

Tuesday, March 6, 2012

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COURT-DRAWN CONGRESSIONAL MAPS SHOW WHY LASTING REDISTRICTING REFORM NEEDED

Citizens Union Urges Governor and Legislature to Act Now to Improve Maps for 2012 and Enact Permanent Constitutional and Statutory Changes

The Congressional maps presented today by the court show that an independent process can produce better districts than those drawn by the legislature, making a compelling case for why we need to forever change the redistricting process in New York State. These districts were drawn quickly and fairly while respecting communities of interest and existing political subdivisions like counties, cities and towns. While accomplishing these needed objectives, the court also took into account the cores of many of the pre-existing districts and provided a path forward which should motivate the legislature and the governor to reach an agreement.

Citizens Union believes the opportunity to achieve meaningful and lasting redistricting reform should not now be sacrificed with the promise of better permanent reform down the road. New Yorkers all know that Albany legislators' repeated promises to enact redistricting reform went nowhere, resulting in no structural change for this decade's redistricting cycle.

With a dozen redistricting bills proposed and countless public hearings held over the years, decades of waiting for redistricting reform have blown by, and we still have in place the same rigged and partisan system of incumbent protection. The posturing and finger pointing by both parties needs to stop - we need to pursue principled compromise that achieves our long-term goals. That's why we urge the governor and the state legislature to resolve this unacceptable impasse and propose a solution that improves the LATFOR proposed maps, drawing from the court's proposal and public feedback from LATFOR's hearing, and includes lasting redistricting reform.

The constitutional amendment Assemblyman Jack McEneny (D-Albany) unveiled last week is based upon a model proposed in 2004 by Citizens Union, other good government groups, and then Assemblyman Michael Gianaris (D-Queens), whose leadership on this issue for nearly a decade has helped lead us to this moment of achieving real and lasting redistricting reform.

The proposal includes important features from Senator Gianaris' bill and those sponsored by Senators David Valesky (D-Oneida) and Assemblyman Hakeem Jeffries (D-Brooklyn), as well as the Governor's 2011 program bill - all of which reflect in key respects the system used successfully in Iowa and Washington State - in creating an independent commission to draw district lines that the legislature must vote upon without amendment. If the legislature does not pass the commission's plans, the commission must revise and resubmit the plan again for a second "up or down" vote without amendment. If and only if the legislature fails to pass the commission's plan a second time does the legislature have the opportunity to amend the commission's plan, but as noted below, only the current proposal puts a limit on this ability. It also ensures equal representation among the four legislative leaders, protects minority party interests while

preventing majority party dominance, requires super majority votes for a plan's approval, and provides for representation of political parties other than the two main ones.

Most importantly, as reported, the constitutional amendment and statute being envisioned would provide critical protections against gerrymandering that the other bills lacked:

- First, the Legislature would be restricted in its authority to amend the commission's plans to affecting no more than 2% of the population in any district, while under other legislative proposals, the legislature's amendments would have no limits.
- Second, because it would be in the constitution rather than a statute, this reformed system could not be simply repealed by the legislature at any moment. And in the event that the second passage of the constitutional amendment fails, a similar statute is being proposed that locks in the new reform.
- Subject to real deadlines, the independent commission would have to present its plans early, giving ample time for public input, and promote electoral competition by giving challengers more time to campaign.

Far from being a less significant reform or regression, this contemplated package would provide substantial and permanent reforms, and be a welcome improvement over the current rigged system of legislative controlled gerrymandering which many reform leaders, both advocates and legislators, have derided for decades. A constitutional amendment will ensure that New Yorkers never again see repeated the predictable cycle of outrage that only ends with the poisonous partisan redistricting system still intact.

Never before in the history of our state has there been such a convergence of opportunity and support to end partisan gerrymandering. The time to act is now. Redistricting reform in our country has largely been accomplished through citizens rising up and achieving it through voter initiative and referendum. Our laws here in New York State do not allow for that, so instead we face the difficult challenge of working with the legislature to accomplish this reform over which it has control. Passage of a constitutional amendment, however, would allow the voters of New York to have a say in the fate of redistricting reform.

Bills to amend the state constitution and create an independent redistricting commission have languished for decades and gone nowhere. [184 of 212 legislators pledged or sponsored legislation to create an independent redistricting commission](#) for the 2012 elections. While in the minority, the Senate Democrats won election in 2008 with promises of creating an independent redistricting commission and did not; instead when in the majority, then Senate Majority Leader Malcolm Smith said the Democrats "are going to draw the lines so that Republicans will be in oblivion in the state of New York for the next 20 years." When in the minority, all the Republican Senators in 2010 pledged to former mayor Ed Koch's NY Uprising group to enact such a commission for 2012 and they did not. No matter what may be said today, New York's history shows that whomever controls the majority doesn't want redistricting reform to happen while the minority clamors for it. Unfortunately, where they stand on this issue is a matter of where they sit.

This is why Citizens Union wants Governor Cuomo to prevent the New York State Legislature from once again weaseling out of its commitment. He should not let pass this historic opportunity to obtain permanent structural reform. If he can't get the legislature to improve the proposed lines for 2012 AND secure permanent redistricting reform, he should exercise his promised veto as the only way to hold them accountable for their failed pledges of reform.

Quite simply, notwithstanding those few state legislators for whom reform is paramount, we cannot trust the legislature to pledge once again to address this issue in the future. No more delays and no more broken promises. New Yorkers need and deserve long-term redistricting reform now.



Citizens Union of the City of New York, a nonpartisan force for good government for more than 100 years, works to inform and engage New Yorkers, to ensure local and state government values its citizens, addresses critical issues, and operates in a fair, open, and fiscally sound manner.

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