



CITIZENS UNION OF THE CITY OF NEW YORK
Written Testimony to the New York State Independent Redistricting
Commission

Remote Hearing
August 15, 2021

Dear members of the Independent Redistricting Commission,

My name is Ben Weinberg, and I am the Director of Public Policy at Citizens Union, a nonpartisan good government group committed to reform in New York City and state. We thank you for holding this series of hearings and welcome the opportunity to speak to the current redistricting cycle. Citizens Union has been working on redistricting rules in New York for decades. We have fought to approve the constitutional amendment that created the Independent Redistricting Commission and advocated for providing it with the needed resources to operate. We look forward to seeing the result of this first-of-its-kind, independent redistricting process.

The previous process—in which self-interested legislators drew their own lines—unsurprisingly yielded unfair maps, which served the majority parties' quest to retain their stranglehold on the levers of power. Maps drawn in previous cycles split communities of interest, divided political subdivisions, and created districts that were not at all compact nor equal in size. Several cities, including Rochester, Syracuse, and Yonkers, were unnecessarily and excessively split between senate districts. Many districts in Upstate New York sprawled across several counties without a reasonable justification. Communities of color across the state were disenfranchised and denied adequate representation.

The key reason for such oddly shaped maps is that districts were drawn to favor a specific political party, an incumbent legislator, or a previous or presumed candidate for office. Over the years, the allowable population deviation between state legislative districts was manipulated to enable the Senate Republicans to create additional seats upstate and maintain power in the Senate, and by the Assembly Democrats to add seats downstate and maintain their control over the state Assembly. Generally, districts held or envisioned to be held by majority incumbents were underpopulated, and districts thought to be won by the minority were overpopulated. Incumbent legislators in the minority party were paired in the same district with other sitting legislators from their party, in a clear red flag for partisan gerrymandering.

The public hearings the Commission has held in the last weeks have exposed the impact those partisan-drawn maps have had on communities. New Yorkers highlighted how their legislative districts were unfairly splitting up neighborhoods, towns, communities of interest. In Queens, Southeast Asian and Indo-Caribbean residents in Richmond Hill, Ozone Park, and South Ozone Park decried the division of

their community among seven assembly districts. In Long Island, many complained that gerrymandered districts had disenfranchised communities of color, like the tight-knit community of Gordon Heights, separated into three State Senate districts. Across the state, Latino voters, who make up the largest minority demographic in New York, including 30 percent of New York City, hold only 10 percent of the state's legislative and congressional seats¹.

We urge this Commission not to repeat the mistakes of the past. As commissioners of a new public body that is not bound by previous norms and interests, you have a unique opportunity to establish an independent and open process that will produce fair and representative maps for all New Yorkers. The new constitutional redistricting criteria, like the prohibition on drawing districts that discourage competition or favor or disfavor incumbents or partisan candidates, can serve commissioners to deflect pressures from elected officials, including from those who appointed Commission members.

As the Commission begins to draw the first set of maps, Citizens Union recommends the following:

Map drawing

1. Draw maps that better reflect communities of interest and maintain the integrity of political subdivisions. Do not manipulate the flexibility provided in population deviation for political advantage. Aspire to create districts of equal population as much as possible.
2. Within the criteria to be followed in drawing lines, prioritize redistricting that enhances the diversity of the New York State legislature and allows proper representation for minority groups even when it is not politically convenient to do so.
3. Provide written justification for maps drawn and release any underlying population data used to make the maps. This will be especially important as this redistricting cycle will be the first after the U.S. Supreme Court's 2013 Shelby decision that struck down the preclearance provision in the Voting Rights Act.

Transparency and participation

4. Post on the Commission's website any maps, comments, and testimonies submitted to the Commission to increase transparency and allow the public to assess the concerns of communities.
5. Post on the Commission's website transcripts and minutes of the Commission's meetings.
6. Maximize participation in the twelve constitutionally-mandated public hearings by allowing residents to testify using a remote access platform, and by scheduling some hearings for after-work hours².

¹ Letter from NALEO Educational Fund, Latino Justice PRLDEF, and Dominicanos USA to New York State Assembly and Senate leadership, 05/28/2020 <https://drive.google.com/file/d/12C26QWtM7t3OdupKy-utH5kbi5MTepCv/view>

² To note, a recent advisory opinion from the Committee on Open Government (07/29/21) stated that "the Open Meetings Law does not prohibit a public body from permitting invited guests (i.e., anyone who is not a member of the public body, but who has been asked to actively participate in the meeting) to speak or testify using a remote

7. Provide information and public documents in several languages. The Commission's communications are currently only issued in English, limiting their ability to reach the more than 2.5 million New Yorkers with limited English proficiency. The Commission should, at the very least, translate vital documents, including invites to public hearings, to the ten most common non-English languages spoken in New York State, in line with Governor Andrew Cuomo's Executive Order 26.1³.
8. Disclose any meetings between Commissioners and elected officials or their representatives. Backroom meetings, particularly with the leaders who appointed Commission members, must be public to maintain trust in the independence of the redistricting process.
9. Provide the public with online mapping software that allows individuals to directly contribute ideas and optional maps to the Commission.

access platform recent advisory opinion".

<https://opengovernment.ny.gov/system/files/documents/2021/08/kaehny-reinvent-albany-omi-ao.pdf>

³ See more information on New York State's Language Access Policy and Executive Order 26.1, issued on March 26, 2021, here: <https://www.ny.gov/language-access-policy>