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# *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"*

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**LOCATION:** Leroy Smith Public Safety Building  
Newark, New Jersey

**DATE:** February 9, 2011  
6:00 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 O'Toole  
Assemblyman Joseph Cryan  
Assemblywoman Sheila Y. Oliver  
Bill Palatucci



**ALSO PRESENT:**

Frank J. Parisi  
*Commission Secretary*  
*Office of Legislative Services*

*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 JOHN S. WISNIEWSKI (Co-Chair):**

Ladies and gentlemen, if you'd take your seats, we'd like to begin.

Good evening, everyone. I would like to call this public hearing of the New Jersey legislative Apportionment Commission to order.

Mr. Parisi, would you please take the roll?

MR. PARISI (Secretary): Certainly, Mr. Chairman.

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.

ASSEMBLYWOMAN OLIVER: Here.

MR. PARISI: George Gilmore. (no response)

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ASSEMBLYMAN CRYAN: Here.

MR. PARISI: Vice Chair Irene Kim Asbury.

MS. KIM ASBURY: Here.

MR. PARISI: Vice Chair Nilsa Cruz-Perez.

MS. CRUZ-PEREZ: Here.

MR. PARISI: Co-Chair Jay Webber.

**ASSEMBLYMAN JAY WEBBER (Co-Chair):** Here.

MR. PARISI: Co-Chair John Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Present.

MR. PARISI: You have a quorum.

ASSEMBLYMAN WEBBER: Chairman, if I might, Chairman (*sic*) Gilmore is out of state on business, otherwise he'd be here. He sends his regrets.

ASSEMBLYMAN WISNIEWSKI: We'll note that in the record.

ASSEMBLYMAN WEBBER: Thank you.

ASSEMBLYMAN WISNIEWSKI: We had that discussion early on that sometimes it's not possible for everybody to make all of these. So we understand.

The first order of business is, I would like to talk about our procedure tonight just so that everybody is clear and has the correct expectations.

First of all, as a housekeeping measure, if you have a cell phone or pager -- if you would be so kind as to either switch it off or on to silent so as to not interrupt the testimony. If you are interested in providing testimony to the Commission, there are white sheets at the table in the foyer. If you would fill one out with your name and your affiliation, and hand it to Mr. Parisi or one of the staff members, we will then be able to know you wish to speak and call upon you. If you have any prepared remarks, we'd appreciate it if you would provide that to us as well.

We are going to try to have a five-minute time window for each individual or group of individuals who testify. We understand that you may wish to speak longer. We'd like to make sure everybody here who has come tonight has that opportunity. And so after everybody has had that opportunity, and you feel the need to say additional remarks, we will certainly entertain that. Sometimes someone in front of you may come up

and make precisely the point that you came here tonight to make. And while we do not want to deny anyone the opportunity to come up, it would certainly facilitate the process if you would acknowledge that that point has been made, associate yourself with those remarks, provide any written comments you have as opposed to just repeating the exact same testimony. It's your call. Everybody has five minutes. Mr. Parisi will be keeping the time.

We have one housekeeping item that we have to take care of at the outset with regard to the preparation of the minutes. Is there a motion?

ASSEMBLYWOMAN OLIVER: So moved.

ASSEMBLYMAN WISNIEWSKI: And the motion is to have our minutes prepared by the Office of Legislative Services as opposed to an outside agency.

Is there a second?

MR. PALATUCCI: Second.

ASSEMBLYMAN WISNIEWSKI: Roll call, Mr. Parisi.

How about we just say all those in favor? (affirmative responses)

And the opposed? (no response)

Carried.

With that, I'm going to make an opening statement; and I know that Chairman -- Co-Chairman Webber has one; and then we will start with our testimony.

Tonight marks the first North Jersey public hearing of the New Jersey Apportionment Commission, and the third overall public hearing of the Commission. I would like to thank Essex County Executive Joseph

DiVincenzo for the hospitality in this very spacious meeting room, very conveniently located, and all members of his staff who helped make this evening possible; as well to Frank Parisi, and the Office of Legislative Services and their staff who are here tonight facilitating the transcription of the record and providing the microphones; and the support staff.

As I said before -- but it bears repeating for those of you who have not come to this hearing prior to tonight -- the Apportionment Commission is established under Article IV, Section III of our State Constitution and is charged with the mission of adopting a map that is going to reflect New Jersey's legislative districts for the next 10 years.

The process, which is, again, constitutionally prescribed, starts with the receipt of Census data by this Commission. That happened last Thursday. And so with that event, this Commission is given no later than two months to adopt a map that will govern legislative elections from this November 2011 through November of 2019. Our deadline for crafting this map is probably the most compressed anywhere in the United States. We are the first ones to engage in this process, and we will be the first ones to have a map. Other states will follow suit, but we are operating literally under a 60-day clock, and there are 53 days left in that 60-day clock from today.

The Commission is comprised, by the Constitution, of five Republicans and five Democrats. And if it appears within 30 days that both sides cannot reach an agreement on a new map -- which has incidentally, historically been the case in map making in New Jersey -- an 11th member of the Commission is appointed by the Chief Justice of the

New Jersey Supreme Court. And that will happen no later than one month after the Census data was received, so roughly March 3 or thereabouts.

One of the things to bear in mind is, our model of redistricting is superior than just about any other state, because we have a Commission. Thirty-seven states assign the legislature the responsibility of preparing a bill and drafting a legislative map. And having the 11th member as a tiebreaker provides a neutral prospect against placing partisan interests against the public interest in this process.

In fact, although the redistricting process in New Jersey and across the country has been considered a political exercise, it should be reminded that the responsibility in drafting this map is not for the political purpose but for the people. To that end, there are legal parameters and criteria that we must abide by in order to protect against improper map making. We must comply with the one man, one vote standard for legislative maps. Those districts that we create must be compact and they must be contiguous.

It's also appropriate to consider prior core districts from the existing map and communities of interest throughout the process. And, of course, our map needs to comply with Section 2 of the Voting Rights Act. It cannot be discriminatory in any way, shape, or form. In short, the map we adopt must be fair and must be constitutional, and it must look forward, not backwards.

With that in mind, we are here to craft a new map for the next decade, not look at the map from the last decade. Given our short timeframe, our attention and focus must be on moving forward, not backwards. Public input in this process is essential. That's why we're here

tonight, that's why we had two prior hearings and we have one scheduled for this Sunday in Jersey City.

Chairman Webber and I are pleased to announce that the Commission's official website, [www.apportionmentcommission.org](http://www.apportionmentcommission.org), is now up and running. It includes background information on each of the Commission members, our process, our timetable. For those who did not make the prior hearings, it includes transcripts of those hearings. It includes documents from the prior meetings and notices for future meetings.

Also, the site allows for public input. At some point tonight we will run out of testimony, and the lights will be shut off. But the hearing will continue, because the website will allow anyone here, anyone who is not here, anyone who can't make it to these hearings to continue to provide us input -- either with written comments, or they can submit documents at that website.

Both Democrat and Republican Commissioners, at the last hearing, agreed to invite Dr. Alan Rosenthal, who is widely considered the presumptive 11th member, to this hearing and to the Sunday hearing in Jersey City. Dr. Rosenthal has respectfully declined that invitation. That's okay. Dr. Rosenthal, as the 11th member, will have a role in this process at some point when the 30 days expire. And he has indicated an interest in participating in public hearings when his role becomes official.

I'm confident that the level of public input we have during this process, including suggestions through the Commission's website, will lead to a new level of public participation that has not existed in this process in the past.

Let me conclude by saying that: From the ultimate map must emerge a legislative body reflective of our state, our people, and our diversity, and our political views for the next decade. We are charged with meeting the Constitution's mandate that every person's franchise is of equal weight. We must allow for a meaningful opportunity to elect a Legislature which will reflect the faces of our neighbors and encourage emerging communities to participate in our representative government. A map which fails to do so fails our mandate and fails our citizens.

Thank you.

Co-Chairman Webber.

ASSEMBLYMAN WEBBER: Thank you, Chairman Wisniewski.

My name is Jay Webber. I'm the Chair of the Republican delegation to the Apportionment Commission.

Chairman Wisniewski gave a fairly thorough overview, so I don't want to go over too much of what the Chairman has already touched on.

I do want to echo his gratitude to the Essex County administration and County Executive DiVincenzo for inviting us and for hosting us. We're off to a great start, in large part due to you and your staff. So thank you very much.

I want to thank everyone who has come out on a very cold evening in February to be a part of this process. It only comes around once a decade. And that we could fill a room in Newark with interested citizens who want to learn more about this process and be involved in the process, I think, says a lot about our democracy in New Jersey. Public input is an

important part of this process. We appreciate you coming out; we look forward to hearing what you have to say: (a) we want to know what's on your mind, (b) we need your help.

We know that the map that we currently have -- the 40 districts in New Jersey that determine who the representatives are in Trenton -- both in the State Senate and the General Assembly -- are going to change, and they're going to change pretty significantly. In the last decade, we've seen demographic shifts and changes in our state. And the new map that we end up drawing will have to reflect those demographic changes and those demographic shifts.

Chairman Wisniewski alluded to some of the legal parameters that we have to respect as we draw this map. The United States Constitution's one person, one vote requirement; the State Constitution's requirements for keeping municipalities whole to the extent possible; and, of course, the Federal Voting Rights Act are three of the main legal parameters that we have to abide by. And there have been changes in each of those bodies of law in the last decade. The U.S. Supreme Court has come down with several decisions that will materially affect the way we do our work over the next 57 days -- whatever it is -- if we need that long. And so the legal parameters under which we work have changed dramatically, and that means the map is going to have to change dramatically to reflect that.

I want to echo, again, the Chairman's sentiments about the unprecedented nature of the open process that we're undertaking. We expect to have more public hearings than any Apportionment Commission has ever had. The website is, I think, an excellent development, and we

thank OLS for helping us develop it. But you're welcome both tonight, to participate through your testimony and also through our testimony, and going forward at future hearings -- Jersey City being the next one, on Sunday afternoon.

So with that, Chairman, I look forward to a lively session. And I throw it back to you.

ASSEMBLYMAN WISNIEWSKI: Thank you, Chairman Webber.

Speaker Oliver.

ASSEMBLYWOMAN OLIVER: Yes, thank you, Chairman.

Good evening, everyone, and welcome to this very important meeting -- this public hearing.

This is a once-a-decade process that is vital to the importance of our state. We all have differing views on public policy, but this much is clear: This exercise will determine the direction those and any number of other policies will go in New Jersey during the next 10 years. Which means, of course, that the outcome of this process must be a legislative map that is fair to every New Jerseyan; and enables a Legislature that actually looks like our state to exist, rather than packing minorities into as few districts as possible, as some would prefer. This map must be constitutional, it must be forward-looking, and it must give you a Legislature that is attuned to your life and to your needs. That's why your input is needed.

So I thank you for taking the time to speak with us tonight. As Chairman Wisniewski indicated, just last week the U.S. Census numbers for New Jersey were released. The hard work now begins to create a new legislative map that mirrors how New Jersey actually looks. We cannot

allow once-in-a-decade lip service to diversity to serve as a substitute for actual commitment to it. We must implement a map that allows the diversity present in our daily lives to be reflected. We must reject any strategy that limits that possibility. We rejected that possibility 10 years ago, and we have since seen an unprecedented influence of African-Americans and Latino legislators in Trenton.

Under the current map, we've had the first Latino Assembly Speaker, just the second in the nation, in now Congressman Albio Sires. I, myself, have had the distinct honor of becoming the first female African-American Speaker of the New Jersey General Assembly, just the second African-American woman to lead a state legislative house in this nation. I can point out that my legislative district, the 34th, has consistently elected two African-American legislators in the district throughout the decade, while having only one-third of its registered voters African-American. We've seen the election of the first Asian-Indian legislator, Upendra Chivukula, just the fourth in our nation's history. Fifty-six percent of the legislative committees in Trenton are either chaired or vice chaired by a minority legislator. Clearly, we have more work to do, but we should not turn the clock back during this process with a map that would pack minority citizens into as few legislative districts as possible.

Again, on behalf of the Apportionment Commission, I would like to thank you for coming out this evening. We're very pleased to have the opportunity to hear from you; and make certain that the commentary you place on the record will certainly be influencing our deliberations.

Thank you very much. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, Speaker.

Commissioner Asbury.

MS. KIM ASBURY: Yes, thank you, Chairman.

Thank you, Chairmen, and thank you, Speaker Oliver for giving us--

SENATOR O'TOOLE: Irene, pull that closer to you so they can hear you. (referring to PA microphone)

MS. KIM ASBURY: All right. Thank you, Chairmen; thank you, Commissioners, and Speaker Oliver for giving us all something to think about as we go into this process.

I agree with Speaker Oliver. We need to bring more attention to the changes in New Jersey's minority communities, which have grown in the last decade. Hispanic and Asian-American populations have increased considerably, while the African-American population is almost 14 percent of the state. All this means that first, minorities are a presence in New Jersey that should have the opportunity to represent their communities at these public hearings. And second, the old legislative map drawn 10 years ago must be adjusted to reflect the changing face of this state.

Speaking as someone who lives in the most diverse areas in the country, I look forward to this open process. I'm committed to improving minority community access to government services, and this Commission is no exception. We all need to hear your views so that we can keep it 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, all of us can't wait to hear from the public. We look forward to your input, and we all look forward to working with the many faces of New Jersey. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, Commissioner.

Next, I'd like to recognize, for opening remarks, our host this evening. We are in the County of Essex. We are in one of the very nicely renovated buildings under his stewardship that Essex County is proud to have as the home of its government offices. Please welcome County Executive Joe DiVincenzo.

**C O U N T Y E X E C . J O S E P H N . D I V I N C E N Z O J R :**  
Thank you, Chairman Wisniewski and Co-Chairman Jay Webber.

First of all, I want to thank all the Commissioners, the Democrats and Republicans--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can't hear you. Speak up.

COUNTY EXECUTIVE DiVINCENZO: This is my mike too. (laughter) This is my county.

Can you hear me now? (affirmative responses)

UNIDENTIFIED SPEAKER FROM AUDIENCE: We hear you now.

COUNTY EXECUTIVE DiVINCENZO: I just want to welcome -- I said the Chairman Wisniewski and Co-Chairperson Jay Webber, the Democrats and Republicans, the Commissioners. You just saw Speaker Oliver and Vice Chair Asbury -- democracy in action. I mean, I love it. To be able to host this Commission meeting right here in Essex County -- in Newark, New Jersey-- I just want to thank you all for allowing

us-- I know we have a lot of Essex County residents here, but I also know there are residents throughout the State of New Jersey who are going to share their opinion with you on the way things should be. And I think it's great. And there's no question you have a very, very difficult job every 10 years. You can't make everyone happy. We all understand that. But you're going to try to do -- put the best possible map for New Jersey-- And I know -- I trust you are going to do a great job in doing that.

This particular facility here, believe it or not, was a jail. This was the old Newark Jail. We renovated this facility into what it is today, an office building. We have the Appellate Division, which wasn't in Newark for 25 years, is now seated right here at this complex. We have the New Jersey State Homeland Security here; we have our prosecutor, sheriff, and all our authorities here. And we're bringing in approximately \$1.7 million of revenue. And, of course, it overlooks the beautiful Society Hill here. And we actually took down a garage and built a park to be part of this beautiful complex.

So we're thrilled to have you here. I'll be listening to the testimony that is coming here. And I want to wish you all the very best, and thank you for making Essex County and Newark -- to be able to host this meeting.

Thank you very, very much. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, County Executive. Thank you for your hospitality.

I'd first like to call up Senator Teresa Ruiz.

**SENATOR M. TERESA RUIZ:** Good evening, everyone, and thank you for holding tonight's hearing in the great City of Newark, the great County of Essex, and certainly the greatest district in the state.

The decision you make during this process will impact our residents greatly, and I want to thank all of you for committing yourselves to this fair process.

Our population is large, and it is incredibly diverse. In fact, the strength of our entire state comes from its diversity, and so too must the strength of the Legislature. Latinos and African-American's together represent at least one-third of the population in 19 of our current 40 legislative districts. Statewide, we represent fully 30 percent of the population. New Jersey now boasts a Latino population in excess of 1.5 million residents, almost one in five New Jerseyans. Latinos now constitute over 10 percent of the population in 25 of our 40 legislative districts, and yet in the State Senate, there is only one Latina voice, mine. Before January of 2008 when I was sworn in, nearly 16 years -- 16 years -- had passed since the last Latino voice was heard in the Senate Chamber. It is extraordinary, it's profound, and certainly not right. It must be corrected.

While we work toward this goal, we should not overlook the strides that have been achieved: New Jersey's first Hispanic legislative presiding officer, Albio Sires; Commissioner Oliver, New Jersey's first African-American woman Speaker of the Assembly and only the second in the United States history -- we are so proud of you; Commissioner Nilsa Cruz-Perez, the first Latina to ever sit in the General Assembly, even though more than 80 percent of her prior legislative district was of non-

Hispanic voting age; and I, the first Latina elected to the Senate despite the fact that over 60 percent of my district is non-Hispanic voting age.

The current map, which does not endorse packing, produced the highest percentage of African-American, Latino, and Asian-American legislators in the history of New Jersey. We believe it is not necessary to concentrate minority citizens in order to elect minority legislators. Keep in mind that in the 1960s, prior to the one person, one vote decisions of the U.S. Supreme Court, our State Legislature was 99 percent white. We need to look for a map that is fair to the population as a whole. We need to build on the process we have made over the previous decades and not turn back the clock. Packing is not progress.

If you insist on minority packing in the name of strengthening one ethnic group's voice in one area of the state, you are inevitably diluting minority voices in another. As we have proven time and again over the past decade, New Jerseyans will vote for the candidates they feel will best represent their interests and communities, and that is what matters. People will always ask me, "What do you think is the most important task at hand when you enter the Senate Chambers?" And in addition to creating great legislation, fostering great community partnerships from one state to another, it is always at the forefront that I have an opportunity to make the decision -- policy-making tables in the State of New Jersey more reflective of all of our communities.

Maya Angelou stated, "We all should know that diversity makes for a rich tapestry. And we must understand that all the threads of the tapestry are equal in value, no matter what their color."

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, Senator.

Senator Ron Rice.

**S E N A T O R   R O N A L D   L.   R I C E:** Thank you, Mr. Chairpersons and committee for having this hearing and the others you're going to have.

Let me preface my remarks, because I know we're on the record -- and I also know this record is going to be probably presented in a court of law. Hopefully it doesn't, but it probably will. And the Supreme Court may not get an opportunity to see me. So I need to preface my remarks by letting the court know I'm an African-American State Senator.

I also want to say that Assemblywoman Louise Spencer could not be here tonight. She wanted to testify. She's in court as an attorney.

Let me just try to give -- use me as an example of what my expectations are and the expectations of our Civil Rights groups in this state, and those of us who are coalescing, trying to protect the interest of all incumbent legislators and candidates who may be running in our various districts.

I want to thank the committee for giving me an opportunity to go on the record today regarding the 2001 redistricting of the legislative districts here in New Jersey. What I personally know about and have experienced as an African-American candidate for the elected office -- for elected office, and as an incumbent Senator, would take many hours to articulate on this record, believe me.

However, I want the record to reflect what the present members of the Legislature appointed to this committee -- because some of you were around during that period of time -- already know: and that is what

occurred in the 2001 redistricting process of redrawing the legislative districts' boundary lines. What occurred during the 2001 redistricting was a clear violation of the 1965 Voting Rights Act in the 28th Legislative District -- which I represented and still represent -- and perhaps elsewhere in the state as well.

As a resident of the City of Newark's West Ward community for over 37 years at that time, and a resident of Newark for 46 years at that time, I served as the first African-American city councilperson -- member -- representing the West Ward for 16 years, and was serving in my 15th year in the New Jersey State Senate during the 2001 redistricting period.

In my capacity as the West Ward councilman and State Senator, I clearly served a diverse community of interest. In 1986, when I was elected and entered the New Jersey State Senate, it was the first time in the history of this state that two African-Americans ever sat in the Senate House and Chambers at the same time to represent communities of interest with a large middle class, low-wage earners, and destitute population. Imagine that, in the history of this state, it was not until 1986 that two black Senators out of 40 -- and that was Senator Lipman, for those who don't remember -- sat in the Senate -- ever sat in the Senate at the same time. And so it represented -- it showed what our history of struggle has been here in the state, and it also showed history of violations in this state up until that point in time.

Today, the 2001 (*sic*) redistricting -- in the year 2001, there were only four African-American Senators out of a 40-member Legislature. There were five; there were six at one time. There are only 11 African-American legislators in the New Jersey General Assembly. Now, to me and

many taxpayers and voters in this state, this is disgraceful and continues to reflect the political bias of the Democratic and Republican party. It is also a reflection of the bias of the Democratic and Republican political parties' State and county chairpersons -- some corrupt political bosses, and you have that on the record, are lurking behind the scenes, and the politics of wealthy political candidates and power brokers.

And so I'd like to be honest on this record for the court. In 2001, in the 28th Legislative District, for example -- at that time it was Newark's West Ward, Irvington, Maplewood, South Orange, and some other parts of Newark -- the lines were drawn to change the district boundaries politically, primarily because bosses didn't like Ron Rice, the Senator. And I'm sure the Essex County residents here who know me would tell you that. Thus, a community of interest that had the opportunity to elect a candidate of their choice for years -- an African-American Senator -- was all of a sudden denied that opportunity because power brokers and party bosses didn't like the community of interest, which is clearly a violation of drawing lines. You don't draw lines for that reason -- because of who likes who in this process in any party.

The district lines were drawn to eliminate me as the incumbent Senator and candidate of choice by removing a substantial number of residents that made up the community of interest for whom I speak today and where I still live. I had represented this community of interest, who happen to be my neighbors, in one capacity or another for years. The district wasn't supposed to be drawn to pit one minority -- and we can't be doing this in this redrawing -- against another minority: an African-American Senator against a Latino Assemblyman.

The Assembly candidate was even moved from one town -- South Orange -- into the old 28th Legislative District, to a section of Newark where the political bosses wanted the new lines to be drawn. They just happened to go in front and change that a little bit. In drawing the new line in the 28th Legislative District, a population of approximately 20,000 residents in Newark who are, to this day, my neighbors, were denied an opportunity they had enjoyed since 1982: electing an African-American Senator and a candidate of choice. I was only the second African-American male to ever serve in the State Senate. The first served in 1966 under a different form of government.

The 2001 State redistricting committee violated the 1965 Voting Rights Act, as well as the basic principles and rules in drawing legislative boundaries. One of the rules violated was that of *contiguity*. Contiguity is the principle, as you should know as members, that simply creates a district where you can travel from one point in the district to any other point in the district without crossing the district boundaries. It is where all parts of the district connect, basically. Contiguity is one of the most common rules -- if you don't know, I'm telling you -- for drawing district lines.

Another traditional redistricting principle that was violated was known as *compactness*. Compactness, for the record, is the common rule for drawing a district that directly addresses the district's geometric shape. A district is generally considered compact if it has a fairly regular shape with constituency all living relatively near each other. Presently, in my district -- and this is why I'm bringing this up. I live on the last street in Newark's West Ward, in the Vailsburg section, which touches the Township of

Irvington, which is also my district -- part of my district. However, in the City of Newark, my neighbors, my community of interest who live there -- who live three blocks -- three blocks -- from my house can no longer vote for me as their candidate of choice. For over 16 years, they had that choice, and in 2001 that choice was taken away from them.

So, in closing, I want to leave this for the record: I want the committee to know and understand this. My story is an example of what the committee cannot allow to happen to any member of the Legislature, particularly the few members of color, for the reason I just cited. Our Civil Rights organizations, members of the New Jersey Legislative Black Caucus -- which I'm Chair -- and members of our community -- we will not allow this to happen to any of our incumbent members without a court challenge to the new map under the 1965 Voting Rights Act the Constitution and case laws govern.

As an incumbent Senator and victim of the redistricting process, as well as Chairman of the New Jersey Legislative Black Caucus, working with our Civil Rights organizations, the United States Justice Department -- and I've been in contact with them, they're monitoring things we send to them -- I send to them -- and statewide clergy members, and members of our community in general, I want the record to reflect that the hue and cry of the black community is that the drawing of the new legislative boundaries does not violate, number one, the 1965 Voting Rights Act, Section 2, which among other things prohibits laws and/or practices that deny minority voters an equal opportunity to participate in the political process and to elect representatives of their choice; cannot violate the basic principles and rules of redistricting, such as community of interest,

contiguous, and compactness. I want the record to also reflect, on behalf of our taxpayers, voters, and residents in general, we expect the new map to be fair and just. People of color should not be disenfranchised under the new map. We want it to reflect and meet the goal of protecting the interest of minority voters. Minority incumbents and candidates should not be pitted one against the other.

Looking at and analyzing the Census data, most of the legislative districts do not need to change. Now, I have the same data you have, because of my relationships at the Federal level, that we're analyzing. The districts that incumbent minorities represent presently do not need to change in most cases at all, nor do the districts of nonminority incumbents and candidates. Where change, based on the diminution of the population or increases in population, exists, the necessary change needed to be made to meet that 220,000 center mark population, with a 5 percent deviation up or down, okay -- and I'm going to end this -- it is clear that they only have to be changed very minimally. And for the record, it happens to be districts 2, 3, 9, 12, 14, 17, and 30 where the population has increased; and districts 10, 11, 15, 27, 29, 32, and 34 where the population has decreased.

Finally, I want the record to reflect that I'm requesting to this redistricting committee, via this public hearing, for the record -- whether it happens or not -- that you consider, in good faith, to reach out for a member of the Justice Department to sit at these public meetings and private meetings to monitor conversation.

With that, Mr. Chairman, I'd just like to thank you for the opportunity. And I want to emphasize that we're looking at maps. I'm looking to draw maps, I'm working on drawing maps that minority districts

and nonminority districts -- the majority do not have to change. So I disagree with a significant change, Mr. Co-Chair. That may be your position, but we do numbers too and we're going to remind you.

Thank you very much. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, Senator.

And we have a copy of your written remarks, and they'll be part of the record as well.

Thank you, Senator.

I'd like to next call, from the New Jersey Redistricting Coalition, Jerry Harris.

**J E R R Y H A R R I S:** Mr. Chairman, members of the Commission, again, I thank you for the opportunity to--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can't hear you; speak up, please.

ASSEMBLYMAN WISNIEWSKI: Just bring it real close to your mouth. (referring to PA microphone)

MR. HARRIS: Okay. I want to thank you again for the opportunity to comment on the process. You have, on the record, testimony prepared by the New Jersey Redistricting Coalition. As you know, when we appeared before you in Ocean County and in Camden, we indicated that the Coalition consisted of groups of Latino and African-American caucus members. We have since grown to include representatives of the Asian community.

We are encouraged by you posting the -- setting up your website, which provides information. But I again request that you include

on that website the ability for individuals to have mapping capacity to compare, and I have not seen your response to that.

There are a number of issues that have arisen repeatedly, and one is whether or not the question of the voting dilution possibility could appear by virtue of what you have -- what the Census data suggests. I want to reaffirm what we said earlier. We believe that voting rights -- the Voting Rights Act standards can be met. Districts can be drawn to increase the opportunity for the African-American, Latino, and Asian community, which represents almost 40 percent of the state population, to have a higher number -- higher proportion of the Legislature reflect the state's diversity. And also, to remind you -- something that you probably don't have to be reminded of -- that the individuals in the Legislature, when they are elected, are elected to represent all of the individuals in that district, not just the individuals who vote for them. And with the increased diversity of the state, it becomes incumbent upon this body to draw a map that creates not only a fair map for what appears to be the numbers in 2011, but what will emerge as the communities of color continue to grow.

I'd also like to have the opportunity to have Tom Jackson, the Co-Chair, speak.

ASSEMBLYMAN WISNIEWSKI: Just bring the microphone real close to your mouth.

**T O M J A C K S O N:** Thank you.

I will make this brief. I do want to echo the fact that we want to make sure that, whatever map emerges, it does maximize the opportunity for minority districts to be able to elect representatives of their choice.

I want to be real clear here. It is clear from today's statistics that minority communities of color represent more than 40 percent of the voting electorate here in New Jersey. And as a result of that, we want to see that translate into a larger percentage and, at least, 40 percent of the representatives in the New Jersey Legislature. We think that is fair and equitable. We think that's fully defensible under the Voting Rights Act, and we'll be looking very carefully at it.

We are a Coalition of diversity, we are a Coalition that is paying very close attention to what this Commission is doing. And we want to make sure that we emerge with a voting electorate that can have its voice heard.

Thank you.

MR. HARRIS: And one final point: When the 11th member is appointed, should that be necessary because you reach impasse, we are requesting that the body hold public meetings during that phase. In prior processes, what has happened is, the Commission has had public meetings; once the 11th member has been appointed, there has not been public opportunity to comment. And we urge you to make that part of your deliberations moving forward.

MR. JACKSON: Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you. Thank you for your testimony. (applause)

Assemblyman Al Coutinho.

**A S S E M B L Y M A N A L B E R T C O U T I N H O:** Good evening, Chairman Webber, Chairman Wisniewski, Commissioners.

Let me begin by thanking all of you for agreeing to serve on this very important Commission. The work that you're going to be doing will affect our state for the next decade, and it is of critical importance.

I will be brief this evening, but there are basically three points that I'd like to make that I believe are of fundamental importance. First of all, I'd like to call your attention -- you are in the 29th District by the way, so welcome here to my district. And we are about three blocks away from Rutgers-Newark University, which is the most ethnically diverse university in the United States of America.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Speak up, we can't hear.

ASSEMBLYMAN COUTINHO: I think that that is a great example of, you know-- The greatest strength that New Jersey has is its diversity. And so without question, the number one responsibility that this Commission will have will be to make sure that the New Jersey State Legislature is reflective of that.

Now, while the map that was done 10 years ago has done a good job -- and we've heard already from Speaker Oliver, Senator Ruiz, and others about some of the successes in getting minorities into positions of leadership -- the truth be told -- and you've already heard testimony -- that there is much more that needs to go. We are almost half of the way there only.

Now, while I'm aware that there are mandates that limit what can be done, I think it is imperative that this Commission, at the very least, does nothing to affect the minority representation and does everything it

can to make sure that we could increase minority representation throughout the State of New Jersey.

I'm very proud to be the first Portuguese-American in the history of the New Jersey State Legislature. And if I can, when we talk about communities of interest and how critically important that is, my home community -- which is the East Ward of the City of Newark, approximately 60,000 residents -- did not have a State legislator for 50 years. During those 50 years, that community had two prisons, two methadone clinics, a garbage incinerator built into it, and became the community with the lowest amount of green space per capita in the United States. Okay? This is what happens when communities of interest are not represented.

And I ask that you please look carefully at these issues throughout every corner of the state to make sure that people have a voice. It's not just the ethnic groups, it's-- There are very specific communities of interest we need to make sure have access to this critically important process.

The second point, which not as many people talk about -- which I know goes into a lot of your deliberations -- is the history of voter turnout. And I will tell you that, again, given the way that some poor communities function, people do feel a sense of hopelessness in their realities so that, necessarily, turnout in non-crucial elections, as they would put it -- I would argue, of course, every election is crucial -- is not what it should be. I would ask that you look at the number of people in a district and really pay much less attention to the issue of voter turnout. To the extent that we want to see the true sentiment of the state, I think that the

statewide elections -- be it for President, or United States Senator, or Governor -- are much more reflective than necessarily turnout numbers in other elections.

And lastly, because I do want to be brief -- I know everybody here has a long evening ahead of them -- I would ask that you move to engage the 11th member as quickly as possible. I think that we all understand how this process works -- the tremendous interest involved. And to the extent that this individual will be a critical piece of defining that final map, I think that it's important we officially bring him on board and let him have access to these public meetings, to participate in every single way he can, so that the final product is as fair and as thought-out as possible for the entire State of New Jersey.

I thank you very much for giving me the opportunity to speak. And hopefully, if you don't get out of here too late-- You know, we do have some of the best restaurants in the entire state here in the Ironbound. (laughter) So make sure you get a chance to get down there.

Thank you very much and good luck with your very important work. (applause)

Thank you.

ASSEMBLYMAN WEBBER: Assemblyman, I don't care about the restaurants. How are the bakeries? (laughter)

ASSEMBLYMAN COUTINHO: The bakeries are also the best in the state.

Thank you very much, everyone.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.

Just a housekeeping note: We have 40 individuals still signed up to testify. And so, again, I just want to repeat we're trying to keep everybody to five minutes. If somebody makes your point, come on up and tell us that they've made your point. But try to summarize to the degree possible, especially if you have written testimony that will become part of the record of this Commission. And so if you have written testimony, please come up and summarize it as opposed to reading it word for word.

I'd next like to call Marcia Marley and her associates with BlueWave New Jersey. (applause)

**MARCIA MARLEY:** I'm not going to keep you for very long.

Chairmen, and all of you working--

**UNIDENTIFIED SPEAKER FROM AUDIENCE:** Can't hear you.

**ASSEMBLYMAN WISNIEWSKI:** You have to bring that microphone up to your mouth very close.

**MS. MARLEY:** How is that?

**ASSEMBLYMAN WISNIEWSKI:** Perfect.

**MS. MARLEY:** I don't want to spend time reiterating what other people have said here, but very quickly I want to thank the entire committee here -- and Commission for opening up to the public and asking the public for input. And I hope that you will continue the process. All right? We really need more public hearings. This is such an important, important process that we ask you to have as many public hearings as possible.

And the other thing I just wanted to reiterate--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can't hear you. Speak up.

MS. MARLEY: I wanted to reiterate the remarks of my very able representative, Sheila Oliver, Speaker Oliver. (applause) We need districts and representatives that reflect the growing diversity in our state. We have to have a fair and transparent process where every -- every citizen has access to his or her representative and that they reflect -- reflect our minority -- our growing minority population. We ask that you be forward-looking, not backward-looking, as has been stated.

Ann, would you like to repeat anything?

A N N R E A: I'd just like to add that it would be wonderful if this Commission could have a map proposal and let the public see that and comment on a proposed map. (applause)

My name is Ann Rea. I live in Montclair.

MS. MARLEY: And we would like to state -- reiterate again that any district should be based on population and not the voting record.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you, Marcia.

Questions? (no response)

Thank you.

MS. REA: Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Okay. I'd next like to call Councilman Anibal Ramos. Following him: William Colón, the Latino Institute.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can't hear you.

ASSEMBLYMAN WISNIEWSKI: I'm going to call Anibal Ramos, City Council; and then after him, William Colón, the Latino Institute.

COUNCILMAN ANIBAL RAMOS JR.: Good evening.

I'd like to welcome members of the Commission; and officially welcome you to the great City of Newark. I commend each and every one of you for taking on this enormous responsibility, with such high expectations, in a relatively short amount of time to prepare a recommendation.

About 10 years ago, I had the pleasure of participating, along with a number of community leaders around the state, with the guidance of the United States Hispanic Leadership Institute, in this process. We were fortunate to testify to both the State and county commissions looking at redistricting issues, and learned a great deal about its value.

The results of the last redistricting process are undeniable in terms of increasing the representation of minorities in key State legislative positions. Over the last 10 years, we have seen the emergence of our first Hispanic Speaker of the Assembly; our very own Sheila Oliver, the first African-American woman Speaker of the Assembly; and our first Latina Senator representing District 29.

Certainly, the last Census results show that New Jersey is becoming increasingly diverse, and that diversity has expanded in every county and every town across the state. The myth that minority communities are living primarily in cities like ours was dismantled with the last Census results. As Professor and former Assemblyman Caraballo described in today's *Star-Ledger*, one group in particular, Hispanics, now

constitutes more than 10 percent of the population in 25 out of 40 legislative districts, demonstrating that they, along with other minorities, are now part of New Jersey's urban, suburban, and rural communities.

Consistent with other speakers and formal observations that I've read over the past few weeks, there is great value in expanding the number of diverse districts. The alternative will result in segregating a state that has found a tremendous amount of strength and resolve in its diversity, a state that has seen the emergence of men and women of color in locally elected offices in every region, a state that has more men and women of color leading committees in both the Senate and Assembly, a state that supported the nation's first African-American President, a state that elected a Hispanic-American to the United States Senate. By increasing the number of districts that reflect and represent the diversity of the state, political parties, regardless of affiliation, will have a unique opportunity to better identify, cultivate, and support candidates that are representative of our state.

I thank you for hearing my testimony.

ASSEMBLYMAN WISNIEWSKI: Councilman, thank you for your testimony. (applause)

Mr. Colón.

**WILLIAM COLÓN:** Buenos noches, good evening.

My name is William Colón. I'm the President and CEO of the Latino Institute. And I'm going to be very brief since Councilman Ramos already basically covered what I was going to say.

One of the things that I want to be perfectly clear about is that Latinos are now comprising -- as he already said -- about 18 percent of the

population, and that's over 1.5 million people in New Jersey. Also, it shows -- as Wilfredo Caraballo noted and Anibal Ramos mentioned -- that Latinos are in every single county in New Jersey. Actually, I looked at the figures and looked at all the towns in New Jersey -- 600-plus of them -- and only three towns in New Jersey don't have any Latinos. We are everywhere. (laughter)

I want you to remember, though, that the Census is only a figure: It's a shot right there on time -- it's an instant photo taken at a particular time; and that the figures today are not static, they're dynamic. So there would be more Latinos -- there are more Latinos today than in 2010 when this figure was taken. And I can assure you there will be more Latinos tomorrow than there are today. And that is because we have a bigger birth rate. Also, we have a migration of legal people who come to the United States. And I mentioned the Federal figures of a million green cards are given every year. And do you know what? 600,000 of those are for people coming from Latin America. So what is going to happen is that this population -- our population is going to continue to grow. The people who are here who came undocumented are working very hard to comply with all the laws that they need to comply with so that they also become legal in this country. And they will go through the process of not only becoming legal, but also becoming voters -- citizens and voters in this state.

So I urge you to -- Anibal Ramos already said -- to make sure that we have fair representation, that it's done the correct way.

I don't believe in packing. We already talked about that very clearly. We have worked-- This state has shown diversity everywhere. Since we are everywhere, we have a right to be everywhere and be

represented. The opportunity is here for Latinos and other minorities to be represented in every single county. There is no reason for us to be segregated to only the urban areas where we have large majorities. I think it's important for us to be everywhere and to be recognized everywhere.

So you have, as I said, a reality today. The reality is that 40 percent of this population in New Jersey is composed of people of color. Recognize that reality -- what is today and what will be tomorrow. Be fair, be just. Provide for a Legislature with true representation of our population, one that will respond to our voices.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Next up will be Rahaman Muhammad, SEIU; followed by Councilman Darrin Sharif.

Hold that microphone very close. (laughter)

**R A H A M A N M U H A M M A D:** Good evening, Commissioners, Chairmen, Speaker Oliver, Majority Leader Cryan.

My name is Rahaman Muhammad. I'm the President of Service Employees International Union, which represents some 40,000 members across the state in both the private and public sectors. I am also the President of a Newark-based Local which represents 3,000 members.

I thank you for holding this hearing and for the opportunity to speak on an issue that will have an impact on New Jersey residents for years to come.

The latest Census figures are clear. The faces of New Jersey are changing and will continue to do so. I am here to represent the thousands

of working men and women whose lives, families, and livelihoods will be impacted by what is happening here today.

As an officer for SEIU, I am here to send a clear message that we will only accept a decision that ensures fair representation for all New Jerseyans, no matter the color of their skin, no matter their ethnicity, and no matter where they live. We will only accept a decision that ensures that the new legislative map allows what our Constitution calls for, and that is that all have an equal stake in our democracy.

The new Census figures clearly show that our Latino sisters and brothers are a force to be reckoned with throughout the entire state. The Census also shows that the number of our black sisters and brothers, as well as our Asian sisters and brothers, continue to rise. So clearly, the logical result should be this: that they will have more of a say in what is happening throughout the entire State of New Jersey. This would result in an increase in elected leaders who come from the same diverse background, because there is a larger pool to pick from. But it will also mean that they will have a say in picking the best person who will represent them, no matter the background of the candidate.

To me, that sounds like democracy at work. And yet, there are clear and troubling indications that some believe the best way to tackle the issues surrounding the growing diversity of our state is to pack them into districts -- like cattle being herded by cowboys -- so that they can elect someone who looks and appeals to them. Then the other districts, which will have few or perhaps no faces of color, would be able to go to town and choose their own candidates. To me, this is not democracy at work.

I am not a psychologist, so I can't tell you whether it is fear that is driving this unacceptable option. I don't like to think that someone is afraid of my Latino or black sisters and brothers. But as Dr. Martin Luther King Jr. said, a right delayed is a right denied. And all voters, Latino, African-American, Asian, and white have the right to go to the polls on Election Day and vote for the people who will best represent them. No one needs or wants a group of people telling us how we should be voting.

We all use the word *minority* when speaking about African-Americans and Latinos. While that word describes us in terms of numbers, I want to be very clear that this is not to mean that we are insignificant. It does not mean we are secondary to anyone, and it does not mean we will accept being told to sit in the back of the bus when it comes to New Jersey politics.

Perhaps a long-term solution would be to eliminate the word *minority* from these types of discussions, or to come up with a term that reflects that we are men, women, and children who have the same rights as those in the majority. But for now, on behalf of SEIU New Jersey State Council, I am urging this Commission to do the right thing and work towards a legislative map that provides fair representation for everyone.

Thanks for the opportunity. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Councilman.

**COUNCILMAN DARRIN S. SHARIF:** Good evening.

Thank you for allowing me to provide testimony at this very important proceeding. I represent the Central Ward of Newark. Many of

my constituents are being crushed by the burdens of daily life. They feel a sense of hopelessness and despair. They feel that the system is rigged against them, and not designed to work for them and to advance their interest. So in a very real way, this process is on trial.

The hopes of many Central Ward residents and Newark residents hang in the balance. How you conduct this important exercise, and whether or not you redraw a map that reflects the rich diversity of this great state, will either give hope to those who have all but given up hope or plunge them into deeper despair.

One school of thought is that, with redrawing the legislative map, it should reflect areas of higher voter turnout. I could not disagree with this more. This violates the principle of one person, one vote. Just because a person could not or did not vote in a particular election, it in no way means that their voices should be silenced for a decade. So therefore, I am advocating for the fundamental proposition that the Legislature represent the rich diversity of this great state.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, Councilman.

Next, I'd like to call Christian Estevez, Latino Action Network; followed by Councilman Luis Quintana.

**C H R I S T I A N E S T E V E Z:** Good evening, distinguished members of the New Jersey Apportionment Commission.

I am Christian Estevez, Vice President of the Latino Action Network. The LAN thanks you for this opportunity to speak on this very important issue.

The Latino Action Network is a broad, statewide coalition of Latino organizations dedicated to political empowerment; the promotion of civil rights; and the elimination of disparities in the areas of education, health, and employment. To that end, we want to ensure that the Latino community is fairly represented in whatever legislative map is developed.

Just like everyone else in this room, we were anxiously awaiting the release of the 2010 Census numbers. The 2010 Census came out last week and showed much larger numbers than expected for the Latino community. Latino growth throughout the state exceeds statewide population growth. It also made up for part of the decline in the non-Latino, white population.

I just want to share with you some of those numbers that we saw when we looked through the actual Census. And we saw that in 2000, the total New Jersey population was 8,414,350; and in 2010, it was 8,791,894, with a difference of 377,544. The Latino community in 2000 was 1,117,191; and in 2010 it was 1,555,144, and grew during that 10 years by 437,953. Basically, the overall population of New Jersey grew 377,000, and the Latino community grew by 437,000. So basically made up for -- we were more than just the growth in the community. We made up for whatever loss had happened.

Critical to understanding this growth is to basically shed light on the misunderstanding that a lot of people have about -- and the outdated assumptions that people have about the Latino community only being in certain places. Other speakers have talked tonight about us Latinos growing in different parts of the state. We know that Latinos grew in traditional centers like Hudson and Passaic counties, but here are some places you

might have not thought of: The Latino community grew in Middlesex County by over 47,000 people. Latinos grew in Union County by over 40,000; in Bergen County, by over 53,000; and I can go on and on. And basically, we had growth in every single county.

And when you look at not just the counties, but you look at the towns, we definitely had growth in places that you would expect, but also in some of the places you might not have thought of. Freehold Borough: In 2000, Latinos represented 28 percent of the population; in 2010, Latinos represent 43 percent of the population. In Dover: Latinos, in 2000, were 58 percent of the population; in the last Census, we're 69 percent. In Pleasantville: Latinos were 22 percent, and in 2010 Latinos were 41 percent. Plainfield, Union County: Latinos, in 2000, were 25 percent; and in 2010, 40 percent. I can go on and on. Other places where you don't think of Latinos traditionally-- We see large numbers of Latinos currently residing in Toms River -- 7,200 Latinos reside in Toms River; in Parsippany, there are 4,400 Latinos; in Galloway, there are 3,700 Latinos. And, again, I can go on and on -- Lakewood, New Jersey, 16,000 Latinos.

And we want you to just keep in mind some of these numbers as you're looking at these maps. Because as everybody is going to be focusing on maybe the urban centers in the North, we want you to be paying attention to the other emerging communities.

Basically, what I'm getting down to is that the map needs to reflect all Latinos in Jersey City and Passaic, but also in Freehold and Dover, in Perth Amboy, Union City, and also Lakewood and Vineland. The map needs to be forward-looking, considering the population -- considering what the population will be like not just in this fall's election,

but in 2015, 2017, and 2019. If current population trends continue, by the end of the decade Latinos in Monmouth County, Morris County, and Atlantic County should all have an opportunity to elect a Latino representative.

ASSEMBLYMAN WISNIEWSKI: Christian.

MR. ESTEVEZ: Districts need to be drawn with that opportunity in mind and should not crack growing populations. And as other people say, we should not pack populations either. You know, we see true representation -- we seek true representation, and we recognize that the gimmick of packing only offers the illusion of empowerment while robbing us of that true representation.

We look forward to participating in this process, and ask for the opportunity to present our views at further public hearings once the neutral member of the Commission has been appointed. We want to make sure that we will be able to interact with the full Commission and have the ability to comment on proposed maps. And we look forward to a decade where Latino communities, in West New York and Paterson, but also in Red Bank and Parsippany, will be able to choose our candidates of choice.

Thank you very much.

ASSEMBLYMAN WISNIEWSKI: Thank you, Christian.

Just one second, Christian. I think there is a question.

MR. ESTEVEZ: Sure.

ASSEMBLYMAN WISNIEWSKI: Senator Sarlo.

SENATOR SARLO: Thank you, Mr. Chairman.

Christian, just -- you echoed a lot of what Mr. Colón had just said previously. And the question I have is-- You talked a lot about -- at

the end of your testimony about the Hispanic population being spread throughout the state in every county, every municipality, and that it creates an illusion when you do pack.

The question I have to you is: When you do have an urban area, perhaps surrounded by suburbs where you have a large population -- Hispanic population in the urban area and in the surrounding communities -- there's an influence of Hispanic population-- If a non-Hispanic legislator gets elected in those areas, in your mind, doesn't it require and force those legislators to well-represent the Hispanic needs and the cultures in those various cities? Because that's their district. In order for them to be successful and well-represent the needs of their constituents-- Just because they are from a different nationality or different ethnic background-- It forces them to represent that community, just like they're representing the community where they particularly live in.

MR. ESTEVEZ: Definitely. I think there are some places where-- No matter how you put communities of interest together, and Latinos together, you may not reach a certain number. But in some places, we're close to it. And I think that -- especially the way that New Jersey is -- we understand that New Jersey is unique in the sense that we run in slates, basically with one Senator and two Assembly people, which is different than other states where they run single-member districts. In these cases, we want to make sure that -- where we approach the numbers -- to have one of those members of that slate be Latino; that it happens -- or, for that matter, any group that reaches those numbers should have the representation -- and that the other members of the delegation from that district also have to be cognizant of the needs of the community. So it's not the feeling that every

single person and that every member of the district has to be Latino. But we want to make sure that we maximize the representation wherever we can while, at the same time, making sure that we can influence the other members of the delegation.

SENATOR SARLO: Thank you. Thank you for your testimony, too. It was very helpful.

MR. ESTEVEZ: Thank you very much.

MR. PALATUCCI: Chairman, can I--

ASSEMBLYMAN WISNIEWSKI: Mr. Palatucci.

MR. PALATUCCI: The Senator started asking some questions. I figured I'd ask one or two if I could.

You ticked off a lot of -- a number of towns. I think your numbers were absolutely accurate. Do you mind if I ask you-- I don't know where you live.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can't hear you. Speak up.

MR. PALATUCCI: If I could ask you-- I'm going to pick out a couple of those towns that you mentioned. Perth Amboy, for example-- Do you know who represents Perth Amboy in the State Senate?

MR. ESTEVEZ: Do I know who represents Perth Amboy in the State Senate?

MR. PALATUCCI: Right.

MR. ESTEVEZ: Perth Amboy--

MR. PALATUCCI: No problem. It's okay.

MR. ESTEVEZ: I'm sorry, I've been looking at so many names and numbers all day.

MR. PALATUCCI: How about Pleasantville? Do you know who represents Pleasantville in the State Senate?

MR. ESTEVEZ: I'd have to look in my notes and (indiscernible) to that.

MR. PALATUCCI: No problem. Do you know who represents the City of Passaic in the State Senate?

MR. ESTEVEZ: What's the point? I'm not exactly sure what you want.

MR. PALATUCCI: I just wanted to--

MR. ESTEVEZ: I'm not-- Sir, I'm going to be very honest. I've been looking at so many numbers and names all day that I don't want to make the mistake of just throwing out a name. I do know various members, but I'm not going to just throw it off the top of my head.

MR. PALATUCCI: No problem. Thank you.

ASSEMBLYMAN WISNIEWSKI: Did you want to give him the answers?

MR. ESTEVEZ: Do you want to give me the answers, please? Thanks. I'll write them down.

ASSEMBLYMAN WISNIEWSKI: Speaker Oliver.

ASSEMBLYWOMAN OLIVER: Yes, thank you.

I found your testimony of great interest. And a lot of the data we have been pouring over, without question, reflects phenomenal numbers. Even here in the County of Essex, you can look at communities that--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can't hear you.

ASSEMBLYWOMAN OLIVER: You can look at communities that have historically been represented by other groups. So, without question, you are right on target in examining those numbers.

Something that I would like to ask you about, if you are-- And by the way, I have to tell Commissioner Palatucci that we poll all the time, and I'd venture to say 75 percent of the citizens in this state don't know who their elected representatives are. So do not feel put out by that.

MR. ESTEVEZ: Thank you. And I can speak to who my representatives are. I live in Plainfield, and my Senator is Nick Scutari. My Assembly people are Jerry Green and Linda Stender.

ASSEMBLYWOMAN OLIVER: Yes. But we're anonymous in the Legislature.

MR. ESTEVEZ: Thank you.

ASSEMBLYWOMAN OLIVER: People don't know us.

But what I want to talk to you about is this concept of voter participation. And we heard a prior speaker talk about: Do not base the drawing of a map based on historical voter participation rates.

One of the things I would like to ask you is: Based on your experience with coalitions of Hispanic and Latino organizations, are there -- or is the issue of maximization of voter participation impeded in communities across the state because the Hispanic population feels that they have nothing to draw them to the polls? I'd like you to maybe respond to that.

MR. ESTEVEZ: I think, definitely. I think that's definitely an issue. As a grassroots organizer, I've been-- I've knocked on many doors, and I can tell you that not just Latino voters, but a lot of voters of different

groups -- when they feel that maybe they're not being listened to or they're not being represented, and their voice is not being represented, they feel less inclined to go out on Election Day. And the argument as to why -- and to convince them that they really need to go out, which I believe is absolutely true -- that everybody needs to vote, is harder to make.

When someone knows that the person who is on the ballot truly represents their views, understands their -- where they're coming from -- it helps get them out. It doesn't always have to be someone from their own ethnicity or race, but that definitely helps as well. At the same time, there's always a case where -- in some cases where someone from their own race might not necessarily represent their interests. And that's been a mistake that some parties have made in saying, "Well, if we just did all Latino or African-American" -- even if that person's views are backwards -- "that's automatically going to get the views out." The person also has -- the candidate also has to have the positions and the background that represents what the voters' needs are. So, yes, it helps when the voters can identify, in one way or another, with the candidates on the ballot.

ASSEMBLYWOMAN OLIVER: Thank you.

MR. ESTEVEZ: Thank you.

ASSEMBLYMAN WISNIEWSKI: Christian, I think there's one more question.

MR. ESTEVEZ: Yes.

ASSEMBLYMAN WEBBER: The Latino Action Network is the group you represent, correct?

MR. ESTEVEZ: Yes, it is.

ASSEMBLYMAN WEBBER: Does it-- Is it a concern for the Latino Action Network that the City of Passaic -- 71 percent Hispanic population -- doesn't have either a Senator or an Assembly person of Hispanic descent representing them in Trenton?

MR. ESTEVEZ: Well, my understanding is that the City of Passaic is part of a district that has an Assemblywoman who is Latina.

ASSEMBLYMAN WEBBER: No, the Senator is Senator Sarlo, Assemblyman Gary Schaer.

MR. ESTEVEZ: Oh, Passaic, I'm sorry. I'm thinking about Paterson. I'm sorry.

ASSEMBLYMAN WEBBER: No, no, no.

MR. ESTEVEZ: I'm sorry, I got confused with Paterson.

ASSEMBLYMAN WEBBER: No, the City of Passaic.

Is it a concern for LAN?

MR. ESTEVEZ: I think that what we want to see-- It's definitely a concern in terms of -- we want to see that if their population in that district reaches a-- You know, we want to see the opportunity for Latinos to run there. And we understand that there is a slate, there is -- that there is a way that that could happen. If there is a way that that could happen -- that we can have a Latino representative there -- we'd like to see every effort be made for that to happen. But at the same time, we're not going to take the position that every member of that legislative delegation has to be Latino. So, yes, our concern is, when we have a high Latino population district that doesn't have any representation in the Legislature, we'd like to see that fixed. Also, we realize that there is a lot of work that

has to be done in order to develop candidates, and to get elected, and all that.

ASSEMBLYMAN WEBBER: Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Nilsa.

MS. CRUZ-PEREZ: Yes. Do you think packing is going to help increase the numbers of minorities throughout the state?

MR. ESTEVEZ: My biggest concern about the issue of packing is that while -- like I said in my testimony -- that while it may provide the illusion of more power because maybe in one or two places we have what people would consider the guarantee-- They say that if you have over a certain percentage of one group, it's guaranteed that that group is going to have -- is going to vote for a Latino or whatever. The concern is that, while that illusion might exist, by packing you would be taking folks from other towns who could make up a part of another district that could lead to either having a Latino representative elected there or, at the very least, Latino influence in that other district. So we are for creating legislative districts of opportunity. Right? So we want opportunity districts.

MS. CRUZ-PEREZ: And I can testify to that. Because if it wasn't because -- if South Jersey would have had to have districts that are packing, we never would have a legislator. Back in 1995, when I became the first Hispanic Assemblywoman ever elected in the 5th District, it was only 14 percent Latino. And we have an African-American serving since 1989. And that never would have happened either, because it was only 18 percent African-American. So I think that's not the answer.

Thank you.

MR. ESTEVEZ: Thank you.

ASSEMBLYMAN WISNIEWSKI: Senator Sarlo.

SENATOR SARLO: Yes, I just want to respond. And Christian has said a lot here. And I know our Co-Chair is very interested about the City of--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can't hear you.

SENATOR SARLO: Our Co-Chair is very interested about the City of Passaic, and I look forward to him supporting some of the legislation I put forward to help the people of the City of Passaic going forward, because of his concerns. But I will say this: Since I've been in the Legislature, the City of Passaic is a large portion of my district. And they've always -- we've always given -- Passaic County has always had the opportunity to put forward their best candidate to represent the district, which is a diverse district, and it represents three counties.

And over the years they've put forward various candidates. For the last eight years it has been Assemblyman Gary Schaer, who runs at large, also, as a City Councilman, and has been elected at large in that community with great support from the Latino community because he represents his community at large.

Gary and others also got well behind the first Dominican Mayor -- the first Dominican mayor in the entire country. That happened out of the City of Passaic. And that was with the support of an Assemblyman from their hometown district. So Assemblyman Schaer, the Senator who is myself, and others all work together to make sure the Hispanic community is very well represented in the Legislature.

And I will say this: The first vote that I've ever taken in the Legislature is a vote that I will always be proud of -- and it's the first vote I've ever taken. And the first vote I ever cast in the Legislature was to cast a vote for Albio Sires to be the first Hispanic Speaker of this state. And that's the first vote I've taken, and it's a vote I will always remember. And it went over very well in the community of the City of Passaic. So I'm very proud of that vote, and I will never forget it.

MR. ESTEVEZ: Thank you.

ASSEMBLYMAN WISNIEWSKI: Any other questions? (no response)

MR. ESTEVEZ: Thank you very much.

MS. CRUZ-PEREZ: Thank you, Christian.

MR. ESTEVEZ: Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Councilman Quintana.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Not here.

ASSEMBLYMAN WISNIEWSKI: He left.

James Harris, New Jersey State NAACP; and after him, Mayor Hawkins.

This time you're together? (laughter)

**J A M E S E. H A R R I S:** Good evening, Commissioners.

My name is James Harris, President of the New Jersey State--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can't hear you.

ASSEMBLYMAN WISNIEWSKI: Real close and loud.

MR. HARRIS: Good evening.

My name is James Harris, President of the New Jersey State Conference of the National Association for the Advancement of Colored People, the oldest and largest civil rights organization, celebrating our 102nd year of existence. (applause)

The purpose of the NAACP is to eliminate racial hatred and racial discrimination, and to improve the socioeconomic -- political and economic development of all people. And this evening we are extremely happy to produce testimony. Because as you know, the NAACP has great interest all over this country and has set up legal representation to make sure that the civil rights of all people in this country, and most certainly in the State of New Jersey, are protected.

George Gore, our Political Action Chairperson, will be giving testimony on behalf of the New Jersey State Conference.

**G E O R G E B. G O R E:** Thank you.

Thank you, Commissioners.

You took five minutes from me from the last time.

**ASSEMBLYMAN WISNIEWSKI:** We gave you two shots.

**MR. GORE:** I came prepared for 10. You told me this time it's 5, but no problem. (laughter)

Commissioners, we're embarking on what is probably one of the most significant things for the next 10 years, understanding that the way these votes will be aligned and the way these districts will be aligned will affect not only how people live, but will affect the economics of the State of New Jersey.

Growth is part of the electoral process. Growth of businesses, by development of community of interest, is a part of the electoral process.

If we don't look very carefully how we draw these lines, we can stagnate growth and we can stagnate economics.

One of the things that we need to look at is, for the last -- things is that we are one of 11 states which, for the last two times, had to go to court. I think if we do our homework right this time, we won't have to go to court. I think there is enough information. I think there is enough resolve sitting around this table that you're going to be able to come up with a solution that fits New Jersey and allows us to grow for at least the next 10 years. We cannot find ourselves bickering between what communities look like based on geographical, false-drawn lines, gerrymandered just so somebody else can stay in office. This has got to be about what is good for the economics of New Jersey, what is good for the people who live here in New Jersey, and what is good for the rest of the country. Because New Jersey is part of the United States.

And I want to say one thing in closing: Jails being included in districts is a false thing. No state surrounding you does that. Take a look at those numbers. Jails are not included. (applause) We talked about it last time. The people in jail cannot vote. They cannot vote where they're (indiscernible). The only way they can vote is if they come back home and ask permission to get their voting rights back. We should not be including those numbers in somebody's district, because those are the votes that can never be counted under the one man, one vote process. The NAACP, nationwide, is opposed to jails being included in districts. That is a national policy.

The last thing I want to point out to you: We have 435 legislators coming up for this next reelection. New Jersey is going to lose

one. What is interesting about the Constitution is that this number was picked in 1912 with the idea that we would grow as the population grew. The 435 was based on 100 million. We're now a nation of 300 million. Somebody needs to ask the question: Why don't we have more representatives so New Jersey doesn't have to lose a Congressman? (applause)

MR. HARRIS: Just one thing that I would also like to make clear: When we talk about proportional representation, there is history in this country of pitting minorities against minorities. (applause) That is unacceptable. Since the increase is in the minority population, we should see an increase in the representation in the Legislature. So I would caution and hope that we don't get into a situation where we're trying to have folks fighting over a thin slice of the pie when, obviously, the pie needs to be expanded from the majority as we know it now so that all aspects, all representation, is proportionate throughout the State of New Jersey. And, of course, we will be paying close attention to that. And we hope that you will be dedicated to that for the future of New Jersey.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, Mr. Harris, Mr. Gore. Thank you for your testimony.

Mayor Hawkins; followed by Greg Payton, CWA Local 1081.

**MAYOR ELDRIDGE HAWKINS JR.:** Good evening.

Thank you for having me.

There is no doubt, I think, in this day and age -- especially with the Census and the numbers the way they are -- that there are going to be some changes. I think that we have to move forward and try to do the right

thing, and hopefully that will be the right thing that will help further the interest of the state and the people, and not just political agendas.

That being said, there has been a lot of testimony to proper representation by minority groups, and that's valid, and I support that. And I'm sure that the Commission will do the right thing.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can't hear you.

MAYOR HAWKINS: But I'd also like to deviate from that just a bit and speak to what this process can mean from a governmental standpoint. As the Mayor of a municipality, in Orange we've been very successful with doing a lot of things, from redevelopment, Transit Villiage designations, State funding, Federal funding. And we don't do that on our own. We do that with legislators on a State level who know our communities. So I would just ask that when this body goes about redrafting these lines that they, quite plainly, don't rape particular towns of legislators who are very much familiar with the nuances of their communities.

I've been blessed to have great representation. I'm partial to Senator Codey -- in the 27th -- and Assemblywoman Mila Jasey, who have been doing great things. And I imagine throughout the state there are other legislators who know very well what their community needs. They know their people, they're very familiar with the programs. So to have to start anew with a different legislative leader in that district would be a travesty for many communities -- to have to start over and refamiliarize a different legislator with all the different things that are going on -- programs, funding

needs, the intricacies of programming, or even redevelopment efforts that we're trying to do to revitalize communities and create jobs.

So I just want to put that out there for consideration and ask that, again, when you redraw these lines that you allow municipalities to keep some of the representation. Again, Orange is a smaller, mid-sized community with 30,000, 32,000 residents. And I don't want for my city to be overlooked by somebody who is not as familiar with it or doesn't have roots in our community.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, Mayor.

Greg Payton, followed by Mayor Victor DeLuca of Maplewood.

**G R E G O R Y P A Y T O N:** Good evening.

My name is Greg Payton. I represent the non-managerial workers at Essex County Welfare, CWA Local 1081.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can't hear you.

MR. PAYTON: I'm talking into the mike. (laughter)

Okay. Thank you for this opportunity to talk about the issue of redistricting in New Jersey. The right to legislative representation is fundamental to any healthy democracy because it safeguards all our other rights.

That is why public hearings like this are so important. These public hearings are a good start, but more can be done to shed sunshine on redistricting in New Jersey. The advanced notice given for this hearing was important so that people like myself, with a job and a family in New Jersey, could make the meeting. I hope you will be scheduling the rest of your

meetings tonight. And they should be spread out around the state so that all of our residents have the opportunity to provide testimony like I do.

I want to thank you for making the website that provides details for these hearings, as well as copies of submitted testimony. I also encourage you to use the website to publish maps proposed by both sides so that they can be viewed and commented on by the public. Public comments should be made part of the official record.

If you can't reach agreement here and you need to appoint a tiebreaker, there should be more public hearings with the 11th member. With so much power vested in one person, he or she should be available to listen to the will of the people whose representation is at stake. This will also ensure testimony is heard regarding actual drafts of potential maps. New Jersey residents deserve an open, transparent process and the opportunity to affirm their rights.

The most important of these rights -- and a right that so many of us have fought for throughout our country's history -- is the U.S. constitutional requirement of one person, one vote. Having a huge number of people in one district and small numbers of people in other districts is not permitted, to ensure that all people have the right to representation and an equal stake in our democracy. Instead, I support a map that meets the constitutional standard and that provides fair representation for all New Jersey's communities, and for people of all racial and ethnic backgrounds.

The next several weeks will determine political representation in New Jersey for the next 10 years, and it is -- and it will affect many decisions we have to make as a state, moving forward. With so much at stake, I urge you to protect the rights of all New Jerseyans to participate in

the process and to ensure that they are fully and fairly represented in your ultimate decision.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Mayor DeLuca, to be followed by Susan Gartland of Caldwell.

**MAYOR VICTOR DeLUCA:** Good evening.

Thank you very much for holding this hearing here in Newark, and being an open, transparent process.

I am representing the Township of Maplewood, which -- we're in the 27th District. We have 24,000 people. And I think Sheila Oliver said it best a little over an hour ago: that the importance here is to make sure that we reflect the state, all people in the state.

And I want to echo the words that many of the speakers have expressed this evening against policies that would pack minorities in certain districts. And that would have the effect of bleaching other districts, making them more white. (applause) For ourselves in Maplewood, we pride ourselves in working to have an inclusive, diverse community. We spend public funds for that effort because we think it's important. We think it's important that we represent the real world.

And in the 27th District, I believe that that is also what we do. We represent the real world. I think it is so important -- my colleague from Orange, Mayor Hawkins, was here. I think it's so important that Orange, and Maplewood, and South Orange, and the Caldwells are all together in one community, one legislative community, so that our representatives have to represent everyone. And I think that's the true test -- not to represent a

small segment, but to represent everyone. And I think that's what I want to speak for. I want to speak for the continuity of what we're doing in Maplewood in trying to live in a diverse, inclusive community, and have the redistricting reflect that -- reflect a policy that says we're going to represent everybody in this state.

So I urge you-- And I understand, you know, this is a political process. At the end of the day, all the transparency and all the openness are not going to matter. It's going to matter what the map is. And you're going to have to decide on how best to do that. And the best way to do that is to make sure that everyone is counted, to make sure that the map is fair, to make sure that no one is slighted here, and that everyone is entitled to what is so important -- is that right to vote and that right to have representation.

Thank you very much. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you.

Is this Susan Gartland?

**S U S A N G A R T L A N D:** Yes, I am. Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you.

MS. GARTLAND: Thank you for the opportunity to speak in front of all of you.

I know that you're all responsible for a huge decision-making process. And I know we only go through this every 10 years. But I represented the Borough of Caldwell for 24 years, 20 of those years as a Councilwoman and 4 as a mayor. And as a former mayor -- many of the mayors who have come up here have basically said that the representation and the concerns of each of the smaller towns impact where-- In Essex County, we've got wonderful representation. I'm in the 27th Legislative

District, represented by Senator Codey, Assemblyman John McKeon, and Assemblywoman Mila Jasey. They've done a wonderful job knowing, understanding, and representing their district, as have all of the legislators.

And when you're considering redistricting, I would hope that you take into consideration, as Mayor Hawkins said, those districts that are familiar -- that their legislators are concerned and have brought so much to the table, as far as each of those communities go.

So good luck to you. I know it's a huge job. Congratulations on giving the opportunity for everyone to be able to testify.

Thank you for this opportunity. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, Mayor.

Next, I'd like to call Reggie Jones, a resident of Summit; followed by Bob Davison, West Caldwell.

Mr. Jones.

**REGINALD JONES:** My name is Reggie Jones. I'm here to state my testimony before the New Jersey Apportionment Commission, February 9, 2011.

Thank you for giving me this opportunity to speak before you today. This process, without a doubt, impacts the important issues facing our state for the next 10 years. I hope it will also ensure fair political representation. Because of that, it is very important that your meetings be in the open where all of us can see.

First, I am also here today to ask you to ensure the principle of our Constitution of one person, one vote. There are some people who have said that we need to make a map based on how many people voted in our -- in one or two elections. They wanted to draw the map on turnout in

elections where one party -- they did well. They don't want to draw a map based on the turnout from 2008, for example, when the other party did well -- did very well around the state, and when people of color and voters in urban districts turned out in large numbers. It is an attempt to draw a map that doesn't provide equal representation, and I oppose of it.

Second, much has been made of the right to vote. But there is also a right that we have in this country, and that is the right to not vote. Should I receive more or less representation because my neighbors decided to exercise their right to not vote? This is a terrible idea and the wrong path to go down for our state.

These public hearings are excellent first steps, and I hope you will continue to meet in daylight where we can all see your meetings and participate. I hope that the Commission will continue to give the public enough notice before any hearings so that New Jersey can all come here if they want to. I ask you to continue this for the rest of the process -- of this process. And I ask that the comments on your website be made part of the record for those who cannot make it.

Taking these steps will help ensure the public trusts your final map and make sure it's fair -- represents the needs and minorities (*sic*) of New Jersey residents. I hope that the course of your deliberations -- you will work toward a fair and transparent process, and a result that respects the rights of all New Jersey residents.

Thank you. (applause)

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

Next will be Bob Davison; followed by Rex Reid, AFSCME New Jersey Council 1.

**B O B D A V I S O N:** Good evening, ladies and gentlemen.

My name is Bob Davison, and I'm a private citizen. I'm from 53 Francisco Avenue, in West Caldwell, New Jersey.

First, I would like to associate myself with the remarks of Speaker Oliver and Senator Ruiz. I agree with them that to pack minorities into individual districts based upon the color of their skin or their voter participation would be immoral and unconstitutional.

Secondly, I would like to associate myself with the comments of Mayor DeLuca, Mayor Hawkins, and Mayor Gartland. As a lifelong resident of Essex County and as a 10-year resident of the 27th District, I think we've had outstanding representation. And I hope that by and large that representation will be allowed to continue.

Lastly, I would like to add something new. My daytime job is -- I'm a mental health advocate. I'm an advocate for the disabled. And all three of our elected officials in the 27th District have provided outstanding representation for those of us in New Jersey who suffer from severe and persistent mental illness, and for those of us that are developmentally disabled. I don't see any of those individuals represented here tonight in the public hearing. I don't see any of those individuals represented among the Commissioners. But I hope when you draw the map that you consider, and allow those individuals to be represented. And we've really had no finer representative for those individuals than Senator Codey, as well as Assemblyman McKeon and Assemblywoman Jasey.

Thank you very much. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Rex Reid; following him will be Robert Parisi, from West Orange.

**R E X R E I D:** My name is Rex Reid. I'm the Political Action Director for the American Federation of State, County and Municipal Employees, New Jersey Administrative Legislative Council 1.

Thank you for this opportunity to express my concerns on redistricting in New Jersey. Within any democracy, the right of the citizenry to elect their legislative representatives based on one person, one vote is of paramount importance. And in the State of New Jersey, in the United States of America, it is constitutionally mandated that every 10 years after the Census, a new map based on the shift of the population within the state be redrawn.

We are here to ask for transparency in this process, which will give each New Jersey resident fair and full representation -- one person, one vote -- and recognize those communities that have grown in population with fair and full representation as the Constitution requires. The map that the Commission finally presents should maintain these fundamental rights of equal representation in legislative districts based on population as determined by the Census. The map should not have disparities in population between districts, as this would weaken its representatives' power and call into question its constitutionality. The New Jersey map needs to meet constitutional standards by providing fair and equal representation for all New Jersey citizens of all backgrounds.

For the public to perceive this process as fair, open, and transparent, as much as possible should be done with public participation. The Commission should take steps to ensure access of the physically challenged. Hearings should not be held on the Sabbath. Any and all barriers to full public participation should be removed. Hearings should be held after the 11th neutral Commissioner is appointed and the release of any maps as to allow the public review and comment. The Commission should do this to afford meaningful public contribution to the debate. At the same time that the maps are submitted to the members of the Commission, they should be posted on the central website and afford interested citizens the ability to have -- update input, and do this via e-mail; as well as public comment in the same way.

I urge the Commission to consider and adopt the commonsense measures to make the process for reapportionment fair, open, and a safeguard of the basic constitutional rights of the citizens of New Jersey.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you very much.

I'm told that Mr. Parisi had to depart.

I'd next like to call Mayor Fernandez, of Livingston; followed by former Councilwoman Gayle Chaneyfield-Jenkins, from Newark.

**MAYOR RUDY FERNANDEZ:** Thank you, all, for the important work that you're doing.

I've also invited Councilman Gary Schneiderman, a member of the Livingston Town Council, as well.

You've heard, tonight, many important arguments that you will consider in your work. But I wanted to get down to a little bit more of a basic argument on behalf of Livingston.

We are a member of Essex County. And over the past 10 years, since the last redistricting, there have been -- our representation that we've received -- and from telephone calls that I've gotten just over this past weekend -- has been very, very good. We share many common interests with the other Essex County towns that have been up here. And I think it's important that the town remain with them. We have-- Even though we are of a variety of different municipalities, we do have very common interests. And I think it's important that when you consider the redistricting that you consider the lines that are being drawn, that you consider those common interests and keep us with the other towns that have been -- we have been with for the past 10 years.

Do you have anything to add?

**C O U N C I L M A N G A R Y S C H N E I D E R M A N:** You asked that there be--

**ASSEMBLYMAN WISNIEWSKI:** Just use the other microphone, which amplifies.

**COUNCILMAN SCHNEIDERMAN:** You asked that there be no repetition, so we thought we'd come up together and keep it as short as possible.

**ASSEMBLYMAN WISNIEWSKI:** We do appreciate that.  
(laughter)

**MAYOR FERNANDEZ:** We didn't want to repeat the other things that have been said, and allow other members who are here to speak.

So we thank you very much for your time and appreciate all the work that you've done.

ASSEMBLYMAN WISNIEWSKI: Mayor, Councilman, thank you for your testimony.

MAYOR FERNANDEZ: Thank you.

ASSEMBLYMAN WISNIEWSKI: Former Councilwoman Gayle Chaneyfield-Jenkins.

She'll be followed by former Senator Bill Schluter.

**GAYLE CHANEYFIELD-JENKINS:** Good evening, everyone.

First of all, let me say thank you to the committee for allowing us the opportunity to address our legislative body. It is not often that we get a chance to see you face-to-face and to understand the hard work that lies before you.

I, too, want to commend the comments of the majority of the speakers who came before me -- more specifically, Orange Mayor, and the Mayor from Maplewood, Senator Rice -- and some of the things that were said about not packing and making sure that there is not a bleaching of the community.

But I also want to stress the fact that I believe that -- in representation -- that this board has a unique opportunity to have us cross party lines. I am one of those people who believe in the fact that at some point in time, our citizenry is smart enough to vote for the person who will best represent the community based on the public policy issues that faces it, and do not put public policy forth that will hurt our communities.

So that is why we pray that you make sure this map is fair and that there is real representation, and that-- Senator Rice raised an issue that the districts haven't changed that much, and there's not that much of a need to change the maps. I don't know if that's accurate or not. But I would hope that if there is consideration that is done, that it is done for the fairness and representation of everyone; and that there is transparency, and that there is an opportunity for representation to increase based not just on the fact that -- race or gender, but to increase the representation based on the person who is going to serve public policy in our communities, and the respect of the voters to understand the difference between the two.

I would also ask that consideration be given to the fact that legislators who are familiar with the community not be pushed out to the side, and that there are people who -- not pit us against. I've been hearing a lot of the African-American community, the Latino community, and the minorities. And I just hope that this board takes into consideration that we don't want to pit one nationality, one ethnic group against another. Because at the end of the day, we're all New Jerseyans, and the pie is big enough for everyone to split. And certainly what -- this be the beginning of the melding of the red and the blue state, and make it a purple state. Because at the end of the day, everybody is hurting. (applause)

So if anybody has left the State of New Jersey, it is because of the fact that voters are disenfranchised and they don't come out. So that one vote, one person cannot possibly count. Because in our communities, we have unique public policy issues that have disenfranchised people. So I would hope that that is taken into more consideration -- that if you all have

the opportunity to do something unique, and do it, that voter turnout will certainly increase in the future.

Thank you very much. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you very much.

After former Senator Schluter, Carmen Southward and Lori Ruzich.

**FORMER SENATOR WILLIAM E. SCHLUTER:**  
Assemblymen, Senators, and other members, I wish you well in your undertaking. You certainly have an awesome job.

As a former legislator, I am very familiar with the process that you are undergoing here. I have been both the beneficiary of redistricting and a victim of it.

My comments tonight will not be repetitive of anything that's being said, they'll be something totally new. And that is the matter of competitiveness of the districts in New Jersey, which I think is a concern. It might not be a concern which your Commission addresses in the sessions that you're undertaking, but it might be a concern in the future for the welfare of the State of New Jersey.

And I say this as a former Chairman of the Clean Elections Commission of New Jersey, when we did an analysis back in 2005 and 2006 of districts as far as competitiveness. And we had to do this because we were coming up with recommendations for what districts might be recommended for the future for engaging in this Clean Elections program. And what we didn't want to do was get districts which were not competitive, which were totally safe, because it would not be a good distribution of this particular process.

So we came up with some analysis, which you have in the packet that I gave you. I know it's a lot more detail than you want to get into now, but take it back with you and look it over very carefully, because this is accurate detail. One of these charts, which shows seven columns -- which is based on voting patterns in past elections in New Jersey, and it shows the spread between the two parties. And by this analysis, there are only three districts in the state that are competitive, and they're under 5 percent difference between the spread and voting patterns. There may be another five or six that are close to that, that are moderately competitive. They are between 10 and 15 percent. But all the rest of them -- and you can look at the districts, and you know your districts very well -- are not competitive. And I think this is something that should be looked at, whether your Commission is going to look at it or not.

We also did a study of the registration, which is another chart that you have, which verifies the distribution of competitive districts that was in the voting pattern chart, and that is included with your materials.

Now, why is competitiveness so important in a state like New Jersey? Well, if you want to attract talented people into government, you have to have districts where they could have a chance of success. And where there are too many safe districts and too many districts that are dominated by one party or the other party, they just don't enter into the process; and this is not, I think, a good thing for government.

The competitive districts will get office holders who are fully engaged in government and are working very hard all the time to do their best, because they know that they have to satisfy all the constituents in their district. The matter of public confidence suffers because of lack of

competitiveness. When a district is safe, candidates just -- candidates running for election don't get involved, the media doesn't pay any attention to them, and the overall discourse during the campaign is diminished.

Finally, the fact that you have just a few competitive districts means that you will have all of your finances targeted to those districts, and you won't get much money into the other districts where people will, again, have very scarce knowledge of what's going on and of the candidates.

So I think that there are possibilities, there are samples that are put forth by Ben Brickner and his work -- which I think you all have -- of how you can do -- how you can factor in competitiveness. I would urge you to at least take a look at them. I would hope that we have more competitive districts after the result of your deliberations than we have now. And in getting competitiveness in a district -- it's like Speaker Oliver said -- you have to have diversity. And to get diversity, you go to those points which will bring you diversity. So if you have-- If you're looking for competitiveness, you can use the same process to bring together those areas of a district which will give you more competition.

So with that, I thank you very much for your attention, and I would urge you to look at some of these figures very, very carefully. Because maybe this might not be a hot issue in what you're doing, but certainly I think in the years to come -- from all of the literature that's come out on reapportionment -- that it is something that's going to come up.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, Senator.

MR. PALATUCCI: Mr. Chair, if I could.

ASSEMBLYMAN WISNIEWSKI: Mr. Palatucci.

MR. PALATUCCI: Quick question.

Thank you, Senator.

It's a very important topic we haven't talked a lot about. So I'm glad you raised it.

My question is -- and I appreciate the information you gave us. I will take it home and really take a look at it.

One or two questions-- One is: In the analysis that you provide -- although I only took a look at it quickly. And I think in your comments you said you used '03 and '05 as numbers for measurement. But there's no magic to any particular year. Is that correct?

SENATOR SCHLUTER: That's correct.

MR. PALATUCCI: And so whether you want to do even years or odd years, competitiveness in which years you might use might be in the eye of the beholder.

SENATOR SCHLUTER: Well, I think -- and I do suggest that if you go for a competitiveness factor -- and I would hope you get more competitive districts than we have right now -- you would use '07 and '09 numbers. Now, the reason that those numbers were picked by us on the Clean Elections Commission, and the reason that I would suggest that you go to -- because they're off years, and they were picked on the Assembly races, the votes between Republicans and Democrats, which I think is a very good, neutral guide as far as the affiliation of how people are going. So it's important what years you have and what offices you select in making your analysis.

MR. PALATUCCI: Thank you, Senator.

ASSEMBLYMAN WISNIEWSKI: Majority Leader Cryan.

ASSEMBLYMAN CRYAN: Senator, thank you.

A question for you: In this data, is there anything in terms of competitive primaries?

SENATOR SCHLUTER: No, there is not.

ASSEMBLYMAN CRYAN: Okay. So when we factor in this data, is there anything we should look at, or would there be anything in here that would help us understand? In some of these particular safe districts, there are, in fact, competitive primaries, are there not?

SENATOR SCHLUTER: This is correct. But the fact of the matter is, as some of the commentary in the testimony that I presented -- where you have an overwhelmingly dominated district by one party -- the action is in the primary. And very often--

ASSEMBLYMAN CRYAN: That's correct. So, in fact, there is some competitiveness there.

SENATOR SCHLUTER: There is, that is correct. Very often the public is not as much aware of primaries as they are of the general election.

ASSEMBLYMAN CRYAN: And, Senator, if I can, just one other point. You mentioned that there are three competitive -- highly competitive districts, in your view, as of the time of this data. I couldn't help but think, as you said it-- The day after Election Day this year, there were four split districts in the State Legislature: Districts 2, 4, 7, and 14. And in addition, I couldn't help but take a look here-- In the '05 data, I believe the Senator from the 12th District was named Ellen Karcher. She's not named that now. And I think -- would you also agree -- as I take a look at this in terms of competitiveness, your data here shows, for example,

there's a 65 percent Republican advantage in District 1 in terms of that, yet it's represented by three Democratic legislators. So we should also, I assume -- would you help me? If I understand the data correctly, I should also assume that, in fact, the public can, in fact, look at issues, candidates, as well as the data that you provide in terms of making a decision. If one were to only look at that data that you provided, one would assume that, for example, in District 1, all three legislators would naturally be Republican. Is that correct?

SENATOR SCHLUTER: Yes, there are aberrations here. And you are correct, Assemblyman, in pointing them out. In District 12, which Karcher was the incumbent Senator, there was six times as much money spent on her campaign as the one who beat -- as Senator Beck, who beat her. But the fact of the matter is, Senator Beck had enough money to at least be a credible candidate. And the district is basically Republican.

I think that you, with your knowledge of the districts and your knowledge of the people in them -- we can see some flaws in this. But you can understand District 7 is a split district. Well, Diane Allen is a very large personality there who is going to go across party lines. But the basic core of that district is Democratic.

ASSEMBLYMAN CRYAN: So, in fact, constituents, under those examples that you use, are able to understand -- whether it's a minority district or whether it's a competitive district-- I think what you're telling me is, if I use District 7 as an example, constituents do know what their legislators stand for and, in fact, are able to vote, in fact, at times on split party lines. Is that correct?

SENATOR SCHLUTER: I think that that is an exception, but there are many examples in the safe and dominated districts where you just don't get any kind of competition, and you don't get a dialogue, really, in the course --

ASSEMBLYMAN CRYAN: Thank you, Senator.

SENATOR SCHLUTER: Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you, Senator.

Carmen Southward.

She will be followed by Lori Ruzich.

**C A R M E N S O U T H W A R D:** Good evening.

I came before you in Toms River a few weeks ago before I knew that I would have the opportunity to address you here more locally. I'm here again this evening on behalf of my community, mostly from Elizabeth, and on behalf of the fellow Latinos and Hispanics who trust me with carrying their message.

My intention is not to rehash tonight what you already have a solid understanding for. It is simply to reaffirm our position as previously stated in Toms River and highlight points brought to better light through the release of the new Census numbers.

New Jersey's Hispanic population has increased exponentially over the last decade, from 13 percent to nearly 18 percent. Just as we had thought, we are clearly in a position to have Hispanic districts formed. According to the Census data, there is no good reason why Hispanics today should still struggle to be well-represented. It only seems logical that a concentration of Hispanics in any one area would yield representation that reflects the population. In our opinion, to suggest that a diluted Hispanic

population over several areas would yield better representation throughout is, in our opinion, an attempt to suppress the Hispanic voice.

One of our local leaders recently stated, and stated here this evening, that the outcome of this process must be a legislative map that is fair to every New Jerseyan, and enables a Legislature that actually looks like our state rather than packing minorities into as few districts as possible, as some would prefer. To clarify this point: Hispanics are not being packed into districts, nor is that what we are suggesting. We are in these districts and represent the majority. Therefore, your concern for fairness is best served by allowing us to be mapped exactly for what and where we are. As an example, we are not packed, and cannot be packed, into 59.5 percent of Elizabeth. We are 59.5 percent of the population in Elizabeth.

Further stated by our local leaders, this map must be constitutional, it must be forward-looking, it must give New Jersey residents a Legislature attuned to their lives and needs. We could not agree with you more. That is precisely why we urge this Commission to consider a new map that gives Hispanic a voice in their own districts.

Secondly, we will be relentless and resilient in our efforts to seek the proper representation. A Legislature that is properly attuned to our lives and needs will be representation that speaks our language, both literally and figuratively; representation that is not afraid to speak our language in front of others or carry our message exactly the way we convey it. We demand legislators who walk our communities and have a genuine concern for our lives.

Historically, Latinos have been your chefs, your landscapers, your construction workers, your military, and even your childcare providers.

So, surely, to be trusted with your children is to be trusted. Today we ask you to trust that we know exactly what we are asking you for, and that it is our communities of Hispanic -- and that our communities of Hispanics are given the opportunity to come together in great numbers in order to ensure our place in the legislative body.

Today we came in a group of about 50 in this room and standing in the back. But please don't lose sight of the fact that, outside these doors, we are communities of thousands and a majority in many cities throughout the State of New Jersey. We understand that not everyone may agree with the perspective we bring to you today, but we do urge you to continue considering -- for that is what adds to this nation's diversity.

Finally, Assemblyman Coutinho stated that Newark's East Ward had no representation for 50 years. I know all too well the effects of not having representation or proper representation, as I was born and raised in this city, and my mother was fired from a local factory when she was pregnant with me. So while we've done better to get representation, we're not there, and there is still a lot of work to be done. We don't want token representation; we want true representation.

Thank you for your patience, consideration, and thorough understanding of our (indiscernible). (applause)

ASSEMBLYMAN WISNIEWSKI: Ma'am, we have a question.

So your position is that, to create districts with a majority of minority population to-- That's the way to elect a greater number of minority representatives.

MS. SOUTHWARD: It is. In our opinion, that is -- we are going to have the advantage that way and have better representation.

ASSEMBLYMAN WISNIEWSKI: And is that always the case in every legislative district -- where you have a majority of minority voters electing minority representatives?

MS. SOUTHWARD: Perhaps it is not. And I'm probably not as politically savvy as most of you are here today. But I can tell you I don't gamble; but if I had to, I'd go with the better odds. And I would say that having a majority group -- a majority of Latinos in a certain area -- concentration of them -- is going to yield better chances to have that same type of representation.

It's not to say that we have to have a Latino represent a Latino group. But we are looking for the proper representation, because the representation that we have had, we don't feel, is sensitive to our issues.

ASSEMBLYMAN WISNIEWSKI: What do you mean by proper representation?

MS. SOUTHWARD: Representation that's chosen by the people -- actually chosen by the people.

ASSEMBLYMAN WISNIEWSKI: Are you familiar with the 33rd District?

MS. SOUTHWARD: Enlighten me, please.

ASSEMBLYMAN WISNIEWSKI: Fifty-four percent Hispanic population. Do you know who the Senator is in that district?

MS. SOUTHWARD: Could you tell me what the 54th is?

ASSEMBLYMAN WISNIEWSKI: Thirty-third District.

MS. SOUTHWARD: Excuse me, 33rd.

ASSEMBLYMAN WISNIEWSKI: Union City.

MS. SOUTHWARD: I don't, I'm sorry.

ASSEMBLYMAN WISNIEWSKI: Senator Brian Stack.

MS. SOUTHWARD: Okay.

ASSEMBLYMAN WISNIEWSKI: And so does that support your argument or refute your argument?

MS. SOUTHWARD: You know, I didn't want to get into this exchange. What I can talk to you about specifically is what I am very familiar with, and that's the community that I represent. So in Elizabeth, for example, our Senator-- We have Senator Lesniak; we have Assemblywoman Quijano, who I don't know -- who I think I should know -- and we have Assemblyman Cryan. I don't feel that in Elizabeth we're well-represented. We're 59.5 percent of that population, and I don't feel that our issues are well-represented when you have legislators who are encouraging or pushing for laws that directly have negative effects on our children, on our Latino community.

I didn't want to get into those specifics and that exchange tonight. But Assemblywoman Quijano, for example -- she's not been elected by the people. She's been appointed, if I'm not mistaken.

MS. CRUZ-PEREZ: No, she's elected.

ASSEMBLYMAN WISNIEWSKI: She's elected.

MS. CRUZ-PEREZ: She was elected twice.

MS. SOUTHWARD: She was elected again? Okay, I'm sorry. But when she was appointed -- she was initially appointed.

MS. CRUZ-PEREZ: Appointed, and then elected two times.

MS. SOUTHWARD: By the county committee.

ASSEMBLYMAN WISNIEWSKI: There was a vacancy.

MS. SOUTHWARD: Which isn't reflective of our population.

ASSEMBLYMAN WISNIEWSKI: Senator Sarlo.

SENATOR SARLO: Thank you, Mr. Chairman.

I get confused here. Usually you hit the button to speak.  
(referring to PA microphone)

Phil, what are you doing to us here?

Through you, Mr. Chairman, do you live in Elizabeth?

MS. SOUTHWARD: I live in Linden.

SENATOR SARLO: Oh, you live in Linden. Okay. I know you're very up-to-speed on what's going on in Elizabeth. You have a great-- There's a great-- I was going to say you have a great Mayor. There is a great Mayor in Elizabeth, in Mayor Bollwage, who does an outstanding job. He comes down to the Legislature and is a big advocate for the folks of Elizabeth, which is a diverse city, and does an excellent job.

Is there any reason why the city, in your opinion -- since you do know a lot about Elizabeth -- that has 59 percent of minority representation continues to elect a Caucasian in Mayor Bollwage? Any thoughts?

MS. SOUTHWARD: I'd rather not comment. I'm sorry.

Thank you.

SENATOR SARLO: Okay. I just-- You've talked a lot about Elizabeth and representation, and I've just noticed in my years in the Legislature -- I've always watched them reelect Mayor Bollwage, and I think he does a great job. He represents every aspect of that community, every person of that community, regardless of what ethnic background.

MS. SOUTHWARD: I don't know how he represents every person. He does continue to get elected, but he's also a mayor that refuses

to acknowledge that there's a severe gang problem in Elizabeth. So I'm not sure that he represents every person. (applause)

SENATOR SARLO: The reason I'm asking the question is: We've talked a lot about Elizabeth, and we talk a lot about Passaic and other cities. The people in these communities choose who they feel is the best person to represent them, and people who represent them -- who represent the needs of a diversified population. So in a particular instance-- I understand when you talk about gangs. We have gang problems all over the state. And the way we're going to deal with it is more law enforcement, more presence of police on the street. That's a debate for another day, and we will have the debate during the budget hearings.

But I just wanted to point out-- We talk a lot about Elizabeth, but there is a Caucasian Mayor there, and he's been elected overwhelmingly by the 59 percent of the minority district.

MS. SOUTHWARD: He has.

SENATOR SARLO: Thank you, Mr. Chair.

MS. SOUTHWARD: And with that, I'd just like to follow up by telling you that I don't know that you could convince me, ever, that a white male can be completely understanding of my needs as a Latino female. While you may be sympathetic to some of my causes, you will never walk in my shoes. So the point that I was trying to drive home is that if we're going to be represented in a 59.5 percent -- you know, area of Latinos -- by a white male, then he better do a really good job in listening to all of our concerns. (applause)

ASSEMBLYMAN WISNIEWSKI: Senator, unfortunately I have to allow the court reporter to change his paper, or nobody will hear anything after this. (laughter) So if we could just--

SENATOR SARLO: Okay.

COURT REPORTER: Thank you.

SENATOR SARLO: Just one final comment -- and I know we probably respectfully disagree on this. We talked about District 32. There is, in Senator Brian Stack -- Mayor Stack -- there is nobody who works harder in the Legislature than he does for his district. And if you go to that town, he represents the Hispanic population unbelievably. What that man does day in and day out for that population is just incredible. And he works so hard for them. I know you don't -- may know that area; but they could not get a better representative than Mayor Stack.

MS. SOUTHWARD: And to your point, good for him, and I'm glad he does. But to drive my point home: If it's not going to be Latino representation for a Latino community, then it should be proper representation. So good for Mayor Brian Stack.

ASSEMBLYWOMAN OLIVER: I have a question.

ASSEMBLYMAN WISNIEWSKI: Speaker Oliver.

ASSEMBLYWOMAN OLIVER: Yes, hi. I'm getting intrigued by this conversation. (laughter)

You told me that you're from Linden.

MS. SOUTHWARD: I am.

ASSEMBLYWOMAN OLIVER: Tell me about the local level. Tell me about the history of mayoral representation and your municipal council in Linden.

MS. SOUTHWARD: Can I ask you why you're asking that so we can get to the point? Because I don't want it to be-- Because what I want to make clear here to the public is, I'm not a politician. I am citizen who came here to voice my opinion on something.

ASSEMBLYWOMAN OLIVER: Absolutely.

MS. SOUTHWARD: So I just want to make sure that it's fair, so I can answer your question to a certain extent.

ASSEMBLYWOMAN OLIVER: Correct.

MS. SOUTHWARD: But I'd like to know what you're driving at.

ASSEMBLYWOMAN OLIVER: As a member of the reapportionment committee, I have interest not only in the maps that will be drawn for the 40 legislative districts, I also have interest in what occurs within the communities in those districts.

MS. SOUTHWARD: Okay.

ASSEMBLYWOMAN OLIVER: So I am asking-- You're describing Elizabeth. I am asking, if I were to look at the other communities in Union County-- We've heard-- We heard from Mr. Christian, who have us excellent numerical reference. And he talked about the growth of the Hispanic population statewide. I was looking at some documents. I, for instance, looked at Monmouth Borough, where there is 49 percent Latino population. At the local level, they're not represented on the municipal council or in City Hall.

MS. SOUTHWARD: Right.

ASSEMBLYWOMAN OLIVER: So I was-- I'm trying to, analytically, carry through the premise that you're representing. And that's

why I asked you about the local communities within that district. What does it look like in terms of local representation.

MS. SOUTHWARD: I can tell you what I do know.

ASSEMBLYWOMAN OLIVER: It helps me, as a Commissioner.

MS. SOUTHWARD: Sure. I can tell you what I do know. I can tell you that in Linden, it's a population of approximately 40,000 and change -- you know, citizens. About 25 percent of them are Latinos, about another 25 percent are African-American. And then roughly the rest is white. There is probably a small percentage there that is other. I don't see that reflected in our local community, in our local politics. Okay? I don't see that in our City Council, I don't see that reflection with our Mayor. In fact, we near enough had an African-American mayor elected who won at the polls and then, unfortunately, lost with an absentee ballot. But that would have been a great stride for us as minorities as a whole.

ASSEMBLYWOMAN OLIVER: Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

MS. SOUTHWARD: Okay. (applause)

ASSEMBLYMAN WISNIEWSKI: Next up is Lori Ruzich.

**L O R I R U Z I C H:** Ruzich. (indicating pronunciation)

ASSEMBLYMAN WISNIEWSKI: Ruzich. (indicating pronunciation) Thank you.

And after her will be Karen Beal.

Lori, please begin.

MS. RUZICH: Good evening.

I'm from Verona, New Jersey. I'm here tonight, and I thank you all very much for your hard work.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can't hear you. Speak up, please. We can't hear you.

MS. RUZICH: Thank you, committee, for the hard work that you obviously have ahead of you and that you're willing to do for us.

I'm here tonight just hoping that when you make the decisions about redistricting, you will take time and really notice the great work that has been done in Essex County by the legislators there. And I would be very, very frightened to see the redistricting taking away any of those fine gentlemen, specifically Senator Codey. He has shown, time and again, leadership, compassion, and availability to the people of Essex County.

I specifically was touched and very moved by something that got me here tonight. And it's been a wonderful process listening to all of this. But I hope that you will hear this.

When somebody represents you and they have your best interest at heart, I think there is no greater time in your life that that could come to real fruition -- when I made a phone call. Somebody called me and said that a fellow employee -- young mom -- was in the hospital about to embark on breast cancer surgery, and she was denied her insurance at the 11th hour.

I get a phone call because somebody knows I know Senator Codey adjacently through our children. And I really feel a little awkward, but I make a call, hoping that he would take the call, hoping that he could help. The woman was already ready for surgery, waiting on her surgery in the hospital. He said to me, "How is this possible, blah, blah?" And within

24 hours, the woman was having her surgery. He had rectified the problem with the insurance company. And, quite honestly, that kind of dedication, that kind of commitment to the people who he looks over is something that I hope I am not going to be missing after the redistricting.

Thank you very much.

ASSEMBLYMAN WISNIEWSKI: Thank you very much for your testimony.

We are trying to get the lighting situation sorted out so they don't keep going on and off.

Ms. Beal.

**KAREN BEAL:** Hello.

ASSEMBLYMAN WISNIEWSKI: And after Ms. Beal is 10-4 Evans and Gary Frede.

MS. BEAL: Good evening.

My name is Karen Beal, B-E-A-L.

First of all, I would like to thank the entire committee for having us here. I have learned an awful lot. I foolishly always assumed that you had the right to vote for who you wanted to. I didn't know that we had lines and boundaries. And I really need to learn a lot more, but I'm not here for that right now. I have to catch up on that later.

I have a little bit of a problem speaking. I had a brain aneurism.

You know what you have; you don't know what you're going to get. You don't know what you've got until you lose it. And I can only tell you that in 2002, I had to take my mother from the hospital because she

had been in a nursing home, and they refused to care for her. She fell, fractured her skull, her pelvis in three places, ribs.

I brought her to my home. Health care is atrocious. She fell on July 23. My brother was on vacation in Denver to find himself. At the age of 50 -- motorcycle accident. He was in ICU in Denver at St. Joseph's, and my mom was in my living room. So my sister went to Denver, I stayed with mom. In the interim, I had to hire somebody to take care of my mom during the day when I went to work, and then I took care of her through the night and every weekend unless I had to work. And I worked at St. Barnabas for 38 years. So there is a lot about the health care that I do know. It's declining, and it's to the point where we should all be afraid. I wouldn't leave a child in a hospital by itself.

In any event, I was ready to hang myself. I am not kidding. I was ready to do it. I had my brother, who was discharged from another nursing home, from Kessler -- a step-down unit, to my front door while I had my mother in a hospital bed in my living room. I was trying to get my brother into Universal. It's a facility in Livingston for traumatic brain injury patients. But every time I tried, the door was shut. "He has to be coming directly from the hospital. No, he's got to be in the hospital. We'll go see him." He gets in the hospital-- I mean, it went on, and on, and on.

Finally, Senator Codey looked at the reports from the social workers and-- I'm sorry. But what it boiled down to was, the social workers were screwing up, saying he was this, when he was that. You can't have a closed-head injury and be paralyzed on your left side, in a coma, and not have brain damage. He does. I mean, any man who urinates into a woman's refrigerator in the middle of the night-- I was ready. I just

couldn't take it anymore. There is only so much you can do, and the healthcare system is not there for you.

Senator Codey was there for me. He didn't know me, he didn't ask me if I was a Democrat or a Republican. I wrote a letter, because I couldn't even -- at that time-- Well, of course, in May of '05 I had a brain aneurism. So my brother ended up in the hospital. Senator Codey then, at that point, arranged for his staff to help go to the nursing home, get part of his records. And my brother was then transferred to Universal in Livingston. And I know Livingston-- But do you know what? They take care of him. He's got a roof over his head, he has physical therapy, occupational therapy, and he's like a 7-year-old kid, but he's 55 years old.

So please don't take Senator Codey away. Please. That's all I ask. I know you guys have a rough-- I'm amazed. I can't-- Congratulations. I just cannot believe all the work that you have to do. I mean, no wonder that House-- I wonder when I watch C-Span -- I should not watch that, because it makes me crazy. It's like, how can you accomplish anything? Look at these two Houses going back and forth. And this is just a state -- one state.

So, God bless you and thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony. Thank you.

State your name for the record, please.

**10 - 4 EVANS:** Good evening, everybody.

My name is 10-4 Evans. I'm here for the South District Police Council Relations in the South Ward.

As we speak today and come forth to you -- to know the whole history. First off, I want those senior citizens -- this is my main concern -- those senior citizens who are handicapped -- have those (indiscernible) and those apartments fixed for them to come out. This is part of the job of the Assembly, and also the Councilmen to get on board. We cannot put it on the Assembly persons when you got your Council that isn't doing nothing. You need them to work too with the Assembly, and the people in the area who work with the Assembly and your Senators. And you can see what's going on. And that's what I want to be done now, because the senior citizens are going down the tube.

And a lot of people cannot handle the handicapped. How would you feel -- your father handicapped, cannot get out of the door? Those apartment buildings in Newark -- they're supposed to have automatic doors to open up for those handicapped people, and I'm tired of (indiscernible), I want them done. This is what 10-4 Evans is about: the people. It's not about me, it's about the people. And the senior citizens are who brought you here today. Without them, you could not do your job.

The next thing is: I think we need to focus on the issue here (indiscernible) want to change the map. Is the map going to change for the -- improve people, or going to demote someone? We do not need to change the map if it's going to demote somebody out of their spot, like Codey. I know Senator Codey. Senator Codey has worked very well in Newark. I've been around here-- Assemblywoman Oliver -- I know her very well. She has worked very well in the Legislature. But when you come to the point where we stand-- I don't want people to come here and just talk and just talk. Let's get action done when you change this map.

Thank you, and have a good night. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Gary Frede, Dem District Leader, 34th District. (no response)

I'm not seeing Gary.

Joseph Nardone, resident of Newark; followed by Leonard Thomas.

Are you Mr. Nardone?

**J O S E P H N A R D O N E:** Yes, I am.

Thank you for having me.

I am not going to give a long talk, because I've been sitting here, as well, as you've been sitting here. And people have come up here and they have spoken quite eloquently about what is -- how this committee -- and with numbers and so forth, and about the actions of this committee that we hope you will take.

I just wanted to reiterate the fact that I have heard that you want -- that an idea has been put out that people -- that the map should be redrawn based on voter turnout. And I think that's a very bad idea. I would oppose that idea. I am an honorably discharged veteran of the United States Army, and I-- When you become a soldier, you take an oath to defend the Constitution of the United States. And as a defender of that Constitution, I believe in one man, one vote. And I believe in-- And I use the word *man* generically, so please do not misunderstand me. But there should be one vote per person. And to say because somebody didn't vote that the map should be drawn on voter turnout -- I think that is totally wrong.

I think it would be an excellent idea, as has been said before, that this committee posts its map -- probably its proposed map -- on its website so that people can see what is proposed.

I have not had a chance to look at the Census numbers, but I have heard that the districts have changed very little. And it seems to me that maybe the map doesn't need to be changed very much as well. I come from the East Ward, the Ironbound Section of Newark. And we have a very diverse population there. Someone did a study once and they came up with something like 50 different types of ethnic groups in our area. So we have-- We all vote, we all get together. I'm a community activist. And when something affects our community, such as people wanting to put pollution into our community, everybody turns out -- a large number of people. We get people of every stripe there.

The maps need to be drawn based on one vote, one person. And that's what I hope this committee will attempt to do.

Thank you very much. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you, Mr. Nardone.

Leonard Thomas, followed by Margarita Muniz.

**LEONARD THOMAS:** Good evening.

My name is Leonard Thomas. I'm from the East Ward of Newark.

A lot of the things I really wanted to say tonight have been covered already, so I guess I'm not going to repeat those.

We need a process that's going to be transparent. That's obvious. I think it's good that we have our work put out in the open so that people can see what is going on. Your process, right now, puts a lot of

pressure on all of you. I know we have political concerns for one party or the other. But what you do essentially could be a self-fulfilling prophecy for the next 10 years.

If we base our maps on turnout, that's what it's going to be, because you're saying this is what it should look like. We need to base our maps on the people who are there, the voters who are there. And if we have it so that it's accessible, then they will turn out, there won't be that problem with having people not coming out there.

I spoke to a couple during election time. And one of the reasons they don't come out is because their district has them situated so far away from their polling place. And so unless it's just a really -- what they see as important, they're not going to make that extra effort to come out. And sometimes that's whether they have a person who is really going to be representing them or not. So that's really important to have so they can be accessible. And if they have that access to representation, that's going to give them the type of life that they want as a citizen. So their vote will really count for what they're looking for.

So I ask you, again, pay attention to the transparency of this operation. I think the idea of having a map that is being put out so people can look at it and comment on the map as it's developed is good. I also agree that the person who is going to be the deciding vote should be part of this process now. It seems like he would have to go back and revisit all the things we've done so far. And that's going to make that process that much slower and then put more pressure at the very end to put something in fast. It makes more sense to have him in place now.

I'm really pleased with some of the progress that we've made already. And I think it speaks to the fact that we don't need to pack districts, we don't need to have everybody of one type in a district. Because we're not always the same, even though we may look the same. I'm sure as you look around the table that people who may look like you may not agree with you. I mean, right now, we have people from two different parties, and a lot of you look alike, but you don't think alike. (laughter) And the same thing happens to people in our neighborhoods. We may look alike, but we don't all have the same views, we don't have the same visions, we're not all alike. So that part is not necessarily true. We do have many similar things, this is true. But we need representation that is going to speak to that. And the way we get that representation is to have somebody who is going to be elected by us to give us that representation.

So this is basically what I wanted to say. Most of the other things have been said. I agree with a lot of the things that have been said. Again, transparency, I feel, is very important. And I wish you well in your job. And I hope to come back again to see the types of things that you're doing as we go through this process.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Mr. Thomas, thank you.

ASSEMBLYWOMAN OLIVER: Chairman.

ASSEMBLYMAN WISNIEWSKI: Oh, Mr. Thomas, we have a question for you.

ASSEMBLYWOMAN OLIVER: No, I just want to share information. There are many things we don't do well in Trenton, but one thing we thought we did well was when we passed legislation that permitted

people to vote by mail. And you indicated that many people in your area -- because the polling places are so far and they have transportation issues-- That was something that we took into consideration: people's mobility. So I just want you to carry information back for those that that is an impediment. If they are not aware that they can vote by mail, they can. And I just wanted to put that on your radar screen so you could share that with people in your community.

MR. THOMAS: Actually, I have spoken to some people about that. Unfortunately though, it's the day after, the day of the election, and they don't have time to go get that absentee ballot then. Usually around election time -- before election time -- I'm carrying them in my bag. "Here, use this. You don't have to go. If it's raining, if it's snowing, if it's bad weather, if you're hurting and you know you're going to be hurting-- Vote so it's taken care of." We need people who are going to take care of our needs. So I think that's important.

But, again, sometimes it's still difficult because they have the perception that, "It's over there. It's not mine anymore." And that's why we have to really work on this.

ASSEMBLYWOMAN OLIVER: Thank you.

MR. THOMAS: Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Thank you, Speaker. (applause)

Following Ms. Muniz will be Richard Groves, and then Isaac Jenkins.

MARGARITA MUNIZ: Good evening, Commissioners.

My name is Margarita Muniz, and I'm President of Latinas United for Political Empowerment, which I will refer to as LUPE in my remarks.

LUPE was formally organized in 2003 with the mission of empowering Latina women to engage in the political process in order to affect public policy in areas of childcare, education, economic development, and health. We thank you and appreciate the opportunity to testify this evening.

Public hearings are an important and vital part of this process because redistricting determines who represents us and who will make public policy for the next decade. Public input into this process is crucial to ensure that the procedures for electing our representatives are more democratic and lead to greater participation.

LUPE seeks to increase the voices of Latina women in those institutions that will determine public policy in the next 10 years. The determinations made by this body will have either a positive or adverse impact on our goals. For these reasons, LUPE hopes that the Commission will consider holding additional hearings throughout the State of New Jersey; and at the same time, as heard earlier this evening, continue to post all proposals and comments, and allow for additional public participation.

Currently, there is only one Latina Senator and three Latina Assemblywomen in this state. We believe that this does not provide adequate participation by the significant population that Latinas represent in this great State of New Jersey. LUPE believes that New Jersey is in a defining moment where we can ensure that the Legislature is more reflective of the communities it serves. LUPE is steadfast on the protection of our

communities' needs -- to access health care, and to quality education. And we know that our elected officials make the difference in the delivery of those services or the lack thereof.

While we recognize that this issue is not gender-related, as Latinas we look forward to critical thinking and a democratic process that ensures Latino inclusion in both agenda and the delivery of progressive outcomes that include representation, resources, services, advocacy, and a greater engagement throughout our entire state across parties.

As the 2010 Census has determined, the Latino population has grown. Obviously, our existence and our presence is much greater. Currently, over 10 New Jersey cities have Latino populations of over 50 percent, with Union City topping this, as we all know. This data makes it imperative that our lawmaking bodies be reflective of this new reality. We are at a crossroads where Latino engagement in the political process can no longer be a matter of happenstance, but a deliberate and strategic plan of action to ensure equitable representation.

It is your mandate, and I know you know this. We know the importance of your position, of the challenges, the needs, and the concerns of all New Jersey residents. We are aware of the various interests and pressures that seek your attention. But you sit here as representatives of all of New Jersey, not as Democrats or as Republicans, but as servants to the people who live in this great state. We are hopeful that you will use this in good faith and wisdom in carrying out your charge by upholding the principles of our Constitution, our laws, and our court rulings.

We hope that my brief remarks will resonate with this Commission and result in a more equitable opportunity to empower the

people of our great State of New Jersey and the voiceless who we are charged to serve.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Richard Groves, followed by Isaac Jenkins.

**RICHARD GROVES:** I had to wake my legs up. (laughter)

My name is Richard Groves. I'm a resident of West Orange, New Jersey. I'm a native of Newark and moved up to West Orange.

After listening tonight, I believe the goal of democracy is to provide equal voice and equal opportunity for all. And I was just given this information regarding our district, which is West Orange, in the 27th District. It went from 51 percent in 2000 down to 28 percent. Now, I believe that when there is no balance, there is also a lack of representation and voice. There can be discontent and lack of participation because of that.

More importantly, I think there is a trickle-down effect. And looking around the room, I see a lot of people I grew up with in Newark. And we were part of the process. Our parents brought us into the process, and so we understood that.

But I think that when there is a lack of participation in the public, that means our youth, our young, don't see a reference in the people who support them, who speak for them. They don't participate in the long run. And we won't have-- Many of us in here are getting older. We all won't live forever. So we need the young people to come up as well. That depends on representation.

In West Orange, it's a blossoming, diverse community with about 38 (*sic*) percent of the priority group. I reference *priority* because a gentleman earlier said that he didn't know what word to use with regard to minority. And I've chosen and elected to use the word *priority* because it's a positive reference, and also it speaks to the importance -- and, yes, priority -- of being represented.

More importantly, having a fair and balanced district ensures that those seeking public office will have to recognize and address the concerns of all the constituents, not just a few of them. And we cannot continue to address priority groups as one moment in time, as we talked about some of the firsts here today, which are great achievements. But we want them to be not just an exception, but the rule.

The other idea is that it just can't be one first in history. We're celebrating, right now, Black History Month, which is one month a year -- one month a year. And history -- if we understand our history, understand our future. So it should be a continuous effort to have participation throughout the year.

In closing, to the committee, you are charged with creating a process of inclusion, not exclusion, so that the priority group -- we, the priority group -- are not just first all the time, but simply a part of history.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

ASSEMBLYMAN WEBBER: Mr. Groves.

MR. GROVES: Oh, sure.

ASSEMBLYMAN WEBBER: I was a little unclear. You started your testimony by saying the 27th District used to be 51 percent. But I didn't hear you say of what. And now it's 28 percent.

MR. GROVES: Of the priority group. It was basically a 50-50 split at the time.

ASSEMBLYMAN WEBBER: The priority group being African-Americans?

MR. GROVES: Being a minority group, yes.

ASSEMBLYMAN WEBBER: Okay. And now it's 28 percent?

MR. GROVES: Yes, we're down to 28 percent.

ASSEMBLYMAN WEBBER: And your preference would be to see it return to something like 51 percent? I'm trying to--

MR. GROVES: My preference would be that it be balanced. Because I believe that-- The gentleman earlier said that we all have different perspectives, no matter what we look like. But I do believe that if there's a balance in the area, you choose and you select based on your particular preference. If there's a balance -- and so when a person gets in, that means the people have spoken.

ASSEMBLYMAN WEBBER: Do you think there's a balance in the 27th District now?

MR. GROVES: Well, it's now 28 percent, so, no.

ASSEMBLYMAN WEBBER: Thank you.

ASSEMBLYMAN WISNIEWSKI: No further questions.

Mr. Jenkins, Isaac Jenkins. I don't know if he's here. (no response)

Louis Shockley, followed by Sam Spina. (no response)

No takers?

**S A M S P I N A:** Spina is here.

ASSEMBLYMAN WISNIEWSKI: Oh, sorry.

MR. PALATUCCI: Mayor Spina.

ASSEMBLYMAN WISNIEWSKI: Mayor Spina.

MR. SPINA: Former, former Mayor of West Orange.

Thank you.

Vision this: 30 days from now you turn your computer on, you look at the news, you pick up your newspaper, and it says, "Redistricting committee -- Commission -- unanimously decides on new districts. No need for 11th person." (laughter) It can be done. It can be done. And the two of you both said it at the beginning of the festivities here. You're looking to make the districts compact, fine; contiguous, fine. This is the 27th District, it's perfect. Demographically, there are people from all walks of life. It's a cosmopolitan community, actually. And they're all looking for one thing: good, responsive government and the ability to be able to vote for them. Make it equitable and constitutional.

And all I can say is that the 27th District -- maybe I'm partial being from West Orange, which is really the cornerstone of the district -- was represented -- is represented by Governor Codey, who, as you know, is Senator Codey now; and Assemblyman John McKeon; and Assemblywoman Mila Jasey. We're very pleased and proud of them. And we would welcome anything, Republican or Democrat, primary or not. But please keep it the same if you can.

Thank you. (applause)

MR. PALATUCCI: Mr. Chairman, can I ask the Mayor a question?

ASSEMBLYMAN WISNIEWSKI: Mr. Palatucci.

MR. PALATUCCI: Mayor, one of the things that we will struggle with in our deliberations is a balancing test of a lot of different issues. And you touched upon a couple of them, and so I want to ask you-- We've heard a lot of testimony tonight here about minority representation, and the need for more representation -- particularly for African-Americans, and Hispanics, and Asian-Americans. But at the same time, people like yourself -- former elected officials in West Orange -- would like to see continuity -- another factor. You like your legislative representatives, and that's fine. That's your right to do that.

What would be your advice to us? Is one more important than the other? Is there a way to -- for us to take that into account? What should be our priority? Is it continuity, or should it be trying to increase minority representation?

MR. SPINA: Well, if you do the right thing, one will follow the other, and Senator Codey will be right back again. (applause) But you have to do the right thing. And the district may need a little tweaking here or there to meet your requirements of population, whatever it may be. But no slash and burn, and just move this here, and move that there. That's not right, that's not fair, and that's not the way it should be. (applause)

MR. PALATUCCI: Thanks.

MR. SPINA: And West Orange, by the way, does -- or did have minority -- in fact, it still does -- minority representation on the Council. We've had some African-Americans, and we've had -- we now have a Latino.

So it can happen. It's not a case where it will never happen. No, it can happen. That's why I say it's a cosmopolitan district, and there is a lot of thought and free thinking from the people in that district.

ASSEMBLYMAN WEBBER: Mayor-- I'm sorry, Bill, were you done? (affirmative response)

The last legislative redistricting go-around, did you also want to keep the 27th District the way it was, or did you support slashing and cutting it up?

MR. SPINA: I could live with it. I think at that time -- because Senator Codey was going to win anyway.

ASSEMBLYMAN WEBBER: It's driven by who the district is going to elect -- is your position?

MR. SPINA: No, no, no, no. We want the people to be able to choose who they will elect. And if you do the right thing, as I said--

ASSEMBLYMAN WEBBER: It would be Senator Codey.  
(laughter)

MR. SPINA: --one will follow the other. And Senator -- Governor Codey will be there. (laughter)

ASSEMBLYMAN WEBBER: Because, you know, I look back and the district, before 2001, was East Orange, Montclair, Orange, Newark, and West Orange.

MR. SPINA: Right.

ASSEMBLYMAN WEBBER: The 27th looks very different today than it did 10 years ago.

MR. SPINA: Yes.

ASSEMBLYMAN WEBBER: So was that a bad-- I mean, should we go back to the '91-2000 map, or do you like this map? Which slashing and cutting is right and not right?

MR. SPINA: I like this one, because I used to serve as President of the Essex County Conference of Mayors. And I know there is a -- what's the word I'm looking for? All of the municipalities that are now in the 27th -- South Orange, Maplewood, Orange, West Orange, Livingston, Caldwell, and Fairfield -- all were part of that. They were very active. And we used to work together very well. And when we ran into a stumbling block or something, "Boop, boop, 'Senator Codey,'"-- I can't say Assemblyman McKeon, because he wasn't there at that time, or Mila Jasey either. But both of them are serving very well. They're doing an excellent job. But I think what you have is perfect.

ASSEMBLYMAN WISNIEWSKI: Thank you, Mayor.

ASSEMBLYMAN WEBBER: Thanks, Chairman.

ASSEMBLYMAN WISNIEWSKI: Mr. Shockley will be followed by Anton Wheeler and Jeff Gardner.

**LOUIS SHOCKLEY:** Good evening.

I'd like to thank everyone for having this hearing. Louis Shockley, Newark resident, born and raised.

This has been a good meeting so far. I agree with everything that was said. I would just like to get to the point of population and not just sticking with voters. I know politicians always focus on who goes out to vote.

But I'm also here to support the 27th and the 29th districts not being redistricted out. The problem with that is-- And I'm going to be a

little more frank than most of the other speakers here, as you can see by my sweatshirt. As Adam Smith said, there's the unseen hand. And we have powerbrokers here in this city, mainly out of the North Ward. I will refer you to December 28, 2010, *Star-Ledger* Editorial Board -- *Joe D's Club*. I would take a very good look at this article. And I know we have the same thing going on down in South Jersey with Mr. Norcross. So, like I said, I'm going to be a little more frank than you're used to hearing, because this needs to be said.

As we see -- look around the country -- with the Tea Party, with the Latino brothers and sisters struggling, there is a wind blowing, gentlemen and ladies. Okay? And people are tired of politics as usual. People want results from their legislators and from their local communities. And we're not getting that here in Newark, nor are we getting it in Essex County. Okay?

Now, again, black and Latino faces in high places don't always get results, again, because of the unseen hands and the unseen forces, and the powerbrokers pulling and cutting deals. Okay? Because it happens too much. And the majority of the people are left out. That's why your educational system is broken, that's why your political system is broken, and that's why the economy is now broken. Okay?

So, again, this disenfranchisement has gone on for many generations in the African and Latino community. It does not mean just because you put a Latino or an African-American in place-- Senator Codey, as I know, has been a very great Senator. He has supported Newark over the years. (applause) And he has done a great job. But again, because of forces that have been knocking and trying to pull him down -- as well as

Assemblyman Giblin. These are some of the problems that we have that have been going on in this city and in Essex County for far too long.

I worked at Passaic Valley Sewage Commission. As all of you well know -- what's been taking place down there. I give kudos. Take my thanks back to the Governor, because I gave him that tip and told him to look at it down there. The only person I could get to look at Passaic Valley was Weinberg. Both Democrat and Republican governors -- no one wanted to look at that money pit down at Passaic Valley, no one but Senator Weinberg. Okay? Lou Greenwald did try to help out in some efforts, and so did Senator Codey try to help out in some efforts. Okay? But everybody else didn't want to touch it. Okay?

But I'm just here to support, like I said, the 27th and 29th districts. Again, we cannot allow these districts to be about friendships, partisanship, connections, and all this kind of stuff. Seriously, I hope you people really look at this editorial article. It is mind blowing. December 28, 2010 -- and I suggest that the audience look at it as well and read. And take that into consideration when you're cutting up these districts and hurting our black and Latino people. And if you want to do a quick Q and A with me, I would welcome it. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you.

MR. SHOCKLEY: No takers? (no response)

Okay, thank you very much.

ASSEMBLYMAN WISNIEWSKI: Thank you very much.  
(applause)

Last call for Anton Wheeler.

Is Mr. Wheeler here?

UNIDENTIFIED SPEAKER FROM AUDIENCE: No, he left.

ASSEMBLYMAN WISNIEWSKI: Okay. Jeff Gardner, followed by Windale Simpson.

**J E F F G A R D N E R:** Hi, I'm Jeff Gardner. I'm from the great Borough of Hawthorne. I'm the Democratic Chairman there, and I'm also from the County of Passaic and the great 35th District. And it's a matter of public record that I actually intend to challenge my incumbent Senator in the 35th District this year. And I wanted to address that point with all of you, because it dovetails with some of the concerns that members of a variety of underrepresented communities mentioned tonight in terms of a disconnect between the number of people who are living in a particular district and the representation that they have been able to achieve in the Legislature.

And one of the reasons is because there are assorted institutional impediments to actually being elected to the Legislature. And I am hoping that we will not have an artificial one this year created by the timing of the process that is going on here with this committee. You're doing, obviously, very, very important work. It only happens every 10 years, and you're not going to want to rush through it. You're going to want to include the public as much as possible. But there is also a ticking clock with a June primary and, currently, an early April filing date.

I would ask that you please expedite the process by taking certain steps, including acknowledging what we all know to be the case -- and that is that an 11th member is almost certainly going to need to be appointed, and that person should be here right now, if he's not. He should definitely be here right now because that is going to be an awful lot of

power invested in one person. And it would be a real shame if that one person, who ultimately will have decision-making power, will not have even been in this room to hear any of the concerns that have been expressed tonight, did not hear any of the concerns expressed in Toms River. And at some point, when it becomes obvious to the members of this committee that, in fact, an 11th member is going to be needed -- I think it's obvious to a lot of people not on the committee already, and I suspect it may be obvious to a good number of the people sitting here. It's time to include that 11th person so we can get to a finished map in time for, I confess, people like me; but also other potential candidates out there, many of them from underrepresented communities who are going to need more than a week to gather the signatures, and the endorsements, and the support that they need to launch credible races for the Legislature. All the concerns mentioned about underrepresentation will mean nothing if viable candidates in well-drawn districts have no time to actually put together a campaign in this year -- legislative year. So that's point one.

And, luckily, I only have one other point, and it is -- it's what, I think, is fairly obvious, and it builds on what a number of the folks testifying tonight mentioned with regard to using the population figures versus voter turnout figures in this process.

This happens every 10 years. That's not a number plucked out of thin air. It's because we have a Census every 10 years, and this process is based on that Census. The Census counts the population, it does not analyze the voter turnout in a particular year to the advantage of one party or another. And you're here because we just had that Census that delivered

to you population numbers. And the argument that your decisions should be based on something other than that is a waste of time.

That's all I have to say. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

MR. GARDNER: Thank you.

ASSEMBLYMAN WISNIEWSKI: A second call for Windale Simpson.

Is Mr. Simpson here? (no response)

Alan Lewis, followed by Tomas Gomez.

ALAN LEWIS: I'm Alan Lewis.

ASSEMBLYMAN WISNIEWSKI: Please.

MR. LEWIS: I'm Alan Lewis, a private citizen from Fairlawn.

Mr. Chairmen, all too often the shape of districts that result from commissions like this do not give the public confidence. The people in this-- It makes sense to the people in this room, but not the general public outside. In view of the rancorous nature of politics that we've seen in this country lately, I ask you, number one, yes, to take cognizance of all the speakers before me. Their concerns are legitimate and, without question, you should weigh them.

But also, when the map is finally released, think of the general public -- that I wish for there to be confidence of the public that the system works, that they have good people representing them. And I ask before you release it to just look at it not as members of government now, but just as -- what would your wife think or your husband think when you bring it home? Will they say to you, "What were you thinking when you did this?"

or will they say, "This really makes sense for the people." Before you release that map, that's what I ask you to do -- is just-- Is this something that will give the general public confidence in the sense and sensibility of their government? (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you. Thank you for your testimony.

Mr. Gomez.

**T O M A S R. G O M E Z:** Yes.

ASSEMBLYMAN WISNIEWSKI: And he will be followed by Janine Bauer, and then Donna Jackson.

MR. GOMEZ: Good evening, ladies and gentlemen.

My name is Tom Gomez. I'm representing the DOPOR, the Dominican Political Representation, out of Paterson.

Members of this committee, I want to thank you for bringing to our community, to our door such an important process in such a very open and democratic way, and so available to all of us to be able to participate. Because it's a very important process.

(indiscernible) know it occurred every 10 years, as the gentleman just said, it's not by magic. It's because it's affected by the Census, and the primary data used to execute this process is the Census by the population of the legislative district.

I believe that the process is such a complex and intricate process there is no way possible to have a system that will satisfy every single one of our wish lists. But it has to be taken into consideration to maintain and to preserve the constitutional integrity of the process which already has been established.

I believe that different communities, regardless of the ethnic background -- because we came. We have to create an equal process where opportunities are given for us to go get it. The map has to be drawn in such a way -- take into consideration many different issues: the required amount of population within each district--

And therefore the political process should continue, enforced by the candidates, political activists, and community leaders. Because it's also an educational process for us to teach -- teaches such a valuable -- items that we have and that are so underused, which is the privilege to vote. It's such an important process to enhance the effectiveness of what we're trying to, here -- doing today. If we don't vote, we can draw that line in many different ways, and it's not going to work. And once someone is elected in a community, you are represented. You might not be well represented because of the quality of the candidate that you elect, but you are represented because a majority of the people voted for that person.

So, ladies and gentlemen, let's all work in a way that we can come out, at the end of the day, with a map where we all will have the opportunity to be equally and fairly represented. By drawing those lines at the end of the day, that map will be a reflection of what the Garden State is made out of.

Thank you very much. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Second call for Janine Bauer. Janine Bauer. (no response)

Donna Jackson, followed by Paul Perreira.

Ms. Jackson.

**DONNA JACKSON:** Good evening.

I'm familiar to many of you: Donna Jackson, Newark resident, New Jersey hell-raiser. (laughter)

I am totally opposed to you guys redistricting my district for several reasons. You're only doing it because the powerbrokers at the top of Essex County are telling you to. Mr. Aduato, Mr. DiVincenzo would like to control my area of the West Ward, where I have someone who doesn't go along to get along. That's the way I want to keep it. If it's not Codey, maybe it will be me. But leave me the option to have that. I don't need you guys to now get involved in this political mess, that is now involved in this state, and now have all of your efforts and your energy-- You can fight on this, but you're not fighting what's going on in Trenton your own selves. But now everybody wants to come here, and you want to make hell in Essex County. I'm not going to sit back and allow that.

I know this is already a done deal, because the Godfather already told you guys what you're going to do. (applause) There is no one in this room that is from that grassroots level that even thinks that this hearing is here just other than for a formality. You're just doing it to be doing it because you've already been issued your orders. We understand how politics works in this state. We understand that there are very few of you left in this state and in this country who are independent.

So as we sit here today, and people come up and are talking about, "Oh well, we need to have more Latinos, we need to have four blacks over here, seven Asians on this side, four Jamaicans over there, whatever," at the end of the day, for me, it doesn't have anything to do with color. I

need somebody who is going to stand up. Unfortunately, I don't have any of those.

You guys are involved in all this stuff that's going on. I'm talking about right now -- with Newark closing nine schools. You aren't moving Codey. You're not moving Codey. I'm not losing one in Essex County right now with the battle I have going on. If "Krispy Kreme" (*sic*) was talking about closing schools in your district, you'd be just as mad, and upset, and aggravated as I am. (applause) But "Krispy" (*sic*) isn't messing with you yet.

But what I need to let everybody know today -- and this is not me being on my soapbox. We've got 600 school districts in the State of New Jersey. Many of you don't even know your own districts aren't certified. And out of 600, only 37 have certification. So for me, right now, the black and white is that, guess what, yes, the urban areas are suffering, but so are the suburban. Your kid is using drugs just like my kid is using drugs. Your kids are fighting and stealing cars just like my kids. They call it *joyriding* if they do it in Verona, in Newark it's a *carjacking*. What's the difference if you've got kids that are 15 and 16 years old that are doing the exact same thing? But because this kid up the hill has on a red bandana and the one down the hill has on a red bandana -- simply because this mother only has \$20,000 and the mother up the hill has \$100,000 -- we're talking about different criminals here. No, I don't think so.

And that, at the end of the day, is what this is all about. You guys think you could push poor people around. Well, let me tell you something. You better watch CNN, and you better watch it close. Because if the people in this city, the people in this state who -- you guys are kicking

our butts every day -- and I'm talking about teachers, I'm talking about people who work and people who don't work. When we get tired of your foot on our neck, we're going to take a page from Egypt, and we're going to show you guys that we have had enough of not being represented -- all of you. It doesn't matter what color you are. Trenton, right now, sucks. The kids in school are talking about you guys, because you're not representing them either. Nobody is getting anything, suburban, urban, or rural. You're not servicing anybody.

But now you want to come in Essex County, and you want to play this game with Steve. And at the end of the day, Donna don't care. Steve can take me to court, you can take me to court. I call the name when it's time, because I've done my homework. Mr. Adubato does not rule all of Essex County. I live in the West Ward. I'm in the 27th District. And everybody else can be scared to say it, but I'm telling you all here today: You were given your marching orders; you will not follow them, or we will do what we have to do on this side. We are not ready, in the 27th District, to put somebody who is a yes-man in that seat. None of you aren't knowing Christie about nothing. But I am not willing to put a yes-man, when it comes to stuff in Essex County, in that seat right now. I have enough battling you. I'm not going to battle someone else in that seat who has no idea what is going on in my community, who is not familiar, who does not know what's going on -- not just Newark, West Orange either. We are all hurting.

So at the end of the day, I know you have your marching orders. I know. You elect and make decisions based on what you guys are told. It's not what you want to do, it's what you can do. You have allowed

this Governor to come in here and choke every one of you. And since you have done that, today, I'm telling you since the second Godfather is giving you another order-- Donna is telling you today, "Don't follow it, or it comes with consequences." Because we can remove some of you in June.  
(applause)

ASSEMBLYMAN WISNIEWSKI: Second call for Paul  
Perreira. (no response)

Francisco González, followed by Carlos Lucio.  
Francisco.

**FRANCISCO GONZÁLEZ:** Good evening.

My name is Francisco González, and I'm an elected Board of Education member in the City of Elizabeth, the largest independently run district in the State of New Jersey.

I start off with saying that because our school district is a provider of excellent education, it has received the accolades of many national foundations and corporate entities, such as the Panasonic Foundation, Merck, and the Broad Foundation.

I'm also happy to report that our school district has seen achievement grow, with many of our schools having higher performance rates than the New Jersey state average. Elizabeth also has a high school with the second highest achievement rate in the County of Union.

I believe that is something New Jersey legislators should be proud of. Unfortunately, the children of Elizabeth have been targeted with lower school funding, cutting of programs, and a large amount of audits as a result of the efforts on the part of some to use politics instead of fighting for the children.

What does this mean? What does this have to do with you? Well, your decisions have tremendous implications for towns all over New Jersey that need representation that is more representative of their community.

I would like to recognize the efforts of Assemblyman Cryan, one of the only representatives for the legislative delegation that has visited our schools. Some of the lives in the community-- Someone who lives in the community, knows the community, cares about the children, and will be an active part of what is taking place in our schools would be a better representation of the cultural makeup of our city. Your board has the opportunity to right a wrong.

And we thank you for your time. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Carlos.

He will be followed by Yalitza Torres.

**CARLOS LUCIO:** Good evening.

I'm glad that I waited this long, because the lady who spoke before Mr. González told me outside the door that we didn't know about half -- about this process. But I've learned a lot by being here all this time. So I kind of, like, rewrote my testimony.

I would like to thank you for your commitment to ensure that these legislative boundaries are fair for everyone during these procedures.

I want to give you a little brief history that perhaps represents Carlos Lucio, and perhaps the majority of the Hispanics in the City of Elizabeth. My family and I came from a country where democracy has been

fragile for decades. Fairness and an equality of representation are new concepts in this part of the world. However, Latin America has made progress. But though there is so much to do, we are afflicted with fewer dictatorships than before.

But in New Jersey, like the rest of the continent, democracy is functioning, supported by a broad consensus where we respect legality, we continue to have the freedom to criticize, we have a process of election and succession in power. That is the right road, and if we stay on it, it will continue to integrate New Jersey with the rest of the world.

I never felt like an immigrant in New Jersey for the above reasons. And because of our great democracy, I always felt like home -- a place where I can live in peace, work, learn things, and continue to nurture my dreams. Frankly, this is what every great citizen of New Jersey knows about their state -- in that the scale of democracy is not tipped in favor of any political party during this process.

From Camden County to Bergen County, a dramatic shift has taken place in the makeup of our state population. With communities with such (indiscernible) powers for Hispanic communities, especially in the City of Elizabeth, I feel and I know that it would be fair to say that democracy can continue to shine when places like Elizabeth and the County of Union have a more accurate reflection of our community represent--

During these procedures, I hope you consider the City of Elizabeth due to the fact that our Hispanic population needs to receive the proper representation -- especially in the City of Elizabeth.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Yalitza Torres.

**YALITZA TORRES:** Good evening.

My name is Yalitza Torres, and I am an educator with the Elizabeth Public School District.

I come before you today to speak to you on a topic that is of extraordinary significance to the most delicate individuals in the State of New Jersey, our children.

As an educator, I've seen the challenges that the children of urban cities face in an effort to go to school, walk the straight and narrow, and to ultimately pursue the American dream.

Many individuals have appealed to this body to address the need for adequate representation, have cited the large populations of Latinos that emanate from places like Union City, Elizabeth, Perth Amboy, to name a few.

I am part of that growing statistic. It is important to note that your board will look at -- or analyze the 2010 Census data and, hopefully, also recognize that the trend lines and the increase in Latino population will continue to grow rapidly and move upward. So the decision -- I'm a little nervous -- the decision to be made is not only for the present, but with a keen eye on the future. And in the end, we know that little to no representation exists and that changes must be made.

Elections are created to be fair. And let us recognize the stakes that Latino children have in the decisions you render as to whether they are ensured representation. But the facts speak for themselves. In the district

that Elizabeth is comprised of, there is little -- lack of proper representation in the State office. Hopefully for those who are there now and who are elected in the future-- Hopefully the representatives will be able to rely on the force and will that only an honest election can bring.

Why do I say this? I look at our schools and the effect that the years of politically motivated attacks on our school districts -- the attack on funding that began many, many years ago -- and they upset me. Yes, we need adequate Latino and Latina representation in the Senate and in the Assembly. But even more important is not only -- the responsibility that you, the members of the Commission, have in designing a fair district where the real decision to elect someone is in the hands of the people -- the very people who have the best interest of our children first.

Thank you. (applause)

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Next up will be Anna Rivera, followed by Florencia Scuderi and John Arvanites.

**ANNA "CUQUI" RIVERA:** Thank you.

I would just like to know how you do the list, because I was the first one here.

Thank you, members of the Commission, for holding this hearing here today.

My name is Anna "Cuqui" Rivera, and I am employed by La Casa de Don Pedro as the Case Manager for the Newark Prisoner Reentry Program; the owner and moderator of New Jersey Community and Corrections Working Summit at Yahoo! Groups, which is a news listserv

with a membership at this moment nearing 2,000; and a board member of the Latino Action Network; and also a member of the New Jersey Integrated Justice Alliance, a solution-oriented group of organizations that generates and supports effective public policy before, during, and after incarceration in New Jersey.

We are here this evening to add the weight of our voices to the concerns about prison-based gerrymandering that were raised by other members of our organization during both the Camden and the Toms River hearings.

Tonight we would like to reiterate to the Commission the serious threats to the principles of democratic government that are inherent in prison-based gerrymandering. At the same time, we would like to extend the discussion and present some concrete examples of why prison-based gerrymandering should be a concern for all of us interested in the process of fair representation, and offer the Commission some solutions to fix the problem.

I'm going to skip the next paragraph to not be repetitive.

As you heard in previous hearings, the Census Bureau counts incarcerated people as residents of the prison location, even though they cannot vote and are often not a part of the community that surrounds that prison. As a result, assigning incarcerated people to the Census block that contains the prison, rather than the Census block that contains their home address, results in a significant enhancement of the weight of a vote cast in districts with prisons and dilutes the votes of all other residents in all other districts of the state.

There is simply no question that to count people who are not truly residents as part of the population of a district is, on the very face of it, undemocratic. But in New Jersey, where almost 80 percent of the roughly 24,000 people in State prison are African-American or Latino, this practice has additional and grave implications.

Please consider the facts. According to the New Jersey Department of Corrections, nearly two-thirds of the State prison population in 2010 came from Essex or Camden County alone, while over 30 percent of the State prison population was sent to prisons in Cumberland County, a county where only 2 percent of its residents themselves are incarcerated. Additional data from the Department of Corrections show that while Essex and Camden are on the top counties of prison admissions, Cumberland, Burlington, and Mercer counties house the largest proportion of the total State prison populations, with Cumberland County housing State prisoners at almost three times the rate of all other counties in the state.

Indeed, many of us from Essex County have felt the devastating impact of incarceration on our neighborhoods. For example, in 2004, according to the Prison Policy Initiative, Essex County alone was home to 18 percent of New Jersey's prisoners, but only 9.4 percent of the state's population. At that time, only 11 percent of the State prisons' cells were actually located in Essex County.

We are here tonight to remind you that the Commission is not powerless to fix this. As you learned, our neighbors in Maryland, New York, and Delaware have all passed legislation last year to adjust Census data for redistricting purposes. And just last Friday, the Virginia state legislature -- I'm sorry, I'm a little nervous -- unanimously passed a bill in

the state assembly that would empower more counties to avoid prison-based gerrymandering. New Jersey should join these states in giving each resident equal access to government.

We also want to highlight for you that New Jersey has already taken a step in this direction. As you know, New Jersey law requires school board districts to exclude the prison population when apportioning school boards that have nine or more members.

Equally important, we want to again address the myth that the Legislature and the Commission is required, by law, to use Census data that miscounts prisoners. And we will resubmit for the record the fact sheet that shows how states are authorized to adjust Census data when redistricting.

We are mindful that the clock is ticking and that our options may be limited. Ideally, the New Jersey State Legislature would pass legislation that requires prisoners to be counted at their home addresses -- be counted at their home addresses. But there are interim solutions that we want to reiterate tonight. First, you could declare that all people who have been counted as residents of the correctional facilities have been counted there incorrectly. Since we do not have correct home addresses, the Commission could, instead, declare prisoners' addresses unknown and treat them as at-large members of the state and not in any particular district.

Finally, to show that it is possible to find out where folks in State prisons are currently located, we took a minute before the hearing today to ask our experts to determine where the 2010 Census counted people in just one of the 12, now, State prisons. And in time for our remarks this evening, they were able to determine that in 2010, for example, the New Jersey State Prison in Mercer County was counted on

Block 1000, Tract 002400, which included 1,899 people in that prison as part of the Census Block and Tract.

We understand that this is just one Block and Tract within the larger context of the state. However, there are only 12 prisons in New Jersey at this time, we are confident that New Jersey can properly locate and count the populations of these facilities even within a highly compressed timeframe.

Once again, at the Alliance we stand prepared to work closely with you to identify which populations in which Census Blocks are incarcerated, to ensure a fair count and to ensure that political representation is neither enhanced nor diminished by the location of prisons.

And I am also -- at last to say that I am a newly -- recently arrived official resident of Newark, New Jersey, as well.

Thank you.

Any questions? (no response)

ASSEMBLYMAN WISNIEWSKI: Thank you very much for your testimony.

MS. RIVERA: I gave it to you. I will upload it to your website if you'd like.

ASSEMBLYMAN WISNIEWSKI: Please.

MS. RIVERA: Thank you very much for your time. Please hear our voices.

ASSEMBLYMAN WISNIEWSKI: Please give a copy to the OLS aide sitting right next to you.

MS. RIVERA: I did, and one for all of you.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Next we have Florencia Scuderi, followed by John Arvanites.

Florencia.

**FLORENCIA SCUDERI:** Good evening.

My name is Florencia Scuderi.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Speak up.

ASSEMBLYMAN WISNIEWSKI: You have to go real close to the microphone. (referring to PA microphone)

MS. SCUDERI: Hello. Good evening.

My name is Florencia Scuderi, and I am here to testify as an Elizabeth resident.

I have noticed an increased-- I have noticed an improvement in the students' grades, but I have also noticed a huge problem with the funding they are receiving. Great grades should have great rewards.

Taking away Spanish classes and many other courses, such as Journalism, is not beneficial to the students. Personally, I have found that Journalism is the career for me, but I found out -- but I found that out my senior year of high school. So if the students, now, don't get that chance, where are they going to be tomorrow?

I also wanted to talk about how now, more than ever, there is an increase in the minority population. So shouldn't there be an increase in minority districts that will better represent these communities?

I noticed that many topics were repeated here tonight. And I wanted you to keep in mind that if many residents have these things in mind, they must be very important.

Thank you for your time.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

John Arvanites; followed by Craig Sawyer, HANDS, Inc.

**J O H N A R V A N I T E S:** I'm John Arvanites, former mayor and councilman of Roseland.

I just want to say that I'd like to support the comments that our Speaker Oliver, and Senator Ruiz, and the other individuals -- Bob Davison, from West Caldwell -- earlier had supported.

I just wanted to add one other thing to some of the comments that we heard this evening. I'm a CPA, and one of the principles we work on is consistency. And I would tend to believe that some of the districts we have in our state maybe don't need to be adjusted. And I'm sure that in the work that you're putting in, and the hours that you're putting in, you will see that. And if they don't need to be adjusted -- that we won't make any adjustments. Because in the accounting world, the reason why we're consistent is so that the representation that we give to people, in the form of financial statements -- that it doesn't get confusing.

And so in certain districts, if you take half of the district and leave it, and flip-flop it, that now they're representing -- the current representatives or any new individuals who might be representing are representing a totally different district. It kind of makes it difficult, I think, and unfair to the residents of that district. It also makes it difficult for people who might be interested in running and getting to know those potential constituents, getting to know the issues in those municipalities. I believe somebody earlier, who is looking to run for a Senate position, is

coming up with that. If that person is going to run, if the district changes now, getting up to speed on how to properly represent those individuals -- I think that now puts that person into a bad position, and it's an unfair position to try to represent such a district.

And in our district -- and in serving in Roseland -- I was fortunate that in the last 10 years that, in a bipartisan voice, we thanked our representatives from the Federal government, all the way down to our county government. And we were fortunate that we were able to work together, in a bipartisan manner, to accomplish many things with the assistance of all of our representatives.

But I just wanted to leave you with the word of *consistency*. And if that could be a principle that we use -- complying with the law, as well. Because I know there are certain rules and regulations that have to be adhered to in the redistricting process. But in the sense of districts that maybe are working -- that we leave those.

ASSEMBLYMAN WEBBER: Chairman.

ASSEMBLYMAN WISNIEWSKI: Yes, Chairman Webber.

ASSEMBLYMAN WEBBER: You're a former mayor, right?

MR. ARVANITES: My term ended in December.

ASSEMBLYMAN WEBBER: All right, so, Mayor -- I'll call you Mayor -- on this point of what a challenger does with a new district-- I think it was Mr. Gardner -- I think is his name -- who lives in Hawthorne, considering challenging Senator Girgenti. It seems to me -- and I wanted to get your view on this to talk about it a little bit. It seems to me that changing the district fairly significantly would assist the challenger, not hurt the challenger. If Mr. Gardner, for example, is going to go up against a

long-time incumbent Senator in Senator Girgenti -- who has served that district for years, and years, and years -- then changing the composition of the district would give the challenger a better opportunity, because the Senator wouldn't be as well entrenched in the new communities that are coming into his district. And so I actually take the opposite away from the possibility of changing the districts up and how that affects challengers.

Do you see my point? Do you have a different view of--

MR. ARVANITES: I do see your point, and it's fair. And part of me feels the same way. But on the flip side, as-- Again, as an elected official in a small town, maybe I pay attention more when I'm driving around the state. But I tend to know who the incumbents are in other districts. When they're running you see their literature, you see their billboards, you see their lawn signs up. So the name recognition that some people have who are already in a legislative position-- I think it gives them a little bit more advantage over somebody who is new coming in, especially if somebody has been in for a long period of time, as well. The name recognition of some of those legislators, I think, might give an undue advantage to them rather than a new person.

ASSEMBLYMAN WEBBER: Right. So if you take that incumbent out of his normal district and put him in different towns, his name ID advantage is reduced, right?

MR. ARVANITES: Well, no, because the name recognition is still there, and that name recognition carries over to -- outside of your--

ASSEMBLYMAN WEBBER: Outside of the district?

MR. ARVANITES: I believe so.

ASSEMBLYMAN WEBBER: Thanks.

ASSEMBLYMAN WISNIEWSKI: Thank you, Mayor.

MR. ARVANITES: Thank you.

ASSEMBLYMAN WISNIEWSKI: Craig Sawyer.

Craig, are you still here? (no response)

Maria Teresa Feliciano, Dominican American National Roundtable.

**MARIA TERESA FELICIANO:** Good evening, Chairmen, members of the Commission.

When you've waited this long and heard so many speakers, chances are someone already said what you're going to say -- what you are going to say. But I will summarize my statement and just go over a couple of points.

On behalf of the Dominican American National Roundtable, I would like to thank you for the opportunity to address the Commission regarding the upcoming redistricting of New Jersey's 40 Legislative Districts.

We understand that the issue before this Commission is the redistricting of New Jersey's districts, and would like the Commission to consider the following in their quest to design maps that would lead to accurate representation of all of New Jersey's communities.

There are now substantial Hispanic populations in almost every one of our state's 21 counties. Hispanics are represented in every age group, every profession, every level of educational attainment, and every level of income in New Jersey. There are 24 persons of color in the New Jersey 120-member Legislature. To get to a Legislature that, in numbers, is representative of the new Census, we would nearly have to double that

number. Latinos are dramatically underrepresented in the New Jersey State Legislature. Furthermore, Latinos are not fairly represented in many of the communities where they reside throughout New Jersey's 566 municipalities.

It is clear from the geographic distribution of minority populations across the state, the best opportunity to elect a Legislature that looks like the Garden State is by drawing a map that grouping Latinos in districts would favor them electing Latino candidates. Unpacking can fracture the voting strength of Latino communities as, in some cases, would keeping the town integrity would do. Unpacking would definitely dilute our strength. As the lady resident from Elizabeth said before me, we're not being packed in these cities, we live in these cities.

We propose a legislative district that will help our communities of interest -- of Passaic specifically, and Paterson -- to elect candidates of their choice. Passaic, for example, where 71 percent of the population is Latino and, by the way, whose delegation has no Latinos, should be the center of a Latino district. These communities are represented -- are separated in districts and represented by different people, by different legislators.

This Commission should take notice that one important demographic characteristic in this area is the increased population of Latinos in Legislative Districts 35 and 36. Passaic has moved from 62 percent of Hispanics in 2000 to 71 percent in 2010. Paterson's Hispanic population has increased, while the total population had decreased. In 2010, the population decreased by 3,023, while Latinos increased by 9,494. Now Paterson Latinos represent 57 percent of the city, up from 50 percent in 2000.

The majority of Latinos in Legislative Districts 35 and 36 live along the corridor that goes from the City of Passaic to the City of Paterson. I understand that town integrity prevents Paterson and Passaic to be united. We would have to go through Clifton. But this is an idea that would group these two cities. The New Jersey redistricting Commission should consider creating a legislative district in this area. The Voting Rights Act provides for keeping together the votes of minority groups in districts, that they may elect candidates of their choice.

Another suggestion that is new, I guess, because I haven't heard it tonight, is that given the short amount of time we have to agree on a map and the fast-approaching primary in June, the Legislature might want to consider pushing the primary to September to allow communities more time to adjust to the new map.

We look forward to working with the Commission to contribute in your effort, and make sure that New Jersey achieves a fair and constitutional redistricting.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Majority Leader Cryan.

ASSEMBLYMAN CRYAN: Hi, how are you? How are you doing? Hello.

ASSEMBLYMAN WISNIEWSKI: Ma'am, we have some questions.

MS. FELICIANO: Oh, I'm sorry.

ASSEMBLYMAN CRYAN: I have a question for you, if that's okay.

Thank you for your testimony. It was wonderful.

In 2000 -- in the previous map -- do you know the Hispanic population, the Latino population statewide, percentage wise, by any chance?

MS. FELICIANO: In 2000, the Census said that we were maybe over 800,000 in New Jersey.

ASSEMBLYMAN CRYAN: Do you know what? It's about 13 percent about 10 years ago.

MS. FELICIANO: Right, it was 13 percent.

ASSEMBLYMAN CRYAN: And now it's about 17.

MS. FELICIANO: Now it's 18.

ASSEMBLYMAN CRYAN: So I just want to ask you for a moment or two about representation, because it's very important. In your notes you said that as the population is growing, in fact, that there is Latino population in just about every municipality in New Jersey. As a matter of fact, I think we heard earlier, only three don't.

MS. FELICIANO: Except three.

ASSEMBLYMAN CRYAN: Do you happen-- I just want to give you some figures so that you have some balance here as you look at things. Do you happen to know-- I don't want to say it that way because that's not fair. There are 71 Democrats elected out of the 120 members of the Legislature. I doubt you're really impressed with that, but the reality is that-- And we heard last week, in Camden, that seven members of the Legislature are Latino or Latina.

Now, all seven of those have one characteristic in common: they're all Democrats. Seven over 71 is 10 percent. So if you take a map that is based at that type of percentage-- It started at 13 percent Latino population, and in the end -- the final judgement -- how did the map come out? We got to 10 percent, at least, as one political party; when, in fact, to your comments and to many others, there has been Latino growth populations literally throughout this state.

How would you suggest then, when it's pretty -- when it seems to me that one group has, at least, certainly taken an aggressive approach in trying to meet the equal representation of a community based on population, and one hasn't-- Where would you suggest, outside-- How would you feel if I told you that packing had a concern for someone like myself and for some of us in the committee in particular -- that we may, in fact, lose the influence of those seven who are there with the hopes of gaining more because, in fact, it's skewed to one party? How would you feel about that?

MS. FELICIANO: Well, first, definitely the Democratic party has been a lot more aggressive along -- either welcoming or effective in outreaching the Latino community. A word to the Republicans: You need to do outreaching.

I say-- I'm not an expert in how one party or population would be represented. I do know that representation by a candidate of your choice -- that is of similar background, that has commonalities with you -- is more effective. Regarding the grouping or the packing-- I'm saying, we're not packing people anywhere. We're not bringing them anywhere. We

already are there. So designing a district that represents people where they are, by a candidate of their choice, makes sense to me.

ASSEMBLYMAN CRYAN: But where--

MS. FELICIANO: I'm sorry.

ASSEMBLYMAN CRYAN: No, go ahead.

MS. FELICIANO: By spreading the different districts, it would be diluting their influence.

ASSEMBLYMAN CRYAN: Okay. So your concern, for example, is that if a population -- that, by your own comments -- is spread throughout this state -- it's somehow -- and, as a matter of fact, not in three municipalities, as we heard earlier, so therefore in 563 of them -- it's somehow diluted unless we pack it. Is that essentially what happens?

MS. FELICIANO: No, I'm saying that in cities and places we are concentrated, such as Elizabeth, as was said before, and Passaic, we should be -- we should have a Latino district.

ASSEMBLYMAN CRYAN: Okay. And I just want to leave you with this comment, because you were so effective in your comments.

You know, the reality is, you have to look at the 10 years. You know, we heard time and time again here from folks who said, "This is a map that happens after a Census every 10 years." The reality is that one group -- and I'm not going to be shy about this -- has a record to be proud of, whether it's a Hispanic Speaker who became a Hispanic Congressman, whether it's in a percentage of representation that comes pretty darn close to the map it started with. And, frankly, one has a lot more work to do.

So when we look at numbers -- and as you speak about them -- let's try to factor in the fact that some have, and some have more to do.

MS. FELICIANO: Oh, no, that's-- Definitely, I agree with you. But I would like this Commission to consider representation of communities of interest, or our groups, rather than a political party or the other.

As a matter of fact, the gentleman who spoke about competitive districts has a very interesting idea that I won't go into. It's a little too late, and I'm not an expert. But I kind of like that. But, again, what I want -- what we want this Commission to keep in mind is that where we are -- the cities where we are in substantial numbers should be represented by one of us -- is what I'm saying.

ASSEMBLYMAN WISNIEWSKI: Speaker Oliver.

ASSEMBLYWOMAN OLIVER: Yes, I have a question. And I do agree that we have seen phenomenal growth. Now, one of the previous speakers who gave testimony spoke to, for instance, Dover, a community that I've been familiar with for a long, long time. And I have been involved in health care, in social services delivery, etc. Now, that is not-- That is a very large Hispanic population; it is not concentrated in an urban city. Is it your premise that we should look at areas like Morris County, where there has been phenomenal growth and that there should be the opportunity for competitive districts to be created? Because certainly population is concentrated other places.

I can look at Asbury Park, I can look at Monmouth. But the difficulty with focusing in, in my opinion, on just the "major" cities where everyone thinks the minority population lives-- I think in my experience in this state, when I look at the Hispanic community, I see significant population from one end of the state to the other. I don't understand why

you feel the focus should merely be on the large urban population centers. And you said communities of interest. Without question, the Hispanic community represents every level of education, every level of socioeconomic status, entrepreneurship, etc. And that population lives everywhere.

MS. FELICIANO: I agree with you. I'm not saying we should only concentrate here. But I think that cities -- and I will take Passaic, for example, because it's one that is one of those major ones that is 71 percent Latino. Wouldn't you say, for example, that Passaic has more in common, as a city, as a population with Paterson than with Carlstadt, Moonachie, and Woodbridge, for example? Wouldn't those interests be more close to each other? And wouldn't those communities provide the opportunity for Latino representation, for example?

This is not to say we ignore the growth in population everywhere else, like in Dover, where you mentioned. But why not attempt to bring equality or fairness in representation in towns or in areas where we do have a chance to do that by the numbers?

ASSEMBLYWOMAN OLIVER: I don't quite-- I can't wrap my arms around that, because I think it also speaks to the issue-- And previous speakers have also placed data on the record that-- Do we reduce down to only African-Americans can speak for and represent African-Americans; only Hispanics can speak for and represent Hispanics; and only Caucasians can speak for and represent Caucasians?

MS. FELICIANO: There are occasions when that's not the case. And the example of Senator Brian Stack was brought up. It was a good one. But for the most part, I would say communities and people

should be represented by someone who shares their background, who they are, their interests. That's the best representation that you could have.

ASSEMBLYWOMAN OLIVER: Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

MS. FELICIANO: Thank you.

ASSEMBLYMAN WISNIEWSKI: Jose Sandoval.

**J O S E M. S A N D O V A L:** Good evening, ladies and gentlemen.

Good evening, Madam Speaker, Commissioners.

My name is Jose Sandoval. I'm from Passaic, New Jersey. I'm here to testify that we need a change. Some of the changes that we're looking at--

When I look at the City of Passaic, it's a city of 3.5 square miles, with one mile of park. We have 71 percent increase in the Spanish populations.

You know, on Sunday, just like everybody else, I was trying to get some snacks for the Super Bowl. I took my kids to a take-out food-- And about four kids come in. And my son -- 15 years old -- said (indiscernible) the neighborhood. One of the things I can tell you is that we have 44 gangs, according to the Sheriff's Department and Prosecutor's Office in the City of Passaic. The school system is in shambles. Each child costs \$17,000. You take any of those kids, and they don't know how to read and write -- grammar, syntaxes. They don't have a clue what that is.

So, we need a change. The people who represent us -- the City Council or the Administration -- it's a fraud. They don't have a clue. The only thing they know how to do is raise taxes. Last year I paid, in the City

of Passaic, on the properties that I own, \$65,000. The only thing the City of Passaic does for me is collect my garbage twice a week. There's no quality of life, there is nothing for the children to do, there is nothing going on. And some of the representatives that we have there -- even the one that we have living there -- they don't know some of the names of the cities, or the streets, or anything -- what's going on. And that is why I am here to testify that we need to make a change.

Thank you very much. If there are any questions, I'd be happy to answer them.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

I have two slips that are left, both from BlueWave New Jersey, and I know they testified earlier. I don't know if these are duplicates or a request for additional testimony. (no response)

Seeing no one from BlueWave -- Ann Rea and Linda Halper -- we have no other individuals signed up to testify.

Just for everyone's edification, we will meet again on Sunday, February 13, at 1:00 p.m., in Jersey City, in the Culinary Conference Center, Scott Ring Room, 2nd Floor, 161 Newkirk Street, Hudson Community College.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Could you make that announcement again, please?

ASSEMBLYMAN WISNIEWSKI: I will. Sunday, the 13th, 1:00 p.m., at the Hudson Community College, which is located at 161 Newkirk Street, in Jersey City. We will be in the Culinary Conference Center, Scott Ring Room, 2nd Floor.

Assemblywoman Cruz-Perez.

MS. CRUZ-PEREZ: Mr. Chairman, I just want to clarify for the record. When I was speaking earlier today I said that the first African-American was elected in 1989. It was actually 1982. My apologies. I just wanted to make sure it was right for the record -- 1982.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblywoman.

With no other business, motion to adjourn.

ASSEMBLYMAN WEBBER: So moved.

ASSEMBLYMAN WISNIEWSKI: All in favor? (affirmative responses)

**(MEETING CONCLUDED)**

**APPENDIX**

## REDISTRICTING TESTIMONIAL STATEMENT

*February 9, 2011 – Essex County*

**Presented by Ronald L. Rice**

*New Jersey State Senator and Chairman of the New Jersey Legislative Black Caucus*

I want to thank the committee for giving me an opportunity to go on record today regarding the **2011 redistricting** of the legislative districts here in New Jersey.

*What I personally know about and have experienced as an African-American candidate for elected office and as an incumbent senator would take many hours to articulate on this record.*

However, I want the record to reflect *what the present members of the legislature appointed to this 2011 redistricting committee, who were also legislative members of both parties during the redistricting in 2001, already know; and that is what occurred in the 2001 redistricting process of redrawing the legislative districts' boundary lines.*

*What occurred during 2001 redistricting was a clear violation of the 1965 Voting Rights Act in the twenty-eight (28<sup>th</sup>) Legislative District; and perhaps elsewhere.*

*As a resident of City of Newark's West Ward community for over thirty seven (37) years at the time and a resident of Newark for forty-six years, I served as the first African-American city council member representing the West Ward for sixteen (16) years; and was serving my fifteenth year (15<sup>th</sup>) in the New Jersey State Senate during the 2001 redistricting period.*

In my capacity as the West Ward councilman and state senator, I clearly served a diverse community of interest.

*In 1986, when I was elected and entered the New Jersey State Senate it was the first time in the history of the state that two(2) African-Americans ever sat in the senate house and chambers at the same time to represent communities of interest with a large middle class, low-wage earners and destitute population.*

Imagine that, in the history of this state, it was not until 1986 that *two black senators out of a forty (40) member legislature had ever sat at the same time* in the New Jersey State Senate to represent a community of interest with a history of struggle and civil rights violations.

Today, in 2011 there are only four (4) African-American senators out of a forty member legislature. There are only eleven (11) African-American legislators in the New Jersey General Assembly.

To me and many taxpayers and voters in this state, this is *disgraceful and continues to reflect the political bias* of the Democratic and Republican Party. It is also a reflection of the bias of the Democratic and Republican political parties' state and county chairpersons, some *corrupt political bosses* lurking behind the scenes, and the politics of *wealthy political candidates and power brokers*.

In 2001 in the 28<sup>th</sup> legislative district, for example, (at that time – Newark's West Ward, Irvington, Maplewood, South Orange and some other districts in parts of Newark), the lines drawn to change the district boundaries were drawn because some political bosses did not like me personally simply because they could not control me. Thus, a *community of interest that had the opportunity to elect a candidate of their choice for years, an African-American Senator, was all of a sudden denied that opportunity* because powerbrokers and party bosses didn't like the community of interest choice.

The district lines were drawn to eliminate me as the incumbent senator and candidate of choice by *removing a substantial number of residents that made up the community of interest* for whom I speak up for and where I still live. I had represented this community of interest, my neighbors in one capacity or another for years.

The district was supposed to be *drawn to pit one minority against another minority*; an African-American Senator against a Latino Assemblyman.

The assembly candidate was even moved from one town (South Orange) in the old 28<sup>th</sup> legislative district to a section of Newark where the political bosses wanted the new lines to be drawn.

In drawing the new line in the twenty eight (28<sup>th</sup>) legislative district, a population of approximately *twenty thousand (20,000) residents* in Newark who are to this day my neighbors were denied an opportunity they had enjoyed since 1982, electing an African-American senator and a candidate of choice. I was only the second African-American male to ever serve in the State Senate. The first served in 1966 under a different form of government.

The 2001 state redistricting committee violated the *1965 Voting Rights Act*, as well as the basic principles and rules in drawing legislative boundaries. One of the rules violated was that of "*contiguity*".

Contiguity is the principle that simply creates a district where you can travel from any point in the district to any other point in the district without crossing the district boundary. It is where all parts of the district are connected.

Contiguity is one of the most common rules for drawing district lines.

Another traditional redistricting principle that was violated was that known as "*compactness*."

Compactness is the common rule for drawing a district that directly addresses the district's geometric shape. A district is generally considered compact if it has a fairly regular shape with constituency all living relatively near each other.

Presently, in my district I live on the **last street** in the West Ward of Newark **touching** the township of Irvington (which is also my district). However, in the city of Newark, my neighbors, a community of interest who **live three (3) blocks from my house** can no longer vote for me as their candidate of choice. For over sixteen (16) years they had that choice and in **2001 that choice was taken away from them.**

In closing, I want the committee to know and understand this; my story is an **example of what the committee cannot allow to happen** to any of the members of the legislature, **particularly the few members of color** for the reasons I just cited.

Our *civil rights organizations*, members of the *New Jersey Legislative Black Caucus* and *members of our communities* will not allow this to happen to any of our incumbent members without a court challenge to the new map under the **1965 Voting Rights Act**, the constitution and case laws.

As an incumbent senator and victim of the redistricting process, as well as chairman of the New Jersey Legislative Black Caucus working with our civil rights organizations, the United States Justice Department, state-wide clergy members and communities of interest in general, I want the record to reflect that the "*hue and cry*" of the *Black Community* is that the drawing of the new legislative boundaries does not violate:

- **The 1965 Voting Rights Act - section 2. (*Which among other things prohibits laws and/or practices that deny minority voters an equal opportunity to participate in the political process and to elect representatives of their choice.*)**
- **The basic principle and rules of redistricting. (*Such as community of interest, contiguous, and compactness.*)**

I want the record to reflect that on behalf of our taxpayers, voters and residents in general, we expect the new map to be:

- **Fair and Just. (*People of color should not be disenfranchised under the new map.*)**
- **Meet the goal of protecting the interest of minority voters. (*Minority incumbents and candidates should not be pitted against each other.*)**

Looking at and analyzing the census data most of the legislative districts *do not* need to be changed.

The districts that *incumbent minorities* represent presently do not need to change in most cases; nor do the districts of non-minority incumbents.

***Where changes based on the diminution of the population or increases in population exist, the necessary change needed to meet the 220,000 population number with a 5% deviation (210,000/230,000) is very minimum.***

It is clear to those of us analyzing the new census data that adjustments only need to be made in approximately ***fourteen (14) legislative districts:***

- **Districts: 2, 3, 9,12,14,17, and 30 where the population has increased.**
- **Districts: 10, 11, 15,27,29,32 and 34 where the population has decreased.**

Finally, I want the record to reflect that I am requesting to this redistricting committee via this public hearing that the committee members reach out in a good faith effort to ***bring in a member of the US Justice Department*** to sit on the committee to monitor the public and private conversations and debates that take place in the meetings and at the hearings by the committee members regarding the drawing of the new map; and to hear the conversation and testimony of concerned residents, civil rights organizations, incumbent legislators and other groups of interest who provide testimony.

This completes my statement and I thank you for listening.

Good evening Members of the Commission and welcome to the City of Newark.

My name is Anibal Ramos Jr and I currently serve as a Councilman representing the North Ward in the City of Newark. I commend each and every one of you for taking on this enormous responsibility with high expectations and a short amount of time to prepare a recommendation.

About 10 years ago, I had the pleasure of participating along with a number of community leaders around the State, with guidance of the United States Hispanic Leadership Institute, in this process. We were fortunate to testify to both the state and county commissions looking at redistricting issues and learned a great deal about its value.

The results of the last redistricting process are undeniable in terms of increasing the representation of minorities in key state legislative positions. Over the last ten years, we have seen the emergence of our first Hispanic speaker of the Assembly, the first African American woman speaker of the Assembly, and our first Hispanic woman in the State Senate.

Certainly, the last census results show that New Jersey is becoming increasingly diverse and that diversity has expanded in every county and every town. The myth that minority communities are living primarily in cities like ours was dismantled the census results.

As described by Professor and former Assemblyman Caraballo in today's Star Ledger "(one group) Hispanics now constitute more than 10% of the population in 25 of our 40 legislative districts, demonstrating that they (along with other minorities) are now part of New Jersey's urban, suburban and rural communities."

Consistent with other speakers and formal observations made by leaders around the State, there is great value in expanding the number of diverse districts.

The alternative will result in segregating a state that has found a tremendous of strength and resolve in its diversity.

A state that has seen the emergence of men and women of color in local elected offices in every region. A state that today has more men and women of color leading committees in both the assembly and senate. A state that supported the Nation's first African American President and a state that elected a Hispanic American to the United Senate.

By increasing the number of districts that reflect the diversity of the state, political parties regardless of affiliation will have a unique opportunity to better identify, cultivate and support candidates that are representative of our State.

Thank you for attention of my testimony.

**TESTIMONY BEFORE THE NEW JERSEY STATE APPORTIONMENT  
COMMISSION**

**DELIVERED AND SUBMITTED BY:**

**William Colón, President and CEO**

**The Latino Institute, Inc.**

Buenas noches, and good evening. Thank you for the opportunity to present remarks tonight regarding the issue at hand, the process of creating a new map to apportion New Jersey's legislative districts according to the new demographics of this state.

We know that Latinos are the largest minority group now comprising about 18 percent of the population, at over 1.5 million persons. The new census figures show that Latinos are now living and working in all areas of New Jersey. Basically, there is not a town or borough of significant population that do not have a fair representation of Latinos.

I want you to remember, however, that the census is a picture, or photo, taken at a particular time, and the figures you see today are not static, but dynamic. *There more Latinos today in the state of New Jersey than there were in 2010, and there will be more Latinos tomorrow, than there are today.*

I can state that assertion with certainty, as our birth rate is higher than the general population, and the migration of Latinos to New Jersey will continue.

Let's just look at just one more fact: the federal government grants about 1 million green cards per year, of those, about 600,000 are granted to people coming from Latin America, legally. We know that a great majority of them then follow up with the naturalization process, citizenship, and full participation in our civic endeavors.

In addition, there are tens of thousands of people here who came in undocumented, but who are now working very hard to legalize their status, and they, too, will soon be citizens *and* voters.

Since New Jersey has such a large base of Latinos, like it or not, we will continue to grow.

As a matter of fact, as the NALEO organization, has pointed out, without the growth of the Latino population in New Jersey during the last 10 years, the state would have lost two congressional seats instead of one.

Therefore, the way you divide the map is critical to our immediate and long term future and you should do it very carefully.

I want to declare here my support for the principles enunciated last January 29<sup>th</sup> by Mr. Frank Argote Freyre, President of the **Latino Action Network** who criticized the “packing” strategy (that of concentrating minority voters into fewer districts) which could result in limiting the number of Latino Legislators. This, in effect, is separating white voters from minority voters.

Since I cannot say any better, I quote from Mr. Freyres’ testimony:

“First, we want districts in which the Latino population is significant-significant enough to make it likely that Latinos will have at least one member on a three-member slate, and significant enough to mean that all of the elected representatives of those districts have to *listen* to the Latino community. As best as possible, we want the Latino population distributed in sufficient numbers to have influence in as many districts as possible.

Second, in parts of the state in which there is a smaller Latino population, we oppose “cracking” –the process of diluting Latino voices by separating small populations into different districts. Instead, we want to make sure that Latino communities are kept intact to both allow popular Latino candidates with appeal outside the community to win and to require all legislators from those districts to be attentive to Latino issues.”

This matter of *listening* to us is very important. Unfortunately, more often than not, some members of the New Jersey Legislature act as if their Latino constituents did not exist. Others simply ignore our issues, as they feel they can afford to ignore us. In the very near future, we hope that no legislator would have that luxury, as there will be more of us elected to the legislature.

As former Assemblyman Wilfredo Caraballo noted in a recent Opinion Ed, there are now substantial Latino populations in almost all 21 counties. We are represented in every age group, every profession, every level of educational achievement, and every level of income.

And we are a continually growing force.

New Jersey is a very diverse state, with close to 40 percent of its population composed of people of color.

Recognize that reality. What is today and what it will be tomorrow. Be fair, be just. Provide for a legislature with true representation of our population, one which will respond to our voices.

**RAHAMAN MUHAMMAD, PRESIDENT  
EMPLOYEES INTERNATIONAL UNION NJ STATE COUNCIL/SEIU LOCAL 617  
TESTIMONY AT REDISTRICTING HEARING – NEWARK  
FEB. 9, 2011**

My name is Rahaman Muhammad and I am the President of Service Employees International Union New Jersey State Council, which represents some 40,000 members across the state in both the private and public sectors. I am also the President of Newark-based SEIU Local 617, which represents 3,000 members.

I thank you for holding this hearing and for the opportunity to speak on an issue that will have an impact on New Jersey residents for years to come.

The latest census figures are clear: The faces of New Jersey are changing and will continue to do.

I am here to represent the thousands of working men and women whose lives, families and livelihoods will be impacted by what is happening here today.

As an officer for SEIU, I am here to send a clear message that we will only accept a decision that ensures fair representation for all New Jerseyans no matter the color of their skin, no matter their ethnicity and no matter where they live.

We will only accept a decision that ensures that the new legislative map allows what our Constitution calls for — and that is that all have an equal stake in our democracy.

The new census figures clearly show that our Latino sisters and brothers are a force to be reckoned with throughout the ENTIRE state. The census also shows that the number of our Black sisters and brothers as well our Asian sisters and brothers continue to rise.

So clearly the logical result should be this: That they will have more of a say in what is happening throughout the ENTIRE State of New Jersey. This would result in an increase in elected leaders who come from the same diverse background because there is a larger pool to pick from.

But it would also mean that they would have a say in picking the best person who will represent them, no matter the background of the candidate.

To me, that sounds like democracy at work.

And yet there are clear and troubling indications that some believe the best way to tackle the issues surrounding the growing diversity of our state is to pack them into districts – like cattle being herded by cowboys -- so that they can elect someone who looks and speaks like them.

Then the other districts – which would have few or perhaps no faces of color -- would be able to go to town and choose their own candidates.

To me, that is NOT democracy at work.

I'm not a psychologist so I can't tell you whether it's fear that is driving this unacceptable option. I don't like to think that someone is afraid of my Latino or Black sisters and brothers.

But as Dr. Martin Luther King Jr. said: "A right delayed is a right denied."

And ALL voters — Latino, African-American, Asian and White — have the right to go to the polls on Election Day and vote for the people who will best represent them.

No one needs or wants a group of people telling us how we should be voting.

We all use the word "minority" when speaking about African-Americans and Latinos. While that word describes us in terms of numbers, I want to be very clear that this not mean we are insignificant. It does not mean we are secondary to anyone. It does not mean we will accept being told to sit in the back of the bus when it comes to New Jersey politics.

Perhaps a long-term solution would be to eliminate the word "minority" from these types of discussions or to come up with a term that reflects that we are men, women and children who have the same rights as those in the "majority".

**But for now, on behalf of SEIU New Jersey State Council, I can only urge you to do the right thing and work towards a legislative map that provides fair representation for all.**

**Thank you.**

## New Jersey State Conference of NAACP

**Why does redistricting matter?** Our representatives in local, state, and federal government set the rules by which we live. In ways large and small, they affect the taxes we pay, the food we eat, the air we breathe, the ways in which we make each other safer and more secure. Periodically, we hold elections to make sure that these representatives continue to listen to us. All of our legislators in state government, many of our legislators in local government, and most of our legislators in Congress are elected from districts, which divide a state and its voters into geographical territories. In most of these districts, all of the voters are ultimately represented by the candidate who wins the most votes in the district. The way that voters are grouped into districts therefore has an enormous influence on who our representatives are, and what policies they fight for. For example, a district composed mostly of farmers would want to elect a representative who will fight for farmers' interests, but a district composed mostly of city dwellers may elect a representative with different priorities. Similarly, districts drawn with large populations of the same race, or ethnicity, or language, or political party are more likely to elect representatives with the same characteristics if the line were drawn fairly and the **Economics** of elections did not play a major role .

### The ACLU Says " **Fundamental Fairness and Constitutional Issues**

The Equal Protection Clause of the Fourteenth Amendment requires the State to govern impartially. "Election rules which serve no purpose other than to favor one segment ... or to disadvantage a politically weak segment of the community violate the constitutional guarantee of equal protection." The U.S. Supreme Court has also stated: "unconstitutional discrimination occurs ... when the electoral system is arranged in a manner that will consistently degrade a voter's or a group of voters' influence on the political process as a whole." Redrawing voting districts in a manner that can only be justified by partisan considerations is political gerrymandering that interferes with the right to vote, and is used by the legislature to dilute votes and influence the outcome of the elections, thereby impairing the fundamental rights of citizens. Gerrymandering, by its very nature, classifies people, whether by race, religion, or political affiliation and fails to aspire to any interest higher than mere partisanship."

In addition to affecting large political trends, the way that district lines are drawn can and will have very specific consequences. Elected officials are elected to represent all in their constituency — not just those who supported their candidacy. We cannot claim to be a representative democracy if our elected officials fail to acknowledge the concerns of those who didn't support them.. Nearly every story about the fast-approaching redistricting process mentions the democracy-defying practice of "gerrymandering" – drawing designer legislative districts that protect incumbents. The media tends to unwittingly convey the impression that partisan gerrymandering is inevitable, the natural order of things. Because gerrymandering allows most incumbents to run for re-election in "safe" districts, many of stories say, only a handful of seats are considered even mildly competitive. In a very real sense, gerrymandering amounts to stuffing the ballot box BEFORE the election. It's election fraud, pure and simple. Yet by and large the media treats gerrymandering like the weather: something we might complain about, but there's not much we can do about it.

Occasionally, the process of redrawing district lines gets a lot of attention. More often, this "redistricting" gets much less attention in the press. But even when it does not make the front page, it is extremely important in determining which communities are represented and how vigorously—which is in turn extremely important to determining which laws get made.

There are many different ways to figure out which voters are grouped together to elect a representative. Whether the way that districts are currently drawn is good or bad depends on what you believe the goals of the process to be. Some stress objectivity; some independence; some transparency, or equality, or regularity, or other goals entirely. There is ample debate among scholars, activists, and practitioners about the role of political insiders, the nature of protection for minority rights, the degree of partisan competition or partisan inequity, and the ability to preserve established or burgeoning communities. But to date, this discussion has been inaccessible to most of the people directly affected.

As commissioner you can't be race blind, Color Blind, or community of interest blind, the maps that are drawn must reflect all those characteristic at a minimum. You are responsible for maps with boundaries that provide equal opportunity for all the communities of interest in the State of New Jersey, the farmers, the rural dwellers, the urban dwellers, the low income persons as well as the big business owners. Each must be represented using the one man one vote model, and wild cards like prisons must be re-evaluated with a different yard stick.

Note : House of Representatives. The Constitution envisioned increasing the House every ten years to keep pace with population growth. But we've had 435 Members of the House since 1912, when our national population was a mere 100 million. We just passed the 300 million mark! It's time to increase the supply of representation. Placing artificial restraints on supply is what self-serving, power-hungry cartels do. New Jersey should not have lost a Congressional Seat.

## **NCSL National Redistricting Seminar ♦ Washington D.C. ♦ January 21-24, 2011**

### **Session A - Hands-on Redistricting Exercise**

#### **Session A - Hands-on Redistricting Exercise**

**Participants will break into small groups and draw district plans. Groups will tackle a simulation with a specific goal and present completed plans to the full meeting after completion.**

### **National Conference of State Legislatures (NCSL)**

Note; 11 States had Court drawn State Legislative Maps

**TESTIMONY BEFORE THE NEW JERSEY APPORTIONMENT COMMISSION  
February 08, 2011**

Thank you for this opportunity to talk about the issue of redistricting in New Jersey. The right to legislative representation is fundamental to any healthy democracy because it safeguards all of our other rights.

That is why public hearings like this are so important.. These public hearings are a good start, but more can be done to shed sunshine on redistricting in New Jersey. The advance notice given for this hearing was important so that people like myself, with a job and a family in New Jersey, could make the meeting. I hope you will schedule the rest of your meetings tonight, and they should be spread out around the state so that all of our residents have the opportunity to provide testimony like I do. I want to thank you for making a website that provides details for hearings as well as copies of submitted testimony. I also encourage you to use the website to publish maps proposed by both sides so that they can be viewed and commented on by the public. Public comments should be made part of the official record.

If you can't reach agreement here and you need to appoint the tie-breaker, there should be more public hearings with the 11<sup>th</sup> member. With so much power vested in that one person, he or she should be available to listen to the will of the people whose representation is at stake. This will also ensure testimony is heard regarding actual drafts of potential maps. New Jersey residents deserve an open, transparent process and the opportunity to affirm their rights.

The most important of those rights, and the right that so many have fought for throughout our country's history, is the U.S. constitutional requirement of "one person, one vote." Having huge numbers of people in one district and small numbers of people in another district is not permitted to ensure that all people have the same right to representation and an equal stake in our democracy.

Instead, I support a map that meets the constitutional standard, and that provides fair representation for all of New Jersey's communities and for people of ALL racial and ethnic backgrounds.

The next several weeks will determine political representation in New Jersey for the next ten years, and it will affect many decisions we have to make as a state moving forward. With so much at stake, I urge you to protect the rights of all New Jerseyans to participate in the process and to ensure that they are fully and fairly represented in your ultimate decision. Thank you.

**Reginald Jones**  
**TESTIMONY BEFORE THE NEW JERSEY APPORTIONMENT COMMISSION**  
**February 09, 2011**

Thank you for giving me the opportunity to speak here today. This process will inevitably impact the important issues facing our state for the next ten years. I hope it will also ensure fair political representation. Because of that, it is essential that your meetings be out in the open where all of us can see.

First, I am also here today to ask you to ensure the principle in our Constitution of "one person, one vote." There are some people who have said that we need to make a map based on how many people voted in one or two elections. They want to draw that map on turnout in elections where one party they did well. They don't want to draw a map based on turnout from 2008, for example, when the other party did very well around the state, and when people of color and voters in urban districts turned out in larger numbers. It is an attempt to draw a map that doesn't provide equal representation and I oppose it.

Second, much has been made of the right to vote. But there is also a right we have in this country, and that is the right to NOT vote. Should I receive more or less representation because my neighbors decided to exercise their right to NOT vote? That is a terrible idea and the wrong path to go down for our state.

These public hearings are an excellent first step, and I hope you will continue to meet in daylight where we can all see your meetings and participate. I hope that the commission will continue to give the public enough notice before any hearings so that New Jerseyans can all come here if they want. I ask you to continue this for the rest of this process, and I ask that the comments on your website be made part of the record for those who cannot make it.

Taking these steps will help ensure the public trusts your final map and make sure it fairly represents the needs and priorities of all of New Jersey's residents. I hope that in the course of

your deliberations you will work towards a fair and transparent process and a result that respects the rights of all of New Jersey's residents.

Thank you.

Reginald Jones  
43 Ashwood Ave.  
Summit, New Jersey 07901



Testimony by Rex Reid
of the
American Federation of State, County and Municipal Employees, AFL-CIO
before New Jersey Apportionment Commission
Thursday, February 9, 2011

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Executive Director/
Int'l Vice President

Beverly Jones
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Winnie Durrant
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Gary Little
Treasurer

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Mattie Harrell
James Burse

My Name is Rex Reid I'm the Political Action Director for The American Federation of State County Municipal Employees, New Jersey Administrative Legislative Council 1.

Thank you for this opportunity to express my concerns on redistricting in New Jersey. Within any democracy the rights of the citizenry to elect their legislative representatives based on one person one vote is of paramount importance. And in the State of New Jersey in the United States of America it is constitutionally mandated that every ten years after the census that a new map based on the shift of the population within the state be redrawn. We are here to ask for transparency in this process, which will give each New Jersey residents fair and full representation, "one person one vote" and recognize those communities that have grown in population with fair and full representation as the constitution requires. The map that the commission finally presents should maintain these fundamental rights of equal representation in legislative districts based on population as determined by the census. The map should not have disparities in population between districts as that would weaken its' representative power and call into question its constitutionality. The New Jersey map needs to meet constitutional standards by providing fair and equal representation for all New Jersey citizens of all backgrounds.

For the public to perceive this process as fair and open "Transparent" as much as possible should be done with public participation. The commission should take steps to ensure access to the physically challenged. Hearings should not be held on the Sabbath. Any and all barriers to full public participation should be removed. Hearings should be held after the eleventh neutral commissioner is appointed and the release of any formal maps as to allow for public review and comment. The commission should do this to afford meaningful public contribution to the debate. At the same time the maps are submitted to members of the commission, they should be posted on a central website and afford interested citizens the ability to be update via e-mail and take public comments the same way.

I urge the commission to consider and adopt these common sense measures to make the process of reapportionment fair, open and a safeguard of the basic constitutional rights of the citizens of New Jersey.

Thank You.

#

American Federation of State, County and Municipal Employees, AFL-CIO Administrative Council I

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18x

to: New Jersey Apportionment Commission

Hon. Jay Webber, Chairman

Hon. John Wisnieski, Chairman

Testimony of: Bill Schluter  
205 South Main Street  
Pennington, NJ 08534

February 9, 2011, 6:00 PM

Essex County Leroy Smith Public Safety Building  
Newark, NJ

I wish the Apportionment Commission well in its effort to develop a fair, reasonable, and acceptable redistricting plan to take effect this year.

My comments are directed at one basic issue which confronts you - - and that is to come up with a plan which increases the competitiveness of legislative districts in New Jersey.

My experience as chair of the Citizens Clean Election Commission in 2005 and 2006 provided me and my colleagues with a good understanding of the miniscule number of competitive legislative districts and of the implications of this condition on sound representative government.

Also, as a former legislator I am very familiar with the process and all its complications that your Commission has undertaken. I have been both a beneficiary of redistricting as well as a victim.

One of the charges of the Clean Elections Commission which monitored the pilot program in 2005 was to make recommendations on how to proceed with a broader program of “clean” elections. In selecting districts that would be appropriate for extending the program, staff and the Commission made a very thorough analysis of district competitiveness because we did not want to pick districts which were non-competitive - - where no amount of effort would change the outcome. Our studies showed that there were only three highly competitive districts out of the forty, and perhaps four to six more that were “moderately” competitive.

How did we come up with these numbers? We used voting patterns for the Assembly races in two previous general elections (2003 and 2005), and we calculated the percentage spread between candidates of the two major parties. The Assembly races were picked because they are in the middle of the ballot and less influenced by extraneous factors. The results are shown on Appendix 6-a. I call your attention to columns A, F, And G on this chart. Three districts, at the bottom, have a spread of voter preferences under 10% - - all of these three are actually under 5%. Another six have a spread between 10% and 15%. (Even a couple of these six are questionable as being competitive.) As you get into the higher spreads in the upper part of column F, you see one party domination in all districts.

To verify the findings of this analysis, we also calculated the spread in party registration by district as shown on Appendix 4-a. The registration results correlate very closely with the voting pattern results.

**What is the rationale for having greater competition within legislative districts?**

- There will be greater attraction for talented people to become candidates for elective office if they feel they have a chance of success. The public appreciates this, and I would hope that the parties do also.
- In the multitude of districts that are so one-sided the real avenue for becoming an office holder is through the primaries, a process where there is limited public involvement, which is not very transparent and which is dominated by political insiders. The same lack of transparency applies to those who are elevated to office-holder through the convention process. I understand that as many as one-third of legislators have their positions via the convention route.
- Many political observers contend that when office-holders are in a competitive district, they are more likely to be fully engaged in their government. Those in one-party dominated districts are not challenged to excel in a similar manner.
- Public confidence in government suffers if there is a lack of electoral interest - - if important issues are not actively debated. During campaign season, “safe” candidates just don’t have to be that involved. The media doesn’t pay attention, and public’s concern with their government diminishes even further.
- With only a few competitive districts, campaign financial resources will be targeted only on them. Most other districts will be devoid of any serious and useful campaign spending to inform the public.

A good example of how competition improves the political environment can be seen in the clean election pilot program of 2007 in heavily Republican district #24 (Sussex).

There was no way that the Democrats were going to win, but the comment from one of the defeated Democratic Assembly candidates was very telling. This person said that the clean election campaign gave them enough money so that they could get their message out, and that the residents of the district were treated to a genuine dialogue on issues through debates and more newspaper coverage. This was something new for the area.

So, what can the Apportionment Commission do if it really wants to increase competition in legislative races ?

It can set a goal that the new plan will have a minimum number of competitive districts - - for example 20 - - or even more.

The Commission can use the data supplied herewith for determining the appropriate "spread" in voting pattern or registration to classify a district as competitive. Or, the Commission can develop more up-to-date data for making this determination. With the expertise and technology available to you, district boundaries can be adjusted to allow you to achieve your goal of the optimum number of competitive districts without compromising other criteria including: compactness; community of interest; contiguous areas; respecting municipal boundaries.

And if two different plans emerge from your deliberations, perhaps the tie-breaker (the eleventh commissioner appointed by the Chief Justice) would be inspired to pick the one with the highest number of competitive districts.

**Appendix 6-a; NJCCEC (2006)**

**Rank Order of Competitiveness by Voting Results**

A	B	C	D	E	F	G
Dist.#	2005 Spread Diff. in percent between D & R	2005 Party Favored by Spread	2003 Spread Diff. in percent between D & R	2003 Party Favored by Spread	Average 2005 & 2003 Spread	Party Favored by Average Spread
29	78.6	D	66.6	D	72.6	D
33	62.4	D	67.0	D	64.7	D
31	59.1	D	67.0	D	63.1	D
32	56.7	D	61.0	D	58.9	D
28	59.4	D	47.2	D	53.3	D
37	42.8	D	32.4	D	37.6	D
35	38.6	D	29.4	D	34.0	D
24	33.3	R	34.2	R	33.8	R
34			32.8	D	32.8	D
16	28.0	R	37.2	R	32.6	R
15	36.4	D	27.2	D	31.8	D
27	34.0	D	28.4	D	31.2	D
30	29.4	R	29.2	R	29.3	R
10	28.6	R	28.8	R	28.7	R
40	22.4	R	31.0	R	26.7	R
17	32.8	D	20.4	D	26.6	D
5			26.0	D	26.0	D
19	32.8	D	18.6	D	25.7	D
20			25.4	D	25.4	D
26	20.0	R	29.8	R	24.9	R
8	16.4	R	32.8	R	24.6	R
9	24.2	R	22.8	R	23.5	R
23	22.5	R	22.4	R	22.5	R
22	25.2	D	16.4	D	20.8	D
39	10.0	R	30.8	R	20.4	R
6	19.8	D	19.0	D	19.4	D
21	17.4	R	20.8	R	19.1	R
4	27.4	D	8.6	D	18.0	D
7	30.0	D	4.6	D	17.3	D
18	19.8	D	12.6	D	16.2	D
38	21.0	D	10.4	D	15.7	D
11	3.4	R	26.2	R	14.8	R
25	9.9	R	19.0	R	14.5	R
1	27.8	D	2.8	R	12.5	D
3	19.6	D	5.0	D	12.3	D
36	25.0	D	0.8	R	12.1	D
2	5.2	D	26.0	R	10.4	R
13	7.4	R	1.8	R	4.6	R
14	1.0	R	5.0	R	3.0	R
12	1.0	R	6.4	D	2.7	D

**Appendix 4-a; NJCCEC (2006)**

**Rank Order of Competitiveness by Party Registration**

A	B	C
<u>District #</u>	<u>2004 Registration Spread Between Parties (percent)</u>	<u>Party favored by spread</u>
29	81.2	D
31	74.8	D
32	66.8	D
33	64.8	D
20	63.6	D
28	62.2	D
19	61.2	D
5	59.8	D
24	54.8	R
34	53.2	D
17	50.4	D
15	44.9	D
27	42.6	D
22	41.0	D
26	40.4	R
23	39.0	R
37	38.2	D
18	36.8	D
16	34.6	R
6	34.0	D
1	31.2	R
25	30.4	R
4	30.2	D
7	28.6	D
35	26.6	D
40	26.4	R
14	25.4	D
10	24.8	R
30	22.8	R
39	21.6	R
9	21.2	R
38	20.8	D
21	20.0	R
36	19.8	D
3	18.8	D
8	17.2	R
2	7.8	R
11	3.2	R
12	3.0	D
13	0.6	D

# **SUPPLEMENTAL DATA**

**Testimony of Bill Schluter**

**For Apportionment Commission**

**February 9, 2011**

Appendix 4

Major Party Registration Analysis by Legislative District, November 2004

Dist. #	Total Registered Voters	Party Voters Registered as D & R	% Party Registered	Total Registered as D	D's as % of Registered Party Voters	Total Registered as R	R's as % of Registered Party Voters	Spread Diff. in % betw. R & D Voters	Party Favored by Spread
1	136,959	65,740	48.0%	22,598	34.4%	43,142	65.6%	31.2%	R
2	130,134	55,567	42.7	25,636	46.1	29,931	53.9	7.8	R
3	134,200	56,900	42.4	33,818	59.4	23,082	40.6	18.8	D
4	132,735	55,881	42.1	36,369	65.1	19,512	34.9	30.2	D
5	121,942	49,142	40.3	39,265	79.9	9,877	20.1	59.8	D
6	145,497	56,453	38.8	37,829	67.0	18,624	33.0	34.0	D
7	128,928	53,763	41.7	34,553	64.3	19,210	35.7	28.6	D
8	142,910	56,592	39.6	23,437	41.4	33,155	58.6	17.2	R
9	160,179	63,431	39.6	24,988	39.4	38,443	60.6	21.2	R
10	138,630	47,966	34.6	18,022	37.6	29,944	62.4	24.8	R
11	134,726	50,118	37.2	24,251	48.4	25,867	51.6	3.2	R
12	143,139	48,381	33.8	24,906	51.5	23,475	48.5	3.0	D
13	139,965	47,028	33.6	23,654	50.3	23,374	49.7	0.6	D
14	134,882	49,502	36.7	31,023	62.7	18,479	37.3	25.4	D
15	112,965	44,621	39.5	32,195	72.7	12,426	27.8	44.9	D
16	121,733	45,042	37.0	14,730	32.7	30,312	67.3	34.6	R
17	111,367	36,862	33.1	27,730	75.2	9,132	24.8	50.4	D
18	119,136	44,438	37.3	30,380	68.4	14,058	31.6	36.8	D
19	112,829	46,485	41.2	37,459	80.6	9,026	19.4	61.2	D
20	92,801	45,936	29.5	37,545	81.8	8,352	18.2	63.6	D

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Dist. #	Total Registered Voters	Party Voters Registered as D & R	% Party Registered	Total Registered as D	D's as % of Registered Party Voters	Total Registered as R	R's as % of Registered Party Voters	Spread Diff. in % betw. R & D Voters	Party Favored by Spread
21	145,243	62,164	42.8%	24,837	40.0%	37,327	60.0%	20.0%	R
22	112,273	49,063	43.7	34,580	70.5	14,483	29.5	41.0	D
23	139,684	61,461	44.0	18,718	30.5	42,743	69.5	39.0	R
24	131,048	57,399	43.8	12,974	22.6	44,425	77.4	54.8	R
25	135,979	59,831	44.0	20,805	34.8	39,026	65.2	30.4	R
26	139,436	59,958	43.0	17,848	29.8	42,110	70.2	40.4	R
27	124,893	59,699	47.8	42,589	71.3	17,110	28.7	42.6	D
28	109,049	47,872	43.9	38,821	81.1	9,051	18.9	62.2	D
29	93,230	42,606	45.7	38,597	90.6	4,009	9.4	81.2	D
30	129,994	45,108	34.7	17,419	38.6	27,689	61.4	22.8	R
31	109,166	53,600	49.1	46,832	87.4	6,768	12.6	74.8	D
32	96,063	50,914	53.0	42,460	83.4	8,454	16.6	66.8	D
33	104,856	53,477	51.0	44,040	82.4	9,437	17.6	64.8	D
34	112,783	49,738	44.1	38,121	76.6	11,617	23.4	53.2	D
35	103,475	38,390	37.1	24,317	63.3	14,073	36.7	26.6	D
36	106,001	38,902	36.7	23,320	59.9	15,582	40.1	19.8	D
37	117,131	46,969	40.1	32,445	69.1	14,524	30.9	38.2	D
38	123,175	47,915	38.9	28,946	60.4	18,969	39.6	20.8	D
39	141,015	57,534	40.8	22,562	39.2	34,972	60.8	21.6	R
40	138,989	57,819	41.6	21,265	36.8	36,554	63.2	26.4	R

The information listed above was prepared by Luke E. Wolff, Assistant Research Analyst, New Jersey Office of Legislative Services on April 19, 2006. The data was compiled from the "2005 New Jersey Legislative District Data Book," and statistical information released by the New Jersey Division of Elections.

Appendix 5

Major Party Voting Analysis by Legislative District, 2005 and 2003 Assembly Candidates

		2005										2003			
Dist. #	Total D&R Vote	D Vote as % of Total D & R Vote	R Vote as % of Total D & R Vote	Spread Diff. in % Between D & R	Party Favored by Spread	Total D&R Vote	D Vote as % of Total D & R Vote	R Vote as % of Total D & R Vote	Spread Diff. in % Between D & R	Party Favored by Spread					
1	115,543	63.9%	36.1%	27.8%	D	91,718	48.6%	51.4%	2.8%	R					
2	106,811	52.6	47.4	5.2	D	76,268	37.0	63.0	26.0	R					
3	118,041	59.8	40.2	19.6	D	103,413	52.5	47.5	5.0	D					
4	100,429	63.7	36.3	27.4	D	81,498	54.3	45.7	8.6	D					
5						66,500	63.0	37.0	26.0	D					
6	122,124	59.9	40.1	19.8	D	90,789	59.5	40.5	19.0	D					
7	110,403	65.0	35.0	30.0	D	84,547	52.3	47.7	4.6	D					
8	125,816	41.8	58.2	16.4	R	81,805	33.6	66.4	32.8	R					
9	149,049	37.9	62.1	24.2	R	108,932	38.6	61.4	22.8	R					
10	125,351	35.7	64.3	28.6	R	87,512	35.6	64.4	28.8	R					
11	121,203	48.3	51.7	3.4	R	73,075	36.9	63.1	26.2	R					
12	122,513	49.5	50.5	1.0	R	88,091	53.2	46.8	6.4	D					
13	109,333	46.3	53.7	7.4	R	79,562	49.1	50.9	1.8	R					
14	132,856	49.5	50.5	1.0	R	97,253	47.5	52.5	5.0	R					
15	91,914	68.2	31.8	36.4	D	66,342	63.6	36.4	27.2	D					
16	124,712	36.0	64.0	28.0	R	75,936	31.4	68.6	37.2	R					
17	87,074	66.4	33.6	32.8	D	53,293	60.2	39.8	20.4	D					
18	102,593	59.9	40.1	19.8	D	60,917	56.3	43.7	12.6	D					
19	83,298	66.4	33.6	32.8	D	66,930	59.3	40.7	18.6	D					
20						38,387	62.7	37.3	25.4	D					

Appendix 5 p2

2005

2003

Dist. #	Total D & R Vote	D Vote as % of Total D & R Vote	R Vote as % of Total D & R Vote	Spread Diff. in % Between D & R	Party Favored by Spread	Total D & R Vote	D Vote as % of Total D & R Vote	R Vote as % of Total D & R Vote	Spread Diff. in % Between D & R	Party Favored by Spread
21	137,786	41.3%	58.7%	17.4%	R	90,029	39.6%	60.4%	20.8%	R
22	93,093	62.6	37.4	25.2	D	57,646	58.2	41.8	16.4	D
23	131,248	38.8	61.2	22.5	R	84,434	38.8	61.2	22.4	R
24	110,904	33.3	66.7	33.3	R	70,891	32.9	67.1	34.2	R
25	114,185	45.1	54.9	9.9	R	79,554	40.5	59.5	19.0	R
26	116,653	40.0	60.0	20.0	R	63,930	35.1	64.9	29.8	R
27	102,986	67.0	33.0	34.0	D	50,443	64.2	35.8	28.4	D
28	67,668	79.7	20.3	59.4	D	26,010	73.6	26.4	47.2	D
29	53,643	89.3	10.7	78.6	D	20,157	83.3	16.7	66.6	D
30	111,368	35.3	64.7	29.4	R	77,230	35.4	64.6	29.2	R
31	63,931	80.0	20.9	59.1	D	36,951	83.5	16.5	67.0	D
32	65,325	78.4	21.6	56.7	D	42,470	80.5	19.5	61.0	D
33	71,336	81.2	18.8	62.4	D	50,337	83.5	16.5	67.0	D
34						51,427	66.4	33.6	32.8	D
35	67,993	69.3	30.7	38.6	D	44,757	64.7	35.3	29.4	D
36	82,064	62.5	37.5	25.0	D	63,716	49.6	50.4	0.8	R
37	99,228	71.4	28.6	42.8	D	69,476	66.2	33.8	32.4	D
38	106,198	60.5	39.5	21.0	D	76,818	55.2	44.8	10.4	D
39	132,682	45.0	55.0	10.0	R	96,191	34.6	65.4	30.8	R
40	120,626	38.8	61.2	22.4	R	72,989	34.5	65.5	31.0	R

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The information listed above was prepared by Luke E. Wolff, Assistant Research Analyst, New Jersey Office of Legislative Services on April 19, 2006. The data was compiled from statistical information released by the New Jersey Division of Elections.

# 2005 GENERAL ELECTION -DOLLARS PER VOTE

District	Candidate	Party	Inc./Chal.	Cum. Exp.	Votes Rec.	% of Vote	\$ / Vote
1	Gibson, John	R	I	\$ 141,884.24	25,224	22%	\$14,688
1	Van Drew, Jeff	D	I	\$ 607,477.40	41,331	36%	\$16,934
1	Albano, Nelson	D	C	\$ 355,591.25	32,500	28%	\$12,700
2	Blee, Francis	R	I	\$ 791,517.23	27,346	26%	\$30,422
2	Conover, Kirk	R	I	\$ 766,250.53	22,795	21%	\$35,391
2	Whelan, Jim	D	C	\$ 1,359,504.68	29,906	28%	\$45,446
2	Tyner, Damon	D	C	\$ 1,359,504.68	26,264	24%	\$51,776
3	Leone, John	I	C	\$ 2,280.10	1,635	1%	\$1,415
3	Burzichelli, John J	D	I	\$ 251,357.07	35,339	30%	\$7,411
3	Fisher, Douglas H	D	I	\$ 247,604.33	35,265	29%	\$7,022
3	Rhudy, Phillip S	R	C	\$ 93,119.47	24,140	20%	\$3,856
3	Zee, James W	R	C	\$ 93,119.47	23,297	19%	\$4,000
4	Ahant, Corey	R	C	\$ 1,370.92	17,597	18%	\$0,08
4	Winters, Frank	R	C	\$ 6,021.91	18,903	19%	\$0,32
4	Mayer, David	D	I	\$ 294,050.97	31,943	32%	\$9,20
4	Moriarty, Paul	D	C	\$ 196,612.47	31,976	32%	\$6,15
5	Gruz Perez, Nilsail	D	I	\$ 79,674.55	27,955	42%	\$2,85
5	Roberts, Joseph J	D	I	\$ 449,371.66	29,893	45%	\$15,03
6	Fleischer, Marc	R	C	\$ 46,531.45	23,537	19%	\$1,97
6	Gurenlian, JoAnn	R	C	\$ 46,531.45	25,365	21%	\$1,83
7	Connors, Jack	D	I	\$ 347,886.02	35,562	32%	\$9,78
7	Conaway, Herbert C	D	I	\$ 386,216.05	36,221	33%	\$10,66
7	Donnelly, Joe	R	C	\$ 132,375.00	19,902	18%	\$6,65
7	Savala, Mike	R	C	\$ 132,375.00	18,718	17%	\$7,07
8	Bodine, Francis L	R	I	\$ 169,399.00	37,300	29%	\$4,54
8	Chazidakis, Larry	R	I	\$ 152,116.00	35,986	28%	\$4,23
8	Hartman, Donald	D	C	\$ 8,910.88	26,377	21%	\$0,34
8	Weinstein, Sandy	D	C	\$ 8,910.88	26,153	21%	\$0,34
9	Connors, Christopher	R	I	\$ 22,159.09	47,863	32%	\$0,46
9	Rumpf, Brian	R	I	\$ 22,159.09	44,761	30%	\$0,50
9	Coulter, Dolores	D	C	\$ 14,943.75	29,365	20%	\$0,51
9	Den Uyl, James	D	C	\$ 14,943.75	27,060	18%	\$0,55

30x

2005 Dollars per Vote 02

District	Candidate	Party	Cum. Exp.	Votes Rec.	% of Vote	\$ / Vote
10	Holzapple, James W.	R	\$ 66,951.81	39,981	32%	\$11.67
10	Wolfe, David W.	R	\$ 35,160.02	40,660	32%	\$11.23
10	Jones, Lawrence	D	\$ 14,125.53	22,398	18%	\$0.63
10	Jones, Joni	D	\$ 14,125.53	22,312	18%	\$0.63
11	Corodemus, Steve*	R	\$ 329,318.16	31,136	26%	\$10.68
11	Kean, Sean T.	R	\$ 350,412.18	31,527	26%	\$11.11
11	Doherty, Matthew J.	D	\$ 572,079.63	29,489	24%	\$19.40
11	Reilly, James M.	D	\$ 455,637.43	29,051	24%	\$15.68
12	Beck, Jennifer*	R	\$ 271,763.73	31,418	25%	\$8.65
12	Oscanlon, Declan	R	\$ 233,166.33	30,401	24%	\$7.67
12	Panter, Michael*	D	\$ 638,715.50	30,466	24%	\$20.96
12	Morgan, Robert L.	D	\$ 638,715.50	30,228	24%	\$21.13
12	Stanton, Judith	I	\$ 511.81	2,052	2%	\$0.25
12	Napolitano, Ann.	I	\$ 511.81	2,306	2%	\$0.22
13	Handlin, Amy*	R	\$ 78,131.03	29,400	26%	\$2.66
13	Thompson, Samuel D.*	R	\$ 107,045.42	29,319	26%	\$3.65
13	Flynn, William E.	D	\$ 54,925.56	25,801	23%	\$2.13
13	Dasaro, Michael	D	\$ 37,060.72	24,813	22%	\$1.49
13	Hall, Mike	I	\$ 327.47	2,060	2%	\$0.16
13	Orr, Greg	I	\$ 327.47	1,899	2%	\$0.17
14	Greenstein, Linda R.*	D	\$ 581,744.14	35,814	27%	\$16.24
14	Baroni, Bill*	R	\$ 485,301.12	37,236	28%	\$13.03
14	Raquette, Michael D.	R	\$ 297,895.32	29,896	22%	\$9.96
14	Benson, Daniel R.	D	\$ 408,473.13	29,910	22%	\$13.66
15	Gusclora, Reed*	D	\$ 98,256.35	30,773	33%	\$3.19
15	Watson-Coleman, Bonnie*	D	\$ 336,695.64	31,929	35%	\$10.55
16	Bateman, Christopher*	R	\$ 61,426.11	40,097	32%	\$1.53
16	Blondi, Peter J.*	R	\$ 109,641.95	39,710	32%	\$2.76
16	Goldberg, Michael	D	\$ 5,308.80	22,569	18%	\$0.24
16	Eader, Charles	D	\$ 5,308.80	22,336	18%	\$0.24
17	Chivukula, Upendra J.*	D	\$ 131,894.99	28,235	32%	\$4.67
17	Egan, Joseph V.*	D	\$ 120,505.85	29,593	34%	\$4.07
17	Barrier, Catherine	R	\$ 17,936.74	15,742	18%	\$1.14
17	Nathoo, Salim A.	R	\$ 9,124.40	15,504	16%	\$0.68

2005 Dollars per vote p 3

District	Candidate	Party	Cum. Exp.	Votes Rec.	% of Vote	\$ / Vote
18	Barnes, Peter J	D	\$ 146,123.10	31,586	31%	\$463
18	Diegnan, Patrick J*	D	\$ 174,653.06	29,859	29%	\$585
18	Epstein, Daniel	R	\$ -	20,628	20%	\$100
19	Vas, Joseph*	D	\$ 74,255.29	26,348	32%	\$282
19	Wisniewski, John S*	D	\$ 385,346.17	28,983	35%	\$1330
20	Cohen, Neil M*	D	\$ 237,780.52	23,668	50%	\$1005
20	Gryan, Joseph*	D	\$ 253,200.14	23,345	50%	\$1085
21	Bramnick, Jon M*	R	\$ 79,360.00	40,123	29%	\$198
21	Munoz, Eric*	R	\$ 84,938.00	40,839	30%	\$208
21	Merman, Steven	D	\$ -	28,319	21%	\$0.00
22	Stender, Linda*	D	\$ 178,769.36	30,074	32%	\$591
22	Green, Jerry*	D	\$ 105,560.33	28,193	30%	\$371
23	Doherty, Michael J*	R	\$ 5,153.24	41,753	32%	\$0.12
23	Karrow, Marcia A*	R	\$ 21,552.82	38,623	29%	\$0.55
23	Kovach, Janice L	D	\$ 49,528.06	27,485	21%	\$180
24	Gregg, Guy R*	R	\$ 109,879.91	36,615	33%	\$300
24	Littell-McHose, Alison*	R	\$ 41,429.19	37,318	34%	\$111
24	Murphey, Brian S	D	\$ 2,787.43	18,643	17%	\$0.15
24	Boyle, Thomas B.	D	\$ 2,787.43	18,328	17%	\$0.15
25	Carroll, Michael Patrick*	R	\$ 20,354.24	30,636	27%	\$0.66
25	Merkt, Richard A*	R	\$ 43,214.63	32,089	28%	\$135
25	Jackson, Thomas	D	\$ 126,100.09	25,751	23%	\$490
25	Schindler, Janice	D	\$ 41,685.95	25,709	23%	\$162
26	Decroce, Alex*	R	\$ 275,239.17	35,646	30%	\$772
26	Pennacchio, Joseph*	R	\$ 102,863.91	34,331	29%	\$300
26	Hart, Avery	D	\$ 12,487.75	22,881	19%	\$0.55
26	Lynch-McCabe, Kathleen	D	\$ 5,331.90	23,795	20%	\$0.22
27	Hackett, Mims*	D	\$ 25,039.44	33,323	32%	\$0.75
27	McKeon, John F*	D	\$ 155,760.50	35,651	35%	\$437
27	Rizzo, Michael	R	\$ 250.00	17,227	17%	\$0.01
27	Rosen, Charles A	R	\$ 250.00	16,785	16%	\$0.01
28	Stanley, Craig A*	D	\$ 25,994.84	26,890	39%	\$0.97
29	Garaballo, Wilfred*	D	\$ 322,888.12	23,571	44%	\$1370
29	Payne, William D*	D	\$ 17,110.03	24,325	45%	\$0.70

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2005 Dollars per Vote p 4

District	Candidate	Party	Cum. Exp.	Votes Rec.	% of Vote	\$ / Vote
30	Dancer, Ronald S	R	\$ 93,421.35	35,794	32%	\$261
30	Malone, Joseph R	R	\$ 171,235.98	36,286	33%	\$472
30	Karakower, Marvin	D	\$ 28,387.27	19,235	17%	\$146
30	Williamson, Jeffery	D	\$ 10,736.76	20,053	18%	\$054
31	Epps, Charles T	D	\$ 87,705.63	24,983	39%	\$351
31	Manzo, Louis M	D	\$ 83,043.68	26,179	41%	\$617
32	Prieto, Vincent	D	\$ 106,033.90	25,444	38%	\$417
32	Quigley, Joan M	D	\$ 45,313.50	25,743	39%	\$176
32	Marano, Kenneth C	R	\$ -	6,977	11%	\$000
33	Sires, Albio	D	\$ 553,329.04	28,456	39%	\$1945
33	Stack, Brian P	D	\$ 91,990.82	29,452	41%	\$312
34	Giblin, Thomas P	D	\$ 103,049.79	31,372	49%	\$328
34	Oliver, Sheila Y	D	\$ 12,882.96	32,501	51%	\$040
35	Pou, Nellie	D	\$ 15,734.98	23,372	34%	\$0167
35	Steele, Alfred E	D	\$ 36,606.43	23,747	35%	\$154
36	Scalera, Frederick	D	\$ 453,491.29	26,606	32%	\$1704
36	Schaer, Gary	D	\$ 553,474.20	24,645	30%	\$2246
36	Aloia, Louis G	R	\$ 74,265.82	15,399	19%	\$482
36	Sandoval, Jose M	R	\$ 179,550.32	15,414	19%	\$1165
36	Kautsch, Stewart	I	\$ 962.10	793	1%	\$121
37	Johnson, Gordon M	D	\$ 62,177.19	35,554	36%	\$175
37	Vainieri, Huttie, Valerie	D	\$ 31,546.56	35,246	35%	\$090
37	Gifarelli, Frank J	R	\$ 535.00	14,496	14%	\$004
38	Gordon, Robert M	D	\$ 243,611.58	32,389	30%	\$752
38	Voss, Joan M	D	\$ 236,279.19	31,886	30%	\$741
38	Miller, Richard L	R	\$ 15,389.25	21,008	20%	\$073
38	Baldino, John J	R	\$ 16,231.08	20,915	20%	\$078
39	Rooney, John E	R	\$ 40,158.34	35,062	26%	\$115
39	Vandervalk, Charlotte	R	\$ 41,129.72	37,910	28%	\$108
39	Testa, Dennis	D	\$ 27,030.79	29,825	22%	\$091
39	Higgins, Josephine	D	\$ 27,030.79	29,885	22%	\$090

3.3x

2005 Dollars per Vote p 5

District	Candidate	Party	Cum. Exp.	Votes Rec.	% of Vote	\$ / Vote
40	Toole, Kevin J *	R	\$ 73,903.91	36,957	31%	\$200
40	Russo, David C *	R	\$ 100,554.63	36,820	31%	\$279
40	Bidwell, Jane	D	\$ 36,603.58	24,117	20%	\$152
40	Beattie, Ronald	D	\$ 36,603.58	22,737	19%	\$161

CLEAN ELECTIONS CANDIDATES

6	Greenwald, Louis D *	D	\$ 133,200.00	38,211	31%	\$379
6	Lampitt, Pamela Rosen *	D	\$ 133,200.00	34,961	29%	\$381

SPECIAL SENATE ELECTION

37	Weinberg, Loretta *	D	\$ 200,506.56	37,677	73%	\$532
37	Lebovitz, Robert S	R	\$ 44,694.89	13,942	27%	\$321

(\*) Denotes Election Winner

The information listed above was prepared by the Office of Legislative Services on December 8, 2005. It was compiled from data released by the New Jersey Division of Elections and the New Jersey Election Law Enforcement Commission.

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**Good Evening Commissioners:**

My name is Margarita Muniz and I am the President of Latinas United for Political Empowerment, which I will refer to in my remarks as LUPE.

LUPE was formally organized in 2003 with the mission of empowering Latina women to engage in the political process in order to affect public policy in the areas of childcare, education, economic development and health.

**Our goals are:**

- To serve as an advocate in the development of public policy that affects the Latino community.
- To promote Latina candidates to run for political office in local and statewide elections.
- To collaborate with other women organizations on issues of common interests in order to advance the agenda of the Latino community.

We appreciate the opportunity to testify this evening on the topic of redistricting.

Public hearings are an important and vital part of this process because redistricting determines who represents us and who will make public policy for the next decade. Public input into this process is crucial to insure that the procedures for electing our representatives are more democratic and lead to greater participation. LUPE seeks to increase the voices of Latina women in those institutions that will determine public policy in the next 10 years.

The determinations made by this body will have a positive or adverse impact on our goals. For these reasons, LUPE hopes that the commission will consider holding additional meetings in strategic areas that will ensure full participation from all segments of our state. We also seek that in the spirit of full disclosure and transparency, the Commission posts on its public website all proposals submitted by all/any entities with the opportunity for additional public comment.

Currently, there is only one Latina Senator and three Latina Assemblywomen in the State Legislature. We believe that this does not provide adequate participation by the significant population that Latina women comprise in our state. LUPE believes that NJ is in a defining moment where we can ensure that the Legislature is more reflective of the communities it serves.

LUPE is steadfast on the protection of our community's need to access healthcare and quality education and know that our elected officials make the difference in the delivery of those services or lack thereof.

While we recognize that the issue of redistricting is far from gender related, as Latinas we look forward to critical thinking and a democratic process that ensures a Latino inclusive agenda and deliver progressive outcomes that include:

- Representation
- Resources
- Services
- Advocacy
- Engagement

As the 2010 Census has determined, the Latino population has grown over 39% since 2000, raising our presence from 13.3 % to 17.7% of New Jersey's population. Currently over 10 NJ cities have Latino populations of over 50% with Union City topping the list with 60%.

This data makes it imperative that our lawmaking bodies be reflective of this new reality. We are at a crossroads where Latino engagement in the political arena can no longer be a matter of happenstance but a deliberate and strategic plan of action to ensure equitable representation.

It is your mandate as Redistricting Commissioners to ensure a fair and equitable distribution of populations in the state's districts. We are aware of the various interests and pressures that seek your attention in this endeavor. But, you sit here as representatives of **all** New Jersey residents, not as Democrats or Republicans. We are hopeful that you will use your good faith and wisdom in carrying out your charge, by upholding the principals in our Constitution, our laws and our Court rulings.

We hope that these brief remarks resonate with this Commission and result in a more equitable opportunity to empower the people of this great state and the voiceless - who we are charged to protect.

**Testimony of Cuqui Rivera,**

**Member, Integrated Justice Alliance**

**Before the**

**Apportionment Commission of New Jersey**

**February 9, 2011**

Thank you, members of the Commission for holding this hearing here today. My name is Cuqui Rivera and I am employed by La Casa de Don Pedro as the Case Manager for the Newark Prisoner Re Entry program, the owner and moderator of the NJ Community and Corrections Working Summit @ YahooGroups.com a list serve with a member ship nearing 2000 and also a member of the 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 are here this evening to add the weight of our voices to the concerns about prison-based gerrymandering that were raised by other members of our organization during both the Camden and Tom's River hearings. Tonight, we would like to reiterate to the Commission of the serious threats to the principles of democratic government that are inherent in prison-based gerrymandering. At the same time, we would like to extend the discussion and present some concrete examples of why prison-based gerrymandering should be a concern for all of us interested in the process of fair representation, and offer the Commission some solutions to fix this problem.

As you now know, in what amounts to a quirk in the data collection process, the Census counts prisoners as if they were residents of the prison rather than at their home addresses. When these data are used for redistricting purposes, it skews population distributions in New Jersey in ways that violate the Supreme Court's "One Person One Vote" rule.

As you heard in previous hearings, The Census Bureau counts incarcerated people as residents of the prison location, even though they cannot vote and are often not a part of the community that surrounds the prison. As a result, assigning incarcerated people to the census block that contains the prison, rather than the census block that contains their home address, results in a significant enhancement of the weight of a vote cast in districts with prisons and dilutes the votes of all other residents in all other districts in the state.

There is simply no question that to count people who are not truly residents as part of the population of a district is, on the very face of it, undemocratic. But in New Jersey, where almost 80% of the roughly 24,000 people in state prison are African-American or Latino<sup>1</sup>, this practice has additional grave implications.

Consider these facts:

According to the New Jersey Department of Corrections, nearly, two-thirds of the state prison population in 2010 came from Essex or Camden County alone, while over 30% of the state prison population was sent to prisons in Cumberland County- a county where only 2% of the residents, themselves, are incarcerated.

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<sup>1</sup> New Jersey Department of Corrections, January 1, 2010.

Additional data from the Department of Corrections show that while Essex and Camden are the top counties of prison admissions, Cumberland, Burlington, and Mercer counties 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.

Indeed, many of us from Essex County have felt the devastating impact of incarceration on our neighborhoods. For example, in 2004, according to the Prison Policy Initiative, Essex County alone was home to 18% of New Jersey's prisoners, but only 9.4 percent of the state's population. At that time, only 11% of the state's prison cells were located in Essex County.

We are here tonight to remind you that the Commission is not powerless to fix this. As you learned, our neighbors in Maryland,<sup>2</sup> New York<sup>3</sup> and Delaware,<sup>4</sup> have all passed legislation last year to adjust Census data for redistricting purposes. And just last Friday, the Virginia State Legislature unanimously passed a bill in the State Assembly that would empower more counties to avoid prison-based gerrymandering. New Jersey should join these states in giving each resident equal access to government.

We also want to highlight for you that New Jersey has already taken a step in this direction. As you now know, New Jersey law requires school board districts to exclude the prison population when apportioning school boards that have 9 or more members.<sup>5</sup>

Equally important, we want to, again, address the myth that the legislature and the Commission is required by law to use Census data that miscounts prisoners, and we will resubmit for the record the fact sheet that shows how states are authorized to adjust Census data when redistricting.<sup>6</sup>

We are mindful that the clock is ticking, and that our options may be limited. Ideally, the New Jersey State Legislature would pass legislation that requires prisoners to be counted at their home addresses. But there are interim solutions that we want to reiterate tonight.

First, you could declare that all people who have been counted as residents of the correctional facilities have been counted there incorrectly. Since we do not have correct home addresses, the Commission could instead declare prisoners' addresses unknown and treat them as at-large members of the state and not in any particular district.

Finally, to show that it is possible to find out where folks in state prisons are currently located, we took a minute before the hearing today to ask our experts to determine where the 2010 census counted people in just one of the 12 state prisons. And in time for our remarks this evening, they were able to

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<sup>2</sup> HB496 and SB400, 2010 Leg., Reg. Sess. (Md. 2010).

<sup>3</sup> Part XX of A9710D/S6610C with technical amendment as A11597/S8415, 2010 Leg., Spec. Sess. (N.Y. 2010).

<sup>4</sup> HB384, 145<sup>th</sup> Gen. Assem., Reg. Sess. (Del. 2010).

<sup>5</sup> N.J.S.A. 18A:13-8; Board v. New Jersey 2004 N.J. Super. LEXIS 361.

<sup>6</sup> The state is required by federal law to redistrict each decade, but it is not required to use federal Census data to do so. See Mahan v. Howell, 410 U.S. 315, 330-332 (1973) (rejecting Virginia's argument that it was compelled to use Census Bureau assignments of residences of military personnel in its state legislative redistricting, and suggesting that a state may not use Census data it knows to be incorrect). As the Third Circuit has explained:

Although a state is entitled to the number of representatives in the House of Representatives as determined by the federal census, it is not required to use these census figures as a basis for apportioning its own legislature. Borough of Bethel Park v. Stans, 449 F.2d 575, 583 n.4 (3rd Cir. 1971). See also Attached Appendix "States are Authorized to Adjust Census Data to End Prison-Based Gerrymandering, and Many Already Do"

determine that in 2010, for example, New Jersey State Prison in Mercer County was counted on Block 1000, Tract 002400 and included 1,899 people in that prison as part of that Census Block and Tract.

We understand that this is just one Block and Tract within the larger context of the state. However, as there are only 12 state prisons in New Jersey, we are confident that New Jersey can properly locate and count the populations of these facilities even within a highly compressed timeframe.

Once again, at the Alliance, we stand prepared to work closely with you to identify which populations in which Census blocks are incarcerated to ensure a fair count, and to ensure that political representation is neither enhanced or diminished by the location of prisons.