

STATE OF NEW YORK

229

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

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

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

8 g. Districts shall be formed so as to promote the orderly and effi-
9 cient administration of elections.

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

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

17 ~~(i.) [The plan shall provide substantially equal weight for the popu-~~
18 ~~lation of that local government in the allocation of representation in~~
19 ~~the local legislative body.~~

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

26 ~~(iii.) The plan shall provide substantially fair and effective repre-~~
27 ~~sentation for the people of the local government as organized in poli-~~
28 ~~tical parties.~~

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

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

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

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

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

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

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

53 § 3. This act shall take effect immediately.