



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the Legislative Task Force on Demographic Research and
Reapportionment (LATFOR)
On the Proposed State Legislative Lines for 2012
January 30, 2012

Good morning members of LATFOR. My name is Alex Camarda, and I am the Director of Public Policy and Advocacy for Citizens Union of the City of New York, a good government group that advances political reform in our city and state. I am joined by CU's Policy and Research Manager, Rachael Fauss.

As you know, Citizens Union along with members of the ReShapeNY coalition testified several times before LATFOR in 2011 urging the creation of an independent redistricting process and calling maps to be drawn according to objective criteria. An independent process was not created. Yet LATFOR requested repeatedly that it be judged on its product and not the process.

Today the verdict is in. These gerrymandered lines are proof positive that process counts. A deeply flawed process- in which self-interested legislators draw their own lines- unsurprisingly yields an unacceptable and defective product. These LATFOR lines are exhibit A, the smoking gun indisputably making the case that legislators drawing their own lines will always draw maps to maximize majority power. Communities of interest, political subdivisions, compactness, diversifying the legislature, equally-sized districts- these are mere obstacles to circumvent in the majority parties' quest to retain their stranglehold on the levers of power.

Given the limited time and lack of data in a user-friendly format made available by LATFOR, Citizens Union is only presenting today our findings on how these proposed maps to achieve partisan ends make a mockery of the constitutional principles of compactness and respecting the integrity of political subdivisions. These proposed districts divide cities and counties more than existing maps and create countless far-flung scattered districts. Whether it's dubiously breaking new ground in splicing and dicing Albany County, fragmenting St. Lawrence and Ulster Counties, or conjuring up shapes better suited for an abstract exhibit at the Metropolitan Museum of Art, the net effect is to make existing district lines even worse, effectively layering gerrymandering on top of gerrymandering.

These partisan practices undermine the ability of a community of interest or locality to coherently and effectively advocate for their interests, in part because they have no one representative that primarily serves their distinct constituency and prioritizes their

concerns. That makes government less responsive and accountable to the very people it purports to serve.

My colleague Rachael Fauss will now detail how political subdivisions are unnecessarily divided by the proposed maps.

I. Disregarding Adherence to Political Subdivisions

Respecting the boundaries of political subdivisions is a recognized redistricting criteria, being present in spirit if not in law in the New York State Constitution, and a major component of reform legislation supported by the legislature, including the Cuomo, Silver, Valesky, Bonacic, and Gianaris/Jeffries legislation. Unfortunately the districts we have seen in the proposed maps do not live up to this important requirement and goal.

Dividing Cities

As Citizens Union noted in its comprehensive redistricting report released in November, many of New York's cities have been and would continue to be split up under the proposed maps. Below are some of the proposed maps that split cities.¹ While cities are sometimes split because they are too large to be contained in one district, map-drawers also split cities for partisan reasons. Generally cities have more liberal voters, and when connected to surrounding more conservative-leaning suburbs the city population can be used to overpower the suburban voters. Or, the cities can be split in order to lessen city voters' voice by connecting them too much larger suburban and rural areas. The result in both cases is the fragmentation of communities for partisan purposes.

- **Rochester** – With a population of 210,565, it could be contained solely in one state senate district and split between two state assembly districts. Rochester is instead split into three assembly districts and three senate districts. This includes proposed Assembly Districts 136, 137 and 138, with AD 138 using a “hook” to join Rochester to the neighboring suburbs of Chili and Henrietta. In the Senate, this includes Senate Districts 55, 56 and 61, with SD 61 connecting all the way to Erie County.
- **Syracuse** – With a population of 145,170, it could be contained within one state senate district but is instead split into two, and while it could not be contained in only one assembly district, the division of the city could be done in a more manner that would be less confusing to voters. Senate District 55 and 56 split the city, with SD 56 connecting two kitty-corner sections of the city. Assembly District 128 and 129 also split the city, spiraling around each other.
- **Yonkers** – With a population of 195,976, Yonkers could be wholly contained in one Senate District, but is instead split into two – Senate Districts 35 and 37.

¹ The approximate size of an average Assembly District is 130,000 and a Senate District is 313,000. Note that Citizens Union used 2010 Census data for this count, as we did not have adjusted prison counts at the city level.

- **Albany** – With a population of 97,856, it could be contained solely in one assembly district, but is split in two: Assembly Districts 108 and 109.

Several cities in Westchester suffered the same fate of having small enough populations (all under 80,000s) to be contained solely in one assembly district, but were instead split into two:

- **New Rochelle** – Assembly Districts 88 and 91; also Senate Districts 35 and 37
- **White Plains** – Assembly Districts 88 and 93; also Senate Districts 35 and 37

Dividing Counties

Several counties in Upstate New York with relatively small populations are split into multiple assembly and senate districts. Counties could be split for the same reason that cities are, in order to pick voters of one party or another in order to assemble districts where the majority is of one party or another. Note that Citizens Union used LATFOR's adjusted population data, factoring in the prison population changes.

- **Monroe County** – As evidenced by the splitting of Rochester, the county would be split into twice as many senate districts – six – as would be expected with a population of 747,205, which is approximately three senate districts. The six senate districts would be 54, 55, 56, 59, 61 and 62. Senate District 54 enters into Monroe County only for the town of Webster.
- **St. Lawrence County** – The county, with a population of less than one assembly district (109,862), would be split into three senate districts: 45, 47 and 48, and a jigsaw puzzle of four assembly districts: 115, 116, 117 and 118. Taken together with neighboring counties of Jefferson and Lewis, the area is seeing a doubling of the number of legislators representing it,² meaning that their collective voice is being combined with other neighboring areas which may not share the same interests.
- **Ulster County** – With a population of 179,971, Ulster County could have only one senate district and two assembly districts. Instead, it has three assembly districts, 101, 103 and 104, and four senate districts, 39, 42, 46 and 51. Senate District 42 connects the town of New Paltz all the way to western end of Delaware County.
- **Oneida County** – With a population of 231,069, one would expect the area to be represented by two assembly districts and one senate district. There are instead five assembly districts: 102, 117, 118, 119 and 121. Proposed Assembly District 102 enters Oneida County only for the towns of New Hartford and Paris. There are two senate districts: 47 and 53, which enters the county only for the towns of Augusta and Kirkland.

² Amaral, Brian. "Legislators Release Lines Met with Stern Rebuke." Watertown Daily Times. January 27, 2012. Available at: <http://www.watertowndailytimes.com/article/20120127/NEWS03/701279889>

This trend is common across many of the state’s counties. Appendix A, which is attached to this testimony lists the discrepancy between the number of districts expected for a county to contain based on its population and the actual number of districts it received under the proposed maps. While we recognize that there are many competing goals in redistricting and districts may not neatly fit with the populations of counties, there is a clear pattern that indicates that partisan goals have taken precedence to goals of keeping counties represented by as few representatives as possible and promoting communities of interest.

Crossing Multiple Counties

In addition to counties being divided, many proposed districts in Upstate New York span several counties, to as many as six counties for one assembly district and nine counties for one senate district. A listing is provided below for districts spanning four or more counties in the proposed assembly and senate maps.

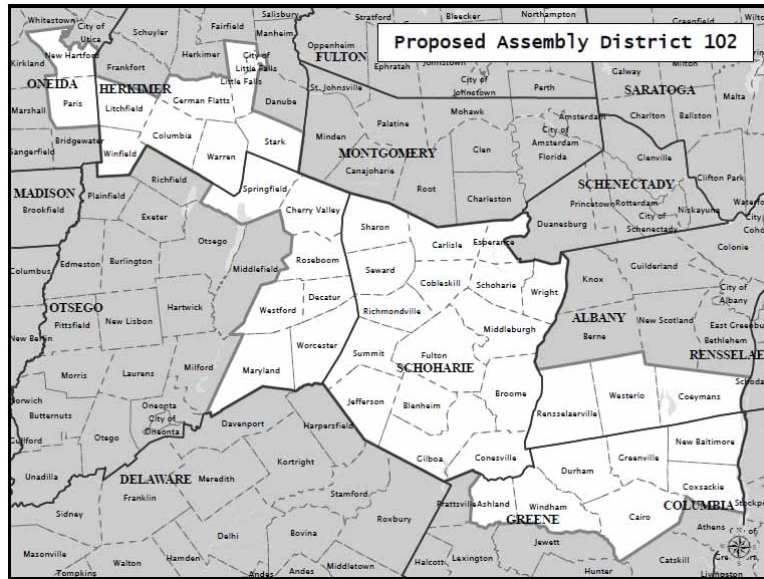
Assembly District	Counties	Total Number of Counties
114	Essex, Warren, Saratoga, Washington,	4
122	Broome, Chenango, Otsego, Delaware	4
126	Cayuga, Onondaga, Cortland, Chenango	4
139	Orleans, Monroe, Genesee, Livingston	4
101	Delaware, Greene, Ulster, Orange, Columbia, Sullivan	5
117	St Lawrence, Lewis, Jefferson, Oswego, Oneida	5
118	St Lawrence, Hamilton, Herkimer, Oneida, Fulton	5
132	Steuben, Chemung, Schuyler, Seneca, Tioga	5
102	Oneida, Herkimer, Otsego, Schoharie, Greene, Albany,	6

Senate District	Counties	Total Number of Counties
42	Delaware, Sullivan, Ulster, Orange	4
43	Saratoga, Washington, Rensselaer, Columbia	4
57	Chautauqua, Cattaraugus, Allegany, Livingston	4
59	Erie, Wyoming, Livingston, Monroe	4
46	Montgomery, Schenectady, Albany, Greene, Ulster	5
49	Herkimer, Hamilton, Fulton, Saratoga, Schenectady	5
58	Steuben, Yates, Schuyler, Tompkins, Chemung	5
45	St Lawrence, Franklin, Clinton, Essex, Warren, Washington	6
54	Monroe, Wayne, Ontario, Seneca, Cayuga, Tompkins	6
51	Cayuga, Tompkins, Cortland, Chenango, Otsego, Herkimer, Delaware, Schoharie, Ulster	9

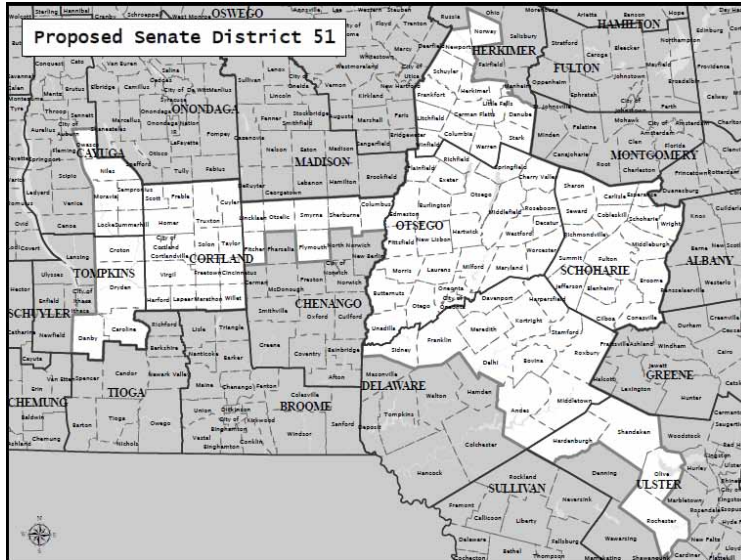
While many of Upstate New York’s counties have small populations that would necessitate crossing into several counties, there is simply no excuse for districts that

sprawl as many as six or nine counties. In many cases, this leads to districts that are far from compact, and makes it difficult for traversing across.

Assembly District 102 cuts across six counties, pairing Republican incumbent legislators Claudia Tenney and Peter Lopez, leading Citizens Union to question if Lopez's current district, AD127, was altered to free up another district for a Democrat to win the seat. This pairing is described in greater detail later in our testimony, and the map of the district is below.



Senate District 51, shown below, spans nine counties and is far from a compact district. If one were to drive to the three corners of the district and back, it would take nearly 6 hours: 2 hours and 45 minutes from Danby, Tompkins County to Norway, Herkimer County; 3 hours from Norway to Lyonsville in Ulster County, and then another 3 hours and 10 minutes to get back to Danby. And you'd not be driving through the district much of the time, given that it cuts through small segments of so many counties.



II. Disregarding Compactness

The state constitution states that compactness is a goal when drawing districts. Section 5 of the constitution reads, “divide such counties into assembly districts as nearly equal in number of inhabitants... as may be, of convenient and contiguous territory in as compact form as practicable” and in section 4, “each senate district shall contain as nearly as may be an equal number of inhabitants...and be in as compact form as practicable.”

The inconvenient truth of compactness in the state constitution is given about as much credence by LATFOR in these proposed maps as the 184 legislators gave to their pledges to reform this flawed redistricting process. The number of districts violating the spirit, if not the letter, of the constitutional principle of compactness are too numerous to detail during this short testimony. Some of the worst offenders representing sprawling districts not already mentioned as running roughshod over the integrity of political subdivisions are:

Senate

Brooklyn

1. Senate District 22- This district is a blatant gerrymander to protect Republican incumbent Marty Golden. It joins together parts of Bay Ridge with a collection of disjointed blocks in Bensonhurst, Brighton Beach, Bath Beach, Sheepshead Bay, and Manhattan Beach, with the latter only contiguous with the rest of the district by water.

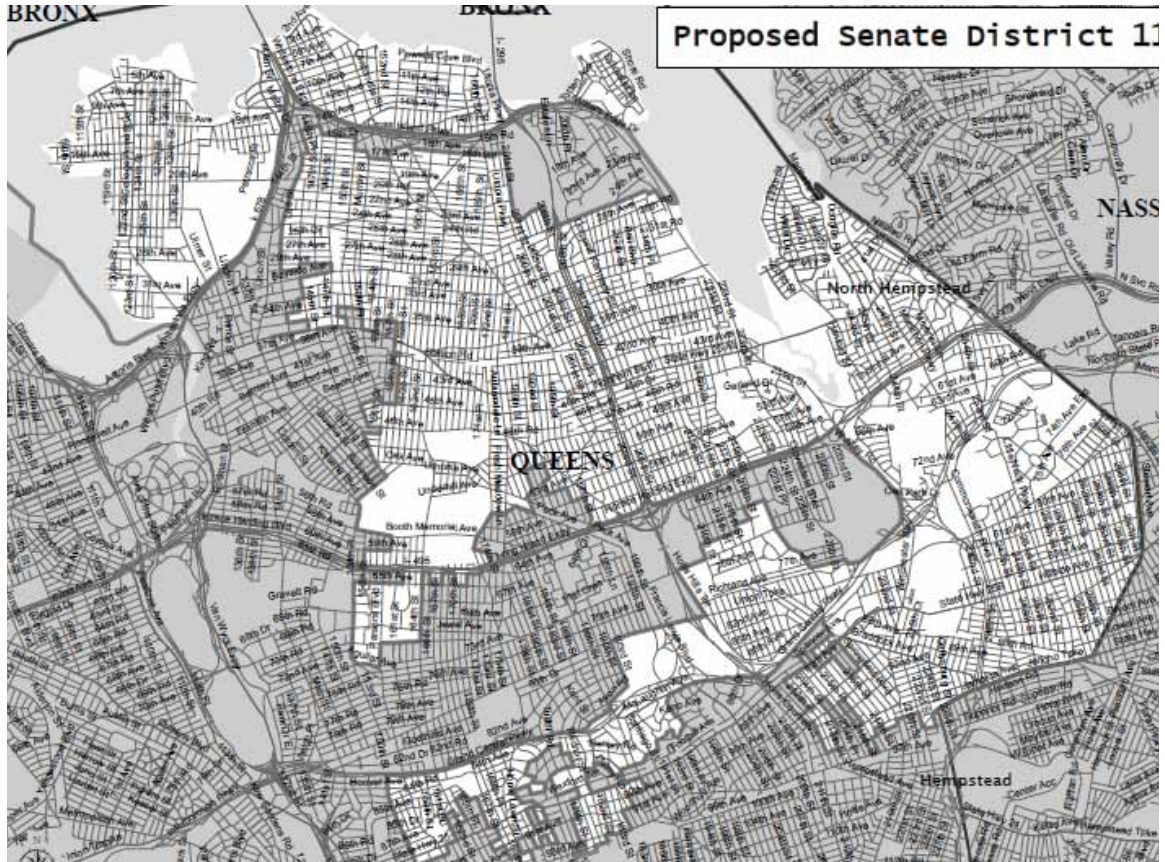


2. Senate District 20- This district currently represented by Eric Adams is reconfigured and includes a 26-block long single-block corridor that severs a piece of Sunset Park and strangely joins it with the distant neighborhoods Prospect Heights, Crown Heights and Wingate.

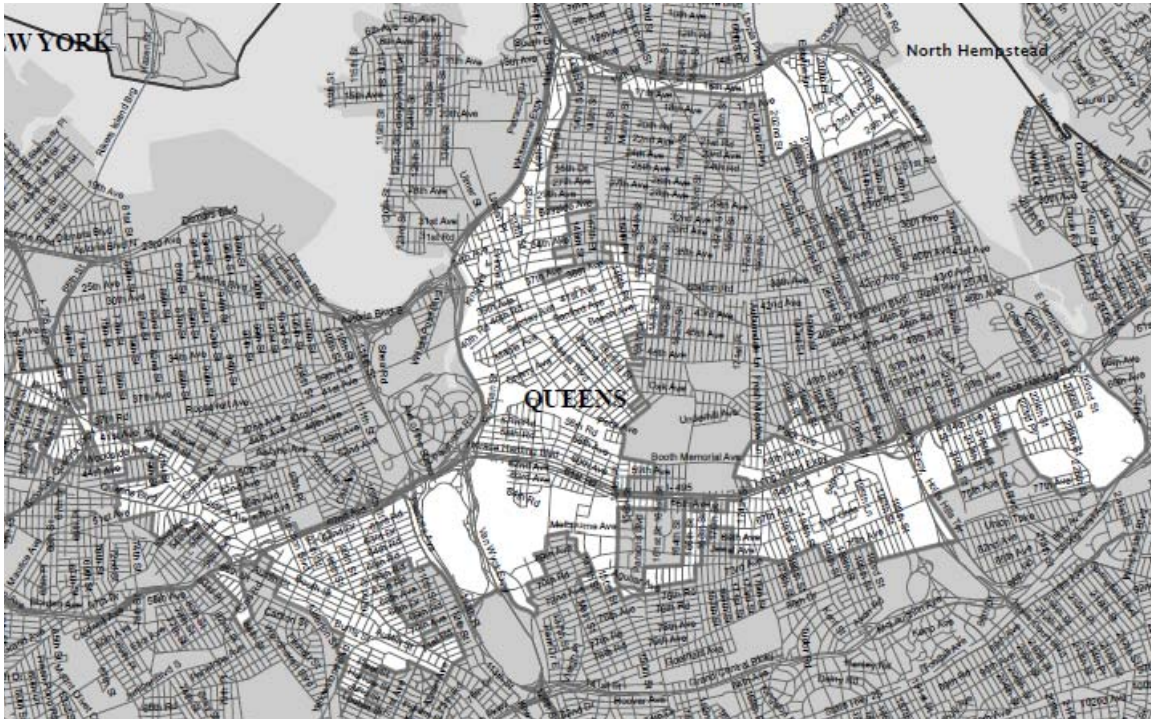


Queens

3. Senate District 11- Senator Avella's district splits Whitestone, then skips over two major highways (Long Island Expressway and Grand Central Parkway) and reels in scraps of Jamaica Estates. It also remains only contiguous during low tide.

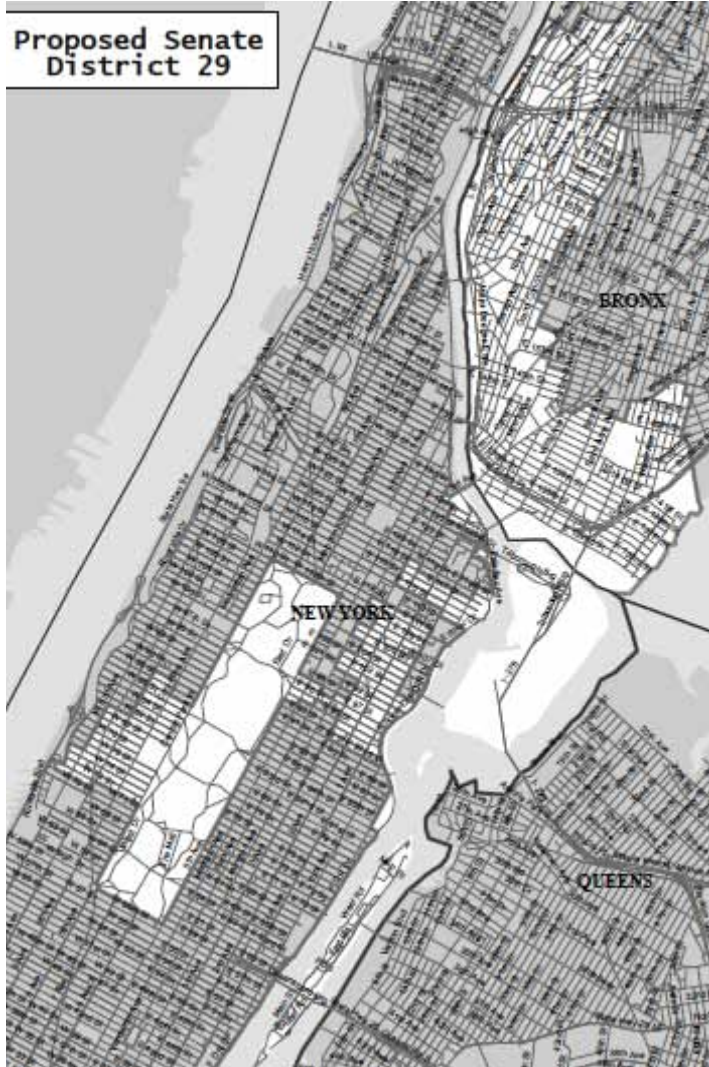


4. Senate District 16- This absurdly drawn district, while well-intended in its goal to elect an Asian American, does so through nonsensical means. Beginning in its northeastern corner of Bay Terrace, the district tiptoes through Whitestone along the Cross Island Parkway, makes a sharp 90 degree turn south along the Whitestone Expressway, takes in a chunk of Flushing, and then shoots out two elongated tentacles stretching into eastern and western Queens linking scraps of Oakland Gardens and bits of Woodside and Jackson Heights.



Manhattan

5. Senate District 29- District 29 posits the false notion that Central Park and the South Bronx are a community of interest. It also includes Roosevelt Island in the East River yet not a single block on the Upper East Side south of 92nd street.



6. Senate District 31- This narrowly drawn district stretches virtually the entire length of Manhattan- 200 blocks from Inwood to Chelsea- siphoning off chunks of Washington Heights and tidbits of the Upper West Side and West Midtown along the way.



Assembly

The Assembly also makes a mockery of the constitution's stated goal of drawing compact districts. Among the Assembly districts not already described as cracking cities and counties, there are several egregious examples of districts that are anything but compact for no apparent interest other than to maximize the majority's grip on power, particularly in Long Island. They include the following districts:

1 & 2. Assembly Districts 9 & 12- These threadlike districts run the entire width of Long Island slashing through towns along the way, with Assembly District 9 cutting through Huntington, lopping of a sliver of Babylon and penetrating the Nassau County border. AD12 includes a sliver of eastern Huntington, crosses the Long Island Expressway, veers east into Islip, then journeys southward crossing into Babylon.



3. Assembly District 13- This donut-shaped district is only contiguous with access to a boat and punches a hole through the entire northern portion of the Town of Oyster Bay in Nassau County.



4. Assembly District 15- The hole in the donut of Assembly District 13 in Oyster Bay, it crosses two towns only to return to the town of its origin. From Oyster Bay it momentarily juts into the Town of North Hempstead, heads south into the Town of Hempstead to collect a portion of East Meadow, then crosses back into Oyster Bay.

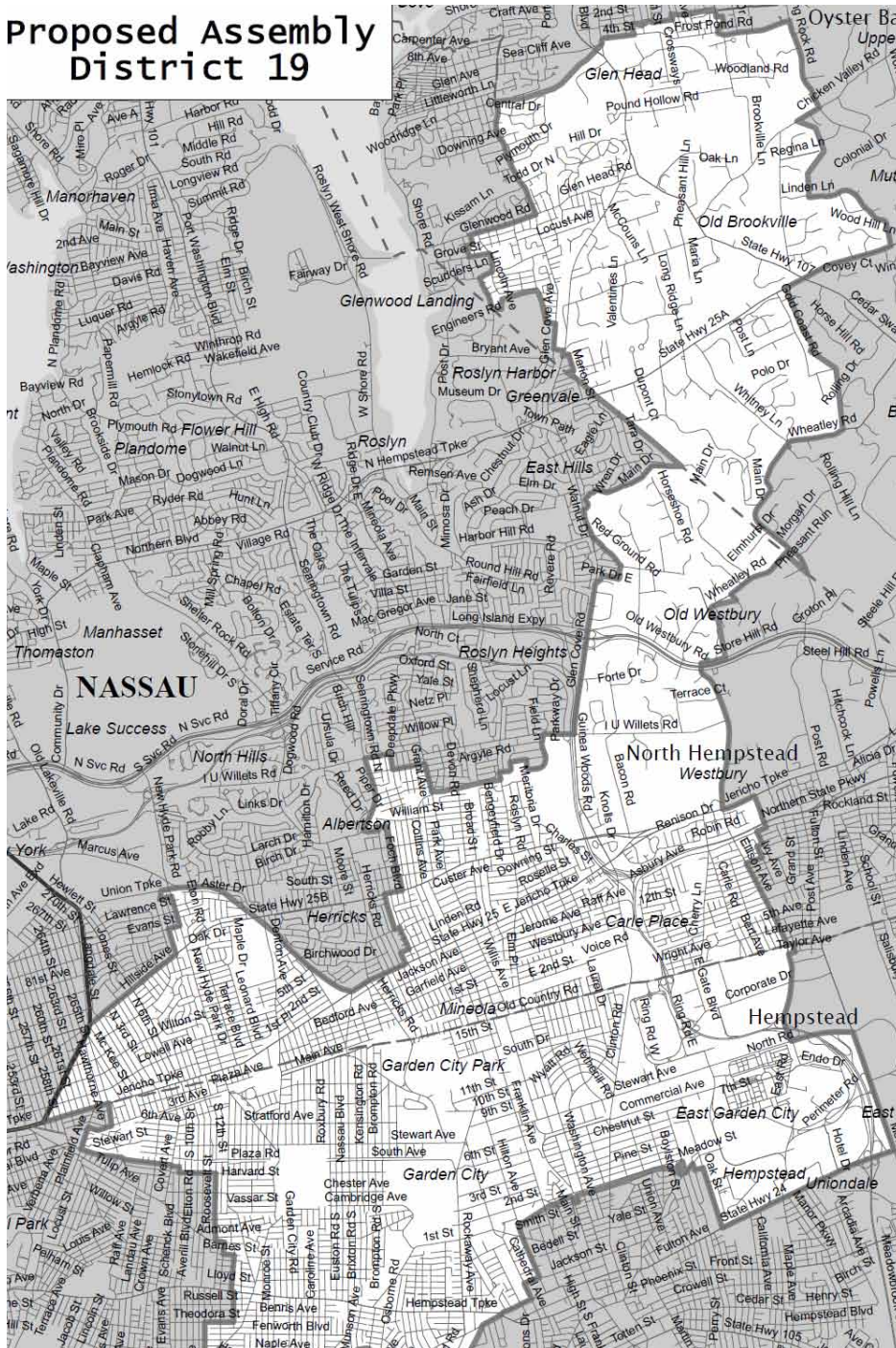


5. Assembly District 18- Resembling a skateboarder, this incoherent district has its head adjacent to Garden City, its left arm in Lakeview, its upper torso in Uniondale, and its feet in Merrick.



6. Assembly District 19- This “dog-like” district is cut width ways from mouth to rear between Hempstead and North Hempstead and its elongated oversized tail extends all the way to Glen Head in a different town, Oyster Bay.

Proposed Assembly District 19



IV. Frequency of Incumbents/Party Nominees Paired in Same District- Majority vs. Minority Parties

A litmus test in determining how partisan district maps are is comparing the frequency with which incumbent legislators in the majority parties are paired in the same district as compared with the minority parties. In the proposed maps released by LATFOR, nine incumbents and one party nominee for a special election were drawn in districts with other sitting legislators. Every one of those incumbents and Lew Fidler, the Democratic party nominee in senate district 27 (the current district), are in the minority parties in the legislature.

Seven of the incumbents now residing in the same district as other incumbents or a presumed incumbent are Democrats in the State Senate, the minority party in that house. If Fidler is to win the special election on March 20th, eight Senate Democrats will be in districts with each other. Not a single district in the proposed state senate districts contains two incumbents from the majority party, the Senate Republicans.

Incumbent / (Party)	Current District	Proposed District
Velmanette Montgomery (D)	Senate District 18	Senate District 20
Eric Adams (D)	Senate District 20	Senate District 20
Michael Gianaris (D)	Senate District 12	Senate District 13
Jose Peralta (D)	Senate District 13	Senate District 13
Tony Avella (D)	Senate District 11	Senate District 16
Toby Ann Stavisky (D)	Senate District 16	Senate District 16
John Sampson (D)	Senate District 19	Senate District 19
Lew Fidler* (D)	In City Council	Senate District 19
Claudia Tenney (R)	Assembly District 115	Assembly District 102
Peter Lopez (R)	Assembly District 127	Assembly District 102

Fidler is the Democratic party nominee for the special election in senate district 27. His residence is now in the new proposed district containing John Sampson's home.

The Assembly Democrats, the majority party in that house, also did not draw a single district containing two incumbents Democrats in their house. They did, however, put two Republicans together in the same district- assemblymembers Claudia Tenney and Peter Lopez.

Citizens Union does not believe district maps should be drawn to favor or disfavor incumbents. If a district is drawn according to objective criteria and pits incumbents against each other in the next election, so be it. But when nine incumbents and one party nominee, all in the minority parties, find themselves drawn into districts facing sitting legislators and not a single incumbent in the majority parties is, it's a red flag that partisan gerrymandering is the real motivation behind the drawing of the maps.

Conclusion

Citizens Union was dismayed and disappointed by the failure of 184 legislators to honor their commitments and reform the redistricting process when they had the opportunity in 2010 and 2011. These proposed maps issued by LATFOR are atrocious and reveal the consequences of legislative inaction on reform and maintaining control of the map making process: partisan-drawn maps to advance the political interests of the majority parties no matter the cost to New Yorkers, whose districts don't respect the integrity of their communities or the political subdivisions in which they live. If these maps are enacted into law, they will only serve to make government less accountable and responsive to the people of this state.

The state government has redeemed itself this past year, tackling tough issues and getting things done for New York. Unfortunately, Albany's aversion to reform and fair play has reared its ugly head again with these politicized maps. With unfortunately no time left for an independent commission because of your delay, it is your responsibility to create maps reflecting New York communities.

LATFOR needs to revamp these maps dramatically or Citizens Union will have no other choice than to urge the Governor to veto these lines.

Thank you for the opportunity to testify today. We welcome any questions you may have.



APPENDIX A
Discrepancy of Assembly Districts and Senate Districts in Counties

County Name	Total Adjusted Population	Assembly Expected Districts	Proposed Districts	Assembly Discrepancy	Senate Expected Districts	Proposed Districts	Senate Discrepancy	Total Legislature Discrepancy
Albany	305,530	3	5	2	1.0	2	1	3
Allegany	48,999	1	1	0	1.0	1	0	0
Bronx	1,390,545	11	11	0	5.0	5	0	0
Broome	201,137	2	3	1	1.0	1	0	1
Cattaraugus	80,454	1	1	0	1.0	1	0	0
Cayuga	77,428	1	2	1	1.0	3	2	3
Chautauqua	134,333	1	1	0	1.0	1	0	0
Chemung	86,463	1	2	1	1.0	1	0	1
Chenango	50,533	1	2	1	1.0	1	0	1
Clinton	78,937	1	1	0	1.0	1	0	0
Columbia	62,829	1	3	2	1.0	1	0	2
Cortland	49,438	1	2	1	1.0	1	0	1
Delaware	48,028	1	2	1	1.0	2	1	2
Dutchess	292,799	2	4	2	1.0	2	1	3
Erie	917,920	8	9	1	3.0	4	1	2
Essex	37,640	1	1	0	1.0	1	0	0
Franklin	47,127	1	1	0	1.0	1	0	0
Fulton	55,219	1	1	0	1.0	1	0	0
Genesee	60,244	1	2	1	1.0	1	0	1
Greene	46,515	1	2	1	1.0	1	0	1
Hamilton	4,837	1	1	0	1.0	1	0	0
Herkimer	64,635	1	3	2	1.0	2	1	3

County Name	Total Adjusted Population	Assembly Expected Districts	Proposed Districts	Assembly Discrepancy	Senate Expected Districts	Proposed Districts	Senate Discrepancy	Total Legislature Discrepancy
Jefferson	114,978	1	3	2	1.0	1	0	2
Kings	2,513,044	20	21	1	8.0	8	0	1
Lewis	27,104	1	1	0	1.0	1	0	0
Livingston	63,768	1	2	1	1.0	2	1	2
Madison	73,370	1	1	0	1.0	1	0	0
Monroe	747,205	6	7	1	3.0	6	3	4
Montgomery	50,327	1	1	0	1.0	1	0	0
Nassau	1,340,882	11	11	0	5.0	5	0	0
New York	1,590,254	13	12	-1	6.0	6	0	-1
Niagara	217,007	2	4	2	1.0	1	0	2
Oneida	231,069	2	5	3	1.0	2	1	4
Onondaga	468,673	4	5	1	2.0	2	0	1
Ontario	108,249	1	1	0	1.0	2	1	1
Orange	371,284	3	5	2	2.0	2	0	2
Orleans	41,104	1	1	0	1.0	1	0	0
Oswego	122,325	1	3	2	1.0	1	0	2
Otsego	62,339	1	3	2	1.0	1	0	2
Putnam	99,757	1	2	1	1.0	2	1	2
Queens	2,233,796	18	18	0	8.0	8	0	0
Rensselaer	159,802	2	2	0	1.0	2	1	1
Richmond	468,576	4	4	0	2.0	2	0	0
Rockland	311,978	3	4	1	1.0	3	2	3
St. Lawrence	109,862	1	4	3	1.0	3	2	5
Saratoga	219,344	2	4	2	1.0	2	1	3
Schenectady	155,400	2	3	1	1.0	2	1	2
Schoharie	32,656	1	1	0	1.0	1	0	0
Schuyler	18,241	1	1	0	1.0	1	0	0
Seneca	33,308	1	1	0	1.0	1	0	0
Steuben	99,224	1	3	2	1.0	1	0	2
Suffolk	1,495,587	12	12	0	5.0	6	1	1

County Name	Total Adjusted Population	Assembly Expected Districts	Proposed Districts	Assembly Discrepancy	Senate Expected Districts	Proposed Districts	Senate Discrepancy	Total Legislature Discrepancy
Sullivan	76,478	1	2	1	1.0	1	0	1
Tioga	51,196	1	2	1	1.0	1	0	1
Tompkins	101,672	1	1	0	1.0	3	2	2
Ulster	179,971	2	3	1	1.0	4	3	4
Warren	65,891	1	1	0	1.0	1	0	0
Washington	60,940	1	3	2	1.0	2	1	3
Wayne	93,751	1	1	0	1.0	1	0	0
Westchester	947,514	8	8	0	3.0	6	3	3
Wyoming	38,478	1	1	0	1.0	1	0	0
Yates	25,403	1	1	0	1.0	1	0	0
<i>Average Assembly District Size</i>	<i>129,187</i>							
<i>Average Senate District Size</i>	<i>312,550</i>							