

NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT

PUBLIC HEARING
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Westchester County Board of Legislators' Committee Room

800 Michaelian Office Bldg., 8th Floor

148 Martine Ave

White Plains, New York

Wednesday, August 10, 2011

10:00 a.m. to 2:00 p.m.

NYS Legislative Task Force on Demographic
Research and Reapportionment, 8-10-2011
TASK FORCE MEMBERS:

SENATOR MICHAEL F. NOZZOLIO, Co-chair

ASSEMBLY MEMBER JOHN MCENENY, Co-chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

CITIZEN REPRESENTATIVE WELQUIS "RAY" LOPEZ

CITIZEN REPRESENTATIVE ROMAN HEDGES

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3 (The public hearing commenced at 10:06
4 a.m.)

5 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
6 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
7 RESEARCH AND REAPPORTIONMENT: Good morning
8 ladies and gentleman. The New York State
9 Legislative Task Force on Demographic Research
10 and Reapportionment begins its public hearing in
11 the Westchester County Office building.

12 We thank the County Executive, Esther
13 Reno [phonetic], and their legislature for
14 providing this forum for the discussions. My
15 name is Mike Nozzolio. I am a New York State
16 Senator representing the Finger Lakes region. I
17 am very pleased to be here with the co-chair of
18 LATFOR, Assemblyman Jack McEneny. And let me
19 introduce other members of the task force.

20 First, Senator Martin Dilan, Assemblyman
21 Robert Oaks, Citizen representative Welquis Ray
22 Lopez, and Citizen representative, Roman Hedges.

23 That the hearings will begin, this is
24 part of the LATFOR's responsibility. The task
force's mission is to receive public comment on

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3 the re-districting process and specifically what
4 is determined to be a citizen input in the best
5 interest of this region for having the lines
6 established for Senate assembly and Congress.

7 We have asked the testifiers throughout
8 the hearings--and this is now the fourth public
9 hearing, that we conducted the first hearing in
10 Syracuse, the second in Rochester, the third in
11 Albany, this fourth in Westchester. And we are
12 taking the task force to every region of the
13 state in conducting hearings and asking for
14 public input.

15 That the--we ask the commentators to
16 focus as much as they possibly can on that issue.
17 What would they like to see structured--what
18 would you like to see structured as the
19 appropriate representative lines for those three
20 legislative bodies. Without further ado, I'd ask
21 Co-chair Assemblyman McEneny for his comments
22 this morning.

23 ASSEMBLY MEMBER JOHN J. MCENENY, CO-
24 CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT: Thank you,

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3 Senator. I'm Assemblyman Jack McEneny. I
4 represent Albany--most of Albany city and a
5 number of towns in Albany County. And we're
6 pleased to see the citizen response so far, both
7 by mail and individually--and by your testimony,
8 which is critical.

9 Now, all of these hearings and a great
10 deal of other information is on the LATFOR
11 website. And we would encourage you, if you can
12 make it down here today, or if you do test--
13 testify and you think of something else that you
14 should have said, to continue to communicate with
15 us. All of this becomes part of the official
16 record.

17 A number of people have also drawn
18 individual maps with recommendations of how they
19 feel, either the Congressional or the Senatorial,
20 or the Assembly Districts should be drawn.

21 As the Senator mentioned, this is one in
22 a series. We are doing 12 public hearings across
23 the state, as we did the last time in this
24 legislative process. The first 12 hearings tend
to be more conceptual--perhaps a little bit

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3 academic, because the only lines that we're
4 discussing now are the lines that we have, which
5 have grown obsolete because of the new census.

6 We will then come back at some point,
7 probably in November and December, and do the
8 same 12 hearings all over again, most of them at
9 the same spot. And then we will have, have lines
10 drawn of the proposed new districts, and that
11 tends, obviously, to be a more controversial
12 process.

13 But this is a listening tour which is
14 very real. We've already gotten a number of very
15 good suggestions from New Yorkers across the
16 state. We expect to get more, and without
17 further delay I would ask, I think Senator--you
18 wanted to ask if any of our other people up here
19 on the dais and on the panel would like to
20 comment.

21 SENATOR NOZZOLIO: Thank you,
22 Assemblyman McEneny. Are there any members of
23 the task force that wish to make a comment or
24 statement at this time? Senator Dilan.

SENATOR MARTIN M. DILAN, NYS LEGISLATIVE

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3 TASK FORCE ON DEMOGRAPHIC RESEARCH AND

4 REAPPORTIONMENT: I would just like to, once
5 again, thank our co-chairs for continuing these
6 hearings. And I have made my points in the
7 previous hearings throughout the state.

8 And I do urge the public to go on to the
9 LATFOR website and also listen to the previous
10 hearings to see the contents there. I believe
11 that we have made some progress and positive
12 directions, and I'd like to thank the co-chairs
13 for that. Today I am listening to the co-chairs
14 and saying that I'm looking forward to listening
15 to you, the public, with respect to issues here
16 at Westchester. With that said, thank you.

17 ASSEMBLY MEMBER ROBERT OAKS, MEMBER, NYS
18 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
19 AND REAPPORTIONMENT: I'm Assemblyman Bob Oaks.
20 I'll just say my welcome to everyone, and look
21 forward to hearing the thoughts and comments as
22 we move forward and in this process. Thank you.

23 ASSEMBLY MEMBER WELQUIS "RAY" LOPEZ,
24 MEMBER, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT: Good morning,

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3 buenos dias a todos. We ask that you please
4 concentrate your comment today in how you think
5 the State Legislative and Congressional District
6 should be drawn. We want to hear your
7 recommendation on the composition of the district
8 in your area. [Spanish translation]. Gracias.

8 SENATOR NOZZOLIO: Thank you very, very
9 much--members of the task force. That--before
10 calling up our first speaker today, that the--
11 we'd like to give special thanks to the Chairman
12 of the Westchester Board of Legislatures, who's
13 here, Ken Jenkins. Mr. Jenkins, we appreciate
14 your participation and thank you very much for
15 the opportunity to use your beautiful chambers.

16 I'd also note that the minority leader
17 of the Westchester legislature is here as well as
18 a working in a variety of advisories, that--Jim
19 Maisano, thank you very much for being here--
20 minority leader. With that, we'd also like to
21 recognize two other county legislators who are
22 here. They are not--I believe--on the list
23 immediately, but they may offer testimony, and
24 forgive me if I mispronounce--Mary Jane Shimsky,

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3 who is here, and Legislator Shimsky, and Jose
4 Alvarado. With that, Assemblyman McEneny will
5 begin the hearings today by introducing one of
6 his colleagues who will be the first to testify.

7 ASSEMBLY MEMBER MCENENY: I'm very, very
8 pleased to see a colleague and a great friend
9 here, Amy Paulin, who is a--one of the delegation
10 in the New York State Assembly, representing
11 parts of Westchester County.

12 SENATOR NOZZOLIO: As Assemblywoman
13 Paulin comes up to the podium, I'd like to
14 highlight to every member that this is a hearing
15 which is videographed. The cameras here will
16 create a permanent video record of the hearings,
17 that they also will be produced and available for
18 anyone to view on the LATFOR's website. The
19 entire video of each of the hearings, for the
20 first time, will be made available to the public.
21 Thank you, Assemblyman McEneny. Well, thank you,
22 Assemblywoman Paulin.

23 [Pause]

24 SENATOR NOZZOLIO: Now we're okay.

ASSEMBLY MEMBER AMY PAULIN, MEMBER, 88TH

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3 DISTRICT: Thank you, firstly, for holding this
4 forum on a state redistricting plan in my home
5 county. I also want to thank you for starting
6 these hearings over the summer just after our
7 legislative session concluded, as it is very
8 important to start the process as early as
9 possible, considering we may be called back and
10 the primaries may be at a much earlier date. We
11 need to make sure to, you know, get this behind
12 us.

13 Transparency is perhaps the most
14 essential ingredient of the government. Holding
15 these hearings in different regions of our state
16 allows this task force to hear from the people of
17 New York and to take their concerns into
18 consideration as you move through your process.

19 As a state legislature, I'm committed to
20 supporting a fair, equitable and bi-partisan
21 redistricting process. Any redistricting plan
22 must ensure that districts are contiguous,
23 compact, share common interests, and have an
24 established connection with their district, while
following our federal and state constitutions and

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3 the Voting Rights Act.

4 Clearly, you have a very important job
5 to do, and as a former president of the League of
6 Women Voters, I firmly believe that fair
7 representation encourages confidence in the
8 political process, and thus greater
9 participation, which is fundamental to good
10 government. Equitable representation upholds the
11 basic principal of "one person, one vote"
12 established in the U.S. Constitution.

13 I, like you, believe that all of these
14 principals should be the core of any
15 redistricting plan. Since you are in my
16 district, I wanted to take the opportunity to
17 tell you a little bit about it. It includes
18 Pelham, Pelham Manor, Bronxville, Tuckahoe, East
19 Chester, Scarsdale, and parts of the cities of
20 White Plains and New Rochelle.

21 My district includes a large majority of
22 residential homes. It is economically affluent
23 and well educated. 75% of the people have some
24 college, and about 30% have a graduate or
25 professional degree.

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3 My district is geographically compact.

4 One can travel from the Pelham Manor border to
5 White Plains in 20 minutes, without going outside
6 the district. The community's borders are
7 contiguous, and more importantly, people commonly
8 shop, worship, recreate, socialize and commute
9 across the borders of these seven communities.

10 Three hospitals, Lawrence, Sound Shore
11 Medical Center, and White Plains Hospital are all
12 within the 88th Assembly District and serve the
13 bulk of our residents.

14 There are two - - , which are more
15 socio-economically diverse. A high percentage of
16 these residents have English as their second
17 language. What is important to note is that each
18 of these areas represents the bulk of the
19 minority population in each of these two cities.
20 These residents share needs and concerns
21 regarding child care, health care, housing,
22 language and general quality of life issues.

23 What binds all of these communities
24 together is their common core values and
interests. Quality public education is a high

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3 priority for every resident in the 88th Assembly
4 District. School budgets pass easily. Parents
5 are extremely involved with their local schools.
6 The residents are hard-working, but graciously
7 give of their time to their communities and their
8 neighbors.

8 For example, in the town of Pelham, with
9 just over 12,000 people, it has 50--50 community
10 organizations ranging from childcare and little
11 league to meals on wheels and a senior center
12 which serves the people of Pelham and surrounding
13 communities. And I would note that, you know, in
14 the communities that I represent, it is very
15 common for the community organizations to overlap
16 among them and to take care of the residents
17 within them.

18 As a suburban/urban district, the
19 residents share a common concern about preserving
20 green space and creating less intrusive traffic
21 patterns across borders and within communities.
22 Our residents are among the highest users of mass
23 transit, utilizing Metro North, and the Bee-Line
24 bus, in both southerly and northerly directions.

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3 While these values are not unique to
4 this district, they are--they form the identity
5 of each of these communities to an unusual
6 extent.

7 As I said earlier, I appreciate the
8 challenging job you have before you. Having
9 these hearings is a critical pro--part of the
10 process. Thank you for taking the time to listen
11 to my comments about my district and for
12 particularly coming to the county of Westchester
13 and hearing all of our concerns here. We
14 appreciate the Task Force commitment to this very
15 important project, and I look forward to working
16 with you as it goes along. Thank you very much.

17 SENATOR NOZZOLIO: Thank you,
18 Assemblywoman. Andrea McCullough, Board Member
19 Antioch Community Services. Ms. McCullough.

20 ANDREA MCCULLOUGH, BOARD MEMBER, ANTIOCH
21 COMMUNITY SERVICES: Good morning.

22 SENATOR NOZZOLIO: Morning.

23 MS. MCCULLOUGH: My name is Andrea
24 McCullough. I am affiliated with a number of
organizations, and I am a member of the Black New

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3 Yorkers for Fair Redistricting. Today I am
4 testifying for my home neighborhood of Ocean Hill
5 in Brooklyn, Kings County, New York. Ocean Hill
6 is a community bordered by Broadway and East New
7 York Avenues on the north and side, and by Ralph
8 and Van Sinderen Avenues on the west and east.

9 Often overlooked, we are neighbors with
10 Bedford - - , Bushwick, East New York and
11 Brownsville, and we share many of the same ills
12 of these neighborhoods. Having lived in this
13 neighborhood all of my 34 years, I am aware of
14 the history and remember it transitioning from
15 the Italian neighborhood that it was once to the
16 predominantly African-American neighborhood that
17 it is now.

18 I have often--I have also seen the spike
19 in crime in the 1980's, and most recently the
20 drop in crime. As a community, we shop and
21 travel along our main thoroughfares of Atlantic,
22 Rockaway, and Fulton Avenues. Our access to
23 major transportation lines make living in Ocean
24 Hill convenient. It also makes us susceptible to
abuse by the Department of Homeless Services and

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3 Department of Corrections, that have recently
4 placed numerous facilities there despite public
5 outcry.

6 While we have been largely overlooked
7 for restorative programs, I believe we as a
8 community, are proud of our homes, blocks and
9 neighborhood, and would not like to be splintered
10 when the maps are re-drawn. Public access,
11 transparency in outreach--had it not been for my
12 decision to actively involve myself in city
13 engagement and pursue information concerning
14 these hearings, I would have been oblivious to
15 this process, and that may directly affect my
16 represent--representation and voting power.

17 While the census-taking process, in its
18 various rounds of the count were highly
19 publicized, and census takers partnered with
20 community organizations, the same level of
21 interaction and outreach should have been done
22 for this direct effect of the census.

23 My suggestion to provide better outreach
24 and public access are as follows: notification
of hearings by various news outlets. People do

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3 still listen to radio and read newspapers. The
4 ads should be placed in mainstream as well as
5 local stations and publications to alert the
6 public of the hearing. Public notification of
7 these hearings and this process should be
8 required by law.

9 The time of the hearings is
10 inconvenient. I was able to take a day off to
11 attend these hearings, and I'm sure there are
12 many others that would have liked to attend them
13 at the--as well, but could not due to the timing.
14 Evening hours would have allowed more public
15 input into this process.

16 Why isn't there an app for this? In the
17 same manner that the MTA allowed developers and
18 the general public to create their MTA apps, for
19 mapping the subway system and local transit
20 lines, instead of doing it privately on their
21 own, this task force could have made it known
22 that programs were needed for this redistricting
23 process, and provided census data from the
24 previous round in 2000, along with criteria and
scenarios to developers.

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2 Once the 2010 data became available, the
3 programs could have been updated, and individuals
4 and community groups would have access to data--
5 to census data with the means to make maps that
6 would be understandable to the common citizen.
7 I'm not a developer. I'm more like a tech-savvy
8 consumer, and I don't believe it's too late for
9 this option. But if developers don't know the
10 need, they cannot--they cannot create an app or
11 program to meet it.

12 The web presence is lacking. Googling
13 New York Redistricting 2011 does not bring you to
14 the LATFOR website. It doesn't bring a search.
15 It's a centralized New York government-based
16 website, where the status of the process along
17 with the relevant data is accessible. New York,
18 in comparison to states such as California,
19 redrawthelines.ca.gov, is showing very little
20 information and not inviting individuals and
21 community groups to be part of the process.

22 This lack of voluntary, voluntary
23 information sharing appears intentional and
24 covert. It is government action such as this

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3 that perpetuates the strong distrust of anything
4 government related, that lives in communities
5 such as mine.

6 In closing, in view of the recent news
7 that this Task Force will comply with the law
8 that ends prison-based gerrymandering, I would
9 like to emphasize that my vote, and the vote of
10 every one of my neighbors in Ocean Hill counts.

11 This Task Force should make every effort
12 to finalize reapportioning of the prison count,
13 and - - . Instead of using the deviation allowed
14 by law, this Task Force should desire to be as
15 precise as possible. Thank you.

16 SENATOR NOZZOLIO: Thank you very much.
17 Doug Colety? Good morning, Mr. Colety.

18 DOUG COLETY, REPUBLICAN CHAIRMAN OF
19 WESTCHESTER COUNTY, AND REPUBLICAN COMMISSIONER
20 OF WESTCHESTER COUNTY BOARD OF ELECTIONS: Good
21 morning. Thank you, Senator. Good morning,
22 everyone. My name is Doug Colety. I'm the
23 Republican Chairman of the Westchester County,
24 and the Republican Commissioner of the
Westchester County Board of Elections.

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2 First, on behalf of the Westchester
3 Republicans, I thank you for holding this public
4 hearing in Westchester County. I'm impressed
5 with this Task Force's commitment to holding
6 public hearings across the state, to ensure that
7 many voices from different regions are heard - -
8 in process.

9 As an elected commissioner, I understand
10 the tight time-frame you are under, especially
11 since we are all expecting the primaries to be
12 moved to June in 2012. Therefore, you must
13 conclude this round of hearings, draft the
14 district lines, hold another round of hearings,
15 and then make amendments to the district lines--
16 all before a necessary vote on the proposed
17 redistricting plan this February. Thank you for
18 starting the process early, because you have a
19 lot of important work to accomplish in a short
20 time frame.

21 My most important request to the Task
22 Force is to do your best to assure that we have a
23 competitive districts for the State Legislative
24 and Congressional seats after redistricting.

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3 Westchester only has one fully contained State
4 Assembly District with a Republican Assemblyman,
5 Bob Castelli, in the 89th district. We ask that
6 this seat not be gerrymandered.

7 It is a compact and contiguous district,
8 with common interests, and we hope the
9 composition remains mostly the same after
10 redistricting. The seat has not changed
11 significantly over the past two redistricting's.

12 On the Senate side, there were
13 significant changes made in 2012, including
14 changes that caused the Democratic registration
15 to rise significantly in Senate district 37, and
16 a Republican registration to decrease in that
17 district. We ask that such changes be modified
18 in this redistricting process, and that you
19 return district 37 to a more competitive
20 district.

21 For Congress we have no problem if
22 Westchester's three seats remain mostly the same.
23 I noticed online that in previous hearings the
24 question was asked about the size of the State
Senate. I doubt there are many people in New

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3 York that believe it should remain at 62.

4 Obviously the Senate would be better served
5 having 63 Senators, so that we will not run into
6 problems with ties in the future on votes for
7 leadership.

8 Lastly, I wish to strongly state that
9 we'd prefer that the current state law be
10 followed, and that this Task Force perform the
11 drafting of the district lines as cycle. We
12 strongly support a bi-partisan redistricting, and
13 it is clear that this Task Force is premised upon
14 a bi-partisan redistricting, as there is equal
15 representation from two major parties.

16 We also--we are strongly opposed to
17 changing the process in the middle of the game,
18 to the independent redistricting commission
19 proposed by Governor Cuomo. We believe that the
20 independent commission can only be implemented by
21 a Constitutional amendment, as the procedures for
22 redistricting are clearly spelled out in the
23 state constitution. And that the procedures
24 mandated by the state constitution can only be
changed by amendments voted on by the

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3 legislature, and then by the people of the state
4 of New York.

4 We believe that the proposed Cuomo
5 independent commission is flawed, in that the
6 composition of the nominating committee, and
7 commission are very favorable to the Democratic
8 party, and unfavorable to the Republican party--
9 especially when compared to LATFOR, which is
10 truly fair and bipartisan, or the Constitutional
11 amendment passed by the State Senate this last
12 session.

13 Once again, the state government is
14 under time constraints to complete redistricting
15 over the next six months, and we certainly don't
16 have time to reinvent the process right now, with
17 an independent commission--especially one as
18 politically biased as the Cuomo proposal. Thank
19 you for your time, and I wish you's much success
20 with redistricting.

21 SENATOR NOZZOLIO: Any questions?

22 Senator Dilan.

23 SENATOR DILAN: Yes, with respect to the
24 size of the Senate, is there any reason why you

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3 select the number, 63? Do you think it, it
4 should maybe go to 61?

4 MR. COLETY: Well, you know, we're not
5 looking to gerrymander, you know, sitting
6 legislatures out of their districts or cut the
7 size to increase the amount of people that each
8 Senator has to represent.

9 There will be a slight adjustment, but
10 we feel A, that not taking a sitting Senator out
11 of the district, or un-electing a sitting,
12 sitting Senator, or putting all of the Senators
13 in a position where they have to fight for a
14 district that they have to keep.

15 SENATOR DILAN: But, the, the point is,
16 what will be the justification of increasing the
17 size of the Senate? Ten years ago we increased
18 it from 61 to 62. So, I, I would think that
19 there would need to be justification. I believe
20 that the formula that's in the constitution of
21 the state of New York right now, and the way that
22 the census numbers come out, really call for--
23 perhaps maybe the number is staying at 62. But
24 if we wanted to change to an odd number, there

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3 would have to be a justification as to why we
4 would increase.

4 MR. COLETY: We would prefer that the
5 Senators focus on the redistricting process, and,
6 and less on self-preservation. By reducing the
7 number, you're going to reduce the, the body by
8 one, and it's going to force the Senators to
9 consider which Senator to cut out, and I think
10 it's more important we focusing to--we keep the
11 focusing--focus on redistricting and less on
12 self-preservation.

13 SENATOR NOZZOLIO: Mr. Colety, thank you
14 for your testimony. A couple of questions.
15 First, on the comment by Senator Dilan, as we see
16 congressional districts growing to the size of
17 around 717,000 people, it makes, in many's view,
18 the congressional representatives--just by having
19 to represent so many more remote, more difficult
20 to access--a much more difficult job than it was
21 10, 20, 30 years ago, when the districts were
22 half of that size. Is that your motivation in
23 terms of increasing the number of Senate
24 representatives--in terms of the more closeness

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3 to the people, and the smaller-sized district?

4 MR. COLETY: Well, we would rather see
5 more representatives in these legislative bodies.
6 In--in lieu of having more staff. I think as the
7 size of the districts increase, the legislator--
8 legislators are forced to hire more staff. I
9 think it's more important we have more
10 legislators and less staff.

11 SENATOR NOZZOLIO: One last question.
12 The issue of putting on your hat as elections
13 commissioner--that moving the primary date, from
14 September to June, in the same year that
15 redistricting for Congressional and state
16 legislative lines happen--have you forecast what
17 type of challenges that would create to a large
18 county board of elections, such as exists here in
19 Westchester?

20 MR. COLETY: Oh, yeah, they--the--we've
21 just come out of a redistricting cycle here on
22 the county--for the county board of legislatures
23 lines and for two cities within Westchester, the
24 city of New Rochelle and the city of--the city of
Yonkers will also be done next year.

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2 But during those two legislative bodies,
3 it's taken about 90 days to perfect the lines, to
4 take the metes and bounds, and to move voters
5 from one district to another, and, and redraw
6 maps. Having congressional lines, senate lines,
7 assembly lines, and another city next year, you
8 know, we're hopeful that this process would be
9 done by February next year.

10 SENATOR NOZZOLIO: We're concerned with
11 that compactness of the process. And that's why
12 LATFOR has begun the process. Assemblyman
13 McEneny and I agree, and members of the task
14 force are trying to comply with our fiduciary
15 responsibilities, and to--whatever is decided,
16 will be decided--in terms of the final process,
17 but we could no longer wait.

18 And that's our concern, basically, is
19 with the timing. And you've sensed that the, the
20 troops on the ground that must implement the
21 final product are also anxious about those
22 challenges.

23 MR. COLETY: Absolutely. Every, every
24 employee at the board of elections is going to be

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3 working full time on this, the beginning of
4 February. All of the political parties will have
5 to interview, fill their candidates earlier. The
6 petition process is going to be moved much
7 earlier. So, with everything that the
8 administrative bodies have to do here in
9 Westchester with these re-drawing of lines, we're
10 hopeful to get it done even sooner than February,
11 if possible.

12 SENATOR NOZZOLIO: Chairman and
13 Commissioner, thank you very much for your
14 insights and we appreciate your testimony today.

15 MR. COLETY: Thank you, Senator.

16 ASSEMBLY MEMBER MCENENY: We're also
17 joined by another colleague from the State
18 Assembly, Sandy Galef and Gary, Gary Pretlow, my
19 classmate elected in the same year, also in the
20 back of the chamber.

21 SENATOR NOZZOLIO: Except that Pretlow
22 looks a lot younger than you, Jack.

23 [Laughter]

24 SENATOR NOZZOLIO: Pete Healy
[phonetic]? Pete Healy? Raymond Kiernan?

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2 RAYMOND KIERNAN, RETIRED COMMISSIONER,

3 NEW ROCHELLE FIRE DEPARTMENT: Good morning,

4 Senator, members of the Task Force. My name is

5 Raymond Kiernan. I am just recently retired from

6 the New Rochelle Fire Department, ten days ago.

7 I served as the Fire Commissioner for a period

8 there.

9 Where I worked is with elected officials

10 on every level of government and peers throughout

11 the region to protect our community. During my

12 26 years as Commissioner, the Westchester

13 congressional district lines have been relatively

14 static, with the bulk of southern and central

15 Westchester within one district. From a public

16 safety standpoint, this has been beneficial, and

17 a common interest in needs of our community have

18 been increased--increasingly evident.

19 Just north of New York City, Westchester

20 plays a critical support role in its emergency

21 response and requires robust preparedness. Many

22 from our region responded on September 11th and

23 risked within our own community having increased-

24 -especially given our vast transportation

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3 network, including I-95, 287, Amtrak, and the
4 communal railroads. The unique--the unique
5 status has been recognized by a local safety
6 professional and it is by the federal government
7 through information and resource sharing
8 partnerships.

8 For example, the Westchester County
9 Special Operations Task Force, which includes
10 fire departments in New Rochelle, Yonkers, Mount
11 Vernon, White Plains, East Chester, Scarsdale,
12 Greenville, Fairview, Harstdale, receive federal
13 support with help from Congresswoman Nita Lowey,
14 so that we can work cooperatively to respond to
15 life-threatening emergencies in the regions.

16 While we have not experienced any
17 terrorism attacks since September 11, our
18 training and equipment has been used often in
19 hazardous situations, including rescue of trapped
20 workers in trenches, and hazardous material
21 incidents.

22 We have been particularly fortunate to
23 be represented by Nita Lowey, from the select
24 Committee on Homeland Security, and her current

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3 seat on Homeland Security Appropriations

4 Subcommittee. She has been uniquely positioned
5 to address our collective concerns and individual
6 department needs.

7 Congresswoman Lowey successfully enacted
8 legislation to bolster a national strategy for
9 communications coordination among first
10 responder, and has secured tens of millions in
11 direct federal assistance for upgrades to
12 equipment for local emergency response, and law
13 enforcement. Congresswoman Lowey has been the
14 leading advocate in our region for a variety of
15 invaluable grants. She works across party lines
16 with Congressman Peter King of Long Island, who
17 chairs the Homeland Security Committee, to ensure
18 that the region with, with higher populations and
19 greater risk receive adequate federal security of
20 resources.

21 I urge you to strongly consider the
22 impact of redistricting on our first responder
23 community. Common priorities and unique
24 challenges in the northern city suburbs are best
addressed by maintaining a congressional district

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3 that includes the majority of Westchester County.

4 Safety professionals in our area have a history
5 of working cooperatively one with another and
6 with Congresswoman Lowey, that we should continue
7 to enhance our ability to protect our communities
8 and keep tax payer costs down.

9 In addition, New Yorkers have seniority
10 and many jurisdictions in Congress, including
11 Homeland Security. I urge you to ensure
12 redistricting does not create competitiveness
13 among incumbents and could endanger the
14 effectiveness of our state and region's
15 representatives. Thank you for this opportunity
16 to testify before you today.

17 SENATOR NOZZOLIO: Thank you for your
18 testimony, Mr. Kiernan. And more importantly,
19 thank you for your lifetime service to volunteer
20 services and responder services, and professional
21 services.

22 I--in the--as the tenth year anniversary
23 of September 11th comes forward, we certainly
24 want to give even greater pause and thanks for
the services provided by those in your

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3 profession. So thank you very much for your
4 testimony. Any questions of the panel? Mr.
5 Hedges?

6 ASSEMBLY MEMBER ROMAN HEDGES, MEMBER,
7 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
8 RESEARCH AND REAPPORTIONMENT: As you know, we
9 are going to be required to lose two
10 Congressional districts, and you've clearly
11 expressed a strong view that we should pay
12 attention to incumbency, and not put incumbents
13 together. But that requirement that we lose two
14 congressional districts is going to challenge all
15 of us. How would you suggest that we balance
16 that concern that you voiced, with that
17 requirement that we lose two?

18 MR. KIERNAN: Well, I don't really know
19 the ins and outs of the politics. I just know
20 that, from a public safety standpoint, and from a
21 Homeland Security standpoint, we have to address
22 it the best way possible. I'll leave that up to
23 you fellas how to--how to handle a situation like
24 that. I really don't know the answer.

What I can tell you is that we need

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3 constant--better handling of Homeland Security
4 money to defend the cities that are a perimeter
5 from New York City. My city was maybe the first
6 if--maybe Jersey City could have beat us, but we
7 were one of the first into Homeland--into the
8 World Trade Center. We were on mutual aid; we
9 were almost to the Bronx to relocate, and they
10 said continue on in. So, an incident like that,
11 or multiple incidents in the region will tax
12 every department.

13 And basically, you know, law enforcement
14 has done a great job of preventing incidents. I
15 think about ten have been prevented in New York
16 City alone. But sometimes something's going to
17 get through, sooner or later, and you need to
18 keep the forces like the fire departments in your
19 region strong, so they can respond to these
20 areas.

21 Since they're bolstered up to handle a
22 weapons of mass destruction, or a terrorist
23 attack, they are also bolstered up to handle
24 every day complicated emergencies. Hazardous
material incidents, construction accidents,

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3 building collapses, etcetera. And that's, that's
4 what I want to keep strong.

5 I really don't know the answer to your
6 question. I think that you fellas would know how
7 to do that a lot better than I do. But I just
8 have to know that you have to keep areas strong
9 in public safety. We've thought of falling back,
10 in the ten years since 9/11. We have had a
11 situation where people now want to cut, cut, cut
12 budgets, get rid of this, get rid of that, and
13 firemen who were once in, you know, held in--in
14 high esteem ten years ago, now there's battles
15 over pensions, and costs of fire departments and
16 everything else. So what we need--we need to
17 keep our first responders strong. As far as how
18 to do it, as far as districting goes, I don't
19 know.

20 MR. HEDGES: Let me follow up, then, in--
21 -in one way, if I might. You specifically
22 mentioned two congress people who have particular
23 roles in that arena in Washington. Would you--in
24 your view, suggest that we give those two
individuals, those two districts priority? In

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3 that choice set?

4 MR. KIERNAN: I wouldn't have any
5 objection, no.

6 MR. HEDGES: Okay, thank you.

7 SENATOR NOZZOLIO: Any other questions
8 to the panel? Thank you very much, Mr. Kiernan.

9 MR. KIERNAN: Thank you.

10 MR. HEDGES: You know, we are also
11 joined, just out in the hall right now, by
12 Assembly member Steve Katz, who has joined us.

13 SENATOR NOZZOLIO: Minority leader, my
14 sign indicates to me that County Legislator, Mary
15 Jane Shimsky, would like to speak, and has
16 another engagement that she must attend. So
17 please, welcome to County Legislature Shimsky.

18 MARY JANE SHIMSKY, WESTCHESTER COUNTY
19 LEGISLATOR, 12TH DISTRICT: Good morning and
20 thank you. Chairman Nozzolio, Chairman McEneny,
21 members of the New York State Legislative Task
22 Force on Demographic Research and
23 Reapportionment, good morning and thank you for
24 convening this hearing in Westchester County. My
name is Mary Jane Shimsky. I am the Westchester

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3 County legislator for the 12th legislative
4 district, which is comprised of the southern two
5 thirds of the town of Greenburgh.

6 My district, along with certain other
7 county legislative districts, are contained
8 within the 35th State Senate district, and the
9 92nd State Assembly district. Both of my
10 districts epitomize the best of legislative
11 reapportionment, and should not be disturbed, if
12 they continue to meet the population
13 requirements. Any changes should be limited to
14 fine tuning, to meet legal requirements.

15 While most of my comments are
16 specifically geared toward the 35th State Senate
17 district, which is comprised of the town of
18 Greenburgh, the town of Mount Pleasant--both in
19 their entirety, and the part of Yonkers south of
20 these towns. These comments, for the most part,
21 apply equally to the 92nd Assembly district as
22 well.

23 As it currently exists, the 35th Senate
24 district is compact. It respects municipal
25 borders. It is diverse, and there is a real

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3 commonality of interest among its communities.

4 It is vital to remember that Westchester
5 County is oriented from north to south, and not
6 from east to west. Our major rivers flow from
7 north to south. Most of our major highways and
8 most of our mass transit run north/south.
9 Befitting our county's historical relationship
10 with New York City, as they currently exist, our
11 state legislative districts make sense, because
12 the Hudson River borders on municipalities. The
13 Saw Mill River, the Saw Mill River Parkway, the
14 New York State Thruway, the Hudson line of the
15 Metro North Commuter Railroad--all run through
16 the communities in these legislative districts.

17 Many of the issues my constituents have
18 with state government concern these rivers and
19 transportation arteries. The--this commonality
20 of interests stand in marked contrast with the
21 district as it existed before the last
22 redistricting. At that time, the 35th State
23 Senate district included the town of East
24 Chester. I like the town of East Chester. I
like the people I know from East Chester, but the

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3 commonality of interest was not there, because
4 that town did not share these arteries.

5 The Hudson River plays a major role in
6 the western part of the city of Yonkers, as well
7 as in the towns of Greenburgh and Mount Pleasant--
8 --but not in East Chester. State aid for
9 waterfront development along the Hudson,
10 environmental issues involving the Hudson--
11 including its cleanup, navigation and recreation
12 along the Hudson--all concern the municipalities
13 currently within the 35th Senate district, but
14 are far less important to East Chester.

15 If there are issues concerning the
16 Hudson line on the Metro North Commuter Railroad,
17 or issues concerning the Sawmill River, or the
18 Sawmill River Parkway, or the southern regions of
19 the New York State Thruway--those are issues that
20 affect all of the communities in the 35th Senate
21 district, as currently configured.

22 East Chester has its own rivers and
23 transportation arteries to worry about. The
24 current district's commonality of interest helps
our communities, because our legislators can

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3 learn our specific issues in depth, and more
4 single-mindedly look out for our community's
5 needs. This fosters more legislative
6 responsiveness to the people.

7 It should also be noted that keeping the
8 35th State--Senate district "as is," would be a
9 gesture of bipartisanship, as it was originally
10 drawn for a Republican incumbent, and is
11 currently represented by a Democrat. This
12 electoral pattern suggests a well-drawn district.
13 Thank you for your time and your attention.

14 SENATOR NOZZOLIO: Thank you, Madam
15 County Legislature. Any questions of the panel?
16 That type of insight is very helpful. Thank you
17 for putting it on the record.

18 MS. SHIMSKY: Thank you very much, Mr.
19 Chairman.

20 SENATOR NOZZOLIO: Before our next
21 speaker, I'd like to acknowledge the appearance
22 of the Honorable Senator Ruth Hassell Thompson.
23 Very nice to see you again, Senator. Erin
24 Malloy?

ERIN MALLOY, FORMER PRESIDENT,

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3 WESTCHESTER COUNTY LEAGUE OF WOMEN VOTERS, AND

4 FORMER MAYOR, VILLAGE OF IRVINGTON: Good

5 morning, gentleman. I am Erin Malloy. I live at

6 35 Riverview Road in Irvington, New York. I am

7 providing testimony based on my previous

8 positions as president of the League of Women

9 Voters of Westchester, and mayor of the village

10 of Irvington.

11 Many groups are strong--strongly

12 advocating legislation to put into place an

13 independent redistricting commission in New York.

14 On the congressional level, federal law already

15 addresses some of the inequities and independent

16 redistricting commission would seek to end. An

17 equal number of districts per district, or the

18 "one voice, one vote" principle, is required for

19 congressional districts.

20 Also, because state officials enact the

21 new maps, members of Congress are not directly

22 involved in selecting their own voters. So while

23 this has been a focus on the state level, we have

24 the opportunity to work together across various

regions, party lines, and legislative bodies, to

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3 ensure that New York's new map gives our state
4 the most advantageous position in Congress.

5 Based on my time in municipal
6 government, I cannot overstate the value of
7 having a strong federal representation, not only
8 to fight for funding for local projects, but also
9 to ensure that actions in Washington relieve, not
10 create burdens that force local governments to
11 raise taxes or compromise services and quality of
12 life.

13 Even though many people are justifiably
14 frustrated with Congress's seemingly perpetual
15 state of stalemate, we cannot lose sight of all
16 that is respond--all that is at stake for New
17 York. For example, consider the impact of losing
18 federal health, security, and transportation
19 support. Responsibilities to protect our
20 residents fall to the state, counties, and local
21 governments. Our infrastructure suffers and
22 decreases the quality of life for commuters and
23 residents.

24 We lose opportunities to create jobs in
construction, health care, and other industries,

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3 and the deficit, between what New York pays in
4 federal taxes, versus what we get in retiring
5 from Uncle Sam--currently 80 cents on the dollar--
6 -could grow even more.

7 That is why I hope you will preserve as
8 much seniority and leverage and in our delegation
9 as possible. Locally, Congresswoman Nita Lowey,
10 and Congresswoman--Congressman Elliot Engle are
11 effective and responsive representatives. In
12 addition, Congresswoman Lowey is the only New
13 Yorker on the Homeland Security Appropriations
14 Committee, and she works closely with another
15 senior New Yorker, Republican chair Peter King,
16 Homeland Security Committee member.

17 She and Mr. Engel both advanced health
18 care and environmental priorities for our region,
19 related to the Hudson River, and our many health
20 institutions here in Washing--Westchester County,
21 and the broader metropolitan area, from her seat
22 as the senior member of the Appropriations
23 Committee, and his on the Energy and Commerce
24 Committee.

I work as the Director of Development

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3 for Open Gating, an agency that provides day and
4 residential care for adults with development
5 disabilities. Our budget has been cut 7.4% this
6 year, jeopardizing the long-term financial health
7 of one of the finest providers of this care in
8 Westchester. Any reductions in federal funding
9 could have a profound impact on 87 residents, 200
10 employees, and their families.

11 Now, I know a thing or two about fair
12 elections. In my first mayoral bid, I had an
13 electoral victory become a game of chance, which
14 I lost through the disenfranchisement from one--
15 of one voter. Political competition is essential
16 for our electoral system to be effective, and
17 every elected official should expect to work hard
18 to earn re-election.

19 I hope your Task Force will avoid
20 unnecessarily combining districts, in a way that
21 threatens the service of members who have worked
22 hard to attain positions that benefit New York
23 greatly. Thank you very much.

24 SENATOR NOZZOLIO: Thank you very much.

ASSEMBLY MEMBER MCENENY: Thank you.

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3 Did you say you lost by one vote?

4 MS. MALLOY: No, I actually won by one
5 vote, but they threw the vote out in the Appeals
6 Court.

7 ASSEMBLY MEMBER MCENENY: My first
8 election was a tie.

9 MS. MALLOY: The--well, there you go.
10 What did they do for you?

11 ASSEMBLY MEMBER MCENENY: They gave it--
12 they gave it to the other guy.

13 MS. MALLOY: God, they give it--

14 ASSEMBLY MEMBER MCENENY: [Interposing]
15 It was a primary.

16 MS. MALLOY: Oh, well, I had a coin
17 grab. Thank you very much.

18 SENATOR NOZZOLIO: Thank you very much.

19 ASSEMBLY MEMBER MCENENY: Thank you.

20 SENATOR NOZZOLIO: Assemblyman Katz?
21 Morning, Assemblyman.

22 STEVE KATZ, MEMBER, 99TH DISTRICT: Good
23 morning. I get to see some of my, my colleagues
24 and friends from the, the Assembly down here in
our beautiful part of the state. I thank you for

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3 coming. I would like to first thank you for
4 holding an open dialogue about the important
5 issue of redistricting. Last fall, I ran for
6 office talking, among other things, about the
7 dire need for independent redistricting. Simply
8 put--and I mean no offense by this statement,
9 whatsoever, because you know how much respect I
10 do have for what I saw in the last six months up
11 there with the people involved, the people
12 involved in--in our government. I mean, no, no
13 offense whatsoever, but we cannot trust
14 politicians to make the right decisions when it
15 comes to prolonging their existence in office.
16 In my opinion, it is a conflict of interest.

17 Case in point, this past April, the
18 legislative body in Westchester--the Westchester
19 Board of--County Board of Legislators approved a
20 redistricting plan, which the League of Women
21 Voters walked away from due to exclusion.
22 Challengers were blatantly gerrymandered out of
23 their districts, to allow entrenched incumbents
24 to skate by without a fight.

Simply put--this was not right. And I

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3 don't feel that this was democracy at its best.

4 While I commend your hard work in making an open
5 and transparent process, I remain convinced that
6 an independent redistricting commission--truly
7 nonpartisan, would best serve the people of our
8 state.

9 I thank you again for taking the time
10 from your--for you--from your summer vacation to
11 visit us here in Westchester, and I hope you come
12 to a sound conclusion following these hearings.

13 Thank you so much.

14 ASSEMBLY MEMBER MCENENY: Thank you very
15 much.

16 SENATOR NOZZOLIO: Thank you,
17 Assemblyman. Susan Lerner?

18 SUSAN LERNER, EXECUTIVE DIRECTOR, COMMON
19 CUASE NEW YORK: Thank you very much, and good
20 morning. I'm not going to revisit the general
21 principles which I talked about in Albany--

22 SENATOR NOZZOLIO: [Interposing] I was
23 just going to say, you look very familiar.

24 MS. LERNER: And I'm going to become
more familiar, I think, over the course--

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2 SENATOR NOZZOLIO: [Interposing] That's
3 wonderful.

4 MS. LERNER: --of these hearings. I, I
5 apologize to the people who are going to be
6 watching the hearing through the video that will
7 be put up on the internet, because they won't
8 have access to some of the maps which I've
9 provided as part of our testimony--at least
10 directly in relation to the video. But for
11 people watching at home later on, the maps are
12 available on Common Causes Redistricting website
13 and blog, which is www.nyredistrict--I'm sorry--
14 citizensredistrictny.org/blog. It's our map and
15 democracy blog.

16 And I'm very pleased to see such a
17 wonderful turnout here in Westchester, so I am
18 not going to be talking about Westchester, in
19 terms of what we've seen in our analysis, because
20 I think there are community activists and elected
21 representatives who are in a much better position
22 to talk about the situation on the ground in
23 Westchester. Although, it is contained in my
24 testimony, and there are a number of maps

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3 relating to demographics of Westchester.

4 I'd like to, instead, point out my
5 testimony, in my written testimony and the maps,
6 the portion that relates to the Hudson Valley,
7 because I suspect the justice--there were really
8 no Hudson Valley activists or community members
9 at the Albany hearing. There probably are
10 relatively few, if any, people from Hudson Valley
11 who will have travelled down to Westchester, at
12 least in my conversations with those activists.
13 I wasn't finding people who were planning to be
14 here. So I'd like to highlight--because there is
15 no specific--

16 SENATOR NOZZOLIO: [Interposing] And if
17 I may just interrupt for one second, Ms. Lerner,
18 that we will ensure that your entire written
19 testimony will be part of the official record of
20 these proceedings.

21 MS. LERNER: Right.

22 SENATOR NOZZOLIO: And particularly note
23 your comments, in its entirety, will be placed
24 there.

MS. LERNER: So I--so I would expect,

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3 but from my comments this morning, verbally, I
4 would just like to point to a couple of things
5 that are interesting about demographic changes in
6 the Hudson Valley, because I suspect there will
7 not be community activists to talk about that.
8 And I think as you are undoubtedly already aware,
9 the major demographic shifts in our state are
10 actually seen in the Hudson Valley, or at least
11 the increase in population. The Hu--the mid-
12 Hudson region, to the surprise of many, was the
13 area of the state that showed the greatest
14 increase in population. And, again, similar to
15 the situation in Albany, what we see is the
16 increase in population is primarily due to
17 minority population increase.

17 So the black population there grew by
18 25%, the Asian population by almost 40%, and the
19 Latino population by more than 70%. And, again,
20 following some of the patterns we've seen in
21 other places, the--at least the African American
22 population tends to concentrate in the urban
23 areas, which include the valley of Spring Valley,
24 and Rockland County, and the four cities along

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3 the Hudson River.

4 The Hud--the Hispanic population is more
5 dispersed; but really the salient fact is shown
6 in the map that we have called Hudson Valley
7 Population Change 2000 to 2010, and the map that
8 follows right after that, which is the current
9 State Senate districts. What we've done is we've
10 mapped the population shift in the current
11 districts. And we've provided a color code as to
12 whether those districts are under-populated or
13 over-populated on the scale of trying to have a
14 good--basically equivalent districts, as required
15 by federal law.

16 The first map shows that there's been a
17 tremendous significant increase in population in
18 the Hudson Valley, and when you look at the
19 second map you see that there are two districts--
20 State Senate districts there, district 38 and
21 district 39, which are overpopulated by any
22 measure.

23 District 38 has more than 10%
24 overpopulation, and district 39, 5-10%. So
clearly, the Hudson Valley is an area where the

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3 demographic shifts are going to require
4 adjustment in the district lines. And that means
5 also that there will be adjustment in the
6 congressional district lines.

7 And as we look at some of the factors,
8 the income--the ethnic populations--the
9 commonalities of interest, it seems to us that
10 there are some changes which we would hope to see
11 in the maps, particularly--not only in the state
12 Senate but in the congressional districts, where
13 we question why district 17 is drawn the way it
14 is, where we believe that the black community in
15 Yonkers should not be split in two by district
16 17. And also in district 22, we believe it is
17 really a--that that district could be much more
18 contiguous, and that really the five cities of
19 the Hudson Valley region--Peekskill, Middletown,
20 Newburgh, Beacon, and Poughkeepsie and certainly--
21 --at least the four on the Hudson River should be
22 in the same congressional district, and we
23 question why that district extends all the way to
24 Binghamton and Ithaca, hundreds of miles away
from the Hudson Valley, rather than being

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3 contained within the Hudson Valley.

4 And also in terms of the State Assembly,
5 we believe, again, that those communities of
6 interest that are represented by the com--by the
7 communities which go up the Hudson River are ones
8 which should be--to the maximum extent, together.

9 We think that Assembly District 1--I'm
10 sorry, Assembly District 100 right now, takes
11 Poughkeepsie and Beacon out of Dutchess County.
12 However, in that situation we believe the cities
13 are directly connected to areas across the river
14 by the bridges, and while it looks strange on the
15 map, we think that that actually may reflect
16 communities of interest. And we are reaching out
17 to Hudson Valley activists to ask them whether
18 those--that conjunction makes sense.

19 But other areas for discussion in the
20 Hudson Valley of--four assembly districts, we
21 believe, are the intersection between district 94
22 and district 95, because the minority communities
23 of Rockland County and the Spring Valley area are
24 split, and we question whether that split should
continue.

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2 And we're also concerned that district
3 98 on the Assembly side and Senate district 42,
4 carved Middletown out of Orange County to be
5 joined with areas far to the north and west, and
6 we question whether that is a division which
7 should be continued in the new manner. So thank
8 you very much.

9 SENATOR NOZZOLIO: Thank, thank you.
10 It--this type of analysis is extremely helpful to
11 the Task Force to continue to get that type of
12 input that--I, I don't know where you're from,
13 Ms. Lerner, but I assume it's from--in a
14 metropolitan region, and that it's one thing--I'd
15 like you to, as you continue to review this
16 process, give consideration to the fact that when
17 you make some districts smaller, you will make
18 other districts much, much, much larger.

19 And--not for today, but--I hope to see
20 you in the future, that--give some sentiment to
21 the logistical problems it takes to represent a
22 district, whether it be for the Senate, the
23 Assembly Congress, that are larger in geography
24 than many states. And then, as you--every action

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3 in this process creates a reaction.

4 And that--again, I know you're urban-
5 centric, and I hope that in your important
6 position, that you would look towards the
7 geographic challenges that these suggestions may
8 engender. And that I, I understand your
9 sincerity and your assistance, and it is welcome--
10 -I mean that sincerely, but I'd like you--and
11 this is the second time I've had the benefit of
12 hearing--and the Task Force has had the benefit
13 of hearing your testimony. I'd like you to
14 consider that position as well, as you make these
15 suggestions throughout the state.

16 MS. LERNER: We are very cognizant of
17 that. Just a personal note--I personally grew up
18 on a farm, even though I live in the city right
19 now, so I'm very aware of the difference between
20 outlook--outlooks and the challenges of distance
21 in larger districts.

22 And we are reaching out to activists not
23 only in urban centers, but activists in the
24 southern tier, in the Adirondacks area, in
Niagara, and in areas that we feel are often not

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3 heard from in this process, because it's easier
4 to identify activists in the cities and asking
5 them to participate in some way, either by filing
6 written testimony or by sharing their concerns
7 with us that we can then share with the
8 committee.

9 So I very much appreciate that comment,
10 and obviously, you know, in five minutes--we're
11 just hitting some highlights and are happy to
12 share further thoughts. In the future, either
13 part of the hearing process or informally, as we--
14 -as you are struggling with trying to draw a good
15 map.

16 ASSEMBLY MEMBER MCENENY: Thank you. If
17 I may? I, I appreciate your testimony and the
18 fact that you take a different aspect of the full
19 testimony, so that we can focus on it. And I was
20 very pleased to see that Common Cause and
21 yourself acknowledges that when we follow the
22 Voting Rights Act, and we follow the State
23 Constitution, that we don't wind up drawing
24 cubes. It doesn't wind up like a checkerboard.
It follows concentrations of minorities that

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3 should not and cannot legally be broken up. It
4 also has a block on border rules. If you break a
5 city line once, you have to make the math
6 absolutely exact. In the Congress, the math has
7 to be exact. And when we get out into the towns,
8 it doesn't matter if--unless they're larger than
9 a Senate district, or Assembly district, they
10 have to be kept together.

11 So sometimes the finished product,
12 whether it's done by a Common Cause, the League
13 of Women Voters, or the legislature itself--will
14 not look the way that a lay person that doesn't
15 understand these complications, would assume it
16 would look. And every time there's a spur going
17 off in one direction, you'll hear charges of
18 gerrymandering and undue political influence,
19 when many times that's just the way it is--and is
20 often legally mandated.

21 MS. LERNER: And, and that's why--thank
22 you, Assembly Member, we share that concern.
23 We're doing workshops across the state with
24 activists, in order to explain some of the ins
and outs of the redistricting process. There's

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3 no question that in every single presentation I
4 give on redistricting, somebody stands up and
5 says, "Why don't we just take a ruler. Why don't
6 we just do an algorithm? Why don't we just have
7 square lines everywhere in the state?" And
8 that's an interesting process to get them to
9 understand the idea of communities of interest
10 and the requirements of federal law.

11 So, you know, we--one of the things
12 which I think is challenging for all of us, is to
13 help the public understand. And that's why we
14 very strongly urge you when you do release your
15 maps, to have an explanation of some of the
16 choices that you've made. Why there is this--
17 what might to an untrained eye look like a
18 strange bulge, and what factors you were weighing
19 that caused you to make that choice and deviate
20 from what somebody not familiar with the process
21 would say should be a straight line.

22 ASSEMBLY MEMBER MCENENY: And that's the
23 purpose of the second round of hearings, when
24 people can talk about specific decisions which
appear to have been made, and you want to know

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3 the reason why, and I think people are entitled
4 to know those, those reasons.

4 MS. LERNER: Well, I think we're going
5 to get to know each other very, very well in the
6 coming six months. Thank you.

7 SENATOR NOZZOLIO: Look forward to that.
8 Thank you very much for your testimony. That--
9 also attending today's proceedings is the
10 Honorable Andrea Stewart Cousins. Senator
11 Cousins, thank you for your attendance; very nice
12 to see you again. Professor John Nolan.

13 PROFESSOR JOHN R. NOLAN, COUNSEL, LAW
14 AND LAND USE CENTER, JAMES D. HOPKINS PROFESSOR
15 OF LAW, DIRECTOR, KHEEL CENTER ON THE RESOLUTION
16 OF ENVIRONMENTAL DISPUTES, LAND USE LAW CENTER,
17 PACE UNIVERSITY SCHOOL OF LAW: Senators, members
18 of the Assembly and Task Force, thank you for
19 hosting this hearing in Westchester County. I am
20 a law professor at Pace Law School. I am Counsel
21 to the Land Use Law Center.

22 There our work is primarily on
23 sustainable growth and development--economic
24 development in environmental conservation. We

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3 work throughout the Hudson Valley. We have now
4 trained in an intensive leadership training
5 program 2,500 leaders from that area we've moved
6 to the Finger Lakes. We've now trained 300
7 leaders from that area.

8 Altogether, we work with about 500 local
9 governments throughout the state, and my
10 perspective on this redistricting matter is
11 purely governmental, the relationship between the
12 federal government, the state government, the
13 county government, and the local governments.

14 We work at the federal level primarily
15 with HUD, DOT, and EPA. At the state level, we
16 work with the Department of Transportation, the
17 Department of Housing, DEC and ESDC. At the
18 county level we work with planning and
19 transportation, DPW. And then we work with all
20 of these local governments, and for things to
21 work efficiently, there has to be vertical
22 integration. There has to be a relationship
23 between federal, state, county and local
24 interaction resources. The flow of information,
etcetera.

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2 I want to give you, very briefly, four
3 examples from our district 18--our congressional
4 district 18, because it is where we work most
5 intensively. In that district, we have created
6 what's called LISWIC, the Long Island Sound
7 Watershed Inter-municipal Counsel. It was pulled
8 together primarily because of a federal
9 influence, under the Clean Water Act. These
10 local governments each individually had to do a
11 great deal to control non-plant source pollution.
12 They had seven things, that each one of them was
13 required to do independently, and they pulled
14 themselves together with county government
15 involvement, with DEC involvement to create an
16 inter-municipal enterprise to do these things
17 together at great cost-savings and much better
18 efficiency.

19 We, in Westchester county, in this 18th
20 district, we have the I-287 corridor. That is
21 host to six million square feet of empty office
22 space, which is a tremendous drag on our tax
23 base, on our economy, and our jobs. That area
24 has been designated by our federal transportation

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3 planning organization as the key transportation
4 corridor in this metropolitan region.

5 We have got to work together with DOT--
6 both at the state and federal level, with this
7 federally created metropolitan planning
8 organization, and with the governments, between
9 Tarrytown and Horchestire [phonetic], that--in
10 Westchester are that--that corridor, that
11 economic development and transportation corridor.

12 We host every month, mayors from the ten
13 largest cities in the Hudson Valley. Six of
14 those are in Westchester County. These are where
15 500,000 people live, with 15% of the folks there
16 living at or below the poverty line. Our focus,
17 because it's their focus, is on economic
18 development.

19 We're working now with Lieutenant
20 Governor, we're working with ESDC, we're working
21 with the federal government--again, on how to
22 bring jobs into these center cities--these center
23 cities which are the economic engines of their
24 region. We cannot do that without integrated
efforts on the part of the federal, state,

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3 county, and local government.

4 Finally, we're working on the housing
5 settlement case, the communities in our area--31
6 of them that have been implicated in the
7 settlement of the False Claims Act litigation
8 brought against Westchester County and it's 31
9 communities, and we are doing a lot of very
10 productive work with those communities on
11 developing fair and affordable housing that
12 requires the energies of the county government,
13 the local governments, the state government, and
14 the federal government.

15 And within this 18th congressional
16 district, we have had the tremendous benefit of
17 working with Congresswoman Nita Lowey's office on
18 each and every one of these. And she has a--a
19 perspective that involves her with the state
20 agencies. And the state agencies that we're--
21 that we've worked with understand increasingly
22 that they have to work with HUD and DOT and the
23 EPA.

24 So, in closing, I wanted to just cast a
favorable note on this particular hearing and

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3 your Task Force. We hear so much about the chaos
4 in our government, about inefficiency of
5 government--and I think what this Com--this Task
6 Force, essentially is about--is efficiency in
7 government--coherence. And I believe that this
8 perspective of federal, state, county, and local
9 alignment is incredibly important in your
10 deliberations, and I appreciate the time to give
11 you that perspective. Thank you.

12 SENATOR NOZZOLIO: Thank you very much.
13 Any questions, members of the panel? I see none,
14 thank you for your testimony.

15 MR. NOLAN: Thank you.

16 SENATOR NOZZOLIO: Mr. Laurence
17 Goldstein?

18 LAURENCE GOLDSTEIN, CITIZEN: Thank you
19 for coming to Westchester for this public
20 hearing. My name is Larry Goldstein, I live in
21 Mount Kisco, formerly I lived in New Rochelle,
22 and Mount Vernon. I'm here to defend you in
23 comparison with the so-called independent
24 redistricting commission. A common place of
legislation--at least to an outsider, is that you

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3 get rid of the tough stuff in the title.

4 If there was going to be a law to repeal
5 the Freedom of Information Act, there's a good
6 chance that the title would be, "How To Improve
7 Open Government." And that's what we're dealing
8 with, with this independent redistricting
9 commission. It's consistently at its core, a
10 denominating unit which has eight members, four
11 of them appointed by the minority and majority of
12 both houses of legislature. The remaining four,
13 in theory--two democrats and two republicans,
14 would be appointed by the governor; which is to
15 say that the governor gets to choose his--which
16 political opponents he wants to have against his
17 party. Nice work if you can get it.

18 The alternative is you. You are
19 bipartisan. You are half democrat, half
20 republican. We've got a balanced system. The
21 risk of going to overly partisan districting, you
22 can look at in district's--Senate district's 34
23 and 36. District 34 snakes from the Bronx into
24 Westchester, down into the Bronx, and then at
Riker's Island. And in the middle of it, going--

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3 a straight line right through the middle of it,
4 sometimes it seems like it's like two blocks
5 wide, is Senate district 36--also from
6 Westchester to the Bronx.

7 I appreciate all of the concerns about
8 minority representation and so on, but when you
9 look at this one, it's very much Eldridge
10 Sherry's gerrymander.

11 The second objection to this independent
12 commission is a series of legal issues. We went
13 back--I remember that 60--there were three years
14 in the '60s in which we kept having to vote for
15 the State legislature, because of the WMCA case.

16 I was a young kid at the time, and my
17 first vote for a State legislator, as far as I
18 can recall, was Whitney North Seymour, which
19 probably dates me, but it's--we don't need that
20 again. And there are legal issues involved with
21 this so-called independent redistricting
22 commission. We may put ourselves back in
23 violation of the federal law--as we found in the
24 WMCA case. We also, because we're changing the
process legislatively--rather than

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3 constitutionally, put ourselves at risk of
4 violating the state constitution.

5 The prudent way around that, of course,
6 would be to amend the Constitution, find an
7 appropriate alternative redistricting plan if you
8 think there should be one--but this one, as
9 proposed, isn't it. So to avoid, please, more,
10 more circumstances of Senate district 34 and 36--
11 keep up the good work; focus, and do what you can
12 to avoid that quote-unquote independent district.
13 Thank you.

14 SENATOR NOZZOLIO: In--in your opinion,
15 Mr. Goldstein--and you raised the constitutional
16 concerns that I wish you, for the record, would
17 elaborate on what you believe those
18 constitutional concerns to be.

19 MR. GOLDSTEIN: You're talking about at
20 the state or at the federal level?

21 SENATOR NOZZOLIO: At the state level.

22 MR. GOLDSTEIN: At the state level, it's
23 a legislative function. And--redistricting--

24 SENATOR NOZZOLIO: [Interposing]

According, according to the New York State

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3 Constitution?

4 MR. GOLDSTEIN: As I understand it, yes,
5 that's, that's your job. That's what you're paid
6 for, is to redistrict as one of your functions.
7 And if you delegate too much of that, that
8 becomes a risk.

9 SENATOR NOZZOLIO: Any questions,
10 members of the panel? Thank you, very, very
11 much.

12 MR. GOLDSTEIN: My pleasure.

13 SENATOR NOZZOLIO: John McEneny.

14 ASSEMBLY MEMBER MCENENY: We are joined
15 also by Assemblyman Robert Castelli, from here in
16 Westchester County. Thank you. Thank you for
17 coming.

18 ROBERT CASTELLI, MEMBER, 89TH DISTRICT:
19 Good morning, gentlemen. Welcome to the city of
20 White Plains. As some of you may know, you met
21 my colleague, Amy Paulin, earlier. We share the
22 city of White Plains here.

23 My district--the 89th Assembly district,
24 is the most diverse district in the state of New
York. And by that I mean simply this--I share

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3 most of the city of White Plains, a number of
4 Fortune 500 companies. I have three colleges,
5 one medical school, two state prisons, one of the
6 largest private airports in the country in White
7 Plains Airport, and yet I have a multiplicity of
8 farms and low-income housing.

9 It is at once both one of the wealthiest
10 districts in the state of New York, and yet in
11 some cases--especially here in the city of White
12 Plains and in Mount Kisco, one of the most
13 diverse; and unfortunately in the area with more
14 than 4,700 rent control or rent stabilized
15 apartments, and nine--I'm sorry, 38 different
16 rent control or rent stabilized housing, so you
17 can understand that it is a very diverse
18 district, and it is my great honor to represent
19 this.

20 I was elected in a special election in
21 2010. I was re-elected subsequently in November.
22 It is my pleasure to serve everybody in this
23 district--republicans, democrats, conservative,
24 independents and nons alike.

This district was gerrymandered about

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3 ten years ago, and I wish to call that to your
4 attention. And in one of the strange ironies of
5 politics, it wasn't gerrymandered for the
6 advantage of one party over another, but more-so
7 to give one person a competitive advantage in the
8 same party over another, and that person had been
9 replaced, and I have then replaced that
10 individual here.

11 So it was not so much a political move--
12 republicans versus democrats--but it was
13 gerrymandered, nonetheless. My purpose in
14 appearing before you today, gentlemen, is to
15 simply ask you and plead for you to engage in
16 this process in both a bipartisan and an
17 independent fashion.

18 We have--for the most part, and I most
19 especially have indicated a desire to see
20 independent redistricting. Within the confines
21 that exist within the parameters of this
22 committee, and our current constitution, I
23 believe--and I have faith in my colleagues on
24 both sides of the aisle, that we are capable and
can do this in a bipartisan, fair and independent

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3 manner.

4 So it is my cause and my case, to
5 present on behalf of the people in my district--
6 that plea to you for independent redistricting.
7 This district is fine, I enjoy serving it. It is
8 my great personal pleasure to do so. Should you
9 choose to redistrict it, it would be very hard to
10 do so, and if it were redistricted, I would
11 submit to you that if it went back to the
12 previous way it was redistricted--it probably was
13 at that point about a 50-50 district, if you look
14 at the republican-democratic registration, so it
15 would not give me any competitive advantage one
16 way or the other.

17 But I would ask you, gentleman, and I, I
18 know your time is precious so I will finish
19 speaking now, to please just consider doing this
20 in a bipartisan and independent manner. And if
21 there's any way I, or we in the 89th Assembly
22 district, can help you, it would my--be my great
23 pleasure and honor to do this. So I thank you
24 for your time and your efforts on all our behalf.

SENATOR NOZZOLIO: Thank you,

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3 Assemblyman. Any questions from members of the
4 panel? Thank you very much.

4 MR. CASTELLI: Thank you.

5 SENATOR NOZZOLIO: Jean Johnson. Jean
6 Johnson? Sharon Lindsey. Good morning.

7 SHARON LINDSEY, PRESIDENT, WESTCHESTER
8 COUNTY LEAGUE OF WOMEN VOTERS: I'm Sharon
9 Lindsey. I'm President of the Westchester County
10 League of Women Voters, and I welcome the
11 opportunity to stand here before you and thank
12 you for your service. However, I have submitted
13 a detailed, written report which I left copies of
14 outside--which I'm not going to bore you by re-
15 reading. You can just accept that for the
16 record. But--

17 SENATOR NOZZOLIO: [Interposing] Would
18 you, please, sorry for the interruption.

19 MS. LINDSEY: Sure.

20 SENATOR NOZZOLIO: Did you say you had
21 written testimony you were submitting?

22 MS. LINDSEY: Yes, yes.

23 SENATOR NOZZOLIO: I do not have a copy
24 of that, in other--

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2 MS. LINDSEY: [Interposing] I left ten
3 copies at the front desk. But, if. . .

4 SENATOR NOZZOLIO: It could. . .can you
5 communicate that? Thank you.

6 MS. LINDSEY: I have--I have additional
7 copies--

8 SENATOR NOZZOLIO: [Interposing] We'll
9 get one.

10 MS. LINDSEY: --with me, so if there's a
11 problem.

12 SENATOR NOZZOLIO: We'll get one at the
13 desk.

14 MS. LINDSEY: I can certainly give them
15 to you, or forward them to you. The written
16 statement, which I'm, I'm not going to torture
17 you with reading in its entirety because I value
18 your time--it sets forth the league's firm
19 conviction that an independent commission, and
20 not yourselves--and certainly no insult intended--
21 --but you are legislatively controlled and should
22 be doing redistricting in New York State.

23 Whether it is the one Governor Cuomo
24 proposed, or it's another one--is irrelevant to

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3 us at the moment. I will just briefly summarize
4 the complaints that I set forth in the written
5 statement. The League, as I'm sure you're aware,
6 is a nonpartisan organization that has
7 historically stood for fair and equitable
8 representation of all voters. A legislatively
9 controlled and somewhat non-transparent
10 redistricting process that exists at the moment--
11 and I'm very happy to see you having these
12 hearings now, but I think we've heard a lot of
13 testimony about weird districts that have been
14 carved out in the past to create competitive
15 advantages, etcetera.

16 It--there is--there is a perception that
17 this process is tailored to protect incumbents
18 and discourage competition. And thereby,
19 frankly, effectively disenfranchise voters. I
20 note that in the 2010 election, New York State
21 ranked 47th in overall voter participation in
22 that election.

23 Clearly, that's not a goal. And I think
24 it affects--it impacts the decision-making that
you who are elected engage in when you are

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3 performing your governmental duties. The bottom
4 line, I think, is that when left to themselves--I
5 think legislators tend to redistrict in their own
6 interests, and not necessarily in the interest of
7 the general electorate.

8 And frankly, with very little meaningful
9 public access to the process by which this
10 occurs, the data that is relied on--the League
11 would urge that the legislators to - - process,
12 if at all possible this year, and establish an
13 independent commission to conduct state-wide
14 redistricting.

15 I think the time has come, on behalf of
16 the League, to restore more legitimacy to our
17 electoral process. Thank you very much for your
18 time and I appreciate your consideration.

19 SENATOR NOZZOLIO: Thank you very much,
20 and your entire written testimony, which I--did
21 appear, since you've began speaking--to me, will
22 be part of the official record.

23 MS. LINDSEY: Thank you.

24 SENATOR NOZZOLIO: I just have one
question. I don't know if you heard Mr.

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3 Goldstein's comments, a speaker or two before
4 you, regarding the constitution of the state of
5 New York, and--

6 MS. LINDSEY: [Interposing] I did hear
7 them. I was surprised by them, but I really
8 don't have a comment with regard to that.

9 SENATOR NOZZOLIO: It--I think that--you
10 have no comment regarding the--that issue--
11 regarding the constitution?

12 MS. LINDSEY: That is--that is correct.
13 I will be happy to look into it and forward you a
14 comment, if you would prefer that.

15 SENATOR NOZZOLIO: Thank you very much.

16 MS. LINDSEY: You're welcome. My
17 pleasure. Thank you.

18 SENATOR NOZZOLIO: Liam McLaughlin.

19 LIAM MCLAUGHLIN, 2010 CANDIDATE FOR NYS
20 SENATE: Chairman Nozzolio, Chairman, McEneny,
21 members of the Commission, it's very good to see
22 you here today, and thank you so much for coming
23 to Westchester.

24 I would like to see a fair and
bipartisan redistricting plan that encourages

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3 contested elections. As many of you know, I ran
4 last year for the State Senate, because I
5 believed that people deserve a choice. Myself
6 and Bob Cohen ran strong in close races and the
7 voters in those two districts enjoyed exciting,
8 competitive races, where the issues were openly
9 debated in the public--which is what good
10 government is all about.

11 Both parties should have a chance at
12 victory, and please draft lines that accomplish
13 that. I also think it's very important to break
14 the deadlock that is in the State Senate, that
15 led to the dysfunction and changing leadership.

16 It makes no sense to have an even number
17 of Senators. It must be an odd number in order
18 to break ties going forward. It's my belief that
19 under the constitution, the number should change
20 from 62 to 63, and I strongly recommend that. We
21 all saw what the deadlock did to the state, and
22 that can't be allowed to happen again in the
23 future.

24 During my campaign for State Senate last
year, I signed Mayor Ed Koch's Pledge to Support

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3 an Independent Redistricting Commission to draw
4 electoral lines and end the bi--the partisan
5 gerrymandering that puts political incumbency
6 over the public interest. And that was the
7 actual language from the pledge. I still support
8 an independent commission for redistricting, but
9 this substantial change in state law must be done
10 properly.

11 At no point during the discussions about
12 the pledge last year, did anyone mention any
13 proposal from Andrew Cuomo. It was never part of
14 the debate. It was my intention, when I took
15 that pledge--it would require an amendment to the
16 New York State Constitution, to implement the
17 changes in state law that would create the
18 independent redistricting commission, since the
19 State Constitution contains the actual text for
20 the redistricting in our state.

21 This past March, the New York State
22 Senate passed a bill to create the Independent
23 Redistricting Commission through an amendment to
24 the state constitution. As an attorney, it's my
belief that that's how it must be done. I

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3 respectfully submit that the accusations in the
4 media, that the senators who voted for this
5 constitutional amendment somehow violated the
6 Koch pledge. And those, those accusations, I
7 believe, are completely politically motivated,
8 untrue and misleading.

9 In my opinion, the passage of the
10 legislation by the senators fully complies with
11 the pledge. Further, upon my review of Governor
12 Cuomo's alleged independent commission, it's
13 slanted against the republican party--and I
14 cannot imagine how any republican elected
15 official could be expected to vote for
16 legislation that has the potential to do
17 tremendous partisan damage to the republican
18 party.

19 The state constitution has mandated for
20 decades that redistricting is performed by the
21 state legislature, and the Cuomo bill is a clear
22 power grab by the Governor, in violation of the
23 checks and balances, and separation of powers.

24 The Governor plays too large a role in
his redistricting legislation. I still support

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3 an independent commission, but the composition of
4 such commission must be truly fair to both major
5 parties--just like the fairness I see in the task
6 force here before me. With an equal number of
7 democrats and republicans or--as required by the
8 constitutional amendment passed in March by the
9 State Senate--with only five members and no bias
10 against either party. I thank you for the
11 opportunity to address you.

12 SENATOR NOZZOLIO: Thank you very much,
13 Mr. McLaughlin. Questions from the panel?
14 Senator Dilan.

15 SENATOR DILAN: Yes, just like a
16 previous witness who testified that perhaps the
17 Senate should be 63--again, what would be the
18 justification for increasing the number of the
19 New York State Senate?

20 MR. MCLAUGHLIN: Well, first of all, I
21 believe that under the applicable state law and
22 the constitution, it is allowable to go to 63,
23 but more practically--

24 SENATOR DILAN: [Interposing] Is it
allowed to go to 65?

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2 MR. MCLAUGHLIN: I--you know, I believe
3 it would be, but I--honestly, I'd have to take a
4 look at that issue. But I, I think it should be
5 an odd number, regardless--

6 SENATOR DILAN: [Interposing] Why not
7 61?

8 MR. MCLAUGHLIN: Well, I think 61
9 practically would, would be a real problem,
10 because then you'd be eliminating a district--
11 potentially eliminating a sitting Senator, or a--
12 or a currently existing Senatorial district, so I
13 think the plan to go to 63 would, would make a
14 lot more sense. And cause less chaos.

15 SENATOR DILAN: But are you basing it
16 on, on any, any formula at all? Or is it you are
17 picking a number out of a hat?

18 MR. MCLAUGHLIN: Well, it's not picking
19 it out of a hat, it's the, the closest number--I
20 think that going down would be a problem, because
21 you'd be eliminating a, a senator, and then the
22 allegations would be that it was politically
23 motivated no matter who it was.

24 So, therefore, by going up you could

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3 take a little bit away from each district in
4 population and create a, a new district. To me,
5 that's much more palatable, I believe, to the
6 public. Having been an elected representative, I
7 think that that's something that the public would
8 understand a little more easily than--all of the
9 sudden, their elected official is now gone.

10 SENATOR DILAN: Now, you're aware that
11 in the constitution of the State of New York,
12 there is a method for coming up with the number
13 and there is a formula, and I believe that we
14 should follow that formula. And somehow I
15 believe that this Task Force needs to make that
16 formula public so the public can also judge for
17 themselves what that number should actually be.

18 MR. MCLAUGHLIN: Certainly. The more
19 information that's out there for the public,
20 obviously, the better.

21 SENATOR DILAN: Okay, one more question.
22 You, you mentioned that some newspaper articles
23 made partisan remarks in terms of members signing
24 the Koch pledge. Is it a fact that many of the
members did sign the Koch pledge?

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2 MR. MCLAUGHLIN: Yeah.

3 SENATOR DILAN: In the State Senate?

4 MR. MCLAUGHLIN: Absolutely, and I
5 don't--and I believe that what they've done has--
6 is in fact honoring the pledge.

7 SENATOR DILAN: How is that?

8 MR. MCLAUGHLIN: The Governor can't, on
9 his own, come up with a commission. The
10 redistricting is dictated by the state
11 constitution.

12 SENATOR DILAN: But my question is that
13 in the election last year, many members led the
14 public to believe that they were going to honor
15 the Koch pledge.

16 MR. MCLAUGHLIN: [Interposing] And I--
17 and I--

18 SENATOR DILAN: [Interposing] Then the
19 election is over, and all of the sudden, the
20 pledge means nothing.

21 MR. MCLAUGHLIN: Well, Senator, I--with
22 all due respect, I don't believe the pledge means
23 nothing. I believe that they are honoring the
24 pledge. It must be done by a Constitutional

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3 Convention; it can't just be done by the
4 Governor.

5 SENATOR DILAN: Well, I think that that
6 was perhaps a political ploy--

7 MR. MCLAUGHLIN: [Interposing] I know,
8 I'm sorry.

9 SENATOR DILAN: When they led the public
10 to believe that they were going to institute a
11 independent commission immediately, and by coming
12 back and introducing a bill that puts it off for
13 ten years--I think is not what the public was
14 expecting last year.

15 MR. MCLAUGHLIN: Well, I--well, what the
16 public was expecting and what legally has to
17 happen may be two different things.
18 Unfortunately, the laws the--in this state
19 require it to be done a certain way.

20 SENATOR DILAN: All right, then I guess
21 at the end of the day the public will be the
22 judge of that.

23 MR. MCLAUGHLIN: I guess that's true.

24 SENATOR DILAN: Right, thank you.

MR. MCLAUGHLIN: Sure.

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2 SENATOR NOZZOLIO: Thank you, Senator
3 Dilan. But, Mr. McLaughlin, I, I asked Mr.
4 Goldstein and Ms. Lindsey this question regarding
5 the constitutional amendment, and why that is
6 relevant. You mentioned it in your testimony.
7 Would you further elaborate on that issue?

8 MR. MCLAUGHLIN: Well since this issue
9 is, in fact, dictated by the constitution--it
10 must be done by a constitutional amendment. It
11 cannot be done by the Governor proposing a
12 commission, or, or anything of the sort. The
13 power is strictly given to the legislature, under
14 the state constitution. Therefore, it's--the
15 legislature's power cannot be taken away by the
16 Governor, and it must be done by amendment.

17 SENATOR NOZZOLIO: That the issue of the
18 map--I got kind of lost as you were discussing
19 the selection and your view relative to the panel
20 decided--to be decided--would you go through that
21 again, please?

22 MR. MCLAUGHLIN: I'm sorry, could you
23 explain?

24 SENATOR NOZZOLIO: The--I think you said

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3 something to the effect that the--you had
4 objections to the method in which either the
5 panel was selected, or the ultimate result of who
6 would be on the--so the independent redistricting
7 panel.

8 MR. MCLAUGHLIN: Well, I think that the
9 Governor, in his proposal, is playing too heavy a
10 role in it. Again, this is something that is
11 specifically and uniquely given--a power that's
12 given to the legislature. By the governor's
13 proposal, he's playing way too much a hand in it,
14 by the appointments that he's making. And I
15 think it's something that the legislature needs
16 to, to be handling.

17 SENATOR NOZZOLIO: Thank you very much.
18 Senator Dilan.

19 SENATOR DILAN: Yes. I don't believe
20 that the Governor has appointed anyone to any
21 panel at this point because the state legislature
22 has not passed his program bill, so therefore he
23 has not made any appointments that I'm aware of.

24 But a follow-up to the constitutional
question. If the legislature so chose, could

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3 they give up the right to draw the lines on their
4 own? And if they passed the legislation to
5 create an independent commission to redraw the
6 lines, can the legislature do that?

6 MR. MCLAUGHLIN: Just to your first
7 point, I don't think that I said that the
8 Governor made the appointments, and if I did that
9 was--

10 SENATOR DILAN: [Interposing] All right,
11 I thought that's what I heard, yeah.

12 MR. MCLAUGHLIN: As his proposed--his
13 proposal would be to have--

14 SENATOR DILAN: [Interposing] Okay.

15 MR. MCLAUGHLIN: Could the legislature
16 give up that power? I guess they could, but
17 honestly I would have to take a closer look at
18 that. That, in and of itself, might be cause for
19 an amendment because it would be a shift in power
20 between the executive and the legislative--

21 SENATOR DILAN: [Interposing] Well, I
22 think if the legislature chose to pass
23 legislation to give up that right, I think they
24 can do that. And if someone did not like it,

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3 like they're doing in the--in the Little case,
4 challenging this Task Force with respect to the
5 2000 Prisoner Law that could--that the public has
6 the right to take that to court also.

7 MR. MCLAUGHLIN: The--point I'm getting
8 at, Senator, is in the city of Yonkers, when I
9 was on the city council, if there was a, a
10 diminution of powers between the legislature,
11 they, they could not just do that on their own.

12 They could not unilaterally--well, not
13 unilaterally, but they could not give the power
14 over to the executive. That would have had to
15 have been done by referendum, and therefore I
16 don't know if there's a similar mechanism in--

17 SENATOR DILAN: [Interposing] Well, just
18 one more clarification. They're not giving it to
19 the executive, they're giving it to an
20 independent panel.

21 MR. MCLAUGHLIN: Yeah, well, giving
22 their powers over to anybody else--they're
23 elected to do the job. If the powers are under
24 the state constitution, I don't know that they're
allowed to just give that power over to somebody

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3 else.

4 SENATOR DILAN: Well, I, I think that if
5 we chose to pass legislation, I think it's
6 possible--just like we do in many cases, with
7 authorities. Thank you.

8 MR. MCLAUGHLIN: Thank you, Senator. I
9 just--I haven't researched that issue.

10 SENATOR DILAN: Thank you.

11 MR. MCLAUGHLIN: Sure.

12 SENATOR NOZZOLIO: And I--in concluding,
13 are there any other questions to members of the
14 panel? I'd just like to say it was very
15 interesting to hear your testimony and the
16 testimony of Mr. Goldstein regarding the
17 constitution.

18 We haven't heard--I, I believe that the-
19 -that becomes too--it's an inconvenient truth for
20 others--for many, and on many different issues,
21 in terms of the state constitution. And I, I
22 appreciate you bringing it to light on behalf of
23 the Task Force as part of the record. Thank you
24 very much for your testimony.

MR. MCLAUGHLIN: And, and thank you

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3 again for being here.

4 ASSEMBLY MEMBER MCENENY: Thank you.

5 SENATOR NOZZOLIO: Mr.--I don't know if
6 it's a mister or misses Jan Degenshein? It's a
7 mister, I apologize in advance for likely
8 mispronouncing your last name, but thank you very
9 much for being here. Would you, for the record,
10 help us in its pronunciation, sir?

11 JAN DEGENSHEIN, CHAIRMAN, ROCKLAND
12 BUSINESS ASSOCIATION, PRESIDENT, DEGENSHEIN
13 ARCHITECTS: You did--you did get the gender
14 right. I am Jan Degenshein, President of
15 Degenshein Architects in South Nyack, New York.
16 I also chair the Rockland Business Association
17 under 2010 as the Platinum level Chamber of the
18 Year by the Business Counsel of New York State.

19 I would like to thank you, Senator
20 Nozzolio, and Assemblyman McEneny, for co-
21 chairing this important Task Force and for
22 holding this hearing in the lower Hudson Valley.
23 Honorable representative, ladies and gentleman,
24 let me state up front--we view the current
congressional districting process--redistricting

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3 process as an opportunity for New York State to
4 correct a gross injustice imposed upon the people
5 of Rockland County, in the adoption on June 5,
6 2002, of the legislation that established our
7 current congressional district.

8 Up until that time, Rockland--the
9 smallest land-mass county outside the boroughs of
10 New York City, composed--along with a small
11 portion of Orange County, the former 20th
12 congressional district. And for 30 years, we had
13 one congressional representative, the great
14 statesman, Ben Gilman. Our current
15 representatives, notably Nita Lowey and
16 Congressman Elliot Engel rep--carry on in that
17 very fine tradition.

18 The legislation of 2002 carved up
19 Rockland County into three districts. And one of
20 those districts we account for only 4% of the
21 constituency, effectively rendering our voting
22 interests impotent in that district. We did not
23 deserve the disrespect shown us at that time.

24 Rockland and Orange had experienced
population increases. Our districts should have

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3 been sacrosanct. But decisions appear to have
4 been made purely around political considerations
5 rather than geographic balance.

6 As in 2002, the State of New York has
7 lost population, and will lose two more
8 Congressional seats. Like 2002, the districts
9 with the greatest loss should be the two to lose
10 representation. Unlike 2002, we trust this will
11 be accomplished.

12 No emotion, no politicizing, no
13 protection of a favorite son or daughter, no
14 abuse of power--just clean, cogent application of
15 the intent of the process. And what a pleasant
16 surprise--with this approach we find
17 justification to reunite Rockland County, and
18 return our constituents to a single Congressional
19 representative, a single Congressional champion
20 to rep--represent all of us equally, since 70% of
21 Rockland County presently lies in one district--
22 this is not a far stretch.

23 Since the last census, Rockland has
24 experienced an 8.7% increase in population, from
just under 287,000 to just under 312,000. And we

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3 have shown growth in areas of basic demographic
4 characteristics pertinent to the redistricting
5 process. For example, we had a 16.6% increase in
6 the number of 45 to 64 year olds. A 23.6%
7 increase in seniors age 65 and over. A 9.1%
8 increase in the number of children--those under
9 18, and a 67.2% increase in Hispanic-Latino
10 population, also a 7.1% increase in total
11 households.

12 For all of the above, I trust that you
13 will give the most serious consideration to our
14 request, and again I thank you for conducting
15 these hearings.

16 SENATOR NOZZOLIO: Thank you very much.
17 Any questions of the panel? Hearing none, we
18 thank you very much for your testimony.

19 ASSEMBLY MEMBER MCENENY: If, if I might
20 caution on the question of mathematics. If
21 districts are coming up, and one is short, it's
22 going to have to go over into the next district
23 to take people to meet the constitutional
24 requirement. There's not one district in the
State of New York representing us in Congress,

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3 which is at the legal number of 7-17-7-07. If,
4 If we look at ourselves with tunnel vision, then
5 it's easy to say, "This is what should happen."
6 But we can't have population falling off the map
7 on Long Island, and we can't have them dropping
8 off the map in Canada. It all has to match. And
9 sometimes it's not neat. But we can't judge from
10 the center with tunnel vision and forget the fact
11 that the district next to the--next to us is
12 light and needs people to survive--at all. And
13 another one might be heavy--far too many and it
14 will have to flow into an adjoining district.

15 This is a complicated, complicated
16 issue. But when things do make sense, we
17 certainly try to do them. But math does not
18 always allow us to do it, nor does the Voting
19 Rights Act, or the constitutional requirements.

20 SENATOR NOZZOLIO: Thank you,
21 Assemblyman. The minority leader of the
22 Westchester County legislator--legislature Jim
23 Maisano indicates to me that the Chairman of the
24 County Legislature, the Honorable Kenneth
Jenkins, is available to testify. Thank you,

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3 Chairman Jenkins. And, again, let me reiterate,
4 on behalf of all the members of the Task Force,
5 the courtesies you've extended to us in using
6 this beautiful chamber for this hearing--we
7 appreciate very, very much. And thank you for
8 being here today.

9 HONORABLE KENNETH JENKINS, CHAIRMAN,
10 WESTCHESTER COUNTY BOARD OF LEGISLATORS: Thank
11 you, Senator. It certainly is a privilege for us
12 to have you here in the chambers of Westchester
13 County. And, and certainly to you, Senator
14 Nozzolio, Assemblyman McEn--oh, excuse me,
15 McEneny, and Honorable members of the Task Force
16 on Demographic Research and Reapportionment--and
17 especially my colleague here on the County Board--
18 minority leader Jim Maisano. We want to say
19 that we are so happy that you are here.

20 So good morning, I'm Ken Jenkins, the
21 Chairman of the Westchester County Board of
22 Legislators, and again for you choosing
23 Westchester as one of the sites for these very
24 important public hearings--we are so grateful for
that. As you have seen here--at least in

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3 Westchester County, we have recently completed
4 the redistricting process, and I certainly fully
5 understand the difficult and important task
6 that's in front of you. Trying to balance all of
7 those variables, as we are going through this
8 process, is extremely difficult, and we
9 understand the challenges that face before you.

10 Here in Westchester, we were able to
11 accomplish our redistricting process with a
12 minimal movement of less than 5% of the entire
13 population of Westchester, which is just about a
14 million people. And more importantly--with no
15 lawsuits. We compare this to our friends in
16 Nassau County, whose redistricting plan is in
17 litigation, and where over 45% of the population
18 had shifted into other districts.

19 And again, understanding that the
20 numbers have to match up, and it's very difficult
21 to do. In considering reapportionment for the
22 State Legislature, please consider compactness--
23 pursuant to New York State constitutional
24 requirements. In Westchester, we have three
State Senators that cross into our neighboring

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3 counties, two that go into New York County in the
4 Bronx, one in Putman County. And under no
5 circumstances should that increase.

6 We certainly can see with the numbers in
7 balancing that we should be able to do that. For
8 the State Senate, there should also be a
9 consideration for insuring that the body is an
10 odd number, by either going up to 63 or down--
11 back to 61 Senators.

12 I believe the changing demographics
13 identified in the 2010 census must impact the
14 State and Congressional redistricting.
15 Legislative districts must be redrawn or must be
16 drawn to provide minority communities an equal
17 opportunity to elect representatives of their
18 choice.

19 It appears that there is an opportunity
20 to create some districts based on shared
21 interests, including social, linguistic, and
22 other factors--especially in those populations of
23 higher densities.

24 And finally, while I appreciate the
opportunity to provide comment on the

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3 reapportionment process, I would have preferred
4 an opportunity to comment on a draft proposal,
5 where specific concerns could be identified and
6 subsequently addressed by your Honorable
7 Committee. I understand--and I know firsthand,
8 that New York census data for 2010 was delayed by
9 several weeks, and I am positive that this
10 impacted the ability of this Honorable Committee
11 to have a draft--presentation before us today.

12 Certainly again, I know the difficult
13 work that lays before all of you--the members of
14 your staff, and certainly the people of New York
15 as we go through this difficult process where
16 people all try to identify and protect their own
17 communities, but I know you'll be able to be up
18 to the task of balancing and doing it fairly.

19 Thanks again for the opportunity to
20 speak this morning--and again, Senators, Co-
21 chairs, and Assemblyman, we really appreciate
22 your being here this morning.

23 SENATOR NOZZOLIO: Thank you, Chairman.
24 Are there any members of the panel wish to, to
speak? Mr. Hedges.

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2 MR. HEDGES: Just in the way of
3 information, I think it is the intention of this
4 group to actually present draft plans at a point
5 in the future. But prior to putting together a
6 draft plan, we wanted to hear from people, and
7 give people an opportunity to shape those draft
8 plans before we came back to the public and said,
9 "Now that there's a draft plan in front of you,
10 what do you think?"

11 And so, I'm expecting that we'll be back
12 and we'll give you that opportunity, and
13 hopefully those drafts will reflect some of the
14 ideas that people have advanced in these
15 hearings--prior to the drafting put together.

16 MR. JENKINS: Thank you, Mr. Hedges.
17 And it--certainly you are welcome to come back
18 here to our chambers, and I'm sure Mr. Maisano
19 will make sure that we have an opportunity for
20 that, and we'd love to have you back.

21 MR. HEDGES: Thank you.

22 SENATOR NOZZOLIO: Chairman Jenkins,
23 before you leave, thank you again for your
24 testimony. Earlier today, we heard from one of

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3 your elections commissioners echo a sentiment
4 that this Task Force heard discussed in upstate
5 larger counties, like Onondaga and Monroe.

6 Westchester's challenge is in
7 implementing a redistricting plan under the best
8 of circumstances--was told that it would take us
9 here in Westchester at least 90 days to do the
10 redistricting formatting--a logistical formatting
11 for the local county legislative districts.

12 I asked the, the Commissioner of the
13 Board of Elections what type of similar process
14 would there be--or challenge would there be for
15 the mapping of the Congressional State
16 legislative lines, and coupled with a potential
17 June primary, which would compact the entire
18 process. We don't want this redistricting to be
19 yet another unfunded mandate to county
20 government, and that--do you have similar
21 concerns regarding that objective and those
22 challenges?

23 MR. JENKINS: Absolutely. Because,
24 again, when you have the, the time frames as are
being compressed, especially with the potential

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3 June primary as you mentioned, Senator, the, the
4 issues for us trying to have the staff available
5 at the Board of Elections, it would cause us to
6 wrap up significantly the number of our panel at
7 the Board of Elections to be able to get the data
8 in.

9 For us and our redistricting process
10 this year, we were not able to have our lines
11 drawn in time. We, we drew them in time, but
12 they were not in the Board of Elections system in
13 time for the petition process. So, basically we
14 ran on both sets of lines, as far as petitioning
15 was going on.

16 To do this by June--and in Westchester
17 we also have March elections with village
18 elections. That creates an additional--an
19 additional complication that would also, again,
20 cause us to have additional funds be spent--in
21 order to make sure that the lines were input and
22 people were ready to be able to walk petitions at
23 the earliest possible moment.

24 SENATOR NOZZOLIO: Well, that is a very
important message, and I appreciate you echoing

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3 it--reiterating it, and it's something that this
4 task force--and Assemblyman McEneny, I know,
5 shares my concerns that that's a big reason why
6 we began this process, because we are certainly
7 under the gun time wise here.

8 Thank you for your cooperation, your
9 support--again, the use of this beautiful
10 chamber, and look forward to seeing you--working
11 with you in the future.

12 MR. JENKINS: Senator, we look forward
13 to working with you. Thank you, Assemblyman,
14 thank you Senator.

15 SENATOR NOZZOLIO: Zelma--Zulema Bre--
16 Blai--Zulema Blair [phonetic? Steve Suey
17 [phonetic]? Steve Suey? Betsy MALCOM? Betsy--
18 Betsy Malcom.

19 BETSY MALCOM, ORGANIZING COMMITTEE, ACT
20 NOW: Well, thank you for letting me speak--and
21 please excuse my lack of experience in public
22 speaking.

23 SENATOR NOZZOLIO: Well, thank you for
24 being here, and would you be so kind, so everyone
can hear you, please put the microphone as close

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3 to you as possible?

4 MS. MALCOM: Thank you. Redistricting
5 happens every ten years, following the census,
6 because legislative districts are supposed to be
7 responsive to changes in the electorate. "One
8 person, one vote" is fundamental to our
9 democracy. However, here in New York, a history
10 of gerrymandering has allowed elected officials
11 to choose the voters who will keep them in power,
12 denying citizens the right to a fairly contested
13 election. Incumbents in a legislature of 96% re-
14 election rate--no wonder voters don't bother to
15 vote.

16 In the 2010 election, New York State was
17 47th among the states in voter participation.
18 New Yorkers clearly feel that partisan interests
19 have prevented competitive elections, leaving
20 them essentially disenfranchised. So why bother
21 to vote? I'm part of a growing course demanding
22 that an independent, non-partisan panel draw New
23 York's legislative districts.

24 The LATFOR committee, as currently
constituted, is intrinsically suspect since it

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3 consists of elected officials with an inherent
4 conflict of interest. That's not saying any of
5 you intend to be dishonest, but I feel that this
6 is an inherent problem. The fact that they
7 initially said that they might disregard the
8 current law on prison-based gerrymandering adds
9 to the appearance of bias and the negative
10 public--

11 ASSEMBLY MEMBER MCENENY: [Interposing]
12 Objection. That is 100% untrue. We never said
13 we would not follow the law--ever. It's all on
14 tape and you can watch it on the LATFOR website.
15 At no time did LATFOR say that they would not
16 follow the law. We said we did not have the
17 available information at one time. We're--we've
18 been gathering it for some time. We have never
19 said--and I was very disappointed when my own
20 hometown newspaper said we had reversed a stand.
21 That has never been the stance of LATFOR. And I
22 believe people have perpetuated that rumor to
23 discredit LATFOR for their own particular
24 political agenda.

MS. MALCOM: Well, I have read it in

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3 many places. If it's incorrect, I apologize.

4 SENATOR DILAN: A point of--Mr.
5 Chairman?

6 SENATOR NOZZOLIO: A point of order from
7 Senator Dilan. What is your point, Senator?

8 SENATOR DILAN: I would--my, my point is
9 here that we keep referring to political agendas,
10 and I don't know where that comes from. But just
11 to clarify the record, there was--it was not
12 clear, with respect to the 2010 prisoner law,
13 what the position of this panel was. However, I
14 believe last week up in Albany, both co-
15 chairpersons did publically state that the
16 intention is to follow the law.

17 MS. MALCOM: I understand that.

18 SENATOR DILAN: And we do appreciate
19 that.

20 MS. MALCOM: And if you see in my next
21 sent--

22 SENATOR DILAN: [Interposing] Is that
23 correct, Mr. Chairman?

24 MS. MALCOM: I said--

SENATOR NOZZOLIO: [Interposing] If, if

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3 I may? And I appreciate it, Ms. Malcom. Welcome
4 to public speaking. I--

5 [Laughter]

6 SENATOR NOZZOLIO: I know you weren't
7 involved in public speaking before, and I know--I
8 apologize for this interruption. As a member of
9 the committee, and just before you begin, it is a
10 very important issue that you touched upon. I
11 think Senator Dilan--Assemblyman McEneny
12 attempted to clarify the record. Senator Dilan
13 is attempting to clarify the record, and it is an
14 important record to clarify. Their comments are
15 both--are both made.

16 I would also like to make a comment,
17 that I understand both of my colleague's
18 comments. What I didn't understand was a
19 characterization that I said something that I
20 never said. And that that wasn't made by any of
21 the members of this panel, it was made by
22 interpreters of that--of my comments.

23 I read this morning a comment where I
24 was indicated in, in some public blog that I had
made a statement at a prior hearing--or a prior

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3 committee meeting regarding this process and the
4 counting of, of prisoners and the obedience of the
5 law. And I was shocked. And I hope tomorrow,
6 when you go home and read about this tomorrow,
7 that you don't--aren't quoted as saying that
8 you're totally in favor of what LATFOR is doing,
9 and that you are, in effect, saying something
10 that you never said.

11 So I think that's what Assemblyman
12 McEneny is, is trying to clarify. I was shocked
13 that, in effect, I would be quoted as saying
14 something that I never said. With that, LATFOR--
15 let me reiterate the position--as articulated by
16 the members, as articulated by us last time at
17 our hearing in Albany--that every member of this
18 panel is fully committed to obeying the laws of
19 the land as they exist; federal law, especially
20 the Voting Rights Act, state law, and state--the
21 state constitution. We cannot reiterate that
22 enough. But we appreciate that--as those giving
23 testimony for the record recognize the fact that
24 this Task Force has fully intended as we move
forward to comply with every nuance of every law

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3 applicable.

4 MS. MALCOM: Well, I appreciate that
5 that's clear. I do appreciate that. Okay, the
6 legislature must go back to Albany for a special
7 session and enact an independent, nonpartisan
8 redistricting process that will return both the
9 reality and the public perception of integrity to
10 our elections. Only then will they truly
11 represent the nearly two-thirds of voters of both
12 parties who overwhelming said in a 2010
13 Quinnipiac poll that they support redistricting
14 reforms before the 2012 elections.

15 61 of 62 state senators and 123 of 150
16 assembly members have indicated support for some
17 kind of independent commission for redistricting,
18 and yet the legislature has held no vote on the
19 issue--or at least the state senate has held no
20 vote on the issue. Instead, we hear that there's
21 not enough time for an independent commission to
22 do its job, or that a constitutional amendment
23 will be sufficient. Neither of these assertions
24 is accurate.

Switching to an independent commission

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3 soon should not cause much delay, and some delay
4 is no excuse for act--for inaction on such an
5 important issue as redistricting reform. Waiting
6 for a constitutional amendment would mean that
7 New Yorkers would live with suspect gerrymandered
8 lines for ten years, which is too long to wait
9 for our votes to fully count.

10 A constitutional amendment is a good
11 idea, but it's not a substitute for an
12 independent commission now. New York's current
13 system has produced districts so ludicrous that
14 one--senate district 51 has been nicknamed
15 Abraham Lincoln riding on a vacuum cleaner. The
16 60th senatorial district consists of two areas in
17 two different counties that are more than a mile
18 apart, and cities including Buffalo are bisected.
19 Districts have been drawn to exclude specific
20 political rivals of the incumbent, and it would
21 be funny if it wasn't so sad how the political
22 process has distorted our elections.

23 Districts should be compact, contiguous,
24 and keep cities and other communities of interest
together without regard to voter registration or

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3 voting pattern. Elections should be competitive.
4 It's time to restore honesty and good sense to
5 the districting process by enacting true
6 redistricting reform now. Thank you.

7 ASSEMBLY MEMBER MCENENY: Do you
8 support--oh, I'm sorry Senator Dilan. Did you
9 have a question? The--do you support Governor
10 Cuomo's alternative, which is the bill that's in
11 the assembly?

12 MS. MALCOM: I would support that, or I
13 would support any other similar scheme that would
14 make it genuinely independent.

15 ASSEMBLY MEMBER MCENENY: Do you feel
16 that the terminology as to how districts are
17 drawn now is fair and honest? Any criticism--

18 MS. MALCOM: [Interposing] What
19 terminology are you--

20 ASSEMBLY MEMBER MCENENY: [Interposing]
21 Well, the criticism you just gave, Abraham
22 Lincoln riding on a vacuum cleaner.

23 MS. MALCOM: I mean, I think you can
24 just look at these maps.

ASSEMBLY MEMBER MCENENY: Exactly. Now,

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3 let's take that district. It is--for want of
4 more elegant language, it is a glob of
5 communities along the Hudson Valley, and it has a
6 long shaft on top of it, which looks like an old
7 time stove pipe hat. And people who don't travel
8 in the Mohawk Valley, and perhaps have never been
9 there, refer to it as Lincoln's hat. That area--
10 I'm sure there are people out there who give no
11 benefit of the doubt and do no research, who say,
12 "Well probably somebody's brother-in-law is a
13 campaign manager who lives way up in the
14 Adirondacks wanted to be in the same district.
15 I'm sure that's it."

16 That stove pipe hat was drawn up 200
17 years ago. It's called Herkimer County. And
18 you'll notice with the governor's new Economic
19 Development Counsels he divided the state into
20 ten districts and, and as the Chairman Lieutenant
21 Governor Duffy, that some of these districts look
22 very good.

23 I don't know what independent board drew
24 those districts. But at any point, in that one,
there's that stove pipe hat, hat again. And the

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3 reason is there's a feeling that respecting
4 county lines that are over 200 years old--where
5 people have been relating to one another for many
6 generations--is one of the goals that you try to
7 reach out and keep. And not knowing what
8 Herkimer County looks like, and assuming that the
9 worst of political motivations drew the district
10 which embraced that county line, I don't think is
11 fair.

12 Are there examples of gerrymandering in
13 the state? Undoubtedly, there's no question that
14 lines favor one individual or one group here and
15 there, but the massive condemnation of every
16 district drawn in the state is something that I
17 think we have to be reasonable about. I am a
18 sponsor of the Governor's bill, as is Sheldon
19 Silver and a number of members in the Assembly.
20 I did not take former Mayor Koch's pledge. For
21 that, Mayor Plot--Koch referred to me and
22 campaigned against me as quote an enemy of the
23 people. I think one of the problem--then when I
24 went and sponsored the other bill, to my
embarrassment, I was listed as a hero of the

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3 people.

4 I think one of the problems with this
5 country today, and its political world, is
6 extreme language and people drawing lines in the
7 sands--no matter what. And pre-judging what's--
8 what the other side wants to do. I think people
9 in both parties--individuals, people in and out
10 of government, people who are elected, those who
11 wish they were--all wish well for this country
12 and for this state.

13 And that particular map of Lincoln on a
14 vacuum cleaner, or Lincoln's hat--is an example
15 of an unfair judgment. And I--since it's in the
16 testimony, I felt that as a former enemy of the
17 people--now hero, according to Mayor Koch--that
18 kind of name calling we don't need, whether it's
19 for the--a district on the map or individuals.

20 MS. MALCOM: I don't want to indulge in
21 any name-calling, but I did hear a presentation
22 by someone who ran and lost for that district.
23 And in fact he was talking about how very
24 difficult it was even to run in that district
because of the huge distances covered and the

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3 diverse populations that were really not
4 organized in the optimal way, so--

4 ASSEMBLY MEMBER MCENENY: [Interposing]
5 The--

6 MS. MALCOM: [Interposing] I do think
7 there are problems with that district, although I
8 don't know enough to speak about them in detail.

9 ASSEMBLY MEMBER MCENENY: The, the issue
10 that the Senator mentioned earlier, and some of
11 the people out in Western New York--we have
12 actually gotten some very good citizen advice on
13 how districts should be drawn. And there's a
14 tendency to want to cluster urban districts
15 together, and there's a community of interest--we
16 had some good advice from the Chamber of Commerce
17 person who was saying try and keep to the SMN--SA
18 which is the economic district.

19 But what happens is, once you've done
20 that and everything's neat--someone is left with
21 a district like the district which has gone back
22 and forth, the former Congressman Sweeney,
23 Gillibrand, Murphy, Gibson district--the same
24 district that goes from Lake Placid down along

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3 the Connecticut and the Massachusetts border,
4 down to Hyde Park, across the mountains to 20
5 miles from Binghamton and includes in a backwards
6 letter "C" the towns next to Cooperstown. Do
7 they have a community of interest? Yes, I
8 suppose they do, but it's ten counties. And it's
9 very, very difficult to campaign in--more
10 importantly, it's very difficult to manage for
11 constituent services.

12 So sometimes these districts--we can
13 make some that make tremendous sense, and people
14 in rural areas wind up being sacrificed with
15 these extraordinary sprawling districts. And our
16 congressional districts are going to be a
17 nightmare when they go from about 650 or 60,000
18 up to 7, 17, 707--it's going to be very difficult
19 to work them. But some of these things--when
20 you're in a rural area, that's the way it is.

21 MS. MALCOM: Thank you.

22 SENATOR NOZZOLIO: Thank you,
23 Assemblyman. Betsy, excuse me. That--there's
24 some questions from members of the panel.
Senator Dilan?

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2 SENATOR DILAN: Yeah, I would just like
3 to indicate I, like Assemblyman McEneny, did not
4 sign the pledge last year. I was also listed as
5 an "enemy." I, like Assemblyman McEneny, do
6 support the Governor's program bills. I also
7 introduced my own two bills, an independent
8 redistricting commission, and I also support the
9 Generis bill [phonetic], but I'm still an enemy
10 of the people. I don't understand that, but
11 that's not the point here.

12 What I'd just like to clarify, for the
13 record, again, on the 2010 prisoner law, and the
14 fact that the position of this panel is clear
15 that the intention is to follow the law. I think
16 it's very important that everyone be aware that
17 there are members of the New York State Senate
18 that have filed a lawsuit to overturn the law.
19 The name of the lawsuit is Little v. LATFOR. So
20 I know that there was some movement in court this
21 week also with respect to summary judgments and
22 also to motions being placed in the court.

23 So at the end of the day you might find
24 that in November or December the courts may rule

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3 against the law, or it does become the law of the
4 land. If they do, I hope that this panel does
5 honor that ruling and move forward with the
6 prisoner count.

6 MS. MALCOM: Yes, I absolutely
7 understood that there is a lawsuit. And I
8 absolutely understood that in Scarsdale you were
9 very explicit that you were intending to obey the
10 law. Before that, I read in a number of places--
11 and it may have been inaccurate--that there was
12 some implication that since there was not
13 sufficient information that you were in--
14 intending to go by the old rules. I saw it as a
15 change in policy. If that's incorrect, I
16 apologize.

17 SENATOR DILAN: No, no, I was just
18 wanting to clarify the record that there is a
19 lawsuit with respect to the 2010 law. So you may
20 find that in December a court may prevent us from
21 doing so, and perhaps, you know, some members
22 definitely of the Senate would like to see that
23 happen.

24 MS. MALCOM: Thank you.

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2 SENATOR NOZZOLIO: Betsy, before you sit
3 down, there's one--Ms. Malcom?

4 MS. MALCOM: Yeah.

5 SENATOR NOZZOLIO: I apologize for
6 saying Betsy.

7 MS. MALCOM: No problem.

8 SENATOR NOZZOLIO: But thank you very
9 much for your testimony--your patience,
10 particularly. I just need to clarify, and I
11 thought you had indicated on the record, that the
12 Senate has passed an independent redistricting
13 bill that is in the form of a constitutional
14 amendment; that that was passed by the state
15 senate. You indicated that there was no such
16 measure or--in your testimony. I wish to clarify
17 for the record that there was.

18 MS. MALCOM: I'm sorry, I meant for
19 2012. I, I understand that.

20 SENATOR NOZZOLIO: Thank you very much.

21 MS. MALCOM: Thank you.

22 SENATOR NOZZOLIO: Jessica Vicuno
23 [phonetic]? Vicuna? Jessica, indicate--Ms.
24 Vicuna, would you please, for the record,

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3 indicate--you are probably the seventh or eighth
4 testifier in our hearings from an organization
5 called "Act Now." It's listed as your--is that
6 correct, that you are--

7 JESSICA VICUNA, ORGANIZER AND VOLUNTEER,
8 ACT NOW: [Interposing] I'm part of that
9 organization, yes, but I am representing myself.

10 SENATOR NOZZOLIO: So you're not
11 speaking on behalf of Act Now? As a member of
12 the organization, for the record, could you tell
13 me what is Act Now?

14 MS. VICUNA: Act Now is a group based in
15 New York City, and they are very much into fair
16 elections and educating the people about
17 government and civic policies. And I do believe
18 that they've been around since 2004. And, you
19 know, you're going to be seeing us more and more,
20 as time goes on, so--and I will be seeing you
21 guys in Manhattan.

22 SENATOR NOZZOLIO: It--it's Act Now is
23 based in Manhattan?

24 MS. VICUNA: Yes.

SENATOR NOZZOLIO: Where is it based?

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2 MS. VICUNA: You mean the off--

3 SENATOR NOZZOLIO: [Interposing] Is it a
4 separate office or is it affiliated with--

5 MS. VICUNA: [Interposing] No. We're
6 just--we're just a group of people in New York
7 City. We have a Board and an Organization
8 Committee.

9 SENATOR NOZZOLIO: Is there an office of
10 Act Now?

11 MS. VICUNA: Not at the moment, not at
12 the moment. Not that I--you know, we, we are a
13 very small--

14 SENATOR NOZZOLIO: Do you have a
15 website?

16 MS. VICUNA: Yes, we do.

17 SENATOR NOZZOLIO: And is it--on that
18 website a list of the board of directors?

19 MS. VICUNA: Yes.

20 SENATOR NOZZOLIO: Could you tell me, is
21 it an acronym? Is it Act Now--no, it's just
22 simply Act Now?

23 MS. VICUNA: It's Act Now, yes.

24 SENATOR NOZZOLIO: It's an accurate--

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3 thank you very much.

4 MS. VICUNA: Okay. I would expect you,
5 gentleman, to take it easy on me, today?

6 [Laughter]

7 MS. VICUNA: Okay. Okay, good morning,
8 or good afternoon, members of LATFOR. My name is
9 Jessica Vicuna and I reside in New York City
10 district one. Thank you for letting me speak
11 about the issue. I will testify today to address
12 the concern for independent redistricting and the
13 many facets that fall under this issue, such as
14 counting people in prison, at home, compact and
15 contiguity, and a special session to pass
16 redistricting reform.

17 When dealing with the subject of
18 incarcerated individuals, census bureau currently
19 tallies who are disproportionately poor and
20 minorities. For redistricting purposes, where
21 they are imprisoned, they should be counted for
22 redistricting purposes in the communities where
23 they lived before their incarceration--which New
24 York, Delaware, Maryland recognized in 2010 when
adjusting, adjusting the census counts for

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3 redistricting. I support this.

4 The issue of compactness is complicated
5 because it is relative what connects a district
6 line to another and how a geometric shape is
7 fairly shaped. A mathematical formula may be the
8 best way to measure compactness. There are
9 various methods for calculating the compactness
10 of a district, including looking at how the
11 population is distributed within the district,
12 measuring the borders of the district, or
13 evaluating the area of the district; the idea of
14 people who share similar interests and
15 characteristics will form a community of common
16 interests, and therefore have representation.

17 However, compactness should be based on
18 numerical score for each district to set a
19 particular compact threshold, so that it can be
20 measured equally, at least as, let's say, compact
21 X. Not measured by highest or lowest score.
22 When so-called minority communities who tend to
23 vote for one particular party and live in smaller
24 areas or urban centers, as they say, compact
districts tend to pack these districts in and

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3 dilute their voting strength, favoring the
4 opposing party.

5 Lastly, I urge for Albany to hold a
6 special session for redistrict reform. It is an
7 issue that Cuomo intends to revisit because he
8 wants independent redistrict commission, am I
9 correct? So, indeed 184 of its 212 members
10 pledged or co-sponsored to create a new,
11 impartial process for drawing state legislative
12 and congressional lines. If this had passed,
13 then this hearing would be held before an
14 independent commission.

15 New York State has a rich history of
16 partisan gerrymandering, allowing the
17 disenfranchised to have a voice to say, and while
18 incumbents continue to hijack the reelection
19 rate. I believe in competitive, fair elections
20 and fair share division among our constituents.
21 Thank you for allowing me to speak about an issue
22 that is important to myself, the members of my
23 organization, and to those who stand by this
24 issue, and, yes, to those who have yet to
discover about redistricting. Thank you.

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2 SENATOR NOZZOLIO: Any questions? Mr.
3 Hedges.

4 MR. HEDGES: I'm a little confused about
5 compactness. Do you have a--do you have a
6 particular version of compactness that you're
7 interested in, or advocate?

8 MS. VICUNA: Well, if I were to tell
9 you, I would like a nice check for that. And
10 some of my - - colleagues. That was just a joke.
11 I don't have a specific formula for that, but
12 definitely using statistics--I wouldn't want to
13 use shapes. I would--like I said, I would use a
14 numerical score, but that--there are several
15 programs. I think one particular from Harvard
16 University, it's called BARD. I haven't really
17 researched it too much, but they do have
18 something that was kind of similar to what I just
19 said.

20 And the reason why I bring it up, it's
21 because it is such a complicated issue that
22 really concerns me, and it's some--it is
23 something that a lot of people have trouble
24 talking or explaining or articulating about. And

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3 that's why I brought it up today.

4 MR. HEDGES: One of the concerns that is
5 frequently voiced about compactness as an idea is
6 that it means multiple things, and they're in
7 conflict with one another.

8 MS. VICUNA: Correct.

9 MR. HEDGES: A second concern that gets
10 voiced is that compactness often is directly in
11 competition with the ability to construct
12 districts that would give minority groups the
13 opportunity to elect candidates of their choice.
14 Do you have a sense of where you come out on
15 either the complexity, or on the tension between
16 minority representation and compactness as a--as
17 a policy?

18 MS. VICUNA: I just feel that--in
19 regards to that question, I'm really not 100%--I
20 don't have 100% answer. Like, I'm not really
21 sure how to answer that because it's, it's such
22 a--it's going to take me a longer time to sit
23 here--me stand here and explain this. But I have
24 a--I have--I do have something to ask you.

Especially--I live in a metropolitan

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3 area. And an area like, let's say ,Bed-
4 Stuyvesant, which was predominantly African
5 American ten years ago. And now, with the issue
6 of gentrification, it's now a totally different
7 area. I want to ask you how does compactness
8 fare in that regard? I mean, how did--I mean,
9 what, what happens to the people that live there
10 and are pushed out to a smaller area in that--in
11 Bed-Stuyvesant, you know, which is in Brooklyn?

12 So, you know, it's, it's the reason I
13 brought up a mathematical formula, is because
14 it's--to me, it's the only way to kind of deal
15 with that problem and get away from a circle or
16 a, a square. Because there--it's too
17 complicated. It, it gets messy. And sometimes
18 we just need something a little bit more--a
19 little bit more simpler.

20 MR. HEDGES: And let me try again on my
21 question. Many would argue there's a tension
22 between a constructing compact districts in
23 constructing districts that give minorities the
24 opportunity to elect candidates of their choice.
Do you have a view on that tension? Do you favor

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3 compactness over attempts to construct minority
4 districts? Do you favor minority districts over
5 compactness? Do you have a view?

6 MS. VICUNA: I, I--at the moment I do
7 favor a minority district.

8 MR. HEDGES: Another concern that has
9 been voiced more recently in some of the academic
10 literature is that compactness and urban work
11 nicely together. Compactness and rural--

12 MS. VICUNA: [Interposing] Yes, yes.

13 MR. HEDGES: --don't work so nicely
14 together, and that advocates of compactness--as a
15 standard--end up arguing for districts that are
16 biased against urban areas. Do you have a
17 thought about that as a problem?

18 MS. VICUNA: I've thought about it, and
19 I don't have a solution. I don't have a solution
20 for that. But I, I think that it--that's
21 something that all of you can, you know, think
22 about, because it's, it's gonna--it's gonna--the
23 problem isn't going to go away. It--there has to
24 be some sort of fair solution to that. I don't
really have a, a good enough answer for you, you

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3 know, that I feel like you would be satisfied
4 with, but it's, it's a big concern of mine. And
5 I, I really do have a lot of faith that, you
6 know, our leaders will work on that in the
7 future.

8 MR. HEDGES: Thank you.

9 MS. VICUNA: Okay.

10 SENATOR NOZZOLIO: I'd like to follow up
11 on Mr. Hedges' questions and, and your issue of--
12 that you put forward regarding compactness. I
13 don't know if you heard our discussion with Ms.
14 Lerner from--on the issue of, of extending a
15 district so that they're now larger than many
16 states. I find the issue of compactness one of
17 great interest. And I have a district that's all
18 or parts of--I represent a district that has all
19 or parts of six counties. The smallest
20 geographic size county--you could put the entire
21 Manhattan Island within that county and still
22 have a lot of room to spare in the smallest of my
23 counties--geographically.

24 MS. VICUNA: Okay.

SENATOR NOZZOLIO: And, so in terms of

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3 compactness, to hear your--you have a meth--and I
4 guess for the record, are you--are you submitting
5 to the Task Force a mathematical formula
6 regarding compactness?

7 MS. VICUNA: I am not submitting a
8 mathematical formula but--

9 SENATOR NOZZOLIO: [Interposing] Just so
10 let it be known, for the record, are you--as Act
11 Now, having any relationship to your proffering
12 of testimony relative to the Voting Rights Act?
13 And the requirements that New York must comply
14 under Article Two and Five sections of the
15 voting, sections are the--section two and section
16 five of the Voting Rights Act, and does that not
17 play into those issues that you are concerned
18 with?

19 MS. VICUNA: Absolutely, especially,
20 especially section five, yes.

21 SENATOR NOZZOLIO: Well, I have no
22 further questions. Any--Assemblyman Oaks?

23 ASSEMBLY MEMBER OAKS: Just a quick
24 comment, you know, your suggestion that the
community that you live in or most familiar with

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3 has changed dramatically over the last ten years.

4 MS. VICUNA: Yes.

5 ASSEMBLY MEMBER OAKS: I think, you--you
6 know, part of the challenge--and somebody used
7 the word "messy," somebody used the word
8 "difficult"--clearly those changes, whether it's
9 your community or others, will be reflected in
10 the proposal that comes out initially.

11 MS. VICUNA: Okay.

12 ASSEMBLY MEMBER OAKS: And also then we
13 will gain more input from people, and perhaps--
14 and we'll make changes to that as, as people
15 react and respond to that. Those changes may not
16 be done as you perceive should be, but they--it
17 clearly, that's part of the puzzle and, and the
18 process of, of putting this altogether.

19 The other thing is that because there
20 are defined limits of numbers of people, so in
21 the state with a little bit of deviation--plus
22 and minus a bit, but it is difficult to be
23 totally precise. And so whether an independent
24 group does it, whether this group does it, or
25 someone else, the implications--and I think other

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3 members have said it, whether it's following
4 federal law and the Voters Rights Act, whether we
5 do ultimately count the prisoners as the law says
6 to date, or as the court may rule for the law,
7 and we follow forward, or they rule against it
8 and we count them where they were in the day of
9 the census count in the prison--all of those
10 things will be reflected.

11 So I just want to say that the, the
12 difficulty of that--no one will be fully happy
13 with the process, no matter who counts it, but my
14 commitment and, and I think the members here, is
15 our effort to try to make this a fair and open
16 process with the input that you've given others
17 to try to make this happen.

18 MS. VICUNA: Thank you.

19 SENATOR NOZZOLIO: Thank you.

20 MS. VICUNA: Is that all?

21 SENATOR NOZZOLIO: Thank you very much.

22 Jane Daniels.

23 JANE DANIELS, CITIZEN: Good afternoon,
24 and thank you for the opportunity to speak. I am
representing myself, all right? and I would also

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3 state that I support the independent
4 redistricting. I'd like to also diverge a little
5 bit from my written testimony that I submitted to
6 say--sitting here today, I have learned an
7 incredible amount of civics. It's almost like we
8 should bring all the kids in ninth grade here at
9 some point to be able to hear what goes on. But
10 I don't think 13-year-olds will appreciate all
11 that goes on to make our government run. I live
12 in the town of Yorktown. I'm--

12 SENATOR NOZZOLIO: [Interposing] At the
13 very least, I noticed you were knitting back
14 there, you maybe got some--you at least got
15 something accomplished this morning.

16 [Laughter]

17 MS. DANIELS: Sandy Galef can assure you
18 I always take my knitting with me.

19 SENATOR NOZZOLIO: What are you making?
20 For the record.

21 MS. DANIELS: For the record, I'm make--
22 I'm making a tank top. But I've had to rip out
23 twice in order to get it to fit right. So I can
24 appreciate your gentleman's trying to get this

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3 puzzle solved with everybody coming at you with
4 ideas that are at loggerheads with each other.

5 So, I live in the town of Yorktown and
6 I'm represented by Nan Hayworth in the 19th
7 district--Congressional district, Stephen Katz in
8 the Assembly district--that's number--the 99th,
9 and Greg Ball in the 40th. I've been a resident
10 of Yorktown since 1968, and I know the Hudson
11 Valley in a variety of ways because I had worked
12 for the Hudson Valley Greenway, travelled up and
13 down the Hudson Valley back in the early '90s,
14 and then again I worked for the mid-Hudson
15 Library System, and worked with communities in
16 the Mid-Hudson area.

17 I'm the author of "Walk the
18 Westchester," so I have visited over 200 parks in
19 the process of writing the book. So I think I
20 know my community had--on the ground, better than
21 most people. I'm a retired reference librarian,
22 and have worked in Croton, Nyack, and the Nyack
23 communities, so I know those residents, when I
24 worked there, quite well.

Redistricting is obviously a problem--a

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3 puzzle fraught with emotional overtones. The job
4 is made easier or harder because we can rely on
5 GIS data, and I was pleased to hear references
6 earlier to the maps that will be brought and
7 used. But this doesn't take--this data doesn't
8 take into account what a community really is,
9 even when you have the capacity to map the data.

10 For example, I live in Yorktown. It's a
11 predominantly white, middle class community with
12 families. The Croton Reservoir and the Taconic
13 Parkway divide the town. Yorktown has an area
14 with wealth and low income, that's easy to put on
15 the map to show where those are. And I--
16 interestingly enough, it's the republicans in
17 our--in my town who are more environmentally
18 savvy. Yorktown is proud to boast it has a
19 variety of protected open space--including a
20 state park, a public golf course, and all of you
21 probably know about the pedestrian bridge over
22 the Taconic--the bridge to nowhere, which I say
23 now connects to two town parks.

24 I have some suggestions to make in a
variety of levels. The districts that have a

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3 decrease in the population should be considered
4 first to be dissolved, split, or consolidated.
5 Realistically, it's likely that democrats will
6 lose one Congressional seat, and republicans
7 another. That's just the observation that I
8 have. Don't automatically eliminate the
9 Congressional seat vacated when Anthony Weiner
10 from Long Island resigned in June. I've seen
11 comments in the Washington Post to that effect
12 and I think that that would be a big mistake.

13 The Hudson River is a geographic barrier
14 and makes a natural boundary. I know this having
15 worked in Nyack and lived in Yorktown. The
16 people there simply were amazed that I would
17 cross the river on the Tappan Zee Bridge to come
18 over to work in their community. And I found I
19 learned a lot by seeing the other side of the
20 river.

21 So my question is, why is Poughkeepsie
22 part of Maurice Hinchey's Congressional district?
23 It's--I know that you--and for what I have
24 learned today, that you have been--sometimes you
have to pull pockets from one place to another to

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3 meet the population requirements for

4 Congressional districts. But I still ask that
5 question anyway.

6 I now know that you are going to bring
7 in some non-partisan people to work at--look at
8 GS--GIS maps and the census tracks. I'm glad to
9 hear--I'm glad to hear that, and that was part of
10 my learning process. But now I raise some
11 questions. It is harder to re--to represent a
12 more diverse population or one that has more
13 community interests? I don't expect these
14 questions to be answered, but I think I need to
15 raise them.

16 Should Rockland County be just one
17 district for Congress, the Assembly, and the
18 State Senate? Aside from the State Senate is
19 three congressional districts and four state
20 assemblyman's areas. Should you consider
21 splitting a par--a town, if there's a physical
22 barrier such as a river, train tracks, or highway
23 dividing it? Why does Senator Ball's Senate
24 district snake up through Dutchess County into
rural areas, and yet includes Peekskill, which is

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3 a city? Having been to the towns of Stanford and
4 Washington, they might be smaller than Peekskill,
5 but are they more like the other towns that
6 surround them in eastern Dutchess County.

7 And I'd also like--this is more of a
8 personal interest. I would like to see Yorktown
9 returned to the 90th Assembly district. We have
10 more in common with western Putnam County,
11 Cortland, Ossining, and Peekskill than the folks
12 in eastern Putnam County.

13 So, in closing, I'd like to say there's
14 no perfect way to divide up New York--New York
15 State. I don't envy you. Someone is going to be
16 upset no matter what you do, and some politicians
17 will lose, and some will win in the process.
18 That's the nature of the beast. So again, thank
19 you for holding the hearings here in Westchester.
20 And I hope to, to come back to when you're--look
21 at the maps and see what has been drawn up.
22 Thank you.

23 ASSEMBLY MEMBER MCENENY: Thank you.

24 SENATOR NOZZOLIO: Thank you very much.

Matt Richter? Matt Richter.

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2 MATT RICHTER, CITIZEN: Good afternoon.

3 I live here in White Plains in Westchester County
4 and I work on the board of legislators as a
5 legislative aid, and I thank you very much for
6 coming to Westchester County today to hold this
7 public hearing. And I'd like to commend the Task
8 Force for the hard work you're undertaking on
9 behalf of the voters of the state of New York.

10 And as I, in capacity, working as a
11 legislative aid, talk to voters around
12 Westchester County and, and in fact the entire
13 state, I believe that the electorate is
14 experiencing right now a crisis of confidence.
15 Watching the debt ceiling debate unfold in
16 Washington and the subsequent downgrade of our
17 credit rating is just the latest example of the
18 sort of partisan political wrangling that has
19 left many voters in New York feeling that party
20 politics and not principles are the driving force
21 in a lot of our legislative deb--debates. And
22 Governor Cuomo's proposed independent commission,
23 which is in the Assembly, is not one that will
24 inspire confidence in voters once they take a

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3 look at the details.

4 The Governor's plan is a complicated
5 one. It has a number of flaws. And the experts
6 I've spoken to about the plan tell me that it is
7 inherently flawed and is unconstitutional, in
8 fact, and will undoubtedly end up being
9 challenged through litigation. And that kind of
10 legal standoff is not what will inspire
11 confidence in voters for lawmakers that New York-
12 -New York voters are looking for.

13 Secondly, the Governor's appointment
14 ideas for his commission would unfairly weigh the
15 appointments in favor of the Governor. And that
16 kind of gaming the system is obvious to voters
17 and, again, will only exacerbate the crisis of
18 confidence felt throughout the electorate.

19 Finally, with the possibility of the
20 primary being moved up to June, I think it's just
21 too late in the game for the Governor to be
22 changing the rules and trying to set up an
23 independent commission.

24 This Task Force--your Task Force--for
which is fair and truly bipartisan, has already

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3 held several public hearings like this one is and
4 is well on the way to a fair and equitable plan,
5 and Mr. Hedges said will be forthcoming in the
6 form of a draft, which we all look forward to
7 seeing.

8 In addition to the Governor's plan, I
9 also have taken some time to look at the plan
10 that passed the Senate, and if there were, were
11 more time, I think that that plan could be
12 implemented, but there just simply isn't enough
13 time with the possibility of the primaries being
14 moved up.

15 You know, redistricting is a difficult
16 and onerous task, one that we just went through
17 in the legislative body that I work for. And,
18 you know, I--I'm confident that we reached a, a
19 plan that was fair to all the elected officials
20 and equitable to both major parties, but there
21 will always be people that feel dissatisfied.
22 And I just hope that the decision makers in
23 Albany take this opportunity for redistricting to
24 inspire confidence that I think is really, really
lacking right now, and, and allow people to feel

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3 that they're well represented, and feel that the
4 elective process is one that they're, they're
5 happy to be engaged in and, and has integrity
6 that I know you all intend to bring to it. Thank
7 you.

8 SENATOR NOZZOLIO: Mr. Richter, thank
9 you very much. Any questions of the panel? I'm
10 hearing none. Thank you very much for your
11 testimony. Andrew Beveridge.

12 ANDREW BEVERIDGE, PH.D., PROFESSOR AND
13 DEMOGRAPHIC CONSULTANT, QUEENS COLLEGE, CUNY, AND
14 SOCIAL EXPLORER: Good afternoon. I'm really
15 quite pleased to be here today. My name is
16 Andrew Beveridge. I live in east Yonkers, and I
17 am Professor of Sociology at Queens College in
18 the Graduate Center of Cuny. And since the early
19 1990's, I've actually been involved in
20 redistricting in both Westchester County and in
21 the state of New York to some extent.

22 Most particularly, some of my handiwork
23 has been discussed here today since I was the
24 person who helped the Board of Elections--a Board
of Legislators of Westchester County craft their

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3 plan, and I also helped the New Rochelle city
4 council craft their plan. And, beyond that, I
5 also have been involved in redistricting
6 litigation--most particularly in Westchester
7 County, in the case of Porkchester [phonetic]
8 where I served for--with the DOJ, and in New
9 Rochelle, where I - - New Rochelle.

10 And during the late 1980's, early
11 1990's, I served as a trustee and for one year as
12 President of the Yonkers--President of the
13 Yonkers Board of Education. And for a brief term
14 I was second vice chair of the Yonkers Democratic
15 party, as the result of a so-called reform
16 movement. I was also very active in a number of
17 civic groups trying to call some of the issues
18 surrounding Yonkers irrigation orders. And I
19 understand the kind of work that you people have
20 to do, because I've been there and have done it.

21 But I also have been on the other side,
22 where such work ends up in a difficult situation,
23 and I then worked for people who actually tried
24 to set aside redistricting plans. And I wanted
to testify today on three issues. I'm not going

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3 to go through some of the--I'm not going to talk--
4 -revisit the independent redistricting
5 commission, or any of those sorts of things. I
6 have--I have discussed that before. Some of that
7 is up on the Gotham Gazette website where I write
8 a, a monthly column.

9 But first I want to congratulate LATFOR
10 for going along, you know, go--implementing the
11 prison decision--the prison population, a law
12 that actually in Westchester County, at the very
13 last moment, we had to take that into account and
14 it was somewhat complicated. I still believe,
15 however, that prisoners really are not residents
16 of the prison--prisons where they are, but they
17 are, in fact, involuntary sojourners, as some
18 call them. And so the councilman at district is
19 that they're people at large is plainly
20 incorrect.

21 And, secondly, I want to talk about a
22 point that probably is seen as kind of technical
23 and dweeb-ish, which has to do with the citizens
24 of voting age population. During the last--I
really call on you people to add these data to

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3 your system, because I believe that you're going
4 to find out at the end of the day that those are
5 going to be the data that will drive the
6 analysis--both of section two and section five.

7 And, as you must know, the census was
8 redesigned for this round, and the census itself
9 only ascertained on a very narrow set of
10 questions--not including citizenship. What used
11 to be on the so-called census long form, the
12 census sample, is now asked on the American
13 Community survey, including the census. So
14 during the last round of redistricting, the data
15 were not actually compiled by any governmental
16 agency, but rather were ordered up by a coalition
17 of redistricting consultants. However, both
18 sides ended up using them. And, in my own case,
19 we used them in New Rochelle, Port Chester, and
20 for the challenge to the State Senate plan. So I
21 believe that they are the accepted test for
22 section two and section five.

23 And this time around a special
24 tabulation was ordered by the Department of
Justice. My assumption is they're going to use

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3 that to monitor section five. And it released,
4 actually, before loss of the population did a
5 release--it was a release in early February. So
6 these data can now be used immediately for Voting
7 Rights Act issues.

8 And there are some differences between
9 the ACS, you know, Census long form. The first
10 ACS five year file was released in December, and
11 the data were collected from 2005 to 2009. As
12 was the long form, the census ACS is a sample,
13 and there's--actually the census' computation of
14 so-called standard error or confidence - - is
15 plainly wrong, and it vastly overestimates here
16 in many cases.

17 And the second issue with the ACS is
18 that results are forced to conform to the--at the
19 county level, to the census estimates. But the
20 census itself says that the proportions are
21 accurate. So I think that you should use the
22 CVAP.

23 But the most compelling reason is that
24 for citizenship rates for some immigrant groups
are really very low. In Port Chester, the

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3 citizenship rate for Hispanics and Asians, I
4 think, bordered on 30%. So if you don't use
5 citizen CVAP, you're going to overstate the
6 actual political strength of some groups and
7 understate it for others. And I think it makes
8 it much more complicated.

9 So it also means that calculations
10 related to racially polarized voting--which I
11 suspect you will probably do, or have a
12 consultant do for you--could be misleading. So
13 therefore I urge LATFOR to release CVAP data for
14 current and proposed districts. And I have
15 appended my - - such data for all the current
16 legislative districts for New York state.

17 And then I also want to comment briefly
18 on Westchester County lines. I, I want you to
19 take into account the actual current status of
20 racially polarized voting here, so as not to
21 damage minority representation in the Senate or
22 the Assembly. Put simply, the record of racially
23 polarized voting--especially for districts as
24 large as Assembly or Senate in Westchester
County--is quite attenuated. Analysis for

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3 Westchester County also show a little
4 polarization at present.

5 For instance, the County Board of
6 Legislatures, which has 17 seats, and which I did
7 redistrict, currently has four minority
8 legislators, three African Americans and a
9 Hispanic. But, if you look at it from the point
10 of view of effective majority, it only has one
11 majority-minority seat. So, in other words, it's
12 vastly over-performing.

13 Similarly said, district 35, which in
14 the past showed strong polarized voting, now does
15 not. The incumbent, an African American, is in a
16 district with a majority of non-Hispanic white
17 voting age citizens, with only 13.9 percent--
18 percentage of African American citizen of voting
19 age. Yonkers, perhaps, is getting over its long
20 history of racial polarization. And I urge those
21 doing the redistricting not to do anything that
22 would reinforce divisive politics in the
23 community, since apparently with respect to the
24 State Senate, the voters are now coalescing
cross-racially.

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2 Remember, both packing minorities into a
3 few minority districts, as well as cracking them
4 by making them a minority--and several can dilute
5 minority voting strength. However, when one has
6 a situation where the voters themselves seem to
7 reject such racial polarization, there is no
8 reason for those doing redistricting to try to
9 re-inject such polarization into a community. I
10 thank you for the opportunity to address this
11 committee and my--I have a--my--whatever--written
12 statement is somewhat longer. Thank you very
13 much.

14 SENATOR NOZZOLIO: Are there any
15 questions of, of Mr. Beveridge?

16 ASSEMBLY MEMBER MCENENY: You know, I, I
17 appreciate your, your testimony and would hope
18 that you would, would send in a copy of the map
19 of the new districts for Westchester County. Did
20 you originally have 17, or did you reduce the
21 number?

22 MR. BEVERIDGE: No, no, we didn't have
23 17 to start and we saw at 17.

24 ASSEMBLY MEMBER MCENENY: And we'd like

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3 a copy of the new map. We may already have one.

4 MR. BEVERIDGE: Yeah, you probably do,
5 but that--there would--that would be no problem
6 sending you that and all of the data, you know,
7 related to it.

8 ASSEMBLY MEMBER MCENENY: Thank you.

9 SENATOR NOZZOLIO: Senator Dilan?

10 SENATOR DILAN: Yes, thank you very
11 much, doctor, for your testimony today. I
12 basically have two questions. The first, in
13 terms of data, it appears that you have a lot of
14 background with the data necessary to do
15 redistricting. Do you feel that this Task Force
16 at this time has provided sufficient data to the
17 public in terms of them having the ability to
18 draw their own lines? Or do you feel that we
19 need to provide more data?

20 MR. BEVERIDGE: Well, my point really is
21 that you probably have not because I think you
22 should add to the data that you have in your
23 system, the citizen of voting age population
24 data. And, you know, it has to be probably
disaggregated to the blocks--from the block

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3 groups, but I think it would serve as a very good
4 guide when people are looking and the district
5 and saying, "Is this district Hispanic? Or is
6 this district African American?"

7 And I know, when we--I was involved with
8 the State Senate challenge--the challenge to the
9 State Senate lines last time. And there were a
10 number of districts that appeared to be Latino,
11 that when you added citizen of voting age
12 population, it turned out not to be Latino. And
13 in, you know, counter-distinction, there are a
14 number of districts that did not appear to be the
15 majority African American, then when you use
16 citizen of voting age population, they, they
17 turned out to be African American.

18 And I think that citizens of voting age
19 population, you know, kind of emerged as a
20 standard during the--during the last decade. And
21 then there was a--you know, the recent case,
22 which escapes me at the moment. Basically argues
23 that a minority group is not actually eligible or
24 not--cannot make a claim for a district unless
they're--you know they have a majority. So I

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3 think that you should know when you go in where,
4 where there's a majority or a minority districts.

5 I think also, however, you know, that
6 isn't the guide. I mean, you know, you don't
7 have to say well, "This is what they did if they
8 sued." You know, you can--you can obviously
9 craft districts that are better than that, but I
10 think you should--I think everyone should know
11 what they're talking about when, when you go
12 forward.

13 SENATOR DILAN: And do you feel that we
14 should be going back as far as the last time we
15 redistricted--meaning going back ten years with
16 respect to data?

17 MR. BEVERIDGE: No, I--what I'm saying
18 is that you should put--

19 SENATOR DILAN: [Interposing] I'm asking
20 do you--

21 MR. BEVERIDGE: --this first on the
22 voting age data that was released--

23 SENATOR DILAN: [Interposing] No, I
24 understand what you were saying--

MR. BEVERIDGE: --on February of 2011.

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2 SENATOR DILAN: But, in addition to
3 that, do you feel--how many years we have to go
4 back in providing data to the public?

5 MR. BEVERIDGE: Well, it seems to me, to
6 test retrogression, you need the last decade. I
7 mean, so you would need data from 2010 and 2000--
8 including the citizen of voting age data, which
9 is all right. You know, I understand it showed
10 up in the late '90--late 2003, after everyone had
11 drawn all their lines, but it's different this
12 time because the data are out. So, since the
13 data are out, even if they have some issues, I
14 think they should be shared and used.

15 The Department of Justice plainly meant
16 that to be, and that's why I actually--I appended
17 a table with my testimony that actually takes
18 every single district in New York state
19 currently, and looks at it from the point of view
20 of citizen voting age. Although, I noticed this
21 morning I didn't do non-Hispanic/White, but I did
22 do African American, Hispanic, and Asian.

23 SENATOR DILAN: One more question. I, I
24 understand that the New York Times had asked you

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3 to put together an analysis--you being an expert
4 in, in this area. Can you share any of the
5 points of that analysis with us?

6 MR. BEVERIDGE: Well, actually, some of
7 that is out. I mean, this part of the analysis
8 here is in, like, this--the thing I gave you
9 today, and a part of it is actually on the
10 website for--when the Senate Dems had a hearing,
11 some of it's on that website. And I also re--
12 kind of re-purposed that and put it up--put it up
13 with an article in the Gotham Gazette website,
14 where I speak. And I think this material, plus,
15 you know, anything else you want, I'm--I would
16 certainly be willing to share.

17 SENATOR DILAN: All right, thank you
18 doctor.

19 SENATOR NOZZOLIO: Assemblyman Oaks?

20 ASSEMBLY MEMBER OAKS: All right, in
21 your written testimony, you were talking about
22 the community survey. You said direct comparison
23 of the totals in the ACS files with the totals in
24 the census files can lead to anomalies. This
will be corrected when the 2006 to '10 ACS files

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3 are released, since those totals will conform to
4 the census. Do you know when they're going to
be. . .

5 MR. BEVERIDGE: See, that's--actually,
6 listening to your February deadline, you know,
7 that becomes somewhat problematic. As I say to--
8 this last time they were released February 8th.
9 I actually was down at the Department of Justice
10 last week on another matter, and our--maybe it
11 was two weeks ago. And we discussed that, and I
12 think they're going to order--you know, they're
13 going to keep ordering it. So maybe we'll--
14 they'll get it out quicker.

15 They expect the Jan--the regular ACS
16 will be released in December again, the five year
17 file, so my guess is it would be either January
18 or February. My own--but the other point I
19 should make is just like--the new ACS will only
20 have one more year of data. You know, it--but it
21 will fix a few issues.

22 So I think you should probably use the
23 '05-'09 for the estimates, and then confirm it
24 when the '06-'10 comes out because otherwise, you

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3 know, you're basically in a situation where once
4 the '06-'10 is out, that will be kind of the gold
5 standard for assessing effective majority. And
6 so you should, should know that when you pass a
7 bill--is my view.

8 You know--and also since it has to get
9 pre-cleared, right? You know, so, you know,
10 they're going to be using it. So we--you should--
11 -in other words, I think the public should have
12 what the DOJ is going to use to assess your
13 plans. And I think it goes beyond voting age
14 population--especially in New York. I mean, it
15 may not be true in, like, South Carolina as much
16 or something, but New York, with the large number
17 of immigrants here, I think it has--you know, it
18 only makes sense that, that you actually
19 seriously look at citizen of voting age
20 population.

21 SENATOR NOZZOLIO: My questions deal
22 with the representation that you have made
23 regarding the potential sampling inaccuracies of
24 the survey. And I'd like to hit this on two
levels, that the issue that's before us is the

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3 Task Force ascribing to this data by putting it
4 on the LATFOR's website, and in so doing endorse
5 it's veracity. That's a concern I have, and it
6 is--it's something that's actually amplified by
7 your testimony, because it--you discuss the
8 errors in the process. Please elaborate.

9 MR. BEVERIDGE: Well, there's a
10 confidence interval with any sample. And the
11 census in 2000 had, had a sample. It was called
12 the long form. The reason that people didn't
13 really grab onto the fact that it was a sample
14 and that it, you know, had a sampling error had
15 to do with the fact that it was done at the same
16 time, and the census bureau called everything the
17 census. You know, so it was the 2010 census had
18 a short form and a long form. The long form was
19 the sample.

20 In 2010 what they--well, what they did
21 was they split the long form, and it's, it's now
22 this American Community survey. It's--they're
23 out there every year. And so, after five years,
24 they have about the same number of respondents as
they used to have on the long form. And so they

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3 then released the data. And, you know, when they
4 first put it out, I looked at some of their
5 standard errors.

6 And I mean the one that I mentioned in
7 there is, like, they--you know, we know, for
8 example, in Westchester County, that there are
9 not that many Native Americans in Westchester
10 County and that we would be surprised to find
11 Native Americans in lots of the block groups in
12 Westchester County. So every block group in
13 Westchester County that has no people in it--no--
14 where they find no Native Americans, the census
15 bureau has put in an arbitrary number as their
16 confidence interval--I think it's 133. It might
17 be 131. It might be 123, but something like
18 that.

19 So basically they're saying that this
20 block group could have--where they found no
21 African Americans--could have as many as 133
22 African Americans, or as few as minus 133 African
23 Americans, which is plainly absurd. And so I
24 wrote a memo and sent it to the census bureau
about their methods, and actually that memo is up

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3 on--I put--well, someone put it up on Scribbet
4 [phonetic], so I put it up with the census
5 bureau's response on Scribbet. So I wrote this
6 to the census bureau, and they basically
7 responded that they realize this is a problem,
8 but that to get it fixed in a production
9 environment, you know, they're working on it.

10 So it seems to me that, given the fact
11 that the data exist, you could put it out with a
12 warning label. Because I think you're going to
13 find at the end of the day, that you, you will--
14 you know, it will be used for section five
15 assessment.

16 SENATOR NOZZOLIO: Well that's fine.

17 MR. BEVERIDGE: So you're basically--

18 SENATOR NOZZOLIO: [Interposing] And
19 that's appropriate, but I guess the--I don't
20 think the Task Force should be--I--I'm troubled
21 with that recommendation. The Task Force is
22 saying this data may or may not be accurate--is
23 not the type of responsible public service that
24 the Task Force should be providing.

MR. BEVERIDGE: Well, frankly, for large

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3 districts--like 700,000 districts or 300,000
4 districts or 120,000 districts--the standard
5 error is going to be pretty darn small. You
6 know, the, the error is going to be very small.
7 It's large at the--and you know, this is true
8 with anything. If you have a small sample, you
9 have a high standard error. So in your block
10 group you're going to have a small sample, so you
11 have a high standard error, or, you know, and the
12 conference interval is very wide.

13 You get into 700,000, which is large.
14 As you point out, is larger than several states,
15 including Rhode Island and Wyoming. You know,
16 when you get up to that level, you're--you know,
17 the size of your standard error is going to be
18 minimal. So, so I say to, you know, not to put
19 it out, it would be actually both irresponsible
20 and misleading, because they say--

21 SENATOR NOZZOLIO: [Interposing] Well,
22 the census bureau is--

23 MR. BEVERIDGE: [Interposing] Well, let
24 me finish.

25 SENATOR NOZZOLIO: And, and I think that

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3 it's not a question of hiding the data. The data
4 is available through the census bureau, and I--

5 MR. BEVERIDGE: [Interposing] But not to
6 be used by anybody in New York.

7 SENATOR NOZZOLIO: Well, it's not a
8 question of "use," it's a question of
9 accessibility and is that information available.
10 You're saying that the only way this information
11 could be available is to put it on the, the
12 website of the Task Force?

13 MR. BEVERIDGE: Well, you put up VAP
14 data.

15 SENATOR NOZZOLIO: I, I--

16 MR. BEVERIDGE: [Interposing] You have
17 voting age population data up on your Task--
18 website, and that's completely misleading.
19 Because you're saying that, you know, let's say a
20 town that has 70% of a town, or, you know, let's
21 say there's 10,000 Hispanics in a town but only
22 30,000. Or say this--there's 20,000 Hispanics in
23 a town. 10,000 of them are voting age and only
24 3,000 can vote. So putting up the VAP data--
10,000 is completely misleading. So what you're

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3 saying is you'd rather be misleading like that
4 than putting up data which has a known
5 potentially miscalculated error level. I, I
6 don't--you know that--it strikes me that's a--
7 that's a very weird position.

8 SENATOR NOZZOLIO: All right. It, it--

9 MR. BEVERIDGE: [Interposing] I mean, in
10 other words, it's a position--

11 SENATOR NOZZOLIO: [Interposing] I, I--
12 you've just taken us all on a roller coaster. I,
13 I think that in terms of the--in terms of the
14 position is--and the issue is whether or not by
15 placement of certain data on the website. And
16 this is--this is not necessarily census data.
17 This is data that in effect is data regarding
18 survey--

19 MR. BEVERIDGE: [Interposing] Excuse me--
20 -it is census data. It's produced by the census
21 bureau, and it has exactly the same use and, in
22 effect, provenance as the long--census long form
23 did in 2000 when it was produced and used for
24 citizen of voting age population. So, I don't--I
don't think that's accurate.

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2 SENATOR NOZZOLIO: Which part?

3 MR. BEVERIDGE: The fact that it's not
4 census data. It's effectively census data.

5 SENATOR NOZZOLIO: It's census data.
6 However, you just indicated--and this is why
7 you're testimony is very confusing to me--that
8 the--you indicated clearly that there was error
9 in this survey data, yet the survey data, you
10 said, was the sampling error you had questions
11 about. It's in your--in your written testimony.
12 And that, subject to sampling error, and that
13 however--you know, it quotes you. "However the
14 proportions of a given group or category in the
15 ACS should be correct--even in the totals are
16 incorrect."

17 Well, you tell me how that's helpful to
18 the public. If it's one way correct--even though
19 the totals are incorrect, aren't you just simply
20 putting summersaults onto this process that may
21 be more confusing to the average citizen than
22 elaborative?

23 MR. BEVERIDGE: Well, unless, unless you
24 want to confuse the citizens by pretending like

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3 citizen of voting age population--their percent
4 of citizens of voting age population is not a
5 relevant category in a given district, the answer
6 is no.

6 SENATOR NOZZOLIO: Well, you indicated
7 that the way around it would to be put a warning
8 label on the data. So would it not make more
9 sense to say that this data is available? I'm
10 not saying it's irrelevant. I'm saying it's
11 relevant. We don't--I'm not arguing with you
12 about its relevance, I'm arguing with you about
13 its accuracy. And it shouldn't--and I'm
14 questioning, not arguing. I'm questioning about
15 the accuracy, because we want to do the right
16 thing.

17 And is the right thing posting something
18 that we're ascribing to as being accurate when,
19 in fact, the census bureau has questions with it
20 itself? And you indicated also the data--you
21 said two things. You said first the data is out-
22 -is available now. Well, that's true. However,
23 you also indicated that the current data is yet
24 to be released--in terms of updating and its

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3 applicability or reliability, won't be available
4 until the end of the year. Is that not--

4 MR. BEVERIDGE: [Interposing] It's
5 updated every year.

6 SENATOR NOZZOLIO: Pardon?

7 MR. BEVERIDGE: So the first--the 20--
8 the '05-'09 ACS was released last December. The
9 '06-'10 ACS will be released this December. The
10 '07-'11 ACS will be released after that. And it
11 strikes me that, given the fact that this data is
12 relevant for, for computing effective majorities
13 of minority districts, the putting it up with its
14 standard error would be the responsible thing to
15 do. And making it difficult for the public to
16 get to it--even though it's going to be used, I'm
17 sure, by all of your consultants--would be the
18 wrong thing to do.

19 SENATOR NOZZOLIO: Thank you very much
20 for your elaboration, and I, I appreciate the
21 input very much. One more question, member of
22 the panel. Mr. Hedges?

23 MR. HEDGES: Just, just a question
24 regarding the information that you presented in

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3 your written testimony.

4 MR. BEVERIDGE: Sure.

5 MR. HEDGES: You indicate that you've
6 got a, a calculator. You--you've produced a
7 number that is citizen voting age population for
8 a district. Is that something where you had to
9 do the work, or was that something that the
10 census bureau has already tabulated that number,
11 and it's available?

12 MR. BEVERIDGE: No, I had to do that
13 work.

14 MR. HEDGES: The, the district then--the
15 fact that the geography for 2000 is the geography
16 for the survey, but the blocks and descriptions
17 for 2010 districts are the new census, how did
18 you bring those in conjunction?

19 MR. BEVERIDGE: Well, I mean, the census
20 bureau actually has, at the block level, a code
21 that shows every state legislative district, both
22 upper and lower house--

23 MR. HEDGES: [Interposing] Right.

24 MR. BEVERIDGE: --of every congressional
25 district. So you can assign 2010 blocks easily

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3 to the, the congressional, senate, and, and
4 assembly districts. So that's up with--in their
5 block file. And then, what I did was I basically
6 allocated the data to the--because it's all--into
7 the--to the block file. So I allocated at the
8 block file and then built it back up.

9 This was a technology technique that we
10 used in the court cases I referenced, and where
11 both sides used these techniques. It wasn't like
12 one person or another person used the techniques,
13 you know, we used it and they didn't--we both
14 used the same techniques. So, you know, so it's
15 basically out there, it's been used.

16 I think the thing that's a little
17 strange was that the last time around the CVAP
18 data was not out until 20--well, they were
19 ordered up by election data services and several
20 other comp--firms. And then they weren't
21 actually out available. And, see, that last time
22 around, to put it simply, they were available in
23 time to litigate--not in time to draw. This
24 time, there would--they would be available in
time to draw.

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2 MR. HEDGES: I, I understand that. I'm,
3 I'm just asking the question--

4 MR. BEVERIDGE: [Interposing] Yeah.

5 MR. HEDGES: --that speaks to the
6 mismatch in geography.

7 MR. BEVERIDGE: Well, it's the blocks.
8 Blocks mismatch. I mean, you know, the same
9 thing is true with the blocks. Because the 2000
10 districts were drawn based on 2000 block lines,
11 and they've been translated in 2010 block lines.
12 You know, that--and that's the way, I'm sure, you
13 computed. I don't know what software you're
14 using, but I'm sure that's the way you computed
15 the, the current count, et cetera.

16 SENATOR NOZZOLIO: Excuse me. Excuse
17 me, Mr. Hedges. If I may? Just on, on that
18 line, is the geography of this data currently up
19 to date?

20 MR. BEVERIDGE: It's, it's they're using
21 2000 geography. But they all--

22 SENATOR NOZZOLIO: [Interposing] So then
23 it would not be up to date, then, relative to our
24 2010 census?

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2 MR. BEVERIDGE: They're not up to--no,
3 that's true, but the census bureau has also
4 provided tools to make it very easy to move data
5 from the 2000 boundaries to the 2010 boundaries.

6 SENATOR NOZZOLIO: Well, see, and then
7 that's exactly my point. The census bureau knows
8 how to do this. And that's why I'm having--
9 following your suggestion of LATFOR putting it on
10 our website, we not only would have to have a
11 disclaimer, as you recommended, but also a
12 toolbox, so that the citizen could then
13 participate with appropriate tools. That, that
14 means quite a bit in terms of the
15 responsibilities of the Task Force that I think--
16 it seems to me a disclaimer plus a tool box makes
17 for a confused electorate.

18 MR. BEVERIDGE: Well, if you're not
19 going to use it yourselves for section five
20 filings, then I'd say go--you know, do it. But
21 if you--if you actually yourselves use the
22 citizen of voting age population for section five
23 filings and to draw districts, then you're not
24 giving to public everything you're using. That's

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3 all I'm saying.

4 SENATOR NOZZOLIO: I guess I'm searching
5 for a better way to guide the public on obtaining
6 this information. At the same token, not having
7 it too cumbersome and too, too many disclaimers
8 down the road. Mr. Hedges, did--I interrupted
9 you. Are you completed? Thank you. Senator
10 Dilan?

11 SENATOR DILAN: Yes, just a, a
12 clarification that I need. What you're
13 suggesting is that if we utilize this data to, to
14 let's say provide a certain district to have the
15 ability to select a member of their own ethnic
16 group, or have that ability to choose an
17 individual, that we would perhaps have more
18 accurate data if we use your citizen VAP instead
19 of just VAP?

20 MR. BEVERIDGE: Oh yeah.

21 SENATOR DILAN: So we would be providing
22 that community a better opportunity in choosing
23 someone from their own group?

24 MR. BEVERIDGE: Yeah, it's like you
wouldn't have a bait and switch. You wouldn't

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3 say this district is 65% Hispanic, but then in
4 fact--but, you know--vote--say based on voting
5 age population, but, but then it turns out it's
6 only 30 or 40% Hispanic when you look at citizen
7 of voting age. absolutely.

8 SENATOR DILAN: So it--so the example
9 would be if we had, let's say, 10,000 Latinos
10 living in a certain district that are over age
11 18. And let's say in fact, of 10,000, maybe
12 4,000 may not be citizens that are over 18. So
13 we're really misrepresenting the number of people
14 that are really eligible to vote?

15 MR. BEVERIDGE: Right. For, for the
16 part of the redistricting where you are worried
17 about effective majorities, yes, which is the--

18 SENATOR DILAN: [Interposing] So, by
19 using this number, we're using closer to a more
20 realistic number of what the population within
21 any given district represents.

22 MR. BEVERIDGE: Right. Even if it has
23 some error--yes.

24 SENATOR DILAN: Okay, it's better than
what we're using now--VAP?

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2 MR. BEVERIDGE: Yeah, absolutely.

3 SENATOR DILAN: Okay, thank you.

4 SENATOR NOZZOLIO: Thank you, Senator
5 Dilan. Any other members of the panel with a
6 question for Mr. Beveridge? I'm hearing none.
7 Thank you very much for your testimony, sir.

8 MR. BEVERIDGE: Okay, thank you.

9 SENATOR NOZZOLIO: Justin Wagner.

10 JUSTIN WAGNER, DEMOCRATIC DISTRICT
11 LEADER, TOWN OF CORTLANDT: I want to thank the
12 Task Force for this hearing, for the opportunity
13 to speak, and for a really interesting and
14 vigorous discussion. I've learned a lot sitting
15 here. I think everyone else has. And while I
16 feel a little bit like a, a vegetarian coming to
17 a steakhouse talking about an independent
18 commission, I do really want to thank the Task
19 Force for this opportunity.

20 New York faces a number of immediate and
21 critical challenges. Just to name a few, we are
22 not creating enough jobs and we certainly are not
23 educating our children like we need to be. But,
24 however, the reality is that we as a state will

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3 never produce the necessary solutions to these
4 challenges without first reforming the way
5 government in Albany works. That starts with
6 campaign finance reform. That starts with ethics
7 reform. And it also starts with reforming the
8 way we draw our district lines every ten years.

9 The foundation of a government that
10 works for the people is an elected system that is
11 honest, open, and holds its elected leaders
12 accountable. Redistricting needs to be removed
13 from politics and conducted by an independent
14 commission. Governor Cuomo is right to demand
15 such a commission, and this is an issue that
16 residents of the Hudson Valley care deeply about.

17 This May, in Peekskill New York, I
18 helped organize with a bunch of other
19 organizations and, and individuals on the ground-
20 -a rally to call for independent redistricting.
21 And the people that we speak to about the issue
22 do not think that redistricting is a complicated
23 issue. It simply comes down to a question of who
24 should have the power--the people or politicians.
The people have the power when redistricting is

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3 independent and fair.

4 Independent redistricting can result in
5 elections that are on even ground, can allow the
6 voice of the people to be heard, and truly
7 reflect the wishes of the citizen in a various
8 election cycles. The politicians have the power
9 when they or their appointees are allowed to draw
10 their own district lines. This is the current
11 status quo. And the people I talk to about this
12 issue ask another simple question. Can you
13 imagine the moxie of a person who goes for a job
14 interview and tries to both define the
15 qualifications sought and declare who the
16 interviewer and ultimate judge will be? Yet this
17 is exactly what our politicians do year after
18 year by drawing district lines to minimize
19 opposition, maximize support, and ensure
20 reelection.

21 Elections are job interviews where the
22 people are supposed to do the hiring. But for
23 years politicians in Albany have gerrymandered
24 district lines to hijack the influence of their
constituents in elections. An independent

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3 redistricting commission could right many of
4 these wrongs.

5 First, districts should be compact and
6 contiguous. Second, there should be no
7 consideration given to party enrollment, voting
8 patterns, or where certain individuals live in
9 the drawing of district lines. Third, and to the
10 extent possible, communities of interest should
11 be kept together in the redistricting process.

12 I have been involved in redistricting
13 before, when it was not put in the hands of an
14 independent commission, and it is my belief that
15 this process simply does not work. In 2000, I
16 ran for and won a seat as a neighborhood
17 commissioner in the municipal government of
18 Washington D.C. while I was a student at
19 Georgetown University. In that role, as
20 neighborhood commissioner, I participated in a
21 Task Force much like this--although in a smaller
22 room, certainly--to draw district lines for our
23 area of Washington D.C., district two, which
24 includes Foggy Bottom, Georgetown, and other
areas in that part of the city. And despite the

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3 best intentions of every member of the Task
4 Force, myself included, it was impossible for
5 individuals not to bring their own political
6 motivations to the table.

7 Every time we discussed a district, a
8 line, a group, everyone brought their own
9 knowledge of who lived where and what such an
10 impact would have on the various constituencies.
11 It's my belief from this experience that allowing
12 politicians or political appointees--despite
13 their best intentions, to draw district lines is
14 no way to run a democracy. So I am here to call
15 for an independent redistricting commission in
16 the lines of what Governor Cuomo has called for,
17 and to say that it is time for this broken
18 process to be reformed, and that's why I urge New
19 Yorkers to embrace fair and independent
20 redistricting. Thank you for the opportunity to
21 testify.

22 SENATOR NOZZOLIO: Thank you very much,
23 Mr. Wagner. Any members of the panel have
24 questions for Mr. Wagner? I do. Mr. Wagner,
thank you very much for your interest and

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3 involvement in our government. That I appreciate
4 your testimony, and I want to ask about this Task
5 Force you served on. Was the Task Force--who
6 made up this Task Force in Washington D.C. that
7 you served on?

8 MR. WAGNER: Sure. Neighborhood
9 commissioners, so elected leaders--although the
10 lowest level of elected government in Washington--
11 and then also a certain number of citizens,
12 almost all who were very politically active in
13 municipal government.

14 SENATOR NOZZOLIO: And what was the
15 drawing of--what municipal lines? City council
16 lines, or. . .

17 MR. WAGNER: Sure. The way Washington
18 D.C. government is organized--we have a mayor, we
19 have a city council, and then we have
20 neighborhood commissions. Each commission
21 represents about 20,000 constituents, and so
22 those lines are drawn by the local body and then
23 passed up to the city council.

24 SENATOR NOZZOLIO: So the neighborhood
commissioners were drawing the lines for city

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3 councilors?

4 MR. WAGNER: No, for their own
5 neighborhood commission.

6 SENATOR NOZZOLIO: For their own
7 neighborhood commissioners. It--I--what makes a
8 neighborhood commissioner any different than an
9 appointee of a so-called independent commission?
10 I mean I think that you, you very astutely and I
11 think wisely indicated that the people were well-
12 intended, however--to quote you, it was
13 impossible for individuals not to bring their
14 political motivations to the table.

15 MR. WAGNER: Sure.

16 SENATOR NOZZOLIO: How would that be any
17 different, by commissioners or members of the
18 redistricting commission selected by the
19 governor, selected by the legislature--how would
20 that be any different in the same motivations of
21 human nature?

22 MR. WAGNER: Sure. And I, I think
23 there's two, two answers to that. One is I think
24 it would further remove an additional step
elected leaders. So it wouldn't be senator and

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3 assemblyman's Task Force, it would be the
4 appointee of--so we're, we're going one step
5 further away from elected leaders.

6 Second, I think one of the primary
7 concerns of mine with this Task Force is again--
8 not the intentions of the people serving on it,
9 but the air it creates for citizens who, who
10 quite rightly have been frustrated with Albany
11 for years. And to have the very people in the
12 legislature that--that their frustration is so
13 boiled over at--drawing their own district lines,
14 I think creates an air of impropriety--even in
15 none exists, that we should remove from that
16 process and put into the hands of non-elected
17 leaders.

18 SENATOR NOZZOLIO: Thank you very much.
19 Monica Miranda.

20 MONICA M. ARIAS MIRANDA, MPA, PRESIDENT
21 AND CEO, THE HISPANIC COALITION NY, INC.: Hello
22 everybody. Nice to see you all again.

23 SENATOR NOZZOLIO: It's very nice to see
24 you again, Ms. Miranda.

MS. MIRANDA: Thank you for the

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3 opportunity.

4 SENATOR NOZZOLIO: It's the third time,
5 I believe.

6 MS. MIRANDA: Yes, and not the last.
7 And I, I did not prepare a statement this time
8 because I think--well, since I've been attending
9 several of the hearings, it's very clear that one
10 of the issues that the community is bringing
11 forth to this group is the, the issue of being
12 fair to ensure a--that the electoral--electorate
13 is represented adequately. So I, I won't bring
14 that up again. And I really--my main focus on
15 being present here, on behalf of the Hispanic
16 Coalition of New York, is to continue raising the
17 issue and the point that the Latino community
18 continues to grow.

19 And the--one of the last speakers talked
20 about voting age population, and I actually will
21 be presenting that at the next hearing, so I was
22 glad to hear that. And I did want to highlight
23 that, since we are in Westchester County, that
24 Westchester County and the city of New Rochelle
are listed--according to the census date, they

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3 are--the county is one of the ten, ten top
4 counties with Latino representation--and so is
5 the city. The county has 22% Latino population
6 and the city of New Rochelle 28%. So those are
7 numbers for you to keep into consideration.

8 And, as you move forward, one of the
9 suggestions that I would like to offer this body
10 is--and I would like to see as a constituent--a
11 little bit more information on the website as to
12 the process and how the Task Force will be making
13 decisions. So it--whether it be adding
14 information to the website, whether or not it's
15 information I may be able to understand--I would
16 be okay with that. But as long as I know what
17 the process is and what data you are looking at,
18 I think that would be very helpful to me and
19 perhaps other people--just to know what the
20 process is and to see what data you guys will be
21 looking at. And with that, thank you so much.

22 SENATOR NOZZOLIO: Thank you very much.
23 This is as good a time as any to indicate that
24 next week hearings will be conducted in, in
Binghamton and in Buffalo; that we hope to see

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3 you there. That your information that you have
4 provided us regarding the interests of Hispanics
5 and the population of the various regions--I
6 believe you testified in Rochester and, and in
7 Albany, that the--that information is very
8 important, and we, we are making it part of our
9 record. And there is a number of items on LATFOR
10 task--LATFOR Task Force's website that we hope to
11 have more information that we can place on the
12 website for citizen use, and that thank you very
13 much for your testimony. We hope to see you in
14 the future.

14 MS. MIRANDA: Thank you.

15 SENATOR NOZZOLIO: Any questions of Ms.
16 Miranda? Thank you very much.

17 MS. MIRANDA: Thank you.

18 SENATOR NOZZOLIO: Gretch--Graciela
19 Hyman [phonetic]. Graciela? Gregory Julian.

20 GREGORY JULIAN, PH.D., PACE UNIVERSITY:
21 Hello, my name is Dr. Gregory Julian. I'm a
22 political scientist for 20-plus years at Pace
23 University and a citizen activist having run for
24 office against some venerable people who were

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3 mentioned today. One was Ben Gilman and one was
4 somebody who we all respect, Tom Morahan
5 [phonetic]. I, I think I've been called the Don
6 Quixote of politics sometimes but, nevertheless,
7 talking about citizen activism is very important.

8 In listening to this, I--I'm
9 conceptualizing what I--what I'm seeing here as
10 the passion play of redistricting, which is part
11 of the tragedy and comedy of that which is the
12 New York State Constitution. In 2008, when I ran
13 for Senate, I called upon the consideration of
14 having an independent commission in 2008, as well
15 as a Constitutional Convention to solve the
16 problem. Ultimately what this passion play
17 includes are things that have been mentioned by
18 everybody here in the audience and by yourselves--
19 the necessity of having civil rights, spatial
20 compactness, independent commissions, judicial
21 decision making, congressional state, county and
22 local equity.

23 The first point here is ultimately this
24 process is owned by the people--by the people and
for the people. Secondly, what we've come to

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3 terms with--more and more, is that we are also
4 engaged in a politics of emotion. And this isn't
5 any fault if this is our brain at work doing
6 politics. We are emotional people and we have to
7 take that into account. And emotions are not
8 necessarily rational. But, nevertheless, as
9 important as any other ingredient in this
10 formula, the three C's of competitiveness,
11 compactness, and community of interest certainly
12 should guide your, your deliberations and, and
13 what your work clearly demonstrates an incredible
14 integrity in what you've been trying to do to
15 come to grips with how these go together.

16 And, ultimately, you're being asked as a
17 politician to be--well, let me--let me--not as a
18 politician--as an elected official, to transcend
19 the political and become a statesman, a judicial,
20 a scholar, an ethical and a consultant. Now, I
21 understand that there was a pledge, and I urge
22 you not to be constrained by that pledge. That
23 pledge was right to take in 2008, when an
24 independent commission could have been formed,
and instruct the legislature on what to do, by

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3 bringing in experts, some outstanding experts
4 that have been brought here, but the bottom line
5 is you are under the gun.

6 And there's an urgency here to say "You
7 need to be a-political." A-political is broken
8 up into two different words--two different ways
9 you can look at a-political. One, you could look
10 at a-political about being nonpartisan in--in
11 relationship to the party. We don't want one or
12 the other party to gain an advantage
13 theoretically--and I think emotionally--in this
14 redistricting process. We are asking for justice
15 and fairness.

16 The other way in which you have to look
17 at a-political, is that redistricting without an
18 awareness or concern of the partisan political
19 balance of the electorate is maybe not a good
20 thing to follow because ultimately we are a
21 public. Blind, a political redistricting, using
22 data without party affiliation, precinct voting
23 records, census track data--might in fact not be
24 in accord with the Voting Rights Act. So I can
envision, as a scholar, a group of people coming

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3 together in this--in this independent commission
4 following algorithms that are just pure and
5 simply frightening to me.

6 I looked at some of those algorithms
7 over the past few days. The one that was most
8 frightening is one constructed by four political
9 scientists from China and one from Stony Brook--
10 in which they use an algorithm that had absolute
11 square-ness. Wonderful. But that, to me, is
12 from a political science point of view is the
13 very problem we have to deal with. What is not
14 being considered here is that we have a political
15 decision to make.

16 From my research in, in political
17 science, I, I think the solution is pretty
18 simple. And I--that--that might be shocking to
19 you. The simplicity is to have symmetrical
20 fairness. What do I mean by symmetrical
21 fairness? Basically we all understand that you,
22 our elected officials, represent us, the public.
23 That's the process. Until we change it, you are
24 our representatives. The change in votes there
of any specific amount in either direction would

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3 produce symmetry, rather than a proportional
4 change in, in who wins the election, if you make
5 these changes open and cognizant and transparent,
6 saying "We are actually going to follow a
7 symmetrical fairness." And I think that would
8 generate a little bit more confidence that you're
9 not feigning a political-ness, and basically
10 saying what--at this point in time, given 2011,
11 the only thing that we can really do is try not
12 to upset the balance of the cart.

13 Because the larger questions have to be
14 dealt with in a larger context, which is
15 obviously, in my mind, a real concerted effort to
16 reduce the complexity and dysfunctionality of the
17 New York State Constitution as it exists today.
18 It hasn't been revisited. There are fears that,
19 if we revisit it, we'll open a Pandora's box, but
20 ultimately that's what your decision has to be.
21 You need to look at this constitution and put
22 into place a system where we don't have to come
23 back in 2020 or 2021--but literally in 2018 we
24 could revisit this and then do it with a lot more
rationality.

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2 I've heard many, many wonderful comments
3 about what makes up a good district. My place of
4 work is in the 35th district. Again, it's been
5 mentioned. It was--it was a district that was
6 purportedly created for a republican, now held by
7 a democrat. The fact of the matter is that
8 district works. It works because people are
9 flexible and we need to make public decisions.
10 And our elected officials transcend those in
11 meeting the public's needs, and the same thing in
12 Rockland County where I reside. Sure, the 19th
13 congressional district under Ben Gilman had a lot
14 of resources poured into it. And when it got
15 split up into three, not two, three congressional
16 districts--17, 18, and 19--we all had to adjust.
17 But the fact of the matter is--we adjusted.

18 So I don't think the decisions that you
19 are going to make--while they're onerous, are
20 going to be so profoundly dysfunctional that it's
21 going to impact the future of politics. I just
22 really want you to understand that we've given
23 this, this crisis of confidence of, of algorithms
24 impacting our financial economic outlooks,

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3 looking for the ultimate intellectual answer to
4 this--ultimately is not going to work.
5 Ultimately it comes back to politics. Just try
6 to maintain symmetrical fairness. Give from one
7 party, give from another party, and take from
8 both party. I think that's all you can do.

8 SENATOR NOZZOLIO: Thank you very much.
9 Any questions of the panel?

10 MR. WAGNER: Thank you.

11 SENATOR NOZZOLIO: Thank you. Thomas
12 Keller.

13 THOMAS KELLER, MOUNT VERNON REPUBLICAN
14 CITY COMMITTEE: Good afternoon. I believe I'm
15 the last speaker. Hopefully I won't be short-
16 changed.

17 SENATOR NOZZOLIO: Actually you're--

18 MR. KELLER: [Interposing] Second to
19 last?

20 SENATOR NOZZOLIO: This is Mr. Keller?

21 MR. KELLER: Yes.

22 SENATOR NOZZOLIO: Mr. Keller?

23 MR. KELLER: Yes.

24 SENATOR NOZZOLIO: No, there's a couple

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3 more and then we need to call those that did not
4 respond, so. . .

4 MR. KELLER: Okay. My name's Thomas
5 Keller. I live in Mount Vernon. I'm the
6 Chairperson of the Mount Vernon Republican City
7 Committee, a thankless job--3,000 republicans,
8 25,000 democrats--and I don't represent the
9 republican party. Mr. Colety has already
10 represented it, Mr. Richter, Mr. Goldstein, Jim
11 Maisano--I don't know if he's spoken. But most
12 recently, I came up with a redistricting plan
13 which I started out--the republican party started
14 out--Colety and Perecy [phonetic]--and we kind of
15 came to the same conclusions although we, we
16 worked independently. Unfortunately the
17 democrats didn't accept any of our suggestions.

18 And Mr. Beveridge, who left--he carved
19 up the first legislative district that's
20 represented by Don--John Testa based on the
21 Lakeland School District, which for your
22 information, is in two Putnam communities and, I
23 think, three Westchester communities. Anyway,
24 he--I hope, Senator McEneny, or Assemblyman

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3 McEneny? I hope Mr. Beveridge emails you what
4 you asked for, because he never did that for me.

5 I'm working on bare bones, aged maps,
6 things like that. Anyway, let me tell you where
7 I come from. In 1963 the Supreme Court dealt a
8 blow to states' rights. They came up with "one
9 man one vote." I was a history major, but I had
10 to take either sociology or political science. I
11 took a political science course and I wrote a
12 paper on that--disagreeing with it. I also
13 disagree with the Voting Rights Act of '65. And
14 it wouldn't have happened except the, the
15 Goldwater debacle gave the democrats super
16 majorities of--I think we had 140 republican
17 congressman in the '65-'66 Congress. And at that
18 time, the old line conservative democrats from
19 the south just got out-gunned by the liberal
20 democrats from other parts of the country.

21 Anyway, I was disappointed it was
22 extended in '82 and further extended in '07, even
23 though it probably benefits republicans. But you
24 talk about crazy, quote, gerrymandering or
gerrymandering and look what some of the

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3 congressional districts look like.

4 Finally, the courts--the Supreme Court
5 had to get involved and they made some sense out
6 of it. The black caucus in Congress--they liked
7 it. Republicans liked it. And there's a pretty
8 good argument that that's how they took control
9 in the '90s. Anyway, do not cede authority to
10 the independent commission. Constitutionally,
11 you're charged with doing this. Keep it in your
12 hands.

13 I don't know why the republican senate
14 passed this LATFOR. Hopefully--and I don't agree
15 with Shelly Silver on much, but I hope he thumbs
16 down on it. Rationality, please don't break up
17 cities, towns and counties--unless it's
18 absolutely necessary. Do not cross rivers. The
19 Hudson River widens as it gets down into the
20 metropolitan area. Up north it's, it's much
21 thinner, if you will. And up north is a sparsely
22 populated area that you probably can't avoid
23 crossing the Hudson up in Albany or further
24 north. And this applies not only to the Hudson
River but the East River and the Harlem River as

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3 well. An exception might be Staten Island.

4 Congressionally, they're 450,000.

5 They're going to have to be part of Brooklyn, I
6 guess, unless they go to New Jersey. So there
7 are examples like Staten Island--things like
8 that. You have plenty of time to do this.
9 There's no panicking. The only panic was around
10 here in the spring when the county legislators
11 redistricted. And, and they had an election this
12 year--they have an election this year. You don't
13 have elections until the even year--next year.

14 And, by the way, if you go to a June
15 primary, is this all Chuck Schumer's idea? I
16 live in a one party town, okay? If we have a
17 mayoral election--say it was to happen this year,
18 June 30th--as opposed to a primary of September
19 13. A democrat is going to win. There's four
20 democrats competing for the job--including the
21 incumbent. Whoever wins is going to have to wait
22 six months to take office--January 1st. I can't
23 believe, in this day and age, we can't get
24 military ballots out between the September
primary and the general election. You know, move

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3 it up to the Thursday after Labor Day. You know,
4 if that--you pick up five days or ten days--
5 something like that. And if, if the votes are
6 there to move it--do it the last week in June.
7 We have school board elections the third Tuesday
8 in May, and sometimes there's a revote. First
9 the--I think second Tuesday or third Tuesday in,
10 in June. Too many--it'd be too many elections in
11 a too short period of time there?

12 Okay. All right, on to the
13 Congressional. Let me make one statement here.
14 I haven't checked with Doug Colety--he had to go
15 to court, and he left, but in his prepared
16 remarks he mentions 2012--I think he means 2002--
17 two-zero-zero-two, because he's referring to the
18 past 37th district--Suzy Oppenheimer.

19 SENATOR NOZZOLIO: Who--whose testimony
20 is that?

21 MR. KELLER: Doug Colety's.

22 SENATOR NOZZOLIO: Thank you.

23 MR. KELLER: I mean, I could be wrong,
24 but I don't think so. He as 2012 and it should
be 2002--'02. Okay. Okay, congressional

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3 redistricting. I, I accept the numbers. We're
4 going from about 650 to 717, New York State's
5 going to lose two.

6 Let me take you back 20 years to 1991
7 and 1992. Joe DioGuardi had won in '84 and '86.
8 He lost to Nita Lowey in '88. He didn't run in
9 '90. And then, because he wasn't an incumbent,
10 when he challenged Lowey in '92--this is what the
11 district looked like. Warren Anderson, I think,
12 was the republican leader at the time. He's from
13 upstate. You know, he cut a deal, I guess, and
14 you know, he didn't--he didn't care about Joe
15 gonna run again in '92. So Nita Lowey has 67% in
16 Westchester--of her district; 4% in the Bronx,
17 going down along the water to connect to Queens--
18 which he had 29%. That's where he grew up, in
19 Forest Hills, a big Jewish population.

20 She destroyed DioGuardi in, in Queens
21 and that's why she won the election and she's won
22 ever since. It was bad that she had to go over a
23 river, but I guess if you go back to where you
24 were born, and people of your ethnic group live
there--it's a big advantage for you.

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2 I'm not a--I'm not a fan of Nita Lowey
3 or Elliot Engel, but I feel sorry they have to go
4 over to Rockland county--both of them. With
5 Engel it's even worse, because he's got the
6 Bronx, then he's--all of Mount Vernon, he goes up
7 along the Hudson river in Yonkers and Greenburgh
8 and then across the bridge.

9 I sympathize with the people in Rockland
10 County. They're represented by three different
11 people, and it's only a very, very small part of
12 the total district of each of those three people.
13 20--2002, Governor Pataki, Joe Bruno, Shelly
14 Silver. We lose two seats, we go from--we're
15 going from 29 to 27 now? I think we went from 31
16 to 29. Republicans had, I think, 10 or 12 and
17 Democrats had 17 or 19--in that--in that range.
18 They came to an agreement.

19 What happens, Vice President Cheney
20 comes into the state and says we got to get a
21 super majority for Tom Reynolds. Tom Reynolds,
22 former--formerly the minority assembly leader,
23 ran for Congress in '96, minority assembly leader
24 in the--in the New York assembly. Runs in '96--

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3 wins. Makes great strides in term--terms of
4 leadership positions--like number three or four.
5 And we gotta create a supermajority for, for Mr.
6 Reynolds.

7 Previous to that, Gilman probably would
8 have been the republican that lost and Louise
9 Slaughter, the democrat upstate. But Cheney had
10 to come in and dictate to Pataki and Bruno, and
11 we created a supermajority for Reynolds.

12 He only ran two other times, '02 and
13 '04. He didn't run in '06. And then we lost a
14 seat, gained it back, lost it again. Don't do
15 something like that.

16 If President Obama and Nancy Pelosi and
17 some other people come into the state and want
18 something done--tell them to bug off like Pataki
19 should have told Cheney to bug off.

20 And, as far as Ben Gilman goes, a
21 little--a little background. Ben Gilman. We had
22 Sue Kelly in at the time. And, uh, Steve Sweeney
23 represent of the, uh, - - . Steve Sweeney would
24 have gone all the way up to the Canadian border
and further west. But Sue Kelly didn't want to

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3 go up to Columbia or in Dutchess--Columbia
4 County. She'd rather go across the river.

5 And if that hadn't happened, Ben would
6 have maybe had a, a decent shot against Maurice
7 Hinchey, may--maybe. I don't know. Okay.

8 New York State Senate, I have to take
9 issue with, with Mr. Goldstein on--I agree with
10 him--you should do this yourself. No independent
11 redistricting commission. Let's go back. John
12 Calandra--the great John Calandra represented
13 that district. He died suddenly in '85,
14 succeeded by Guy Velella--my Senator for many
15 years. If Guy Velella didn't move into East
16 Chester, Nick Spano would have gotten it. And
17 maybe he'd still be in the Senate. But they had
18 a vote and Velella won, and Spano lost the town
19 of East Chester--32,000--heavily Republican.
20 Probably the most Republican town--maybe with the
21 exception of Harrison in Westchester County.

22 In terms of redistricting--you know, I
23 don't mind going from the Bronx to Westchester.
24 It's just crossing a street. The problem I have
is going over rivers--natural boundaries. And,

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3 and as far as Oppenheimer is concerned--37. She
4 replaced a republican senator that had to resign.
5 He's--unfortunately, he's, he's passed away. And
6 she was contested in the '90s. But then 2001 or
7 '02 came around, and republicans redistricted.
8 Velella picked up East Chester. And so it made
9 Oppenheimer's district more democrat. She liked
10 it. Except for the last election against Bob
11 Cohen--she was winning huge majorities.

12 Sometimes I don't think we even opposed
13 her. We didn't have a candidate. So, you know,
14 I don't want to--I don't want to be critical of,
15 of my chairman, Doug Colety, but a little
16 background has to come out about this. And if
17 you keep Oppenheimer's district the same--and we
18 have a big turnout in 2012--a republican victory--
19 -Bob Cohen's probably going to be the next
20 Senator. And she may retire for--between now and
21 then.

22 And, by the way, I'm not a political
23 consultant. I give my advice free of charge.
24 And I gave some advice to some people that were
running for the Senate--Liam McLaughlin, Bob

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3 Cohen. They didn't--they didn't follow my advice
4 and they lost.

5 Now, I'm not saying they would have
6 won, had they followed my advice. We, we had a
7 weak--we had a weak top of the ticket. I would
8 have preferred Steve Leavy but unfortunately it
9 wasn't--it didn't happen and our candidate made a
10 number of missteps. And, you know, it--
11 unfortunately it had repercussion down, down
12 lower on the ticket.

13 Okay, now the New York State Assembly.
14 All right, where is it? Okay, New York State
15 Assembly. My Assemblyman is right back there,
16 Mr. Pretlow. And my--no, not my Senator--Klein's
17 my Senator, but Ruth--Senator Ruth's here. 1994,
18 Governor Pataki wins. Upsets three term Mario
19 Cuomo. We had 56--he didn't have any coattails,
20 though. 56 assemblyman for republicans.
21 Gradually, late '90s, '01--we're down to 51.
22 Tochi [phonetic] voted with us. Assemblyman
23 Tochi. He was the 51st one, I believe. 50 or
24 the five--I think 51st.

Then came Shelly Silver's redistricting,

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3 and we went from 51 to 42 or 43--probably due to
4 redistricting. And then we had some special
5 elections and a few upsets, and lo and behold
6 we're down to 38. Last two elections--especially
7 the most recent one--we're up to 51 now. And
8 don't forget 17 republicans lost by less than 5%
9 of the vote.

10 The rest of the state should leave New
11 York City because 65 or 70 assembly people are
12 from New York City. If you--if you excluded New
13 York City, republicans would be dominating the
14 assembly. But anyway, okay.

15 As much as I, I accept defeat at the
16 county legislature level, I put in a--what I
17 thought was a fair plan--the republicans did--and
18 we lost. We get outvoted 12 to 5. No democrats
19 came over. One of them was retiring--Martin
20 Rogalski. He's a decent guy, he's voted with the
21 republicans on common sense things. I was
22 disappointed that he didn't come over. Rob
23 Astorino vetoed it--was overridden 12 to 5. It
24 was unfortunate, but I accept the outcome because
maybe someday republicans are going to be back in

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3 the majority and the county legislature, and we
4 will do it.

5 And Rogalski had a personal thing. He
6 was redistricted by republicans back in the 9--
7 '90, '91 area, so maybe he had a personal animus
8 against, against republicans. I don't know. So
9 I'm not a fan of Shelly Silver, but I think
10 Shelly Silver and the Assembly should do it
11 themselves. I think the Senate should do it
12 themselves. And I think the county legislature--
13 which they've already done--should do it
14 themselves because maybe someday the Republicans
15 will take it over. Hopefully this November we
16 get nine or more votes, and then we can change
17 things. Thank you.

18 SENATOR NOZZOLIO: Thank you very much.
19 Any questions for Mr. Keller by the committee?
20 If not, thank you, Mr. Keller. Brian Kelly.
21 Brian Kelly.

22 [Break in audio]

23 BRIAN KELLY, CITIZEN, DUTCHESS COUNTY:
24 --an interest in redistricting on the one hand,
and I'm speaking as a district leader in the

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3 Dutchess County Democratic committee on, on the
4 other hand.

5 And--with regards to Dutchess County,
6 what Assemblyman McEneny said about Herkimer
7 County resonates with me. Herkimer has a
8 distinct shape, which, as you described, has a
9 significant impact on any map that it's part of.
10 The way that you deal with that is to--is to
11 carve it up. And that's not necessarily in the
12 interest to the people of Herkimer County because
13 counties are inherently communities of interest.

14 And so with regard to my home county of,
15 of Dutchess County, which is a politically
16 marginal county, we have no fewer than five
17 assembly districts at this time. And our
18 population would require far fewer than three,
19 you know, I--if you were just dividing it up
20 evenly.

21 When you have a county split five ways--
22 that could be problematic for a number of
23 reasons. Certainly having, in our case, two
24 towns, which are the only Dutchess towns in their
25 respective assembly district, mean for

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3 potentially Dutchess county can, can get the
4 shaft, so to speak, in terms of that given
5 assemblyman's focus on, on county issues.

6 In my own work--and I'm going to provide
7 some, some written testimony that, that describes
8 a little bit, in my own work and experimentation,
9 I've been able to develop a variety of maps that
10 carve up Dutchess County--are fewer than five
11 times. You could certainly have Dutchess County
12 divided into three pieces--one of which would be
13 based around the city of Poughkeepsie and some of
14 the close end suburban towns. And then you would
15 have a, a southern Dutchess suburban map. And
16 then you would have the, the northern Dutchess
17 and Columbia county district that we have now.

18 So I'm basically talking about the
19 100th, the 102nd, and the 103rd. And, and like I
20 said, I'll provide some, some written testimony
21 in the next day or so to, to supplement that. if
22 you do that, you end up eliminating the--kind of
23 doughnut hole phenomenon that we have now with
24 the cities in Dutchess county, where the city of
Beacon is surrounded by a town which is in an

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3 entirely different assembly district--and
4 likewise the city of Poughkeepsie. They're
5 connected to entities across the river. You
6 could make an argument for that, as, as Susan
7 Lerner did earlier. But I think you can make a
8 stronger argument for the cohesion of a city
9 being surrounded by its immediate suburbs.

10 You've talked earlier today about the
11 difficulty in assessing the value of compactness.
12 I think in this scenario, compact can be a pretty
13 good thing, because the town of Poughkeepsie
14 revolves around the city of Poughkeepsie, and
15 keeping them with each other, I think has a lot
16 of value.

17 In the maps that I've worked with--that
18 has a pretty minimal impact on the surrounding
19 Hudson Valley districts. And as a result, you
20 would still have a free hand to do what you want
21 in other parts of the state--without necessarily
22 displacing incumbents, without causing a lot of
23 disruption. So, for example, you can--you can
24 tweak Dutchess County with minimal impact on
Putnam, on Westchester, on Columbia--and I think

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3 that's advantageous.

4 So, to conclude, a few people have come
5 up here today and they've asked for you not to
6 gerrymander their given district. Certainly the
7 earlier speakers talking about Nita Lowey, for
8 example, they, they don't want to see their
9 districts blown up. In our case, in Dutchess
10 County, what we'd like to see is what--maybe
11 gerrymandering is the wrong word, but we want to
12 stop the carving up of, of Dutchess, without any
13 kind of cohesion in mind. So thank you very
14 much.

15 ASSEMBLY MEMBER MCENENY: Thank you.
16 You--will you be sending us a copy of those maps?
17 Is it with your testimony?

18 MR. KELLY: Yes, yes. My apologies for
19 not having that ready, I--

20 ASSEMBLY MEMBER MCENENY: [Interposing]
21 No, that's--

22 MR. KELLY: [Interposing] I assembled a
23 series of slides, and I think a greater
24 supplemental text would be better, so I will. . .

ASSEMBLY MEMBER MCENENY: There's plenty

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3 of time. We don't actually get to seriously
4 drawing until the public hearings are over.

5 MR. KELLY: Right.

6 ASSEMBLY MEMBER MCENENY: So if you
7 could get that in to us, though, as soon as you
8 can, that would be wonderful.

9 MR. KELLY: Absolutely. Much
10 appreciated, thank you.

11 ASSEMBLY MEMBER MCENENY: Thank you.

12 SENATOR NOZZOLIO: Thank you,
13 Assemblyman McEneny, and thank you Mr. Kelly.
14 That all are encouraged to submit representations
15 to the Task Force, and those will be well
16 accepted. That will conclude our hearing, but we
17 will call one more time those that were absent
18 from the scheduled list that asked to testify.
19 First is Pete Healy. Pete Healy? Gene Johnson?
20 Gene Johnson? Zulema Blair? Good afternoon, Ms.
21 Blair.

22 ZULEMA BLAIR, CHAIR, DEPARTMENT OF
23 PUBLIC ADMINISTRATION, MEDGAR EVERS COLLEGE,
24 CENTER FOR LAW AND SOCIAL JUSTICE: Good
afternoon. My name is Dr. Zulema Blair, and I am

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3 an Assistant Professor and Chair the Department
4 of Public Administration in the School of
5 Business at Medgar Evers College of the City
6 University of New York. And I'm going to be very
7 brief. I know we're at the end of our testimony.

8 First of all, let me just speak to
9 diversity in general, by saying that it is about
10 recognizing differences between people and
11 groups; culturally, racially, and I'll add gender
12 and age in there as well. It's about acceptance
13 and respect for particular groups.

14 And usually at the planner stage, racial
15 and ethnic diversity often predicts racial and
16 ethnic group outcomes in a particular process.
17 And from the groups that I've been speaking to in
18 Brooklyn, we think that these principles should
19 be taken into account. Otherwise, we run the
20 risk of rolling back progress towards equality in
21 redistricting decision making process.

22 Also, are some younger voters that--that
23 are now up and coming and starting to become more
24 civically engaged. They're just beginning to
understand redistricting. And, you know, they--

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3 they, they may lose confidence in the process.

4 So we are at a critical juncture in the current
5 electoral term, so to speak, where voter turnout
6 is finally on the rise amongst particular groups.

7 And so we would like them to be more
8 inclusive in the pro--in the process. We don't
9 want to jeopardize--to jeopardize the most
10 important political institution, because it, it
11 will be risky for all. Thus it is vitally
12 important for redistricting commissions--and I'm
13 not sure if you want to go independent. That's
14 not my argument today, but, going forward, to
15 reflect more geographic, racial, ethnic, gender
16 and age diversity of the state.

17 For example, we know New York State has
18 a significant amount of African Americans, over
19 three million, also a significant amount of women
20 voters--52%. It's not representative on the
21 commission at this particular time. Like
22 incumbents and political parties, racial and
23 women's group have a role to play in the
24 redistricting process. A relative voice in the
face of diversity will add the qualitative

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3 judgment that is needed to redraw district lines.

4 In the past we know that it's been represented.
5 We'd like for it to continue to do so.

6 In sum, the electoral institution of
7 redistricting will bring greater confidence. If
8 withstanding partisan violence--we don't want to
9 ignore that. The principles of diversity are
10 here, too. Thank you for listening.

11 SENATOR NOZZOLIO: Thank you very much.
12 Any members of the Task Force have a question.
13 I'm hearing none. Thank you for your testimony.

14 [Inaudible]

15 SENATOR NOZZOLIO: Of course, but--would
16 you be so kind as to just--I want to make sure
17 that we've--I believe we have asked everyone that
18 has not had the opportunity. I think we have.
19 And you, you were right, you are going to be the
20 last speaker.

21 [Laughter]

22 MR. KELLER: I didn't come with prepared
23 remarks. I was jotting down notes. You know,
24 the general news made this announcement about a
month ago, but no follow-up--no follow-up on news

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3 to Westchester.

4 I had to call Dean Skeletons [phonetic]
5 office this morning at 9:00 to see if this thing
6 was on. This wasn't very well publicized. It's
7 not your fault, but, you know. I have to talk--I
8 have to--there's a point about Ken Jenkins,
9 leader of our county legislature, and Mr.
10 Beveridge.

11 They talk about that only 5% of the
12 people are going to be switched from the existing
13 districts to the new districts. In Nassau
14 County, it's 45%. But you know what he doesn't
15 tell you is there was a horrible redistricting in
16 2001, when the democrats took over the county
17 legislature in '97 or '99. They were in charge
18 in '01. And it was a horrible, horrible thing.

19 They were getting back at Republicans
20 for what Republicans did in '91. I'm not going
21 to mention the person's name, but he took relish
22 in dividing up Scarsdale into three districts;
23 Scarsdale's 17,000. Each legislative district's
24 about 53,000 in Westchester, county legislative
district. And I, I guess it was retribution--or

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3 whatever it was.

4 So isn't this specious reasoning when
5 Mr. Jenkins says "We only change things 5%." And
6 Beveridge--he drew up the plan and they went
7 along with it. It was a bad plan--that they're
8 only moving 5%.

9 Now, Nassau County--the Republicans are
10 in charge. If they have to take--move 45%, so
11 what? If it takes 100%, so what? You get a new
12 legislature, maybe. You get a new face. Is it
13 that bad? So this--this reason of not moving
14 people, it's just really specious.

15 Oh, again the New York State Senate.
16 The--Mr. Goldstein says that gerrymandering is
17 bad, no matter which side does it. Okay. But
18 when an incumbent does it, and he's in the
19 majority, to protect his position--you have to
20 accept the outcome. Calandra did that. Velella
21 did that. And if we had a candidate, Mr.
22 Chairman, in 2004 named Anthony Colavita Jr. we
23 would have held the Velella seat.

24 Instead, we couldn't get him to run, and
Nick Spano shoves a democrat down our throat

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3 named Coffin from the Bronx. A bunch of us
4 Republicans get John Fleming to run. And it was
5 a three way race because there were multiple
6 party lines that the candidates got in November,
7 and Klein won--50% to 40% to 10%.

8 I asked Hoffman several times--why don't
9 you become a republican? And he says well, when
10 I win, I will. Well, it's too late. And then we
11 didn't have--we didn't have strong candidates in
12 '06 and '08, you know, in--in that district, and,
13 you know, Klein is--has done well. Anyway, thank
14 you.

15 SENATOR NOZZOLIO: Thank you, Mr.
16 Keller. With Mr. Keller's comments, that
17 concludes this hearing in Westchester. We again
18 wish to thank our hosts, the Westchester County
19 Legislature, and appreciate very much the
20 opportunity to take testimony. Assemblyman
21 McEneny.

22 ASSEMBLY MEMBER MCENENY: Thank you,
23 Senator. We had 25 speakers. That's what it's
24 been averaging, and we very much appreciate the
input that we get from the diverse number of

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3 individuals who come up here. We would encourage
4 people to also testify in writing by sending in
5 maps and proposals. It all becomes part of the
6 record and stay tuned. This is only the first
7 stage. 12 hearings across the state, and there
8 will be 12 more when we finally have maps drawn.

9 SENATOR NOZZOLIO: Thank you,
10 Assemblyman, and again it's very good to work
11 with you and all the members of the Task Force.
12 We thank you for your cooperation. That there
13 will be a meeting of the Task Force immediately
14 following the hearing at 2:00 p.m. in this room.
15 The hearing's adjourned. Thank you very much.

16 (The public hearing concluded at 1:53
p.m.)

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C E R T I F I C A T E

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

A handwritten signature in cursive script that reads "Brandi Dean".

Brandi Dean, Transcriptionist

August 19, 2011