
Commission Meeting

of

APPORTIONMENT COMMISSION

"Organizational Meeting"

LOCATION: Committee Room 12
State House Annex
Trenton, New Jersey

DATE: January 18, 2011
10:00 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 Sarlo
Senator Kevin J. O'Toole
Assemblywoman Sheila Y. Oliver
Assemblyman Joseph Cryan
George Gilmore
Bill Palatucci



ALSO PRESENT:

Frank J. Parisi
Office of Legislative Services
Commission Secretary

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

ASSEMBLYMAN JAY WEBBER (Co-Chair): Thank you for joining us this morning.

We'll get started.

Welcome to the organizational meeting for the 2011 Apportionment Commission. Pursuant to the New Jersey State Constitution, every 10 years the Apportionment Commission is formed to draw the legislative district map for the 40 districts in the State of New Jersey. We have 10 Commissioners on the Commission, each duly appointed by the Chairman of the State party -- respective State parties from the Democratic State Committee and the Republican State Committee. And our task is a complex one -- one that we expect will take a couple of months, but one that will require a significant amount of public involvement. And I think all the Commissioners are looking forward to that involvement.

Just a couple parameters on our task that we are about to undertake -- they are found in the United States Constitution, the New Jersey State Constitution, and the Voting Rights Act -- the Federal Voting Rights Act. And so as we go forward, all the work that we have to do will be constrained by the applicable law that we operate under.

We know that the present map that we are operating under will change significantly, because the law that we are operating under has changed significantly. Developments in Federal constitutional law that will affect how the State Constitution is interpreted, developments in the Voting Rights Act -- decisions like *Bartlett v. Strickland*, that is -- that have occurred in the last 10 years will have a significant impact on the work that we're about to undertake. And so as we develop the new map, I suspect

you'll see some pretty significant changes to the 40 legislative districts as they are currently comprised. And that is why it is so important, and why the Commission is looking forward to taking public input. If there will be significant changes in this map, and we expect there will be, it is vital that we hear from the public what they think is important, what their communities of interest are, and how they view the map as it currently stands and how they would prefer to see the map going forward in the next decade.

I'm pleased to say that the Commission has agreed that there will be a Web site where the public can obtain information, listen to the hearings, suggest comments, and participate in the process electronically. But we also look forward to a substantial, lengthy process of public hearings where we'll hear from citizens of New Jersey directly and get their input on how they think the map should look over the next 10 years.

I want to turn it over to the Chairman of the Democratic delegation to the Apportionment Commission, John Wisniewski, for some opening comments as well.

ASSEMBLYMAN JOHN S. WISNIEWSKI (Co-Chair):

Thank you, Chairman Webber.

Good morning, everyone.

I'd like to recognize our Senate President, Senate President Sweeney, who has joined us this morning.

Ladies and gentlemen, members of the Commission, this once-in-a-decade exercise that we kick off today is a significant milestone for the people of the State of New Jersey because the map that will be created as a result of the deliberations that occur among these 10 members will create

political boundaries for the 40 legislative districts in the State of New Jersey and potentially affect who represents the people of the State of New Jersey.

It's important that we recognize that we are creating a map for all of the people of the State of New Jersey, regardless of party affiliation; that we're creating a map that tries to recognize the communities of interest and the localities that people have lived in and have become accustomed to voting for members in.

It is a complicated process, as Chairman Webber indicated, not only because of the very simple basis of one-man, one-vote that we must follow, but the complicated U.S. Supreme Court and New Jersey Court decisions that have interpreted that, and our constitutional requirements on how we must draw legislative maps.

We, too, look forward to an unprecedented level of public involvement in this process as we go forward. It is very important that we take public comment in an organized and structured fashion, with clear agendas and clear purpose as we move through the process.

We look forward to working together, to the degree possible, in a bipartisan fashion to achieve a fair map that abides by our Constitution and that will achieve a result that will stand the test of time over the next decade.

I'd like to, at this point, just recognize our Commissioners on the Democratic side. It will serve as, essentially, the roll call of attendance. And then Chairman Webber will do likewise on his side.

Speaker Sheila Oliver.

SPEAKER OLIVER: I am present.

ASSEMBLYMAN WISNIEWSKI: Majority Leader Joe Cryan.

ASSEMBLYMAN CRYAN: Here.

ASSEMBLYMAN WISNIEWSKI: Senator Paul Sarlo.

SENATOR SARLO: Present.

ASSEMBLYMAN WISNIEWSKI: Nilsa Cruz-Perez.

MS. CRUZ-PEREZ: Present.

ASSEMBLYMAN WISNIEWSKI: And myself, John Wisniewski, present.

Thank you.

ASSEMBLYMAN WEBBER: And as for the Republican delegation, I am Assemblyman Jay Webber.

We're joined by Senator Kevin O'Toole.

SENATOR O'TOOLE: Present.

ASSEMBLYMAN WEBBER: Bill Palatucci.

MR. PALATUCCI: Here.

ASSEMBLYMAN WEBBER: George Gilmore.

MR. GILMORE: Present.

ASSEMBLYMAN WEBBER: And Irene Asbury.

MS. KIM-ASBURY: Present.

ASSEMBLYMAN WEBBER: I also want to recognize the Senate Minority Leader Tom Kean.

Thank you for joining us, Senator.

ASSEMBLYMAN WISNIEWSKI: The first order of business on our agenda is the adoption of bylaws that will govern the proceedings of the New Jersey Apportionment Commission. These bylaws have been distributed to the members. For the edification of those in attendance, these bylaws are essentially identical to the bylaws that were adopted 10

years ago with some -- one or two minor word changes. And I would move the adoption of the bylaws.

ASSEMBLYMAN WEBBER: I second it.

ASSEMBLYMAN WISNIEWSKI: Any discussion? (no response)

Roll call.

Speaker Oliver.

SPEAKER OLIVER: Yes.

ASSEMBLYMAN WISNIEWSKI: Majority Leader Cryan.

ASSEMBLYMAN CRYAN: Yes.

ASSEMBLYMAN WISNIEWSKI: Senator Sarlo.

SENATOR SARLO: Yes.

ASSEMBLYMAN WISNIEWSKI: Nilsa Cruz-Perez.

MS. CRUZ-PEREZ: Yes.

ASSEMBLYMAN WISNIEWSKI: John Wisniewski, yes.

ASSEMBLYMAN WEBBER: Senator O'Toole.

SENATOR O'TOOLE: Yes.

ASSEMBLYMAN WEBBER: Bill Palatucci.

MR. PALATUCCI: Yes.

ASSEMBLYMAN WEBBER: George Gilmore.

MR. GILMORE: Yes.

ASSEMBLYMAN WEBBER: Irene Asbury.

MS. KIM-ASBURY: Yes.

ASSEMBLYMAN WEBBER: Jay Webber, yes.

The bylaws are adopted.

ASSEMBLYMAN WISNIEWSKI: The Chair -- each side -- each of the five-member delegations has a Chair and Vice Chair. The rolls of the Chair and Vice Chair are specified in the bylaws. On the Democratic side, I will be serving as the Chair and former Assemblywoman Nilsa Cruz-Perez will be serving as our Vice Chair.

ASSEMBLYMAN WEBBER: For the Republican delegation, I will be serving as Chair, and Irene Asbury will be serving as the Vice Chair.

At this time, the bylaws call for us to appoint a Secretary to the Commission to handle some of the logistical assistance and other support that the Commission might need throughout the process. I would make a nomination of Frank Parisi of OLS to be the Secretary of the Commission.

ASSEMBLYMAN WISNIEWSKI: I will second that nomination.

ASSEMBLYMAN WISNIEWSKI: I will call the roll.

Senator O'Toole.

SENATOR O'TOOLE: Yes.

ASSEMBLYMAN WEBBER: Bill Palatucci.

MR. PALATUCCI: Yes.

ASSEMBLYMAN WEBBER: George Gilmore.

MR. GILMORE: Yes.

ASSEMBLYMAN WEBBER: Irene Asbury.

MS. KIM-ASBURY: Yes.

ASSEMBLYMAN WEBBER: Jay Webber, yes.

ASSEMBLYMAN WISNIEWSKI: Speaker Sheila Oliver.

SPEAKER OLIVER: Yes.

ASSEMBLYMAN WISNIEWSKI: Majority Leader Joe Cryan.

ASSEMBLYMAN CRYAN: Yes.

ASSEMBLYMAN WISNIEWSKI: Senator Paul Sarlo.

SENATOR SARLO: Yes.

ASSEMBLYMAN WISNIEWSKI: Nilsa Cruz-Perez.

MS. CRUZ-PEREZ: Yes.

ASSEMBLYMAN WISNIEWSKI: John Wisniewski, yes.

The Secretary is adopted.

ASSEMBLYMAN WEBBER: One item is remaining on the agenda, and that is the issue of public hearings. This is something that I know the full Commission is concerned with. Certainly, the Republican members of the Commission have been eager to take input from the public from the day that we were appointed and certified by the Secretary of State.

Our Commissioners believe that it is essential to have--

Actually, I'm sorry. Did any other member of the Commission want to make any comments before we get on to the last--

Do you have any members, Chairman?

ASSEMBLYMAN WISNIEWSKI: No.

ASSEMBLYMAN WEBBER: Do we have any members on our side who want to make a comment or any public statement?

MS. KIM-ASBURY: I would, Chairman.

ASSEMBLYMAN WEBBER: Hit your microphone. (referring to PA microphone)

MS. KIM-ASBURY: Good morning, Chairman, for giving everyone some guidance.

Thank you, both Chairmen, for giving everyone some guidance and something to think about as we head into this process.

We are all here to talk about the geographic migration and the changes in the population of New Jersey over the last 10 years. However, I think we also need to keep in mind that these demographic shifts have not just been geographic. They have not just been to the south and the west of the state. There have also been significant changes in the minority communities. While the racial and ethnic diversity of the state continues to grow by about 5.5 percent, different minority groups have experienced very dissimilar growth over the last 10 years. For example, the Hispanic and Asian-American populations have grown over the last decade. But the African-American and the non-minority populations have slightly decreased.

All these demographic changes mean, first, that minorities are really a very significant presence in New Jersey, perhaps now more than ever, and they must be given the opportunity to represent themselves at public hearings. Second, the old map based on the last Census no longer applies, and changes must be made to reflect the changes that have been made in the state.

In speaking as someone who lives in one of the most ethnically diverse areas in the country, I, myself, am really looking forward to the open process and hearing from the public. I encourage people to bring their personal views from their communities to the attention of this Commission at public hearings so that we can keep it in mind as we draw this map.

Back in Hudson County, I'm very committed to improving minority community access to government services, and this Commission is no exception. Given these new challenges, I feel we must redistrict in a manner compliant with State and Federal laws, and in a fair, equitable, and

constitutional manner. All New Jersey residents deserve a right to be treated fairly, equitably, and constitutionally.

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

ASSEMBLYMAN WEBBER: Thank you.

Any other--

ASSEMBLYMAN WISNIEWSKI: No, Mr. Chairman, thank you.

ASSEMBLYMAN WEBBER: I'm sorry I jumped the gun on the hearing, and Irene makes the point that the Republican members of the Commission have been eager to take input from the public. Given the legal changes that we've seen over the last 10 years, given the demographic changes that Ms. Asbury has highlighted, we need to hear from the citizens of New Jersey. And given the compressed process that we're going to undertake -- the filing deadline for candidates for the 2011 elections is in early April -- we need to complete our work quickly. We need to be prudent about it, but we need to get going.

The Commission has been named for almost two months now, and we haven't met to have public input. We're eager to get that started. We called for hearings on the day that we were appointed and certified by the Secretary of State. We renewed that call early this month, asking for a series of four hearings in January on the 12th, 13th, 18th, and even the 20th. My understanding is that none of those dates have been acceptable to our Democratic colleagues but that we do have agreement on a date of January 29 as the first date for public hearings. Other dates available

should follow soon thereafter in early February. And I know I speak for our delegation when I say that these hearings can't come soon enough, that we're eager to take that input, and we look forward to finalizing the details on our hearing or hearings on Saturday, January 29 to begin the process of listening to the public in earnest.

ASSEMBLYMAN WISNIEWSKI: Just so that I'm clear, Chairman Webber, you're suggesting that we meet on the 29th, which we're in agreement on, and on that date decide on the remainder of the hearings?

ASSEMBLYMAN WEBBER: Hopefully we can decide earlier and make a public announcement of a schedule -- a vigorous schedule in early February. I know we've exchanged some dates. We were hoping to meet, frankly, before the 29th. But as we discussed before the Commission -- I don't know that your Commissioners are available on the 20th or the 25th. And so the 29th looks like the first day we can do it, and we're happy to do that and get going on the 29th. And then we can schedule our subsequent hearings in early February between now and the 29th, hopefully.

MR. PALATUCCI: Chairman, Chairman, can I ask a question, if I could? A piece of information I don't know is: Is there any requirement in terms of every Commissioner being at every hearing? Can it be four and four, or three and five -- other than the quorum, obviously you need to have a quorum. But in terms of-- Does every Commissioner need to be at every hearing?

ASSEMBLYMAN WISNIEWSKI: It would be-- From my viewpoint-- Since the requirement of the appointment of the Commissioners on both sides is to represent the geographic diversity of the

state-- And while you may hail from Essex County, what happens in Cape May County is equally important, as a Commissioner.

I think the best possible use of the Commission's time is to have as many, if not all, of the Commissioners. Obviously, scheduling is not always a perfect thing. But I would argue that to have as many of the 10 members, if not all, would serve the purpose of having more public input rather than less.

ASSEMBLYMAN WEBBER: I tend to agree that we want as many Commissioners as we can. But, certainly, I don't -- I hope we're not bogged down by one or two members not being able to attend. Certainly, there will be no votes taken at these meetings where we'll take public testimony, and so there is no concern about having an imbalance between the parties on the dais. Ten very busy people have been appointed to the Commission. And so if we're held hostage to everyone's calendars at all times, I think that would slow the process down. But I'm glad to hear that we have at least one date and others on the table. And let's push the process forward, I think, as quickly as possible and listen to the people and what they believe the map should look like.

ASSEMBLYMAN WISNIEWSKI: All right. Then I would move that our first hearing be on January 29th, which is a Saturday. The exact time and location will be worked mutually by respective counsel on both sides.

ASSEMBLYMAN WEBBER: That's right. And the possibility of having two hearings on that day is something that we discussed. Is that still--

ASSEMBLYMAN WISNIEWSKI: That's certainly something, I think--

ASSEMBLYMAN WEBBER: Okay. So let's leave that open. I think--

ASSEMBLYMAN WISNIEWSKI: Most members have said that they're available for the entire day. And one of the things that Chairman Webber and I have talked about is potentially, on a Saturday, having two hearings, one in County X and another in County Y so that we can have maximum public input.

I think one of the things that we have to look at as we move down the road is, at some point, I think, it is inevitable that there will be an 11th member appointed and that we need to make sure that that 11th member has an opportunity to participate in the public hearing process as well.

ASSEMBLYMAN WEBBER: I would agree with that. And for the public's information, we will record each of our sessions -- both the hearings and the Commission meetings. They will also be transcribed. And so whatever occurs between now and the appointment of the 11th member, the 11th member will certainly have access to-- But we do look forward to the participation of an 11th member if that's even necessary -- if we can't come to an agreement on a map prior to declaring some sort of impasse.

So you've made a motion to make January 29th the date of the first public hearing. I will second that motion with the understanding that there is a possibility for more than one hearing on that day.

ASSEMBLYMAN WISNIEWSKI: Correct.

ASSEMBLYMAN WEBBER: So would you call the roll for your members?

ASSEMBLYMAN WISNIEWSKI: Speaker Oliver.

SPEAKER OLIVER: Yes.

ASSEMBLYMAN WISNIEWSKI: Majority Leader Cryan.

ASSEMBLYMAN CRYAN: Yes.

ASSEMBLYMAN WISNIEWSKI: Senator Paul Sarlo.

SENATOR SARLO: Yes.

ASSEMBLYMAN WISNIEWSKI: Nilsa Cruz-Perez.

MS. CRUZ-PEREZ: Yes.

ASSEMBLYMAN WISNIEWSKI: John Wisniewski, yes.

ASSEMBLYMAN WEBBER: Senator O'Toole.

SENATOR O'TOOLE: Yes.

ASSEMBLYMAN WEBBER: Bill Palatucci.

MR. PALATUCCI: Yes.

ASSEMBLYMAN WEBBER: George Gilmore.

MR. GILMORE: Yes.

ASSEMBLYMAN WEBBER: Irene Asbury.

MS. KIM-ASBURY: Yes.

ASSEMBLYMAN WEBBER: And I vote yes.

Other than that, I don't think we have further business.

ASSEMBLYMAN WISNIEWSKI: So seeing no further business--

ASSEMBLYMAN WEBBER: Make a motion to adjourn.

ASSEMBLYMAN WISNIEWSKI: Second.

ASSEMBLYMAN WEBBER: I'll second it.

ASSEMBLYMAN WISNIEWSKI: All those in favor?
(affirmative responses)

Opposed? (no response)

ASSEMBLYMAN WEBBER: We're adjourned.

(MEETING CONCLUDED)