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Constitutional Law--Discrimination as to Localities--County Apportionment [*Iannucci v. Board of Supervisors*, 20 N.Y.2d 244, 229 N.E.2d 195, 282 N.Y.S.2d 502 (1967)]

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CONSTITUTIONAL LAW — DISCRIMINATION AS TO
LOCALITIES — COUNTY APPORTIONMENT

Iannucci v. Board of Supervisors, 20 N.Y.2d 244,
229 N.E.2d 195, 282 N.Y.S.2d 502 (1967).

Justice Frankfurter once cautioned the United States Supreme Court against entering the field of legislative reapportionment.¹ He reasoned that if the Court were to declare existing apportionment schemes invalid and provide legislative bodies with correct schemes of apportionment, such actions would "catapult the lower courts of the country [into a] . . . mathematical quagmire . . . without so much as adumbrating the basis for a legal calculus as a means of extraction."² However, Frankfurter's warnings were in vain, and in 1962, the Supreme Court entered the reapportionment field.³

Since that entry, several monumental decisions have been handed down by the Supreme Court regarding reapportionment.⁴ The most notable and most often quoted is *Reynolds v. Sims*.⁵ The *Reynolds* case found the Supreme Court declaring invalid both the Alabama apportionment scheme then in existence and a new plan which would have ameliorated the disproportions only in the Alabama House. The Court held that the seats in both houses of a bicameral legislature must, under the equal protection clause of the 14th amendment, be apportioned substantially on a population basis.⁶ That the *Reynolds* decision had a far-reaching effect on the State legislatures of the several States cannot be controverted.⁷

The question now before the State courts is whether the "one man, one vote" principle announced in *Reynolds* is applicable to

¹ *Baker v. Carr*, 369 U.S. 186, 266 (1962) (dissenting opinion).

² *Id.* at 268 where Frankfurter stated: "To charge the courts with the task of accommodating the incommensurable factors of policy that underlie these mathematical puzzles is to attribute, however flatteringly, omniscience to judges."

³ The Court held in *Baker v. Carr* that the plaintiff-voters had standing to sue, that their allegations of debasement of their votes presented a justiciable question, and that the federal district court had jurisdiction of the subject matter. *Id.* at 204-06.

⁴ See *Reynolds v. Sims*, 377 U.S. 533 (1964) (Alabama); *Lucas v. Forty-Fourth General Assembly*, 377 U.S. 713 (1964) (Colorado); *Roman v. Simcock*, 377 U.S. 695 (1964) (Delaware); *WMCA, Inc. v. Lomenzo*, 377 U.S. 633 (1964) (New York); *Davis v. Mann*, 377 U.S. 678 (1964) (Virginia).

⁵ 377 U.S. 533 (1964).

⁶ *Id.* at 568.

⁷ See generally Smith, *Role of the Federal Courts in the Reapportionment of State Legislatures*, 53 ILL. B.J. 656 (1965); Note, *State Apportionment — The Wake of Reynolds v. Sims*, 45 BOST. U.L. REV. 88 (1965).

local representative bodies.⁸ The courts of New York have taken the lead in declaring that the principle does apply⁹ and the New York Court of Appeals has recently reaffirmed this position in *Iannucci v. Board of Supervisors*.¹⁰

The *Iannucci* case was a combination of two cases¹¹ in which the validity of the apportionment schemes of the Boards of Supervisors of Saratoga and Washington Counties were questioned. Both of these boards were originally apportioned under a New York statute which provided that each municipality would be represented on the board of supervisors of that county by one representative supervisor.¹² It is important to note that under this law each town or city was to have *only one* representative *regardless* of its population.¹³

In *Iannucci*, the plaintiffs sought a declaratory judgment that the apportionment of the board of supervisors of their respective counties was unconstitutional and an order directing the boards to submit a valid plan of apportionment.¹⁴ Relief was sought on the

⁸ See *Ellis v. Mayor and City Council*, 352 F.2d 123 (4th Cir. 1965) (invalidating city council of Baltimore); *Lynch v. Torquato*, 343 F.2d 370 (3d Cir. 1965) (challenge of election system at county level in Pennsylvania); *Reed v. Mann*, 237 F. Supp. 22 (N.D. Ga. 1964) (county unit system invalid); *Moss v. Burkhart*, 220 F. Supp. 149 (W.D. Okla. 1963) (weighted voting system declared invalid); *Griffen v. Board of Supervisors*, 60 Cal. 2d 751, 388 P.2d 888, 36 Cal. Rptr. 616 (1964) (county board of supervisors membership based on towns was invalid); *Brouwer v. Bronkema*, 377 Mich. 616, 141 N.W.2d 98 (1966) (board of supervisors held invalid); *Mauk v. Hoffman*, 87 N.J. Super. 276, 209 A.2d 150 (Ch. 1965) (board of freeholders held unconstitutional); *Baily v. Jones*, 81 S.D. 617, 139 N.W.2d 385 (1966) (county commissioners must be elected, not appointed); *Sonneborn v. Sylvester*, 26 Wis. 2d 43, 132 N.W.2d 249 (1965) (county board of supervisors not elected by population was invalid).

⁹ See *Graham v. Board of Supervisors*, 49 Misc. 2d 459, 267 N.Y.S.2d 383 (Sup. Ct. 1966) (Erie County); *Town of Greenburgh v. Board of Supervisors*, 49 Misc. 2d 116, 266 N.Y.S.2d 998 (Sup. Ct. 1966) (Westchester County); *Augastini v. Laski*, 46 Misc. 2d 1058, 262 N.Y.S.2d 594 (Sup. Ct. 1965) (Broome County); *Shilbury v. Board of Supervisors*, 46 Misc. 2d 837, 260 N.Y.S.2d 931 (Sup. Ct. 1965) (Sullivan County); *Goldstein v. Rockefeller*, 45 Misc. 2d 778, 257 N.Y.S.2d 994 (Sup. Ct. 1965) (Monroe County).

¹⁰ 20 N.Y.2d 244, 229 N.E.2d 195, 282 N.Y.S.2d 502 (1967).

¹¹ The individual cases were *Iannucci v. Board of Supervisors* (Washington County) and *Saratogian, Inc. v. Board of Supervisors* (Saratoga County). These cases were combined since the facts were essentially the same and the relief asked for was identical. *Id.* at 248, 229 N.E.2d at 195, 282 N.Y.S.2d at 505.

¹² N.Y. COUNTY LAW § 150 (McKinney 1954). Stated in full the law reads as follows: "The supervisors of the several cities and towns in each county, when lawfully convened, shall constitute the board of supervisors of the county."

¹³ In Washington County the town populations varied from 11,012 in Kingsbury to 426 in Dresden, and in Saratoga County the population ranged from 16,000 in the town of Saratoga Springs to about 600 in the town of Day. 20 N.Y.2d at 249, 229 N.E.2d at 196, 282 N.Y.S.2d at 505.

¹⁴ *Id.* at 248, 229 N.E.2d at 197, 282 N.Y.S.2d at 505.

ground that the vote of a resident of a less populous municipality was worth several times more than the vote of a resident of a more densely populated area.¹⁵ The appellate division of the supreme court held that both the scheme of apportionment prescribed by the county law and a weighted system of voting at the county level violated the "one man, one vote" principle announced in *Reynolds v. Sims*.¹⁶ The Court of Appeals of New York, with three judges dissenting,¹⁷ affirmed the decision of the lower court.

Several important questions arise from this seemingly innocuous decision. The first is whether the *Reynolds* principle of "one man, one vote" is applicable to local governments. It should be pointed out that the United States Supreme Court has thus far refused to declare that the principle is applicable¹⁸ and has stated that "[v]iable local governments may need many innovations, numerous combinations of old and new devices, great flexibility in municipal arrangements to meet changing urban conditions."¹⁹ Distinguishing between local legislative bodies and local nonlegislative bodies,²⁰ the Supreme Court, in *Sailors v. Board of Education*,²¹ held that the "one man, one vote" principle was not applicable to local nonlegislative bodies²² and carefully avoided stating that the *Reynolds* principle was applicable to legislative bodies at the municipal level.

The Court refused to apply the *Reynolds* rule to local legisla-

¹⁵ This contention was founded upon simple arithmetic: if 1,000 voters elect one representative in one municipality, and 10,000 voters elect one representative in another municipality, obviously one vote in the former town is 10 times greater in weight than one vote in the latter town.

¹⁶ *Iannucci v. Board of Supervisors*, 27 App. Div. 2d 546, 279 N.Y.S.2d 458 (1967).

While weighted voting cures the previous favoritism in areas of smaller population, it by the very system itself creates new inequities in terms of power. Representatives of the larger districts, because of the weighting of their votes, necessarily have greater influence over passage of legislation. The result is discrimination against the smaller districts. *Id.* at 547, 279 N.Y.S.2d at 459.

¹⁷ *Breitel, Van Voorhis, and Burke*.

¹⁸ *See, e.g., Dusch v. Davis*, 387 U.S. 112 (1967); *Sailors v. Board of Educ.*, 387 U.S. 105 (1967).

¹⁹ *Sailors v. Board of Educ.*, 387 U.S. 105, 110-11 (1967).

²⁰ *Id.* at 108.

²¹ 387 U.S. 105 (1967).

²² In *Sailors*, plaintiffs sued to enjoin as violative of the 14th amendment's equal protection clause a Michigan statute under which the defendant school board was chosen. The Supreme Court held that "[s]ince the choice of members of the county school board did not involve an election and since none was required for these non-legislative offices, the principal of 'one man, one vote' has no relevancy." *Id.* at 111.

tive bodies once again in *Dusch v. Davis*.²³ In that case the representative at large plan of Virginia Beach was questioned as being violative of the "one man, one vote" principle.²⁴ The representative at large plan or the "Seven-Four Plan" as it was called, provided for each of four councilmen to be elected by a vote of the entire electorate of the city.²⁵ However, the remaining seven councilmen were to be elected from the borough in which they resided.²⁶ The Supreme Court held that although the boroughs varied greatly in population, the four citywide councilmen might well balance this disproportion in population.²⁷

It is evident that the Supreme Court has adopted a policy toward local legislative bodies quite different from its attitude regarding State legislatures.²⁸ At the State level the "one man, one vote" principle has been strictly adhered to. On the local level, however, legislative bodies have been permitted to follow a more liberal interpretation of the *Reynolds* rule. This more liberal interpretation permits experimentation with various forms of representative government.²⁹

Notwithstanding the Supreme Court's refusal to strictly apply the *Reynolds* rule at the local level, most State courts have rigidly applied the "one man, one vote" principle to political subdivisions.³⁰ It has been stated that:

²³ 387 U.S. 112 (1967).

²⁴ *Id.* at 113.

²⁵ *Id.* at 115.

²⁶ *Id.*

²⁷ *Id.* at 117. The Court stated that "[t]he Seven-Four Plan seems to reflect a detente between urban and rural communities that may be important in resolving the complex problems of the modern megalopolis in relation to the city, the suburbia, and the rural countryside." *Id.*

²⁸ See Snyder & Pearson, *Effect of Malapportionment Cases on Political Subdivisions of the State*, 39 CONN. B.J. 1 (1965). These authors stated:

Two tests used by the Supreme Court in the *Reynolds* group of cases are:

(1) What percentage of the voters or population is able to elect a bare majority of the legislative body and, (2) What is the population-variance ratio of the largest and smallest legislative districts? In order to comply with the *Reynolds* rule 50.01% would be the ideal answer to test No. 1, and 1:1 ratio would be the perfect answer to test No. 2. *Id.* at 4-5.

Obviously, the Seven-Four Plan in *Dusch v. Davis*, 387 U.S. 112 (1967) would not satisfy these two tests.

²⁹ This experimentation might take the form of a pure representative at large plan where all representatives are elected by the entire population. Or, a modified representative at large plan may be adopted in which some of the representatives would be elected on an at large basis while other representatives would be elected by the constituency of the district in which they reside. The possible representative schemes at the local level are limitless.

³⁰ See cases cited notes 8 & 9 *supra*.

There is strong reason to believe that the apportionment standards which apply to states also apply to municipalities that (1) exercise general governmental functions and (2) are designed to be controlled by the voters of the geographic area over which the municipality has jurisdiction. Counties, towns, cities and villages meet these tests. They are fundamental organs of government within the state; they exercise a large measure of the state's power, and because of the services rendered, are a medium of government most often in direct contact with the people.³¹

The court in *Iannucci* justified its decision that the *Reynolds* rule is applicable to local government by referring to the Supreme Court cases,³² by noting past adherence to this rule by the courts of New York,³³ and by directing the reader to the arguments made by Professor Weinstein in a law review article on the subject.³⁴ For these reasons the court in *Iannucci* held the New York statute invalid and ordered the boards to reapportion accordingly.³⁵

The decision of this court was sound. "[A]fter all, if there is a serious voter debasement in a political subdivision of the state, is there any good reason to permit it at the local level and condemn it at the state level?"³⁶ The *Reynolds* rule does not require strict mathematical equality between districts,³⁷ so there is still room for experimentation with various forms of government at the local level as long as those schemes to be tested can meet the *Reynolds* principle.

After the two boards in *Iannucci* were ordered by the lower court to reapportion, each adopted a "weighted voting plan." Washington County adopted an "adjusted weighted voting plan" and Saratoga County devised a "fractional weighted voting plan."³⁸ Both plans were similar in nature. In each plan a town's representative was given one vote for every predetermined unit of population.³⁹ The net result was that the representatives from the

³¹ Weinstein, *The Effects of Federal Reapportionment Decisions on Counties and Other Forms of Municipal Government*, 65 COLUM. L. REV. 21, 23 (1965).

³² 20 N.Y.2d at 249, 229 N.E.2d at 197, 282 N.Y.S.2d at 506.

³³ *Id.*

³⁴ *Id.*, citing Weinstein, *supra* note 31.

³⁵ *Id.* at 249, 229 N.E.2d at 198, 282 N.Y.S.2d at 506; see text accompanying notes 11-17 *supra*.

³⁶ Snyder & Pearson, *supra* note 28, at 16.

³⁷ "While it may not be possible to draw . . . districts with mathematical precision, that is no excuse for ignoring our Constitution's plain objective of making equal representation for equal numbers of people the fundamental goal . . ." Westberry v. Sanders, 376 U.S. 1, 18 (1964) (requiring congressional districts to be equal in population within each State).

³⁸ 20 N.Y.2d at 249, 229 N.E.2d at 197, 282 N.Y.S.2d at 505-06.

³⁹ Washington County's plan provided that each supervisor would be entitled to

larger municipalities received a greater number of weighted votes since there were more units in their respective constituencies.

In *Iannucci*, the New York Court of Appeals ruled that these proposed weighted voting plans were invalid unless the respective boards were able to prove their constitutionality.⁴⁰ The court reached this conclusion based on its earlier decision in *Graham v. Board of Supervisors*.⁴¹ In *Graham*, a system of weighted voting had been proposed and the New York court held that such a system may have hidden "inherent defects."⁴² Although the court in *Graham* did not specify what such "inherent defects" might be, the court in *Iannucci* did so enumerate. The court said that "[t]he principle of one man, one vote is violated . . . when the power of a representative to affect the passage of legislation by his vote, rather than by influencing his colleagues, does not roughly correspond to the proportion of the population in his constituency."⁴³ The court feared that the larger city representatives would have such great power by their weighted vote alone that the rural areas might never have an effective voice in government.⁴⁴

The loss of an effective political "voice" by rural areas can be illustrated quite clearly: "In some cases, in fact . . . [weighted voting] is an empty gesture; it distributes votes which apparently represent voting power to which the citizens are entitled but which actually give the representative no power whatever to *influence* legislative decisions."⁴⁵ Voting power is defined in this context,

one vote for every 279 persons residing in his town, up to a maximum of 15 weighted votes. In Saratoga County each supervisor would cast one vote for every 600 persons residing in his town with a maximum of 20 votes. The membership of both boards would be enlarged if a town warranted more than the maximum number of weighted votes. *Id.* at 249, 229 N.E.2d at 197, 282 N.Y.S.2d at 505.

⁴⁰ *Id.* at 253, 229 N.E.2d at 199, 282 N.Y.S.2d at 509.

⁴¹ 18 N.Y.2d 672, 219 N.E.2d 870, 273 N.Y.S.2d 419 (1966). Here boards were apportioned under N.Y. COUNTY LAW § 150 as were the boards in *Iannucci*. The court in *Graham* declared this scheme invalid and temporarily approved a weighted voting plan until such a time that a new system could be proposed.

⁴² 18 N.Y.2d at 674, 219 N.E.2d at 871, 273 N.Y.S.2d at 420.

⁴³ 20 N.Y.2d at 252, 229 N.E.2d at 199, 282 N.Y.S.2d at 508.

⁴⁴ Take for example a simplified situation of a county having four cities. A weighted voting plan is established with three representatives having three votes each and the fourth representative having one vote. A majority of the votes is required to pass legislation. In this situation the fourth representative with one vote will never affect the passage or defeat of legislation. It will always be determined by a combination of two of the other three representatives. On the surface the *Reynolds* rule has been complied with, yet in practice the constituency of the fourth representative will never have a *true* voice in government.

⁴⁵ Banzhaf, *Weighted Voting Doesn't Work: A Mathematical Analysis*, 19 RUTGERS L. REV. 317, 324 (1965) (emphasis added).

not merely as to how many weighted votes a representative has, but how many times a representative can influence the passage of legislation in relation to the number of voters he represents.⁴⁶ Such a determination of the ratio of how many times a representative can affect the passage or defeat of legislation to the number of people he represents can only be determined by experts using computers.⁴⁷

The objections to weighted voting as enumerated by the *Graham* and *Iannucci* courts are valid. Without a computer analysis a representative's true voting power cannot be measured. Therefore, in order to insure the constitutionality of a proposed scheme, the *Iannucci* court stated that a computer analysis must be presented to determine the validity of the system proposed.⁴⁸ Such a requirement would guard against any denial of a voter's privilege to equal protection of the laws as guaranteed by the 14th amendment.

Since a computer analysis would be required to prove a system's constitutionality, the *Iannucci* court was next faced with the question of who would be required to present such an analysis: the plaintiff-voters or the defendant-boards of supervisors. The boards claimed that the duty was on the voters. The boards based their argument on *Johnson v. City of New York*⁴⁹ where the court stated that "legislatures should not be declared unconstitutional unless it clearly appears to be so; all doubts should be resolved in favor of the constitutionality of an act."⁵⁰

The court in *Iannucci* distinguished the *Johnson* case on its facts and held that it was incumbent upon the respective boards to prove the constitutionality of their proposed schemes.⁵¹ The court based its decision on the fact that in *Johnson* the presumption of the constitutionality of legislation came from the "principle that it is improper for a court, in passing upon a constitutional

⁴⁶ "The measure sought is a measure of voting power only in a limited situation: it is a measure of the power of an individual representative to affect the passage or defeat of legislation when the outcome depends only on the sum of the votes cast by the representatives." *Id.* at 328.

⁴⁷ See generally Weaver & Hess, *A Procedure for Nonpartisan Districting: Development of Computer Techniques*, 73 YALE L.J. 288 (1963).

⁴⁸ 20 N.Y.2d at 254, 229 N.E.2d at 200, 282 N.Y.S.2d at 510.

⁴⁹ 274 N.Y. 411, 9 N.E.2d 30 (1937) (proportional system of voting challenged — system upheld).

⁵⁰ *Id.* at 430, 9 N.E.2d at 38.

⁵¹ 20 N.Y.2d at 254, 229 N.E.2d at 200, 282 N.Y.S.2d at 510. The *Iannucci* court held that the systems of voting involved differed so greatly that the cases could not be compared.

question, to lightly disregard the *considered judgment* of a legislative body which is also charged with a duty to uphold the Constitution."⁵² The *Iannucci* court felt that a *considered judgment* was impossible where the legislature failed to obtain a computer analysis and therefore "[a]t the very least, there is a significant possibility that the plans are actually defective. . . . Under these circumstances, the boards are not entitled to rely on a presumption that their legislative acts are constitutional."⁵³ It is obvious that the *Iannucci* court implied that a *considered judgment* is only possible when the legislatures have a computer analysis on which to base their apportionment legislation.

The dissenting judges took issue with the majority's holding that the boards of supervisors were required to produce a computer analysis.⁵⁴ They based their argument on *Fortson v. Dorsey*⁵⁵ and suggested that the best form of government at the local level would only be found through experimentation. They also indicated that the majority's requirement that the *Reynolds* rule be upheld will unduly restrict such experimentation.

The majority, however, by requiring a computer analysis to be presented has not precluded any particular form of government at the local level. Rather, the majority concluded that experimentation is acceptable at the local level, but before a plan can be tested in practice it must be constitutional in theory. One writer has stated the argument as follows:

Without some further and more persuasive explanation of how such systems are supposed to provide equal voting power and effective representation to all of a state's citizens, the court should strike them down as an *inconclusive experiment with the constitu-*

⁵² *Id.* at 254, 229 N.E.2d at 200, 282 N.Y.S.2d at 510 (emphasis added).

⁵³ *Id.* at 253, 229 N.E.2d at 200, 282 N.Y.S.2d at 509; *accord*, *Silver v. Brown*, 63 Cal. 2d 270, 405 P.2d 132, 46 Cal. Rptr. 308 (1965), where the court held that an apportionment scheme would carry with it at least a strong presumption of validity. A later court in *Silver v. Reagan*, 67 Cal. 2d 455, 432 P.2d 26, 62 Cal. Rptr. 424 (1967) held that any strong presumption of validity as stated in *Silver v. Brown* is destroyed by large discrepancies in the size of legislative districts.

⁵⁴ 20 N.Y.2d at 255, 229 N.E.2d at 201, 282 N.Y.S.2d at 511 (dissenting opinion).

⁵⁵ 379 U.S. 433 (1965). The Supreme Court held that the burden of proving the invalidity of a proposed reapportionment plan was upon those bringing the action. *Id.* at 439. *Contra*, *Swann v. Adams*, 263 F. Supp. 225 (S.D. Fla. 1967) where the court stated: "The State has failed to present . . . acceptable reasons for variations among the populations of the various districts in the plans of the Legislature for apportionment." *Id.* at 226.

tional rights of citizens in cases where the inequalities outweigh any legitimate social interests which might be served.⁵⁶

The next question concerns the court's duty in obtaining a computer analysis. The prevalent opinion seems to be that "courts ought to initially refrain from granting direct relief and allow the state legislature another opportunity to reapportion in accord with the federal constitution. Should such a response not be forthcoming, however, a court may be forced to grant direct relief . . . affirmative judicial apportionment and districting."⁵⁷

Professor Sidney Hess⁵⁸ feels that two methods of computer analysis could probably be used by the legislatures at the local level to determine the validity of a proposed scheme.⁵⁹ One method would be by computer simulation. This approach would necessitate the use of the random number generator on the computer itself. The process would involve random selection of possible voting combinations in which one town's vote would determine the passage or defeat of a particular piece of legislation.

The second method would entail determining how many times in the past each town was able to affect the passage or defeat of legislation. This information would then be programmed for the computer and would reflect the disparities in relation to the number of times a town was able to affect the passage or defeat of legislation to the size of its population. Such information could then

⁵⁶ Banzhaf, *Multi-Member Electoral Districts — Do They Violate the "One Man, One Vote" Principle*, 75 YALE L.J. 1309, 1338 (1966) (emphasis added).

⁵⁷ Weaver & Hess, *supra* note 47, at 289.

⁵⁸ Professor Hess was interviewed on behalf of this writer by Mr. Burnham Allport, a graduate student in operations research at the Wharton School of Finance of the University of Pennsylvania. Professor Hess received his Ph.D. in operations research from Case Institute of Technology in 1960, participated in the computer work involved in the Delaware reapportionment, and is currently teaching operations research at the Wharton School.

⁵⁹ These observations were made in view of the computer analysis sheet presented in the opinion of *Dobish v. State*, 53 Misc. 2d 732, 279 N.Y.S.2d 565 (Sup. Ct. 1967).

The computer used in connection with the first method is an I.B.M. System 360 Model 50. Professor Hess estimated the cost of using this computer at \$200.00 per hour. A purely speculative estimation of the money involved in a simulation process would be about \$100.00. As to the second method proposed, more time would be needed in programming but the computer time itself may only be about 4 minutes. Simple mathematics show that 4 minutes of computer time would cost about \$13.20.

A further example of the cost involved can be found in Castellan, *Political Apportionment by Computer*, 1 BROWN U. COMPUTING REV. 5 (1966). The author stated "a sample problem of a part of New York State was solved in five minutes on the I.B.M. System/360 Model 50." *Id.* at 20. Castellan went on to predict that there will exist within "the next few years . . . a fast, inexpensive, non-partisan computer technique" even better than those currently in use. *Id.* at 21.

be used to determine the weighting of votes. But, because of the difficulty and time involved in obtaining each town's voting record, the former method would be preferable to the latter.

In conclusion, *Iannucci v. Board of Supervisors* stands for three principles. First, the "one man, one vote" principle of *Reynolds v. Sims* is applicable to local legislative apportionment schemes. Second, where a system of weighted voting is proposed by a local legislative body, it will be incumbent upon that body to prove that the system conforms with the "one man, one vote" principle. Finally, such proof may only take the form of a computer analysis showing that the number of times a representative can affect the passage or defeat of legislation is in proper relation to the size of the population he represents.

The *Iannucci* decision is a wise one. That the *Reynolds* principle should be applied to local legislative bodies is proper since this level of government has the most contact with the citizenry and therefore should be truly representative. To allow the implementation of an apportionment scheme designed to correct the constitutional inadequacies of an existing plan, where the proposed scheme itself may not be constitutionally adequate, is foolishness. Therefore, computer analysis should be required to show that the proposed apportionment scheme conforms with the *Reynolds* principle *before* it is implemented. To hold otherwise could result in a situation where the remedy is worse than the situation to be cured.

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