CHEMUNG COUNTY LEGISLATURE

Committee on Redistricting
and
Efficiency of County Government Operations

FINAL REPORT AND RECOMMENDATIONS

Dated: June 24, 2022

COMMITTEE MEMBERS:
L. Thomas Sweet, Chairman (3rd District)
Robert Briggs (11th District)
Martin Chalk (10th District)
Scott Drake (13th District)
Michael S. Smith (14th District)
Introduction

The Committee is proud to present for the Legislature’s consideration, this final report and recommendation for new Legislative Districts. The Committee engaged independent consultants at the New York Law School Census and Redistricting Institute, and the Benjamin Center for Public Policy initiatives at SUNY New Paltz at a cost of $18,475 to use GIS and census data, and input from the public and Legislature, to prepare and revise district maps per legal requirements. The final version of the recommended districts are included in a proposed local law that would be subject to public referendum on November 8, 2022.

The Committee’s redistricting activities involved an unprecedented number of public meetings, public information and Q & A sessions, a public hearing, and countless hours of discussing redistricting issues and concerns with members of the public.

Legal Mandate for Redistricting

Professor Jeffrey Wise (of the New York Law School Census and Redistricting Institute) explained that every 10 years, in the year following the decennial census results, the County is required to present to the voters a plan that re-balances the population within the County’s fifteen (15) legislative districts.

Professor Wise advised that it is mandatory that the plan rebalance the population within the current number of districts, in accordance with the legal mandates which were significantly changed by NYS law in late October 2021. A County that is considering changing the number, term, or method of electing legislators must do so in a proposal separate from redistricting.

The redistricting plan must ensure that each district is within 5% of the average district (+/- 2.5%); that municipalities with population of at less than 40% of the size of the average district not be divided; that district that lines not be drawn to disadvantage minority groups; that districts be contiguous; and that districts be compact, and not favor/disfavor incumbents or communities of interest, and promote orderly and efficient elections.

Efficiencies not Studied

The Committee had set out to review other possible efficiencies of Chemung County Government operations, by attempting to hire a different independent consultant (CGR) in 2021.

CGR was asked to compare the size, cost and form of Chemung County’s government compared to other similarly-sized counties and other forms of government. The Legislature sought an independent comprehensive analysis of whether the size of the Chemung County Legislature (15 Members) and form of government (County Executive and elected Treasurer) is efficient, including the advantages and disadvantages of a separate proposal and referendum to change the number of Legislative districts from fifteen (15).
The County Executive contacted CGR and advised them that he disputed the Legislature’s authority to pass a resolution and conduct the study. He advised CGR that the Treasurer had been directed not to pay CGR’s contract with the Legislature. Concerned about litigation, CGR declined to conduct the efficiency study.

In the absence of a study – and the public hearings and input that would follow – the Committee finds that it would be imprudent to make any recommendations or proposals to change the size of the Legislature or the form of the government (which in any event would need to be a proposal separate from the redistricting proposal recommended below).

Redistricting Activities & Methodology

1. **Data:** The Benjamin Center consultant prepared and presented a “Deviation and Demographics Report” dated March 21, 2022 (Appendix A) (“The Report”), using current legislative districts and the 2020 LATFOR Prisoner Adjusted Census data results. (All minutes from the Committees’ meetings are attached as Appendix B).

Chemung County’s population decreased from 85,467 in 2010 to 82,535 in 2020, a population loss of -3.43% over that 10-year span. The average size legislative district had a corresponding decrease from 5,698 (2010) to 5,202 (2020).

The Report shows that 9 of the 15 legislative districts had population shifts between 2010 and 2020 that resulted in totals outside of the permissible deviation of +/- 2.5%. Significant changes were needed within 6 of the districts, which had population deviations of more than double (over 5%) and in three cases more than quadruple (over 10%) the permissible deviation.

Six (6) municipalities had population totals which were smaller than 40% of the average district size, and thus are prohibited from being divided into more than one legislative district under the new law (Millport, Erin, Van Etten, Ashland, Wellsburg, & Baldwin). Of those, only the Town of Erin was currently divided (half in District 5 and half in District 6), which created the need for significant changes to the current County Legislative district map.

2. **Movement:** The consultant explained many times to the Committee and public that only whole census blocks could be moved between districts, and that each move creates a “ripple effect” of population shift, and oftentimes a single change affects multiple districts.

3. **Minorities:** The consultant advised that Chemung County did not have any minority population density that could compose a majority of a district, so the Voting Rights Act was not triggered. Nevertheless, the consultant suggested considering the African American community in the City of Elmira as a “community of interest”. The Committee held several meetings with the NAACP and EOP, following which the African American community leaders suggested that the African American community would be best served by having diversity within multiple Legislative districts. Plans were drafted to employ this minority community preference.
4. **Draft Plans:** The consultant created two redistricting plans to address the various issues. In each plan, the consultant prioritized first the consolidation of Erin into a single district, then the task of balancing the population of the 15 districts by using natural or physical (river and highway, for example) and municipal boundaries whenever possible. The Committee’s instructions to the consultant were to also prioritize attempts to keep communities and neighborhoods whole while ensuring geographic compactness, as districts were reshaped to meet all legal requirements.

The two plans were explained and presented to the public and Legislature for review and comment. With near unanimity, the “version 2” plan was agreed to be favored, primarily because of the compactness and more natural looking geometry of the districts in that plan. Further legislative and public comments were solicited following the decision to focus on “version 2”. The committee held meetings following each comment session, to enable the consultant to first review and consider the comments, then hear and offer any suggestions for further changes to the draft map and plan.

The consultant often commented how impressed he was with the inclusive and deliberative process that the Legislature and Redistricting Committee was undertaking – devoid of political positioning or gerrymandering – several times referring to the endeavor as a “best practice” example of how to perform redistricting.

The committee is grateful to the Benjamin Center and New York Law School Redistricting Institute for its professionalism, unbiased advice, and time and attention that it provided to this Committee to develop an excellent plan to re-draw fair and balanced legislative districts in Chemung County.

4. **Final Redistricting Plan:** The final version of the County redistricting map with population totals for the fifteen (15) districts, and the map of each district is attached as Appendix C. The proposed local law with legal description of the new proposed legislative district boundaries is attached as Appendix D.

The plan proposed meets all legal requirements in that:

i. Each district has a population that is within +/- 2.5% of the average district size.

ii. Districts do not deny or abridge the equal opportunity of racial or language minority groups. Care was taken to ensure minority interests were incorporated.

iii. Each district consists of contiguous territory.

iv. Districts are in as compact a form as practicable, in particular given the priorities of keeping municipalities, neighborhoods and communities together as much as possible. All municipalities with a population below 40% of the average district are intact and represented by single legislative districts, and no census tracts are divided by proposed district lines.
v. Districts were not drawn with any consideration of favoring or disfavoring political parties, incumbents or candidates. The Committee and consultants did not review much less consider voter party enrollment numbers, or the addresses of incumbents or candidates.

The Committee announced and reiterated that its task of redistricting mandated creating districts that favored the community/voters; and that there was no place in the process for personal or party politics. The consultant was instructed to draw the maps without any reference to political affiliation or residence, and the Committee had no input in the drafting process, to ensure the independence of the consultant.

Some public comments were made bemoaning that among the dozens of persons running for the fifteen (15) legislative seats, some would apparently change districts. The consultant advised many times during meetings that he made no such consideration in drawing the maps: he has no idea where any current or prospective legislative candidate lives; and he has no idea what the voter party enrollment numbers would be in the districts he proposed. The consultant also advised repeatedly that it would be a probably impossible task (and of questionable legality/ethics) to make it a priority of the Committee to draw lines that kept all candidates and incumbents in their current districts.

Not only does the Committee feel that it would be a disservice to draw lines to favor personal interests, it is also important to recognize that the initial draft maps were prepared by the consultant before the political candidate pool was even known. Additionally, the changes will not take effect until the 2026 election cycle, so no changes will impact the constituencies that will vote for representatives in 2022.

vi. The Districts were formed so as to promote the orderly and efficient administration of elections. The Democratic and Republican election commissioners were invited to attend all meetings and provide input, and were oftentimes asked questions about impacts certain changes may make to election administration. Municipal and natural/geographic boundaries were respected as much as practicable, in part to ensure more efficient election administration.

Conclusion

The Committee deems that all of its activities are concluded, and the committee shall be disbanded with the adoption of this report and its submission to the Chairman of the Legislature for any further action.

Respectfully submitted,

L. Thomas Sweet.
Committee Chairman