

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
HELD IN ROOM #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairwoman Addonizio and Legislators Nacerino & Sayegh

Wednesday

6:00pm

August 17, 2022

The meeting was called to order at 6:06pm by Chairwoman Addonizio who requested Legislator Sayegh lead in the Pledge of Allegiance. Upon roll call Legislator Sayegh and Chairwoman Addonizio were present. Legislator Nacerino was absent. Chairwoman Addonizio stated Legislator Sullivan would sit on the Committee in Legislator Nacerino's absence.

Item #3 – Approval of Minutes – July 14, 2022

The minutes were approved as submitted.

Item #4 – Approval/ Formation and Appointments to a Reapportionment Commission

Chairwoman Addonizio stated letters have been received from members of the public and there seems to be a misunderstanding. She stated the Putnam County Charter requires the Legislature to perform the task of redistricting. She stated due to a change in the State law and the results of the 2020 Census, Putnam County must make changes to its election districts. She stated the Reapportionment Commission (Commission) is only advisory and has no decision-making powers; the Full Legislature will need to consider and vote on a redistricting plan. She stated the Commission's task is to create new Legislative Districts of approximately equal size with less than 5% differentiation among them; about 10,852 residents in each with a variation of no more than 270 residents. She stated drawing new districts will have to take into consideration geographical barriers, historical development, and political subdivisions. She stated there is no room for gerrymandering in this process because as per the State law the electoral districts must be contiguous, respect minority voting rights, be as compact as practicable, not favor incumbents or one political party over another, try to maintain cores of existing districts, towns, villages, and other communities of interest, and be formed to promote orderly and efficient elections. She stated the Commission must be bipartisan, which is accomplished by having both the Democratic and Republican Board of Elections Supervisors, Catherine Croft and Kelly Primavera, respectively. She stated the proposed Commission before the Committee this evening includes:

- Chair of the Legislature
- Chair of the Rules, Enactments, & Intergovernmental Relations Committee
- Legislative Counsel
- County Attorney
- The Director of IT/GIS

- Commissioners of the Putnam County Board of Elections

She stated the Chair of the Rules Committee is included as the Commission will present their findings to the Legislature via this Committee. She stated Legislative Counsel served as Chair of the Commission in 2001 and 2011. She stated the Director of IT/GIS will be an essential member as the task before the Commission relies heavily on computer analysis. She stated Board of Election Commissioners Croft and Primavera are critical, as smaller election districts will likely need to be created and only the Board of Elections can make those changes. She stated in 2001 there were six (6) members who made up the Commission and in 2011 there were four (4) members. She stated prior to a vote being taken by the Legislature on any redistricting plan a public hearing will be held.

Legislator Sayegh stated Legislative Counsel Robert Firriolo presented the guidelines of redistricting to the Committee and it is very strict. She stated this is a matter of population numbers and mapping. She stated she would like to discuss the possibility of including a representative from both political parties of each town in this process. She stated she believes this will help keep the process transparent.

Chairwoman Addonizio agreed with Legislator Sayegh's intent. She stated having too many members on the Commission could lead to issues when scheduling a meeting as they would need a quorum.

Legislator Sullivan stated as he recalled from Legislative Counsel Firriolo's presentation, the number of voters being moved from one election district to another could be small and the concern about gerrymandering is unrealistic.

Legislative Counsel Robert Firriolo stated to clarify Legislator Sullivan's statement, the numbers of residents being moved between electoral districts will be small, however there will be no analysis of voters or parties; the numbers are based strictly on population. He stated the exercise is going to be looking at numbers of people and where they live in order to move lines to get the districts as close to 10,852 residents as possible.

Legislator Sullivan stated each district must be within 5% of 10,852 residents.

Legislative Counsel Firriolo stated each district actually must be within 2.5% of 10,852 because the difference between the largest and smallest district cannot be more than a total of 5%. He stated the goal is to have each district have a differentiation of less than 2.5%, which translates to about 271 people.

Legislator Sullivan stated historically, the Redistricting Commission has been small; it was made up of six (6) members in 2011 and four (4) members in 2001. He stated to have a larger group creates an issue with scheduling meetings to get work done. He stated the Rules Committee is considering seven (7) proposed members and he believes to go beyond that would be a scheduling nightmare.

Chairwoman Addonizio stated the Legislature may also seek services of an outside, independent consultant to review the Redistricting Commission's proposals before moving forward with them. She stated Dutchess County released their redistricting plan and it appears they submitted their draft plans for review to an outside consultant.

Legislator Castellano stated he does not believe due diligence was done in terms of putting this out to the public. He stated he would like to see involvement from individuals of all the Towns. He suggested having two (2) people from each of the six (6) towns, making a Commission of 12 members. He stated this is a math problem to be figured out. He stated districts may be able to be made larger.

Legislative Counsel Firriolo stated the Legislative Districts are fixed, but the election districts cannot be made larger because balancing the districts would be an issue; moving a larger area would create too big of a change both to the Legislative District it is moved from and the one it will move to. He stated the Legislature cannot change election districts, only the Board of Elections can. He stated he looked at the minutes and resolutions from the prior Commissions and the way it worked was the Commission made a recommendation to the Legislature and the Legislature sent a resolution to the Board of Elections requesting that they make certain changes in the electoral districts. He stated the Legislature then eventually adopted the new electoral districts to fit them into the new Legislative Districts. He stated this will be a two (2) step process; the Legislative Districts cannot be amended until the election districts are made smaller. He stated it will be up to the Commission to advise the Board of Elections how many new districts need to be created and where they should be. He stated the Board of Elections will be an integral part of figuring this out.

Legislator Castellano stated the goal is to have approximately 10,852 people in all nine (9) Legislative Districts. He stated he believes the Town of Southeast currently has 15 election districts. He stated he does not know if it is necessary to create more, smaller election districts. He stated he would be happy to sit on this Commission as well.

Legislative Counsel Firriolo stated in looking at the Southeast electoral districts, the number of residents in each range from 722 to 2390. He stated since the differential between Legislative Districts can only be 271 residents, districts of this size cannot be moved around without creating another problem. He stated to keep the electoral districts intact, the Legislative District line could be drawn through an electoral district, but that would be chaotic at the polls when the residents went to vote.

Legislator Castellano stated he would like to see individuals from each town on the Commission as well.

Legislator Gouldman questioned if the size of the election districts of surrounding counties have been looked into.

Legislative Counsel Firriolo stated Putnam County is unique in that it has a small population and less legislators in comparison to its surrounding counties.

Legislator Gouldman stated he would like to see more involvement from the Towns on the Commission as well.

Chairwoman Addonizio stated members can continue to be appointed to the Commission. She stated the meetings are open for the public to attend.

Legislator Montgomery stated she does not believe discussing the actual redistricting right now is beneficial as the Commission is not yet formed. She stated this Commission is being formed without integrity regarding bipartisan membership. She stated this Commission should represent the demographics of Putnam County. She stated rather, there are six (6) republican members and one (1) democrat member who is an employee of the County. She suggested having a democrat from each town be a member since there are already republicans on the Commission. She stated it has been stated that having too many members may cause an issue with meeting, however the ability to hold meetings virtually would allow for a quorum as well as more participation from the public. She stated many members of the public voiced their concern about the formation of this Commission.

Board of Elections Commissioner Catherine Croft stated she is disappointed to be the only democrat on the Commission. She stated in 2011 there were two (2) democrats. She stated she would like to see more democrats on the Commission, and she knows individuals from some of the towns that would be interested in serving. She stated her hope is that this can be an equal bipartisan Commission. She stated she believes there can be less election districts because the voting population is what makes up the districts. She stated for example, although an election district may be made up of 2200 residents, there may only be 700 voters.

Legislator Sullivan stated he would like public to attend the Redistricting Commission meetings. He requested that Legislative Counsel Firriolo speak to Commissioner Croft's statement about making election districts larger based on the voting population.

Legislative Counsel Firriolo stated he would like to speak with Commissioner Croft about this. He stated the way the law is written, it takes each Legislative District and lists each of the town's election districts within it. He stated he believes the numbers used are population numbers, not the number of registered voters. He stated the number of registered voters is irrelevant for Legislative districting. He stated the total number of residents within an election district will be used to form Legislative Districts. He stated he looks forward to discussing this with Commissioner Croft and Commissioner Primavera.

Commissioner Primavera questioned if they could receive a copy of the list with the numbers of residents.

Legislative Counsel Firriolo stated the IT/GIS Department has the figures from the 2020 Census and the Redistricting Commission will work with IT/GIS to delineate what the current map looks like with the updated numbers in it.

Legislator Sullivan questioned the timeline of this.

Legislative Counsel Firriolo stated there is no official deadline, but it should be completed before next year's election cycle. He stated his goal is to have plans presented to the Legislature by the end of the year, which would allow time for review, consideration, public hearings, and possibly having a consultant look at it before petitions need to be circulated.

Legislator Montgomery stated she would like to remind Chairman of the Legislature Sullivan of her request to have meetings held online to provide the public the opportunity to participate. She stated she has made this request several times over the past few years and we have the capability to do so. She stated if public participation is truly being encouraged, she does not understand why this is not being utilized. She stated she did some research on independent redistricting and found information on redistrictingonline.org about the State redistricting. She stated it is of course different, but the same premise; for example if they have 15 members on their Redistricting Commission, there would be five (5) members would be of the political party whose candidates received the most votes in the most recent Statewide election, five (5) members whose political party received the second most votes in that election, and five (5) members who are unaffiliated with either of the above two (2) parties.

Chairwoman Addonizio requested clarification about individuals Commissioner Croft knows would be interested in serving on the Commission.

Commissioner Croft stated she has not asked anyone because she was not asked to do so.

Legislative Counsel Firriolo stated different counties have adopted different approaches to redistricting. He stated for example, in Dutchess County it is a nonpartisan Commission. He stated the Putnam County Charter dictates that this Commission be bipartisan, therefore there should be explicit participation from both political parties. He stated the State was supposed to involve both parties and Independents, but that Commission was deadlocked and could not reach a decision. He stated instead of considering the recommendations that came out of it from the different parties, the New York State Legislature unilaterally adopted a democratic-only proposal that was so egregiously gerrymandered that the courts threw it out and imposed a special master and the master imposed his vision. He stated this completely circumvented the democratic process because there was one (1) court-appointed person who has imposed the redistricting lines for Congress and the State Senate and they are still trying to get the Assembly in there. He stated the State's process was the most dysfunctional in terms of democracy. He stated the same thing could happen in a court

challenge to Putnam's procedure, if determined it was not transparent and it did not achieve the one person one vote that is required by State law.

Eric Gross, Reporter, questioned if members of the public should write to the Legislature if they are interested in serving on the Commission.

Chairwoman Addonizio stated yes, members of the public could write in.

Legislator Montgomery stated her concern that the County would be open to a lawsuit because the Commission has a 7:1 Republican to Democrat majority.

Legislative Counsel Firriolo stated the only requirement in the Charter is that the Commission be bipartisan, which by definition means involving members of both major parties. He stated the only thing that would be subject to a lawsuit is if the plan that the Legislature adopted did not comply with the Charter requirements and State laws. He stated as far as the process is concerned, the State law now requires a public hearing before a vote, but there is room for the Legislature to do it the way they want to. He stated there is certainly no requirement for proportional representation. He stated the Charter says it is the Legislature's function to redistrict, therefore it could be argued that because the Legislature is 87% republican, an 87% republican Redistricting Commission is within the spirit of the Charter.

Legislator Montgomery stated she believes it should be equal.

Commissioner Croft clarified that anyone interested in serving on the Commission could contact the Legislature.

Chairwoman Addonizio stated yes, that is correct.

Commissioner Croft stated she believes waiting until January to do this is too late because petitioning begins around March 1st.

Legislative Counsel Firriolo agreed, which is why the resolution being considered this evening is important to begin the process.

Legislator Sullivan stated he believes it was stated that the redistricting plan should be submitted by January.

Legislative Counsel Firriolo stated that is correct, his suggestion was to submit the plan to the Legislature for consideration by January at the latest.

Legislator Castellano agreed and suggested that a plan be submitted to the Legislature for consideration at the Year End Meeting. He stated often, people begin to announce their intention to run for an office around the holidays.

Commissioner Primavera questioned what the timeline was for the previous two (2) Commissions.

Legislative Counsel Firriolo stated he could look back and find that, however this year is different because the census data was released later than normal.

Legislator Sayegh questioned the blank member spot, #7.

Legislative Counsel Firriolo stated the blank spot was left for the convenience of the Committee if they wanted to add someone else tonight. He stated #8 states "Such other members as the Legislature may subsequently appoint." Therefore, members can continue to be added to the Commission.

Chairwoman Addonizio made a motion to approve the pre-filed resolution; Seconded by Legislator Sullivan. All in favor.

Item #5 – FYI/ Litigation Report – Duly Noted

Item #6 – Other Business – None

Item #7 – Adjournment

There being no further business, at 6:50pm Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Sayegh. All in favor.

Respectfully submitted by Administrative Assistant, Beth Robinson.