

Minutes of the Legislative Redistricting and Efficiency of County Government Operations Advisory Committee public information and listening session held at 2:30 p.m. on March 16, 2022 in the Legislative Chambers 5<sup>th</sup> Floor Hazlett Building, 203 Lake Street, Elmira, NY 14902.

Members present: L. Thomas Sweet (Chairman), Robert Briggs, Marty Chalk, Scott Drake, Michael Smith

Also present: Joseph Brennan, William McCarthy, Bryan Maggs, Attorney for the Legislature, Jeffrey Wice, Adjunct Professor/Senior Fellow, New York Census and Redistricting Institute, New York Law School, Joshua Simons, Senior Research Associate at the Benjamin Center for Public Policy, GIS, MA Public Administration

The meeting was called to order by the Chairman of the Committee at 2:30 p.m.

Mr. Sweet turned the floor over to Mr. Wice who provided an overview of the New York State redistricting process. Mr. Wice explained that the process of redistricting, the actual redrawing of district boundaries within a state or county, is based upon census data which is supplied by the Federal Government. Redistricting is a building block of our democracy which is driven by the US Constitution. Every district needs to be redrawn based upon equal population, often referred to as the one person one vote doctrine that each person's vote needs to be equal to everyone else's. The Federal Voting Rights Act requires the creation of minority districts in areas where there are severely high levels of minority voters who cannot elect their preferred candidates because they are outvoted by majority voters. This is not likely to be a factor for Chemung County. In late October of 2021, Governor Hochul signed Legislation (A.229c/S.516B). The law requires county redistricting to follow specific criteria including:

1. Population equality. District size cannot vary more than 5% between the largest and smallest districts (used to be 10% allowable variation). Chemung County's population per the 2020 Census is 84,148. This equates to an ideal average size per Legislative District of 5,610. The 5% deviation would allow for the largest District to have 5,750 residents and the smallest to have 5,469. Currently, ten of the fifteen districts are out of proportion. It will require some tweaking to get districts within the current allowable deviation of 5%.
2. Districts cannot be drawn to deny or abridge minority groups to participate in the political process or to diminish their ability to elect representatives of their choice. Mr. Wice noted that Chemung County does not have minority blocks that need to be considered for redistricting purposes, however, minority blocks could and should be considered wherever possible. The population of Chemung County is 88% White, 6.5% Black, and 3% Hispanic, 50.5% female and 49.5% male.
3. Districts shall consist of contiguous territory.
4. Districts shall be as compact in form as practicable. Current districts are quite compact.

5. Districts cannot favor or disfavor incumbents or other particular candidates or political parties. Communities of interest shall be considered. To draw a district where people of a likeminded interest are included in the same district. 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. Mr. Wice noted that the current district map divides the Town of Erin. It will require some large changes to ensure that the Town of Erin is not split between two districts.
6. Districts shall be formed so as to promote the orderly and efficient administration of elections.

Mr. Wice stated that criteria is listed in ranked order of importance. Efforts to achieve the highest ranked criteria must be met first.

Mr. Sweet thanked Mr. Wice for his overview. He noted that the committee will hold a public meeting on Monday, March 21, 2022 at 10:00 a.m. At this meeting the committee will receive a Deviation and Demographics Report (the "Report") from the New York Census and Redistricting Institute. The Report will include population within each current Legislative District and how much each District will need to be adjusted. Mr. Sweet stated that there will be further opportunities for the public to provide input. Mr. Sweet opened the meeting to comments from the public.

Francis Freeman asked if the voters would get to decide on the final draft of the proposed Legislative District maps. Mr. Sweet stated that there will be a public referendum in November of 2022. Mr. Freeman asked what would happen if the referendum was shot down. Mr. Wice stated that it would be sent back to the County Legislature to redraw the map. Mr. Freeman asked when the new maps would take effect. Mr. Wice stated that they need to be in place for the 2023 county elections.

Nicholas Grasso asked how the Report will be made available to the public. Joshua Simons noted that he will provide a pdf. document to the Legislature. Mr. Maggs stated that the Report will be distributed to members of the committee and if there is nothing proprietary in the document it will be made available to the public prior to the meeting.

Mr. McCarthy noted that the public is concerned as to when the new districts would go into effect. Mr. Sweet noted that ideally the process would have been completed in 2021. However, due to the delay in the release of the Census data the referendum will come before the voters in November of 2022 and will take effect for the election of county Legislators in 2026. Mr. Wice noted that as a rule of thumb the approved district boundaries are used at the next election. Mr. Simons noted that it was not feasible to get new lines drawn prior to the 2022 election. Data was not released from the Census Bureau until August of 2021 and the NYS Legislature did not release the adjusted data which included prison populations (per state law) until late September/early October. In addition, the new state law was not signed until November of 2021. Mr. Sweet noted that the referendum needs to be to the Board of Election by August 8, 2022.

Mr. Brennan asked if the possibility of changing the form of government and/or reducing the number of Legislative Districts was still being considered. Mr. Wice stated that both of these issues would require an amendment to the County Charter and would need to be considered outside of the redistricting process and would require a separate referendum. Mr. Sweet confirmed that the committee is only looking at redistricting the current number of districts due to the time crunch. Mr. Wice commented that all jurisdictions are required to use the same number of districts that are existing now in law unless county law allows that to be changed.

Francis Freeman stated that incarcerate prisoners should be released to the communities to which they are counted for the Census. Mr. Wice stated that this is an issue for the NYS Legislature. He noted that it is assumed, that upon release, most prisoners will return to their home counties.

Mr. Chalk asked what the biggest challenges will be going forward. Mr. Wice state the process should be one that is fair and transparent that follows the law. The new districts should reflect how people think districts ought to be shaped within the law. These will be the districts that will be used for the next ten years. Mr. Simons stated that the most complicated issue is that the current districting map splits the Town of Erin into two districts and the Town of Erin only comprises about 33% of the total district. Under the new state law the Town of Erin cannot be split. This will require some large shifts and changes to districts, more than simply tweaking things along the edges of districts. Also, currently, about 10 of the 15 Districts are out of proportion, with the most being a surplus of 10.87% and least being a deficit of 10.96%. The new state law allows for 2.5% deviation from the mean or 5% total deviation from the most populous to the least populous. Currently that deviation is 22%. To get these deviations in line with current law will require some effort.

Mr. Smith noted that the urgency that now presents itself is not a product of the Legislature dragging its feet. It is due to the delay in receiving final Census data. The committee was formed in 2021 and was eager to begin the process. Mr. Smith stated that he does not view this as a threatening process. It is required by law and prescribed in the County Charter. The committee's main concern is completing the process so that the referendum can appear on the ballot in November.

Mr. Brennan noted that concerns have been raised regarding there not being enough public participation and/or input into the process. He asked Mr. Wice and Mr. Simons what their experience has been regarding working with a Public Commission vs. a Legislative body. Mr. Wice stated that a key component is to receive public comment through hearings throughout the process and determine if the plans are in line with issues raised by the public. He noted however, that things often become difficult when you are required to work within the law. Not all suggestions can meet the legal criteria. Mr. Brennan asked how the standard of one person, one vote will be achieved for minority communities, that is, is there a need to include a public body that would insure the rights of minorities. Mr. Wice stated that it will be important to listen to minority groups, noting that there are two clusters of minority communities in Chemung County. The plan should consider keeping minority communities together, however, it is not required by law.

Joe Atkinson noted that the redistricting process is running about two years behind schedule. He asked if the new district map will only have a life of eight years. Mr. Wice stated that the rule of thumb is that this data will be used until a new map is approved following the 2030 Census. Redistricting happens once every ten years, not more frequently. Mr. Simons noted that the process is really only six months behind, not two years. The plan will have a ten-year shelf life because a new plan will not be developed until 2031 to go to referendum in 2032. Mr. Wice reminded everyone that New York used to have a Fall primary. The primary was move to the Spring which does not allow enough time for lines to be redrawn and approved prior to the primary.

Jim Hare asked if the Report will be put on the county website. Mr. Maggs stated that the Report will be posted to the website. Mr. Hare requested that the state guidelines be made available to the public as well. Mr. Wice will provide this information.

Nicholas Grasso noted that Mr. Simons stated that ten out of the fifteen Legislative Districts are currently out of proportion by greater than double the standard deviation. He asked if the Report that will be provided to the committee on Monday will make a recommendation as to how to handle this. Mr. Simons stated that the next step after the Report will be to discuss the options available to deal with this issue. Mr. Simons will then create a draft plan based on the committee's input that complies with all the relevant laws and reflects the priorities of the committee.

On the motion by Mr. Smith, seconded by Mr. Drake, the meeting was adjourned at 3:15 p.m.