

# STATE OF NEW YORK

5160--A

2021-2022 Regular Sessions

## IN SENATE

February 25, 2021

Introduced by Sens. SKOUFIS, GAUGHRAN, KAMINSKY, KAPLAN, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

12 a. If such plan of districting or redistricting includes only single-  
13 member districts, such districts shall be as nearly equal in population  
14 as is practicable; the difference in population between the most and  
15 least populous district shall not exceed five percent of the mean popu-  
16 lation of all districts. If such plan of districting or redistricting  
17 includes multi-member districts, the plan shall provide substantially  
18 equal weight for the population of that county in the allocation of  
19 representation in the legislative body of that county; and

20 b. Districts shall not be drawn with the intent or result of denying  
21 or abridging the equal opportunity of racial or language minority groups

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

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1 to participate in the political process or to diminish their ability to  
2 elect representatives of their choice; and

3 c. Districts shall consist of contiguous territory; and

4 d. Districts shall be as compact in form as practicable; and

5 e. To the extent practicable, districts shall unite communities  
6 defined by actual shared interests, taking account of geographic,  
7 social, economic, and other factors that indicate commonality of inter-  
8 est; and

9 f. Districts shall not be drawn to discourage competition or for the  
10 purpose of favoring or disfavoring incumbents or other particular candi-  
11 dates or political parties. The maintenance of cores of existing  
12 districts, of pre-existing political subdivisions including cities,  
13 villages, and towns, and of communities of interest shall also be  
14 considered. To the extent practicable, no villages, cities or towns  
15 except those having more than forty percent of a full ratio for each  
16 district shall be divided; and

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

19 § 2. The opening paragraph and clauses (a.) and (b.) of subparagraph  
20 13 of paragraph a of subdivision 1 of section 10 of the municipal home  
21 rule law, the opening paragraph and subclause (i.) of clause (a.) as  
22 amended by section 3 of part XX of chapter 57 of the laws of 2010,  
23 clauses (a.) and (b.) as added by chapter 834 of the laws of 1969, are  
24 amended to read as follows:

25 The apportionment of its legislative body and, only in connection with  
26 such action taken pursuant to this subparagraph, the composition and  
27 membership of such body, the terms of office of members thereof, the  
28 units of local government or other areas from which representatives are  
29 to be chosen and the voting powers of individual members of such legis-  
30 lative body. Except for the equal apportionment requirements in  
31 subclause (i.) of clause (a.) and clause (c.) of this subparagraph,  
32 which shall apply generally to any local government, the power granted  
33 by this subparagraph shall be in addition to and not in substitution for  
34 any other power and the provisions of this subparagraph shall apply only  
35 to local governments which adopt a plan of [~~apportionment~~] districting  
36 or redistricting thereunder.

37 (a.) A plan of [~~apportionment~~] districting or redistricting adopted  
38 under this subparagraph shall comply with the following standards, which  
39 shall have priority in the order herein set forth, to the extent appli-  
40 cable:

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

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

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

53 (iv.) [~~Representation areas shall be of convenient and contiguous~~  
54 ~~territory in as compact form as practicable.~~] If such plan of district-  
55 ing or redistricting includes only single-member districts, such  
56 districts shall be as nearly equal in population as is practicable; the

1 difference in population between the most and least populous district  
2 shall not exceed five percent of the mean population of all districts.  
3 If such plan of districting or redistricting includes multi-member  
4 districts, the plan shall provide substantially equal weight for the  
5 population of that local government in the allocation of representation  
6 in the local legislative body; and

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

11 (iii.) Districts shall consist of contiguous territory; and

12 (iv.) Districts shall be as compact in form as practicable; and

13 (v.) To the extent practicable, districts shall unite communities  
14 defined by actual shared interests, taking account of geographic,  
15 social, economic, and other factors that indicate commonality of inter-  
16 est; and

17 (vi.) Districts shall not be drawn to discourage competition or for  
18 the purpose of favoring or disfavoring incumbents or other particular  
19 candidates or political parties. The maintenance of cores of existing  
20 districts, of pre-existing political subdivisions including cities,  
21 villages, and towns, and of communities of interest shall also be  
22 considered. To the extent practicable, no villages or cities or towns  
23 except those having more than forty percent of a full ratio for each  
24 district shall be divided; and

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

27 (b.) A plan of [~~apportionment~~] districting or redistricting adopted by  
28 a county under this subparagraph may provide that mayors of cities or  
29 villages, supervisors of towns or members of the legislative bodies of  
30 cities, towns, or villages, who reside in the county shall be eligible  
31 to be elected as members of the county legislative body.

32 § 3. This act shall take effect immediately.