



Yates County Ad Hoc Reapportionment/Redistricting Committee Supplemental Report

MARCH, 2022 SUPPLEMENT TO FEBRUARY, 2022 REPORT

Committee Members

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Background

A report was distributed to the Yates County Legislature in February. During that month's Government Operation Committee and full Legislature meeting, several participants raised questions and comments on the Ad Hoc Committee's recommendations. This Supplement will address the following:

1. The legislature was initially seated in 1972 with a judicially imposed plan that was ultimately adopted by voters. What did it look like?
2. How many roll call votes have there been from 2016 – 2021?
3. What is the timeline for adopting a local law?
4. What is the effect of adding an additional legislator in District II? Would that achieve parity?

Representation in 1972

The Yates County legislature replaced the Board of Supervisors in 1972. Population, and, therefore, representation would have been based on the 1970 census.

Had the county not chosen the legislature model at the time and opted to remain a Board of Supervisors with weighted voting, it would have appeared something like Table S-1.

Town	Population	% of County	Example Weighted Votes
Barrington	929	4.68	5
Benton	2,159	10.89	11
Italy	532	2.68	3
Jerusalem	3,581	18.06	18
Middlesex	925	4.66	5
Milo	6,654	33.55	34
Potter	1,082	5.46	5
Starkey	2,783	14.03	14
Torrey	1,186	5.98	6
Total County	19,831	100.00	100

Table S-1 – Board of Supervisors – 1970 Census – 9 Supervisors with Weighted Voting

With a total of 100 votes (based on individual percentages of population), a majority would have consisted of 51 weighted votes. It is evident from the above table that supervisors from Jerusalem (18) and Milo (34), totaling 52 votes, could have made all decisions for the County because of the population distribution. Clearly, a different form of representation was needed.

At the inception of the Yates County Legislature, there were five (5) legislative districts as depicted in Table S-2 on the following page.

District	Composition (Towns)	Population	Legislators	Per Legislator	% of Mean	Δ % from Mean
I	Italy & Middlesex	1,457	1	1,457	95.5	-4.5
II	Benton, Potter & Torrey	4,427	3	1,476	96.7	-3.3
III	Jerusalem	3,581	2	1,791	117.4	17.4
IV	Milo Voting Districts 1-6	5,875	4	1,469	96.3	-3.7
V	Barrington, Starkey and Milo Voting District 7	3,712	3	1,237	81.1	-18.9

Table S-2 – Representation per Legislator – 1970 Census – 13 Legislators

The population of Districts IV and V is estimated, as data is not readily available relative to populations of voting districts at that time. As can be seen, the difference in representation was at least 21.9% (-4.5 → +17.4%) and may have been greater than 30%. It is likely that the differences were recognized, and modifications were made that became effective in 1984.

Roll Call Votes

A summary of roll call votes for the period 2016 – 2021 is shown in Table S-3.

Year	Roll Call Votes	Quantity with 7 Votes on One Side	Quantity That Would Have Changed	Comment
2016	51	4	1	To table 250-16 failed. Resolution failed to pass later in the meeting.
2017	38	1	0	--
2018	52	3	1	Change to 174-18 to eliminate “Volunteers” from Parking Policy failed. Policy resolution failed later in the meeting.
2019	40	3	2	162-19 to set Historian’s fees failed. Change Contracts Policy in 180-19 from 3 to 2 legislators and add email failed.
2020	19	0	0	--
2021	36	3	0	--
Totals	236	14	4	--

Table S-3 – Roll Call Votes, 2016 – 2021

With the realization that scenarios exist where seven (7) legislators could decide a question based on the Ad Hoc Committee’s recommended weighted voting approach, the above roll call votes were further examined to determine if the decisions would have changed with a weighted voting system. The vast majority of roll call votes were not close; eight (8) or more votes determined the outcome of the question. The 14 total votes of seven (7) legislators represent 5.9% of all roll

call votes. Of those 14 roll call votes, the outcome of only four (4) of those votes, or 1.7%, would have changed. Further examination reveals that two (2) of those votes were changes to proposed policies that ultimately failed to pass later. Stated another way, 99.2 % of roll call votes would not have changed the ultimate outcome based on weighted voting as proposed by the Ad Hoc Committee. The two (2) changed votes represent 0.8% of the total.

Timeline/Schedule

To be implemented in time for the November 2023 general election, the configuration of the legislative districts and quantity of representatives must be determined by February of 2023.

Depending on the construction of a local law, a permissive referendum is possible. For that to occur, a petition to hold a referendum must be filed within 45 days of the passage of the local law. Wording for the proposition that would appear on the ballot must be prepared and sent to the Board of Elections 90 days prior to the referendum. Believing that the legislature is not desirous of a special election or a special legislature meeting, the latest that a local law must be drafted by is the May legislature meeting and a public hearing set for the June meeting. This schedule, however, does not allow for any modifications that might be suggested at the public hearing. A potential schedule appears in Table S-4.

Action:	Set Date for PH	Hold PH; Adopt LL	(Potential) Circulate Petition and File	(Potential) Develop Proposition Wording	General Election
Interval:	- -	35 days	45 days	11 days	90 days
Date:	May 9	June 13	July 28	August 8	November 8

Table S-4 – Potential Schedule for Adoption of Local Law

The Ad Hoc Reapportionment/Redistricting Committee recommends that a draft local law be prepared prior to the May legislature meeting so that further comments can be received and evaluated.

Adding a Legislator in District II

Adding a legislator in District II would increase the total quantity of legislators from 14 to 15. A referendum would be mandatory.

Based on the 2020 census, using that scenario, the mean number of residents per legislator would become 1652 (24,774/15). As shown on the following page in Table S-5, the total difference in representation would become 11.4% (-7.3% → +4.1%).

District	Population	Legislators	Per Legislator	% of Mean	Δ % from Mean
I	6,881	4	1,720	104.1	4.1
II	6,128	4	1,532	92.7	-7.3
III	6,817	4	1,704	103.2	3.2
IV	4,948	3	1,649	99.8	-0.2

Table S-5 – Representation per Legislator – 2020 Census – 15 Legislators

While this results in a smaller difference in representation, it does not achieve the target of less than 5% overall difference.

The target 5% difference can be achieved by combining the addition of a legislator in District II and adopting weighed voting. Using the weighting method proposed by the Ad Hoc Committee in its original report, legislators would have 172, 153, 170 and 165 votes for Districts I, II, III and IV, respectively. Total votes would be 2475, majority would be 1238 and require a minimum of eight (8) legislators to decide a question.