



January 28, 2022

Sent via email

City Council Member Christopher Marte
City Hall
New York, NY 10007

Dear Council Member Marte,

Citizens Union congratulates you on the start of a new Council session. One of the first items the City Charter places on the agenda of current council members is the appointment of the New York City Districting Commission. Due to recent changes to the Charter-mandated timeline, those appointments must be made by February 7.

The Districting Commission and the maps it produces will have a huge impact on communities across the five boroughs and on you personally as a council member. This letter and a soon-to-be-published report are meant to assist you in this important process. Citizens Union has closely monitored all last three redistricting cycles and plans to do the same in 2022. We will also provide New Yorkers with the resources to engage the process and offer community input to the Districting Commission.

Under the City Charter, eight commissioners in the 15-member body are appointed by the City Council (the rest are appointed by the Mayor). The majority conference appoints, by majority vote, five members of the commission, one resident from each borough. The minority conference appoints, by majority vote, three members of the commission, residents of three different boroughs.

The task of drawing the City Council's 51 districts is complex, and will require attention to many competing goals and interests. The members of the decennial Districting Commission must have the needed background, experience, and independence to fulfill this important responsibility.

As a good government organization focused on making democracy work for all New Yorkers, we wanted to bring to your attention several recommendations on this topic. We believe those would help ensure council districts are drawn to provide fair representation for all of New York's communities.

1. Appoint a commission that is diverse and representative of New York City, beyond the narrow requirements of the City Charter

Section 50 of the City Charter requires the Commission to be representative of minority groups protected by the 1965 Voting Rights Act; to have at least one resident from each borough, and that registered voters of one party will not be a majority of commissioners. Important factors like gender, age, and geographical representation are not considered, nor is membership in minor parties

The last Districting Commission consisted of nine men and six women. Women currently hold the majority of seats on the City Council, and the Commission that draws the boundaries of the next Council should reflect a similar commitment to gender equality.

The Charter does not assure geographic representation on the 15-person Commission beyond the minimum of one member from each borough. The last Commission had five members from Manhattan, the most of any other borough, and only from the most populous borough, Brooklyn. The 2002 Commission included seven residents of Manhattan.

Citizens Union believes the people of New York would be better served by a Commission whose membership accurately represents the city's diversity.

2. Refrain from appointing people who served in an elected office in the past five years to the Districting Commission

The City Charter forbids office holders, city employees, and registered lobbyists from serving on the Districting Commission, but it does not ban former elected officials. Yet, former elected officials typically keep a close relationship with current incumbents or future candidates who would be affected by the redrawing of maps, and involving them in map-making weakens the perceived independence of the Commission.

To minimize partisan bias and favoritism in the redistricting process, people who served in an elected office in the past five years should be excluded from serving on the Districting Commission.

3. Seek commissioners who would prioritize maximum transparency and public participation

It is imperative that the Commission actively seek public input, including by providing increased language and disability access. It should maintain its proceedings open to allow the public to follow the impactful process. Citizens Union's full recommendations for the Districting Commission include several measures that would create an open, fair, and independent redistricting process. Citizens Union urges you to appoint commissioners who would prioritize such issues.

Importantly, the 2022 redistricting cycle will be the first time New York City will not be required to obtain approval from the U.S. Justice Department that its new maps do not violate the Voting Rights Act, because of the 2013 Supreme Court decision that scrapped what was known as the federal "preclearance" requirement. The DOJ examined not only whether maps were discriminatory, but also if the process allowed for public comment and sought out the opinions of protected minorities.

To conduct a fair an open redistricting process, the Districting Commission would need to adopt measures to ensure independence, build public trust, and draw fair and representative maps. Citizens Union's full list of recommendations here for the redistricting process can be found here: <https://citizensunion.org/wp-content/uploads/2022/01/City-Council-Redistricting-2022-Citizens-Union-Recommendations.pdf> They are listed below in brief.

We will soon issue a comprehensive report on City Council redistricting, which will include an overview of the current and previous redistricting cycles, population changes that could impact map-drawing, and the above-mentioned recommendations.

To maximize transparency and public participation, the Commission should,

- make public all materials related to its operations and meetings;
- provide the public with an online mapping software;
- provide increased language and disability access; and
- hold preliminary public hearings, with at least one hearing in every borough, and schedule some hearings in evenings and weekends.

To maintain an independence process,

- commissioners and the executive director should disclose any meetings with elected officials or their representatives;
- the Commission should publish a Conflicts of Interest policy; and
- the mayor should provide the Commission with immediate funding to complete its mission.

To ensure fair district maps, the Commission should,

- adopt expansive anti-gerrymandering criteria, that bans drawing lines with an intent to favor or oppose an incumbent legislator or any previous or presumed candidate for office; and
- release any underlying population data used to prepare the maps and a written explanation for every district.

Please do not hesitate to contact me or Ben Weinberg, Citizens Union's Director of Public Policy, at bweinberg@citizensunion.org or 347-291-4199 with any questions.

Sincerely,



Betsy Gotbaum
Executive Director, Citizens Union