

The current IRC map clearly violates NY's constitution in splitting my county, Madison with a mere 68,000 residents, between 2 Assembly districts--even if this is better than the 5-way split in effect for the 2022 election. Before last year, Madison County was never split between Assembly districts since the county's founding in 1806.

The plain language of NY's Constitution requires a minimum of 1 undivided Assembly district per county. But it makes clear that combining small counties without splitting them, is a reasonable approach to equalizing Assembly district populations. Since 1846 the NY Constitution has specifically mandated such a combination for the Assembly District that contains Hamilton and Herkimer Counties.

The Assembly redistricting map I submitted to the IRC December 2021 follows this approach. This map meshed perfectly, and still does, with the IRC's plans for Assembly districts in the seven large counties from Bronx southward, which I fully support. But there are 40 much smaller counties with populations under 1/150 of the state total. My map divides none of these 40. The IRC's current map divides 22 out of the 40.

Furthermore, in my map all but one of the 15 larger upstate counties have as many districts contained entirely within them, as they have whole-number multiples of 1/150 of the state population. The exception is Dutchess County, which has a population double that of an average Assembly District. Constraints from neighboring counties meant I could give it only unshared Assembly District of its own in my plan. That's better than the current IRC plan, which gives it none.

My map has a maximum deviation from the average district size of 13.3%. This clearly satisfies the 1983 US Supreme Court decision of *Brown v. Thomson*. That dealt with Wyoming's state constitution which, like New York's, required at least 1 representative in its lower house from each county of the state. Justice Powell's opinion upheld that even giving 1 representative to Wyoming's smallest county, with a population only 40% of the average district, was NOT a violation of the equal-protection clause of the 14th Amendment, because it met a longstanding continuously-observed state constitutional requirement, with no evidence of discriminatory intent.

My proposed Assembly map, in which the smallest district has 87% of the average district population, is well within Justice Powell's limits. My map proves mathematically that anyone who claims it is Constitutionally impossible to keep all 40 of New York's smallest counties intact within Assembly districts is engaging in self-serving--albeit bipartisan--deceit.

<https://districtr.org/plan/87313/89905>