STATE OF NEW YORK

5160--B

2021-2022 Regular Sessions

IN SENATE

February 25, 2021

Introduced by Sens. SKOUFIS, GAUGHRAN, BROOKS, 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 -- 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:

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

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

a. If such plan of districting or redistricting includes only single-member districts, such 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 five percent of the mean population of all districts. If such plan of districting or redistricting includes multi-member districts, the plan shall provide substantially equal weight for the population of that county in the allocation of representation in the legislative body of that county; and

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

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

c. Districts shall consist of contiguous territory; and

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

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

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

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

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

(a.) A plan of [~~apportionment~~] districting or redistricting 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.~~] If such plan of districting or redistricting includes only single-member districts, such 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 five percent of the mean population of all districts.

If such plan of districting or redistricting includes multi-member districts, the plan shall provide substantially equal weight for the population of that local government in the allocation of representation in the local legislative body; and

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

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

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

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

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

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

§ 3. This act shall take effect immediately.