ANALYSIS OF THE DUTCHESS COUNTY DRAFT REDISTRICTING PLAN

Prepared for the Dutchess County Independent Redistricting Committee: 5/9/2022

THE BENJAMIN CENTER
SUNY NEW PALTZ

Joshua Simons, Senior Research Associate
simonsj@newpaltz.edu

Introduction

The Dutchess County Independent Redistricting Commission has created a redistricting plan for the County that satisfies all of theFfederal, state, and local legal requirements for redistricting, and most importantly maintains a low population deviation between all of the districts in adherence with the requirements of equal representation. It does not split municipalities with a population of less than 40% of the ideal district size (as required by A229c). The draft redistricting plan creates a Black-majority district in the city of Poughkeepsie, avoiding any potential violations of the Voting Rights Act. The redistricting plan keeps every village in the county whole. It makes use of both natural and physical geography such as streams and highways as district boundaries where possible when not using the municipal boundaries themselves, striking a good balance between respecting municipal boundaries and utilizing natural breaks in the geography when municipalities must be split. An unfortunate side effect of the state law prohibiting the splitting of lower population municipalities is that some municipalities that fall above 40% are split more than they would be should the law not exist. This is not a weakness of this redistricting plan so much as a consequence of the new state redistricting law.

In short, this redistricting plan adheres to the applicable federal, state, and local requirements for redistricting, and adheres to best practices and established priorities. There were two areas of the plan that initially raised concerns, but further evaluation of those concerns revealed that one of them seemed unavoidable, while the other appears to be the result of a compromise between competing ideas of commission members. These two areas will be covered at the end of this report.

Federal Voting Rights Act

Section 2 of the Voting Rights Act (VRA) of 1965 prohibits discrimination in redistricting on the basis of race, color, or membership in a protected minority group, as defined by the act. In the 1986 Supreme County Case *Thornburgh v. Gingles*, the Court established three pre-conditions that must be met before a successful challenge of a redistricting plan can be made. These pre-conditions are:

- The protected minority group must be sufficiently large, and geographically concentrated enough to constitute a majority of a single-member district
- The minority group must be politically cohesive, and vote as a bloc; and
- The white majority must vote sufficiently as a bloc to enable it, absent special circumstances, to defeat the minority's preferred candidate.

The VRA report conducted for the redistricting committee identified that in the City of Poughkeepsie, the first Gingles precondition for a Voting Rights Act claim had been met. There is a sufficiently large and geographically concentrated black population in the city to constitute more than 50% of a county legislative district. The report also observed that voting patterns in past city-wide mayoral races indicated that a pattern of racially polarized voting in the city likely could be found. It was the recommendation of that report that the creation of a minority-majority district in the City of Poughkeepsie be created to avoid the potential for a Voting Rights Act claim against the County. This draft plan operationalizes that recommendation by creating District 10, a Black-majority district in the City of Poughkeepsie.

New York State's New Redistricting Law

On October 28,2021, Governer Hochul signed A229c into law. This new legislation amends two portions of the State's Municipal Home Rule Law to set requirements for charter and non-charter counties, as well as other municipalities in the State that must undergo redistricting every ten years. This redistricting law makes the redistricting requirements for counties, cities, towns and villages more stringent by:

- Decreasing the permissible deviation between the greatest and lowest population districts in the plan from 10% of the mean population of a district to 5% of the mean population of a district;
- Codifying into State law prohibitions against diminishing the opportunity for racial and ethnic minority groups or diminishing their ability to elect candidates of their choice;
- Prohibiting political gerrymandering;
- Consideration of communities of interest and pre-existing political sub-divisions;
- Prohibiting splitting municipalities with a population that is less than 40% of the ideal population of a district; and
- Consideration of election administration.

This draft plan complies with the federal, and more stringent state requirements for population deviation. The highest population district, District 20, is 2.05% above the ideal district population, while the lowest population district, District 6, is -2.30% below the ideal district population. The total deviation for the plan is therefore 4.35%, which is less than the State requirement of 5%.

The creation of a minority-majority district while avoiding racial packing meets both the Federal and State prohibitions on racial gerrymandering.

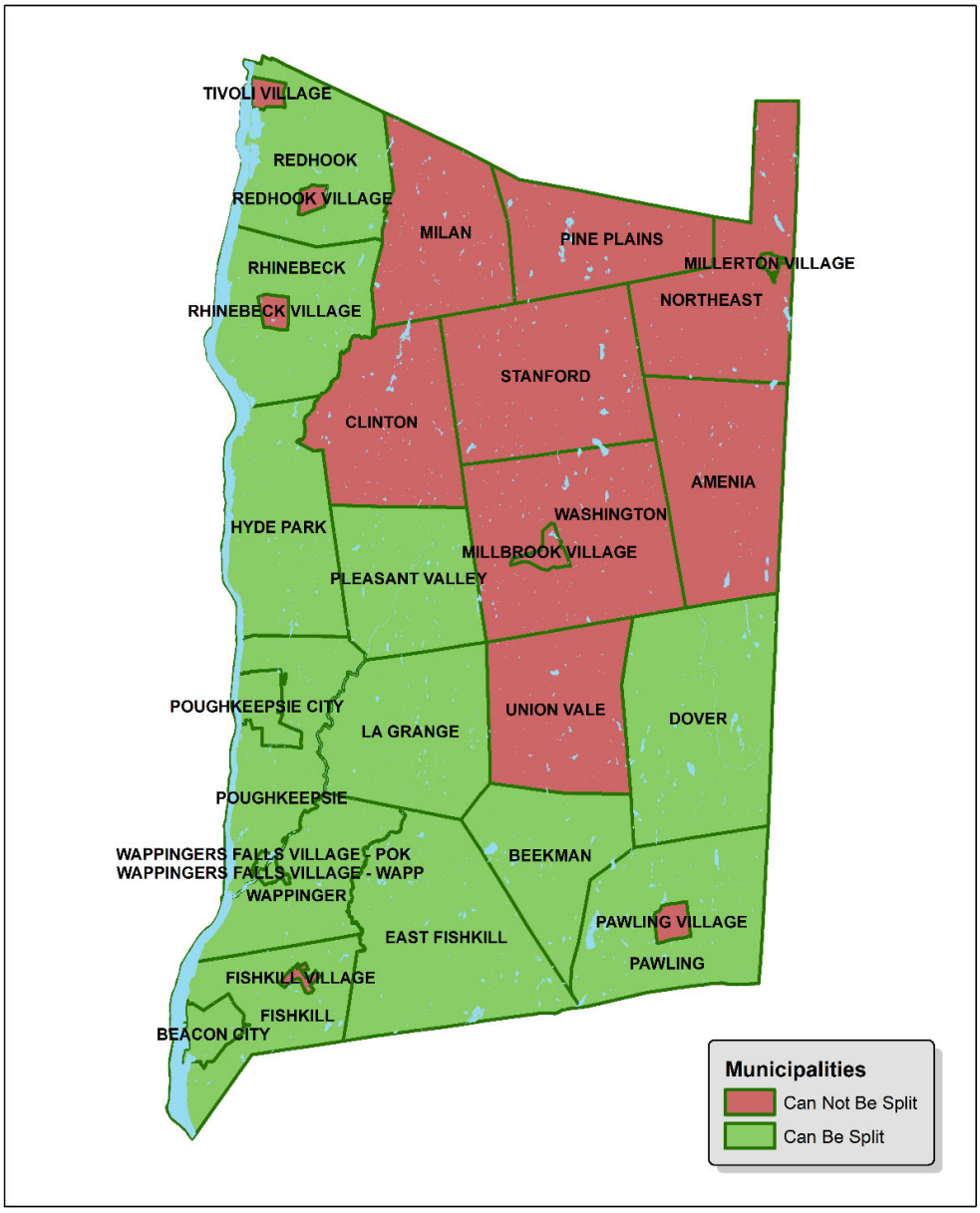
The Dutchess County Charter amendment creating the Independent Redistricting Committee specifically prohibits the use of "Actual, expected, or projected electoral results, voting patterns, polling data, enrollment data, or any other data relating to expected partisan allocations of vote totals", except as required by Federal or State laws such as the Voting Rights Act. While a detailed analysis of the political implications of this plan is specifically prohibited by the County's charter, a cursory evaluation of the district lines (absent the use of any electoral, registration, or other voter/political data) failed to identify any district lines that were obviously drawn for partisan advantage.

The plan appears to take into consideration existing communities of interest wherever possible. Since these communities are often self-identifying, it is important that feedback given through the public hearing process with regards to communities of interest be considered when moving from a draft plan to a final proposal. While it may not be possible to satisfy all communities of interest given the various other requirements and priorities, it is important that the Commission consider all communities of interest brought to its attention.

The final portion of the requirements and priorities established in federal and state law, as well as the County Charter involves the splitting of municipalities. There are two elements of state law addressing the splitting of municipalities. The first requires the consideration of existing political subdivisions, and the second prohibits the splitting of municipalities that have a population that is less than 40% of the

ideal district size (the population of the county divided by the number of districts), unless it is necessary to do so in order to create a legal redistricting plan. For counties like Dutchess County, where portions of the county are rural, but others have relatively high population density, this presents a problem. In Dutchess County, the towns of Milan, Pine Plains, Clinton, Stanford, Northeast, Amenia, Washington, and Union Vale, as well as the villages of Tivoli, Red Hook, Rhinebeck, Millerton, Fishkill, and Pawling all fall into this category. As illustrated by the map below, this creates a large swath of the county where municipalities should not be split.

Municipalities in Dutchess County that Can and Can Not be Split



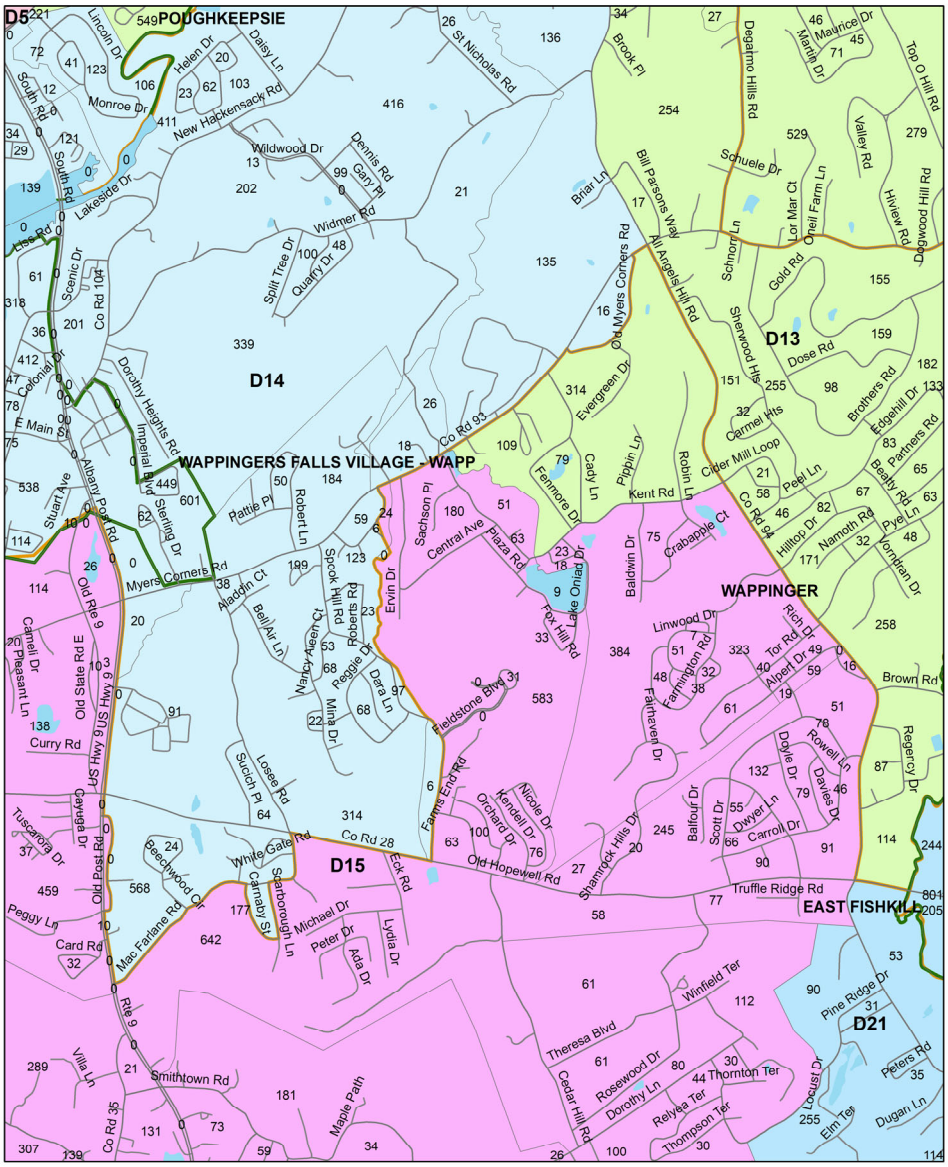
The draft redistricting plan does not split any of the municipalities that under state law should not be split unless necessary. The unavoidable consequence of adherence to this law is that more of the

municipalities that can be split had to be split. This was not due to any preference of the Commission, but rather is an unfortunate consequence of adherence to the state law. In the draft redistricting plan, no village, including the Village of Wappingers Falls which is in both the Town of Poughkeepsie and the Town of Wappinger, are split.

Initial Areas of Concern

As stated earlier in the report there were two initial areas of concern when evaluating the draft plan. The first was at the nexus of Districts 13, 14, and 15 as shown below:

Nexus of Districts 13, 14, and 15

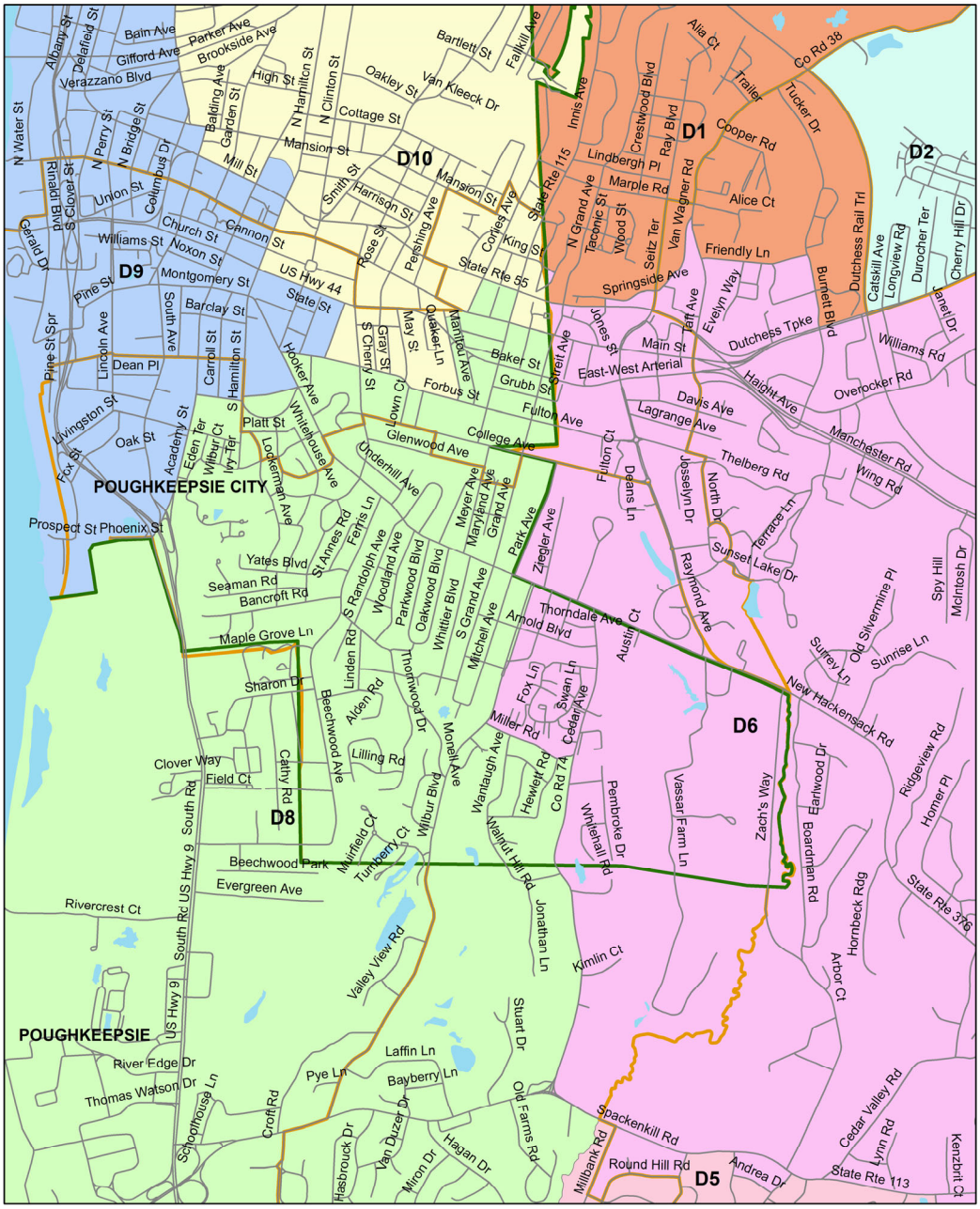


The reason this area raised concern was largely because it seemed as though it could be drawn to form more compact district boundaries. Upon further investigation it was determined that large and

unusually shaped census blocks prevented drawing more compact district boundaries that would still maintain permissible population deviations. These district boundaries appear to be drawn out of necessity rather than any particular preference.

The second area of concern is that the 8th Ward in the City of Poughkeepsie is split into Districts 6 and 8.

8th Ward in Poughkeepsie Split by Districts 6 and 8



At first glance, this seems unnecessary, as the city of Poughkeepsie's population does not exceed the population of three districts. The inclusion of a 4th district within the city of Poughkeepsie creates the

possibility of four, rather than three legislators from the City to serve in the legislature. That being said, this boundary appears to be the result of a compromise amongst commissioners with incompatible preferences as to which district, and where, the portion of the City that is not within Districts 9 or 10 should be located. Utilizing Wilber Blvd. and Cedar Blvd. as the dividing line is rational, as is the decision to include Vassar Farms (which is in the City of Poughkeepsie) with Vassar College (which is not). Also where the current districts split Vassar College campus into multiple districts, the draft plan keeps the college in a single district. The Commission's decision to split the 8th Ward of the City of Poughkeepsie likely is more beneficial to the residents of that area than other alternatives that would not do so.

Conclusion

The Dutchess County Independent Redistricting Commission has created a redistricting plan for the County that satisfies all of the federal, state, and local legal requirements for redistricting, and most importantly maintains a low population deviation between all of the districts in adherence to the requirements of equal representation. The plan complies with the Voting Rights Act. It creates districts that are more compact than the current legislative districts. The commission members considered political sub-divisions and potential communities of interest, and in general, balanced all of the legal requirements, priorities, and preferences for district boundaries well.