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NJ Justices Ponder 'Compactness' In Voter Map Dispute

By **Carla Baranauckas**

Law360 (January 6, 2025, 7:40 PM EST) -- The criteria for "compactness" was the focus of nearly four hours of argument Monday before the New Jersey Supreme Court regarding the question of whether new ward maps in the state's second-largest city were configured in violation of voters' civil rights.

Jersey City United Against the New Ward Map, a collection of community groups, and resident James Calderon argued that the Ward Commission, which redrew the maps of the city's six wards after the 2020 Census, did not adequately consider compactness, creating oddly shaped wards that break up "communities of interest." The state Supreme Court **granted certification** for this case in September.

"Now, compactness is a standard redistricting requirement," said Renée Steinhagen of New Jersey Appleseed Public Interest Law Center, counsel for Jersey City United. "It's universally regarded as an anti-gerrymandering standard and a tool to guarantee that communities of interest are properly represented. It's thus an essential fact to be considered, especially in the context of municipalities where neighborhoods and development patterns define very diverse communities of interest."

The commission split historic neighborhoods, ignored natural boundaries and relied on expiring election districts instead of census tracts, Steinhagen said. One of the new wards resembles a Massachusetts district whose irregular shape in 1812 inspired the term gerrymandering.

Steinhagen also pointed out that statistical calculations showed that two of the new wards were less compact geographically than the previous wards.

She called for a remand to the Ward Commission for redrawing of the maps under the supervision of a special master.

Arguing for the Ward Commission, Jason Orlando of Murphy Orlando LLC said the state constitution calls for Assembly legislative districts to be contiguous and compact with limited population deviation.

"Those are the same three criteria that the Legislature adopted 15 years later in the Municipal Ward Law," Orlando said.

He argued that the new wards as drawn are compact, even if the statistical analysis shows some change in compactness from the previous map.

"I think that this court should affirm the map, should affirm the trial court's dismissal of the

complaints with prejudice, and that the map should be allowed to proceed," Orlando said.

Questions from the justices largely centered on the definition of compactness and how to determine what a community of interest is.

"Can you focus with us on the specific language of the statute, which has three requirements, as you know, compactness, contiguity and nearly equal population?" Chief Justice Stuart Rabner asked Steinhagen. "Tell us how and where the statute calls for consideration of communities of interest."

She replied: "I think the statute itself, because it does not define the term compactness, does not call for the considerations of communities of interest. Rather, the statute embodies the traditional, established principles of continuity, contiguousness and compactness, which is also in our constitution. And as you know, in our constitution, communities of interest are a traditional concept of redistricting."

On March 7, 2022, Calderon filed suit, contending that the Ward Commission had met in private and that Wards A and F were not compact and broke up the Lafayette neighborhood.

On March 21, 2022, the community groups that make up Jersey City United filed a complaint saying the new wards violated principles of fair representation, carved up long-standing neighborhoods and ignored geographic dividers.

Both suits sought court orders requiring the commission to redraw the wards more compactly without unnecessarily breaking up neighborhoods or communities of interest, according to court documents.

The Ward Commission responded by asking the Superior Court for Hudson County to dismiss the suits for failure to state valid claims. After oral argument Aug. 25, 2022, the trial court dismissed both suits with prejudice.

The plaintiffs appealed to the Appellate Division, saying the new ward maps violated the Municipal Ward Law, the New Jersey Civil Rights Act and their rights of free speech, free association and equal protection under the state constitution. The plaintiffs also said the commission had violated the state Open Public Meetings Act.

In March, the three-judge appellate panel upheld the dismissals of the constitutional, civil rights and open meetings complaints. But it overturned the dismissal of the Municipal Ward Law claim, saying limited fact-finding was necessary.

The Municipal Ward Law requires the Ward Commission to divide the city into "compact and contiguous" wards, the appellate court said. The results of the 2020 Census showed that the largest ward, Ward E, was 59% more populous than the smallest ward, neighboring Ward D. So the commission had to redraw the ward boundaries.

Jersey City United Against the New Ward Map, Downtown Coalition of Neighborhood Associations, Greenville Neighborhood Alliance, Friends of Berry Lane Park, Riverview Neighborhood Association, Pershing Field Neighborhood Association, Sgt. Anthony Neighborhood Association, Gardner Avenue Block Association, Lincoln Park Neighborhood Watch, Morris Canal Redevelopment CDC, Harmon Street Block Association, Crescent Avenue Block Association, Democratic Political Alliance and Councilman Frank E. Gilmore are represented by Renée W. Steinhagen of New Jersey Appleseed Public Interest Law Center Inc., William C. Matsikoudis of Matsikoudis & Fanciullo LLC and Yael Bromberg of Bromberg Law LLC.

James Calderon is representing himself.

The Jersey City Ward Commission, Commission Chair John Minella, Commission Secretary Sean J. Gallagher and Commissioners Daniel E. Beckelman, Paul Castelli, Janet Larwa and Daniel Miqueli are represented by Jason F. Orlando and Tyler Newman of Murphy Orlando LLC.

The case is Jersey City United Against the New Ward Map et al. v. Jersey City Ward Commission et al., case number A-10/11-24, in the Supreme Court of New Jersey.

--Editing by Rich Mills.

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