

Commission Meeting

of

APPORTIONMENT COMMISSION

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

LOCATION: Rutgers University
Camden Campus Center
Camden, New Jersey

DATE: January 29, 2011
9:30 a.m.

MEMBERS OF COMMISSION PRESENT:

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



ALSO PRESENT:

Frank J. Parisi
Secretary

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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ASSEMBLYMAN JOHN S. WISNIEWSKI (Co-Chair):

Good morning, everyone. I'd like to call this meeting to order.

We'll start with a roll call, Mr. Parisi.

MR. PARISI (Secretary): Senator Sarlo.

SENATOR SARLO: Here.

MR. PARISI: Bill Palatucci.

MR. PALATUCCI: Here.

MR. PARISI: Senator O'Toole.

SENATOR O'TOOLE: Here.

MR. PARISI: Speaker Oliver. (no response)

George Gilmore.

MR. GILMORE: Here.

MR. PARISI: Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Here.

MR. PARISI: Vice Chair Irene Kim Asbury.

MS. KIM ASBURY: Here.

MR. PARISI: Vice Chair Assemblywoman Cruz-Perez.

MS. CRUZ-PEREZ: Present.

MR. PARISI: Chairman Webber.

ASSEMBLYMAN JAY WEBBER (Co-Chair): Here.

MR. PARISI: Co-Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Here.

Good morning, everyone, and welcome to the New Jersey Apportionment Commission's first public hearing.

A couple of housekeeping matters: If you are interested in presenting testimony to the Commission, there's a table in the rear, as you

come in, with a white form. If you'd fill that out and give it to Mr. Parisi or one of the aides -- that way we would have you and be able to call on you at the appropriate time. At the present time, we have about 15 or so individuals or groups signed up to testify. And as you know, we have a subsequent hearing today in Toms River. And so in order to expedite this, we're asking individuals to limit their testimony to 10 minutes. Mr. Parisi will be keeping the timer.

We're going to start with opening statements by myself, Co-Chairman Webber, and other members of the Commission.

I would just ask, if you have a cell phone, pager, or any other audible device -- if you'd kindly switch it to vibrate or silent, just so that it doesn't interrupt anyone testifying.

The meeting is being recorded and transcribed, and it will be available online eventually on the Apportionment Commission's website.

I'm proud to announce today that this marks the inaugural public hearing of the New Jersey Apportionment Commission, and it's the earliest the Commission has commenced public hearings in the history of the Commission.

First, a thank you to Rutgers University Camden Chancellor, Wendell Pritchett; Rutgers Law School Dean, Raymond Solomon; Rutgers Event Officer, Kristin Walker; Frank Parisi and Raysa Martinez Kruger from the Office of Legislative Services for their tremendous assistance in helping set up today's hearing. And most importantly, thank you to the members of the public who are appearing here on a Saturday morning as we kick off this historic process.

The New Jersey Apportionment Commission is established under Article IV, Section III of the Constitution. It is charged with the mission of adopting a map that will reflect New Jersey's legislative districts for the next decade.

To briefly describe our process: Once New Jersey receives the final Census data -- which will probably be next week, according to the United States Census Bureau -- the Commission has no later than two months to adopt a map that will govern legislative elections from this November 2011 until November 2019.

The New Jersey deadline for crafting a revised map is one of the most compressed in the United States. New Jersey will likely have a revised legislative map approximately 65 days from today.

The Commission is comprised of five Republicans and five Democrats. And if it appears that both sides cannot agree to a plan, which has historically been the case in New Jersey, an 11th member of the Commission is appointed by the Chief Justice. That appointment would occur no later than 30 days after the State receives the final Census data, meaning roughly the first week of March, but can occur sooner if both sides agree.

New Jersey's model for redistricting is superior to most other states. Thirty-seven states assign the legislature the responsibility of drafting their legislative maps. Having a bipartisan Commission and a neutral 11th member as a tie breaker makes sure partisan interests are not placed above the public interest. In fact, although the redistricting process in New Jersey and across the country has widely been considered the ultimate political exercise, we should always be mindful that our

responsibility is to draft a forward-looking map for all New Jerseyans, not just voters. To that end, there are legal parameters and traditional criteria that this Commission must abide by in order to protect against improper map-making. The map we must draw has to comply with the one person, one vote standard set forth by the Supreme Court for legislative maps. Legislative districts also should be compact and contiguous; and it is also appropriate to consider prior core districts, from the existing map, and communities of interest throughout that process. And, of course, our map needs to comply with Section 2 of the Voting Rights Act and cannot be discriminatory in any way, shape, or form to the citizens of the State of New Jersey. In short, any map we adopt should be, and must be, fair, constitutional, and forward-looking. We must keep in mind we are here to craft a new map for the next decade, not the past decade.

Given our short timeframe, our attention and focus needs to be moving on going forward and not turning back the clock. Public input in this process is essential. Both Chairman Webber and I are pleased to announce that the Commission will have a website: www.apportionmentcommission.org, and will be set up and running by Friday, according to the nonpartisan Office of Legislative Services. And it will include background information on the Commission, our process, our timetables, transcripts of prior hearings, Commission meeting documents, and notices for future meetings. The site will also allow the public to submit any comments, any recommendations, and even plans for the Commission to consider.

I am pleased also that both Democratic and Republican Commissioners have agreed to hold an unprecedented number of public

hearings throughout this process. The Democrats support additional public hearings in the month of February in Newark, Morristown, Jersey City, and Bergen County. And we've also provided potential dates of February 4, February 5, 9, the 12th, the 18th, and the 19th.

We feel that it is essential, especially with the short timeframe we are working with, that these public hearings have the involvement of the 11th member, who will almost certainly cast the deciding vote on the Commission and, therefore, should have maximum benefit from the input by the public by hearing it firsthand. This is critical, and we hope we can work together and agree to an arrangement that will move forward with public hearings in the presence of the 11th member. Even more hearings should follow after that in the month of March.

I am confident that the level of public input throughout this year's process, including suggestions through the Commission's website, will reach a new level, and I'm hopeful that we can focus on ensuring that the hearings are structured, educational, and move forward in the presence of the 11th member who should have the benefit of hearing that input.

Let me conclude by saying that from the ultimate map must emerge a legislative body that is reflective of our state, of our people, 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, and must allow for the 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 that fails our mandate and fails our citizens.

Thank you.

I would now like to call upon Co-Chairman Webber to give his opening remarks.

ASSEMBLYMAN WEBBER: Thank you, Chairman Wisniewski. (PA microphone feedback)

SENATOR O'TOOLE: And that concludes Mr. Webber's-- (laughter)

ASSEMBLYMAN WISNIEWSKI: Well said, Chair.

ASSEMBLYMAN WEBBER: I think someone's the road team today. (laughter)

We'll try that again. Gun shy for the rest of the day.

Thank you. Thank you for your help.

I want to thank Chairman Wisniewski for his work and his opening comments.

I also want to thank our hosts here at Rutgers-Camden. It's a wonderful facility. And to make it available to us is a real service to the public, and we appreciate that very much. To our fellow Commissioners, both on the Republican and Democratic sides -- the first of many public hearings. And we look forward to listening to the people of the State of New Jersey as we go forward in this process and this important project that we have over the next two months.

Again, I want to underscore Chairman Wisniewski's comments regarding the importance of public involvement. I want to thank you for attending today. This is a tremendous turnout for a cold, early Saturday morning in late January, and you should be commended for being so interested and involved that you would come out and participate in our first hearing. So thank you for coming.

Chairman Wisniewski touched on the process for the Apportionment Commission, and I don't want to repeat much of what he said. I want to underscore a few items. And that is that pursuant to the Constitution, the Commission has 30 days -- or it's actually one month -- to come up with a map after the Federal Census Bureau sends its numbers to the Governor. That, we expect, will happen next week. So sometime starting next week the clock starts ticking. And as Chairman Wisniewski pointed out, we have one of the most accelerated and compressed processes in the nation for coming up with a map. As most of you know, New Jersey has elections in the odd years, not the even years. And so where many states are redrawing their legislative lines and have more than a year to do it, New Jersey only has a couple of months, which makes the timeliness of our work that much more important.

And so when we get the numbers from the Federal government, the Commission will have 30 days to try to come up with a map. We believe that the Constitution has provided that 30 days for the Commission to do its work -- to take public testimony, take input, look at the numbers, try to develop maps, and try to work together to find common ground on the map that the state will use for the next 10 years.

If the Commission is unable to come up with a map in those 30 days, then the Constitution requires that an 11th member join us as a tie-breaking vote to then come up with a map. And after the 11th member is appointed, we have another 30 days, or one month, under the Constitution to finally certify a map and send it to the Secretary of State. So it is an accelerated and compressed process, but one that we feel requires us to follow the dictates of the Constitution and work together as members of the

Commission -- not Republicans or Democrats, but as members of a 10-person Commission to try to find a map and make every effort to -- if we can't agree on a whole map, perhaps agree on some concepts. I think we already have agreements on some concepts in this map that I'm sure will be discussed later in the hearing or in future hearings. If we can't agree on an entire map, perhaps we can agree on some districts and not others. But the opportunity to find common ground is one that we think the Constitution requires and that is vital to the process.

The other thing the Constitution allows us to do, as members of the Commission with the 30-day time period that is required, is to take public input. And artificially truncating that or cutting that off, we believe, would be inappropriate. The people of New Jersey will have at most, as Chairman Wisniewski suggested, 65 days or so to tell us what you think about how this map should look. And to artificially cut that in half--remember, once the 11th member is appointed, we only have 30 days to come up with a map -- seems, to us, to be inappropriate.

And so as we go forward, we should keep in mind those deadlines, we should keep in mind that this is an accelerated -- already an accelerated process by the nature of our calendar here in New Jersey. And to accelerate what is already a process that happens much faster than anyplace else in the nation seems, to us, to be imprudent.

We don't know what this map will look like. We're here to listen to what you have to say about it. What we do know is that the current map has to change and has to change significantly. In the last 10 years, the law governing how these maps are drawn has changed dramatically -- everything from the Federal Constitution interpretation of

one person, one vote in cases like *Larios v. Cox*; to how the Federal Voting Rights Act has been interpreted in cases like *Bartlett v. Strickland*. The law has changed, and therefore this map has changed. We also know that there have been significant demographic changes. And when the demography of a state changes, the lines of redistricting also -- or the lines of the legislative districts also have to change.

Whatever map emerges from this process will be much different from the map that currently exists in the State of New Jersey. And so if those changes are going to occur -- and they're going to occur, they have to occur -- the process of taking public input is absolutely vital. That's why we're having two hearings today. That's why my Republican colleagues and I have been calling for hearings since November to get the public's input and listen to you as to how you want the map to look.

I am pleased to hear that Chairman Wisniewski has suggested hearing dates and hearing locations. And I hope that before we leave here today we can agree to the next round of hearings so that we can take additional input in this process.

And so as we go forward, we welcome your comments. We ask you to keep them to the time limit as best you can. And we will certainly be listening intently to what you have to say.

So thank you, again, for coming.

Chairman, I will throw it back to you if other members have opening comments.

ASSEMBLYMAN WISNIEWSKI: Thank you, Chairman Webber.

Nilsa Cruz-Perez, please, for your opening statement.

MS. CRUZ-PEREZ: Absolutely. I just want to say good morning, buenos dias, friends, neighbors. To the public in general, thank you for coming to testify and expressing your opinion in this -- such an important process.

I'm really looking forward to working with the Commission to create a map that is fair, constitutional -- and forward-looking map that really represents New Jersey.

So thank you for coming, and I'm looking forward to your comments.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you, Nilsa.

Commissioner Kim Asbury.

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

Thank you, everyone, for coming.

This process is so important because of the demographic and geographic shifts in the state over the last 10 years, because we know that populations have shifted out of the Northeast. But we also know that minority communities are becoming more and more important. They have seen tremendous change, both ups and downs. But we won't exactly know what those numbers are until the Census numbers are released, which is why it's so very important that not just here in Camden, but at other future public hearings, that these communities come forward and tell us what is important about your communities. What do you feel should be brought to our attention when we redraw these maps? What's important to your district?

We don't really hear very much about the people that these districts affect. That's why we have these hearings; that's why we would like to have more of them. And we realize the key importance in making minority communities, and to give them access to government services. And redistricting is the most basic step in starting that process.

So we are here to listen to you and to hear your concerns. We hope that you take advantage of it at every hearing. We have another one today in Toms River at 2:30. We will take everything that you say into consideration when we start redistricting later this month.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you for your opening remarks.

Majority Leader Joe Cryan.

ASSEMBLYMAN CRYAN: Thank you, Chairman.

Good morning to all of you. Thank you all for coming out today. It's exciting to see such a nice crowd so early, as has been mentioned.

This is a fast-moving process that is going to affect the state, and it's going to affect it dramatically over the next 10 years. And I just want you to take a moment and think about the next 10 years. If you have a 10-year-old, that 10-year-old will be in college -- maybe this particular college -- by the time this map is completed. And I want you, just for a second, to take a moment -- of where you were 10 years ago and what the political debate was. We were debating a Governor who was leaving -- or considering leaving to go to the EPA at the time. We didn't have chairmen who made announcements about turning off cell phones when we came in.

And we didn't take our shoes off when we went to an airport. The world has changed dramatically, and this map is as important as it gets for public policy, as we consider what we do and how we process it.

You're going to hear a lot of words today and in the upcoming weeks that, frankly, are from a legal dictionary. And you're going to hear a lot of political theory and statistics. But I just want everybody to keep this in mind: This exercise is really going to decide New Jersey's public policy for the next decade. And no matter whether it's legal or what other jargon you may hear, this is really about-- For example: Do you favor gun control or loosening gun laws? Do you want to give all children a thorough and efficient education, or do you want to have a debate about moving pre-K dollars from urban education to suburban? Do you support a women's healthcare opportunity and the right of a woman to make her own medical decisions, or are you ideologically opposed to that concept? Do you endorse the right of everyone to receive quality health care or support insurance companies? Do you believe the progressive initiatives that help the middle class, or prefer politics that benefit the wealthy?

Make no mistake, this is really about public policy and how it gets determined. This affects every individual in New Jersey -- to their neighborhood, to their block. And what you see is five Democrats and five Republicans before you. And I ask that you keep in mind strongly what these hearings represent and how important they are to you and your family. These hearings are about priorities. And the list of those priorities in the outcome in this map is what's important to each and every New Jerseyan. This map must be constitutional, but it must be forward-looking.

And it must give you a Legislature that's attuned to your lives and your needs.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you.

There's no one else on your side, Chairman Webber?

ASSEMBLYMAN WEBBER: I don't think so. No.

ASSEMBLYMAN WISNIEWSKI: Okay.

And, finally, Senator Paul Sarlo.

SENATOR SARLO: Thank you, Mr. Chairman.

Good morning, everybody. It is a pleasure to be here early this morning on a Saturday. It's great to see such a great crowd here.

Mr. Chairmen, both Co-Chairs, thank you for giving me the opportunity to make brief opening remarks. And I just want to focus for a minute on the process and how exciting it is to be part of this process.

It is interesting to note that this process that we're engaged in, in itself, is only 45 years old. We are not far removed from the day when the number of legislative seats were simply handed out by county. The impact of that system, of course, was that some parts of the state were overrepresented, while other residents saw their individual influence diluted many times over, especially in the State Senate.

Ours wasn't the only state to have such a disproportionate legislative representation. Back in a series of cases in the early 1960s, the U.S. Supreme Court laid out the arguments that led to these unequal systems being stuck down. And they're arguments that are just as resonating and guiding today as they were then.

In its 1964 decision in *Reynolds v. Sims*, the Court ruled succinctly it is inconceivable that a state law -- the effect -- that in counting votes for legislators, the votes of citizens in one part of the state would be multiplied by 2, 5, or 10, while the votes of persons of another area would be counted only at face value -- to be constitutionally sustainable. That argument was made to overturn the creation of large rural districts with low populations to dilute the influence of much smaller, denser, urban cores. And it was the nail in the coffin to New Jersey's county-based districting.

But there are some today who want to replace the word *citizen* -- that's right, *citizen* -- in that ruling with *high-propensity voter*, and in essence return to a day where the high-density areas can have their votes all packed together to quiet their voice.

Yes, New Jersey does need a fair and forward-looking map; and yes, we must ensure it is constitutional. That one area of the state may, from time to time, have a higher turn-out rate cannot be used as a basis to actively discriminate against another area that may not. A fair map is one that represents all New Jerseyans and reflects the diversity of this great state that we live in. We cannot, either constitutionally or ethically, look at an urban, minority neighborhood and conclude that because it has either a low number of registered voters or history of low turn-out that it is less valuable a thread in our State's political fabric and core. We must remember at all times that us in elected office do not represent voters, we represent residents and citizens, regardless of whether or not they cast a ballot, or even if they are of voting age. When they walk into our office, we must represent them.

I congratulate the residents who do not miss an election. And given the multiple election days on New Jersey's calendar, that is, in itself, an achievement. But I cannot reward them by making their vote count any more than that of a resident elsewhere who may only vote in a presidential race.

I will close with the words from another landmark Supreme Court case, *Gray v. Sanders*, in 1963: "The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the 15th, 17th, and 19th Amendments can mean only one thing: one person, one vote."

Thank you, Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: Thank you, Senator.

We are going to begin our testimony at this time.

Before that, I'd just like to recognize a couple of folks who are in the audience who are not going to speak. We have our Senate President, Steve Sweeney; we have Senator Ron Rice, who is Chair of the New Jersey Legislative Black Caucus; we have Assemblyman Paul Moriarty. Welcome, gentlemen, for your presence.

The first group that I would like to call up to testify is Senator Donald Norcross, Assemblyman "Whip" Wilson, and Assemblyman Angel Fuentes.

SENATOR DONALD NORCROSS: Good morning, and welcome to Camden City, my home, along with my colleagues. And on behalf of Mayor Redd, who is, unfortunately, under the weather; and the 18 towns of the 5th District, we want to thank you for coming down -- the Commission.

Chairmen Wisniewski and Webber, the 5th District, as of the 2000 Census, had a 17 percent Hispanic and 26 percent African-American-- We are one of the most diverse districts, not only in terms of who lives here, but the economics of our district -- from the challenges we face in Camden City, to the more affluent areas of Haddon Heights and Deptford. And since 1995, the representatives of this district have -- we've had a Hispanic, an African-American, and a Caucasian.

We take a look at what we do here in this district, as much as you do in any of your districts, to represent those who come to our offices, those who don't have a voice.

And with me today are my two colleagues from the Assembly. The first for some opening remarks is Assemblyman "Whip" Wilson, lifelong resident of Camden, who spent his entire career on the Camden police force, retiring as a Lieutenant.

Assemblyman.

ASSEMBLYMAN GILBERT L. "WHIP" WILSON:
Good morning to the Chair. And to the Commissioners, good morning. And to our residents, thanks for being here this time of the morning.

First of all, it's a pleasure to sit here in front of this Commission and have an opportunity to express a little bit of the thoughts about what's taking place here today, particularly in this district.

I think that if you're going to have a good State map, look at this district -- the 5th District -- for it's diversity, not just in its citizenship, but also diversity of the elected officials in the 5th District.

I'm going to be very short about this. The idea is: Take a look at the 5th District and make this a model throughout the state: in diversity

as far as the citizenship goes, and also diversity of us who are sitting before you.

God bless you, and have a nice day.

SENATOR NORCROSS: Thank you, Assemblyman.

Our next one is my other colleague, who has been a patient advocate for health care for his entire career as an adult. Please welcome Assemblyman Angel Fuentes.

A S S E M B L Y M A N A N G E L F U E N T E S: Thank you very much.

Good morning.

We're very pleased to welcome members of the Commission to the 5th District and the City of Camden, and extend our thanks to Rutgers University for allowing us to host this important gathering.

Last spring, the Federal government conducted the 2010 Census to determine how we have changed as a nation over the last decade. The results provide a snapshot of population trends in every state, as well as the foundation for a road map that brings balance and diversity to our Federal and State government.

This Commission is entrusted with drawing that map. Its mission is to create the boundary lines for the congressional and legislative districts across New Jersey -- and in a manner that gives our citizens the fairest, most vibrant representation possible in Washington and in Trenton. In short: the best, small *d*, democratic government we can deliver.

We believe the 5th District is a model for how those boundaries should be drawn. It is a remarkably diverse populous with a multitude of interests that ensures lively debate and creative solutions to problems, not a

uniformed populous of narrow views and a single-minded wish list. This district's diversity reflects the extraordinary diversity of our state, ensuring that the important issues debated in Trenton are representative of the concerns of our constituents here at home. The district's legislative team closely mirrors the people it represents.

Senator Norcross, Assemblyman Wilson, and I come from different backgrounds, bringing different perspectives. The delegation includes one Hispanic, one African-American, and one Caucasian. I happen to be the Caucasian. (laughter) Only kidding. One is a former police lieutenant, another is an electrician, and the third is a member of the Cooper University Hospital staff as a patient representative. Our immediate predecessors: former Assembly Speaker Joseph Roberts; Senator Dana Redd, who is now the Mayor of the City of Camden; and Assemblywoman Nilsa Cruz-Perez had similarly diverse upbringings. We had elected the first Hispanic woman to serve in the Assembly and an African-American woman to the Senate.

The fact that so many different people, with so many different views, sent us to Trenton makes us an effective legislative team, expressing positions in the Legislature and balance, that's a broad range of viewpoints, making sure that no one's voice dominates the other's. We believe that the 5th District was formed to take advantage of our strength as a state and provide the legislative balance New Jersey needs.

As you proceed with drawing the legislative maps, we urge you to recognize this district as a model for how districts should look -- demographically balanced with citizens offering a broad array of needs and interests. As legislators, we are better public servants when we represent

not just a single group or community, but neighborhoods and people with diverse backgrounds and perspectives. We would hope that in redrawing the lines, the Commission would do so with the intention of bringing different people and perspectives together, not splitting them apart.

Thank you, again, for coming to the 5th District.

Our sincere thanks to Rutgers University.

Let's really make New Jersey a better place to live, work, and pray.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblymen, Senator, thank you for your testimony.

I would next like to call Ingrid Reed, former Director of the New Jersey Project at Eagleton.

Ingrid.

I N G R I D R E E D: Good morning.

I want to express the thanks of the people of New Jersey. I'm taking on that responsibility without anybody asking me to do so.

But I want to recognize that this Commission does not have to do what you are doing today. It is not in the law. You do not have to have public hearings or public meetings. And I want to thank you, and I want to recognize the amount of work and effort that has gone into just this first meeting, and the fact that you are committed to having other meetings. In the midst of what you have described to us as your responsibility, taking time out to meet with the public is certainly an extra effort. And I want to thank you for doing that.

I hope-- The fact that you're having a website is also important and path-breaking. And I want to congratulate you for that as well. I would like to ask, if it would be possible, when you get the results from the Census Bureau about the population in New Jersey-- You probably are preparing numbers for yourself. I think the public would find it very helpful if you were able to present the current -- the population in 2000 that informed the previous Commission, by county and by legislative district; and then give the numbers for 2010 by county and by legislative district. I think it's helpful for the public to have the county numbers, because we think so much, in our political process, on the county basis. It's easy to understand. And then if you would do the same with the legislative districts, then people could look up their district and see what the impact is.

ASSEMBLYMAN WISNIEWSKI: Sure.

MS. REED: I think that would be very useful.

Also, I retired from Eagleton. I am an unpaid volunteer as a Visiting Associate and continue to work with my colleague John Weingart in our efforts to give the public information about redistricting. I think you have received the paper that Ben Brickner prepared for us that is a kind of primer on the whole process of redistricting: the history, what other states are doing, and then the big section on New Jersey. And I hope that's useful. I've brought along the 16-page PowerPoint, that is the very brief summary, that you might find helpful in using it to explain to other people. And people who are here today might want to have access to that. Ben Brickner is here too, and I would like to publicly thank him for the work that he did for Eagleton -- and for all of you, I hope.

I'd like to bring up something that hasn't been discussed, but does have an awful lot to do with what you're concerned about, and that is: Ultimately, this will have -- your process will have an awful lot to do with the voters and their opportunities to participate in -- fully in the process. And that is the issue of competitiveness. I'm not a lawyer, and I've been told that that's not one of the criteria people should address. But I think, from our work at Eagleton looking at public participation in elections, the fact that New Jersey, out of the 40 districts, is routinely described as having three to five legislative districts where the difference -- the margin of victory is less than 10 percent, and usually less than 5 percent. That means that 37 districts are probably pretty well predetermined. Most districts in New Jersey, the margin of victory is 15 percent or more.

So I say this to both Republicans and Democrats, because if you go through those districts it's pretty well balanced in terms of the competitiveness of the districts that are held by either party. And the result is that -- from our studies -- if the district is not competitive-- There are probably, at most, two solid stories in the newspaper about what is happening in a district that is not competitive, if we're lucky. Debates are usually not held in districts that aren't competitive. All of the attention is focused on those maybe three to five districts, which means that people don't get a chance to discuss the issues that you say you're all very important -- you find important, and don't get to know the legislators as people, don't get to hear their voices. And, therefore, it really does limit the participation, including the fact that I've heard members of the Legislature talk about the low voter turnout in years -- that when the Legislature is at

the top of the ticket; even say, “Well, why should people turn out? They know what the result is going to be.”

It doesn't make sense to think of all districts being competitive. That sort of violates another issue that people think about, and that is volatility. How can we have some kind of stability? And what is the fair balance of party representation? It would be sort of an unsettling political process if all districts turned over all the time. But I think this is probably a good time to think about how each of the parties might increase the number of districts where it's likely that the margin of victory will be closer to 10 percent, which would mean that there would be more activity, more competition, and the voters would learn a lot more about what's going on in the Legislature and the views that will be represented there.

I know that this is not something that probably will ever come up in a constitutional way, but I think you are concerned about participation. And this is an opportunity to come up with a way of making it possible to have more voices in the process. I think if you would like to look at this in greater depth, the Office of Legislative Services included this analysis of competitive districts when the Clean Elections Commission did their study, and you might find it helpful to take a look at that. But I think you probably know.

Now, I think the other issue will come up that if you have a lot of competitive districts, it means the parties have to put more resources -- money, and so on -- into running those campaigns. But I would like to point out to you that we've seen very good campaigns where money was not the dominant issue. And this might be a time to turn to actual voters,

people, and ask them to support political campaigns rather than leaving it only to the parties.

So, thank you, again, for having this hearing today and for what you will be doing in the future. And I hope that at the end of this process we can have a more vibrant political system, as well as a balanced Legislature and a balance of parties in New Jersey.

Thank you for letting me speak today. And I'm going to leave the easy handout PowerPoint, that Ben Brickner prepared, with you.

ASSEMBLYMAN WISNIEWSKI: Ingrid.

MS. REED: Yes.

ASSEMBLYMAN WISNIEWSKI: I think there are a couple of questions.

MS. REED: I'm sorry, certainly. I just didn't want to go over my time limit.

ASSEMBLYMAN WEBBER: Thank you for testifying, Professor. And I want you to know that we got your paper, and we appreciated it, and actually have incorporated several of your suggestions: for bringing a copy of the map with us; to creating the website; and I believe-- And Chairman, we're still finalizing the content -- but the population numbers from the Census Bureau -- I think that's going up on the website.

ASSEMBLYMAN WISNIEWSKI: That will go up on the website.

ASSEMBLYMAN WEBBER: I mean, so, all those suggestions, I think, are very good--

MS. REED: Great.

ASSEMBLYMAN WEBBER: --and will be included.

I noted in your letter to us from January 3, you remarked on the importance of the opportunity for public input.

Do you have a recommendation then, for the Commission, in terms of the length of time we provide for public hearings? Would you like to see that to be a longer period or a shorter period of time for public hearings?

MS. REED: I think what you've outlined of having public hearings as the process continues is probably important. And I think the public will be learning more about the process and will have, then, more to say, will be more interested in giving suggestions to you as the process goes along. You know, posting on the website what people have already discussed with you, I think, helps the public have an idea of what this is all about. In fact, you might want to be a little more specific and say that you're interested in hearing about the shape of districts. If they should be more compact, what does that mean? If there should be a focus on community of interest, think about your district as it is now. How could it be improved?

I think this is a dynamic process. And I think as the population changes settle in and people realize that this is a change -- as we get more information about the representative -- representation of minorities, you will find that probably the observations that you get, the recommendations that you get will be more focused in a specific way on the process that you're undertaking. So I would say, just continue the public hearings if you have the time for it and can organize it as the process goes on.

People may also want to make comments that they would give to the 11th member once that person is named. Because it does get to be quite a personal thing. Who is this 11th member, and what is that person's role? So I would say, if you can do it, I would continue to have the public hearings. And also, since you are thinking about geography -- I think that's helpful as well.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman, did you have a question?

MS. CRUZ-PEREZ: No.

ASSEMBLYMAN WISNIEWSKI: Joe.

ASSEMBLYMAN CRYAN: Thanks Professor, and thank you.

Do you believe that the 11th member should be involved in the process as early as possible?

MS. REED: I think there are two ways of looking at that. Should the 11th member be able to begin his or her work earlier than the beginning of -- I guess March it would be, so that that person can be as familiar as you are with all of the data and the considerations that are specific to New Jersey, and to be able to listen? That would be the first thing. Should the person get started in doing the work that he or she needs to do? Should that person be listening to your deliberations to get a better understanding of where there is congruence and where there are differences that will have to be resolved? And so I think they're two different things. But it seems to me that the process is so complex and needs to be weighed. You're going to have to figure out what the negotiations are all about -- that if that person were named and given an opportunity to get started in the

process, it would be helpful. But I don't see that person, obviously, playing a role until you're sure that the person's role is needed.

And then I think it's important for the public to understand that the 11th member -- and I think you all understand that -- does not come in and look at your differences, and say, "This is our plan, this is your plan," and then pick one. The 11th member becomes a member and is part of the negotiation, is part of providing information as well as listening, coalescing, and so on. I think the public has been led to believe, from things I've been reading recently, that this person walks in, says, "Show me what you've got, and I'll pick this one." And I think it is a much more sophisticated process that you're all involved in than that view.

ASSEMBLYMAN CRYAN: But you agree preparation, then, is part of the process and helpful?

MS. REED: I have some-- Maybe I should explain. I have some experience with this, because I was Assistant Dean of the Woodrow Wilson School at Princeton when Donald Stokes served as the 11th member in 1998 -- 1980 and 1990, I believe. In fact, just this week I was given a paper that he gave to the Western Political Science meetings, where he actually made his observations about the New Jersey process and recommendations that he would have for us. It's very interesting, and I'd like to make it available to you if you'd like to see it.

But I saw how much work he had to engage in, in order to be a responsible 11th member. And as I say, it wasn't participating with the Commission itself. It was anticipating the job that he would have to do. And he had a team of people with whom he worked. You know some of them: Ernie Reock; before Judge Irenas became a judge, he worked with

him. And so I think from a public perspective, you want that 11th member to be as well-versed as possible on all of the information, the dynamics, and so on.

But I would say that, if possible, it would be wonderful for New Jersey if you didn't have to use the 11th member. (laughter) And if you were able to come up with an agreement, that certainly would say a lot about bipartisanship, which is what we're talking about in this country. So I'm not saying that the 11th member should participate, I'm just saying that because this is a really difficult process, we might as well get somebody who is as well-informed as possible.

ASSEMBLYMAN CRYAN: Thank you.

SENATOR SARLO: Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you.

I don't see any other questions.

Thank you, Ingrid.

MS. REED: Thank you, again.

ASSEMBLYMAN WISNIEWSKI: I'd next like to call Roberto Frugone and Philip Warner, New Jersey Legislative Redistricting Coalition.

R O B E R T O F R U G O N E: Good morning.

ASSEMBLYMAN WISNIEWSKI: Good morning.

MR. FRUGONE: I'm going to read part of it, but I would ask that the full extent of testimony be submitted for the record.

ASSEMBLYMAN WISNIEWSKI: Thank you.

MR. FRUGONE: Buenos dias and good morning, distinguished members--

ASSEMBLYMAN WISNIEWSKI: Excuse me. Could each of you identify yourselves just so we have that for the record?

P H I L L I P S. W A R N E R S R.: Yes, my name is Phillip S. Warner Sr., and I'm the Communications Chairperson for the New Jersey Legislative Redistricting Coalition.

MR. FRUGONE: I'm Roberto Frugone, Co-Chairman of the New Jersey Legislative Redistricting Coalition.

G E O R G E B. G O R E: And I'm George Gore, member of the Coalition.

ASSEMBLYMAN WISNIEWSKI: Thank you.

MR. FRUGONE: Again, buenos dias and good morning, distinguished members of the New Jersey State Reapportionment (*sic*) Commission.

I am Roberto Frugone, Founder of La Causa of New Jersey, Board Member of the Latino Action Network, and here today in my capacity as Co-Chairman of the New Jersey Legislative Redistricting Coalition. We thank you for the opportunity to speak on this very important issue.

The New Jersey Legislative Redistricting Commission is a broad collection of community-based, civil rights, human rights, advocacy, and legal organizations such as the Garden State Bar Association, Latino Action Network, and the NAACP, just to name a few. We've come together to promote and participate in a nonbiased and nonpartisan approach towards the New Jersey legislative redistricting process. In short, we believe that the residents of New Jersey have the right to receive a fair and

constitutional map, and that this right must trump the theater of partisan gamesmanship.

We also want to ensure that the final map of New Jersey's Senate -- State Senate and Assembly districts provide New Jersey's communities of color with equal opportunity to participate in the political process, including the ability to elect representatives of their choice.

Since 2000, the African-American, Asian, and Hispanic populations in New Jersey have been among the fastest growing populations in the state. While New Jersey's white, non-Hispanic, population has decreased from 66 percent of the population in 2000 to 61 percent of the population, the African-American population has increased from 13.6 to 14.5 percent; the Asian population from 5.7 to 7.8 percent; and the Hispanic population from 13.3 to 16.7 percent. The 2011 legislative map must reflect these population trends, as well as maximize the voting strength of racial and ethnic minorities to the fullest extent permitted by law.

To achieve this purpose, the Commission must immediately address its governance and properly apply the traditional districting principles consistent with Federal and State law.

For context, New Jersey is one of only 13 states which charge a bipartisan commission with the redistricting process. In the majority of states, the redistricting process is handled by the legislature; and in a vast majority of these states, the governor has the ability to veto the redistricting plan. Still, the redistricting and reapportionment process goes to the heart of the most fundamental democratic principle of self-government.

It therefore remains our hope that at some point, the New Jersey Constitution will be amended to place even more emphasis and power in the hands of the people during the redistricting process. In this regard, we agree with the observations provided by the Brennan Center for Justice during its testimony before the Illinois Senate Redistricting Committee on October 13, 2009. Speaking on behalf of the Brennan Center, Justin Levitt stated, “The purpose (*sic*) of drawing legislative lines affects the interests of individual legislators, the interests of political parties, and the interests of represented communities, or, put differently, the public good.”

When legislators personally are able to set the lines by which they are elected, there arises a natural temptation to conflate the three, even when those officials act with the purest of motives. That is, even conscientious elected representatives might be tempted to draw electoral lines that insulate their districts from effective challenge and promote their party’s fortunes because they believe themselves and their party best able to serve their constituents. Such temptations, whether fueled by self-interest or zealous advocacy, weaken the democratic process and blunt the voice of the electorate. By drawing district lines that promote individual and party security, legislators with a hand in the process become enmeshed in the task of building districts based on favorable (*sic*) constituents and disfavored ones. That is, representatives get into the business of choosing their constituents rather than the other way around.

Turning more specifically to the issue of governance, we urge the Commission to be guided by the principles of transparency and inclusion. Transparency and inclusion are inextricably linked with

accountability. When information is withheld from people or decisions are made in the dark corners of smoke-filled rooms, people lose both their ability to assess the performance of their representatives and their confidence in the system.

We therefore urge the Commission to ensure transparency in this process by adopting the following proposals. Pre-mapping (*sic*) hearings: The Commission should immediately agree and publish at least six public hearing dates during the month of February after the Census information is certified by Governor Christie. Two, post-map hearings: The Commission should also host at least three public hearings after the Commission has reached a majority decision of a proposed map, but before the proposed map is certified by the Secretary of State. Allowing public input after the proposed map is drawn will provide a meaningful opportunity for public input and participation. In the absence of post-map hearings, the public will be forced into either remaining silent or incurring the cost of litigation to address those concerns.

Three, transcripts: The Commission should permit both transcripts and recordings of all public hearings both before and after the Commission proposes this map. These transcripts and hearings should be available online promptly after each hearing.

We recognize that time is of the essence and that the Commission must complete its work by April 1, 2011, in order to meet the April 7 deadline for the 2011 primary election process. Historically, each 10-member bipartisan Commission has been stalemated on its initial attempt to agree upon a map. In light of the political posturing that has already occurred on both sides of the aisle, the public has every reason to

believe that this 10-member Commission will follow suit with its predecessors. We therefore urge the Commission to make its determination that it is unable to agree upon a map -- determination -- expeditiously so that Justice Rabner may appoint the independent 11th member. Among other things, appointing the 11th member early will allow him or her to participate in the public hearings and to hear directly from the residents of New Jersey.

Additionally, to accommodate the additional hearings we have proposed, we ask the Commission to follow suit with the 2001 (*sic*) predecessor and request that the Legislature extend the filing deadline for the 2011 primary elections. Acting in advance and adopting our governance proposals for pre- and post-map hearings, transcripts, and an early appointment of the early -- of the independent Commissioner will help to ensure transparency, accountability, and efficiency in the redistricting process.

With respect to the principles which must guide the work of the Commission, we want to be clear. Section 2 of the Voting Rights Act of 1965 prohibits minority vote dilution. Minority vote dilution occurs in situations where minority voters have been denied opportunities to elect candidates of their choice, because the majority voters vote in a bloc that effectively locks minority-preferred candidates out of the process. The ability of minority voters to elect candidates of choice can be found in several types of districts, which can be described as effectively (*sic*) minority opportunity districts. One is *majority-minority districts*, two is *crossover districts*, three is *coalition districts*.

Although crossover and coalition districts have been used interchangeably, there are important differences, and these districts should not be confused with *influence districts*. Influence districts are districts where the significant number of minority voters are included in the district but are not provided an opportunity to elect candidates of choice. Influence districts are not and should not be seen as a substitute for effective minority opportunity districts.

Additionally, we do not read the recent U.S. Supreme Court decision of *Bartlett v. Strickland* to vitiate the ability of the Commission to draw coalition or crossover districts where the minority group is less than 50 percent. Although the *Bartlett* Court held that the creation of crossover districts is not required under *Bartlett* when a single minority group is not the majority of the district, *Bartlett* does not prohibit the redistricting body from creating crossover and coalition districts that provide minority voters with an opportunity to elect candidates of choice. In fact, the *Bartlett* Court recognizes that “racial discrimination and racially--” (timer sounds)

ASSEMBLYMAN WISNIEWSKI: If you could, wrap it up.

MR. FRUGONE: All right.

ASSEMBLYMAN WISNIEWSKI: I mean, just provide your comments, if you can somewhat summarize.

MR. FRUGONE: Okay. Much remains to be done to ensure that citizens of all races have an equal opportunity to share and participate in the democratic process and traditions. Therefore, the Commission must ensure that its proposed map adheres to the tradition of redistricting principles required by the New Jersey Constitution. Equal opportunity

districts will be drawn to maximize the voting strength of racial and ethnic minorities to the fullest extent permitted by law.

Contiguity and reasonable compactness districts will be drawn with respect to political boundaries. The Commission should understand, however, that we will oppose any attempt to construct bizarrely shaped districts which so concentrate racially (*sic*) and ethnic minorities that they create so-called *super majority minority* districts. Our view is that the creation of the super majority minority districts, or *packing*, effectively wastes the minority vote and violates both the Equal Protection Clause of the 14th Amendment and Section 2 of the 1965 Voting Rights Act.

The Commission must recognize the fact that New Jersey, like the rest of the United States, is becoming more diverse. Indeed, New Jersey's African-American, Asian, and Hispanic communities' populations appear to be growing faster than the national average. The Commission's proposed map must contain districts that anticipate and incorporate these trends.

In closing, it is said that the redistricting and reapportionment process is more important than election day. The Commission must remember that the Federal and State laws which protect racial and ethnic minorities exist for a reason: to combat the historic vote dilution African-American, Asian, and Hispanic voters have faced in this country and in this state. For communities of color, who have historically been locked out of, politically and economically -- our participation in this process is also the culmination of centuries of sacrifice and struggle. Historically (*sic*) created the need for protection. The Commission has the obligation to ensure

protection occurs, in fact, and determines -- ultimate promise of one person, one vote is fulfilled.

I will make one final comment, but do so in Spanish. (witness speaks in Spanish, see attachment in appendix)

Thank you, again, for this opportunity. The New Jersey Legislative Redistricting Coalition would like to provide -- would be glad to provide additional information or analysis to the Commission at your request. We look forward to accompanying you through this important process.

MR. WARNER: One final thing, Commissioners, before we end. We will provide an updated transcript with the Spanish translation to the Commission before we leave.

ASSEMBLYMAN WISNIEWSKI: You'll provide a translation of--

MR. WARNER: The whole thing.

MR. FRUGONE: The whole thing, yes.

ASSEMBLYMAN WISNIEWSKI: --the whole thing.

Okay.

Is that satisfactory?

ASSEMBLYMAN WEBBER: I'm sorry, a translation into Spanish, or a translation from Spanish to English?

ASSEMBLYMAN WISNIEWSKI: No, I think of the Spanish.

MR. FRUGONE: If you'd like it in Spanish, we can provide it in Spanish. (laughter)

ASSEMBLYMAN WEBBER: Well, you're more than welcome to provide your testimony in Spanish, as long as we get the Spanish part in English too. That would be okay.

MR. FRUGONE: The Spanish part is in English in our submission.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you, gentlemen.

MR. FRUGONE: Thank you.

ASSEMBLYMAN WISNIEWSKI: I'd next like to call former Assemblyman José Sosa.

F O R M E R A S S E M B L Y M A N J O S É F . S O S A: Good morning.

Chairmen Wisniewski, Webber, and members of the Redistricting (*sic*) Commission, I thank you for the opportunity to speak before you and to participate in this very important process.

As a former Councilman, Mayor, and Assemblyman, I know how vital your role, deliberations, and decisions will be on how our state will be represented in the State House for the next decade.

I commend you for the service. I also recognize that this is a process that will place each one of you between partisan imperatives and your responsibility to create a map that most accurately reflects the demographic realities of the Census data.

This morning I urge you to take into strong consideration the impact of the ethnic and racial changes to New Jersey's population during the last decades, and their affect on your duties in creating a legislative map

that most accurately and adequately represents our increasingly diverse population.

Note briefly of the opportunities -- that the Commission has to take into consideration the impact of the growth of the Hispanic population in our state. I do not claim to speak for any other racial or ethnic group, as I know that leaders from their constituencies, as you just heard, have admirably represented their interests in past redistricting activities and will do so again today.

The 2010 Census figures are not yet available, however the population shifts are evident. From these estimates, it is clear that New Jersey has, like many states in the Northeast, experienced slow growth since the 2000 Census. Our state grew only 4 percent, while the nation grew at about a 10 percent rate over that period. Without delving into specific statistics by county that will drive your deliberations, this Commission will be addressing the fact that a clear, regional population shift is occurring, with the Northeastern part of the state losing residents relative to the rest.

In addition to the shift in population patterns, there are some overall numbers that must be considered. While the racial and ethnic diversity of the state continues to increase, these population subgroups have experienced different rates of growth. The minority population increased as a percentage of the overall population from 33.4 percent in 2000 to 38.9 percent as of 2009, while the nonminority population decreased over this period from 66.6 percent to 61.1 percent. Following the 2000 Census, the African-American and Hispanic communities were very close in size. Based on those estimates, the Hispanic community continues to grow, having

increased from 13.3 percent of the overall population to 16.7, as you heard, again, before.

This would mean that Hispanics, whose statewide population would have filled 5.3 districts in 2000, would fill 6.7 in 2010. In reality, the population of these subgroups is dispersed throughout the state, and their concentrations may either be too small a number or too far away from similar communities to create more districts where they are the majority. Nevertheless, these baseline numbers provide a frame of reference for the upcoming process.

What is clear from these estimates is, number one, the Northeastern part of the state has yielded to population shifts; and, number two, minorities -- particularly Hispanics -- are a statistically significant presence in New Jersey, whose voice must be heard in the upcoming redistricting deliberations.

Ladies and gentlemen, I cannot suggest how a district would be created that ensures this voice. I'm not privileged with the information at the disposal of the Commission. I would respectfully suggest, however, that the inexorable growth of the Hispanic community will compel the leadership of our State to ensure that this community is not only heard, but afforded a greater opportunity to represent their constituencies at all levels of government.

For reasons too numerous to cite here, this has yet to occur. But it is my hope that your decisions at the end of the day will make this a reality. You have this opportunity now. At a time when the public's expectations of its elected officials are magnified, and many more eyes and more diverse populations are looking at what you do, I'm confident that

you will meet their expectations and their hopes, because New Jersey will become an even better place in which to live and work.

I'm honored to have served as an elected official, as I know it was for Assemblywoman Cruz-Perez. It is my hope that you will deliberate with such intentions that others from my community will also experience the honor and privilege of conducting the people's business.

My last comment, and if I (indiscernible), Chairman Cryan: The 10-year-old that you were describing earlier in your testimony -- your commentary -- will be a 40- or 50-year-old, middle-aged individual at about the time, when around 2050, the Census will be dramatically changed, wherein the minority population will not look as it does today. So there is an imperative on the part of this Commission to begin the process of making sure that there is a level of parity in your deliberations.

The last comment I would make to you is: Understand, know, be cognizant of cultural competence in each and every one of the multicultural communities. I think there is a lacking in that regard. There are 21 Spanish-speaking countries in the world; this is the fourth largest Spanish-speaking country in the world. And so if you look at the demographics, even within the Hispanic community, and how many of those countries are represented here continue to grow, it's important that you understand that while you deliberate in this process and reflect that in the future leadership of this state.

Thank you very much.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.

I think we have one question.

Assemblywoman.

MS. CRUZ-PEREZ: I have a question for you. Coming from your background, being the first Mayor, the first Councilmember -- Hispanic -- in your town, and the first Assemblyman in your district, do you think it's necessary to concentrate minority citizens in order to create legislators?

FORMER ASSEMBLYMAN SOSA: Well, it was my experience -- and I certainly would give a lot of credit to an individual who is on your panel today for my getting elected. I was elected by about a 3 percent Hispanic population. So the rest of the 7th District, which I represented, was not.

From a selfish standpoint, it certainly -- there's a cultural affinity, obviously, for anyone who is a minority -- whether your African-American, Asian, or Hispanic -- to want, desire more of that community that they can appeal to. At the end of the day, it's all about representation. It's all about affording our population, the minority population, a place at the table in every county -- no matter how it's charted out, no matter how it's broken up -- to be able to have a say in the political process from the very beginning of one's political career, which is, at best, at the local level. I can't define what those numbers are for you. But I think there has to be a commitment on both sides of the aisle. And we can have a debate about where there have been successes or failures on the part of both sides of the aisle, over generations, about why that really hasn't happened. But I think this -- and I think the testimony that you're allowing to have today -- is a really excellent start on both sides to make this happen and make it fully be realized, as you deliberate in this process and carve out this very

complicated way of representing the community as it moves forward in the future.

MS. CRUZ-PEREZ: Thank you so much. I know exactly what you mean. I'm elected -- I was elected for 15 years to become the first Hispanic female elected in the Legislature in a district that -- it was only 14 percent. It's about commitment.

Thank you for your testimony, Assemblyman.

FORMER ASSEMBLYMAN SOSA: Thank you.

MR. PALATUCCI: I'd like to-- Can I ask the former Assemblyman a question too?

ASSEMBLYMAN WISNIEWSKI: Mr. Palatucci.

MR. PALATUCCI: And I'd maybe like to ask the same question a little differently. The previous speakers talked about what they called *influence districts*, *crossover districts*, *coalition districts*. Looking at the current map or the maps when -- as they existed when you served, do you think either those districts, in your time in the Legislature, or the current districts are sufficient to provide the type of representation for your community that you're talking about?

FORMER ASSEMBLYMAN SOSA: No. And the simple answer is that, as -- and I'll use-- As a matter of fact, I will use two states as an example of what the migration patterns are of the Hispanic community, nationally.

The states of North Carolina and Washington experienced, in the last Census, a 300 percent growth in the Hispanic populations. And they were not, and are not, concentrated in the traditional -- if you want to talk about it this way -- in the traditional pockets of the minority

communities. That's not even happening in New Jersey. There's a migration away from the urban centers -- moving out. Cumberland County has a very significant Hispanic population. I think it's about 25 percent. It's not just because of the agricultural industry in the area. There's a natural migration because there are Hispanics there. And so families of Hispanics, friends of Hispanics are moving to that area because they feel a cultural affinity to it. So it's not just job-related, but it's other reasons for that. So you're seeing more and more migration to very untraditional parts of the state that require the Commission looks at this in a different way, from carving out that district in a different way, whether it's a Hispanic district -- however you want to define it -- or otherwise.

MR. PALATUCCI: So you think if we could do a better job, we should.

FORMER ASSEMBLYMAN SOSA: It's imperative that you do.

MR. PALATUCCI: Thanks.

ASSEMBLYMAN WISNIEWSKI: Any other questions? (no response)

Just one last question from me.

FORMER ASSEMBLYMAN SOSA: Sorry.

ASSEMBLYMAN WISNIEWSKI: You mentioned correctly that the populations are not necessarily all concentrated in one particular location. And so to achieve the goal, perhaps, of creating a minority majority district, do you then put, as a less-important criteria, the compactness of a district? Because if you draw it out and make it less

compact, you potentially could include more minority members. I mean, is there -- does one take precedence over the other?

FORMER ASSEMBLYMAN SOSA: I'm not qualified to say that, to be honest with you. I think if you look at, again, the demographics -- you look at your own in Middlesex County, in New Brunswick, the majority population there was Puerto Rican. Now that is, effectively, the minority population. So you have many more individuals who have come into that area from Latin America, from Mexico, Central America, and South America.

ASSEMBLYMAN WISNIEWSKI: Right.

FORMER ASSEMBLYMAN SOSA: And again, I'm not sure where you -- where you would most effectively carve out a minority majority district. But I think that's an issue that should be on the table for discussion, in my opinion.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Any other questions? (no response)

Thank you.

The next witness will be George Gallenthin, 3rd District Tea Party.

George.

GEORGE GALLENTHIN: Good morning.

My name is George Gallenthin, and I agree with the -- Co-Chairman Wisniewski's opening statements that it's the responsibility to redistrict -- to address the electorate.

However, the following statements-- There are five Democrats up there and there are five Republicans. The problem is, that's only 28

percent of -- excuse me, that's only 28 percent of the electorate. We've got 72 percent of the electorate unrepresented by this Commission. I think that the people who are voting in this state don't represent -- would not recognize your decisions.

What we have right now is-- We've had-- When we started out with democracy, you had consanguinity, tribal electorates. That's what they have in Iraq. Then you have tribal affinities. In other words, America has, for the past-- A woman stood up and said, "I'm 38 years old. I've been voting for -- since I was 18, and I've only been able to vote for two families in the presidential election." In other words, you have tribes, and they're by affinities. So that's what New Jersey has. We've got 28 percent of the electorate dominating 72 percent of the electorate. Actually, that's unacceptable.

And what it's doing is -- to our society -- even though we've got the highest income per capita in the nation-- What it's doing to our society is, it's blocking out input from the 72 percent of the electorate. They have, by far, better ideas than those 28 percent -- just going by numbers. They have the ability to solve problems.

We have a Governor going around saying he's got to redo education. Okay. What about cyber school? I went to my Assemblyman -- not from my district, but I went to another Assemblyman -- and I asked him, "Do you have cyber school?" "Absolutely, we have cyber school in New Jersey." No, we don't. My daughter just left cyber school, and she's now a freshman in high school, in Woodbury High School. She's at the top of her class. Why? Because she went and she was homeschooled in cyber school. That's a great way to cut the budget.

What I'm getting back to in redistricting is: You turn us off, what happens? We go home, we drink beer, we watch the Super Bowl. Whatever. We go down the shore. However, there's a certain point in time when it becomes so inefficient, when it becomes so ridiculous. When you bonded out-- Example: Gloucester County now has \$503 million worth of bonds. Over the past 12 years, we wound up with -- going from \$108 million to \$503 million. That County will probably go bankrupt. It has no way to pay its bills. We have 250,000 who have to pay \$503 million off. So now what you do is -- you've got an electorate. It's organizing outside of the parties. And what do you have? You have over 1,000 Tea Partiers in District 3, and they mean to organize, and they mean to vote, and they mean to have change.

What we're asking for right here is, please look at the 72 percent of the electorate.

And finally -- the statement that you asked -- I hadn't thought about it before I got here. You were talking about: Should that 11th vote be here? I would treat that 11th vote like a juror. Sit in the seat and watch, listen, be here now, get all the ideas. Because how can you vote without taking evidence? It's completely impossible. If we're going to do it smart-- We are smart. I mean, we have the highest per capita income in the nation right here, but we can do it so much better.

Thank you very much.

ASSEMBLYMAN WISNIEWSKI: Thank you very much for your testimony.

Just as a housekeeping note, we have 20 more witnesses to testify who have signed up. And so I would just ask-- We don't want to cut

anybody off, and I want everybody to have the opportunity to say everything that's on their mind. But just recognize that we do have a finite amount of time. And to the extent that you can keep your comments brief and to the point, we'd certainly appreciate it.

I'd next like to call the Reverend Eric Dobson, Planting Seeds of Hope; along with Lynn Cummings, Neighbors Empowering Pennsauken.

L Y N N C U M M I N G S: Good morning, and thank you so much for this opportunity.

My name is Lynn Cummings. I have been a resident of Pennsauken, New Jersey, for 38 years. I was the Co-Founder of an organization called Neighbors Empowering Pennsauken. It was started in 1996. Our purpose for starting was that we were seeing a tremendous amount of white flight in our town. Though I am very white, I believed that the people that I wanted to live with were finally coming to my town. And so I couldn't understand why other whites were leaving it and leaving it in great droves. So myself and seven others started this Neighbors Empowering Pennsauken to, what we called, *embrace cultural diversity* to try and all get along.

We did so for about three years. I called them our *Kumbaya* years. But we were not effecting change. We tried to be nonpolitical, thinking that we could just do it as a grassroots organization. What we realized is that diversity happens. It simply happens. It happens by migration, it happens by different laws changing the housing rules, it happens because people have opportunities and abilities to move in and out of areas. But integration, on an other subject, is totally different than diversity. Integration is the balance of power. And though we, as a

neighbors group, were doing very well in all getting along, we were not, as was just mentioned, representing all the people in our town. So if integration is the balance of power, how do you secure that?

And so we organized with our town government and we became the Stable Integration Governing Commission. And working together as neighbors, as politicians, as community businesses, churches -- all working together -- we tried to establish what we felt was a town that represented all the people. And so you would have the comments that would be made that would say, "Well, that's very nice. When you're seeking to have representation of all the races in political power, how do you get people to step up to do that?" We would welcome everyone of color to be in our PTA, but no one will step up. So what our town did is that we created learning opportunities. We did leadership training.

So what I want to say to the Commission is that there are many obstacles to all of the points that we make here this morning. But there are great challenges, and I believe that there are answers.

And very directly, I want to say a few things -- to say, what does our story of Neighbors Empowering Pennsauken and the Stable Integration Governing Board have to do with redistricting? Much of the redistricting is about whether we draw districts that segregate people from one another by race, or create racially integrated districts that encourage a mix of representation. We don't want to live, in New Jersey, polarized along racial lines that cannot be crossed. It is certainly important to pay close attention to racial integration.

And I also want to say that we really have to get rid of the word *color blind*. Because if I was really color blind, I would be missing how many

white faces I'm looking at here. That does not serve us at all. (applause) It is certainly important to pay close attention, and it's not always easy. But we can live together. And we do not want to be represented based on racially segregated districts drawn to strictly divide people along racial lines.

Our Legislative District No. 7 has, for years, been represented by a racially integrated team of legislators from different parties. Our Township Committee is racially integrated as well. White voters often vote for African-American candidates, and African-American candidates -- voters often vote for white candidates. I would ask you to take into consideration these circumstances that one little town faced as a little town. And we believe that we were a model for our state. And I think New Jersey can be a model for the United States.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you, Lynn.
(applause)

Reverend Dobson.

REVEREND ERIC DOBSON: Yes.

ASSEMBLYMAN WISNIEWSKI: Just, please, the large microphone is audio, the small one is recording. So just speak into both if you can.

REVEREND DOBSON: Okay, great.

My name is Reverend Eric Dobson. I'm one of the faith leaders in Pennsauken, and President of Planting Seeds of Hope. It's the nonprofit in Pennsauken that works toward racial inclusion.

I just wanted to say, when you draw the new map, we would ask that you reject any proposals that would district our community as

whites only, blacks only, or Latinos only. Instead, a district should reflect the diversity of our society.

Racially integrated districts encourage legislators from different backgrounds to work together. Elected officials from different racial backgrounds all have to learn how to work together and serve a diverse community like here in New Jersey. Integrated communities are good for our democracy. This is a much better model for governing an increase (*sic*) diverse state, than draw lines that keep racial groups into its own category.

I would hope that you would come up with a map that would recognize that good districts are often diverse districts -- one that encourages people from different backgrounds to work together in the public arena, much as we have learned to do here in Pennsauken. We are a much stronger, more sustainable state when we work to bridge people together as opposed to bringing people -- working to bring people apart, because separate can never be equal.

Thank you for your time.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Any questions? (no response)

Thank you, both.

MS. CUMMINGS: Thank you.

ASSEMBLYMAN WISNIEWSKI: I'd like to recognize Mayor Jerry Fuentes, of Woodlynne; and Freeholder Carmen Rodriguez, Camden County.

The next individual to testify is Ev Liebman, New Jersey Citizen Action.

Good morning.

EV LIEBMAN: Good morning, Commissioners.

My name is Ev Liebman, and the Director of Organizing and Advocacy at New Jersey Citizen Action, the state's largest independent citizen watchdog organization, representing over 60,000 family members and 100 affiliated and allied labor, senior, tenant, environmental, civil rights, faith-based, civic, housing, and neighborhood organizations throughout the state. For our 28-year history, we have worked to improve the lives of working families and seniors through issue advocacy and civic engagement campaigns, and to ensure that government responds to the needs of ordinary citizens, not just those with money and power. And that's really why we're here today.

Our Constitution is based on the bedrock principle of one person, one vote and proportional representation. Elected representatives represent people -- not people who are registered, not people who vote a certain way, who vote a lot, or who vote not at all -- but people who live in geographic areas as identified by our population Census.

And because we live in a dynamic society and a dynamic state, and populations shift, we, like every state in the union, examine and, as necessary, redraw our legislative boundaries every 10 years based on the most current Census data to ensure this principle of one person, one vote.

It is fair to say that many of us recognize that New Jersey has changed in the last 10 years, our population is different, and that our political boundaries must be redrawn to make them more equal in proportion and population. And this is as it should be.

Dr. Ernie C. Reock, Professor Emeritus at the Center for Government Services at Rutgers University and author of *Redistricting New Jersey After the Census of 2010*, talks about the impact of this process; and notes that county freeholder districts in three counties and municipal wards in over 60 communities must also be reexamined and revised, if necessary, for equal representation.

In addition, the distribution of seats on 70 regional boards of education may have to be revised, and ultimately the local election districts throughout the state will have to be redrawn to conform to all of the other new boundary lines so that elections can be run efficiently.

You are all charged with an extraordinarily important political decision. The process you use to redraw and adopt maps, and the maps themselves, will have enormous influence on and long-lasting impact on our state -- as many of you have stated in your opening statements -- at all levels of government; as well, quite frankly, in the confidence our electorate has in our political institutions, which I'm sure you know as well as I do is, unfortunately, currently low and declining.

And, so far, I'm sorry to say we don't think you are off to a great start. Today's hearing is an example of that poor start. As the voters who are impacted by redistricting, we believe we have the right to meaningful opportunity for input and access to an open and transparent process. While we do very much appreciate that today's hearing is happening at all, and the law doesn't require that you have it, providing the public with two, perhaps three days at best, notice is not meaningful opportunity for input. Except for elected operatives; the party faithful; political junkies; academics; and traditional good government groups, like

Citizen Action; and civil rights organizations, who you've also heard from today and, I'm sure, will hear a lot from in the future, the vast majority of New Jersey residents do not know that this morning's hearing is even happening. And even for the few who might, they probably can't change their normal Saturday routine on such short notice. And it really didn't have to be this way. We are sure you all have been thinking about this work for a long time now. And in fact, you, yourselves, were elected last November, two months ago. Certainly you could have, and should have, come together earlier, in a cooperative fashion -- certainly earlier than Wednesday, on this first important responsibility to secure our views, select public hearing dates earlier, and provide notice well in advance, and in a way that would reach the largest number of residents.

We hope you will do a better job for the next hearings -- which we are glad to hear that you will hold -- and would like to know if you could announce those dates to us this morning. We also agree with those who have testified before that post-map hearings -- as many as possible and as geographically diverse as possible -- are essential to securing the public interest -- the public input, I'm sorry, that's necessary to this process.

We believe one of the main reasons this Commission is having some trouble in even providing meaningful notice is that, in fact, your Commission is too weighted toward politics and jockeying for the best partisan advantage rather than primarily focused on the job at hand: preserving our constitutional principle of one person, one vote. While the makeup of your Commission, Democrats and Republicans, with one independent member -- who is perhaps only the fully independent member who represents the rest of us-- And we actually do wish he or she was here

today, and would encourage you to come to some agreement on that independent member so that he or she can participate in as many of these public hearings as possible and, as discussed by Ingrid Reed, get a head start. We know your makeup is legal under our current laws, but it is not sufficiently independent and is not, as you heard before, actually representative of the state. We have 8 million residents, yet only 3 million identify themselves with either one of your parties. And while you may all have the best intentions, your political interests in choosing your own voters and playing for electoral advantage cannot be ignored, doesn't instill the highest level of confidence that we want instilled in our electorate.

Because of this -- the serious conflicts inherent in the makeup of this Commission -- we urge you to be open and transparent about your deliberations, as one important measure by which you can earn a higher level of confidence from the vast majority of residents who will be impacted by your work and in our government.

Today, unlike any other time in history, we have the technology and communications tools to educate our residents about redistricting and provide an understanding of your decision-making process. We are very pleased to hear that you do plan on having a website to provide information. And we call on you to establish as easy a website is to navigate, where every resident can go to understand the principles, both constitutionally and otherwise, you as a Commission have adopted to guide your decision making. The information, including testimony from public hearings like this morning; testimony both solicited and perhaps unsolicited that is provided to you by experts and others; the Census data that you are using to draw maps; the maps submitted by other parties; the software tools

that the public can use to better understand these maps and to draw maps ourselves; and a record of your meetings, including agendas and minutes.

So I do thank you for the opportunity to testify today. We do know that you will call on the best of yourselves to provide the best for New Jersey. We plan to submit written testimony after we have had an opportunity to review the maps. We stand ready to assist this Commission in your work; and hope, along with many of New Jersey's residents, to be engaged in an open, transparent, and accountable redistricting process.

Thank you very much.

ASSEMBLYMAN WISNIEWSKI: Thank you.

I'd like to note for the record two individuals who had submitted slips have now indicated they no longer wish to testify: Sandra Munoz, Hispanic Family Center; and Sonia Martinez, Hispanic Family Center.

I'd next like to call Frank Freyre, Latino Action Network.

FRANK ARGOTE - FREYRE: Ready? (affirmative response)

Good morning, distinguished members of the New Jersey State Apportionment Commission.

I'm Frank Argote-Freyre, President of the Latino Action Network.

The LAN thanks you for this opportunity to testify this morning.

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. Our numbers are growing, and we expect that our representation will follow the same upward trajectory.

New Jersey's Latino population has grown significantly since 2000, from 13.3 percent -- according to our latest data -- to about 16.7 percent. So it's important to note that there has been some small improvement over the years in the level of Latino representation. In the 1990s, there were between two and four Latino State legislators, while today the number stands at seven. Only one member of the State Senate is Latino, Senator Teresa Ruiz. So this is a glacial process (*sic*) when our numbers demand a fast lane to political empowerment. If representation were determined by a pure analysis of the numbers, we should have 13 Assembly members and 7 State Senators. This will give you a quick snapshot of the level of underrepresentation of our community.

Of course, we realize that there are many factors that go into creating an equitable legislative map. And we're not oblivious to the subtleties and nuances of crafting legislative districts that are reasonable and fair. The Latino Action Network's goal in this process is to remedy past inequalities and increase representation. We measure that both in the number of Latinos in the Legislature, and in the overall responsiveness of legislators of all races and ethnicities to the issues facing the Latino community in New Jersey today.

We have three possible paths ahead: a map that reduces representation of the Latino community, a map that maintains the status quo, and a map that increases representation. From our perspective, only one of those paths is acceptable. What we are most concerned about is a

map that reduces Latino representation or keeps it at current levels by employing the anti-democratic technique of packing. Packing is about segregation. This happens when Latino voters are packed into districts in such high numbers that their votes are diluted throughout the rest of the state. The result-- This results in the bleaching of other districts so that Latinos have no influence there. It mutes and minimizes the votes and concerns of Latinos across New Jersey.

If there are only a few districts in the state with substantial blocs of Latino voters, then most legislators who are not Latino will have no reason to pay any attention to issues of concern to the Latino community. This kind of segregation raises concerns under the Federal Voting Rights Act. It is discriminatory to take multiple existing districts where Latinos have substantial power, and redraw them into one district where Latinos have almost all the power and other districts where Latinos are powerless.

Unlike in many other states, candidates in New Jersey usually run as a full slate for Senate and Assembly, and balance who is on that ticket based on appealing to different interests within that district. Even if a district were 60 percent Latino, all three candidates on a slate would not necessarily be Latino. In contrast, in other districts where Latino populations went down as a result of packing, it becomes much less likely that any member of the ticket will be Latino or that any member of the slate would respond to Latino interests.

So packing -- segregation in another word -- is not the answer to increasing Latino representation. It is, in fact, a way of decreasing Latino representation. And given that our numbers have grown significantly, that is unacceptable and contrary to the Voting Rights Act.

But we don't want the status quo either. We want to increase the representation of Latinos, both through Latino representatives and legislators of all backgrounds responsive to the Latino community.

How do we do that? We propose a different path. 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 in 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 this concept of 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. Both packing and cracking can be used to minimize the Latino vote and, in our view, are anti-democratic.

Third, the composition of the rest of the map matters. We are not just looking at Latino districts. We are opposed to packing of any racial group, because we believe that "bleached" districts are harmful to the interests of all people of color. And we support the concept of one person, one vote because manipulation of that standard to count certain groups more than others ends up harming the Latino community. This could happen by packing a district to ensure that 60 or 70 percent is Latino, or by

cracking it by taking a significant group of Latinos that make up 10 to 20 percent of a region and dividing them into numerous legislative districts.

So exactly how to follow the path to greater inclusion will become clearer in the next week or so when the final Census data is released. However, there are opportunities in many parts of the state to strengthen Latino representation, and we need to move aggressively in that direction. So we look forward to working with the Commission as it moves forward and as additional demographic data becomes available.

So I thank you very much for listening to me, and have a great day.

ASSEMBLYMAN WISNIEWSKI: Frank, thank you.

I think we have one question.

Senator Sarlo.

SENATOR SARLO: Thank you, Mr. Chairman.

MR. ARGOTE-FREYRE: Okay. Very good, thank you.

SENATOR SARLO: Thank you, Mr. Chairman.

And thank you for your testimony. It was very, very helpful.

You talked a lot about packing and the current map, which did not endorse the packing concept that you talked about. How might you attribute -- the current map to produce the highest percentage of African-American, Hispanic, and Asian-American legislators in the history of New Jersey -- including seven elected Democratic Hispanic legislators, and also the first Hispanic Speaker. So I just wanted to get your thoughts on that, sir.

MR. ARGOTE-FREYRE: Well, certainly, I tried to address the fact that, certainly, things have improved. It's just, though, if you look at

the numbers, it's clearly not improved enough. I mean, there's a big disparity between the numbers you've just cited, Senator -- which are accurate -- and, you know, what the numbers would indicate. So, clearly, I think we've moved ahead. I think there's a movement forward, but we need to continue that. And this is a very important reshaping, because Latino populations have increased in certain areas of the state. And we would hope that that would then be reflected here. Not to minimize the difficulties you're going to have in crafting districts, because geography is an issue as well. But we want to, at least in this early phase of the process, indicate that the population has gone up, and we would hope that that's reflected in the final map that you draw.

SENATOR SARLO: And just one other, final-- I guess if you could just elaborate a little bit on it -- and you touched upon it, and I agree with you: Where you have a community of high Hispanic influence, and there is a Caucasian member elected to the Legislature, it's incumbent upon that legislator to really -- to learn the culture, to pay attention to the needs of that community, and become a better balanced legislator. And if you could, just elaborate on that. I agree with you on that. If you could, just elaborate on that.

MR. ARGOTE-FREYRE: Well, if you take a look at the districts-- For example, in Hudson County, you have districts that are very similar in the sense that I just mentioned. Right? You have clearly one -- or Union County -- you have one Latino representative there where you have a large Latino population, and then you have others that are from different backgrounds. And that is a great thing. That's not something that's undesirable in our view. And you're right, that does force those people to

recognize and understand the backgrounds of those that they're serving. So that's why--

That gets to my point about packing. Even if you had a district that had 60 or 70 percent Latinos in it, you're not likely to have two or three Latinos elected in that district, because there are other interests that have to be served. So that's why we're concerned about the packing concept.

SENATOR SARLO: And the legislator becomes a better legislator for it -- a much better, well-balanced legislator.

MR. ARGOTE-FREYRE: Right. I agree with you.

SENATOR SARLO: Thank you.

ASSEMBLYMAN WISNIEWSKI: Mr. Palatucci.

MR. PALATUCCI: Just to underscore part of what your testimony-- The question was related to packing. I thought you answered it well. But at the same time, I think you said that the current status quo, the current map is not good enough. Is that right?

MR. ARGOTE-FREYRE: Well, of course, the demographics, like in our nation, have changed, and so have the demographics in our state. And so as those change, we have to adjust. And, of course, that's your -- that's what you're doing here. And so, yes, we would argue that the final map here should reflect at least the possibilities of Latinos being elected in additional districts. As I say, even taking into account what Mr. Sarlo said about the numbers increasing, clearly, if you're just looking at a numbers game, we are inadequately represented; not that that's the only barometer, as I say. So the final map that you create should provide additional opportunities, and we're arguing for that, and we're beginning our work

with you by pointing out these packing and cracking issues. And we'll work with you through the process.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

SENATOR SARLO: Thank you.

MR. ARGOTE-FREYRE: Thank you so much for your time.

ASSEMBLYMAN WISNIEWSKI: I'd next like to call Shawn Ludwig, CWA Local 1038.

S H A W N L U D W I G: Thank you, members.

Today I'm here representing, obviously, CWA as a whole and the members we have throughout our state.

Thank you for giving me the opportunity to speak here today. The upcoming redistricting of New Jersey legislators and the state's congressional representation will have an impact on a wide range of social and economic issues for a decade. Deliberations also touch on fundamental rights for New Jersey residents, like a full and fair representation.

We are here today to reaffirm, simply, the constitutionally mandated principles of fair representation embodied in the idea of one person, one vote. The Constitution prohibits legislative districts that contain large variances in population to make sure all people have an equal level of representation.

We strongly oppose any proposal that would give added weight to certain areas of the state on the basis of voter turnout. It would be a grave injustice for this body to underrepresent residents of this state on the basis of participation in the past election.

Instead, the Commission should establish a map that adheres to constitutional requirements by fully and fairly representing all New Jersey residents on an equal population basis, and without respect to racial and ethnic background, age, or place of residence, because your current debate will have such a dramatic impact on future policy debates.

Over the course of the decade, it is crucial that your deliberations be conducted in the daylight and away from the backrooms of special interests. There are some simple, commonsense steps this Commission could take to ensure a more open and accessible reapportionment process. In the future, public employees should have -- I mean, public hearings should be scheduled so as to ensure adequate notice is given to residents of the state. Notice is absolutely necessary for meaningful public participation. That includes all New Jersey communities. Further, at least three of the hearings should include the yet-to-be-appointed -- appointment -- 11th Commission member. History indicates that the 11th member will have an outside influence on the outcome of the redistricting debate. So it is all the more important that they will be able to hear public commentary.

We also strongly recommend establishing a central website where proposals and maps offered by participants can be held for public scrutiny and online commentary. Comments posted online should be part -- should be made part of the official record. Taking these steps will not only increase the legitimacy of your result, but could lead to a map that more fairly represents the needs and priorities of New Jersey residents.

We hope that in the future your deliberations will strive for a fair and open process, and a result that respects the rights and liberties of all New Jersey residents.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Questions? (no response)

I'd like to call Timothy O'Neill, Vice President of Progressive Democrats.

TIMOTHY J. O'NEILL: Good morning.

I'm Tim O'Neill. I'm from Collingswood, New Jersey -- 6th District.

Forgive me, I forgot my paper. I had to write notes here.

I'm not here to criticize or to reprimand you. I know your job is really hard. So you're going to do the best job you can.

Redistricting is, to me -- is as important to achieving equality and equity in New Jersey's electoral process as is the provision in New Jersey's Constitution to provide paper ballots to the voters, and New Jersey's Court decision for New Jersey to comply with that provision. Just as I trust that you and I -- as we all are -- we're just plain New Jerseyans here today. Okay? That's all we're going to be.

I'm also here because in light of the Supreme Court's decision to allow unlimited corporate money to intrude in our last bastion of democracy -- that little decision called *Citizens United* -- and because corporations are not people and they cannot vote, we feel that there must

be a system implemented to counter this -- this attack on our most basic of fundamentals: one person, one vote.

So as you contemplate, deliberate the fairness and equity of your decisions, we ask you to make an unprecedented recommendation to ensure that one person, one vote. So as a public employee in Camden County and a taxpayer -- something in which the Governor and the press seem to have eliminated in their rhetoric -- and as a representative today of the grassroots organizations PDA-NJ, Progressive Democrats of America; and Vice President of the New Jersey Progressive Democratic Caucus, I am here to convey our position that we feel the best way for the Commission to accomplish its mission of one person, one vote; and to achieve equality and equity for all of New Jersey's voters, is to recommend true change in the electoral process.

We propose you recommend New Jersey institute the process of clean and fair elections to the Legislature. This is a proven process in Arizona, Maine, and for a time in New Jersey. It negates the *Citizens United* decision by the Supreme Court; it levels the play field -- the playing field; it takes big-money contributions out of the process; it opens the electoral process to every New Jerseyan, no matter what their income, political ideology, or race; and it basically solves almost everybody's concerns here; and it makes the process much more easier and your job much more simpler.

I feel-- Well-- Oh, here's a note, sorry (laughter) -- a little note here. Somebody once asked Ben Franklin, what kind of government do we have? He said, "A republic, if you can keep it." Make this easier -- we kept it, not the corporations. Now, I feel this is the closest we will ever come to

our Founding Fathers' ideals when they set down, in writing, how we could avoid the pains of future tyrants and dictators. It is the working person who votes in New Jersey, public and private sector.

Abraham Lincoln said -- and this is my -- I'm going to shut up after this, okay? Abraham Lincoln said, "All that serves labor serves the nation. All that harms is treason. If a man says he loves (*sic*) America, yet fears labor, he is a fool...for (*sic*) to fleece one is to rob the other."

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

I'd next like to call Ernest Tark, the Mayor of Mannington Township.

MAYOR ERNEST F. TARK JR.: Good morning.

ASSEMBLYMAN WISNIEWSKI: Good morning, Mayor.

MAYOR TARK: My name is Ernie Tark. I'm the Mayor of Mannington Township. Mannington Township sits in the center of Salem County.

As you know, Salem County has been without -- since the last redistricting has been without a resident representing itself in the State Legislature. I realize that in your redistricting -- 3rd District, or whatever district it will be, it will have to include other communities besides Salem -- besides what's in Salem County. It is our hope -- and me being a farmer representing the agricultural community -- that -- which, we think, now is the one minority you haven't heard from here this morning. It's our hope that when you redistrict, you would try to keep our district as rural as

possible. Rather than moving us up into the urban community, try to keep us as rural as possible.

Thank you. That's about all.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Questions? (no response)

Thank you, Mayor.

COURT REPORTER: (indiscernible)

ASSEMBLYMAN WISNIEWSKI: Yes, our court reporter needs a moment to change his paper.

Ready? (affirmative response)

I'd next like to call Eugene Kent Jr., CWA Local 1079.

E U G E N E K E N T J R.: Good morning, distinguished Chairpersons and ladies.

My name is Eugene Kent, and I'm representing CWA Local 1079.

I want to, first, thank you for this opportunity -- that opportunity to weigh in on the proceedings that touches the most fundamental bedrock right of all New Jersey residents: that is the right to legislative representation.

The outcome of this debate over how to represent New Jersey's residents will impact all other political and policy debates of consequences for the next 10 years. We are here today to make sure that our voices are heard and that the new map -- or when the new map is drawn, all New Jerseyans will be fully represented.

Full representation requires you to adhere to the fundamental constitutional principle of one man, one vote. We are extremely concerned

at calls by certain voices to draw a map that unfairly gives greater weight to areas of the state with higher voter turnouts. To award future representation on the basis of past participation not only flies in the face of basic fairness, it violates fundamental constitutional liberties.

Any map and committee -- or any map the committee produces should ensure all people -- African-American, Latino, Asian-Americans, and whites -- retain their fundamental right to equal representation. The new map should also allow -- or should not allow significant disparities in population between districts. All people in this state have the same right to representation and an equal stake in our democracy. New Jersey needs a map that meets the constitutional standard of one person, one vote and that provides fair representation for New Jerseyans of all racial, ethnic backgrounds.

It is also vitally important for this redistricting process to take place out in the sunlight and far away from the back rooms. New Jersey residents deserve a transparent process and the ability to make their voices heard.

We thank you for the opportunity to speak at this public hearing, but much more can be done to increase transparency and accessibility. The Commission can take several steps to increase public participation and avoid barriers to access, like the late notice given for the hearing today.

The first step should be to issue a schedule of the remainder of the six public hearings on redistricting by no later than next Monday, January 31. Secondly, the Commission should ensure that future meetings are evenly distributed throughout the state and allow all New Jersey

communities an opportunity to participate. The Commission should also make sure that the 11th appointee be present for at least three of these hearings. These meetings should be no (*sic*) more than just a formality. For that to happen, at least half of the meetings need to include the neutral Commission member who will ultimately make the decision.

The Commission should also promote public participation via the Internet. At the same time maps are submitted from either party to members of the Commission, they should be posted on a central website with notification to anyone who wants to be up-to-date with that list, including all who have participated in prior hearings, as well as members of the press. Written statements or comments submitted in response should become part of a formal record.

I urge the members of this Commission to adopt these commonsense measures to make that process of reapportionment -- is a fair -- that it is a fair and transparent one, and to safeguard the basic constitutional rights of all New Jerseyans throughout your deliberations.

I thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Any questions? (no response)

I'd next like to call William Ayala, Latino Leadership Alliance; and following him will be Angel Cordero, Latino Leadership Alliance, Camden branch.

WILLIAM J. AYALA, ESQ.: Good morning.

ASSEMBLYMAN WISNIEWSKI: Good morning.

MR. AYALA: Is it still morning?

Thank you for the opportunity to address the Commission.

I'd like to read a statement from the President of the Latino Leadership Alliance, Martin Perez. I timed myself, so it should run about four minutes. That's about it.

“Co-Chairman Wisniewski, Co-Chairman Webber, and members of the Commission:

“On behalf of the Latino Leadership Alliance of New Jersey, I would like to thank you for the opportunity to address the Commission regarding the upcoming redistricting of New Jersey's 40 legislative districts.

“The Latino Leadership Alliance was founded in 1999 with a clear mandate from Latino leaders across the State of New Jersey to mobilize and empower Latino communities to obtain political, economic, and social equity, and to unify organizations and individuals in advocating for the rights of Latinos.

“As we look at the state of Latino political empowerment today, we must take note that Latinos are dramatically underrepresented in the New Jersey State Legislature. The redistricting plan adopted in 2001 has not resulted in fair representation for the Latino community. A simple review of the current Legislature's makeup and history of electing Latinos shows that we have much work to do in order to approach fair representation in State government. Further, as we look at Latino representation throughout New Jersey's municipalities, counties, we note that Latinos are not fairly represented in many communities where they reside.

“We recognize that the issue before this Commission is the redistricting of New Jersey's 40 legislative districts. However, the strategies

and policies adopted by this Commission will have an impact as New Jersey moves forward in municipal, county, and eventually congressional redistricting. Also, New Jersey is one of the first states in the union to begin the redistricting process, so the manner in which this Commission treats the Latino community will be closely watched by voting rights advocates across the nation.

“We eagerly await the release in early February of the Census data which will serve as the statistical basis for the Commission’s efforts. We expect the Census data to confirm what we in the Latino Leadership Alliance already know: that the Latino community is one of the fastest growing and most economically vibrant communities in New Jersey. Further, Latino communities are growing in every part of New Jersey. We have a large presence in Hudson, Passaic, and Essex counties. We also have thriving community in Morris, Bergen, Atlantic, Cumberland, Union, Middlesex, and of course here in Camden.

“We appreciate the opportunity to participate in these redistricting hearings, and would like to encourage the Commission to hold more hearings throughout the state so that more Latino communities can participate. But we are concerned that, with the short, 72-hour notice of these hearings and the lack of a hearing schedule for other parts of New Jersey where the bulk of the Latino community resides, Latino’s may be denied the opportunity to make their concerns known.

“Further, the fast-approaching legislative primaries and condensed nature of the redistricting process could result in an unfair map again being imposed on the Latino community.

“For the record, I would like to take this opportunity to state the position of the Latino Leadership Alliance in regards to strategies that we would like to see the Commission adopt.

“First, the Latino Leadership Alliance believes that in this round of redistricting, every effort should be made to keep Latino communities whole within legislative districts. The Commission should recognize where there are Latino communities of shared interest and geographic proximity to ensure that legislative lines allow us to vote for and elect candidates of our choosing. During the last round of redistricting in 2001, the strategy of unpacking Latino votes was used in the map that exists today. The current map has resulted in Latinos being underrepresented in the State Legislature.

“Second, we encourage the Commission to create more competitive districts where there are either -- where either a Democrat or Republican candidate can win. We feel that competition will encourage both parties to engage the Latino community in the political process, which will result in an overall increase in Latino voter participation.

“There are several factors that lead us to advocate these two positions. Approximately 48 percent of Latino voters are Independents. We are comprised of many nationalities throughout Latin America and come from many different cultures. We are not monolithic. The best way to increase our participation in the political process is to have both major parties engage us and compete for our votes. Unpacking can fracture the voting strength of Latino communities where one party dominates in general elections. Given all the factors in running for office in New Jersey, political party leaders have dominant advantages in fund raising and ballot

placement that can result in Latino communities -- in denying Latino communities the ability to elect candidates of their choice. In both Democratic areas like Hudson County and Republican areas in Morris, we feel it is important to keep Latino communities whole to have the ability to elect candidates of our choice. We believe the strategies used by this Commission will set a precedent in this state as the redistricting process moves forward. If that precedent is to again employ the strategy of unpacking, this increases the risk of Latino vote dilution through every layer of government for which the Commission will be drawing district lines.

“The Voting Rights Act prohibits state and local governments from diluting the votes of minority groups through drawing district lines that divide minority communities and deprive them of the ability to elect candidates of their choice. The Latino Leadership Alliance also considers the impact of lines that are not subject to change. Right now we are talking about municipal and county lines. As I mentioned earlier, New Jersey State law endows political party leaders with overwhelming advantages in fund raising and ballot placement that allow them to choose which candidates appear on the ballot. In single party dominated districts, this allows party leaders to pick who will get elected. Party leaders are based on county and municipal boundary lines that are not subject to change. It is possible to fracture a Latino community’s voting strength by drawing a legislative line through it and dividing it between two municipal party organizations or county organizations. Therefore, a legislative line can fracture the Latino community’s influence within party organizations.

“In closing, I would like to point out that much has changed since the last round of redistricting in 2001. At that time, mapmaking

software was fairly new and those who mastered it had the strategic advantage in the redistricting process. Today, technology, mapmaking software, and data is available and easy to use for voting rights advocates. The Latino Leadership Alliance, with its member organizations, attorneys, and allies in the voting rights movement, stand ready to ensure that the emerging map is fair to Latinos.

“We are eager to communicate our concerns with the members of the legislative redistricting Commission, and are now formally requesting a meeting with each Chairman. We look forward to working with the Commission, and to contribute in your effort to make sure that New Jersey achieves a fair and constitutional redistricting.

“Thank you, Martin Perez, President, Latino Leadership Alliance of New Jersey.”

ASSEMBLYMAN WISNIEWSKI: Does that conclude your testimony?

MR. AYALA: That concludes my testimony, yes, sir.

ASSEMBLYMAN WISNIEWSKI: Any questions? (no response)

Thank you.

Next we have Angel Cordero.

ANGEL CORDERO: Yes.

Does that one work? (referring to PA microphone)

ASSEMBLYMAN WISNIEWSKI: One is audio, one is recording.

MR. CORDERO: Okay, cool.

Good morning Vice Chairs, members of the committee, and my former Assemblywoman Nilsa Cruz-Perez. I am so happy to see you on that committee, because you are going to make sure the work gets done.

The Latino community is, by far, grossly underrepresented in the State of New Jersey through politics, with one Senator, seven legislators, and also on appointments. We are not at the table.

We are the largest minority community in New Jersey; the youngest and fastest-growing community, and we need to be at the table, not at the back of the line like we are today.

We ask that you guys be kind when you draw the lines and keep our communities together so we can grow, so we can have people who represent us and know what we're -- how we think and how we do things. Things are not getting done for our community today. Camden City-- The largest employer in Camden City is the Board of Education, and only 2 percent of Latinos are employed by the Camden Board of Education. And this goes across the state. We need equal representation, and we need you guys -- through the leadership of Nilsa Cruz-Perez -- to get it done.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

Any questions? (no response)

Okay. Thank you, gentlemen.

I will next call Aubrey Fenton. (no response)

Aubrey Fenton. (no response)

We'll come back to that.

Nora Craig, New Jersey 204 (*sic*) Project.

N O R A C R A I G: New Jersey 2011 Project. But my handwriting is lousy, so you're totally and completely forgiven, and it's my fault.

ASSEMBLYMAN WISNIEWSKI: Sorry about that.

MS. CRAIG: I've been sitting here listening to this testimony, and I kind of had to go outside in the cold just to cool down a little bit, because I'm, like, really annoyed.

I represent the most underrated minority in the state. And, frankly-- Collect your thoughts.

This process -- one of the problems we have is the political process and special interest groups. In just this meeting alone, who went first to speak? All the special interests. Not the public, but the special interests. So you line up the special interests first. In all of your next meetings, when people sign in or something like that -- if they just sign in as a member of the public, they should go first. And the organizations like the Latinos, or the unions, or any other organization -- they should go last, not first.

When it comes to the representation on this board, I'd like everybody to raise their hand that is not an elected official.

MS. CRUZ-PEREZ: Not at this moment -- a former Assemblywoman.

MS. CRAIG: Okay. One other gentleman got up here and said, "What about the rest of us who aren't Republicans and Democrats?" I'm an Independent. Which one of you up there is an Independent? None of you. So where is my representation? Okay?

I'm a minority. I've been discriminated against my whole life. When I was in high school, I wasn't allow to take shop or mechanical

drawing because I'm a girl. When I went into the Navy in 1970 -- though I was the youngest licensed air traffic controller in the United States at the time -- I was not allowed on an aircraft carrier because I was a girl. Now I'm discriminated against because I'm a farmer.

You look at that map. You look at how they're all drawn. Where are the population centers? They're on the coast: down the shore coast, down the Delaware coast. Well, what about our poor slobs that live out in the Pine Barrens? Where is our representation? You always draw the maps -- you come all the way across to the center. So those of us that are in the center and South Jersey -- we got nobody to speak for us, nobody. Okay? How can I elect someone, as him -- said -- that reflects the face of my neighbors? Where are my neighbors? They're not here.

You're failing your duty. The Commissioner -- or the Chairman says, if you don't do it so it reflects the face of their neighbors-- Well, I expect to be represented this time. And if that means drawing a big circle in the center of South Jersey so those of us that don't live on the coast have somebody to represent us, then you draw a big center -- a big circle in the center of South Jersey.

Another reason I'm not represented: I live in South Jersey. I don't care about what is going on in Hudson County or what's in Newark. I care about what's in my community. How many districts do we have?

Now, let me say first, I read all the Rutgers reports on redistricting, and the law cases, and everything else. So I do know the population restrictions that you're under, and that you have extreme legal constraints, and you don't have as much flexibility as we would like to know -- so I'm not expecting, you know, the impossible. But we've got,

what -- one, two, three, four, five, six -- we've got eight south of the center line. Okay? So I have eight Senators, and the other 42 are in North Jersey? Where does all my money go? It goes to North Jersey. What do I get back? Squat. When was the last time there was a State project in my town that wasn't a highway? You build schools like crazy in North Jersey. You build all kinds of facilities in North Jersey. Everything I make goes to North Jersey. Well, you know what? The farmers in South Jersey are just kind of sick of it, and we would like some representation as well.

Another gentleman said something about being in the back of the line. Well, being at the back of the line has nothing to do with race. It has to do with your community and whether or not your community is represented. My community is not. We're all races. Race does not matter. What matters is your community and the socioeconomic needs of the community. Now, where the socioeconomic needs of a farm community have anything to do with the Gloucester Waterfront, I would sure like to know. Somebody show me. Okay? But you're going to stick me in a district that has a whole bunch of Gloucester Waterfront folks in it, where all the big-- We've got nothing. I'm off that one.

The attendance: In these particular meetings you're going to be bouncing around the state. Okay? I know that people are going to come to these meetings, and a lot of them -- they're going to come from North Jersey and other places to get in front of this microphone. But when you take people at the microphones, and you're listening to them, you need to give priority to the people who live in the communities where you are holding that meeting. So when you do those little sign-up sheets, and somebody signs up who says, "I want to speak," you make sure they put their town

down there if they want to speak. And if they don't live within a certain radius of where you're holding that meeting, then they get to the back of the line. Okay? And they can go to one of the meetings that is up in their neck of the woods and stay the heck out of the one that's down here in South Jersey for us. I'm sure you're going to have plenty of them in North Jersey.

Special interests -- did them. Did them.

Oh, the 11th member: He should be here, or she, throughout the entire process. And that 11th member should be the Chairman, and sit there, and mediate between the head-butting. Now, I know this cannot be done. I know it is not your fault as members of the Commission. But the next one that comes up should have no elected officials whatsoever, nor anyone sitting on the board who has held office in the past 10 years, not two years, or three years, or five years. Okay? The public should do this, not the politicians. And we have an incredible wealth in New Jersey of highly educated public members who are more than competent to do the job, who haven't necessarily run for office. Because having elected officials doing this job is just literally the fox in -- guarding the hen house. And it's totally and completely inappropriate if this is supposed to be nonpartisan or bipartisan, because there is no such thing.

Thank you.

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

The next person I have is Kathy Steigerwalt, New Jersey 2011 Project.

I just want to announce that it's 12 noon. We will stop taking testimony at about 12:20. I'm trying-- I've only got about seven more individuals to testify. To the extent that you can be nonredundant, it would be helpful to expedite the process here. I want to make sure everybody who signed up has a chance to speak.

KATHY STEIGERWALT: Good morning.

I came here because Nora told me this was happening. I am a taxpayer in New Jersey, born and raised in Washington Township, Gloucester County. My father still lives there. I chose to get married and live there, and raise my children through the same school system.

And I didn't understand what was going on. I didn't know this was going on. Nora said, "Come along," so I thought I would come along. I came here with a great open mind, because I had no idea what was going on. I'm just the primary bread winner in my family, trying to bring everybody on and get my kids in college. Okay?

I am floored of all the special interests here. I thought this was one people (*sic*), one vote and that there was just going to be people like me here, and some special interests. But I'm just floored about that. I just -- understand the redistricting and all that good stuff-- I don't see color. Can't it just be: there's a population, and you get representation based on the population, and it has nothing to do with color, or race, or any of that stuff? Because we vote you there. And if we don't like what you're doing, we're going to vote you back out.

It's just -- I don't understand. And to me, the redistricting is structured -- the infrastructure for what goes on in this whole country. We all should be here. I only knew because Nora told me. I don't know that

you're getting the word out to all the people that work as hard as I do. That's all I have to say.

ASSEMBLYMAN WISNIEWSKI: Thank you.

MS. STEIGERWALT: Thank you.

ASSEMBLYMAN WISNIEWSKI: Michael Mulligan.

M I C H A E L M. M U L L I G A N, E S Q.: Thank you, Chairmen Wisniewski and Webber, members of the Commission.

I live in Salem County, New Jersey. I've been practicing law for better than 22 years in Kearny Point, New Jersey. I live in Pilesgrove, New Jersey. Some of you may know the Cowtown Rodeo on Route 40. I'm about two miles from the Cowtown Rodeo. So I live in the State of New Jersey at a place in the State of New Jersey that is arguably in the deep South. In fact, if you extend the Mason-Dixon Line easterly, it is above the town where I live. So think deep South. The fact that I went to the University of North Carolina and got a degree in political science really just buttresses that point.

So if you look at the State of New Jersey -- and, by profile, it looks like the old Alfred Hitchcock template -- take a look at the Southwest, and take a look at the blue belly, if you will -- before the legs come down with the pink into Cape May. So as you can see, we're talking about an area in the state that is at the bottom of the Delaware River and the northern border, if you will, of the Delaware Bay.

I would like to echo the substance of what former Speaker Jack Collins wrote in an article that appeared on January 16, 2011, in the *Record*. If the Chairs would accept, I would offer a printout of former Speaker Collins' article on this topic of redistricting and designing new legislative

districts that are reflective of New Jersey political realities. In effect, former Speaker Collins, a member of the former Commission that drew the present map, identified that the present map is, in fact, flawed.

Mr. Palatucci, your comments have been specific on that topic. Let's prove, first of all, that the map is flawed. Let's then get into how you fix it. And I think that is productive.

I would like to echo what Mayor Tark indicated to you. In effect, District 3 is, in all probability -- and this is my suspicion, I don't know for sure -- but I think what has occurred is a case of gerrymandering in the sense that representatives have chosen a constituency. And in District 3, you have towns up on the Delaware River, such as National Park, West Deptford, Paulsboro, Logan Township, and Greenwich Township. And those are old growth municipalities that are on the waterline where refineries are placed and where people have been living for years, and years, and years. You know, Industrial Revolution-type communities, much the same way so much of North Jersey grew and developed over time, and then more or less became entrenched. Residential areas where not much is going to go on differently there unless there is some kind of whole scale change in things.

Salem County, on the other hand, is a very rural area, as Mayor Tark indicated. We have open farmland. The industry we have is either supportive of the agricultural business or it is ag-related in some other respects. That is with the exception of, down at the bottom, right at the Delaware Memorial Bridge. Everyone is familiar with the DuPont Chambers Works plant and the electrical generation plant -- coal-fired, by the way -- that is right on the Bridge -- right on the waterway at the

Delaware Memorial Bridge. But everything else -- except maybe the nuclear power plant down at the bottom of the Delaware River in Salem County -- everything else is pretty much rural.

You can't put sewer pipes in all over the place. The environmental circumstances really just don't permit any kind of significant growth. And you have farmland there, and you have farm-supporting industry.

Now, Gloucester County is the next county up. And those municipalities that I mentioned -- again, Paulsboro, National Park, West Deptford, Logan, Greenwich Township -- they're all in Gloucester County. Gloucester County is four times the size, by population, of Salem County. So think about it. If you're in that two -- ten to two-fifteen population range as to where you want to be with a certain district-- Certainly, Salem County is not self-sufficient. We're about a third of where you want to be. So the topic is: If, in fact, I'm correct in what I'm suggesting -- that you shouldn't put a lousy toupee on beautiful Salem County, when you put Paulsboro, National Park, West Deptford, Logan, and Greenwich there; you have to look at whether or not you want to put similar communities of a rural nature-- Where you're going to have to go is -- you're going to have to go to the Southeast, if you will, or to the East for District 3 to accrete -- to add new towns in District 3 to properly, if you will, *tune* the Legislature with regard to community of interest for people in Salem County.

As Mayor Tark indicated, there is no Salem County representative right now in the Legislature for the State of New Jersey. And that is an effrontery to all residents of Salem County. And I think it really should shock a number of people in this room.

Now, if we're going to delete these old growth municipalities because they don't have a community of interest with rural Salem County, again you're going to have to move to the Southeast, and you're going to have to add land that is rural in nature. And the development is similar in kind to the agricultural development in Salem County.

I'd like to thank you very much for the opportunity.

I'd like to also thank Rutgers University, my alma mater in law school, and Kristin Walker.

But, again, thanks for coming down all the way to the real South Jersey -- an area below Trenton.

Thank you very much.

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

MR. PALATUCCI: Mr. Chairman, real quick, if I could just point--

I appreciate your testimony.

MR. MULLIGAN: Yes.

MR. PALATUCCI: But I'm not making points or testifying, I'm just asking questions.

MR. MULLIGAN: Understood.

MR. PALATUCCI: So I appreciate your comments, but I just wanted to make sure that was clear.

MR. MULLIGAN: Thank you.

MR. PALATUCCI: Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Next, we'll call Jonathan Worley.

JONATHAN WORLEY: Mr. Chairmen, ladies and gentlemen of the Commission, thank you for the opportunity to come and testify before you.

I just have two points -- or two things I'd like to state today. One is: As I do appreciate that we're here today and that you're listening to us all, I will say the timeframe in which we were -- I found out about -- I found out about this yesterday, so I'm kind of shooting from the heart at this point. And I didn't really have time to gather my thoughts, only because -- jumping through hoops to find a babysitter so that I could be here and listen to the process, and everything like that. So all that I'd ask is that, going forward, if you have the opportunity to give further notice, I think the turnout and your residents will probably come out a little bit more, only because it's easier to gauge that way.

Really, the reason I'm here today is-- I represent no interest group. I represent merely myself and my community. I was born and raised in this state just a few miles from here. I lived in a little town: Laurel Springs. Maybe some of you have heard of it, some of you haven't. And I was exposed to politics at a very young age. At 13 years old we had a Mayor by the name of Jack Hagen, who I had the extreme pleasure to work for. He was an extremely honorable man. And it's funny, because everybody called him Uncle Jack, which is kind of unheard of. It was a man -- he was a Republican, so I always had Republican views when I grew up. He had a disagreement with his own party, and they wouldn't allow him -- or really back him for a particular election. And so he ran Independent and, of course, won by a landslide, because they called him Uncle Jack.

I think of that, and that really kind of molded me. I've had the opportunity to know a lot of great men in my lifetime, and he was, of course, one of them and really kind of helped mold my views as I've gotten older. I left, I served my country honorably. And I moved back to raise my family, because my extended family, of course, lives here.

The main reason I'm here today is-- I know we talk about race, and party, and creed, and all these topics; and then we talk about one man, one vote. And the one thing I've noticed in my community in just talking to friends, family members -- all of which is a very diversified group -- all have pretty much one thing to say when it comes to voting. They feel that the voice that they have -- "Why should I vote, because it doesn't make a difference anyway?" And I even find myself, as I've progressed in life -- and even though I follow politics, and when I voted and had the ability to vote -- that I've always tried to make sure I made an educated decision. But even now I find myself very wavering on the political process.

And you all have a very, very difficult decision ahead of you and have to weed through so many things. And it's a very slippery slope, and I understand that, and I respect that. And the decision you make is going to carve out, for the next 10 years, what's going to happen in our state.

The only thing I ask, as a resident, for my children's sake, for my family's sake, and even for my friends' sake, is that we do it -- or that you do it, because I'm not sitting up there -- in a fair -- and we talk about bipartisan -- but not motivated by political party. I mean, there are times that I agree with what the Republicans have to say and I agree with what the Democrats have to say. So I guess you can call me Independent,

because I see both the points on both sides. However, I think there is a time where we have to -- like I'm speaking today -- we have to go from the heart, and we have to kind of live our lives in a certain creed.

When I was in the service in the Navy, at the time it was honor, courage, and commitment. And that was-- I was a kid in the service -- "Oh, what's that?" But as I've gotten older, I've kind of really lived my life that way. I've worked in a financial industry. I was asked to do certain things that were against my ethical and moral beliefs, so I left the industry, because I saw the path they were going. And luckily I got out in enough time and found a career path. And I've kind of never looked back on that. And I was lucky enough to be able to do that.

But you, today and going forward, have something very difficult in front of you. You have to determine how government in the State of New Jersey is going to progress. And I really implore you to kind of -- well, not to kind of -- to actually, you know, do it in a way -- follow your heart and what is fair. You know, we have a lot of people with a lot of views. And although I don't agree with some of them, it doesn't mean they're wrong, it doesn't mean that I'm right. I just believe that without your insight, and without your following your own heart and how you would like to see your own children progress -- and not sticking with a political guideline or a party guideline, that you're going to make this state much better. I think you'll see voter turnout more. Because the adage anymore is: "What does it make a difference? If I go and vote, it has absolutely zero impact, because nobody hears me." And today you have that opportunity, and in the coming months have that opportunity, to be able to formulate

that and maybe change that perception of the common individual having a voice in what their government is going to do for them.

I really appreciate your time, and I thank you. And I know you have a very difficult process, and I know it's been a long day. And I thank you for the time to speak before you today.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you for your testimony.

I'd next like to call Gale Muhammad and Micah Khan, Integrated Justice Alliance, Women Who Never Give Up, and the Nehemiah Group.

MICAH KAHN: Good afternoon.

ASSEMBLYMAN WISNIEWSKI: Good afternoon.

MR. KAHN: My name is Micah Kahn, from the Nehemiah Group. I represent an organization called the Integrated Justice Alliance.

Before I get into the testimony, I just wanted to note that I work with the reentry population here in Camden City and throughout the state. And if you guys are not aware of the statistics, 40 percent of the people released from incarceration are actually released into homelessness. There are a lot of people in assessment centers, halfway houses, jails, and prisons that are on placement. And we actually provide housing. We have a capacity of about 70 beds that -- we provide housing throughout the state. And when they are placed on placement and then paroled to a specific district, they actually have to go back to the district of commit -- where they actually committed the crime or where their residence was. I have halfway houses or transitional houses in three different counties. So they actually

have to go to that transitional -- go to that district, let them know that -- you know, to check in and that they have an address. Now, wherever we decide to place them-- But that's actually the place of their residence. These individuals that are placed on placement -- they have to go back to their home residence.

And I say that to draw attention to the prison gerrymandering. I want to draw your attention to an often overlooked quirk in the Census data that counts prisoners as if they were residents of that prison rather than at their home address. When this data is used for redistricting purposes, it skews population distributions in New Jersey. Thanks to the State's smart policies and practices around parole, drug court, and regional assessment centers, the New Jersey prison population dropped over the past decade. However, the problems associated with prison-based gerrymandering remain. Each decade, New Jersey and its counties redraw the legislative districts on the basis of population to ensure that each district contains the same population as other districts. In this way, all residents are given the same access to government, fulfilling the Supreme Court's one person, one vote rule.

At the Alliance, we take the position that the central value we should consider in redistricting is the one of fairness. However, unless the State takes action to correct a flaw in the Census Bureau's data, New Jersey's efforts to draw fair districts will fail. The Census Bureau counts incarcerated people as residents of the prison location, even though they cannot vote and are often not a part of the community that surrounds the prison. Assigning incarcerated people to the Census block that contains the prison, rather than the Census block that contains their home address,

results in significant enhancement of the weight of the vote cast in districts with prisons and dilutes the votes of all the other residents in other districts in the state.

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

I understand New Jersey has one of the fastest timelines for redistricting in the nation and has time limits. Ideally, New Jersey would have passed legislation like Maryland, Delaware, and New York last year. I expect it -- not time to work with the Department of Corrections to determine home addresses and adjust the data that the Census has.

But there are interim solutions. First, you could declare all the people counted as residents of the correctional facilities to be -- counted them incorrectly, meaning unknown. Alternatively, you could take the prison populations into account when drawing districts. You could make efforts to not put multiple prisons in the same district, and you could take the prison populations into account when analyzing, reporting population deviations. In particular, the programmatic (*sic*) practice seen in some states of under-populating districts that are also padded with prison populations should be avoided.

Again, we understand it's a very compressed timeline for redistricting, and you will have completed your efforts before the Census Bureau publishes the group quarters counts. However, we stand prepared to work with you to identify which populations in which Census blocks are incarcerated. The Alliance will be happy to work with you to ensure a fair count. We are determined to see that New Jersey be freed of the harm to our democracy that prison-based gerrymandering causes. Our neighbors, New York and Delaware, along with Maryland, have ended this practice. We trust that the Commission will lead New Jersey to join our neighbors in ensuring fair representation based on actual residents and not prisons.

Thanks.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Gale.

G A L E M U H A M M A D: Well, since you know my name, I don't have to repeat it again.

I thank you for having this hearing today.

My colleague spoke about the reentry process of the Camden residents returning back home.

You talked about 10 years. I want to go back 10 years, and I want to go forward 10. And I'm not going to take no more than three minutes to do so.

In part of my job, I had the dubious pleasure to educate legislators and community folks about the 1,000-foot School Zone. And we did a mapping. There was a mapping done of the City of Camden, and I never -- in all the 21 counties that we worked in -- well, not all of the counties, but the counties that were hit most hard with the 1,000-foot

School Zone -- I found that Essex County, Camden City had the most people going into our prison system. Fifty-three percent of the prison population comes from Essex County, 53 percent of the population comes from Camden City. And you can put Camden City into Essex County several times. It was amazing to me, when I pulled out the -- when we did the maps. And Camden literally had million-dollar blocks. And it was just that many people on one particular block that was (indiscernible) into our criminal justice system under the School Zone laws.

Now we have changed those laws -- and thank God to our legislators who, last year, signed into law -- we eliminated the 1,000-foot School Zone. I personally worked on that for 10 years in my lifetime. I am amazed that the little City of Camden had so many people -- 710 (*sic*) percent of its residents -- in our prison system under non -- mostly nonviolent offenses -- drug offenses, which it would be cost-effective if these people got treatment.

And so I'm fast-forwarding now 10 years after this mapping. It is very important that these people return back to their communities with the opportunity to be able to vote and to let their voices be heard. And I'm not going to go in any longer. Micah covered that.

But I just want to thank you for your work. I want to thank you for holding these hearings. We had 12 hours to prepare. I'm shocked everybody else had three days. Hopefully you will make this a little bit more available for us and the public to be able to come out and share our stories and experiences, and get the one vote, one person -- so that everybody has the opportunity to have -- represent in their community.

I thank you.

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

ASSEMBLYMAN WEBBER: Thanks.

ASSEMBLYMAN WISNIEWSKI: I'd next like to call Shawn Ludwig, CWA. And on deck right after him will be Steven Williams.

Shawn.

UNIDENTIFIED SPEAKER FROM AUDIENCE: He already spoke.

ASSEMBLYMAN WISNIEWSKI: All right, it's a duplicate.

Steven Williams.

You've already spoken?

MR. LUDWIG: Yes, I've already spoke. I thought I did such a good job you guys all wanted to hear me again. (laughter) Just let me know, I'm here for you.

ASSEMBLYMAN WISNIEWSKI: You're good.

MR. LUDWIG: All right.

ASSEMBLYMAN WISNIEWSKI: Come to Toms River if you'd like. (laughter)

Steve. (no response)

Dan Antonellis. (no response)

S T E V E N W I L L I A M S: Hello.

Actually, I'm just saying I must have signed the wrong card. I was here just as an observer.

ASSEMBLYMAN WISNIEWSKI: Oh, just as an observer.

MR. WILLIAMS: As an observer.

ASSEMBLYMAN WISNIEWSKI: Thank you.

MS. KIM ASBURY: Welcome.

ASSEMBLYMAN WISNIEWSKI: Welcome.

And the final person signed up for testimony is Mary Cortes, Camden United, Inc.

UNIDENTIFIED SPEAKER FROM AUDIENCE:
(indiscernible)

ASSEMBLYMAN WISNIEWSKI: Weren't you up already testifying?

MR. GORE: Not for the NAACP.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. GORE: I've got a slip for that.

ASSEMBLYMAN WISNIEWSKI: We were confused. We saw the name twice. That one we saw twice. I'm sorry. We will call you right after Mary.

MARY CORTES: Mary Cortes, Camden United. And I'm also part of the Stop Eminent Domain Abuse of New Jersey.

This is a learning process for all of you, which is great. And this is your first step. But you forgot to learn from our Constitutional Convention. We had three representatives of every colonial state so that there would always be a tie-breaker.

I suggest that before you go to Toms River, you take the 11th person with you. The 11th person has to be an independent, has to be. And like the gentleman -- the lady said, the person has to be a chairman. That's what John Hancock was. John Hancock -- excellent. He was nonpartisan in a way, and he evened out the score here. We do need

representation from all corners. Maybe the next person could be Green Party, Tea Party, or my party that says, "So sue me."

I did run for freeholder, so I know what it is to be a candidate. And I tried it four times, almost won the last one. Try again, huh? I may even run for Mayor of Camden, so I might be in front of you again.

All right. I also lived in East Orange, New Jersey, so I know the problems up there, and I know the problems in Camden. Here-- Well, we have problems here in voting. It's that, why should a person come out to vote when there is only one column? There is no other choice. If you look to the left or the right of the ballot, there is nothing there. So why should they come out to vote? That is a vote right there. So we have to change the mentality of the people. We have to try and push for more reps to come out and represent the people -- really represent the people, not just in nationality. Because, right now, the Russians from Collingswood aren't even here to speak.

We do need, as I said, more representation from every corner of New Jersey. We have three sections: the North, the middle, and the South. So we have to have something from each part.

Another: On the ballots, if there can be a little more laymen's terms on the ballots, where the people can come out and suggest things, and vote for suggestions-- But it has to be in laymen's terms and not leading.

Another suggestion -- and you might not like this -- is introducing a two year -- two term limit for officers. And no candidate should hold a position -- a government position and also be in office. It's not fair. As someone just mentioned, there are -- there's a variety of

intelligence in the entire State of New Jersey where we do not need recycled candidates.

Lastly, this panel can bring just actions to New Jerseyans who have given up on their leaders. We need you guys to truly represent us. So you may have to shift your seats and put someone else in your place. That would be welcomed.

And I love to see the variety of nationalities here. The Asian group, Puerto Rican group, most likely there is a Jewish person here. We have Russian, Italian. Great. Because we label white people as white, and we don't understand that they come in different nationalities. My children are stuck being Irish, Scot, Dutch, Taino Indians, Spaniard, and a little French. That's what New Jersey is: a variety of people. We also come from different parts -- the farmers, the small businessperson who is the heart of the United States. We're struggling. I'm part of that. We're struggling there to try and bring more economy, more revenues to our own little section of town. You have to have them represented also.

So your job is tremendous. It's a lot of work. And if you need help, we're here for you.

ASSEMBLYMAN WISNIEWSKI: Thank you, Mary.

And finally, George Gore.

Mr. Gore, I apologize. We saw your slip twice. We just assumed it was a duplicate.

MR. GORE: To the Commissioners, my name is George Gore, and I'm the Political Action/Civil Engagement Chairman for the New Jersey NAACP State Conference.

First, I'd like to applaud you for your public hearings. We actually have been paying attention since November, because if anybody knows what the Census is, they understand that after the Census it's time to redistrict.

The mission of the National Association for the Advancement of Colored People is to ensure political, educational, social, and economic equality for the rights of all people. The vision of the National Association for the Advancement of Colored People is to ensure a society in which all individuals have equal rights and that no racial hatred and discrimination exists.

It is the position of the NAACP that one man, one vote -- prescribed in the Voting Rights Act -- be the guiding principle of the redistricting process. The NAACP will work to prevent the redistricting process from influencing the substantial change of redistricting -- as the charges of certain interests and priorities in the voting in general.

It should be noted that the Voting Rights Act, Section 2, prohibits any voting practice or procedure that results in the denial or abridgement of anyone's right to vote based on race, color, or minority language status. In 1982, Congress amended Section 2 to clarify that specifically. It prohibited the law or practice that denied minority voters an equal opportunity to participate in the process and to elect representatives of their choice. Additionally, the Voting Rights Act, Section 5, requires that no lines must leave minority voters worse off than they started.

It is the position of the NAACP, with respect to political boundaries for communities of interest, to be understood -- as it's interesting that the gentleman that spoke earlier -- that prisoners not be

part of that process; (a) they cannot vote. They have to request their right to vote when they leave prisons. So, therefore, in the one man, one vote process, they should not be counted. They should be counted when they go home or where they're going to go home -- where they then have to apply, under the State law, to be allowed to vote again. I believe that's current State law in New Jersey.

To protect minority representation of all minority groups and emergent groups (indiscernible) is one of the preeminent pieces of the NAACP. It is the NAACP's intent to be a strong advocate of the open process for which you are creating, which creates a map that considers the changing demographics of New Jersey based on population trends (*sic*) indicated by the Census. As the growth of our multicultural society continues, the consideration for their representation must be included in how lines are drawn, both now and for 10 years out.

The NAACP will work and hold -- on election reform -- those issues. We have worked on election reform and redistricting as a process for over 101 years. We will continue to collaborate with strategic partners and stakeholders to fix the system. We recognize that the civil engagement will solve the problems of our electoral system. We will galvanize public opinion and create an unstoppable movement for change, which will shape a diverse society where one man and one vote is the rule without any exceptions.

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

MR. WARNER: I just wanted to say that-- I just want to identify myself.

ASSEMBLYMAN WISNIEWSKI: Just use the microphone so everybody can hear you.

MR. WARNER: I'm sorry. I just wanted to identify myself.

My name is Phil Warner Sr. And in this capacity, I'm the Southern Regional Coordinator for the New Jersey State Conference and State Conference member of our Political Action Committee.

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

Just a note for the record: Jose Bello and Donna Ward both had signed up to testify, and subsequently let us know they were no longer interested -- just for the record.

We will recess and reconvene--

I'm sorry.

ASSEMBLYMAN WEBBER: Chairman, I just wanted, if you don't mind, before we recess.

ASSEMBLYMAN WISNIEWSKI: Go ahead.

ASSEMBLYMAN WEBBER: I just wanted to, again, thank the public for coming out, and I thought it was a tremendously successful hearing.

At the outset of today's proceedings, Chairman, you suggested a series of dates and locations for hearings. And because this was so successful, because we expect that other hearings will be so successful, and because people have asked for more lead time and notice for those hearings, I would like to make a motion of the committee now to have two hearings. I believe February 5 and February 9 were two dates that you offered in your

opening comments. I see no reasons why we can't do two hearings on next February 5, and then a hearing on February 9.

Chairman, you suggested -- I believe, it was Newark and Jersey City as two locations. I think our members are prepared to meet in Newark and Jersey City on two of those three occasions. And we would only suggest one other location we think is of interest to the people of New Jersey, and that would be somewhere in Passaic County -- Paterson, Clifton, New Jersey area, where there have been a lot of demographic changes.

So I guess my motion is for the Commission to agree to hearings -- two on February 5, one on February 9; one each in Newark and Jersey City, and one of Paterson, Clifton, or Passaic -- City of Passaic.

ASSEMBLYMAN WISNIEWSKI: Well, in -- apropos of the testimony we heard from many people today, I think it would be appropriate to have the 11th member participate in those hearings, to make sure that the 11th--

MS. KIM ASBURY: I second.

ASSEMBLYMAN WISNIEWSKI: There's a second?

MS. KIM ASBURY: There's a second for that.

ASSEMBLYMAN WISNIEWSKI: Okay, there's a second.

Obviously, it is a public hearing. It's not a formal meeting of the Commission, but we can certainly discuss it. I think we've heard lots of individuals come up and testify saying that it would be appropriate to have the 11th member participate, not unlike having an alternate juror sitting in a jury box -- potentially no role, but sitting, and listening, and taking in all the information. And I would agree to those dates as long as we could agree

on having the 11th member present to participate and to listen to all of the excellent testimony that we've heard today.

ASSEMBLYMAN WEBBER: So to be clear, Chairman, you would like to declare -- you would like to have the Commission declare an impasse.

ASSEMBLYMAN WISNIEWSKI: No, no.

ASSEMBLYMAN WEBBER: Okay. So what's your proposal to--

ASSEMBLYMAN WISNIEWSKI: Invite the 11th member to participate.

ASSEMBLYMAN WEBBER: Do you know who the 11th member is?

ASSEMBLYMAN WISNIEWSKI: Well, we've gone through this exercise, Chairman. There has been a list submitted by both sides that apparently has a common name. I'm sure that's easy to figure out. So whoever that 11th member is, based on that common name-- And we can go into that process if you'd like. You and I both submitted lists to the Chief Justice. The Chief Justice says there's a common name. So whoever that common person is, that person should be involved in the hearings. If you want to have additional hearings, we have no problem. But let's have the 11th member participate, sit here. They can either sit up here with us, or they can sit at a table and hear everything that everyone has to say.

ASSEMBLYMAN WEBBER: Chairman, I'm wide open to inviting the presumptive 11th member. Alan Rosenthal, I think, is someone who has been reported as being on both parties' list to the Chief. I'm cognizant that only the Chief Justice of the State Supreme Court has the

authority to designate or appoint the 11th member. And so I think it would be presumptuous of the Commission to tell the Chief who he is going to appoint. But if you want to agree to extend an invitation to Professor Rosenthal to attend all the meetings-- They are public. We would surely appreciate having the Professor attend and observe.

As you know, all of these proceedings are being recorded and transcribed so that whoever the 11th member is will have the benefit of those transcripts and those recordings. But if you want to extend an invitation for Professor Rosenthal to attend the meetings and observe what's going on, I certainly would welcome that.

I think what's imperative is to set hearings. And I know the public is asking for them. They're asking for notice on them. And we can give them notice today on February 5 and February 9 -- three more hearings so that we can continue to take public input.

ASSEMBLYMAN WISNIEWSKI: Again, I think that two things the public has asked for -- additional notice and have the 11th member involved. We both know who the 11th member is going to be. It's not presumptuous of us. The Chief Justice has engaged us both in the process to submit names. We both think it's apparently Alan Rosenthal. I think it would be appropriate to have him at the next hearing. So the extent that we have agreement to have Alan Rosenthal at the next hearing, we have no problem with the motion.

ASSEMBLYMAN WEBBER: Okay. So two on February 5, one on the 9th.

ASSEMBLYMAN WISNIEWSKI: Provided Alan Rosenthal is going to participate in those hearings.

ASSEMBLYMAN WEBBER: I will personally invite Professor Rosenthal to observe on all three.

MR. PALATUCCI: That's the key issue -- that it's an invitation. I mean, we-- I think the public should be clear. We don't direct the 11th member -- assuming that that's who it is -- and I'm sure the both of you are right. We can't direct the 11th member. We have no authority over him. And so I think the invitation is exactly right, Mr. Chairman Wisniewski. I think he should be invited. But that's his call. He's, again, an independent in the sense he's not of either caucus. And so I think it's great. I used to be a student of Professor Rosenthal. I would love to see him and hope he takes us up on the invitation, but so long as -- with that understanding that it's not contingent upon his being there if he decides-- I mean, it's his process -- I think as Professor Reed, early on, wisely said -- there is a lot for that person to do. They need to figure out their process, their resources. They'll be hiring staff, they'll be hiring legal counsel. And so if it is Professor Rosenthal -- he wants to be there -- I think it's a great idea on your part to invite him.

But apart from that, let's have the hearings go on. People made great points. The more notice, the better. The 5th and the 9th, I think, is great.

And with that, I think it's a fine motion. It would have my support.

MR. GILMORE: Well, wouldn't it be proper to vote on the motion for the hearings on the 5th and the 9th, but also include in that that we give notice to the Chief Justice, who appoints that 11th member, of those dates; and that there is no objection if the Chief Justice wants to

advise whoever he has in mind as the 11th member so that they could attend?

ASSEMBLYMAN WISNIEWSKI: Majority Leader Cryan.

ASSEMBLYMAN CRYAN: I would also like to see that the 11th member -- if it is Professor Rosenthal or whoever -- participates in this process, actively asks questions, and is part of the process as well.

MS. CRAIG: (speaking from audience) Could I make a suggestion that you all agree that you're going to butt heads, and you're going to wind up five to five; and go to the Chief Justice and say, "Hey, dude, give us the 11th member now so we don't have to dork around with it later?" (laughter) Wouldn't that make sense?

ASSEMBLYMAN WEBBER: Well, here is--

ASSEMBLYMAN WISNIEWSKI: Can we use those words?
(laughter)

ASSEMBLYMAN WEBBER: Dork around is the Latin for the Chief's-- (laughter)

ASSEMBLYMAN WISNIEWSKI: A Harvard guy would know that. (laughter)

MS. CRAIG: If I understand the law right, at any point in time you all can get together and say, "We're not going to agree, appoint a member -- the 11th member." Is that correct?

ASSEMBLYMAN WEBBER: I'm sorry, Chairman, here is the point.

We've engaged in a process and suggested potential 11th members to the Chief. Only the Chief is aware who is on the list, who is a match.

ASSEMBLYMAN WISNIEWSKI: It's the worst kept secret in the State of New Jersey. (laughter)

ASSEMBLYMAN WEBBER: We believe it to be Alan Rosenthal.

But here is the point I think is important to remember: The Chief retains full discretion as to whether to accept our recommendation or not, until such time as an impasse is declared or 30 days expire from the date we get the Census numbers. So while we have recommended an 11th member, the Chief retains full discretion as to who to name.

I have no problem. I think it's a good idea to invite Professor Rosenthal to attend. The problem with declaring an early impasse is that we cut in half the time we have to take public input. We only have 30 days from the time we get the Census until an 11th member has to be appointed by the Chief Justice, and then we only have 30 days after that to draw a map. If we declare an early impasse, we wipe out the first 30 days and only have 30 days to discuss and take input from the public. And so I think it's important for the Commission to do its work, take public input, and not trigger the constitutional ticking clock of appointing the member as a formal matter. But as an informal matter to observe the proceedings, I think it's a good idea, and we should invite who we believe might be the 11th member, Professor Rosenthal.

ASSEMBLYMAN WISNIEWSKI: Alan Rosenthal can serve, essentially, as moderator of these hearings. I mean, I know Ingrid Reed had made a proposal for herself to even serve as a moderator, a proposal that we had embraced. Because I think one of the concerns voiced by many people here is that it is a five-five universe here, and it's likely to be a five-five

universe. And having that neutral party involved would only expedite the process. So to the extent that the meeting schedule is contingent on an invitation of Alan Rosenthal to moderate--

SENATOR RONALD L. RICE: Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: Senator.

SENATOR RICE: Let me say this: I will speak at a subsequent meeting, but let me give all of you--

ASSEMBLYMAN WISNIEWSKI: Just go to the microphone.

SENATOR RICE: I'm Ronald L. Rice, State Senator, also Chairman of the Legislative Black Caucus. We'll be monitoring this process. I've gone through this several times before, and I've heard the public at the first meeting loud and clearly.

Let me give you something for consideration: Why don't we invite -- and we know we can't make them come in -- but why don't we invite the Justice Department to sit on the committee just to hear conversations that are in the public, as well as outside the public? Why don't we do that? If you're willing to do that, then I'm willing to make some phone calls with our contacts to try to assist in that process. They don't vote, they're only concerned about Section 2 and Section 5, and all the statutes and court cases that have taken place thus far in the redistricting process. I know they're very active right now in New York, but New York is like two months beyond us. So that may be something for the record you want to consider. If not, hopefully there is something on the record -- that the courts will know that it was mentioned to you as a possibility when you talk about fairness, and justice, and equity in this process.

Because all that was said and done -- coming through this process my third time -- I know how this works at the end. And so we will be paying attention, and I will be testifying at other meetings.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you, Senator.

Any other discussion on the motion? (no response)

Mr. Parisi, call the roll.

MR. PARISI: Okay, on the motion on the floor, Senator Sarlo.

SENATOR SARLO: No.

MR. PARISI: Bill Palatucci.

MR. PALATUCCI: Yes.

MR. PARISI: Senator O'Toole.

SENATOR O'TOOLE: Yes.

MR. PARISI: Sheila Oliver is absent.

George Gilmore.

MR. GILMORE: Yes.

MR. PARISI: Joe Cryan.

ASSEMBLYMAN CRYAN: No.

MR. PARISI: Irene Kim Asbury.

MS. KIM ASBURY: Yes.

MR. PARISI: Assemblywoman Nilsa Cruz-Perez.

MS. CRUZ-PEREZ: No.

MR. PARISI: Jay Webber.

ASSEMBLYMAN WEBBER: Yes.

MR. PARISI: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: No.

MR. PARISI: Five to four, motion fails.

ASSEMBLYMAN WISNIEWSKI: With that, we will be in recess until we convene at 2:30 in Toms River at 33 Washington Street, Town Council Chambers, 2nd Floor.

(MEETING CONCLUDED)

APPENDIX

TESTIMONY BY
THE NEW JERSEY LEGISLATIVE REDISTRICTING COALITION
BEFORE THE NEW JERSEY STATE APPORTIONMENT COMMISSION

DELIVERED AND SUBMITTED BY:

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Buenos dias and good morning distinguished members of the New Jersey State Apportionment Commission. I am Roberto Frugone, founder of La Causa of NJ, board member of the Latino Action Network and here today in my capacity as Co-Chairman of the New Jersey Legislative Redistricting Coalition. We thank you for the opportunity to speak on this very important issue.

The New Jersey Legislative Redistricting Commission (the "NJLRC") is a broad collection of community-based, civil rights, human rights, advocacy, and legal organizations, who have come together to promote and participate in a non-biased and non-partisan approach towards the New Jersey Legislative redistricting process. In short, we believe that the residents of New Jersey have a right to receive a fair and constitutional map, and that this right must trump the theatre of partisan gamesmanship.

We also want to ensure that the final map of New Jersey's State Senate and Assembly Districts ("2011 Legislative Map") provides New Jersey's communities of color (e.g., African-Americans, Asians and Hispanics) with equal opportunities to participate in the political process, including the ability to elect representatives of their choice. Since 2000, the African-American, Asian and Hispanic populations in New Jersey have been among the fastest growing populations in the State. While New Jersey's White (non-Hispanic) population has decreased from 66% of the population in 2000 to 61% of the population, the African-American population has increased from 13.6% to 14.5%, the Asian population from 5.7% to 7.8% and the Hispanic population from 13.3% to 16.7%. The 2011 Legislative Map must reflect these population trends as well as maximize the voting strength of racial and ethnic minorities to the fullest extent permitted by law.

To achieve this purpose, the Commission must immediately address its governance and properly apply the traditional districting principles consistent with federal and state law.

I. Governance

For context, New Jersey is one of only 13 states which charge a bi-partisan commission with the redistricting process. The others include Alaska, Arizona, California, Colorado, Hawaii, Idaho, Missouri, Montana, Pennsylvania and Washington. In the majority of States, the redistricting process is handled by the legislature and in the vast majority of these States the Governor has the ability to veto the redistricting plan. Still, the redistricting and reapportionment process goes to the heart of the most fundamental democratic principle of self-governance. It, therefore, remains our hope that, at some point, the New Jersey Constitution will be amended to place even more emphasis and power in the hands of the people during the redistricting process. In this regard, we agree with the observations provided by the Brennan Center For Justice, during its testimony before the Illinois Senate Redistricting Committee on October 13, 2009. Speaking on behalf of the Brennan Center, Justin Levitt stated:

The process of drawing legislative lines affects the interests of individual legislators, the interests of political parties, and the interests of represented communities - or, put differently, the public good. When legislators personally are able to set the lines by which they are elected, there arises a natural temptation to conflate the three, even when those officials act with the purest of motives. That is, even conscientious elected representatives might be tempted to draw electoral lines that insulate their districts from effective challenge and promote their party's fortunes - because they believe themselves and their party best able to serve their constituents.

Such temptations - whether fueled by self-interest or zealous advocacy - weaken the democratic process and blunt the voice of the electorate. By drawing district lines to promote individual and party security, legislators with a hand in the process become enmeshed in the task of building districts based on favored constituents and disfavored ones. That is, representatives get into the business of choosing their constituents, rather than the other way around.

Turning more specifically to the issue of governance, we urge the Commission to be guided by the principles of transparency and inclusion. Transparency and inclusion are inextricably linked with accountability. When information is withheld from people or decisions are made in the dark corners of smoke-filled rooms, people lose both their ability to assess the performance of their representatives (and react accordingly) and their confidence in the system.

We, therefore, urge the Commission to ensure transparency in this process by adopting each of the following proposals:

1. **Pre-map Hearings:** The Commission should immediately agree upon and publish at least six public hearing dates during the month of February after the census information is certified by Governor Christie. These dates should be published no later than February 7, 2011, and two should be held in the North, Central and Southern geographic regions of our State, respectively, in cities that represent our residents in both urban and suburban communities.

January 29, 2011: Testimony by The New Jersey Legislative Redistricting Coalition

2. **Post-map Hearings:** The Commission also should host at least 3 public hearings (again, in the State's North, Central and South geographic regions) after the Commission has reached a majority decision on a proposed map, but before the proposed map is certified to the Secretary of State. Allowing public hearings after the proposed map is drawn will provide a meaningful opportunity for public input and participation. In the absence of post-map hearings, the public will be forced into either remaining silent or incurring the cost of litigation to address its concerns. These options are inconsistent with an open, fair and democratic process.
3. **Transcripts:** The Commission should permit both transcripts and recordings for all public hearings both before and after the Commission proposes its map. These transcripts and recordings should be available online promptly after each hearing. Like the hearings themselves, publically accessible transcripts and recordings of the hearings will provide a meaningful opportunity for thoughtful public input and participation.

We recognize that time is of the essence and that the Commission must complete its work by April 1, 2011 in order to meet the April 7th deadline for the 2011 Primary election process. Historically, each 10-member bi-partisan Commission has been stalemated on its initial attempt to agree upon a map. In light of the political posturing that already has occurred on both sides of the Commission's aisle, the public has every reason to believe that this 10-member Commission will follow suit with its predecessors. As previously noted, Article IV Section III of the New Jersey State Constitution states, if the 10-member bi-partisan Commission "determines that it is unable to" agree upon a map, it must certify as much to Chief Justice Stuart Rabner, who must appoint an independent 11th member. We urge the Commission to make this determination expeditiously, so that Chief Justice Stuart Rabner may appoint the independent 11th member. Among other things, appointing the independent 11th member early will allow him or her to participate in the public hearings and to hear directly from the residents of New Jersey.

Additionally, to accommodate the additional hearings we have proposed, we ask the Commission to follow suit with its 2001 predecessor and request that the Legislature extend the filing deadline for the 2011 Primary elections. Acting in advance and adopting our governance proposals for pre- and post-map hearings, transcripts and an early appointment of the Independent Commissioner, will help to ensure transparency, accountability and efficiency in the redistricting process.

II. Guiding Principles

With respect to the principles which must guide the work of this Commission, we want to be clear. Section 2 of the Voting Rights Act of 1965 prohibits "minority vote dilution." Minority vote dilution occurs in situations where minority voters have been denied opportunities to elect candidates of their choice because the majority voters vote in a block that effectively locks minority-preferred candidates out of the process. The ability for minority voters to elect candidates of choice can be found in several types of districts which can be described as effective minority opportunity districts:

- **Majority-minority districts:** Majority-minority districts are districts where the minority voting age population is more than 50 percent of the districts' voting age population.
- **Cross-over districts:** Crossover districts are referred to as districts where the minority voting age population make up less than a majority of the voting age population in a district but is large enough to elect their representative of choice with the help of a small number of majority voters who cross over to support the minority voters' representative of choice.
- **Coalition districts:** Coalition districts are comprised of at least two minority groups who form a coalition to make up a majority of a district who vote cohesively to elect the candidate of the coalition's choice. Creating minority coalition districts may provide greater opportunities for minority voters to elect representatives of choice.

Although, cross-over and coalition districts have been used interchangeably there are important differences and these districts should not be confused with "influence districts." Influence districts are districts where a significant number of minority voters are included in a district but they are provided no opportunity to elect candidates of choice. Influence districts "are not and should not be seen as a substitute for effective minority opportunity districts."

Additionally, we do not read the recent U.S. Supreme Court's decision in *Bartlett vs. Strickland*, 129 S.Ct.1231 (2009), to vitiate the ability of the Commission to draw coalition or crossover districts where the minority group is less than 50 percent. Although, the *Bartlett* Court held that the creation of crossover districts is not required under *Bartlett* when a single minority group is not the majority in the district, *Bartlett* does not prohibit the redistricting body from creating crossover or coalition districts that provide minority voters with an opportunity to elect candidates of choice. In fact, the *Bartlett* Court recognized that, "racial discrimination and racially polarized voting are not ancient history. Much remains to be done to ensure that citizens of all races have an equal opportunity to share and participate in our democratic process and traditions." Therefore, the commission must ensure that it's proposed map adhere to the traditional redistricting principles required by the New Jersey Constitution:

1. **Equal Opportunity:** Districts will be drawn that maximize the voting strength of racial and ethnic minorities to the full extent permitted by law. We will challenge any map that proposes districts which deny or abridge the equal opportunity of racial and ethnic minorities to participate in the political process, or to elect representatives of their choice. Here, the courts are clear: The seminal test under the law is whether the Commission's proposed map will have the effect of diluting minority voting strength, not whether it was enacted with the intent to discriminate against racial and ethnic minorities.
2. **Contiguity and Reasonable Compactness:** Districts will be drawn that respect political boundaries and preserve communities of interest (i.e., communities

concentrated within a geographic area that share ethnic, cultural, social, economic, religious and/or political interests). The Commission should understand, however, that we will oppose any attempt to construct bizarrely shaped districts which so concentrate racial or ethnic minorities that they create so-called "super majority minority" districts. As former U.S. Supreme Court Justice Sandra Day O'Connor has said,

A reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another... bears an uncomfortable resemblance to political apartheid.

Our view is that the creation of "super majority minority districts" (or "packing") effectively wastes the minority vote and violates both the Equal Protection Clause of the 14th Amendment and Section 2 of the 1965 Voting Rights Act. In this regard, we will watch very carefully the Commission's deliberations with respect to Newark and Jersey City, both of whom have large minority populations that have historically exceeded the mean. We particularly want to avoid situations, like the 28th Legislative district, which extends from Newark to Nutley, which is further than driving from South Orange to Summit.

- 3. Recognize The Facts:** The Commission must recognize the fact that New Jersey, like the rest of the United States, is becoming more diverse. Indeed, New Jersey's African-American, Asian and Hispanic population appears to be growing faster than the national average. The Commission's proposed map must contain districts that anticipate and incorporate these population trends. We are increasingly concerned when we hear of efforts to dilute the voting strength of Urban districts -- where large communities of color reside -- to support the growth in suburban districts. These arguments will be tested vigorously to ensure that they respect the overall population growth of New Jersey's communities of color and that they survive the legal crucibles we have described. To be clear, a map that reduces the existing opportunities for minorities to be represented in the State Legislature is unacceptable. Indeed, it is our view that, in light of the population trends, the proposed map must increase the number of majority minority districts and must result in an increase in the opportunities for racial or ethnic minorities to serve as representatives in the New Jersey Senate and Assembly -- whether or not they live in majority minority districts. We believe that both the facts and the legal framework require this Commission to draw a map that results in a Legislature that reflects the diversity that is a reality in this State.

In closing, it has been said that the redistricting and reapportionment process is "more important than election day." The Commission must remember that the federal and state laws which protect racial and ethnic minorities exist for a reason -- to combat the historical vote dilution African American, Asian and Hispanic voters have faced in this Country and in this State. For communities of color, who have historically been locked out both politically and economically, our participation in this process is also the culmination of centuries of sacrifice and struggle. History created the need for

protection. The Commission has the obligation to ensure protection occurs in fact, and that democracy's ultimate promise of one person one vote is fulfilled.

I will make one final comment but do so in Spanish.

*Este comité tiene una gran responsabilidad – crear un mapa de distritos que permite mas oportunidad para que la composición de la legislatura refleje las diversa de la gente quien sirve. Por ejemplo, no mas vamos a aceptar que la comunidad Latina, que forma casi 17 por ciento de la población en el estado tenga solamente una senadora estatal. Durante este proceso estaremos atentos y participando. Entiendan, con un 17 por ciento somos parte de la tela que es New Jersey. Ahora es tiempo que el poder de nuestra voz iguale el poder en nuestros números.

Thank you, again, for this opportunity. The NJLRC would be glad to provide additional information or analysis to the Commission at you request. We look forward to accompanying you through this important effort.

##

(* Spanish portion reads: This committee has a great responsibility – create a map of districts that allows more opportunity for the composition of the legislature to reflect the diversity of the people it serves. For example, we will no longer allow the Latino community, which forms almost 17% of the population in the state to have only one state senator. During this process we will be attentive and actively participate. Understand, at 17% we form part of the fabric that is New Jersey. Now it is time the strength of our voice equals our strength in numbers.)

TESTIMONY BY
THE NEW JERSEY LEGISLATIVE REDISTRICTING COALITION
BEFORE THE NEW JERSEY STATE APPORTIONMENT COMMISSION

DELIVERED AND SUBMITTED BY:

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Phone: 973.945.5532

Good morning distinguished members of the New Jersey State Apportionment Commission. I am Roberto Frugone, Co-Chairman of the New Jersey Legislative Redistricting Coalition. We thank you for the opportunity to speak on this very important issue.

The New Jersey Legislative Redistricting Commission (the "NJLRC") is a broad collection of community-based, civil rights, human rights, advocacy, and legal organizations, who have come together to promote and participate in a non-biased and non-partisan approach towards the New Jersey Legislative redistricting process. In short, we believe that the residents of New Jersey have a right to receive a fair and constitutional map, and that this right must trump the theatre of partisan gamesmanship.

We also want to ensure that the final map of New Jersey's State Senate and Assembly Districts ("2011 Legislative Map") provides New Jersey's communities of color (e.g., African-Americans, Asians and Hispanics) with equal opportunities to participate in the political process, including the ability to elect representatives of their choice. Since 2000,

the African-American, Asian and Hispanic populations in New Jersey have been among the fastest growing populations in the State. While New Jersey's White (non-Hispanic) population has decreased from 66% of the population in 2000 to 61% of the population, the African-American population has increased from 13.6% to 14.5%, the Hispanic population from 13.3% to 16.7%, and the Asian population from 5.7% to 7.8%. The 2011 Legislative Map must reflect these population trends as well as maximize the voting strength of racial and language minorities to the full extent permitted by law.

To achieve this purpose, the Commission must immediately address its governance and properly apply the traditional districting principles consistent with federal and state law.

I. Governance

For context, New Jersey is one of only 13 states which charge a bi-partisan commission with the redistricting process. The others include Alaska, Arizona, California, Colorado, Hawaii, Idaho, Missouri, Montana, Pennsylvania and Washington. In the majority of States, the redistricting process is handled by the legislature and in the vast majority of these States the Governor has the ability to veto the redistricting plan. Still, the redistricting and reapportionment process goes to the heart of the most fundamental democratic principle of self-governance. It, therefore, remains our hope that, at some point, the New Jersey Constitution will be amended to place even more distance between individual legislators and the redistricting process. In this regard, we agree with the observations provided by the Brennan Center For Justice, during its testimony before the Illinois Senate Redistricting Committee on October 13, 2009. Speaking on behalf of the Brennan Center, Justin Levitt stated:

January 29, 2011: Testimony by The New Jersey Legislative Redistricting Coalition

The process of drawing legislative lines affects the interests of individual legislators, the interests of political parties, and the interests of represented communities - or, put differently, the public good. When legislators personally are able to set the lines by which they are elected, there arises a natural temptation to conflate the three, even when those officials act with the purest of motives. That is, even conscientious elected representatives might be tempted to draw electoral lines that insulate their districts from effective challenge and promote their party's fortunes - because they believe themselves and their party best able to serve their constituents.

Such temptations - whether fueled by self-interest or zealous advocacy - weaken the democratic process and blunt the voice of the electorate. By drawing district lines to promote individual and party security, legislators with a hand in the process become enmeshed in the task of building districts based on favored constituents and disfavored ones. That is, representatives get into the business of choosing their constituents, rather than the other way around.

Turning more specifically to the issue of governance, we urge the Commission to be guided by the principles of transparency and inclusion. Transparency and inclusion are inextricably linked with accountability. When information is withheld from people or decisions are made in the dark corners of smoke-filled rooms, people lose both their ability to assess the performance of their representatives (and react accordingly) and their confidence in the system.

We, therefore, urge the Commission to ensure transparency in this process by adopting each of the following proposals:

1. **Pre-map Hearings:** The Commission should immediately agree upon and publish at least six public hearing dates during the month of February after the census information is certified by Governor Christie. These dates should be published no later than February 7, 2011, and two should be held in the North, Central and Southern geographic regions of our State, respectively, in cities that represent our residents in both urban and suburban communities.

2. **Post-map Hearings:** The Commission also should host at least 3 public hearings (again, in the State's North, Central and South geographic regions) after the Commission has reached a majority decision on a proposed map, but before the proposed map is certified to the Secretary of State. Allowing public hearings after the proposed map is drawn will provide a meaningful opportunity for public input and participation. In the absence of post-map hearings, the public will be forced into either remaining silent or incurring the cost of litigation to address its concerns. These options are inconsistent with an open, fair and democratic process.

3. **Transcripts:** The Commission should permit both transcripts and recordings for all public hearings both before and after the Commission proposes its map. These transcripts and recordings should be available online promptly after each hearing. Like the hearings themselves, publically

accessible transcripts and recordings of the hearings will provide a meaningful opportunity for thoughtful public input and participation.

We recognize that time is of the essence and that the Commission must complete its work by April 1, 2011 in order to meet the April 7th deadline for the 2011 Primary election process. Historically, each 10-member bi-partisan Commission has been stalemated on its initial attempt to agree upon a map. In light of the political posturing that already has occurred on both sides of the Commission's aisle, the public has every reason to believe that this 10-member Commission will follow suit with its predecessors. As previously noted, Article IV Section III of the New Jersey State Constitution states, if the 10-member bi-partisan Commission "determines that it is unable to" agree upon a map, it must certify as much to Chief Justice Stuart Rabner, who must appoint an independent 11-member. We urge the Commission to make this determination expeditiously – by or before February 11, 2011 (assuming that the Census data for New Jersey has been certified by the Governor before that date), so that Chief Justice Stuart Rabner may appoint the independent 11th member. Among other things, appointing the independent 11th member early will allow him or her to participate in the public hearings and to hear directly from the residents of New Jersey.

Additionally, to accommodate the additional hearings we have proposed, we ask the Commission to follow suit with its 2001 predecessor and request that the Legislature extend the filing deadline for the 2011 Primary elections. Acting in advance and adopting our governance proposals for pre- and post-map hearings, transcripts and an

early appointment of the Independent Commissioner, will help to ensure transparency, accountability and efficiency in the redistricting process.

II. Guiding Principles

With respect to the principles which must guide the work of this Commission, we want to be clear. Section 2 of the Voting Rights Act of 1965 prohibits “minority vote dilution.” Minority vote dilution occurs in situations where minority voters have been denied opportunities to elect candidates of their choice because the majority voters vote in a block that effectively locks minority-preferred candidates out of the process. The ability for minority voters to elect candidates of choice can be found in several types of districts which can be described as effective minority opportunity districts:

- **Majority-minority districts:** Majority-minority districts are districts where the minority voting age population is more than 50 percent of the districts’ voting age population.
- **Cross-over districts:** Crossover districts are referred to as districts where the minority voting age population make up less than a majority of the voting age population in a district but is large enough to elect their representative of choice with the help of a small number of majority voters who cross over to support the minority voters’ representative of choice.
- **Coalition districts:** Coalition districts are comprised of at least two minority groups who form a coalition to make up a majority of a district who vote cohesively to elect the candidate of the coalition’s choice. Creating minority

coalition districts may provide greater opportunities for minority voters to elect representatives of choice.

Although, cross-over and coalition districts have been used interchangeably there are important differences and these districts should not be confused with “influence districts.” Influence districts are districts where a significant number of minority voters are included in a district but they are provided no opportunity to elect candidates of choice. Influence districts “are not and should not be seen as a substitute for effective minority opportunity districts.”

Additionally, we do not read the recent U.S. Supreme Court’s decision in *Bartlett vs. Strickland*, 129 S.Ct.1231 (2009), to vitiate the ability of the Commission to draw coalition or crossover districts where the minority group is less than 50 percent.

Although, the *Bartlett* Court held that the creation of crossover districts is not required under *Bartlett* when a single minority group is not the majority in the district, *Bartlett* does not prohibit the redistricting body from creating crossover or coalition districts that provide minority voters with an opportunity to elect candidates of choice. In fact, the *Bartlett* Court recognized that, “racial discrimination and racially polarized voting are not ancient history. Much remains to be done to ensure that citizens of all races have an equal opportunity to share and participate in our democratic process and traditions.” Commission to ensure that its proposed map adhere to the traditional redistricting principles required by the New Jersey Constitution:

1. **Equal Opportunity:** Districts will be drawn that maximize the voting strength of racial and language minorities to the full extent permitted by law. We

will challenge any map that proposes districts which deny or abridge the equal opportunity of racial and language minorities to participate in the political process, or to elect representatives of their choice. Here, the courts are clear: The seminal test under the law is whether the Commission's proposed map will have the effect of diluting minority voting strength, not whether it was enacted with the intent to discriminate against racial and language minorities.

2. **Contiguity and Reasonable Compactness:** Districts will be drawn that respect political boundaries and preserve communities of interest (i.e., communities concentrated within a geographic area that share ethnic, cultural, social, economic, religious and/or political interests). The Commission should understand, however, that we will oppose any attempt to construct bizarrely shaped districts which so concentrate racial or language minorities that they create so-called "super majority minority" districts. As former U.S. Supreme Court Justice Sandra Day O'Connor has said,

A reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another...bears an uncomfortable resemblance to political apartheid.

Our view is that the creation of "super majority minority districts" (or "packing") effectively wastes the minority vote and violates both the Equal Protection Clause of the 14th Amendment and Section 2 of the 1965 Voting Rights Act. In this regard, we will watch very carefully the Commission's deliberations with respect

to Newark and Jersey City, both of whom have large minority populations that have historically exceeded the mean. We particularly want to avoid situations, like the 28th Legislative district, which extends from Newark to Nutley, which is further than driving from South Orange to Summit.

3. **Recognize The Facts:** The Commission must recognize the fact that New Jersey, like the rest of the United States, is becoming more diverse. Indeed, New Jersey's African-American, Asian and Hispanic population appears to be growing faster than the national average. The Commission's proposed map must contain districts that anticipate and incorporate these population trends. We are increasingly concerned when we hear of efforts to dilute the voting strength of Urban districts – where large communities of color reside -- to support the growth in suburban districts. These arguments will be tested vigorously to ensure that they respect the overall population growth of New Jersey's communities of color and that they survive the legal crucibles we have described. To be clear, a map that reduces the existing opportunities for minorities to be represented in the State Legislature is unacceptable. Indeed, it is our view that, in light of the population trends, the proposed map must increase the number of majority minority districts and must result in an increase in the opportunities for racial or language minorities to serve as representatives in the New Jersey Senate and Assembly – whether or not they live in majority minority districts. We believe that both the facts and the legal framework require this Commission to draw a map that results in a Legislature that reflects the diversity that is a reality in this State.

In closing, it has been said that the redistricting and reapportionment process is “more important than election day.” The Commission must remember that the federal and state laws which protect racial and language minorities exist for a reason – to combat the historical vote dilution African American, Asian and Hispanic voters have faced in this Country and in this State. For communities of color, who have historically been locked out both politically and economically, our participation in this process is also the culmination of centuries of sacrifice and struggle. History created the need for protection. The Commission has the obligation to ensure protection occurs in fact, and that democracy’s ultimate promise of one person one vote is fulfilled.

Thank you, again, for this opportunity. The NJLRC would be glad to provide additional information or analysis to the Commission at your request. We look forward to accompanying you through this important effort.

George Gore Political Action\Civil Engagement Chairman

NJ State Conference NAACP

Our Mission

The mission of the National Association for the Advancement of Colored People is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.

Vision Statement

The vision of the National Association for the Advancement of Colored People is to ensure a society in which all individuals have equal rights and there is no racial hatred or racial discrimination.

Objectives

- To ensure the political, educational, social, and economic equality of all citizens
- To achieve equality of rights and eliminate race prejudice among the citizens of the United States
- To remove all barriers of racial discrimination through democratic processes
- To seek enactment and enforcement of federal, state, and local laws securing civil rights
- To inform the public of the adverse effects of racial discrimination and to seek its elimination
- To educate persons as to their constitutional rights and to take all lawful action to secure the exercise thereof, and to take any other lawful action in furtherance of these objectives, consistent with the NAACP's Articles of Incorporation and this Constitution.

It is the position of the NAACP that "one man's vote prescribed in the Voting Rights act must be one the guiding principle of this redistricting process. The NAACP will work to prevent the **redistricting process** from influencing the substantive outcomes of redistricting as those in charge may have certain interests or priorities not in the voting public's general interest.

It should be noted that the Voting Rights Act Section 2 prohibits any voting practice or procedure that results in the "denial or abridgement" of anyone's right to vote based on race, color, or minority language status.¹³⁴ In 1982, Congress amended Section 2 to clarify that, specifically, it prohibited laws or practices that denied minority voters an equal opportunity "to participate in the political process and to elect representatives of their choice. Additionally the Voting Rights Act Section 5 requires the new lines must leave minority voters no worse off than before.

It is the Position of the NAACP that Respect for Political Boundaries and Communities of Interest be maintained.

Two notes must be considered:

- **Count people in prison at home** Incarcerated individuals – disproportionately poor and minorities – are currently tallied by the Census Bureau for redistricting purposes where they are imprisoned. This artificially inflates the voting power of prison districts, where people in prison generally cannot vote and are not meaningfully represented, at the expense of their home communities. Incarcerated individuals should be counted for redistricting purposes in the communities where they lived before their incarceration
- **Protect minority representation** of all minority groups and emerging groups who will enter into the voting population rather than the Census population.

It is the NAACP's intent to be a strong advocate of an open process which will create a map which considers the changing demographics of New Jersey based on the population trends indicated by the Census. As growth of our multi-cultural society continues that consideration for their representation must be included in how lines are drawn creating a natural transition as those communities grow and obtain full voting rights.

The NAACP has worked on election reform issues for all of its 101 years. We will continue to collaborate with strategic partners and stakeholders to fix the system. We realize that civic engagement will solve the problems of our election system. We will galvanize public opinion and create an unstoppable movement for change that will shape a diverse society where one man one vote is the rule and not the exception.



LATINO ACTION NETWORK

TESTIMONY BY
THE LATINO ACTION NETWORK
BEFORE THE NEW JERSEY STATE APPORTIONMENT COMMISSION

DELIVERED AND SUBMITTED BY:

Frank Argote-Freyre, President
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Good morning distinguished members of the New Jersey State Apportionment Commission. I am Frank Argote-Freyre, President of the Latino Action Network. The LAN thanks you for this opportunity to speak on this very important issue.

The Latino Action Network [LAN] 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. Our numbers are growing and we expect that our representation will follow the same upward trajectory.



New Jersey's Latino population has grown significantly since 2000 – from 13.3 percent, to, according to the latest available data, 16.7 percent.

It is important to note that there has been some small improvement over the years in the level of Latino representation. In the 1990s, there were between two and four Latino state legislators, while today the number stands at seven. Only one member of the State Senate is Latino – Senator Teresa Ruiz. This is glacial progress when our numbers demand a fast lane to political empowerment. If representation were determined by a pure analysis of the numbers we should have 13 Assembly members and seven State Senators. This will give you a quick snapshot of the level of under-representation of our community.

Of course we realize there are many factors that go into creating an equitable legislative map and we are not oblivious to the subtleties and nuances of crafting legislative districts that are reasonable and



fair. The Latino Action Network's goal in this process is to remedy past inequalities and increase representation. We measure that both in the number of Latinos in the Legislature and in the overall responsiveness of legislators of all races and ethnicities to the issues facing the Latino community in New Jersey today.

The different choices and problems with packing

We have three possible paths ahead: a map that reduces representation of the Latino community, a map that maintains the status quo, and a map that increases representation. From our perspective, only one of those paths is acceptable.

What we are most concerned about is a map that reduces Latino representation or keeps it at current levels by employing the anti-democratic technique of “packing.” Packing is about segregation. This happens when Latino voters are packed into districts in such high numbers that their votes are diluted throughout



the rest of the state. This results in the “bleaching” of other districts so that Latinos have no influence there. It mutes and minimizes the votes and concerns of Latinos across New Jersey.

If there are only a few districts in the state with substantial blocs of Latino voters, then most legislators who are not Latino will have no reason to pay any attention to issues of concern to the Latino community. This kind of segregation raises concerns under the federal Voting Rights Act. It is discriminatory to take multiple existing districts where Latinos have substantial power and redraw them into one district where Latinos have almost all the power and other districts where Latinos are powerless.

Unlike in many other states, candidates in New Jersey usually run as a full slate for Senate and Assembly and balance who is on that slate to appeal to different interests in the district. Even if a district were 60% Latino, all three candidates on a slate would not necessarily be Latino. In contrast, in other districts where Latino population went



down as a result of packing, it becomes much less likely that any member of the ticket will be Latino or that any member of the slate would respond to Latino interests.

So packing – segregation -- in another word - is not the answer to increasing Latino representation. It is, in fact, a way of decreasing Latino representation. And given that our numbers have grown significantly, that is unacceptable and contrary to the Voting Rights Act. But we don't want the status quo either. We want to increase the representation of Latinos both through Latino representatives and legislators of all backgrounds responsive to the Latino community.

How do we do that?

A different path

We propose a different path.

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.

Both packing and cracking can be used to minimize the Latino vote and are anti-democratic.

Third, the composition of the rest of the map matters. We are not just looking at Latino districts. We are opposed to packing of any racial group, because we believe that "bleached" districts are harmful to the interests of all people of color. And we support the concept of one person, one vote, because manipulation of that standard to count



certain groups more than others ends up harming the Latino community. This could happen by packing a district to ensure that 60 or 70 percent is Latino or by cracking it by taking a significant group of Latinos that make up 10 to 20 percent of a region and dividing them into numerous legislative districts.

Exactly how to follow the path to greater inclusion will become clearer in the next week or so when the final Census data is released. However, there are opportunities in many parts of the state to strengthen Latino representation and we need to move aggressively in that direction. We look forward to working with this Commission as it moves forward and as additional demographic data becomes available.

TESTIMONY BEFORE THE NEW JERSEY APPORTIONMENT COMMISSION
January 29, 2011

Members of the New Jersey Apportionment Commission:

Thank you for the opportunity to weigh in on a proceeding that touches on the fundamental, bedrock right of all New Jersey residents: the right to legislative representation.

The outcome of this debate over how to represent New Jersey's residents will impact all other political and policy debates of consequence for the next ten years. We are here today to make sure that our voices are heard and that when the new map is drawn all New Jerseyans will be fully represented.

Full representation requires you to adhere to the fundamental constitutional principle of one man, one vote. We are extremely concerned at calls by certain voices to draw a map that unfairly gives greater weight to areas of the state with higher vote turnouts. To award future representation on the basis of past participation not only flies in the face of basic fairness, it violates fundamental constitutional liberties.

Any map the committee produces should ensure all people – African-American, Latino, Asian-American, and whites – retain their fundamental right to equal representation. The new map should not allow significant disparities in population between districts. All people in this state have the same right to representation and an equal stake in our democracy. New Jersey needs a map that meets the constitutional standard of one person, one vote and that provides fair representation for New Jerseyans of all racial and ethnic backgrounds.

It's also vitally important for this redistricting process to take place out in the sunlight and far away from back rooms. New Jersey residents deserve a transparent process and the ability to make their voices heard. We thank you for the opportunity to speak at this public hearing, but

much more can be done to increase transparency and accessibility. The commission can take several steps to increase public participation and avoid barriers to access, like the late notice given for today's hearing.

The first step should be to issue a schedule of the remainder of the six public hearings on redistricting by no later than next Monday, January 31. Secondly, the commission should ensure that future meetings are evenly distributed throughout the state and allow all of New Jersey's communities the opportunity to participate. The commission should also make sure that the eleventh appointee be present for at least three of these hearings. These meetings should be more than just a formality. For that to happen, at least half of the meetings need to include the neutral commission member who will ultimately make the decision.

The commission should also promote public participation via the internet. At the same time the maps are submitted from either party to members of the commission, they should be posted on a central website with notification to anyone who wants to be on an update list, including all who have participated in prior hearings as well as members of the press. Written comments submitted in response should become part of the formal record.

I urge members of the commission to adopt these common sense measures to make sure that the process of reapportionment is a fair and transparent one, and to safeguard the basic constitutional rights of all New Jerseyans throughout your deliberations.

Thank you.



LATINO LEADERSHIP ALLIANCE OF NEW JERSEY

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LETTER FROM MARTIN PEREZ, ESQ., PRESIDENT OF THE LATINO LEADERSHIP ALLIANCE TO THE MEMBERS OF NEW JERSEY APPORTIONMENT COMMISSION JANUARY 29, 2011

Co Chairman Wisniewski, Co Chairman Webber and members of the Commission:

On behalf of the Latino Leadership Alliance of New Jersey, I would like to thank you for the opportunity to address the Commission regarding the upcoming redistricting of New Jersey's 40 Legislative Districts.

The Latino Leadership Alliance was founded in 1999 with a clear mandate from Latino leaders across the State of New Jersey, "To mobilize and empower Latino communities to obtain political, economic, and social equity and to unify organizations and individuals in advocating for the rights of Latinos."

As we look at the state of Latino political empowerment today, we must take note that Latinos are dramatically under represented in the New Jersey State Legislature. The redistricting plan adopted in 2001 has not resulted in fair representation for the Latino community. A simple review of the current legislature's makeup and history of electing Latinos shows that we have much work to do in order to approach fair representation in state government. Further, as we look at Latino representation throughout New Jersey's 566 municipalities and 21 counties, we note that Latinos are not fairly represented in many communities where they reside.

We recognize that the issue before this Commission is the redistricting of New Jersey's 40 legislative districts. However, the strategies and policies adopted by this Commission will have an impact as New Jersey moves forward in municipal, county and eventually congressional redistricting. Also, New Jersey is one of the first states in the union to begin the redistricting process, so the manner in which this Commission treats the Latino community will be closely watched by voting rights advocates across the nation.

We eagerly await the release in early February of the Census data which will serve as the statistical basis for this commission's efforts. We expect the Census data to confirm what we in the Latino Leadership Alliance already know, that the Latino community is one of the fastest growing and most economically vibrant communities in New Jersey. Further, Latino communities are growing in every part of New Jersey. We have a large presence in Hudson, Passaic and Essex Counties. We also have thriving communities in Morris, Bergen, Atlantic, Cumberland, Union, Middlesex and here in Camden.

We appreciate the opportunity to participate in these redistricting hearings and would like to encourage the Commission to hold more hearings throughout the state so that more Latino communities can participate. But we are concerned that with the short, 72 hour notice, of these hearings and the lack of a hearing schedule for the parts of New Jersey where the bulk of the Latino community resides, Latino's may be denied the opportunity to make their concerns known.

Further, the fast approaching legislative primaries and condensed nature of this redistricting process could result in an unfair map again being imposed on the Latino community.

For the record, I would like to take this opportunity to state the position of the Latino Leadership Alliance in regards to strategies that we would like to see the Commission adopt.

First, the Latino Leadership Alliance believes that in this round of redistricting, every effort should be made to keep Latino communities whole within legislative districts. The Commission should recognize where there are Latino communities of shared interest and geographic proximity to ensure that legislative lines allow us to vote for and elect candidates of our choosing. During the last round of redistricting in 2001, the strategy of unpacking Latino votes was used in the map that exists today. The current map has resulted in Latinos being under represented in the state legislature.

Second, we encourage the Commission to create more competitive districts where either Democratic or Republican candidates can win. We feel that competition will encourage both parties to engage the Latino community in the political process which will result in an overall increase in Latino voter participation.

There are several factors that lead us to advocate these two positions.

1. Approximately 48% of Latino voters are Independents. We are comprised of many nationalities throughout Latin America and come from many different cultures. We are not monolithic. The best way to increase our participation in the political process is to have both major parties engage us and compete for our votes.
2. Unpacking can fracture the voting strength of Latino communities where one party dominates in general elections. Given all the factors in running for office in New Jersey, political party leaders have dominant advantages in fund raising and ballot placement that can result in denying Latino communities the ability to elect candidates of their choice. In both Democratic areas like Hudson County and Republican areas in Morris, we feel it is important to keep Latino communities whole to have the ability to elect candidates of their choice.
3. We believe the strategies used by this Commission will set a precedent in this state as the redistricting process moves forward. If that precedent is to again employ the strategy of unpacking, this increases the risk of Latino vote dilution through every layer of government for which the commission will be drawing district lines.

The Voting Rights Act prohibits state and local governments from diluting the votes of minority groups through drawing district lines that divide minority communities and deprives them of the ability to elect candidates for office of their choice. The Latino Leadership Alliance also considers the impact of lines that are not subject to change that impact the ability of Latino communities to elect candidates of their choice. These are municipal and county lines. As I mentioned earlier, New Jersey state law endows political party leaders with overwhelming advantages in fund raising and ballot placement that allow them to choose which candidates appear on the ballot. In single party dominated districts this allows party leaders to pick who will get elected. Party leaders are based on county and municipal boundaries lines that are not subject to change. It is possible to fracture a Latino community's voting strength by drawing a legislative line through it and dividing it between two municipal or county party organizations. Therefore, a legislative line can fracture the Latino community's influence within party organizations.

In closing, I would like to point out that much has changed since the last round of redistricting in 2001. At that time, mapmaking software was a fairly new and those who mastered it had the strategic advantage in the redistricting process. Today, technology, mapmaking software and data is available and easy to use for voting rights advocates. The Latino Leadership Alliance with its member organizations, attorneys and allies is in a good position to ensure that the map that emerges from this redistricting process is fair to Latinos.

We are eager to communicate our concerns with the members of the Legislative Redistricting Commission and are now formally requesting a meeting with each chairman. We look forward to working with the Commission

to contribute in your effort to make sure that New Jersey achieve a fair and constitutional redistricting .

Thank you,

A handwritten signature in black ink, appearing to read 'MP', with a long, sweeping horizontal stroke extending to the right.

Martin Perez
President, Latino Leadership Alliance of New Jersey

Testimony of Micah Khan
Director of the Nehemiah Group
Before the
Apportionment Commission of New Jersey
January 29, 2011

Thank you, members of the Committee for holding this hearing here today. My name is Micah Khan Director of the Nehemiah Group which offers mentoring, housing, and employment services to formerly incarcerated individuals. I am also representing as a core member of the of the Integrated Justice Alliance, a solution-oriented collective of informed, cross-sector change agents who advocate for effective public policies before, during, and after incarceration in New Jersey.

I want to draw your attention to an often overlooked quirk in the Census data that counts prisoners as if they were residents of the prison rather than at their home addresses. When this data is used for redistricting purposes, it skews population distributions in New Jersey. Thanks to the state's smart policies and practices around parole, drug court, and the regional assessment centers, the New Jersey prison population dropped over the past decade. However, the problems associated with prison-based gerrymandering remain.

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

At the Alliance, we take the position that the central value we should consider in redistricting is the one of fairness. However, unless the state takes action to correct a flaw in the Census Bureau's data, New Jersey's effort to draw fair districts will fail.

The Census Bureau counts incarcerated people as residents of the prison location, even though they cannot vote and are often not a part of the community that surrounds the prison. 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.

The state is not powerless. Our neighbors of Maryland,¹ New York² and Delaware,³ have all passed legislation last year to adjust Census data for redistricting purposes. New Jersey should join them in

¹ HB496 and SB400, 2010 Leg., Reg. Sess. (Md. 2010).

² Part XX of A9710D/S6610C with technical amendment as A11597/S8415, 2010 Leg., Spec. Sess. (N.Y. 2010).

³ HB384, 145th Gen. Assem., Reg. Sess. (Del. 2010).

giving each resident equal access to government, where political power is based on the actual number of residents, not the presence of a prison in the district. New Jersey itself has already taken a step in this direction. New Jersey law requires school board districts to exclude the prison population when apportioning school boards that have 9 or more members.⁴ I brought with me, and attached to the written testimony submission a fact sheet about how states are authorized to adjust Census data when redistricting, and that many already do.⁵

I understand that New Jersey has one of the fastest timelines for redistricting in the nation and that limits the options. Ideally, New Jersey would have passed legislation like that in Maryland, Delaware and New York last year. I expect there is not time to work with the Department of Corrections, determine home addresses and adjust the Census Bureau's data to reflect people at their home addresses.

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

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

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

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

⁴ N.J.S.A. 18A:13-8; Board v. New Jersey 2004 N.J. Super. LEXIS 361.

⁵ 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"

Testimony of Gale Muhommad

Founder of Women Who Never Give Up

Before the

Apportionment Commission of New Jersey

January 29, 2011

Thank you, members of the Committee for holding this hearing here today. My name is Gale Muhommad Founder of Women Who Never Give Up. I am also representing as a member of the of the Integrated Justice Alliance, a solution-oriented collective of informed, cross-sector change agents who advocate for effective public policies before, during, and after incarceration in New Jersey.

I want to draw your attention to an often overlooked quirk in the Census data that counts prisoners as if they were residents of the prison rather than at their home addresses. When this data is used for redistricting purposes, it skews population distributions in New Jersey. Thanks to the state's smart policies and practices around parole, drug court, and the regional assessment centers, the New Jersey prison population dropped over the past decade. However, the problems associated with prison-based gerrymandering remain.

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

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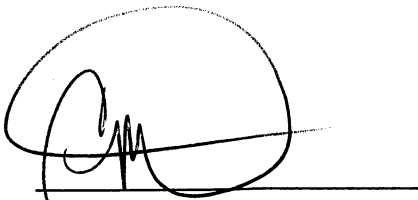
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⁵ The state is required by federal law to redistrict each decade, but it is not required to use federal Census data to do so. See *Mahan v. Howell*, 410 U.S. 315, 330-332 (1973) (rejecting Virginia's argument that it was compelled to use Census Bureau 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"