

**LOCAL LAW NO. "W" FOR 2016**

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING SECTION 207 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED RELATING TO COMMISSIONS ON REAPPORTIONMENT**

Introduced: 11/14/16

By Ms. Cunningham, Messrs. A. Joyce, Mauriello, Bullock, Burgdorf, Dawson, Domalewicz, Drake, Grimm, Higgins, R. Joyce, Mss. Lekakis, McClean Lane, Messrs. Mendick, O'Brien, Reinhardt, Stevens, Mayo and Clenahan:

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2701 OF THE ALBANY COUNTY CHARTER:

Be it enacted by the County Legislature as follows:

Section 1. The Albany County Charter is hereby amended by deleting the existing Section 207 and adding a new Section 207 to read as follows:

Section 207. Commission on Reapportionment.

A. Upon publication of the results of the federal decennial census for Albany County, a Commission on Reapportionment shall be established to make recommendations to the County Legislature on whether and how the County Legislature should be reapportioned.

B. The Commission shall consist of nine (9) members who are County residents, are eligible to register to vote and are not public officers or employees. The Commission's members shall include representatives of the two (2) principal political parties and reasonably reflect the demographic composition of the County. Two of said appointees shall be representatives of the Capital Region League of Women Voters and the National Association for the Advancement of Colored People (NAACP).

C. To establish a pool from which members will be appointed, no later than three (3) months prior to the anticipated first meeting of the Commission, the County Executive and the County Legislature shall widely solicit interest in serving on the Commission through such means as direct mail and e-mail contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement and announcement on the County website.

D. The County Legislature shall remove from the applicant pool individuals with conflicts of interest including:

1. Within the 10 years immediately preceding the date of application, neither the applicant, nor a member of his or her immediate family, may have done any of the following:

(i) Been appointed to, elected to, or have been a candidate for federal, state or local office;

(ii) Served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective federal, state or local office;

(iii) Served as a member of a political party committee as defined in section 14-100 of the new york state election law;

(iv) Been a registered federal, state, or local lobbyist within the past five years;

(v) Served as a paid congressional, State legislative, or Albany County staff member or employee;

(vi) Contributed two thousand dollars (\$2,000) or more to any congressional, state, or local candidate for elective public office in any year.

2. Staff and consultants to, persons under a contract with, and any person with an immediate family relationship with any locally elected official, are not eligible to serve as commission members. As used in this subdivision, a member of a person's "immediate family" is one with whom the person has a bona fide relationship established through blood or legal relation, including spouse, parents, children, siblings, and in-laws.

E. Initial appointments to the Commission from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and shall be made no later than sixty (60) days after the census data becomes available, with three (3) members appointed by the Majority Leader of the County Legislature and three members by the Minority Leader of the County Legislature. Leaders shall not appoint more than two members of the same political party.

F. These six (6) appointed Commissioners shall select the additional three (3) Commission members from the pool previously established no later than seventy (70) days after the census data becomes available. No selected commissioner shall be of the same political party as another selected commissioner.

G. Vacancies in the membership of the commission shall be filled within

thirty days in the manner provided for in the original appointments.

H. To the extent practicable, the members of the independent redistricting commission shall reflect the diversity of the residents of the county with regard to race, ethnicity, gender, language, and geographic residence and to the extent practicable the appointing authorities shall consult with organizations devoted to protecting the voting rights of minority and other voters concerning potential appointees to the commission, including but not limited to, the Capital Region chapter of the NAACP.

I. The Commission shall issue 2 Request for Proposals (RFPs) for map drawing services, one for Majority Minority districts (MMD) and the other for the Entire County. The 9 members of the Commission shall score the RFPs based on a set scoring matrix they develop, which is based on the goals/criteria identified in Section K.

J. The Commission, staff and the contractor(s) hired under the RFP shall comply with the requirements of 52 U.S.C. 1001 (Section 2 of the Voting Rights Act of 1965) as interpreted in the March 24, 2015 Memorandum Decision and Order of the United States District Court for the Northern District of New York in the case Pope v County of Albany, 94 F. Supp. 302 (NDNY 2015) and in all subsequent relevant statutes and case law.

K. The Commission shall be guided by the goal of equal and fair representation of all people in Albany County, consistent with established state and federal law as interpreted by courts of appropriate jurisdiction. Factors to consider include, but shall not be limited to:

1. whether such lines would result in the denial or abridgement of racial or language minority voting rights, and districts shall not be drawn to have the purpose of, nor shall they result in, the denial or abridgement of such rights. Districts shall be drawn so that, based on the totality of the circumstances, racial or minority language groups do not have less opportunity to participate in the political process than other members of the electorate and to elect representatives of their choice;
2. districts shall contain as nearly as may be an equal number of inhabitants. For each district that deviates from this requirement, the commission shall provide a specific public explanation as to why such deviation exists. In no event shall any one district deviate by more than 2% from another district in population;
3. each district shall consist of contiguous territory;
4. each district shall be as compact in form as practicable;

5. districts shall be consistent with existing municipal boundaries and neighborhoods within Albany County; and
6. balance and reasonableness for the diversity of citizens residing in all parts of the County.

L. Party registration and voting history data shall be excluded from the initial phase of the mapping process but may be used to test maps for compliance with the above goals. The places of residence of incumbents or candidates shall not be identified or considered.

M. The County budget shall prioritize the appropriate funding of the independent redistricting commission and include necessary appropriations for the expenses of the work of the commission, provide for compensation and reimbursement of expenses for the members and staff of the commission, assign to the commission any additional duties that the county legislature may deem necessary to the performance of the duties stipulated in this local law. The commission shall be permitted to hire staff, legal counsel, and consultants as needed. The commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. The commission shall apply the conflicts of interest listed subdivision (D) to the hiring of staff to the extent applicable. The commission shall require that legal counsel hired by the commission have demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.).

N. During the preparation of the redistricting plan, the independent redistricting commission shall conduct not less than four (4) public hearing throughout the County.

O. At least thirty days prior to the first public hearing, the independent redistricting commission shall make widely available to the public, in print form and on the County's website, its draft redistricting plans, relevant data, and related information. Such plans, data, and information shall be in a form that allows and facilitates their use by the public to review, analyze, and comment upon such plans and to develop alternative redistricting plans for presentation to the commission at the public hearings. The commission can then adjust their redistricting plans based on input received from the public. The independent redistricting commission shall report the findings of all such hearings to the legislature upon submission of a redistricting plan.

P. Commission members and staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between commission

members, staff, legal counsel, and consultants retained by the commission. Violations of this subsection shall result in the immediate expulsion of the offending Commission member(s) and staff.

Q. The Commission shall submit its final report to the County Legislature within eight (8) months after the census data become available. At any time prior to the expiration of this term, the County Legislature may extend such term once, for a period not to exceed thirty (30) days.

*Referred to Law Committee. 11/14/16*