

CITIZENS UNION OF THE CITY OF NEW YORK  
COMMON CAUSE/NY  
LEAGUE OF WOMEN VOTERS/N.Y.S.  
NEW YORK PUBLIC INTEREST RESEARCH GROUP

SUPPORT S.1614-B

**IN SENATE, INTRODUCED BY SENATORS VALESKY, AUBERTINE, BONACIC, BRESLIN, DUANE, ESPADA, C. JOHNSON, KRUEGER, OPPENHEIMER, SAVINO, SCHNEIDERMAN, SERRANO, SQUADRON, STAVISKY, YOUNG**

**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 from a pool of candidates selected by a nominations committee. The bill also sets standards for the drawing of the new district lines. A detailed explanation of the legislation is attached.

**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**

Our groups support legislation creating an independent commission to propose legislative district lines while following state constitutional and federal legal requirements.

**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 heralded Iowa model and ensures fairness and openness in redistricting. It is also similar to the newly-enacted reforms from California in the selection process for members of the commission.

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 meaningful choice in their representation. Unfortunately, the winners of New York State legislative elections are typically elected from districts that have been gerrymandered to protect incumbents and discourage competitiveness. As a result, New York's state legislature has one of the highest rates of incumbent reelection 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 more responsive to party leaders and because communities of interest are divided, it is not as

responsive to their constituents' concerns as it should be. 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, and Set Guidelines to Ensure That Racial and Language Minorities Have Fair and Effective Representation.** The redistricting process is currently 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. The legislation additionally requires districts to be drawn to protect minority and language voting rights.
- **Require That Districts Be Compact and Contiguous, and Drawn So As Not To Favor Or Disfavor Any Candidate or Political Party.** 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 in 2002. When districts are manipulated to avoid electoral challenges, the voters are denied a choice on election day. 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.
- **Require that Districts be Roughly Equal in Size.** 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. The legislation would require that state legislative districts not deviate by more than one percent from the mean populations of each house's districts.
- **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.
- **Encourages the Approval of the Independent Redistricting Commission's Plan With Input from the Legislature.** Under the legislation, the Legislature has the opportunity to provide feedback on up to two plans submitted by the commission, and can only amend a third plan with amendments that meet the statutory guidelines established. This is consistent with the Legislature's authority under the State Constitution to ultimately approve a redistricting plan.

Our groups urge support of this bill.