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OFFICE OF THE  
DEMOCRATIC MINORITY



NASSAU COUNTY LEGISLATURE  
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING  
1550 FRANKLIN AVENUE - ROOM 131  
MINEOLA, NEW YORK 11501

## Inter-Departmental Memo

To: Michael C Pulitzer, Clerk of the Legislature

From: Robert Miles, Esq, Staff Counsel, Minority Caucus (RM)

CC: Hon. Richard Nicoletto, Presiding Officer

Hon. Kevan Abrahams, Minority Leader

Date: August 15, 2022

Re: A LOCAL LAW TO AMEND SECTIONS 113 AND 114 OF ARTICLE I OF CHAPTER 879 OF THE NASSAU COUNTY CHARTER, IN RELATION TO THE DATES BY WHICH THE TEMPORARY REDISTRICTING ADVISORY COMMITTEE MUST SUBMIT REDISTRICTING PLANS TO THE NASSAU COUNTY LEGISLATURE AND THE COUNTY LEGISLATURE MUST ADOPT A REDISTRICTING PLAN.

Attached please find the above referenced local law which has been approved as to form per the Rules of the Legislature. Kindly distribute a copy to Presiding Officer Richard Nicoletto along with our request that this item be placed on the next available legislative agenda.

Kindly provide a time stamped hard copy acknowledgement of your receipt.

Thank you.

Received  
Nassau County Clerk of the Legislature

2022, August 15, P 1:47

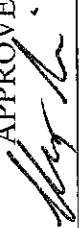
(RM)

Introduced by Minority Leader Kevan Abrahams, Legislator Delia DeRiggi-Whitton, Legislator Siela Bynoe, Legislator Carrié Solages, Legislator Arnold Drucker, Legislator Joshua Lafazan, and Legislator Debra Mulé

PROPOSED LOCAL LAW NO. – 2022

A LOCAL LAW TO AMEND SECTIONS 113 AND 114 OF ARTICLE I OF CHAPTER 879 OF THE NASSAU COUNTY CHARTER, IN RELATION TO THE DATES BY WHICH THE TEMPORARY REDISTRICTING ADVISORY COMMITTEE MUST SUBMIT REDISTRICTING PLANS TO THE NASSAU COUNTY LEGISLATURE AND THE COUNTY LEGISLATURE MUST ADOPT A REDISTRICTING PLAN.

APPROVED AS TO FORM



Minority Counsel

WHEREAS, following the completion of each federal decennial census, the Nassau County Legislature must revise the boundaries of the county legislative districts to account for changes in population, a process known as “redistricting”; and

WHEREAS, in each redistricting cycle, Nassau County must establish a temporary districting advisory commission to recommend proposed redistricting plans, pursuant to Section 113 of the Nassau County Charter; and

WHEREAS, under the existing provisions of the County Charter, the temporary districting advisory commission must submit its redistricting recommendations to the County Legislature no later than ten months prior to the general election of the Nassau County

Legislature (Charter Section 113(4)), which in the current redistricting cycle will be January 9, 2023; and

WHEREAS, the County Charter presently provides that the Nassau County Legislature must then adopt a final redistricting plan no later than eight months prior to the general election of the Nassau County Legislature (Charter Section 114), which in the current redistricting cycle will be March 7, 2023; and

WHEREAS, for the next Nassau County legislative primary elections, the period for circulating designating petitions commences on February 28, 2023, which is prior to the deadline for final adoption of the redistricting plan by the Nassau County Legislature; and

WHEREAS, such designating petitions cannot be created until the boundaries of the new legislative districts have been enacted by the Nassau County Legislature; and

WHEREAS, in view of the foregoing, there is direct conflict between the 2023 Nassau County political calendar and the redistricting timetable currently set forth in the Nassau County Charter; and

WHEREAS, the Legislature hereby determines to resolve such conflict by amending the County Charter to advance the deadline for legislative action on the redistricting plan by two months, to allow sufficient time for final adoption of the plan, and the preparation of the designating petitions by the Nassau County Board of Elections; and

WHEREAS, the Legislature further determines to amend the County Charter to similarly advance the deadline for the temporary districting advisory commission to submit its redistricting recommendations by two months and provide the County Legislature an adequate opportunity to consider the commission's proposals; and

WHEREAS, for the current redistricting cycle, the deadline for the temporary districting advisory commission to submit its recommendations will now be November 7, 2022, and the

deadline for the County to adopt a final redistricting plan will now be January 9, 2023, pursuant to the Charter amendments contained herein;

WHEREAS, the Legislature deems it prudent to also advance the deadline for constituting temporary districting advisory commissions in the future, to account for the shorter time period for the submission of commission recommendations; now, therefore

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Sections 113 and 114 of Article I of Chapter 879 of the Nassau County Charter, is amended as follows:

**§ 113. Temporary districting advisory commission; appointment; terms; vacancies; powers and duties; hearings; and approval of plan.**

1.

(a) There shall be a temporary districting advisory commission established each legislative term in which the legislature is required to reapportion the county legislative districts as a result of the federal decennial census. The commission shall consist of eleven members, who shall serve without compensation, appointed as follows: one member, who shall be chairperson and who shall not be a voting member, appointed by the County Executive, five members appointed by the presiding officer and five members appointed by the minority leader. The appointment of members to the temporary districting advisory commission shall be made no earlier than one year and [eight] ten months before, and no later than one year and [six] eight months before, the general election of the county legislators to be held in the year two thousand and three and every ten years thereafter in accordance with the provisions of this section.

(b) In the event of a vacancy by death, resignation or otherwise, a new member shall be appointed in the same manner as the member whose departure from the districting commission created the vacancy to serve the balance of the term remaining.

(c) The members of the temporary districting advisory commission shall serve a term of ten months.

2. The temporary districting advisory commission may recommend one or more plans to the county Legislature for dividing the county into legislative districts for the election of county legislators which plan shall comply with applicable law. The temporary districting advisory commission is authorized to hire experts, counsel, consultants and staff as provided for in the budget of the County Legislature and as the temporary districting advisory commission deems necessary. Agencies and departments of county government shall be required to provide technical assistance to the commission.
3. The temporary districting advisory commission shall take all action by not less than six affirmative votes of its members. The temporary districting advisory commission shall conduct all meetings in accordance with applicable law and may hold public hearings to develop a redistricting plan.
4. No later than [ten] twelve months before the general election of the County Legislature, the temporary districting advisory commission shall transmit its recommendations and any and all plans for dividing the county into districts to the County Legislature. All recommendations from the temporary districting advisory commission shall be available for public inspection at the office of the clerk of the County Legislature.

§ 114. **The County Legislature to adopt plan.** The County Legislature may reject, adopt, revise or amend the redistricting plan recommended by the temporary districting advisory commission or adopt any other redistricting plan, provided that any plan adopted by the County Legislature shall meet all constitutional and statutory requirements. The County Legislature, shall, no later than [eight] ten months before such general election of the County Legislature, prepare and adopt by local law a final plan for the redistricting of the County Legislature.

§2 Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§3 It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of Title 6 of 6 N.Y.C.R.R. and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a “Type II” Action within the meaning of Section 617.5(c)(26) and (33) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§4 This local law shall take effect immediately.

Introduced by Minority Leader Kevan Abrahams, Legislator Delia DeRiggi-Whitton, Legislator Siela Bynoe, Legislator Carrié Solages, Legislator Arnold Drucker, Legislator Joshua Lafazan, and Legislator Debra Mulé

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