

NEW YORK STATE  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT

PUBLIC MEETING  
LATFOR Data Release

Westchester County Board of Legislators' Committee Room  
800 Michaelian Office Building, 8th Floor  
148 Martine Avenue  
White Plains, NY 10601  
Wednesday, August 10, 2011  
2:00 p.m. to 2:50 p.m.

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LATFOR MEMBERS:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

CITIZEN REPRESENTATIVE WELQUIS "RAY" LOPEZ

CITIZEN REPRESENTATIVE ROMAN HEDGES

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

4 SENATOR MICHAEL F. NOZZOLIO: Ladies and  
5 Gentleman the Legislative Task Force on  
6 Demographic Research and Reapportionment LATFOR,  
7 will come to order. Our scheduled meeting today,  
8 the 10th of August in the Westchester County  
9 Legislative Offices. The members of the Task  
10 Force are present. Co-chair and good friend,  
11 Assemblyman Jack McEneny along with Senator  
12 Martin Dilan and Assemblyman Bob Oaks and Citizen  
13 Representatives Ray Lopez and Roman Hedges. This  
14 meeting will come to order. Assemblyman?

15 ASSEMBLY MEMBER JOHN J. MCENENY:

16 Nothing to comment on other than our last hearing  
17 that we just finished. We seem to be getting  
18 good responses from the public. We're averaging  
19 somewhere around 20, 25 people showing up. I  
20 think the lowest was 19 people. The word is  
21 getting out, people are checking into the web  
22 site, and little by little I think the people of  
23 New York are grasping onto the importance of the  
24 project, and also the urgency because of the

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2 impending June primary, something we've not known  
3 literally for a generation or more in New York  
4 State.

5 SENATOR NOZZOLIO: That certainly  
6 compacts the challenges of the Task Force. Do  
7 any other members of the Task Force wish to make  
8 a statement or comment? Hearing none, we'll move  
9 to the agenda. I count half a dozen issues that  
10 are appropriate for discussion today. Election  
11 data and which election data will be used for  
12 placement on LATFOR's web site, the census data  
13 that we can agree would be appropriate to place  
14 on the web site, the citizen--the Census Bureau  
15 citizen voting age population data that we  
16 discussed somewhat at the hearing today in  
17 Westchester, also an issue--a number of issues  
18 raised by Senator Dilan that I believe we should  
19 address and that we should discuss. With that,  
20 let me turn it over to Senator Dilan. Were there  
21 any specific comments that you had, Senator, that  
22 you would like to see addressed this afternoon?

23 SENATOR MARTIN F. DILAN: Well, based on  
24 the testimony that we heard today with regard to

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2 the citizen voting age data that would seem to  
3 make more sense to me so if we would look at that  
4 at least we would be providing more accurate  
5 data. I think that would be more logical to  
6 utilize than just simply the voting age  
7 population based on the testimony that was given  
8 by Dr. - - I believe it was. So if that's more  
9 accurate data and we could substantiate that my  
10 recommendation would be that we would do that.  
11 Also, based on our preliminary meeting or the  
12 meeting that was rightfully adjourned until today  
13 I know that we had some numbers with respect to  
14 going back to 2006, and I would respectfully  
15 recommend that we go back to at least the last  
16 time we redistricted and recommend that we go  
17 back to 2000 or 2002, whichever makes more sense,  
18 and there was also election result data that we  
19 talked about with respect to the federal election  
20 data or state data, and I also recommend that if  
21 it makes sense that we would also provide local  
22 election results to the public.

23 SENATOR NOZZOLIO: Comments? Yes, Mr.

24 Hedges?

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2 MR. ROMAN HEDGES: With respect to  
3 election data, maybe as a place to start, only  
4 because as we put the agenda out to the public  
5 that was the first item on it. I would recommend  
6 that we have two different groups of election  
7 data if we're going to try to go back very far  
8 into the decade, and let me explain. The Task  
9 Force, as they were preparing for the work that  
10 we're doing, have collected the election results  
11 each time there's been a general election related  
12 to the offices that some of you hold related to  
13 the congressional position, related to top-of-  
14 the-ticket kinds of positions, governor,  
15 president, and so forth, and they've done that  
16 each two years and they've done that very well.  
17 They've collected from around the State, they've  
18 got comprehensive collection of data, but there's  
19 an interesting problem that I will present in  
20 just a second that suggests to me that perhaps  
21 our window might be different for different years  
22 because of a complication that we are aware of as  
23 we think about how we are going to analyze it.  
24 As a general matter, the reason we've collected

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2 these data I think are related to the fact that  
3 there is frequently a need to do a detailed  
4 election analysis in conjunction with census data  
5 for voting rights compliance purposes. So in  
6 order to do that you've got to do a very  
7 complicated thing. You've got to specifically  
8 link election results to that census data. The  
9 census data that's the most contemporary is 2010.  
10 So the linkage that's most useful is to the 2010  
11 election. It turns out, just in terms of how the  
12 data are collected and the work that the staff  
13 has been able to do, that that linkage is already  
14 worked out and known in precise format with  
15 respect to the 2006 election, the 2008 election,  
16 the 2010 election, and as it relates to the City  
17 of New York the 2009 election. So that all those  
18 general election results for things like State  
19 Assembly, State Senate, Congress, Governor,  
20 President, in those respective elections we've  
21 got that data and we've got the ability to link  
22 it to 2010 census results and do that very  
23 nicely. I would recommend that those data be  
24 made available to the public. As it relates to

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2 each of those, that linkage is actually fairly  
3 complicated because in the administration of the  
4 local elections they change the election  
5 districts fairly regularly. We have a law that  
6 says they're not supposed to do that but as we've  
7 done things like change the law and implement  
8 HAVA, we created havoc at the local level and we  
9 in statute created some flexibility in the  
10 administration of the election that allowed them  
11 to make those adjustments to implement that HAVA  
12 statute. All of that work has been done as well  
13 so those linkages are well documented. So I think  
14 all of those elections are pretty  
15 straightforward, the linkage to the census is  
16 pretty straightforward, and whether we present it  
17 that way or not I think those elections are well  
18 done, well in hand, and we should make them  
19 available. Senator last time raised the question  
20 of could we go back further. And it turns out  
21 that for the 2000, 2002, and 2004 election they  
22 had already done the linkage but to the 2000  
23 census data. So that's pretty well established  
24 but almost in a different world. So my

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2 suggestion would be that we have those as two  
3 groups of data that we make available, 2006 and  
4 forward--

5 SENATOR DILAN: Okay. What I think what  
6 I'm hearing you say is that the data--the  
7 additional data that I would be requesting is  
8 really irrelevant to the process that we're going  
9 through or least irrelevant--

10 MR. HEDGES: It's least relevant. I  
11 don't think that there's any good reason to make  
12 it available, but I also don't think there's any  
13 good reason to not make it available.

14 SENATOR DILAN: So my point is I'm going  
15 to take you at your expertise in this process I  
16 would say that I would agree to the two sets of  
17 data if there's anyone that wants it and you  
18 would make it available, that's acceptable to me.

19 MR. HEDGES: And the only caveat that I  
20 would sort of urge on all of us going in is that  
21 I know for sure that 2006 and more recent is  
22 doable. I think that 2000 to 2004 is doable but  
23 I would ask staff to look into it and make sure  
24 and make sure they're confident, and that we not

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2 make that available if they're not, and that we  
3 revisit that question if it's not available.

4 SENATOR DILAN: Okay so if you're  
5 telling me that 2006 to present is more relevant  
6 to the 2010 census that's acceptable, but if we  
7 do it in two stages where if the public wants the  
8 information and we can provide it, that also  
9 works.

10 SENATOR NOZZOLIO: And the way I would  
11 suggest for this group to make a decision would  
12 be let's actually agree to make the 2006 and more  
13 recent available no question asked, and that 2000  
14 to 2004 we ask the staff if it's readily doable  
15 that they do it and if they say that it's not  
16 that they come back to us and we revisit it as a  
17 group.

18 SENATOR DILAN: For the purpose of  
19 ensuring that we get data out to the public as  
20 soon as possible I would agree with that.

21 SENATOR NOZZOLIO: Before we vote on  
22 Senator Dilan's motion I think what we should  
23 have is just a preliminary talk about the  
24 confusion that we need to avoid and what we can

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2 do to rectify that. So this is more a statement  
3 to the staff. I think that Senator Dilan's  
4 motion be the years 2006, 2008, 2009, and 2010  
5 data be placed on the LATFOR web site and made  
6 available to the public. Is that accurate  
7 Senator?

8 SENATOR DILAN: Well, I would say that's  
9 the motion of this body because I think that's  
10 the intention of what you wanted to do--

11 SENATOR NOZZOLIO: The second step then--  
12 -

13 SENATOR DILAN: The second step - - the  
14 amendment that I had offered.

15 SENATOR NOZZOLIO: Which I guess I'd  
16 like to clarify just is that the prior to 2006  
17 which would be 2002 through 2005.

18 MR. HEDGES: 2002, 2004, and I believe  
19 2000.

20 SENATOR NOZZOLIO: What I would ask that  
21 that data be collected and staff report to us  
22 what appropriate disclaimers, or information--I  
23 don't mean disclaimers, I mean information that  
24 should be accompanying that data that--so there

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2 would be--people would understand this is an  
3 orange not an apple, that we need to tie it to  
4 certain geographic consideration so people won't  
5 be confused thinking that '05 is the same as '06  
6 data, the geography of which that data comes from  
7 is different.

8 MR. HEDGES: Very much so, very much  
9 different. And I would actually suggest an  
10 additional clarification that in many ways is  
11 really technical but simplifies things a great  
12 deal. The Task Force was involved in a project  
13 with the Census Bureau so that election data  
14 could prospectively be available at what's called  
15 a voter tabulation District level. And in that  
16 back and forth with the Census Bureau related to  
17 the geography of the census and related to the  
18 geography of New York State elections the Task  
19 Force suggested to the Census Bureau, Here's a  
20 unit of reporting, a voter tabulation district,  
21 and we'll freeze it--we'll use it for all  
22 elections and all census data, and we'll freeze  
23 it to the geography that they call the 2008 VTD.  
24 And that means that elections for 2006, 2008,

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2 2009, and 2010 are reported by exactly the same  
3 geography. The VTDs are stable and all election  
4 district data are forced to fit. So that if  
5 you're looking at the 2010 election and you would  
6 like to compare it to something from 2008--

7 SENATOR DILAN: It makes sense--

8 MR. HEDGES: --it's got the same  
9 geography, there's no mix-up, there's no  
10 confusion, and it's public.

11 ASSEMBLY MEMBER MCENENY: Did you  
12 include the City of New York in that?

13 MR. HEDGES: The 2009 city elections--

14 ASSEMBLY MEMBER MCENENY: Would be  
15 included?

16 MR. HEDGES: --are included in that same  
17 thought and use that same geography.

18 SENATOR DILAN: So it's agreed.

19 SENATOR NOZZOLIO: So that we know--to  
20 clarify the motion so there'll be no  
21 misunderstanding that the motion before us is to  
22 put forward election data beginning with years  
23 2006, '08, '09, and '10 as well as joining the  
24 2010 census data?

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2 MR. HEDGES: Yes.

3 SENATOR NOZZOLIO: --with the election  
4 district data and that-- Let's just take that up  
5 as a--our first motion. All in favor?

6 ASSEMBLY MEMBER MCENENY: Second.

7 SENATOR NOZZOLIO: Second, I'm sorry. I  
8 should know better, with a parliamentarian  
9 expert.

10 ASSEMBLY MEMBER MCENENY: It's your  
11 resolution.

12 SENATOR NOZZOLIO: It's your resolution.  
13 You're moving it Senator Dilan?

14 SENATOR DILAN: Yes Sir.

15 SENATOR NOZZOLIO: Moved by Senator  
16 Dilan, Seconded by Assemblyman Jack McEneny. All  
17 in favor say Aye.

18 MULTIPLE VOICES: Aye.

19 SENATOR NOZZOLIO: Aye. Opposed?  
20 Hearing on that motion is carried.

21 MR. HEDGES: Can I just make one  
22 observation just so that the public will know  
23 what we're talking about? What that translates  
24 to is the governor's election, the congressional

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2 elections, the State Senate, State Assembly, for  
3 all of those years that are relevant, that it  
4 includes enrollment data for that same set of  
5 years and that in addition the presidential  
6 primaries from 2008 are also available using a  
7 slightly different geography because of the  
8 confusions related to HAVA, but available and  
9 usable and analyzable in both party presidential  
10 primaries.

11 SENATOR NOZZOLIO: The issue with prior  
12 data that Assemblyman Dilan had put forward--

13 SENATOR DILAN: Senator Dilan.

14 SENATOR NOZZOLIO: I'm sorry, Senator  
15 Dilan, that--the issue that Senator Dilan had put  
16 forward earlier that I believe we should take a  
17 vote on is the dissemination of prior data.  
18 Would you like to make that motion Senator?

19 SENATOR DILAN: I just need one more  
20 clarification. I believe I had made an  
21 additional request with respect to local election  
22 results. What is your position - - ?

23 MR. HEDGES: What I know to be true is  
24 that is that except for the 2009 New York City

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2 elections that the Task Force staff has not  
3 collected local data, so that it would be a major  
4 task for them to take that on. It's something  
5 that the staff should I think take a look at but  
6 I don't have any high hopes that it would be  
7 available quickly because local boards of  
8 elections are not terribly responsive. We don't  
9 have it in-house.

10 SENATOR DILAN: Can this be an issue  
11 that we could look at later and address?

12 MR. HEDGES: Yes. Yes.

13 SENATOR NOZZOLIO: We're going to need  
14 to have the qualifier language put in anyway and  
15 maybe we could have some recommendations from  
16 staff at a later date so let's--

17 SENATOR DILAN: For the purposes of  
18 carrying out--first getting out the 2006 plus  
19 data as soon as possible which we already voted  
20 on and my additional request which I really  
21 appreciate that you're also providing that, we  
22 can at least do that and have an understanding  
23 that if we have the ability to provide local  
24 election data that we can address this at a later

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2 meeting.

3 MR. HEDGES: And what I would recommend  
4 in light of your request is that the staff  
5 actually be directed to provide us a briefing on  
6 what they can do.

7 SENATOR DILAN: Okay. Fine.

8 SENATOR NOZZOLIO: There are two issues  
9 regarding the Census Bureau citizenship voting  
10 age population data and requiring that to be put  
11 forward by the Task Force, that Roman would you  
12 please articulate the proposal that you had put  
13 forward.

14 MR. HEDGES: What I had in mind was that  
15 the Census Bureau has released for the very first  
16 time in the context of redistricting, information  
17 about citizenship. In the past that always came  
18 out after redistricting was done with, and as we  
19 heard earlier this afternoon in testimony at the  
20 hearing, the fact that it's available is really  
21 quite exciting. There are some real issues  
22 related to the fact that it's available. It's  
23 based on a sample. It's a good sample. It's got  
24 good statistical properties. I've looked at the

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2 larger study that it's a part of and it's a very  
3 good study and it's very helpful. Citizenship is  
4 particularly important in the redistricting  
5 contest, and the Bureau has released a  
6 specialized product related to it separate and  
7 apart from everything that they had previously  
8 made public. At the national level for every  
9 what's called block group--that means literally  
10 group of blocks, city blocks is the right  
11 equivalent--they have said, Here is the breakdown  
12 on citizenship for this little area. It's got  
13 statistical properties that are pretty good,  
14 they're not perfect, and they're important  
15 qualifications to it that are very technical and  
16 probably not worth getting into, safe to say  
17 there's uncertainty related to the use of this  
18 data. That's part one. Part two is the data is  
19 only available using the geography of the 2000  
20 census, so it doesn't line up at all in any  
21 reliable block-by-block way with the census that  
22 we're using for redistricting. It's not a bad  
23 approximation and it's not terrible but it's far  
24 from straightforward. And my recommendation

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2 would be that despite that ambiguity, some  
3 statistical issues, and some mismatches in  
4 geography, that we make available the census data  
5 with the idea that the census is responsible for  
6 all the problems, we're not going to be able to  
7 explain them, and that people use them sort of at  
8 their own risk. However, that all having been  
9 said, it's still very, very important in my mind  
10 that the Task Force make this available because  
11 the Bureau only made it available for the country  
12 as a whole and that requires an additional level  
13 of user sophistication to go from this very, very  
14 large file that's got New Mexico in it to, Oh I  
15 really only want to look at this area in New York  
16 City or this area in Buffalo. And so I think it  
17 would be very helpful to the public to limit it  
18 to New York but I also think very important that  
19 we not put ourselves in a position of vouching  
20 for the Census Bureau. So my recommendation  
21 would be that it be made available with an  
22 appropriate disclaimer. I also think that if  
23 others would be concerned about it that we should  
24 ask staff to look at it and put it on our list of

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2 things to do if that makes other people more  
3 comfortable. I'm very comfortable going forward  
4 but I know that it's a complicate question, as we  
5 heard this afternoon from Professor - - .

6 SENATOR DILAN: What did you mean by  
7 limited to New York? You mean to New York State?

8 MR. HEDGES: New York State.

9 ASSEMBLY MEMBER MCENENY: Is this  
10 information that the Justice Department will be  
11 looking at in their own right when they review  
12 our civil rights counties or - - ?

13 MR. HEDGES: No one has gone through any  
14 reviews by either the Justice Department or the  
15 court system with this data available to them  
16 because it's never been available before. My  
17 assumption is that everyone will in fact need to  
18 look at it, that the Justice Department will in  
19 fact ask about it, that we will have to kind of  
20 make our own peace with that problem and figure  
21 out how we're going to deal with the technical  
22 and very real uncertainties related to the data.

23 ASSEMBLY MEMBER MCENENY: Well I'm  
24 inclined to support the idea but it's very

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2 complicated and I wonder if we could put this off  
3 and revisit it at one of our subsequent meetings  
4 before we make that commitment.

5 SENATOR NOZZOLIO: I appreciate that  
6 comment very much, Chairman McEneny that what  
7 we've got is a large number of--not large number  
8 of issues. I think what Roman is explaining is  
9 very logical. The problem that I have we brought  
10 out at the hearing in that first of all this data  
11 that will be used is the data that will be  
12 forthcoming at the end of the year, and I know  
13 that that is a problem because that in effect  
14 corrects data that may have been placed either in  
15 prior years or-- I believe that Roman's  
16 suggestion that we have an analysis of this done  
17 in preparation for one of our next meetings makes  
18 a lot of sense and I move that--I place a motion  
19 before the Task Force that this issue become  
20 tabled to provide the opportunity for staff to  
21 review it, to give us appropriate disclaimer  
22 language, to also give us the option of  
23 establishing the link to the Bureau of Census'  
24 database and see what the pros and cons are of

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2 establishing simply a link to that data as  
3 opposed to placing that data on the Task Force's  
4 web site.

5 MR. HEDGES: And in the way of  
6 discussion, I would only make these two  
7 observations--I strongly urge that we actually do  
8 this. I think it would be a mistake for us to  
9 not do it. I also think important to know that  
10 the Census Bureau in a going-forward fashion is  
11 going to update this on an annual basis. This is  
12 data that was for the first time made available  
13 at this small geography level. The fact that  
14 they're updating it is also a brand new thing in  
15 the world of the census. I think that's exciting  
16 and I think that's great. I think given our  
17 timeframes we're going to need to use the product  
18 that's available right now and not wait until the  
19 next release which will occur annually. But with  
20 those two things as observations I'm comfortable  
21 with the thought that we put it on the front  
22 burner and make sure that we're ready to address  
23 it quickly.

24 SENATOR DILAN: I would right now tend

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2 to agree with Mr. Hedges in terms of how we  
3 should move forward. I understand the Co-  
4 Chairman's unreadiness at this time because I  
5 think this also brings on another problem and  
6 that problem is that when we finish the first  
7 round of hearings what data are we going to use?  
8 Are we going to use the citizen voting age  
9 population or are we going to use the voting age  
10 population that historically has been done? So I  
11 think at some point we also have to make that  
12 decision. So in view of that for now if there's  
13 an agreement that we will be addressing this  
14 sooner than later then I would agree to a link at  
15 this time until we hear back from staff.

16 ASSEMBLY MEMBER ROBERT OAKS: Chairman,  
17 I would just offer a couple things--One, I think  
18 it might be helpful as opposed to just giving it  
19 to staff is delineating maybe some of the  
20 questions we might have so that it isn't just  
21 staff coming back and then we say, Oh what about  
22 this, this, and this? So I think as members if  
23 we might funnel that type of question or  
24 information so that we have that. For instance,

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2 like what geography level are we going down to.  
3 If we provide that data are we doing it in  
4 something we're more confident with? The  
5 professor talked today--there is some question--  
6 how big are the margins of error? How  
7 comfortable are we putting this information in?  
8 Are there ways to--bring that down? And if we  
9 give the staff no direction--we just say, Can it  
10 be done and we walk away, we may have less than  
11 what we want from that, so that would just be my  
12 thought.

13 ASSEMBLY MEMBER MCENENY: I'd also be  
14 interested in what's coming out presumably in  
15 December as an update because I know the Census  
16 was thinking in the American Community Survey  
17 that one question might be asked every other  
18 year, and so there might not be an update in  
19 every category. I think specifically of housing  
20 but I don't know how useful the later update is  
21 going to be to us. It might not be apples and  
22 apples. We could look into that too, and so then  
23 they certainly know what questions are being  
24 asked by now.

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2 SENATOR NOZZOLIO: So with that the  
3 motion that we have on the floor, if I can  
4 remember it and reiterate it is that we will take  
5 this issue and ask for our staffs to come up with  
6 a more detailed analysis, an examination of the  
7 pros and cons of putting the data on our web  
8 sites versus establishing a link. I don't think  
9 there's any argument, from me anyway, that this  
10 data, we should try to make the public  
11 knowledgeable of it and available to the public  
12 but it's a question of putting data that may be  
13 questionable in terms of its accuracy on the web  
14 site. I think that was my concern but that could  
15 be one of the discussion points for the later  
16 date. Could we have a vote on that motion?

17 MULTIPLE VOICES: Aye.

18 SENATOR NOZZOLIO: All those who have  
19 voted Aye unanimously. We'll move forward to the  
20 next issue. The Task Force--we may have decided  
21 this already. The Task Fore will make available  
22 the conversion list of the 2008 election  
23 districts which make up the 2008 voting  
24 tabulation districts in the Census Bureau's PL

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2 data. Is there any issue regarding that that we  
3 still have outstanding?

4 MR. HEDGES: I don't think so. There  
5 are a couple of local jurisdictions that have  
6 asked us for this kind of information, as they're  
7 trying to do their own work. And essentially  
8 what it is is the translation--Here's your local  
9 election district. Which voter tabulation  
10 district did you put that number into? And it's  
11 really a very detailed technical document, but I  
12 think it's something we should make available. I  
13 think it's very readily usable by local  
14 professionals, probably not all that interesting  
15 to most people, but no reason to not make it  
16 available.

17 SENATOR NOZZOLIO: Should we put that in  
18 the form of a motion?

19 MR. HEDGES: I would so move that.

20 SENATOR NOZZOLIO: All those in favor?  
21 Put in motion. Wait a minute, wait a minute. We  
22 have the expert parliamentarian in the State  
23 Legislature here with us. We cannot-- A  
24 motion's been moved. Seconded.

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2 ASSEMBLY MEMBER MCENENY: He so moved,  
3 somebody else - - second it.

4 SENATOR NOZZOLIO: All in favor?

5 MULTIPLE VOICES: Aye.

6 SENATOR NOZZOLIO: Thank you. All  
7 right, motion's passed. The last issue that is  
8 on the agenda is the issue of the analysis of  
9 prison--prisoners and how that process is  
10 undergoing. And I believe at the last meeting--  
11 at the end of the last hearing Roman Hedges had  
12 some outlines of the way the process was  
13 beginning. I think it would be very helpful if  
14 you would Roman, to go through that process and  
15 advise as part of the official record what's  
16 being done.

17 MR. HEDGES: Yes. At this point people  
18 working for the Assembly side of the Task Force  
19 have been working on the basic clerical and  
20 detailed backroom analysis that needs to be done  
21 to translate what was received by the Task Force  
22 from docs a list of prisoners into a series of  
23 files that can be used to make the adjustment for  
24 the prisoner count. And the two sets of files

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2 that are in process at the moment are in the  
3 first instance where are the prisons and in the  
4 second instance for those prisoners who have  
5 addresses that are usable where should they be  
6 relocated if the adjustment is to go forward? In  
7 the first group the work is nearly complete. I  
8 would expect that within ten days that work will  
9 be complete in a form that we can provide it to  
10 the Task Force and people can review it and make  
11 the kinds of decisions that need to be made about  
12 it as a work product including, Here's a way to  
13 change it, here's a way to fix it, and so forth,  
14 but at the moment we're I think about ten days  
15 away from that point. We're a little bit behind  
16 that same timeframe as it relates to the other  
17 side of the equation. I would expect that  
18 that's--within a week or so later that will be  
19 available as well. So I think that it's fair to  
20 say that a product available for the Task Force  
21 to look at, examine, and work on, will be  
22 available before the end of the month, and that  
23 it's looking very good in terms of the quality of  
24 the work and looking very good in terms of the

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2 issues that need to be addressed being identified  
3 so that others can make whatever appropriate  
4 conclusions they would like to make.

5 SENATOR NOZZOLIO: This is a daunting  
6 task.

7 MR. HEDGES: It is a daunting task.

8 SENATOR NOZZOLIO: How many inmates  
9 preliminarily have you been--

10 MR. HEDGES: There are 58,000 entries in  
11 the file--the docs provided to the Task Force.  
12 That 58,000 entries is literally a list of  
13 addresses and the addresses are parsed into  
14 separate components, and the number of addresses  
15 for each identified individual--there's a legal  
16 address, there's an address at time of arrest,  
17 there's an address related to the spouse of the  
18 individual, an address related to each of the two  
19 parents of that individual, and an address  
20 related to something called next of kin. With  
21 all of those bits of information as sources  
22 people are going through and examining the actual  
23 detail and trying to look at them and classify  
24 them in terms of things like. Is this an out-of-

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2 state individual by the record? If it is the  
3 statute says you're going to throw it out. So  
4 let's put together a group of those individuals.  
5 Let's put together a group of those individuals  
6 for whom the legal address which seems to be what  
7 the statute suggests that you use--that that  
8 legal address is absolutely clean, unambiguous,  
9 straightforward, there doesn't appear to be  
10 anything unusual about it. That needs to be then  
11 geocoded is what the technicians would call. We  
12 need to go look it up and find out which block is  
13 that address on. That work is going forward as  
14 well. There's another group that are a little  
15 less straightforward--not terribly complicated,  
16 but if for example the address is 22 North 10th  
17 Street and North is abbreviated N. and Street is  
18 abbreviated St. most of the software will reject  
19 that as an incomplete address. Probably we could  
20 straightforwardly write out the word North and  
21 write out the word Street and make that editorial  
22 change and count it as a clean address, but  
23 that's another group. Somebody's actually gone  
24 through and done all of that kind of detailed

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2 work and we're in the process of trying to  
3 document that so that someone else can look at it  
4 and say, Oh no, no that's not a straightforward  
5 translation. That abbreviation isn't what you  
6 said it was. In the case of N. for North Street  
7 I think we would all agree, but that should be in  
8 a group that others could look at. And so that  
9 kind of classification work is going on. I think  
10 when we're all said and done for those addresses  
11 that are usable addresses-- If it's a blank and  
12 there's no even hint in the rest of it or if it  
13 says homeless all the way through those are  
14 clearly addresses that nobody's going to be able  
15 to geocode and nobody's going to be able to look  
16 up, so let's put them all under those categories  
17 and let's finish that work and let's give that to  
18 somebody else to look at, us being the somebody  
19 else.

20 SENATOR NOZZOLIO: Roman, without a  
21 template, without guidance, without even the  
22 statute giving you--giving any of us true  
23 methodology for the process, I think you  
24 certainly have done yeoman work and should be

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2 thanked for taking a leadership role as a member  
3 of the Task Force in moving this issue forward.  
4 I have a concern that I believe it's important  
5 the Task Force hear. With all due respect, and  
6 certainly this is not meant to be in any way a  
7 criticism. It's meant to bring us all to an  
8 understanding. Right now you have deployed  
9 certain members of the Assembly staff to do this  
10 work, and again without the guidance that really  
11 should have been forward [phonetic] in the  
12 statute, but you've begun that work. I think if  
13 LATFOR is going to be subscribing to this  
14 process, which it will have to, and subscribe to  
15 the conformance with the process there needs to  
16 be LATFOR staff engaged in this process with you  
17 and the other Assembly staff and somehow we need  
18 to establish that type of relationship and  
19 mandate if you will. Again, this is--you've got  
20 the ball rolling, you got it started. That's  
21 commendable in every step of the way, but we I  
22 believe from going forward need to somehow expand  
23 this to have confidence that this was done by the  
24 entire LATFOR process as opposed to one House and

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2 one conference.

3 MR. HEDGES: And I certainly agree and  
4 I'm looking forward to that. I only think that  
5 it would do everyone a disservice if we, as it  
6 were, turned over the stack of paper and said,  
7 Why don't you sort through it, and I think that  
8 give us a couple of more days and we'll be in a  
9 position where we can actually help people walk  
10 their way through and do exactly the kind of work  
11 that you're talking about together.

12 SENATOR NOZZOLIO: That may-- Good. And  
13 that may require--Co-Chair McEneny that may  
14 require us spending an entire meeting just  
15 reviewing that process publicly so that we can  
16 make sure that those types of questions are out  
17 there. Anyone else have a comment on this issue?

18 SENATOR DILAN: The only thing-- At  
19 this point we're just getting an update as to  
20 what's going on in terms of the implementation of  
21 the law and at some point we'll be sitting down  
22 to determine where we go next? Is that what  
23 we're talking about here?

24 SENATOR NOZZOLIO: Right.

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2 SENATOR DILAN: Okay, and then of  
3 course--

4 SENATOR NOZZOLIO: And how LATFOR is  
5 going to be engaged--

6 SENATOR DILAN: Together with the  
7 Assembly to a lesser extent because I know how  
8 the staff, the LATFOR staff operates their charge  
9 with this mission, however, I do have some  
10 redistricting staff whatever possible that you  
11 can share information for the purpose of when we  
12 get together it can facilitate making the proper  
13 decisions. If you could share information with  
14 us we would appreciate that. I know that when I  
15 was the Co-Chair last year - - did send us some  
16 preliminary information so we do basically  
17 probably have the same database that you have in  
18 our possession also, but wherever we could be  
19 helpful we would also like to just say that if we  
20 can be helpful we'll be there.

21 SENATOR NOZZOLIO: And this is done by  
22 the United States Census Bureau, the type of work  
23 that is engaged here by just a handful of  
24 dedicated employees. We need to make sure that

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2 there's adequate help, assistance, and review of  
3 that work.

4 MR. HEDGES: And I couldn't agree more.  
5 I really want to compliment the folks that have  
6 been doing this work with me and for me. They've  
7 been doing great work, but I think in the end  
8 it's got to be a joint product and we want to  
9 make sure that it is. What I don't want to do is  
10 slow that down by giving you the mess as opposed  
11 to, No here actually is the work and oh yes  
12 somebody took that scribble that was handwritten  
13 and typed it out so that somebody else could read  
14 it because I can't.

15 SENATOR DILAN: I clearly understand  
16 what you're - - .

17 MR. HEDGES: But that's really all we're  
18 talking about.

19 SENATOR DILAN: I understand what you're  
20 talking about because last year we did see those  
21 problems in the data that was turned over to us.

22 MR. HEDGES: But I look forward to  
23 dragging everybody else in.

24 ASSEMBLY MEMBER OAKS: And I just--

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2 Just as long as we're talking through this I  
3 guess both Senator Nozzolio's and Senator Dilan's  
4 comments I would reflect both of those as far as  
5 making this process a full LATFOR process.

6 MR. HEDGES: And as I said a few minutes  
7 ago I'm hopeful that we're talking about a period  
8 of a just a few days before we can embark on that  
9 joint activity.

10 SENATOR DILAN: Okay.

11 SENATOR NOZZOLIO: Any other issues  
12 members wish to report?

13 MR. HEDGES: Just one thing in the way  
14 of explanation as it relates to the census data  
15 that we're going to be making available. The  
16 Task Force historically had done a bunch of  
17 tabulations as it relates to the way the Census  
18 Bureau provides the data on the individual blocks  
19 to make it a little easier for people to work  
20 with. The Census Bureau provides racial data in  
21 63 categories of race. That's not really  
22 workable at the block level. And what has been  
23 done in the past was really a kind of  
24 standardized amalgamation of that data so that

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2 for example a distinction that's built in which  
3 is a distinction between Hispanic and other  
4 racial groups that the Census Bureau uses, that  
5 the Office of Management and Budget and  
6 Department of Justice have respectively mandated  
7 and accepted, the way that was done in the past  
8 is pretty straightforward and the Task Force has  
9 used that formulation for the last 30 years. In  
10 the last decade the Office of Management and  
11 Budget and Department of Justice had suggested a  
12 different way of presenting that information, and  
13 that different way is really again fairly  
14 straightforward, fairly well accepted. We're all  
15 going to need to use-- I'm going to suggest that  
16 the staff as they're presenting the census data  
17 present it in both forms, both as they used to,  
18 and as the Department of Justice is now  
19 suggesting. And here's an example of the  
20 distinction. In presenting the racial breakdown  
21 the category non-Hispanic Black as an example.  
22 What do you mean when you say that? There are a  
23 lot of different possibilities here. In the  
24 world of 30 years ago when you were asked the

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2 question, What's your race you were given one  
3 choice. In the world of 20 years ago they gave  
4 you--Oh you could answer more than one answer.  
5 And as we've gotten used to that thought the  
6 Justice Department and the Office of Management  
7 and Budget in Washington said, Well let's refine  
8 what we mean when we say non-Hispanic Black then.  
9 We used to say non-Hispanic Black meant if you  
10 said you were Black and no other answer and you  
11 said you were not Hispanic then you were non-  
12 Hispanic Black. The Department of Justice and  
13 the Office of Management and Budget are now  
14 saying, You know, the group of people that say  
15 they're Black and White both, how should they be  
16 counted? Their suggestion is they should be  
17 counted as non-Hispanic Black. So the group that  
18 is non-Hispanic Black under the new construction  
19 of the Department of Justice would be those who  
20 answered Not Hispanic, Black Only, and those who  
21 answered Non-Hispanic, Black and White. That's  
22 the group that they mean. That--shorthand of  
23 that is the DOJ, Department of Justice  
24 tabulation.

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2 SENATOR NOZZOLIO: Is that the  
3 codification made in 2001?

4 MR. HEDGES: It was made subsequent to  
5 2001 and it is now in the regulations the  
6 Department of Justice puts forward as to what  
7 your documents should look like when you submit.  
8 It is what the National Conference of State  
9 Legislatures recommends. It's a pretty doable  
10 tabulation. I'm suggesting that when we make  
11 that census data available we make it available  
12 in the "Department of Justice format" that would  
13 do the things I just described, but for  
14 historical purposes--because the Task Force in  
15 particular always did it the other way--

16 ASSEMBLY MEMBER MCENENY: So you can do  
17 a comparison.

18 MR. HEDGES: You can do comparisons. It  
19 would be nice if you had both.

20 ASSEMBLY MEMBER MCENENY: Sounds good.

21 MR. HEDGES: And I think the Task Force  
22 staff is prepared to do it that way, and I just  
23 wanted to make sure that was what we were doing.

24 SENATOR NOZZOLIO: Do we need a motion

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2 for that, Assemblyman, you think so?

3 ASSEMBLY MEMBER MCENENY: Let's play it  
4 safe.

5 SENATOR NOZZOLIO: Go ahead.

6 ASSEMBLY MEMBER MCENENY: I so move that  
7 the dual system of counting that the Justice  
8 Department now uses and that we have historically  
9 used that both be made available to the public.

10 SENATOR NOZZOLIO: Moved and seconded.  
11 All those in favor?

12 MULTIPLE VOICES: Aye.

13 SENATOR NOZZOLIO: With that motion  
14 concludes the deliberations. Thank you.

15 ASSEMBLY MEMBER MCENENY: Move to  
16 adjourn.

17 SENATOR NOZZOLIO: We're adjourned and  
18 we'll see you all in Binghamton.

19 (The public hearing concluded at 2:50  
20 p.m.)

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C E R T I F I C A T E

I, Nina Weldon, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 42, inclusive, is a true record prepared by me and completed from materials provided to me.



Nina Weldon, Transcriptionist

August 19, 2011