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New York City Redistricting: A Primer

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1. Summary—Redistricting in New York City

The New York City Council has 51 members, each elected in a single member district. Every 10 years, following the decennial census, the district boundaries for the 51 council districts must be redrawn to account for the population changes in the census. The redistricting process will set the district boundaries for 2023 to 2032.

The New York City Charter vests the power to set these district boundaries in a “Districting Commission.” This Commission is a 15-member body with five members appointed by the council delegation of the largest political party in the Council (the “Council Majority”), three members appointed by the second largest party in the Council (the “Council Minority”), and the seven remaining members appointed by the Mayor. A political party cannot hold a majority of the 15-member commission.

After appointment, the Commission undertakes the process of redrawing the 51 district lines. During this line-drawing process, the Commission must publish a preliminary plan of the district lines for public comment and hold at least one public hearing. The Council has an opportunity to recommend changes to the first plan published by the Commission. After that, the Commission can adopt a final plan without Council approval.

Ultimately, nine of the 15 commissioners must approve the final revised district lines, requiring members of at least two political parties (or members of one party and multiple unaffiliated members) to approve the revised district boundaries. The final plan must be approved at least one year and three months before the general election—by December 7, 2022 for the 2022 cycle.

The district lines must comport with certain criteria to “the maximum extent practicable,” including (1) the least populous and most populous district may only have an overall five percent deviation from the average population of the districts, (2) the district lines must ensure “fair and effective representation of the racial and language minority groups” as protected by the 1965 Voting Rights Act in New York City, and (3) district lines “shall keep intact neighborhoods and communities with established ties of common interest and association, whether historical, racial, economic, ethnic, religious or other.” A timeline of the full 2022 redistricting cycle is included in Appendix 1.

Sections 50, 51, and 52 of the New York City Charter and state law govern the districting process. Section 50 regulates the composition, appointment, terms, vacancies, and compensation of the Districting Commission. Section 51 addresses the powers and duties of the commission, including public hearings, submissions, and approval of a proposed redistricting plan. Section 52 sets forth the criteria for district plans. The New York State Municipal Home Rule Law also includes criteria similar to the City Charter’s language.

2. The Districting Commission Members

To begin the appointment process, at least 22 months before the general election, the Mayor must convene a meeting of the three appointing entities “for the purpose of establishing a screening and selection process for ensuring that the racial and language minority groups” protected by the Voting Rights Act “will be fairly represented on the commission.”

The Council Majority must appoint five members, no earlier than one year and 10 months and no later than one year and nine months, before the general election. None of the appointments can be from the same borough, with the five boroughs each having one member.

The Council Minority must appoint three members on the same timeline as the Council Majority, and none of the appointments can be from the same borough.

New York Census and Redistricting Institute

The Mayor must appoint seven members after each council delegation has made their appointments, and no later than one year and eight months before the general election. For the 2022 cycle, the Mayor announced his appointments by March 7, 2022.

Among its members, the Commission must have (1) at least one resident of each borough, and (2) members of the racial and language minority groups in New York City, which are protected by the 1965 United States Voting Rights Act, in proportion, as close as practicable, to their population in the city.

A commission member can only be removed by their appointing authority, only for cause, and only upon notice and hearing. Upon a vacancy by death, resignation, or other cause, the appointing authority of the member must appoint a new member of the same political party as the departing member.

The 15 commission members select the Commission Chair by majority vote. The Commission may also hire staff.

3. The Process for Drawing District Lines

After appointment, the Commission undertakes the process of redrawing the 51 council district lines. For the 2022 cycle, those district lines will be based on the 2020 Census and in effect from 2023 to 2032.

Ultimately, nine of the 15 commissioners must approve the final revised district lines, requiring members of at least two political parties (or members of one party and multiple unaffiliated members) to approve the revised district boundaries. Those final district lines must be approved at least 11 months before the general election.

Here is the process for drawing the district boundaries:

First, based on the decennial census, the Commission must prepare and publish a preliminary plan of the district lines—that complies with the substantive requirements, as discussed in section 4 below—for public comment. To create this preliminary plan (and all further plans), the Commission utilizes the census data, including the block-level census data, which is broken down by race, ethnicity, and age. The Commission must also use data provided by the state to reflect incarcerated persons' home addresses prior to incarceration.

Then, at least one month after publishing the preliminary plan, the Commission must hold its first public hearing. The Commission is only required to hold one public hearing, though they may choose to hold additional ones.

Next, one month after the last public hearing—and at least one year and three months before the general election—the Commission must submit its first plan to the City Council, approved by at least nine Commission members. If the Council takes no action within three weeks, the first plan is deemed adopted and is considered the final plan.

However, if the Council objects to the first plan, by a majority vote, the Commission must then draw and publish a second plan for public comment—at least one year and one month before the general election. The Commission must also hold at least one public hearing on the second plan.

After that public process, the Commission may then vote to adopt the second plan—or draw and adopt a revised third plan—by a vote of nine members. The final plan must be adopted at least 11 months before the general election. Unlike with the first plan, the Council has no veto authority this time.

The New York City 2019 Charter Revision Commission modified the timelines to those stated above. For 2022, the current timeline (and the prior timeline) is provided in Appendix 1.

4. The Requirements for Drawing District Lines

The Commission's district plan must comport with the following requirements "to the maximum extent practicable" and "given priority in the order in which they are listed."

1. The overall population deviation (or difference) from the size of the largest to smallest district cannot exceed five percent overall.
2. The district lines must ensure "fair and effective representation of the racial and language minority groups" protected by the 1965 Voting Rights Act in New York City.
3. "District lines shall keep intact neighborhoods and communities with established ties of common interest and association, whether historical, racial, economic, ethnic, religious or other."
4. "Each district shall be compact and may not be more than twice as long as it is wide."
5. District lines may not cross any borough or county boundaries.
6. "Districts shall not be drawn for the purpose of separating geographic concentrations of voters enrolled in the same political party into two or more districts in order to diminish the effective representation of such voters."
7. The districting plan shall be established in a manner that minimizes the sum of the length of the boundaries of all of the districts included in the plan.

In addition, the districts must be contiguous, and, where one part of a district is separated from another part of the district by a body of water, there must be a bridge, tunnel, tramway, or ferry service that connects both parts of the district.¹ Finally, only one district may cross borough lines.² (Note: Compliance with the federal Voting Rights Act may require crossing more than one borough line in other districts).

Appendix 1: The Redistricting Timeline for the 2022 Cycle*

Event	Current Date
Mayor convenes meeting to establish a screening and selection process for Districting Commission appointments	January 7, 2022
Last day for council appointments	February 7, 2022
Last day for mayoral appointments	March 7, 2022
Last day Commission can make first plan public	June 7, 2022
Last day Districting Commission to hold at least one public hearing	July 7, 2022
Last day Districting Commission can submit its first district plan to Council	August 7, 2022
[If applicable] Last day Districting Commission can submit second (revised) plan for public comment	October 7, 2022
Last day Districting Commission to hold additional public hearing	November 7, 2022
Last day for Districting Commission to submit final plan	December 7, 2022

*Some dates are subject to change by the Districting Commission.

¹ NYC Charter §52(2)

² NYC Charter §52(3)

Appendix 2: Members of the 2022–2023 Districting Commission³

Name	Appointed By
Yovan Samuel Collado	Council Majority
Kristen Johnson	Council Majority
Gregory Kirschenbaum	Council Majority
Maf Misbah Uddin	Council Majority
Michael Schnall	Council Majority
Marc Wurzel	Council Minority
Kevin Hanratty	Council Minority
Darrin Porcher	Council Minority
Hon. Marilyn D. Go	Mayor Eric Adams
Maria Mateo, Esq.	Mayor Eric Adams
Joshua Schneps	Mayor Eric Adams
Lisa Sorin	Mayor Eric Adams
Msgr. Kevin Sullivan	Mayor Eric Adams
Dennis M. Walcott (Chair)	Mayor Eric Adams
Kai-Ki Wong	Mayor Eric Adams

³ <https://www.gothamgazette.com/city/11068-new-york-city-council-redistricting-process-begin-2022-2023>