

Proposal re-establish County Assembly Districts Mark E Glogowski, PhD

In 1964, the US Supreme Court (**USSC**) declared that the legislative districts needed to reflect populations. In doing so, the USSC basically decreed that those state legislatures that had a republican structure (which was 49 of the 50 states), had to abandon the republican structure of their state's legislature and reorganize both of their legislative body's districts strictly on population.

There was no need to change the NYS Assembly legislative structure. New York State's constitution had already accommodated, to a large extent, discrepancies in population among the official regions in NYS. Those officially recognized regions of the state are the counties. The New York State's republican structure should have been maintained and should have been used as a model for other states across the nation.

The way I see it, here is the problem. Not only did the US Constitution not give the USSC the authority to make such a decree, the USSC completely ignored Article 4, Section 4 of the US Constitution, which reads:

"The United States shall guarantee to every State in this Union a Republican Form of Government,"

There seems to be much controversy concerning what a 'republican structure' is, but in reality, a republican structure is nothing more than a regional legislative structure. Before New York became a state (**NYS**) it had a republican form of government. Every recognized region that joined NYS became a county that was guaranteed at least one seat in the Assembly. There was only one agreed to exception. At the same time, NYS granted the more populous counties additional representation. That increase in representation was based upon a county's population that was greater than the average NYS county's population. How the republican structure of the NYS Legislature was to be maintained was spelled out in the NYS Constitution. Regular adjustments were made as population densities in the counties changed. Following this process for 176 years, NYS maintained a republican form of government - from 1788 up to the 1964 USSC decree.

What is astonishing is that when the USSC made its decree in 1964, New York State was effectively already in compliance with that decree because the

representation in the Assembly was already based, to a large extent, on population. Despite these facts, the New York State legislature took action to destroy the republican structure of the NYS government.

I am asking that this commission move to restore the republican structure to the NYS Legislature and assign one Assembly seat to each county, without an exception, and assign additional assembly seats using the original formula as spelled out in the NYS Constitution.

This is the proposal that I request you consider.

- 1) That every assembly district be county wide; that no further delineation be made. If there are 15 assembly seats assigned to a county, all 15 Assembly Districts should be defined as starting and ending at the county's line. Doing so raises some issues, but they can and would all be addressed by the counties affected.
- 2) There should be no Assembly Districts drawn that are just a part of a county or include part of an adjoining county.
- 3) Rather than use the census population figures, I used the voter population figures that are maintained by the Board of Elections (**BoE**). These are more representative of the actual voters and more consistent with One man One vote concept.
- 4) Using the BoE figures, the following Assembly seats would be assigned to each county with county wide Assembly Districts.

Kings County 16, Queens County 13, New York County 12, Suffolk County 10, Nassau 9, Bronx County 8, Erie County 6, Westchester County 6, Monroe County 5, Richmond County 3, Onondaga County 3, Orange County 2, Rockland County 2, Albany County 2, Dutchess County 2, Saratoga County 2, Niagara County 2, Oneida County 2, Broome County 2, and the remaining 43 counties would each be assigned 1 Assembly seat.

Benefits: This proposal completely eliminates gerrymandering of Assembly Districts and restores the republican structure to the New York State legislature

that residents in NYS are constitutionally entitled to. Implementing this proposal would put an end to the "Divide New York" movements. It would restore the county's voice in the NYS Legislature and provide oversight that is sorely missing. Such a structure may even be considered to be demanded by the 1964 USSC ruling, which the commission even cites:

"In the context of redistricting, the Supreme Court has found that a redistricting plan violates the Voting Rights Act if a **group "do[es] not have an equal opportunity to participate in the political processes** and to elect candidates of their choice." The list of groups (Hispanics, etc.) and the three conditions cited are identified as examples of groups and conditions, not the requirements. The NYS Counties represent 62 officially recognized groups in NYS that are not represented and do not have the opportunity to elect candidates of their choice.

There is much that can be added to these comments. I have published two articles. One describes in more detail the misgivings of the USSC's 1964 ruling,

Re-establish County Representation in NYS Assembly or Divide New York State? – Mark Glogowski
(glogowskiforassembly.com)

<https://www.glogowskiforassembly.com/nys/>

and one describes just two of the negative impacts the current Assembly structure on the development of resources in two counties in NYS.

A Road to No-Where – Mark Glogowski (glogowskiforassembly.com)
<https://www.glogowskiforassembly.com/a-road-to-no-where/>

I could provide many examples of neglect in both upstate and down state counties that have resulted because of the loss of regional (county) input and oversight of the NYS legislature. The two proposals being considered both ignore the need and value of the republican structure and the adoption of any of the other proposals I have seen will just continue the degradation of New York's resources.

I pray that you give consideration to this proposal.

With goodwill toward all, and
Proud to be Libertarian,

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