

NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT

PUBLIC HEARING
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

City Hall Council Chambers
3rd Floor, 233 East Washington Street
Syracuse, New York
Tuesday, July 19, 2011
10:30 a.m. to 12:30 p.m.

NEW YORK STATE LEGISLATIVE TASK FORCE ON
DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

TASK FORCE MEMBERS:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE, Co-Executive Director

LEWIS HOPPE, Co-Executive Director

ROMAN HEDGES

WELQUIS "RAY" LOPEZ

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3 (The public hearing commenced at 10:30
4 a.m.)

5 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
6 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
7 AND REAPPORTIONMENT: Good morning. That is
8 working.

9 Good morning ladies and gentlemen. The
10 New York State Legislative Task Force on
11 Demographic Research and Reapportionment will
12 come to order. My name is Mike Nozzolio. I'm a
13 New York State Senator and tasked with the
14 responsibility of co-chairing the task force
15 along with my good friend, Assemblyman Jack
16 McEneny. I represent a district just west of
17 Onondaga County. I represent the cities of
18 Auburn and Geneva. The district is within
19 Central New York and I'm very pleased to begin
20 these hearings in central New York. I'd like to
21 at the outset introduce my colleagues who are
22 members of the committee. Senator Mart Dilan is
23 a member of the Task Force. Assemblyman Bob Oaks
is a member of the Task Force. The Task Force is

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3 unique in that it has two co-chairs, Assemblyman
4 McEneny and myself, two members of the
5 legislature, and two public members. Our public
6 members are Ray Lopez and Roman Hedges. Together
7 we will begin a process starting here in Syracuse
8 conducting twelve hearings across the state in
9 every major metropolitan region, in every region
10 of the state, and that those hearings are
11 designed to take public input, to hear testimony,
12 and we want to hear from you as to how you would
13 like the districts to be drawn. We have two of
14 our staff also here. We have Debra Levine and
15 Lewis Hoppe who represents the Task Force and we
16 appreciate all participation. These hearings
17 again are going to be focused. We would like you
18 all to focus your testimony on how you would like
19 the lines to be drawn. The Task Force does not
20 set the policies of this state regarding
21 redistricting. We have only to comply with the
22 law as it exists. Assemblyman McEneny and I have
23 a fiduciary responsibility as do all members of
the Task Force to begin the process, and that

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3 process requires public input and that's why we
4 decided to go forward with hearings because those
5 hearings are necessary in establishing the
6 appropriate legislative process regarding
7 redistricting regardless of who ultimately draws
8 the lines. So with that I'd like to as
9 Assemblymen McEneny for his opening comments.

10 ASSEMBLY MEMBER JOHN J. MCENENY, CO-
11 CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE ON
12 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank
13 you Senator. It's good to see the interest
14 that's here in the Syracuse/Onondaga area.
15 There's a number of people here. There's a
16 number of members I should recognize. I noticed
17 Senator Valesky is here and Bill Magnarelli from
18 the Assembly as well as Sam Roberts, Ken
19 Blankenbush, I think I saw Phil Palmesano there
20 and Assembly Member Don Miller. And we may be
21 joined in the course of the morning if not the
22 day by other elected officials. I noticed City
23 Councilmen we met earlier from Syracuse and I
apologize for not having the list of everyone and

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3 the name. It's a governmental and political
4 process and we're pleased to note Vita DeMarchi
5 and Tom Dadey who are the Republican and
6 Democratic election commissioners for Onondaga
7 County are here also as well. The procedure that
8 we're going through is one which as the Senator
9 pointed out is not rules that are made up by
10 LATFOR which is abbreviation for the New York
11 State Joint Task Force on Demographics and
12 Redistricting but by law and by the New York
13 State Constitution. Some very powerful forces
14 that will influence the final shape of districts
15 will be the Voting Rights Act of 1965 and also
16 the New York State Constitution which prohibits
17 the division of towns which are larger than an
18 assembly district. Also this year unlike
19 previous redistricting years we have added
20 pressure from the United States Department of
21 Justice. As many of you know, three of our
22 counties, New York, Kings County, Brooklyn, and
23 the Bronx are governed in a very special way as
civil rights counties under the Justice

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3 Department. But minority voters are protected
4 throughout the state regardless of what county
5 they are and we have to be very careful not to
6 diminish their representation and on occasions
7 expand it in reflection for the changes in
8 demographics. But the Justice Department has
9 also added a new element this year in that
10 because of the shocking number of servicemen and
11 women who's absentee ballots have not been
12 counted, some surveys say as high as 20% have not
13 been counted because they didn't get in from Iraq
14 or Afghanistan or some other place where they're
15 defending this nation and answering their
16 country's call. The Justice Department wants us
17 to move the primary elections up. Obviously you
18 don't take a September primary and turn it into
19 an August or July primary because people are away
20 on vacation; it's a very difficult time for that
21 type of activity. So for those of us who are a
22 little bit older it means going back to something
23 that was once familiar, and that means a June
primary. Now if a June primary is established

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3 and you need 45 days to get the absentees out
4 start backing it up, you need something like five
5 weeks to get petitions, back it up again, then
6 political parties have to have their
7 designations. They have to notify their members.
8 I know in our county it's seven day's notice.
9 And what does that mean? It means that we do not
10 have the luxury-- And as Senator Nozzolio pointed
11 out, we have the fiduciary responsibility to get
12 moving and to get moving rather quickly. So
13 realistically what's going to happen is this is
14 the first of two dozen public hearings held
15 across the state. The first 12 will deal
16 conceptually with redistricting for Congress, for
17 the legislature, specific questions and comments
18 you might want to make that you're not pleased
19 perhaps with the geographic breakdown or if you
20 don't feel it represents communities of interest
21 or commuting patterns or one thing or another,
22 and we're listening to these very, very
23 carefully. Then we will go back and actually
draw districts. And these districts will be put

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3 in the form of a law probably somewhere around
4 November and then the same 12 hearings will be
5 held this time with very specific maps for the
6 public to weigh in, to criticize, and make
7 suggestions for amendment on. So we don't have a
8 lot of time. The process will undoubtedly go
9 into January before a final bill is before the
10 members for a vote which means hopefully a
11 February vote, and petitions hitting the streets
12 at some point in March. Now conceivably you
13 could get a couple of extra weeks in there
14 delaying it into March. There is the realistic
15 possibility that the governor might veto the
16 bill, the job could be handed over to a master.
17 The point is we have a tight deadline, we have a
18 primary coming, and that's the reason why we
19 start now. So Senator?

20 SENATOR NOZZOLIO: Thank you
21 Assemblyman. Senator Dilan?

22 SENATOR MARTIN M. DILAN, LEGISLATIVE
23 TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT: Thank you very much Mr.

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3 Chairman. First I would like to say good morning
4 to all members of the public and to all the
5 members of the panel. First I would just like to
6 indicate for the record that I stand by the
7 statement that I made at the organizing meeting
8 in Albany and anyone who's interested in terms of
9 the remarks that I made at that time, that can be
10 found on the LATFOR web site. But there are just
11 two points that I would like to mention today
12 that I would like for this panel to hopefully
13 clear up at some point as we move along during
14 the course of these hearings. And the Senate is
15 unique in the sense that we can determine the
16 size of the Senate, and I would like for this
17 panel to determine if we're going to redistrict
18 the New York State Senate with 62 seats in mind.
19 I think 10 years ago we were talking about 61
20 districts and at the end we wound up with 62 so I
21 would just like for us to firm that number
22 upfront so the public and others who may be doing
23 their own maps will know how to proceed with that
respect. And the second item is that we do

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3 comply with the law. I think I heard both co-
4 chairpersons indicate that they're complying with
5 the law and the second issue is the law that was
6 passed in 2010 mandating that prisoners be
7 counted in their home of record. And if that
8 cannot happen then I'm asking that they not be
9 counted at all in the current facilities where
10 they may be at. So hopefully as we proceed we
11 can clear those two issues up. That way we know
12 the size of the Senate and that we are indeed
13 complying with the laws. So with that said I'd
14 like to say thank you and we'll move on.

15 SENATOR NOZZOLIO: Thank you Senator
16 Dilan. Assemblyman Oaks?

17 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK
18 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
19 RESEARCH AND REAPPORTIONMENT: Thank you Senator
20 and it's my pleasure to join with you today in
21 this hearing. I'll defer any further comments to
22 move right to our people who are going to be
23 testifying.

24 SENATOR NOZZOLIO: Thank you

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3 Assemblyman. Before we do that do our citizen
4 members wish to say anything at this time? Mr.
5 Lopez, Mr. Hedges?

6 MR. ROMAN HEDGES, NEW YORK STATE
7 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
8 AND REAPPORTIONMENT: Just one brief thing. I've
9 been in this room before doing this exact job.
10 I've looked forward to returning. I look forward
11 to the day, I look forward to hearing from you.
12 Thank you.

13 SENATOR NOZZOLIO: Thank you very much.
14 Our first testifier, John Field [phonetic]. Mr.
15 Field here? Our second testifier—Mr. Field?

16 MALE VOICE: No.

17 SENATOR NOZZOLIO: Second testifier
18 Donald Goulet. Good afternoon. Good morning
19 rather. Would you please have a seat and for the
20 record tell us your name, address, and who you're
21 representing.

22 MR. DONALD GOULET, VOLUNTEER, LEAGUE OF
23 WOMEN VOTERS, SYRACUSE METRO AREA: My name's
Donald Goulet and my address is 118 Annetta

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Street, Syracuse, New York.

3 MR. MCENENY: If I may point out for the
4 record you'll see the cameras here. The
5 testimony is being recorded by camera, will show
6 up on the LATFOR web site and also will be turned
7 eventually into written transcript since these
8 matters then have to go for review by the Justice
9 Department with a proper transcript. And the
10 public should be able to weigh in and watch this
11 on the web site within a very short time. Thank
12 you.

13 DONALD GOULET: Thank you. Morning. My
14 name's Donald Goulet, and I'm here as a member of
15 the League of Women Voters of the Syracuse
16 Metropolitan area. I appreciate your allowing me
17 to speak and your attention to the views of the
18 League of Women Voters for the process of
19 redistricting New York State for the next 10
20 years. The goal of redistricting should be
21 election districts which fairly represent the
22 communities of the state. It should be a
23 transparent, objective process that puts the

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3 interest of the voters before the interests of
4 legislators attempting to hold onto their seats.
5 We strongly recommend that the drawing of
6 district lines should not be done by legislative
7 leaders whose self-interest is to protect the
8 individual legislator and the balance of power in
9 their respective houses. The present partisan
10 process of gerrymandering where most of the races
11 are predetermined has led to New York having one
12 of the highest incumbency rates in the country
13 and the title of the most dysfunctional
14 legislature in the nation. As a result, there's
15 little interest from the electorate who vote or
16 to participate in the political process.
17 District lines should reflect the interest of the
18 communities, and the voters should determine the
19 political makeup of the legislature. This can be
20 accomplished by an independent commission which
21 would draw the lines for the legislative and
22 congressional districts. It should be
23 nonpartisan and reflect the diversity of our
state. The process should be open to public

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3 input and subject to legislative approval. Such
4 a commission can operate with the approval of
5 both houses of the state legislature and the
6 governor under the State Constitution. According
7 to a Quinnipiac Poll in June, 2010 two-thirds of
8 the voters polled across all parties believe that
9 an independent party should draw the lines. The
10 governor has proposed legislation to form an
11 independent commission. Sixty-one out of 62
12 senators and 123 out of 150 assembly members have
13 either signed on to his legislation, legislation
14 proposed in their respective houses, or signed
15 pledges and questionnaires from good government
16 groups in support of reforming the redistricting
17 process. A key element of the governor's bill is
18 a reduction in the allowable population
19 difference between election districts. The
20 current allowable deviation from the average is
21 plus or minus 5% which results in a 10%
22 population difference or 30,000 voters per Senate
23 district and 12,000 voters per Assembly district.
The Governor's bill would reduce this

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3 differential to 1% and bring us closer to the
4 concept of one man, one vote. There is still
5 time to form an independent commission before the
6 2012 election and enact the will of the citizens
7 of New York. Thank you.

8 SENATOR NOZZOLIO: Thank you very much.
9 Professor Joan Mandle? I neglected to mention
10 this, if you have written testimony please submit
11 it for the record.

12 MR. MCENENY: Also, and any citizen of
13 New York may submit written testimony at any time
14 in the process and it will go into the record, so
15 if somebody couldn't make it to this meeting and
16 thinks of something after the followup all of
17 that goes into the record.

18 JOAN MANDLE, PH.D., CITIZEN ACTION OF
19 NEW YORK: That's very good. Thank you. Good
20 morning I'm Joan Mandle. I'm professor of
21 sociology at Colgate University and I'm here
22 today representing Citizen Action of New York as
23 well as an organization, statewide student
organization, of which I'm the executive director

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3 called Democracy Matters. And like its name this
4 is an organization that seeks to increase the
5 political voice of young people, particularly in
6 the area of campaign finance reform. I want to
7 associate my own comments and myself with the
8 comments of the previous speaker, particularly
9 with respect to his discussion of the fact that
10 redistricting should be done by an independent
11 commission rather than by legislators. And this
12 of course casts no aspersions on the job that you
13 all are doing, but I feel that in New York we do
14 need an independent commission as exists in some
15 other states. I want to add my voice this
16 morning as strongly as possible with the many
17 people who will follow me at these hearings in
18 urging this committee to adhere to the law passed
19 last August by the New York Legislature that
20 would--for the purposes of redistricting--count
21 prisoners in their own home communities but not
22 in the location of their incarceration. The
23 passage of this historic bill last August ending
prison-based gerrymandering was a resounding

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3 victory for fundamental fairness and equal
4 representation for all New Yorkers. The bill's
5 passage corrected a serious distortion of
6 democracy and of the principle of one person, one
7 vote. As you contemplate redistricting in New
8 York the drawing of legislative districts
9 consistent with the mandate of this bill is
10 critical in order to ensure that the outcome of
11 the process is fair. I'm sure you know that
12 prison-based gerrymandering is a concern
13 throughout the country. It artificially inflates
14 population numbers and therefore the political
15 influence of some districts, those with large
16 populations, at the expense of other districts.
17 This is especially serious unfortunately in New
18 York where over 60,000 persons are presently
19 incarcerated and it most seriously violates the
20 New York State Constitution that reads "For the
21 purpose of voting, no person shall be deemed to
22 have gained or lost a residence...while confined in
23 any public prison". Drawing fair legislative
districts through the reapportionment process is

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3 important to ensure the racial and political
4 balance of a district. Since the majority of
5 people in New York prisons are African American
6 or Latino, prison-based gerrymandering
7 disproportionately punishes families and
8 communities of color by denying their fair
9 political representation. Last year's
10 legislative decision in the law that was passed
11 was a significant civil rights achievement. Now
12 we must ensure that we implement it to the full
13 extent of the law. New York is and should be a
14 model for other states. Thirteen of our upstate
15 counties, where many prisons are located, have
16 already taken the initiative to correct census
17 data for the purposes of determining their
18 citizens' fair representation in the legislature.
19 We applaud their decisions, but this process has
20 to include all of New York. If we fail to
21 enforce the law and fully implement the
22 legislature's courageous decision I am concerned
23 that our state will be a laughingstock. We will
be known as the place where the legislative

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3 reapportionment process itself refused to adhere
4 to the law, instead engaging in unfair and indeed
5 undemocratic redistricting. But even more
6 important than our national reputation is the
7 fact that unless we count incarcerated persons in
8 their home communities we deny our own citizens
9 fair and equal representation, a right that is at
10 the heart of our democracy. I spend a great deal
11 of my time talking with students and young people
12 about politics. Unfortunately, many of them are
13 deeply cynical about politics and politicians and
14 specifically about what goes on in Albany. We
15 need these young people to vote and to fulfill
16 their responsibilities as engaged citizens in the
17 democracy. Sadly, too many of them turn away,
18 citing government dysfunction. What could be
19 more dysfunctional than if this year's
20 redistricting process remains unfair as it has in
21 the past, despite the passage of a law that would
22 make it a model of fairness and equality? By
23 ensuring implementation of this bill, by
following the mandated process whereby the

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3 Department of Corrections works with the
4 legislature to count prisoners in their own
5 communities, we can hold up a shining example to
6 young people and indeed to all New Yorkers that
7 we have a state and a legislative process of
8 which we can be proud. Thank you very much.

9 SENATOR NOZZOLIO: Professor. Any
10 questions of the panel? I have a question if the
11 panel has none. Professor thank you very much
12 for your testimony. You talked about issues of
13 fairness, of Constitutional process, of
14 establishing a national policy and a national
15 view if I could paraphrase some of your comments,
16 is that correct?

17 PROFESSOR MANDLE: In terms of
18 redistricting as well as the counting of
19 prisoners?

20 SENATOR NOZZOLIO: Yes.

21 PROFESSOR MANDLE: Yes.

22 SENATOR NOZZOLIO: And I appreciate your
23 comments. I guess I'm at a loss though to
understand your support for the law. Did you not

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3 know that this law applies only to state
4 legislative redistricting--

4 PROFESSOR MANDLE: Yes I did--

5 SENATOR NOZZOLIO: --and not to
6 congressional?

7 PROFESSOR MANDLE: No, no I was not
8 talking about national at the federal level. I
9 was talking about other states that--

10 SENATOR NOZZOLIO: [Interposing] Well
11 let me ask you about this question. Do you think
12 it's a fair process to have a focus for one set
13 of counting be done at the state legislative
14 level and then an entirely different process be
15 ascribed to counting at the congressional
16 redistricting level? Do you think that is a--in
17 your view, and you use the word fairness--do you
18 think there should be two types of systems?

19 PROFESSOR MANDLE: I think that the goal
20 would be to make sure at whatever we're talking
21 about that the process represents people where
22 they live as opposed to in this case where
23 they're incarcerated.

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3 SENATOR NOZZOLIO: Well Professor you
4 brought this up about redistricting, and the law
5 that you are praising has counting of prisoners
6 for state legislative redistricting but not for
7 congressional redistricting. What is your
8 reaction to that?

9 PROFESSOR MANDLE: Obviously that would
10 be something that the Congress would have to take
11 up. We here only have control over what goes on
12 in our own state in terms of redistricting.

13 SENATOR NOZZOLIO: But professor I
14 thought you were aware that this is a state
15 function, redistricting. The Congress doesn't
16 decide the allocation of--it decides the
17 allocation of congressional reapportionment but
18 it's a question for the states to decide
19 redistricting and how those lines are drawn and
20 New York has made a legislative decision to draw
21 the state legislative districts, counting
22 prisoners at their last known address, but
23 congressional does not. And I just wondered if
you're--you seem to want to champion this law. I

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3 wondered if you were aware that the congressional
4 redistricting does not count prisoners at their
5 "last known address", congressional redistricting
6 according to laws now of the State of New York
7 require congressional redistricting to be
8 established by the United States Census Bureau
9 and only the Census Bureau and the law was silent
10 on congressional redistricting. So I guess if
11 you're supportive of this law for state
12 legislative redistricting why are you not
13 supportive of a change in this law for
14 congressional redistricting?

15 PROFESSOR MANDLE: Well I was addressing
16 what I understood we were talking about this
17 morning which was a question of whether this law
18 is going to be fulfilled to be implemented, and
19 my understanding--now maybe I'm wrong--my
20 understanding was that that affected the process
21 at the state level for state redistricting. Are
22 we also talking about congressional levels?

23 SENATOR NOZZOLIO: Well I'm surprised as
a professor you don't--you're not aware that the

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3 Task Force and the State Legislature and even if
4 it's an independent commission at some point has
5 responsibility to draw the congressional lines as
6 well.

7 PROFESSOR MANDLE: Well then if that is
8 the case I wasn't aware of that but if that is
9 the case then I would certainly think that the
10 kind of law that was passed would also count for
11 congressional--

12 SENATOR NOZZOLIO: [Interposing] But it
13 doesn't count that now Professor and you're
14 suggesting that you support this law--

15 PROFESSOR MANDLE: I do support this
16 law.

17 SENATOR NOZZOLIO: You think it's a
18 question of fairness, and my question is, how can
19 it be fair for state legislative and not fair for
20 congressional?

21 PROFESSOR MANDLE: It is fair to--in my
22 view it is fair to count prisoners at their home
23 residence in their home community. And if that
is not consistent with what we're doing with

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3 congressional then--I haven't looked at the law;
4 I'm not a lawyer at this point, but I would say
5 that that would be the most important thing to
6 do.

7 SENATOR NOZZOLIO: Well would you say
8 that would be unfair to treat them differently?

9 PROFESSOR MANDLE: No. I would say that
10 the--we want to be as fair as we can. In my view
11 fairness has to do with whether we are counting
12 these incarcerated people in their home districts
13 regardless of what--

14 SENATOR NOZZOLIO: [Interposing] And
15 they're not being counted in the congressional
16 district so does that make it unfair?

17 PROFESSOR MANDLE: So that would--
18 logically that would mean that that was unfair.

19 SENATOR NOZZOLIO: That would be-- So
20 part of this law that you're championing is fair
21 but part of this law you're admitting is unfair?

22 PROFESSOR MANDLE: The law says that we
23 need to count our incarcerated community members
at their home residence. That's what I--that is

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3 what I am championing.

4 SENATOR NOZZOLIO: Thank you very much.

5 SENATOR DILAN: I have a question.

6 SENATOR NOZZOLIO: Senator Dilan?

7 SENATOR DILAN: Yes. Are you aware that
8 the issue of the 2010 law that mandates counting
9 prisoners in their home of record is currently in
10 court?

11 PROFESSOR MANDLE: [Interposing] Yes I
12 am.

13 SENATOR DILAN: Where several of my
14 colleagues who do have prisons in their district
15 did challenge this law so I believe at the end of
16 the day a judge will decide whether the law--

17 PROFESSOR MANDLE: [Interposing]
18 Correct.

19 SENATOR DILAN: --is fair or not. It's
20 really unfair for you as an individual who's not
21 a lawyer to determine whether the law is fair or
22 not, is that correct?

23 PROFESSOR MANDLE: I would certainly
think so.

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3 SENATOR DILAN: So at some point a judge
4 will do that.

5 PROFESSOR MANDLE: Well the question is
6 when that's going to happen relative to this
7 redistricting process right?

8 SENATOR DILAN: So currently that is the
9 law.

10 PROFESSOR MANDLE: Correct.

11 SENATOR DILAN: So therefore this panel
12 should comply with the law.

13 PROFESSOR MANDLE: Absolutely.

14 SENATOR DILAN: Okay. Now my next
15 question is I would like to address the point
16 where the co-chair asked you is it fair for state
17 legislators or is it fair for congressional so
18 then according to-- First before I go there, you
19 did mention that the Constitution of the State of
20 New York calls for the legislature to count
21 prisoners in their home of record. Is that
22 correct? Did I hear you say that?

23 PROFESSOR MANDLE: Well the language--
Again, I'm not a lawyer--

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3 SENATOR DILAN: But did I hear you say
4 that?

5 PROFESSOR MANDLE: Right. Yes I did. I
6 quoted the Constitution to say for the purpose of
7 voting no person shall be deemed to have gained
8 or lost a residence while confined in any public
9 prison.

10 SENATOR DILAN: I think that answers the
11 question. But also, if it's unfair for the
12 congressional legislative lines then I would--
13 that brings another question to my mind, why is
14 the deviation for congressional districts
15 different than it is for the State Senate or the
16 State Assembly Districts? Currently, in some
17 cases in State Senate I think we're using
18 deviation of 10% to determine the size of the
19 district, however, on the congressional level we
20 must go by federal law that says that it must be
21 an exact count and that we cannot go over by one
22 individual. So that's different; why isn't that
23 unfair?

PROFESSOR MANDLE: Right. Well I mean

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again--

3 SENATOR DILAN: How do you feel about
4 that?

5 PROFESSOR MANDLE: I would say that it's
6 important for our state in drawing our districts
7 for our legislature to make sure that we have
8 that process right.

9 SENATOR DILAN: I guess my point here is
10 that if--

11 PROFESSOR MANDLE: [Interposing] There
12 are other inconsistencies is what you're saying.

13 SENATOR DILAN: That's what I was
14 getting at. My point here is that if we're going
15 to talk about fairness and if we're going--we
16 want to be consistent with this law then we
17 should also be consistent with the deviation as
18 we draw districts for the State Legislature and
19 the congressional districts. Thank you.

20 PROFESSOR MANDLE: Thank you very much.

21 MR. MCENENY: If I may just for the
22 record, Senator Nozzolio and I and the other
23 elected officials here have opposite opinions on

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3 that law as demonstrated by our voting record,
4 but we have written a letter to the courts saying
5 that we want an answer on this issue just as
6 quickly as possible. I laid out in advance some
7 of the problems we have in terms of very tight
8 timeframe and it is our hope that this is
9 clarified. Obviously the law of the land now
10 says the prisoners will be counted and certainly
11 it's opinion on my side of the aisle we'll do
12 everything possible to make that come true, but
13 it would help if the courts would come forward.
14 Now there is an inconsistency between the way we
15 do Congress and the way we do the State
16 Legislature. The Congress has a variation of one
17 person which I think is unfair, it divides towns,
18 cities, villages, neighborhoods outrageously. I
19 also think 1% in a state that doesn't allow you
20 to break it down is unrealistic. So if the
21 Governor's bill were actually carried you'd have
22 to change that because it's unconstitutional.
23 Some towns you're going to go a little bit more
than 1%. But we, as far as LATFOR is concerned

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3 we're doing everything in our power to get the
4 court to move, and hopefully throughout this
5 early process we'll get some direction from them
6 one way or the other so we can move ahead.

7 PROFESSOR MANDLE: That obviously would
8 be the best thing to happen. My concern is if it
9 doesn't happen--and moving courts as you know is
10 difficult--I want to make sure that this
11 Commission and the redistricting process is
12 consistent with the law as it was passed. Thank
13 you.

14 MR. MCENENY: Thank you.

15 SENATOR NOZZOLIO: Taneka Jones
16 [phonetic], Lead Organizer, Citizen Action, New
17 York. Taneka Jones, Lead Organizer, Citizen
18 Action, New York. Professor John Abud, Cornell
19 University? Professor Jeffrey Stonecash,
20 Syracuse University? Deborah Warner, Vice
21 President for Public Policy? Deborah Warner.

22 MS. DEBORAH WARNER: Thank you.

23 SENATOR NOZZOLIO: Morning.

MS. WARNER: Good morning.

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3 SENATOR NOZZOLIO: Welcome to the panel.
4 Would you please for the record state your name
5 and the organization that you're advocating from?

6 MS. WARNER: Sure. I'm Deborah Warner.
7 I'm with CenterState Corporation for Economic
8 Opportunity. Good morning Senator Nozzolio and
9 Assemblyman McEneny and thank you for your
10 leadership in this important Task Force. I'm
11 also pleased to see so many members of our State
12 Assembly and Senate here to observe the
13 proceedings and I think that's very healthy and
14 I'm encouraged with the level of interest.
15 CenterState CEO is a regional business and
16 economic development organization. We cover 12
17 counties stretching from St. Lawrence County
18 South almost to the Pennsylvania border. On
19 behalf of our members we appreciate that you are
20 holding these hearings around the State and that
21 the process will continue with transparency and
22 openness particularly after a draft
23 reapportionment plan has been created. We think
it is critical that you provide that second

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3 opportunity for public reaction to the proposed
4 plan when it is announced so that there will be
5 citizen buy-in and understanding of that and we
6 commend you for expanding the process this time
7 to do that. We've got two key recommendations on
8 behalf of our organization. The first one, Keep
9 county and metro areas as whole as possible
10 especially in congressional redistricting. It is
11 beneficial to both the citizens and those
12 representatives, either at the state or federal
13 level to have a clear identification with an area
14 of common interest and economic
15 interconnectedness. Overly elongated or
16 distorted districts, for obvious reasons, detract
17 from both constituent service and policy
18 representation. The second is to be strategic
19 about regional economic development. Perhaps
20 this is the first time that some economic
21 dynamics need to be taken into consideration in
22 the process. The current recession and New
23 York's efforts to grow jobs dictate that at this
time economic development should be a strong

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3 consideration in the reapportionment process. We
4 ask that you recognize the synergies that exist
5 in our regions. Draw district boundaries that
6 will optimize representation so that it can be
7 familiar with each area, reflect constituent
8 commonalities, and community priorities.

9 Partitioning of a region will result in fractured
10 focus to the detriment of regional and metro
11 economic potential. Governor Cuomo's regional
12 economic development councils, based on the
13 State's ten economic development regions would be
14 a helpful guideline as this moves forward.

15 Consider not just demographics but economic
16 infrastructure and ecosystems. Each region has
17 dominant strengths and challenges that merit
18 recognition in this once-a-decade process. For
19 example, our region was recently recognized by
20 the Brookings Institute as the 8th largest
21 concentration of private sector green jobs in the
22 country because public policy regulation and
23 legislation so impact the sector it's important
that our representatives understand and reflect

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3 these regional economic realities going forward.
4 This concern is particularly important when
5 drawing congressional districts compounded at a
6 time when upstate is going to be losing at least
7 one representative we understand. So thank you
8 for your time today, and on behalf of CenterState
9 if we can be of further assistance in this
10 process or provide any further information with
11 regards to our recommendations or questions that
12 you might have we'd be more than glad to
13 cooperate.

14 SENATOR NOZZOLIO: Members of the panel,
15 any questions? Assemblyman Oaks?

16 MR. OAKS: Just a quick comment. I
17 appreciate-- We have so much as we've looked at
18 reapportionment in other years I think and now
19 traditional perspectives and I truly appreciate
20 your comments today of looking at regional
21 economies and perspectives as we go forward, so
22 thank you for putting that into a part of the
23 record and our considerations. Thank you.

SENATOR NOZZOLIO: I wish to share

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3 Assemblyman Oaks' comments that thank you very
4 much for bringing this very important point.
5 Regional economic development today is much more
6 important upstate in particular than it ever has
7 been and certainly since the last redistricting
8 occurred it's become much more important. So
9 thank you. This is an important component and we
10 appreciate you putting it into the record.

11 MS. WARNER: Okay. Thank you and again
12 if we can be helpful. We are working with
13 Brookings Institute, working on a regional
14 business plan and a metro export initiative.
15 We're one of four or five regions in the country
16 that are doing that. So if there's any work that
17 we're doing analyzing those demographics that
18 we're working on over the next few months that
19 might contribute to your process we'll be glad to
20 share them.

21 SENATOR NOZZOLIO: Thank you. Any other
22 members wish to comment? Senator McEneny?

23 MR. MCENENY: I think it's most helpful
to us when people concentrate on the thing that

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3 you did, how should the lines be drawn, maybe a
4 little less time on who and more on how and I
5 think that idea of a community of interest, the
6 metro areas, which are rarely mentioned but so
7 critical, is something that we will make every
8 effort to make sure metro areas as well as just
9 counties are included. I represent six towns and
10 most of the City of Albany, and some of that area
11 is very easy to work in terms of constituent
12 services. And I've got one small area in a large
13 suburban town where it's very difficult to work
14 and the reason is they're served by a different
15 newspaper. So you think the word has gotten out
16 and then you go in this one area, they read the
17 other city's newspaper. And that kind of
18 communication is very, very important. And when
19 we think of metro areas and we think in
20 socioeconomic terms the more compact and cohesive
21 it is the easier it is for constituents to know
22 their representative and to know each other. So
23 we appreciate your comments on that.

MS. WARNER: Okay.

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3 SENATOR NOZZOLIO: Thank you very much.

4 MS. WARNER: Thank you.

5 SENATOR NOZZOLIO: Before calling the
6 next testifier, I--based on Professor Mandle's
7 comments I think it's important to remind the
8 members of the audience participating in the
9 hearing that the Task Force is tasked with
10 establishing a process as well as under current
11 law drawing lines for both the congressional and
12 state legislative districts, that is the mission
13 has been the mission of the Task Force for nigh
14 on three decades now at least, four decades, and
15 that it's a difficult task in trying to do this
16 under the best of circumstances. We did not say
17 at the outset of the record that New York has
18 been told nationally that it will lose two
19 congressional seats in the national
20 reapportionment process. That's why it's
21 important that we have input on the lines that
22 you would like to see, the regions you would like
23 to see together, the importance of those
dynamics, so thank you very much for allowing me

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3 to put that in the record. Our next testifier is
4 Assemblyman Ken Blankenbush.

5 ASSEMBLY MEMBER KEN BLANKENBUSH: Good
6 morning. My name is Ken Blankenbush. I'm from--
7 I live at 102 Linette [phonetic] Lane in Black
8 River, New York. I currently serve as the
9 Assemblyman representing the counties of
10 Jefferson, Lewis, St. Lawrence, and Oswego
11 Counties. I'm here today to talk about
12 congressional redistricting and how it'll affect
13 my constituents, my friends, and my neighbors in
14 the North Country. For more than 30 years the 11
15 northern counties in the State of New York that
16 compromise the North Country, the 11 Northern
17 Counties, in some combination have been part of a
18 single congressional district. The North Country
19 District that runs from Oswego County to Clinton
20 County and from the St. Lawrence River to Fulton
21 County share some very common issues and
22 interests. This area is rural in nature and has
23 a tremendous reliance on agriculture and tourism.
This sets this area apart from other contiguous

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3 regions such as Central New York or the Mohawk
4 Valley which are more reliant on manufacturing.
5 As the Assemblyman representing four of those 11
6 counties, I believe that it is important to keep
7 the North Country together as a single
8 congressional district and not split the region
9 apart into two or three other districts. If that
10 were to happen our representation would be
11 diluted and we would be relying on members who
12 are unlikely to live or work in the North Country
13 of New York. These new members would ultimately
14 face constituent priorities that were not
15 consistent from one part of the district to
16 another. For example, Lewis County which I
17 represent, is very rural and its economy relies
18 heavily on farming and agri-business. The rural
19 nature of Lewis County is very different than
20 that of Southern Oneida County or even Onondaga
21 County which is more urban and relies on
22 manufacturing as its employment base. In my
23 opinion, moving counties into Central New York or
Mohawk Valley Districts would have a negative and

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3 serious impact on the constituents in my region.
4 Moreover, Northern New York is unique compared to
5 other areas of the state in that it shares both a
6 water and land border with Canada. The issues
7 that come with being a border state are distinct
8 and critical to the region: border security,
9 immigration, trade, tourism, etc. To split the
10 border into separate congressional districts
11 would be recreating the wheel when it comes to
12 responding to these specific issues. Why rely on
13 three congressmen and their staffs to address
14 border issues when their priorities may be
15 elsewhere? With a sole North Country District
16 you can have one representative who is an expert
17 on cross-border concerns and those become a top
18 priority for the member and their staff.
19 Finally, nothing is more unique in New York State
20 than the Adirondacks. This massive area has a
21 small population, environmental concerns, and a
22 tourism-based economy. Once again, I believe it
23 is important to keep this area intact to ensure
that the interest and needs of the Adirondacks

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3 and its constituents are adequately heard and
4 addressed. I understand that the 23rd
5 Congressional District cannot stay as is. The
6 District needs about 53,000 more people.
7 However, rather than parceling of the North
8 Country to districts to the south I believe it
9 would be in the best interest of the constituents
10 in the North Country for the 23rd to grow. The
11 easiest solution to bring 53,000 more
12 constituents into the District would be to
13 include the balance of Essex and Fulton Counties
14 that are not already in the District. Additional
15 population, if necessary, can be added from the
16 northern part of Herkimer County which at one
17 time was part of the District. These additional
18 areas fit perfectly in the makeup of the new
19 North Country District that has similar economy,
20 uniform priorities, and a similar way of life. In
21 conclusion, as the Assemblyman representing four
22 of the 11 counties in the 23rd Congressional
23 District, it is my opinion that there should
continue to be a North Country District.

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3 Eliminating the District would have serious
4 consequences for the constituents of the region
5 whose concerns are very much different than those
6 of our neighbors to the south. Thank you.

7 MR. MCENENY: I'm not totally familiar
8 with the District but the last time I looked it
9 was down--I think you said 53,000. Are you
10 saying that by adding those parts of Essex which
11 now are down in Congressman Gibson's district,
12 used to be the old Gillibrand District--

13 MR. BLANKENBUSH: Yes.

14 MR. MCENENY: Which I was very familiar
15 with, and that wanders all over the State as you
16 know.

17 MR. BLANKENBUSH: Yeah.

18 MR. MCENENY: By taking all of Essex and
19 all of Fulton that would make up the population?

20 MR. BLANKENBUSH: I believe it would be
21 close.

22 MR. MCENENY: I think you still need
23 some more.

MR. BLANKENBUSH: And that's why I

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3 indicated that--

4 MR. MCENENY: Proper Herkimer doesn't
5 have an awful lot of people.

6 MR. BLANKENBUSH: But that was part of
7 our--

8 MR. MCENENY: That's the one they call
9 Lincoln's Hat as the Senate--not realizing that
10 that happens to be the county line that's nearly
11 200 years old.

12 MR. BLANKENBUSH: That district was--
13 That was part of our district at one time.

14 MR. MCENENY: Mike tells me about 1200
15 people in that extension to the county so that
16 doesn't add a lot either.

17 MR. BLANKENBUSH: I believe that if our
18 figures-- Well, you could also look at Washington
19 and Warren Counties because they have similar
20 situations and needs that we have in the North
21 Country too so Washington or Warren Counties
22 could be included into that mix, because they
23 rely heavily on agriculture and it's a rural
area.

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3 MR. MCENENY: Thank you very much.

4 SENATOR DILAN: One quick question.

5 MR. BLANKENBUSH: Yes sir?

6 SENATOR DILAN: Basically what you're
7 asking for is one congressional district that
8 would be known as a rural district basically, and
9 that everyone within that area would have similar
10 interests, is that correct?

11 MR. BLANKENBUSH: Yes. And if you look
12 at that District and go--the northern part of
13 that District which is St. Lawrence River where
14 you have Canadian--Canada borders not only the
15 waterways but there's a land up in Noralsis
16 [phonetic] Point area so the congressional
17 district in my opinion should represent that
18 whole area rather than splitting half of that
19 border between maybe two or three other
20 congressional districts.

21 SENATOR DILAN: So you're basically
22 looking for a representative that's going to have
23 the interest of that district and take that back
to the national level and fight for their issues?

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3 MR. BLANKENBUSH: Correct.

4 SENATOR DILAN: Because right now I
5 think the number that we would need for a
6 congressional district I believe is 770?

7 MR. BLANKENBUSH: Seventeen.

8 MR. MCENENY: 707.

9 SENATOR DILAN: 707 so that's the
10 number--magic numbers. All right, thank you.

11 SENATOR NOZZOLIO: 717. Thank you very
12 much Assemblyman.

13 MR. BLANKENBUSH: Thank you Senator.

14 SENATOR NOZZOLIO: Bill Mahoney,
15 Research Coordinator, NYPIRG?

16 MR. BILL MAHONEY: Good morning. My
17 name is Bill Mahoney; I'm with NYPIRG, the New
18 York Public Interest Research Group. I'm based
19 in Albany but we also have a chapter here at
20 Syracuse University who had joined us earlier
21 this morning to speak on the issue of
22 redistricting. Thank you for the opportunity to
23 testify today, and I'd also like to thank each of
you up here for acknowledging that the process

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3 that has been used to draw district lines in the
4 past is horribly broken. Senator Dilan, I know
5 that last year you introduced a great bill to
6 create independent redistricting commission in
7 New York State so thanks for your efforts in
8 that. Senator Nozzolio, I know that you signed
9 Mayor Koch's pledge to your constituents before
10 the election to not vote for any bill that would
11 establish district lines that were not
12 independently created. And Assemblyman McEneny,
13 I know you're a prime sponsor of Governor Cuomo's
14 bill which would go a long way towards correcting
15 some of the problems in the State before a
16 constitutional amendment is passed. And
17 Assemblyman Oaks I know that you were a sponsor
18 of Assemblyman Jeffries' bill which is also an
19 independent commission. I know that you're
20 calling this hearing today to hear from the
21 public about what needs to go into district lines
22 but we believe that the public has already
23 spoken. They're repeatedly said that the current
process is broken and needs to be fixed. Poll

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3 after poll shows that an overwhelming majority of
4 New Yorkers supports the creation of an
5 independent commission and we don't think it's
6 too late to do that. You're all going to have to
7 come back to Albany before the end of the summer
8 to deal with issues such as the Move Act and
9 health care changes Move Act and health care
10 exchanges, and that would leave you more than
11 enough time to create a commission that would not
12 be vetoed by Governor Cuomo. As you know, he has
13 pledged to veto any districts drawn by this
14 commission and we would all hate to see it be
15 left to the judiciary if the lines are drawn--

16 MR. MCENENY: Point or order, he's
17 promised to veto anything drawn other than by an
18 independent commission which is not fair. He
19 always has a little tag at the end of that
20 statement, which is not fair.

21 MR. MAHONEY: Last week he said that he
22 would veto any districts that were drawn by a
23 partisan entity and he also labeled this
Commission as partisan which seems to me to fall

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under what he's--

3 MR. MCENENY: [Interposing] Well, it's
4 bipartisan.

5 MR. MAHONEY: Okay. He's of a differing
6 opinion and I believe we are of the same opinion
7 as well.

8 SENATOR NOZZOLIO: Are you of the same--
9 I think you should finish your testimony and then
10 we'd be glad to ask questions.

11 MR. MAHONEY: I can wrap it up there.
12 We believe that the best way to get these lines
13 done and to keep the districts equal in
14 population is to create an independent commission
15 with specific requirements as to population
16 variance and other issues. So thank you.

17 MR. MCENENY: Do you have some
18 individuals in mind that you would nominate are
19 independent people? I'm not sure what
20 independent person is.

21 MR. MAHONEY: Well Ulster County for
22 example just created a commission last year that
23 I believe it was three Democrats, three

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3 Republicans, and then three unaffiliated members,
4 voters in the county.

5 MR. MCENENY: So it was bipartisan with
6 an additional third?

7 MR. MAHONEY: But they were not allowed
8 to take into account any factors such as partisan
9 enrollment or the wishes of incoming politicians.
10 It was drawn by a truly independent entity which
11 went ahead and drew lines that everybody
12 applauded in the end--the Democrats, the
13 Republicans, and the local media loved those
14 lines when they were finalized. And that's very
15 similar to something we'd like to see at the
16 State level.

17 SENATOR NOZZOLIO: Mr. Mahoney I have no
18 quarrel with your premise about ensuring that
19 redistricting is done in the most open and
20 transparent way and particularly takes out the
21 partisan element. What I am concerned about is
22 time, and that I think that you indicate that
23 there's plenty of time, but I'm not so sure. And
this is why we began our deliberations, that we

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3 wanted to make sure as a Task Force that we have
4 reached out to the public to tell us that they
5 want particular communities of interest
6 protected, like the last testifier talked about
7 economic development regions and also to let us
8 know what type of community of interests in
9 particular regions, that we're going into every
10 region in the state. What I'm concerned about is
11 this: New York has been required to have an
12 independent review of its redistricting processes
13 at least for the last 30 and probably for the
14 last 40 years. That independent review is called
15 the United States Justice Department, and that
16 that review has to take place because New York is
17 a covered state and particular counties in the
18 City of New York are covered counties appropriate
19 to the Voting Rights Act. And that process of
20 getting clearance from the Justice Department
21 takes time--it takes a lot of time--and
22 particularly with a complex state like New York.
23 We're not talking about a county; we're talking
about 62 counties and we're talking about not

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3 just one issue but a number of issues relative to
4 compliance with the protections of the Voting
5 Rights Act. That's number one. Number two, as
6 Assemblyman McEneny said at the outset of the
7 hearing, that there may be compression--further
8 compression by the establishment of an early
9 primary as the Assemblyman so well outlined. We
10 now have to comply with the Voting Rights Act but
11 also comply with a primary date that over the
12 last three decades had been changed to move later
13 in September. What happens this time is that the
14 Justice Department and the United States
15 Government is telling New York that it needs to
16 have a primary date as early as June if not
17 earlier. That may require--that does require
18 petition processes to begin by the--as early as
19 the end of February or the earliest part of
20 March. So I think to cavalierly indicate that
21 there's plenty of time does disservice to this
22 process. And we're not here to debate policy
23 about who should draw the lines because that's--
certainly you're entitled to your opinion, the

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3 organization entitled to your opinion. We're not
4 voicing an opinion on that issue; we're only
5 complying with the law that exists today. So--
6 But I'd ask you to look at the time sequence, and
7 if time was of the essence six months ago it's
8 more so of the essence today because frankly all
9 this needs to be done and there is I believe just
10 too little time to do it all.

11 MR. MAHONEY: I understand your concerns
12 about time and quite frankly I would have loved
13 to have seen this dealt with this previous
14 session or last year's session, but there's going
15 to be even less time if the process is left to
16 the judicial branch and bills that are crated by
17 this Commission are drawn and then vetoed.
18 That'll leave us with nearly a blank slate and
19 even less time to deal with this. And also in
20 regards to the shortened timeline by moving the
21 primaries forward, that's something that will
22 have to be dealt with in the next couple of
23 months by your return to Albany. And while
you're in town I think it'd make a lot of sense

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3 to create a commission that all interested
4 parties would be happy with and would be able to
5 draw lines that better reflect the people of New
6 York.

7 SENATOR NOZZOLIO: Thank you very much.

8 MR. MAHONEY: Thank you.

9 MR. MCENENY: Would you support--

10 LATFOR, which is required by Constitution no
11 matter how you do it, it has to come back to a
12 legislative vote. Would you support adding more
13 citizen members to the existing committee?

14 MR. MAHONEY: We would have to look at
15 it. A lot of the independent commissions that
16 we've supported do have some places for
17 legislative appointments. Governor Cuomo's bill
18 let's each of the leaders appoint one member and
19 then adds a handful of independent members as
20 well.

21 MR. MCENENY: Well you mentioned Ulster
22 County which is a bipartisan with an extra three
23 so it was one-third, one-third, one-third. And
you described that as a model as opposed to

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3 replacing any legislative responsibility which is
4 what the Constitution calls for. Have you taken
5 a look at the Governor's bill? Have you--
6 Obviously the Governor-- We would have liked to
7 have started this sooner but we did have the
8 Governor's Bill out there. He was unable to
9 persuade the legislature as a group, including
10 the Senate, to go along with it. When the
11 session was over we felt the only responsible
12 thing to do was to start in with these hearings.
13 Now what are your problems with the Justice
14 Department? Do you feel they can't do a fair job
15 of being a policeman and doing a review, because
16 they have enormous power?

17 MR. MAHONEY: They do but they don't
18 have power to regulate everything that we're
19 concerned about. The population variance, as
20 you're well aware, is currently plus or minus 5%
21 and the Supreme Court has kept it at that level.
22 They don't let the Justice Department meddle to
23 reduce or change districts just because they're
so disproportionate in size, and that has led

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3 over and over again in recent decades to a lack
4 of one person, one vote, in New York State where
5 some legislators represent tens of thousands of
6 more constituents than others do and have a
7 heavier workload because of the districts that
8 were drawn by partisan interests.

9 MR. MCENENY: Bear in mind the State
10 Constitution will not allow us to break town
11 lines where the town is the--unless the town is
12 larger like Brookhaven for example or Hempstead
13 so sometimes you're not going to get 1% no matter
14 how hard you try.

15 MR. MAHONEY: I understand, but you
16 could definitely do a lot better than what
17 happened in 2001 and 2002. If you look at
18 different regions of the State in the Senate
19 especially you'll see that there's almost no
20 population variance within those regions. And
21 if--you could expand that to the State level and
22 there might be some issues with a few towns here
23 and there which is why we think that the 1% in
Cuomo's bill is reasonable.

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3 SENATOR NOZZOLIO: Do you know how many
4 towns are currently cut by the congressional
5 lines?

6 MR. MAHONEY: I am not aware off the top
7 of my head.

8 SENATOR NOZZOLIO: And I think that's
9 something that we have in Upstate and
10 particularly in central and western New York a
11 concern about having one town, in many cases a
12 small, small town, cut in a number of different
13 ways. And that's what I think Assemblyman
14 McEneny--I know he's referring to this. And if
15 redistricting should ignore towns then--and cut
16 them as you say to get this miniscule deviation
17 or permissible deviation that then the
18 Constitution of the State of New York needs to be
19 changed as well, and I think that's something
20 that--that's something that always wondered about
21 in terms of the advocates in asking for that type
22 of deviation in terms of understanding that the
23 towns do have an important jurisdictional role
here.

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3 MR. MAHONEY: I understand and that's
4 why we are happy with the 1% deviation, and I do
5 believe you can keep towns together and get very
6 close to 1%. It's difficult to go beyond that
7 due to the current Constitutional requirements,
8 but it's certainly possible to do a lot better
9 than we have done it in recent decades.

10 SENATOR NOZZOLIO: Any other questions?
11 Assemblyman Oaks?

12 MR. OAKS: One quick comment Mr.
13 Mahoney. You started out talking about a number
14 of the alternative proposals that have been made
15 in some of our sponsorship or participation in
16 those. I'd just encourage you to look at the
17 breadth of those. Probably the best bill among
18 them is the Oaks Bill and you might want to--

19 SENATOR NOZZOLIO: Senator Dilan?

20 SENATOR DILAN: On a different topic,
21 has NYPIRG taken any position on the prisoner
22 count law?

23 MR. MAHONEY: We do not have a position
on that.

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3 SENATOR DILAN: All right, thank you.

4 SENATOR NOZZOLIO: Thank you very much.

5 Any other questions of the panel? Thank you.

6 MR. MAHONEY: Thanks.

7 SENATOR NOZZOLIO: Monica Miranda
8 [phonetic]? Monica Miranda? Charles Pierce?

9 SENATOR DILAN: Mr. Chairman, I would
10 just like to ask that if any individuals that
11 have not shown up today if they submitted their
12 testimony previously if we could make sure that
13 gets into the record.

14 SENATOR NOZZOLIO: Excellent point
15 Senator. We'd like to make it known that the
16 Task Force remains wide open for testimony.
17 Please feel free to present the written
18 testimony. Anyone who is here, is not here, is
19 viewing the proceedings at a later date, the Task
20 Force is always welcoming individual citizen
21 input.

22 SENATOR DILAN: Thank you.

23 SENATOR NOZZOLIO: Thank you Senator.
Mr. Pierce?

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3 MR. CHARLES PIERCE-EL: My name is
4 Charles Pierce-El. I'm Chairperson of the
5 Southside Homeowner's Association but I'm here as
6 a community activist. And I want to applaud you
7 and thank you for coming to Syracuse, New York
8 and being our first stop, so I want to applaud
9 all you guys for coming here and being on board
10 and I appreciate everything that you guys-- I
11 don't want to be repetitious and go over things
12 but I think you laid out a lot of good points in
13 your thing. And I'm here to give you some
14 solutions. I'm not here to chastise you or say
15 certain things in redistricting because I think
16 it's a very important part of our community and I
17 think all you Senators and Assemblypersons are
18 doing an excellent job and doing the thing
19 according to the law. One of the issues I want
20 to address is particularly on Number 8 where you
21 say, existing districts and incumbency. I think
22 one of the solutions to this problem here is if
23 we have at least a minimum of two minorities,
African Americans, on anybody's staff. Because

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3 there's a lot of staff that a lot of districts
4 have. Your population might be 1% or 2% or 3%,
5 in some 0% and therefore you're not getting the
6 input from that 1% minority or that 2% minority
7 that's in your district, elected [inaudible]. So
8 therefore at least let the person that is not
9 able to be represented and be elected into
10 office--at least by being a part of your staff at
11 least you'll get some input on the concerns of
12 the minorities in those districts. And that goes
13 as well as congressional as well as a state area.
14 I think that's very important to look at to solve
15 one of those issues and their problem. The other
16 one is very excellent, the public access to
17 transparency. I think a lot more needs done to
18 be involved because without that people like
19 myself and other minorities and other people in
20 general would not be able to have that, and once
21 we plug into that, it's public record. So I
22 think therefore my representative or any other
23 representative would say, Well we didn't never
hear that before, we didn't have that

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3 accessibility, but by being public record we've
4 having our input presented to you guys on a
5 national level and on a local level. The other
6 one's very important, the prisons. Prison count
7 on the prisons. Because of sovereignty, the
8 states and the federal government in New York
9 State the problem is very easily solved by our
10 voting and stuff, as far as the congressional
11 level, as far as federal prisons and state
12 prison. Federal prisoners pay a lot more money
13 to the state, but the state has the ability to
14 tell the federal government that we don't want
15 your federal prisons if you can't abide by our
16 laws. If you don't abide by the laws of New York
17 State and our Constitution because of different
18 sovereignty-- I think if you negotiate on that
19 level we can solve that problem with federal
20 prisons having a right to vote in New York State
21 if you're going to set your prisons up in our
22 state as well, so I think you can kill two birds
23 with one stone on that area if you get to
negotiate on those type of levels. So I mean,

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3 those are just some points and I hope you take
4 those into consideration, and thank you for your
5 time and thank you for allowing me to be here
6 today.

7 SENATOR NOZZOLIO: Any questions of the
8 panel to Mr. Pierce? Having none, thank you very
9 much for your input.

10 MR. MCENENY: Mr. Pierce, one question,
11 when you recommended--

12 MR. PIERCE-EL: It's Pierce-El.

13 MR. MCENENY: Okay. When you
14 recommended staff, having diversified staff, were
15 you referring to LATFOR or individual members?

16 MR. PIERCE-EL: Individual members. I'm
17 referring to any elected official. Like right
18 now I can go down to the Federal Building right
19 now in the City of Syracuse and see my
20 congressman or his representative. There's no
21 one that looks like me or reflective of me that I
22 might feel more comfortable in talking. Me
23 personally being an activist I talk to anybody,
but I mean it's just certain people feel more

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3 comfortable of getting things out to someone that
4 looks more like them and reflects-- Not to say
5 that people don't have that interest, but you've
6 got the input now, and you're just--you're just
7 dialoguing because the best tools that we have as
8 America is that we can dialogue and communicate
9 with people, you know what I mean? We've got a
10 lot of money and it corrupts a lot of things, but
11 our communication skills are the best thing that
12 we've got going with us and that's what I meant
13 on that level as far.

14 MR. MCENENY: I think it's very
15 desirable but point out in my case, I've been
16 there 19 years so I'm I suppose a senior member.
17 I have two full-time staff year-round, two, and
18 then I rely on part-time staff thereafter or
19 session staff. The staffs are not huge but when
20 we--but we also have on central staff people of
21 every race, creed, and color that you can
22 imagine. And if you work well with your central
23 staff you're not left with a void. And when they
see you--

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3 MR. PIERCE-EL: And I applaud you for
4 that. When you come from a small district like
5 that you've got two people, well those two people
6 should be in that area outreaching to that
7 minority group to come back to feed you that
8 intelligence or their concerns, that way they're
9 not locked out and I applaud you as one of the
10 few that does that.

11 MR. MCENENY: Thank you.

12 SENATOR NOZZOLIO: Mr. Pierce.

13 MR. PIERCE-EL: Yes?

14 SENATOR NOZZOLIO: No, thank you, Mr.
15 Pierce. Thank you very much.

16 MR. PIERCE-EL: Pierce-El.

17 SENATOR NOZZOLIO: Pierce-El. Thomas
18 Dadey?

19 MR. THOMAS DADEY: Good morning.
20 Chairman, Nozzolio, Chairman McEneny, Members of
21 the Task Force. Thank you for allowing me the
22 opportunity to speak to you today about an
23 extremely important issue, this process of
redistricting legislative representation. You

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3 are charged with a very difficult but
4 constitutionally necessary task that by its very
5 nature will undoubtedly leave some people upset
6 and others pleased. So before I get into the
7 body of my remarks I thought it was very
8 important to state that I completely understand
9 the burden that you face and hope that you will
10 accept my remarks today as a voice that hopes to
11 help you reach your conclusion in how best to
12 manage the needs of our community while adhering
13 to the rules and principals that govern this
14 process. It is no secret that New York State is
15 losing population at a rapid rate. It seems
16 every ten years we lose two representatives in
17 the United States Congress and this year is no
18 different. With that said, we look to our
19 leaders in the State Legislature to recast our
20 legislative representation in a way that will
21 keep our community interests together without
22 allowing political power and advantage to dictate
23 this process. As you know, I am Chairman of the
Onondaga County Republican Committee. With that

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3 job comes my party duties, but there are also
4 other responsibilities that require a bipartisan
5 approach to help our community to advance and
6 grow. Now my counterpart, Vita DeMarchi from the
7 Democratic Party here in Onondaga County and I
8 might not agree on many issues and how best to
9 solve the problems our governments face. But in
10 this particular congressional redistricting we
11 are on the same page. Onondaga County has always
12 had a representative who was a resident of our
13 great county being the largest of the populated
14 counties in the region and hosting one of the
15 most nationally recognized cities in the country.
16 I believe it is important to allow Onondaga to
17 maintain an opportunity to keep at a minimum one
18 congressional representative that understands our
19 community and our regional needs. I believe
20 keeping Onondaga's representation under one
21 member of Congress is the best approach
22 considering that no matter how these new lines
23 are drawn Onondaga County's more than 500,000
residents would likely represent the lion share

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3 of the constitutionally required 719,000+
4 residents. Due to our large population I believe
5 it would be a disservice to slice our county into
6 multiple parts because it would dilute our voice
7 in Congress and not accurately reflect the
8 concerns of this region. Populations across
9 Upstate have been shifting for years. Many
10 families have moved to other states, some have
11 moved to different regions of New York. In the
12 meantime, Onondaga County has been one of the
13 more stable areas in Upstate. It is my belief
14 that our new congressional district should be
15 reflection of that stability. Furthermore, four
16 counties surround Onondaga County. Two of those
17 have lost population, one has gained, and another
18 has remained stable. This illustrates a
19 rationale for allowing the region's
20 representation to remain the same with Onondaga
21 County providing a significant portion of that
22 population. The Western part of New York has
23 witnessed a significant negative population shift
in the last ten years, making it logical for

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3 those districts to be altered in a way to reflect
4 that change. It is my belief that any downsizing
5 of the congressional representation in Upstate
6 New York as to not to affect the other areas that
7 have remained stable or grown in recent years.
8 As I alluded to at the beginning of my remarks
9 you are tasked with a very difficult job. I am
10 certain that I will not be the only person who
11 will be voicing an opinion to keep their
12 community whole, but I do hope that when you get
13 into the final phase of this process you will be
14 able to keep our district whole, not because of
15 politics but because of facts and the statistical
16 data demand it. Chairman, members of the Task
17 Force, I thank you for your time today in
18 allowing me to speak to the Commission.

19 SENATOR NOZZOLIO: Thank you very much.

20 Any questions for Mr. Dadey? Senator Dilan?

21 SENATOR DILAN: Just a clarification,
22 did I hear you say that the population in New
23 York State decreased? Did I hear you say that?

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3 MR. DADEY: I may have misspoke on that.
4 We're right around 19 million people. Other
5 areas of the country obviously are growing
6 quickly than we're growing.

7 SENATOR DILAN: Yeah, but I mean because
8 New York State we increased by 3.1%.

9 MR. DADEY: We increased?

10 SENATOR DILAN: Yeah but still not
11 enough to hold onto the two congressional
12 districts; I think that was your point, right?

13 MR. DADEY: That was my point, yes sir.
14 Thank you Senator.

15 SENATOR DILAN: Thank you.

16 MR. DADEY: Thank you. Thanks for
17 coming to Syracuse. We hope to see you back.

18 SENATOR NOZZOLIO: Appreciate it very
19 much. Thanks for bringing your team with you the
20 girls. Next speaker, Vita DeMarchi?

21 FEMALE VOICE: No, actually there's a
22 13th person on that list.

23 MR. MCENENY: We thought in the interest
of equal time Republican Chair that perhaps the

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3 Democratic Chair might--

4 MS. VITA DEMARCHI: Thank you very much.
5 Good morning. It's still morning. I also want
6 to say thank you--

7 SENATOR NOZZOLIO: I'd like the record
8 to reflect I wanted both of you up at the same
9 time in a spirit of bipartisanship but I think we
10 thought it'd be important to give you each forum,
11 so thank you very much for being here along with
12 Chairman Dadey.

13 MS. DEMARCHI: And you went
14 alphabetically because Dadey then DeMarchi, so it
15 was fair.

16 MR. MCENENY: He was 12 and you're 12A

17 MS. DEMARCHI: Well I also want to thank
18 you so much for coming to Syracuse Senator
19 Nozzolio, Assemblyman McEneny, all of the panel.
20 It is really a good opportunity for us to have a
21 voice here. So as you know, I'm Vita DeMarchi,
22 the Chair of the Onondaga County Democratic
23 Committee, and I'm here to share the sentiments
from my committee and constituents that I hear

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3 from. So first of all they say, wow is it ten
4 years already? They want to remember the lessons
5 that were learned the last time we went around,
6 so that's a sentiment to share. I personally am
7 a little bit of an idealist. I like to believe
8 that people act out of the best good and that
9 those that got into government are there because
10 they care about the people that they represent.
11 So I'm here to reflect the sentiment shared with
12 me from members of the Onondaga County Democratic
13 Committee, voters, friends, and my family. And
14 repeatedly they ask the question, what exactly
15 are the rules of redistricting, unaware of the
16 laws that you have to adhere to in detail, and
17 who is actually in charge of drawing the lines
18 and who will ultimately be in charge? And what
19 and who should be considered in drawing political
20 boundaries and thus of constituents, of voters
21 opportunity to have fair representation at all
22 levels of government. So let me share with you
23 some of the concepts of fair redistricting as
they have been shared with me. There are six of

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3 them. Obviously one is the consideration of
4 equal population, a clear requirement based on
5 population changes. As Mr. Dadey shared the
6 statistics I won't repeat them but Onondaga
7 County overall and the City of Syracuse have
8 experienced really negligible changes in
9 population. Number two, districts need to be
10 geographically contiguous. Well that seems
11 obvious; however, the concept has been stretched
12 as in narrow stretches of road connecting
13 distinct areas. Number three, Recognize existing
14 geographic divides and boundaries. New York is
15 such a diverse geographic state with much of our
16 agriculture and economic development linked to
17 the nature of the territory. Here in Onondaga
18 County and the City of Syracuse we are central
19 New York, a center, a hub, centrally located in
20 the State. Number four, do not divide
21 communities of common interest. Avoid
22 disenfranchising ethnic and minority groups to
23 dilute their voting strength. And number five,
continue transportation connections. Commerce

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and economic development connect people.

3 Syracuse and Onondaga County are crossroads for
4 connections throughout this state. And number
5 six, the most optimistic recommendation of all is
6 to avoid drawing lines solely for the purpose of
7 favoring any political party or incumbent.

8 Onondaga County has considerable momentum
9 building a positive future that is inclusive of
10 our city, spreading out to our county and towns
11 in great part because of our bipartisan political
12 leadership at the County and City level.

13 Syracuse is one of our State's significant
14 cities, as you said a metropolitan area. It is a
15 significant part of our county's identify and our
16 community's identify. It is a significant center
17 for Central New York. Segmenting the Central New
18 York hub area, Onondaga County could derail the
19 political social, and economic progress and goals
20 achieved for the people in this county over the
21 years. Syracuse, New York is a center and needs
22 to retain its radius of influence and direct
23 association around it, thus leaving Onondaga

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3 County intact at the congressional level will
4 continue to provide the fair representation at
5 the federal level for central New York Residents.
6 The idea of splitting central New York into two r
7 three slices at the congressional level is
8 essentially people--it's an attack on their
9 representation and the commonalities that are
10 being formed in this region. Onondaga County is
11 not a fringe community of other districts. It is
12 the center, center state, the hub radiating out
13 from the City of Syracuse and welcoming in all
14 the surrounding areas from an economic, social,
15 and political standpoint. I cannot help but
16 throw in a little bit more progressive or maybe
17 even radical concepts of redistricting like
18 considering sustainable community concepts and
19 smart-growth concepts that would definitely keep
20 city centers and radial communities together
21 because they're woven by economic development,
22 agriculture jobs, and infrastructure, but that
23 discussion is for a Vita DeMarchi wearing a
different hat. In closing, to those who have the

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3 ability to influence redistricting, recognize the
4 privilege and opportunity bestowed on you by the
5 people. We as New Yorkers and as Americans are
6 facing profound challenges, and in many ways it
7 appears Americans are divided by fundamental
8 issues. At a state and local level redistricting
9 has the opportunity to represent constituents and
10 the American people by what we have in common
11 outside of their political affiliation and voting
12 record, and that community commonality deserves
13 fair representation in Congress, the States, and
14 the Assembly and at the County Leg level as well.
15 I'm sure you're going to gather quite an array of
16 comments and recommendations and statistics and
17 opinions on the law, but we are hopeful that you
18 act in the best interest of the people and
19 communities who rely on representatives who know,
20 interact, and influence their lives at the state
21 and federal level in a fair way. You don't have
22 to be an independent panel of individuals to
23 think independently of political influence only
and to act in the best interest of New York State

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3 voters and constituents, and thank you for taking
4 on this process and I wish you well through your
5 tours and that you take into consideration all
6 that you hear. It's quite the job. Thank you
7 again for this opportunity.

8 SENATOR NOZZOLIO: Thank you. Any
9 questions, members of the panel? Very well
10 stated. Thank you very much.

11 MS. DEMACHI: Thank you.

12 SENATOR NOZZOLIO: Kianna Cole? Kianna
13 Cole?

14 MS. KIANNA COLE: Hello.

15 SENATOR NOZZOLIO: Welcome. Ms. Cole
16 please state your name and address and what
17 program you're involved with.

18 MS. COLE: My name is Kianna Cole. My
19 address is 2026 Midland Avenue in Syracuse, New
20 York. I'm the program supervisor of the
21 Supporting Offenders After Release Program and
22 the coordinator of the Onondaga County Reentry
23 Task Force. Members of the Assembly, State,
Senate, and staff, thank you for having me here

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3 today to testify on behalf of the community I
4 work with here in Syracuse and Onondaga County
5 including many former prisoners who have served
6 their debt to society and are working to rejoin
7 the Syracuse and Onondaga County Community. As I
8 stated, I coordinate the Onondaga County Reentry
9 Task Force which is a conglomerate of state,
10 county, and city agencies as well as community-
11 based organizations who are committed to making
12 systematic changes to increase the safety of our
13 community by reducing recidivism. I also
14 supervise the S.O.A.R. program which is a case
15 management based reentry program for ex-offenders
16 being released from New York State Correctional
17 Facilities. On behalf of the Task Force, the
18 S.O.A.R. program and my clients, I have come to
19 deliver a simple and clear message, Follow the
20 law. Last year you, our representatives in the
21 New York State Assembly and Senate, worked with
22 the governor to pass important legislation that
23 made it illegal for inmates to be counted as
residents of the towns where they are

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3 incarcerated. Instead the law of New York State
4 now insists that inmates be counted where they
5 belong, at their home addresses. Please follow
6 that law. As someone who works with many New
7 Yorkers who have been in the prison system, I can
8 attest to the importance of connecting these
9 individuals to communities that provide them with
10 acceptance and opportunities to have a second
11 chance to be productive members of society. When
12 New Yorkers are released from New York State
13 Prisons they have all the needs that any other
14 resident of our society has. They need access to
15 quality schools, sustainable wages, safe and
16 affordable housing, health insurance, and other
17 benefits. Our elected representatives can fight
18 for these needs but our community will be
19 chronically underserved by a lack of fair
20 representation if you fail to count these New
21 Yorkers as members of our community when you draw
22 the lines for our legislative districts. Not
23 only would it fail our community when inmates
from this community are to be counted away from

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3 their homes, but it would undermine the bedrock
4 premise of our entire legal and correctional
5 system. The purpose of my program and others
6 like it is to reintegrate ex-offenders back into
7 the community by encouraging them to follow the
8 rules and laws of our society. But how could we
9 send a message to my clients and other residents
10 of New York State that they should be law abiding
11 when the members of our state legislature so
12 flagrantly disregard the law? The only fair,
13 equitable, and responsible action that you, the
14 members of LATFOR can take is simple: Please
15 follow the law. Thank you for your time.

16 SENATOR NOZZOLIO: Thank you very much.
17 Any questions from members of the panel?

18 MR. MCENENY: Thank you.

19 SENATOR NOZZOLIO: Thank you.

20 MS. COLE: Thank you.

21 SENATOR NOZZOLIO: Ed Ryan?

22 MR. ED RYAN: Morning if it's still
23 morning. My name is Ed Ryan and I'm with the
Board of Elections. And I came here as a request

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3 to discuss a few things that you have in front of
4 you for the next couple months. First I guess is
5 Congress.

6 SENATOR NOZZOLIO: Pardon me Mr. Ryan,
7 would you be so kind as to put the microphone a
8 little closer? Great. Thank you.

9 MR. RYAN: First of all is Congress. As
10 a person who lives in Onondaga County I think we
11 here very much would like to see Onondaga County
12 remain whole in the congressional race. I know
13 that we are in the crosshairs of a few things.
14 Forty-three years ago when I moved here down to
15 Bay Ridge and lived there I was amazed how many
16 people in Bay Ridge, my neighbors, did not even
17 know where Syracuse was but that was 43 years
18 ago. I think it's important because we are a big
19 community, we're starting to make strides here,
20 and for us to be dissected to three or four
21 different congressional races and become an
22 appendage of them I think we would lose a great
23 deal of our identity, so I'm imploring you both
upstate and downstate to leave us whole. Second

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3 to primary and I think Senator Nozzolio you point
4 it out well. You have a number of different
5 things pushing on all of your right now that
6 haven't been there in the last couple of
7 different redistricting, and I've been through
8 four of them because I've been elected since the
9 70s formally so I've been through four
10 redistricting processes and we know what goes in
11 there. The Move Act obviously is pushing from my
12 position as the Commissioner of Board of
13 Elections. I hope sincerely that you choose the
14 June primary date and I know that puts some of
15 you in a position if they get redistricted, but
16 the June primary date I think works best for
17 everybody in Onondaga County and the State of New
18 York. And it was done during a gubernatorial
19 election 20-some years ago where it was, and it
20 should go back to June. The New York State
21 redistrict of the Assembly and Senate: Obviously
22 I think you've got a major thing going there. My
23 belief is that both New York State and the New
York State delegates are on the uptick [phonetic]

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3 for the meter for what people perceived as going
4 in the right direction of New York State. And I
5 think with the governor and what was accomplished
6 down in Albany this year I think that we stand
7 proud in the nation of moving in the right
8 direction. My representative, Brian Kolb who I
9 know is anticipating the passage of a
10 Constitutional Convention and I think all of us
11 need that to happen. There are a number of
12 issues that are in place that need to be resolved
13 and fairly, and I believe that--and I do not know
14 your rules, whether you have the ability to leave
15 the districts as they are for two years because
16 as Senator Nozzolio pointed out, if the primary
17 got moved to June it will leave very, very little
18 time for people to promote or do a campaign for
19 redistricting. But I'm wondering if your rules
20 allow you to keep the same Assembly Districts and
21 Senate Districts for two years, let Congress go--
22 I know you can't control the congressional
23 districts--and let the Constitutional Convention
go forth, let them resolve some of these tricky

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3 issues of districting and term limits and all the
4 other things that have to do, and I believe that
5 will show very good for I think the Senate, the
6 Assembly, and New York State in particular that
7 we are moving in the right direction trying to
8 make sure that we run our house correctly.

9 Senator, you raised a question--I'm not sure what
10 the question was--ahead of me about 62 senators?

11 SENATOR DILAN: Yes. My point was that
12 I wanted a clarification from this panel as to
13 are we proceeding to draw the plan based on 62
14 seats, 61 seats, or 63? So I'm saying that this
15 panel should give the public that number up front
16 so--because the assumption right now would be by
17 the public that we're drawing a plan based on the
18 current size of the Senate.

19 MR. RYAN: That's exactly what I thought
20 you were asking, and from this person's
21 standpoint who has served on a legislature with
22 24 and we were deadlocked at 12-12 little or
23 nothing got done. We were at odds ends, butting
heads forever. We went to 19, now we're down to

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3 17. We saw what happened. I think the Senate
4 will be--the Senate races will be closely
5 contested for the next decade anyways between D's
6 and R's or R's and D's. And I think you probably
7 ought to go to an odd number, that would be my
8 belief. Whosoever in charge will have at least
9 one extra rather than bring government to its
10 knees.

11 SENATOR NOZZOLIO: And if I may
12 interject Commissioner, and thank you for that
13 comment. Senator Dilan, I think it's imperative
14 as we continue the hearings that your question is
15 one that we should be asking the public for their
16 view as opposed to determining any kind of
17 dictation on a number, and I think that the
18 Commissioner provided us with that input, and I
19 appreciate very much that discussion and I hope
20 it continues throughout the State, to have the
21 input in terms of what the public wants in terms
22 of a number of representatives. Any questions
23 for Commissioner Ryan? Senator Dilan?

SENATOR DILAN: But first I have to just

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3 say that I do also agree with you Mr. Chairman,
4 that everything we do should be based on the
5 input we get from the public, and I believe that
6 10 years ago that was lacking when we let the
7 public believe that we were drawing lines based
8 on 61 seats and then all of a sudden we gave them
9 62. With that said, I just wanted to ask the
10 Commissioner with the current configuration of
11 the Senate Districts here in Syracuse did I hear
12 you say that you would like to see those lines or
13 the way the districts are drawn currently, that
14 they stay that way now? Is that what you said?

15 MR. RYAN: I spoke about the
16 congressional lines that we--

17 SENATOR DILAN: Oh congressional. No
18 but I heard you mention something about State
19 Senate and Assembly Districts.

20 MR. RYAN: Well, I said when the lines
21 were-- Yeah. My statement was--and I don't know
22 whether you have the ability to delay redrawing
23 those lines for two years. And my question was,
if you had the ability to amend the Constitution

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3 for two years, to delay that until a
4 constitutional convention took place--

5 SENATOR DILAN: We don't have that
6 ability.

7 MR. RYAN: You don't have that? See, I
8 did not know that. Then you really don't have a
9 choice.

10 SENATOR DILAN: Okay. My question then
11 is as the Senate Districts are currently
12 configured here in Syracuse--and perhaps this
13 would have been a more appropriate question to
14 the two-party chairs, is--

15 MR. RYAN: Am I happy with it?

16 SENATOR DILAN: Yeah, are you happy with
17 the way it currently is, or--and the chairs I
18 should have asked them that question.

19 MR. RYAN: I guess really I think Shelly
20 Silver drew the lines to get even with Mike
21 Bragman a few years ago and some of us are
22 disenfranchised here because we're an appendage,
23 where we had four district assemblymen here, now
we've got five. And so I mean I know Brian Kolb

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3 is mine. Don't know if he's ever been to Otisco.
4 I live in Otisco. I don't know if he's ever even
5 been there. So we're just a small priority of
6 what his district is so if you could go back and
7 make us four we'd be happy.

8 SENATOR DILAN: Basically I'm just also
9 hoping to hear from the public in terms of what
10 they feel about the current configuration of
11 their Assembly Districts or of their Senate
12 Districts, or are there different communities out
13 there? I would like to hear are the Districts
14 fair to them or not?

15 MR. RYAN: I think three of our Assembly
16 Districts are well suited and I believe somehow
17 we should go back to having four assembly
18 districts here in Onondaga County; that would
19 please me.

20 SENATOR DILAN: Thank you.

21 MR. RYAN: Okay.

22 SENATOR NOZZOLIO: Commissioner, I know
23 you've been around--

MR. RYAN: Too long.

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3 SENATOR NOZZOLIO: Well I remember you
4 when you had dark hair. Now you and I are dying
5 our hair gray and I understand that you're
6 [phonetic] white. Commissioner, from a Board of
7 Elections perspective, as these lines are being
8 drawn it will be--I'm concerned and if you heard
9 some of my comments earlier about giving the
10 Board of Elections enough time to reorder its own
11 districting numbers and assessments, when a
12 petition process could begin as early as February
13 of this year, that process requires the Board of
14 Elections to be ready and prepared to be able to
15 adapt to that process. And I understand that was
16 the--and likely the motivation for your
17 suggestion that until these issues are determined
18 then it might be better to wait. Do you have any
19 sense of how long it would take to participate
20 and coordinate the election districts for the
21 County of Onondaga with a new redistricting for
22 both Congress, State, Senate, and State Assembly?

23 MR. RYAN: Well, given the fact that if
the status quo stays in place that he towns

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3 remain whole. I have already instructed one of
4 the people on my staff to start looking at EDs to
5 consolidate election districts. We have election
6 districts in Onondaga County that extend from two
7 people in one election district to about 1200 and
8 we have 459 of them. Our biggest problem here in
9 Onondaga County is not the towns because they
10 remain whole; it's the city. And I just spoke
11 with Mr. Roberts over there, a longtime colleague
12 of mine, and when we get into the City of
13 Syracuse which becomes dissected and you have
14 Assembly lines and Senate lines. You could have
15 county legislature lines, you have council lines,
16 and god for bid we have a congressional line, and
17 then we throw in the ward lines which are 19 of
18 them which make no sense anymore to have 19
19 wards. We should have five or six or seven of
20 them. And when you take all those different
21 things and you put them in there it looks like
22 spaghetti, you can't cross them so you've got
23 just two blocks, three blocks in the ED, and
we're trying to reduce the cost of elections.

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3 We've gone from 205 polling places down to 175.
4 It's very expensive with these new machines, as
5 you all know. And so we're trying to go from 459
6 EDs down to maybe the 300, 350 area and make them
7 all around 800 or 900. So the more lines that
8 get crossed in the city the more difficult it is.
9 So as I look at you we're going to do the
10 Assembly and Senate lines. I'll ask you this
11 very politely, if you could try to coordinate the
12 Senate and Assembly lines through the City of
13 Syracuse you'd make our life a lot easier. And
14 that would be every city because that's where it
15 gets convoluted. I mean, I just went through
16 the--what we did with the Onondaga County
17 Legislature and it was horrible what they did.
18 It was politically driven and it was just--some
19 of the districts looked like snakes, some of them
20 looked like octopuses instead of trying to make
21 them cohesive. So if the Senate and Assembly
22 could go through the City of Syracuse and
23 coordinate to some degree it would be very good
for us.

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3 SENATOR NOZZOLIO: Thank you very much.
4 Any other comments?

5 MR. MCENENY: On change. At least we
6 let you draw your own districts now because it
7 used to be-- I know in Albany that the city
8 [inaudible] count so would have to set up the
9 election districts and then tell the Board of
10 Elections what they should be. Now the Board of
11 Elections does it.

12 MR. RYAN: It's one less nightmare we
13 have.

14 MR. MCENENY: It's one less.

15 SENATOR NOZZOLIO: Thank you
16 Commissioner. Thank you very much. Marco
17 Barzoki [phonetic]? Janet Muir [phonetic]? Walt
18 Dixie?

19 MR. WALT DIXIE: Good morning Chair and
20 Members of the Committee. I want to thank you
21 for coming to Syracuse today. This is an
22 interesting subject. I remember ten year ago
23 hearing it. I hear the same conversation. I
think at the end of the day we need to figure

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3 out--and I don't know if this happens or not--
4 that maybe in the future just an earlier timeline
5 to do this so that you don't be pressed for time
6 because I heard that ten years ago. My name is
7 Walt Dixie. I live at 1034 South Geddes,
8 Syracuse. My name is Walt Dixie and today I want
9 to testify on behalf of the Alliance Network, the
10 local chapter of Reverend Al Sharpton's national
11 network. We are a multicultural grassroots
12 organization focused on community empowerment,
13 economic development, and increasing
14 opportunities for underprivileged communities in
15 central New York. Redistricting is as simple as
16 one person, one vote. Many people take that for
17 granted but those of us on the front line for the
18 struggle for fairness and justice understand the
19 sacrifice involved in the civil rights movement
20 and what it took to pass the Voting Rights Act
21 and the Civil Rights Act. We understand the
22 struggle, the marches, the sit-in, the beatings,
23 the jailing, the lynchings, the assassination of
our leaders. We also understand our history. We

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3 know we didn't change America's minds on race all
4 by ourself. As a country we came together, we
5 told Jim Crow where to go, and together we made
6 history in 2008 by electing President Obama. But
7 there's still more to do and we have to do it
8 together. My message today is very simple. If
9 redistricting is based on the premise of one
10 person, one vote, then why can't we also make it
11 about one city or one county equals one district?
12 For Congress why does Erie County have three
13 members of Congress when it can have two? Why
14 does Monroe County have four when it could have
15 one? When you look at the Senate, why is the
16 City of Rome divided two ways? Why is the City
17 of Syracuse divided in two ways? Why is the City
18 of Rochester divided in three ways? Why is
19 Buffalo divided in two ways? We know the answer
20 why, because that's the way it has been done in
21 the past, incumbency needs to be protected,
22 that's politics. But doesn't the record speak
23 for itself? Doesn't decades of higher taxes,
hundreds of thousands of people leaving western

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3 and central New York prove we need a better way?
4 What more proof do you need than the high dropout
5 rate, high property taxes, and high unemployment?
6 Look at Monroe County and the City of Rochester.
7 They spend more money per people than any other
8 school district in the state but have the worst
9 results. Rochester has three senators but not
10 one of them is from Rochester. One is from the
11 town of Hieronta [phonetic], one is from the Town
12 of Greece, and the other--and one is an hour away
13 from Niagara County. Their record speaks for
14 their self and the children of Rochester deserve
15 better. When the Mayor of Rochester, now
16 Lieutenant Governor, asked the Legislature to
17 give him control over the schools not one of
18 Rochester's three senators would support his
19 request. There has to be a better way to reach
20 the policies outcome our kids deserve. If the
21 definition of insanity is doing the same thing
22 over and over and expecting a different result we
23 need to stop the insanity and we need to change
the way we draw districts. As long as our cities

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3 are divided we will never have people who
4 represent the needs of urban taxpayers in Upstate
5 New York. If the United States in divide we fall
6 our cities would never be united as long as
7 politically divided, resource-starved. I've
8 asked all of you to consider ending the splitting
9 of cities as you do your work. Let me close by
10 saying this, I mentioned President Obama before.
11 For each of the past four rounds of redistricting
12 there has been a Republican president and
13 consequently a less-than-helpful Justice
14 Department when it came to reviewing the Voter's
15 Rights Act claims. With a Democrat in the White
16 House I expect a fair interpretation of the
17 Voter's Rights Act as related to downstate
18 districts. I urge this Task Force to keep in
19 mind as you draw your districts avoid the
20 overpacking, gerrymandering of downstate
21 districts. And while it's probably too much to
22 ask this Task Force, I urge you to adopt
23 standards for all districts and counties
consistent with the Voter's Rights Act and then

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3 draw districts that are [inaudible] and
4 representative of all the peoples that we serve.
5 Thank you very much. But before I close I'd just
6 like to say I thought that--this year I want to
7 commend the Governor, the Senate, and the
8 Assembly for the bipartisan support of all the
9 major accomplishments you have done. I think in
10 the spirit of that line moving forward I think
11 what great opportunities to try to get this right
12 in the way that for me as an African American and
13 my Hispanic family and poor whites on the west
14 side of Syracuse, that we have the kind of
15 representation that we-- The recession has just
16 not started; we've had this recession for a
17 decade. We need representation that is reflected
18 and can be leveraged fairness in the State of New
19 York. Thank you.

20 SENATOR NOZZOLIO: Thank you very much
21 Mr. Dixie. Any questions of the panel of Mr.
22 Dixie? Thank you sir. Dana Johnston?

23 MS. DANA JOHNSTON: Hi.

SENATOR NOZZOLIO: Good afternoon.

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3 MS. JOHNSTON: My name is Dana Johnston.
4 I live at 5232 East Fox Hill Lane in Camillus,
5 New York. I'm a taxpayer, a voter, and possibly
6 I represent the not-so-desperate Housewives of
7 Fox Hill and working moms in Camillus. I'd like
8 to thank you for convening this panel in
9 Syracuse. I'm very grateful that the opportunity
10 presents for us to talk. So thank you very much
11 for that and thank you for listening. Today I'd
12 like to say that Onondaga County should not be
13 divided and the 25th Congressional District
14 should not be cut into parcels. When our family
15 moved to Onondaga County 11 years ago we came
16 because of a job opportunity in Syracuse.
17 Although we lived in a town outside the city
18 limits when I'm traveling and people ask where
19 I'm from I say Syracuse. Syracuse is the heart
20 of this region and it is in no small part how
21 people who live in the area surrounding the
22 actual city think of themselves. They bleed
23 orange. They identify with the great
educational, medical, cultural, and civic

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3 opportunities of Syracuse, which are inextricably
4 linked to those of Onondaga County as a whole.
5 To divide Onondaga County would undermine the
6 cohesiveness of the region. It would also impact
7 on the quality of representation the citizens of
8 this region have in Congress. The cultural and
9 religious diversity of the Greater Syracuse area
10 and Onondaga County is unfortunately not matched
11 by Plattsburgh. It's hard to understand why
12 someone would think it would be a good idea to
13 make the communities which surround Syracuse
14 satellites in a constellation built around
15 another city such as Rochester. We don't need
16 another center of our universe; we have Syracuse.
17 There are numerous federal issues that Syracuse
18 and Onondaga County as a whole will need to
19 address as a whole such as rebuilding of
20 interstate highways, homeland security,
21 immigration, and environmental issues. The
22 congressional representative will need to serve
23 one consensus group of constituents which is
already present in today's congressional district

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3 with some little tails [phonetic] attached.

4 Another reason to keep Onondaga County as one
5 whole entity when it is represented in the United
6 States Congress is that voters can more easily
7 identify their representative. When
8 congressional districts resemble Rorschach blots
9 rather than logical, contiguous geographic units
10 voters become less likely to be involved. A
11 famous United States congressman once said that
12 all politics is local, and in this instance I
13 apply it to mean Syracuse is local to Onondaga
14 County voters and Onondaga County is local to
15 Syracuse. Please keep the county united. Thank
16 you.

17 SENATOR NOZZOLIO: Thank you very much.
18 Any members of the panel have questions? Thank
19 you. Brionna Murphy? I'm sorry it's Brianne
20 Murphy?

21 MS. BRIANNE MURPHY: Good afternoon. I
22 think I'm the first person that got to say good
23 afternoon. Thank you for the opportunity to
testify and for hosting this hearing here in

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3 Syracuse. I would like to introduce myself. My
4 name is Brianne Murphy and I'm currently a
5 candidate for Congress here in the 25th
6 Congressional District. As we are winding down
7 for the day I want to keep this brief but I will
8 supplement my testimony with written--

9 SENATOR DILAN: What's your address for
10 the record please?

11 MS. MURPHY: I'm sorry? It's 1801 West
12 Genesee Street, Syracuse, 13204.

13 SENATOR DILAN: Thank you.

14 MS. MURPHY: I did just want to take the
15 opportunity to publicly support a call for an
16 independent panel as well as to echo without
17 repeating the sentiment shared by Vita, Tom, and
18 so many others here today that Onondaga County
19 and Syracuse should be kept intact. We obviously
20 share a robust culture, history, and regional
21 economic, social, and geographic interests. As
22 such, I want to respectfully urge each of you to
23 base your decision not on political popularity
but rather on the population decline in other

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3 parts of the State. That I'd like to say thank
4 you and have a wonderful afternoon.

5 SENATOR NOZZOLIO: Thank you very much.
6 Any comments? Questions? Thank you. Paul
7 Cianfrocca? Did I pronounce your name
8 incorrectly Paul?

9 MR. PAUL CIANFROCCA: Good afternoon
10 gentleman. My name is Cianfrocca.

11 SENATOR NOZZOLIO: I pronounced it
12 correctly, thank you.

13 MR. CIANFROCCA: I'm a private citizen
14 residing at 909 Onondaga Road in Fairmont in the
15 Town of Camillus. I don't represent any
16 organization and I don't want to take up too much
17 of your time but I wanted to say a few things
18 about congressional redistricting. The most
19 important thing I would like everyone in this
20 room to take away from this is that we the people
21 of New York State do not want safe congressional
22 seats; we want competitive elections. The way
23 it's been done in the past will not do to have
three men in a room trading Republican towns for

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3 Democratic towns, saying Give me Republican
4 voters for my Republican districts and I'll give
5 you Democratic voters for your Democratic
6 districts. That way all the incumbents become
7 safer and all the elections become less
8 competitive. We don't want that. And the
9 second thing I would like to say is that when we
10 lose congressional seats in New York as we have
11 just about every round lately, the way they've
12 approached it in my opinion is wrong which is to
13 say, whom do we eliminate? I don't think that's
14 the right approach. I think a better approach
15 would be to start from scratch and build
16 congressional seats around population centers.
17 I didn't bring a map with me but I feel that I
18 can explain my idea of a fair redistricting plan
19 very simply. If you draw a line from north to
20 south along the lines of Cayuga Lake and you take
21 all the counties to the west of that and call
22 that western New York you have enough there for
23 four congressional seats and you would only have
to borrow about 20,000 people from perhaps Tioga

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3 County along the southern tier. That way you
4 have two seats for Rochester and two seats around
5 Buffalo. And the last thing I want to talk about
6 is Onondaga County, the 25th Congressional
7 District. At this time we have Wayne County and
8 Monroe County in this district, and I don't think
9 they belong there. I think they belong in
10 western New York. So if you take those out we're
11 left with Onondaga County and the northern part
12 of Cayuga County which is sparsely populated.
13 Why not give us all of Cayuga County? Put
14 Syracuse and Auburn in the same district. I
15 think that's very fair and reasonable, and to
16 that I would add Cortland County and Tompkins
17 County to make a nice rectangular neat district.
18 And I think that's very reasonable. And if you
19 look at the past district you'll find that it
20 would look very much like the district we had
21 before this latest round of redistricting when it
22 was represented by Congressman Walsh, and that's
23 all I have to say. Thank you for listening.

SENATOR NOZZOLIO: Thank you very much.

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3 Any questions for the testifier? Thank you for
4 your suggestions. This brings to call now those
5 who were called earlier but did not respond.
6 Taneka Jones [phonetic]? Professor John Abud
7 [phonetic]? Professor Jeffrey Stonecash
8 [phonetic]? Monica Miranda [phonetic]? Marco
9 Marnozzi [phonetic]? Janet Muir [phonetic]? And
10 John Field [phonetic]?

11 MR. MCENENY: I believe Monica Miranda
12 is also Monica Aurias Miranda [phonetic].

13 SENATOR NOZZOLIO: Are any of those
14 people present? Anyone else wish to testify?
15 Having heard none then Assemblyman McEneny?

16 MR. MCENENY: We thank you all for
17 coming. WE thank you for your patience and
18 consideration and for the ideas that you bring
19 forward. For those people who couldn't make, we
20 look forward to their testimony sent to the Task
21 Force, and this is the first and has been a very
22 good and very productive meeting and we hope to
23 have more of them. We've got 11 more scheduled
across the State then somebody has to do the

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3 drawing of the lines which is always very
4 difficult, and then we will come back for 12 more
5 with actual districts to discuss in greater
6 detail. Thank you very much.

7 SENATOR NOZZOLIO: Thank you
8 Assemblyman. Before closing I just want to thank
9 members of the Task Force for their
10 participation, that we need to certainly
11 compliment and thank our host, the City of
12 Syracuse, for allowing us to be in their City
13 Council Chambers right in downtown Syracuse. The
14 Task Force remains committed to a fair, open, and
15 transparent bipartisan process. This first
16 hearing we can shake off the growing pains and I
17 think it was a very helpful hearing and that I
18 believe each of the rest of the hearings will
19 continue to be in that vein. We want to also
20 indicate that the Task Force is committed to
21 taking testimony. For all those who may be
22 viewing this hearing on the LATFOR web site
23 written testimony, if you cannot make one of the
hearings is welcome and that we will make it part

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3 of the official record of the hearings as a
4 portion of public input. So please feel free to
5 share any written comments that those in the
6 audience or those who are viewing this hearing
7 may wish to attend. Again, thank you for the
8 participation. This meeting is adjourned.

9 (The public hearing concluded at 12:30
p.m.)

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C E R T I F I C A T E

I, Nina Weldon, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 110, inclusive, is a true record prepared by me and completed from materials provided to me.



Nina Weldon, Transcriptionist

July 26, 2011