we can't do, given certain demographic trends and realities that we have to deal with.

So there are legal parameters within which we work; and those legal parameters have changed over the last decade. The United States Supreme Court has come down with a couple of significant decisions. One called *Larios v. Cox* has clarified the one person, one vote law that the Supreme Court interprets in the Federal Constitution. The United States Supreme Court has also clarified the law regarding the Voting Rights Act in *Bartlett v. Strickland*.

So there are changes to the law, which means there are going to be changes to the map; in addition to which, I think -- as everybody in Ocean County knows -- populations shift in over a decade, and we've seen large population shifts and changes in the state. The map will have to account for the moving population. So as we sit as a Commission, and know and are cognizant of the legal parameters within which we work, we also have to be cognizant of the demographic shifts that have occurred in

the state. All that adds up to a map that will change, and change significantly.

Which leads us here today, because if the map is going to change significantly, it's vital that the Commission take public input. The Constitution of the State of New Jersey lays out this process and it gives the authority to redraw the map to 10 or 11 people. And the public only gets one opportunity to opine on the map -- to tell us what you think the map should look like for the next decade; and it has a large impact on what the state will look like over the next decade.

And so as we begin our work as a Commission, anticipating the numbers coming in and starting to think about the legal parameters, we want to hear from you. Tell us about your communities, about what you think are important as we draw the map. Public input is an absolutely vital aspect of this process, and I know since the Republican members were nominated, or appointed, in early November, we've asked for a number of hearings -- public hearings. We've been eager to get going. Unfortunately, today is the first day that we've been able to hold them. But that's okay; we're very pleased that here on January 29, we're able to take public input, both in Camden and now in Ocean County. We hope that this is the first two of what will be many hearings. We've called for six initially; we're open to more -- seven, eight, nine, however many it takes so that the public feels like it's had its say in this process.

To that end, the morning session had an exchange and an offer actually. Chairman Wisniewski offered to hold further hearings -- gave us February 5, next Saturday; February 9, next Wednesday -- and several other dates after that to hold more hearings in places like Newark or Jersey City,

Bergen County or Morristown. That was an offer that I know that I and my Republican colleagues were eager to take up, and we actually offered to hold three more hearings next week. At our first public hearing today we heard repeatedly, "We want more input; we want to be able to give you some more opinions and ideas about the map. We also want more notice." And so the most notice we can give is to agree today that we'll have more hearings on Saturday and then the following Wednesday.

It's still unclear whether we'll be able to get that done; I hope that we can clarify that in this hearing. When we made a motion to agree upon that, it was defeated on a party-line vote. And hopefully we can clarify that and resolve the issue.

But you should know that again, this is, hopefully, only the second of many hearings. It's all being transcribed by a court reporter; being recorded by the Office of Legislative Services, the nonpartisan arm of the Legislature. All the testimony will be available to the public and to an 11th member, if an 11th member is eventually required under the Constitutional process that is laid out.

So we invite your input. You should also know that in an unprecedented move -- partially because 10 years ago, I'm not sure everybody was on the web -- the Commission will set up a website (applause). And this was a matter of bipartisan priority. The website will contain the testimony that is given, hearing schedules, demographic information -- things that the public ought to have as it gets a chance to participate in the process. And the website will also have a function to allow people to submit input via the web.

So there really will be a tremendous amount of public participation in this process. We hope for more, and we hope for it very soon. But we look forward to taking your testimony today.

A couple of ground rules as we get going: We have a lot of people signed up to testify. We're willing to stay here as long as it takes to take that input, and take that testimony. In Camden, we had an agreement that speakers would be limited to 10 minutes; that was more than enough, and many people did not use their 10 minutes. We're going to have the same rules starting out here today. If it looks like we're running out of time, or that more speakers sign up, we might have to truncate it. But we'll put a 10-minute time limit on our witnesses, and we'd ask you to be cognizant of that time limit. If someone has already made your point, perhaps you could come up, identify yourself, and associate yourself with the comments of someone who testified earlier but not consume other time that could be used for other witness who are obviously eager to participate in the process.

So with that, I would give an opportunity to the Co-Chairman--Chairman Wisniewski and I are the Co-Chairs; I chair the Republican delegation to the Commission, Assemblyman John Wisniewski chairs the Democratic delegation to the Commission. Chairman Wisniewski chaired the morning meeting; I'm chairing the afternoon meeting, and we'll alternate: I will chair this session but certainly Chairman Wisniewski will continue to chair his delegation.

Chairman Wisniewski, if you have any comments, you're welcome to them.

ASSEMBLYMAN JOHN S. WISNIEWSKI (Co-Chair):

Thank you, Chairman Webber.

Ladies and gentlemen, thank you for being out here on a cold Saturday afternoon.

As Chairman Webber said, this is part of the process that, perhaps, is the most important -- public testimony. I'd like to think of this process being broken into three phases; the phase that we're in today, where we're soliciting public input; and we had three hours of testimony this morning in Camden and we're likely to have as much testimony here. It's testimony that is important for us to understand the thought processes and the desires and the opinions of the people of this state for whom we are creating a map. And it's important to recognize that that is a map that will govern legislative elections for the next decade; and therefore, govern public policy of the State of New Jersey for the next decade. And so the choices that we make -- not merely a choice on moving boundary lines; it's a choice on the direction the State will take as a matter of public policy moving forward.

But as we conduct this public hearing today, we are conducting it somewhat in a vacuum. The State of New Jersey has received overall Census numbers for the state; we know that we increased some 400,000 in population, and for a separate Commission to decide at a later date that that will likely cause us to lose one Congressional representative. But we don't know the numbers in each town and each county. That data will be coming out as early as February 3, but clearly some time during that week. And once we have that Census data, that is going to start a whole different discussion.

Ladies and gentlemen, people in this room and people throughout the state are then going to have questions and concerns that arise from understanding that Census data and how it impacts on their particular legislative district, on their county, on where they live and how those numbers will impact the representation they currently have. So that would be phase two of this process, in which we then understand the numbers; and it's important to have public input once we have those numbers.

And then the final stage of this process is, at some point in time, if history is any judge, there will be an inability to reach a consensus on what the new map will look like, and the 11th member will be appointed. It is our hope that that 11th member has the benefit, has the ability to sit either here or out in the audience at these public hearings after today to be able to understand and listen to the comments that are made by the public.

Chairman Webber is absolutely correct that these hearings are transcribed; and whoever that 11th member is, is going to have the ability to listen to them on tape; read them through a transcript. But I think you would agree there's no substitute to having the 11th member actually sit and listen to the testimony and hear the passion in the voices of the people of the State of New Jersey as they make their case for what a map should look like.

And so it is our hope that without regard to whether there's an impasse, that that 11th member be invited to have a role; but invited to sit here and listen (applause). And ultimately, once that 11th member is

appointed, there will be a map, and there will be public hearings on that map.

And so it's a three-phase process. And public input is important not only in this phase, not only today, but in future hearings -- and once there's a map and there's hearings on that map. And if you're here today, we appreciate it and we thank you for being here and for the testimony you'll provide. There will be many people who, for whatever reason, can't participate in person. That's why we have our website set up through the Office of Legislative Services, in which the comments that are made here, if somebody chose, they could put those comments and submit them to this Commission on the website. If they have an idea about a map, they could submit that on the website. And so we hope to use 21st century technology to make sure that people have (applause) an opportunity to participate no matter what their situation, no matter what their ability to attend in person is -- that they have the ability to have their voice heard in these public hearings.

With that being said, we are here today to hear what you have to say, to listen to your testimony. And I thank you, Mr. Chairman.

SENATOR SARLO: Mr. Chairman.

ASSEMBLYMAN WEBBER: Senator Paul Sarlo from the 36th Legislative District.

SENATOR SARLO: Thank you, Mr. Chairman.

If I may, just to follow up where we had left off this morning before we broke for lunch.

I think we heard this morning from the public that they appreciate the public hearings that we've had so far, and they want to see a

lot more, and I think we all agree to do that. I also think we've heard from the public that the 11th member should at least be invited to sit in and hear from the people -- see them firsthand, see the emotion and to be part of it.

We also heard that it's important to get the data -- the Census data -- and we know-- We're going to be receiving that data on the 5th of February. So what I'd like to do -- and hopefully we can bring this to an immediate resolution -- is to make a motion to accept the data on the 5th, and then immediately move to have two public hearings: one on the 9th, which would be Wednesday in Newark; and then one on the 13th, which is a Sunday, but we did have one on a Saturday, today; we'll have one on a Sunday for those who, perhaps, cannot participate on a Saturday -- one on the 9th, one on the 13th. We would have the Census data in hand and we could, as we talked about this morning, we should-- The motion would include reaching out to the potential 11th member to have him sit here -- whether he wants to sit with us on the dais or at another location -- but to hear firsthand from the people of New Jersey. So hopefully we're going to bring that to resolution, and I make that motion, Mr. Chairman.

MS. CRUZ-PEREZ: Second.

ASSEMBLYMAN WEBBER: For the benefit of the public, there's been a motion and a second. We'll have some discussion on the motion. Recall that only the Chief Justice of the State Supreme Court of New Jersey has the authority to appoint an 11th member. It's not somebody we have the authority to appoint.

Through a bipartisan process, in cooperation with the Chief Justice, we have recommended potential 11th members. There is a presumptive 11th member, although we don't know for sure who that will

be. The presumptive 11th member, the one who has been reported in the news, is Professor Allan Rosenthal of Rutgers University. It could very well be that if an 11th member is needed, Professor Rosenthal is appointed by the Chief Justice. The Chief Justice, at all times, retains ultimate discretion as to whom he will appoint, if necessary, as an 11th member. So to clarify your motion, Senator: When you say the 11th member should be invited, you're referring to Professor Rosenthal?

SENATOR SARLO: That's correct. And not to moderate, but as we discussed earlier this morning, to give him the opportunity to sit and listen to the people of New Jersey.

MR. PALATUCCI: Mr. Chairman, if I could, to kind of help move this along.

That is incredibly close to a motion that we made this morning, and frankly Senator, one that you voted against even though we offered this morning to do the 5th and the 9th--

SENATOR SARLO: I had a good lunch. (laughter)

MR. PALATUCCI: Obviously, you did. And so whether it's the 5th and 9th, or the 9th and the 13th -- I'm glad to see that -- if I could finish, Senator -- I'm glad to see that we're moving in that direction.

Whether we have the data in front of us or not, and whether we'll be able to digest it by the time we get it on the 5th for a hearing on the 9th I think is a different matter. I think it's good to have this hearing here where the public is telling us how we should fashion the map so that when we get the data, we can sit down with it and say, "You know what? Those people in Toms River said we should do this in South Jersey." Or the people in Camden said, "You know what? When you get that number, this

is what we think you should do in our community.” And so there’s nothing about waiting for the data. We have to hear from the public and then try and fashion it to what we’re hearing. (applause)

I would support your motion. It’s kind of what we said this morning -- the 11th member would -- Professor Rosenthal or whomever -- is more than welcome to show up; that’s their call. We have no control of the 11th member. As I said this morning, I was a student of Professor Rosenthal; I have great respect for him. But that’s his call -- whether he wants to come, and where in the room he wants to sit; that’s up to him. But I’m glad we’re moving in that direction, and so I would support that resolution -- whether it’s the 9th and the 13th. And locations -- I think staff could work out. This morning we talked about Newark and Jersey City--

SENATOR SARLO: Yes.

MR. PALATUCCI: --or Paterson, Passaic County. I’d be very happy-- I’m a Passaic County boy, Senator; I’d be happy to come to your district in the City of Passaic and to have it there. So the 9th and the 13th works just fine for us.

SENATOR SARLO: Yes, the motion-- Oh, I’m sorry.

Mr. Chairman, if I might?

Yes, the motion that I’m moving is the 9th for Newark, the 13th for Jersey City. And then future ones, I would love to have one in Passaic, Bergen County-- Perhaps one in Passaic County and one in Bergen County.

But I do believe the Census data-- Having that Census data is important. People will be able -- we’ll, as Commissioners -- our work is all

going to be predicated upon that Census data. So having that, in hand, before the next public hearing I think is helpful. So hopefully, we can move the motion.

ASSEMBLYMAN WEBBER: Again, for clarification: Sorry, Senator, Chairman Wisniewski and I were clarifying it. The invitation to Professor Rosenthal would be for his attendance -- inviting him to participate in what capacity? Not as a moderator--

SENATOR SARLO: Giving him the opportunity to sit here, first-hand as we are, on hearing from the people of-- Today we're hearing from the people in Toms River and other parts of the state; to hear people from Jersey City, Newark, and other parts of the state; to have that member sit here and to witness firsthand and get to react and see how people-- how emotional this process is, and how important this process is. I think it would it-- It would at least give him the opportunity, as Mr. Palatucci said.

ASSEMBLYMAN WEBBER: We would join you in that invitation gladly. And to clarify, the holding of the hearings is not contingent upon Professor Rosenthal's availability. If he's not available on the 9th or the 13th, we're still going to go ahead and have public hearings.

SENATOR SARLO: That's correct. Let's just at least make the offer, and we'll have the Census data in hand.

ASSEMBLYMAN WISNIEWSKI: But it's a joint -- Mr. Chairman -- it's a joint offer. It's an offer that's made from yourself and myself, as the Chairs of our respective delegations.

ASSEMBLYMAN WEBBER: That's correct.

MR. PALATUCCI: Let's call a motion.

ASSEMBLYMAN WEBBER: And the locations are Newark and Jersey City.

SENATOR SARLO: That's correct; details to be worked out by staff.

ASSEMBLYMAN WEBBER: So we've had a motion, a second, discussion -- any other discussion? (no response)

Would you call a roll, Mr. Secretary?

MR. PARISI (Commission Secretary): On the motion that's on the floor at the present time.

Senator Sarlo.

SENATOR SARLO: Yes.

MR. PARISI: Bill Palatucci.

MR. PALATUCCI: Yes.

MR. PARISI: Senator O'Toole.

SENATOR O'TOOLE: Yes.

MR. PARISI: Sheila Oliver is not here.

George Gilmore.

MR. GILMORE: Yes.

MR. PARISI: Joseph Cryan -- Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Yes.

MR. PARISI: Irene Kim Asbury.

MS. KIM ASBURY: Yes.

MR. PARISI: Vice Chair Nilsa Cruz-Perez.

MS. CRUZ-PEREZ: Yes.

MR. PARISI: Co-Chair Assemblyman Jay Webber.

ASSEMBLYMAN WEBBER: Yes.

MR. PARISI: Co-Chairman John Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. PARISI: Motion carries unanimously.

ASSEMBLYMAN WEBBER: We will see you all in Newark and in Jersey City in just a few days. (applause)

Thanks for coming out. (laughter)

Do you have anyone else on your side who has--

ASSEMBLYMAN WISNIEWSKI: No.

Can I just make--

ASSEMBLYMAN WEBBER: Yes.

ASSEMBLYMAN WISNIEWSKI: Mister Chairman, Speaker Oliver is not able to be here. She had made a prior commitment for a meeting out-of-state prior to this date being picked and was not able to change her plans. But she does intend to be at all future hearings.

ASSEMBLYMAN WEBBER: Irene Kim Asbury, Vice Chair of the Republican delegation, has opening comments.

MS. KIM ASBURY: Thank you, Chairman. Thank you, everybody. Thank you all for coming.

We are here to talk about changes in the population of New Jersey over the next 10 years. But I think we also need to keep in mind that these demographic shifts have not just been geographic -- they've been moved out of the northeast of the state, more into the south and the west of New Jersey. As such, there have also been changes in the minority communities. For example: The Hispanic and Asian-American communities are the fastest-growing ones in the state, and minorities are, again, migrating, as the other communities are, into the south and the west.

All these demographic changes mean, first, that minorities are really a very significant presence in New Jersey -- perhaps now more than ever -- and they must be given the opportunity to represent themselves, like everybody else, at these public hearings.

Second -- the old map that was done 10 years ago, based on the last Census, no longer applies and the changes must be made to reflect those changes made to the state. And speaking as someone who comes from one of the most ethnically diverse areas in the country, I am really looking forward to hearing what everyone here, and everyone at future public hearings, has to say. I encourage people to come from their communities and bring their issues and their observations to this Commission at every public hearing so that we can keep it in mind once we go into drawing this map.

Back in Hudson County, I'm very committed to improving minority community and regular community access to government services, and this Commission is no exception. Given these new challenges, we must redistrict in a manner compliant with State and Federal laws in a fair, equitable, and Constitutional manner. All New Jersey residents deserve a right to be treated fairly, equitably, and constitutionally.

So with that being said, I can't wait to hear from everybody today, and I can't wait to hear from the public at all the future open hearings on the 5th and the 9th (*sic*) and any further ones; and we look forward to your input and we all look forward to working with you.
(applause)

ASSEMBLYMAN WISNIEWSKI: Mr. Chairman, just one other housekeeping note.

I did mention, and you did mention, the website. Just don't go run out to your laptop after this meeting. It's going to be operational on Friday. It's [www.apportionmentcommission](http://www.apportionmentcommission.org) -- real easy -- dot org. And it will up on Friday.

UNIDENTIFIED MEMBER OF AUDIENCE: Can you repeat that?

ASSEMBLYMAN WISNIEWSKI:
www.apportionmentcommission -- one word -- dot org.

Thank you.

ASSEMBLYMAN WEBBER: And just to clarify: The hearings will be on the 9th and 13th. We had originally--

MS. KIM ASBURY: Oh, I'm sorry.

ASSEMBLYMAN WEBBER: That's okay -- the 9th and the 13th of February.

With that, opening statements and housekeeping is complete. (applause) You have no idea how relieved I am as well. (laughter) We are in here to hear from the public.

I will begin to call witnesses. Again, if you could keep your comments to 10 minutes or less, we would appreciate that.

The first witness will be Thomas Gentile.

It's the middle mike (referring to PA mike).

When you come to testify, you'll see there are four microphones with wires, and then two wireless microphones. The wireless microphones will amplify your voice so that everybody can hear you; the four wired microphones are for our court reporter who will be transcribing

and recording the process. So you have to kind of speak into both so that your testimony is both recorded and heard in the room.

Mr. Gentile.

T H O M A S G E N T I L E, ESQ.: Thank you, Mr. Co-Chairman, and members of the Commission and members of the public.

My name is Thomas Gentile; I am an attorney -- a partner in the law firm of Lampf, Lipkind, Prupis, & Petigrow based in West Orange in Essex County. I am a resident of Glen Ridge, New Jersey, and I come before the Commission today not on behalf of any client or on behalf of my law firm, but in my capacity as a private citizen, to lend my legal analysis to the Commission as to why the current state of the law requires that the legislative map be redrawn.

This is a fundamental question: Why does the map need to be redrawn at all? Can it just be readopted, the way it was 10 years ago? And the answer is no. That answer comes from a recent decision of the United States Supreme Court, coupled with requirements that New Jersey's State Constitution imposes on the redistricting process.

We've already heard today about the geographic changes in New Jersey's population, with the population shifts to the south and the west of the state. These geographic changes impact the way the legislative map must be drawn because, to quote a gentleman who I heard speaking in the audience before we convened, "You've got to draw the lines where the people are."

That rule, of course, comes from the landmark U.S. Supreme Court decision of *Baker v. Carr* in 1962 which established the constitutional principle of one person, one vote which means that legislative districts must

each contain, roughly, the same population. And in the recent case of *Cox v. Larios* in 2004, the Supreme Court reaffirmed the general rule that deviations in the population across legislative districts of up to 10 percent are usually permissible.

New Jersey's current electoral map contains deviations of up to 8 percent when it was drawn 10 years ago in 2001. But the population shifts to the south and west over the last decade have increased those deviations in some districts to as high as 20 percent. Applying the Supreme Court precedence that I've discussed, these large deviations require the Commission to redraw the district lines accordingly.

We also heard earlier today about the demographic changes in New Jersey's population over the last 10 years, most notably the significant increases in the Asian-American and Hispanic-American populations in the state. Section 2 of the Federal Voting Right Act of 1965, as amended, requires the states to provide minority communities with a full opportunity to participate in the political process. The United States Supreme Court has interpreted Section 2, starting with *Thornburg v. Gingles* in 1986, to require states, where geographically feasible, to create majority-minority districts, which are districts in which a particular minority group makes up over 50 percent of the population.

Complying with these rules has been very difficult for states, and that's because state constitutions, including that of New Jersey, have rules requiring how the State legislative maps must be drawn. New Jersey's Constitution, as we heard earlier, prohibits municipalities from being divided between two legislative districts -- with an exception for municipalities whose population is so large that they need to be divided

between more than one district; that is, municipalities with more than one-fortieth of the total population of the state. Only Newark and Jersey City are large enough to be affected by this.

The Constitution also contains a provision that says that for states with that exception, they can be divided between no more than two districts. Ten years ago, the Commission decided to divide Newark and Jersey City among three districts each, despite the Constitutional rule requiring them to be divided between no more than two districts each. That, of course, ended up in court; and in the case of *McNeil v. Legislative Apportionment Commission* in 2004, the Supreme Court of New Jersey decided that it was okay for the Commission to divide Newark and Jersey City among three districts each.

The reasoning of the State Supreme Court was that the Federal Voting Rights Act, in addition to obligating states to create majority-minority districts, also in the Supreme Court's view obligated the states to create what the court called *influence districts*. That's a district in which a minority community, although less than 50 percent of the district's population, is a large enough piece of the population to influence what happens in elections. Since the Court's view that there's an obligation to create influence districts came from the Federal Voting Rights Act -- or at least the New Jersey Supreme Court's interpretation of the Federal Voting Rights Act -- the Court concluded that under the supremacy clause of the U.S. Constitution, the State Constitutional requirement that large cities can only be divided into two districts must give way.

The *McNeil* decision seemed to establish the legality of the legislative map that the Commission had drawn in 2001, but everything

changed just a few years later when the U.S. Supreme Court decided *Bartlett v. Strickland* in 2008. That case concerned a provision of the North Carolina constitution called the *whole county provision*, which is similar to New Jersey's rule prohibiting municipalities from being divided between more than two legislative districts.

The Supreme Court of the United States in *Strickland* reached the exact opposite conclusion that the New Jersey Supreme Court reached in *McNeil*. The Supreme Court held that the Voting Rights Act imposes no requirement on states to create influence districts -- that's what the Supreme Court called *crossover districts* in its opinion -- at the expense of state constitutional rules governing redistricting. So with *Bartlett v. Strickland* having established that there exists no Federal requirement to create influence districts, New Jersey's constitutional rule prohibiting large cities from being divided into more than two districts comes back in force. So after *Bartlett v. Strickland*, this Commission cannot constitutionally divide Newark and Jersey City among more than two districts each.

The geographic and demographic changes in New Jersey's population that we've discussed, together with the Federal constitutional principle of one person, one vote and the State constitutional requirement concerning not crossing municipal boundaries, will require this Commission to adopt a legislative map that differs greatly from the map that is currently in effect. If the Commission were merely to readopt the current legislative map as it's now drawn, that result would be unconstitutional under both the Federal and State Constitutions.

And I thank the Commission for the opportunity to speak.
(applause)

ASSEMBLYMAN WEBBER: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Mr. Gentile, thank you for your testimony.

Is it your opinion that the Voting Rights Act requires New Jersey to create minority-majority districts?

MR. GENTILE: The Voting Rights Act, as interpreted by the Supreme Court, imposes that obligation on states, including New Jersey, where geographically feasible.

ASSEMBLYMAN WISNIEWSKI: And to accomplish that, does it require the packing of minorities into those districts?

MR. GENTILE: It doesn't require packing; it requires the Legislature -- the redistricting Commission, in this case -- to look at all the factors, including the nature of the communities, the geographical dispersion of the communities, and come up with the districts that best enable the minority communities to participate in the political process.

ASSEMBLYMAN WISNIEWSKI: Did the Court, in any of those decisions, rank in precedence the Voting Rights Act obligation for creating minority-majority districts versus, say, the requirement for being compact or contiguous? What's more important?

MR. GENTILE: All of those requirements are important, and it's the responsibility of the Legislature to balance those requirements.

ASSEMBLYMAN WISNIEWSKI: But one requirement may not be able to be met in order to serve another.

MR. GENTILE: That's the kind of decision that redistricting commissions and legislatures have to make when they face these situations.

ASSEMBLYMAN WISNIEWSKI: Thank you.

ASSEMBLYMAN WEBBER: Anything else? (no response)

Thank you, Mr. Gentile. (applause)

Councilman Mo Hill, followed by Councilman Gregory McGuckin.

Thank you for hosting us, Councilmen.

C O U N C I L M A N M A U R I C E B. “M O” H I L L: You're welcome.

Thank you for the opportunity to address the Commission.

My name is Mo Hill; I've lived in the Jersey Shore all my life. I'm 63 years old; 58 of those years have been spent in northern Ocean County, so I truly know how Rodney Dangerfield feels when he said that we get no respect.

Ocean County has long, in my view, been treated as a stepchild by Trenton to communities north of the Raritan River. The growth in Ocean County has been explosive over the last 50 years. Toms River has grown from one high school to three; Brick has two high schools; Jackson Township -- which had the first high school in 1964 now has two; not to mention the high schools in Manchester, Lacey Township, Pinelands Regional, Barnegat, and New Egypt.

The redrawing of the map is critical to South Jersey. As you stated, the population has moved from the urban, northern part of the state down south of the Raritan River. If you look at figures from 2009, the urban northwest -- which is Passaic, Essex, Hudson, and Union -- are projected to lose about 17,000 in population. Bergen County will gain 11,000 in population, whereas Ocean and Monmouth counties -- just those two counties alone -- are projected to gain 90,000 in population over the

last nine years. And I think that will be borne out by the (indiscernible) that you'll get from the Census.

This would seem to dictate that there would be a movement or a redistricting, if you will, to the southern part of the state to represent that increase in population so that we have proper representation.

As a local legislator, the decisions made in Trenton have powerful effects on us and the local home rule. Of the 20 largest cities in New Jersey, three are located in northern Ocean County: Toms River, Brick, and Lakewood. The population density in northern Ocean County is approximately 2,400 per square mile. Planning guidance would suggest that these would be PA1 towns; in other words, greater than 1,000 people per square mile. Suburban population of PA2 would be under 1,000 per square mile. The DOT map -- the NJDOT map -- designates Toms River, Brick, and Lakewood as urban areas -- over 50,000 population. According to the DCA and the Office of Smart Growth, they've designated all three of these cities as PA2 cities.

What are the implications for our communities? With a PA2 designation and CAFR restrictions, unless you're in a limited town area -- a town center -- your commercial development is restricted to 30 percent impervious coverage. This means that commercial enterprises require twice as much land as it would need for development in any other city in the state. This has led to a job deficit within the County and over 55 percent of our residents currently commute outside the County for jobs.

Ocean County is in the North Jersey Transportation Authority. As PA2 cities -- Brick, Lakewood and Toms River -- any transportation issues we have fall secondary to the PA1 towns in the North Jersey

Transportation Authority. State highways in Ocean County are inadequate to accommodate the increased traffic generated by our commuters. There are essentially no four- to six-lane highways -- State highways -- connecting Ocean County with the New York or Philadelphia metropolitan areas.

I'd venture to say your trip down Route 70 was eventful. It probably took you about an hour and a half. (laughter) That's a two-lane highway. As I said, I'm 63 years old. That hasn't changed since Rockefeller drove that highway. (laughter) Our residents must drive two-lane highways -- either Route 9 or Route 70 -- or take the Garden State Parkway, which in 2008 experienced a 100 percent toll increase. And by the way, eight of the top E-Z Pass revenue generators are towns located in Ocean and Monmouth counties, with Toms River being the largest E-Z Pass revenue generator.

There is also limited mass transit service available to Ocean County. There's a bus terminal in Toms River; there's essentially no rail service to North Jersey, New York, or Philly. The North Jersey Coastline ends in Point Pleasant or Bay Head, the two most northern towns in Ocean County. While there's been talk and study of a MOM line, there's been no definite action. There is still an active Conrail freight line that runs from Lakehurst to Red Bank that would connect with the North Jersey Coastline and could carry passenger traffic as an alternative and connect with the North Jersey Coastline and Amtrak.

Finally, Toms River has the largest requirement for COAH in Rounds 1 and 2. While we are meeting our requirements, and produced and planned for the most affordable units of any town in New Jersey, one has to question the logic of how requirements are assigned, since there's a

job deficit, there's no mass transit, and there's a lack of adequate highways in Ocean County and Toms River.

All of these issues, I think, point to the fact of how serious your job is before you. We need to have the population shift actively and accurately reflected in the redistricting of the legislative districts. There should be a shift, in my opinion, to reflect the population and demographic shift to South Jersey, and I would appeal to the board to address these concerns because they have a very serious effect on how we govern in our local towns.

And I thank you for your time. (applause)

ASSEMBLYMAN WEBBER: Thank you very much, Councilman.

COUNCILMAN HILL: Thank you.

ASSEMBLYMAN WEBBER: Councilman Gregory McGuckin, followed by Mayor Bob Walsh.

COUNCILMAN GREGORY P. MCGUCKIN: Good afternoon, Chairman Webber, ladies and gentlemen of the Commission.

Welcome again to Toms River; we're glad to have you here. We had about three days' notice, and you can see by the crowd how important we believe your job is, not only to our community but to our County. And again, thank you for being here.

Councilman Hill just reiterated some of the arguments that are made that you'll hear in other parts of the state, I suppose. And Mr. Gentile gave a great legal analysis of the one person, one vote rule. That's important because, in our opinion, Ocean County in particular has not received adequate representation in Trenton because we do not have

enough (indiscernible). And as you know, the population has shifted south and west, into the southern and western portions of the state. And when you look at State regulations, and State statutes, and implementation of those statutes and regulations, quite frankly, our one person, one vote needs to be expanded.

When you look at the fact that the State of New Jersey is losing a Congressional seat under this Census, under the Federal law the seat goes where the population is. In my respectful and humble opinion, the seat should go where the population is going, and that should be to Ocean County or southern New Jersey. It shouldn't be an expansion or a lengthening of districts that currently exist. The seat should go where the population went. And that's the most important point I want to make to you tonight and this afternoon.

As Councilman Hill indicated, there is a bias in many people's opinion in South Jersey -- against South Jersey. And that bias is both overt and obvious, in some instances; and it's not obvious and overt in others. Whether it be CAFR regulations, DEP regulations that affect this area of the state -- we believe we don't have a sufficient number of representatives to press our concerns in Trenton, based upon the population that we represent.

And in one of those areas, I would just like to ask: How many people on this Commission are from South Jersey? (Two hands are raised) Two out of 10 -- 20 percent -- that's my point.

Thank you very much. (applause)

ASSEMBLYMAN WEBBER: Mayor Bob Walsh of Howell, followed by Councilwoman Judith Noonan of Berkeley Township.

MAYOR ROBERT F. WALSH: Good afternoon, everybody. Thank you for your time and your consideration, and for listening to me.

I'm the Mayor of Howell Township. It's a great place to live; it's the last town in Monmouth County. For some reason, years ago, we were put into the 30th, I believe, District. And we're the second-largest town in Monmouth County, but we're districted in a place where Ocean County, Burlington County, Mercer County, and I think even Middlesex County, is in there -- a little bit of a hodgepodge.

But being the second-largest town in Monmouth County, we just don't feel like our needs are being met -- my constituents. They would like to see us put back into the 12th or whatever district you redo, where we're back into Monmouth County. There are over 50,000 people, and I think we're the 31st largest town in the State of New Jersey. And we've never had a representative from Howell Township in either the Senate or the Assembly in 200 years. Something seems a little bit off; I'm not 200 years old, but something still seems a little bit off to me. (laughter)

And the representatives we do have -- Joe Malone and Ron Dancer in the Assembly, and Bob Singer in the Senate -- are very good people; they really, truly are. And when we call them, they come; they try to do the best they can. But I do believe that my constituents are being shortchanged with us not being in a district that's primarily Monmouth County.

We would like those to be moved back in. I wanted to come here today to relay that to you, and to show that I am not at all displeased with Assemblymen Malone, Dancer, or Senator Singer. I would like them to move to Howell Township. (laughter) They are good, honest, hard-

working servants of the people in this district. It's just that sometimes our needs are not exactly what the needs are from these other counties. And when you're the minority in a district, it doesn't always seem to work out.

I appreciate your consideration. I know you have a pretty tough job up there, and other things come into play. Welcome to the world we live in today. I'm fully understanding of that. But when you make your final decision, I would appreciate if you would keep the citizens of Howell Township in your thoughts, and what they think would be best for them. I believe moving us back to the 12th or however you form districts -- again, the people of Howell would be greatly served if you would move them back in to a district of primarily Monmouth County towns.

Thank you very much. God bless you, and thanks for coming.
(applause)

ASSEMBLYMAN WEBBER: Councilwoman Judith Noonan, Berkeley Township; followed by Carmen Southward.

COUNCILWOMAN JUDITH L. NOONAN: Thank you. Judith Noonan from Berkeley Township. I'd like to thank the Commission -- and excuse my laryngitis -- for allowing me to speak.

As you know, Berkeley Township and Manchester are the largest senior communities. I believe there are about 160,000 seniors in Ocean County. I would hope that the lines would stay with Manchester and Berkeley. These are associations and a population that really needs to function with each other. Also, the senior community, I think, has affected how funds have come to Ocean County. Ocean County has been deprived, blamed on a lot of the senior communities and how much money we make, which is not true. I think we do need more representation, but I am really

concerned when you say that minorities and seniors -- I don't know if we're a minority, but in our special, unique group; and we are legislated by the 9th District -- and over the years, have been very good to us and understands the senior community. It is a very special and unique situation.

So when you do these changes, I hope that you will take into consideration who you are affecting and why, to put us into a section where someone has no real understanding of how we function. Or maybe put Berkeley in Manchester and keep us together. The senior population is a very strong population. We are also moving down from Bergen County and coming down south, which you all know. And they advertise to come down here, but as others have spoken, we do not have enough representation -- one vote? No. We need more. And I think it is very important that you look at the senior population, the baby boomers, who are coming; it is very important to understand. We are a very tightly knit community. When things come up in legislation, I will tell you the population sticks together pretty close. We've kept on papers. When Assemblyman (*sic*) Rice was down, you know how the feelings are very strong in this area. And I will tell you we will fight to keep our borders the same.

And I thank you for your time and your patience. (applause)

ASSEMBLYMAN WEBBER: Thank you, Councilwoman.

Carmen Southward, followed by Tony Monteiro.

C A R M E N S O U T H W A R D: Good afternoon, Commissioners.

I'd actually like to ask the members of the community that came here with me today to just please stand up. I think it's important to show the level of support.

(Speaks in Spanish; members of the audience stand)

(applause)

My name is Carmen Southward, and I'm a resident of Linden, New Jersey. I came here today on behalf of the community that I represent.

Although I have an Anglo last name, I am Hispanic, female, born to immigrant parents who spoke little to no English. Born and raised in Newark, New Jersey, a current resident of Linden, and an employee of the Elizabeth Public Schools, I am representative of the diverse population in these local communities where I live and work.

My upbringing, my career path, and my civic and political work with these communities have afforded me the opportunity to understand the importance of embracing diversity. In order to truly embrace diversity, we should not only listen to our community, but provide a method for their voices and opinions to be carried forward where changes on their behalf can actually take place.

John F. Kennedy once said, "A nation that is afraid to let its people judge the truth and falsehood in an open market, is a nation that is afraid of its people." An open market for our community must include legislative representation that is reflective of the population, and not afraid to stand up for and bring forward the issues that his or her community deem important. We are entitled to, and ask for, a legislative district that is comprised of the voices of the Hispanic population. Furthermore, this district should be represented by a legislative official committed to carrying the voices of this community to ensure that Hispanic citizens are heard and respected for our place in society.

The current legislative representation is absent of the struggles that many minorities experience daily, among other key factors respective of our diverse communities. So many Latinos are still seeking the opportunity to educate themselves or send their children to college. Too few are the immigrants whose families pull together a few dollars to buy a local business, yet all of us share a common interest: as Latinos, we are proud to live and work in the United States, a place where our Constitution assures us equal representation.

The Hispanic community doesn't feel inferior or deserving of something more than others -- quite the contrary. This community has a proud voice and a firm position in our political spectrum, and simply requests that our legislative representation is reflective of us.

In summary, the message I bring to you today is dedicated and simple: Represent who we really are, and not who others think we are or want us to pretend to be.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Thank you, Ms. Southward.

Tony Monteiro, followed by Marvelis Perreira.

T O N Y M O N T E I R O: Good afternoon, ladies and gentlemen of the Commission. Thank you for hearing us here today.

My name is Tony Monteiro. I'm a former Elizabeth City Councilman of eight years. And I believe that I have a unique perspective on the present political conditions that exist in our city -- like Elizabeth.

I have lived in Elizabeth all my life. I am a product of immigrants, and I can speak to the fact that I have seen an evolution in the makeup of Elizabeth. I lived in Elizabeth Port, growing up in the shadows

of St. Patrick's Church, a Gothic cathedral that helped mark the presence of thousands upon thousands of Irish immigrants. A few short blocks away was St. Adalbert's, another church, which was a flagship of the Polish immigrants seeking to make a better life for themselves.

These ethnic groups entered into Elizabeth from their native land to work for American companies like Singer, and Bethlehem Steel, and Thomas & Betts -- all a short walk from where they lived

Why do I say this? Well, those immigrants have long gone to greener pastures. Many have gone to towns like Warren, Watchung, Westfield, and even here in Toms River. Those jobs and companies have left as well, and they haven't gone to any places like those that I mentioned. They just closed up shop in New Jersey and they left. In their place is a shopping mall that does not pay anywhere near the wages to support a family, nor the benefits.

It is a community that is struggling to stay alive. And when I look at the neighborhoods that I have seen when I was a child growing up, I recognize today that it is not reflective of the people who live there. Clearly, the Latino population has grown by leaps and bounds in cities like Elizabeth and the surrounding neighborhoods, including in Union County. But clearly it's not reflective -- and no disrespect to our Assemblyman who represents the Legislative District of the 20th Legislative District, Joe Cryan -- but today, clearly, we have a State Senator, Ray Lesniak; Assemblyman Joe Cryan; and up until a short period -- former Assemblyman Neil Cohen; and the Mayor of the fourth largest city, Christian Bollwage -- and none of them being Latinos.

Why I say this is because our community today is clearly not well represented in the Latino community -- and it is clear by the people who drove down here today from the City of Elizabeth. Because we weren't sure if we were going to be heard.

So we thank you for taking the time here today to hear our concerns, and also to know that this population will not be silent. And for far too many, they are a silent majority -- they are hardworking, immigrant families who come to this country. And many times, what I have experienced, they are fearful of the process, because they feel that the process leaves them out or locks them out. In Elizabeth, we see it all too often because of the status quo. We see a structure that is created from the top down, and not from the bottom up. Usually these political structures are created to keep certain parties or certain people in the positions that they currently exist in. I personally believe in term limits, and I don't believe anyone should hold office for the record number of years, like Mayor Christian Bollwage in Elizabeth going on 18 years; and the former Mayor before him served in Elizabeth for 28 years. I think that's utter nonsense. We have a growing population in Elizabeth and in Union County of a Latino community, and clearly for all of you who sit up there, they are not represented.

Now, we don't understand the process, so we're not going up here to tell you that your job is an easy one. But we clearly do not understand the process of how they're going to break up these maps and these districts. So our concern is that, once again, it's going to fall on deaf ears and Elizabeth will not be heard. We've heard rumors that Elizabeth may be bracketed with towns like Linden. And if that happens, then it's

not good for the Latino community. We've heard the rumors that it may go, possibly, with parts of Newark. And having studied this map and not clearly knowing all the data, as all of you are going to know shortly, I think it would only be fair to all of us that once this data is made available that -- as I think Chairman Webber said -- more meetings and more hearings are to be had. Because there is a large community up in Union County that does want to participate, does want to be involved, and does want to have their voices heard.

So I thank you once again for allowing us to be here. And I want to thank all the people from Elizabeth and Union County who made a drive down here to be heard tonight.

Thank you so much. (applause)

ASSEMBLYMAN WEBBER: Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Hey, Tony, I just have a quick comment: One, just for the record, we do have Assemblywoman Quijano there currently, who serves, who is Latino.

MS. CRUZ-PEREZ: Latina.

ASSEMBLYMAN CRYAN: And secondly, just do me a favor. Folks, not just for Tony, but for anybody here as you all follow this process: don't believe your rumors, okay? There is no map; there is no hidden deal; there is no anything. We're here arguing over an 11th member. It's not just you, Tony; it's for everybody who is here, no matter where you are -- don't believe them. If anybody tells you there is one, he's either Kreskin or they're fibbing, all right? (laughter) So one or the other -- and if we can get Kreskin, we'll all deal with it.

I just want to be clear, not just for you, just for the record on (indiscernible). But most importantly, this idea that there's a map -- that just isn't there. That's the process that we're going through now, as we've talked about incessantly.

And I thank you very much, and thank you to everybody from Elizabeth who took the opportunity to come down today. It's a privilege.

MR. MONTEIRO: Thank you, Assemblyman. And I know that this is a tough job that all of you have up here, and we just want to make it clear that there are a lot of people who want to be a part of the process and not be disengaged or disconnected in any way -- or disenfranchised. And for far too long I think all of you know what we read in the newspapers and what we see in our elected officials -- sometimes we just feel such a huge disconnect, that the process is stacked against us, that there is no way--

And my parents were proud immigrants to this country; just (indiscernible) as you fight and you claw your way to the top, and you're not going to let anyone push you over. I'm a principled individual; many of you who know me, I served on Council for eight years, and because I disagreed with the current Mayor and the Elizabeth City Council, and fighting the City budget that was going up, they removed me from a City Council room in handcuffs, and removed me from the Council chamber and had me arrested because I disapproved of the City budget that particular evening. And I fought that all the way to the Supreme Court, and won, and my case was heard. (applause)

So regardless of what party -- whether Republicans, Democrats, or Independents -- I think it's clear that we have people who want to be

represented across the land, the State of New Jersey. It's a great state, and I am proud that finally people are stepping up and-- Whether it's our own internal revolution that's happening in property taxes in the state, but particularly in urban centers where the Latino communities and others -- like my parents were immigrants to this great state -- they just want a voice, and they want to feel as though they're engaged in the process and they are part of the process. And when they look up at these meeting chambers like this, there's a fear that comes over them that they'll never understand it, that they're not being listened to.

And I wanted to make the point: When all of these people come down, the only way you're going to be listened to is if we show up in numbers -- much like what's happening now in the Middle East with Tunisia and in Egypt. People are standing up; people are coming out and saying, "We want to be heard. No longer is the government going to control us." So that's what's important about this redistricting, and it's important for our Latino community and friends.

So, Assemblyman Cryan, I thank you. And I know you've always had an open ear and an open door policy. So once again, thank you.

ASSEMBLYMAN CRYAN: Thanks, Tony. (applause)

ASSEMBLYMAN WEBBER: Thank you, Mr. Monteiro.
(applause)

Marvelis Perreira, followed by Donald -- is it Goncalves?

MARVELIS PERREIRA: Good afternoon.

My name is Marvelis Perreira--

UNIDENTIFIED MEMBER OF COMMITTEE: Ma'am, could you move over--

MS. PERREIRA: No? Over here?

Better now?

Good afternoon. My name is Marvelis (indiscernible) Perreira, and I'm also from Elizabeth. As a mother, as an educator, as an active voter in the electoral process, I believe that I not only have the right, but also a duty to speak to the (indiscernible) board about the need for our State and the City I emanate from to have an elected body that is more reflective of the people of the State of New Jersey.

Elizabeth is a fine example of this. It is populated by an extraordinary amount of people who still have not had the opportunity to have someone who has the same background and cultural experiences that my family has had, having immigrated from places such as Cuba, Venezuela, Columbia, Puerto Rico to the country that we now consider home. In Elizabeth, when three-quarters of the population is Hispanic and Latin backgrounds, isn't it the responsibility of those in leadership positions to ensure that people in our community are represented to the fullest extent?

The lack of results speaks for itself. We have little to no representation in the New Jersey State Senate. How proud I was when Newark was able to elect a woman of Hispanic descent that was able to represent her community. It made me wonder about Union County's endless possibilities -- that the State Senate had someone who more accurately reflected our community; who lives in Elizabeth, walks the streets of Elizabeth, and represents the will of the people.

The sad reality is that I am not only speaking for my home town, but for other cities and towns around New Jersey that have a

considerable Latin presence but are underrepresented in the State or Assembly. And as for female representation -- don't even get me started. (laughter) We know that females are poorly represented, but that is once again the responsibility of the powerbrokers who have left us powerless.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Donald Goncalves, followed by Stephen Scaturro.

DONALD GONCALVES: Good afternoon.

My name is Donald Goncalves. I am not here as a public employee of a great urban school district like Elizabeth Public Schools. I'm not here as a former Union County Freeholder -- a Democrat, having served for three years in an at-large position. I'm not here as a family member of a New Jersey State legislative member who also emanates from an urban city, much like mine, and has a similar story to tell.

I'm here as a citizen of the State of New Jersey; one who feels that the status quo should not apply -- and hopefully that this board will consider in reviewing the new legislative map; and mostly as a father of a little girl with a challenging name like Goncalves who aspires to one day run for office as well.

My daughter is raised in Elizabeth, New Jersey -- a town with over 120,000 people, where close to 80 percent of the population is Hispanic. And when you add the population of those who emigrated from countries like Portugal and Brazil, it's considerably more. This is a multi-cultural city that needs more representation, and desires to reap the fruits and benefits of what our great nation represents: liberty, justice, and representation for all.

This is an auspicious body that has individuals who are representative of various sectors of New Jersey, and I am confident that as a group you will recognize the need that representation of those who speak Spanish and Portuguese must be increased dramatically to have a truly representative Legislature for the State of New Jersey. And if I can put a plug in for my daughter, Emily, it appears that we can use some Spanish and Portuguese-speaking women as well in the Legislature.

I echo the words of Carmen Southward, Marvelis Perreira, Tony Monteiro, and others who will appear to speak to you today. We came in a bus down to Toms River to show our pride in this country, but also to appeal to all of you -- every single one of you; eventually all 11 -- that you ensure that those who speak different languages, those of different color and beliefs -- to ensure that the constitutional requirements are met and that we have a legislative map that is truly representative of places like Elizabeth, New Jersey.

Thank you very much. (applause)

ASSEMBLYMAN WEBBER: Thank you, Mr. Goncalves.

Stephen Scaturro, followed by Barry Bendar.

S T E P H E N S C A T U R R O: (speaking off mike) Mr. Chairman, I waive my time at this time-- I yield--

ASSEMBLYMAN WEBBER: You're Mr. Scaturro?

MR. SCATURRO: Yes, sir.

ASSEMBLYMAN WEBBER: Okay, thank you, Mr. Scaturro.

Barry Bendar, followed by George Gore.

B A R R Y D. B E N D A R: Hi. Good afternoon, my name is Barry Bendar. I live in Lacey Township, right here in Ocean County.

There's been a lot of talk about the migration of people from North Jersey to down here. I'd just also like to mention that there's been a migration right within Ocean County from the northern Toms River, Bricktown, etc. There's a lot of development going on in southern Ocean County, and we are part of the 9th Legislative District and we've had increases in our population down there quite a bit.

What I really would like to ask, in looking at the existing map: I've participated in some political campaigns in the past, and the 9th Legislative District -- someone needs to explain to me how that follows the rule of contiguous land mass. And, in particular, what bothers me about it is that the town of Hammonton in Atlantic County is part of our 9th Legislative District. I don't know how that happened. If you look at the map it's like a little rectangle that goes jutting out from the 9th Legislative District. Not so much for us here in Ocean County, but for the people in Hammonton, the representation-- Because they're stuck in with a large portion of Ocean County, I feel that they're not represented properly in the State Legislature.

Also in looking at the map, I believe in Ocean County-- The population in Ocean County has increased enough to the point -- because we do not have a single legislative district that's contained solely in Ocean County. We have the 9th down in the southern end of the County; the 10th above us; and the 30th going over to the West. I really, really believe this time around Ocean County should have a single district -- at least one single district -- that's contained strictly within Ocean County.

Another point: I was reading from a paper that was put out by the Center for Government Services of Rutgers University back in 2008.

And I would just like to request-- There's a statement in here, and I'll read it to you from the paper itself. It states, "The Court also said that providing protection to incumbent legislators was a legitimate factor that might be considered in drawing districts." I would like to oppose that as strongly as I possibly can. I think it's-- Elected legislative personnel are not the issue here; it's the people of the State who need to be represented, and I would hope that you would disregard that statement completely. (applause)

Also, I don't know if any of you have seen this, but I can offer this to you if you'd like me to.

ASSEMBLYMAN WEBBER: Sure. The Secretary is right there.

MR. BENDAR: All right; thank you very much.

ASSEMBLYMAN WEBBER: Thank you, Mr. Bendar.

MR. BENDAR: Thank you. (applause)

ASSEMBLYMAN WEBBER: George--

GEORGE B. GORE: (speaking off mike) Mr. Chairman, I'll waive my time.

ASSEMBLYMAN WEBBER: Thank you, Mr. Gore.

Paul Perreira, followed by Lydia Valencia.

PAUL PERREIRA: Good afternoon, members of the board.

I have a prepared statement.

You have an extraordinary opportunity to represent the people who are here today. Look into their faces. These are the faces of those who are forgotten -- the ones who work to make our country the melting pot it is.

But unfortunately, that dream of representation is being taken away by the political barons of Union County. It's a story of representation of the few, representation of the party bosses, but not by the people and for the people. Elizabeth is a community I represent through the work I do at the Elizabeth Board of Education. That is why we have a bus full of people before you here today. As an elected Board of Ed member, I have a responsibility to represent those who come from all over Elizabeth -- black, white, European, Spanish, Portuguese, Asian -- whoever they are, rich or poor.

But our city has a silent majority of people who desperately deserve representation: Three-quarters of Elizabeth is recognized through the U.S. Census as speaking Spanish or Portuguese; that is, if you believe the numbers. But we also know that hundreds, maybe even thousands of people remain uncounted.

New Jersey is a dynamic place -- more languages, more people from other lands, more cultures are represented than most of the other states. So the question is: Shouldn't we pursue as much adequate representation for our people, and truly be for the people?

The legislative district, and municipalities, the county organization of the people I represent need to be more accurately reflective of the people of Elizabeth. I believe that three-quarters of the population deserves more than a 10 percent solution.

Thank you very much. (applause)

ASSEMBLYMAN WEBBER: Lydia Valencia, followed by Karen Argenti.

LYDIA J. VALENCIA: Good afternoon. My name is Lydia Valencia, and I am the CEO and President of the Puerto Rican Congress of New Jersey, Inc.

The Puerto Rican Congress of New Jersey is a statewide organization that in a few months will celebrate its 40th anniversary. Its primary mission has been the organizing and development of the Puerto Rican-Hispanic community of this great state of ours.

As such, our success is evident by the vibrant and successful organizations that now exist throughout the state that amply advocate, assist, and empower our community. It is my pleasure to be here today and be able to participate in this process, and I wish to thank the Commission for this opportunity of addressing it and sharing our viewpoints and concerns.

As a long-time second generation Puerto Rican leader in this state, I fully realize the importance of what this Commission will be undertaking, and how it will impact the immediate future of our Hispanic community and our state as a whole.

It is evident that we -- the Hispanic community is grossly underrepresented in State government. Presently, we only have one Senator of the 40 -- Senator Teresa Ruiz -- and six Assemblymen of the 80, while we are, according to the latest Census estimates of the 2009, 17 percent of the State's population. I need not do the math.

The current map has not helped in the development of our community, especially not in an age where we have elected an African-American President; where in predominantly white states such as New Mexico and Nevada we have elected Hispanic governors. In Florida,

we have elected a Hispanic U.S. Senator, and in Idaho we have elected a Hispanic Congressman -- a Puerto Rican. And who knew there were Puerto Ricans in Idaho? (laughter)

What is needed in New Jersey is the same opportunity for talented Hispanics, who have the desire of serving the people of this State, to not only be able to run in districts that are largely, predominantly Hispanic; but be able to have a voice -- a voice that will be heard and considered in every district, and especially where there are significant and respectable numbers of Hispanics.

The growth of the Hispanic community will become evident once the Census figures are released in February. But it's no secret that the community has had significant growth in every part of the state -- not only in the historical urban areas such as Hudson, Passaic, and Essex, but in counties such as Morris, Bergen, Atlantic, Cumberland, Union, and here in Ocean County.

In your deliberations, it is imperative that this growth be taken into account. It must ensure that those areas that have significant numbers of Hispanics do not become marginalized, and remain whole. Our community should be given the opportunity of creating significant voting blocs so their concerns and issues are seriously considered. It should not -- this Commission -- aid in the discriminatory practice of exclusion, but level the playing field for inclusion in the electoral process of this State.

The philosophy of the past has not served our community well. I would venture to say it has failed. This is evident by the fact that in the past 30 years we have only had two State Senators elected -- Senator Menendez and Senator Ruiz. The myth that minorities do not engage in

the electoral process was debunked in the 2008 election. In that election there was excitement, there was something offered: an opportunity for a minority to be elected who might offer an opportunity -- an opportunity for minority voices, concerns to be heard. It was not perceived as an act in futility. If excitement, opportunity are offered, our communities will and do participate.

Ensure our participation. Ensure that this redistricting of New Jersey maintains our minority Hispanic communities whole, where their voices and participation in the electoral process are valued, heard, and the electoral process affords everyone the opportunity of serving and being empowered.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Thank you, Ms. Valencia.

Karen Argenti.

K A R E N A R G E N T I: (speaking off mike) I waive my right (indiscernible) testimony.

ASSEMBLYMAN WEBBER: Thank you; we do take written testimony. We appreciate it, Ms. Argenti.

Sean Spinelli (*sic*), followed by Marianne Clemente, followed by Jerome Harris.

S E A N J . S P I N E L L O , E S Q .: Good afternoon. My name is Spinello -- not Spinelli. They got it wrong at Ellis Island, too, so that's okay. (laughter)

And I'm here today on behalf of the Bayshore Tea Party; but more importantly, I'm here as a resident of the State of New Jersey.

I've reviewed the transcript of the January 18, 2011 organizational meeting, and I do appreciate the comments of you, Chairman Webber, regarding how important this process is and the input from the public. And also the comments of Chairman Wisniewski, where he specifically stated, "It's important that we recognize that we are creating a map for all the people of the State of New Jersey, regardless of party affiliation."

The community of interest that Bayshore Tea Party advocates for is that of all of we the people who are enfranchised to vote in the State of New Jersey. We cannot think of any greater community of interest than the franchised voters, and their friends and family of the State of New Jersey.

We will oppose any map which violates law. We will oppose any map which is manipulated or gerrymandered to result in noncompetitive districts, benefiting either party, and which effectively disenfranchises or nullifies the vote of any New Jersey resident. We will oppose any map that results in the elected officials no longer being accountable to the people and the voters because of an intentional manipulation or gerrymandering of the map.

We will also oppose any map that is drawn for the purpose of protecting any incumbent of either political party. (applause)

As you as Commission members consider your proposed maps, we ask that you always consider this question: Would you propose the same map if you were sitting here at this table as an independent thinker, an independent voter of the State of New Jersey -- with family and friends throughout all the great counties in our great state -- as you will ultimately

propose and support as partisan elected officials, as members of the Commission? We ask you to consider in that regard, and keep in mind whose individual interests are you truly representing.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Thank you, Mr. Spinello.

Marianne Clemente, followed by Jerome Harris, followed by Mitch Seim.

M A R I A N N E C L E M E N T E: Good afternoon, gentlemen and ladies. Thank you for having this hearing. And I also agree we would have loved more notice, but I'm glad to hear that you'll be having more hearings throughout the state. That was a concern of mine.

I'm from Barnegat here in Ocean County. I don't have a prepared written statement, so I'm going to do it off-the-cuff.

I basically have two real comments; and one of them has to do with that same article from Rutgers that was published in 2008 -- *Redistricting New Jersey after the Census of 2010*. It was a projection.

And there is another-- Barry Bendar pointed out a very important piece of that, as did the gentleman preceding me: talking about partisanship and not having an incumbent be an issue around this reapportionment.

My concern has to do with the law stating that the areas must be compact and contiguous. Now, contiguous is something that's been so abstract in how our districts are drawn -- Hammonton is one example, in the 9th District. And if you look at our Congressional map it's even more apparent. But this paper says, on page 6 -- you already have a copy of the paper -- "Numerous districts have been criticized as non-compact, but the

Court has considered this to be a low priority standard compared with population equality. In fact, the Court accepted the creation of *shoestring* or *horseshoe* districts to attain political balance, while saying that this would not be tolerated if done for partisan advantage.” The Court also said that, “Providing protection to incumbent legislators was a legitimate factor that might be considered in drawing districts.” So it’s part of that same issue. And in terms of being compact, I would like to point out to you that Ocean County-- The population number that I obtained from the County offices yesterday was 573,600. That equates-- I believe-- I’m not sure if this is correct -- each district is to contain approximately 220,000 people. Okay, if that’s the case, Ocean County almost has three complete districts. And as you know, we have 9, 10, and 30, which-- District 9 has Atlantic, Burlington, and Ocean; 10 is Monmouth County and Ocean; 30 is Burlington, Mercer, Monmouth, and Ocean.

Now, if we were to take those three districts, which would roughly be 660,000, and take a look at the population of Ocean County, which is compact and contiguous, that would almost be three complete districts. So I would hope that you would look upon this and capture those three districts as mostly Ocean County.

Now, Howell -- if you would look at Howell with 50,000 population -- is right there next to Jackson. It would be a very nice rectangular box that would make it very nice and compact and contiguous. I don’t really know what the makeup of the voters are in that particular box that I’ve drawn; however, I don’t think that we should be concerned about that. And I hope that you won’t be concerned about that. We need to do what’s right in terms of what the law states. (applause) And the law states

that it must be compact and contiguous. And if we're worrying about-- Because the Dems come, and the Republicans-- They come and go. You never know what's going to be where, when, or why.

So if the law states compact and contiguous, then I think that's what we should do -- period. I don't think that we should be having these districts that have a little corner here, a shoestring here. You need to do the right thing. We need to do the right thing. So we're counting on you to do the right thing.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Ms. Clemente, just as a point of information: You raised an excellent point. We don't have the final Census numbers for counties and municipalities yet. You know that we're getting them, hopefully, next week.

What we do know is the total population of New Jersey is about 8.7 million -- something like that. We know that one-fortieth of that is just a shade under 220,000. So when those numbers come in, and if you want to start drawing maps on your home computers, or get out your Excel spreadsheets and start doing that -- 220,000 is about the right number to shoot for -- for giving testimony at future hearings and for when we do our work. We're going to do everything we can, because we're required by the United States Constitution to get the districts to be about 220,000, with very little variation.

So you raised an excellent point. I'm sorry I didn't make that point earlier. But that is true and that's for the public's information.

MS. CLEMENTE: And we would welcome Howell to our district. (laughter)

ASSEMBLYMAN WEBBER: You better go see the Mayor about that, Ms. Clemente.

Jerome Harris, followed by Mitch Seim, I think, and then Robert D'Andrea.

J E R O M E C. H A R R I S: Good afternoon, Mr. Chairman, and members of the Commission.

My name is Jerome Harris; I'm Chairman of the New Jersey Black Issues Convention, which is a 28-year-old strategic alliance of African-American organizations. We are pleased to be one of the convening organizations of the New Jersey Legislative Redistricting Coalition. And Christian Estevez of the Latino Action Network is here also, seated with me today.

Earlier today you received a written copy of our testimony. I want to highlight a couple of things.

Since 1980, we have been involved in the redistricting process. Actually, it was interesting to hear representatives from the Puerto Rican Congress testifying today, because in 1980 New Jersey Public Policy Research Institute and the Congressional (indiscernible) participated in a redistricting project for the very first time. I can tell you -- and I salute this Commission for coming light years in terms of visibility from that cycle -- the Commission-- That truly was a smoke-filled room, and you almost had to become a member of the club.

I salute your establishing a website, and I have a specific recommendation: I didn't hear in your deliberations whether or not you will be including a user-friendly software that will actually permit interested groups to manipulate the data on the maps themselves. It's one thing to

have the data; it's something else to be able to go in and manipulate. It's my understanding that there are some relatively user-friendly, low-cost software packages, and I urge you to consider that.

My other comments speak to the question of the responsibility of this Commission to meet the criteria. There are multiple criteria that interact, just as there are competitive communities of interest. You must weigh all of those. But I think you've heard over and over today concern regarding not only compactness; contiguousness; one person, one vote; but also concerns about dilution of minority voter participation. That means the opportunity to elect a representative of your choice.

I noted from a survey that was done late last year that leaders in our community voted-- They actually had a very high low-performance rating for members of the State Legislature. In part I think that resulted from a sense that there was bickering and partisanship -- as being an incumbent protection -- and self-servingness as being a dominant motif.

One of the things that I think that this Commission can do is help all of us across the State of New Jersey by virtue of the map that you draw, the process that you develop. Reduce that sense of non-responsiveness and lack of accountability on the Legislature. Certainly this map we will have to live with for 10 years. The population trend, the data that you receive, will be a snapshot of what happened in late 2009, early 2010. It will not reflect the ongoing trends and dynamics in the State. So I urge you, using your demographic experts, to consider that there will continue to be changes as we move forward. The opportunity to look at whether or not the districts create opportunity for one interest group or another to elect or impact are important.

Let me assure you that, as in past cycles, if necessary our coalition and other groups are prepared to be engaged in the legal arguments to protect the voting rights of individuals and to make certain that New Jersey has a fair, competitive, constitutional map for us to elect a Legislature that will do our work in the future.

Thank you very much. (applause)

ASSEMBLYMAN WEBBER: Mitch Seim, followed by Robert D'Andrea, followed by Ellen Vidal.

M I T C H S E I M: I'm Mitch Seim; I'm from South Seaside Park, which is in Ocean County; also in the 9th Legislative District.

And I mostly wanted to point out that I think it's very important, as Senator Sarlo mentioned earlier, that we need to have the 11th member. I know that you've been saying that *if* we reach a deadlock, but I think it's really *when* you reach a deadlock. Obviously, five Republicans and five Democrats who are trying to come to an agreement on how these districts are drawn are going to have some diverse opinions. I think it's very, very important that we bring the tie-breaking voter into this process as soon as possible. And I hope that you will extend that invitation to whoever that may be, and have them be a part of this process.

Also, being from the 9th District, I think it would be important for that 11th member to know that if I'm driving to the other side of the District, being from South Seaside Park, I have to drive north on Highway 35; cross the bridge, and into Toms River; drive south on the Parkway into Stafford Township -- that's about 45 minutes; and if I wanted to go to Hammonton or Folsom on the other side of the District, that's another hour and 15 minutes. And I think it doesn't really make sense, and it's

already been mentioned in these proceedings, to have Hammonton and Folsom within the 9th Legislative District.

So I hope that, especially, that you will have the tie-breaking member participate in these hearings as much as possible so that they can hear the emotion and the importance from members of the community like this.

Thank you very much for your time and coming to Toms River.
Thank you. (applause)

ASSEMBLYMAN WEBBER: Robert D'Andrea, followed by Ellen Vidal, followed by Jon Erickson.

Mr. D'Andrea. (no response)

Ms. Vidal.

E L L E N V I D A L: Members of the New Jersey Apportionment Commission, my name is Ellen Vidal; I am a resident of Lacey Township.

I come to you today as a private citizen concerned for the basic principle of each person having a vote; each person should be heard, regardless of what districting that you break each group into. Each person has a right to have a vote in our Constitution.

The right to full and fair representation is foundational -- it is the right that makes so much else possible. As new Census data comes to light, it falls on you to make sure that every New Jersey resident is fairly represented. The Constitution requires that legislative districts are crafted on a per-population basis, without wide variations in density. That requirement stems from the fundamental constitutional principle of one person, one vote. Any map this Commission puts forth must adhere to that

principle by ensuring that all New Jerseyans are given equal representation without respect to race, ethnic background, or place of residence.

Some have suggested that greater weight should be given to areas of the state with higher voter turnout. I join with New Jerseyans from around the state in urging you to reject that approach. It is undemocratic and unconstitutional. That would give greater voice to some New Jersey residents over others.

Instead, the Commission should create a map that gives all New Jerseyans full and fair representation in our Legislature. Ours is a government, as you have heard over and over again, of the people, by the people, and for the people. Many people fought long and hard for the pioneering laws in New Jersey -- like the Open Public Meetings Act and Open Public Records Act -- that allow participation in government from all people. Because your work impacts on the core constitutional liberties, it is all the more important that your deliberations be transparent and open to the public, and public commentary.

Public hearings and public testimony are an important step forward toward this goal. However, we are disappointed that we only heard about these meetings a few days before they are actually occurring. For meaningful public participation, there must be adequate notice; so we ask you to immediately schedule the remainder of the six initial public meetings no later than this coming Monday, January 31 -- and then schedule any additional meetings as needed. And I thank you, because I heard there are a few more scheduled.

Meetings should be distributed fairly throughout the state and accessible to all people, including those relying on public transportation and

people with disabilities. And as you've heard, Ocean County is severely lacking in public transportation, based on our current population.

For these public hearings to be meaningful, they must engage on all key decision makers. Both parties have said they think the 11th member will have to be appointed, and that 11th tie-breaking vote will have enormous weight. That is why at least half of the meetings need to include the neutral Commission member who will ultimately be making a decision.

Finally, specific maps should be immediately posted online with a way for the public to submit comments to each proposal. At the same time the maps are submitted from either party to members of the Commission, they should be posted on this website with notification to anyone who wants to be on the update list. Written comments submitted and responses should be part of the record.

As the Commission moves forward, we urge you to work towards an open and transparent debate, and ensure that the final map you produce fairly and fully represents all of New Jersey's residents and communities.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Ms. Vidal, thank you for your testimony.

Just to clarify: Many of the ideas you brought forward are excellent, and we're trying to incorporate them in our website and notice provisions.

If there's an 11th member necessary, I do think everybody anticipates that the 11th member would be participating in additional public hearings. So that would happen. For clarity's sake, I don't think

anybody on our side of the dais has given up hope yet that we can't get some agreement, on at least some things. And so if we don't need an 11th member, that would obviate that. If we do need an 11th member, we will have hearings with that 11th member; but here's hoping that we can work in a bipartisan fashion and cooperate and negotiate, as the Constitution dictates.

So thank you very much again for your excellent ideas. We appreciate it. (applause)

Jon Erickson, followed by Paul Brush, followed by Dr. Johanna Foster.

J O N E R I C K S O N: Hi, my name is Jon Erickson. I'm here for the Working Families Alliance. And much of what I'd like to say has already been said, but two things I'd like to stress.

UNIDENTIFIED MEMBER OF AUDIENCE: Speak up.

MR. ERICKSON: One is that voter turnout should not be considered as a factor in drawing district lines. And the other is that I would request that the Commission set the hearing dates as soon as possible -- the remaining hearing dates -- so that people will know where and when they can come and testify.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Mr. Brush, we're going to take a time out. Our court reporter is going to change the paper. (laughter)

Following Mr. Brush will be Dr. Johanna Foster, and then Eileen Della Volle.

P A U L C. B R U S H: It's okay, Mr. Chairman; I'm used to that in this chamber. (laughter)

ASSEMBLYMAN WEBBER: Former Mayor of Toms River.

It's not the paper -- it's the rest for the fingers, I think, that our court reporter needs. (laughter)

MR. BRUSH: I was a stenographer in the Navy, and court reporter -- we used to speak into a mask. It wasn't easy, especially when you had a fast speaker.

ASSEMBLYMAN WEBBER: Mr. Brush, I think we're ready to go.

MR. BRUSH: All right, thank you, Mr. Chairman.

My name is Paul Brush; I'm the former Mayor of Toms River. We've lived in-- Our family has lived in this town for almost 38 years now. I also served as a County Freeholder.

I'm not going to repeat the excellent points that have been made about the County and the representation in the County. I would just say that -- would emphasize again what has to be done is, we can't have our legislators also representing Monmouth, Atlantic County, Burlington County, and so on. I think Marianne Clemente made some good points with her numbers, that we think we'll have enough with the Census, and in Ocean County to have three representative districts that focus on Ocean County. I have nothing against Manasquan, but they're in the 10th District and they're on the other side of the river. They'd probably like to be in the 11th District up there.

But I was just fooling around with some numbers in my head, because I really don't know what the Census numbers are. But something like Brick Township, Toms River Township, Berkeley Township, and South Toms River, I think, would come very close to 220,000. We have-- These

townships have a lot of commonalities: We have seniors, we have veterans, we are a commuting county. Councilman Hill made the point that we put more into E-Z Pass than any other county, and that's true -- just ask Governor Corzine.

We are a suburban, working district, and so I think we share similar concerns -- similar issues. And I think that would make up a nice district; but that's for you.

My second point is that as I understand the resolution that was put forth by Senator Sarlo and approved by the Commission, I think it just sets up a couple of dates and then says "We'll invite the 11th member in." I don't think there's any doubt in my mind that you're going to need the 11th member, and I think the sooner you do it, the better. And I think the Commission should declare an impasse, which I understand you maybe have not reached an impasse.

But in order to get the 11th member in, as I understand it -- and I'm not an attorney -- in order to have the 11th member as officially and compelled to be part of your Commission, you would have to declare an impasse -- which is a legal term, a legal process. And then the 11th member can be in on all the public hearings, and I understand that-- I'm told that once the 11th member is assigned by the Chief Justice, then you have a 30-day window. And I don't accept, with respect, that that's an argument against appointing an 11th member now. If you can't do this process once you get the 11th member on board, if you can't do this in 30 days-- Well, I should think you'd be able to do the maps within 30 days after you get the 11th member on board.

I think if a person-- And I understand you're inviting Dr. Rosenthal to the meetings, but legally he wouldn't be compelled to attend. And anything that stretches out the election process will just suppress voter turnout in November. And I've always, always argued and fought to do things -- such as Motor Voter and whatever -- to increase voter turnout. I'm just afraid that if you don't come to this impasse soon, and have the 11th member on board, this process is going stretch out and-- Chairman Webber, you said earlier on that this is an accelerated process, so you already have a fairly short window. People are going to have to decide if they want to run, decide if they can run -- if they've been moved out of districts. We hope that people will run for office, and that they'll have time to fill out their petitions, go and see the voters, get them to sign them, and so on. And then certainly we want to avoid those people who have been moved who no longer are voting, say, for who they were voting for and maybe even are voting in a different location and they turn up on election day at the wrong place. And you know how frustrating that is to voters, and they go home, and they don't vote.

So to sum it up: Please do what you have to do legally to get the 11th member onboard as soon as possible so that they can get the benefit of all the testimony -- just like the 13th, 14th, and 15th juror who sits in on a trial and then is capable of sitting in on the decision-making process, if one of the jurors has to be excused.

I thank you for your time, and have a good day. (applause)

ASSEMBLYMAN WEBBER: Mr. Brush, I appreciate your comments.

You realize that if we declared impasse almost immediately, that we would be cutting in half -- virtually in half -- the time we have to take public testimony. And that's the consideration, I think, we have to balance against -- an early declaration of impasse. The 13th, 14th, 15th juror doesn't shorten the amount of time that the parties have to try a case. If we went straight to impasse we would be cutting in half the amount of time we have to take public input.

This has been a very successful hearing. We want more of them. If we went straight to impasse, we would have fewer of them. And so that's the trade-off. But I do appreciate your points.

MR. BRUSH: Thank you, Chairman Webber.

I would just ask you to try to get him onboard as soon as possible.

ASSEMBLYMAN WEBBER: He is going to get an invitation to the next two hearings.

MR. BRUSH: I mean officially.

ASSEMBLYMAN WEBBER: Understood; thank you very much, Mr. Brush. Thank you.

Dr. Johanna Foster, followed by Eileen Della Volle, followed by Kevin Barron.

J O H A N N A F O S T E R, Ph.D.: Good afternoon. Thank you, members of the Commission, for holding this hearing here today.

I'm Johanna Foster; this is my colleague, Mr. Aula Sumbry, and we are members of the Integrated Justice Alliance, which is a solution-oriented collective of informed cross-sector partners who advocate for

effective public policies before, during, and after incarceration in New Jersey.

And we're here this afternoon to draw your attention to an often overlooked quirk in the Census data that counts prisoners as if they were residents of the prison, rather than at their home addresses.

When these data are used for redistricting purposes, it skews population distributions in New Jersey. Thanks to the State's smart policies and practices around parole, drug court, and regional assessment centers, the New Jersey prison population has dropped over the past decade. However, the problems associated with prison-based gerrymandering remain.

Each decade New Jersey and its counties redraw their legislative districts on the basis of population to ensure that each district contains the same population as other districts. In this way, as we've heard, all residents are given the same access to government, fulfilling the Supreme Court's one person, one vote rule.

At the Alliance, we take the position that the central value we should be considering in these hearings on redistricting is the one of fairness. However, unless the State takes action to correct this flaw in the Census Bureau's data, New Jersey's efforts to draw fair districts will fail.

The Census Bureau counts incarcerated people as residents of the prison location, even though they cannot vote and are often not part of the community that surrounds those prisons. Assigning incarcerated people to the Census bloc that contains the prison, rather than the Census bloc that contains their home, results in a significant enhancement of the weight

of a vote cast in districts with prisons, and dilutes the votes of all other residents in all other districts in this state.

The State is not powerless; our neighbors in Maryland, New York, Delaware have all passed legislation just last year to adjust Census data for redistricting purposes. New Jersey should join them, giving each resident equal access to government where political power is based on the actual number of residents, not the presence of prisons in the districts. New Jersey has already taken a step in this direction -- New Jersey law requires school board districts to exclude the prison population when apportioning school boards that have nine or more members.

We've brought with us today fact sheets that show how states are authorized to adjust Census data when redistricting, and many states already do.

We understand that New Jersey, as we've heard, is on the fastest timeline for redistricting in the nation and that this limits our options. Ideally, New Jersey would have passed legislation already, like in Maryland, Delaware, and New York. We expect there's not a lot of time to work with the Department of Corrections to address the issue of collecting home addresses and adjusting the Census Bureau data to reflect people at their own homes.

But there are interim solutions: First, you could declare all people counted as residents of the correctional facilities to have been counted there incorrectly. As you do not know their correct addresses you could, instead, declare their addresses are unknown and treat them as at-large members of the state, and not with any particular district.

Alternatively, you could take the prison populations into account when drawing districts. You could make efforts to not put multiple large prisons in the same districts. You could take the prison populations into account when analyzing and reporting population deviations. In particular, the problematic practice seen in some states, of underpopulated districts that are also padded with prison populations should be avoided.

Again, we understand that you have a very compressed timeline for redistricting, and that you will have completed your efforts before the Census Bureau publishes the group quarters counts. However, we stand prepared to work with you to identify which populations, in which Census blocs are incarcerated.

The Alliance would be happy to work with you to ensure a fair count. We are determined to see that New Jersey be freed of the harm to our democracy that prison-based gerrymandering causes. Our neighbors in New York and Delaware, along with Maryland, have ended this practice and we trust that the Commission will lead New Jersey to join our neighbors in ensuring fair representation based on actual residents, and not on prisons.

And Mr. Sumbry has some closing remarks.

ASSEMBLYMAN WEBBER: Sir, could you identify yourself?

A U L A M. S U M B R Y: My name is Aula Marufu (phonetic spelling) Sumbry. I'm the Chairperson of the Racial and Economic Disparity Subcommittee of the Integrated Alliance.

There are three additional points that I'd like to make. At the Alliance, we take the position that the central value we should consider in redistricting is one of fairness. We are very concerned that we count

prisoners fairly in New Jersey; and that means we should be counting incarcerated people as residents of their home communities and not the communities where they are incarcerated.

We wish the Commission had considered this issue of fairness before now. But we want to make you aware, and on record, that clustering prisons together for redistricting purposes violates the principle of one person, one vote. Given this, the Commission should treat the addresses of incarcerated people as unknown until you can solve this problem of unfairness.

We are determined to see that New Jersey be free of the democracy-undermining effects that are inherent in prison-based gerrymandering. Do not continue to grant extra voting power to a few communities on the backs of all other residents of this state. Our neighbors -- as Dr. Foster said -- our neighbors in New York and Delaware, along with Maryland, have already ended this practice. We trust that New Jersey will do so as well.

Thank you very much. (applause)

ASSEMBLYMAN WEBBER: Eileen Della Volle, followed by Kevin Barron, followed by Vera Fozman.

EILEEN DELLA VOLLE: Good evening. I'm Eileen Della Volle; I live in Brick in Ocean County. And today I'm actually representing the Women's Political Caucus, and I hold the position of Vice President of the Southern Jersey Chapter.

The mission of the Women's Political Caucus is to promote progressive women and their participation in the political process, even in appointed positions. As women, we cross across social economics, and we're

people of color, and we are not just bipartisan -- we are multi-partisan. And I really need to put that on the table with you as the political caucus, as women we recross all of the other tables and all that (indiscernible). I need to put that out there as (indiscernible), too.

The disparity in the number of votes-- We are 52 percent of registered votes. There are over 5 million of us, and we are not represented. People have clearly pointed out that all the different legislators and senators -- actually, we have 10 women senators, 24 assembly people; and that's out of 80 positions -- we have 24 of them. And we're 52 percent of the vote. I'd like to know how much taxes we actually pay, but I don't have that information with me.

So we have 28.3 percent of the representatives. And in 2010, some of the first elected women positions were the Lieutenant Governor; the Senate Majority Leader; and the first African-American Speaker, which would be our second woman Speaker.

And we don't want to assume that these accomplishments mean that women have done everything they need to do with inequality. There is more work to be done to achieve equality balance between the members of men and women in the legislative positions.

Even in appointed positions, the last four replacements in the New Jersey Assembly were four white men.

While the goal of redistricting of the New Jersey Legislature election districts is to rebalance those districts to maintain one vote for one person, those districts need to maintain -- to keep with the Federal Rights Voting Act; and that the end result should be not to leave behind the underserved represented portion -- a group of women.

I'm going to leave you with this thought: To be mindful of the words of our most famous New Jersey voter, Alice Paul. "There is no New World Order unless you include women in it."

Thank you. (applause)

ASSEMBLYMAN WEBBER: Thank you, Ms. Della Volle.

Kevin Barron, followed by Vera -- is it Foreman or Fozman?

V E R A F O Z M A N: Fozman.

ASSEMBLYMAN WEBBER: Fozman -- sorry about that; followed by Michele Rosen.

K E V I N B A R R O N: Kevin Barron, Toms River.

I want to thank all of you for having this meeting today. This is really great to come to Toms River and hear the concerns of the people.

I don't want to echo what everybody else said in any detail. I'm in favor of appointing an 11th member.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Vera -- I blew it again.

MS. FOZMAN: Fozman.

ASSEMBLYMAN WEBBER: Fozman -- I'm sorry, Ms. Fozman.

MS. FOZMAN: That's okay.

ASSEMBLYMAN WEBBER: Michele Rosen is next; Valerie Weir.

MS. FOZMAN: Good afternoon, Chairman, representatives. My name is Vera Fozman, Ocean County, New Jersey. Thank you for giving me the opportunity to address you this afternoon.

Given the opportunity to hear everyone's voices in testimonies this afternoon, and seeing everyone up here, to see five members from each party listening to everyone, and knowing that you guys are going to debate this very, very important issue; and having listened earlier in Camden, and now you're talking about having other meetings in other parts of the state, and not having this potential 11th member present now -- this would not be a representation of what I would think would otherwise be a timely process.

The 11th member would have the benefit of hearing all of the talking points that were being given today and this morning in Camden and in the following meetings that you were talking about -- which would equate to the benefit of the greater good of all of the constituents in New Jersey. Let's all agree that we know in our country, and especially in New Jersey, that in the past and in the present Democrats and Republicans have historically not agreed. And, ultimately, this panel will not agree. The back and forth will essentially result in the appointment of that 11th member by a Supreme Court judge. That 11th member is not afforded the opportunity to hear everyone who has been here today -- especially with all of the people who came by bus from Elizabeth and Lincoln.

So why should you postpone this issue, which is so important, as long as 30 days? Why not reach this impasse right now? Why not get this 11th person in so that that person, he or she, can hear all of these impassioned people?

This would be the better way. This would be an open process. This appointment should happen now. Let's get this process rolling.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Michele Rosen, followed by Valerie Weir, followed by Marta Harrison.

MICHELE ROSEN: Ladies and gentlemen, my name is Michele Rosen. I've lived in Ocean County for 40 years.

I will say that I had the honor of running for Assembly in the 9th Legislative District. And ladies and gentlemen, if you want to know what not to do in this reapportionment, I urge you to travel that district.

You have sat here -- and I've been sitting here and listening, and thinking about what to say; and I haven't written it down so bear with me. You've been sitting here for roughly four hours listening to what we, the residents of this area of the state, think. And it's almost like you're holding up a blank statute that you're proposing and saying, "Well, you tell us what to write on it." And that's fine, and I'm very happy that you're listening. But my background is an engineer. And in coming up with this redistricting -- and I am particularly interested in Ocean County, of course, because 40 years ago when we moved here Ocean County was one legislative district -- the entire county. I think that you need to use good sense, and the numbers you come up with should do things realistically and rationally. And that will mean, I think, when you do it that way that Ocean County will be properly represented.

Now, let me very quickly turn to this other matter -- and you see, I'm one of the people wearing a badge: 11th Member Now. As I've been sitting here, I've been trying to think of an analogy to what is going on here, and the closest I've been able to come up with is: Two people standing outside their burning home. And the wife wants to call the fire department, and the husband says, "Well, no, let's see how far it goes."

And in the alternative suggestion that was made earlier, the husband says, "Well, maybe a fire company will drive by and see the fire and stop here. He can do it any time he wants to do it."

Frankly, you don't want the Apportionment Commission to be engulfed in flames. You don't want to wait until there's no chance of really sitting back with a properly appointed Commission, made up of as many members as are necessary in order to get this thing done, and get it done properly, and get it done within a reasonable time from the date on which you have to do it. Suggesting that the fire engine might pass by and could stop by if he wants to, to put out the fire, is not going to work. To have an effective Commission you have to have the 11th member sitting up there with you.

Those who are sitting up there and those in the audience who know me, know that I am rather outspoken about open government and transparency. If you truly want the people of this state, here in Toms River or anywhere else you go, to believe that this Commission is going to be transparent -- totally -- then vote now that you are at an impasse. And I do understand what you said about cutting the time. Vote now and get that 11th member on here so the people who are taking the time to come out here and speak to you can know that they are speaking to a panel that has the power, with that 11th member, to make a decision. It is not enough, ladies and gentlemen, to say, "Well, that 11th member, when he gets appointed, can read the transcripts that are going to be online." You're here for a reason, and that is to see us face-to-face. And that 11th member has the need to do that as well.

Thank you very much. (applause)

ASSEMBLYMAN WEBBER: Ms. Rosen, thank you for your very thoughtful testimony.

I completely agree that this should be an open process. I was sitting here trying to think of an analogy as well. There's no burning buildings that I'm thinking of, but if I had a test to study for -- if we think of drawing the map as a test that's going to affect the lives of New Jerseyans for the next decade -- if I had a test to study for that's going to affect my life for the next decade, and everybody else in the country had six months to study for it and I had two weeks to study for it, I wouldn't voluntarily give away one week and only give myself a week to study for that test. I'd take the full two weeks to study for the test. And I think members of the Commission see this process as taking public input, hearing from different communities, as helping us study for that test.

And so that's why I think there's a reluctance to pull the trigger earlier than you might like.

MS. ROSEN: If I may just add--

ASSEMBLYMAN WEBBER: Sure.

MS. ROSEN: --I just hope that you're not like my college students who wait until the last night to study for the test. (laughter)

ASSEMBLYMAN WEBBER: We have had both thoughtful testimony and entertaining testimony. We very much appreciate all of your input. Thank you very much, Ms. Rosen.

ASSEMBLYMAN WISNIEWSKI: Mr. Chairman, just to follow up on Ms. Rosen's comment.

The appointment of the 11th member does not necessarily have to truncate the ability of this Commission to take testimony. The only

thing it would do is require us to work harder. (applause) I'm sure that we're all in position to work harder if we need to.

ASSEMBLYMAN WEBBER: The Chairman would agree that it reduces the amount of days -- the number of days -- we have to take testimony. You would agree with that.

ASSEMBLYMAN WISNIEWSKI: We could take the same amount of testimony. We don't have to have any reduction of testimony, and we could have the benefit of the 11th member. (applause)

ASSEMBLYMAN WEBBER: A philosophical difference, obviously.

Valerie Weir, Marta Harrison, followed by John Conn.

No Valerie Weir? (no response)

Ms. Harrison.

John Conn, followed by Joseph Abruscato.

M A R T A H A R R I S O N: My name is Marta Harrison; I'm from Lakewood Township. I'll keep it short.

First, I want to thank all the members for their patience and all the people in the audience for coming out.

I wish the 11th member was here, and I hope the 11th member is here for all the other hearings. I have confidence in you guys; I think that you need to have your full complement on board. Get the guy onboard; let him hear and start to work, and give us the district maps.

Thank you. (applause)

ASSEMBLYMAN WEBBER: John Conn. Is it Conn?

MAYOR JOSEPH M. CHAMPAGNE Jr.: I'm not John Conn; I'm Joseph Champagne. I'm Mayor from South Toms River. I'm speaking in his stead. He has already left.

ASSEMBLYMAN WEBBER: Okay.

MAYOR CHAMPAGNE: I was told that I could come.

ASSEMBLYMAN WEBBER: Okay.

Go ahead, Mayor. Thank you.

MAYOR CHAMPAGNE: Thank you. May it please this panel, I was asked to reflect on this decision that has been made to have only 10 members here. I understand the polarization that exists in our country, unfortunately, between party lines.

One of the things that comes to mind when I see this panel of 10, and not an 11th one, is the universe itself. The first law of the universe is motion, and the second law is order. We have -- this whole notion about redistricting has been placed into motion. Now, we need to put it into proper order.

And the proper order would have to be to have an 11th member from the start -- knowing already that we may -- just the possibility alone should have indicated to us that we'd need an 11th member. It just does not make sense from an order standpoint to begin a process and knowing that there will be some form of delay because of a possible deadlock. But we still go forward with the 10-member panel. And I believe in order to put this in proper order, we should have that 11th member now -- that way the people could be heard. The 11th member can hear the testimony of the people.

For instance, I am from South Toms River. We need public transportation and a number of other things. You hear it, but the 11th member will have to go through the transcripts, and maybe video or audio. And not having the benefit of hearing the emotion coming from my heart -- just plain papers and audio tapes and whatnot.

So it is incumbent upon this panel to consider having this 11th member, because it is only right and it is democratic in nature. Our democracy requires majority rule; and we do that with the expectation that there will be a majority vote. But here, we have 10 members, as I indicated. It's very likely that we will have a deadlock. And based on that likelihood, I submit to the panel that we need an 11th member.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Joseph Abruscato, followed by Robyn -- is it Paciulli-Griffith?

ROBYN H. PACIULLI-GRIFFITH: Yes.

ASSEMBLYMAN WEBBER: Followed by Gary Clifton.

Joseph Abruscato. (no response)

Robyn Paciulli-Griffith, followed by Gary Clifton, followed by Paulina Romo.

MS. PACIULLI-GRIFFITH: I guess I can say now, good evening, members of the board. We started out early afternoon; it is now evening.

Unlike many people who have spoken before you today, I am not an elected official, I'm not a lawyer, I'm not an engineer. What I am is a mother, a concerned citizen, and most of all a member of what I consider a forgotten county, which is Ocean County.

With this redistricting, hopefully the future can become brighter for Ocean County. I know Mr. Gilmore is from Ocean County, and I don't know if he feels my sentiment. But a lot of Ocean County citizens and people further south are forgotten. Mr. Sarlo, you had mentioned earlier about other meetings going on. February 9, you said Newark; February 13, you said Jersey City -- which are all possibilities. You went on further to say-- You bring up Passaic and Bergen counties as well. I was born up in Passaic County, moved down here with my parents, and this is where I planted my roots.

I live now in Beachwood, and I'm not sure if all the people who are sitting on the dais know this, but Beachwood is considered a lovely little town; however, our water situation along the Barnegat Bay estuary is in serious, serious, serious trouble here. And if we don't do something about it soon, people coming down from North Jersey won't be able to enjoy, with their children or their grandchildren, the lovely area that we do have down here.

Like I said, I'm a mother of three, I'm a voter, and with this redistricting that's going to be taking place I hope that these districts become more -- I don't know if I'm going to use the proper words -- but more oriented to the areas and the people that they perceive, to put into these districts more for the area that they're focusing on. I'm a member of Save Barnegat Bay and we, along with Barnegat Bay Partnership and Clean Ocean Action, have really forced the hand of the Legislature to get some kind of bills passed so that we can clean up the Barnegat Bay estuary.

I've been in Beachwood for 23 years. I've been down in Ocean County since 1960. So my heart is here. Even though I was born in

Passaic, my heart is here. Like I said, I'm not an elected official; I don't have any degrees whatsoever. What I am is a mom who is concerned that the current situation of the way people and the redistricting is going, it does not always focus on our primary targets -- which I believe, in the future, really need to be addressed. And really and truly, you as the Commission sitting up here have the power to do this. And I hope you take all this into consideration.

I've heard a lot of good comments come from a lot of people who have been sitting here today. I echo the sentiments of both the Toms River Councilmen who spoke earlier. And just everyone should take into consideration that that 11th person should already be here. It should not be, "Well, we're working on it." They should be here. They should have been here since day one when this whole Commission was put together. If you have six Democrats or whatever the case may be, and five or six Republicans, you're always going to have a deadlock. That bipartisan person should have been in place from day one -- not day 20, not day 50 -- day one.

Thank you very much for your time. (applause)

ASSEMBLYMAN WEBBER: Gary Clifton (no response), followed by Paulina Romo.

I don't think that's Mr. Clifton.

PAULINA ROMO: No. (laughter)

ASSEMBLYMAN WEBBER: Ms. Romo, followed by Joe Lamb, followed by Wyatt Earp.

MS. ROMO: Hi, my name is Paulina Romo. I'm here representing the organization of New Labor. It's an immigrant organization

settled in Lakewood, and we focus on justice and respect and equality for all humanity in general -- but particularly the Latino population.

Okay -- sorry; I'm a little bit nervous. I've never done this before.

*“Give me your tired, your poor,
Your huddled masses yearning to breathe free.
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me.
I lift my lamp beside the golden door.”*

These are the words etched at the feet of Our Lady Liberty, the very image that represents us as a nation and what we believe in. Our history is one of a mixed historical heritage in which waves of immigrants have crossed oceans and hostile terrain in order to enter the land of golden opportunity. For centuries we have loved and hated the immigrants who have arrived at our doorstep. Loved them for the labor and economic advantage that they have provided with; and hated them for all the ways they are different from us. Signs that read “No Irish need apply,” or, “No dogs, Indians, or Mexicans,” plagued our store windows. And yet, what does being an American really mean? Is it the name of this vast continent in which dozens of nations coexist, each of which call their people Americans? Is it the mere coincidence of living in the United States and having been lucky enough to have been born within its recently created borders? Or is it the color of our skin, our language, our customs, and our habits?

Perhaps it is a mix of all of these things. Yet before we can count language and customs, we must retrace our steps and remember

where these customs and habits came from, and realize that each and every one of these very American traditions takes root in very un-American cultures and nations.

The immigrant of today is like the immigrant of the 1800s, in that they still live in a community excluded from the rest of American society, and coexist with like peers with similar shared cultural and linguistic experiences. Yet still work the hardest, least-desirable jobs for the lowest wages, and yet still looked down upon and often simply not looked at at all.

As author and journalist Jorge Ramos says, “They are the invisibles. Nobody notices them; sometimes they pass right in front of us and we look through them as if they were not there.”

But they are here, and the United States would be a very different country without them. People don’t realize just how important they are to our way of life. Those who go through each day unseen are undocumented immigrants -- the invisibles.

In 1751, Thomas Jefferson wrote a book in which he spoke about his fears of the so-called *Germanization* of our nation. “These new immigrants would destroy our country and tear it apart from its roots,” he felt. “Why should Pennsylvania, founded by the English, become a colony of aliens who will shortly be so numerous as to Germanize us instead of us Anglifying them? And they’ll never adopt our language or customs, any more than they can acquire our complexion.”

Do these words sound familiar? Is this not the same language we use in our contempt against the undocumented citizens or *Mexicans*, as they are so often called, regardless of their country of origin? These aliens

are human beings who have entered this land -- that was only a few hundred years ago theirs -- for political and social reasons that for most of us, who live in comfort and luxury, find difficult to imagine.

The happy and the powerful do not go into exile. It is the poor and the desperate who would leave their families and their lives behind in search for a life that will provide a greater opportunity -- just like our very American ancestors did several centuries ago.

It is now recognized as a fact that a President could not enter the White House without the Latino vote and, as such, many debates are presented or translated into Spanish for that very large population to hear and base their opinions on. A popular saying is "*Hoy marchamos; mañana votamos.*" Which means, "Today we march; tomorrow we vote," which is a very realistic interpretation of current events.

The Latino population is growing at an alarming rate, and the voices of the previously invisible people will soon be a much louder voice -- full of passion and the desire to be truly American. The undocumented worker is a person who values and respects the majestic nature of this wonderful land of opportunity -- more than even the average American. He or she cherishes the chances given and happily endures any injustice because of the overpowering belief that this is a good nation, a nation where success can be obtained with hard work.

According to the United States Constitution, the Census incorporates undocumented workers as part of its statistical evidence. These undocumented workers live here; they buy from our stores; they have cell phones, computers, and internet; and buy food at grocery stores that all profit from their purchases. They take advantage of the jobs that are

offered them at low wages and spend their hard-earned money on a few luxuries they would never have dreamed of in their countries. And the rest is sent back home to assist and provide for their beloved families.

They are a part of our community, and they are an intricate part of our national and global economy. Throughout the history of our nation, our government has created laws to protect undocumented immigrants and to ensure amnesty for those who work and contribute to the overall health and greatness of our nation. Should their voice not be heard? Is it acceptable in this day and age for us to deny any group of human beings the right to be heard? The right to be treated humanely? The right to life, liberty, and the pursuit of happiness? Were we not all created equally? The greatness of nations is judged not by the way they treat the richest and most powerful of its citizens; rather, it is judged by the way they treat the poorest and most vulnerable.

Whatever we decide today, I hope it is a decision based on truth, justice, morality, and ethics. I hope that we will all look inside ourselves, remember who we are, and remember that though we may be different, look different, or adamantly support one political party or religion over another, we must realize that these titles are truly insignificant and that the great equalizer that unites us is our humanity.

We all glow within the context of this great commonality, and as human beings we are all worthy of justice and respect. There is no better source of self esteem than being seen and heard, and being recognized for your labor without feeling fear and without being forced to avert your eyes.

I ask you all to please allow your eyes to acknowledge the beauty of each and every human being, and to demand that each and every human being have a voice.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Joe Lamb.

UNIDENTIFIED MEMBER OF AUDIENCE: He left.

ASSEMBLYMAN WEBBER: Wyatt Earp, followed by James Ellis. (applause)

W Y A T T E A R P: They're just clapping because they're all speaking (indiscernible) (laughter)

Thank you for all your hard work -- let me start with that.

I really got a kick out of the fire analogy and the school analogy, so I'll just go to the school analogy because I thought that was interesting.

And it's true: We wait until the last minute to study for tests, generally. But we should be studying the whole time we're in the class. And, in fact, this class started just about 10 years ago; and to that point, the day after you finish this redistricting and it's all settled, I guarantee there will be talk about what to do 10 years from now.

So in order to move this process as forward and quickly as we can, so that we can have a fair representation and people have an opportunity to file their petitions and pick candidates, I think that needs to be, at least, weighed into the overall equation.

In Ocean County -- and I heard the Tea Party, and I don't always agree with them, but I agree with some stuff. In Ocean County,

term limits for legislators would be okay -- I don't know about the rest of the state. (laughter) I just wanted to say that.

And keep in mind, when we talk about numbers, that you look at numbers at the broad base; because we have nine legislators in Ocean County, and out of those nine legislators they are all Republican -- yet 45 percent of our electorate are Democrats. So if you just looked at base numbers, you would say that at least four of our legislators should be Democratic, based on the numbers. So you have a very difficult task to *(a)* -- look at numbers; but *(b)*, -- look at common interests. And I think you heard some good speakers speak about that already.

So I won't take a lot of your time; I just want to thank you for all your hard work, and I appreciate it. (applause)

ASSEMBLYMAN WEBBER: Thank you, Mr. Earp.

James Ellis has the distinction of being our final speaker -- final witness. (applause)

J A M E S E L L I S: Thank you.

ASSEMBLYMAN WEBBER: You must be special, Mr. Ellis, to get a big applause before you start speaking. (laughter)

MR. ELLIS: Well, I think you made me special. (laughter)

I came here-- I'm James Ellis; I'm from Toms River. I came here this afternoon with no intention of speaking. But as I listened to the discussions, the points of view, the various arguments that have been made -- and, of course, one of the recurring points of contention is the question with regard to the 11th member of this body, this Commission. And I am mindful of the concerns of both the delegations -- the caucuses, if you will: one from the Democratic side -- the inevitability of needing an 11th

member, and why shouldn't that person then have the benefit of seeing firsthand, hearing firsthand, the public comments throughout the state? On the other hand, Mr. Chairman, your point of view that to invoke that, and have the Attorney General person -- or not the Attorney General -- the Chief Justice make that appointment, now would start the clock ticking and limit your time to complete the work, by statute.

It seems to me that there may be a compromise possible here. And there's a couple of brief questions I need to ask you: Is it possible for Professor Rosenthal to sit on the dais with you, as an invited guest, before he is appointed by the Chief Justice?

ASSEMBLYMAN WEBBER: I think--

ASSEMBLYMAN WISNIEWSKI: I would say yes.

ASSEMBLYMAN WEBBER: I recognize--

ASSEMBLYMAN WISNIEWSKI: I'm sorry.

ASSEMBLYMAN WEBBER: --Assemblyman Wisniewski.

(laughter)

ASSEMBLYMAN WISNIEWSKI: We would say yes.

ASSEMBLYMAN WEBBER: Our position, I think, is that the Constitution has no role for the 11th member until the 11th member is appointed by Chief Justice. I think what we've done today is to-- There is a presumptive 11th member; we don't know who that would be -- only the Chief can say. We do believe it, quite possibly, could be Dr. Rosenthal, and we will hand write an invitation for Dr. Rosenthal to attend and participate in some way in the hearings.

MR. ELLIS: Is the law silent on your ability to invite the presumptive 11th member, or is it clear from the law that you can't do that -- you're prohibited from doing that?

ASSEMBLYMAN WEBBER: I would direct you to Article IV, Section III, of the State Constitution, and then you can draw your inference. I mean--

MR. ELLIS: Well, I'm asking you -- I'm sorry.

ASSEMBLYMAN WEBBER: No, no, no. It appears to be silent; it doesn't contemplate that.

MR. ELLIS: And if it's silent, what would be the harm or the risk to the body then to do that -- if it's in the public interest for him, if he's willing to be the good citizen that apparently he is, by the fact that both delegations have identified him as someone who they would find acceptable to this body. I mean, you feel that way about him already; and I can only assume then that, if you did invite him and allow him to sit up there on the dais with you, that he would do that, or do that at as many meetings as he could possibly make. And there would be benefit to all the citizens of New Jersey from that. When it comes time then to call the impasse, he's prepared to engage fully and more effectively with the rest of you and serve all the citizens of New Jersey, and the whole body could do that more effectively, I believe.

If you would entertain a motion before you leave here this afternoon to that effect, I think you would do a great service to all of us. Thank you.

ASSEMBLYMAN WEBBER: Thank you, Mr. Ellis. (applause)
Ms. Paciulli-Griffith.

MS. PACIULLI-GRIFFITH: (speaking off mike) Paciulli-Griffith, yes.

ASSEMBLYMAN WEBBER: Paciulli-Griffith.

MS. PACIULLI-GRIFFITH: (speaking off mike) With Mr. Sarlo-- I have a big enough mouth, I don't need a microphone.

ASSEMBLYMAN WEBBER: Would you come forward; you're not going to be on the record if you--

MS. PACIULLI-GRIFFITH: Okay. Then I guess I must come forward.

Just to reiterate on the -- all the meetings, like I had mentioned several. Not one has been mentioned bringing it down to southern Jersey -- like the Atlantic City area or anything further south. Like I said, Ocean County and below is like the forgotten counties.

SENATOR SARLO: I personally have no problem going-- We were in Camden this morning; we are here this afternoon. I personally have no problem going to Atlantic City or to Gloucester County. I'm the Chairman of the Budget Appropriations; we take our show on the road, so it's no problem for me personally.

MS. PACIULLI-GRIFFITH: Right.

SENATOR SARLO: I know that many of the members did want to have one or two up in the North, so--

MS. PACIULLI-GRIFFITH: Because--

SENATOR SARLO: I would be more than glad to do a motion on the future meetings, when we get through the next two, to bring them to Atlantic County and the like.

MS. PACIULLI-GRIFFITH: Thank you, because it's just constantly going up north. Let's have people from up north come down.

MS. CRUZ-PEREZ: I agree with that.

ASSEMBLYMAN WEBBER: I would like to take a motion to adjourn.

MR. PALATUCCI: So moved.

ASSEMBLYMAN WEBBER: Second.

MS. KIM ASBURY: Second.

ASSEMBLYMAN WEBBER: Thank you very much for your participation.

(MEETING CONCLUDED)

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