

NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT

PUBLIC HEARING ON
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

City Hall Council Chambers, Room 302-A

30 Church Street

Rochester, New York

Wednesday, July 20, 2011

10:00 a.m.

Demographic Research and Reapportionment-July 20, 2011

TASK FORCE MEMBERS:

MICHAEL F. NOZZOLIO, SENATOR, CO-CHAIR

JOHN J. MCENENY, MEMBER OF ASSEMBLY, CO-CHAIR

MARTIN M. DILAN, SENATOR

ROBERT OAKS, MEMBER OF ASSEMBLY

DEBRA LEVINE, CO-EXECUTIVE DIRECTOR

LEWIS HOPPE, CO-EXECUTIVE DIRECTOR

ROMAN HEDGES

WELQUIS LOPEZ

INDEX

	Page
ASSEMBLY MEMBER JOHN J. MCENENY, CO-CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT	5
SENATOR MICHAEL NOZZOLIO, CO-CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT	7
ASSEMBLY MEMBER ROBERT OAKS, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT	11
SENATOR MARTIN M. DILAN, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT	12
ROMAN HEDGES, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT	13
DAVID LUM MEMBER, CITIZENS FOR A BETTER NEW YORK	17
WILLIAM GERLING	25
KATHERINE SMITH, PRESIDENT LEAGUE OF WOMEN VOTERS ROCHESTER METRO AREA	28
ANTHONY ROSATI	38
KEVIN GALLAGHER	46
JOHN O'NEIL CITIZENS FOR A BETTER NEW YORK	60
JOSE CRUZ, CHIEF OPERATING OFFICER & COMMISSIONER OF ROCHESTER CITY SCHOOLS	63
NANCY SUNG SHELTON, BOARD PRESIDENT GROUP 14621 COMMUNITY ASSOCIATION INC.	74
GERALD DONAGHY	79

Demographic Research and Reapportionment-July 20, 2011

NATHAN L. JASCHIK, PRESIDENT CITIZENS FOR A BETTER NY	80
MONICA M. ARIAS MIRANDA, MPA PRESIDENT & CEO THE HISPANIC COALITION NY INC.	89
HONORABLE SANDRA L. FRANKEL, SUPERVISOR TOWN OF BRIGHTON	101
MARK ASSINI, TOWN SUPERVISOR TOWN OF GATES	111
REGINALD NEALE, PRIVATE CITIZEN	116
AMY HOPE WITRYOL, PRIVATE CITIZEN	122
R.A. (TONY) LAFOUNTAIN, TOWN SUPERVISOR TOWN OF PENFIELD	132
STUART BERGER MEMBER, CITIZENS FOR A BETTER NEW YORK	141
WILLIAM W. MOEHLE, ESQ.	143
CORNELIUS SULLIVAN, PRIVATE CITIZEN	146

1 Demographic Research & Reapportionment-July 20, 2011

2 (The public hearing commenced at 10:00
3 a.m.)

4 ASSEMBLY MEMBER JOHN MCENENY, CO-CHAIR,
5 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
6 RESEARCH AND REAPPORTIONMENT: Good morning, and
7 thank you very much for attending this public
8 hearing. It is the second public hearing that
9 the Legislative Task Force for Demographics and
10 Redistricting has had. We had one yesterday as
11 some of you know in Syracuse. It had very good
12 attendance, some very good input from that
13 community, and this is again the second of our
14 initial 12 public hearings across the state of
15 New York, which will be followed by a draft of a
16 revised map for Congress, the New York State
17 Senate, New York State Assembly and then another
18 12 public hearings that will probably occur in
19 November, December, and if necessary into
20 January. I'd like to introduce the people who
21 are up here on the panel. There are six members
22 of this bipartisan legislative commission, and
23 they are to my immediate right my co-chair
24 Senator Mike Nozzolio. We are from the majority

1 Demographic Research & Reapportionment--July 20, 2011

2 party of our house. I'm John McEneny from the
3 Assembly. We have the minority representative,
4 Senator Martin Martin Dilan, and from the
5 Assembly, Robert Oaks is an Assemblyman. We have
6 two private citizens who sit upon the Task Force,
7 to my right Ray Lopez from the Senate side and to
8 my left Roman Hedges from the Assembly. We also
9 have here on the panel the co-executive
10 directors, from the Senate side Debra Levine and
11 Lewis Hoppe from the Assembly. The purpose of
12 this hearing is to get input on whatever you wish
13 to give input on on those three legislative areas
14 of Congress, Senate and Assembly, and we have a
15 good number of speakers here. I have 20, but I
16 see people signing up since we've come in the
17 room. It is our hope that this will be the most
18 open redistricting that has ever occurred in the
19 state. The software, which is in the hands of
20 private citizens how, there are people out there
21 in groups who are designing districts, making
22 recommendations. You will be able--LATFOR as the
23 nickname goes for the Task Force, will accept
24 testimony in writing, even maps if you have them

1 Demographic Research & Reapportionment-July 20, 2011

2 on the record continuously throughout the entire
3 process. I know yesterday there were some people
4 who couldn't show up. Their testimony
5 nonetheless will be counted, and if you provide
6 testimony and decide after hearing what some of
7 your fellow citizens have said that there was
8 something you should have added or something you
9 left out, again this is an open process. This
10 wave of public hearings will go straight through
11 until the fifth of October, so there is plenty of
12 time before anybody officially gets to drawing
13 maps.

14 I'd like to turn it over now to my co-
15 chair, Senator Mike Nozzolio. Both of us are
16 upstaters so we're very familiar with the
17 territory here.

18 SENATOR MICHAEL NOZZOLIO, CO-CHAIR, NEW
19 YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
20 RESEARCH AND REAPPORTIONMENT: Thank you. Thank
21 you, Assemblyman McEneny, and welcome to those
22 who are participating in this the second of
23 hearings that we will be conducting across the
24 state to take testimony on the issues relating to

1 Demographic Research & Reapportionment-July 20, 2011

2 the decennial process of redistricting. I want
3 to emphasize comments that you made yesterday,
4 Assemblyman, emphasize the fact that this LATFOR
5 commission, which is unique in the legislature in
6 that there are co-chairs from the Assembly and
7 the Senate. There are members of the Assembly
8 and Senate participant as well as citizen members
9 of this commission, a commission that by law has
10 a responsibility and a fiduciary obligation to
11 under current law begin the process of providing
12 public access to the redistricting process as
13 well as eventually under current law drawing the
14 lines for Congress and the State Legislature that
15 we are here because the law says we are to be
16 here. We are formed because the law says we are
17 to be formed. There are many who disagree with
18 that law, and we respectfully accept their
19 opinions as part of the record. But it needs to
20 be emphasized that as the law stands today this
21 obligation is the obligation of the Task Force
22 and that we want to fulfil that obligation as you
23 said, Assemblyman, in the fullest and most
24 responsible way possible. There will be hearings

1 Demographic Research & Reapportionment-July 20, 2011

2 in every region of the state, that each of those
3 hearings is video recorded. That recording
4 becomes part of the permanent record of the Task
5 Force. That recording will be also transcribed
6 so there will be a visual and written record as
7 we go across the state and take testimony from
8 interested citizens. We also want to emphasize
9 for the record that this hearing is only a small
10 part of taking interested testimony from
11 interested citizens. Every citizen wishing to
12 voice an opinion if they cannot make the hearing
13 in person are encouraged to provide written input
14 to the Task Force. The LATFOR web site is
15 available. We want to make that part of the
16 ability of citizens to provide that input as
17 directly as possible.

18 I'd also like to answer my good
19 friend/colleague Senator Dilan's question. Even
20 though he didn't raise it today, he has raised it
21 at two prior meetings that the Task Force has had
22 the organization meeting and the first hearing in
23 Syracuse. The Senate is currently at a number,
24 the New York State Senate is currently at a

1 Demographic Research & Reapportionment-July 20, 2011

2 number of 62 members, and that Senator Dilan
3 raising a very thought-provoking question as to
4 what will the number of the Senate be? The
5 Constitution and the laws of the state provide
6 for the ability for that number to grow or shrink
7 depending on particular policy questions, and
8 Senator Dilan has raised that question now twice.
9 I think that it's important to put out that we
10 certainly would welcome, and I frankly don't
11 believe any decision should be made, Senator,
12 until at such time as the public has an
13 opportunity to review that process and provide us
14 with input. Let the public tell us whether the
15 State Senate, which is now at 62 should be
16 changed to another number. So in anticipating
17 your question, I think it's a very good question,
18 a very good issue, and you raised it. I think we
19 should let the public know from the outset. I
20 wasn't sure whether you were going to raise it
21 today or not, but the public should know from the
22 outset that they have--certainly are welcome to
23 provide input on that particular question for
24 this commission. With that, Co-Chair McEneny,

1 Demographic Research & Reapportionment-July 20, 2011

2 it's a pleasure, and I look forward to the
3 testimony today.

4 MR. MCENENY: Thank you, Senator.

5 Before we begin that testimony, I'd like to give
6 the other members of the panel up here an
7 opportunity to comment. We obviously alternate
8 chairmanship, so I'll go to Bob Oaks, a member of
9 the Assembly.

10 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK
11 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
12 RESEARCH AND REAPPORTIONMENT: Thank you,
13 Chairman McEneny, and thank you, everyone, for
14 being here today. I look forward to having your
15 input as a part of this process as we go across
16 the state with the ultimate goal of coming up
17 with a fair plan that will serve the citizens of
18 New York over the next ten years as we have
19 districts that are drawn in the Assembly, the
20 Senate and our Congressional District. So, thank
21 you for your participation today whether it's
22 listening or whether it's providing testimony for
23 us. Thank you.

24 MR. MCENENY: Thank you. Senator Dilan?

1 Demographic Research & Reapportionment-July 20, 2011

2 SENATOR MARTIN DILAN, NEW YORK STATE
3 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
4 AND REAPPORTIONMENT: Thank you very much, Mr.
5 Chairman. First of all, good morning to everyone
6 in the public, and I just like again to indicate
7 that the previous comments that I have made for
8 the record are there already so I will not repeat
9 them. Anyone who is interested in listening to
10 those statements, they can go to the LATFOR web
11 site and I encourage everyone in the public to do
12 that. Yes, Mr. Chairman, with respect to my two
13 points in regard to the size of the Senate, you
14 very eloquently articulated that position, and I
15 do look forward for input from the public in
16 terms of whether the Senate should be 61, 62, or
17 63 members. We have the ability to change that
18 so I would love to hear from the public with
19 respect to that. My second issue has been the
20 non-compliance by this panel with respect to the
21 2010 law, which has to do with where do we count
22 prisoners. The law that passed in 2010 and
23 signed by the governor would count prisoners in
24 their home of record so my position is that we

1 Demographic Research & Reapportionment-July 20, 2011

2 comply with that law, or we basically don't count
3 those prisoners in any location. So I would love
4 to hear from the public with respect to those two
5 issues, and also we're interested in listening to
6 your current configuration of your Congressional
7 districts, Senate districts and Assembly
8 districts, and we would love to hear whether you
9 feel that het current configuration that you have
10 is fair or any suggested changes you have. With
11 that said, I look forward to listening to the
12 testimony. Thank you.

13 MR. MCENENY: Mr. Hedges, did you want
14 to add anything to that?

15 ROMAN HEDGES, NEW YORK STATE LEGISLATIVE
16 TASK FORCE ON DEMOGRAPHIC RESEARCH AND
17 REAPPORTIONMENT: Just briefly. I have
18 participated in this process for a number of
19 years, and I look forward to hearing from each
20 and every one of you.

21 MR. MCENENY: Thank you. Mr. Lopez?
22 Thank you, we will move forward now. We also
23 want to thank the City of Rochester for making
24 this magnificent building available to us for

1 Demographic Research & Reapportionment-July 20, 2011

2 this public hearing. It is a legacy to the
3 industry and the commitment to public service
4 that was in this city when it was built in 1884
5 originally as a federal building. Eventually
6 became the City Hall, and we will make history
7 today I am afraid because I think for the first
8 time since 1953 Rochester is going to hit 100
9 degrees. So it's good to be in an air-
10 conditioned, high-ceiling room like this one.
11 The only thing that was not mentioned, and I
12 would like to point out is the question of the
13 calendar. This year is different from past
14 redistrictings, and the reason is that the United
15 States Department of Justice is justifiably
16 concerned with the fact that as many as 20% of
17 our men and women in service case absentee
18 ballots, which for timing reasons are never
19 counted, which can make a major difference in
20 some elections. And because of that they have
21 asked us, rather ordered us, to change the date
22 of the primary to something, which will make it
23 possible to ensure that every absentee ballot is
24 counted and add additional days to get those

1 Demographic Research & Reapportionment-July 20, 2011

2 absentee ballots out and back in in time for a
3 final count. Because of that, it is unlikely
4 that we would ever move a primary to August or
5 July simply because of the realities that people
6 are not around. Some schools are not open. They
7 are common polling places and a number of other
8 reasons. So what we are looking at is a very
9 likely June primary. Now, count back 45 days for
10 mailing out absentees, allow a period of time
11 after petitioning when a potential candidate
12 accepts or declines a designation, add the period
13 of five weeks or so to get the petitions on the
14 street, and you realize that the Legislature, and
15 then add the time that parties have to send out
16 notice and then hold their party conventions on a
17 county level or town level locally, and you
18 realize that the Legislature will most likely
19 need to vote this year on a finished plan in the
20 month of February. So, it is important that we
21 move straight away with these public hearings,
22 and it's important that we conduct them in a
23 professional manner and have something of the
24 Legislature in January to start examining.

1 Demographic Research & Reapportionment-July 20, 2011

2 MR. NOZZOLIO: Assemblyman, if I may, I
3 appreciate that outline. I think it's very
4 helpful, but also added to that need to emphasize
5 the fact that New York being a voting rights
6 state and a voting rights county including this
7 county and other counties across the state, in
8 order to comply with the Voting Rights Act, there
9 is an independent review conducted by the United
10 States Justice Department, and that review takes
11 time as well. So adding that to the mix creates
12 additional time pressures. That's why I think we
13 need to emphasize we began this process, and I
14 appreciate your leadership in starting the
15 process now. We couldn't wait any longer, and as
16 it is, we will be far against the gun in terms of
17 time pressure.

18 MR. MCENENY: Thank you, Senator. We
19 call upon David Lum, a member of Citizens for a
20 Better New York. If you would come up here, bear
21 in mind that this is being filmed, televised,
22 however we do it now with new technology, and
23 will show up on the LATFOR web site. Eventually,
24 what you say will be turned into a written

1 Demographic Research & Reapportionment-July 20, 2011

2 transcript, which will become part of the record,
3 and should this go to Court as most
4 redistrictings do, will surely be reviewed by the
5 Justice Department. That written record is a
6 very important thing. So, Mr. Lum, if you would
7 give you name, your address, and if you represent
8 an organization, please say so.

9 DAVID LUM, CITIZENS FOR A BETTER NEW
10 YORK: Thank you, Mr. McEneny. My name is David
11 Lum. My address is 5 Wolf Trap. I live in
12 Pittsford, New York, and I'm a member of a group
13 called citizens for a Better New York. And I'm
14 here to talk about three quick points that I
15 think are in direct support of the urgency which
16 you spoke of just a few moments ago because of
17 the many pressures which were described.

18 Last fall we citizens throughout the
19 state listened to the many campaign promises,
20 pledges, statements about the need for fully
21 independent redistricting, and voters went to the
22 polls, which is another way of giving testimony,
23 of course, asking for this fresh new look. And
24 there has been legislation proposed in both the

1 Demographic Research & Reapportionment-July 20, 2011

2 Senate and Assembly, and particularly the
3 Governor's proposed bill has yet to be acted upon
4 as I understand and it's being held for review in
5 committee. But we listened to the campaign
6 promises, and we said we want accountable
7 legislators. We heard that the elected officials
8 we elected after they were, election results came
9 out that they would end the practice of
10 gerrymandering, which has taken place for too
11 many years in New York. We are still waiting.
12 The bills are still bottled up as we understand
13 it, and we ask that the LOTFOR committee--we
14 thank you for taking the leadership on this,
15 should inspect any final plan and I'm sure you're
16 going to hear many of them for three important
17 factors. One is ensure that all districts have
18 roughly equal populations. By roughly means we
19 need to take into account communities of interest
20 and the other court decisions that have been
21 made over the years, and the district should be
22 no larger or smaller than 3% of the average.
23 Second of the three points, we ask the districts
24 be compact and fully contiguous as set forth by

1 Demographic Research & Reapportionment--July 20, 2011

2 the state constitution and we believe court
3 decisions also. The third and final point I want
4 to make is that no plan should consider party
5 enrollment. I happen to--the groups, which are
6 redrawing the lines, should not have access to or
7 memory of the particular party affiliation, we
8 feel, of the residents within the proposed
9 district.

10 MR. MCENENY: Excuse me, they should not
11 have memory of?

12 MR. LUM: Well, should there be a person
13 with a photographic memory.

14 MR. MCENENY: Some of us read the paper
15 and look at the election results. I think we
16 can't wipe our memories out.

17 MR. LUM: Well, no, but some people can
18 conveniently recall things more than other. So,
19 I stand corrected on that. Thank you very much,
20 or voting patterns of home addresses. But you do
21 raise an interesting point. One of the issues
22 that Rochester faces is the town's manufacturing
23 is being outsourced to other states, cities, and
24 countries, and if there's one thing that should

1 Demographic Research & Reapportionment--July 20, 2011

2 be maybe outsourced would be drawing lines. It
3 would be great to have some people from Quebec,
4 Canada consider our laws here and draw the lines.
5 That's--and I apologize for the remark, but it's
6 that level of understanding that we want.

7 MR. MCENENY: Let me interrupt. I told
8 that to *The Post* that we should get Canadians if
9 we want independent people and recommended French
10 Canadians who would be less influenced by the
11 biased English-speaking press in this country so
12 you stole my line but I think I'm in *The Post* on
13 that.

14 MR. LUM: We did not partner on this.
15 So fundamentally, I want LATFOR, or the other
16 organization, or particularly the Governor's bill
17 to be released from committee, passed into law,
18 in accordance with the pledges that were made
19 prior to the last election, and we would like
20 this to happen as you point out within the next
21 few weeks. Time pressure is on us or we're going
22 to be saddled with the same stacked electoral
23 maps we have had, and we don't believe that's
24 good for the long-term prosperity and success of

1 Demographic Research & Reapportionment-July 20, 2011

2 the people in our state. So, I thank you again
3 for coming to Rochester and listening to the
4 testimony of those who live here all year long.
5 Thank you. Any questions, gentlemen?

6 MR. MCENENY: Yes, would anybody?
7 Senator?

8 MR. NOZZOLIO: Thank you, Mr. Chairman.
9 Thank you very much, Mr. Lum, for a very cogent
10 and pointed approach. I appreciate that. A
11 question about what role, if any, the legislature
12 should play in the process. You indicated you
13 believed it should be totally independent. Do
14 you think that the legislature should have the
15 authority to approve or disapprove a plan that is
16 pro-authored by some other enterprise or entity?

17 MR. LUM: I believe that the legislators
18 are empowered to make their own decisions. They
19 can certainly listen to input from other groups
20 or organizations, and they certainly should as
21 you folks are doing here today. And I appreciate
22 that, but indeed under our representative form of
23 government they should propose legislation in
24 accordance with the campaign promises and frankly

1 Demographic Research & Reapportionment-July 20, 2011

2 in accordance with the Bills. I don't recall the
3 particular Bill numbers.

4 MR. NOZZOLIO: I guess the essence of my
5 question was, and I respect the opinion, it's
6 widely held that there should be total
7 independence of this process from the
8 legislature. Do you agree with that?

9 MR. LUM: The word "total" is a very
10 harsh word. I think they should have input.

11 MR. NOZZOLIO: Let me try to re-phrase
12 that then to make it a little more focused. I
13 won't be so general. To be more focused, should
14 the legislature have final approval of the
15 redistricting plan?

16 MR. LUM: I feel that an independent
17 group who is aware of the court rulings on this
18 and our state constitution and you'll hear some
19 other quotes on our constitution should do that.
20 To the extent that they are aware of that and
21 have been briefed on it that we need to follow or
22 constitution, and I think--

23 MR. NOZZOLIO: [interposing] I
24 appreciate that.

1 Demographic Research & Reapportionment-July 20, 2011

2 MR. LUM: I can't say right now that the
3 legislature should have final approval?

4 MR. NOZZOLIO: Are you for it or against
5 it? You don't have an opinion on it?

6 MR. LUM: I don't have an opinion on
7 whether the legislature should do that.

8 MR. NOZZOLIO: I appreciate very much
9 you offering your opinions today, and thank you
10 for your testimony.

11 MR. LUM: Thank you.

12 MR. MCENENY: Thank you. Anyone else
13 like to comment? Senator Dilan?

14 MR. DILAN: Just a quick question. Do
15 you have a position on the size of the Senate,
16 whether it should be 61, 62, or 63? And the
17 reason why I continually push this question is
18 because ten years ago throughout all the hearings
19 the assumption was that the Senate was going to
20 be at 61, and that's what the public was basing
21 their plans on and many advocate groups were
22 drawing their plans based on 61. Low and behold
23 when the maps come out, we're talking about 62
24 districts. My position is that we should let the

1 Demographic Research & Reapportionment-July 20, 2011

2 public know what size the senate is so when they
3 put their plans together, they do it based on the
4 same number that we do. Do you have any position
5 on that?

6 MR. LUM: My general position is that
7 I'm more driven by the ability to make speedy,
8 rapid decisions. And I would like to accelerate
9 that, and I believe that smaller organizations
10 are able to do that. So, I would oppose as the
11 populations have shifted in New York State that
12 we move and we're losing two Congressional seats
13 that we reflect that in the number of people in
14 Albany as well, smaller. Thank you. Any other?

15 MR. MCENENY: Thank you very much.

16 MR. NOZZOLIO: Thank you.

17 MR. MCENENY: Thank you very much.

18 William Gerling? The state's population by the
19 way has grown, not dropped. It varies from
20 county to county where the growth, where the loss
21 is. We're losing Congressional seats because we
22 did not grow as much as other areas of the
23 country. It's not a loss of population.

24 MR. WILLIAM GERLING: Good morning. For

1 Demographic Research & Reapportionment-July 20, 2011

2 the record, my name is William Gerling. I live
3 at 42 Henrietta Street, Rochester, New York, and
4 that's in Swillburg. The recent 2011
5 reapportionment by the City of Rochester and the
6 County of Monroe for the legislative bodies, the
7 City of Rochester did make an effort to keep many
8 of the traditional and historic neighborhoods in
9 the same or one Council District. This was not
10 the case with the county of Monroe where several
11 neighborhoods were split into different
12 legislative districts.

13 While the technology is available to the
14 Task Force to put my home on Henrietta Street in
15 Rochester, New York in the same Assembly District
16 as my mother's girlhood home on Andrews Avenue in
17 the Bronx in the same Assembly District, please
18 don't get carried away.

19 I urge the Task Force to keep the 131st
20 Assembly District, the 56th Senatorial District,
21 as well as the 28th Congressional District or
22 whatever numbers they may end up in Rochester
23 Swillburg neighborhood. The people known serving
24 in these districts are people you can work with,

1 Demographic Research & Reapportionment-July 20, 2011

2 and it is always better to deal with the devil
3 you know than the devil you don't.

4 Also, if possible, please put the entire
5 City of Rochester or all of most of the County of
6 Monroe in the same Congressional District,
7 something which has not happened in more than 70
8 years. I do wish the Task Force well in getting
9 their work in bill form and passed some time this
10 date in 2012. I also wish the Task Force well
11 with the litigation, which is sure to come. I
12 also have additional comments.

13 June 2012 primary--it's interesting
14 considering the Legislature is still in session,
15 and as to the Senators comment on the additional
16 Senate, I know it's in the constitution. I've
17 really got to see if the numbers do justify that.
18 Again, welcome to Rochester, and we usually have
19 blizzards when you folks from Albany come. We
20 had a heat wave.

21 MR. MCENENY: Thank you. Members of the
22 panel?

23 MR. NOZZOLIO: As one who represents
24 part of Monroe County, I will assure that there

1 Demographic Research & Reapportionment--July 20, 2011

2 will be no Rochester District connected to the
3 Bronx in whatever form re-districting takes.

4 Thank you very much for your--

5 MR. GERLING: [interposing] But the
6 technology is available, Senator, as you know.

7 MR. OAKS: Mr. Gerling, just before you
8 go, I had a quick question. In the--you talked
9 about trying to keep the Congressional District
10 compact or keep the city or the county as much as
11 possible in a single district. Do you look at
12 that in, for instance, we will have decisions
13 around the Assembly Districts, how many the city
14 might represent as well. Do you have a sense
15 there that we should try to keep, for instance,
16 the city as intact as possible and then the towns
17 outside.

18 MR. GERLING: That really hasn't been
19 done in about 20 years, and with Assembly
20 Districts we seem to be doing spoke and wheel,
21 which seems to be working out to some degree. As
22 the previous speaker said, there is a commonality
23 of interest, and of course how the numbers in the
24 blocks comes up is critical. But, certain

1 Demographic Research & Reapportionment-July 20, 2011

2 neighborhoods should be together. So if we end
3 up with part of the Town of Brighton, I guess we
4 both can live with each other.

5 MR. OAKS: Thank you.

6 MR. MCENENY: Thank you. Katherine
7 Smith, president, League of Women Voters
8 Rochester Metro Area.

9 MS. KATHERINE SMITH, LEAGUE OF WOMEN
10 VOTERS: Good morning.

11 MR. MCENENY: Good morning.

12 MS. SMITH: Katherine Smith, 292
13 Countess Drive. I'm the president of the League
14 of Women Voters for Rochester Metro Area. We
15 very much appreciate your time, and we very much
16 appreciate your service. We know this is a
17 political process. We know this is a complicated
18 political process, and we know that you give much
19 of your time to have this done. The League of
20 Women Voters for decades has advocated for an
21 independent commission to do the redrawing of
22 lines every decade. By independent the League of
23 Women Voters does not mean that it's not
24 partisan. It certainly is fully aware that under

1 Demographic Research & Reapportionment--July 20, 2011

2 the New York State constitution that you are the
3 deciders of the final map. What we are talking
4 about is that members of the Commission, and we
5 are supporting the proposal made by the Governor
6 and will be submitted by the Speaker on the
7 Assembly side, that it possibly be a larger group
8 of people. And one of our goals in the League
9 for the last three decades that we have advocated
10 this at the state level, the county level, the
11 city level, and here in Monroe County we also
12 have the Town of Greece that needs to do
13 redistricting, that there might be more
14 diversity. And we do feel that's very important
15 that the members of the Commission do that. When
16 we say independent, we're talking about the
17 leaders that appoint you in the process--that
18 you're not directed in the final outcome, that
19 the staff is not given particular criteria that
20 they need to do before the map is actually done.
21 We have very strong feelings that we would like
22 to see the criteria published in public before
23 the staff does this kind of work. Of course,
24 they've been doing this work for years. It takes

1 Demographic Research & Reapportionment-July 20, 2011

2 a very long time, obviously, to do this. I also
3 want to welcome you to Rochester. You do know
4 that this is the home of Susan B. Anthony, and
5 the League of Women Voters is the organization
6 that Susan B. Anthony left after the 19th
7 Amendment was passed.

8 We're involved in government and trying
9 to influence government policy. We do it through
10 education and advocacy. We're also members of
11 the state-wide coalition dedicated to reforming
12 the New York redistricting process called
13 ReShape, which consists of 35 organizations,
14 civic, issue-advocacy groups, unions and business
15 organization.

16 While we appreciate the opportunity at
17 today's hearing to provide comment on the
18 redistricting process, we believe that New
19 Yorkers have spoken loud and clear on drawing of
20 district lines. The public wants an independent
21 commission, and I've explained what the League of
22 Women Voters means by that word, to draw the
23 legislative line and the congressional district
24 boundaries, fair, objective criteria that we

1 Demographic Research & Reapportionment-July 20, 2011

2 would like published before the process begins,
3 before we begin looking at maps in other areas.
4 An independent commission drawing impartial
5 district lines would maintain the legislature's
6 ability to give input on the plan and to
7 ultimately pass the legislation in accord with
8 our constitution.

9 Voters across all parties believe an
10 independent body should draw the line. The
11 Governor has proposed legislation for the
12 independent commission. In addition, 61 or 62
13 senators and 163 of 155 assembly members have
14 either signed on to the legislation or a
15 legislative proposal in their respective houses,
16 or they've signed petitions or questionnaires
17 from good government groups supporting reform.

18 A key element of the reforming or the
19 redistricting process is limiting the allowable
20 population difference between the legislative
21 districts that in the past have created districts
22 that vary widely in population, up to 10%,
23 thereby favoring one region over another. The
24 current redistricting process has historically

1 Demographic Research & Reapportionment-July 20, 2011

2 protected incumbents including carving down
3 incumbents competitive homes out of districts,
4 and discouraged competition in the electoral
5 process. In the 2010 election, New York State
6 had one of the lowest rates of voter
7 participation in the nation. We were 47 out of
8 50. We feel that voters have become
9 disenfranchised with the process and that part of
10 it has to do with the redistricting issue. This
11 commission is the only legally mandated process
12 at this time. We do have a concern that the
13 Governor might veto your work. We would not like
14 to see months and months of hard work by
15 dedicated staff who know a very complicated issue
16 just going to the courts as has been
17 unfortunately our history in the past. We do
18 know you are our representatives, and we do
19 support you in your process. We're certainly
20 saying that we don't want any of you to be
21 members of the Commission. We just would like to
22 add a few to you.

23 MR. MCENENY: Thank you. If you'd stay
24 there just a minute, I think you misread the

1 Demographic Research & Reapportionment--July 20, 2011

2 members. There's only 150 members of the
3 Assembly.

4 MS. SMITH: I did misread them, thank
5 you.

6 MR. MCENENY: I know there's a high
7 percentage of people including myself who have
8 signed on to the Governor's redistricting
9 proposal. In your organization you say you have
10 criteria. Some of this criteria is already in
11 the state constitution, but do you have a web
12 site or something where ReShape has listed what
13 they feel is criteria?

14 MS. SMITH: ReShape does have that, and
15 also the League of Women Voters, LWV.org, has a
16 list of--they're the obvious ones that of course
17 you know better than I having worked on this for
18 years compact and contiguous and the things that
19 are under the state constitution. But of course
20 federal court rulings have made their criteria
21 the consideration over even our state
22 constitution in the last decades. The things
23 that we are looking for when we look at criteria
24 are the obvious things that you hear at every

1 Demographic Research & Reapportionment--July 20, 2011

2 hearing, I'm sure, communities of interest, and
3 the diversity issue is very, very important to
4 us. And we do feel that when we were looking at
5 the county and when we were looking at the city
6 just a couple of months ago here in Monroe County
7 that it does matter your life experience and how-
8 -because obviously you come, or I think it's
9 obvious that you come to a consensus. You talk
10 to each other. You work with each other before
11 you present it to your colleagues for their vote.
12 The vote, of course, is a majority vote, but I
13 believe your work is more of a consensus kind of
14 process in working with the staff, and it does
15 matter who makes up the commission I believe.

16 MR. MCENENY: Thank you. Senator?

17 MR. NOZZOLIO: Thank you very much, Ms.
18 Smith, for your testimony. Just a couple of
19 observations and questions. I didn't--I heard
20 your address. I didn't hear the part of it, from
21 what town in Monroe?

22 MS. SMITH: West Henrietta. I live in
23 West Henrietta.

24 MR. NOZZOLIO: You live in West

1 Demographic Research & Reapportionment--July 20, 2011

2 Henrietta. The Town of Henrietta?

3 MS. SMITH: Yes, it is the Town of
4 Henrietta, yes.

5 MR. NOZZOLIO: The Town of Henrietta,
6 one of the concerns that I have in looking at
7 this process across the state in terms of
8 population deviations, and you said that it
9 should be as close as possible. And I certainly
10 agree with that. I think every member of the
11 Task Force agrees with that, but the issue
12 becomes splitting the Town of Henrietta into more
13 than one state legislative district, two
14 assemblymen or three assemblymen or three
15 senators representing the town. Does the League
16 have a position on--in order to get mathematical
17 precision as in the Congress towns are split in
18 the Congress. Do you think they should be split
19 at the state level too?

20 MS. SMITH: One of our criterion is to
21 try where practical, and I believe some of this
22 is the language in the constitution of the State
23 of New York, and there are court rulings on what
24 those words mean, would be to keep the municipal

1 Demographic Research & Reapportionment-July 20, 2011

2 boundaries. But I believe I stated in my opening
3 remarks that I appreciate that this is a very
4 complex process and there's a lot that you have
5 to consider. In the end, of course, your vote as
6 our elected representatives, you make the
7 judgment calls on which ones of those criteria
8 you are able to make your priorities.

9 MR. NOZZOLIO: Well, thank you.

10 MS. SMITH: That's one factor, a large
11 factor, but it's just one.

12 MR. NOZZOLIO: Thank you very much.

13 MR. MCENENY: Senator Dilan?

14 MR. DILAN: Yes, so I just want
15 clarification. What you are asking is that you
16 would like to see this panel come up with
17 criteria before they produce maps?

18 MS. SMITH: Correct.

19 MR. DILAN: And that we're consistent
20 with that criteria in terms of deviation
21 throughout every single senate assembly district?

22 MS. SMITH: Correct.

23 MR. DILAN: Okay, I just want to
24 indicate that for the past two years I was the

1 Demographic Research & Reapportionment-July 20, 2011

2 co-chair of this panel, and we did conduct
3 hearings last year. Based on the information
4 that we did get, we did come up with some
5 criteria. That is also another point that I have
6 that I feel this panel should put out criteria.
7 So I do agree with you. I know the answer I'm
8 going to get is we're trying to get input from
9 the public now, so I'm hoping and calling for
10 when we start the second round of hearings that
11 we will have no excuse not to have criteria for
12 the public that we should have a fixed number for
13 the senate and that we should comply with all
14 existing laws.

15 MR. MCENENY: Thank you.

16 MR. DILAN: Thank you.

17 MR. MCENENY: Are there other questions?

18 MS. SMITH: Thank you.

19 MR. MCENENY: Thank you very much. May
20 we have Anthony Rosati, and I'm sure most people
21 understand that under the state constitution
22 towns unless they're larger than an Assembly
23 District may not be split and that cities once
24 they have been split at all are then butchered as

1 Demographic Research & Reapportionment-July 20, 2011

2 far as neighborhoods are concerned by block on
3 border, which is the same thing that
4 Congressional Districts have. So it has to be as
5 exact as possible no matter how inappropriate it
6 is inside city limits but towns unless the whole
7 town can be moved to the opposite district can't
8 be split. Mr. Rosati?

9 MR. ANTHONY ROSATI, CHARLOTTE COMMUNITY
10 ASSOCIATION: Good morning. Co-Chair Nozzolio
11 has left because he probably knows me. Welcome
12 to the Task Force. My name is Rosati, Anthony J.
13 I live in Charlotte. That's a community that is
14 sometimes owned by the City of Rochester. I'm a
15 lifelong resident and homeowner, lifelong
16 homeowner of the community of Charlotte. I am a
17 charter member and past president of the
18 Charlotte Community Association. I am committed
19 to being buried in one of the dozen or so
20 cemeteries that we have in Charlotte, committee.
21 I think our community has the highest per capita
22 cemeteries of anyplace in the state, but that's
23 not the only thing we have. I've got
24 demographics for what the last redistricting gave

1 Demographic Research & Reapportionment-July 20, 2011

2 us. We are a kind of sleepy community. People
3 that are outside, most of you are from outside of
4 Charlotte. Mike has left so he knows who we are,
5 but that's another story.

6 MR. NOZZOLIO: I was there last night.

7 MR. ROSATI: Oh good. Most people when
8 they think about Charlotte, they think about
9 cemeteries, but we do have demographics and if
10 you need the facts, I have them right here on
11 page 93, the demographics of our community that
12 has almost nothing to do with where ten years ago
13 we got re-districted into downtown Buffalo. I
14 haven't been to Buffalo in 20 years much less
15 know what the heck is going on over there.

16 MR. MCENENY: You're speaking
17 congressionally I hope.

18 MR. ROSATI: Congressionally, yes, yes,
19 yes. Anyhow, if I get choked up incidentally and
20 I'm liable to and falter, I would like to give my
21 blank check to your speaker number seven who I
22 haven't spoken to in many, many months but whose
23 opinion I trust. So I'm going to cut mine a
24 little bit short based on that.

1 Demographic Research & Reapportionment-July 20, 2011

2 I asked several of my neighbors what did
3 they want me to do at this point, and after they
4 cuss and swore a few times, the bottom line
5 seemed to be, "You can say what you want. They
6 will do only what incumbency asks of them." Son
7 of a gun that drives us crazy that that might be
8 the case. If that's the case, why are you
9 wasting time here. If that's not the case, take
10 it seriously, Task Force, and say to yourself,
11 you know, in 10, 15, 20 years going to die, going
12 to leave a legacy. Leave a legacy that we can be
13 proud of, and so far we don't seem to be doing
14 that. My Congressional District takes me to
15 Buffalo. You've already heard that, and I don't
16 mind Buffalo. Our state districting takes us to
17 Brighton. Geese, I haven't been in Brighton in a
18 couple of years either. It's a nice place. It's
19 full of money. It's a good place to be, but it
20 does not have Lake Ontario on our north and the
21 Genesee River on our east, both natural barriers
22 that I don't think we ought to change. On our
23 south we have a cemetery, okay, and we have the
24 ridge of the old Lake Ontario, okay. And on our

1 Demographic Research & Reapportionment-July 20, 2011

2 east we've got another natural barrier, so the
3 key that I'm suggesting regardless of what might
4 be found in small hearings, what I'm suggesting
5 is that our barriers be natural. I like our two-
6 party system. I like all of our representatives,
7 and as was mentioned earlier we get to know them
8 and son of a gun we can work with them. I like
9 that, but our system that we did ten years ago
10 the method is destroying the two-party system.
11 We've ended up with a devolved one-party system,
12 one that says protect incumbency before all else.
13 Gee the last time I heard a party "before all
14 else" was in 1946 out of Germany. Let's hope it
15 doesn't happen again. I'm not going to tell you
16 about the decline and fall of the Roman Empire.
17 I think I'm going to stop talking because my
18 watch says I've got 30 more seconds. If you have
19 any questions, I've got at least 93 pages of
20 notes.

21 MR. MCENENY: Any questions?

22 MR. ROSATI: Mike, you were gone so what
23 the heck you don't care.

24 MR. NOZZOLIO: I'm going to watch the

1 Demographic Research & Reapportionment-July 20, 2011

2 video. I'm going to watch you on video. I'm
3 going to make a special point to now.

4 MR. MCENENY: The one consideration that
5 we all have to remember is that every
6 Congressional District in the State of New York
7 is now too small to be a Congressional District.
8 Even on the eastern tip of Long Island, they
9 don't have enough people. We're dropping down to
10 27 because we didn't grow as much as the nation
11 as a whole, and the Congress likes the number of
12 435, which it basically established in 1912. So,
13 what that means is that we need 717,707 people.
14 So the average district up here is short 70,000
15 people. If a district is to survive, it must
16 expand, and one will have to be dissolved. It's
17 a question of math more than incumbency.

18 MR. ROSATI: I've got the demographics
19 of New York State, and if you wanted a beautiful
20 little congressional district, it would start at
21 Lake Ontario and head if necessary to the
22 Pennsylvania border due south following the
23 Genesee River, and there's easily 500,000 people
24 there all of which know about the wine districts,

1 Demographic Research & Reapportionment-July 20, 2011

2 know about Kodak know about here whereas taking a
3 little sliver and going someplace in China,
4 Buffalo, and saying that's part of us is crazy.
5 It just doesn't work.

6 MR. MCENENY: If you have 500,000
7 people, you are short 217,000 people.

8 MR. ROSATI: The demographic I just
9 described with the corner of Lake Ontario and
10 Genesee River to Pennsylvania has 700,000 people
11 in it. I'll stay as long as you want.

12 MR. MCENENY: Okay, well this is what we
13 wrestle with.

14 MR. NOZZOLIO: Mr. Rosati, please feel
15 free to share that information in terms of any
16 type of specific maps that you have, any
17 configurations that you have. That's part of the
18 mission here of the Task Force is to hear what
19 local citizens want in terms of the shapes of the
20 districts and the locations of the districts.
21 So, you are exactly the reason why we're here,
22 and I would hope that you could just further
23 describe the district that you believe
24 establishes the community of interest that you

1 Demographic Research & Reapportionment--July 20, 2011

2 believe is important and submit that either by
3 mail or in writing, by mail to the LATFOR
4 Commission. We'd be glad to take that and put it
5 into the mix. Thank you for your comments.

6 MR. ROSATI: Thank you, Senator.

7 MR. MCENENY: Are there other questions
8 or comments? Bob?

9 MR. OAKS: Mr. Rosati, just a couple of
10 things. One, I know your overall concerns, and I
11 think as we go around the state some of us know
12 certain regions better than others, but hearing
13 from people from those regions is important. I
14 happen to be one who lives in this general area
15 and whose wife, her grandfather was the founder
16 of Ferguson Hardware in Charlotte, so--

17 MR. ROSATI: [interposing] I know
18 Ferguson's.

19 MR. OAKS: So there you go.

20 MR. ROSATI: Of course.

21 MR. OAKS: So we are connected. One of
22 the issues though I think is it is very
23 difficult. This process--some people have
24 alluded to its difficult. We can create

1 Demographic Research & Reapportionment-July 20, 2011

2 communities of interest in drawing districts, but
3 it is not a process that makes every community of
4 interest happy because 717,000, you can draw a
5 district. Can the one next to it fit into it is
6 one of the challenges, but clearly hearing your
7 interest helps in the overall process. You
8 mentioned about not being connected to Brighton.
9 Are you suggesting Charlotte would be better in a
10 district in the city as a whole or not connected
11 to Irondequoit or as--

12 MR. ROSATI: [interposing] We would be
13 better as a community along Lake Ontario. We
14 used to be a part of the Town of Greece, not a
15 big deal one way or another. We can live with
16 Greece. We can live with Irondequoit, which is
17 across the river a long distance away, or we can
18 live going south towards Henrietta and towards
19 Pennsylvania. We can live with that because we
20 know everybody there, well not everybody, but a
21 lot of the people.

22 MR. OAKS: Thank you.

23 MR. MCENENY: Thank you very much. Any
24 further comments. Thank you.

1 Demographic Research & Reapportionment-July 20, 2011

2 MR. NOZZOLIO: Thank you, sir.

3 MR. MCENENY: Kevin Gallagher?

4 MR. KEVIN GALLAGHER: Good morning.

5 MR. MCENENY: Good morning.

6 MR. GALLAGHER: My name is Kevin

7 Gallagher. My address is 1973 Dublin Road,

8 Penfield, New York. I'm here to let you know how

9 the new districts should be drawn. The short

10 answer is fairly. The existing districts show

11 examples of what not to do. You manipulated the

12 assembly to be dominated by one faction that

13 squashes the voices of the people. At the same

14 time, you rigged the Senate Districts so that it

15 is controlled through numeric and demographic

16 trickery rather than by pursuing policies that

17 appeal to voters. You protected incumbents at

18 the expense of challengers and citizens. You

19 hack up social communities in favor of political

20 boundaries.

21 Also, the existing districts are

22 evidence of failure. You failed to maintain

23 reasonably equivalent district size making some

24 votes worth less than others. You failed to keep

1 Demographic Research & Reapportionment-July 20, 2011

2 neighborhoods intact and diluted community voice.
3 You failed to represent the people. You also
4 refused to understand community. On the large
5 scale, shouldn't the entire state be a community
6 working together? You have cut it into 212
7 competing pieces, and the state is falling apart.

8 Past behavior is the best predictor of
9 future behavior. The legislature has not and
10 will not draw lines fairly. Since the last
11 reapportionment, every election outcome in these
12 districts has been a sham. As long as elections
13 are unfair, the legislature is illegitimate.
14 What you're doing is unethical. You must not
15 look at the residents of incumbents. You must
16 not look at the party make-up of districts or
17 attempt to manipulate the numbers of districts
18 for each party to secure unwarranted privileges
19 of legislative membership for yourself or others.
20 Your action has raised suspicion among the public
21 that you are engaged in acts that are a violation
22 of trust. For the lines to be fair, you must be
23 blind to incumbents, party membership and adhere
24 to sensible standards.

1 Demographic Research & Reapportionment-July 20, 2011

2 Avoiding contests between incumbents is
3 not a stated goal, nor should it be. At the
4 state level, every representative is supposed to
5 have an equal voice regardless of term. At the
6 federal level, we are sending entrenched
7 political zealots rather than rational citizens.
8 The current districts were completed in 2002.
9 According to expenditure reports you have spent
10 millions of dollars. Since 1978, how much in
11 total was spent, and what did we get? What did
12 we, the people, get for that money? It's time
13 for you to release your data, your objectives,
14 methods, everything you have. Let us decide if
15 the money was well spent. All we now have is a
16 legislative mechanism supreme at illusion and
17 deception. This is intellect spent for
18 ignorance.

19 As staunch members of a party, you
20 believe that what you're doing is correct. As
21 you look across the aisle into the other house,
22 you should realize that both sides can't be
23 correct. In this case, both sides are wrong.
24 People witness the corrosive atmosphere of

1 Demographic Research & Reapportionment-July 20, 2011

2 bickering brinkmanship and polarization in Albany
3 and Washington. They can see that it is tearing
4 us apart. The cause can be traced directly to
5 these gerrymandered districts that break the
6 sacred chain in a representative democracy. The
7 two parties falsely believe the solution is to
8 send more members to the capitals than the
9 opposition. The true solution is to send
10 reasonable citizens that place the wellbeing of
11 our community and country far above party or
12 politics. The cure is to restore the process so
13 that our representatives are chosen by the people
14 and must be do their jobs well or be voted out.
15 Non-partisan, independent redistricting is the
16 foundation of restoring an effective process in
17 our state and our country.

18 Some would say it would not be fair for
19 New York State to do this while other states
20 don't. I say it is absolutely fair for New York
21 State to have the best representative system and
22 lead the country by example.

23 While you may perceive prerogative, you
24 don't have providence. What you are doing, what

1 Demographic Research & Reapportionment-July 20, 2011

2 you do, excuse me, doing what you can get away
3 with while hiding behind the skirt of the Voting
4 Rights Act is just wrong. If you don't trust the
5 people to choose their representatives, you show
6 no faith in democracy, the constitution or the
7 republic. The U.S.A. is a society built on
8 pluralism that has degenerated into a two-party
9 system. The greatest successes of our community
10 have not come from one-party rule. They have
11 come from cooperation. Members of the two
12 parties are comfortable with continued descent
13 through a single-party system. History has shown
14 time and time again that societies without many
15 voices ultimately fall into science, and I ask
16 are you listening to history?

17 If I were you, I would establish a non-
18 partisan commission. I wouldn't ask permission
19 from party leaders. I would just do it because
20 the public needs it and it's the right thing to
21 do. If you're not brave enough to do it on your
22 own, go back to the legislators that signed the
23 pledge and get it done together.

24 Any of the three main bills in the

1 Demographic Research & Reapportionment-July 20, 2011

2 Assembly, Senate or the Governors will be head
3 and shoulders above the current muck. At the end
4 of the day, don't walk away with our democracy.

5 MR. MCENENY: Well, thank you for your
6 sweepingly unfair stereotype, which is completely
7 negative. We have districts in this state that
8 consist of two towns because the constitution
9 says you can't break the towns. Whatever the
10 math is, that's the best you're going to get.
11 It's within 2% or 3%. So there are 150 Assembly
12 Districts. There's 62 Senate Districts. If you
13 wish to contribute to this, would you give us an
14 example from your vast knowledge of this 200+
15 districts and tell us which districts in your
16 area you feel are improperly drawn and do not
17 serve either the constitution, which is mandatory
18 or need to be changed? Would you give us
19 something specific other than the vast political
20 statement that you gave, which judges everybody
21 up here as a political hack. And on a personal
22 note, since you used the word you probably two-
23 dozen times, my first election was a write-in
24 election with the backing of no party at all in

1 Demographic Research & Reapportionment-July 20, 2011

2 Albany County. I knocked off an 18-year
3 incumbent in a write-in. I don't like to see
4 myself or my colleagues judged in such a way when
5 you know nothing of their individual histories
6 and I suspect their individual districts.

7 Now, you know this area, I assume,
8 better than I do, and I would like to hear for
9 the benefit of this panel, which districts you
10 feel don't work, don't serve the people, and
11 should be re-drawn in a particular way for the
12 next redistricting.

13 MR. GALLAGHER: When I say "you" I talk
14 about the legislature. As a member of the
15 legislature, you are at least partially
16 responsible for the outcome of the legislature.
17 So if you are not responsible for its
18 inefficiencies, then you should stand up each
19 time it fails, and as a public hearing on
20 redistricting I am bringing my position. I don't
21 believe that most of the districts in the state
22 are correctly drawn whether its Assembly, Senate,
23 or the federal House of Representatives. Every
24 one of them seems to be drawn in a way that

1 Demographic Research & Reapportionment-July 20, 2011

2 protects incumbents and projects powers of
3 parties. So, as far as drawing new lines
4 independent without looking at where the current
5 incumbent is is how I believe each and every
6 district should be drawn. As far as maintaining
7 communities of interest, a community of interest
8 varies in size. It could be 1,000. It could be
9 more than that, but it's those communities of
10 interest are not determined by the political
11 boundaries. Does that answer your question as
12 far as which districts should be withdrawn?

13 MR. MCENENY: No, I missed the number of
14 that district you were criticizing. Which one
15 are you criticizing?

16 MR. GALLAGHER: Let's start with number
17 131 in the Assembly.

18 MR. MCENENY: How should it be improved?

19 MR. GALLAGHER: It is not contiguous,
20 and it is not compact. If you draw a line east
21 to west or north to south, you will enter and
22 exit and enter and exit and enter and exit that
23 district. That cuts through a community. That
24 border between one district and another is

1 Demographic Research & Reapportionment-July 20, 2011

2 probably a block at most wide and you're saying
3 that people two blocks away aren't in the same
4 community of interest.

5 MR. MCENENY: Is there a town line
6 involved in it that can't be split?

7 MR. GALLAGHER: I believe it is a city.

8 MR. MCENENY: Where the two blocks are,
9 is there a town on one side of the two blocks?

10 MR. GALLAGHER: No, it's District 131.
11 You have those records.

12 MR. MCENENY: All right, we'll take a
13 look at that map and see the way it can be
14 improved.

15 MR. GALLAGHER: That's one example.
16 There's also District 119 I believe it is; 119 is
17 a similar pattern.

18 MR. MCENENY: Give a geographic
19 location.

20 MR. GALLAGHER: I looked at the
21 districts.

22 MR. MCENENY: Throw in a town.

23 MR. GALLAGHER: Do you have the answer?

24 MALE VOICE: [off mic]

1 Demographic Research & Reapportionment-July 20, 2011

2 MR. MCENENY: In the city? It's in the
3 city?

4 MR. GALLAGHER: Yes. So, cities are
5 worse. If you look at central New York through
6 Albany to say Elmira, there is a huge district
7 that cuts across and there could be scores of
8 communities of interest within but they aren't
9 adjacent to communities that share their
10 interest. They are not in the same district.

11 MR. MCENENY: Well, we would ask you,
12 there are two considerations there. One is you
13 can't split towns, and the other is the Voting
14 Rights Act of 1965, which is very strictly
15 monitored by the Justice Department does not
16 allow a diminishing of a minority/majority
17 district.

18 MR. GALLAGHER: I understand that.

19 MR. MCENENY: If you have ways to
20 improve the districts that are drawn, if you
21 would let us know that, we'll take it into full
22 consideration.

23 MR. GALLAGHER: The minorities
24 protection can still be maintained even by moving

1 Demographic Research & Reapportionment--July 20, 2011

2 boundaries of election districts.

3 MR. MCENENY: And that's what we'd like
4 to hear from you because obviously the population
5 has also shifted since those boundaries were
6 drawn.

7 MR. GALLAGHER: Yes, it has.

8 MR. MCENENY: Anyone else on the panel?

9 MR. NOZZOLIO: I have a question,
10 Assemblyman, just a question about your comments
11 regarding, and let me try to get the exact
12 comment. It was--I think you called the Voting
13 Rights Act--

14 MR. GALLAGHER: [interposing] That has
15 to do with protecting minorities.

16 MR. NOZZOLIO: I'm familiar with what it
17 has to do with. I guess what I was not familiar
18 with your comments regarding you said "hiding
19 behind the skirt of the Voting Rights Act." I on
20 its fact thought it was a very questionable
21 comment. I wondered what you mean by that.

22 MR. GALLAGHER: It's possible to protect
23 minorities and community blocks that vote
24 together to represent themselves in whether it's

1 Demographic Research & Reapportionment-July 20, 2011

2 the Senate, or the Assembly, or the House of
3 Representatives. Protecting an incumbent is
4 different from protecting the community, and
5 that's where I believe that part of the illusion
6 is occurring where while you may be protecting,
7 seem to be protecting a community, the outcome is
8 you're protecting the individual that's--

9 MR. NOZZOLIO: [interposing] And I
10 certainly can understand the observation, but I
11 think that there are certain responsibilities
12 with the Voting Rights Act as I am learning more
13 and more and more about the Voting Rights Act and
14 particularly the steps that are necessary to
15 adequately comply with the Voting Rights Act.
16 And you may call it a skirt. I call it a
17 responsibility to follow the law.

18 MR. GALLAGHER: I agree.

19 MR. NOZZOLIO: I guess I just took
20 question at the characterization. The issue of
21 competitive districts, did you mention that in
22 your comments?

23 MR. GALLAGHER: Not exactly. I have an
24 answer if you have a question.

1 Demographic Research & Reapportionment--July 20, 2011

2 MR. NOZZOLIO: Well, I guess I wanted to
3 know if--I thought I heard you say something
4 about competitiveness. I may be mistaken.

5 MR. GALLAGHER: No, I would say that
6 competitive would be an outcome of fairer
7 districts, not trying to create competitive
8 districts.

9 MR. NOZZOLIO: I guess here is where I
10 took that--your characterization of protecting
11 incumbents.

12 MR. GALLAGHER: Yes.

13 MR. NOZZOLIO: I think that's certainly
14 an important issue relative to the neutrality
15 that this process should take. I think that's
16 what you're advocating, and I certainly
17 understand that very well. But you live in--I
18 just wanted to point out though, you live in a
19 Congressional District that in the last decade
20 has had three Congressional representatives, and
21 that it seems the district went from Republican,
22 to Democrat, to Republican again in terms of the
23 ebb and flow of that district, your own
24 Congressional District. Now, you didn't mention

1 Demographic Research & Reapportionment--July 20, 2011

2 your Congressional--I don't believe you mentioned
3 it when Assemblyman McEneny asked you for
4 examples.

5 MR. GALLAGHER: My Congressional
6 District, I'm trying to put that behind me. It's
7 been a disgrace as far as the outcome as far as
8 who is chosen. I would prefer that it was a
9 choice by the people rather than by a political
10 party.

11 MR. NOZZOLIO: Well, there were three
12 choices, different choices made, and I'm just
13 indicating to you in the last eight years, so I
14 have no more questions, thank you.

15 MR. MCENENY: I'm assuming the people
16 voted those people in at the polls, the ones that
17 had enough citizenship to show up. We appreciate
18 your coming. We understand your frustration. If
19 you didn't have the same last name as one of my
20 grandmothers, I wouldn't have given you such a
21 hard time. Thank you.

22 MR. GALLAGHER: Thank you.

23 MR. MCENENY: Could we call on Professor
24 Richard Ynemy [phonetic] from the University of

1 Demographic Research & Reapportionment--July 20, 2011

2 Rochester? Professor Ynemy, we'll call his name
3 again. Is it Neemy [phonetic]? We'll call his
4 name again at the end or anybody who is missed
5 for any reason in case they are getting here
6 late. The Honorable William Johnson, the former
7 mayor of Rochester? Is Bill Johnson here?

8 MR. NOZZOLIO: I do not see him.

9 MR. MCENENY: John O'Neil, Citizens for
10 a Better New York.

11 MR. JOHN O'NEIL, CITIZENS FOR A BETTER
12 NEW YORK: Good morning.

13 MR. MCENENY: Okay.

14 MR. O'NEIL: Good morning. My name is
15 John O'Neil, and I live at 119 Meadowbrook Road
16 in the City of Rochester, and I'm a member of
17 Citizens for a Better New York. I would like
18 LATFOR for coming here today to seek public input
19 on redrawing New York's state and legislative
20 districts. I do appreciate this move toward a
21 transparent process. Public opinion of the
22 legislature has improved. According to a recent
23 Siena Research Institute poll 48% say this year's
24 legislative session shows state government having

1 Demographic Research & Reapportionment-July 20, 2011

2 become less dysfunctional compared to 18% who say
3 it's become more dysfunctional. Legislature
4 passed some key legislation, which led to
5 improved opinion, but one bill never made it to
6 the floor of either chamber, the Governor's
7 independent redistricting bill.

8 Legislative leaders gave their reasons
9 for not working on this citing possible
10 constitutional problems, and that while the issue
11 important, it is not as important as budget, tax
12 relief or job creation. Independent non-partisan
13 redistricting just isn't a priority despite
14 legislator pledges to that effect.
15 Reapportionment only comes once in a decade, and
16 the public perception of last LATFOR
17 redistricting efforts is that New York
18 legislators choose their voters. A January Siena
19 poll showed that 61% of those polled support the
20 creation of an independent non-partisan
21 redistricting commission versus 25% that oppose
22 it. There is broad public support for non-
23 partisan independent redistricting, and returning
24 to Albany to pass the Governor's independent

1 Demographic Research & Reapportionment-July 20, 2011

2 redistricting bill would be another legislative
3 success. The Senate passed an independent
4 redistricting constitutional amendment back in
5 March. While I agree that a constitutional
6 amendment would be the strongest remedy for this
7 issue, the immediate problem of the 2012
8 reapportionment has not been addressed. Given
9 LATFOR's past partisan redistricting practices, I
10 would support the passage of the Governor's
11 independent redistricting bill for this
12 reapportionment and simultaneously continue the
13 momentum toward a constitutional amendment. We
14 have no experience here in New York with non-
15 partisan independent redistricting. If passed,
16 if this bill were to be passed and become law, we
17 would be able to look at that process for this
18 reapportionment and make an informed choice on
19 the language and specifics for a constitutional
20 amendment to truly make a process that produces
21 compact and contiguous districts protecting
22 communities of interest and are drawn without
23 consideration for political demographics or the
24 location of incumbents. In short, one that

1 Demographic Research & Reapportionment-July 20, 2011

2 better serves the incumbent interest and not
3 individual legislators. Thank you.

4 MR. MCENENY: Questions of the panel?
5 Thank you very much, Mr. O'Neil. Jose Cruz,
6 chief operating officer and commissioner for the
7 Rochester City Schools.

8 MR. JOSE CRUZ, ROCHESTER CITY SCHOOLS:
9 Good morning, and welcome to Rochester. We are
10 actually a pretty hot city to begin with, and I
11 think the weather is going to bear that out for
12 us in the next few days. I just want to thank
13 Co-Chairman Nozzolio. He's done some great work
14 in upstate New York and Co-Chair McEneny, and
15 members of the Task Force as well.

16 I'm the chief operations officer of an
17 organization called the IBERA [phonetic] American
18 Action League here in Rochester. We have a staff
19 of over 270 very dedicated men and women who work
20 in this community and other communities including
21 Elmira and Buffalo, New York as well. And our
22 philosophy for the organization has always been
23 from the very beginning to really teach people
24 how to fish as opposed to giving fish out, and I

1 Demographic Research & Reapportionment-July 20, 2011

2 say that because I think this is part and parcel
3 what my comments are going to be about today. I
4 also wear a more interesting, an interesting hat
5 as well as commissioner of the Rochester City
6 School District. We have seven colleagues on our
7 district who represent the interests of over
8 32,000 children in this district and all the
9 things that go along with that. So I've got a
10 pretty good idea of some of the things that
11 happen in all of our communities, but more
12 specifically I have a vested interest in what's
13 happening in our Latino communities and
14 potentially what redistricting can do and the
15 effects that it could have on our ability to be
16 able to help ourselves, and again the reference
17 to the "learn to fish." I've been an elected
18 official for over 12 years now, and I understand
19 this process. I go back to this process back to
20 the early eighties when one of your colleagues,
21 Assemblyman David Gant, fought redistricting and
22 eventually created his Assembly seat that he has
23 solely represented all of these years. And he
24 did it because there was a tremendous amount of

1 Demographic Research & Reapportionment-July 20, 2011

2 inequity with regard to representation of both
3 our African American and Latino communities back
4 then. And we came together as two communities
5 and helped to create that seat. And as I said
6 Assemblyman Gant has been in that seat since
7 then. So we're not new to this. It has been
8 going on. It is becoming a bit of a tradition
9 and a ritual every ten years to come before the
10 redistricting task force, and what we find is
11 that some of the issues don't change.

12 The biggest issue is that we have to
13 insure that Latino populations are well-
14 represented in all levels of government. As you
15 very well know, the Latino population is
16 expanding at a tremendous rate. There's over 50
17 million Latinos in this country now, which means
18 that one out of every five or six people in this
19 country are Latino, and what's interesting about
20 that particular statistic that is lost on folks
21 is the fact that a lot of that increase in
22 population is coming from birth not from
23 immigration. So the implications of the
24 expansion of the Latino community in the years to

1 Demographic Research & Reapportionment-July 20, 2011

2 come in this country is phenomenal.

3 That said, a lot of our urban
4 communities are absolutely growing as well, and
5 sometimes we forget that outside of New York City
6 with all due respect to our representative from
7 New York City, we have a tremendous amount of
8 Latino population in upstate New York. And what
9 we're finding is that communities of Buffalo, and
10 Syracuse, and Rochester are ever expanding. So
11 are their needs. We're creating communities--
12 we're creating economic development engines
13 within our communities. We're working diligently
14 to develop community strategic--strategies to
15 really stabilize our neighborhoods, and we
16 believe fervently that it is important for our
17 communities to take responsibility for our own
18 needs. And again the reference to the fish.

19 We don't want anything given to us that
20 we have not earned ourselves, and I think you'll
21 find that is in essence what we are all about.

22 We share a common language. We share
23 common foods, and we are extremely family
24 oriented. And if that is one asset that Latino

1 Demographic Research & Reapportionment-July 20, 2011

2 populations have is our ability to revere family,
3 to use it as a center for what we are all about.
4 We all go to many of the same schools so we have
5 a lot of education issues.

6 We suffer from ailments that some
7 communities don't suffer from in terms of our
8 increased amount of asthma, diabetes and
9 hypertension, and our families struggle
10 economically. In many cases, you see households
11 who are holding two, three, four jobs in order to
12 make it. We work for what we think we--for what
13 we want and what we need for our families. Why
14 do I bring all of this to your attention, which
15 is something I'm sure you already know, but again
16 the importance of understanding this brings me to
17 my next set of comments, which is we need
18 representation that understands the very unique
19 features of our communities and also understands
20 the nuances and the culture and sometimes the
21 cultural conflicts that we come across. We need
22 representatives that understand the stresses that
23 come from having to deal with sometimes
24 institutions that don't understand the language

1 Demographic Research & Reapportionment-July 20, 2011

2 or our culture. And we need representatives that
3 impact the ever increasing the--understanding the
4 impact that the ever-increasing Latino
5 populations will have on our communities. We
6 need representatives that understand how to work
7 within a political environment in helping Latinos
8 better understand to become more active in the
9 political process, and more critically than all
10 of that is that we need representatives that
11 understand that they are advocates because as you
12 know as elected officials as we are, we have
13 several hats. We have the legislative hat, but
14 we also have a hat as an advocate that allows us
15 to be advocates for a lot of the institutions
16 that we work with. So when we have issues that
17 are very unique to a certain population that we
18 understand that and we can go and advocate to the
19 institutions like the agencies that we have in
20 New York State.

21 Redistricting can be one of two things.
22 It can be helpful, or it can be harmful. Helpful
23 by ensuring that Latino communities have a
24 political voice to represent the interests of a

1 Demographic Research & Reapportionment-July 20, 2011

2 major segment of many upstate urban cities. It
3 could be harmful by diluting our ability to elect
4 our own representatives or even more important
5 when you are a minority group the ability to
6 influence representation, and I think that's a
7 critical point, and I want to repeat that. It's
8 important to elect our elected officials who
9 understand our community, but it's also important
10 to maintain an ability to influence who will be
11 electing, who we are electing to represent our
12 interests as well. Therefore, it is extremely
13 important that when we go through the
14 redistricting process that we contain like
15 populations. That way ensuring proper and
16 effective representative government, that we
17 allow for developing a more strategic approach to
18 creating solutions to the challenges that we
19 face. Let me say that--and I think by having a
20 population that's working together, that lives
21 closely together, that has many of the same kinds
22 of issues, many of the same kinds of difficulties
23 and challenges that by containing them and
24 bringing them together that I think you'll have

1 Demographic Research & Reapportionment-July 20, 2011

2 an ability for people to be able to look at
3 developing those communities to understanding the
4 issues and being able to advocate for those
5 populations because they have a lot of
6 commonality within them. And again this is all
7 about not giving us anything as Latino
8 community, but allowing ourselves to be able to
9 represent our own interest. We don't want a hand
10 out; we want a hand up in this process. We want
11 the opportunity to be able to represent our
12 interest. We'll take care of the rest.

13 This process occurs every ten years, and
14 it's amazing how quickly things happen within a
15 ten-year period. It's not only critical that we
16 look at the short-term issues regarding
17 redistricting, but we also--I think you have a
18 responsibility to look at the long-term issues
19 regarding redistricting because we're going to
20 come together in ten years, many of us who are
21 still here and not retired somewhere else. In
22 ten years we're going to come back together and
23 have the same conversation, and in 2021, if our
24 community is where it's at today, the projections

1 Demographic Research & Reapportionment-July 20, 2011

2 for where it's going to be ten years from now is
3 going to be phenomenal. So what your
4 responsibility and our responsibility really is
5 is to look at what kinds of strategic things we
6 can do today to make sure that we're beginning to
7 address those issues way down the road.

8 So, in summary to my remarks, three
9 items, keeping communities with common attributes
10 together. Two, to ensure that we have
11 substantial input into this process to help you
12 as you go forward, and three, to look at an eye
13 towards the future, especially in 2012 and
14 beyond. I want to thank you for your patience,
15 and as I said I don't envy your work.

16 MR. MCENENY: Thank you. Is it safe to
17 summarize your recommendations that where there
18 are concentrations of Hispanics or Latinos that
19 they should be kept together and put in the same
20 district, whatever that district is?

21 MR. CRUZ: I think there are two issues
22 there. There are two issues. One is yes where
23 that is the case as in many cases in New York
24 City where you'll see that, but the other part of

1 Demographic Research & Reapportionment-July 20, 2011

2 that is making sure that we're not redistricted
3 out of our ability to be able to influence where
4 we have a larger portion of a district. I'm not
5 advocating that we create Latino districts. I
6 don't think I'm saying that. What I'm saying is
7 that we can't afford to redistrict out our
8 influence in terms of our ability to have some
9 say in the process. Thank you. Members of the
10 panel. Senator?

11 MR. NOZZOLIO: Thank you very much for
12 very thought-provoking suggestions.

13 MR. CRUZ: Thank you very much.

14 MR. MCENENY: Senator Dilan?

15 MR. DILAN: I have a question. First of
16 all, I'm the only member of the panel from New
17 York City despite the fact that New York City has
18 some 8 million plus citizens, and I do happen to
19 represent a majority Latino district. I guess
20 what I'm understanding you to say today is that
21 we should not dilute the power of the Latino
22 community here in Rochester. Is that correct?

23 MR. CRUZ: Well, yeah, let me go further
24 to say that I think you've got communities within

1 Demographic Research & Reapportionment-July 20, 2011

2 Syracuse, Buffalo and Rochester, and Albany that
3 have growing populations and we've got to be
4 careful not to dilute those districts as well.

5 MR. DILAN: Do you have any numbers in
6 terms of the Latino population in any of the
7 communities you just mentioned?

8 MR. CRUZ: Well, no, but I know that in
9 Rochester we are officially at about 53,000, you
10 know, give or take 10%, so you know we represent
11 you know about 12, 13% of the city at this point
12 and about 8% of the county. And I'm pretty sure
13 that our, if you look at the ratios across the
14 other communities, you'll find similar kinds of
15 ratios.

16 MR. DILAN: So basically you are
17 speaking in general with all the communities you
18 mentioned that Latinos should all be kept within
19 the same Assembly or Senate District?

20 MR. CRUZ: If possible, yes. I think
21 that's critical.

22 MR. DILAN: All right, thank you.

23 MR. MCENENY: Thank you very much, Mr.
24 Cruz. I am remiss in not introducing a member of

1 Demographic Research & Reapportionment-July 20, 2011

2 the Assembly who has joined us today, the
3 Honorable Mark Johns who is from Penfield and has
4 certainly proven recently that that's a
5 competitive district. Can we call upon Nancy
6 Sung Shelton, the board president of Group 14621
7 Community Association Incorporated.

8 MS. NANCY SUNG SHELTON, GROUP 14621
9 COMMUNITY ASSOCIATION: Good morning, and I would
10 like to be able to thank you so much for having--

11 MR. MCENENY: [interposing] Excuse me,
12 put this--

13 MS. SHELTON: [interposing] As you
14 strained to hear what I had to say, I fight
15 fiercely every day to be heard. My name is Nancy
16 Sung Shelton. I am the Board president of Group
17 14621 Community Association, and I'm proud to be
18 here. I reside at 41 Raw [phonetic] Street,
19 Rochester, New York. My neighbors and I find out
20 real quick that in crucial conversations our
21 voice is often not heard, shut out, diminished,
22 and quite simply ignored. This is evidenced by
23 the statistics that plague my neighborhood,
24 14621. Want to find out the zip code that has

1 Demographic Research & Reapportionment-July 20, 2011

2 the highest rates of most negative attributes?
3 Unfortunately, 14621 falls on that radar too, too
4 often. In the grand scheme of things, my
5 neighbors are often handled like the child that's
6 been deemed so unruly that they are cast aside
7 and figured out to have no hope for them, but
8 like an abusive parent our politicians, our
9 legislators seem to have forgotten about us.

10 Allow me to introduce to you some of my
11 neighbors who are forgotten but desperately want
12 to be heard. There's AJ. He's a Grandpa. He's
13 a father. He retired from our brewery, 30 years
14 of hard work. He now is a great source of good
15 advice, and he offers it to many of our young
16 neighbors. One of his best words of wisdom is,
17 "Big egos have small ears." There's Regina.
18 She's a young professional. She volunteers
19 several hours a month, and she gives back to her
20 community. There's Esteban. He's a young man
21 who lives with his mom and seven of his siblings.
22 From the outside they may look like a little bit
23 of a chaotic environment, but that is the
24 happiest house on our street. Chuck, he is our

1 Demographic Research & Reapportionment-July 20, 2011

2 self-appointed mayor, and if you want to know
3 what's going on in our neighborhood, you go to
4 him. He has an opinion about everything, but he
5 loves everyone.

6 Ms. Bill, no her first name isn't Bill,
7 but we all call her Ms. Bill. She ran daycare.
8 She's a landlord. She's a master gardener, and
9 an excellent cook. Trust me, if you want some
10 good cake, come to her house. She always has a
11 ready hello. There's Sean. He's a young African
12 American professional, and he wears a suit to
13 work. But unfortunately when he walks around in
14 our neighborhood, the kids come up to him and
15 say, hey, where you comin' from? Are you comin'
16 from court or a funeral? That's unfortunate that
17 our children in my neighborhood don't see images
18 of professionals in suits and ties going to work
19 every day. There's Javante [phonetic] he got out
20 of jail a couple months ago, but you know what
21 he's working on his GED, and he's determined not
22 to go back out on the streets. Oh yeah, and
23 there's that guy. You know who that guy is.
24 He's our local drug dealer. I went up to him one

1 Demographic Research & Reapportionment-July 20, 2011

2 day, and I asked him why are you out here selling
3 drugs? And he responded to me, miss, I can't get
4 a job. I just want to get fed. Huh, being fed--
5 that is a fundamental need, and I'm certain that
6 if you were hungry, you would do what you needed
7 to do for yourself and your loved ones to get
8 fed.

9 Too many of my neighbors are hungry--
10 hungry for peace, safety, jobs with a living
11 wage, happiness, good education for their
12 children, decent housing, pleasant neighborhoods,
13 opportunities to realize their own definition of
14 success. I have recently read a statistic that
15 quite disturbed me that to live in my
16 neighborhood is so stressful that it takes years
17 off of my neighbors lives. This conversation is
18 a matter of life and death for us. I am here
19 today to respectfully be heard, and I speak on
20 behalf of my 35,000 neighbors in 14621. We feel
21 that maps should be drawn with an independent
22 commission comprised of community-focused
23 experts. Some experts I would propose may look
24 like Ms. Bill, Javante, Sean. We do not believe

1 Demographic Research & Reapportionment-July 20, 2011

2 that district maps should be drawn based on
3 partisan political advantage, but rather should
4 reflect the boundaries of the neighborhoods with
5 commonalities and similar interests. My
6 neighborhood has more in common with 14609 than
7 Irondequoit and I just want to offer to my
8 predecessor, Jose, him and I did not write our
9 speeches together, but I really want to put the
10 emphasis on what he said. He spoke for the
11 Latino community. I speak for the community of
12 color, which is heavily represented in my zip
13 code.

14 Furthermore, some of my neighbors are
15 individuals re-entering back in to 14621. There
16 are some districts in the southern part of New
17 York State that enjoy the benefits of inflated
18 numbers based on prison populations, but the
19 reality is those people come home to
20 neighborhoods like mine. We are impacted by
21 their return.

22 In closing, I quote, "We often find out
23 more about the great masses of the voiceless, the
24 poor, the women, the slaves, from the inscription

1 Demographic Research & Reapportionment-July 20, 2011

2 on their graves." I do not want that for my
3 neighbors. Please don't continue to contribute
4 to their silence, hunger and demise by re-
5 districting us out of the conversation. Thank
6 you for your time. Again, my name is Nancy Sung
7 Shelton. I am the board president of my
8 community association. I am a warrior and a
9 proud resident of 14621.

10 MR. MCENENY: Thank you very much. Are
11 there comments from the panel or questions?

12 MR. NOZZOLIO: Thank you.

13 MR. MCENENY: Thank you very much.
14 Michael Yavarsky [phonetic]? Michael Yavarsky?
15 Gerald Donaghy?

16 MR. GERALD DONAGHY: Good morning. My
17 name is Gerald Donaghy. I live in Lima, New
18 York, which is in the northern part of Livingston
19 County and probably would be referred to as a
20 bedroom community of Rochester.

21 Rochester is the population and
22 employment engine of this area and is not being
23 correctly represented because of the current way
24 the districting is drawn. Our current state and

1 Demographic Research & Reapportionment-July 20, 2011

2 federal elected officials are all from the
3 Buffalo area, namely House of Representatives
4 Kathy Hochul. Her office is in Williamsville,
5 New York, right outside of Buffalo. State
6 Senator Patrick Galavan lives in Elma, New York.
7 He's the former sheriff of Erie County, and State
8 Assembly Daniel Burling lives in Alexander, New
9 York. All of them are considered suburbs of New
10 York, not Rochester. Thank you.

11 MR. MCENENY: You meant suburbs of
12 Buffalo?

13 MR. DONAGHY: Yes, thank you.

14 MR. MCENENY: Members of the panel?

15 MR. NOZZOLIO: No questions.

16 MR. MCENENY: Thank you very much, Mr.
17 Donaghy. Nathan L. Jaschik, Citizens for a
18 Better New York.

19 MR. NATHAN L. JASCHIK, CITIZENS FOR A
20 BETTER NEW YORK: Thank you, Mr. Chairman,
21 members of the Commission. Good morning. My name
22 is Nathan L. Jaschik, a resident of Brighton, New
23 York, and the current president of Citizens for a
24 Better New York, a grassroots organization

1 Demographic Research & Reapportionment-July 20, 2011

2 devoted to state governmental process reform and
3 one of the 16 steering committee members of the
4 statewide coalition, ReShape New York. CFBNY's
5 objectives include reform and campaign finance,
6 legislative rules of operation, ethics and the
7 use of initiative and referendum. Today I will
8 address our other major reform, the need for
9 independent redistricting.

10 Your meeting notice indicated that you
11 wanted to know how the public thinks the new
12 Congressional and State Legislative District
13 lines should be configured. I have with me some
14 sample maps, and I believe you have my testimony
15 up there with maps in the back of Western New
16 York to help illustrate our answer.

17 Before getting to them though let me
18 answer your question by describing the standards
19 that were used. One, they should be compact and
20 contiguous. Two, they should contain roughly
21 equal populations with no more than a 2% to 3%
22 variation from the mean. Three, they should
23 protect communities of interest, and most
24 importantly, four, they should be drawn without

1 Demographic Research & Reapportionment-July 20, 2011

2 consideration of political demographics or
3 location of incumbents, and in fact such data
4 should not even be made available to those
5 drawing the maps.

6 These maps were drawn by one of our
7 members in very short order using free software
8 available on the web from Dave Bradley. There
9 are many other programs out there, which I am
10 told by the developers of these maps are not all
11 that difficult to use. What makes the process
12 difficult is if you start juggling the political
13 data to ensure incumbency and maximize partisan
14 advantage, two criteria, which should have no
15 place in the process. This can only be achieved
16 if the drafting is done by an independent
17 commission.

18 There are three maps before you which
19 embody these principals. Two of them are of
20 possible Assembly Districts, one of western New
21 York as a whole, and one centered, more focused
22 on the Rochester area. The third is of possible
23 Congressional Districts. All three display what
24 the current districts do not, areas which

1 Demographic Research & Reapportionment-July 20, 2011

2 encompass related communities and resemble
3 undistorted geometric figures that are compact
4 and contiguous. We have no idea what the party
5 enrollments or voting patterns are in these
6 districts. Nor do we know where the incumbents
7 live. They do need some tweaking though, and
8 these are not being presented as final
9 recommendations. They are merely indicative of a
10 reasonable starting point for further refinements
11 that will still maintain these features, and as
12 has been pointed out some of the tweaking is
13 needed to adhere to the laws of the State of New
14 York. The assembly map for instance needs to be
15 adjusted because it splits off pieces of the town
16 of Henrietta and Ogden and by the way my written
17 testimony says Parma. That's a misprint. It
18 should say Ogden, and legitimate questions may be
19 raised about the combination of southwest
20 Rochester with the three southwestern towns in
21 Monroe County, but the effective use of
22 reasonable tolerance limits should not make it
23 that difficult to make these changes and produce
24 a balanced map. We do differ from the Governor's

1 Demographic Research & Reapportionment-July 20, 2011

2 bill on one point, holding the tolerance between
3 district sizes to plus or minus 1% of the mean.
4 Such a tight tolerance can overly restrict the
5 ability to maintain communities of common
6 interest, which we feel is a much more important
7 standard. There are certainly abuses of larger
8 tolerances when the vast majority of the larger
9 districts seem to favor one party, and the vast
10 majority of the smaller districts seem to favor
11 the other. But if tolerance were used as we
12 suggest, there would not be such a one-sided
13 result, and the produce would still meet a
14 reasonable one person one vote standard. So we
15 would be more comfortable with a 2% to 4%
16 tolerance as long as the result did not show
17 partisan advantage.

18 MALE VOICE: - - .

19 MR. JASCHIK: It is also a delusion to
20 believe that the population distribution in
21 November of 2012 is accurately represented by the
22 head count that was taken in April of 2010. But
23 back to our basic recommendation that however
24 these maps are developed they be developed by an

1 Demographic Research & Reapportionment-July 20, 2011

2 independent commission. We respect the integrity
3 of our elected officials and do not mean to
4 suggest otherwise, but the conflict of interest
5 in having legislators draw their own districts is
6 unavoidable. The bills before the legislature at
7 this time would correct this and produce
8 redistricting maps that after public input would
9 be both perceived as and actually be fair and
10 unbiased. At this time when the public's trust
11 in its government is at an all-time low such a
12 result would be a major accomplishment and source
13 of pride to New York. It is time to draw the
14 line on drawing the lines, so do the right thing,
15 and when you return to Albany for a Special
16 Session, which you will, create an independent
17 commission and let them finish the job. Thank
18 you.

19 MR. MCENENY: Thank you. Are there any
20 questions?

21 MR. NOZZOLIO: Yes, Mr. Chairman, I have
22 a few questions.

23 MR. MCENENY: Senator.

24 MR. NOZZOLIO: I just wanted to make

1 Demographic Research & Reapportionment-July 20, 2011

2 sure that the presentation by Mr. Jaschik is
3 noted for the record and that we appreciate your
4 submission of specific criteria and also lines as
5 you have done here for Assembly and Congress that
6 you don't have though in the maps any that I
7 could see off hand annotations regarding the
8 communities that you took or the deviations that
9 you achieved. Do you have that information with
10 you?

11 MR. JASCHIK: I did not draw the maps.
12 The person that did does.

13 MR. NOZZOLIO: For the record, who drew
14 the maps?

15 MR. JASCHIK: A member of our
16 organization called Michael Slade. His name is
17 Michael Slade, S-L-A-D-E.

18 MR. NOZZOLIO: And is he from Monroe
19 County?

20 MR. JASCHIK: He resides in Pittsford.

21 MR. NOZZOLIO: In Pittsford?

22 MR. JASCHIK: Yeah.

23 MR. NOZZOLIO: If you would certainly--
24 it's the purpose of the Task Force as we are

1 Demographic Research & Reapportionment-July 20, 2011

2 taking input, and it would be very helpful if you
3 could submit that additional information.

4 MR. JASCHIK: I'll ask him to do so, but
5 let me emphasize again that these maps are only
6 suggested as indicative of what you can do very
7 quickly with off-the-shelf software. They're not
8 really being presented as a final recommendation,
9 and I think more examination for instance of the
10 specific communities of interest, such as the
11 Latino community, which was discussed earlier,
12 whether it be ethnic interest, whether it be by
13 income, whether it be by white collar versus blue
14 collar. There are many different ways you can
15 cut this. It really needs to be probed further
16 before you can make a final decision.

17 MR. NOZZOLIO: It also has to hook up
18 with the rest of the state, which is another
19 certain challenge, but thank you for your input.

20 MR. JASCHIK: Yeah I think one other
21 thing that is pointed out by the maps though is
22 that to a certain extent, the law requires us not
23 to split municipalities other than cities unless
24 there's a large enough population with a township

1 Demographic Research & Reapportionment--July 20, 2011

2 to do that. Communities of interest often are
3 better served when towns are split up with more
4 common, the more common interest in the adjacent
5 town than they might have with the rest of the
6 town. School districts, for instance, are very
7 much a better statement of commonality of
8 interest than municipalities are. Yet there's
9 nothing in the law that talks about school
10 districts. So I think we need to be a little
11 more reflective of what really makes a community
12 of interest.

13 MR. NOZZOLIO: That's an excellent
14 suggestion, but in order for it to cure--

15 MR. JASCHIK: [interposing] Yeah, well
16 no I'm not suggesting we hold up the process in
17 order to do what needs to be done, but let's put
18 that on the table.

19 MR. NOZZOLIO: Let me finish. Let me
20 finish. Let's put this on the table that that
21 excellent suggestion flies in the face of the
22 constitution of the State of New York. And I
23 appreciate the suggesters, but let's not make the
24 Constitution of the State an inconvenient truth

1 Demographic Research & Reapportionment-July 20, 2011

2 for individuals. That suggestion may override
3 the premise that the Constitution states, but we
4 have to deal with the Constitution as it exists,
5 and that your thoughts may be good grounds for a
6 constitutional amendment, but I understand and I
7 hope that you understand that is what the law
8 requires.

9 MR. JASCHIK: We do, and our basic
10 recommendation is one pass that legislation so
11 that we can do something in 2012, use that
12 experience as a foundation for what should be a
13 follow-up Constitutional amendment dealing with
14 redistricting that would deal with all of these
15 issues, and that would really solidify things for
16 2022.

17 MR. NOZZOLIO: Thank you very much.

18 MR. MCENENY: Thank you very much. We
19 appreciate all the work that you put into that.
20 Monica M. Arias Miranda.

21 MS. MONICA ARIAS MIRANDA, THE HISPANIC
22 COALITION NEW YORK INC.: Good morning, and thank
23 you for allowing me to speak today. As you said,
24 my name is Monica M. Arias Miranda. I am the

1 Demographic Research & Reapportionment-July 20, 2011

2 president and CEO of the Hispanic Coalition New
3 York. I reside at 345 West Shore Road in
4 Delanson, New York.

5 MR. MCENENY: In I'm sorry in where?

6 MS. MIRANDA: Delanson, New York.

7 That's in the capital region.

8 MR. DILAN: Schoharie County.

9 MS. MIRANDA: Schenectady County
10 actually.

11 MR. DILAN: Is it, okay.

12 MS. MIRANDA: Yes, we're right on the
13 border though. On behalf of the Hispanic
14 Coalition New York I respectfully submit this
15 statement for your consideration during the New
16 York State Reapportionment and Redistricting
17 process. The Hispanic Coalition New York's
18 mission is to empower through education and by
19 serving as a forum for engaging the public in
20 cultural exchange of ideas and views of social,
21 civic, educational and economic issues affecting
22 the Hispanic Latino community. We are committed
23 to connecting Latinos from across the state
24 through sharing important information with our

1 Demographic Research & Reapportionment-July 20, 2011

2 network of Latino professionals, elected
3 officials, community organizations, NGOs,
4 grassroots organizations and community at large
5 especially on the issue of redistricting as it
6 will shape and influence the Latino community's
7 future for the next ten years. The process of
8 reapportionment and redistricting is at the heart
9 of the democratic system. Yet this very same
10 process has been used to maintain power rather
11 than shape the American public's political
12 representation. The process should not be about
13 political parties looking to protect incumbent
14 seats to maintain control. Rather it should be
15 about ensuring adequate representation through
16 equally distributed districts. The process
17 should insure the public's input is not only
18 heard but carefully reviewed and incorporated
19 into the drawing plans rather than allowing
20 incumbents and political parties to make deals
21 and decide where boundaries will be drawn or
22 maintained. The process should ensure that the
23 electoral system is equally open to participation
24 by minority voters including the selection of a

1 Demographic Research & Reapportionment-July 20, 2011

2 candidate of their choice as required by Section
3 2 of the Voting Rights Act of 1965. The process
4 should protect the one person one vote principle
5 as noted in the landmark case of Reynolds v.
6 Simms where the Court relied on the 14th
7 Amendment's equal protection clause requiring
8 legislative districts to be substantially equal
9 in population. The process should be about
10 ensuring the historically disenfranchised
11 minority population has a voice through their
12 vote for a candidate of their choice not the
13 other way around.

14 The process should be about protecting
15 life, liberty and the pursuit of happiness of
16 every citizen through fair representation in the
17 political process. I stand here today to urge
18 this panel for a fair review of all the testimony
19 that will be presented in the months ahead by
20 community members from across the state. I
21 respectfully request this panel pay close
22 attention to the population increase we have seen
23 over the last decade in the Hispanic community,
24 which now accounts for 17.6 or 3.4 million from

1 Demographic Research & Reapportionment-July 20, 2011

2 the overall 19.4 million people in New York
3 State. Hispanics experience a 19.2 population
4 increase between 2000 and 2010 according to the
5 census or an increase from 2.9 million to 3.4
6 million. It is important to note that the non-
7 Latino population in the State of New York grew
8 only slightly by 2.1% from 19 million to 19.4
9 million during the same period. While Latinos
10 are the fastest-growing minority group, the
11 population continues to face barriers and
12 discrimination in the areas of education,
13 employment, health and housing as evidenced by
14 poverty levels, low graduation rates, increased
15 crime and dependency on social welfare programs
16 and representation in the workforce. These
17 barriers directly contribute to the population's
18 ability to effectively participate in the
19 political process. The Latino community's voice
20 across New York State and the nation continues to
21 grow even with the many barriers they encounter.
22 The top five Latino groups in New York State are
23 as follows: Puerto Ricans with 1.1 million,
24 Dominican with 675,787, Salvadoran with 152,130,

1 Demographic Research & Reapportionment-July 20, 2011

2 Guatemalan with 73,806, Cuban with 70,803 and
3 other Hispanics account for 971,550.

4 While the majority of Latinos reside in
5 New York City with 2.3 million or 28.6% of the
6 overall population, over the last decade Latinos
7 have grown in numbers in the upstate region. The
8 highest Latino populations and the percentage
9 from the overall population in the respective
10 location in the upstate region are as follows:
11 Rochester has a Latino population of 34,456.
12 That's 16.4% of the population. Buffalo's Latino
13 community is--I'm sorry and these are for the
14 cities. The City of Buffalo has a Latino
15 community of 27,519. That's 10.5% of the
16 population. Utica 6,555, 10.5% of the
17 population. Schenectady 6,922 with 10.5% of the
18 population. Albany 8,396, which is 8.6% of the
19 population, and Syracuse with 12,036, which is
20 8.3% of the population. Large cities across New
21 York State have experienced an increase in the
22 Latino population. This trend is expected to
23 continue here and across the nation. Latinos are
24 very much interested in participating in the

1 Demographic Research & Reapportionment-July 20, 2011

2 electorate process as it will ensure their needs
3 are adequately addressed only when they are able
4 to choose a candidate of their choice. During
5 the 2010 Congressional elections Latinos were
6 directly responsible for electing several Latinos
7 to office including two first-time Latino
8 Governors in response to the challenges they
9 faced in the respective states. Likewise, Latinos
10 in New York State seek candidates and
11 representatives who will be responsive to their
12 needs. As this panel moves forward with its
13 review process, the facts must be carefully
14 reviewed to ensure the Latino community fully
15 engages in the democratic process. I strongly
16 urge this panel to be transparent as you move
17 forward through the process of listening to
18 community members and their testimonies. And
19 only in this manner can you truly ensure the
20 rights of the people of the great State of New
21 York are protected as you map their future.

22 MR. MCENENY: Thank you. Senator Dilan?

23 MR. DILAN: Yes, Ms. Miranda, thank you
24 for your testimony. I have several questions

1 Demographic Research & Reapportionment-July 20, 2011

2 with respect to the numbers. First, you list the
3 top five groups within the Latino community, so
4 I'm to assume that Mexicans, Ecuadorians are
5 included in the other number?

6 MS. MIRANDA: Well, these are for New
7 York State, but Mexicans overall are the largest
8 group in the United States.

9 MR. DILAN: But I'm talking about New
10 York State. So the Mexican numbers are included
11 in the 900,000

12 MS. MIRANDA: In the other Hispanic
13 number, yes.

14 MR. DILAN: That was my question.

15 MS. MIRANDA: I'm sorry.

16 MR. DILAN: Secondly, I'm curious about
17 county numbers, for example Nassau County,
18 Suffolk County that may also have a large Latino
19 community. Did you do any research with respect
20 to those counties?

21 MS. MIRANDA: Yeah, those counties also
22 have large Latino communities. I sort of kind of
23 focused on the upstate region since I was
24 speaking here but in Long Island Suffolk County

1 Demographic Research & Reapportionment-July 20, 2011

2 has the highest concentration of Latinos and
3 Nassau County is the second.

4 MR. DILAN: Is there anywhere outside of
5 New York City that's including the two Long
6 Island counties, anywhere outside of New York
7 City where there is a possibility of giving the
8 Latino community a choice in electing their
9 representative that you may be aware of?

10 MS. MIRANDA: In upstate you said?

11 MR. DILAN: Anywhere outside of New York
12 City. It could be Nassau. It could be Suffolk.

13 MS. MIRANDA: There are actually a few
14 counties, a few areas. Westchester County,
15 Queens, certainly Long Island and I think there's
16 an opportunity also in Brooklyn.

17 MR. DILAN: I was talking outside of New
18 York City.

19 MS. MIRANDA: Westchester County would
20 be in the upstate region.

21 MR. DILAN: Any county in Long Island?

22 MS. MIRANDA: I apologize. I don't have
23 a specific county.

24 MR. DILAN: Maybe when we hold the

1 Demographic Research & Reapportionment-July 20, 2011

2 hearing in Albany, or you can actually submit
3 future written testimony to that effect.

4 MS. MIRANDA: Yes, I can certainly
5 prepare that as I come before you in the near
6 future.

7 MR. DILAN: Thank you.

8 MR. OAKS: I would just mention for the
9 record there is a representative from Suffolk I
10 believe, Phil Ramos [phonetic] who is Latino
11 presently in a District. Whether there's other
12 ones or not I don't--

13 MR. DILAN: [interposing] My reference
14 was is there a possibility of creating
15 additional? Thank you.

16 MS. MIRANDA: And actually it's
17 interesting you mention that. Phil Ramos'
18 district was created as a result of the large
19 population in Suffolk County during the last
20 redistricting.

21 MR. DILAN: So just one more comment.
22 You do have let's say Phil Ramos as an Assembly
23 person. Is there a possibility of perhaps
24 creating a Senate District in Long Island? I'm

1 Demographic Research & Reapportionment--July 20, 2011

2 not suggesting that that's what we do now. I'm
3 saying those are things we should look at for
4 example outside of New York City and here in
5 upstate are there also opportunities to create
6 the opportunity for African American communities
7 to also have an opportunity to elect their own
8 representative, and basically that's some of the
9 information that I would like to hear from the
10 public in general. Thank you.

11 MS. MIRANDA: I believe those
12 opportunities are there, and hopefully as the
13 public continues to appear before you, that
14 information will be relayed to all of you.

15 MR. NOZZOLIO: I'd like to follow up on
16 Senator Dilan's question. Thank you first though
17 for your testimony. It is very helpful, and I
18 had wondered, I didn't realize that Rochester had
19 the largest Latino population outside of the five
20 boroughs, or is that tempered by Long Island?

21 MS. MIRANDA: I don't have the Long
22 Island numbers in front of me, but this is for
23 the top five--the top few cities with the largest
24 Latino concentration outside of the City of New

1 Demographic Research & Reapportionment--July 20, 2011

2 York of course.

3 MR. NOZZOLIO: Do you know Yonkers?

4 MS. MIRANDA: I don't have the Yonkers
5 numbers in front of me.

6 MR. NOZZOLIO: Certainly, LATFOR has
7 that data, and we'll be looking at it thoroughly.
8 This has been a very helpful outline. Ms.
9 Miranda is your organization planning to submit
10 further mapping of potential districts that you
11 believe would be appropriate to address the needs
12 of the Hispanic community?

13 MS. MIRANDA: At the present time we
14 haven't looked at that. Mapping, as you all know
15 by now, is a very costly initiative, and as a
16 not-for-profit organization, we don't have the
17 resources for that type of information. But
18 there may be others within the community who may
19 be able to provide those maps for you.

20 MR. NOZZOLIO: We certainly appreciate
21 the input and I noticed you were on the list
22 yesterday to testify in Syracuse. We I hope may
23 see you again at our additional hearings, and at
24 that time you may have--certainly feel free to

1 Demographic Research & Reapportionment-July 20, 2011

2 provide additional input.

3 MS. MIRANDA: I am planning on it, and
4 thank you so much.

5 MR. NOZZOLIO: Thank you.

6 MR. MCENENY: Thank you very much. Tom
7 Ferraro, executive director and founder of
8 FoodLink, Thomas Ferraro. Charlie Ennis
9 [phonetic]? Is Charlie Ennis here?

10 MR. NOZZOLIO: No.

11 MR. MCENENY: Kent Gardner, president,
12 being represented by Erica Rosenberg of the
13 Center for Governmental Research. Is Erica
14 Rosenberg here or Kent Gardner?

15 MR. NOZZOLIO: They are not.

16 MR. MCENENY: The Honorable Sandra L.
17 Frankel, supervisor of the Town of Brighton.
18 Frankel, I'm sorry.

19 SANDRA L. FRANKEL, TOWN OF BRIGHTON
20 SUPERVISOR: Good morning. I'm delighted to be
21 here and really appreciate the opportunity to
22 speak before you today. And should I say good
23 morning or--

24 MR. MCENENY: [interposing] It's

1 Demographic Research & Reapportionment--July 20, 2011

2 afternoon. You started at 12:09.

3 MS. FRANKEL: It is indeed. So,
4 Chairman Nozzolio, Assemblyman McEneny and
5 members of the Task Force, I would like to speak
6 with you today about the task before you, which
7 is an awesome one that you undertake every ten
8 years. As the elected executive of the Town of
9 Brighton for 20 years, I bring the perspective of
10 both town government and county interest to this
11 process. Ten years ago I spoke to your
12 colleagues who served on the same Task Force
13 about the need for change. Times have changed,
14 but the need for change is no less imperative.
15 Human nature being what it is, self preservation
16 often prevails when legislatures draw district
17 lines, and that can translate into districts that
18 deliver less effective representation than our
19 founders envisioned or than the courts have
20 concluded.

21 I know that you know the principles
22 underling redistricting--that districts should be
23 of equal population with a small variance. That
24 districts should be drawn in compliance with the

1 Demographic Research & Reapportionment-July 20, 2011

2 Voting Rights Act requirements related to
3 adequate minority representation, and I will
4 observe that in the Town of Brighton our Latino
5 population has in fact increased and mirrors that
6 in the country and is not far off from the State
7 or the City of Rochester and has shown the most
8 significant increase in our population
9 demographic. No incumbents from either party
10 shall be placed in a district with one another.
11 District plans should be based on current
12 legislative districts to the extent reasonable to
13 provide accountability and I would argue that
14 accountability is important, but if consistency
15 undermines accountability because of
16 gerrymandering, then that change should prevail
17 to eliminate that. Today my focus is principally
18 on our Congressional Districts rather than State
19 Legislative Districts. The Town of Brighton is
20 divided, and that has posed a real problem with
21 regard to assistance from the federal government
22 on major projects and issues that impact the
23 community. As an example, we have a road project
24 that needs to be completed and would require

1 Demographic Research & Reapportionment-July 20, 2011

2 federal funding. But because the road itself is
3 in a district that aligns with the southern tier,
4 the majority of interest and focus is not on the
5 Town's and Brighton within Monroe County
6 represented in that district. I work well and
7 closely with Congressman Reed, but the
8 preponderance of his District is really not
9 reflective of the communities of interest and the
10 needs of Brighton and other Southern Monroe
11 County towns. When we look at a recent issue
12 that has come before the community, the potential
13 for the loss of half of federal funding for
14 medical training at the University of Rochester
15 Medical Center, half of \$55 million, that could
16 have a major impact not only on our area's
17 economy but it could also have a very significant
18 impact on the delivery of critically needed
19 healthcare for our community, for the state and
20 for the country.

21 On a personal note, I can attest to the
22 outstanding training for residents at the
23 University of Rochester Medical Center because
24 our son received his training in emergency

1 Demographic Research & Reapportionment-July 20, 2011

2 medicine there. He is now serving in an
3 agricultural area in Southern Colorado, but we
4 have many from his class who have remained her.
5 The dilution or decrease in medical training is
6 something that we've got to be very careful about
7 and to have representatives whose focus is on
8 Monroe County where that institution has an
9 impact and a presence within the Town of Brighton
10 is critically important. So having that
11 concentration and community of interest
12 perspective is really critical. In addition,
13 along those same lines, the Town of Brighton
14 historically evolved and was originally the
15 eastern half of the City of Rochester, and with
16 annexation divisions were created, but there
17 still is a lot of commonality in terms of
18 infrastructure, cultural, educational, economic
19 and other aspects that tie us together and we
20 work closely with one another. As a former
21 school board member, I can also speak to the
22 importance of having a Congressional District
23 representative who understands and knows the
24 needs of all of the school districts within

1 Demographic Research & Reapportionment-July 20, 2011

2 Monroe County, and to that end I would encourage
3 you to take a hard look at the Congressional
4 District now served by Congresswoman Louise
5 Slaughter. It looks like a barbell, Monroe
6 County, a large portion of Monroe County at one
7 end, a thin strip heading over to Erie County,
8 Buffalo and Niagara counties. It would make a
9 lot more sense, and we would have more effective
10 representation in Congress if the towns in Monroe
11 County that are now in Congressman Reed's
12 District were moved into Congresswoman
13 Slaughter's District because of the commonality
14 and the focused interest that that would provide.
15 When the University of Rochester was partly in
16 the City of Rochester represented by
17 Congresswoman Slaughter and part of the
18 University's facilities are in the Town of
19 Brighton with a different Congressional
20 representative, Tom Reed, it makes it harder to
21 move initiatives forward just because of the
22 disparity and dilution of effort. And then
23 finally I do want to speak to the idea of an
24 independent redistricting commission. I respect

1 Demographic Research & Reapportionment-July 20, 2011

2 the work that you do. It's no small task you
3 have before you. The voters have indicated a
4 clear support for independent redistricting, and
5 I would urge you to be responsive to that and to
6 go back and look at how you can structure an
7 independent redistricting commission that would
8 have an understanding of the political process
9 and aspects that are involved because that's
10 reality along with independence so that there
11 isn't a vested interest that may prevail. I do
12 believe that you are here to do your work in good
13 faith, and I appreciate and respect that, but I
14 do know that it is the perception at the very
15 least of the public that that may not be the
16 case, and when you look at the district created
17 for Congresswoman Slaughter when it turned into
18 the barbell configuration there were real
19 political aspects that went into the creation of
20 that district design and another district design
21 in the Hudson Valley area. And those are the
22 kinds of things that undermine the credibility of
23 the process that have resulted in the call for a
24 more independent approach. So I thank you for

1 Demographic Research & Reapportionment-July 20, 2011

2 listening to my comments today, and if you have
3 any questions I'm happy to try and answer them.

4 MR. MCENENY: In your opening remarks,
5 you mentioned something about not putting two
6 incumbents in the same district. I didn't quite
7 understand that.

8 MS. FRANKEL: You know, in Monroe
9 County, when the County legislature was looking
10 at how it was going to re-district itself, there
11 was talk about the possibility of two incumbents
12 ending up in the same district. They ended up
13 not doing that and happily so, but the fact that
14 that was something in the deliberation was a
15 motivation for saying that.

16 MR. MCENENY: Interestingly enough some
17 of the other people who testified today thought
18 that was a great idea and they didn't even want
19 us to know where they lived.

20 MS. FRANKEL: Understood.

21 MR. MCENENY: I should point out that
22 for a redistricting year in the state legislature
23 and any year in the federal Congress who doesn't
24 care about redistricting residency as long as you

1 Demographic Research & Reapportionment-July 20, 2011

2 live in the state but in a redistricting year you
3 can't be districted out. You have a right to run
4 in whatever district is in your area even if your
5 house is outside the boundary.

6 MS. FRANKEL: Thank you.

7 MR. NOZZOLIO: Supervisor Frankel, thank
8 you. It's very nice to see you again.

9 MS. FRANKEL: Nice to see you.

10 MR. NOZZOLIO: Very profound comments,
11 and I know you analogized them to the
12 Congressional, the issue of Brighton being split
13 as a town. I thought it was a very clear picture
14 of the problems of splitting towns, and that's
15 the consequence really of having mathematical
16 precision in terms of the precise deviation that
17 congressional districts must fall into. In terms
18 of the state Constitution, I think it was wise by
19 those who formerly put the provision in to take
20 into consideration the town jurisdiction. Your
21 problem that you face in Brighton could be
22 compounded significantly if towns were cut to
23 create Assembly Districts or State Senate
24 Districts, and there are proponents today that

1 Demographic Research & Reapportionment-July 20, 2011

2 have said that deviations need to be shrunk and I
3 think that is something that is certainly a well-
4 stated point of view, but the unintended
5 consequence was simply brought out by your
6 statement here. When the Town of Brighton is
7 split in order to achieve that mathematical
8 exactness at the Congressional level there are
9 additional hurdles placed, and that could happen
10 as those who are advocating for the mathematical
11 precision to take place at the state legislative
12 level would result in splitting additional towns
13 across the state making it difficult for those
14 towns, particularly in upstate. This is
15 primarily an upstate concern, an upstate reality,
16 and I thank you for bringing it out. I think for
17 the record that testimony certainly provides an
18 understanding what community of interests are
19 necessary to be considered in these
20 considerations.

21 MS. FRANKEL: Thank you for that. With
22 regard to our state representation, Brighton is
23 whole, but for our Congressional representation
24 the line cuts right through the town so that a

1 Demographic Research & Reapportionment-July 20, 2011

2 portion of the town is in one Congressional
3 District, a portion of the town in another
4 District, and that makes for quite some
5 challenging situations as you can understand. I
6 would venture to say that if we brought back the
7 analysis of population numbers from Buffalo
8 and/or Erie County, we'd be able to fit Southern
9 Monroe County in with the rest of Monroe County.
10 I don't envy you the design work you've got to
11 do, or that an independent group might have to
12 do, but I believe where there's a will there's a
13 way and I thank you very much.

14 MR. MCENENY: Thank you. The Honorable
15 Mark Assini, town supervisor of the Town of
16 Gates.

17 MR. NOZZOLIO: Good afternoon, Mark.

18 MR. MARK ASSINI, TOWN SUPERVISOR, TOWN
19 OF GATES: Good afternoon, Chairman Nozzolio and
20 Task Force members. There was a day I didn't
21 need these. Unfortunately today is not the day.
22 I do need them. I certainly wish you all success
23 in sorting out the facts and data to come up with
24 the best solutions in determining the district

1 Demographic Research & Reapportionment-July 20, 2011

2 lines for all New Yorkers. This is not an easy
3 task. It's a very complicated one, and the more
4 I listen, the more complicated I realize that it
5 is. But I would like to ask for your
6 consideration in creating a Greater Rochester
7 Congressional District. I have some prepared
8 remarks, but if you don't mind, I'll just hit
9 some of the highlights. Our founding fathers
10 intended the Congressional representatives to be
11 a citizen legislator who understands the
12 community's needs, who understands the challenges
13 his neighbors face, to be the voice of the voter,
14 the voice of the common man because he or she
15 would be among us, one of us, a part of the
16 community that he or she would represent, and at
17 a time of great economic peril and where New York
18 has lost two Congressional seats, we must ensure
19 our representatives are in tune with our needs,
20 and I stress this, accessible to the residents of
21 the district. I think that is a key. I am the
22 supervisor as you had stated in Gates, New York,
23 a suburb of Rochester. My residents who have a
24 number of times complained about this would have

1 Demographic Research & Reapportionment-July 20, 2011

2 to drive over three hours down and back to meet
3 at the home office of Congressman Tom Reed, and
4 he does a wonderful job but that's a long drive
5 for our residents to go to the home office. Now,
6 the satellite office still a 45-minute round
7 trip. With traffic it's close to an hour. We
8 live in a county with approximately three-
9 quarters of a million people and have Congressmen
10 representing areas from Buffalo to Syracuse and
11 from Gates to the Pennsylvania border. We have
12 enough population in this county to have a single
13 Congressional District and yet we have four, and
14 each with an office in our county's border, a
15 total of four offices, and a grand total of 14
16 offices for the four representatives including
17 their Washington office. Our region can no
18 longer afford satellite offices spread out over a
19 span of multiple cities and regions. The cost
20 and inefficiency of such an operation is not
21 acceptable in a state and nation where we face
22 budget constraints. The time for change is now.
23 Let our districts be more in line with our
24 communities, regions and neighborhoods.

1 Demographic Research & Reapportionment-July 20, 2011

2 Communities around this state deserve
3 congressional representatives focused on their
4 needs and districts, which are manageable and
5 efficient. It's time to take action and give the
6 greater Rochester area its own Congressional
7 District. I've said that, but I will-I can take
8 these off now, I will also say that the worst
9 thing that could happen is that we make these
10 compact districts and then force the rural areas
11 to have to drive eight hours round trip. That
12 would be disastrous. That would impact the
13 accessibility, and I think that's the challenge
14 that this body has. I realize that there are
15 going to be prices to making more compact
16 districts especially when we haven't grown as
17 quickly as the other states and have lost
18 Congressional seats, so I realize that this is a
19 great challenge to say the last to serve all the
20 residents. With that I'd certainly answer any
21 questions you might have.

22 MR. NOZZOLIO: Thank you, Mark.

23 MR. MCENENY: It's interesting you
24 should make that comment on the rural districts

1 Demographic Research & Reapportionment-July 20, 2011

2 because the last time that's exactly what
3 happened with the district which went from
4 Congressman Sweeney to Congresswoman Jillabrand
5 [phonetic] to Congressman Murphy and now
6 Congressman Gibson. It starts up at Lake Placid,
7 comes down in back of Troy, goes along the state
8 line for two states, includes Hyde Park, runs
9 over to 20 miles from Binghamton and includes the
10 towns next to Cooperstown. There are only three
11 cities in the District, 8,000, Glens Falls is I
12 don't know 15,000, and Saratoga Springs is the
13 big metropolis with about 25,000. In a lot of
14 ways it's a community of interest in that it's a
15 rural and suburban district, but it's tough for
16 constituent services. You have ten counties,
17 innumerable, something like 17 newspapers, etc.

18 MR. ASSINI: It's a challenge. It's a
19 real challenge.

20 MR. MCENENY: While it's good to have
21 that tunnel vision on compact districts around a
22 large city, when you're all done, you wind up
23 with rural choices like that that can just be
24 extraordinary and I thank you for observing that.

1 Demographic Research & Reapportionment-July 20, 2011

2 MR. ASSINI: Thank you. Thank you for
3 your time.

4 MR. MCENENY: Anyone else on the panel?
5 Thank you for coming.

6 MR. ASSINI: Thank you.

7 MR. MCENENY: Reginald Neale, private
8 citizen.

9 MR. REGINALD NEALE: I am Reginald Neale
10 a private citizen from Farmington, New York.
11 Thank you for the opportunity to testify today.

12 MR. MCENENY: Can we have your address,
13 sir?

14 MR. NEALE: 6032 County Road 481 in
15 Farmington.

16 MR. MCENENY: Thank you.

17 MR. NEALE: Voters should have the power
18 to decide who represents them. Instead, New York
19 legislators have the power to determine whom they
20 represent based on maximizing the benefit to
21 their political situation. That's probably one
22 reason why our legislature even though it has
23 been characterized as the most dysfunctional in
24 the nation still has the highest incumbency

1 Demographic Research & Reapportionment-July 20, 2011

2 return rate in the nation. Partisan
3 redistricting divides communities of interest for
4 political advantage and results in non-
5 competitive elections. Legislators in those safe
6 seats have less incentive to listen to voters and
7 more incentive to listen to lobbyists, campaign
8 contributors and political bosses. For decades
9 reformers have urged the legislature to create a
10 fair, non-partisan re-districting process. Along
11 with the majority of New Yorkers I support the
12 Governor's bill pending in both houses, which
13 would establish an independent commission
14 designed to be as non-partisan as possible, but
15 the legislature wants to continue drawing its own
16 lines, so that bill is not moving. Even more
17 disturbing is the fact that many legislators in
18 both parties when they were running for election
19 signed a pledge to enact fair redistricting in
20 time for next year's elections, and as soon as
21 they were in office invented reasons not to do
22 it. I have heard the objections that the
23 Governor's bill is partisan, that there isn't
24 enough time to change the process and that a

1 Demographic Research & Reapportionment-July 20, 2011

2 Constitutional amendment is required. All of
3 these transparently self-serving objections arose
4 after legislators signed the pledge and got
5 elected. Good government groups reject them. So
6 do I. The legislature has created yet another
7 reinforcement of the stereotypical perception
8 that no one in government can be trusted. A
9 majority of state legislators signed that pledge.
10 In my opinion, they just plain flat out lied to
11 us to get elected. I feel compelled to appear
12 before you today to register my disgust and to
13 tell you that I am more ashamed than ever of my
14 state legislators.

15 The word "citizen" and "civility" are
16 derived from a common root. It is painful for
17 this citizen to appear before you forced by your
18 actions to push the limits of civility. Go back
19 to Albany, honor your pledge and pass fair
20 redistricting now. Thank you for your attention.

21 MR. MCENENY: Members of the panel? We
22 have 27 new members in the New York State
23 Assembly this year. That would seem like a
24 reasonable amount of turnover. I don't know what

1 Demographic Research & Reapportionment--July 20, 2011

2 the other states have, and as far as the most
3 dysfunctional that came out with the Brennan
4 Center some years ago. It was picked up by
5 editorial boards. There are 50 states in the
6 United States. I think that title made some of
7 them feel pretty good because they were probably
8 surprised by it.

9 MR. NEALE: Assemblyman, there is a
10 difference between turnover and incumbency re-
11 election. Many of the people who are no longer
12 serving were indicted, or died in office, that's
13 not a good thing.

14 MR. MCENENY: Well, out of 331 members
15 of the Assembly, which have served since 1990,
16 there's been less than ten of them that have been
17 indicted. That's less than one-third of 1%; yet
18 they get all the publicity on it. And as
19 somebody who has been in politics for his entire
20 life or at least on the fringe of it, if I felt
21 that I was going to lose an election, I would
22 step down rather than lose. So, in many cases,
23 people leave because they feel that their term is
24 up, they're not going to get redirected.

1 Demographic Research & Reapportionment-July 20, 2011

2 Turnover is turnover. New blood comes in
3 regularly. In the year I was first elected, the
4 election of 1992, we also had 27 new members.
5 There is more turnover than people would believe
6 with statistics that take things out of context.

7 MR. NEALE: Still, I reiterate that the
8 existing process instead of working best for
9 democracy works best for parties in power.

10 MR. NOZZOLIO: And that's exactly why
11 members of the Senate decided to support a
12 constitutional amendment creating a truly
13 independent body that you I believe, Mr. Neale,
14 should look further at the proposals that the
15 selection process as we saw it as more partisan
16 than the process is today in the so-called
17 independent, in one of the so-called independent
18 measures. There's also what I hope is not an
19 inconvenient truth for those seeking real reform,
20 and that is the Constitution of the State of New
21 York, which as brought out by the prior speakers
22 this morning and this afternoon that there are
23 constitutional provisions which establish some
24 communities of interest regarding towns. The

1 Demographic Research & Reapportionment-July 20, 2011

2 mathematical precision suggested by additional
3 legislation, that precision would have to be
4 achieved through the elimination of that
5 Constitutional provision dealing with the
6 severance, the cutting of towns into two or more
7 State Assembly and State Senate Districts. The
8 Senate for the record has enacted a
9 Constitutional Amendment that we believe is the
10 true way to establish independent redistricting
11 and that was also in compliance with the support
12 that many gave to this process prior to the last
13 state-wide election. So I think that certainly
14 your opinion is respected, but it should not go
15 unchallenged, and that I respectfully draw those
16 points and that hope that as this body itself is
17 not designed to debate, argue the merits of those
18 provisions, this body has a Constitutional, legal
19 and fiduciary mandate to begin the process.
20 Right now there is no process established other
21 than the one that's in existing law, and that's
22 what we are doing here today to take input on
23 policies and practices on communities of interest
24 particularly for the Rochester region today, but

1 Demographic Research & Reapportionment-July 20, 2011

2 we are going to be traveling to another ten
3 jurisdictions, have already traveled to Syracuse
4 and are going to be taking testimony on those
5 individuals who want to provide input about lines
6 and about districts. Until that changes broadly
7 and more generically we have to comply with this
8 mandate, and I hope that's something that is
9 clear to those who are testifying today.

10 MR. NEALE: Senator, I have no problem
11 with the Constitutional amendment. My problem is
12 with that being the only possible path forward.

13 MR. NOZZOLIO: Thank you respectfully
14 for voicing your opinion. Are there any other
15 questions, members of the panel?

16 MR. MCENENY: Thank you very much. Amy
17 Hope?

18 MS. AMY HOPE WITRYOL: Good afternoon.
19 My name is Amy Hope Witryol, and I live in
20 Lewiston, New York, which is about two hours from
21 the City of Rochester and two minutes from the
22 City of Niagara Falls.

23 MR. MCENENY: May we have your street
24 address to? That way we can get in touch with

1 Demographic Research & Reapportionment-July 20, 2011

2 you if we need to?

3 MS. WITRYOL: 4726 Lower River Road,
4 Lewiston, New York.

5 MR. MCENENY: And your name other than
6 Hope?

7 MS. WITRYOL: Amy Hope Witryol, it's
8 been submitted in text.

9 MR. MCENENY: Thank you.

10 MS. WITRYOL: As I said it took about
11 two hours to get here even though I live about
12 two minutes from the City of Niagara Falls, but
13 only one of these two cities is in my State
14 Senate District. Guess which one? And I'll give
15 you a hint. You're not in Niagara Falls today.
16 But here are more important questions from my
17 view. What are you doing here, and why aren't
18 you back in Albany passing Governor Cuomo's
19 independent redistricting legislation. While I
20 understand you're following the law, you also
21 have the power to change the law to alter the
22 process for the better. As good government
23 groups say, politicians should not pick their
24 voters. It should be the other way around. The

1 Demographic Research & Reapportionment-July 20, 2011

2 *Albany Times Union Editorial Board* recently
3 wrote, "Explain how a legislature, most notably
4 all the Senate Republicans who promised to make
5 the drawing of political districts in the state
6 more open and honest turn around and do things
7 exactly the same old corrupt way and not in some
8 back room behind closed doors. They're doing it
9 right under your noses, New York, in your face."
10 The paper goes on to say that this Task Force,
11 "...is even holding public hearings, inviting the
12 very citizens it's insulting to get in on the
13 joke that's on them."

14 If forty years of history makes for a
15 trend, the public should have no confidence these
16 hearings will result in anything other than
17 gerrymandering of the legislature to the
18 detriment of all New Yorkers, especially those in
19 upstate.

20 The U.S. Constitution calls for one
21 person one vote, but in many New York Districts
22 it's one person, nine-tenths of a vote. The
23 Governor's bill calls for better math, the novel
24 concept that in America one should equal one.

1 Demographic Research & Reapportionment-July 20, 2011

2 Enrollment trends suggest future state Senate
3 majorities must include a number of upstate
4 senators to have control regardless of party.
5 However, the failure of the Republican State
6 Senate to pass the Governor's redistricting bill
7 will allow the Assembly to draw its own lines to
8 the benefit of New York City. Such a failure in
9 my view belies the Republican State Senate claim
10 of protecting upstate and mocks those upstate
11 editorial boards, which endorsed a Republican
12 Senate instead of the best candidates last fall.
13 Anyone truly concerned about upstate should
14 consider that the New York City area has upwards
15 of 50 Assembly seats, which are underpopulated
16 and therefore over represented when compared to
17 the average District size. Many, if not most of
18 those seats, exceed the 1% maximum variance in
19 Governor Cuomo's bill which is supported by many
20 public interest groups. Another half-dozen seats
21 in the Adirondack Region under represent that
22 population. An independent redistricting
23 commission is more likely to right-size these
24 districts, which could bring about a seat change

1 Demographic Research & Reapportionment-July 20, 2011

2 in the assembly that gives upstate a fair shake.
3 And I would offer that if your view is that it's
4 mathematically impossible to meet a 1% tolerance
5 without dividing towns then maybe suggest to the
6 Governor let's make it 2% or 3%, but let's do
7 something now.

8 To reiterate, the Republican Senate
9 majority from my view cannot break its campaign
10 pledge for an independent redistricting this year
11 and pretend to care about upstate. If we want to
12 elect legislators who possess the skills to help
13 New York become an economic engine once again, we
14 must ask you to pass Governor Cuomo's
15 redistricting reform soon in a special session.

16 If we want legislators who can take the
17 three most oppressively taxed and devalued
18 counties in the entire nation, which are Orleans,
19 Monroe and Niagara, and transform them into the
20 three most economically valued counties in the
21 nation, we must ask you to pass Governor Cuomo's
22 redistricting reforms. Within the year, the
23 legislature must also end pay-to-play so that
24 state government will be accountable to residents

1 Demographic Research & Reapportionment-July 20, 2011

2 instead of wealthy special interests. We want to
3 attract bright young people to government who
4 will become skilled legislators instead of
5 professional fundraisers. Toward that end, we
6 also need you to pass redistricting reform now,
7 not ten years from now.

8 In closing, as the *Times Union* said, "If
9 there is one thing that all incumbents can agree
10 on, it's preserving their jobs. A for integrity,
11 that's so last year." I ask you to make
12 integrity fashionable this year. Stop the
13 gerrymandering, go back to Albany and pass
14 Governor Cuomo's redistricting reforms. And I
15 would add that "you" means the legislature, not
16 the members in the Task Force here today
17 personally. But I would certainly look to you
18 for leadership to go back in a special session
19 and call on both houses to enact some independent
20 redistricting forum hopefully to add credibility
21 to what you're trying to do here today. Thank
22 you.

23 MR. MCENENY: I do appreciate your
24 recognizing that 1% doesn't work in some cases

1 Demographic Research & Reapportionment-July 20, 2011

2 when you're trying to comply with the Voting
3 Rights Act for minority/majority districts and
4 also sometimes when you're trying to preserve a
5 county line or a municipal boundary and certainly
6 when two towns together go beyond that 1%. I'm a
7 sponsor of Governor Cuomo's bill, but I do
8 recognize in its final form it should be tweaked
9 a bit so that it conforms with the Constitution.
10 Irrelevant to this year if we do indeed along the
11 line do a Constitutional amendment, we should
12 take a look at the anti-urban Constitution we
13 have had since 1894 where villages are split in
14 two because they often are built on two sides of
15 a town boundary, usually a stream, and so God
16 forbid you would ever keep the village together,
17 and the same thing happens wholesale with urban
18 neighborhoods. So those kinds of changes also
19 need to be made, and I have yet to hear any human
20 cry on that. And I would like to see people
21 recognize that as one of the problems which
22 creates some pretty horrible-looking districts in
23 urban neighborhoods that we'll of course be
24 blamed for, but thank you very much for coming.

1 Demographic Research & Reapportionment-July 20, 2011

2 We appreciate the distance. Yes, Senator Dilan?

3 MR. DILAN: Just one comment. I
4 certainly appreciate your response about the
5 complexity, but to be clear I would urge the
6 legislature to undertake a two-step approach
7 here, number one some form of independent
8 redistricting now, and then number two a
9 Constitutional Amendment so that in the future
10 the process can be improved further.

11 MR. DILAN: Okay, I know that your
12 position on independent redistricting is very
13 clear. You've made that very clear. However, I
14 would just like clarification in terms of the
15 percentage issue or deviation.

16 MS. WITRYOL: Yes.

17 MR. DILAN: So basically what I believe
18 you are saying is that both in the State Senate
19 and in the New York State Assembly there should
20 be consistency throughout every single, 150
21 Assembly Districts and currently 62 Senate
22 Districts, that they should be consistent in the
23 deviation, is that correct, that they should be
24 as close as possible to equal numbers?

1 Demographic Research & Reapportionment-July 20, 2011

2 MS. WITRYOL: I think as close as
3 possible, I would agree with. I don't know that
4 it can be precisely consistent, but as I'm sure
5 all of you know, the maximum variance now is a
6 lot closer to 10% than it is to 1%.

7 MR. DILAN: That's where I'm going.

8 MS. WITRYOL: But I believe in both
9 houses there needs to be consistency.

10 MR. DILAN: So basically let's assume
11 for one second that we've completed the first
12 round of hearings, that by the time we start our
13 second round of hearings and I hope that this
14 panel will come out with guidelines that they
15 will follow as they proceed into the second phase
16 where we may have maps where we would have a
17 range that would say no more than 5% in any given
18 district or no more than 4% in any given, not
19 where we would go as high as 10% as it currently
20 configured, is that what I'm understanding?

21 MS. WITRYOL: Well, I would reiterate
22 that my hope is that in the next two weeks when
23 the legislature goes back perhaps to handle the
24 PEF contracts that that would be a good time to

1 Demographic Research & Reapportionment-July 20, 2011

2 look at independent redistricting.

3 MR. DILAN: But my question, I said your
4 position is very clear on that.

5 MS. WITRYOL: Okay.

6 MR. DILAN: My question is talking about
7 the range of deviation.

8 MS. WITRYOL: The range of deviation.

9 MR. DILAN: That it should under no
10 circumstances be as it currently exists up to
11 10%. I'm saying that when we come out with
12 criterion if the panel does come out with
13 criterion there should be perhaps a range that
14 says let's say bottom number being 2% and maybe
15 the top number 5% where you have a district that
16 you have two towns where it is not possible, then
17 you might have to go to the high cap of 5%.

18 MS. WITRYOL: Understood.

19 MR. DILAN: And every other district
20 then should have 2% or 1%, whatever the lower
21 number is? Is that what I'm understanding?

22 MS. WITRYOL: Senator, that sounds like
23 a perfectly reasonable approach, and of course
24 the closer we can get to 1% and incorporate and

1 Demographic Research & Reapportionment-July 20, 2011

2 address all of those complexities we've
3 identified, the better off the state is going to
4 be.

5 MR. DILAN: I do want to indicate for
6 the record also that I do have legislation in
7 with respect to independent redistricting so that
8 legislation is pending and I do support the
9 governor's program bill.

10 MS. WITRYOL: Thank you.

11 MR. MCENENY: Thank you very much. R.A.
12 (Tony) LaFountain or LaFountain, town supervisor
13 of Penfield.

14 R.A. (TONY) LAFOUNTAIN, TOWN SUPERVISOR,
15 TOWN OF PENFIELD: Good afternoon, Senator,
16 Assemblymen, Task Force, thank you for the
17 opportunity to speak today. Tony LaFountain, 20
18 Woodside Drive, Penfield 14526, and I am the
19 supervisor of the great Town of Penfield. As I
20 speak with a number of our residents in Penfield
21 there is a very common theme, and that is that
22 the redistricting process should focus on keeping
23 communities of interest together as best we can,
24 and in this case I'm referring to the

1 Demographic Research & Reapportionment-July 20, 2011

2 Congressional Districts. I'm going to pause for
3 a minute. I was born and raised in Saranack Lake
4 up in the north country. That's a rural area,
5 very sensitive to that as you try to reconfigure
6 these districts it's very difficult as has been
7 mentioned today about having long distances for
8 our voters, our residents to get to their
9 representatives. So certainly that is a factor
10 that we have to build into this, and again I
11 don't envy that job overall.

12 I will submit to you that while we're
13 very close geographically, Rochester area,
14 Syracuse area, and the Buffalo area, we do have
15 some common interests, and we do have a number of
16 differences in our particular locale. What
17 happens every day that I'm faced with in Penfield
18 is I have two school districts that equally
19 separate the town, I have three fire districts, I
20 have five distinct zip codes, and I have three
21 Congressional Districts. In Penfield we have
22 three Congressional Districts. That creates a
23 huge problem for us in and around the Town of
24 Penfield as we're working with our

1 Demographic Research & Reapportionment-July 20, 2011

2 representatives, and I will say that our
3 representatives do in fact keep themselves
4 accessible. However that becomes very
5 complicated. It becomes very complicated for the
6 public officials. It becomes even more confusing
7 for our residents. Certainly, have a
8 representative, if I take a look at Rochester and
9 Monroe County, and having a representative of
10 that area, there is similar interest, similar
11 needs, similar economic conditions and those are
12 the types of things that certainly our
13 representative can get their arms around and work
14 on. So as best we can and as we draw those
15 districts, certainly keeping that in
16 consideration is a big interest of myself as an
17 elected official, not only as a previous Town
18 Board elected official, county legislator, now
19 town supervisor, I see it each and every day. So
20 any opportunity for us to look at this, and again
21 also taking into account that we're not
22 gerrymandering other areas throughout the state,
23 but as we take a look at this I think we need to
24 sit back and take a look at this in a little bit

1 Demographic Research & Reapportionment-July 20, 2011

2 more detail. Certainly having a sole
3 representative in Washington representing
4 Rochester/Monroe County would be something that
5 would be very positive. I thank you very much
6 for your time and would be happy to entertain any
7 questions that any of the Task Force might have.

8 MR. MCENENY: I take it nobody is making
9 the argument that Penfield has got to be a pretty
10 important town if it's got three voices in
11 Washington instead of one?

12 MR. LAFOUNTAIN: Assemblyman, that's a
13 great point, and if you don't mind, I'll use that
14 now on a more regular basis.

15 MR. MCENENY: Very good. Senator
16 Nozzolio?

17 MR. NOZZOLIO: Thank you, Supervisor,
18 and I also appreciate Supervisor Assini's
19 comments. In line with what Supervisor Frankel
20 had started in talking about the splitting or
21 towns, three Congressmen from the Town of
22 Penfield?

23 MR. LAFOUNTAIN: That's correct, sir.

24 MR. NOZZOLIO: That's what mathematical

1 Demographic Research & Reapportionment-July 20, 2011

2 precision does.

3 MR. LAFOUNTAIN: Right.

4 MR. NOZZOLIO: I think that you have how
5 many state assemblymen?

6 MR. LAFOUNTAIN: We have one.

7 MR. NOZZOLIO: And how many state
8 senators?

9 MR. LAFOUNTAIN: We have one.

10 MR. NOZZOLIO: Contrast working with
11 your state legislative representatives as opposed
12 to working with the dynamics you have to face
13 with Congressional representation.

14 MR. LAFOUNTAIN: Night and day.

15 MR. NOZZOLIO: I'm sorry.

16 MR. LAFOUNTAIN: Night and day
17 difference. Certainly if I need to reach out and
18 speak with the Assemblyman or the Senator that
19 represents Penfield, the 135th or the 55th
20 Senatorial District. I can reach out and make
21 contact typically that day I will have an
22 opportunity to have a discussion with our
23 representative. Having three representatives,
24 you have to first decide where is the item or

1 Demographic Research & Reapportionment-July 20, 2011

2 area of interest, and then certainly how do you
3 leverage that, and I'll be very honest how do you
4 leverage that to the best of the ability for the
5 overall community of Penfield.

6 MR. NOZZOLIO: It's very helpful, and
7 thank you for your comments.

8 MR. LAFOUNTAIN: Absolutely, thank you.

9 MR. OAKS: I would just add one more
10 comment, again, looking kind of looking at the
11 challenge of today one of the earlier individuals
12 provided some maps saying here would be more
13 compact, contiguous, but where the district ends
14 ironically I can't really see it because it's not
15 overly precise here, but the district to the east
16 starts to fade in around Penfield and Parinton
17 [phonetic] and the Monroe County District if you
18 will goes and includes Orleans and Genesee
19 County, which also have interest with Monroe
20 County obviously. And I think Penfield or part
21 of Penfield becomes part of a District that is
22 more of a Finger Lakes going to the southern
23 tier. I appreciate your comments. I think
24 they're helpful, and you're saying the challenge

1 Demographic Research & Reapportionment-July 20, 2011

2 of what it is. But even someone who has
3 independently no political interest came up with
4 your boundary being done. Now, it obviously
5 could be changed so your boundary is whole and
6 somebody else's changes, but I just add that as a
7 sense of the challenge of when it's to the single
8 vote or the single individual that even done
9 independently no political influence and whatever
10 there are going to be communities that are
11 impacted not as they would choose, and if you
12 were drawing the map there are going to be
13 communities that are impacted not as they would
14 choose, and if you were drawing the map versus
15 the individual here, I'm sure you would make
16 tweaks differently to it to try to keep you
17 whole.

18 MR. LAFOUNTAIN: Absolutely,
19 Assemblyman, there's no question, and there's no
20 easy answer as we go through and do this. And
21 certainly as I had said earlier, I don't envy
22 that task by any means. I will just say that as
23 we do that, there are going to be some
24 communities that have large distances, you know,

1 Demographic Research & Reapportionment-July 20, 2011

2 between communities, villages, towns, cities. I
3 know it's going to be easier to have some more
4 compact. I think as we do it though there's
5 certainly an opportunity for us to make those
6 lines a little better, a little sharper, a little
7 different. Having three representatives
8 certainly does not seem to make a lot of good
9 sense from my perspective nor members of my
10 community that I speak with on a daily basis.

11 MR. OAKS: Understood. Thank you.

12 MR. LAFOUNTAIN: So I thank you.

13 MR. MCENENY: Thank you very much.

14 Stuart Berger? Oh, I'm sorry, would you come
15 back please. I'm sorry. Senator Dilan?

16 MR. DILAN: I just have a very quick
17 question. So you have one state assembly person,
18 one state senator and in the new lines you would
19 like to have also one Congressional person, is
20 that clear?

21 MR. LAFOUNTAIN: Within Monroe County as
22 best we could.

23 MR. DILAN: But in your town, instead of
24 three, you would like to see one.

1 Demographic Research & Reapportionment-July 20, 2011

2 MR. LAFOUNTAIN: If possible, certainly
3 that would be the ideal situation. Again, I
4 recognize that as we draw these lines there is
5 going to be some communities, there are going to
6 be some areas that in fact may have multiples and
7 so I recognize that. I accept that. If that's
8 something that we have to have, certainly we will
9 deal with that. Having three I think is not
10 realistic and probably more unreasonable, but as
11 we go through here, there is going to be some
12 winners and there's going to be some losers, and
13 what I mean by that is as to what they believe
14 their representation is. And I think the key is
15 how do we make sure we balance that as best we
16 can.

17 MR. DILAN: So your issue is the federal
18 issue of the Congressional seats?

19 MR. LAFOUNTAIN: That is correct, sir.

20 MR. DILAN: Thank you.

21 MR. LAFOUNTAIN: Thank you.

22 MR. MCENENY: Thank you. Stuart Berger,
23 Citizens for a Better New York.

24 MR. STUART BERGER, CITIZENS FOR A BETTER

1 Demographic Research & Reapportionment-July 20, 2011

2 NEW: Good afternoon. I'm Stuart Berger. I live
3 at 82 Brittany Circle in Brighton. That's 14618.
4 I am the past president and current executive
5 board member of Citizens for a Better New York,
6 which is part of the ReShape New York Coalition
7 as stated before. We have for the past several
8 years advocated for redistricting reform
9 including the formation of an independent
10 commission with rules that prohibit the use of
11 political information decreasing the variation
12 from the mean of district population and
13 including the other strictures that are currently
14 in place or meet the 1965 Voting Rights Act and
15 judicial rulings. Let me start with the evident.
16 LATFOR is neither independent nor representative.
17 LATFOR is a construct of the Democratic and
18 Republican leadership of the legislature, and is
19 at best bipartisan and at worst partisan. There
20 is approximately one-third of the electorate that
21 is neither registered Democrat or Republican and
22 therefore denied representation in redistricting.
23 My question to you is how can LATFOR as currently
24 constituted meet Governor Cuomo's requirement for

1 Demographic Research & Reapportionment-July 20, 2011

2 a non-partisan, independent body to produce a
3 redistricting proposal that is not politically
4 motivated? Not only has the Governor required
5 that the redistricting commission be independent
6 and produce a non-partisan plan, but 184 out of
7 the 212 legislators have either signed a pledge
8 and/or cosponsored legislation with that purpose.

9 Despite that legislation has gone
10 nowhere. We find that the current situation is a
11 slap in the face of every New Yorker. Its
12 elected officials have willfully neglected their
13 commitment and responsibility to New Yorkers and
14 are finding political devices to avoid enacting
15 legislation thereby thwarting the reforms that
16 are necessary. No matter what the good
17 intentions of LATFOR may be, New Yorkers cannot
18 accept the legitimacy of a politically created
19 task force. LATFOR needs to be dissolved and
20 replaced by an independent commission or used in
21 support of such a commission with rules that
22 constrain its ability to design politically
23 contaminated districts.

24 Bottom line, legislators need to regain

1 Demographic Research & Reapportionment-July 20, 2011

2 the trust of the public and reform the
3 redistricting process including its rules. Thank
4 you.

5 MR. MCENENY: Thank you. Members of the
6 panel? Thank you very much. William W. Moehle,
7 Esquire?

8 MR. WILLIAM MOEHLE: Thank you all,
9 Senator Nozzolio, Assemblyman McEneny. Not the
10 first time someone has struggled with my last
11 name. It's actually pronounced Moehle, but it's
12 not phonetic.

13 MR. MCENENY: I apologize, Moehle.

14 MR. MOEHLE: My name is Bill Moehle. I
15 reside at 109 South Landing Road, Rochester, New
16 York, but that is in the town of Brighton, 14610.
17 I am an attorney with private practice in the
18 Town of Brighton. I also am the attorney to the
19 Town of Brighton, but I am here in my individual
20 capacity and not as a representative of the town.
21 There have been a couple of comments prior to
22 this about jurisdictions divided into multiple
23 parts from the various supervisors here, and also
24 someone identified school district identification

1 Demographic Research & Reapportionment-July 20, 2011

2 as key. One other interesting factor about the
3 Town of Brighton is that with a population of
4 about 35,000 we are divided into five school
5 districts that serve portions of the Town of
6 Brighton, and you can imagine I know the
7 difficulty with identity that a community divided
8 in that manner has. This is not the first time
9 obviously a hearing of this type has been held in
10 Rochester. Ten years ago there was a very
11 similar hearing, and I predict if the New York
12 State legislature fails to take significant
13 action to reform the process of redistricting or
14 if it simply kicks the can down the road through
15 the artifice of a proposed Constitutional
16 Amendment with no further action at this time,
17 there will likely be a similar hearing in
18 Rochester again in 2021, but at that time we will
19 be no closer to true independent redistricting
20 than we are today. Therefore, the primary focus
21 of my comments is to urge the New York State
22 Senate and Assembly to pass redistricting reform
23 legislation this year to create an independent
24 redistricting commission to draw lines for the

1 Demographic Research & Reapportionment-July 20, 2011

2 2012 election. Although I know that you and your
3 colleagues in the legislature are well aware of
4 the legal requirements of redistricting such as
5 compliance with the Voting Rights Act, the one
6 person one vote requirements of the equal
7 protection clause of the Constitution, and I know
8 that you come here in good faith, and frankly
9 take a lot of your time, not just today but in
10 all of the other hearings that you're going to be
11 conducting. Any regulatory process that is
12 controlled by the very people with an interest in
13 the outcome is bound to be colored consciously or
14 unconsciously by self-interest. The proposal to
15 amend the New York Constitution to create an
16 Constitutional Amendment is even more
17 fundamentally flawed. Because an amendment to
18 the New York Constitution requires action by two
19 successive legislatures and a public referendum,
20 no reform would take place until 2022 at best,
21 and there would be no guarantee that those two
22 future legislative bodies would even take the
23 necessary action to approve a Constitutional
24 Amendment and set a public referendum. Moreover,

1 Demographic Research & Reapportionment-July 20, 2011

2 if I understand the proposal, it would start by
3 creating a new five-person panel to craft the
4 amendment in referendum language four of whose
5 members would be appointed by the legislative
6 leaders. In other words, reform delayed, reform
7 denied. I believe the only way to insure that
8 true reform in redistricting is in place for 2012
9 is to adopt legislation now to establish an
10 independent redistricting commission. The clock
11 is ticking, and I do believe that the people of
12 New York demand true reform, reform that is
13 independent and reform that allows the will of
14 the people throughout the great state of New York
15 to be voiced fairly through the electoral
16 process. Thank you very much.

17 MR. MCENENY: Thank you very much.

18 MR. MOEHLE: Thank you.

19 MR. MCENENY: Evick Lageer [phonetic],
20 outreach director of NYPERG [phonetic], Eric
21 Lageer. Cornelius Sullivan?

22 MR. CORNELIUS SULLIVAN: Good afternoon,
23 Senators, legislators. My name is Cornelius
24 Sullivan, and I live at 20 Purrington [phonetic]

1 Demographic Research & Reapportionment--July 20, 2011

2 Road in the City of Rochester. Oh, clap now
3 because I'm the last one so you can leave when
4 I'm finished. It's all over when I'm finished, I
5 think.

6 MR. MCENENY: So far unless somebody
7 walks through that door.

8 MR. SULLIVAN: That's why I say--no, I
9 just checked. Okay, no, I've been here since the
10 beginning this morning, and thoughts have been
11 going through this thing that used to be a mind.
12 But thinking back there has always been a healthy
13 some would say distrust between those who
14 legislate and those whom they allow to elect them
15 to power. If you go back to the original
16 Constitution for the United States, as you know,
17 the people, the humble people who had to be
18 property owners first of all could vote for
19 president, Congressman, people in the state
20 government, but they could not vote for the
21 Senate. The Senate was appointed by your
22 illustrious bodies throughout the associated 13
23 states. Well, we see how that has changed, and
24 ironically that's the one position now that we

1 Demographic Research & Reapportionment-July 20, 2011

2 can't argue about because there's got to be two
3 for every state, and it doesn't make any
4 difference. But another point from history that
5 I would like to point out is, and maybe some of
6 you were incumbents when this happened, back in
7 the early fifties when Governor Thomas Dewey
8 started the thruway, that's why it's called the
9 Thomas E. Dewey thruway. Some of you may have
10 driven on it. I don't anymore because you've
11 made the tolls too high, but when that thruway
12 was originally planned, I don't know, this may be
13 just you know stuff that's out there, urban
14 legends, somebody on that committee is supposed
15 to have said, "Let's rape Rochester." Now,
16 you'll notice where the two closest exists for
17 the thruway are for Rochester. I don't mean 490.
18 I mean 90. One is in Victor, and the other one
19 is in Leroy I believe now. So, anyway, what's
20 wrong with Rochester and Albany? I don't know.
21 I don't know if that's even true.

22 I want to address with this
23 redistricting thing, what I want to talk about
24 specifically is my district, which is

1 Demographic Research & Reapportionment-July 20, 2011

2 Congresswoman Slaughter's district. You heard
3 Supervisor Frankel say it was like barbells. I
4 personally see it as being a set of music
5 headphones. I mean depending on which way Mrs.
6 Slaughter is facing, I don't know if I'm on the
7 right phone or the left phone, so I have to be
8 careful when I try to call her. But it is, it's
9 like an earmuff here, which is Fairport and
10 possibly part of Brighton, the whole city of
11 Rochester and then it goes up in a thin ribbon, I
12 mean you talk about a ribbon of land, I don't
13 even think it goes from Lake Ontario to the
14 Niagara Parkway. I don't think it goes to Ladder
15 Road. I'm pretty sure it only goes as far as the
16 Niagara Parkway. Now, those of you who are from
17 downstate, I'm very sorry. I'm talking about
18 Canada here now. That's polar bear territory up
19 there, for you people from New York City, but
20 anyway it's a thin ribbon of land that connects
21 Rochester through Monroe County, Orleans County,
22 Niagara County and into Erie County. I mean that
23 was once called the Niagara Frontier. Are we
24 returning to those kinds of days? Luckily we do

1 Demographic Research & Reapportionment--July 20, 2011

2 have some other highways besides the thruway, but
3 that is a fiasco. I've heard several people here
4 say today that the population of Rochester is
5 roughly 700 and blankety thousand, and I know
6 I've seen recently--no, not Rochester, Monroe
7 County, I'm sorry, I saw your reaction, no, it's
8 Monroe County. Rochester at most was 320,000. I
9 think it's down to just a tad over 200,000 now,
10 the city. But Monroe County I think is 700 and
11 some odd thousand. What they call the greater
12 statistical area of Rochester, I'm not a
13 sociologist, but that whole area I think is
14 roughly 13 counties is supposed to be a million.
15 Now, if Monroe County is 700 and some odd
16 thousand, why can't it be its own self-sustaining
17 Congressional District? That's just one. I mean
18 we just had an election here a couple of weeks
19 ago, which I'm sure--well, you're aware of the
20 famous 26th, Congressional District, which was so
21 republican they keep elephants there for pets,
22 but it was Jack Kemp's old district if you know--
23 anyway. And, you know, Congress person from--she
24 was county clerk of Erie County, which puts her

1 Demographic Research & Reapportionment-July 20, 2011

2 firmly in Buffalo, a Democrat did not spend
3 anywhere near as much money as two other
4 candidates and she beat them. Great things
5 happen.

6 But my point is gerrymandering, you
7 know, it may be constructive art or, you know,
8 some nice drawings or doodles that you can get on
9 your paper, but please when it comes to a group
10 of people who should, I mean we heard somebody
11 talking about having three Congressional
12 districts in his small town. And the irony of it
13 is and I don't know if this is true either, I'm
14 great for store is that I can't prove they're
15 true, when the legislature drew the district ten
16 years ago after the previous census, they almost
17 Mrs. Slaughter, they almost put her house out of
18 her own district. Now, you only have to live in
19 the state to be a Congressman, you don't have to
20 live in your district, but they almost put the
21 district out of her neighborhood. So, I mean
22 that's getting down to pretty precise drawing,
23 but anyway you know, as the great house speaker
24 Tip O'Neill once said, "All politics is local,"

1 Demographic Research & Reapportionment-July 20, 2011

2 and we're talking here about what it's like to be
3 in the local bit of politics. And, you know,
4 it's a great state, and we all like--not just the
5 people, you know, south of Yonkers, it's not just
6 those people who like to say I love New York.
7 And it doesn't just refer to them. Thank you.

8 MR. MCENENY: Thank you very much, Mr.
9 Sullivan. Members of the panel? I'm going to
10 call other people on the list here once again who
11 didn't show up for one reason or another, and we
12 hope that they'll submit written testimony.
13 David Lum, Professor Neemy, former Mayor Johnson,
14 William Johnson, Michael Yavorski, Tom Ferraro,
15 Charlie Ennis, Kent Gardner represented by Erica
16 Rosenberg, and I think all of the others on the
17 list did testify.

18 MALE VOICE: [off mic]

19 MR. DAVID LUM: Senator, I think you
20 mentioned my name, David Lum.

21 MR. MCENENY: I'm sorry, David. I wrote
22 my notes under your name instead of next to it,
23 and I apologize. David Lum is here.

24 MALE VOICE: You don't want a second

1 Demographic Research & Reapportionment-July 20, 2011

2 chance, do you?

3 MR. MCENENY: Eric Leager, did we--

4 MALE VOICE: [interposing] Also

5 skipped--

6 MR. MCENENY: [interposing] He was here

7 or was not?

8 MR. NOZZOLIO: He was not.

9 MR. MCENENY: Eric Leager also didn't
10 show, but we hope that anyone who didn't show
11 will come to another hearing as was certainly the
12 case with at least one person and/or send in some
13 written testimony. With that, I declare this
14 public hearing closed. Thank you.

15 (The public hearing concluded at 1:16
16 p.m.)

C E R T I F I C A T E

I, Trisha Ruckart, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 154, inclusive, is a true record prepared by me and completed from materials provided to me.



Trisha Ruckart, Transcriptionist

July 26, 2011