

## **Meeting with Dominic Magnolo, Chair, Mercer County Board of Elections**

On 8 April 2011 members of the Municipal Consolidation Subcommittee met with Dominic Magnolo, a member of the Mercer County Board of Elections. The purpose of the meeting was to get a deeper understanding of when and how ward boundaries would be drawn in the event the Commission reconsidered the form of governance and decided to have wards as defined under the Faulkner Act. As a member of the Mercer County Board of Elections, Mr Magnolo has served on the Ward Commission that is established by the Board of Elections to draw (or redraw) ward boundaries for municipalities in Mercer County that use the ward form of government. Mr Magnolo explained the operation of the Ward Commission as follows:

1. Trenton is the only municipality in Mercer County that currently uses a ward form of government.
2. The Ward Commission consist of four members drawn from the Mercer County Board of Elections, two Democrats and two Republicans.
3. The Municipal Clerk serves on the Ward Commission and votes only if necessary to break a tie. Note the discussion below about which Municipal Clerk, as the ward boundaries are established after the referendum is approved by the voters, but before the actual consolidation; ie, during the transition period following the referendum.
4. The referendum must specify the form of government. If a ward form of government is recommended it must specify the number of wards and the composition of the council; that is, how many council members elected from wards and how many elected at large.
5. The Ward Commission is charged with using the latest census data to assure that there is no more than a 10% difference in population between the largest and the smallest wards. The Commission is only concerned with population. Not with the number of registered voters or the number of voters in any recent election. And the wards must be compact and contiguous
6. The municipality is responsible for funding the Ward Commission. Mr Magnolo said that this might amount to about \$10,000.
7. Ward boundaries cannot split election districts.
8. He suggested that the SSCC should ask a land use attorney to look at case law on the matter of how wards are drawn.

9. Mr Magnalo will get a reading from the NJ State Attorney General's office on the question of which Municipal Clerk acts as the tie breaker for the Ward Commission as there will be two Municipal Clerks (one for the Borough and another for the Township) if consolidation is approved and until consolidation is consummated.
10. The Ward Commission must come up with a ward map within 30 days after its initial hearing. The public will be given an opportunity to comment and/or suggest ward boundaries to the Commission.
11. The SSCC can suggest ward boundaries to the Ward Commission. This would probably involve the SSCC hiring a surveyor and/or a consulting engineer who has the software that can facilitate the construction of ward boundaries on the basis of population and has the map generating software that can facilitate various tradeoffs in setting the boundaries. The SSCC will have the same standing before the Ward Commission as any member of the public. The final decision on ward boundaries will be made by the Ward Commission.

The meeting generated additional questions concerning the two forms of government employing wards that are available under the Faulkner Act. The questions were beyond the scope of the operation of the Ward Commission and will be referred to John Fry for comment.

Submitted by: *Bernie Miller*