

Yates County Ad Hoc Reapportionment/Redistricting Committee Report

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Committee Members

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Background

The Yates County Legislature, as successor to the Board of Supervisors, came into existence on January 1, 1972 and held its first organization meeting on January 3, 1972. At its inception, the legislature was comprised of five districts with 13 legislators. District I (Towns of Italy and Middlesex) had one member; the remaining districts had multiple members.

In 1984, another legislative seat was added and former Districts I and III consolidated, resulting in a total of four multi-member districts. District IV consisted of the Towns of Barrington, Starkey and a portion of Milo. This configuration remained essentially the same until 2014, when the portion of the Town of Milo that had been in District IV was absorbed into District III, making that entire town its own legislative district. District IV then comprised the Towns of Barrington and Starkey.

It is necessary to review representation after each decennial census.

2010 VS. 2020

Yates County’s population has changed in the years between 2010 and 2020. The overall county population decreased from 25,282 to 24,774 residents, or 508 people. Benton saw the greatest increase in population (187), Torrey realized a slight increase (17), while all other towns experienced decreases in the number of residents. Table 1 compares population numbers between 2020 and 2010.

Town	Population		Change from 2010 to 2020	
	2020	2010	Residents	Percent
Barrington	1,541	1,672	(131)	(7.83)
Benton	2,971	2,784	187	6.72
Italy	1,099	1,141	(42)	(3.68)
Jerusalem	4,405	4,473	(68)	(1.52)
Middlesex	1,377	1,495	(118)	(7.89)
Milo	6,817	7,040	(223)	(3.17)
Potter	1,858	1,865	(7)	(0.38)
Starkey	3,407	3,530	(123)	(3.48)
Torrey	1,299	1,282	17	1.33
Total County	24,774	25,282	(508)	(2.01)

Table 1 – Yates County Population by Town, 2020 vs. 2010

Note: The population reflected in Table 1 differs from the official 2020 U. S. Census because a census block with 14 residents was erroneously attributed to Benton when it should have been in Milo. The numbers above have been adjusted from the census figures based on the finding.

Based on the 2014 configuration (2010 census) of the legislature, the mean number of residents per legislator (representation) was 1,806 (25,282/14). As shown in Table 2, the total difference in representation was 13.5% (-4.0% → +9.5%).

District	Population	Legislators	Per Legislator	% of Mean	Δ % from Mean
I	7,109	4	1,777	98.4	-1.6
II	5,931	3	1,977	109.5	9.5
III	7,040	4	1,760	97.5	-2.5
IV	5,202	3	1,734	96.0	-4.0

Table 2 – Representation per Legislator – 2010 Census

The change in population distribution between 2010 and 2020 affects representation in the various districts. Based on the 2020 census, the mean number of residents per legislator is now 1,770 (24,774/14). As shown in Table 3, the total difference in representation is now 22.2% (-6.8% → +15.4%).

District	Population	Legislators	Per Legislator	% of Mean	Δ % from Mean
I	6,881	4	1,720	97.2	-2.8
II	6,128	3	2,043	115.4	15.4
III	6,817	4	1,704	96.3	-3.7
IV	4,948	3	1,649	93.2	-6.8

Table 3 – Representation per Legislator – 2020 Census

Requirements

New York County Law requires that representation be reviewed every ten years and adjustments be made, if necessary, based on information obtained in the decennial U. S. census.

Additionally, a recently-passed NYS law (S5160B, 2021 session) requires multi-member districts to “. . . provide substantially equal weight for the population of that local government in the allocation of representation in the local legislative body . . .” Single-member districts must make adjustments so that representation is within a total of five percent (5%); multi-member districts have some flexibility, though not specifically defined.

The committee agreed that any adjustments made should target no more than five percent total difference in representation.

The committee also agreed that stability is desirable and confusion should be minimized as much as possible.

Other aspects of S5160B include:

- A. Districts shall consist of contiguous territory;
- B. Districts shall be as compact in form as practicable;
- C. Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties.

- D. 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;
- E. Districts shall be formed so as to promote the orderly and efficient administration of elections.

Achieving Parity

The committee considered three methods for achieving parity in representation:

1. Rearranging legislative district boundaries.
2. Weighted voting based on the number of residents represented by each legislator.
3. Increasing or decreasing the number of legislators.

Rearranging legislative district boundaries

Uniform representation requires rearranging boundaries such that the number of residents in each district is approximately 5,310 for a three-member district and 7,080 for a four-member district.

Using these target numbers, district boundaries would need to be adjusted such that:

- A. 197 residents move from District II into District I (total – 7078);
- B. 622 residents move from District II (final total – 5309) into District III;
- C. 360 residents move from District III (final total – 7079) into District IV (total 5308).

With assistance from County Planner Jeffrey Ayers and Soil and Water Conservation District Manager Colby Petersen, the committee reviewed five possible rearrangements (plans) of legislative district boundaries. The plans are representative and are included in Appendix A; other plans could be created. Table 4 summarizes some items the committee considered while discussing the various plans.

Plan	New Voting Districts Required	Locations	Distinct Ballots Required
Current	0	- -	9
1	3	1 each in Milo, Potter and Torrey	12
2	4	1 each in Benton, Jerusalem, Milo and Potter	12
3	3	1 each in Milo, Potter and Torrey	12
4	6	2 each in Benton and Torrey; 1 each in Jerusalem and Milo	15
5	4	1 each in Benton, Jerusalem, Milo and Torrey (Note: 1.3% deviation)	13

Table 4 – Considerations for Rearranging Legislative District Boundaries

Plans 4 and 5 change representation in District I from 4 → 3 legislators and in District IV from 3 → 4 legislators. These plans also consolidate the entire Village of Penn Yan into one legislative district. Plan 5 removes two areas in Plan 4 (from Benton and Torrey) used to balance the number of residents per legislator and results in a 1.3% deviation from the target, well within the five percent goal. Based on Legislator Banach’s conversation with the village mayor, a plan such as one of these is preferable to the mayor.

While ballots can be readily programmed and printed on demand, increasing the quantity of separate and distinct voting districts also increases the chances for errors in voting and/or on designating petitions.

Election costs increase from an anticipated minimum (Plans 1 and 3) of \$2,632 per year to a maximum (Plan 4) of \$23,853 per year, depending on number of primaries and poll workers required. A more realistic four-year average annual cost ranges from \$6,581 to \$13,162. A more detailed analysis prepared by the county’s election commissioners is included as Appendix B.

If rearranging district boundaries is undertaken, it is likely that they will need to be adjusted again in future years, as additional housing has already been completed with resulting residents that were not included in the 2020 census. This trend is expected to continue.

Table 5 presents the advantages and disadvantages of rearranging legislative district boundaries.

<u>Advantages</u>	<u>Disadvantages</u>
<ul style="list-style-type: none"> • Each legislator represents the same number of residents. • Depending on plan chosen, some municipalities would have more representatives. 	<ul style="list-style-type: none"> • Increased potential for confusion by residents and/or on ballots. • Depending on plan chosen, some municipalities would have fewer representatives. • Requires additional voting districts. • Increased potential for errors on petitions. • Increased cost for elections. • Likely that district boundaries will need to be adjusted further in future years.

Table 5 – Advantages/Disadvantages of Rearranging Legislative District Boundaries

Weighted voting

While weighted voting (voting power based on population represented) may be a new concept to Yates County, it is a system generally utilized by the 16 boards of supervisors in New York State and some county legislatures. After significant debate, the committee recommends, by a 6-1 vote, that weighted voting be undertaken by the Yates County legislature.

Table 6 displays the recommended approach.

Summaries	District	Leg. #	Votes/Leg.
	II	5	204
		6	204
		7	204
	I	1	172
		2	172
		3	172
		4	172
	III	8	170
		9	170
		10	170
		11	170
	IV	12	165
		13	165
		14	165
Maximum % of Minimum			123.6
Total No. of Votes			2475
Majority			1238
Minimum No. of Legislators for Majority		7	
Resulting Votes - Max. & Descending			1300
% of Legislators		50.0	
Maximum No. of Legislators for Majority		8	
Resulting Votes -Min. & Ascending			1347
% of Legislators		57.1	

Table 6 – Proposed Weighted Voting Scenario for Yates County

In the committee-recommended weighted voting scenario, legislative district boundaries and number of legislators in the districts remain the same. The unanimous recommendation as to quantity of votes a legislator would cast is based on the number of residents in the district divided by the number of legislators in the district, then further divided by ten [(# of residents) / (# of legislators) / 10]. Other scenarios were examined and can be presented if desired.

As may be seen, in all cases, eight legislators would decide any proposal. Situations exist, however, where seven legislators, because of the number of people they represent, could constitute a majority of the votes cast. The committee reviewed the 36 roll call votes that occurred during 2021; the outcome would not have changed based on weighted voting as recommended by the committee.

The committee investigated whether “majority” could be defined as the quantity of votes generated by the eight legislators holding the lowest number of weighted votes (in this case, 1347). The County Attorney advised that majority constitutes “more than half” (in this case, 1238) and could not be redefined as a different larger quantity.

The committee sought to compare its proposal to other county legislatures that use weighted voting systems. Table 7 presents results from all five legislatures that responded to a ListServe request from Emilee for information.

Summaries	County, Legislator No. and Votes									
	Cayuga		Genesee		Otsego		Schenectady		Steuben	
	Leg. #	Votes/Leg.	Leg. #	Votes/Leg.	Leg. #	Votes/Leg.	Leg. #	Votes/Leg.	Leg. #	Votes/Leg.
	6	86	4	47	5	627	4	1.0799	12	723
	2	75	2	45	3	554	5	1.0799	8	694
	7	68	3	43	6	534	6	1.0799	14	660
	9	67	5	43	4	523	1	1.0572	11	625
	3	65	6	38	2	503	2	1.0572	2	605
	5	62	1	28	10	487	3	1.0572	6	605
	8	61	8	28	1	439	7	0.9939	3	601
	1	53	9	28	7	405	8	0.9939	9	597
	11	52	7	26	8	390	9	0.9939	10	595
	4	51			9	375	10	0.9939	13	593
	15	51			12	356	11	0.9939	4	562
	10	49			11	348	12	0.9048	5	542
	13	48			13	348	13	0.9048	7	542
	14	48			14	339	14	0.9048	1	513
	12	47					15	0.9048	17	513
									15	451
									16	451
Total No. of Legislators	15		9		14		15		17	
Maximum % of Minimum		183.0		180.8		185.0		119.4		160.3
Total No. of Votes		883		326		6228		15		9872
Simple Majority		442		164		3115		8		4937
Minimum No. of Legislators for Majority	7		4		6		8		8	
Resulting Votes		484		178		3228		8.3991		5110
% of Legislators	46.7		44.4		42.9		53.3		47.1	

Table 7 – Other Counties’ Weighted Voting Systems

As can be seen, some legislatures operate in situations where significantly less than half the number of legislators represent a majority of the residents and can carry the vote.

A spreadsheet used by the Cayuga County legislature to tally its weighted votes has been modified to reflect the Yates County approach, has been tested by Emilee and found to be very workable.

Table 8 (following page) lists the advantages and disadvantages of a weighted voting system.

Advantages

- Continues districts that have been in existence for ten years.
- Respects existing town boundaries.
- Allows consolidation of voting districts, lowering cost of elections.
- Reduces confusion and potential for errors on the part of voters, petition carriers and election employees.
- Legislators more fairly represent the number of residents in their districts.
- Weighting can be readily adjusted in the future.

Disadvantages

- 7 of 14 legislators could decide a question.
- Requires spreadsheet to tally votes.

Table 8 –Advantages/Disadvantages of Weighted Voting System

Increasing or decreasing the number of legislators

The committee did not explore this method of achieving parity to the same depth that other methods were, but increasing the number of legislators to 18 and decreasing to 11 was briefly analyzed. Resulting representation would not fall into the target range.

Next Steps

In order to effectuate any plan, passage of a local law subject to permissive referendum is required. And in addition, certain types of reapportionment may be subject to mandatory referendum, including but not limited to instances where the number of legislators changes. The determination of whether this example or certain other scenarios require a mandatory referendum would need to be further researched by the County Attorney on an issue by issue basis.

Additional Considerations

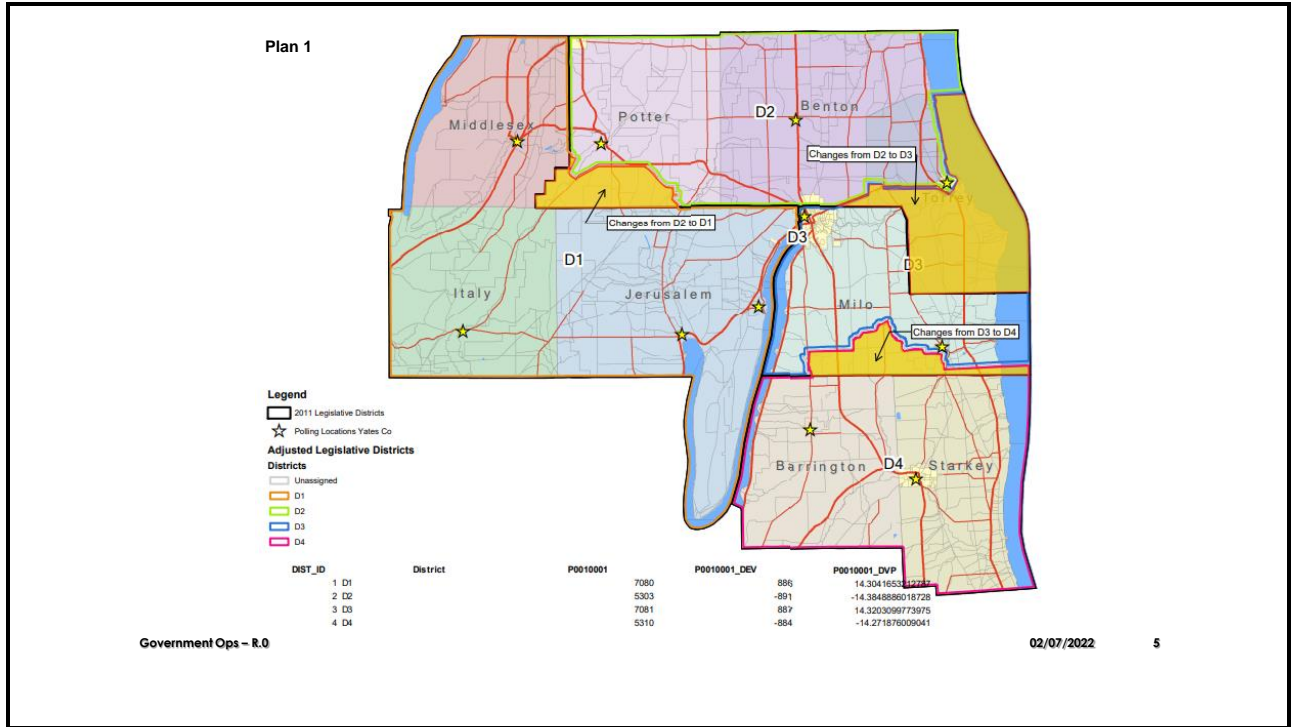
The Ad Hoc Reapportionment/Redistricting Committee met on several occasions. Minutes of those meetings have been distributed and contain more detail than presented in this report. The committee considered whether a consultant should be engaged and determined it unnecessary at this time.

The 2012 report on this subject stated, “. . . in consideration of the least disruptive change to the legislative district configuration the voters have used for the last 27 years, the continuation of each taxpayer having at least three representatives, the continuation of an adequate number of legislators to fully represent the [residents], the continued possibility of each town having a resident representative and eliminating the division of one town into two legislative districts, the committee is recommending the continuation of 14 legislators and the same four legislative districts with one minor change.” In that case, the change consolidated the Town of Milo into

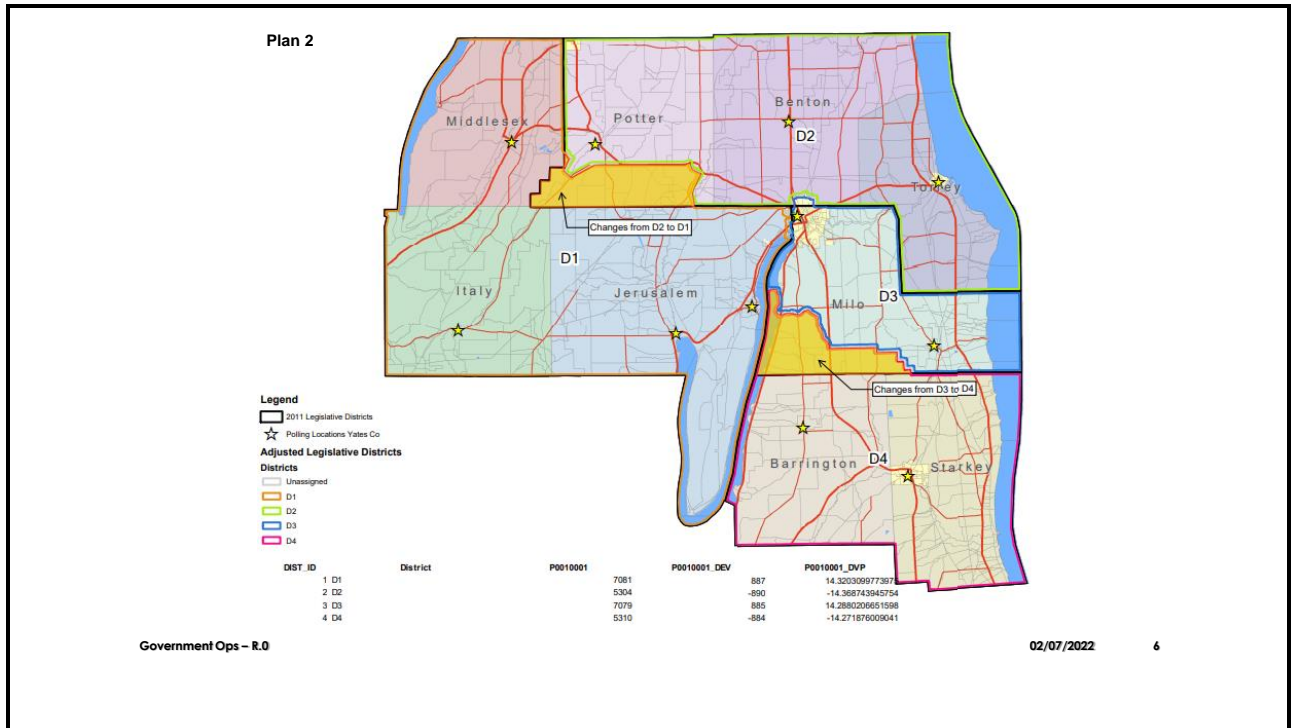
one district. In the present case, the recommended change to weighted voting reinforces all of the reasons previously put forth.

A NYSAC webinar on the subject of county redistricting is available at <https://www.youtube.com/watch?v=-7iEKb9T8u8>, and a .pdf file of the slides presented during the webinar is available at https://www.nysac.org/files/Presentation_Redistricting%20and%20Weighted%20Voting%20Systems.pdf.

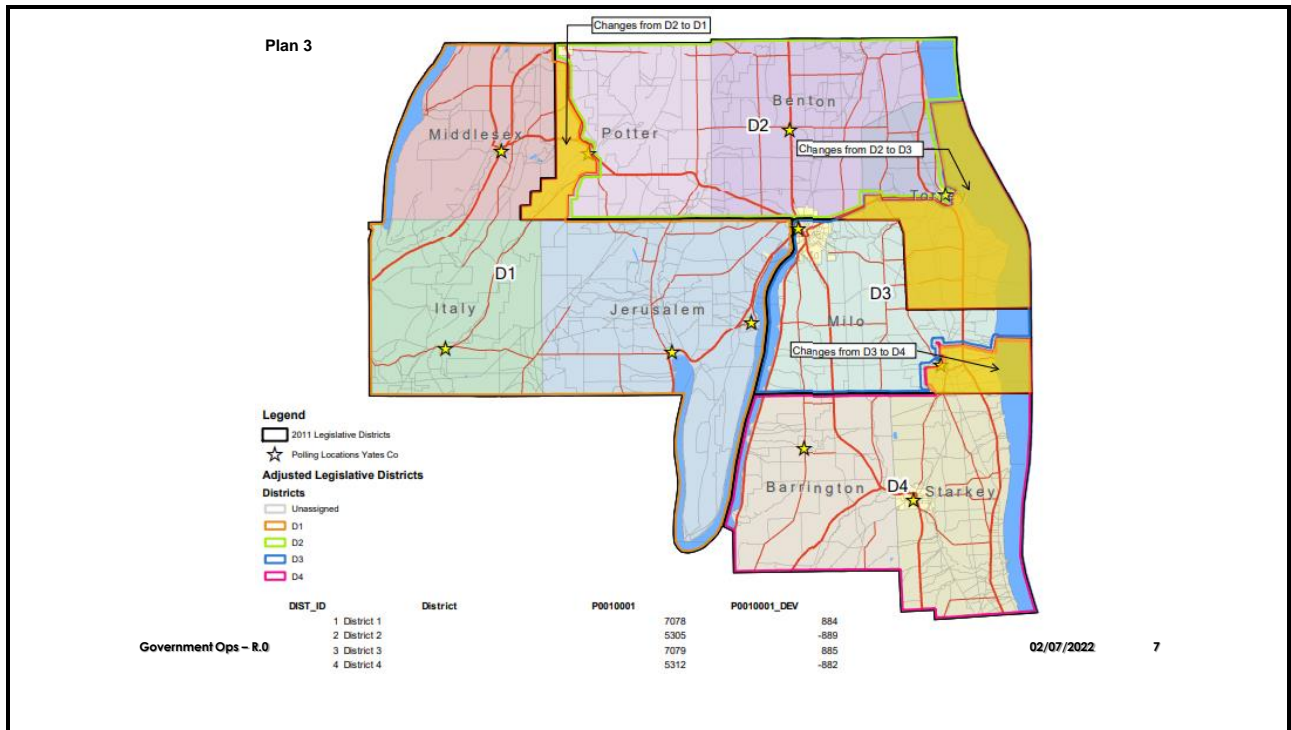
Appendix A – Potential Redistricting Plans



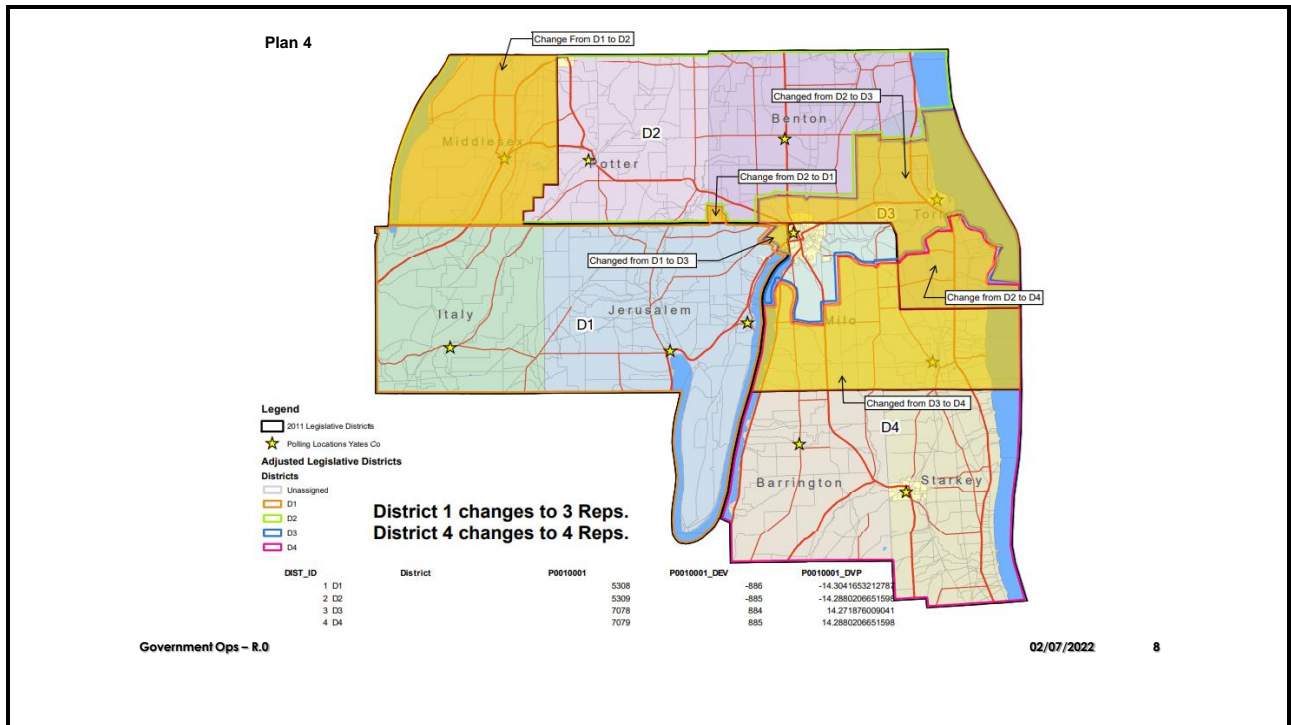
Plan 1 – Rearranging Boundaries – Retain Current Number of Legislators Per District



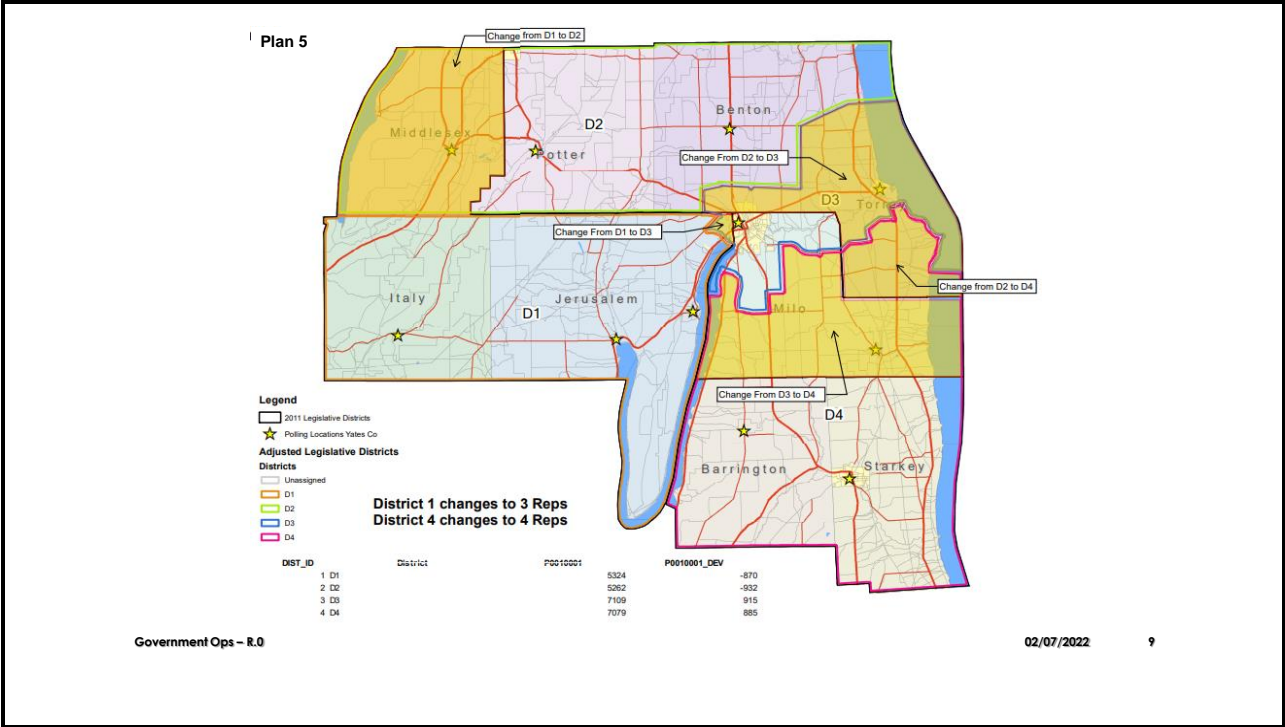
Plan 2 – Rearranging Boundaries – Retain Current Number of Legislators Per District



Plan 3 – Rearranging Boundaries – Retain Current Number of Legislators Per District



Plan 4 – Rearranging Boundaries – Change Number of Legislators in Districts I and IV



Plan 5 – Rearranging Boundaries – Change Number of Legislators in Districts I and IV

Appendix B – Election Costs from Election Commissioners

Election costs associated with adding new small districts in towns:

When legislative district lines deviate from the current district lines which are based on town lines, a new small district (minimum size must be greater than 20) is formed. Under existing state Election Law, each district requires 4 Election Inspectors. In Yates County the Board of Elections has created centralized, mostly town based poll sites where several districts will conduct their elections. Thus, the BOE has been able to request authorization from the state to reduce staffing requirements and save some money.

Annual cost of election inspectors:

Each of the five proposed redistricting maps generates new staffing requirements as below.

<u>Proposal</u>	<u>Minimum Increase*</u>	<u>Maximum Increase**</u>
1 & 3	\$2,371.32	\$11,596.60
2 & 5	\$3,161.76	\$15,462.13
4	\$4,742.64	\$23,193.20

* Minimum increase is a reduced staffing level (if approved by state) and one average general election.

** Maximum increase is full staffing (as currently required by the state), two large primaries and a large general election, as what occurred in 2020 and 2008.

Estimated annual non-election day costs of an inspector (included above):

Mandated County Training	\$37.50
Recertification	60.00
Communications	1.50
Hourly staff support	<u>31.22</u>
	\$130.22 w/o Election Day wage bill

Estimated annual ballot cost:

Coding, printing, and testing/new district/election = \$84.02 – 110.03

<u>Proposal</u>	<u>Low</u>	<u>High</u>
1 & 3	\$252.06	\$330.09
2 & 5	\$336.08	\$440.12
4	\$504.12	\$660.18

Summary:

The lowest annual cost (unlikely) of the options 1 & 3 could be \$2,632.38 and is likely to occur once in four years, if at all. The highest annual cost (unlikely) of proposal 4 could be \$23,853.38 and is likely to occur once in 4 years, and if the state rejects local cost saving measures. If the BOE is able to prevail in cost reductions and faces a normal cycle of elections, the **4 year average** annual increased costs ranges from a probable low of \$6,580.95 for proposals 1 & 3 to probable high of \$13,161.90 for proposal 4. The absolute best and worst are shown above. Over 10 years, at a 2% rate of wage inflation, the future costs will be \$72,059.57 and \$144,119.13 respectively.

Onetime expenses:

Notices to voters: (54% of population) @ \$0.63 each = \$.63 x 878 x .5362 = \$296.64. Also diverts some salaried staff from other normal duties.