



**The Case for
Redistricting Reform in
New York State**

Presented by:
League of Women Voters of NYS

Based on:
Data obtained from the NY Public
Interest Research Group, and additional
material from The Brennan Center for Justice and
Citizens Union of the City of New York

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SPEAKER NOTES

When the lines are drawn

March 2011-

Census Bureau starts sending data to states

2011-2012

States conduct redistricting

- Each state has a different deadline (usually end of leg. session)
- Most states finish by 2012
- If legislatures or commissions don't draw in time, courts step in

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What Redistricting Means for NYS

- Redrawing of political boundaries for
 - US Congress
 - NYS Legislature
- NYS Assembly and Senate redraw their own districts as well as Congressional districts
- Governor has veto power like any bill
- Reapportionment is the process of deciding how many Congressional representatives a state will have based on population changes

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Redistricting at the NYS level decides which voters are represented by which legislative seat on the federal and state levels.

(Local governing bodies determine their own lines).

Reapportionment on the other hand is generally used to refer to the shifting of Congressional representatives between states based on population changes.

Legal Requirements

- Conducted each decade
- Federal requirement of “one person, one vote”
- Preserve minority voting rights under federal law
- To the greatest extent practicable, New York state law requires “compact” and “contiguous”

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For Congress, districts have to be as equal as possible. For state legislative seats, there can be up to a 10% spread between the largest and smallest districts. Under the Voting Rights Act, district lines cannot deny minority voters an equal opportunity “to participate in the political process and to elect representatives of their choice.”

What's Wrong with the Current System?

- Current legislators pick their voters, not the other way around
- Lax standards allow bizarrely shaped districts
- Lax standards undermine "one person, one vote"
- Partisan mapmakers protect incumbents and legislative majorities

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Reformers have long argued that the method by which the state draws legislative and congressional district boundary lines is undemocratic and in need of reform. Historically governors, who must ultimately approve the legislation containing the proposed new district lines each decade, have not put up significant resistance to the *status quo*.

The New York state legislature has one of the highest rates of incumbent re-election in the nation as a result of gerrymandered districts and no effective system of campaign finance regulation.

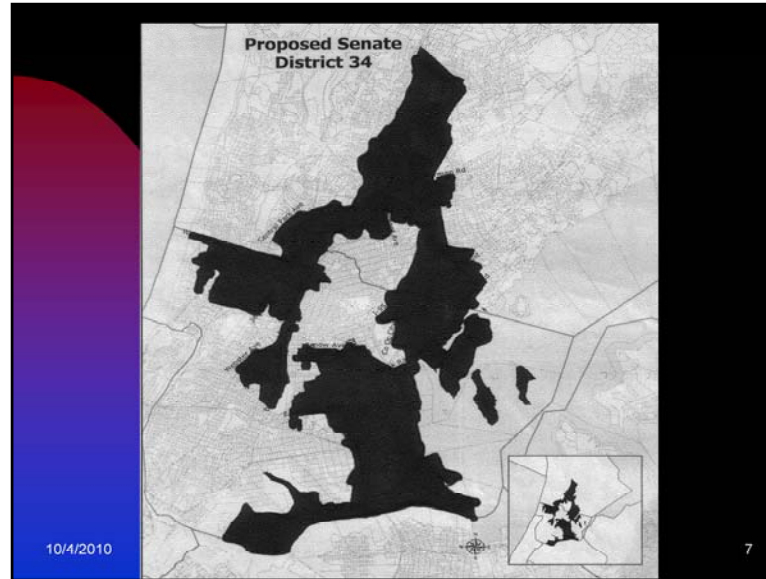
A Look At The Maps

- Maps designed to respect legitimate interests may not always be neat
- However, partisan mapmaking can produce some extreme results
- In 2002, NYPIRG conducted a “Salvador Dali/Pablo Picasso” competition for the most artistically-drawn legislative district
- What follows are the top three examples...

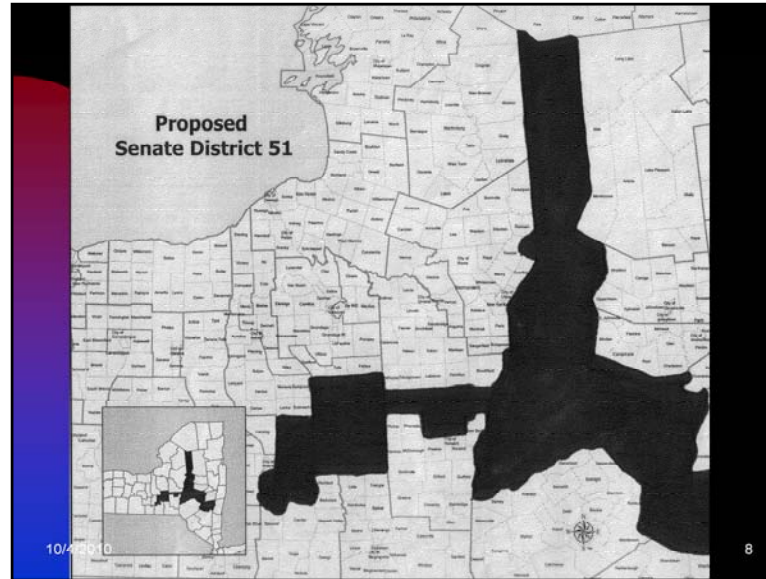
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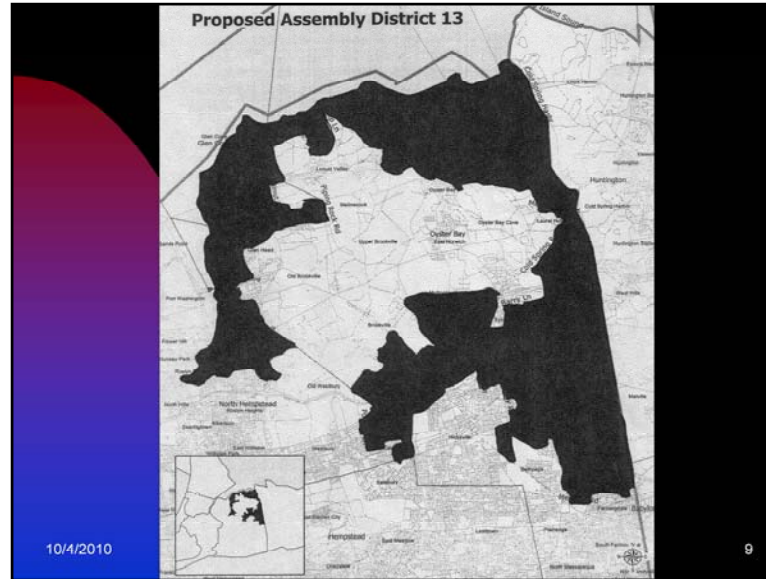
Voting boundaries frequently resemble abstract shapes instead of concentrated areas of land. A good shape does not necessarily mean a good district and conversely; just because a district has a strange shape, it is not necessarily bad. Some disparities of shape can result from efforts to keep communities intact or protect minority voting rights. However, in New York state they are usually the result of efforts to protect political power. In both houses, the majority party rigs district lines in an effort to maximize incumbency re-election rates and ensure majority dominance.



The bizarrely shaped district won the award and was dubbed by NYPIRG the "Oops I Spilled My Coffee on the Map district" Alternatively, "Bug on a Windshield district." It is in Westchester County and the Bronx and was designed for Guy Vellela to maintain his seat. It worked and, as we will see later on, also carved out his opponent in 2000. Senator Vellela was eventually convicted of corruption and got to spend time in Riker's Island which happens to be in this district.



NYPIRG Executive Director Blair Horner’s favorite, known as “Abe Lincoln riding a vacuum cleaner”. His feet are down near New Paltz, the bag in Ithaca and the stove-pipe hat reaches into the Adirondacks.



This district is in NE Nassau County on Long Island. What does it look like to you? A claw? This is an effort to cobble together North Shore Democratic areas with minority/Democratic areas in the center of LI. That big white area in the middle of the “claw”? That’s heavily Republican.

But do not forget the Voting Rights Act (VRA)!

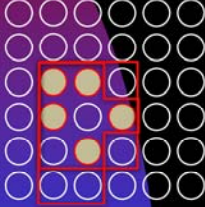
- Section 2 (applies to the whole country). Forbids the use of voting standards, practices or procedures that deny or abridge the right to vote on account of race or color
- Section 5 (applies to Bronx, Kings and New York County). Forbids maps intended to dilute minority votes or maps leaving minority voters worse off than the status quo

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The Voting Rights Act of 1965 was designed to combat discrimination used to deny minorities the right to an effective vote. As federal law, it overrides state law or practices. Districts drawn to meet legitimate goals under the VRA may not always be neat.

Applying Section 2 of The VRA-Threshold Questions



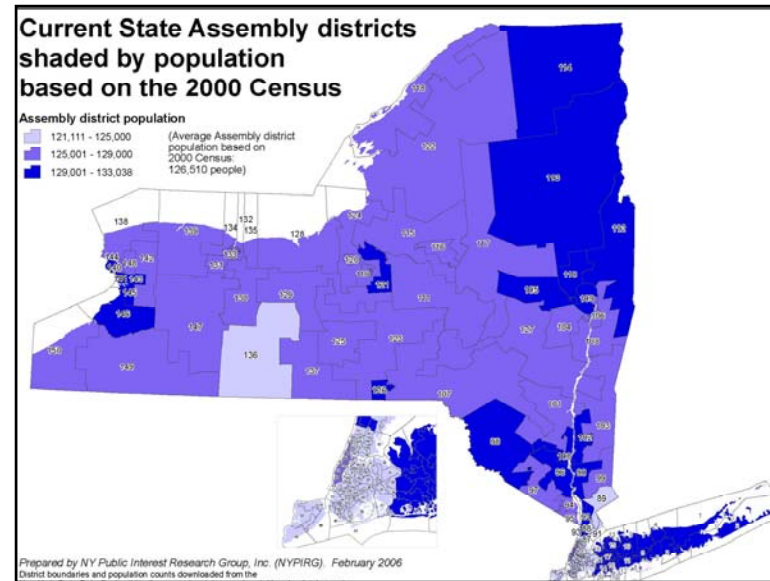
- Do minorities represent most of the voters in a compact area?
- Is there polarized voting?
- Is the minority population otherwise protected given the "totality of the circumstances"?



Do Not Dilute

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In applying Section 2 of the Voting Rights Act you first have to ask three threshold questions. If the answer is yes to these three questions, than lines cannot be drawn in a way that takes political power away from a cohesive minority population that has otherwise suffered discrimination in the region. The boxes around the colored-in dots show ways in which a district can be drawn to protect a minority population.



Here are the state Assembly districts after they drew their lines. The darker the blue, the largest populations in them. The districts which have the smallest population are down in NYC. What does it look like they are trying to do in this Democratically controlled process?

1-Person 1-Vote?

	Smallest	Largest	Difference
NYS Assembly	121,111	133,038	11,927
NYS Senate	290,925	320,851	29,926

These large deviations from ideal district size allow your legislators to protect their own legislative majorities by creating more districts (with smaller populations) in their power centers

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Getting back to New York, we can see how the federal constitutional requirement of “one person, one vote” is stretched to the limit in New York state districts. Note the roughly 10 percent total deviation of population size between districts. In 2002, only 29 of 212 legislative districts (14 percent) were drawn to within one percent of the ideal (or average) size.

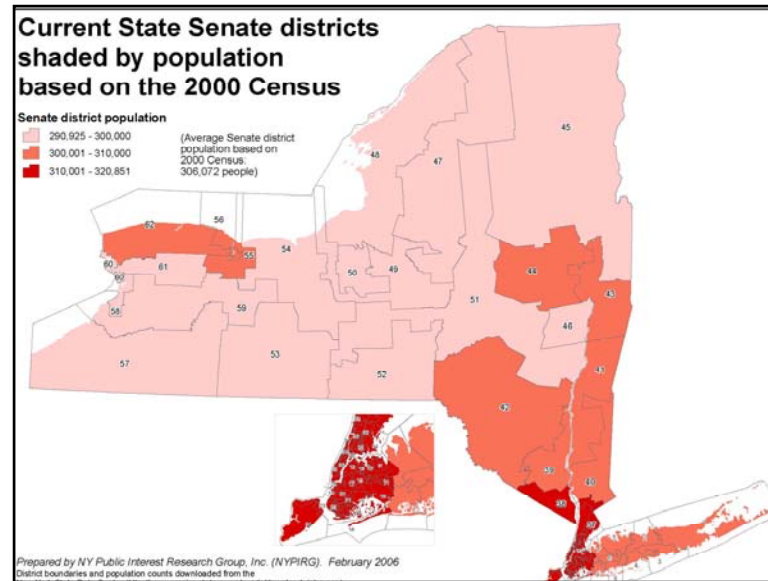
Assembly Districts

- In 2002, the Democrats who controlled the Assembly created legislative districts that “packed” the largest number of people into upstate Republican districts
- Smallest populations in NYC
- Why? To create the largest number of districts where Democrats dominate

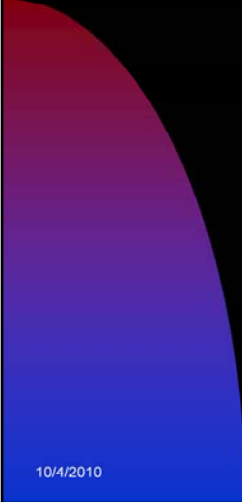
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Creating the largest number of districts in the Democrats’ power center in New York City.



On the other side of the aisle, the Republicans drew the lines in the Senate and the redder the area, the larger the population.



Senate districts

- In 2002, the Republicans who controlled the state Senate created legislative districts that “packed” the largest number of people into NYC Democratic districts
- Smallest populations in upstate Republican areas
- Why? To create the largest number of upstate districts where Republicans dominate

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This is the opposite of what the Assembly did—more upstate districts. Each party took the opportunity to drive more districts into their party’s seat of power to derive a partisan benefit.

Consequently, downstate voters have less than adequate representation in the Senate and conversely, upstate voters have less than adequate representation in the Assembly.

Blocking Viable Challengers

Sometimes politically motivated redistricting gets rid of viable challengers

- How is this done? District lines include incumbent's and exclude challenger's residence
- Challengers don't run, incumbents protected, and the pool of candidates limited

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Beyond the larger issue of maintaining party control, mapmaking practices have been used to eliminate significant electoral challenges in specific elections.

For Example

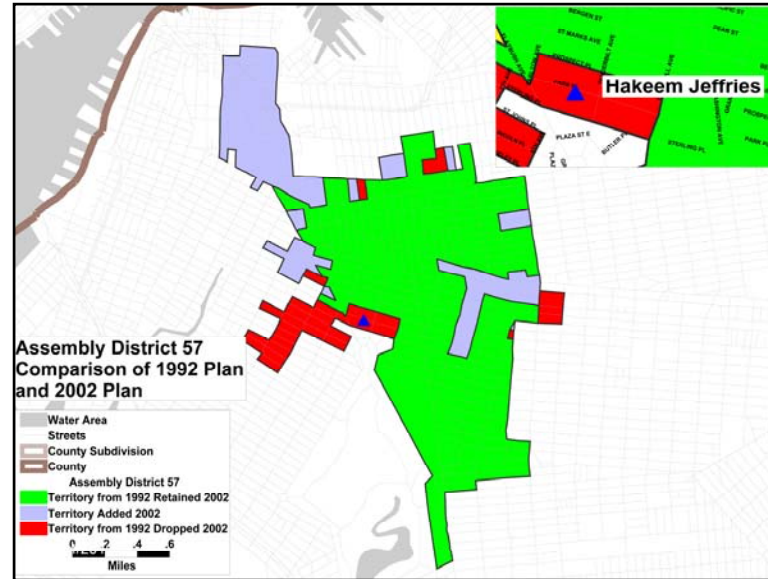
Assembly District 57 (Brooklyn)
Roger Green vs. Hakeem Jeffries

- In 2000, challenger Jeffries won 41% of the Primary Election vote
- In 2002 Jeffries's household was gerrymandered out of the district

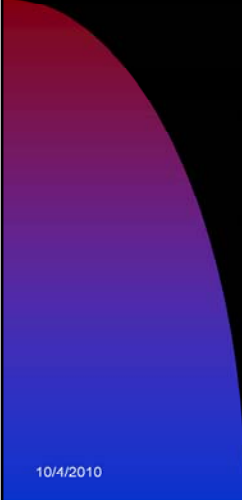
Analysis by Citizens Union

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You can see how mapmakers took out Hakeem Jeffries' house.

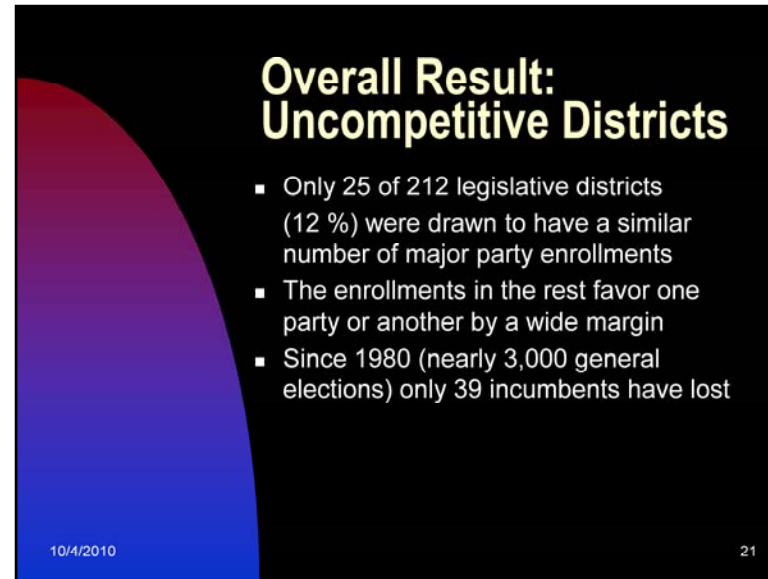


Squashing Competition

- In 2004, Roger Green was forced to resign from the Assembly following misdemeanor convictions
- Jeffries resided outside of district and could not enter race that year and Green won re-election
- Jeffries ultimately moved into the district and was elected in 2006

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Similarly in Senate district 34, which we saw earlier in one of the more artistically drawn maps, Senate Republican mapmakers designed a district to boost the re-election bid of then-Senator Guy Velella, specifically cutting out the home of Lorraine Coyle Koppell who had run against Senator Velella in 2000, garnering 46% of the vote.



Overall Result: Uncompetitive Districts

- Only 25 of 212 legislative districts (12 %) were drawn to have a similar number of major party enrollments
- The enrollments in the rest favor one party or another by a wide margin
- Since 1980 (nearly 3,000 general elections) only 39 incumbents have lost

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The overall result of partisan gerrymandering is uncompetitive districts. You can see here how few districts- only 25 out of 212 seats- have close enrollments. The state is not heavily one way or another in Democratic or Republican party enrollment (although Democrats predominate) but few districts have close enrollments.

In a remarkable political trend in New York State, political challengers have had great difficulty in taking on state legislative incumbents. Some incumbents have lost their seats in primaries or due to scandals. But with respect to general election challenges, the mapmakers have done a good job.



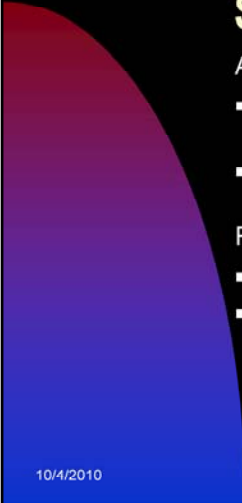
Overwhelming margins of victory

- Incumbents have a huge campaign finance advantage as well
- Along with redistricting, this allows most to win by 2 to 1 or greater margins
- Only roughly 5% of races are close

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Close meaning a margin of victory less than 10%.



Status Quo

A process of purposeful manipulation

- Lax standards allow leadership-driven partisan gerrymandering
- Self-interested mapmakers tilt the scales in favor of incumbents

Results

- Uncompetitive elections
- Legislators unresponsive to the people who elect them

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Uncompetitive elections and incumbency protection have resulted in legislators beholden to their leaders - not their constituents - and legislative deadlock. Is it right for there to be significant differences in population between districts? Is it right to maximize incumbency protection and majority preservation? Is it right to cut opponents out of districts?

Is it right for politicians to draw their own district lines and deprive the people of meaningful elections?

An agenda for reform

- Maximize “competitive” legislative districts under clear principles
- Keep district populations within 1 percent of the “ideal” sized district
- Ignore partisan and incumbency issues when drafting lines-don’t benefit majorities and incumbents
- Preserve minority voting rights
- Keep communities of interest together

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A new independent redistricting commission would ensure that the mapmakers’ primary goal is the interest of the public-not the political parties and legislative incumbents.

The new commission needs to be established by statute because a NYS constitutional amendment achieving this result could not go into effect until it is practically too late.



Possibly Conflicting Goals

- The above goals may sometimes conflict
- Independent, fair and thoughtful decision making is the key
- Combined with a public and transparent process

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For example, drawing lines that do not violate the Voting Rights Act may require some consideration of partisanship data or incumbent information.

Some Examples from Other States

- Iowa – nonpartisan bureau draws draft lines for legislature to accept or reject
- Arizona - legislative leaders choose commissioners from nominating pool
- California - must draw lines on strict nonpartisan rules

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Other states have tried to develop redistricting systems that are more independent and encourage representation and responsiveness in state government. Reformers think the Iowa model meets the New York State constitutional requirement that the legislature approve the lines while replacing the current politically-motivated redistricting commission with an independent one.

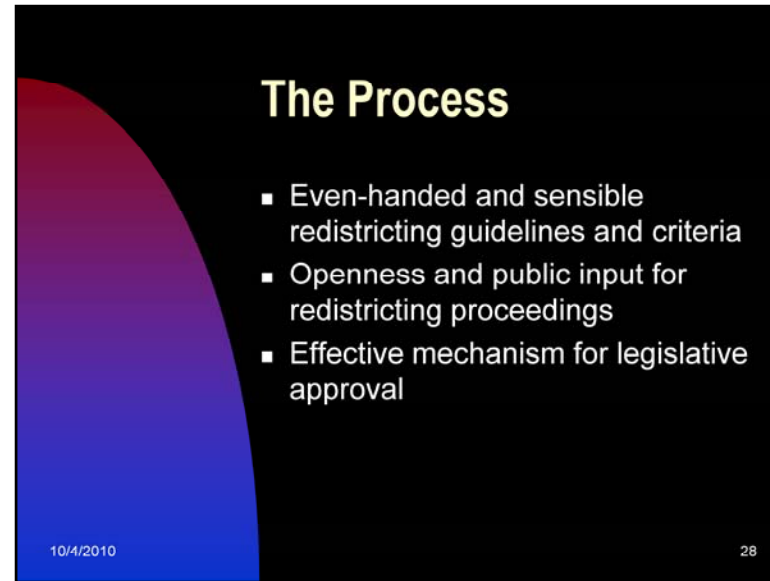
Independent Redistricting Commission

- New York needs a new system
- Independent - no lobbyists, political party officials, legislators
- Fairly chosen from a pool of qualified candidates
- Reflect the diversity of the state

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The members of the Commission should be representative of both genders and the state's full racial, ethnic, and cultural diversity, do not hold, or have not held, an elective office, a party position, or other partisan positions.

A nominations committee would be created to vet candidates for appointment to the commission.

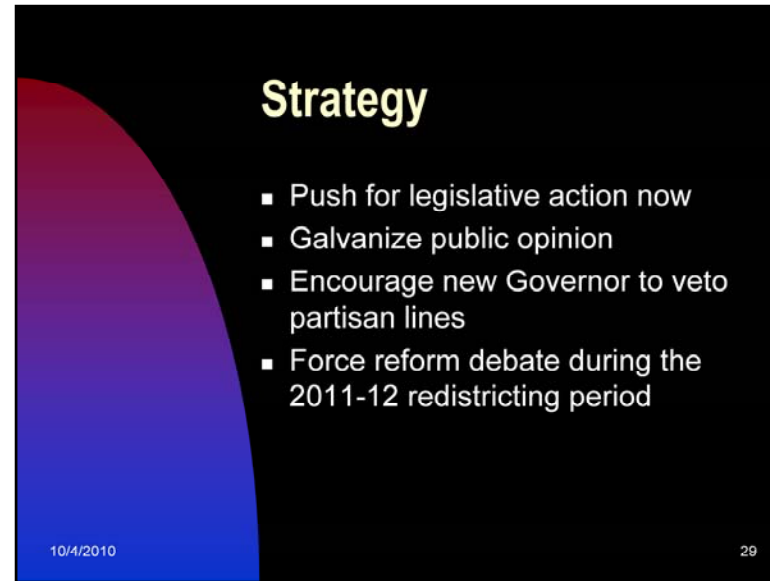


The Process

- Even-handed and sensible redistricting guidelines and criteria
- Openness and public input for redistricting proceedings
- Effective mechanism for legislative approval

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The public should have full access to data, maps, criteria, and proposed plans. An effective mechanism for legislative approval is necessary because the state constitution gives the legislature control of the redistricting process.



Strategy

- Push for legislative action now
- Galvanize public opinion
- Encourage new Governor to veto partisan lines
- Force reform debate during the 2011-12 redistricting period

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The League has been working on redistricting reform for many years and we believe that NOW is the time for it to pass. The last year in Albany has convinced many that redistricting reform is a key step in ending the dysfunction in Albany and ensuring fair and equitable representation for the people of our state.