

BRENNAN CENTER FOR JUSTICE  
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NEW YORK PUBLIC INTEREST RESEARCH GROUP

SUPPORT S.1614-A

IN SENATE, INTRODUCED BY SENATORS VALESKY

**AN ACT** to amend the legislative law, in relation to apportionment of congressional, senate and Assembly districts; and to repeal section 83-m of such law relating to the legislative task force on demographic research and reapportionment

**SUMMARY OF PROVISIONS:**

This bill eliminates the existing reapportionment and redistricting commission and replaces it with an independent commission. The new commission's members would be appointed by the legislative leaders. The bill also sets standards for the drawing of the new district lines.

**PROBLEMS:**

New York State's decennial reapportionment and redistricting process has been a source of controversy. The current system is designed to protect incumbents, maintain – to the greatest extent possible – party control over the two legislative chambers and undermines the key principle of American democracy: “one person, one vote.”

While not illegal, New York has legislative district lines that can be dramatically different in size. A recent analysis of district populations finds that State Assembly districts ranged from 121,111 people to 133,038 people, and State Senate districts ranging from 290,925 people to 320,851 people. The chart below illustrates the number of State Assembly and Senate districts that deviate from the ideal district size by percentages.

Population range from ideal	Assembly	Senate
Zero to 1 percent	18	11
1 to 2 percent	33	28
2 to 3 percent	29	4
3 to 5 percent	70	19

**SOLUTION: “INDEPENDENT” REDISTRICTING COMMISSIONS SUPPORTED BY EXPERTS**

Support legislation creating an independent commission to propose legislative district lines while following state constitutional and federal legal requirements. Such a process has won the praise of many experts across the country, for example:

- ◆ “Is Iowa a model for other states? Its historical record certainly suggests many strengths: timely completion of redistricting, no court challenges...” Thomas Mann of the Brookings Institute
- ◆ “...we found that court-and commission-drawn plans yielded more competitive districts than legislative drawn plans. This suggests that by taking self-interest out of this important process, other values, such as competitiveness, may be enhanced.” Professors Jamie L. Carson and Michael H. Crespin, University of Georgia

**STATEMENT OF SUPPORT:**

This legislation would dramatically improve the way New York draws district lines for elections to the State Legislature and to the state's House of Representatives delegation. It follows the Iowa model mentioned above and ensures fairness and openness in redistricting.

Elections are supposed to allow voters to choose their representatives, but in New York it seems as if representatives have succeeded in turning the tables by drawing district lines to choose their voters! New Yorkers want their elections to offer voters a choice in their representation. Unfortunately, the winners of New York State legislative elections are typically elected in non-

competitive elections aided by gerrymandered districts. As a result, New York's state legislature has one of the highest rates of incumbency in the nation.

Redistricting is required after each decennial census. Under New York State's system, each legislative house's majority leaders draw district lines for their house, allowing the leaders to manipulate districts to suit their political aims. They often choose their voters by shielding themselves from competitive races, leaving most voters with a predetermined outcome. This has helped to create a body of legislators that is not as responsive to their constituents' concerns as should be and electoral districts that divide communities. In short, New York's representative democracy has been undermined because of the current redistricting process. To address these concerns, the bill offers key changes to New York's redistricting process by:

- **Creating an Independent Redistricting Commission to Draw District Boundaries for the 2012 Elections and Beyond.** The current system of gerrymandered districts prevents progress in Albany and throughout New York. As districts have become increasingly polarized, so too have their elected officials. Creation of an independent redistricting commission to draw legislative and congressional district lines removes the inherent conflict of interest from the elected officials and gives responsibility to an independent body charged with drawing district lines in a fair and sensible manner;
- **Require that Commissioners Be Appointed from A Pool of Diverse and Qualified Candidates.** Currently, the redistricting process is not reflective or responsive to New York's diverse citizenry. The Commissioners should be representative of both genders and the state's racial, ethnic, and cultural diversity, do not hold, or have not held, an elective office, a party position, or other positions or employment that would confer partisan influence, with additional procedures to ensure that the commission itself is also reflective of the state's voters;
- **Prohibit Drawing Districts Based on Voters' Party Affiliations or Factors That Could Serve to Disenfranchise Voters and Decrease Competitive Elections.** Under the current gerrymandering system, New York State elections are incredibly one-sided. New York's incumbents have a staggeringly high re-election rate. This phenomenon is caused, in part, by the way in which district lines are drawn. Indeed, incumbents can draw district lines in order to marginalize their most potent challengers, even within the same party. For example, after Hakeem Jeffries won 41% of the 2000 primary vote against 20-year Assemblyman Roger Green, the district lines were redrawn, leaving Jeffries' residence just outside of Green's new district. When districts are manipulated to avoid electoral challenges, the voters are denied a choice on election day.
- **Require That Districts Be Compact and Contiguous, Roughly Equal in Size, and Drawn So As Not To Favor Or Disfavor Any Candidate or Political Party.** If district lines were consistently drawn to benefit constituents or communities of interest, one would expect that Senate and Assembly districts would share many common boundaries. Instead, the lines for each body look radically different. The current process has allowed communities to be divided to ensure that legislators are re-elected to office every two years.
- **Set Guidelines to Ensure That Racial and Language Minorities Have Fair and Effective Representation.** Only 29 of 212 legislative districts (14 percent) were within one percent of the "ideal population size" when drawn in 2002. Indeed, New York's legislative districts can be dramatically different in size, pushing the threshold of the legally permissible. A recent analysis of district populations found that State Assembly districts ranged in size from 121,111 people to 133,038 people, and State Senate districts ranged in size from 290,925 people to 320,851 people. Those districts with greater population are denied the same level of representation as those with far fewer residents.
- **Require ample public hearings and opportunities for public comment, including full access to data, maps, criteria, software used, and proposed plans.** For too long the public has been shut out of the process, which leads to cynicism and public skepticism.
- **Make It Difficult for the Legislature to Make Alterations and Encourage the Approval of the Independent Redistricting Commission's Plan.** In order to insure that the end result of the process does indeed address all of these concerns, a mechanism must be developed which allows the Legislature to address appropriate issues, but not substitute a partisan plan favoring incumbents for the plan developed by the Independent Redistricting Commission in accordance with the statutory guidelines.

**Our groups urge support of this bill.**