

# STATE OF NEW YORK

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229

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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Introduced by M. of A. PAULIN -- read once and referred to the Committee on Local Governments

AN ACT to amend the municipal home rule law, in relation to the division of a county into districts for the apportionment of members of its local legislative body

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 34 of the municipal home rule law  
2 is renumbered subdivision 5 and a new subdivision 4 is added to read as  
3 follows:

4 4. Any plan of apportionment adopted pursuant to a county charter or  
5 charter law relating to the division of any county, except a county  
6 wholly contained within a city, into districts for the purpose of the  
7 apportionment or reapportionment of members of its local legislative  
8 body shall be subject to federal and state constitutional requirements  
9 and shall comply with the following standards, which shall have priority  
10 in the order set forth in this subdivision, to the extent applicable:

11 a. Districts shall be as nearly equal in population as is practicable;  
12 the difference in population between most and least populous district  
13 shall not exceed four percent of the mean population of all districts;  
14 and

15 b. Districts shall not be drawn with the intent or result of denying  
16 or abridging the equal opportunity of racial or language minority to  
17 participate in the political process or to diminish their ability to  
18 elect representatives of their choice; and

19 c. No villages or cities or towns except those having more than one  
20 hundred ten percent of a full ratio for each district, shall be divided;  
21 and

22 d. Districts shall be compact and consist of contiguous territory; and

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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e. To the extent possible, a district shall unite communities defined by actual shared interests, taking account of geographic, social, economic, and other factors that indicate commonality of interest; and

f. No county legislative redistricting plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent, nor, to the extent possible, place the residences of two or more incumbent legislators in the same district; and

g. Districts shall be formed so as to promote the orderly and efficient administration of elections.

§ 2. Clause (a.) of subparagraph 13 of paragraph a of subdivision 1 of section 10 of the municipal home rule law, as added by chapter 834 of the laws of 1969 and subclause (i.) as amended by section 3 of part XX of chapter 57 of the laws of 2010, is amended to read as follows:

(a.) A plan of apportionment adopted under this subparagraph shall comply with the following standards, which shall have priority in the order herein set forth, to the extent applicable:

~~(i.) [The plan shall provide substantially equal weight for the population of that local government in the allocation of representation in the local legislative body.~~

~~(ii.) In such plan adopted by a county, no town except a town having more than one hundred and ten per cent of a full ratio for each representative, shall be divided in the formation of representation areas. Adjacent representation areas in the same town or city shall not contain a greater excess in population than five per cent of a full ratio for each representative.~~

~~(iii.) The plan shall provide substantially fair and effective representation for the people of the local government as organized in political parties.~~

~~(iv.) Representation areas shall be of convenient and contiguous territory in as compact form as practicable.]~~ Districts shall be as nearly equal in population as is practicable; the difference in population between the most and least populous district shall not exceed four percent of the mean population of all districts; and

(ii.) Districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minority voters to participate in the political process or to diminish their ability to elect representatives of their choice; and

(iii.) No villages or cities or towns except those having more than one hundred ten percent of a full ratio for each district, shall be divided; and

(iv.) Districts shall be compact and consist of contiguous territory; and

(v.) To the extent possible, a district shall unite communities defined by actual shared interests, taking account of geographic, social, economic, and other factors that indicate commonality of interest; and

(vi.) No county legislative redistricting plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent, nor, to the extent possible, place the residences of two or more incumbent legislators in the same district; and

(vii.) Districts shall be formed so as to promote the orderly and efficient administration of elections.

§ 3. This act shall take effect immediately.