



NEW YORK STATE SENATOR

Timothy M. Kennedy

Senator Kennedy Calls Redistricting Proposal Political Gerrymandering, Urges LATFOR to Head Back to the Drawing Boards

TIMOTHY M. KENNEDY February 16, 2012

| ISSUE: **ELECTIONS, ETHICS, LEGISLATURE**



Senator testifies before LATFOR public hearing at Buffalo City Hall

BUFFALO, N.Y. – Senator Timothy M. Kennedy, D-58th District, called Senate Republicans' redistricting proposal a clear example of political gerrymandering during his testimony before the panel tasked with redrawing the state legislative map at their public hearing Thursday. He urged the panel to take their remap proposal back to the drawing boards.

“Rather than making compactness, contiguity and communities of interest the guiding principles of the redistricting process,” Senator Kennedy said, “it appears you have manipulated the map and carefully plotted districts with the goals of maintaining power and safeguarding vulnerable incumbents.”

Senator Kennedy was one of many Western New Yorkers who voiced concerns at the hearing held by LATFOR, the majority-controlled task force for redistricting. Local residents spoke on a wide variety of issues that concerned them about the new map proposal.

Senator Kennedy’s testimony focused on the need to draft a fair, non-partisan plan that will benefit the public, rather than political incumbents. He reiterated his call for the creation of an independent redistricting commission to take reapportionment duties away from incumbent legislators, who have manipulated the current system.

“For far too long, the redistricting process has been abused as the Albany incumbent protection program,” Kennedy said. “Majority legislators pick and choose their voters, and if you don’t fit their mold as a potential supporter, you’re pawned off to a neighboring district. It’s a backward system that breeds voter apathy and dysfunctional government.”

During the 2010 election season, the vast majority of State Senators signed a pledge to support independent redistricting for the 2012 season.

“I was new to the Senate, but with 85 percent of legislators pledging support, I thought we’d quickly get to work and get the job done on independent redistricting,” Kennedy said. “Instead, Senate Republicans went back on their word and gave New York State a Senate map that reeks of political gerrymandering.”

Senator Kennedy cited several flaws with the Senate Republicans’ map proposal, including the population deviations among districts, the “cracking” or splitting up of minority

communities into separate districts and separating communities of similar interest.

“New York State enjoys and celebrates a diverse culture and rich history of fighting for the rights of minorities, but the Senate Republicans’ new map proposal seems to constrict minority rights, rather than seeking to expand rights and empower communities,” Kennedy said. “The proposed map demonstrates the practice of ‘cracking’ minority communities among several Senate districts to drown any attempt to gain political voice.”

He also called out Senate Republicans for toying with the State Constitution to expand the size of the Senate in an effort to maintain power. Kennedy cited a rule dating back to 1894 in Article III, § 4 of the State Constitution which contains the formula for determining the number of Senate districts. Senate Republicans inconsistently applied the rule to devise a map with 63 seats.

You can view video from Senator Kennedy’s testimony at:

<http://www.youtube.com/watch?v=mWq8WmxYxm0>.

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Senator Timothy M. Kennedy represents the New York State Senate’s 58th District, which is comprised of the towns of Cheektowaga, Eden, Hamburg and West Seneca, the city of Lackawanna and parts of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.

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FULL TESTIMONY:

SENATOR TIMOTHY M. KENNEDY

TESTIMONY BEFORE LATFOR PUBLIC HEARING IN BUFFALO

February 16, 2012

I start with a simple message in response to your recently proposed legislative maps: They simply won't do.

The district-drawing pen should be in the hands of an independent commission that will abide by the State Constitution and take politics out of the process.

When we all ran for election in 2010, most of us said we wanted an independent panel to take over redistricting duties before the 2012 election cycle. In fact, more than 85 percent of the State Senate signed a pledge to do so.

I was new to the Senate, but with 85 percent of legislators pledging support, I thought we'd quickly get to work and get the job done on independent redistricting.

Instead, Senate Republicans went back on their word and gave New York State a Senate map that reeks of political gerrymandering.

Rather than making compactness, contiguity and communities of interest the guiding principles of the redistricting process, it appears you have manipulated the map and carefully plotted districts with the goals of maintaining power and safeguarding vulnerable incumbents.

A recent analysis conducted by The New York World and the Center for Urban Research is particularly troubling. It provides hard evidence proving political gerrymandering.

They compared the results of the 2010 state legislative elections with your recently proposed lines to determine how those results might impact future representation.

They found that Senate Republicans devised their proposed lines with the partisan intention of preserving their power.

According to their analysis, if every voter cast their ballot for the same party as they did in 2010, the Senate Republicans would grow their majority to 34-29.

Considering the jagged-by-design district lines you've sketched, there's no way this is just coincidence. You searched out favorable election districts and drew the Senate lines accordingly to make them more friendly for the current majority.

For far too long, the redistricting process has been abused as the Albany incumbent protection program. Majority legislators pick and choose their voters, and if you don't fit their mold as a potential supporter, you're pawned off to a neighboring district. It's a backward system that breeds voter apathy and dysfunctional government.

In addition to their practice of political gerrymandering, Senate Republicans also manipulated the State Constitution for political purposes. You toyed with the Constitution in order to squeeze an additional Senate seat into the Capital Region – which will increase the size and cost of government at a time when we should be working on streamlining and reducing costs.

As many of my colleagues and good government groups have asked, I don't understand why you counted some counties one way, and others another way.

It appears Senate Republicans targeted 63 as the number of seats they needed to pad their majority and then conducted their math in reverse to determine how they needed to manipulate the Constitution.

New York State enjoys and celebrates a diverse culture and rich history of fighting for the rights of minorities. But the Senate Republicans' new map seems to constrict minority rights, rather than seeking to expand rights and empower communities.

The proposed map demonstrates the practice of "cracking" minority communities among several Senate districts to drown any attempt to gain political voice. We see it in the town of Hempstead. It's visible in the city of Rochester.

And locally, in Western New York, I think it's telling that the 60th Senate District, under this new remap plan, would see its demographic make-up shift from 54 percent white and 37 percent African-American to 85 percent white and 5 percent African-American residents.

To me, this demographic shift indicates a disinterest from the Senate Republicans to represent the needs of Buffalo's minority communities.

I will say this, regardless of how the process plays out, I will continue to be a representative for all of Western New York.

Although I feel any partisan-drawn lines should be vetoed, I would welcome more of the City of Buffalo to the district I represent, so that I can give city residents a voice in Albany. City neighborhoods are often referred to as underserved. They need effective representation in the Senate, and I would be proud to fight for these neighborhoods.

But I am not much concerned with how I'm impacted by the newly proposed map. I'm far more concerned with this flawed process, its gerrymandered product and how it impacts hardworking New Yorkers who deserve a government that works for them, not for political incumbents.

You can make claims that you drew the lines in accordance with the Constitution, as well as demographic and population shifts. But New Yorkers aren't buying it.

You've told your story. But the population deviations among districts, the "cracking" of minority communities, the "packing" of Republican-friendly voters, the expansion of the Senate – all of that tells a very different story.

It tells the story of a flawed process that enables Senate Republicans to serve their own political self-interest, rather than the public's interest. It tells the story of a broken promise that has kept the system secretive and kept New Yorkers in the dark.

I urge you to make significant changes to your proposed maps. Head back to the drawing board, and lay the politics aside to come up with a fair, non-partisan redistricting proposal.