



Monroe County Legislature

VINCENT ESPOSITO

LEGISLATOR - DISTRICT 16

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January 10, 2011

To The Honorable
Monroe County Legislature
39 West Main Street
Rochester, NY 14614

RE: Independent Redistricting Commission for the Monroe County Legislature

Honorable Legislators:

The United States Constitution requires a decennial census in order to apportion legislative representation equally among our population for all levels of government. As the 2010 census comes to completion, work must soon begin to reapportion the districts of the Monroe County Legislature in advance of the 2011 elections.

The Monroe County Charter allows for the creation of a Legislative Redistricting Commission to devise a district plan that must ultimately be approved by the Legislature and the Executive. However, the composition of the commission is unbalanced, with more members appointed by the majority party of our unicameral legislative body. As a result, history has shown the current process produces gerrymandered district boundaries drawn for partisan advantage, rather than fair representation of our community.

Citizens across our state and nation have made it clear that gerrymandering is no longer acceptable and that now is the time to use an independent, non-partisan process to redraw legislative district lines. According to a recent Quinnipiac University poll, more than sixty percent of New Yorkers support independent redistricting, including overwhelming support across constituent groupings: Republican, Democratic and Independent, male and female, minority, Upstate and New York City. Several states have successfully implemented independent redistricting for decades, and this year at least three counties in New York will do so for the first time, in direct response to the will of the people.

Redistricting is a vital component of our democratic process and it must be reformed in Monroe County to ensure basic fairness that will promote more competitive elections, more accountable elected officials, and more transparent public policies.

Therefore, we propose expanding the current Legislative Redistricting Commission from five members to eight. This reformed commission would be comprised of the following members: the two Monroe County Board of Elections Commissioners; two retired judges, one each appointed by the Majority and Minority Leaders; two representatives of publicly recognized voters rights/public policy organizations, one each appointed by the Majority and Minority Leaders; and two representatives nominated by groups advocating minority rights, one each appointed by the Majority and Minority Leaders. Other than the retired judges, current and former elected officials and party officials would be prohibited from serving on the commission.



In order to ratify and recommend a redistricting plan to the Legislature, the commission would be required to pass such plan with at least five votes. The proposed local law would also require the commission to hold at least two public hearings to maximize the ability for the public to provide input.

In addition, this local law would prohibit, to the extent possible, the practice of splitting up towns, villages and urban neighborhoods into separate districts, providing an important protection to the voice and representation of our residents living in small, rural towns and city neighborhoods with their own unique legislative and public policy needs. The use of political voter registration data as a consideration in the formation or adoption of new lines is also explicitly prohibited.

Finally, the plan presented to the Legislature by the commission must be voted upon without modification to maintain ultimate legislative responsibility while also maintaining the integrity of the independent process, insulated from partisan influence.

Therefore, we propose that this Honorable Body enact the attached local law to create an independent redistricting process.

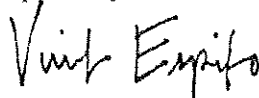
The Specific legislative action required is to:

1. Schedule and hold a public hearing on the attached proposed local law.
2. Enact the local law amending the Monroe County Charter, as attached.

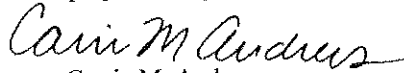
This proposed local law will have no impact on the revenues and/or expenditures of the current Monroe County Budget.

We recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Respectfully Submitted,



Vincent Esposito
Deputy Minority Leader



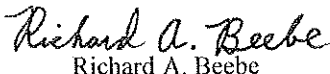
Carrie M. Andrews
Assistant Minority Leader



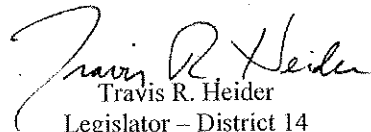
Calvin Lee, Jr.
Assistant Minority Leader



Ted O'Brien
Democratic Minority Leader



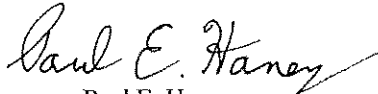
Richard A. Beebe
Legislator - District 6



Travis R. Heider
Legislator - District 14

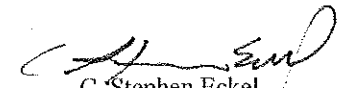


Glenn J. Gamble
Legislator - District 22

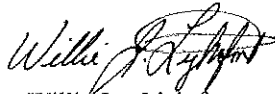


Paul E. Haney
Legislator - District 23

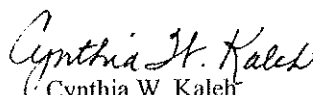
Joshua Barouth
Legislator - District 24



C. Stephen Eckel
Legislator - District 26



Willie Joe Lightfoot
Legislator - District 27



Cynthia W. Kaleh
Legislator - District 28



Saul A. Maneiro
Legislator - District 29

By Legislators _____ and _____

Intro. No. _____

LOCAL LAW NO. _____ OF 2011

A LOCAL LAW ENTITLED "AMENDING MONROE COUNTY ADMINISTRATIVE CODE AND CHARTER TO CREATE AN INDEPENDENT REDISTRICTING COMMISSION"

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section §C2-12C of the Monroe County Charter is amended to read:

§ C2-12C. Reapportionment procedures and standards.

(1) The County Legislature shall appoint a Legislative District Revision Commission to evaluate the existing legislative districts for equity and representation in relation to population ~~within six months~~ by March 1st of the year following a regular federal census or within three months after the publication of the results of each regular federal census taken in the County, whichever occurs first; or within six months after the publication of the results of any County-wide federal or special population census, taken pursuant to § 20 of the General Municipal Law of the State of New York, and held not more often than once every five years; or after any annexation which has the effect of increasing or decreasing the population of any legislative district by more than 10%.

(2) Such Commission shall consist of the eight members, who shall serve without compensation, appointed as follows: of the County Board of Elections, the President of the County Legislature and one person selected by the legislative members of each legally constituted political party represented on the County Legislature.

(a) The two Commissioners of the Monroe County Board of Elections; and

(b) Two retired judges, one to be appointed by the Majority Leader of the Monroe County Legislature and one to be appointed by the Minority Leader of the Monroe County Legislature; and

(c) Two representatives recommended by a publicly recognized organization committed to the principles of voters' rights and/or the advancement of public policy, one to be appointed by the Majority Leader of the Monroe County Legislature and one to be appointed by the Minority Leader of the Monroe County Legislature. "Publicly recognized organization committed to the principles of voters' rights and/or public policy" shall mean any group, organization, association, or other entity, legally incorporated at least two years prior to the formation of the Commission, and established for the purposes of advocating on behalf of voters' rights, and/or the advancement of public policy. Notwithstanding the foregoing, any political committee, as defined in Article 14 of New York Election Law, shall not be considered a publicly recognized organization committed to the principles of voters' rights and/or the advancement of public policy; and

(e) Two representatives of a publicly recognized minority organization, one to be appointed by the Majority Leader of the Monroe County Legislature and one to be appointed by the Minority Leader of the Monroe County Legislature. "Publicly recognized minority organization" shall mean any group, organization, association, or other entity, legally incorporated at least two years prior to the formation of the Commission, and established for the purposes of advocating on behalf of any race, creed, color, sex, gender, or national origin that did not constitute fifty percent or more of the Monroe County population as measured by the immediately preceding census. Notwithstanding the foregoing, any political committee, as defined in Article 14 of New York Election Law, shall not be considered a publicly recognized minority organization; and

(g) The chairperson of the Commission shall be elected by five affirmative votes of the members of the Commission.

(3) Except for individuals appointed pursuant to sections C2-12C(2)(a) and C2-12C(2)(b), the following classes of individuals shall not be eligible to serve as members of the Commission:

(a) Individuals who currently serve or have served in the immediately preceding 10 years in any elected federal, state or local partisan office; or

(b) Individuals who currently hold or have held any political party position or any political party officer, above the office of committee person, whether by election, appointment, or otherwise, during the immediately preceding five years; or

(c) Individuals who have served as a paid consultant retained by any candidate for partisan office or political party in the immediately preceding 10 years; or

(d) Individuals who are the parent, child, sibling, or spouse of any member of the Monroe County Legislature or any political party officer, above the office of committee person.

(3) (4) The Commission shall study the population data and within three months after appointment or by April 30th whichever occurs first, make recommendations, if necessary, in the form of a proposed local law as to changes in the boundaries of legislative districts. Such local law shall provide:

(a) For substantially equal weight, with a maximum of one percent deviation between district populations, for all the voters in the allocation of representation in the Monroe County Legislative body; and

(b) To the extent practicable and in the interest of ensuring equal representation, no town, except a town having more than one hundred and one percent of a full ratio for each representative, shall be divided in the formation of representation areas; and

1. When a Town must be divided, consideration shall be given to existing boundaries such as hamlets, subdivisions and neighborhood association boundaries

(c) That no village shall be divided in the formation of representation areas; and

(d) To the greatest extent possible and in the interest of ensuring equal representation, no historic neighborhood in the City of Rochester shall be divided in the formation of representation areas.

(4) (5) In its deliberations to redesign the legislative districts, the Commission shall comply with the equal protection clauses of the Fourteenth Amendment of the United States Constitution and Article I, §§ 1 and 11, of the New York State Constitution. Further, legislative districts shall be of compact and contiguous territory to the extent possible in as compact form as practicable. Voter registration data or information shall not be considered in the formation or approval of the proposed local law.

(5) (6) Within three two months after the submission of the report of the Commission, which shall be submitted to the County Legislature in the form of a proposed local law, the Legislature shall conduct a public hearing on the proposed changes, if any, and shall then enact by majority vote approve or disapprove a of the local law setting forth revised district boundaries as proposed by the commission, subject to such permissive referendum as may be required pursuant to applicable state law.

(6) (7) If such local law is defeated by referendum, or is finally declared invalid by a court of competent jurisdiction, the Legislative District Revision Commission shall be reactivated to study and prepare a new proposed local law for submission to the County Legislature at least 150 days prior to the next general election, subject to the same procedures and requirements as provided above.

(8) Five members of the Commission shall constitute a quorum for the purposes of conducting the business of the Commission.

(9) Five affirmative votes of the Commission shall be required to adopt and submit a proposed local law to the County Legislature.

(10) The Commission shall hold regular meetings and keep a record of all of its proceedings, with special meetings to be called by the Chairperson upon his or her own initiative or upon receipt of a written request signed by at least four members of the Commission. Written notice of the time and place of such special meetings shall be given to each member at least four days before the date fixed by the notice for such special meeting. In addition to any other requirements imposed by law, the proceedings of the Commission shall be conducted in accordance with the current edition of Robert's Rules of Order.

(11) All clerical services involving the month-to-month operation of the Commission, as well as supplies and postage as necessary, shall be provided by the professional staff of the bipartisan Board of Elections. The Commission may request, receive, and utilize such facilities, resources, and data of any department, office, or agency of Monroe County as it may reasonably request to properly carry out its powers and duties.

(12) The Commission shall conduct at least two public hearings within the County of Monroe for the purpose of obtaining necessary information or other data from the public. At least one hearing shall be held prior to the Commission beginning work on the reapportionment plan. At least one hearing shall be held following the completion of the draft reapportionment plan, but prior to any vote by the Commission to adopt the final plan. The time and place of each public hearing shall be published in the official County papers at least five days before the date fixed for such hearing. The Commission

is authorized to take such other actions as it deems necessary and appropriate to encourage substantial and diverse public input during the public hearings.

(13) The Commission shall expire, and the terms of its members terminate, 30 days after a local law is adopted pursuant to Section C2-12C of the Monroe County Charter, at which time the Commission shall deposit all the records of the proceedings with the Clerk of the Legislature.

(14) All vacancies in the membership of the Reapportionment Commission shall be filled in the manner provided for their original appointment.

Section 2. If any clause, sentence, paragraph, section or article of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 3. The clerk of the Monroe County Legislature is hereby authorized and directed to cause a copy of the foregoing local law to be published in the county's official newspapers.

Section 4. This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law after approval by the electors of the County of Monroe in accordance with the requirements for conducting a referendum at the next General Election.

File No. 11-0 ____ .LL

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____

Added Language is underlined

Deleted Language is ~~stricken~~