

# STATE OF NEW YORK

5160

2021-2022 Regular Sessions

## IN SENATE

February 25, 2021

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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

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

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

20 c. To the extent possible, no villages or cities or towns except those  
21 having more than one hundred ten percent of a full ratio for each  
22 district, shall be divided; and

23 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. Districts shall be drawn not to discourage competition for election  
5 of representatives that reflect a district's political will. The cores  
6 of existing districts and pre-existing political subdivisions including  
7 counties, cities, and towns, and of communities of interest shall also  
8 be considered; and

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

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

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

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

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

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

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

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

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

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

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

48 (vi.) Districts shall be drawn not to discourage competition for  
49 election of representatives that reflect a district's political will.  
50 The cores of existing districts and pre-existing political subdivisions  
51 including counties, cities, and towns, and of communities of interest  
52 shall also be considered; and

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

55 § 3. This act shall take effect immediately.