

# **MEMORANDUM REGARDING PROPOSED TOMPKINS COUNTY REDISTRICTING COMMISSION**

**March 17, 2011**

## **BACKGROUND**

The Tompkins County Legislature consists of fifteen Legislators elected from single-member districts. All fifteen are elected simultaneously for four-year, non-staggered terms. The current Legislature was elected in 2009. The next election will be held in 2013.

Section C-2.09 of the Tompkins County Charter and Code provides:

**Reapportionment of the Tompkins County Legislature.**

- (a) Upon publication of the results of the federal decennial census for Tompkins County, the Tompkins County Legislature shall prepare a plan for reapportionment, which shall contain recommendations as to the number and geographical boundaries of the various districts from which members of the Tompkins County Legislature shall be nominated and elected at the primary and general election to be held in the year 2001. The Tompkins County Legislature shall approve a plan for reapportionment of such Legislature at least 30 days prior to the first date for circulation of designating petitions for nomination at the 2001 primary election of members of the Tompkins County Legislature. Such plan shall be termed the basis for nomination and election of the Tompkins County Legislature until the publication of the next decennial census, at which time the Tompkins County Legislature shall prepare a reapportionment plan.
- (b) The Tompkins County Legislature in planning such reapportionment shall appoint a committee on reapportionment to assist it in arriving at a plan of reapportionment. The Legislature shall give to said committee the guidelines under which the committee shall operate.

The United States Federal Census was conducted in 2010. Results of the census for Tompkins County will be available in early 2011. Pursuant to the Charter and Code, the Tompkins County Legislature will need to appoint a committee on reapportionment.

During the latter part of 2010, and early 2011, the Government Operations Committee of the Tompkins County Legislature has been discussing the redistricting process with the goal of recommending to the full Legislature the process to be used for reapportioning legislative districts. Among other things the Government Operations Committee has investigated proposals at the state level for legislation to create independent redistricting for Congressional and New York State legislative districts. It has also listened to a presentation from the chairman of the City of Ithaca's Charter Committee, which has been tasked with dealing with reapportionment of Common Council districts ("wards") in that municipality. Its process may be affected by decisions made for County legislative districts. The City of Ithaca is the only other municipality in Tompkins County that elects its governing body from geographic districts.

Because the County Legislature is elected for four-year terms, and the federal census is conducted every ten years, the time between the publication of the population data and the next county election changes. After the 2000 Census, the information became

available in early 2001. The next election was to be held the same year. Accordingly, Tompkins County had only a few months to prepare a reapportionment plan in time for the primary election. A bipartisan Reapportionment Committee was appointed by the County Legislature consisting of six elected County Legislators. It prepared and submitted a reapportionment plan that was approved and used in the 2001 primary and general elections.

After the 2010 Census, there is significantly more time. The next County Legislature election does not occur until 2013. Although that is over two years away, the Committee feels that the process should begin immediately so that it can be completed well ahead of that election.

### **Independent Redistricting Commission**

The Government Operations Committee has come to consensus that the Tompkins County Legislature should appoint an Independent Redistricting Commission (“Commission”) to prepare a reapportionment plan to present to the Legislature for approval. The Committee recommends the structure of the Commission should be as follows:

- (a) On recommendation of the Government Operations Committee, after a review of applications and possible interviews, the Commission shall consist of nine (9) members appointed by the full County Legislature.
- (b) On recommendation of the Government Operations Committee, after a review of applications and possible interviews, the County Legislature shall designate the Chair of the Commission. The Commission shall elect a Vice Chair.
- (c) The County Legislature, through the County Administrator, shall designate appropriate staff to assist the Commission in its work.
- (d) No currently serving elected municipal officials shall be appointed as members of the Commission.
- (e) No currently serving officers of any political party or officers of any political committee shall be appointed as members of the Commission.
- (f) Members of the Commission shall be County residents, registered voters, and shall be knowledgeable about Tompkins County and its municipalities, and about government and electoral processes. Members must be willing to work cooperatively and in a non-partisan manner to prepare a reapportionment plan that is fair and unbiased.
- (g) The County shall solicit nominations (including self-nominations) for prospective members of the Commission. The solicitation shall be broadly disseminated so that the list of nominees will be representative of the diversity of the county. Nominees willing to serve on the Commission will be expected to file advisory board applications. Following review of the applications by the Government Operations Committee, the Committee’s recommended appointments to the Commission shall be forwarded to the Legislature, which shall make the appointments.

## **Charge to Commission**

The task of the Tompkins County Redistricting Commission shall be to draft and recommend to the Tompkins County Legislature a fair and non-partisan plan of reapportionment (“Plan”) for its legislative districts that shall be within the following parameters:

- (a) The Plan shall comply with the requirements of state and federal constitutions and laws as to proper district apportionment.
- (b) The Plan shall comply with the standards for reapportionment as set forth in Section C-2.11 of the Tompkins County Charter and Code as follows:

### **“Standards of reapportionment**

**“The Tompkins County Legislature shall, in approving a plan of reapportionment, be guided by the goals of equality of representation consistent with the policies of the State Legislature as interpreted by the courts of appropriate jurisdiction.**

**“Factors to consider are:**

**“Minimization of population variance among districts;**

**“Compactness of districts;**

**“Practicable consistency with existing municipal boundaries and neighborhoods within Tompkins County;**

**“Balance and reasonableness of representation for the diversity of citizens residing in all parts of the County.”**

- (c) In considering a Plan, the Commission shall not consider the location of the residences of incumbents.
- (d) The current number of County legislative districts is 15. The County Charter and Code allows between 11 and 19 districts. The Commission may recommend a change in the number of legislative districts.
- (e) The Commission may inform and educate itself by seeking the advice of experts, except that any expenditures for that purpose must be approved by the County Legislature in advance.
- (f) To allow for the greatest dissemination of information, the recommended plan and any other alternatives shall consist of large, colored district maps, which shall be displayable on the County’s website. The maps would be made available for review in the County Legislature Office, each municipal office, and at all libraries within the County.
- (g) The Commission shall publicize its activities.
- (h) Meetings of the Commission shall be open to the public.

- (i) The Commission shall solicit input from County Legislators, the general public, municipal officials, good government advocacy groups, and others. It shall hold a reasonable number of fact-finding hearings and may hold focus group sessions. Commission meetings should be held in various geographic and neighborhood locations around the County.
- (j) The Commission shall solicit input from the Tompkins County Commissioners of Election regarding the implications of the district boundaries under consideration.
- (k) Although it may be considered as a factor, the Commission shall not automatically assume a particular number of legislative districts for the City of Ithaca based on the number of city-designated wards.
- (l) The Commission shall make every effort to minimize the use of “sliver election districts” (i.e., small areas in one municipality or neighborhood attached to much larger areas in another for the sole purpose of reducing population disparities between districts) formed when County legislative districts and City ward districts are not co-terminus. However, should the Commission find sliver districts desirable for the benefit of the best Plan, it may recommend them.
- (m) In its deliberations, the Commission shall consider possible redistricting impacts on communities of interest such as rural or minority populations. It may also consider the effect on student populations.

#### **Procedure for Adoption**

The Commission shall submit its Plan (and any alternatives) to the Government Operations Committee, which shall then forward it to the full Legislature in the form of a proposed local law or laws. Following a public hearing, the Legislature may adopt a local law, or may refer the Plan (and/or alternatives) back to the Commission with written comments. That shall only be done one time. Upon receipt, the Commission shall consider the Legislature’s comments and may make revisions to the Plan (and/or alternatives) and return the same to the Government Operations Committee for re-transmittal to the Legislature, or the Commission may decline to make changes and so advise the Legislature in writing with its reasons. In that event, the Legislature shall proceed to adopt a Plan for redistricting.

#### **Time of Completion**

- (a) The Commission shall recommend a preferred Plan of apportionment to the appropriate Committee of the Tompkins County Legislature no later than March 1, 2012. Although not required to do so, the Commission may also submit up to two alternate plans.
- (b) Upon acceptance of a Plan of Apportionment by the Tompkins County Legislature, the work of the Commission shall be deemed complete and the Commission disbanded.

Michael E. Lane, Chair  
Government Operations Committee