
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: Hudson County Community College
Jersey City, New Jersey

DATE: February 13, 2011
1:00 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): Good afternoon. My name is Jay Webber; I am the co-chair of the 2011 Apportionment Commission. My fellow Co-Chair, Assemblyman John Wisniewski, is to my right.

I want to welcome you to the fourth public hearing of the 2011 Apportionment Commission.

The first order of business is to call the roll. Our Secretary, Frank Parisi, from the Office of Legislative Services, serves as our Secretary, and he'll call the roll.

MR. PARISI (Secretary): Senator Sarlo.

SENATOR SARLO: Here.

MR. PARISI: Bill Palatucci.

MR. PALATUCCI: Here.

MR. PARISI: Senator O'Toole.

SENATOR O'TOOLE: Here.

MR. PARISI: Speaker Oliver.

ASSEMBLY SPEAKER OLIVER: Here.

MR. PARISI: George Gilmore.

MR. GILMORE: Here.

MR. PARISI: Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Here.

MR. PARISI: Vice Chair Nilsa Cruz-Perez.

MS. CRUZ-PEREZ: Here.

MR. PARISI: Vice Chair Irene Kim Asbury.

MS. KIM ASBURY: Here.

MR. PARISI: Co-Chairman John S. Wisniewski.

ASSEMBLYMAN JOHN S. WISNIEWSKI (Co-Chair):

Here.

MR. PARISI: Chairman Jay Webber.

ASSEMBLYMAN WEBBER: Here.

MR. PARISI: We have a quorum.

ASSEMBLYMAN WEBBER: Thank you.

Again, I'd like to thank you for coming out today. There are a lot of things you could do on your Sunday afternoon, but that you want to participate and/or observe a process that comes around once a decade says a lot about our democracy, and a lot about you. So thank you very much for coming.

Assemblyman Wisniewski and I alternate chairing the hearings, and today I have the privilege of chairing this hearing.

I want to, first, thank our hosts, Hudson County Community College and Mayor Healy, for providing us this terrific venue to have our session.

The Apportionment Commission, as many of you know, meets once a decade. The Federally mandated census was completed last year; and after the census, each decade, New Jersey is obliged to redraw the 40 legislative districts that elect our State Assemblymen and our State Senators who represent us in Trenton. The census is complete, and the 10 members

of the Commission now have the job of redrawing the legislative map for the next decade.

The Commission was selected, pursuant to the New Jersey State Constitution, by our respective party chairs -- the Republican State Committee and the Democrat State Committee. If the 10 members of the Commission cannot agree on a map by the constitutionally mandated deadline, which is March 5--

ASSEMBLYMAN WISNIEWSKI: Fifth.

ASSEMBLYMAN WEBBER: --or so -- we'll hash that out -- then an 11th member is appointed by the Chief Justice of the New Jersey State Supreme Court, Stuart Rabner.

The Commission has 30 days from the time that the State receives the final census numbers from the Federal government. The State received those numbers on February 3; and so 30 days from there is about March 5. If we cannot come to an agreement before March 5, Chief Justice Rabner will appoint an 11th member to break a tie, and then the Commission is constituted-- The 11 members will have 30 days from the day that the 11th member joins the Commission -- or about April 4 -- to come to a map and produce a map that will be used for the 2011 elections, and then every State legislative election for the next decade.

We are constrained by several things in our work redrawing the map -- the first is the United States Constitution. We must respect the principle enshrined in the United States Constitution of one person, one vote; which means that each of the legislative districts that we draw has to be roughly equal in population -- as close to equal as we can get it. For the

next decade, the proper number -- population -- for each legislative district is about 220,000 residents. So when we draw that map we have to keep that 220,000 number in mind, and the Federal Constitution requires that we try to -- we get as close as possible to that.

We have other Federal requirements -- especially the Federal Voting Rights Act -- that governs our work, and State constitutional requirements regarding keeping municipalities whole with the exception of municipalities that are too large, or larger than 220,000. In those instances, those municipalities should be split only so many times as they need to be to meet the constitutional and Federal Voting Rights Act requirements.

We know that the map that we are currently under will change. The map will change because the law that governs the map has changed. The Federal Constitution has been interpreted over the last decade to clarify what one person, one vote means. The Federal Voting Rights Act has been interpreted and, more specifically, interpreted over the last decade. And State constitutional law has also changed over the last decade, and that will impact how we draw the map, going forward. That law has changed substantially, so we would expect the map to change substantially.

The State of New Jersey has also witnessed a change in demographics, and we have to respect the changes in demographics. We know that we've grown slightly as a state; but different regions of the state have grown more quickly than others. Some regions of the state have shrunk in terms of population. We also know that the racial and ethnic composition of the state has changed significantly over the 10 years, and so

the map will have to reflect all of those changes in demographics and the law.

What we are doing today is actually the fourth public hearing that we will have had. And I think it's a credit to all 10 members of the Commission that this is the most open Commission that has been constituted since the State Constitution was changed to create this Commission about 40 years ago. There's an unprecedented level of public access to this process: four public hearings so far -- we hope we have more. We do expect to have additional public hearings when the 11th member -- if the 11th member comes on after the beginning of March. That level of public input has been impassioned and substantive -- rooms packed like this in Camden, Toms River, and Newark. We appreciate your coming out and we have need of your input. This is the only chance that people in New Jersey get to tell us what you think the map should look like for the next decade. And so as those changes that we draw into the map come to fruition, we need your help telling us which communities are underserved, underrepresented; which communities have interests that we need to keep in mind going forward.

So we thank you for that. We also want to direct your attention to the Apportionment Commission's website -- apportionmentcommission.org -- a place where you can find the census data that we will be using to draw the maps. You can also find the current legislative map and, perhaps most importantly, the website provides a function to give us input in a written form via the web. As Assemblyman Wisniewski said in Newark, when the Commission breaks today and goes

home, you will have missed this chance, or had the chance and used it, to testify. When you go home, you log onto your computer, you have another chance to tell us what you think and what's important about this process. And we welcome your input through that medium as well.

A couple of housekeeping items for today: If you haven't already, and you would like to testify, please fill out a slip. They are available at the door, and if you don't fill out a slip telling us that you want to testify, we won't call your name because we won't know you want to participate. We'd love your participation, but please fill out the form.

We are going to ask that witnesses keep their comments to five minutes or shorter. We have in excess of 50 witnesses signed up, and we want to hear from everybody. We also want it to be an efficient process, so please keep your comments to about five minutes. We have an egg timer that has a very pleasant, gentle, but firm ring. (laughter) And if you hear that, and you haven't finished, please wrap up your comments expeditiously.

We are here to talk about redistricting. I know this is an opportunity and a public forum, and people have a lot of things to say to their elected representatives and people in politics; but if you could keep your comments focused on the Apportionment Commission's core mission, that would be appreciated. If you have written testimony to submit, we'll take it here, just as much as we'll take it over the website. If you do, please give it to Mr. Parisi or at the front desk and we'll make it part of the official record.

If -- and we've seen this before -- if other witnesses have said what you're going to say and you want to associate yourself with those comments, we welcome you to shortcut your testimony and associate yourself with those comments. Certainly everyone has a right to speak; everyone has a right to get up for five minutes and speak on the subject. But if you can make it a little more efficient for everybody and make sure that everybody gets an opportunity to testify by associating yourself with comments from others, please do that.

And the way this will work is I will call a witness, and then I will call the next two in order so that you're prepared and ready to come up. And if we can keep the flow going, it will assist us. I think-- We had a marathon session in Newark that went very well; this one might be a little longer than that one, and so about halfway through this session we might adjourn for a brief 10-minute intermission. But we'll be sure to flash the lights for you before you come back. In any event, we do want to make for an expeditious day, and a good day. We're looking forward to hearing from you.

I know that the Assemblyman is prepared to make just a couple of comments, and I'll turn the floor over to Assemblyman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Thank you, Chairman Webber.

Ladies and gentlemen, good afternoon. And let me thank you, first of all, and echo the comments of Chairman Webber. Thank you for being here to participate in this public hearing on legislative reapportionment. This is a process that is rare -- it comes once a decade --

but it has consequences that last for the entire decade about who represents us in the Legislature. And so your input is sought by the 10 of us, and we are here to listen. That's our job today: to listen to what you have to say. We may occasionally ask questions at the end of your prepared remarks, but we are here to listen to what you have to say because you come from a variety of areas, you have a variety of issues that you wish to address. It is important for us, as a Commission, to listen to them, to digest them, to consider them in our deliberations.

But it's also important to understand that the map making that we will ultimately engage in is map making that is in part governed by the things here today, but fundamentally governed by the United State Constitution and the series of case laws that have interpreted not only the constitutional requirement of one person, one vote; but that have interpreted the Voting Rights Act and a variety of other laws, both in this State and on a Federal level.

And so we have a very complicated set of rules under which we must ultimately prepare our map that fairly represents the 40 legislative districts in the State of New Jersey. And just to, again, echo some prior comments: We are very interested in what you have to say, but if it's been said before, we don't mind you coming up and associating yourself. But certainly understand, with 50 people who have signed up to testify, the more expedient we can make the process, the more opportunity there is for everyone in the room to have an opportunity to have their voices heard.

I want to thank Mayor Healy; the Hudson County Community College; the County of Hudson; and our staff, Mr. Parisi, and the staff from

the Office of Legislative Services who has been staffing all of these hearings and preparing the transcripts that are available online. You can go online and see what has been said before today, understand the points of view that were made in Camden, in Toms River, and in Newark. And what happens here today will ultimately find its way online as well. And you will continue to have the ability to submit written comments, submit documents on what you think we should be considering and how you think we should be acting as we move forward in this process of preparing a map for the next decade.

With that, I look forward to your testimony. I know, Chairman, my Vice Chair has opening remarks she'd like to make.

MS. CRUZ-PEREZ: Very brief.

ASSEMBLYMAN WEBBER: Assemblywoman Nilsa Cruz-Perez.

MS. CRUZ-PEREZ: Mr. Chairman, thank you. I'm just going to be very brief.

I just want to say good morning -- muy buenos dias. Thank you to the members of the public who have come here to testify and express your opinion in this very important process. We have made some progress as minorities in the Legislature, but much, much, much work has to be done. We just have to be careful so that we don't pit one racial group against another.

New Jersey has grown, and we have to grow together -- not grow apart. Mr. Chairman, I look forward to working with this Commission to draw a fair, constitutional, and forward-looking map.

Thank you.

ASSEMBLYMAN WEBBER: Thank you.

I would recognize Vice Chair for the Republican delegation, Jersey City resident Irene Kim Asbury.

MS. KIM ASBURY: Thank you, Chairman, and thank you Chairman; thank you, Vice Chair Cruz-Perez, for giving us all some guidance as we go into this process.

And I'm glad you brought to our attention the changes -- that New Jersey's minority communities have grown in the last decade. Hispanics and Asian-American populations have really increased considerably, while the African-American population has increased by almost 14 percent. This means, first, that minorities are a presence in New Jersey, and they should be given the opportunity to represent their communities at these public hearings.

Second, the old legislative map drawn 10 years ago must be adjusted to reflect these changes. Speaking as someone who lives in one of the most diverse areas in the country, I'm looking forward to this open process -- as all the Commissioners are. I'm committed to improving minority communities' access to government services, and this Commission is no exception. We need to hear your views so we can keep all of these interests in mind as we draw this map. We must redistrict in a manner that is fair, equitable, and constitutional. Everyone in New Jersey deserves the right to be treated fairly, equitably, and constitutionally.

That being said, the Commission can't wait to hear from the public. We look forward to all of your input, and we look forward to working with the many faces of New Jersey.

ASSEMBLYMAN WEBBER: Any other members? (no response)

Okay, with that we'll call our first witness -- Congressman Albio Sires, followed by Mayor Healy, followed by Assemblyman Ramos.

C O N G R E S S M A N A L B I O S I R E S: Good afternoon, everyone; welcome to Hudson County. Welcome to Hudson Community College, and welcome to the Culinary School here. This is one of our proudest buildings, and one of our proudest schools. This is one of the outstanding places in the state.

And I want to thank you for coming, and I want to thank you for serving. I don't know if anybody has said that, but at the end of the day you have a very difficult job, and I don't think you're going to make a lot of people happy. But, knowing that, you still care a great deal about the state; you still care about the presentation and that you get a fair map. And I know all of you think that, because I know most of you.

I'm here as someone who came from a district in this county that has performed extremely well in terms of giving opportunities to minorities to hold office. When you look at this district, and you look at the people who come out of this district, you have people who have been elected to the Assembly; you have people who have been elected to the -- minorities, I'm talking about -- to the State Senate; you have people who have been elected to represent in Washington -- Congressmen; and you have people elected here that have been elected to the U.S. House as Senators. You also have people out of this district who have been elected as mayors, and a Speaker of this great State -- all of them minority.

So what I'm talking about is a unique district. You have 40 districts that you have to make a decision on. This happens to be a very unique, well-performing, high-performing district in terms of getting minorities elected. I think that the makeup of the district is extremely important: it is very diverse in terms of -- within its own ethnic composition, and of the people who serve it. I would just point out that, currently, we have freeholders who are minorities; we have Assembly people who are minorities -- including a woman, which is something that we always strive to make sure that they have an opportunity to get elected.

By saying that, I guess one of the things that I want you to consider when you're making your decision is that you cannot have a blanket position for all 40 districts. There are districts that have different makeup, and you might have to not use something standard for the 40 districts, and take into consideration the district that you are going to put together.

As I look at this district, I can tell you that the community that I come from, West New York, and the community of Union City are almost one. You start on 5th Street, you go to 67th Street -- you can't tell the difference. When they move from West New York to Union City, Union City becomes the most highly populated mile in the country. When their relatives move back to West New York, West New York becomes the most populated mile -- square mile in the country. (laughter) That is the type of district that it is: it is a district that is unique. I don't know where you're going to find that in this state anywhere; because I know a little bit about the state having traveled throughout the state.

So I think that gives you an idea when I say to you that there's a uniqueness to every single district that has to be taken into consideration. If you're going to go by just blanket this or blanket this all over the districts, I think you're going to have a difficult time drawing some of these maps.

I came from this district; I was a mayor in this district; we have freeholders -- right down to the County Committee. You even look at the County Committee, the opportunities are there for minorities to serve. And I think that the people who are represented in this district, all of the time, are represented well.

In terms of what you have to do: Look, I have no magic bullet to tell you that this is how. I've been involved with this once before. You have a hard job. The Asian-American community has grown. In this city, the population is very diverse. I think the Mayor will probably testify that there's like 27 languages spoken in this community, and we all speak it every time we go to a different event -- right, Mayor? (laughter) -- even if we just say hello.

But that's how diverse this County is, and that's how diverse this state is. So what I'm saying to you is this: Please take into consideration the little nuances that some of these districts have. It is not just "we cut here, we cut there" -- if it was that easy, New Jersey wouldn't be the kind of place that it is. New Jersey is just a great place where many people come to this country, start their lives, and continue to stay in this state.

So I thank you for allowing me to participate and be a speaker. I know that my redistricting is coming up, and you're not going to be there;

but it is important for me to let you know how I feel because I've been such a part of this community. I came to this country in 1962; and I've been in this County and in this district -- and in the same district ever since. Even at one time, we had two Republican Assembly people elected, and a minority by the name of Jose Arango was elected as a Republican out of this district.

So it's a well-performing district, and I guess that's the comment-- I'll stop here because you have so many people that you have to hear.

But I thank you for allowing me to say a few words. Thank you very much.

ASSEMBLYMAN WEBBER: Thank you, Congressman.
(applause)

Next would be Mayor Healy, and if the Assemblyman wouldn't mind-- I didn't realize we have State Senator Cunningham here. The Senator would go next, and then Assemblyman Ramos, followed by Assemblyman Rodriguez.

MAYOR JERRAMIAH T. HEALY: Good afternoon, and thank you for the opportunity. I thank the members of the public for coming down here today, the elected officials, and of course all of you Commissioners.

Jersey City, as you know -- the census is done -- different from most major cities, we have grown. We went-- Our population went up 3 percent. We plan to challenge the count anyway because, once again, we're convinced that we were undercounted by at least 20,000 people. The

numbers came out to be 247,000 and change; and just by the number of buildings that went up in this city in the last 10 years, to have our population only have grown by 7,000 is indicative of another big undercount for our city.

But what we have always said about our city: we're the most ethnically, culturally diverse city in the state. Well, that was borne out once again by this census. The population numbers here, in this city: 22 percent white, 23 percent Asian, 24 percent black, and 28 percent Hispanic. And there's something listed as 4 percent other -- I don't know exactly what that is, but it confirms what we've been saying: we're very much ethnically diverse in this city.

One of my big concerns -- I don't believe it's a concern anymore; I think the law is on our side, the U.S. Supreme Court case. And from what I've heard through the grapevine about this Commission, my concern was our city being into (*sic*) three districts. And I believe representation in a case like that -- our representation -- gets diluted. So at some point (applause) -- somebody agrees with me; thank you. (laughter) I think that was my wife and children. (laughter) They clap every place I go.

But at any rate, getting two districts for our city, I think, will ensure that we get 100 percent representation, rather than diluting it.

Also, there were a couple of articles that I read recently by former Assemblyman Caraballo, and by our Assemblywoman Joan Quigley, and I want to warn this Commission to keep that in mind: the stacking issue. I don't think it helps Jersey City; I don't think it helps any of our minority people in Jersey City or Hudson County, or the State of New

Jersey, for that matter. So I'd ask you to keep that in mind and please avoid it.

And, once again, thank you for serving here; and I wish you all the wisdom, the patience, and the diligence that you're going to need to do a good job in this very, very difficult task. So I wish you all luck.

And I've kept my remarks under five minutes. Thank you, and good luck.

ASSEMBLYMAN WEBBER: Thank you, Mayor. (applause)

Senator Cunningham, followed by Assembly representatives Ramos and Rodriguez.

S E N A T O R S A N D R A B . C U N N I N G H A M: Good afternoon.

Let me first of all welcome you to the great, diverse District of the 31st. This is probably the most dynamic district in the entire State of New Jersey, because we are fortunate in that this district consists of African-American neighborhoods, white neighborhoods, Asian neighborhoods, Hispanic neighborhoods; young people, old people, rich people, and poor people. It is a district that, by its own design, gives all people proper representation.

While African-Americans, Latinos, and other minorities are often central to the process when crafting the legislative map, we continue to fight for inclusion when both parties ultimately choose their candidates after the map is complete. As you prepare to craft a map which will be in place for the next 10 years, you should be mindful that the purpose of this process is to ensure fairness for all of New Jersey.

Ultimately, the map will create a Legislature that is charged with the task of setting public policy for the State. The practice of packing minorities or stacking, as Mayor Healy said, into a district will have the impact of creating an “us versus them” district, where legislation that meets the needs of minorities will have difficulty in passing. Where minorities are packed into a few districts, it may become increasingly difficult to pass gun legislation like we did recently, because those representatives without urban constituents have little motivation to respond to urban concerns.

However, when a legislator is faced with a diverse electorate, they are forced to view the diversity of their district as a family, as all members of the family may have different needs, but they’re all a family nonetheless. My district is a shining example of the kind of diversity every district should reflect.

Pigeon-holing representatives in narrow, racially and ethnically bound districts would only mean that you’re inevitably creating lawmakers that would only be known as the black Senator or the Latina Assemblywoman, rather than simply “Senator” or “Assemblywoman.” It would diminish the very important role that they have in the public policy of this State, as well as giving their colleagues a pass on taking their words and concerns seriously.

Since this last map was crafted, the 31st District has sent a group of men and women to represent them that has been diverse -- from Joe Doria to Joe Charles, to Elba Perez-Cinciarelli, to Charles Mainor, to Harvey Smith, to my late husband Glenn Cunningham and myself. Whether it has been responding to the needs of longtime residents in Jersey

City's urban core, the young professional who has just moved into our waterfront, or the retired senior citizen in Bayonne, the diversity of this district and its representation ensures that each gets the same amount of attention.

You will not see that by gerrymandering minorities into seats -- as possible as in a few places. The diversity of the 31st District should be the rule, not the exception. As I've learned as this district's Senator, and as those before me have learned, the interest of everyone has to be served. The 31st District has done that the way that it is.

Thank you. (applause)

ASSEMBLYMAN WEBBER: We have, actually, two representatives from the 33rd District -- Assemblyman Ruben Ramos and Assemblywoman Caridad Rodriguez. I don't know if you want to share the microphone? A legislative team.

So you know when you come up, the larger microphone is to amplify your voice so everyone can hear you; the smaller microphones are to record your voice for the transcripts that are being provided. So please speak into the larger microphone, and the others will pick up your testimony.

Next would be Assemblywoman Annette Quijano, followed by Mayor Wilda Diaz.

ASSEMBLYMAN RUBEN J. RAMOS JR.: Thank you, Chairman.

Again, I'd like to reiterate Congressman Sires' statements, and Mayor Healy, in welcoming you to Jersey City and Hudson County -- the

great County of Hudson. And good afternoon to all you members of the Commission and thank you for giving me the opportunity to speak in front of you today regarding an issue of much importance.

Over the past four years I have had the honor of being an Assemblyman representing the 33rd Legislative District. I have had the distinct pleasure of representing a diverse selection of citizens and interests as well.

As a member of the Latino community myself, I can tell you that I have formed ethnic bonds with the people in this district that transcend municipal borders. Although the Latino community is increasing in influence throughout our state, I can tell you that this community is a tight-knit community -- we know our neighbors, our neighbors know us -- where our towns almost seem to be intertwined.

The members of the minority community in the 33rd District share common bonds that deserve to be represented in unison and aside from the cultural and social aspect of the ties, common thread between our cities.

There are a variety of funding and legislative initiatives that affect the minority community as a whole, and we represent those interests. I am proud to represent West New York, Guttenberg, and Weehawken, as I am to represent Jersey City, Union City, and Hoboken as well.

I firmly believe the 33rd Legislative District is represented correctly, as reflective of its ethnic diversity, the way it is. I urge the Commission to refrain from approving a map that would sever the relationships that have been forged between the people of the 33rd District

and our delegation. I implore this Commission to keep the 33rd Legislative District intact.

And I appreciate you guys for coming here today; I know you have a long day ahead of you. But once again, I'd like to reiterate that Caridad Rodriguez, myself, and Senator Stack -- we are what's right about the map the way it is today. We specifically represent our community the way it is right now.

So I appreciate you guys taking the time to come out and hear our words today. Thank you very much.

I pass the mike to Assemblywoman Rodriguez.

A S S E M B L Y W O M A N C A R I D A D R O D R I G U E Z:

Good morning, everyone -- may be afternoon by now.

Thank you to the Commission for being here today and spending this time with us. This is a very important hearing, and this is part of our democratic process, and we're happy to be going through it.

But as we go through the process, the main thing that comes to mind is to be mindful of the people we represent -- very mindful of the people who put us here.

I came to this district back in 1962 from another country and have been a part of it ever since. I was involved in local government since 1995, and learned through that process a little bit about each community, each ethnicity -- a very diverse community in our district. But together, as a family, we allow each other to be what we are, and practicing as we want to practice.

Saying that, we have geared, since we became an assembly through Ruben and me, together with Senator Stack, to serve our people in their needs. I feel that you need to know what their needs are in order to serve them, and this is what we are striving to do. And the people are happy.

I know that Senator Stack has around three district offices in the district; Ruben has one; I have another one in West New York. And those offices are packed with people demanding, requesting, begging for services; sometimes not at the State level, but local, basic needs that we can provide nonetheless. If not, the big portion.

So we're very proud of what service we're giving our people; and we are always, again, mindful of their needs, and we would love to continue to do that as a threesome.

I beg you to keep our district intact. Thank you. (applause)

ASSEMBLYMAN WEBBER: Thank you.

Assemblywoman Annette Quijano, followed by Mayor Wilda Diaz and Councilman Julio Tavarez.

A S S E M B L Y W O M A N A N N E T T E Q U I J A N O: Good afternoon. I'm not sure if I'm synched in here to all the microphones.

Thank you for allowing me to testify today. My name is Annette Quijano, and I have had the honor of serving as the Assemblywoman from the 20th Legislative District.

I know you heard some testimony before that kind of gave you the impression that I don't exist, but here I am; I do exist. (laughter)

And I am from the City of Elizabeth. As a resident, I was selected to fill the unexpired term by the committee members from the four towns, which is the City of Elizabeth, Kenilworth, Union, and Roselle. I was sworn in on September 25, 2008; I was the only legislator to run in the general election that November to fill the unexpired term. People learned my last name -- how to say it and how to identify it.

Yet, I was not the only Latino on the ballot that November; in fact, there were two others. I was joined by Albio Sires, who represents the 13th Congressional District in the City of Elizabeth; and Angel Estrada, as an incumbent freeholder, also from the City of Elizabeth. As you can see, that year alone there were Latinos on the ballots in three different levels: Congressional, County -- and for those who don't know Union County, that means there are 21 towns -- and the Legislature. All three competed in that election and won in the City of Elizabeth, and won our respective seats.

And now I represent the 20th Legislative District, along with Senator Lesniak and Assemblyman Cryan. We are a team: we respect each other, we rely on each other, and we have learned from each other. I felt the need to come today and set the record straight. Our district is, in fact, very diverse, perhaps the most diverse in the State. We are a district filled with Latinos from South and Central America, Caribbean, Puerto Ricans, Cubanos, Dominicanos, African-Americans, Africans, Haitians. We are also European, which includes people of Polish, Irish, Italian, Portuguese, and Spanish descent. We are Jewish, Catholic, Protestant, Baptist, Muslim, and atheist. We are seniors, children; we are gay, we are straight; we are disabled. We are the new immigrants and ancestors of those brought to

America on slave ships. We are the diversity that defines New Jersey, and our legislators do represent all that diversity in Trenton.

In the 1990s, I served as a member of the New Jersey congressional redistricting commission; only we were faced with the elimination of one congressional district due to population losses in the state. I thought then that that task of losing one congressional district was difficult while maintaining the population numbers; however, your task is much more difficult.

This is compounded by what I believe is an undercount by the U.S. Census. Unfortunately, there were some organizations during the last census that directed Latinos to boycott the census -- something I think is absolutely irresponsible. But some listened and did not submit the census forms. As a result, I believe our population had been undercounted.

Nevertheless, I urge that you analyze the official census numbers and develop a new map. Please keep two important things in mind: how to handle the counting of prisoners, and the damaging effect of packing and bleaching.

First, the Census Bureau counts incarcerated persons as residents of the prison location, even though these people don't vote and are not often part of the community where the prison is located. If you assign prisoners to the census block where the prison is located rather than the census block of their home address, what happens is that it creates a significant enhancement of the weight of a vote cast in districts with prisons, and dilutes votes of all other residents in other districts in the state. So I urge you not to count the prisoner population in a district where the

prison is located, but rather where the prisoner's home is located. This is consistent with the way we actually define residence for voting purposes -- where a person intends to permanently reside.

Second, I oppose stacking and cracking. These words all come to major importance every 10 years, I know. You've already heard testimony about the effects of cracking, which is where districts with smaller numbers of Latinos are broken up and spread among various districts. This dilutes the power of Latinos and makes it less likely that Latinos' voices will be heard. It also results in bleaching, where some districts become even more white than ever before. This is undemocratic and also flies in the face of diversity that helps define the State of New Jersey.

So as you continue to take testimony, and deliberate, and make decisions, I urge you to respect that there are various viewpoints. I am one who is a Latina who believes you must have a fair map: one that recognizes each community, and one which recognizes every town in New Jersey does, indeed, have Latinos.

We are fortunate in the 20th District to have a diverse team of legislators, to have Latino representation in the U.S. Senate, Congress, our County government, our local government, and school districts.

Thank you so much for your time and consideration. (applause)

MR. PALATUCCI: Chair, if I could -- just a question or two.

ASSEMBLYMAN WEBBER: Assemblywoman, we have a question.

MR. PALATUCCI: Assemblywoman, I happen to live in Westfield, so I'm from Union County.

ASSEMBLYWOMAN QUIJANO: Oh, great.

MR. PALATUCCI: So I'd just like to ask a couple of questions just to clarify the record.

Did you ever challenge Assemblyman Cohen in a primary?

ASSEMBLYWOMAN QUIJANO: Did I challenge him?

MR. PALATUCCI: Did you ever run in a primary against Assemblyman Cohen?

ASSEMBLYWOMAN QUIJANO: No.

MR. PALATUCCI: Did you ever run in a general election against Assemblyman Cohen?

ASSEMBLYWOMAN QUIJANO: No.

MR. PALATUCCI: So you were initially-- You got to the Legislature via a county convention -- Title IX -- convention. That's how you got on the ballot the first time.

ASSEMBLYWOMAN QUIJANO: Yes.

MR. PALATUCCI: Okay. That's all; thank you.

ASSEMBLYWOMAN QUIJANO: I also did run -- I don't know if you know -- for freeholder on the County ticket.

MR. PALATUCCI: Well, I appreciate that. I know Congressman Sires very, very well, and he spoke very eloquently. Our task here is legislative redistricting. And so I'd love to talk to you about redistricting on the freeholder level in Union County, but that's for another day. (laughter) We're here talking about legislative redistricting and the opportunity for every New Jerseyan. And so I was just curious to make sure

the record was clear in terms of how you got to the Legislature, and you answered my questions, so thank you.

ASSEMBLYWOMAN QUIJANO: Okay, thank you.

ASSEMBLYMAN WEBBER: Assemblywoman, did we have another question?

MS. CRUZ-PEREZ: But you were appointed, and then how many times have you been elected from the people?

ASSEMBLYWOMAN QUIJANO: I have run two cycles -- two election cycles: one for the unexpired term, six weeks after I was selected. And then again within one year for the two-year term.

MS. CRUZ-PEREZ: And New Jersey's lucky to have you.

ASSEMBLYWOMAN QUIJANO: Thank you.

ASSEMBLYMAN WEBBER: Assemblywoman, if I might--
Any other questions? (no response)

If I might, I took your testimony to understand that you were against the practice of what some people call packing?

ASSEMBLYWOMAN QUIJANO: Yes.

ASSEMBLYMAN WEBBER: Can you define that for me?

ASSEMBLYWOMAN QUIJANO: When you put minorities all in one district, and as a result expect just to have one elected official to represent that one group.

ASSEMBLYMAN WEBBER: Okay, and then you oppose the practice that you described as called *cracking*. I think you defined that in your testimony.

ASSEMBLYWOMAN QUIJANO: Do you want me to get my book out with all the definitions, so that we make sure that--

ASSEMBLYMAN WEBBER: Sure.

ASSEMBLYWOMAN QUIJANO: Okay -- would you like to go back to packing?

ASSEMBLYMAN WEBBER: No, no. If that was your understanding of packing, if you-- You can add to the record whatever you'd like. What book are you reading from?

ASSEMBLYWOMAN QUIJANO: I am reading from the *Impact of Redistricting in Your Community* -- a publication from the NAACP Legal Defense and Education Fund, the Asian-American Justice Center, and the Mexican-American Legal Defense and Education Fund.

ASSEMBLYMAN WEBBER: Okay. Is there something from there you want to include in the record.

ASSEMBLYWOMAN QUIJANO: Well, you just asked me a question -- to define it.

ASSEMBLYMAN WEBBER: Okay, no -- I thought you were very eloquent in your definition. But if you would like to include something from there, that would be fine, too.

ASSEMBLYWOMAN QUIJANO: Okay. Well, it's a form of vote dilution, prohibited under the Voting Rights Act, where a minority group is over-concentrated in a small number of districts -- that's packing.

ASSEMBLYMAN WEBBER: And then cracking -- is that defined in there as well?

ASSEMBLYWOMAN QUIJANO: Yes, it is.

ASSEMBLYMAN WEBBER: Okay.

ASSEMBLYWOMAN QUIJANO: A form of dilution occurring when districts are drawn so as to divide a geographically compact minority community into two or more districts.

ASSEMBLYMAN WEBBER: Okay. So not too concentrated, not too spread out -- somewhere in between is your preference.

ASSEMBLYWOMAN QUIJANO: I believe everyone should have a vote, and since Latinos are in every county in the state, they should vote where they live, and have district lines accordingly.

ASSEMBLYMAN WEBBER: Okay. I was just trying to get the calibration of what your recommendation is.

Any other questions? (no response)

Thank you for your time.

ASSEMBLYWOMAN QUIJANO: Thank you.

ASSEMBLYMAN WEBBER: Mayor Wilda Diaz. Now Mayor, do you have people that you want to join you, or--

MAYOR WILDA DIAZ: No.

ASSEMBLYMAN WEBBER: Okay; followed by Julio Tavarez, followed by Martin Perez.

MAYOR DIAZ: Good afternoon. Thank you, I'm excited about being here. And I know that you have a challenge here, but I'm excited that I have been-- I thank you for giving me the chance.

My name is Wilda Diaz, and in May 2008 I became the first woman elected mayor in the 325-year-history of the City of Perth Amboy. (applause) Previous to my administration, Perth Amboy was designated as

a hard-to-count community by the United States Census. Through the concerted efforts of many members of the community, Perth Amboy's mailed response in the Census of 2010 was 71 percent -- the second highest of any predominantly minority community in New Jersey.

Perth Amboy is in Middlesex County, which is the second-largest most populous county in New Jersey, with a population of 810,000 people in Middlesex County and 149,000 Latinos.

Our population is more -- by 175,000 -- more than Hudson County, and close to 26,000 more residents than Essex County; and yet we have no elected Senator -- in our county -- or Assembly person of Latino descent.

In Middlesex County, non-Hispanic whites constitute less than half of the county's population, but most of our State and County legislators are overwhelmingly white males. In the 19th Legislative District, which covers Perth Amboy, Hispanics are 31 percent of the population, and non-Hispanic whites are 43 percent of the district's population. We can surmise that at least half of the non-Hispanic white population in the 19th District is composed of women; however, the district is represented by three white men who live in the same community.

Obviously, the figures I have shared speak glaringly about the lack of diversity in the elected leadership in the county and the district where I am an elected official. Minorities and women continue to be essentially disenfranchised from appropriately being represented in our community. Additionally, although Perth Amboy is the second-largest

municipality in the 19th District, we have no elected representation at the State, Legislative, or County levels.

I ask myself this question quite often: How can a municipality, a large municipality, dominate the Senate, Assembly, and Freeholder -- one township -- and yet Perth Amboy have no representation.

We have been placed in the legislative district where one large municipality monopolizes the selection process of an elective representation outside the municipality. This prevents -- structural limits -- Perth Amboy's ability to engage in the political process other than the general election. Perth Amboy would be more fairly represented in a district of a similar size.

I was elected Mayor of a city where Hispanics comprise 78 percent of the population. Being a woman was obviously not a liability in my election. Furthermore, in recent elections non-Hispanic candidates have been elected to the City Council, onto the Board of Education in Perth Amboy. Our city accepts diversity as part of democracy; however, these principles pertaining to our community we do not see fairly well represented in the State. I hope that this Commission understands that the redistricting process that occurred after the last two censuses essentially served to disenfranchise large numbers of the state's population. We in Perth Amboy are requesting a more equitable structure that is more inclusive of all our citizens, and certain groups' votes are not diluted for the benefit of partisan politics.

I just wanted to say that, before me, you heard our Congressman, who I think very highly of -- our Congressman Sires. You also heard from the Senator; you also heard from our Assembly people.

They represent their communities. But when you take a look at ours, when you take a look at Perth Amboy, that reached over 50,000 residents -- and we believe also that we were undercounted -- but yet, when you take a look at that district, you can see that we're not represented.

And needless to say, when you take at a look at even the women who are-- We have no women in the 19th District. So I'm hoping that when you take a look at this map -- redistricting -- that you take that into account.

We believe, again, in diversity because that's what makes our country so great, and our state such a wonderful state to live in. But when it came to our community, that was not the case.

And I want to set the record straight. I see that our Assemblyman John Wisniewski is here. He tried to help us in the 19th District in the last election. But what happened was that when you have a town that dominates, I want to say, committee people, they out-power and outnumber a community like Perth Amboy. And now, in the past, we had an Assemblyman of Latino descent, but now we don't.

So I'm here before you asking you to please to take that into account. We also deserve representation -- especially when we went from 70 percent Latino in (indiscernible) to 78 percent in Perth Amboy.

And I publicly want to thank again Assemblyman Wisniewski for trying to help us in that endeavor, and it didn't work out. But we just want to make sure that this map also takes into account our community. And I believe in diversity.

Thank you.

ASSEMBLYMAN WEBBER: Thank you, Mayor. (applause)

MR. PALATUCCI: Mayor, before you go. Mr. Chairman, can I--

ASSEMBLYMAN WEBBER: Do you have anything?

ASSEMBLYMAN WISNIEWSKI: No, I don't have anything.

ASSEMBLYMAN WEBBER: Mr. Palatucci.

MR. PALATUCCI: Mayor, a quick question: You spoke very movingly about the situation. We hope to have additional hearings going forward. Would you be so kind to host us if we agree as a Commission to have additional hearings? Could we come to your town and have a hearing?

MAYOR DIAZ: Absolutely. We will welcome you with open arms. Perth Amboy will definitely be proud to actually host. So thank you again.

MR. PALATUCCI: Thank you.

ASSEMBLYMAN WEBBER: Thank you, Mayor.

We have Paterson City Councilman Julio Tavaréz, followed by Martin Perez, followed by Passaic Mayor Alex Blanco.

COUNCILMAN JULIO TAVAREZ: Good afternoon.

First, I want to say thank you for allowing me to testify today.

As stated before, my name is Julio Tavaréz. I am Councilman of the 5th Ward of the City of Paterson.

I am here today to ask this Commission to pay close attention to the impact the growth of the Latino community has had on my legislative district, as well as surrounding districts, in the State of New Jersey. For instance, this Commission should be aware of the significant

increase in the populations of Latinos in Districts 34, 35, and 36. the population in the cities of Passaic and Clifton have increased, due mainly to an increase in the Latino population. Passaic has moved from 62 percent Latino in 2000 to 71 percent Latino in 2010. And in Clifton, Latinos increased from 20 percent to 32 percent in 10 years.

In addition, in Paterson, the percentage of Latinos has increased while the total population has decreased. And by the way, like everybody else, we feel we were undercounted as well. (laughter)

Even with the population decrease, by 3,000 individuals, Latinos increased by 9,494. Latinos now represent 57.6 percent of the city's population -- that's up from 50 percent in 2000.

Finally, the City of Garfield stands at 32 percent Latino. And let's not forget communities that aren't usually considered as "Latino" -- like Elmwood Park, where the population now for Latinos stands at 21 percent; in the Borough of Haledon, where the Latino population stands at 42 percent -- almost half in the Borough of Haledon.

What does all this data mean? It means that the Latino community in the State of New Jersey has grown. And with this growth comes the opportunity and responsibility of selecting candidates of our choice who will represent the best interests of our community.

I believe that these communities I mentioned earlier now share strong commonalities. Does this Commission -- should consider creating legislative districts that unify these municipalities, since they have matured into communities of interest. And I know folks talk about packing and

cracking and stacking -- this is not packing, this is fairness -- it's complete fairness.

For instance: residents of the City of Passaic, Clifton, and Paterson -- which, if you know anything about Passaic County, they are joined together by Main Street -- Main Ave, whatever you call it -- share much well-documented commonalities such as language, socioeconomic status, religion, means of transportation, sources of information -- we all use the same newspaper -- political interests, in culture expression, among other factors. And yes, so do Elmwood Park, Haledon, and Garfield.

In fact, once again, this is what is called a community of interest. Legislators from three different legislative districts currently represent this community of interest. District 34 covers the City of Clifton, District 35 covers the City of Paterson, District 36 covers the City of Passaic. This fragmentation dilutes the strength of the Latino community's voting capability and harms the ability of this community of interest of selecting candidates of our choice.

Let me give you an example of what I mean by that. There are six wards in the City of Paterson, each represented by a council representative. Out of the six wards, there is only one Latino representing a ward -- that's me. Now remember: Paterson is 57 percent Latino, but of the six wards, there's only one Latino representing the community.

When folks call my office, regardless of the ward -- they can't speak the language, a Latino can't speak the language -- they come to me. They come from the 1st Ward, the 6th Ward, the 2nd Ward -- they call my

office, regardless of which ward they live. And I have to step up to the plate and help them out, plus help the people in my ward.

The only reason why this district came to be is because years ago a district was drawn with communities of interest in mind -- neighborhoods. Now that the Latino community continues to surge in the City of Paterson, new lines will be drawn once again to represent a demographic shift in the City of Paterson; and this Commission should do the same at the State level and the congressional level.

Once again, this is not packing -- this is fairness for a community that continues to grow and invest in the State of New Jersey. While other communities are moving out -- out West -- Latinos are coming to New Jersey and continue to make an impact in this state, and be an economic engine, and continue to grow in this community -- which is the State of New Jersey.

Finally, I would like to ask this Commission to take into consideration the Voting Rights Act of 1965. This Federal law offers this community of interest an opportunity to achieve the goal of having a legislative district where they could elect a candidate of their choosing.

Thank you for your time and consideration. I really appreciate this. Thank you. (applause)

ASSEMBLYMAN WEBBER: Martin Perez, followed by Mayor Blanco, followed by Amy Braunstein.

M A R T I N P E R E Z, ESQ.: Good afternoon, distinguished members of the Commission.

I echo the words of Congressman Albio Sires -- like always he's on point and because he-- I agree that you have a tremendous task in front of you. It's not going to be easy; it's going to be very hard and, at times, very contentious.

But it's a task that must be done, and it must be done effectively. This is not the first time that I am here in front of this Commission. I testified in the 2001 Commission, and submitted maps, and here we go again to the same situation.

I have an opportunity to send in written testimony to the hearing (indiscernible), so I just want to take this opportunity to make a few comments.

After having the benefit of receiving the numbers from the census and witnessing the testimony in past hearings, the first thing that I want to say is that the census confirmed what we already knew in this State -- is that it's been an explosion in the growth of the Latino population in this state, from 13 percent to 18 percent. Yet we still are only 5-and-something percent of the Assembly and only 2 percent of the Senate. Something is wrong with this picture, and it must be changed. And you have the task to change it -- to create the mechanism to change that, because you serve-- If you really believe in diversity and the people who are talking here, the first thing that you have to make sure is -- that it's diverse - - is the Legislature of the State of New Jersey. The Senate cannot-- We cannot have any group that has a 10 percent of the population and doesn't have -- and only has one Senator.

So I think that that's the task at hand. I think that the issue of packing is what we call, in law school, a *red herring*, because nobody that has testified in this hearing has testified in support of packing -- no one. And I've been reading the testimony and nobody supports it.

So let's pull the issue of packing and cracking aside. What we want is fair representation in the State Legislature. (applause) And I think that where we experienced growth you can draw districts that truly give us a chance to elect a representative of our own choosing. Sometimes it's going to be Latinos, sometimes it's not going to be Latinos. But if we choose them -- we choose then the Senator of District 33, Latinos can have a chance there to elect a Latino there. But they choose to elect a Senator that truly understands, that truly represents the Latinos. I don't have any problem with that.

But we have a choice, and choice is important. And opportunity is important. And the issue of Section 2 of the Voting Rights Act is about the ability to elect representatives of our own choosing.

Now, in the past redistricting process, the mechanism that you created to try to solve the problem of underrepresentation of Latinos and African-Americans was *district of influence*. Yet that issue, that process, didn't work. You went all the way to the Court; the Court supported the map, but it didn't work because after 10 years we have the same amount of representatives in the Assembly that we had in 2001 -- six. We have grown from 13 percent to 18 percent of the population, but we still have six Assemblymen, which is 5 percent of the total (indiscernible) percent of the Legislature.

The reason why the process didn't work is because they didn't take -- the issue of influence didn't work is because there are other issues that affect the election of people to the Legislature. One is the machine politics; and the other thing is the lack of true coalition building. The incumbents need protection. Another is the campaign finances. Another is the lack of competitive districts, and the (indiscernible) of multi-member districts. All of that affects the ability of us to elect people of our own liking.

Now, in that process, that problem affects not just the ability of the amount of people of ethnic groups, of minorities that you would select, but also the quality -- the quality. Because not all Latinos are members of the Democratic Party or the Republican Party, for that matter. Forty-six percent of the population of Latinos don't belong to any party. I would like to say that we create opportunities for the community to come together and elect other people that don't belong to the machine, (applause) because I have experience that we have -- in that process of influence we have a legislator in the area of Newark -- that he was elected, and he was actually a legislator. But as soon as he became, and went against the machine, he was eliminated. He ran in the primary -- you know how many votes he got? Seventeen percent of the vote. The machine wiped him out. So because -- not only is there area of influence, but the ability to -- the totality of the circumstances to be able to elect our people.

So I think that-- The other thing that worries me is when the Senator comes here -- which I have a lot of respect for her, but I disagree with her -- that says that when you elect somebody in a district that has a

lot of minorities, that you are going to call that legislator, that Senator, the black Senator or the Hispanic Senator. Why do you do that? Why are you going to do that? I'm going to tell you something. There are 27 districts in New Jersey with 50 percent to 90 percent of white control. And all of them are represented by one Senator -- a white Senator, and mostly male whites. Nobody calls them the *white Senator*. Nobody is calling them the white Senator. Why are we doing it if we are going to have a black Senator for Hudson County; or for Passaic County you are going to call them the *Latino Senator*? No, he's the Senator of everybody who is going to elect him. What you have to create is the opportunity to elect that person.

And so I think that this whole issue of red herring -- of packing is a red herring to deny us representation; it's gamesmanship and you are playing; and why I said put it aside and give fair representation. That's what I want to see, and that's what we deserve. And it should not be only a concern of the Latinos that we have no proper representation in the State Legislature. It should be the concern of all of you -- everybody, Latinos and non-Latinos.

So you have your task cut out for you. We are here to support you and assist you in any way we can.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Mayor Blanco from Passaic, followed by Amy Braunstein, followed by Assemblywoman Pou.

MAYOR ALEX D. BLANCO, M.D.: Good afternoon, members of the public and distinguished Chairs -- Co-Chair Webber and Chairman Wisniewski.

I am Dr. Alex Blanco, Mayor of the City of Passaic. Thank you for giving me the opportunity to testify.

As you may know, the latest census puts our population of our City at over 69,000 residents, with 71 percent Latino. I am proud of my City, especially because the voters have chosen a city council that is very diverse. We have two Puerto Ricans, one African-American, four caucasians.

And the City of Passaic also has a school board that within the last two years has elected its first Indian and Muslim representative, as well as the State's first Ecuadorian elected official. The School Board is also diverse; and it's also the first step as elective service. My first elected position, prior to serving as Mayor, was a member of the Board of Education for about five years.

We are fortunate that we have a legislative delegation that is dedicated and responsive to our city's needs, a delegation that includes a representative from Passaic City -- our Council President, Gary Schaer. And, in fact, it was through the leadership of Senator Paul Sarlo, Assemblymen Gary Schaer and Fred Scalera that Passaic was able to secure millions of dollars in extraordinary aid from Trenton.

When I was elected last May, 2009, I did so with the votes from all across my city. This includes the overwhelming support from the Orthodox community and every known Hispanic voter in our city, just as Gary Schaer wins with the overwhelming support from his community and the Latino voters.

My views are closer in line with those of former Assemblyman Wilfredo Caraballo that were published in Wednesday's *Star-Ledger*, where he wrote that we're moving away from polarized voting in New Jersey. Communities of interest must have every opportunity to elect representatives who are in the line of their view, whether that means electing a non-Latino mayor, like in the City of Union City here in Hudson County -- Mr. Brian Stack; or electing a Latino, in the case of West New York with Mayor Sal Vega. In the end, it is the community's choice.

It is the challenge that you have been empowered to resolve. It is the responsibility you have to all communities of interest in New Jersey as a whole. I have heard and read that the only way to increase minorities representation in the Legislature is to pack minorities into fewer districts. In fact, I argue that nothing could be further from the truth. Packing minorities might create the illusion of more power when, in fact, the opposite is reality. Creating numerical majorities with one minority group in the legislative district is never a guarantee that they will elect a representative of their kind.

The time when voters only voted for their own race is becoming a thing of the past. And beyond that, you end up limiting the number of districts where minorities have even the opportunity to run. Both Assemblymen Cruz-Perez and Speaker Oliver were elected in districts where Latinos and African-Americans constituted far less than 50 percent of the population. And that phenomenon is repeated in at least 10 other districts where minority legislators were elected from districts where their own minority population totals far less than half the total population. The latest

census shows that New Jersey will have even more places where this opportunity can be created, and that's what we should do.

So let me conclude by calling upon my own experience in the City of Passaic, where I was elected the first Dominican Mayor in the United States. Both the politics and the government there demonstrate that diversity population not only votes for each other, but can also work together to get things done. The best way to celebrate New Jersey's diversity is not by racially dividing us, but by going out of our way to create as many legislative districts to reflect that diversity, and in so, to further unite us.

Thank you very much. (applause)

ASSEMBLYMAN WEBBER: Amy Braunstein, followed by Assemblywoman Pou, followed by John Aspray.

A M Y B R A U N S T E I N: I'd like to thank the members of the Apportionment Commission for allowing me this opportunity to testify.

My name is Amy Braunstein, and I'm a New Brunswick resident, a Rutgers graduate. I'm a Democrat, and I'm also an organizer of the Empower Our Neighborhoods campaign for wards, and the Democrats for Change primary election in 2009.

I want to participate in local politics because most decisions affecting my day-to-day life are made on that level. Our current legislative districting makes my participating more difficult because all decision making is run through just one party in the City of New Brunswick.

I believe in the importance of district boundaries because of my experiences in a referendum to move New Brunswick to a city council based on wards, rather than the current at-large system.

The process of redistricting in New Brunswick was met with intense opposition by local party and political leaders long before we ever got the question on the ballot. We had identified tying some New Brunswick council seats to districts or wards as a way of making our local government more representative of our city's diverse communities, so the council members would serve the people they represent, rather than the local party structure.

Beyond getting new council people elected, we believe that smaller elections and more competitive elections would make our City representatives more accountable, because New Brunswick has been solidly Democratic for decades and almost all of the town candidates put forward by the New Brunswick Democratic organization are swept into office unopposed.

Lacking an alternative at the ballot box, it is very difficult to remove ineffective officials from office. But once the New Brunswick political party leaders became aware of our petition effort, they began the process of passing a charter study of the board's issue.

A charter study commission had been passed by city ordinance before in 1996, and the commission members recommended no change; so the question was not sent to voters -- effectively killing that particular citizens' initiative. But charter studies have the double effect of preventing

the issue from being voted on within four years, which can kill mobilization around a given issue.

We redoubled our canvassing and submitted our petition with the 1,100 signatures ahead of the charter study, but it was rejected on a technicality and the charter study was pushed through anyway. It took over a year of legal wrangling before we could bring the wards question to a vote in New Brunswick.

I also ran for Democratic Committee in my city, and again faced extra legal obstacles to even getting on the primary ballot. Twenty-two candidates out of a slate of 50 were kicked off on the basis of a non-existent residency requirement for party elections. These 22 candidates were also every single candidate under the age of 30, and in a city with a very large university population, a population which pre-dates the American Revolution, I do not think it unreasonable to expect some representation of New Brunswick's young adults -- especially in the wake of videos and allegations of police violence against these populations in my district in New Brunswick.

With the dedicated efforts of pro bono attorneys from New Jersey Appleseed, we won not only one, but four lawsuits in appeals. A test in court of law found New Brunswick's and the NBDO's rejections overreaches or outright fabrications of law, and ruled that our referendum should proceed to the ballot.

But I want to emphasize just how lucky we were to find that representation with the limited funding of a grassroots organization. Many

citizens are stopped dead in their tracks by similar moves by incumbent party structures, regardless of how legitimate they may be.

As the redistricting process moves forward, I hope the Commission will keep existing communities whole, and consider competitive elections a priority so that all New Jerseyans can enjoy all the benefits of a thriving democracy. There are too many legislative districts where only one party consistently wins by a margin of more than 10 percent, making it effectively a one-party district.

I would like to make the legislative districts more competitive so that local electoral races generate media attention, and the voting public can discuss issues and debates and campaign events, and have the opportunity outside of political party structure to hold officials accountable.

Thank you for your time. (applause)

ASSEMBLYMAN WEBBER: Assemblywoman Pou, followed by John Aspray, followed by Patricia Bombelyn.

A S S E M B L Y W O M A N N E L L I E P O U: Good afternoon, Co-Chairman Wisniewski, Co-Chairman Webber, and members of the Commission.

My name is Nellie Pou, and I am here today as the Chairwoman of the Assembly Legislative Latino Caucus, which is comprised of seven legislative members: one Senator and six Assembly members of Hispanic descent. I applaud every member of the public for taking the time today to join this process.

I am also heartened to see so many Latinos participating at these hearings. If this any indication of the kind of civic engagement in our

communities, I look forward to welcoming newly elected members to the Caucus following the 2011 legislative elections.

The design of a new map will influence the course of elections for the next decade. As Latinos, we need to invest in this process to ensure the map reflects the diversity of our great state. The recent census clearly attributes the growth in New Jersey's population to the increasing numbers of Latinos choosing New Jersey as their home.

Between 2000 and 2010, the Latino population grew from 1.1 million to 1.6 million; going from 13.3 percent of New Jersey's population in 2000 to 17.7 percent in 2010. Nearly one in five of our residents are now Latinos. And while Latinos grew by 39.2 percent, the non-Latino population declined slightly, by 0.8 percent.

The Latino community increased its population in the traditional cities with the largest concentrations of Latinos. And we are pleased to see that in cities like Perth Amboy, with 78 percent; and Passaic with 71 percent, Latinos now make up more than 70 percent of the population in those cities. And in the case of Union City, as much as 85 percent of the city is Latino. In Paterson, 58 percent of the residents are Latinos.

The Latino community also has reached beyond traditional urban areas to growing suburban towns like Red Bank, which experienced a 34 percent increase in Latino residents; in towns like Bridgeton, 43 percent, the population is equally of note; Hightstown, 30 percent; and Wrightstown, 28 percent. And Central Jersey counties posted smaller gains

which signal continued future growth. These growing Latino communities are contributing to the economic, social, and civic progress of our state.

For two consecutive decades the increase in the Latino population has fueled the growth of our state. While I am both proud and pleased that our progress is duly recognized, I am eager to move beyond such an accomplishment to foster a broader dialogue that focuses on building electoral representation proportional to our population.

In order to engage that dialogue we need to shift the focus from the increasing population of Latinos to considerations such as civic engagement and voting rights. We need to increase opportunities for Latinos to choose their elected leadership. The Latino communities' potential to elect through coalition and crossover districts is definitely a reasonable means to achieve effective opportunities for Latinos.

I am specifically raising this issue in order to address the concern that I've read in the press that recent court decisions could be used to dismantle the current map. While I may not be pleased by the current representation of Latinos in the Legislature, I caution that recent court decisions are not an open invitation to dismantle any existing effective districts -- whether the district is a majority-Latino, crossover, or a coalition district; and that there is nothing barring the Commission from creating opportunities for Latinos in areas where Latinos are not the majority, either by creating crossover or coalition districts.

This Commission is responsible for drawing legislative district lines that are equal in population and that respect traditional districting criteria. Under the Voting Rights Act, it is also prohibited from relying on

the process of dilution, whether by packing or cracking the Latino community. I do not believe dismantling opportunities for Latinos and creating segregated districts will yield the best results.

The experience of the last decade did not yield maximum opportunities for Latino candidates; however, the progress that has been achieved is largely attributable to the Democratic Party, which has sought to recognize the diversity of our communities.

Our work is only just underway. Today our Latino elected representatives hold leadership positions within their respective Democratic caucuses and have a greater opportunity to enact legislation that meaningfully impacts the daily lives of our Latino constituency. It's a good start, but we need to do much more to create opportunities for participation and to protect the voting rights of our community.

Thank you, ladies and gentlemen. (applause)

ASSEMBLYMAN WEBBER: Thank you, Assemblywoman.

ASSEMBLYWOMAN POU: Mr. Chairman, I have copies of my testimony.

ASSEMBLYMAN WEBBER: That would be great.

Patricia Bombelyn.

J O H N A S P R A Y: Wait -- not John Aspray?

ASSEMBLYMAN WEBBER: Oh, I'm sorry -- John Aspray, sure -- I've already passed the slip along -- followed by Patricia Bombelyn, followed by Councilwoman Viola Richardson.

MR. ASPRAY: Good afternoon, members of the Apportionment Commission. My name is John Aspray. I'm a Rutgers

undergraduate student studying planning and public policy. I'm also the Internal Affairs Chair for the Rutgers University Student Assembly -- the undergraduate student government at Rutgers New Brunswick -- which represents around 30,000 undergraduate students.

Now, last year I also served as the Legislative Affairs Chair, and through my involvement with the student community I found myself getting involved with New Brunswick's municipal politics. In a city like New Brunswick, students make up a significant portion of the population-- so much so that students, as a group, seek and have sought formal representation in the city's politics. It is the hometown of New Jersey's flagship university.

But to my surprise students are somewhat taken for granted as a constituency in New Brunswick. And with a little investigation it's pretty easy to see why. In New Brunswick the Democratic Party holds all five City Council seats, as well as the Mayor. There is no functional Republican Party in New Brunswick. In New Brunswick, any appeal to pay more attention to any particular group -- ethnic, racial, social class, what have you -- is treated as a threat. And, quite frankly, it hurts the democracy within the city. This is speaking, of course, as a registered Democrat; I'm a registered Democrat in New Brunswick.

So I joined a group of reformers, like my colleague Amy Braunstein with Empower Our Neighborhoods, and sought for district-based representation in New Brunswick. Now, this was conducted under a referendum through the Faulkner Act; and our petition, which is basically a copy of what was accepted in Edison a few years prior, was rejected due to

wording -- even though it was actually basically a copy, and there is no conflicting State statutes.

It's my position that the political monopoly over the municipal machinery in New Brunswick basically allowed a single party to force out anyone, with the party or outside the party, that opposed them. And that's sort of why I'm coming here, because this can teach us a lesson about how redistricting should probably be for more competitive districts.

So while my organization sought legal redress against the County and municipality, students and other community members tried to gain representation on the party committee for Middlesex County. Our canvassing was barred by the Municipal Clerk and the County Clerk, falsely citing residency requirements which should not apply, and with which the candidates were in compliance with anyway.

In areas without competition, party leaders are permitted to disregard ethnic and other groups because they are guaranteed a win. This is not only bad for the public, but bad for the party. Because if a party is not responsible to its own party members, then it ceases to have any meaningful connection to the people. All these representatives are elected, but if there's no connection then it seems rather hollow.

And these are very trying times which we're speaking of. So I'm here appearing before the Apportionment Commission to advocate on behalf of several policies, the first and foremost of which is competitive districts. Without competition the interests of various communities are taken for granted and go unheard. Now, with competition, both parties are really taken to task -- they are forced to compete for the votes of our various

communities: Latino, black; and also based on farmers, urban workers, and students -- which are a unique class for New Brunswick.

Now, the next policy is district size. Now, I know this is somewhat outside the scope of the Apportionment Commission, but past Commissions have been tasked with not creating 40 districts, but actually 80 districts for the Assembly. Smaller district size is sort of the hallmark of the ward campaign -- the idea that smaller districts means less money, and more people who are just genuinely members of that community can vie for election. And so smaller district size is something that should be looked at, especially when it was actually part of the process for past meetings of this Commission.

So I guess what I'm here to say is really that students and young persons, while they're not federally protected as a voting group, it does seem clear that our ability to participate in this democracy rests, at least in some form, on creating conditions which cause both parties -- both Democratic and Republican parties -- to compete for our votes. Because otherwise there doesn't seem really to be a point. And anything less creates a stagnant, unresponsive democracy -- which is really bad for everyone.

So thank you. (applause)

ASSEMBLYMAN WEBBER: I believe we have one question for you.

Vice Chair Asbury.

MS. KIM ASBURY: Thank you.

I understand that your range of expertise is usually in New Brunswick and Middlesex County, but are there any other areas in New Jersey where you feel that we need more competitive districts?

MR. ASPRAY: For students, any of the areas surrounding our university campuses is a concern; there are a lot of commuter schools. But I believe that students need to be a respected part, as sort of the future of New Jersey in electoral processes. In areas such as Glassboro I know there have been some issues with the students of Rowan University also vying for representation. And across New Jersey, competitive districts for ethnic and racial groups have always been an issue, and so that's something that I'm also here to appeal upon.

MS. KIM ASBURY: Thank you.

MR. PALATUCCI: A quick question as well, if I could.

ASSEMBLYMAN WEBBER: Mr. Palatucci.

MR. PALATUCCI: I couldn't let this go by. I graduated Rutgers New Brunswick in 1980; there wasn't a Republican Party there either. (laughter)

But seriously, you bring up a good point that really hasn't been talked about much in the past, though a couple of speakers have kind of touched on it a bit; I think Martin Perez did as well. And that is that we need to be mindful, as well, of the intraparty rules that may or may not disenfranchise, or work to keep, whether it's young people or certain ethnic voting groups, from participating. Is that what you're saying as well?

MR. ASPRAY: Yes--

MR. PALATUCCI: You mentioned that you -- I think one of the other previous speakers also talked about working within the Democratic Party as Democratic candidates.

MR. ASPRAY: Yes, I believe that-- I mean, all this is outside the scope of this Commission. I do believe that we do need widespread reforms to the State regulations, regulating both political parties in regards to transparency and the public access to their bylaws and various other processes, because otherwise they're are just sort of things taken outside of the government that actually have a broad effect on our governance.

MR. PALATUCCI: Thank you.

ASSEMBLYMAN WEBBER: Thank you.

Patricia Bombelyn, followed by Councilwoman Richardson, followed by William Ayala.

PATRICIA BOMBELYN, ESQ.: Good afternoon. I want to say thank you so much for allowing me to appear here today. And I want to commend you all for the hard work that you're doing.

And as I sat and listened, and you contemplate that this is a huge task -- we know it's so challenging -- and it's going to impact all of us for 10 years and the opportunities that people have, I was reminded of that famous quote from, I think it's *Spider-Man* movie: "With great power comes great responsibility." And we hope that, you know-- I'm feeling it here -- the task that you have on your shoulders. And we want fair maps, we want constitutional maps, and we want to expand opportunity in New Jersey for people who otherwise get marginalized or elbowed out.

I'm a lifelong resident -- half my life was spent in Passaic County, the other half in Middlesex County. I'm an attorney. I've been involved in union organizing; I come from a family of all union members -- lifelong workers, blue collar workers.

And what I want to bring to your attention is competition. I think that what Congressman Sires said earlier, about that you have to-- You're going to be doing different things in different places. We've heard these definitions thrown about -- packing and so on and so forth. Now we're talking about creating competitive districts, and I think in different areas there are different needs.

And you heard from the students -- and let me say to you that it was my privilege to work very closely with these students over the last two to three years and get to know them. And I got to know them, because in Middlesex County there is a lack of competition. And when 22 of them said, "We want to be members of our local party," they were taken off the ballot, and not notified by a challenge or any of the deadlines that you're supposed to provide such candidates -- but they were notified four hours before the deadline for filing your lawsuit to protect your candidacy. And they'd gone to the County Clerk, and they'd said, "Are there any challenges?" "No." "Are you sure?" They go on the next deadline. "Are we on the ballot?" "You're on the ballot, you're on the ballot, you're on the ballot." Four hours before a lawsuit had to be filed, they were notified.

I got to know them in that context, because I was able to file a challenge to taking them off -- and we won. And they ran. And they almost won a majority in New Brunswick -- almost.

And it wasn't them alone. They were running in coalition with Latinos, African-Americans, and other members of the New Brunswick community who are marginalized. And it was part of a larger organizing effort for wards. And we want wards because we want more opportunity to be represented.

When competition is absent, those kinds of abuses can take place. I was asked to debate a mayor -- an incumbent mayor of over 20 years -- about wards, and all I said was I thought Montclair was a good example where wards work. And I was told if I didn't like it in New Brunswick I should move out of town -- on the radio, in public.

And that's what we have when there's no competition. I echo the testimony of, of course, my partner and husband Martin Perez; Amy Braunstein and John Aspray; Julio Tavaréz; Wilda Diaz; and the observation of Congressman Sires when he said, "You've got to do different things in different places, depending on what the needs are and what can be achieved, based on the demographics." I think that New Brunswick would benefit from being in a district with Perth Amboy and help address Perth Amboy's needs -- also a city where I resided for some time in the past before I moved to New Brunswick.

And I'll leave you with this observation: The students who you heard from-- (timer rings) I'm sorry. The first time you've heard from college students, these are the college students that have been working so hard to gain representation for other groups in New Brunswick. And we can reflect on what we saw in Egypt, which was also catalyzed by young people. And I think we need to stand up and pay attention. They want

transparency, they want representation. I don't know if you know that last November the FBI raided the very same County Clerk's office that took them off the ballot. But for their efforts -- seeking fair elections, transparency, being in the street, working with the communities -- that may not have happened. But imagine that a search warrant was obtained in the Federal Court system for the County Clerk and the Board of Elections in Middlesex County. And I submit to you that part of the problem there is that there isn't enough competition.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Councilwoman Viola Richardson, followed by William Ayala, followed by Jose Bello.

COUNCILWOMAN VIOLA RICHARDSON: Good afternoon. I'd like to take this opportunity to thank the Commission for coming to Jersey City to allow us to have some input into this process.

I'd also like to acknowledge the Speaker of the Assembly, our Honorable Sheila Oliver.

I also agree with Congressman Sires who said that every one of these 40 districts is unique. And so you can't just take a look at all 40 and lump them together, but you have to do them individually and see what the needs of the people are.

When you take a look at the fact that in the 31st Legislative District there are 214,000 people-- Now, I agree with Senator Cunningham, who says that it's a very diverse district. And it is inclusive of not all ethnic groups, but age group, economic group, etc.

But what we want to say is that the 31st Legislative District is not broken, so you don't have to fix it. That's one that's not broken, so you don't have to fix that one, okay?

You have a momentous task in front of you, and I'm glad that you're the ones who have to make this decision and not me. But your job is to figure out what is the best interest of the communities that are represented -- not the best interest of the government, but of the communities. And that's a pretty hard task in front of you, but somebody has to do it. Thank God it's not me.

But let me say to you also that the thing that we really have to take a look at, also, is that there has been a great deal of undercounting that took place in the census -- especially in Jersey City. Mayor Healy talks about the fact that we only gained 7,000 people, which is insane. Seven thousand people are probably located in one of the high-rises downtown -- just one; and there are about 50,000 of them that have been put up.

So we need to have more Legislative Districts -- not less -- in New Jersey, especially in Hudson County. We should not have less. But the 31st is not broken, so we're asking you not to fix it.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Thank you, Councilwoman.

William Ayala, followed by Jose Bello, followed by the Reverend David Torres.

WILLIAM AYALA, ESQ.: Good afternoon. I'd like to thank the Commission for this opportunity to speak on the matter of drawing New Jersey's 40 legislative districts.

I want to address the issue of packing versus unpacking, because I think in this debate that we've seen here it's been presented as a false dilemma. It seems that we either have to pack or unpack, and what I'd like to submit is a definition that was put forth by the National Institute of Latino Policy. And I'm citing this organization because about two weeks ago a large group of Latino voting rights activists from Massachusetts, New Jersey, New York, Rhode Island, Pennsylvania -- we all got together and we all decided to talk about what strategy we wanted to use in order to get fairer representation in our respective legislatures. And everyone was looking at New Jersey -- we're first up; we're first out of the gate.

So I want to offer this definition: The only point we would like to clarify is that packing usually refers not so much to all majority Latino districts, but rather to a district that has such a high percentage of Latinos -- let's say 70 percent or so -- that it winds up wasting Latino votes that could go to other districts where Latinos could spread their influence. A majority Latino district of more than 50 percent or so could or could not be considered packing, depending on the specific circumstances of the area it is in, especially when considering factors such as citizenship, age, and others that depress the level of Latino voter eligibility and participation levels.

Each of the two major political parties have their own strategies and approaches to engaging the Latino community, but this is an issue that Latinos need to determine independently in terms of what is best for their community.

So what we see here is that there is a range where you're not packing or unpacking. And if you take a look at New Jersey's legislative

districts, when you're talking about majority-minority I think you're only talking about two: the district represented by Senator Stack, and also the district represented by Senator Rice.

Now, as I was sitting watching the proceedings, I noticed that some members of the Commission are reviewing a publication by the Brennan Center that has to do-- It's the *Citizen's Guide to Redistricting*. I think it's an excellent publication. And also, Assemblywoman Quijano cited the NAACP publication, which was published with the Mexican-American Legal Defense Fund. It's also an excellent publication. And I also recommend the ones produced by Eagleton Institute of Politics; they're fantastic and instructive. But if you take a look at every single one of them, they also say that you have to look at other circumstances when you're considering drawing legislative districts.

You've heard from students today who addressed the issue of wards, because they think wards in the city is a more effective way of ensuring fair representation. And as we look at trying to empower the Latino community, we have to look around the state and realize that in many cases, in 566 municipalities, the first opportunity for a single-member district, for a Latino to run, is mayor; because all the council districts are at-large. There are only three counties that I can see that use districts for freeholders. And I also note that when we're talking about the leadership -- and I'm also speaking about our Speaker of the Assembly, Madam Speaker; and also Albio Sires -- they came from two counties that use freeholder districts. And when we're looking at the Latino community -- so much of our community -- the first opportunity is to run for mayor or Senator for a

single-member district. When we take a look at the Assembly, it's a multi-member district. And if you take a look at all those publications that you have there, they all discuss how multi-member districts can harm minority representation.

One thing I'd like the Commission to consider is having nested districts, which would divide a Senate district into two equal districts. The challenge there is the requirement for municipal integrity. And there are other factors such as campaign finance, party structure, that have a negative impact on the Latino community.

So I ask you to take all these factors into consideration, and also county lines which have great significance when you're talking about party organizations choosing candidates. All these factors impact us, and it's not just this one issue of drawing a legislative line.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Mr. Ayala, if you would hold on one moment.

MR. PALATUCCI: I'll ask you a quick question just to make sure that you're on the record, because I think you testified in Camden. If not-- But just to ask you to clarify, because I don't think you addressed it today: Do you think the current map, as drawn, doesn't adequately represent, or give adequate opportunity, for various minority communities to be represented in the Legislature?

MR. AYALA: No, I don't. But again, that's my opinion. In Camden I was reading a statement from the President of the Alliance --

Martin Perez -- and I didn't take questions. But I'd like to answer this question.

When you're talking about packing and unpacking, and you're talking about the issue of unpacking, I want you to consider how that effect is compounded down the line -- because Latinos don't have the opportunity to run in wards and districts. This is the first shot we have in a lot of communities. So yes, that map -- I don't think it works. There is no way you can look at that map and say that it adequately reflects the population of New Jersey.

MR. PALATUCCI: Thank you.

MR. AYALA: Thank you very much.

ASSEMBLYMAN WEBBER: Thank you. (applause)

Jose Bello, followed by David Torres, followed by Christopher Irizarry.

J O S E R. B E L L O: Members of the Commission, my name is Jose Bello and I am here today as the National Director of the Dominican Redistricting Project. This is a project of the Dominican Roundtable, an organization based in Washington, D.C., with membership chapters in 10 states and Puerto Rico, which educates on civic duties and represents 1.5 million Dominicans in the United States.

As a matter of background, we should inform you that Dominicans live wherever Hispanics live in the State of New Jersey, especially in the cities of Paterson, Passaic, Perth Amboy, Union City; as well as in Newark, Jersey City, and Elizabeth. It is estimated that there are

more than 200,000 Dominican-Americans currently living in the Garden State.

We are here today because our project is focused on redistricting in several states, including Massachusetts, Rhode Island, New York, and New Jersey. After researching, working, and listening to Dominican and Hispanic community leaders all over New Jersey, we would like to make the following six recommendations for your consideration.

The first one is very straightforward: The New Jersey Apportionment Commission should approve the map with more minority-majority legislative districts. This is, for instance: If the Commission has to vote on two maps -- one proposing one majority-minority district; and the other map, let's say, proposing five minority-majority districts, the Commission should approve the one with more, rather than less, majority-minority districts. This will not only reflect the demographic changes of the state, for example the 18 percent of Hispanics in this state, but also it will make your approved map to be in compliance with the spirit and the letter of the Voting Rights Act of 1965.

The second recommendation: The current districts create only one, maybe two majority-minority districts. If this Apportionment Commission keeps most of the current district boundaries, it will create only one -- that is, District 33, followed very closely by District 32, which has about 49 percent of Hispanics.

Three: Majority-minority districts help the election of candidates of choice for minority groups. This is what is protected by law. Sometimes these candidates of choice will have last names such as

Rodriguez or Sanchez; other times, candidates of choice of minority groups will have last names such as Sarlo or Webber. What is protected, given some circumstances, is that minority groups have the ability to elect the candidate of choice with majority-minority districts.

Fourth: At-large Assembly districts, or in the case of New Jersey, multi-member districts, can harm the ability to elect candidates of choice in minority communities. In addition, it should be said that multimember districts can harm the ability of Hispanic-origin candidates to be elected as well.

One strategy to create minority legislators, or candidates of choice of minorities' communities, is to create Assembly districts nested inside of legislative districts. The strategy will create in New Jersey 80 single-member assembly districts with an ideal number of 110,000 people. As is the case in Newark and Jersey City, these single-member Assembly districts will probably divide towns and municipalities to achieve the number of people represented by each district. By doing so, this Commission will have to secure the one person, one vote principle in Jersey City.

Finally, our final recommendation: There is another strategy, whenever possible -- it is to unite communities of interest currently divided by municipal lines into legislative districts. To illustrate this final suggestion, we would like this Commission to consider what is currently District 35, and the community of interest located within the cities of Paterson, Clifton, and Passaic.

Let's first take a look at District 35. Right now as it is, it represents-- Inside of the boundaries are 46 percent of Hispanics. If we change that district, as you can see on the map that you have in front of you, we could increase that district to 47 percent. If you try farther, you can even increase that proposed new District 35 to 48 percent. Therefore, although the population of Hispanics in this area has increased to a level to deserve a majority-minority district protected by law where they could elect a candidate of choice, if we have to be constrained by the town integrity principle we will not see an opportunity of creating in District 35 a district that represents 51 percent plus one (*sic*) minority votes. However, if you consider the creation in some limited cases of districts that respect, primarily, the life of the community of interest, then it is possible to create additional majority-minority districts in the State of New Jersey.

ASSEMBLYMAN WEBBER: Mr. Bello, is the balance of your testimony written--

MR. BELLO: Yes.

ASSEMBLYMAN WEBBER: --in the presentation?

MR. BELLO: Yes.

ASSEMBLYMAN WEBBER: If you don't mind, we'll take the written testimony, the maps you've provided us-- I think this might be the first map someone has provided us -- thank you for that.

Any questions for--

MS. CRUZ-PEREZ: I do, I do. I'm a little bit confused.

Hello, Mr. Jose Bello; how are you doing?

Are you proposing that we split towns -- is that what I'm seeing here on the map -- in Paterson, in District 35? That we split towns?

MR. BELLO: This is one of the strategies that we are proposing.

MS. CRUZ-PEREZ: Oh. What is the logic behind it, of splitting towns?

MR. BELLO: We are using here the Voting Rights Act of 1965. The concept here is that we-- Every time that there is an opportunity of even some circumstances -- one of them the numbers -- a majority-minority district should be created. So in this case, if we add Paterson and Passaic using the town integrity concept, we can reunite them. It's going to be above the ideal number. So to achieve a majority-minority district of 50 percent plus one, we need to cross over Clifton in this case.

ASSEMBLYMAN CRYAN: May I?

MS. CRUZ-PEREZ: Go ahead.

ASSEMBLYMAN WEBBER: Assemblyman Cryan.

ASSEMBLYMAN CRYAN: I'm sorry, Mr. Bello, just as a follow-up, so you're aware. And thank you for the map. It is our first map, so we're all excited. (laughter) Thank you for that.

I do have to ask you, though, because the population deviations are fairly widespread on it. You do know the districts should be at about 220,000, right? But my concern is, as you talk about communities of interest -- which is something we all have a focus on -- the map that you present which creates the majority-minority district doesn't fit the requirements of the Constitution. Are you aware, and are the folks that

you're working with aware, we are not permitted to break up municipalities, with the exception of the state's two largest cities -- Jersey City and Newark -- which have a population of above 220,000?

MR. BELLO: Yes, we know that you are bound by your charter -- yes.

ASSEMBLYMAN CRYAN: Okay, so you understand that when that doesn't happen -- because this Commission is restrained -- that it's not in any way, shape, or form a rejection of what you proposed, but yet limited by the law as we have to work underneath it.

MR. BELLO: Yes, we understand that.

ASSEMBLYMAN CRYAN: All right, thank you.

ASSEMBLY SPEAKER OLIVER: I have a question, Mr. Chairman.

ASSEMBLYMAN WEBBER: Speaker Oliver -- oh, I'm sorry.

ASSEMBLY SPEAKER OLIVER: Oh, yes. Would you describe for me the strategy of increasing minority representation by creating a single-member Assembly district nestled inside of a legislative district? Describe that to me.

MR. BELLO: Bill Ayala presented a good argument about that, and I would like not to expand into that. I would just like you to refer Bill Ayala's comments. (laughter)

ASSEMBLY SPEAKER OLIVER: Okay.

MR. BELLO: Thank you.

ASSEMBLY SPEAKER OLIVER: Thank you.

MR. BELLO: Okay.

MR. AYALA: Do you want me to come up?

ASSEMBLY SPEAKER OLIVER: Yes.

ASSEMBLYMAN WEBBER: Mr. Ayala, if you would like to address that.

ASSEMBLY SPEAKER OLIVER: Thank you, Mr. Ayala, yes.

What is your concept of creating a single-member legislative district nestled inside of a legislative district?

MR. AYALA: If you take a look at the Brennan Center proposal, they have a good discussion on it. But when you have-- New Jersey's one area where you have what I would call a hybrid, but you have the boundaries that have an Assembly member, Senate district, and two -- a double-member Assembly district. What you would have to do is divide that Senate district in half to have equal population. The problem you would come up with, with that, is the requirement for municipal integrity. So this would take an act of the Legislature to accomplish. But if you take a look at having 80 Assembly districts, you would have an-- It works the same way that wards do. You shrink the district, and you have the opportunity where communities can elect-- You don't have majority voters in the district swamping a minority enclave. And that's one of the arguments that we put forth that -- why we are concerned about unpacking a district. When you have a district that, say, is only 25, 30 percent minority, it's possible for the rest of that district to overwhelm that community and elect two non-minority representatives. However, if you split it, then you have one majority-minority district in the Assembly.

ASSEMBLY SPEAKER OLIVER: Yes, we would have constitutional issues with that. But I would make the proposition that multi-member districts, given the diversity of their candidacies in running, would offer broader opportunity for the election. For instance, discussion was made, and pointed to two districts in Passaic County. Now, without question Paterson, given its ethnic population, could certainly predominate and deliver a number of votes. And I looked at some of the other proposals.

Well, I guess what I'm getting to the heart of is -- and previous speakers have touched upon it -- much of this also has to do with the local political apparatus committing to supporting multi-candidate tickets that are diverse. Would you not agree with that? Because last week I cited -- when I looked statewide at the growth of the Hispanic population from one end of this state to the other, starting at Salem and going all the way up, I was really astounded, when we got the census data delivered to us two weeks ago, at some of the communities in every sector of the state where you see phenomenal numbers of Hispanic residents living in those communities. But when I look historically, the candidacies that are fielded, you don't see that represented. I pointed out Dover, as a matter of fact; when I looked at 62 percent of the population in Dover. I looked at Asbury Park, and I also made mention of Monmouth Beach.

I don't think the-- It's more complex than just creating ward-like districts for one minority candidate to run in, which-- By the way, I think it's very effective when you have a multi-member kind of a structure, because if you do the right thing politically, you will structure tickets that are representative of that district.

And so I think we have to work on that. And some of the prior speakers made mention of that as well. But I would suspect, first of all-- I get letters from people telling me there are too many legislators as it is, so-- (laughter) (applause) So I don't think we could go the route of making 80 new districts.

MR. AYALA: No, I'm sorry. I wasn't talking about making 80 new districts. I'm saying taking-- We have a 120-member Assembly as it is right now.

ASSEMBLYMAN WISNIEWSKI: Eighty.

MR. AYALA: I'm sorry?

ASSEMBLYMAN WISNIEWSKI: Eighty-member Assembly.

MR. AYALA: No, I'm sorry -- in the Legislature. Legislature.

ASSEMBLY SPEAKER OLIVER: We have 120--

MR. AYALA: We have 40 Senate districts, and within each of those Senate districts, we elect two members of the Assembly.

ASSEMBLY SPEAKER OLIVER: Right.

MR. AYALA: I'm saying, within that district just cut it in half, population-wise. I'm not increasing the number of representatives; I'm just saying create a nestled district within that Senate district.

ASSEMBLY SPEAKER OLIVER: But does that then get to be fair representation for the citizens that live within that district? For instance, I represent the 34th Legislative District. So if, in fact, we were to carve out one district within the 34th and just let that singular person or candidate run for that particular seat, don't you think we're then moving in the realm of discriminatory practice within a district?

MR. AYALA: No, I do not.

First of all, when you're talking about legislative elections, the Senate and Assembly candidates don't always run together -- it's once every other election. The Assembly terms are up every two years; and the Senate terms are up four years, except there's one two-year term when you're going through the redistricting. Now, when you're talking about running for a candidacy, you mentioned that the political party apparatus would choose the candidates so that they effectively represent--

ASSEMBLY SPEAKER OLIVER: A particular political party.

MR. AYALA: A particular-- In one area, you cited the example -- an urban example -- of Paterson. But I also noticed that in your past questions you also mentioned that there are different factors in each legislative district, where our community is sometimes spread out. And if you take a look at Middlesex County, we have a large population of Latinos in New Brunswick and a very large population in Perth Amboy. When you divide that district to create a single-member district -- which we do in wards, which we do in the Senate -- I think that you have more of an identity with a specific community. Now, what I heard Mayor Diaz speak about -- how Perth Amboy -- which provides a lot of Democratic votes, steady Democratic votes, and is growing -- is swallowed by a much-larger municipality. If you were to create something where you split that district, and put Perth Amboy in its whole in one part of it, you really increase their leverage in that district to choose a candidate of their choice -- to vote for and elect.

Now, there's another factor that you mentioned -- political parties choosing. I didn't expound on this before, but in New Jersey's -- under Title XIX, which establishes the structure for political party structures -- they're based on municipal lines, they're based on county lines, and also the financing of those candidates. And when you're talking about financing of candidates for the Legislature, those candidates that are backed by political parties have an overwhelming advantage, financially, over anyone who wants to challenge them in a primary.

So what we're talking about is that when we face other factors -- incumbency -- maybe we have a community candidate who doesn't agree with the political parties. They're not on equal footing in their ability to run. And you're talking about concentrating power in a very, very small group of individuals. And that's difficult for us because we're not at the forefront; we're not chosen, as Latinos, as much as we should be.

ASSEMBLY SPEAKER OLIVER: Yes, I hear you, and I know we can't belabor this, but I would love to have a more detailed discussion with you about this; because I think a lot of this also is reflective of the ability to organize and mobilize. Because I could point to you significant instances of candidates having success without having the most money, without being backed by a particular party.

MR. AYALA: I love those candidates.

ASSEMBLY SPEAKER OLIVER: But that's a discussion for another day -- you and I will have. (laughter)

MR. AYALA: But if I could just close up on one point.

I had a conversation with another attorney a couple of days ago who mentioned a campaign finance system in Arizona that's now the subject of a Supreme Court review, I believe. And there was one point made that, when you equalize the finance structure you increase participation, and it's fairer. We didn't have the time to discuss, in depth, but there's also a fairness argument to this legislative -- the drawing of lines process. And the point I wanted to make was that drawing the lines does not exist in a vacuum; there are other factors. Now, when we're talking about nested districts, my opinion is that it gives that community, especially in the case of Perth Amboy -- to have more leverage in the county political structure, and to choose candidates of choice.

But this requires a district-by-district-by-district analysis in order to realize that there is no one methodology that can apply throughout the entire state. And yes, Dover's very interesting, because what happens if you have a nested district in Morris County around a Dover or around a Morristown. And I think it changes the calculus for Latino representation, the ability for us to mobilize. Because then we have a chance, and we don't have to go to someone else. And I think that that would be one factor, one method to address.

And we could also talk about having a New Jersey version of the Voting Rights Act that provides greater protections for minorities. We could do a lot more. But this is the battle we're fighting today. And that was just one recommendation.

ASSEMBLY SPEAKER OLIVER: Thank you.

MR. AYALA: Thank you, Madam Speaker.

ASSEMBLYMAN WEBBER: We have one more member with a question.

ASSEMBLYMAN WISNIEWSKI: I do.

MR. AYALA: Thank you, Mr. Chairman.

ASSEMBLYMAN WEBBER: And Mr. Cryan also?

ASSEMBLYMAN CRYAN: Go ahead, Mr. Chairman.

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

I want to make sure I understand. A part of what you're saying is that the map is important, but also the political process that underlies the map is equally important.

MR. AYALA: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: And so that it's not all about the map, in terms of increasing minority representation; it's about the process that either selects candidates, or funds candidates, or creates political organizations.

MR. AYALA: That's correct. And I think that's represented in a lot of the literature that's out there -- that you have to look at the totality of circumstances; you have to look at all these other factors.

ASSEMBLYMAN WISNIEWSKI: Just to correct the record, because you understand that in the 19th District you were talking about -- which I represent -- that political process-- You know, sometimes it works and sometimes it doesn't. Joe Vas was my running mate for six years--

MR. AYALA: I know Joe Vas; yes.

ASSEMBLYMAN WISNIEWSKI: --defeated Arline Friscia in a convention--

MR. AYALA: Yes.

ASSEMBLYMAN WISNIEWSKI: --before the primary. So it works both ways. It's not as though that political process only precludes minority candidates. In that particular case, the minority candidate defeated the non-minority candidate.

MR. AYALA: That's correct, but I think there's an interesting-- You're talking about defeating a candidate in a convention -- the convention selection process. The selection process for candidates statewide differs from county to county. Bylaws are different from county to county. And then when you talk about county lines, in your case you're talking about a district that is wholly contained within one county -- Middlesex County. You have other circumstances where that's not the case -- they cross county lines. Now, for the purposes of drawing the lines you don't consider county integrity; however, county lines become much more important when you consider other factors, as far as financing and as far as dealing with two different methodologies, with two different counties, of picking a candidate.

ASSEMBLYMAN WISNIEWSKI: Right; but in terms of just-- I wanted to make sure that the record was clear. In terms of the 19th District, because the conversation thus far -- Mayor Diaz, yourself -- has implied that there has been no minority representation in the 19th. And I just wanted to make sure--

But the other question I had for you: So your advocacy is to create 80 Assembly districts?

MR. AYALA: Not 80 additional to the 80 we already have.

ASSEMBLYMAN WISNIEWSKI: No, no, but--

MR. AYALA: But to have nested districts within the Senate districts.

ASSEMBLYMAN WISNIEWSKI: How do-- I mean, the Constitution sets forth our current structure. How do we do that in creating this--

MR. AYALA: You'd have to change--

ASSEMBLYMAN WISNIEWSKI: In creating this map with this Constitution, how do we do that and not violate our Constitution?

MR. AYALA: You would have to-- The challenge is the municipal integrity provision that you're citing. You can't do nested districts if you maintain municipal integrity -- it's impossible. We understand that. But there is a process for changing those provisions within the Constitution. There is a process for changing those provisions -- there are statutory provisions which establish county lines for political party structure.

ASSEMBLYMAN WISNIEWSKI: But you would agree that we would have to amend the Constitution?

MR. AYALA: Yes.

ASSEMBLYMAN WISNIEWSKI: Okay, thank you.

MR. AYALA: But that's-- To create a fairer map, I think that that would be a worthy undertaking.

ASSEMBLYMAN WISNIEWSKI: Thank you.

ASSEMBLYMAN WEBBER: Assemblyman Cryan, you have a question?

ASSEMBLYMAN CRYAN: No, no thank you, Chair.

ASSEMBLYMAN WEBBER: No?

Mr. Ayala, thank you,

All right. The Reverend David Torres, followed by Christopher -- is it Irizarry? -- followed by Marie Day.

Now, before the Reverend gives his testimony: For those of you keeping score, we've had, by my count, 17 speakers; we have 46 to go (laughter), which is wonderful news because we're getting great information from everybody who comes up here. And we appreciate your involvement.

I wanted to indicate to you, or let you know that at about 4:00 the Commission will take a brief break and come back and finish. But until then we'll continue as we have.

Reverend Torres, the floor is yours.

REVEREND DAVID TORRES: Thank you.

Good afternoon to all. My name is Reverend David Torres. I represent the Evangelical Pastor Association of Monmouth and Ocean County, and also affiliated Evangelical Pastor Association of Hudson, and the Church of God (indiscernible)

Please note that I am not a political expert, I am simply--

ASSEMBLYMAN WEBBER: (raps gavel) Mr. Torres, hold on a second.

If we could give the speaker the courtesy of not speaking in the background. We have plenty of room outside if you'd like to speak.

Thank you, Reverend.

REVEREND TORRES: Thank you.

Please note that I am not a political expert, I am simply a humble minister who knows Hispanics are growing in New Jersey but are underrepresented.

In the Legislature we have 18 percent, but only have one Senator and six Assembly reps. Please take the growing of our community to count when making the new map.

And that is the only thing that I wanted to ask you -- just to make sure that in the new map you get more Hispanics and more people involved.

Thank you so much for your time. (applause)

Christopher Irizarry, followed by Marie Day, followed by Mike Taylor.

C H R I S T O P H E R F. I R I Z A R R Y: Good afternoon to members of the board. My name is Christopher Irizarry. I am the President and CEO of the North Hudson Community Action Corporation, which is a private, not-for-profit organization. We actually provide services throughout the County of Hudson, Passaic, and Bergen counties. We are a federally qualified health center in addition to a community action agency.

Last year, to give you an idea of the scope of the services we provide to the residents of the State of New Jersey, as the largest (indiscernible) in the State of New Jersey, we actually handled 245,000

patient visits. A great majority of those patients that we see are of Latin descent. The two communities which we see most of the folks -- both in the community action agency as well as the federally qualified health center -- reside in both Union City and West New York.

Now, I understand that the 33rd District is a point of contention, and I'd like to just explain the importance that-- Union City and West New York are two extremely similar communities -- they are both Abbott Districts, and I can tell you that currently the 33rd District, the Latinos make up over 50 percent of the representation in those communities.

I find it disturbing to consider the fact that these municipalities may be separated when redrawing these maps. And the reason is because, not so much the Latino representation, but the factors that are common to both people from Union City and West New York. You have folks that are impoverished; you have folks that work two to three jobs to make ends meet. There are a lot commonalities between these two communities that cannot be separated by a boundary. And what that basically does for this community is empower them to fight for and to be represented in order to provide all of the services -- social services, educational services -- that they need as Latinos living in our community.

And I think that that's imperative to think about when you talk about redrawing these maps. We have to keep in mind that their priority in Union City and West New York is unique. And the fact that they've been under the same legislative district has empowered them to receive the appropriate services -- social services, health case services, and services in

education -- that they need. Since 2004, Union City and West New York have built six brand new schools. That hasn't been because just the fact that they're Abbot Districts; it's been the fact that they want education for their children. And so it's an extremely delicate situation when you talk about taking the Latino community and splitting them.

And one of the very interesting things that Martin Perez said during his testimony was that there are six Assembly people that are of Latino descent in the Legislature. Well, yes -- three of them come from Hudson; two come from the 33rd District. The 33rd District has provided leadership in elected office, including Senator Robert Menendez. So I think it's very important that while we discuss redistricting, we're very careful to not go backwards. And I think that when we talk about creating more opportunity for Latinos, that we don't start thinking about taking steps backwards in districts such as the 33rd.

So I thank you for your time and I'm sure it must not be comfortable sitting all these hours.

So thank you very much for the opportunity to speak.
(applause)

ASSEMBLYMAN WEBBER: Marie Day, followed by Mike Taylor, followed by Councilman Ravi Bhalla.

MARIE DAY: Good afternoon. My name is Marie Day. I'm a small business owner, and a healthcare professor, and a former candidate for office.

I thank the Commission for coming to Jersey City. We need you.

We are a Caribbean community, and other communities of America need to be seen and heard.

Our city remains in trouble, and I believe now, as I did in the past, that we citizens must take an active role in making the corrections our community needs -- the corrections that will make Jersey City once again a place to live, work, shop, and raise a family. And a place we can be proud of again.

The local path to change, however, is littered with bleached bones and the debris of the political machine. The communities of the underserved must be given a better chance at change; and change comes by accessing public office. We have untapped energy, creativity, resources, and the desire to better our city and all our communities. We are Americans -- good Americans, yet with the stroke of a pen, a line across a page, we are disenfranchised. I implore the Commission not to allow us to suffer for another lost decade.

I respectfully ask of the Commissioners not to look at the map in black and white, but in many colors. New Jersey has many faces, and so one family -- we will only be perfect together when we are together.

Please give us, the Caribbean community, and all the new American communities more opportunities. Give us a map that franchises us, not disenfranchises.

Thank you, and may God bless you. (applause)

ASSEMBLYMAN WEBBER: Mike Taylor, followed by Councilman Ravi Bhalla, followed by Councilwoman Rebecca Williams.

MIKE TAYLOR: Good afternoon, Chairman Webber, Speaker Oliver, honored members of the Commission. My name is Mike Taylor; I'm from West Orange, New Jersey, and I'm here to talk about the boundaries of the 27th District.

In 1991, the 27th District was a minority or majority-minority district. It comprised West Orange, Orange, Montclair, East Orange, and a small part of Newark. Ten years ago, that minority-majority district was taken apart. I believe the new term I learned today -- it was cracked. And what happened was a large minority population was split in half, even though it was geographically contiguous, and it destroyed a minority-majority community and created two districts that were not.

This seems to be counterproductive to the direction we're going. And what I came to do is to tell you that at your last meeting in Newark you had a parade of mayors telling you that you should retain the 27th District as it stands. And I'm here today to say that that is not how all of us in the 27th District feel.

I would like to see the boundaries of the 27th District restored to where they were in 1991, because that is more representative of the diverse communities that comprise what is the 27th District. In 1991, Speaker Oliver, you and I lived in the same Legislative District. Ten years later, that is no longer the case -- she lives in East Orange, I live in West Orange, and they're not that far apart.

So I just want to ask this body today to rectify what is a political injustice committed against the minority community in suburban

Essex County, and restore the boundaries of the 27th District to where they were in 1991 -- or somewhere similar.

Thank you.

ASSEMBLYMAN WEBBER: Questions? (no response)

Thank you.

Councilman Ravi Bhalla, followed by Councilwoman Rebecca Williams, followed by Agha Khan.

C O U N C I L M A N R A V I N D E R S. B H A L L A, E S Q.:

Good afternoon, Chairman Webber, and Chairman Wisniewski, and members of the Commission.

My name is Ravi Bhalla; I'm a Councilman-at-Large of the City of Hoboken, and also Chairman of the Democratic Party in Hoboken, New Jersey. But I come to you here today-- And also, by way of background I'm also the only elected Asian-American official in Hudson County.

But I don't come to you here today as a public official; I decided to leave my suit and tie at home and come to you here today as a resident, an Asian-American resident of Hudson County, and of Hoboken, and New Jersey.

I want to start with a little story. Last week I was in Newark, New Jersey, at a meeting, and an elderly woman pulled me aside and said, "Hey, are you Egyptian? Because you guys really know how to get it together out there." (laughter) And I said, "No, ma'am, I'm originally from India, which is a part of Asia, but it's not from the Middle East -- I'm not from the Middle East." And I should not assume everyone here knows what an Asian-American is. By the way, the U.S. Census defines Asian-

American, it's a very broad category. It includes South Asians, people from India, from Pakistan, from Sri Lanka, Bangladesh -- even from Afghanistan. Those are all Asian-Americans. It includes East Asians from China, Korea, Japan; it includes Southeast Asia -- individuals from the Philippines, Thailand, Malaysia, Vietnam, and Cambodia. So it's a very broad category of people that we should consider.

Out of 120 State legislators in New Jersey, we only have two Asian-American legislators. I would submit that is very unfortunate and needs to be addressed in this process.

And I would also submit that it's nothing more than happenstance that we even have two, because Assemblyman Chivukula, I would submit, is not an Asian-American Assemblyman, but he's an Assemblyman who happens to be Asian-American. Senator O'Toole, I would not (*sic*) submit, is an Asian-American Senator, but he is a Senator who happens to be Asian-American. I am not an Asian-American Councilman, but I am a Councilman who just happens to be Asian-American. And I say that because we were not elected on the backs of the Asian-American community; we were elected in districts where-- We were elected for some other reason other than our ethnic heritage.

But I think things are changing in Hudson County, and they're going to be changing more in the next two, four, six, and eight years. In Hoboken, you have an expanding number of Asian-American young professionals who have come to Hoboken to live and work. You also have at least two wards in Jersey City -- Ward E and Ward C -- that have substantial Asian-American populations.

And I really feel this creates an opportunity; it creates an opportunity to elect an Asian-American legislator in Hudson County in the next 10 years. Not a legislator who, by chance, happens to be Asian-American; but a legislator who receives the support and the backing of the growing Asian-American population in Hudson County.

The only way this can happen is if the Commission does not fracture the Asian-American populations within Hudson County; but rather brings them together.

So all I would ask the Commission to do in this process is please take a look at the numbers, and take a look at where Asian-Americans reside, and see if it's possible to apportion one district within Hudson County that gives Asian-Americans a fighting chance to elect a legislator from the community and with the support of their community.

Thank you very much for your time. I appreciate it. (applause)

ASSEMBLYMAN WEBBER: Thank you, Councilman.

We're going to do the following two witnesses, then we'll have the break. Following the break, we'll start with Andrew Bloschak and Tilo Rivas.

So Rebecca Williams, Councilwoman from Plainfield, followed by Agha Khan.

UNIDENTIFIED MEMBER OF COMMISSION: She's gone.

ASSEMBLYMAN WEBBER: Gone. Mr. Khan; then we'll bump up Mr. Bloschak; and Mr. Rivas will go after the break, followed by Russell Cote.

A G H A K H A N: Good afternoon, and thank you. And I welcome you and thank you for all the hard work you are doing for the communities.

My name is Agha Khan. I am CEO of a Pakistani-American think tank, and CEO of the American-Muslim Foundation, and also (indiscernible) of the Republican Party of Hudson County.

I came over here from Pakistan some 35 years ago, and thanks to hard work and opportunity, I am one of the millions of success stories America produces every day. Yet I have one concern about -- of our county. We have millions of people underrepresented; sociologists call us the New Americans. Personally I'm glad I'm (indiscernible) to be a new anything. (laughter)

Many of these people are here, right here in Jersey City, Hudson County. These New Americans are smart, and energetic, and eager to fully participate in the process and serve this County. But they cannot because the local system does not see them. Their windows are dirty with the politics of the past. I ask the Commissioners to look for the rainbow -- the rainbow that is the people of New Jersey. Use that rainbow to color your maps. Give Asian-Americans a chance to serve.

The Pakistani and Asian communities are ready to do this -- share to keep New Jersey moving and growing. We are better able to do that with fair and accurate maps, not with bad maps, bad counts, and the politics from the past.

Thank you, Commissioners.

ASSEMBLYMAN WEBBER: Questions? (no response)

Thank you, Mr. Khan. (applause)

ASSEMBLYMAN WEBBER: Andrew Bloschak; then the Commission will break. Leading off after the break will be Tilo Rivas and Russell Cote.

A N D R E W M. B L O S C H A K: Good afternoon, distinguished members of the 2011 Legislative Apportionment Commission. My name is Andrew M. Bloschak. I'm a 27-year, working-class resident of Belleville, New Jersey -- the Cherry Blossom Capital of America.

I have two of my four children in Belleville's public schools, and coach baseball in town. I'm a member of the United Workers Union Local 595, and a former legislative director for a postal workers union local.

I have been a longtime civil activist, and I come here today because my town needs to go in a new direction for a new decade. As you all know, in 2001, Belleville and our neighbors in Bloomfield were merged with Irvington and parts of four Newark wards to form a new 28th District. This was in contrast to districts of the 1980s and 1990s that placed Belleville with other suburban communities. Both Democrats and Republicans did a great job representing us in Trenton in those previous districts. Since the district change of 10 years ago, Belleville faced economic and fiscal challenges as a result of being overlooked in State representation. We have received little real support for needed redevelopment of our business districts or for making our schools excel. This must change to make Belleville a dynamic community once again.

Belleville must rely on its local property tax to finance schools and municipal services. With little outside help and declining business

base, town residents have seen large property tax increases over the past decade.

We do not have celebrity entertainers and entrepreneurs assisting us with funding schools, or massive State and Federal aid. I certainly champion Newark's revival, but we must also look out for Belleville. Belleville is an increasingly diverse community. Like many of our neighborhood first-ring suburbs, Belleville has a minority-majority population as reported in 2010's Census. This diversity is a testament to our strengths as a community in attracting residents of all backgrounds that seek affordable home ownership with safe streets and good schools, as well as relying on our residents to fund programs.

Our Township of Belleville, and our friends in Bloomfield, are more in synch with Nutley, southwest Bergen, Secaucus, Kearny, Clifton, Totowa, Little Falls, Woodland Park, Wayne, and West Essex than we are with Newark. It is easy to draw a new district or a combination of some of these towns that would be an ethnically diverse middle-class district where each town would have a seat at the table.

And this is why, ladies and gentlemen, I have spent much of the last month braving the weather to get my fellow Belleville residents to sign a petition to remove the Township of Belleville from the 28th District and place it in a new district like the one I described. Several of our other township residents have circulated attached petitions as well. While I would have been able to get more signatures had we not had the most January snow since World War II -- okay? -- I still received overwhelming support from Belleville residents of all ethnic backgrounds, neighborhoods,

and political parties. Regular people understand the Cherry Blossom Capital is a great place to live, but we can make it a much stronger and more dynamic community with better representation.

I plan to continue getting more signatures, but I submit to the Commission what I have today; and I will submit a final copy to the Commission, Governor Christie, and my Mayor Kimble. We need to create districts with communities of common interest, and changing which district Belleville is in would be a step in accomplishing that goal. Please consider the voices of my neighbors when you are deciding how to best create a new map.

Any questions?

ASSEMBLYMAN WEBBER: Any questions?

ASSEMBLYMAN CRYAN: Just a quick one: How many signatures do you have?

MR. BLOSCHAK: Well, right now I have over 100, okay? I have three other people in town getting me signatures. I plan, between now and March 5, myself to go out for four or five hours a day -- since the weather is beginning to moderate -- and knock on at least 200 doors. In my career, I was a mailman for nine years, so I don't mind walking. (laughter) I used to knock off a 400-stop route in about three hours in my youth. I'm 62 years old now, but I can still move pretty fast.

ASSEMBLYMAN WEBBER: I didn't think weather stopped you. (laughter)

MR. BLOSCHAK: No -- remember the thing about the mailman, though: Neither rain nor snow, nor the gloom of night shall stop him from his appointed rounds. I still believe in that.

ASSEMBLYMAN WEBBER: Any other questions?

MR. BLOSCHAK: Any other questions? Just one side note--

ASSEMBLYMAN WEBBER: Thank you for your interest and your energy in getting involved in this process.

MR. BLOSCHAK: Okay, one side note is the three towns, Belleville, Nutley, and Bloomfield, broke away from Newark 172 years ago. It used to be called the Second River section, all right? And in Belleville, right where the Second River is, there was a battle fort during the Revolutionary War. In fact, Rutgers is buried in the cemetery behind the old Presbyterian Church on Main Street, and so is Horatio Hornblower; and about 200 Revolutionary War soldiers are buried in that cemetery also.

UNIDENTIFIED MEMBER OF AUDIENCE: Can they vote?
(laughter)

MR. BLOSCHAK: So Belleville has a fantastic-- It has a very -- a rich history, the town. So I just appreciate when you redistrict, consider Belleville. I appreciate it.

Thank you very much for allowing me to speak today.

ASSEMBLYMAN WEBBER: Thank you very much.

I have just about 4:00. We will reconvene at 4:15 with Tilo Rivas, followed by Russell Cote.

(RECESS)

AFTER RECESS:

ASSEMBLYMAN WEBBER: (raps gavel) If we could reconvene.

We will start this session with the testimony of Tilo Rivas, followed by Russell Cote, followed by Lyle Himmel.

T I L O E. R I V A S: Good afternoon, and welcome to Hudson County. My name is Tilo Rivas, Freeholder. I'm also Commissioner of Union City in the 33rd District.

I'm going to be very brief and only refer about the 33rd District, in particular.

The 33rd District particularly has got something very unique -- it's community; a community comprised of mostly Hispanics in West New York, also in Union City. Two communities are pretty much alike; two communities with the same interests; two communities with the same struggle; two communities interested in being only one voice -- being heard in one voice. To be represented equally.

And these two communities have many common bonds, but they are pretty much the same bonds. And we would like to-- I would like to pinpoint this fact that Union City, for instance, and West New York -- they have a special interest in education. We have made education a priority in the area in order for us to fight the drop-out rate which is very significant. Actually, currently it's been building the Hudson County Community College building now, in the area, in order to be able fight that

problem right now. And we are going to be serving the area of West New York and Union City as well.

So if -- in the case that the 33rd District is not being kept the same way that it is right now, then the idea of keeping education a priority is going to be diluted now -- it's going to be watered down, and all the efforts that have been done throughout the years -- everything is going to go down the drain.

So I plead: Please, let's keep the 33rd District intact now, now that we need it. Now, that is your call. We need that; I plead you.

Thank you very much.

Any questions? (no response)

Thank you very much.

ASSEMBLYMAN WEBBER: Russell Cote, followed by Lyle Himmel, followed by Lewis Candura.

I was remiss in not mentioning that Commissioner Palatucci had to go because of a family commitment, so he's going to miss the second session.

I also spoke with the Commissioner and our Commissioners at the break, and wanted to suggest to Chairman Wisniewski and the rest of the Commission that the Commission begin to think about additional hearings -- public hearings -- in the next couple of weeks. Each public hearing we've had has had more witnesses and more testimony than the last. I know that, I think, Commissioner Sarlo has suggested having one in his district, and I know that Mayor Diaz offered to have one in her district, and--

ASSEMBLYMAN WISNIEWSKI: Actually, Mr. Palatucci offered to have one in her district. (laughter)

ASSEMBLYMAN WEBBER: There was perhaps some solicitation involved in that. She gladly accepted the suggestion.

ASSEMBLYMAN WISNIEWSKI: She accepted; she did.

ASSEMBLYMAN WEBBER: So in any event, not to be--

ASSEMBLYMAN WISNIEWSKI: I think Mr. Paulsen (phonetic spelling) and Counsel can work it out and submit dates to the Commission.

ASSEMBLYMAN WEBBER: I think we should work on that. And, again, I'm grateful for everyone coming out -- a terrific public turnout for an important process. So thank you, and we look forward to speaking about more hearings real soon.

Mr. Cote.

RUSSELL COTE: I would agree -- the more hearings, the better.

I'm going to be real quick. I want to thank the Commission for having these meetings; and again, I think the more meetings the better. I think we should have one a week until we're done. That would just be my opinion.

My name is Russell Cote; I come from Keyport. But it was nice having the chance to come back up to Jersey City. I lived at 85 Van Reypen Street for 10 years. They called it Maniac Mansion when I was there. I'm not sure if that's because I was there, but that might have preceded me. (laughter) I'm not sure on that.

I'm here for myself, as a voter of New Jersey. I'm also here as a representative of the Bayshore Tea Party Group's Redistricting Committee. And I just want to talk about some greater -- what I believe to be greater principles.

The Constitution is pretty-- It's not -- I wouldn't say it's clear, no Constitution's are, but I think in overriding principles that I haven't heard much of today-- We've heard the number 220,000, give or take; we'd like to see a map that reflects that. We'd like to see a map that doesn't go higher or lower than 5 percent. I know there's been some -- over the years, over the redistricting process, it's gone as high as 14 percent up or down; as low down to 4.9 percent up or down. So somewhere in the neighborhood of 5 to 10 percent we think, again, is fair. I know it's not possible to come up with a map that has 220,000 exactly, but as close to that as possible -- that's the population consideration.

We think the compactness consideration is important. I'm here to make your job as easy as possible, which is: We've got the State of New Jersey, we have 8.7 million people, we got the Constitution that says population, compactness, contiguous -- okay? The Court throws in a couple of other considerations, I acknowledge that; however, there are only three constitutional provisions that come directly from Article IV, Section II.

That being said, you take the State of New Jersey, divide it up into 40 districts -- you're done. That's it -- okay?

Now, for three hours -- three-and-a-half or so hours, I've heard a lot of other considerations, and I understand that. That's why we have representatives -- whether it be in a community, in the Assembly, and the

Legislature, etc. I get that, and I don't think that they are to be wholesale discarded. I would just like to say that there are other considerations that are greater and that come directly from the Constitution.

One thing I think that everybody here can agree on -- and I lost a lot of people, but that's okay -- is that one consideration that should not be taken into effect in any way, shape, or form is the job security of any present legislator anywhere in the State of New Jersey. If you lose your seat because of fair redistricting -- so be it. That's the way it goes. And I would just like to get that on the record, because I haven't heard it said today. I do not think that that is a viable, respectable, constitutional consideration to be taken into when redrawing these maps.

I'd like to, on that note, go back to the testimony from Toms River. I'd like to just read back into the record a quote from a colleague of mine and a friend, Sean Spinello. And I quote, "As you, 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, as an independent voter of the State of New Jersey -- with family and friends throughout all the great counties of New Jersey -- as you will ultimately propose and support as partisan elected officials, as members of the Commission? We ask you to consider that in this regard." I think that's important.

The second thing -- and I'll get out of here -- I'd like to talk about something that Ms. Perez-Cruz (*sic*) said at the beginning that I wholeheartedly agree with, and that is a major consideration should be that we don't want to pit one group against another. I agree with that 100

percent -- 100 percent. I've heard that for three-and-a-half hours, though this is what it creates -- this is what partisanship creates. Drilling it down to the lowest common denominator -- I'm talking wards here. We're talking members-- Like a thousand-person districts and special interest in each. That's what happens; and the natural effect of that is to pit one group against another. Instead of closing your eyes, here's the State of New Jersey, 8.7 million people, 220,000 per district -- pack it up -- done. That's it.

And I'll tell you why: It's because we should not be fighting against each other. But if we need to have a fight, let's have a fight in the marketplace of ideas. I personally welcome that fight as a member of the Bayshore Tea Party Group; we welcome that fight. And I think everybody in here welcomes that fight. Let's have this fight in the intellectual arena; let's not fight against each other.

Ladies and gentlemen, again, I want to thank you for having these meetings. I look forward to many others.

Thank you very much; take care. (applause)

ASSEMBLYMAN WEBBER: Lyle Himmel, followed by Lew Candura, followed by Edith Jorge.

L Y L E H. H I M M E L: First, I would like to thank the Commission members for being here and hearing the public on this most important matter to our democratic process.

My name is Lyle Himmel; I'm also here as a citizen of New Jersey, and also to represent the Bayshore Tea Party Group, which is in Middletown, New Jersey. I'm a resident of Aberdeen, New Jersey.

We would like to come out and oppose very vociferously the practice of partisan gerrymandering by either party -- the Republican or the Democratic Party. As you probably know, partisan gerrymandering occurs when the parties in power manipulate district maps to benefit a particular candidate or a particular party. This effectively disenfranchises and nullifies votes of New Jersey's citizens and results in elected officials no longer being accountable to the people. This effects everybody in New Jersey, no matter what ethnicity, what group their in, what party they belong to. And we would hope that the maps that are drawn do not have gerrymandering.

I think that the New Jersey Constitution takes a formula that actually, if you follow the formula, would protect against gerrymandering. The Constitution states -- I'm sorry, I have the wrong section up here. I'm not sure where it is. Okay, I'm not going to be able to quote; I don't have the right section there. But the Constitution states that the districts need to be contiguous, they need to be compact, and as equal as possible. Also, the Constitution states as a guiding principle that no county or municipality should be divided into more than one district, unless it has more than one-fortieth of the population of the state -- which, as we have mentioned, is around 220,000. That means that there are only two municipalities in the state that should have more than one district, and those are Jersey City and Newark. But the Constitution further states that if a county or municipality needs to be divided because the population is more than 220,000, it needs to be-- The population of the town or the county should be divided by 220,000 and then you add that number plus one. So that means a city like Newark or Jersey City should only have two districts. A

county such as Bergen County, which has -- I don't know the exact amount -- but somewhere between 900,000 and 1 million people, should-- If you divide that by 220,000, you get four and a remainder -- so no more than five districts. If you follow these formulas, this should be a protection against gerrymandering and should be a protection that would help everybody's votes count.

This would lead to competitive districts throughout the state, which is something so many speakers here have spoken about -- that we want competitive districts. We want there to be competitive races, and not to have districts drawn so that one particular candidate in one particular party has an advantage over the other. It will allow more opportunities for different groups to have their voices heard. And most importantly, for every citizen of the State of New Jersey it will allow every vote in New Jersey to count.

Again, thank you for coming here today to hear the public speak about this very important matter.

ASSEMBLYMAN WEBBER: Thank you.

Lew Candura, followed by Edith Jorge, followed by Victor Grullon.

LEWIS J. CANDURA SR.: Thank you.

My name is Lew Candura; I'm the Morris County Democratic Chairman. And as somebody who has been involved in public service as the Democratic Chairman, I want to thank each and every one of you for all your hours and hours and hours away from your family that you're

dedicating to this process. I know how difficult it can be, and I thank each and every one of you.

That being said, that I'm the Democratic Chairman, I just want to let you know that in certain ways I am not partisan, because my entire family is Republican. My mother and father were the Republican district leaders in Belleville where I grew up. I transplanted to Morris County 34 years ago, always being a Democrat from my first election in the primary of June of 1968. I voted as a Democrat and I've been a Democrat ever since.

It kind of puts me at odds with my family sometime, but I understand fairness, and I understand compromise, and I understand difficulty. And you kind people here today have a very difficult task. The way this is set up it puts you at odds. We have a competitive nature as Americans. We see that in sports, just recently in football -- whether you're a Giant fan, a Jet fan, an Eagles fan, whatever. It's a competitive nature for us to get the edge up on our opponent, and it certainly works true with partisanship as well.

I ask you to try to put that aside, because I've heard a lot about diversity today and how our ethnic population is growing. The African-American and Asian populations are growing. The geographic diversity has grown. We have the largest minority group -- Latinos -- constitute 10 percent or more of the population, and 25 of our 40 legislative districts. In fact, in 13 of the districts, Latinos comprise 20 percent of the population. And this pattern is repeated in every one of our 21 counties. And Morris County is no exception. In 13 Morris County municipalities the Latino population exceeds 10 percent of the population, two of which are over 30

percent; two of which are over 60 percent; and as based on growth trends, these numbers will increase. But yet in Morris County, we have five legislative districts, and in those five legislative districts we have 14 white, Republican, conservative men; one white, Republican, conservative woman. There is no diversity in the Legislature in Morris County.

When you redraw these lines, I'm asking you to keep that in mind for fairness; not fairness for any particular party, but fairness for the people who are the ongoing demographics in Morris County.

So as this Commission sets about the task of reflecting the rich diversity of our population, don't look back -- look ahead. You should anticipate a continuation, if not the acceleration, of the trends that we've seen in the census. The growth of Latino, African-American, Asian populations will continue; so should the representation in this Legislature for the next 10 years. And the representation should be a product of the legislative districts just as diverse as New Jersey's population as a whole. Segregating voters in white districts on one hand, minority districts on the other will shortchange every single person in the State of New Jersey. And history tells us that packing minority voters into few districts not only fails to guarantee election of minority legislators, but it also completely disregards minorities in counties like mine.

Giving voice to those minority residents, citizens who live in concentrations too small to constitute an absolute majority of voters requires a commitment from the leaders in this room today. And on that score, there is simply no comparison of the 24 minorities in the current Legislature -- 23 are Democrats. It's a Democratic Governor who appointed

the first Latino U.S. Senator, Bob Menendez, who subsequently was elected with 57 percent of the vote.

So let me conclude with one last thought. The next map, any map that you come up with can only deliver opportunities, not guarantees. This Commission should be about creating opportunities -- as many as possible for voters to elect legislators of their choosing. It's up to the leaders of both parties to nominate candidates who will reflect those choices. It's your job to come up with a fair map.

Thank you very much. (applause)

ASSEMBLYMAN WEBBER: Any questions?

You have a question, Chairman?

MR. CANDURA: Thank you.

SENATOR SARLO: Just-- Mr. Chairman, just a quick follow-up.

You had heard before the exchange between Bill Ayala and Chairman Wisniewski regarding the process. A lot has to do with process, of getting Latino candidates, minority candidates into elected office. I know you're sort of on an island in Morris County as a Democrat. The party in power -- have you seen major moves on their part to get Hispanics elected? In some of these towns, you have some significant Latino populations; I mean some of these towns of almost 20,000 people, 70 percent Hispanic population. In Morristown, 18,000 population, 34 percent. I mean, have you seen any significant strides to try to recruit some other candidates on the other side of the aisle?

MR. CANDURA: Senator, I respectfully decline to answer that question. I work very, very well with my counterpart in Morris County, and I'm certainly not here to throw any stones in his direction. He's a friend; he does his job very, very well. He's a good man, and I'll let it go at that.

SENATOR SARLO: Thank you; that's fair.

ASSEMBLYMAN WEBBER: Thanks. Just-- And the Chairman has come from Morris County; it's the first time we're getting to talk about Morris County. So very briefly, I just want to correct the record: five districts represented-- or have parts of Morris County in them; three of the five delegations include women, and their names are Nancy Munoz, Denise Coyle, and Alison McHose.

MR. CANDURA: I stand corrected.

ASSEMBLYMAN WEBBER: And we believe in an inclusive party in Morris County. The Morris County Republicans-- One of the few counties in the State that doesn't have a party line, which means that the process is open to anyone who gets 100 signatures can get themselves on the ballot, unlike other counties in both parties that are very much controlled by the party apparatus. So we're proud of what we do in Morris County, and you're welcome to come anytime you'd like, Senator.

Thank you very much.

MR. CANDURA: Chairman, thank you for the correction.

ASSEMBLYMAN WEBBER: Edith Jorge, followed by Victor Grullon, followed by George Gore.

E D I T H J O R G E: Good afternoon, Chairman Webber, Madam Speaker.

My name is Edith Jorge; I'm a recent graduate of Montclair State University. I'm also the Vice Chair for the Hudson County Young Republicans, and I'm a first generation American.

I was born in Hoboken, I was raised in West New York, and I currently live in North Bergen, so it's safe to say that Hudson County is my home.

The reason that I'm here today is to voice my concerns regarding distribution, and urge you to balance where Latinos -- but most importantly, other minorities whose percentages may not be as high as Latino -- will have fair a shot of representation.

Now, the reason that this Commission is here today is because of the results of the 2010 Census. And at the beginning of this meeting I heard many of you say that those results ushered in an array of diverse communities within this county. You said that we needed to be represented equally; I agree with you. And I absolutely think that that is the way to go.

But here is where my concern is. We had a Census in 2000, and these are just some of the results that we saw from that Census in 2000: We saw that Hudson County is the smallest, most densely populated county in all of New Jersey. We saw that 40 percent of the residents were Hispanic. Jersey City was one of the most populated cities in all of the United States. It came 21st in the most ethnically diverse cities in the United States. Of municipalities over 50,000 residents, Union City was the most densely populated in the United States. The county altogether had

three communities on the list of 100 cities whose highest percentage was of foreign-born residents -- and those were West New York, Union City, and Guttenberg.

Now, my problem is if these were the statistics in 2000, then why was our representation not impacted by that data in 2000? And if that was the case, how do we know that the same thing won't occur with this data from our 2010 Census?

The residents of Hudson County are people of diversity; and they ask for equality, and they give and receive respect from each other. And that's all that we ask of you today. This Commission is doing a great job, and we understand that it is an ongoing process, and that most of it will take place in the upcoming months as the days get longer, and the days get warmer, and people start to wear less clothes, and start looking a little more tan than usual. But we think that it's definitely a job that can be done. But it lies in your hands, and it will only get done if you allow it to be done.

I thank you for your time, and I appreciate what you're doing.
(applause)

ASSEMBLYMAN WEBBER: Thank you very much.

Victor Grullon. (no response) Not here.

George Gore, followed by Omar Dyer, followed by Wayne Harmon.

G E O R G E B. G O R E: Good afternoon.

ASSEMBLY SPEAKER OLIVER: Good afternoon.

ASSEMBLYMAN WISNIEWSKI: Good afternoon.

MR. GORE: I'm going to try not to repeat what everybody else does. (laughter) As difficult as that might be, I think I want to key in on some key points that have been alluded to but not necessarily directly said.

Districts, when we draw them, should represent not color, but community of interest. Color comes with community of interest -- you can't separate the two. We seem to want to put a divining rod between them and pretend like it's not the same -- they are. We have a very difficult -- and I say we, because it's the State of New Jersey that ultimately is going to be the one that is going to be the benefactor or not the benefactor of the lines that we draw now. Two things happen: If we don't look at communities of interest -- rural versus farmers versus the urban -- when we draw these lines, then you will greatly affect the economics of the State of New Jersey. If I'm not looking at how farmland is reused, or redistributed, or not used, I'm going to affect the economics. If I don't look at the way that urban cities are redesigned and put back together, I'm going to affect the economics.

And let me give you a classic example that's going on right now. New Jersey's on the verge of losing 3,000 jobs because some of the distribution for Pathmark and A&P are leaving the state. Not that the Legislature hasn't tried to do something; not that the Governor hasn't tried to do something; not that the union hasn't tried to do something. The problem is everybody waited until three seconds before time to look at it. However, if we make sure that the representatives who are in those areas, who are affecting that kind of economics, are on that at the time that we should be, then maybe things like losing 3,000 jobs won't happen.

We've got to have maps drawn with communities of interest. And losing 3,000 jobs from places like Woodbridge and other places are something that a local representative should have been involved in a year ago, because I'm sure the company didn't make that decision just now.

So we have to look at not only how lines are drawn, but the business interests of how those lines are drawn -- because the business interests affect the community of interest. We spend a lot of time talking about color, but we don't spend enough time talking about the impact that color has on economics. If we want our communities to be solvent, then we need to make sure that those people who we elect, and who are in those areas where those businesses are, are on top of where those businesses are going so the State of New Jersey does not continue to erode business. And it won't make any difference how you draw the line, because we don't have any dollars in the state to support.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Omar Dyer, followed by Wayne Harmon, followed by Councilwoman Renee Baskerville.

O M A R D Y E R: Good afternoon, ladies and gentlemen.

Can you hear me? (affirmative responses)

I've listened to everyone here for the past couple of hours, and what I say is we don't have a population problem; we don't have a density problem. We have a political patronage problem. And what that problem is, is that there's no representation before taxation. That's the number one rule when we brought in the Articles of Confederation, which is representation for taxation. If we break that rule and we have a political

patronage system, where dual offices are not reprimanded, then we don't have the adequate representation that we need.

It's not an attack on the Latino community, but there are two many dual offices in those subjective (*sic*) communities. Let's say if I have a problem with the mayor, and I want to go to the State Senator. Well, I can't get the State Senator because he's also the mayor. So I'm continuously growing the same problem: it's the State Senator that's a mayor; and I can't go to the mayor because he's the State Senator; I can't go to the State Senator, because he's the mayor. So there's no representation, therefore there can't be taxation.

And taxation means that subsidies come to the designed area. So if you have an area where there are two seat holders in one spot, then the subsidies can't adequately come to that position because there's no taxation without representation.

And I say you just leave the maps as they are, and enforce the dual offices, and we won't have this problem where we're losing congressional leaders every 10 years.

And I thank you for the time, and that's it.

MS. CRUZ-PEREZ: Just a point of clarification.

ASSEMBLYMAN WEBBER: Mr. Dyer.

MS. CRUZ-PEREZ: Very good, thank you.

Just a point of clarification: No longer in the State of New Jersey can a person hold two dual offices. If you are a legislator, you cannot be a-- It was grandfathered in--

UNIDENTIFIED MEMBER OF COMMISSION: It was grandfathered--

MS. CRUZ-PEREZ: --for the people who are already in office; I understand that point. But upcoming members, they no longer can do that, okay?

MR. DYER: Well, but it's not the fact that it's -- no longer doing it; it's not enforced. That's the thing; it's not enforced. And the way you enforce it is with clean elections. So we can go on and on.

ASSEMBLYMAN WEBBER: Thank you.

Wayne Harmon.

UNIDENTIFIED MEMBER OF AUDIENCE: He left.

ASSEMBLYMAN WEBBER: Councilwoman Renee Baskerville, Montclair; followed by Ahmed Shedeed, followed by Esther Wintner.

COUNCILWOMAN RENEE E. BASKERVILLE, M.D.: Good evening, Chairman Webber, Chairman Wisniewski, my 34th Legislative District Assembly Speaker Oliver, other esteemed members of the Commission. I'm Dr. Renee Baskerville, the 4th Ward Councilwoman in the great Township of Montclair in Essex County. It's my honor and distinct privilege to appear before you today.

My words-- I'm also expressing comments that are shared by our Deputy Mayor of the Township of Montclair, Councilwoman Kathryn Weller-Demming, who shares my sentiments but was unable to be here today.

As you are aware, Montclair is a relatively small township in Essex County with just under 38,000 residents, compared to many of the townships that we've heard from today. And despite our relatively small size, our voices are loud and our voices are large, and Montclair has learned lessons that I believe might be instructive for the important work of this Commission.

In Montclair we embrace diversity and make it a driving force for everything that we do in our township. And I think it's very important that, as a Commission, you embrace diversity and make it a driving force for the redistricting process.

Montclair embraced diversity like no other township in the nation -- and this is both according to folklore and to facts. In Montclair we've taken some steps not to view every contest as adversarial, and not to perceive every process impacting the precious right to vote as partisan. We have nonpartisan local elections because we believe that, while recognizing and respecting fundamental philosophical differences along party lines, some elections and some actions should not necessarily be driven by party affiliation. Some processes impacting the sacred right to vote and the determination of who gets how much of what, when, where, and how that flows from the citizen vote, should be approached as an effort to achieve more noble goals such as greater citizen participation, greater diversity, and a stronger democracy; a sense that we all have a stake in this process, and that if we work together we can move the state to becoming more representative of its racially, ethnically, socioeconomically, geographically

diverse residents; as well as to reflecting the increasingly diverse faiths and cultures of the residents.

We can move the state to becoming a more perfect state in the union. I recommend to this Commission that as you undertake the work, and recommend adjustment to the legislative districts to reflect the population shifts in the state, you do it in a manner that is not so polarizing that our Legislature cannot work together to make sure that all the basic health, education, and human needs of the residents of the state are met, especially those of least advantage.

When redistricting is over, we want people in the Legislature who provide voice to every constituency in the State, especially those that have historically been voiceless, so that New Jersey will be celebrated for passing laws that are revolutionary in that they ensure that all residents can reside and raise their families in safe, sanitary, sustainable environments; and that every child in the state is afforded health care, an early start, a healthy start, a head start toward realizing his or her potential.

We want them to be evolutionary in that they will reflect the best practices of the new ecology of learning and attaining economic growth while sustaining the environment.

And I urge you to resist the type of vitriol that normally accompanies redistricting, and to be mindful that as the country is painstakingly and slowly beginning to recover from the economic crisis of the past decade, many people are close to the edge and we must prevent at all costs New Jersey from becoming the next tragedy waiting to happen.

I've included in my prepared words -- which I will present to Mr. Parisi, and hopefully you will have an opportunity to review them -- something that I call R3; and R3 is *Residents Redistricting Roundup*. And I was happy to hear that, perhaps, there's consideration for further hearings of this nature. Because in my R3 proposal for the future, I'm suggesting that we begin even earlier, on a municipal level, where the municipalities all across the State of New Jersey, at the same time on the same day, can have local meetings, and the reflections of the community would be on the record so we could get broader input from people.

In closing, the redistricting plan should recognize that all beings of the State of New Jersey are interdependent, and that every life has value and is entitled to respect and a voice. Any plan that submerges or nullifies the voice of the recognized racial and ethnic voting bloc protected by the Voting Rights Act runs counter to the belief of the Commission and respect for all residents, and shall be rejected.

I thank you so much for the opportunity to appear before you and I stand ready to assist you in any way that I may. And if that means holding some meetings in the great Township of Montclair, I'm sure that we can arrange to have that happen.

ASSEMBLYMAN WEBBER: Another invitation. (laughter)

Any questions?

Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Councilwoman, thank you; thank you for your patience. Thank you for your proposal -- I'm looking forward

to reading it. The 3 Rs, I guess, have a different meaning these days, right?
(laughter)

COUNCILWOMAN BASKERVILLE: I didn't even think of that.

ASSEMBLYMAN CRYAN: But certainly I appreciate it very much. You were really thoughtful in terms of what you presented, and I promise you we will look through that.

I also want to particularly thank you for the embracing of diversity and what it means to Montclair. And I just wanted to reflect with you, as I heard you speak, how proud I am that one of every three Democratic legislators is a person of color. And, in fact, we are able to work together -- as you see here, literally -- on the side of the aisle; that we continue to embrace, and we'll take your model and continue to work towards it. And thank you.

COUNCILWOMAN BASKERVILLE: Thank you so much.

ASSEMBLYMAN WEBBER: Anyone else?

Vice Chair Asbury.

MS. KIM ASBURY: Hello, Councilwoman; good afternoon.

COUNCILWOMAN BASKERVILLE: Hi, good evening.

MS. KIM ASBURY: I did have a question. I wasn't sure what you meant by *polarizing* in your comments. Could you elaborate on that a little bit?

COUNCILWOMAN BASKERVILLE: Okay -- where were we?

MS. KIM ASBURY: Talking about the-- I think you were talking about health care, a safe environment for the children -- that sort of thing -- and you're hoping that--

COUNCILWOMAN BASKERVILLE: I just want to make sure that we're all-- I think that that's something that, when we go through this, we can all be pretty much in agreement that there are some basics that we really need to make sure continue to exist. And I don't think some of the things need to be partisan. I don't think that we should come to the table and think of them in terms of Republican or Democrat. I think that those are just basic things that we should all embrace as things that people need. Just like an education of equal quality for all people. Now, how we achieve that, certainly, there will be differences about how we achieve that, but I feel like -- basic things that we could agree on.

MS. KIM ASBURY: No, you're absolutely right.

COUNCILWOMAN BASKERVILLE: Hopefully -- I'm hopeful.

MS. KIM ASBURY: Hopefully -- very hopeful. Well, I'm glad. And do you think that maybe it could be accomplished possibly by making districts more competitive in nature?

COUNCILWOMAN BASKERVILLE: I think-- Well, first of all, in the Township of Montclair, personally, I'm happy with things as they are. I heard tonight about a 28th Legislative District that someone was talking about before that included a part of Montclair -- I guess with West Orange and some other things. And that was before my tenure here; I'm relatively new to this process of political advocacy. I've only been in

office for two years, so I'm not familiar with what that looked like at that time.

Certainly by expanding opportunities for all racial and ethnic minorities, as well as different economic groups, I think that we will have government that will more closely represent the diverse populations that we have. And I think the tricky thing for me is how we can -- and I don't know that we can do this by lines -- but how, at the end of the day, we can include people of lower socioeconomic means. Because the way we have government now, basically, unless you have somebody who is backing you, without financial means you pretty much can't represent a community.

MS. KIM ASBURY: Thank you.

COUNCILWOMAN BASKERVILLE: Thank you very much.

ASSEMBLYMAN WEBBER: Councilwoman, if you would--
Do you have any--

ASSEMBLYMAN WISNIEWSKI: I don't think we have any more.

ASSEMBLYMAN WEBBER: Just to assure you: We have disagreements among the Commissioners on any number of issues, not having anything to do with apportionment. But this process hasn't been filled with resentment or adversarial--

COUNCILWOMAN BASKERVILLE: It hasn't.

ASSEMBLYMAN WEBBER: I confess that I resent Chairman Wisniewski only for being taller than I am. (laughter) But other than that, we're getting along fine.

COUNCILWOMAN BASKERVILLE: It appears so.

ASSEMBLYMAN WISNIEWSKI: (Indiscernible)

ASSEMBLYMAN WEBBER: "Shorty" -- thanks. Now, those are fighting words. (laughter)

Councilwoman, Montclair is what -- mixed wards, an at-large system?

COUNCILWOMAN BASKERVILLE: Yes.

ASSEMBLYMAN WEBBER: How does that work?

COUNCILWOMAN BASKERVILLE: Four wards, two at-large, and one mayor position.

ASSEMBLYMAN WEBBER: Working well?

COUNCILWOMAN BASKERVILLE: Working very well.

ASSEMBLYMAN WEBBER: And you represent the 4th Ward?

COUNCILWOMAN BASKERVILLE: Yes. And that's the most racially, socioeconomically diverse group in the township.

ASSEMBLYMAN WEBBER: Is it a majority-minority population in your ward?

COUNCILWOMAN BASKERVILLE: Presently it is, yes.

ASSEMBLYMAN WEBBER: Are there any others in Montclair?

COUNCILWOMAN BASKERVILLE: Any other racially--

ASSEMBLYMAN WEBBER: Wards that are majority-minority?

COUNCILWOMAN BASKERVILLE: No, but the 3rd Ward in Montclair is definitely very diverse; so the 3rd and the 4th Ward. And

while Montclair nationally is celebrated for its diversity, we really are not to the degree that I would be-- We still do have very much of a color divide -- south of Bloomfield Avenue -- as we recognize it. But that's rapidly changing. With the decline in Wall Street and the economic turn as it is now, we're now actually moving towards more diversity. A lot of people who were in the zip code of 07043, which traditionally is the whiter, more affluent population, are being forced to relocate to other areas in Montclair. So over time, however we get there, we are moving towards actually being more diverse. Just like in our schools; we celebrate them for diversity, but certainly many of us who are in there every day do understand that that diversity is short-lived once you go in the school door. It's not in the classrooms yet, to the degree that I would be happy with.

ASSEMBLYMAN WEBBER: So the housing patterns in Montclair are becoming more integrated with time.

COUNCILWOMAN BASKERVILLE: We're working on them, yes.

ASSEMBLYMAN WEBBER: Does the political representation of the town follow along the housing lines? In other words, representatives from 1st and 2nd Ward -- are they predominantly caucasian?

COUNCILWOMAN BASKERVILLE: Yes. And representation from the 1st Ward historically is; and the 2nd Ward, 3rd Ward can go either way; and 4th Ward has always been an African-American. But the interesting thing is the at-large people who run for the at-large seats -- they can go either way. We have one African-American, and then we have one white female. And so historically we've had diversity in

the at-large seats. And so that demonstrates that you don't necessarily have to live in the 4th Ward, where you have the highest concentration of African-Americans, to achieve that. We've also had African-American mayors in Montclair. And who knows? Maybe after the next election we may have the first female African-American Mayor of the Township of Montclair. You never know. (laughter) (applause)

ASSEMBLYMAN WEBBER: Thank you so much for your testimony.

COUNCILWOMAN BASKERVILLE: Thank you very much.

ASSEMBLYMAN WEBBER: Ahmed Shedeed, followed by Esther Wintner, followed by Nicole Plett and Lewis Webb.

UNIDENTIFIED MEMBER OF AUDIENCE: Mr. Shedeed is not here.

ASSEMBLYMAN WEBBER: Esther Wintner, followed by Nicole Plett and Lewis Webb, followed by Daniel Beckelman.

Ms. Wintner.

ESTHER WINTNER: Good afternoon, gentlemen.

I didn't prepare anything, so I'm just going to read off my notes.

My name is Esther Wintner, aka Locust -- as reported by an Assemblywoman who purportedly represents my city of Jersey City.

I think when we see this tactic of divide and conquer it works against us as an electorate, and that the most powerful group of people is people who are united. I am someone who's been doing local work in my community, in my city of Jersey City; and I've been very active. And I do

that not based on party, but because I believe that these issues transcend party lines and affect everyone as a whole.

I think that representation of the electorate is an important thing; that we are strong when we are united, and the best way for us to make our voices heard is to have a majority or a larger portion in each of those legislative districts, as opposed to having three that we now have and being a minority in each one of those. The larger we are in that portion, the better for us as an electorate.

Jersey City is an economic engine in the State of New Jersey, and we need to be able to make our voices heard loud and clear, and get the help that we need. Because right now, being such a small portion of each district does not really help us as a group.

I don't know what these terms are -- cracking and stacking -- I've never heard this before; I don't subscribe to that. I subscribe to the book of common sense, and I know very well that as we are united more strongly as a voting bloc, when we are together as one it is better for us. And every politician knows that how this works is that you split and it works against our favor. And I would like to see in Jersey City that we will have two legislative districts so that we can have a stronger voice in our community.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Thank you, Ms. Wintner.

Nicole Plett and Lewis Webb signed up together.

NICOLE PLETT: Yes.

ASSEMBLYMAN WEBBER: Is Mr. Webb here?

MS. PLETT: Unfortunately, he had to leave.

ASSEMBLYMAN WEBBER: Okay.

Followed by Daniel Beckelman, followed by Christos Genes.

UNIDENTIFIED MEMBER OF AUDIENCE: Christos left.

ASSEMBLYMAN WEBBER: Followed by Kabili Tayari.

MS. PLETT: Good afternoon. Thank you, Commissioners, for holding this hearing today. I came here today with Mr. Lewis Webb who, unfortunately, had to leave at 5 o'clock.

My name is Nicole Plett, and I am the Vice President of the New Jersey Regional Coalition, which is a core member of the Integrated Justice Alliance. And it's the Integrated Justice Alliance that Mr. Webb and I came to speak on behalf of today. And if it's okay with you, I will quickly-- We were going to switch off the reading; I will quickly read both our testimony.

Mr. Lewis Webb is Program Coordinator for the Healing and Transformative Justice Project in the American Friends Service Committee, and also a member of the New Jersey Integrated Justice Alliance, a solution-oriented group of organizations that generates and supports effective public policies before, during, and after incarceration in New Jersey.

We recognize and appreciate that you've previously heard some of our testimony in Camden, Toms River, and Newark; and this was from five other member organizations of this Alliance who share a deep concern for the threats to fair representation raised by prison-based gerrymandering. And we were very happy that Assemblywoman Coutinho (*sic*) also referred to that earlier today.

Stating the problem again for the benefit of the members of the public today, the U.S. Census Bureau counts prisoners as if they were residents of where the prisons are located rather than at their home addresses, even though New Jersey prisoners cannot vote and are generally not part of the community that houses the prison. In fact, researchers estimate that nationally the Census Bureau has counted almost 2 million people in the wrong place.

Assigning incarcerated people to the census block that contains the prison rather than the census block that contains their home address also results in a significant enhancement of the weight of a vote cast in legislative districts with prisons, and dilutes the votes of residents in districts that do not count prisoners as part of their population.

This problem of weighting or diluting votes in any district by miscounting prisoners is sometimes hard for people to fully appreciate. However, it is precisely because prisoners are not true constituents of the districts in which they are so-often counted that we cannot, in good conscience, use them in the process of assigning political power. To do so is to inadvertently use the over 28,000 State and Federal prisoners in New Jersey to unfairly enlarge certain legislative districts.

Moreover, because a significant number of prisoners are not incarcerated in their home districts, their absence due to incarceration weakens the political power of their home neighborhoods. For example-- And we're excited today to have quite a bit of new data from the Census Bureau, and we've brought you some great charts and census block figures, all of which I'll leave with you today.

Through the new census data we learned that although nearly two-thirds of the State prison population in 2010 came from Essex and Camden County exclusively, it is Cumberland, Burlington, and Mercer counties that house the largest population of State prisoners. If we look at the 2010 Census data by legislative district, we see a similar pattern. The latest census shows that prisoners are limited to only seven legislative districts, namely 1, 3, 15, 19, 23, 29, and 30. The legislative district that housed the largest numbers of State or Federal prisoners at the time of 2010 Census enumeration was Legislative District 30, which includes Garden State, A.C. Wagner Correctional Facility, and FCI Dix, which together hold over 7,600 incarcerated adults.

Due to the time, I'll leave the further figures with you.

The good news is that in the documents we submit for the record today, we include a table prepared by analysts from the Prison Policy Initiative that lists the exact census block and tract locations.

We understand the Commission is facing serious pressure to work quickly and fairly, and our remaining minute will be turned over to me, Nicole Plett, who will clarify what we are asking the Commission to do to solve this problem. It's just a few paragraphs.

We know there's no longer sufficient time to work with the Department of Corrections to ascertain the accurate home addresses of the approximately 22,000 adults now incarcerated in New Jersey. But we do not need to have these exact home addresses in hand to prevent the misuse of prisoners in the current redistricting process. As others in the Alliance have previously explained, there are interim solutions. If the Commission

would declare that all people who have been counted as residents of prisons have been counted there incorrectly, then the Commission could instead declare these 22,000 home addresses unknown and treat them as at-large members of the State, and not as residents of any particular district.

Although ideally New Jersey will work to pass legislation that mandates that all people in custody be counted at their home address, the State does have the power and the prison data to avoid skewing the population distribution. As you know, our neighbors in New York, Delaware, and Maryland have recognized this problem, and we are here today to ask that New Jersey take steps in the same direction.

Once again, the Integrated Justice Alliance remains prepared and willing to closely work with you to interpret the census data that we are submitting to ensure a fair count.

Thank you so much for your patience. (applause)

ASSEMBLYMAN WEBBER: Kabili Tayari, followed by Lauren Murphy, followed by Bob Zuckerman.

DANIEL G. BECKELMAN: Mr. Chairman

ASSEMBLYMAN WEBBER: I'm sorry?

MR. BECKELMAN: I was next on the speakers' list.

ASSEMBLYMAN WEBBER: I'm sorry.

MR. BECKELMAN: I was next on the speakers' list.

ASSEMBLYMAN WEBBER: Daniel Beckelman?

MR. BECKELMAN: Yes.

ASSEMBLYMAN WEBBER: I'm sorry; I did -- I moved a piece of paper prematurely. Sorry.

If you would just stay right there; you're absolutely next, Mr. Tayari.

MS. CRUZ-PEREZ: He wants to speak.

ASSEMBLYMAN WEBBER: So it's Daniel Beckelman -- my apologies.

MR. BECKELMAN: Thank you for coming here to Jersey City, my hometown, to a hearing today. I know it's been a long day, but it seems like we got a lot of interesting things accomplished.

Can everybody hear me in the room? (affirmative responses)

First of all, I just want to point out-- I know we have had a lot of North Hudson elected officials here talking about the 33rd District; and while we certainly should try to preserve communities of interest -- I think that's a goal that both parties have. Because Jersey City can only be split twice; and, of course, Union City and West New York and Hoboken -- they're all very close to Jersey City. If Jersey City can only be split two ways, one of our North Hudson districts is going to have to go either to Bergen County or go further west to ensure that all the districts are split up properly and that Jersey City is only divided twice. So that is something that everybody does have to keep in mind.

I'll read what I wrote. My name is Daniel Beckelman; I'm a 25-year-old resident of downtown Jersey City. I work in our state's automotive retail business. I come to speak to you today because we must be cognizant of how our state and Hudson County are changing when we draw our State districts.

We must also make sure that this coming decade is a brighter one for New Jersey than the past one has been. New Jersey's economy has lagged considerably even before the recession of 2008 to 2009. The Bureau of Economic Analysis estimates that we grew at less than half the pace of the nation between 2004 and 2009. If you want to put that in exact terms, we grew less than 1 percent a year economically, which is not good.

The high tax and business unfriendly policies that we have here have hurt the Garden State, and I believe that we need districts that can elect more legislators that are friendly to business and less apt to multiply the number of government programs that we have currently.

Thankfully, Governor Christie is leading us in a better direction, but he needs more support to help make this state the top economy in America once again.

Here in Hudson County the picture is a little brighter. Despite being an older, urban county, we outpaced Bergen, Essex, and Passaic in growth and personal income gains over the last decade. Hoboken showed amazing growth, and major residential redevelopment has occurred in Jersey City, Bayonne, and West New York. Thanks to some good local policies, Jersey City's waterfront has attracted world-class corporations and agencies. We even have a new riverfront walkway throughout our county.

To continue and expand this momentum, and to combat our county's 11-plus percent unemployment rate, we need better policies coming from Trenton. New people mean new ideas. Hudson is the youngest county in New Jersey by average age and contains immigrants from all across the globe. Whether people have moved here from Latin

American or, as I have myself, another part of New Jersey, to ensure they have their opportunity we need to allow more competition for seats which will create a more diverse marketplace of ideas for voters.

Furthermore, the emergence of the millennial generation, of which I am a part, and social networking can transform campaigns and will continue to do so. It's possible that by the time this new map expires in 2021, main legislators will be from my generation in bringing new ideas to the Capitol.

The vast majority of both parties know that we need to go in a new direction. I must say that over the last year I am impressed that they have, in a lot of different ways, even if we differ in approach of how to get there. Statewide we need districts where legislators talk about who is best to attract tech start ups, venture capitalists, and multinational corporations to New Jersey. It's not about putting license plate fees on bicycles children use to play and exercise, as it was suggested by a legislator recently.

More growth means more revenue to fund our education, transportation, and public safety priorities.

Please consider these concepts and look to draw districts that will allow us to take our public discourse and policy implementation in these directions so every New Jerseyan can make economic gains in the coming decade.

ASSEMBLYMAN WEBBER: Questions? (no response)

Thank you.

ASSEMBLYMAN WEBBER: Now Kabili Tayari, followed by Lauren Murphy, followed by Bob Zuckerman.

K A B I L I T A Y A R I: Good evening. As President of the Jersey City NAACP, I want to welcome this important Commission to our city.

I must, however, admonish you: Please don't ever have another public hearing for the public on Sunday, and particularly during church time. If we are about democracy, let's be about democracy, because everybody knows where the majority of people -- not just African-Americans -- but where the people are at on Sunday, particularly between 11 a.m. and 2 p.m. And I must say that, because I know there must have been another reason for having this hearing.

The other thing: there's been a lot of talk about your goal. It's not your goal. There are classes that are federally protected under the Voting Rights Act in Section 2 that every one of you must adhere to and are bound by. So it needs to be clear: It's not your goal -- it's your Federal mandate, constitutionally.

To proceed. The fight against the restrictive barriers that prevent Latinos, African-Americans, and Asians from exercising their most fundamental civil right -- the right to vote -- has been and remains one of the NAACP's most important fights. Over the years the NAACP has fought against literacy tests, grandfather clauses, lynching; and today remains committed against the more subtle, yet equally insidious, attempts to deny citizens of color the right to vote through packing and using turnout models to determine representation.

Review the practice of packing Latinos, African-Americans. And let me say for the record, 10 years ago you came talking about packing African-American communities and Asians in districts, and thereby federally

ensuring that no Latinos, African-Americans, or Asians are present in surrounding districts. It's equally reprehensible as the poll tax, and born from the same racist tradition. Likewise, we caution against efforts that attempt to set districts using voter turnout alone as a barometer in urban districts, rural districts -- in all poor communities. There are significant factors which contribute to the difference in turnout, including, but not limited to, voter satisfaction, work schedules, and some of the stuff that was addressed today. And more often than not, given the economic conditions in our country, oftentimes our residents are preoccupied with survival.

In some instances, residents have made the conscience choice not to vote; however, when an individual is elected to office, he or she is elected to represent everyone in that district -- both those persons who voted, and those who failed to vote. A process that favors citizens that voted over citizens that did not -- for whatever reason -- is fundamentally non-democratic.

This process has been mired in politics on both sides of the aisle for too long. We at the NAACP and other civil rights advocates around the state are watching during this process and after to ensure there's integrity in the process. It is disingenuous for Democrats to advocate for a district to be created that gives a Latino, African-American, or an Asian an opportunity to win, and as soon as this process is over, the same Democrats endorse a white person to represent their district. However, it is also disingenuous for Republicans to scream from the top of their lungs that diversity is important during the process, and then after this process the

Republicans fail to support a single candidate of color even in a Republican district where a black Republican or Latino Republican once served.

Yes, diversity is important in this process. But this process goes beyond the rhetoric of diversity to the public policy of empowerment for all. Ultimately, the mandated result of this map and this process is to create empowerment for all citizens. This reapportionment Commission is charged with the task of creating districts that will remain for the next 10 years. Watching this process we have been impressed by the calls for empowerment of citizens of color from both sides -- Republicans and Democrats. But I caution each of you that we are less impressed -- and I'll be finished in second -- by what you say than by what you do. We call for diversity and inclusion from both sides. But please forgive us if we are cautious that your calls for inclusion and diversity are empty promises motivated by the simple gamesmanship of the process.

If you believe in empowerment for all people, like you claim in these hearings, you wouldn't sit idly by while the Governor removes the only African-American on the State's Supreme Court. Yes, we recognize that the stakes of this particular process are high and it goes beyond campaigns and elections to public policy.

We close with this statement: We remain committed to fight attempts by -- both obvious and subtle, to deny all citizens their fundamental civil right -- the right to vote -- and any other racist initiative. As Reverend Martin Luther King said, and it's stated in the movie *The Great Debaters*, "The time to ensure democracy, liberty, justice, and empowerment for all God's people is now."

And remember, you have a mandate. (applause)

ASSEMBLY SPEAKER OLIVER: Yes, I have a comment.

ASSEMBLYMAN WEBBER: Speaker Oliver.

ASSEMBLY SPEAKER OLIVER: Yes, thank you for your testimony.

And some of the things that you pointed out reminded me of a previous speaker who discussed the ethnic representation in Hudson County. And I just wanted to enter into the record that currently Hudson, as constructed, has three Latino representatives in the Legislature, four caucasians, and two African-Americans.

MR. TAYARI: That is correct. And for the record, let me also say, representing my organization and the position in my organization -- both of which are on the State and national level -- but I serve as Deputy Mayor, and have been involved in the politics of this county and this city ever since-- And when I say involved, I mean involved since I was 18 years of age. And in 1990 and 2000, I did a lot of research for the other Commissions around this issue, as well as for my own organization. So I don't come to this discussion intellectually or just bringing a bunch of rhetoric; and at the same time, nor does the NAACP on a national level or on a State level.

And I've heard some people say today about how we need to all come together. Yes we do, but there was a serious sentence in Reverend King's speech in the March on Washington: "We are fighting for the day that we will not be judged by the color of our skin, but the content of our character." My representatives who sit on this Commission: That day is

not here yet, and we're still struggling for it. That's why Section 2(a) of the Voting Rights Act is absolutely necessary and must be adhered to.

God bless-- Oh, I'm sorry.

ASSEMBLY SPEAKER OLIVER: Thank you.

MS. KIM ASBURY: I have one more question.

ASSEMBLYMAN WEBBER: Vice Chair Asbury.

MS. KIM ASBURY: Thank you so much for those words. And speaking as a former minority candidate for the Republican Party in a primarily Democratic district, I hear what you're saying. But I'm just a little unclear. Were you talking about voter turnout numbers to determine districts?

MR. TAYARI: Yes. What we've heard is there's been some discussion -- and I'm not saying, per se, among you -- but there's been some discussion. And one other thing I just wanted to say real quick, in a very simple and honest way: Please, all of us understand politics; and I always tell people all the time there is good politics and there's bad politics. But the bosses to the north and the bosses to the south, both Republicans and Democrats, have nothing to do with this process. And we're watching that very closely too. Because whether you're Republicans or Democrats, you know the *bossism* has got to stop, okay? Somewhere along the line public policy has got to come to the forefront.

And what I was addressing is that we have heard at NAACP, and we've heard among our ranks, that people are looking at the fact that-- Let's say I live in the 31st District, okay? I do live in the 31st District. And let's say that I live in Ward F. So Ward F had a very, very high

turnout. The 10 districts in Ward C didn't, so we are going to carve C and those 10 districts in Ward C out because they had a low turnout. That's wrong, that's undemocratic. And I'm not saying that you were considering that, but we at the NAACP are putting that on the table, because it is being discussed -- it is being discussed.

MS. KIM ASBURY: Can I ask where you heard that, because--

MR. TAYARI: No, that's not important, that's not important.

MS. KIM ASBURY: Well--

MR. TAYARI: I'm just telling you that we're against that.

MS. KIM ASBURY: Well, we are too.

MR. TAYARI: Okay.

MS. KIM ASBURY: Because from what we understand, it's drawn on strict population numbers; it has nothing to do with voter turnout or voter registration.

MR. TAYARI: Let me say again: We understand the process. We're saying what the foundation of that process -- doesn't allow that to be a part of it; that's all.

MS. KIM ASBURY: Okay.

MR. TAYARI: And that's why, if you've noticed in my remarks, I did not say that that's what you were considering.

MS. CRUZ-PEREZ: That's correct.

MR. TAYARI: I did not say that. I put forward that our position is: don't consider it. Just like we said don't consider packing.

MS. KIM ASBURY: Thank you.

MR. TAYARI: Okay; thank you.

ASSEMBLYMAN WEBBER: Anyone else? (no response)

MR. TAYARI: God bless you.

ASSEMBLYMAN WEBBER: You too. (applause)

Lauren Murphy. (no response)

Bob Zuckerman, followed by Mariel Mercado-Guevara and John Pacciulli.

B O B Z U C K E R M A N: Good afternoon, everyone -- or is it good evening now? (laughter)

My name is Bob Zuckerman, and I want to thank you for the opportunity to testify.

I am a native New Jerseyan. I was born and raised and grew up in Livingston, New Jersey. In fact, I went to school -- high school -- with a guy named Chris Christie; you may have heard of him.

I'm a former resident of New York City. I actually moved over to Manhattan -- Brooklyn -- and lived there for 14 years. And a couple of years ago I actually ran for the New York City Council out of a Brooklyn district -- was not successful, and then decided to return to my roots. So I'm back in New Jersey, and my partner and I have a home in downtown Jersey City. We actually have a second home -- so we pay two sets of property taxes to New Jersey -- and that's in Asbury Park.

I want to talk to you about a couple of different things. The first one is that having run for City Council, having been a candidate, I understand the importance of trying to keep neighborhoods together as you draw these maps. And, more specifically in my particular instance, I ran in a district in Brooklyn that's part of what they call the Brownstone Belt. But

the largest community, or the most well-known community in the district that I ran in, is one you're probably all familiar with -- it's called Park Slope. However, Park Slope is broken up into a number of different districts, probably I think three council people represent the area of Park Slope. And it can be very, very confusing for the citizenry when their neighborhoods are split in such a way.

So with no disrespect to the current group of legislators who represent Jersey City-- I know District 31, District 33; I know that based on the Supreme Court case that Jersey City is now probably going to be two districts, no longer three districts. However, I would try to urge you -- and this is probably the same for Newark as well -- to try to keep the wards within those districts intact, together, in one particular district. Right now, Ward E in Jersey City, which is downtown Jersey City, is broken up between District 31 and 33. And I think it just would be beneficial for the representatives who represent those areas, as well as the citizens, that a community -- in this case in Jersey City -- would be kept together. So I'd like you to consider that.

And then I also wanted to speak about one other thing. I was very happy that Chairman Webber started this hearing by saying that he wanted to hear from communities that were underrepresented or unrepresented. And I want to speak about one community that has not been heard about today, and that's the lesbian, gay, bisexual, and transgender community -- one of which I am a proud member of, as we call the LGBT community.

By all conservative estimates -- small *c*, not big *C* -- the LGBT community is at least 5 percent of the population. Well, based on New Jersey's 120 legislators, that would mean, probably, five or six Legislators who are LGBT; and New Jersey has one. They have a very good one -- Assemblyman Reed Gusciora, who happens to be a friend of mine and who does a great job not just representing the LGBT community, but representing all of his constituents. But Assemblyman Gusciora did not become a legislator-- He did not run for the first time as an openly LGBT person. And New Jersey has actually never elected an openly LGBT person to the Legislature as a non-incumbent. And so I'd like you to take a look at or consider, put it on the table, areas that -- where maybe that could possibly produce someone from the LGBT community to represent their constituents in New Jersey. You have places like downtown Jersey City and Hoboken, which are contiguous and both have large populations. Asbury Park and Neptune, which has Ocean Grove, would be another one. And certainly Maplewood and South Orange would be another area where you have very large concentrations of LGBT folks.

And one thing I know from our friends across the river here that have a number of LGBT legislators: they all do a tremendous job of representing all of their constituents. And they serve as role models as well, which I think in these days is a very important thing.

So that's what I had to say, and I wanted to thank you very much for giving me the opportunity.

ASSEMBLYMAN WEBBER: One question, I think from Assemblyman Cryan.

ASSEMBLYMAN CRYAN: It's not really much of a question; it's just a thank you -- both the ward comments and the comments about the community are both well taken. And you put a different perspective on it, and I just wanted to say an extra thank you. I appreciate it.

MR. ZUCKERMAN: Thank you.

ASSEMBLYMAN WEBBER: Anyone else? (no response)

Thank you.

Mariel Mercado-Guevara, followed by John Pacciulli, followed by Bill Holland.

MARIEL MERCADO - GUEVARA: Hi. My name is Mariel Mercado-Guevara. I have been a little out of the loop politically lately. I was the New Jersey coordinator for the Obama campaign in 2007, and then in celebration I had a baby. (laughter) My husband and I celebrated, and I have an 18-month-old baby boy now, which is wonderful. And now I'm back, kind of like, in the game, as I was saying to some of the people earlier.

I just want to share with you my experience as a voter registration drive coordinator and with the Latino community. We had some issues during it that were -- I'm not sure if it came to the forefront, so I just wanted to speak on that.

I'm not representing anyone right now; and I'm a registered voter -- I'm speaking as a voter -- Democratic voter. I'm from District 32, Ward D in Jersey City Heights, is what we know it as. However, on the Ward map right now, it says Hudson City, which I'm not sure where that come from, or why, or how it affects the whole thing. But I would like the wards -- as the man previously to me said -- I would love if you guys kept

the wards together. Whether Jersey City should be three or two sections or districts, I don't know because I'm not the expert. But what happened during the campaign that I ran for was that it got a little clouded with-- You do a lot of canvassing when you're campaigning. And during the canvassing we were restricted from Secaucus. While that was not an issue during a Federal election, it would become -- or could become an issue during district elections, and Assemblymen and Freeholder elections.

So I have heard a lot of input from the Latino community, and I would propose, just from my unexperienced experience, that we keep the wards together, first of all, in Jersey City. But if you need to split Jersey City up, try to keep the Jersey City Heights section, which is Ward D, District 32 -- try to keep it with Union City, North Bergen -- kind of in a north-south view. Because right now they are split in an east-west view. And I think that with the demographics and the numbers -- that you guys probably know better than me -- in front of you, you should try to keep it with the demographics together and the socioeconomics together. And going from the east-west kind of view splits Jersey City in three different districts, which basically dilutes our vote as one resident of Jersey City. And if you were to keep us together I would say to look kind of in the Gold Coast view north and south, rather than east and west.

And that's all I wanted to say today. And I thank you for giving me this platform to speak. And I'm back in the game, I guess. (laughter) I'll be in touch with certain people. Thank you.

ASSEMBLYMAN WEBBER: Thank you.

John Pacciulli. (no response)

Bill Holland. (no response)

Jeff Kaplowitz, followed by Zaida Polanco, followed by Franklyn Perez.

I had Bill Holland-- Is Bill Holland here?

UNIDENTIFIED MEMBER OF AUDIENCE: No.

ASSEMBLYMAN WEBBER: Okay, Mr. Kaplowitz.

J E F F K A P L O W I T Z: Good evening. Thank you very much for allowing me to talk.

Welcome to Jersey City, the oldest city in New Jersey, the most diversity in New Jersey, the financial center of New Jersey. A city that deserves good representation that I don't believe it's getting.

The Founding Fathers, when they met with the other representatives to the Congressional -- Constitutional Convention, they decided to take their principles and turn them into a Constitution. They got some things eminently wrong; some things they compromised on; some things they got right. The one thing that they got right is that they knew the country was going to expand, and as it expanded the only way true democracy succeeds and functions is having its representatives elected by the people, accessible, accountable, and responsible to those people.

This doesn't happen in Jersey City. By being split into three sections -- three districts -- we are the afterthought of those elected officials, both on the State level and the national level. I'm lucky: I live in 31, so I know my State Senator -- Senator Cunningham. She lives near me; I can talk to her. But I have neighbors in Jersey City who their representatives don't live in this town, they don't have the access to them -- that the

primary function of those elected representatives are to their hometowns; in this case, they're mayors of those towns. And with all due respect, I think that the Legislature failed when it came through and said, "We will stop dual office holdings, but those who are there, we'll let them sit there." They don't represent all the people. James Madison had it right in Federalist Paper 51 that says that concentration of power through different forms of government is a loss of democracy.

I would like to see Jersey City as it was: one proud city; the second-largest city in the State of New Jersey, with one representative -- a representative who I can go to, who is responsible to me, that I have the opportunity to talk to and decide if I want them to be my representative.

The political system here is broken, and I don't mean just in Hudson County -- I mean in New Jersey and everything else. I'm not here representing any organization; I'm not here representing special interest groups, ethnic groups; I'm not here representing an elected officials who wants to keep his job, or someone who's running for office -- I have no desire. I give you credit for running and being elected officials. I'm here thinking that the system is broken. And I hate to say it, with all the due praise that everybody who sat here gave you: you're part of the problem. Five of you are Democrats; five of you are Republicans. You have vested interests just like the elected officials who sat here in the very beginning of this meeting trying to keep their jobs. This is all a power play.

UNIDENTIFIED MEMBER OF AUDIENCE: That's right.

MR. KAPLOWITZ: And I think that you really should have normal people -- citizens -- on this Commission who have no political

interests in the outcome of this. The whole idea that we're sitting here with 10 members and knowing that there is going to be an 11th member who has to be appointed because you guys can't agree 100 percent says it all. The system is broken.

I live in Jersey City; I want-- And I don't care what color my elected official is; I don't care what their ethnic background is; I don't care what their sexual preferences are. I want them responsible. I want them to do the best they can to represent me. I don't want to wake up some morning and see them being walked into a jailhouse in handcuffs, or a courtroom. And I don't get that. Because the system, from your predecessors all the way back, have created a system that looks like a Rube Goldberg system: we're going to have safe seats -- 90 percent renewal rates for you.

You're there; you become irresponsible to the citizens. That's the bottom line. You become entitled. You become -- that you are the indispensable person to democracy and no one else can do your job. And therefore the people who are upset that they're not being represented have no say -- they are the enemies.

ASSEMBLYMAN WEBBER: I want to remind you that the--

MR. KAPLOWITZ: I understand. But you know something? I would recommend to do something different in this format. Instead of having all the elected politicians come and speak first to get their name here and put their stuff on the record, and not sit here the whole meeting to listen to what the citizens say -- well, you know something? Who the hell are you working for? Let's be honest.

ASSEMBLYMAN WEBBER: Okay; thank you for your testimony. I appreciate your coming.

Zaida Polanco.

SENATOR SARLO: She had to-- Mr. Chairman, she turned in her testimony. She had to-- Her babysitter had to go, so she just left.

ASSEMBLYMAN WEBBER: Thank you, Senator.

Franklyn Perez. (no response)

I'm trying to read the handwriting: Dominican-American Organization, Mr. Santos or Ms. Santos? Lueilo (*sic*)?

UNIDENTIFIED MEMBER OF AUDIENCE: (indiscernible)

ASSEMBLYMAN WEBBER: Oh, Lucilo -- yes.

Chrissy Buteas, followed by Louise Wilson, followed by Sheryl Roberts.

C H R I S S Y B U T E A S: Chairman Webber, Chairman Wisniewski, and members of the Commission. Thank you for giving me the opportunity to testify today.

As was stated, my name is Chrissy Buteas, the Vice President of the Women's Political Caucus of New Jersey. The Women's Political Caucus of New Jersey, a statewide organization led by President Lisa Kaado, is dedicated to increasing women's participation in the political process, increasing the number of progressive women in elected and appointed office, and creating a women's political powerbase to achieve equality for all women.

Every 10 years when new Census data becomes available, there is a great debate over representation to make sure that every New Jersey

resident is represented, and to recognize these communities that have grown in population with their representation.

We are here today to make sure that our voices are heard, and then when a map is drawn all New Jerseyans will be represented. We understand that existing case law addresses the issues of minority representation, but we feel that women deserve fair representation too.

We are all guided by our life experience, and more than anything else gender is the greatest factor that determines that life experience. In 2010, New Jersey made significant strides. We elected the first woman to the office of Lieutenant Governor; the appointment of the Senate Majority Leader; and the first African-American woman Assembly Speaker, only the second women to serve as Speaker in over two centuries of State history. While these are significant accomplishments, we cannot allow ourselves to become complacent.

Today women make up over 50 percent of the population but only 28 percent of the New Jersey Legislature, and there are no women in our 15-member congressional delegation. In fact, no woman has represented our State in Washington since Marge Roukema led the House of Representatives in the 1990s. And we have made some progress over the last few years, but clearly we have more to do.

The Women's Political Caucus of New Jersey is paying close attention. We are concerned that we may lose ground with regard to the number of women in the State Legislature. We are concerned that incumbent women, who have overcome significant obstacles, do not end up drawn out of the picture.

We need to increase our representation, not diminish the work that has already been done. We also need to be mindful that it's not only in the general election, but also in the replacement appointment process that women have not been fairly represented. The past four replacement appointments to the New Jersey Assembly have all been males.

In conclusion, while the goal of redistricting of New Jersey Legislative election districts is to rebalance those districts to maintain the one person, one vote proportion and satisfying the Federal Voting Rights Act, the end result should not leave behind underrepresented groups -- women and minorities. Be mindful of the words that our famous New Jersey woman, Alice Paul, said, "There will never be a New World Order until women are a part of it."

Thank you for your time.

ASSEMBLYMAN WEBBER: Any questions? (no response)

(applause)

Louise Wilson, followed by Sheryl Roberts, followed by Yolanda Rosales.

Louise Wilson. (no response)

Sheryl Roberts. (no response)

Followed by Yolanda Rosales.

UNIDENTIFIED MEMBER OF COMMISSION: Yolanda's coming.

ASSEMBLYMAN WEBBER: Yes.

Gary Haith?

G A R Y H A I T H: Haith. (indicating pronunciation)

ASSEMBLYMAN WEBBER: Haith -- H-A-I-T-H; followed by Paul Bellan-Boyer.

YOLANDA ROSALES: I'm Yolanda Rosales.

ASSEMBLYMAN WEBBER: Thank you, Ms. Rosales.

MS. ROSALES: Good evening. My name is Yolanda Rosales, and I live in Union City. So I am one of the very proud Latinos in Hudson County.

Thank you for giving me the opportunity to speak here today. The outcome of redistricting of the New Jersey Legislature and the State's congressional representation will impact a wide range of issues for the next decade. These are issues that are important to me and my family, as well as the families of all the people of our state. Your deliberations also touch on some fundamental rights for New Jersey residents, like full and fair representation.

I'm here today to ask you to uphold the simple idea of one citizen, one vote. The Constitution says districts can't have big differences in population. This is so all people have equal representation. Since I believe in equal representation under the laws, I strongly oppose any proposal that would give added weight to certain parts of the state on the basis of voter turnout in one election in 2009, or in one set of elections. It would be a grave injustice for this body to under-represent residents of this state on the basis of participation in a past election.

Instead, I ask you to make a map that makes sure all New Jersey residents are fully and fairly represented equally. Because your current debate will have such a dramatic impact on our future for the next

decade, it is crucial that your meetings be conducted in daylight and away from backrooms and special interests. There are some simple common sense steps this Commission could take to make sure it happens where all of us can see.

Future hearings should be scheduled today so we can make sure residents of the state have enough notice to get to these meetings -- and hopefully not take as long as this one did. (laughter) I also think the idea of a website is a good one -- we just got the website. Comments posted online should be part of the official record.

Taking these steps will increase our trust in your results and it could lead to a map that more fairly represents the needs and priorities of New Jersey residents. I hope that your future meetings will strive for a fair and open process, and a result that respects the rights of all New Jersey residents.

I also want to beg you to keep us together in West New York, Union City, Jersey City Heights, and all of the residents of the north part of the county. We are all joined by the same interest; we are all part of the same type of society. And I'm very proud to say that I'm a minority, but I'm a very well-educated woman with two master's degrees. And I have educated four children, and all of them attended public schools in my county -- I have two doctors, I have one schoolteacher, and one is an accountant. And everybody was educated in Hudson County with public schools, and (indiscernible) of us as minority groups.

So I want you please to change your perception, that some people feel, that because we are minorities we have some kind of contagious

disease. We are educated people. And I also remind you that we also vote, and our votes count when it comes to election time.

Thank you so much. (applause)

ASSEMBLYMAN WEBBER: Gary Hailth. (*sic*)

MR. HAITH: Thank you for allowing me to be here this evening.

ASSEMBLYMAN WEBBER: H-A-I-L-T-H?

MR. HAITH: No, it's H-A-I-T-H, Haith.

ASSEMBLYMAN WEBBER: H-A-I-T-H; thank you.

MR. HAITH: Thank you.

ASSEMBLYMAN WEBBER: Followed by Paul Bellan-Boyer, followed by Jayson Burg.

MR. HAITH: Hello, my name is Gary Haith. I live in Irvington, New Jersey. And thank you for allowing me to have input into this process.

The right to be represented is the most important right in our democracy, because it safeguards all of our other rights. So many of the biggest struggles in our nation's history have been about expanding the rights to vote. Because the vote makes so much of everything possible, people have struggled and fought for that right, even before our country was founded.

Thank you for holding today's hearing so that the public can provide input. Since this was announced with enough time for me to make plans, I was able to be here today. I hope you will announce the times and locations for future hearings before this one is over, and I hope you will

make sure they are all in different areas of New Jersey so that other people who work and have families can have the opportunity as well.

Throughout this process, New Jersey residents deserve an opportunity to protect their constitutional rights. Our legislative districts need to ensure what we all know and what people in our country fought for for centuries: one person, one vote. Some people have proposed that the legislative map should give more weight to areas with higher voter turnout. For example, four times the number of people voted in 2009 elections in District 9 in Ocean County as compared to District 20 in Union County. Those people say that when you make a new map, Ocean County votes should be weighted four times as much as Union County's. I oppose this proposal because it does not adhere to the principles of one person, one vote. It would not ensure that all voices are represented -- whether African-American, Latino, Asian-American, or white. Should I receive less representation in the Legislature because some of my neighbors did not vote in one election in 2009? I find that deeply offensive to me and my community. I support a map that meets the constitutional standards of one person, one vote and provides fair representation for all New Jerseyans, regardless of race and ethnic backgrounds.

With so much at stake, I urge the Commission to protect the rights of all New Jerseyans to participate in this process and, most important, ensure that they are fully and fairly represented in your ultimate decision.

Thank you. And I want to commend each and every one of you for doing the job that you're doing, because I know it's not very easy. And I

encourage you to make the best decision for the whole State, and I thank you very much. (applause)

ASSEMBLYMAN WEBBER: Thank you.

Paul Bellan-Boyer, followed by Jayson Burg, followed by Anna Rivera.

P A U L B E L L A N - B O Y E R: Mr. Chairman and distinguished members, thank you very much for this opportunity to testify before you.

In my church work, I get throughout the state a lot and I get to see a lot of different communities. And surprisingly this is a pretty interesting topic in a lot of places.

Perhaps you have heard the widespread perception that these hearings are only for show, and that the real deals come about due to inter- and intraparty dynamics where, for political and sometimes personal reasons, there's a negotiation behind the scenes about which incumbents are going to get thrown under the bus.

Now, there are plenty of reasons why people might think that. I love and respect many of my elected representatives, and have great admiration for our legislators and the legislative process. However, you'll note that every incumbent loves their district just the way it is. The ones you heard testify today were very eloquent and passionate in how their district is perfect just with its current boundaries.

Now, many people expect the outcome of a redistricting process to just simply institutionalize incumbency, and then secondarily be a partisan battle for advantage rather than to produce truly competitive

districts -- competitive in terms of parties, competitive in terms of demographics and access to office, competitive in terms of ideas.

Now, the kind of process that we're talking about seems to have--

ASSEMBLYMAN WEBBER: (raps gavel) Excuse me one second.

MR. BELLAN-BOYER: Sure.

ASSEMBLYMAN WEBBER: If we could keep the noise down so that every witness has an opportunity to testify, that would be appreciated.

MR. BELLAN-BOYER: Thank you, Chairman.

Now, we've seen a lot of very static districts. Again and again we see all the Democratic and Republican money in the State flowing into just one or two or three districts in each election. A more fair district map -- while I doubt that this is a legal standard, you'll know that you've done your work well if you see more close elections coming out of this process; you'll see more turnover -- a challenge for each of you personally, but healthier for our representative democracy.

I'd like to make a few suggestions for your work. First of all, our districts need to reflect the reality of our state. Packing seeks to make districts blacker or whiter, more poor or more prosperous, more Latino or less Latino than their region. A majority of New Jersey's African-Americans, Latinos, Asians, Arabs -- just about every other ethnic group you can think of -- now live in suburbs. Chairman Webber, I think earlier you were trying to help Assemblywoman Quijano enunciate the Goldilocks standard: not

too hot, not too cold, but just right. Now your job is to find a balance between packing and cracking without, as Goldilocks did, eating somebody else's lunch. Now you know you'll succeed if the new districts do not wind up dramatically less diverse than the regions in which they're situated.

Second, it's been alluded to before, and I'll just mention it very briefly: Your map must be based on the census, not on voter registration or turnout. The Vice Chair asked earlier where this idea is coming from; it's most recently been floated in a column by Jack Collins, the former Speaker of the Assembly, in the *Asbury Park Press*. Now, this kind of notion, that turnout or registration should have any kind of weight in districting, is just a nonstarter in terms of constitutionality and fairness. It disenfranchises citizens who choose, election by election, when to register and when to exercise their franchise.

Third, I'd like to commend you on scheduling this hearing at a time and place which is widely accessible. Chairman Webber and Chairman Wisniewski, will you commit to scheduling more public hearings once your 11th member is appointed? And will you also commit to giving the public speedy access to all your maps?

Any further comments I'll just send in through your website.
Thank you.

ASSEMBLYMAN WEBBER: Thank you.

Any questions? (no response)

Thank you.

Jayson Burg, followed by--

UNIDENTIFIED MEMBER OF AUDIENCE: Mr. Burg is not here.

ASSEMBLYMAN WEBBER: Mr. Burg?

Anna Rivera. (no response)

10-4 Evans, followed by Myrna Pérez, followed by Barbara James.

10 - 4 EVANS: Praise the Lord, everybody; 10-4 Evans has come to the table.

UNIDENTIFIED MEMBERS OF AUDIENCE: Amen.

MS. EVANS: Good evening to everybody.

My name is 10-4 Evans. Good evening to the (indiscernible) Sheila Oliver, and to the Assemblymen, and to everyone on the table.

I'm calling to you, Jay Webber -- you did not do right at all. We are trying to get the people together, and you were dividing us. You put everybody in front of me, before I even-- I was here before any of them. That's not the point. Whoever comes and signs in, they are supposed to be able to talk -- not for you to go and do something.

Now, I'm here for the sense of talking about the districts. Number one: Why are we having this problem, and what's the reason why we're doing the map? The map is supposed to be done every 10 years for the Census. But the most important thing, what we hear the fussing about and wonder what is going on, number one: you want to move Codey from District 27. Also, Steve Adubato and George Norcross want to control the Senate, the State of New Jersey. But they won't be (indiscernible) while I'm here. We're going to do it right, we're going to do it fair like it's

supposed to be done. Not because they tell you that's what they want. They want to move-- After he leaves, you're going to do the new map and still put District 27-- But you and everyone, the way you played your hand in that, you let me know that you were prejudiced. And I don't have to call your name out, but I did call it out because I'm a woman who stands on my word.

We are here to get the district right and put on the map, and let the people know where you're going and where you're leading. But you played a dirty (indiscernible). I don't have much to say. John Wisniewski was a very civil man. He had the Chair, he did an excellent job in Essex County. You called me to be the last one on this table here. And I'm going to tell you now: How are you going to let the people know to be together on this district when you are not together sent to the table.

Have a blessed evening.

ASSEMBLYMAN WEBBER: Ms. Evans is not the last speaker.

MS. EVANS: (indiscernible).

ASSEMBLYMAN WEBBER: We have several more. Ms. Myrna Pérez, followed by Barbara James, followed by Alexis Karteron.

M Y R N A P É R E Z, ESQ: Alexis has left.

ASSEMBLYMAN WEBBER: Followed by Virginia Miller.

UNIDENTIFIED MEMBER OF AUDIENCE: She's not here, Mr. Chairman.

ASSEMBLYMAN WEBBER: Followed by Lorenzo Richardson.

UNIDENTIFIED MEMBER OF AUDIENCE: He is here.

ASSEMBLYMAN WEBBER: Okay, so we have Myrna Pérez--
Is Barbara James here?

UNIDENTIFIED MEMBER OF AUDIENCE: Yes, she is.

ASSEMBLYMAN WEBBER: Okay, then Lorenzo Richardson.
Good, okay.

And I've said so many names, I've now lost track. Myrna
Pérez.

MS. PÉREZ: Myrna Pérez. (indicating pronunciation)

ASSEMBLYMAN WEBBER: Myrna Pérez. Thank you very
much.

MS. PÉREZ: Good evening. My name is Myrna Pérez, and
I'm a lawyer at the Brennan Center for Justice, NYU School of Law. I'm
also a resident of Jersey City.

I have to say how incredibly impressed I am with all of your
stamina and the stamina of everybody in the room -- I'm exhausted. It's
been a long day.

The Brennan Center is a nonpartisan public policy and legal
advocacy organization, and we are named after New Jersey's native son,
Justice William Brennan. We have extensively studied redistricting
practices nationwide. My testimony today will focus on three areas:
openness and transparency; the importance of recognizing and preserving
communities of interest; and the importance of assuring that racial and
language minorities have an equal opportunity to elect their candidates of
choice.

I am very mindful of the time I have allotted, and have prepared oral remarks accordingly. But my written testimony is more detailed, and even more detailed is the Brennan Center's *Citizens Guide to Redistricting*, which I have given all of you copies.

First, in order to draw districts that represent real communities, the Commission must hear from those communities, consider their input as to how they identify, how they define the values they share, and how they bind together to share a voice and be represented in the government.

To encourage transparency and increase public engagement, we recommend that this Commission conduct at least four more public hearings. Now, two of those should occur after a map plan has been developed and before it's been certified so you can get public input on those plans. You should also provide adequate notice. A number of people have mentioned that they want more notice of the meetings, but I think it would be helpful if you also gave notice as to the schedule for plan development. Let people know when the plan is going to be developed, and make sure you have provided public access to that plan -- again, before it's certified.

Number three: Please make the data available. All of the public data that you use in the development should be made public, in order for the public to utilize that data in order to analyze the plans that you guys are going to be proposing.

Fourth: Consider public maps and comments. I was very encouraged to hear how excited many of you were at actually being able to get a map. I hope that you make those maps public so that the rest of the

public can look at those maps and see what the other members of our community are thinking.

And finally -- and this is critically important to getting community buy-in -- you have to explain your reasoning. When you have a map -- because the community understands that redistricting is about trade-off, and it is impossible to optimize every single desirable criteria -- if you actually explain why a map looks this way, why some decision was made in this part of the town, I think the public will better understand why it happened and be less prone to assume that it was partisan shenanigans.

On to communities of interest. To ensure that all New Jerseyans are fairly represented in our government, the Commission must recognize, preserve, and be accountable to real communities, or communities of interest. People have been talking a lot about communities of interest. You guys have a job to do; you have to identify them. Now, communities of interest should not be viewed as special interests. Preserving communities of interest is actually a very long-recognized transitional redistricting criteria. It has been recognized by the Supreme Court even before there was a Voting Rights Act, and it should not be deemed as a special interest or way to put people apart. Many of the traditional redistricting criteria -- like New Jersey's rules regarding municipal wholeness, or standards of compactness -- have, at their basis, the principle of communities of interest.

So how do you identify communities of interest? We at the Brennan Center like to give legislators tools. The first thing you can do is call upon the public. Community members are best equipped to educate

and inform the Commission through testimony and comments about their communities of interest. And I hope my neighbors will listen up, because I have homework for all of you. Specifically, the public can and should provide qualitative information about their communities by describing physical boundaries, socioeconomic status commonalities, commonalities in political or representative interests, the existence of community-wide social networks, and common risks. And I'll explain all of those.

Physical boundaries of community interest include things like specific streets, or borders, or shopping centers, or other cultural centers, parks, or specific landmarks.

I've actually got it timed; I've got another 40 seconds.
(laughter) (applause)

ASSEMBLYMAN WEBBER: Take 50 seconds.

MS. PÉREZ: It's not the first time I've done this.

Commonalities in socioeconomic status include things like the use of media, and production, and consumption habits. Commonalities in political or representative interests include things like concerns about crime, health conditions, the environment, or schools. Social-wide networks include things like religious activities, parades, festivals, public concerts. Common risks include things like environmental dangers or public concerns of the communities.

You also need to enlist the data experts. We have a lot of really great demographers, historians, and other sorts of political scientists in this country. They need to look at the census and tell you common socioeconomic status that can be used to establish communities of interest.

You also need to work with your community organizations who can also help you identify communities of interest.

And finally, I want to end with the Voting Rights Act. There's been much that's been said, so I'm going to be brief. When the Commission draws the lines, they must ensure that the redistricting plan does not dilute minority voting strength or the plan will be in violation of the Voting Rights Act. But there are legal principles for determining when vote dilution has occurred. It's not just something that occurs because someone uses the words vote dilution; there's a standard for it. It's set in a case called *Thornburg vs. Gingles*, which also was written by Justice Brennan. The 2009 Supreme Court decision in *Bartlett* clarified when states are required to create majority-minority districts in order to avoid vote dilution, but there's nothing stopping a state from deciding that it wants to create a majority-minority district provided -- and this is an important provision -- it does not allow race to unjustifiably predominate the redistricting process.

We encourage you to look at all of your legal options to make sure that redistricting is done fairly and that all of our communities are represented. The Brennan Center stands ready to serve to help you, should you want that assistance.

Redistricting should not be reduced to lines on a map, or boundaries of census blocks. It's about people, it's about communities, and the redistricting process needs to reflect as much.

Thank you. (applause)

ASSEMBLYMAN WEBBER: Thank you.

Barbara James, followed by Lorenzo Richardson, followed by Cid Wilson. Is Cid Wilson still here?

B A R B A R A J A M E S: Good evening. My name is Barbara James, and I think I just heard from someone who should be your 11th member. (laughter) (applause)

I'm from Plainfield, and that is the Queen City with a female Mayor who is very touchy-feely. Her constituents know that she touches their issues, she touches their hearts; they're very responsive to her. She's a possible member of this Commission, by the way.

There have been people who complain that the Commission is too heavily politically weighted, so these are two people who you might think about.

Why am I here? Everybody has certainly said everything that needs to be said that I could possibly think of. This is the third hearing that I've attend; this is the first time I've spoken. I was in Camden, I was in Newark, and now I'm here. The issues that I heard covered have to do with packing, unpacking, bleaching, cracking, diluting, transparency, contiguous lines, gerrymandering, political composition of the Commission, recycling of census data, that the data is questionable. Certainly we feel that way in Plainfield, because everybody knows we have more than 50,000 people in Plainfield. We've heard testimony from interest groups versus individuals. We've heard complaints of hearing locations and numbers, notification. We've heard of encouraging public input, the information on the website -- one up for you -- Commission members using the hearing for their political

points. We have heard of all of these, so everything has been covered that I could possibly talk about, so why am I sitting here?

I'm sitting here because when we were in Newark something happened that really caught my attention. And I'm sorry that the one member of the Commission left, because he should hear this. There was a speaker who was giving testimony, and he went through all the positions that he took and the things that he was concerned about. And a member then said to him -- asked him a question about representation from a particular area. And he didn't know it. Asked him about representation, does he know of representation from another particular area. And he said, "No, I don't know it." For those of us who were sitting in the audience, this is what we were hearing. We were hearing: All right, if he doesn't know these two things, he's not qualified to speak here. Oh, if he doesn't know these two things, all the things that he said prior to that are questionable because he doesn't know these two things.

Unfair. It's difficult to come before you and speak, and for a person who is not a public speaker, this is very, very nerve-racking. It takes a lot of chutzpah to get up here and really say something. So just be a little kinder in that kind of remark, because although you say that what you want is public input -- and I do believe you do -- that kind of thing discourages people from coming to this mike and speaking up. And I think that's what you need to be sensitive to.

I am happy to hear that you're considering further hearings, and thank you for the letters that I regularly get from you on the e-mail -- that's great; nice.

ASSEMBLYMAN WISNIEWSKI: You're welcome.

MS. JAMES: Nothing to do with anything I've said before, but I just had that opportunity to say that. Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you; I appreciate it.

MS. JAMES: But just be considerate of the people who come here -- we're not professionals. And I think what you want to hear is from other people -- the voters, the residents -- as opposed to those necessarily who are elected to positions. They have the mike, they have the media all the time. But to give us the opportunity to speak to you is really good.

Thank you.

ASSEMBLYMAN WEBBER: (timer rings) Well-timed, too.

Any questions? (no response)

Thank you for your interest in the Commission's work; we appreciate you coming so often.

Lorenzo Richardson, followed by Cid Wilson, who will be our ultimate speaker.

L O R E N Z O R I C H A R D S O N: Good evening, everyone.

I guess many folks don't have that stamina. I grew up in a Baptist church, so I can handle-- (laughter)

ASSEMBLYMAN WEBBER: We're just getting warmed up.

MS. CRUZ-PEREZ: It is Sunday.

MR. RICHARDSON: This is nothing.

Good afternoon, everyone. I just want to take a more humanistic look at this process, because for as long as I can remember, redistricting always involved money and resources, basically. It goes down

to that census tract level, and the influence that comes with it. What I'm concerned about, though, is what happens with the money when it comes in -- because that's what I believe this really boils down to -- and the decisions that are made with those monies.

It is not unusual to hear that money has gone back to the State or the Federal government because funds that were granted were not utilized. We're not even spending the money on the intended purposes in many cases when money does come in. And that's a big problem. And I think that's a big reason why you don't see a lot of turnout, and all these other things you want to see, from the public. As lawmakers and stakeholders who are responsible for the tax dollars we pay for vital services in our communities, can you please ensure that the monies are properly dispersed where they are intended? Because people are hurting in Jersey City and elsewhere, in other communities; even in affluent communities where you have people who are struggling. And do not let this process result in the continuation of denying New Jersey residents those vital services needed to keep our communities from falling apart, because we see what's happening.

What a lot of people also don't understand is that when people fall down on welfare or they struggle, they'll move them -- if they're in Hudson County, to Jersey City; if they're in Essex County they move them to Newark; if they're in Camden County they go to Camden. But they don't want to give all the money there to take care of all those issues.

So those are the things you need to look at when it comes to redistricting, when it comes to doling out those dollars, because that's what it comes down to -- the dollars.

And pay attention again to that census tract, because that's where a lot of things get skewed. In Jersey City when those rich folks moved in downtown, they thought everybody was rich because the median income jumped from \$30,000 to \$50,000, \$60,000. And you still have all these poor folks out here who can't get anything because they think we're a rich district now -- and that's not the case. So please take a look at that as well.

And Jersey City has the population to have our own full legislative district based on population, and I think that should also be taken into consideration. Thank you.

ASSEMBLYMAN WEBBER: Questions? (no response)

ASSEMBLYMAN WISNIEWSKI: Thank you.

ASSEMBLYMAN WEBBER: Thank you, Mr. Richardson.

Cid Wilson.

C I D D. W I L S O N: Well, I got here in the afternoon, but I have to say good evening (laughter) to Chairman Webber; to Chairman Wisniewski; to Speaker Oliver; and, of course, our two Senators whose districts represent Bergen County, Senator Sarlo and Senator O'Toole; and distinguished members of the Commission.

There's an old saying that you always remember your first and you remember your last. And since I'm your last person speaking, I hope you all remember me.

My name is Cid Wilson. I am the Vice Chairman of the Board of Trustees at Bergen Community College. We are the largest community college in New Jersey with over 33,000 students -- half of which are full-time, half are part-time.

I sat here throughout the whole time listening to every one of the testimonies, and I was rather surprised, actually, that we heard about Hudson County and Essex County and Middlesex County, but I didn't hear anything about Bergen County. So I thought that I would give you just some brief comments about Bergen County; but I also want to give a recommendation. I understand that you may be looking at doing more hearings. I would certainly like to invite you to do it at Bergen Community College. I know that this was a great location and I know Glen Gabert, the President of Hudson Community College, is very happy that you are here. We at Bergen Community College would also be happy for you to have it at our location. In fact, my best suggestion would be to use our new Meadowlands Campus, which is right there in Lyndhurst -- Senator Sarlo's District. It's right there by Route 3, next to Passaic, very easily accessible. And I think that you would also get a very good turnout in that location. I would also recommend-- Of course, we have our campus in Hackensack and Paramus.

But Bergen County is also-- One of the reasons why it would be great for you to come to Bergen County is because we are the largest county in New Jersey -- over 900,000 residents live in Bergen County. We're an incredibly diverse county. We have a large African-American population; we have a large Latino population; we have a large Orthodox

Jewish population; a very large Muslim population; and Bergen County is the first county to have a city or town that is a predominantly Asian-American city, in Palisades Park. And Fairview, New Jersey, is now, for the first time, a predominantly Latino population.

I can tell you that if our students were here at this hearing, they would tell you that they want the Legislature to better mirror that of our students. Of course, at Bergen Community College one in two of our students are students of color: Latino, African-American, and Asian. And so as you start to think about the lines, we certainly want you to take those into consideration.

But I also want to thank all of you for-- I know how exhausted you were; I was pretty exhausted being the last person waiting to speak. But I wanted to at least give that color about Bergen County, since Bergen County had not been mentioned -- not even once -- today. And I'm assuming it hasn't been mentioned a whole lot since you started from the south in Camden, moving your way further north; which is why I would certainly encourage you to consider coming further north to Bergen County. And we would certainly be willing to host you at our South Bergen Campus in Lyndhurst, which is right -- very close to Passaic and Essex counties.

So with that, thank you very much.

ASSEMBLYMAN WEBBER: Any questions?

ASSEMBLYMAN WISNIEWSKI: Cid, we regret to tell you that you're no longer the last speaker. (laughter)

ASSEMBLYMAN WEBBER: We're having so much fun, we're going to have another witness -- Ahmed Shedeed has been able to come back. So Mr. Shedeed, you have your five minutes.

A H M E D S H E D E E D: Thank you.

ASSEMBLYMAN WEBBER: (timer rings) Oh, I'm sorry, that's the end of your testimony. (laughter)

MR. SHEDEED: It's over already. (laughter)

I'm going to try to make it less than five minutes.

Thank you very much for allowing me to speak in front of you, and also thank you for coming here. A special thanks to Kim for inviting me and asking me to come in.

I represent the Egyptian community, the Arab community, and the Muslim community of New Jersey. I think we are undercounted, underserved, and underrepresented. To my calculation, I know that we have at least 300,000 Egyptians in the State of New Jersey. I believe that we have at least 30,000 to 40,000 people living in New Jersey here. And I have a lot of testimony today, but I'm telling you: This is Little Egypt in New Jersey. If you go to the businesses around this area here, and the residents, 50 percent of the residents and the businesses in the area here are Egyptian. I'm not exaggerating or saying something that-- But believe me, everybody here in the room -- they might (indiscernible) point to that.

But we have no seats; we have no services. I blame myself for not being counted in the census. We worked very hard to be counted, but we are undercounted and I would like to have (indiscernible).

Just to say to you, in all due respect to Mayor Healy, I just had a meeting with him. When he said that 4 percent of others -- 4 percent of others -- he did not count the Indians, the Filipinos, and the extended community of-- And our community was really growing very fast, in tremendous numbers. In Bayonne --- and you can ask, I just spoke to the Bayonne Mayor -- at least 6,000 people in Bayonne City alone are Egyptian.

So we need to look again to the map. We need to be counted. Hudson County needs a lot of services. And my community, I'm going to repeat again, is undercounted, underserved, and underrepresented. And we need seats. We are the new kids on the block and we need coaching. I'm talking now to you as a Commission, but I'm actually directing my talk to the Democratic Party and the Republican Party -- to try to give us some seats and some coaching. We have a very well-educated community. In the Arab community in New Jersey we have more educated doctors and engineers than any other community. I'm not saying that to-- But it's a fact. But we need to be represented again.

I thank you very much for having me, and I'm sure that I have to even come back.

Thank you.

ASSEMBLYMAN WEBBER: Thank you.

Any questions? (no response)

Okay. That will conclude the public input portion of the meeting. The Apportionment Commission does plan on having more public

hearings, hopefully before the 11th member is appointed if that's necessary; certainly after the 11th member is appointed if that's necessary.

Please check the website for updates and other avenues of public notice.

I want to thank again our hosts here at Hudson County Community College, everyone who testified, and the staff that has been as patient as you could be.

ASSEMBLYMAN WISNIEWSKI: Motion to adjourn.

ASSEMBLYMAN WEBBER: Seconded.

No opposition? (no response)

We are adjourned.

(MEETING CONCLUDED)

APPENDIX



NEW JERSEY LEGISLATIVE LATINO CAUCUS

ALBERT COUTINHO
ASSEMBLYMAN, 29TH DISTRICT

ANNETTE QUIJANO
ASSEMBLYWOMAN, 20TH DISTRICT

ANGEL FUENTES
ASSEMBLYMAN, 5TH DISTRICT

NELLIE POU, CHAIR
ASSEMBLYWOMAN, 35TH DISTRICT

M. TERESA RUIZ
SENATOR, 29TH DISTRICT

VINCENT PRIETO
ASSEMBLYMAN, 32ND DISTRICT

RUBEN J. RAMOS, JR.
ASSEMBLYMAN, 33RD DISTRICT

CARIDAD RODRIGUEZ
ASSEMBLYWOMAN, 33RD DISTRICT

Testimony New Jersey Redistricting Commission February 13, 2012

Good Afternoon, Co-Chair Wisniewski, Co-Chair Webber and members of the committee, my name is Nellie Pou and I am here today as the chairwoman of the Assembly Legislative Latino Caucus which is comprised of seven legislative members, one Senator and six Assembly members of Hispanic descent. I applaud every member of the public for taking the time today to join this process. I am also heartened to see so many Latinos participating at these hearings. If this is any indication of the kind of civic engagement in our communities, I look forward to welcoming newly elected members of the Caucus following the 2011 legislative elections.

The design of a new map will influence the course of elections for the next decade. As Latinos we need to invest in this process to ensure the map reflects the diversity of our great state. The recent census clearly attributes the growth in New Jersey's population to the increasing numbers of Latinos choosing New Jersey as their home.

Between 2000 and 2010, the Latino population grew from 1.1 million to 1.6 million, going from 13.3% of New Jersey's population in 2000 to 17.7% in 2010. Nearly one in five of our residents are now Latino, and while Latinos grew by 39.2%, the non-Latino population declined slightly by 0.8%.

The Latino community increased its population in the traditional cities with the largest concentration of Latinos. And we are pleased to see that in cities like Perth Amboy with 78%, and Passaic with 71%, Latinos now make up more than 70% of the population in those cities. And in the case of Union City, as much as 85% of the city is Latino. In Paterson, 58% of the residents are Latino.

The Latino community has also reached beyond traditional urban areas to growing suburban towns such as Red Bank which experienced a 34% increase in Latino residents. In towns like Bridgeton (43%), population is equally of note. Hightstown (30%) and Wrightstown (28%), in Central Jersey counties posted smaller gains which signal continued future growth. These growing Latino communities are contributing to the economic, social and civic progress of our State.

For two consecutive decades the increase in the Latino population has fueled the growth of our state. While I am both proud and pleased that our progress is duly recognized, I am eager to move beyond such an accomplishment to foster a broader dialogue that focuses on building electoral representation proportional to our population.

In order to engage that dialogue we need to shift the focus from the increasing population of Latinos to considerations such as civic engagement and voting rights. We need to increase opportunities for Latinos to choose their elected leadership. The Latino communities potential to elect through coalition and crossover districts are definitely reasonable means to achieve effective opportunities for Latinos.

I am specifically raising this issue in order to address the concern that I've read in the press that recent court decisions could be used to dismantle the current map. While I may not be pleased by the current representation of Latinos in the legislature, I caution that recent court decisions are not an open invitation to dismantle any existing effective districts – whether the district is a majority-Latino, crossover, or a coalition district. And, that there is nothing barring the Commission from creating opportunities for Latinos in areas where Latinos are not the majority - either by creating crossover or coalition districts.

This Commission is responsible for drawing legislative district lines that are equal in population and that respect traditional districting criteria. Under the Voting Rights Act, it is also prohibited from relying on the process of dilution, whether by packing or cracking the Latino community. I do not believe dismantling opportunities for Latinos and creating segregated districts will yield the best results.

The experience of the last decade did not yield maximum opportunities for Latino candidates; however the progress that has been achieved is largely attributable to the Democratic Party which has sought to recognize the diversity of our communities.

Our work is only just underway.

Today, our Latino elected representatives hold leadership positions in their respective democratic caucuses and have a greater opportunity to enact legislation that meaningfully impacts the daily lives of our Latino constituency. It's a good start, but we need to do much more to create opportunities for participation and to protect the voting rights of our community.

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Dominican American Redistricting Project

A project of the Dominican American National Roundtable

1050 17th Street, N.W., Suite 600, Washington DC 20036 / Phone: (202) 238-0097 / Fax: (202) 536-5253

Statement of Jose R. Bello, Director of the Dominican American Redistricting Project to the Members of the New Jersey Legislature Apportionment Commission February 13, 2011, Hudson County Community College, Jersey City, NJ

Co-Chairman Jay Webber, Co-Chairman John S. Wisniewski, and Members of the Commission:

My name is Jose Bello and I am here today as the National Director of the Dominican American Redistricting Project. This is a project of the Dominican American National Roundtable, an organization base in Washington DC with membership chapters in 10 states and Puerto Rico, which educates on civic duties and represents one and half million Dominicans in the United States.

As a matter of background, we should inform you that Dominicans live wherever Hispanics live in the State of New Jersey. Especially in the Cities of Paterson, Passaic, Perth Amboy, and Union City, as well as in Newark, Jersey City, and Elizabeth. It is estimated that there are more than 200,000 Dominican Americans currently living in the Garden State.

We are here today, because our Project is focused on Redistricting issues (including education, and, if needed, litigation) in four State of the Union – Massachusetts, Rhode Island, New York and New Jersey. Thus, after working, researching and listening to Dominican and Hispanic community leaders in New Jersey, we would like to make the following 6 recommendations and comments for the consideration of this Commission:

- 1) The New Jersey Apportionment Commission should approve the Map with more Majority-Minority Legislative Districts. This is, for instance, if the Commission has to vote on two maps, one proposing one Majority-Minority District, and another proposing, let's say, five Majority-Minority Districts, the Commission should approve the one with more rather than less Majority-Minority Districts. This will not only reflect the demographic changes of the State, for example the 17.7 % of Hispanic in New Jersey, but also, will make your approved map to be in compliance with the spirit and the letter of the Voting Rights Act of 1965.
- 2) Current Districts create only two Majority-Minority Districts. If this Apportionment Commission keeps most of the current Legislative District boundaries, it will create only one Majority-Minority District. With a 53% Hispanic population, currently Legislative District 33 will be the only Majority-Minority District in New Jersey, followed very closely by Legislative District 32 with 49.95% of Hispanics.
- 3) Majority-Minority Districts help the election of candidates of choice for a Minority group. This is what is protected by law. Sometimes these candidates of choice will have last names such as Rodriguez or Sanchez. Other times, candidates of choice of minority groups will have last names such as Sarlo or Webber. What is protected, giving certain conditions, is that Minority groups have the ability to elect their candidates of choice, with Majority-Minority Districts.

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4) At-large Assembly Districts (or in the case of New Jersey, Multimember Districts) harm the ability to elect candidates of choice in minority communities. In addition, it should be **said** that Multimember Districts could harm the ability of Hispanic-origin candidates to be elected.

5) One strategy to increase minority legislators (and candidates of choice of minority communities) is by creating Assembly districts nested inside Legislative Districts. This strategy will create in New Jersey 80 single member assembly districts with an ideal number of 110,000 people. And, as it is the case of Newark and Jersey City, these single member assembly districts will probably divide towns and municipalities to achieve the ideal number of people represented by each district. By doing this, the Apportionment Commission will help to secure the one person one vote principle in the State of New Jersey.

6) Another strategy, whenever possible (numbers, cohesiveness, VOP analysis, etc.), is to unite Communities of Interest, currently divided by municipality lines, into Legislative Districts.

To illustrate this final suggestion, we would like this Commission to consider what it is currently the Legislative District 35 and the Community of Interest located within the Cities of Paterson, Clifton and Passaic.

First, let us make an analysis of current District 35 –that is centered in the City of Paterson. As it stands right now it has 45.9% of Hispanics in its population. If this District 35 is modified, with the following municipalities: Paterson, Heledon, North Heledon, Prospect Park, Elmwood Park, Woodland Park, and Garfield; it would have a population of 46.8% Latinos. Furthermore, if District 35 is modified to include these municipalities: Paterson, Heledon, Prospect Park, Elmwood Park, Garfield, and Lodi; it will represent a population of 47.8% Hispanics.

Therefore, although the population of Hispanics in this area has increased to the level of deserving a Majority-Minority District, protected by law, where they could elect candidate of choice, if we have to be constrained by the town integrity principle, we do not see an opportunity of creating a District 35 that represent 50% plus one Minority voters. However, if we consider the creation, in some limited cases, of legislative districts that respect, primarily, the live of Community of Interest, then, it is possible to create a Majority-Minority District in this area of New Jersey.

A tentative map that we are presenting for your consideration today is able to integrate the City of Passaic, the City of Paterson, and small portions of the City of Clifton to create a District with 50% plus one Minority voters.

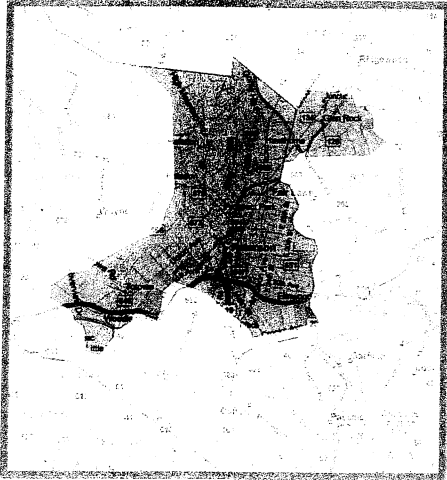
The fact of the matter is that Communities of Interest are not constrained by municipal boundaries. And the Community of Interest of the corridor of Paterson, Clifton and Passaic is an example of that. If you create a Legislative District in this area, you will respect and honor a well documented Community of Interest.

A map approved by this Apportionment Commission that includes our proposed District will be in compliance with the Voting Rights Act. And this Commission will be able to create an additional 50% plus one Majority-Minority District in the State of New Jersey.

Dominican American Redistricting Project

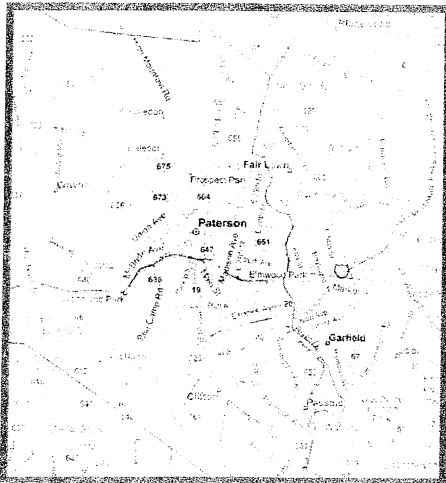
A project of the Dominican American National Roundtable

- 1) The New Jersey Apportionment Commission should approve the Map with more Majority-Minority Districts
- 2) Current Districts create only two Majority-Minority Districts
- 3) A Majority-Minority District helps the election of a candidate of choice for a minority group. Sometimes this candidate of choice will have a last name such as Rodriguez or Sanchez, in other times, a candidate of choice of minority group will have a last name such as Smith or Clinton.
- 4) At-large Assembly Districts harm the ability to elect
 - a) candidates of choice of minority communities, or/and
 - b) candidates of Hispanic origin
- 5) One strategy is to increase minority legislators by creating single member Assembly Districts nested inside Legislative Districts
- 6) Another strategy, whenever possible (numbers, cohesiveness, VOP analysis, etc.), is to unite Community of Interest, currently divided by municipalities lines, into Legislative Districts



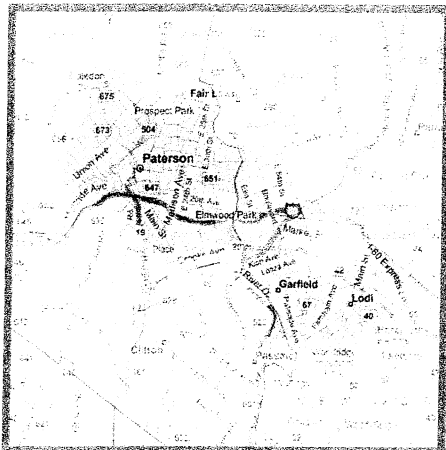
District # 35 (current)
 Glen Rock, Heledon, Hawthorne,
 North Heledon, Paterson, Prospect
 Park, Totowa

Total Population	Hispanic Population	% Hispanics
209,995	96,371	45.9%



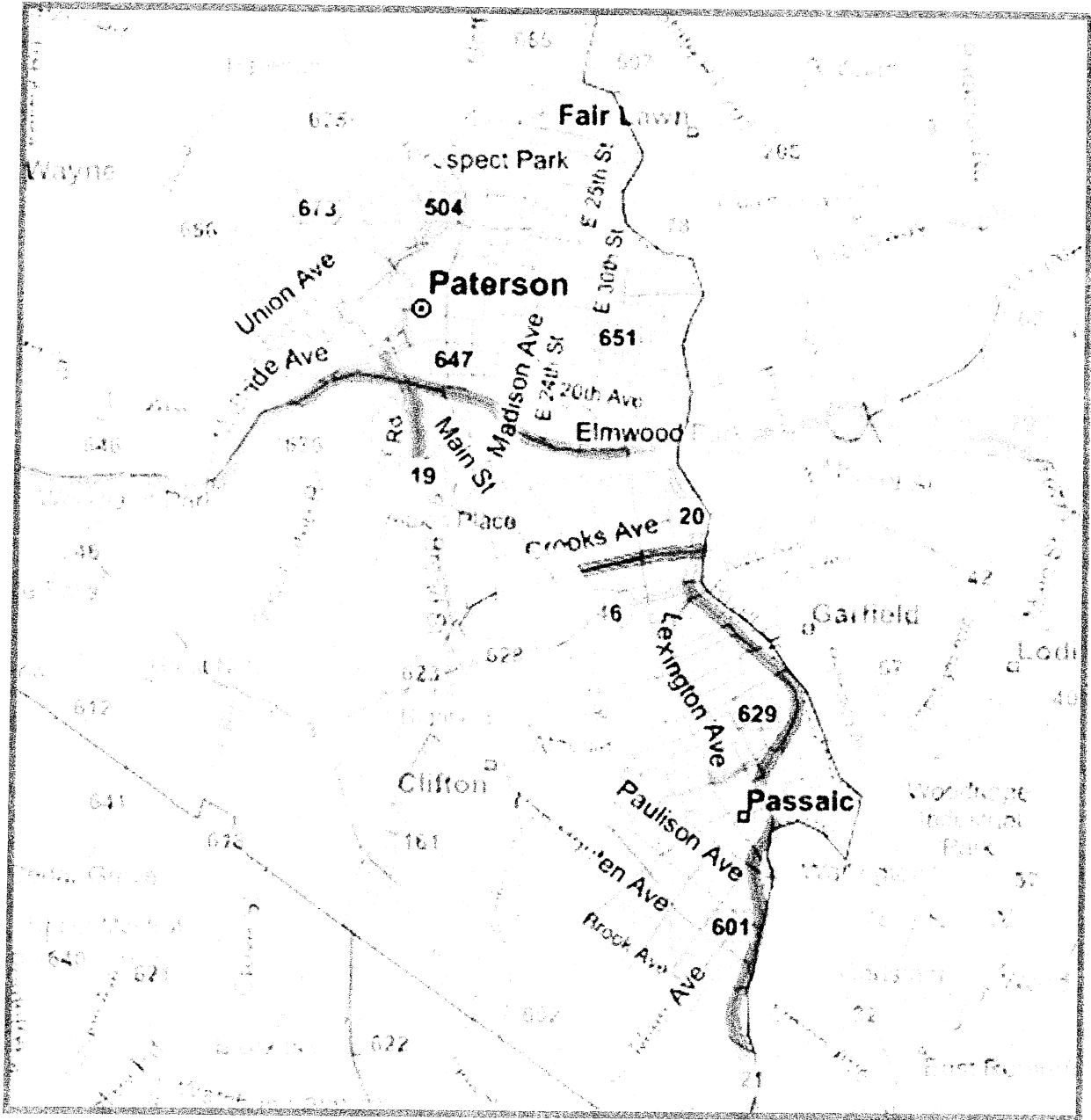
District # 35 – Option # 1
 Paterson, Heledon, North Heledon,
 Prospect Park, Elmwood Park,
 Woodland Park, Garfield

Total Population	Hispanic Population	% Hispanics
230,508	107,786	46.8%



District # 35 – Option # 2
 Paterson, Heledon, Prospect Park,
 Elmwood Park, Garfield, Lodi

Total Population	Hispanic Population	% Hispanics
234,408	112,076	47.8%



District # 35 – Option # 3
Paterson, Clifton (portions), Passaic

Total Population	Hispanic Population	% Hispanics
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235,093

123,876

53%

574 Joralemon St
Belleville NJ 07109
February 13, 2011
973 494 3488

Good Afternoon distinguished members of the 2011 Legislative Apportionment Commission. My name is Andrew Bloschak and I am a 27-year working-class resident of Belleville, NJ, the Cherry Blossom Capital of America. I have two of my four children in the Belleville Public Schools and coach baseball in town. I am a member of the United Auto Workers Union Local 595 and the former legislative director for a postal workers union local. I have been a longtime civic activist and I come here today because my town needs to go in a new direction for the new decade.

As you all know, in 2001, Belleville and our neighbors in Bloomfield were merged with Irvington and parts of four Newark wards to form a new 28th District. This was in contrast to districts in the 1980's and 90's that placed Belleville with other suburban communities. Both Democrats and Republicans did a great job representing us in Trenton in those previous districts. Since the district change of ten years ago, Belleville faced economic and fiscal challenges as the result of being overlooked in state representation. We have received little real support for needed redevelopment of our business districts or for making our schools excel. This must change to make Belleville a dynamic community once again.

Belleville must rely on its local property taxes to fund its schools and municipal services. With little outside help and a declining business base, town residents have seen a large property tax increase over the past decade. We do not have celebrity entertainers and entrepreneurs assisting us with funding for our schools or massive state and federal aid. I certainly champion Newark's revival, but we must also look out for Belleville.

Belleville is an increasingly diverse community. Like many of our neighboring "first-ring" suburbs, Belleville has a minority-majority population as reported in the 2010 Census. This diversity is a testament to our strengths as a community, in attracting residents of all backgrounds that seek affordable homeownership with safe streets and good schools, as well as relying on our own residents to fund programs. Our Township of Belleville and our friends in Bloomfield are more in sync with Nutley, southwest Bergen, Secaucus, Kearny, Clifton, Totowa, Little Falls, Woodland Park, Wayne and West Essex than we are with Newark. It is easy to draw a new district with a combination of some of these towns that would be an ethnically-diverse, middle-class district where each town would have a seat at the table.

And that is why, Ladies and Gentlemen, I have spent much of the last month braving the weather to get my fellow Belleville residents to sign this petition to remove the Township from the 28th and place it in a new district like the one I described. Several other Township residents have circulated the attached petitions as well. While I would have been able to get more signatures if we had not had the most January snow since World War II, I still have received overwhelming support from Belleville residents of all ethnic backgrounds, neighborhoods and political parties. Regular people understand the Cherry Blossom capital is a great place to live, but we can make it a much stronger and more dynamic community with better representation. I plan to continue getting more

signatures, but I submit to the commission what I have today and will submit a final copy to the Commission, Governor Christie, and Mayor Kimble.

We need to create districts with communities of common interest, and changing which district Belleville is in would be one step in accomplishing that goal. Please consider the voices of my neighbors when you are deciding how to best create a new map.

A handwritten signature in black ink, appearing to read "Andrew M. Beck". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Petition For Change Of Legislative Voting District For The Township Of Belleville, New Jersey In The November 2011 Legislative Elections

To the Honorable Christopher J. Christie, Governor of New Jersey and Distinguished members of the New Jersey Legislative Redistricting Committee as well as the Honorable Raymond G. Kimble, Mayor of Belleville Twp. and Distinguished members of the Township Council.....

We the undersigned residents of Belleville Township hereby request that the Township of Belleville is no longer grouped with the City of Newark and The Township of Irvington in the legislative district presently drawn with the new allocations based on the 2010 Census. Those cities have overwhelming challenges and deserve to have representation that can concentrate on their particular needs. Belleville needs to be grouped with communities having similar needs to its own, such as Bloomfield and Nutley in Essex County, Clifton, Totowa and Woodland Park in Passaic County, Kearney and Secaucus in Hudson County and Carlstadt, East Rutherford, Lyndhurst, North Arlington, and Wallington in Bergen County.

We feel that Belleville would receive better representation and be more able to prosper and grow, in a positive direction, if placed with such aforementioned suburban communities.

Name	Ac
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Shanika Guyaran	
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John Caruso	
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Biagio Marano	4/2
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John O'Grady 26 Va.	
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**Petition For Change Of Legislative Voting District For The Township Of Belleville
New Jersey, In The November 2011 New Jersey Legislative Elections**

Name

Address

Andrew M. Blossard

Russell Curran

Dominic Murphy

Glenn Senatore

GERALD VENEZIANO

Rafael Iovino

Michael Pasale

[Signature]

Maria Ramos

Kimberly P. Piker

SUM MESSA

Jacqueline Sanchez

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2710

**Petition For Change Of Legislative Voting District For The Township Of Belleville
New Jersey, In The November 2011 New Jersey Legislative Elections**

Name

Address

Frank [unclear]

[unclear]
[unclear]

W. [unclear]

Goni [unclear]

[unclear]

William [unclear] 22

William [unclear]

[unclear]

[unclear]

[unclear]
Adria [unclear]

**Petition For Change Of Legislative Voting District For The Township Of Belleville
New Jersey, In The November 2011 New Jersey Legislative Elections**

Name

Address

Timothy P. Ferr

Russell Monahan

Pat McBride

Michael Leone

Leah Radic

Ann Marie Ja

Karen Blenis

Whit Bluro

St. Bonaventura

Raymond

A. Jell

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Name

Address

Joan Schmitt

Jo Schmitt 61

Suzanne DeAngelo

Matthew Demaydo 6

**Petition For Change Of Legislative Voting District For The Township Of Belleville
New Jersey, In The November 2011 New Jersey Legislative Elections**

Name

Address

Anthony Cicciullo

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John Spina 7

John P. Trigg

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**Petition For Change Of Legislative Voting District For The Township Of Belleville
New Jersey, In The November 2011 New Jersey Legislative Elections**

Name

Address

Melissa Vitello

Nick Vitello - Hill St

JOHN McMANUS 626

JANICE McMANUS 626

Victor M. Maffucci

Jeffrey Blasi 5

Raymond J. Jureo

Angela Blasi

Alf Musso

Deborah Musso

Alyssa Musso

Richard L. Musco

**Petition For Change Of Legislative Voting District For The Township Of Belleville
New Jersey, In The November 2011 New Jersey Legislative Elections**

Name

Address

Lois Jucell

Eleonora Strolli

Daniel A. St

Jeffrey A. Matt

Yvonne Mattingly

Thomas E Mc Cardan

Michael J. Merota

Joseph S. Saur 12

Phil Mullen

Leanne G. Bell

Catherine M. Cowle

Elizabeth A. Cowley

Walter M. 12

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Name

Address

Ron Roselli

M Roselli

PAUL RICHARDSON

Kevin H. Lane

19x
Andre M. R.

Petition For Change Of Legislative Voting District For The Township Of Belleville, New Jersey In The November 2011 Legislative Elections

To the Honorable Christopher J. Christie, Governor of New Jersey and Distinguished members of the New Jersey Legislative Redistricting Committee as well as the Honorable Raymond G. Kimble, Mayor of Belleville Twp. and Distinguished members of the Township Council.....

We the undersigned residents of Belleville Township hereby request that the Township of Belleville is no longer grouped with the City of Newark and The Township of Irvington in the legislative district presently drawn with the new allocations based on the 2010 Census. Those cities have overwhelming challenges and deserve to have representation that can concentrate on their particular needs. Belleville needs to be grouped with communities having similar needs to its own, such as Bloomfield and Nutley in Essex County, Clifton, Totowa and Woodland Park in Passaic County, Kearney and Secaucus in Hudson County and Carlstadt, East Rutherford, Lyndhurst, North Arlington, and Wallington in Bergen County.

We feel that Belleville would receive better representation and be more able to prosper and grow, in a positive direction, if placed with such aforementioned suburban communities.

Name

Address

Candida Long

f. Phillipino

Anne McManis

[Signature]

Andre M. Bl

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Name

Address

Margaret Kelly

~~Margaret Kelly~~

FORA VINASCO

Gloria Vinasco

Andrew M. B.

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Name

Address

Denise Calderon

Ly P. Nylk

Chuck Eckles

Susan Ringail-Broschek

Andre M. R.

Testimony of Hon. Lewis Candura, Chair
Morris County Democrats
February 13, 2011

My thanks to the Legislative Apportionment Commission for this opportunity to briefly state my views. My name is Lewis Candura, and I serve as Chairman of the Morris County Democrats.

As a Party official, let me be blunt. Notwithstanding the fact that I come from a decidedly red county, I am here to talk about creating a legislative map that is fair to everyone in New Jersey, regardless of party.

Having said that, let me be blunt once more. The reapportionment process in New Jersey is unique in that it encourages each of the two major political parties to seek an advantage over the other. That's certainly one reason why the constitution stipulates that five members each are appointed by the state party chairs.

Both sides are drawing maps that will give their party the best chance to win control of the legislature, not just in the next election, but for an entire decade. And all of the arguments you hear from both sides are geared to that ultimate objective.

The constitution also calls for a tie-breaker, an 11th Member, whose job it will be to settle the differences between the two sides, or failing that, cast the deciding vote for one map or another.

The tie-breaker over the years has also introduced criteria that are not specifically provided in law. One is the concept of fairness, the definition of which is usually stated in election results. That is, does the map produce a legislature that fairly reflects the will of the voters?

Put another way: will the map drawn by this commission produce a legislature that looks like New Jersey in all its diversity; not just in partisan terms, but in demographic terms as well.

The latest census not only shows the growth in Latino, African-American and Asian populations; it also vividly demonstrates the geographic diversity of that growth. As now our largest minority group, Latinos constitute 10 percent or more of the population in 25 of our 40 legislative districts.

In fact, in 13 of the districts, Latinos comprise over 20 percent of the population. This pattern is repeated in every one of our 21 counties. And Morris County is no exception.

In 13 Morris County municipalities, the Latino population exceeds 10 percent of the population, two of which are over 30 percent and two others are over 60%. And based on growth trends, these numbers are destined to increase.

So as this commission sets about the task of reflecting the rich diversity of our population, don't simply look back. You should be looking ahead. You should be anticipating a continuation – if not an acceleration – of the trends we saw in this census.

The growth in Latino, African-American and Asian populations will continue, and so should their representation in the legislature. And that representation should be a product of legislative districts just as diverse as New Jersey's population as whole.

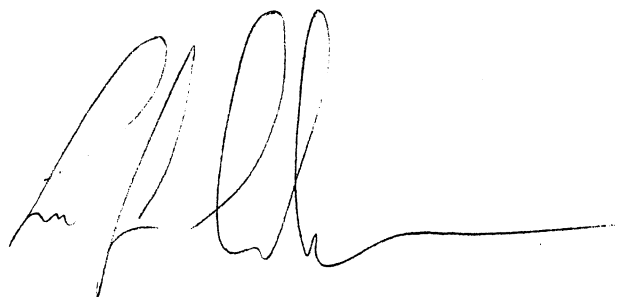
Segregating voters into white districts on the one hand and minority districts on the other will shortchange everyone. And history tells us that packing minority voters into fewer districts not only fails to guarantee election of minority legislators, but it also completely disregards minorities in counties like mine.

And giving voice to those minority residents – citizens who live in concentrations too small to constitute an absolute majority of voters – requires a commitment from the leaders of both political parties.

And on that score, there is simply no comparison. Of the 24 minorities in the current legislature, 23 are Democrats. It is a Democratic Governor who appointed New Jersey's first Latino United States Senator, Bob Menendez, who was then subsequently elected with 57% of the vote.

So let me conclude with one last thought. The next map – any map – can only deliver opportunities, not guarantees. This commission should be about creating as many opportunities as possible for voters to elect legislators of their choosing. And it is up to the leaders of both parties to nominate candidates who will reflect that choice.

Thank you.

A handwritten signature in black ink, appearing to be "Bob Menendez", written in a cursive style.

24x



*Honorable Renee Baskerville, M.D.
Moving Montclair 4 Ward
PO Box 141 Montclair, NJ 07042
973 509-2658
RBaskerville@montclairnjusa.org*

**Statement of Renee E. Baskerville, M.D., 4th Ward Councilor
Township of Montclair
Before the New Jersey State Legislature Apportionment Committee
Sunday, February 13, 2011
Jersey City, New Jersey**

Chairman Webber, Co-Chairman Wisniewski, other member of this august Commission, I am Dr. Renee Baskerville, 4th Ward City Councilor for the Township of Montclair. It is my honor and distinct privilege to appear before you this afternoon and to share the view of the residents of Montclair's 4th Ward as well as those across the Township, as my comments are embraced by Deputy Mayor Katherine Weller who is unable to be with us this afternoon, but who associates with these remarks.

As you are aware, Montclair is a relatively small Township in Essex County with just under 38,000 residents as compared with the 277,140 residents of the City of Newark, the 247,597 residents of Jersey City or the 64,270 residents of East Orange. Despite its relatively small size, (qualifying as it does as a rural development area under the United States Department of Agriculture), Montclair has learned lessons that I believe might be instructive for the important work of this Commission.

a) Embrace Diversity and Make It a Driving Force for the Redistricting

First, Montclair has embraced diversity like no other town in America according to both folklore and facts. Despite this, the Township has fallen woefully short of our aspiration of celebrating and grounding educational, social, civic, faith and our economic life on our diversity—our becoming a real Kumbayah Township. In an appalling national embarrassment, the Township continues to be divided not only by the train tracks, but also by two distinct zip codes: one, 07043, that distinguishes Upper Montclair— the whiter more advantaged residents of the Township from the more racially, ethnically and socio-economically diverse residents of Montclair who live in Zip Code 07042. Despite this plague on the Township that I hope to remove prior to the end of my elective service, in the Township we have taken some steps not to view every contest as adversarial, and not to perceive every

process impacting the precious right to vote as partisan. We have non-partisan local elections because we believe that while recognizing and respecting fundamental philosophical differences along party lines, some elections and some actions should not necessarily be driven by party affiliation. Some processes impacting the sacred right to vote and the determination of who gets how much of what, when, where, why, and how that flows from the citizen vote, should be approached as an effort to achieve more noble goals such as greater citizen participation, greater diversity, a stronger Democracy, a sense that we all have a stake in this process and that if we work together we can move the State to becoming more representative of its racially, ethnically, socio-economically, geographically, diverse residents; as well as to reflecting the increasingly diverse faiths and cultures of the residents. We can move the State to becoming a More Perfect State in the Union. I recommend to this Commission that as you undertake your work and recommend adjustments to the legislative districts to reflect the population shifts in the State, you do it in a manner that is not so polarizing that our legislature cannot work together to make sure that all of the basic health, education, and human needs of the residents of the State are met, especially for those of least advantage. When redistricting is over, we want people in the legislature that provide voice to every constituency in the State,

especially the voiceless, so that New Jersey will be celebrated for passing laws that are revolutionary in that they ensure that all residents can reside and raise their families in safe, sanitary, sustainable environments; and that every child in this State is afforded healthcare, an Early Start, a Healthy Start, and a Head Start toward realizing his or her potential. We want them to be evolutionary in that they will reflect the best practices of the new ecology of learning and attaining economic growth while sustaining the environment. I urge you to resist the type of vitriol that normally accompanies redistricting and be mindful that as the country is painstakingly and slowly beginning the recovering from the economic crisis of the past decade, many people are “close to the edge.” We must prevent at all cost New Jersey becoming the next (state of the Congresswoman’s shooting).

b) Expand Community Engagement *via* Councilmember Hosted Residents Redistricting Roundups

Secondly Mr. Chairman, Co-Chairman and Distinguished Commissioners, as you continue your deliberations, and move toward recommending legislative districts reflecting the population shifts, the increasing diversity of the State, as well as the changes in the controlling laws, I recommend that you expand your community outreach by requesting that City Councilors across the State host a “Residents Reapportionment Roundup” on a common night. The Roundups would be community meetings during which City

Counselors would receive on-the-record recommendations from the local residents about their views on redistricting. This will create an opportunity not only for broader input into this process of signal importance, but it will also bring local residents together around an issue of central importance to them and to us all. It will create a forum for the exchange of ideas, strengthen the residents' sense of both belonging and community and it will enable the residents to suggest how best to maintain their "community of interest" in the redistricting process. The initial public meeting of this Commission and this one are important to be sure. But the seniors, many working parents, students between the ages of 18 and 24 a targeted voting population for both Democrats and Republicans, and today because it is the Sabbath for many, many who worship on Sunday could not be here to share their views. If you make it easier for diverse stakeholders to participate in the process, the input will likely be broader, fresher, and more reflective of the issues and concerns of the constituents. My second recommendation is for, "Resident Redistricting Roundups." I volunteer to host the Roundup in the Township of Montclair and to work with this august body in any manner of means to organize Roundups across the state on a date certain.

c) Adopt & Widely Publish Bipartisan, Fundamental Principles to Drive Redistricting in New Jersey

My final recommendation is that the Commission adopt and publish bipartisan, fundamental principles that should drive redistricting in the State of New Jersey, not only for state legislative districts, but also for local and federal redistricting. The principles should provide the Commission a means by which to evaluate and measure proposed plans; and assist the Commission in its efforts to comply with all applicable federal and state laws and regulations, including the Supreme Court's 2009 5 to 4 opinion in the case of Bartlett v. Strickland, *No. 07-689 (Mar. 9, 2009)* in which the High Court held the Court held that § 2 of the Voting Rights Act does not require creation of a district in which a minority population has a fair opportunity to elect a representative of its choice if the minority would constitute less than a majority of the voting age population in the district. Without trying to be exhaustive, principles that come immediately to mind include:

- 1) The redistricting efforts must hold fast to the sacrosanct "One person, one vote principle that requires elective districts to be drawn such that they have substantially equal populations. (In the State of New Jersey a 5% deviation is permissible—check this fact);

- 2) The redistricting efforts should respect, recognize and concretize the richness of the diversity of the citizenry of the State, and race may be considered but may not be the predominant factor in redistricting;
- 3) Redistricting that is just, equitable and comports with the constitution and the laws of the State as well as those of the United States should yield representation of resident voting blocks roughly proportionate to their representation in the citizenry;
- 4) Redistricting that is just, equitable and comports with the constitution and the laws of the State as well as those of the United States should maintain communities of interest;
- 5) The redistricting plan should recognize that all beings in the State of New Jersey are interdependent, that every life has value, and is entitled to respect and voice. Any plan that submerges or nullifies the voice of a recognized racial or ethnic voting bloc protected by the Voting Rights Act, runs counter to the belief of the Commission in respect for all residents and shall be rejected;
- 6) The redistricting plan, where possible should keep existing representatives in their districts and build the proposed new districts on the existing districts.

On behalf of the residents of the Township of Montclair and especially the magnificent, innovative, and engaged residents of Montclair's 4th Ward, I thank each and every Commissioner for your service on this important body; and for your broader service to your constituents and to others in this State and the Nation. I stand ready to assist you in any manner of means.

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Testimony of Nicole Plett,
Member, Integrated Justice Alliance
Before the
Apportionment Commission of New Jersey
February 13, 2011

Thank you, Commissioners. My name is Nicole Plett and I am the Vice President of the New Jersey Regional Coalition, which is a core member of the Integrated Justice Alliance. The New Jersey Regional Coalition is a statewide, faith-based, grassroots coalition devoted to the idea that everyone who lives here has a stake in the economic and social well-being of our region. We work to advance a meaningful regional reform agenda that addresses fiscal and social disparities, racial and economic segregation, concentrated poverty, neighborhood decline, and urban sprawl.

We know there is no longer sufficient time to work with the Department of Corrections to ascertain the accurate home addresses of the approximately 22,000 thousand adults now incarcerated in New Jersey. But we do not need to have these exact home addresses in hand to prevent the misuse of prisoners in the current redistricting process. As others in the Alliance have previously explained, there are interim solutions for the Commission to consider before we accomplish the long-term goal of changing the way our Census Bureau counts incarcerated people.

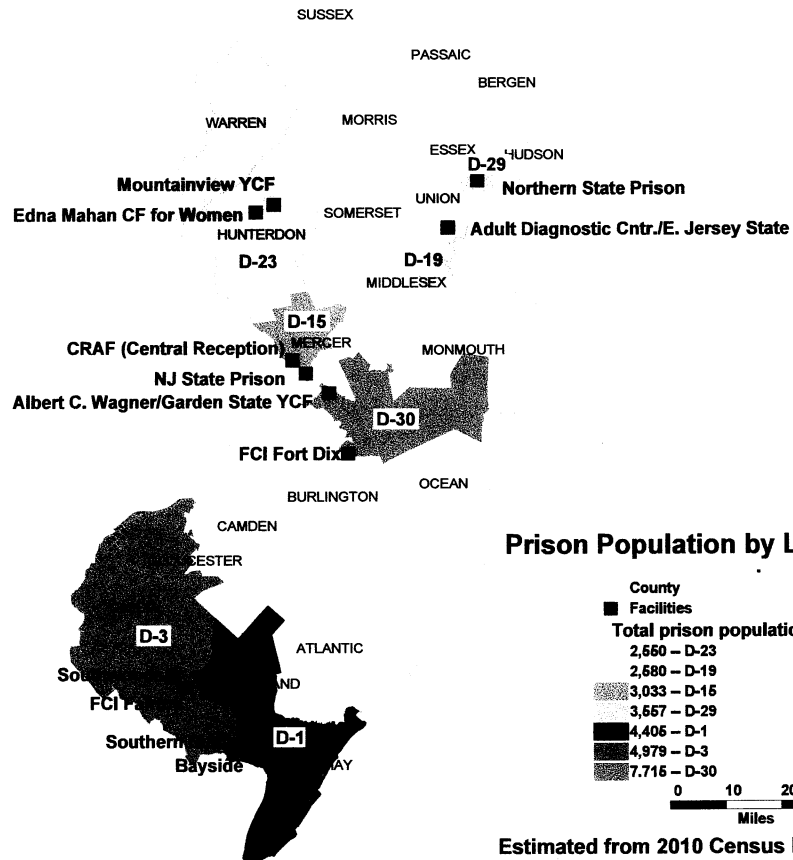
First, the Commission could declare that all people who have been counted as residents of prisons have been counted there incorrectly.

Second, since we do not have correct home addresses at this stage in the process, the Commission could instead declare prisoners' addresses unknown and treat them as at-large members of the state and not as residents of any particular district.

Although, ideally, New Jersey will work to pass legislation that mandates that all people in custody be counted at their home addresses, **the State does have the power - and the available prison population data** - to avoid skewing the population distribution in New Jersey based on the location of its prisons. As you know, our neighbors in New York, Delaware, and Maryland have already recognized this problem and have taken steps to address it. We are here today to ask that New Jersey take steps in the same direction.

Once again, at the Integrated Justice Alliance, we remain prepared and willing to work closely with you to interpret the census data that we have submitted to ensure a fair statewide count.

NJ Integrated Justice Alliance NJ Prisoner Population Map 2.13.2011



AS PRESIDENT OF THE JERSEY CITY NAACP, I WANT TO WELCOME THIS IMPORTANT COMMISSION TO OUR CITY.

THE FIGHT AGAINST THE RESTRICTIVE BARRIERS THAT PREVENT LATINOS, AFRICAN AMERICANS AND ASIANS FROM EXERCISING THEIR MOST FUNDAMENTAL CIVIL RIGHT, -THE RIGHT TO VOTE- HAS BEEN AND REMAINS ONE OF THE NAACP'S MOST IMPORTANT FIGHTS.

OVER THE YEARS THE NAACP HAS FOUGHT AGAINST LITERACY TESTS, GRANDFATHER CLAUSES, LYNCHINGS AND TODAY REMAINS COMMITTED TO FIGHTING AGAINST THE MORE SUBTLE YET EQUALLY INSIDIOUS ATTEMPTS TO DENY CITIZENS OF COLOR THE RIGHT TO VOTE, THROUGH "PACKING," AND USING TURNOUT MODELS TO DETERMINE REPRESENTATION.

WE VIEW THE PRACTICE OF PACKING LATINOS, AFRICAN AMERICANS AND ASIANS IN DISTRICTS AND THEREBY EFFECTIVELY ENSURING THAT NO LATINOS, AFRICAN AMERICANS, OR ASIANS ARE PRESENT IN SURROUNDING DISTRICTS IS EQUALLY REPREHENSIBLE AS THE POLL TAX AND BORN FROM THE SAME RACIST TRADITION.

LIKEWISE WE CAUTION AGAINST EFFORTS THAT ATTEMPT TO SET DISTRICTS USING VOTER TURNOUT ALONE AS A BAROMETER IN

URBAN DISTRICTS, RURAL DISTRICTS AND ALL POOR COMMUNITIES. THERE ARE SIGNIFICANT FACTORS WHICH CONTRIBUTE TO THE DIFFERENCE IN TURNOUT, INCLUDING BUT NOT LIMITED TO VOTER SATISFACTION, WORK SCHEDULES AND MORE OFTEN THAN NOT GIVEN THE ECONOMIC CONDITIONS IN OUR COUNTRY OFTEN TIMES OUR RESIDENTS ARE PREOCCUPIED WITH SURVIVAL.

IN SOME INSTANCES RESIDENTS HAVE MADE THE ^{conscious} CHOICE NOT TO VOTE. HOWEVER, WHEN AN INDIVIDUAL IS ELECTED TO OFFICE HE OR SHE IS ELECTED TO REPRESENT EVERYONE IN THAT DISTRICT; BOTH THOSE PERSONS THAT VOTED AND THOSE THAT FAILED TO VOTE. A PROCESS THAT FAVORS CITIZENS THAT VOTED OVER CITIZENS THAT DID NOT FOR WHATEVER REASON IS FUNDAMENTALLY NOT DEMOCRATIC.

THIS PROCESS HAS BEEN MIRED IN POLITICS ON BOTH SIDES OF THE AISLE FOR TOO LONG. WE, AT THE NAACP AND CIVIL RIGHTS ADVOCATES AROUND THE STATE ARE WATCHING DURING THIS PROCESS AND AFTER TO ENSURE THERE IS INTEGRITY IN THE PROCESS.

IT IS DISENGENIOUS FOR DEMOCRATS, TO ADVOCATE FOR A DISTRICT TO BE CREATED THAT GIVES A LATINO, AFRICAN AMERICAN

OR ASIAN AN OPPORTUNITY TO WIN, AND AS SOON AS THIS PROCESS IS OVER, THE SAME DEMOCRATS ENDORSE A WHITE PERSON TO REPRESENT THAT DISTRICT.

IT IS DISINGENIOUS FOR REPUBLICANS TO SCREAM FROM THE TOP OF THEIR LUNGS THAT DIVERSITY IS IMPORTANT DURING THIS PROCESS, AND THEN AFTER THIS PROCESS THE REPUBLICANS FAIL TO SUPPORT A SINGLE CANDIDATE OF COLOR, EVEN IN A REPUBLICAN DISTRICT WHERE A BLACK REPUBLICAN OR LATINO REPUBLICAN ONCE SERVED.

YES, DIVERSITY IS IMPORTANT IN THIS PROCESS. BUT THIS PROCESS GOES BEYOND THE RHETORIC OF DIVERSITY TO THE PUBLIC POLICY OF EMPOWERMENT FOR ALL. ULTIMATELY, THE MANDATED RESULT OF THIS MAP AND THIS PROCESS IS TO CREATE EMPOWERMENT FOR ALL CITIZENS.

THIS REAPPORTIONMENT COMMISSION IS CHARGED WITH THE TASK OF CREATING DISTRICTS THAT WILL REMAIN FOR THE NEXT TEN YEARS.

WATCHING THIS PROCESS, WE HAVE BEEN IMPRESSED BY THE CALLS FOR EMPOWERMENT OF CITIZENS OF COLOR FROM BOTH SIDES.

BUT I CAUTION EACH OF YOU THAT WE ARE LESS IMPRESSED BY WHAT YOU SAY THAN WHAT YOU DO.

WE HEAR THE CALLS FOR DIVERSITY AND INCLUSION FROM BOTH SIDES.

BUT PLEASE FORGIVE US IF WE ARE CAUTIOUS THAT YOUR CALLS FOR INCLUSION AND DIVERSITY ARE EMPTY PROMISES MOTIVATED BY THE SIMPLE GAMESMANSHIP OF THIS PROCESS.

BECAUSE IF YOU BELIEVE IN FAIRNESS LIKE YOU HAVE CLAIMED IN THIS PROCESS WE WOULDN'T HAVE TO FIGHT FOR FULL FUNDING IN EDUCATION-WHERE IT HAS BEEN DIFFICULT TO GARNER SUPPORT FOR ABBOTT DISTRICTS FROM SUBURBAN LEGISLATORS FROM EITHER PARTY-

IF YOU BELIEVED IN EMPOWERMENT FOR ALL PEOPLE LIKE YOU CLAIM IN THESE HEARINGS YOU WOULDN'T SIT IDYLLY BY WHILE THE GOVERNOR REMOVES THE ONLY AFRICAN AMERICAN ON THE STATE'S SUPREME COURT LEAVING THE COURT WITHOUT COLOR FOR THE FIRST TIME IN NEARLY 30 YEARS

YES WE RECOGNIZE THAT THE STAKES OF THIS PARTICULAR PROCESS ARE HIGH AND IT GOES BEYOND CAMPAIGNS AND

ELECTIONS TO THE PUBLIC POLICY AND LAW THAT GOVERNS THE STATE.

THEREFORE AS THE NATION'S OLDEST CIVIL RIGHTS ORGANIZATION WE RECOGNIZE THAT THE OLD FIGHT TO PROTECT THE RIGHTS OF ALL CITIZENS "VOTERS AND NON VOTERS" REQUIRES THAT WE ARE DILIGENT AGAINST MORE SUBTLE ATTEMPTS TO DISEMPOWER OUR VOTE THROUGH THIS REAPPORTIONMENT PROCESS AND SUBSEQUENT PUBLIC POLICY ENVIRONMENT IT CREATES.

WE REMAIN COMMITTED TO FIGHT ATTEMPTS BOTH OBVIOUS AND SUBTLE TO DENY ALL CITIZENS THEIR MOST FUNDAMENTAL CIVIL RIGHT-THE RIGHT TO VOTE, AND ANY OTHER RACIST INITIATIVE.

AS REVEREND MARTIN LUTHER KING SAID AND AS STATED IN THE MOVIE THE GREAT DEBATERS "THE TIME TO ENSURE DEMOCRACY, LIBERTY, JUSTICE, AND EMPOWERMENT FOR ALL GOD'S PEOPLE IS NOW."

TESTIMONY BEFORE THE NEW JERSEY APPORTIONMENT COMMISSION
Jersey City
February 13, 2011

Hello my name is Gary Haith, I live in Irvington, New Jersey and Thank you for allowing me to have input into this process.

The right to be represented is the most important right in our democracy, because it safeguards all of our other rights. So many of the biggest struggles in our nation's history have been about expanding the right to vote. Because the vote makes so much of everything else possible, people have struggled and fought for that right even before our country was founded.

Thank you for holding today's hearings so that the public can provide input. Since this was announced with enough time for me to make plans, I was able to be here today. I hope you will announce the times and locations for future hearings before this one is over, and I hope you'll make sure they are in all the different areas of New Jersey, so that other people who work and have families, can have this opportunity as well.

Throughout the process, New Jersey residents deserve an opportunity to protect their constitutional rights. Our legislative districts need to ensure what we all know and what people in our country have fought for for centuries: "one person, one vote." Some people have proposed that the legislative map should give more weight to areas with higher voter turnout. For example, four times the number of people voted in the 2009 election in District 9 in Ocean County as compared to District 20 in Union County. Those people say that when you make a new map, Ocean County's votes should be weighted four times as much as Union County's.

I oppose this proposal because it does not adhere to the principle of one person one vote. It will not ensure that all voices are represented – whether African-American, Latino, Asian-American, or white. Should I receive less representation in the legislature because some of my neighbors didn't vote in one election in 2009? I find that deeply offensive to me and my community. I support a map that meets the constitutional standard of one person one vote, and provides fair representation for ALL New Jerseyans, regardless of racial and ethnic backgrounds.

With so much at stake, I urge the committee to protect the rights of all New Jerseyans to participate in this process and, most importantly, ensure that they are fully and fairly represented in your ultimate decision.

Thank you.

Gary Haith
41 Berkshire Place
Irvington, NJ 07111

TESTIMONY BEFORE THE NEW JERSEY APPORTIONMENT COMMISSION
Jersey City

February 13, 2011

Good Afternoon, My name is Yolanda Rosales and I live in Union City.

Thank you for giving me the opportunity to speak here today. The upcoming redistricting of the New Jersey Legislature and the state's Congressional representation will impact a wide range of issues for the next decade. These are issues that are important to me and my family, as well as the families of all the people of our state. Your deliberations also touch on fundamental rights for New Jersey residents – like full and fair representation.

I am here today to ask you to uphold the simple idea of “one citizen, one vote.” The constitution says districts can't have big differences in population. This is so all people have equal representation. Since I believe in equal representation under the laws, I strongly oppose any proposal that would give added weight to certain parts of the state on the basis of voter turnout in one election in 2009 or in one set of elections. It would be a grave injustice for this body to under-represent residents of this state on the basis of participation in a past election.

Instead, I ask you to make a map that makes sure ALL New Jersey residents are fully and fairly represented EQUALLY.

Because your current debate will have such a dramatic impact on our future for the next decade, it is crucial that your meetings be conducted in daylight and away

from back rooms and special interests. There are some simple, common sense steps this commission could take to make sure this happens where all of us can see.

Future hearings should be scheduled today so as we can make sure residents of the state have enough notice to get to these meetings.

I also think the idea of a website is a good one. Comments posted online should be made part of the official record.

Taking these steps will increase our trust in your results and it could lead to a map that more fairly represents the needs and priorities of New Jersey's residents. I hope that your future meetings will strive for a fair and open process and a result that respects the rights and rights of all of New Jersey's residents.

Thank you.

Yolanda Rosales

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Testimony of Myrna Pérez

Brennan Center for Justice at NYU School of Law

**Before the
New Jersey Apportionment Commission
February 13, 2011**

Introduction

Good afternoon. My name is Myrna Pérez and I am a lawyer in the Democracy Program at the Brennan Center for Justice at NYU School of Law. I am also a resident of Jersey City. I would like to thank Assemblymembers Webber and Wisniewski and the rest of the Commissioners for holding this hearing today and considering my testimony.

The Brennan Center is a nonpartisan public policy and legal advocacy organization that focuses on the fundamental issues of democracy and justice. The Center's Democracy Program promotes reforms that foster full and equal political participation and responsive and responsible governance. Our work to eliminate barriers to effective voter participation occurs nationwide and we have been at the forefront of research on election and voting procedures across the country. We have extensively studied redistricting practices nationwide, analyzed both successful and unsuccessful attempts at redistricting reform, and produced materials to educate the public about the benefits and consequences of various redistricting methods. We have testified in hearings with respect to proposed redistricting legislation, and assisted advocates and elected officials in drafting such legislation. In addition, we have participated as *amicus curiae* in many of the major cases addressing the use of redistricting for partisan gain or at the expense of minority voters.

My testimony today will focus on three areas: (1) the need to make the redistricting process more open and transparent; (2) the importance of recognizing and preserving communities of interest in New Jersey, and (3) the importance of assuring that racial and language minorities have an equal opportunity to elect their candidates of choice.

I. New Jersey's Redistricting Process Should Be More Open and Transparent

For communities of all kinds to be fairly represented in our government, the redistricting process must be accountable to the communities being represented. This cannot happen unless the process is open, transparent, and allows for public engagement. To draw districts that represent real communities, the Apportionment Commission must hear from those communities, and consider their input as to how they identify, how they define the values they share, and how they bind together to share a voice and be represented in government. To this end, the Apportionment Commission should explain the criteria used to draft the map, share draft plans with the public, hear comments, answer questions and explain its decisions.

We commend you for holding this and previous hearings. But this is only one step in opening up the redistricting process. Across the country and here in New Jersey, there is broad and consistent demand to increase transparency in the redistricting process. In 2010, a federal bill was introduced to open this process up to the public. Several states have already taken various steps in that direction on their own. In 2002, at least 26 states made demographic or political data available and accessible, and at least 18 provided public access to computers or redistricting software that might otherwise cost thousands of dollars. Many states hold public hearings and some accept potential maps from the public.

To increase transparency and encourage public engagement, we recommend that this Commission:

1. **Conduct at least four more public hearings.** In a state as populous and diverse as New Jersey, there should be ample public hearings in different parts of the state, including the shore towns. At least two should occur after a proposed plan has been developed, but before it has been certified. At your organizational meeting on January 18th, it was proposed that each meeting would be recorded and transcribed. However, since that meeting, only one recording has been made available on your website.
2. **Provide adequate notice.** We are pleased to see that the hearing dates and general redistricting schedule are available on the Commission's website. We recommend that the schedule for plan development also be made public. When a detailed version of the proposed final plan is available, the public should be provided access to the plan – before it is certified – so that it can be revised if necessary.
3. **Make data available.** Beyond just a link to the U.S. Census Bureau's website, all data used in the redistricting process for the development of a proposed map should be made available to the public with ample time for that information to be utilized by the public in advance of the final two hearings.
4. **Consider public maps and comments.** Members of the public should be encouraged to submit maps and comments and those maps and comments should be made public. We are pleased that the Commission has acknowledged the importance of making information available through the internet and allowing the public to submit comments through email. We urge the Commission to take those steps quickly. There should be sufficient time between when a

proposed map is made available to the public and when a plan is certified to allow community input.

5. Explain your reasoning. Though the Apportionment Commission will not be able to respond to each public comment after the plan is certified, the Commission should explain why it drew the map that it did. Not only will this allow the public to evaluate the decision making process, but will also help citizens to understand why their suggestions were not followed by the Apportionment Commission.

II. Districts Should Represent Real Communities

District lines can keep people with common interests together or split them apart. Depending on which people are bundled together in a district, the district lines can make it much easier or much harder to elect any given representative, or to elect a representative responsive to any given community. The Brennan Center believes that to ensure that all New Jerseyans are fairly represented in our government, the redistricting process must recognize, preserve, and be accountable to real communities, or “communities of interest.”

Communities of interest can take on many different forms and can be defined, both by description and boundary, in myriad ways. The Alabama legislative guidelines define a community of interest as an: “area with recognized similarities of interests, including but not limited to racial, ethnic, geographic, governmental, regional, social, cultural, partisan, or historic interests; county, municipal, or voting precinct boundaries; and commonality of communications.”¹ In Montana, where redistricting is also done by a commission, the commission guidelines explain that “communities of interest can be based on Indian reservations, urban interests, suburban interests, rural interests, neighborhoods, trade areas, geographic location, communication and transportation networks, media markets, social, cultural and economic interests, or occupations and lifestyles.”²

“Communities of interest” should not be viewed as “special interests.” Nearly half the states around the country have redistricting criteria which include consideration of communities of interest for state legislative districts, some expressly set forth in their state constitution. Preserving communities of interest has long been recognized as a traditional districting criterion by the Supreme Court, and is a redistricting criterion even older than the Voting Rights Act.³ In fact, the principle of communities of interest forms the basis of many of the other common redistricting criteria: a decision to keep a municipality together, as is required by New Jersey in almost all instances, or to keep a compact group of voters together, is often a proxy for ensuring that people with common interests are grouped within the same district.

¹ ALA. PERM. LEGIS. COMM. ON REAPPORTIONMENT, REAPPORTIONMENT COMMITTEE GUIDELINES FOR LEGISLATIVE, STATE BOARD OF EDUCATION, AND CONGRESSIONAL REDISTRICTING, <http://www.legislature.state.al.us/reapportionment/Guidelines.html>.

² MONT. DISTRICTING AND APPORTIONMENT COMM’N, CONGRESSIONAL AND LEGISLATIVE REDISTRICTING CRITERIA (May 28, 2010), http://leg.mt.gov/content/Committees/Interim/2009_2010/Districting/Other Documents/0148LJFcorrectedcriteria.pdf

³ See, e.g., *Burns v. Richardson*, 384 U.S. 73 (1966); *Davis v. Mann*, 377 U.S. 678 (1964).

To identify communities of interest, we recommend that this Commission:⁴

1. **Call upon the public.** Community members are best equipped to educate and inform this Commission through testimony and comments about their communities of interest. Specifically, the public can and should provide qualitative information about their communities by describing: (a) *physical boundaries* of their communities of interest, including specific streets or other borders, and the relevance of significant places in the community like cultural centers, parks, shopping centers, and other buildings that would serve as landmarks or meeting centers; (b) *commonalities in socio-economic status* like use of media and production and consumption habits, (c) *commonalities in political or representative interests*, like common concerns about crime, the environment, health conditions, or schools, (d) *the existence of community-wide social networks*, like religious activities, parades or festivals, or hosting public concerts or performances, or (e) *common risks*, like environmental dangers or political concerns of the communities.

2. **Enlist the data experts.** Demographers, political scientists, historians, and other experts should also be asked to provide data and information on the parameters of particular communities of interest. The census also provides relevant secondary information on socio-economic status which can help identify a community of interest, for example, *income, education, homeownership, language, media markets, and transportation.*

3. **Work with community organizations.** Community organizations can also provide useful analysis for identifying communities of interest by providing information similar to those provided by public testimonials, only with a broader view. Specifically, organizations can describe: (a) *physical boundaries* of a community of interest as informed by their service or membership base, (b) *commonalities in socio-economic status* like connections to the economy, (c) *commonalities in political or representative interests* as demonstrated by public engagement, like community protests or community meetings, (d) *the existence of community-wide social networks and resources*, and (e) *common risks.*

To recap, the Commission should identify communities of interest, by considering:

- known and agreed upon boundaries;
- demonstrated commonalities in income, education, homeownership, language, media markets, transportation, religion;

⁴ Much of the following analysis is derived from: CAROL OJEDA-KIMBROUGH, EUGENE LEE & YEN LING SHEK, UNIV. OF CAL. ASIAN AM. AND PAC. ISLANDER POLICY MULTI-CAMPUS RESEARCH PROGRAM & UCLA ASIAN AM. STUDIES CTR., THE ASIAN AMERICANS REDISTRICTING PROJECT: LEGAL BACKGROUND OF THE "COMMUNITY OF COMMON INTEREST" REQUIREMENT (July 2009), http://www.aasc.ucla.edu/policy/CCI_Final%282%29.pdf; CAL. COMMON CAUSE, CALIFORNIA'S NEW REDISTRICTING COMMISSION (January 2011), <http://www.redistrictingca.org/wp-content/uploads/2009/12/REdistrictingca-Brochure.pdf>; NAACP LEGAL DEF. AND EDUC. FUND, INC., ASIAN AM. JUSTICE CTR. & MEXICAN AM. LEGAL DEF. AND EDUC. FUND, THE IMPACT OF REDISTRICTING IN YOUR COMMUNITY: A GUIDE TO REDISTRICTING (Aug. 25, 2010), <http://naacpldf.org/files/publications/Impact%20of%20Redistricting%20in%20YOUR%20Community%202010.pdf>; BRENNAN CTR. FOR JUSTICE, "COMMUNITIES OF INTEREST" IN STATE REDISTRICTING LAW (Apr. 25, 2008), <http://www.brennancenter.org/page/-/commentary/Communities%20of%20Interest.pdf>.

- evidence of shared political or representative interests, for example, common concerns about crime, the environment, health conditions or schools;
- the relevance of significant places in the community like cultural centers, parks, shopping centers, and other buildings that would serve as landmarks or meeting centers, and
- the existence of shared public endeavors, like holding parades or festivals, hosting of races or concerts, or public performances.

New Jersey's changing racial and ethnic demographics make it imperative that the Apportionment Commission pays close attention to newly-formed communities of interest.

III. Adhere to the Voting Rights Act

Other witnesses before the Commission have discussed the Voting Rights Act, so I will be brief. The Voting Rights Act imposes certain obligations on the states to protect the voting rights of racial and language minorities, including in the redistricting process. This Commission should pay special attention to Section 2 of the Voting Rights Act, which, among other things, protects against depriving minority voters of an equal opportunity to elect a candidate of their choice. When this Commission draws lines, they must ensure that the redistricting plan does not dilute minority voting strength or the plan will be in violation of the Voting Rights Act. There are legal principles for determining when vote dilution has occurred, set forth in the seminal case *Thornburg v. Gingles*, authored by one of our country's greatest legal thinkers, the namesake for my place of employment, and a New Jersey native, Justice William Brennan.⁵ The 2009 Supreme Court decision in *Bartlett* clarified when states are required to create majority-minority districts under the Act but it should not be forgotten that any state, even when not required to create new majority-minority districts to avoid dilution, are permitted to do so provided that race is not an unjustifiably predominant factor in the redistricting process.⁶ We encourage the legislature and the Apportionment Commission to explore the legal options for assuring that minority communities are protected and represented in the redistricting process and the resulting plan.

Conclusion

These recommendations reinforce three themes: (1) a truly representative outcome will only come if the redistricting process is open and transparent, allowing for public engagement, (2) redistricting should not be reduced to lines on a map or boundaries of census blocks: instead it should be understood as being about communities and their ability to be represented effectively and fairly, and (3) the obligations to provide racial and language minorities the equal opportunity to elect their candidates of choice are not optional.

Thank you again for holding this hearing today, and for allowing us to testify. I am happy to answer any questions you have, and we stand ready to assist you as the redistricting process moves forward.

⁵ 478 U.S. 30 (1986).

⁶ *Bartlett v. Strickland*, 128 S.Ct. 1648 (2009).

Commissioner Zaida Polanco
Passaic City Board of Education
Reapportionment Testimony

- TEN YEARS AGO, REPUBLICANS WERE CALLING FOR MORE OPPORTUNITIES FOR AFRICAN AMERICANS TO BE ELECTED TO THE LEGISLATURE
- YES TEN YEARS AGO, REPUBLICANS SITTING IN THESE SAME SEATS WERE ADVOCATING FOR MORE DISTRICTS WHICH WOULD ENSURE THAT MORE AFRICAN AMERICANS WOULD BE ELECTED TO THE LEGISLATURE
- I AM SURE AFRICAN AMERICANS SITTING IN THE AUDIENCE THEN WERE WONDERING LIKE LATINO MEMBERS OF THE AUDIENCE TODAY ARE WONDERING -WHY?
- WHY WERE REPUBLICANS WITH NOT ONE AFRICAN AMERICAN MEMBER OF THEIR CAUCUS, -WHY WERE THEY SO INTERESTED IN ADVOCATING FOR THE ELECTION OF AFRICAN AMERICANS
- TEN YEARS LATER, ITS LIKE DÉJÀ VU- EXCEPT THIS TIME REPUBLICANS ARE CALLING FOR MORE LATINOS TO BE ELECTED TO THE LEGISLATURE AND WE ARE FORCED TO ASK OURSELVES THE SAME QUESTION—WHY
- IS IT BECAUSE THEY WANT TO ADVANCE PUBLIC POLICY TO BENEFIT THE LATINO COMMUNITY?-THAT COULDN'T BE THE CASE BECAUSE JUST A FEW MONTHS AGO, WHEN BUDGET CUTS WERE PROPOSED WHICH DISPORTIONATELY IMPACTED THE LATINO COMMUNITY THERE WAS NOT A SINGLE REPUBLICAN VOICE THAT ADVOCATED AGAINST THE CUTS
- COULD IT BE THAT THE REPUBLICANS ARE ADVOCATING FOR LATINO DISTRICTS BECAUSE THEY CARE ABOUT ELECTING A DIVERSE LEGISLATURE? THAT CANT BE THE CASE- BECAUSE THERE IS NOT A SINGLE AFRICAN AMERICAN OR LATINO MEMBER OF EITHER REPUBLICAN CAUCUS
- THE ANSWER TO WHY MEMBERS OF THIS COMMISSION AND THE REPUBLICAN PARTY IN PARTICULAR ARE ADVOCATING SO VEHEMETLY FOR THE INCLUSION OF LATINO DISTRICTS IN THE NEW MAP IS BECAUSE THE CREATION OF THESE DISTRICTS THROUGH PACKING, SIMULTANEOUSLY CREATE DISTRICTS WHICH ARE MORE LIKELY TO ELECT A REPUBLICAN.
- SO THIS NEW ADVOCACY FOR LATINOS IS NO MORE GENUINE THAN THE PRO-AFRICAN AMERICAN STRATEGY THAT WAS USED 10 YEARS AGO.

- THIS STRATEGY IS NOT ABOUT ELECTING LATINOS, THIS STRATEGY IS ABOUT ELECTING REPUBLICANS
- WE ARE AS INSULTED BY THIS SHAM ADVOCACY AS WE ARE THE FACT THAT EVEN THOUGH THE REPUBLICAN COMMISSION MEMBERS WOULD HAVE US BELIEVE THAT THEY ARE STRONG ADVOCATES FOR THE INCLUSION OF OUR COMMUNITY, THEY DIDN'T HAVE THE DECENCY TO INCLUDE NOT ONE LATINO TO SERVE ON THIS COMMISSION.
- THE VISUAL OF THE DIVERSITY ON THE DEMOCRATIC SIDE OF THIS COMMISSION AND THE LACK OF DIVERSITY ON THE REPUBLICAN SIDE SPEAKS VOLUMES ABOUT THE SINCERITY OF YOUR CLAIMS.

Hi my name is Louise Wilson from Jersey City. I am a certified Nursing assistant at Liberty House nursing home and a member of 1199 Service Employees International Union which represents over 7,000 healthcare workers statewide. I want to thank you for holding this hearing and allowing me to have my voice heard on this important issue.

I am here today to try to ensure that the new map is drawn on the concept of one person one vote. It is not only wrong but unconstitutional to try and create a map that would disregard the very foundation of representation. I strongly support the allocation of legislative seats on an equal population basis. This should take into account each individual regardless of voter turnout, voter registration status at the time, racial or ethnic background or any other form of disfranchisement.

I am also very glad to see that there have been and continue to be public hearings regarding redistricting. I want to encourage that there are many more throughout the state during this process including after the maps are presented by each side.

Thank you again for your time and for allowing me to speak.

Hi my name is Sheryl Roberts from Jersey City. I am a mother of three children, a certified nursing assistant working the night shift at Hamilton Park Nursing Home and a member of 1199 Service Employees International Union which has over 7,000 healthcare workers statewide. I want to thank you for holding this hearing and allowing me to speak on this very important and imperative issue that will impact New Jersey residents for many years to come.

I am here to represent the thousands of working men and women who are underrepresented in this great state. I wanted to speak today to hopefully prove to my children that democracy works and our government can reflect our rich diversity.

The most recent census figures clearly showed that not only is New Jersey more diverse than ever before but it has spread into every region of the state. This should result in an increase in elected leaders who come from the same diverse background.

There have been some clear and very troubling indications that some people believe the best way to have minority representation is to have limited minority representation by "packing" districts that have the most diverse populations into only a few districts. This is not only wrong but it doesn't properly reflect the growing diversity across the entire state.

Although I ~~do~~ do not have all the answers I know that creating districts that provide opportunity for fair and balance representation could only improve access to and transparency from our representatives. I encourage each of you to be thoughtful in using the census data as a guide for a final and fair map.

Thank you for your time and for giving me this opportunity to have my voice heard.

Testimony of Lewis Webb,
Member, Integrated Justice Alliance
Before the
Apportionment Commission of New Jersey
February 13, 2011

Thank you, members of the Commission, for holding this hearing here today. My name is Lewis Webb and I am the Program Coordinator for the Healing and Transformative Justice project at the American Friends Service Committee, and also a member of the NJ Integrated Justice Alliance, a solution-oriented group of organizations that generates and supports effective public policies before, during, and after incarceration in New Jersey. With me this afternoon is Nicole Plett, Vice President of the New Jersey Regional Coalition, also a member organization of the Alliance.

We recognize and appreciate that you have heard previous testimony in Camden, Toms River, and Newark from five other member organizations in the Alliance who have shared their deep concern for the threats to fair representation raised by prison-based gerrymandering. We are here today with the aid of newly released 2010 Census data that will hopefully allow us to make these concerns even more clear to members of the Commission. We also hope to make the possible solutions to this problem clear this afternoon as well.

Stating the problem again, for the benefit of the members of the public present today, the U.S. Census Bureau counts prisoners as if they were residents of where the prisons are located rather than at their home addresses, even though prisoners cannot vote, and are generally not a part of the community that surrounds the prison. In fact, researchers estimate that, nationally, the Census Bureau has counted almost 2 million people in the wrong place because they failed to count prisoners as members of their home communities.

Assigning incarcerated people to the census block that contains the prison, rather than the census block that contains their home address, also results in a significant enhancement of the weight of a vote cast in districts with prisons and dilutes the votes of residents in districts that do not count prisoners as part of their total population.

This problem of weighting or diluting votes in any district by miscounting prisoners is sometimes hard for people to fully appreciate. After all, we know prisoners cannot vote, so why should it matter where they are counted? However, it is precisely *because* prisoners are not true constituents of the districts in which they are so often counted that we cannot, in good conscience, use them in the process of assigning political power. To do so is to inadvertently use the over 28,000 state and federal prisoners in New Jersey to enlarge legislative districts unfairly.

Moreover, because a significant number of prisoners are not incarcerated in their home districts, their absence due to incarceration weakens the political power of their home neighborhoods and strengthens the power of the residents of other districts in ways that was surely not the intent of the Census Bureau.

For example, earlier this week with the release of the new Census data, we learned that although nearly two-thirds of the state prison population in 2010 came from just Essex or Camden County alone, it is Cumberland, Burlington, and Mercer counties that house the largest proportion of the total state prison

populations, with Cumberland County housing state prisoners at almost 3 times the rate of all other counties in the state.

If we look at the 2010 census data by legislative district, data which the Alliance is submitting to the Commission today for your review, we see a similar pattern. The latest census data show that the location of state and federal prisons in New Jersey are limited to only seven legislative districts, namely, districts: 1; 3; 15; 19; 23; 29 and 30.

The legislative district that housed the largest number of state or federal prisoners at the time of the 2010 Census enumeration was Legislative District 30, which includes Garden State, A.C. Wagner Correctional Facilities and FCI-Dix that together hold over 7600 incarcerated adults.

Second to Legislative District 30 is Legislative District 3, which includes Southwoods Correctional Facility and FCI-Fairton that together hold nearly five thousand people.

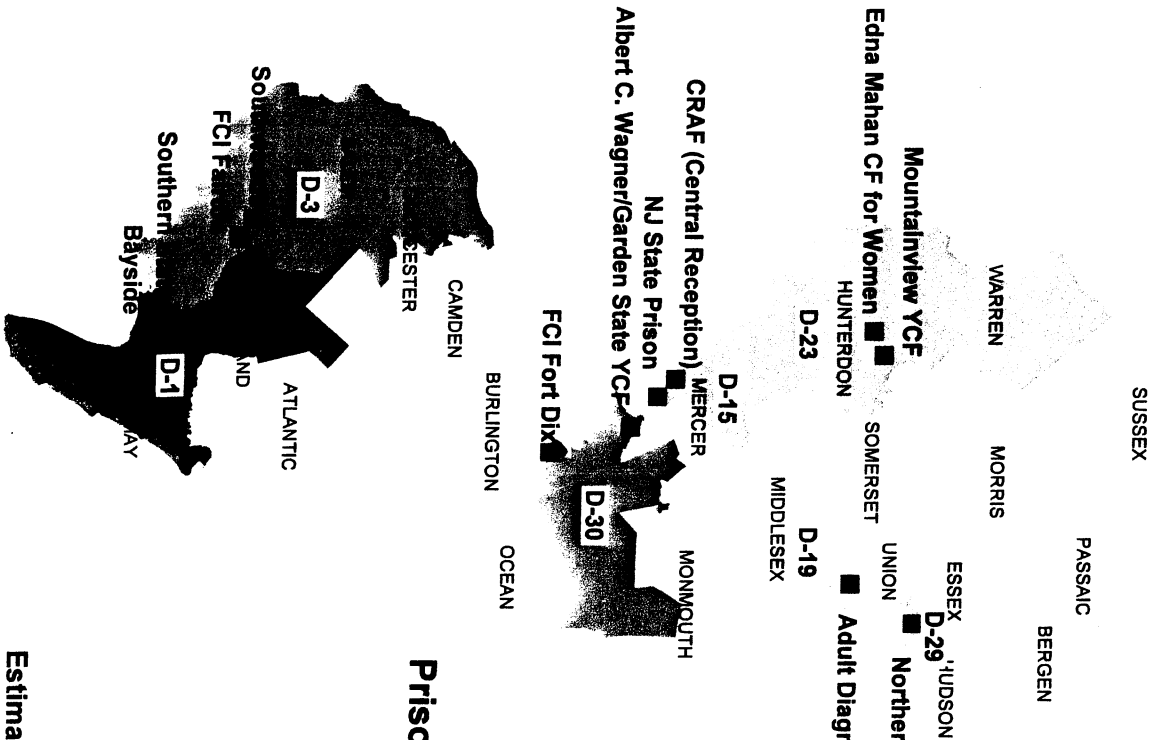
And third is Legislative District Number 1, which includes Bayside and Southern State Correctional Facility, that together house well over 4400 incarcerated individuals.

In all three of these legislative districts, between 90 and 95 percent of those incarcerated are not actually residents of the districts but counted as such.

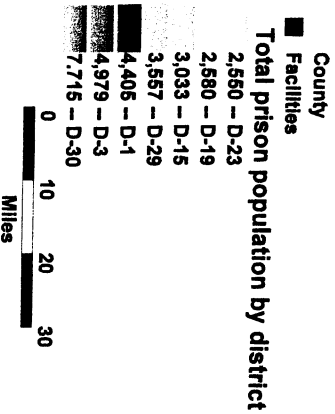
One of the lessons these numbers from the current Census teach us is that if we don't make adjustments to the population counts to consider the location of prisons and the multiple districts represented by the people within those facilities, then we are enhancing the votes of residents living in one district that houses large numbers of incarcerated people from other districts, while diluting the votes of those from all other districts.

In the documents we submit for the record today, we include a table prepared by analysts from the Prison Policy Initiative that lists the exact census block group and tract locations for all of the state and federal prisons, the total adult population, and the racial and ethnic breakdowns for each facility in that state. In addition, we are also submitting a map that identifies and illustrates the current prison population count by legislative district based on the 2010 Census data.

We understand that the Commission is facing serious pressure to work quickly and fairly. In our remaining minutes, then, I turn the floor over to Nicole Plett who will clarify what we are asking the Commission to do to solve this problem.



Prison Population by Legislative District



Estimated from 2010 Census PL 94-171 file (2/11/11)

1910x

New Jersey Prison Population by 2010 Census Geography

Facility	Address	Place	zip	Block	County	Tract	Group	Block	Cong Dist	Leg. Dist.	VTD/Precinct	SD Elem.	SD Sec.	SD Unified
Adult Diagnostic Ctr./E. Jersey State	8 Production Way	Avenel	07001	340230090001010	MIDDLESEX	009000	1	1010	07	019	125305	99999	99999	18120
Albert C. Wagner/Garden State YCF	Ward Ave.	Bordentown	08505	340059818021006	BURLINGTON	981802	1	1006	04	030	35001	03090	11700	99999
Bayside	4293 Rte. 47	Leesburg	08327	340110101031000	CUMBERLAND	010103	1	1000	02	001	45002	09780	99999	99999
CR.A.F.(Central Reception)	Stuyvesant Ave.	Trenton	08628	340210013002001	MERCER	001300	2	2001	12	015	55W03	99999	99999	16290
Edna Mahan CF for Women	30 County Rte 513	Clinton	08809	340190107011049	HUNTERDON	010701	1	1049	07	023	125004	16440	99999	99999
FCI Patton	655 Fairton -Millville Road	Fairton	08320	340110104021000	CUMBERLAND	010402	1	1000	02	003	30004	05040	03620	99999
FCI Fort Dix	5756 Hartford & Pointville Rd	Fort Dix	08640	340057048024043	HUNTERDON	704802	4	4043	03	030	130001	11250	99999	99999
Mountainview YCF	US Rte 22 and Petticoat Lane	Annandale	08801	340190110012044	HUNTERDON	011001	2	2044	07	023	30004	03360	99999	99999
NJ State Prison	3rd and Federal Sts	Trenton	08625	340210024001000	MERCER	002400	1	1000	12	015	55S02	99999	99999	99999
Northern State Prison	168 Frontage Rd.	Newark	07114	340139801001016	ESSEX	980100	1	1016	10	029	70E09	99999	99999	16290
Southern State	4295 Rte. 47	Delmont	08314	340110101031005	CUMBERLAND	010103	1	1005	02	001	45002	09780	99999	99999
Southwoods	215 Burlington Rd. S.	Bridgeton	08302	340110205032043	CUMBERLAND	020503	2	2043	02	003	5203	99999	99999	02250

New Jersey Prison Population by 2010 Census Block Population Detail

Facility	Block	Population	18+_Pop	18+_White	18+_NHWhite	18+_Black	18+_AmInd.	18+_Asian	18+_Hawaiian	18+_Other	18+_2 or + races	18+_Minority	HU_Occ.	HU_Vacant
Adult Diagnostic Ctr./E. Jersey State	340230090001010	2380	2580	902	725	1343	27	11	2	201	89	1855	0	0
Albert C. Wagner/Garden State YCF	340059818021006	3050	3016	532	457	1931	32	23	1	363	126	2640	5	0
Bayside	340110101031000	2246	2246	663	457	1480	4	6	0	80	13	1789	0	0
CR.A.F.(Central Reception)	340210013002001	1134	1133	464	336	543	13	7	3	63	38	797	1	0
Edna Mahan CF for Women	340190107011049	1402	1402	813	739	472	5	10	3	66	32	663	0	0
FCI Patton	340110104021000	1256	1254	278	172	775	15	14	0	121	49	1082	1	0
FCI Fort Dix	340057048024043	4665	4665	2171	1578	1910	35	85	0	339	121	3087	0	0
Mountainview YCF	340190110012044	1148	1145	289	212	649	7	7	0	150	40	933	0	0
NJ State Prison	340210024001000	1899	1899	390	296	1249	32	17	0	114	83	1603	0	0
Northern State Prison	340139801001016	3557	3557	774	445	2511	5	12	0	241	14	3112	0	1
Southern State	340110101031005	2159	2159	583	419	1317	26	12	2	157	57	1740	0	0
Southwoods	340110205032043	3723	3723	1235	851	2277	11	22	0	165	12	2872	0	0
Total		28819	28779	9094	6606	16457	212	226	11	2060	674	22173	7	1



ADDITIONAL APPENDIX MATERIALS
SUBMITTED TO THE
APPORTIONMENT COMMISSION
for the
February 13, 2011 MEETING

Submitted by Myrna Pérez, Esq., representing Democracy Program, Brennan Center for Justice, New York University School of Law:
Justin Levitt, *A Citizen's Guide to Redistricting*, 2010 Edition, Brennan Center for Justice, New York University School of Law @ 2010, www.brennancenter.org.