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N.J. political power is based on population. How should prisoners be counted in the census?

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Ahead of this year's census, New Jersey lawmakers have voted to change how power is distributed in the state.

The bill (S758) would count prisoners as residents of their last known address when it came to drawing legislative districts. Currently, people behind bars are counted as residents of wherever they're incarcerated.

The state Assembly passed it Monday, 54-22, after the state Senate approved the bill in February, 24-10.

The proposal is now before Gov. Phil Murphy, who has until Jan. 21 to sign or veto it.

Proponents of the change have called the current system "prison gerrymandering," arguing that counting inmates as members of districts they won't live in after they are released improperly diverts power to whoever builds the most prisons.

While more inmates come from Essex than any other county, according to the corrections department, most of the department's main facilities are south of Princeton.

State Sen. Nilsa Cruz-Perez, D-Camden, a sponsor of the bill, said her city is a good example. There were more than 1,600 Camden residents in state prisons in 2018, she said in a statement last year, but they were all counted as citizens of other counties.

"This process unfairly skews the districts," Cruz-Perez said.

New Jersey is divided into 40 legislative districts, and each sends two representatives to the state Assembly and one to the state Senate.

Each district should hold roughly the same number of residents, according to the state constitution, which works out to more than 200,000 people. (The U.S. Census reports more than 8.9 million total residents.)

Changing how inmates are counted would likely not have a dramatic effect on that map, since there were fewer than 20,000 people imprisoned in New Jersey last year, according to the corrections department.

“Although the law may not have an immediate impact on any particular legislative seats, over time it will restore political power to communities from which it had been artificially drained,” Alexander Shalom, an ACLU New Jersey lawyer, wrote in an email.

“It might have an effect at the margins of some districts,” said John Farmer, a former New Jersey attorney general and director of the Eagleton Institute of Politics at Rutgers University.

Many citizens were moving to southern parts of the state anyway, he said, which would likely offset any gains by northern districts. Farmer added that he didn’t believe the legislation was driven by Democratic lawmakers targeting more conservative areas.

The state will redraw its legislative map in 2021, after the 2020 Census.

If an inmate’s address wasn’t known, they would not be counted as part of any legislative district, according to the bill.

Many Republican lawmakers opposed the change.

The legislation is part of a broader push by Democrats to restore political power to people with criminal records, while simultaneously making voting easier for everyone.

Murphy recently signed a bill allowing people on probation and parole to vote, and some lawmakers want prisoners to be able to cast ballots too.

Another bill (S589) would allow anyone to register to vote online. Currently, residents must use paper forms. The proposal passed the state Senate on Monday, 27-7, and the state Assembly, 61-14, with two abstaining. It’s now before the governor.