

## Overview

Under the Census 2020 populations, Nassau County's Legislative Districts need to be adjusted to comply with State law and Federal Law. In addition, changes to the Municipal Home Rule Law now require smaller population deviations in legislative districts than previously allowed, require villages to remain whole, and require a reduction in political considerations when drawing districts.

After receiving input from the Commission, we revised our initial plan. The changes primarily make additional Census Designated places whole and unpairs one of the incumbent members. None of these changes significantly change the metrics of our initial plan.

We drew this plan with all of the State and Federal rules in mind and received input from the commissioners about local communities of interest and public testimony after our original plan was submitted. Our main objective was to create a plan with the proper populations and closely adhere to the Municipal Home Rule Law changes that required us to preserve villages and maintain the cores of existing districts.

## Local Redistricting Law and NYS Municipal Home Rule Law

New York's Municipal Home Rule Law (MHRL), Sections 10 and 34 specifically deal with County Redistricting rules. These sections of State Law were amended since the last redistricting. All of these rules are summarized, in order of their importance, as follows:

1. Equal population. No more than a 5% total population deviation is allowed
2. Districts may not have the intent or result of diminishing racial or language minorities participation in elections
3. Districts must be contiguous and compact
4. Districts shall not be drawn to discourage competition, or favor or disfavor incumbents, candidates, or political parties
5. Cores of existing districts, cities, villages, and towns should be maintained
6. Districts should promote efficient administration of elections

## Equal Population

The primary reason for redistricting is to make sure that people are equally represented in the government as required by the 14th amendment of the US Constitution. In Federal Law, court decisions indicate that except for Congressional districts, a deviation is allowed from the ideal district size. Plans with total deviations of 10% or less have been presumed to comply with one-person-one-vote. Deviations above 10% can be allowed if justified by a rational state policy. State and local laws have been amended since the last redistricting process that require a lower total deviation for County Legislative districts of 5%.

Nassau County's adjusted population is 1,396,925. The ideal district size for each of the nineteen districts is 73522.

## Voting Right Act and Racial and Language Minority Groups

Section 2 of the Voting Rights Act protects a minority community's right to equal opportunity to elect the candidate of their choice. Under the existing map, Nassau County has no Voting-Age Non-Hispanic Black (NHB18) majority districts. Districts 1, 2 and 3 have NHB18 percentages of 46%, 40% and 38% respectively.

In our opinion, it is possible to create at least one NHB18 district. At this point we have not performed or studied any analysis that indicates whether Section 2 requires that this district be created.

Changes to the Municipal Home Rule law state that "Districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minority groups to participate in the political process or to diminish their ability to elect representatives of their choice."

Based on 2020 Census data, we feel that our proposed plan adheres to this principal by creating a single NHB18 district and at least three other Majority-Minority districts.

### **Compact and Contiguous**

All 19 districts are contiguous. Contiguity is relatively easy to define and there are no instances of "point-contiguity" or "line-of-sight" contiguity that some consider controversial.

There are several statistical measures of calculating compactness. Many of these measures generally define an ideal compact district as a circle and calculate how much each district deviates from the ideal. Most of these methods do not consider all the factors that influence compactness. Topography of different parts of the county, natural population distributions or shape of the county itself can affect the results. For that reason, we calculate compactness using multiple methods and form a consensus opinion.

Using nine of the most used algorithms, we found that this plan is slightly more compact than the existing map.

### **Political Considerations**

A new redistricting rule in the MHRL states that districts shall not be drawn to discourage competition or favor or disfavor incumbents, candidates, or political parties. All changes made during redistricting have positive and negative political effects and many commissions avoid looking at political data at all to insulate themselves from conscious political bias. Whether the plan violates these new redistricting rules will largely depend on each participant's point of view.

There have been few, if any, court challenges to help us define how to measure a violation of this section of the law. Using enrollment or past election results to predict outcome of future elections is very subjective and speculative. The one objective measurement we can use is whether the incumbent of a specific district is no longer living in the district due to the redistricting process.

After completing our draft plan, we overlaid the home addresses of the incumbent members to see if any pairings occurred. After our recent revisions, there are two members paired in District 4 and two members in District 14. We feel that it disfavors incumbents when they are paired and suggest that our proposal can be easily

revised to undo at least one of them. The only pairing that may be unavoidable is in the incorporated Village of Westbury, where two incumbents reside.

Under the MHRL, “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.” Westbury’s population is below the 40% threshold. The commission may or may not find it “practicable” to leave this village whole in the final plan.

### **Preservations of Cores of Existing Districts, Villages, Cities and Towns**

The proposed plan preserves an average of about 91% of the cores of existing district.

Sixty-five villages remain wholly within a single district. All of these are under the 40% MHRL threshold. Hempstead, Freeport and Valley Stream are split into two or more Legislative Districts in this proposal.

### **Conclusions**

Our plan fully adheres to all local, State and Federal Laws and we recommend it be approved by the Commission.