



May 6, 2022,

Sent via email

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Mr. Kai-Ki Wong
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Ms. Kristin Johnson
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New York City Districting Commission
253 Broadway
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Dear Commissioners,

Citizens Union congratulates you on your appointment to the City Districting Commission. The task of drawing the City Council's 51 districts is complex, and will require attention to many competing goals and interests. It also requires keeping an independent and open process that ensures this decennial redistricting is conducted with New York City residents' best interests at heart. This is especially important in light of the failure of the congressional and legislative redistricting process.

Citizens Union has closely monitored the last three Council redistricting cycles and plans to do the same this year. In February, we published a [comprehensive report](#) to help policymakers and the public navigate this complicated process. Since April, we have been providing free trainings and resources to community-based organizations and advocacy groups all across the city. We inform New Yorkers about the process and help them engage with the Commission as it seeks public input. More information about our work can be found at CitizensUnion.org/NYCRedistricting.

To conduct a fair and open redistricting process, the Districting Commission needs to adopt measures to ensure independence, build public trust, and draw fair and representative maps. Citizens Union would like to bring our recommendations on this topic to your attention.

In the next few weeks, we urge you to adopt the following first steps:

1. Hold preliminary public hearings, with at least one hearing in every borough.

We recommend the Commission follow the precedent set by previous Districting Commissions and the state's Independent Redistricting Commission and hold a preliminary round of hearings to solicit feedback concerning the initial phases of the Commission's work. These preliminary hearings help inform the first draft maps and improve how the Commission engages with the public in the months ahead. Considering first draft maps are due by June 7th, we urge commissioners to publish preliminary hearing dates and locations as soon as possible.

2. Adopt a Code of Ethics that ensures an independent process and addresses conflicts of interest

It is essential that commissioners remain impartial when discussing, negotiating, and voting on future maps. Citizens Union has submitted proposals for a code of ethics to be adopted by the Commission,

following Chair Walcott's suggestion. We recommend developing and publishing a Conflicts of Interest policy that addresses potential financial conflicts of interest among commissioners, as well as political affiliations and relationships with incumbents, presumptive candidates, and political organizations involved in local electoral campaigns. Commissioners should be required to disclose any such potential conflicts and recuse themselves in relevant cases. In addition, commissioners and staff members should disclose anytime they discuss maps or plans with individuals who are not affiliated with the Commission. This includes Council Members, other elected officials and/or their representatives, or potential candidates for office. The Commission's business should be open and transparent to strengthen the public's trust in the independence of the process, especially considering the last redistricting process.

3. **Strive to build a commission that is representative of New York City**

The City Charter has limited requirements to ensure the Commission is representative of the city. Citizen Union was disappointed that the City Council and the Mayor appointed only four women to the Commission, especially as women hold the majority of seats on the Council. The representation of the Latino community also falls short of its proportion in the city, which currently stands at over one-quarter of the population. As you consider future staff hiring and public engagement work, we ask that you ensure diverse perspectives are represented in the Commission's proceedings.

In addition, to maximize transparency and public participation in the redistricting process, the Commission should:

1. **Provide increased language and disability access**

Citizens Union recommends adopting provisions included in LL 30/2017, to ensure that New Yorkers who have limited English proficiency (about a quarter of city residents) are able to access information and engage the Commission. The Commission should translate key documents into the ten designated citywide languages, and work with the Mayor's Office of Immigrant Affairs to increase language access. At public hearings, the Commission should offer interpreters in the languages most prevalent in that specific borough. The previous Districting Commission provided Spanish and Chinese interpreters in all public hearings and in Korean at Queens hearings. The Commission should also provide accommodations for people with disabilities, such as ASL interpretation, live captioning of meetings, website accessibility, and in-person hearings at accessible locations. People should also be allowed to participate in hearings remotely.

2. **Hold borough specific hearings, and schedule some hearings on evenings and weekends**

The Charter requires only one hearing ("one or more") to be held in each round of hearings. We recommend the Commission follow previous redistricting commissions and include at least five hearings in each round, one for every borough, at an easily accessible location in the borough. Some hearings should be held in the evenings and on weekends to allow people with pressing work schedules to participate.

3. **Make public all materials related to the Commission's meetings and operations**

To allow the public to follow the Commission's proceedings, all materials and information related to the Commission's ongoing work should be uploaded to its website. That includes meeting agendas,

written minutes and transcripts, the Commission's adopted by-laws, and a listing of the dates, times, and locations of all public hearings and meetings. The 2012-2013 Commission included all such data on its site. The Commission should post the information on a regular basis and provide updates through social media and email announcements. The Commission should recruit a Director of Public Engagement and publish a transparency plan soon after it is established.

4. **Provide the public with online mapping software**

The public should have the tools they need to engage in the mapmaking process. In the 2012-2013 redistricting cycle, the Districting Commission permitted the public to directly contribute ideas about potential districts through an online mapping feature. Over 20 proposed maps were submitted. The state's Independent Redistricting Commission received 116 map submissions in only three months' time. New Yorkers are clearly interested in engaging with the process using maps and census data, and the Commission should give them an easy way to do so.

Finally, to ensure fair district maps, the Commission should:

1. **Adopt expansive anti-gerrymandering criteria**

While section 52 of the City Charter provides a good foundation for the drawing of district lines, including by forbidding partisan gerrymandering, it does not address the possibility that maps would be drawn to favor incumbents or a particular candidate. Yet in New York City, where one party is all but assured to control the Council, incumbent-based gerrymandering is more likely to occur. Indeed, all Council Members are up for reelection after this year's maps are redrawn. In the last redistricting cycle, drawing maps to favor a candidate hampered the process, resulting in delays, confusion, and limited public participation.

Building on the existing criteria in the Charter, the Commission should adopt a more expansive anti-gerrymandering criterion, which states that council districts should not be drawn with an intent to favor or oppose any political party, an incumbent legislator, or any previous or presumed candidate for office. A similar provision is now included in the state constitution and state law. Blocking attempts to gerrymander is even more important now, after the Court of Appeals tossed out congressional and state senate maps.

2. **Release any underlying population data used to prepare the maps and a written explanation for each district**

This redistricting cycle will be the first where the Districting Commission will not be required to submit a report to the U.S. Department of Justice to prove it complies with the Voting Rights Act ("preclearance"). That submission provided comprehensive details on the process, the underlying data used to draw each district, the major issues and factors affecting the composition of each district, and the justification for the final lines. The Commission should issue a similar document, which would provide written justification for every district and underlying data used to draw it. It should also include accreditation that the Commission complies with new state law regulations on population deviation. The 2012-2013 Commission produced a similar "staff memorandum" at the end of its term.

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,



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CC:

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