

Yates County Ad Hoc Reapportionment/Redistricting Committee Supplemental Report

APRIL, 2022 SUPPLEMENT TO FEBRUARY, 2022 REPORT

Committee Members

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Background

U. S Supreme Court rulings relative to the 14th Amendment and New York County Law require that county legislative 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 legislative districts to “. . . provide substantially equal weight for the population of that local government in the allocation of representation in the local legislative body . . .” 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.

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. A supplemental report was issued in March addressing the questions raised at those meetings.

The initial report and supplement were reviewed in the March Government Operations Committee meeting and further discussed in a special Government Operations Committee meeting after obtaining input from towns and villages. The recommendation of the Ad Hoc Reapportionment/Redistricting Committee (i.e. – weighted voting without moving legislative district boundary lines) was summarily rejected. The committee was asked to review a plan that would add a legislator in District II and adjust the boundaries of that district as necessary to achieve representation within guidelines of 7.3% total variation.

S5160B

For all plans studied, the following were considered relative to S5160B:

- A. All districts consist of contiguous territory.
- B. The nature of Yates County’s topography and population distribution make “compact in form” challenging, but the committee considers that the districts meet the “practicable” requirement.
- C. Four, 15- or 14-member districts neither favor nor disfavor incumbents, particular candidates or political parties, though there is the possibility of an incumbent legislator being displaced in the plan presented in Appendix B-2.

- D. Cores of existing districts are maintained in the four, 15- or 14-member district plans evaluated.
- Additionally, as reflected in the minutes of the January 20, 2022 Ad Hoc Committee meeting, none of the plans affect:
- a. The distribution of enrolled party members;
 - b. Communities of color or urban or rural poor, as no group is large enough or concentrated enough to create a protected representative district;
 - c. Any identified political, ethnic, racial or socio-economic group. While the referenced minutes specifically state “weighted voting”, the same analysis applies to movement of district boundaries.
- E. All plans presented in this supplement require creation of new election districts. Election commissioners are confident that new configurations can be accommodated with minimal risk of error.
- In all plans, voting **locations** will not change, but **ballots** for individual voters will differ based on the legislative district in which they reside.

Adding a Legislator in District II (Total 15)

The plan reviewed by the ad hoc committee is presented as Appendix A. Boundaries have been adjusted based on physical characteristics (roads, watercourses, etc.). Red dots on the plan represent addresses of incumbent legislators.

Representation is as shown in Table 2-1, with 1,652 citizens desired per legislator. For a four-person district the desired total population is 6,608; for a three-person district the desired population is 4,956. Total discrepancy between districts is 5.5%, within guidelines.

District	Composition (Towns)	Total Population	Legislators	Δ from Desired	% of Desired
I	Italy, Jerusalem & portion of Middlesex	6,740	4	132	102.0
II	Benton, Potter, Torrey & portions of Middlesex & Milo	6,380	4	(228)	96.5
III	Portion of Milo	6,706	4	98	101.5
IV	Barrington & Starkey	4,948	3	(8)	99.8

Table 2-1 – Representation with 15 Legislators

The plan would require the creation of two new election districts – one each in Middlesex and Milo.

The committee does **not** recommend proceeding with this approach.

Yates County, with a population of 24,774 citizens, already has a ratio of citizens:legislators of 1,770:1. An additional legislator would change the ratio to 1,652:1.

Only one county in New York State has a lower ratio, that being Hamilton County. Hamilton has a total 2020 population of 5,107 and nine town supervisors, with a resulting ratio of 567:1. All other counties in New York have a higher ratio of citizens:representative than either Hamilton or Yates. Appendix D shows a chart of representation for all 57 counties outside of New York City.

Adjusting Existing Boundaries, Retaining 14 Legislators

The ad hoc committee further evaluated retaining 14 legislators and adjusting legislative district boundaries. The two plans evaluated are presented in Appendices B-1 and B-2. Boundaries have been adjusted based on physical characteristics (roads, watercourses, etc.). Red dots on the plans represent addresses of incumbent legislators.

Representation is as shown in Tables 2-2A and 2-2B, with 1,770 citizens desired per legislator. For a four-person district the desired total population is 7,080; for a three-person district, the desired population is 5,310. Both of the plans include the Village of Penn Yan entirely in District III, as preferred by the ad hoc committee member representing that legislative district and the current and future village mayors.

District	Composition (Towns)	Total Population	Legislators	Δ from Desired	% of Desired
I	Italy, Middlesex & portions of Jerusalem & Potter	7,097	4	17	100.2
II	Torrey & portions of Benton & Potter	5,292	3	(18)	99.7
III	Portion of Milo	7,043	4	(37)	99.5
IV	Barrington, Starkey & portion of Milo	5,342	3	32	100.6

Table 2-2A – Representation with 14 Legislators per Appendix B-1

District	Composition (Towns)	Total Population	Legislators	Δ from Desired	% of Desired
I	Italy & portion of Jerusalem	5,436	3	126	102.4
II	Middlesex, Potter & portion of Benton	5,134	3	(176)	96.7
III	Portions of Benton, Milo & Torrey	7,245	4	165	102.3
IV	Barrington, Starkey & portions of Milo & Torrey	6,959	4	(121)	98.3

Table 2-2B – Representation with 14 Legislators per Appendix B-2

Total discrepancy between districts is 1.1% per Table 2-2A and 5.6% per table 2-2B, within guidelines.

Either of the plans would require the creation of two new election districts – one each in Benton and Jerusalem – to accommodate the consolidation of Penn Yan.

The plan shown in Appendix B-1 would require one additional election district in each of Milo and Potter. The plan generally represents Legislative District IV as it was configured between 1972 and 2014. Milo Election District 4 was joined with the remainder of the Town of Milo at that time to balance representation in Legislative Districts III and IV.

The plan shown in Appendix B-2 would require one additional election district in each of Benton, Milo and Torrey. The plan would require an incumbent in District III to give up a seat.

For a plan that retains 14 legislators, the Ad Hoc Reapportionment/Redistricting Committee unanimously recommends proceeding with the plan presented in Appendix B-1.

Changing to Five Districts with Two Representatives per District

As suggested during the special Government Operations Committee meeting and subsequent correspondence, the ad hoc committee also evaluated a change to five districts with two representatives in each district, for a total of ten legislators. The Village of Penn Yan is proposed to be its own district (as preferred by the ad hoc committee member representing that legislative district and the current and future village mayors) with four additional districts comprised of all or portions of the towns outside the village.

The two plans evaluated are presented in Appendices C-1 and C-2. Boundaries have been adjusted based on physical characteristics (roads, watercourses, etc.). Red dots on the plans represent addresses of incumbent legislators.

Representation is as shown in Tables 2-3A and 2-3B, with 2,477 citizens desired per legislator, or 4,955 per district. Adoption of either of the plans would rank Yates County eighth (8th) in New York for citizens:representative, between Wyoming (2,533:1) and Seneca (2,415:1) Counties, as shown in Appendix D.

Proposed District	Composition (Towns)	Total Population	Δ from Desired	% of Desired
1	Middlesex, Potter & portions of Benton & Italy	4,855	(100)	98.0
2	Portions of Jerusalem & Italy	4,845	(110)	97.8
3	Torrey & portions of Benton & Milo	8,089	134	102.7
4	Barrington & Starkey	4,948	(7)	99.9
5	Village of Penn Yan (portions of Benton, Jerusalem & Milo)	5,042	87	101.8

Table 2-3A – Representation with 10 Legislators per Appendix C-1

Proposed District	Composition (Towns)	Total Population	Δ from Desired	% of Desired
1	Italy, Middlesex, Potter & portion of Benton	4,891	(64)	98.7
2	Portions of Benton & Jerusalem	4,888	(67)	98.7
3	Torrey & portions of Benton & Milo	5,010	55	101.1
4	Barrington & Starkey	4,948	(7)	99.9
5	Village of Penn Yan (portions of Benton, Jerusalem & Milo)	5,042	87	101.8

Table 2-3B – Representation with 10 Legislators per Appendix C-2

Total discrepancy between districts is 4.9% per Table 2-3A and 3.1% per table 2-3B, well within guidelines.

Either of the plans would require the creation of two new election districts – one each in Benton and Jerusalem – to accommodate the consolidation of Penn Yan. The plan shown in Appendix C-1 would require one additional election district in each of Benton and Italy. The plan shown in Appendix C-2 may require two additional election districts in Benton.

In either of the above plans, the Village of Penn Yan, with 20% of Yates County’s population, is assured of proportional representation. As recently as five years ago, there was only one legislator living within the village.

In either of the above plans, it would not be possible for a total of four incumbent legislators to be re-elected. Table 2-4 reflects the situation.

Proposed District	Legislators Living in District	Incumbents Not Re-elected
1	2	0
2	3	1
3	4	2
4	3	1
5	2	0

Table 2-4 – Effect of Five District Plan (10 Legislators) on Incumbent Legislators

In either of the above plans, additional staggering of terms, as approved by the voters in 2020, could be implemented by the candidate in each district that receives the highest number of votes having a four year term and the candidate receiving the next highest number of votes having a two year term.

For a plan with ten legislators, the Ad Hoc Reapportionment/Redistricting Committee recommends proceeding with the plan presented in Appendix C-2.

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.

If the legislature adopts a plan that changes the number of legislators, a referendum is mandatory. 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 July legislature meeting and a public hearing set for the August 8 legislature meeting at that July meeting. In this scenario, Scott must have the wording for the proposition prepared simultaneously with the adoption of the local law. There is no opportunity for making changes that might be forthcoming from the required public hearing.

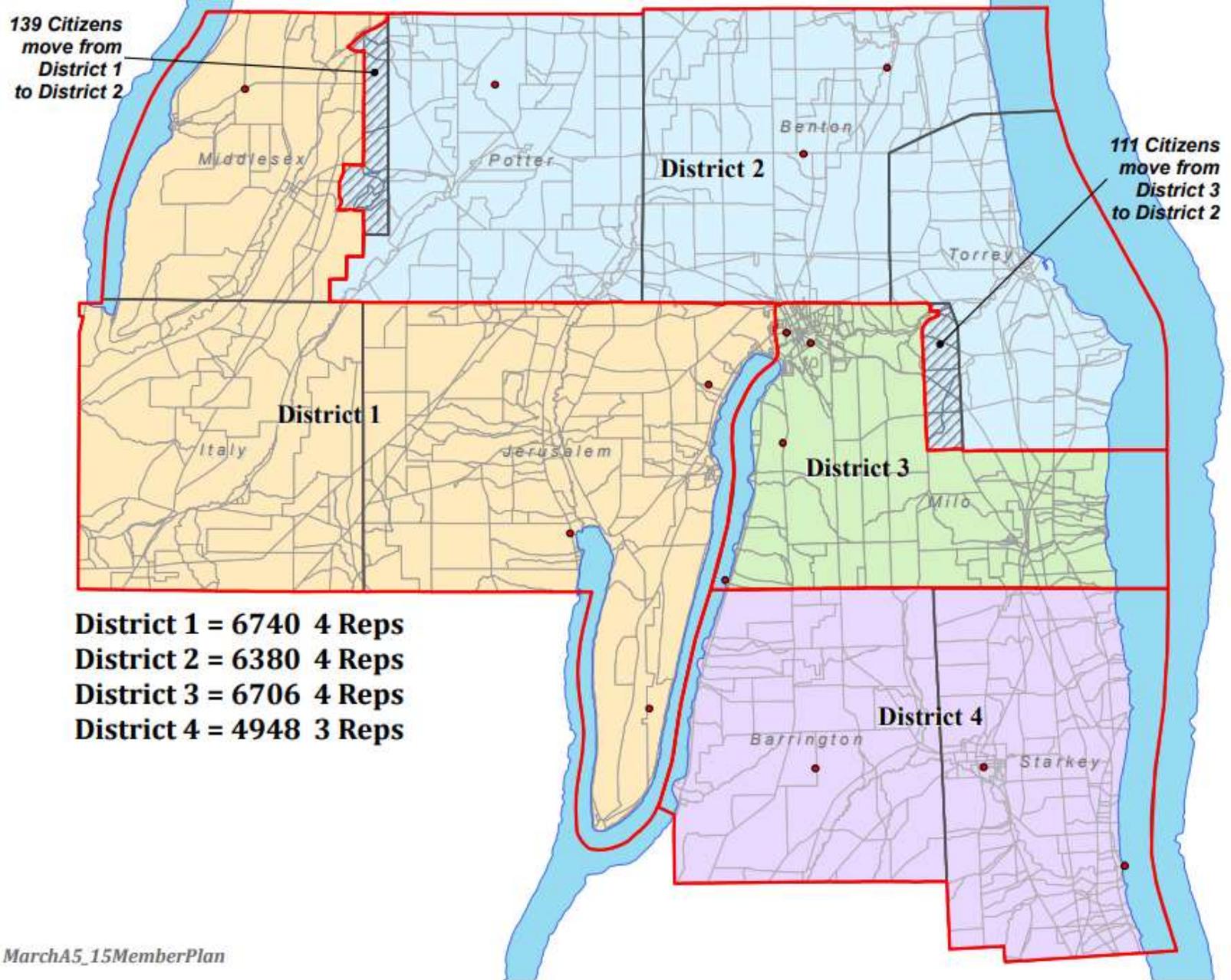
If the legislature retains its current structure (14 legislators) and only adjusts boundaries, a permissive referendum is possible. For that to occur, a petition to hold a referendum must be filed within 45 days of the passage of the local law. Believing that the legislature is not desirous of a special 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 required public hearing. A potential schedule appears in Table 2-5.

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

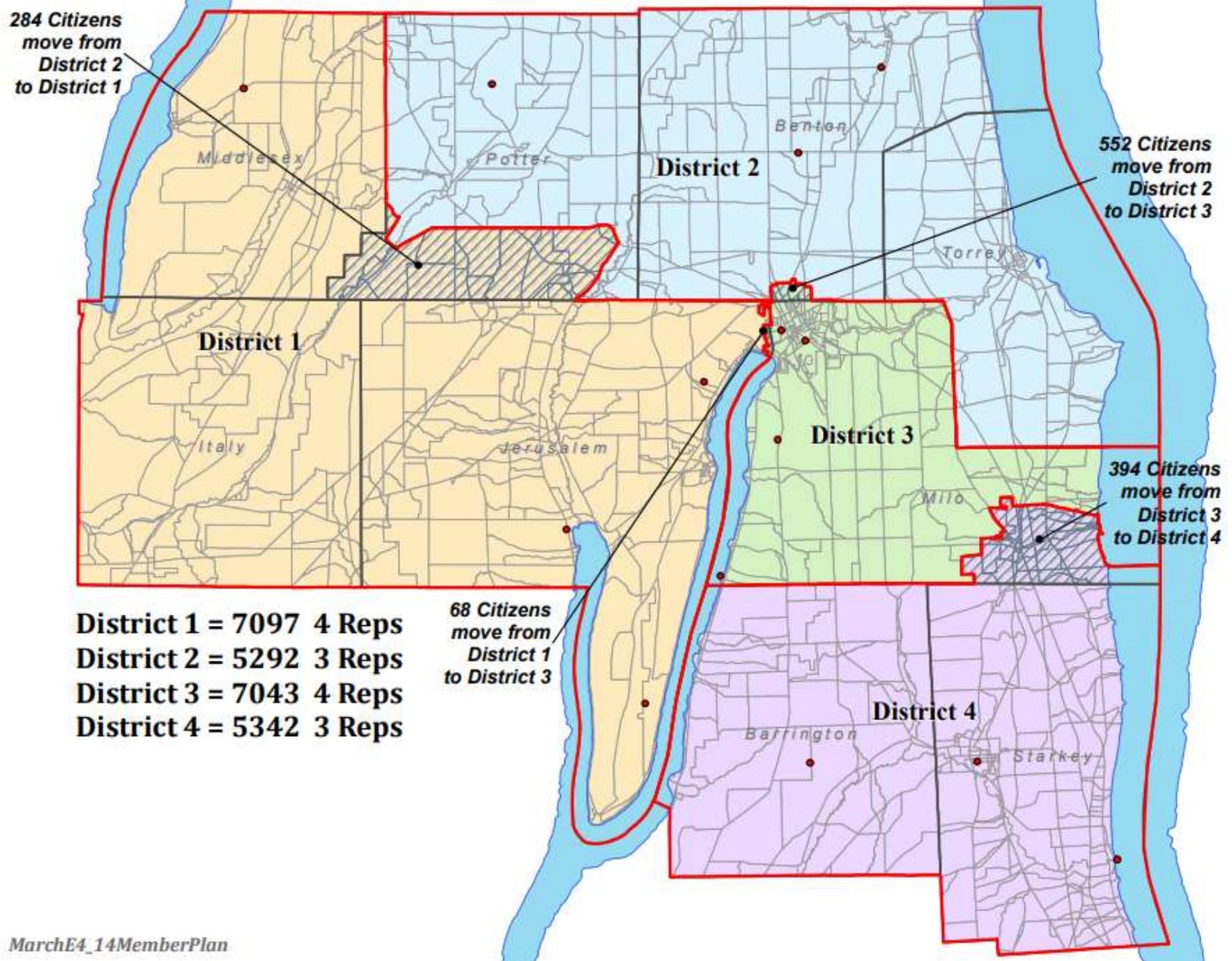
Table 2-5 – Potential Schedule for Adoption of Local Law

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.

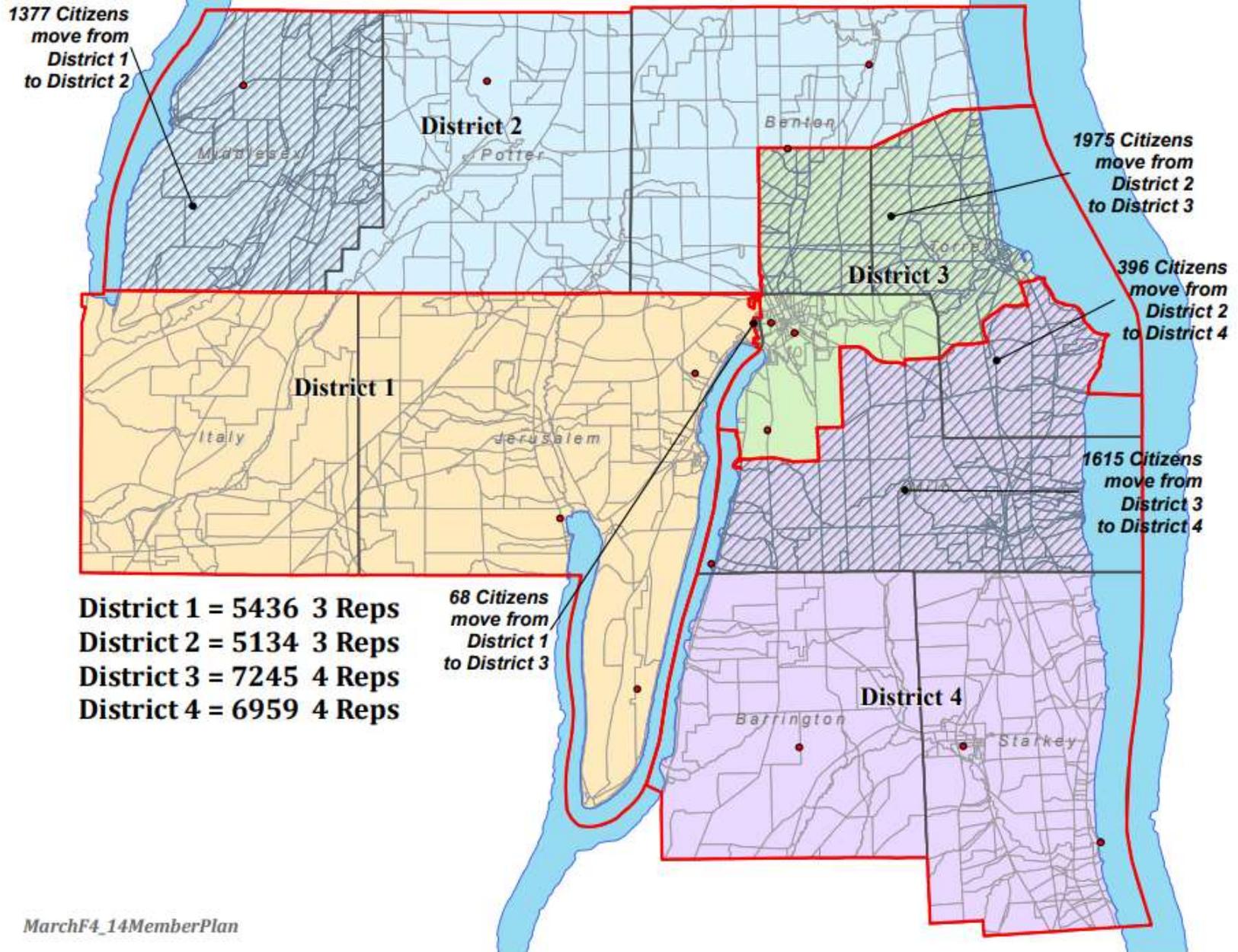
Appendix A – 15 Legislators



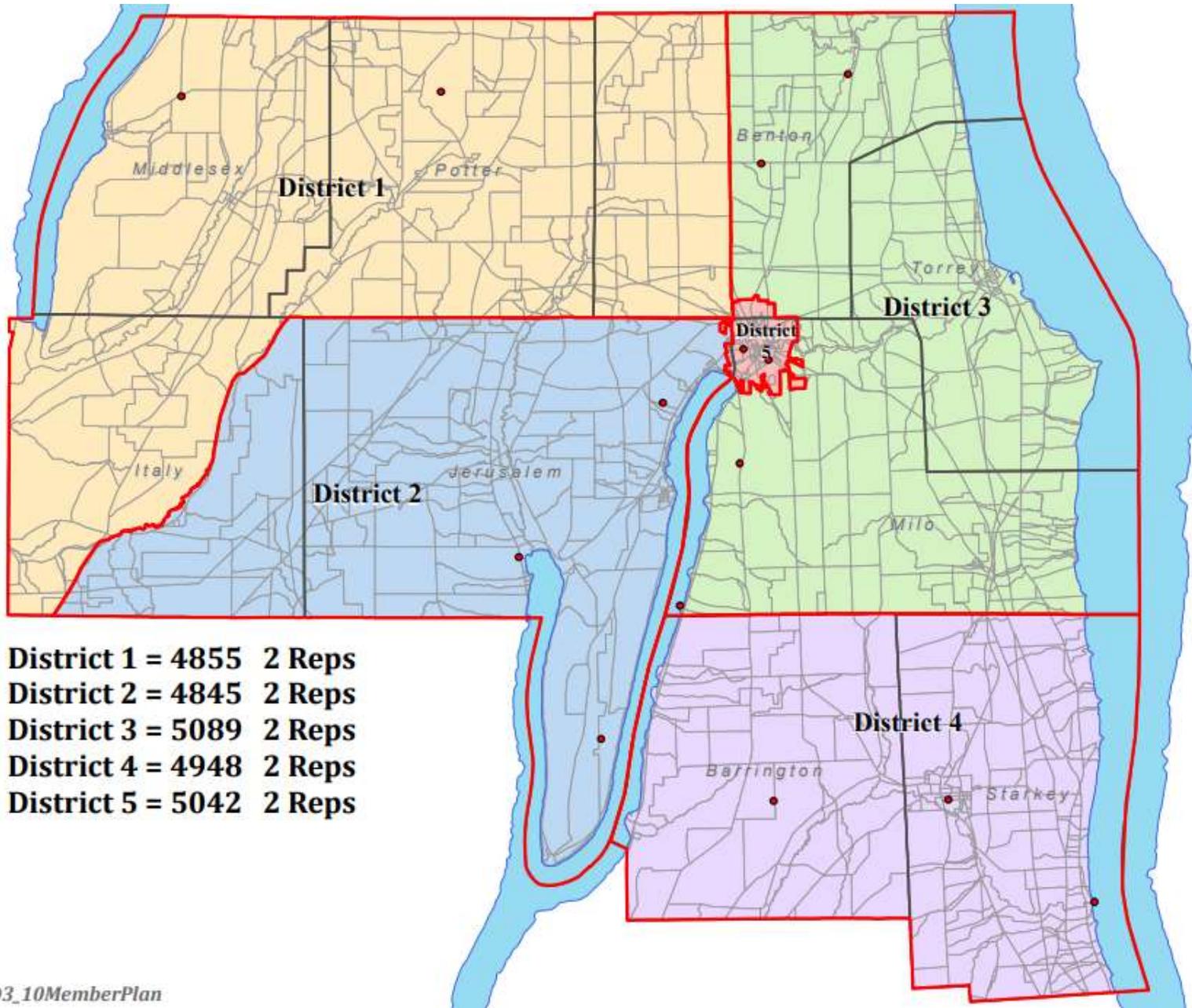
Appendix B-1 – 14 Legislators



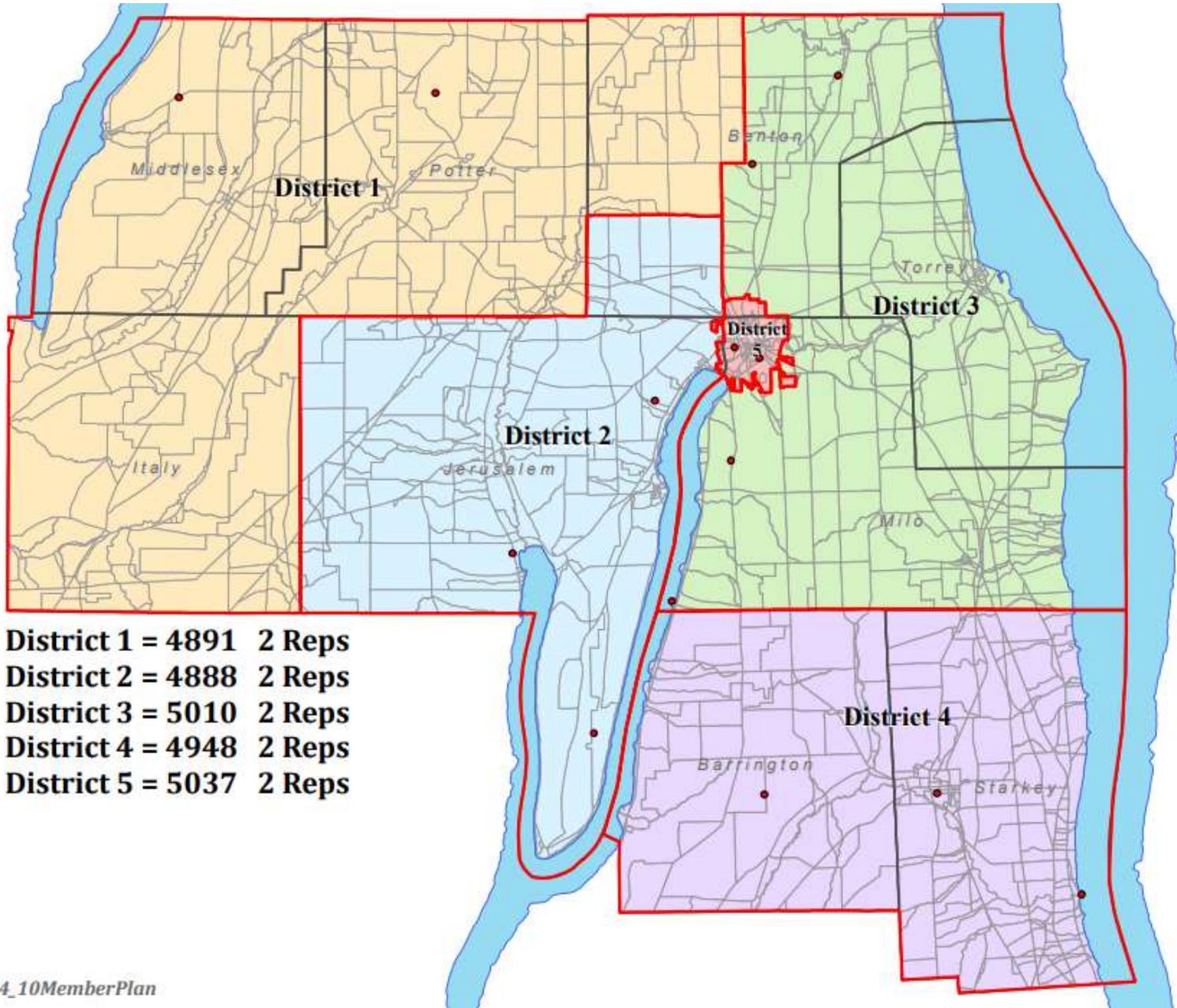
Appendix B-2 – 14 Legislators



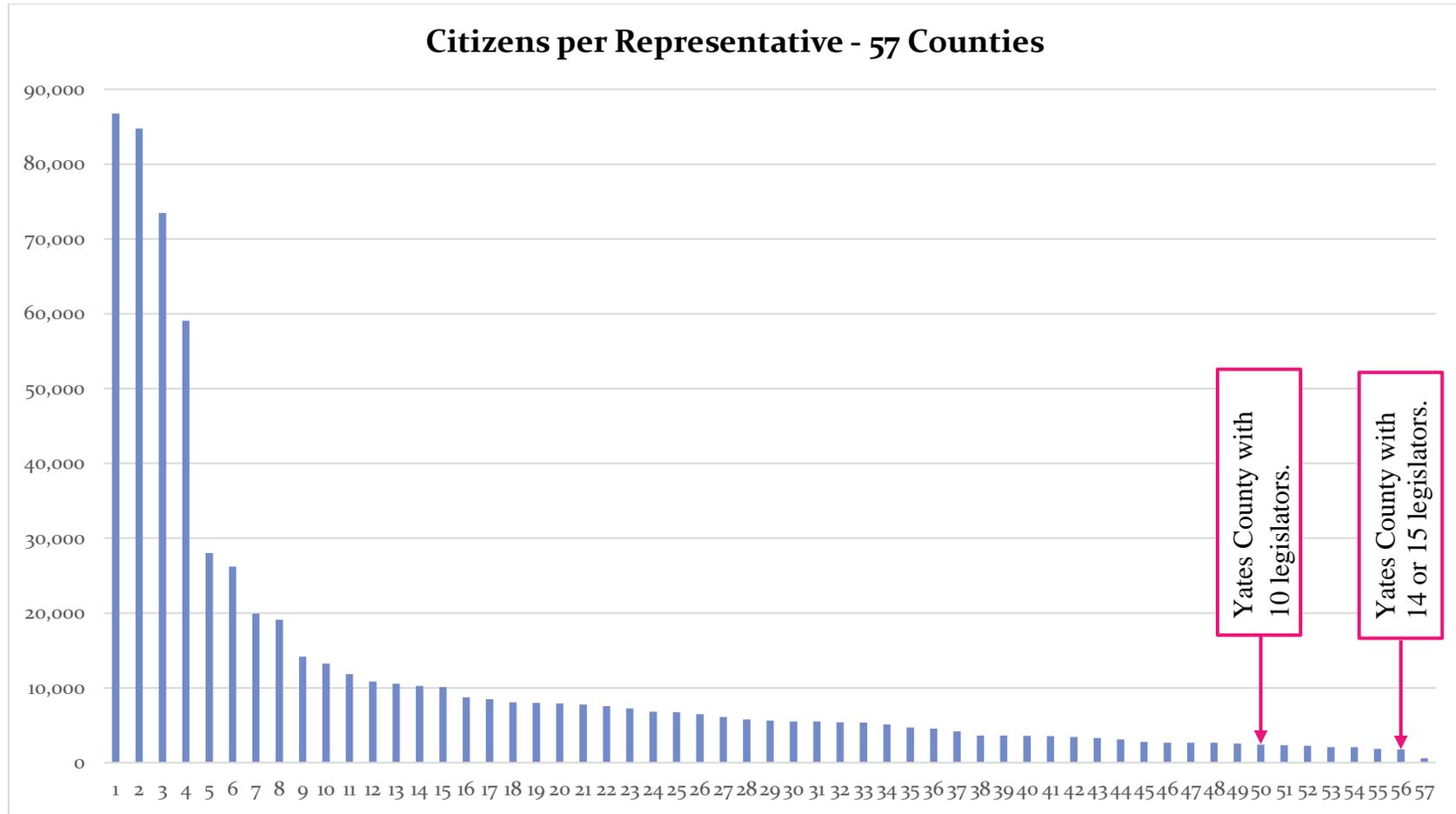
Appendix C-1 – 10 Legislators



Appendix C-2 – 10 Legislators



Appendix D – Chart of Citizens per Representative for the 57 Counties Outside New York City



Yates County currently has fewer citizens per representative than any other county in New York, other than Hamilton County. With 14 legislators, the ratio is 1770:1, ranking it 56th. With 15 legislators, the ratio decreases to 1,652:1.

With 10 legislators, the ratio changes to 2,777:1, ranking it 50th, between Wyoming and Seneca Counties.