

NEW YORK JOINT LEGISLATURE
LEGISLATIVE TASK FORCE ON
DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT
SENATE STANDING COMMITTEE ON THE JUDICIARY
ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS

ONLINE PUBLIC HEARING
EVALUATING CONSTITUTIONAL PROVISIONS
IMPACTING REDISTRICTING IN 2022

July 15, 2020

10:00 a.m. - 12:30 p.m.

Joint Task Force Reapportionment, 7-15-2020

SENATORS PRESENT:

SENATOR MICHAEL GIANARIS, Co-Chair, Legislative Task Force on Demographic Research and Reapportionment

SENATOR BRAD HOYLMAN, Chair, Senate Standing Committee on the Judiciary

SENATOR NEIL BRESLIN

SENATOR DIANE SAVINO

SENATOR ANDREW GOURNARDES

SENATOR ANNA KAPLAN

SENATOR KEVIN THOMAS

SENATOR TOBY STAVISKY

SENATOR THOMAS F. O'MARA

SENATOR ANDREW J. LANZA

SENATOR PHIL BOYLE

SENATOR TODD KAMINSKY

SENATOR JAMES GAUGHRAN

SENATOR LUIS SEPULVEDA

SENATOR SHELLEY MAYER

SENATOR ZELNOR MYRIE

SENATOR JAMAAL BAILEY

SENATOR GUSTAVO RIVERA

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ASSEMBLY MEMBERS PRESENT:

ASSEMBLY MEMBER ROBERT RODRIGUEZ, Co-Chair, Legislative Task Force on Demographic Research and Reapportionment

ASSEMBLY MEMBER KENNETH ZEBROWSKI, Chair, Assembly Standing Committee on Governmental Operations

ASSEMBLY MEMBER SANDRA GALEF

ASSEMBLY MEMBER DAVID BUCHWALD

ASSEMBLY MEMBER HARVEY EPSTEIN

ASSEMBLY MEMBER PHILLIP PALMESANO

ASSEMBLY MEMBER ANDREW GOODELL

ASSEMBLY MEMBER ALICIA HYNDMAN

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2 (The public hearing commenced at 10:00
3 a.m.)

4 SENATOR MICHAEL GIANARIS, CO-CHAIR,
5 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
6 AND REAPPORTIONMENT: Good morning, everybody and
7 welcome to this hearing. I want to welcome
8 everyone who took some time out of their day to
9 join us on this important subject matter. A
10 little bit arcane, but important nonetheless as
11 it relates to our democracy and the districts
12 that we run under. We are embarking on a new
13 process in New York for redistricting, and one
14 that we're all learning as we go because it's
15 never happened before and it's got a lot of
16 twists and turns to it, and so this is the first
17 step forward in that process to talk to some of
18 the experts, talk to some of the people who were
19 involved both in establishing this and are just
20 experts generally on the topic, so that we can
21 make some evaluations as a legislature to what we
22 need to do to make this work as efficiently,
23 productively and fairly as possible.

24 There's been a lot of changes since we

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2 first established this process. Most notably, the
3 one that's necessitating some reevaluation in
4 changes as the calendar when this reapportioning
5 process was initially set up, our state primaries
6 were in September, which fit easily within the
7 calendar laid out in the constitution for the
8 commission revealing its plans and the
9 legislature reacting to them.

10 Since that time as everyone knows, our
11 primaries have now been moved to June. The
12 petitioning process begins late February or early
13 March, and that has made the timing of the
14 existing constitutional provisions impractical.
15 So we thought as long as we're reevaluating,
16 let's talk to folks about what other changes are
17 important and necessary that we can make, as well
18 as talking generally about the commission process
19 and how we get that moving forward in the
20 timeframe that we have to work with.

21 I want to recognize my colleagues who
22 are here on the Senate side. Co-chairing this
23 hearing with me is the chair of our judiciary
24 committee, Senator Brad Hoylman, welcome Senator

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2 Hoylman. We are also joined by Senator Savino,
3 Senator Breslin, Senator Gounardes and Senator
4 Kaplan. Some of our members have through
5 redistricting processes before, for some it's
6 their first time, so we have a good mix of folks
7 on both sides.

8 We also have with us our friends and
9 colleagues from the Assembly, and I'm going to
10 kick it over now to the chair of the Assembly
11 Government Operations Committee, it's a committee
12 that I was actually the staff counsel for many
13 years ago. So it's good be working with them from
14 this side as well.

15 And, Assemblyman Ken Zebrowski has done
16 tremendous work in the Assembly, and I want to
17 welcome and thank him for joining us as well as
18 my co-chair on [unintelligible] [00:02:52]
19 Assemblyman Rodriguez and I'll hand it over to
20 Assemblyman Zebrowski.

21 ASSEMBLY MEMBER KENNETH ZEBROWSKI,
22 CHAIR, ASSEMBLY STANDING COMMITTEE ON
23 GOVERNMENTAL OPERATIONS: Thank you, Senator
24 Gianaris. It's a pleasure to be here with you

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2 today, all my colleagues and all of those that
3 are both listening and ready to testify. Also
4 welcome to senator co-chair, Senator Hoylman and
5 to my assembly co-chairs, Assembly Member
6 Rodriguez, great to be with everybody today in
7 this important topic.

8 I just have a few comments to make, and
9 then, we'll get this rolling. Every ten years,
10 the nation undertakes the process of counting
11 citizens, it's critical that New York State
12 receive an accurate count of its citizens and
13 apportion representatives in a manner that
14 results in equal and just representation for the
15 state. Next year, we will begin a new system of
16 apportioning legislative representation to people
17 in the state.

18 In 2014, New York voters approved
19 amendments to the New York State constitution
20 which changed the process for drawing legislative
21 districts. An independent commission of ten
22 individuals will meet to attempt to decide how to
23 best construct the representation of the millions
24 of diverse individuals that make up our state.

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2 We're here in an uncertain time. The
3 results of the national census have been delayed
4 due to the COVID-19 outbreak. In times like
5 these, we need to be flex about and mindful of
6 our future.

7 Thank you to all of the witnesses that
8 agreed to testify today. We hope that your
9 feedback and recommendations on our upcoming
10 redistricting process will offer us some new
11 insight that may then to guide us through this
12 process.

13 First, on the assembly side, let me say,
14 I mentioned Co-Chair Robert Rodriguez. We also
15 have Assembly Member David Buchwald, Assembly
16 Member Harvey Epstein, Assembly Member Sandy
17 Galef with us this morning, and as additional
18 people join, I'll announce them at that point.
19 Thank you, senator.

20 SENATOR GIANARIS: Okay, thank you,
21 assemblyman. We've also had some additional
22 joiners, you'll hear us announcing the
23 legislators as they arrive. But we have been
24 joined by Senator Kevin Thomas, Senator Toby

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2 Stavisky and make this a bipartisan effort we
3 have Senator O'Mara and Senator Lanza joining us
4 from the senate side as well. I'm sure others
5 will join in as we go.

6 Okay, so we're going to move on to our
7 first panel, who I understand are all ready and
8 waiting. Each witness will get five minutes to
9 testify, followed by questions from the
10 legislators. And in our first panel, I will read
11 the names of and affiliations and please testify
12 in this order. We're going to start with Blair
13 Horner from NYPIRG, L. Joy Williams from the
14 Brooklyn NAACP, Susan Lerner from Common Cause
15 New York, Juan Rosa from the NALEO Educational
16 Fund, and Lurie Daniel-Favors from the Medgar
17 Evers Center for Law and Social Justice, so
18 Blair, take it away.

19 SENATOR THOMAS F. O'MARA: Chairman, is
20 there some reason that my video is blocked?

21 SENATOR GIANARIS: Not that I'm aware
22 of. We'll take care of that, senator. Blair,
23 whenever you're ready.

24 MR. BLAIR HORNER, EXECUTIVE DIRECTOR,

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2 NEW YORK PUBLIC INTEREST RESEARCH GROUP: Okay.

3 Can you hear me okay?

4 SENATOR GIANARIS: Yes.

5 MR. HORNER: All right. Senators,
6 assembly members, thank you for the opportunity
7 to testify on this important topic. This is my
8 first Zoom hearing, so if I seem a little
9 discombobulated, please bear with me or tell me
10 that I'm doing something wrong.

11 We've submitted our written comments and
12 I will summarize our views here, but first, on
13 behalf of NYPIRG, we commend the houses for this
14 hearing, and for the scheduled hearings to come
15 on a wide range of issues. It's important that
16 the legislature reestablish itself as the primary
17 policy making body in New York's governmental
18 system. These hearings and the action on a wide
19 range of issues are important and we applaud
20 those activities.

21 As you may know, NYPIRG opposed the
22 constitutional amendment in 2014 and our comments
23 today may touch on some of those concerns that we
24 had then and have now. But, the focus of our

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2 testimony is on what can be done now to deal with
3 the reality of New York's untested redistricting
4 system in 2022.

5 There are a number of issues that we're
6 concern about including the timetable, which is
7 already been discussed, which is now undermined
8 by the change in primary date, as well as the
9 impact the pandemic has had on the ability of the
10 census to deliver data to the states. Our
11 concerns are magnified by the fact this will be
12 the legislature's first time working with the
13 detailed, complicated redistricting scheme.

14 Redistricting is highly charged without
15 adding a pandemic and a new law to the mix. If
16 the census makes its data available for
17 redistricting at the end of July, 2021, that will
18 give the commission virtually no time to draft
19 maps and make them publicly available for comment
20 in September, as the constitution provides.

21 The public hearings are important and
22 will inform the commission on weaknesses and
23 plans. They have to then incorporate relevant
24 recommendations and make their plan available to

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2 the legislature by January. The commission will
3 have to operate at warp speed to make that all
4 happen within five months plus.

5 So the pandemic has created real
6 logistical problems for compliance with the
7 constitution's redistricting requirements. Added
8 to that is the candidates will be gearing up for
9 primaries, were gearing up for primaries in early
10 2022, or the legislature may still be haggling
11 over maps developed by the commission, or making
12 their own.

13 Proponents of the amendment anticipated
14 September primaries, so the new June primary date
15 timetable may leave candidates unclear as to
16 which districts they're running in. Neither of
17 these problem can be remedied with constitutional
18 changes in time, we don't believe. Statutory
19 budget moves can bolster the ability of the
20 commission to do its work, assuming that all goes
21 well with it.

22 The commission is based on the model of
23 the State Board of Elections, an agency notorious
24 for gridlock when deciding important issues. The

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2 current commission hasn't yet jointly have chosen
3 its two additional members and has done nothing
4 that we can see to prepare for the daunting work
5 ahead.

6 One of the key reasons that we opposed
7 the 2014 amendment was our view that the
8 commission would never be truly independent. The
9 commissioners may act as agents of their
10 appointing authorities instead of the public
11 interest. Given the lateness of the action, the
12 limited ability to publicly hash out needed
13 changes, there seems to be not a lot of time that
14 can be done to amend the constitution that would
15 be consequential in 2022.

16 However, there is one area that could be
17 fixed in time. That would be to remove the
18 unconstitutional provisions adopted in 1894,
19 provisions that violate the one person one vote
20 requirements under federal law. But to change the
21 deadline for a second submission of the
22 commission's plan by the end of February,
23 although it does say no later than, and that
24 could probably be fixed statutorily.

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2 But there are other areas that should be
3 fixed. But they may have to be for the 2030
4 redistricting cycle. We discussed those in our
5 written testimony, but two important ones are
6 eliminating the partisan redistricting commission
7 and using language akin to what the Congress uses
8 for map makers to make districts be comparable in
9 size, population wise.

10 Lastly, on a related issue, we think
11 that you should consider capping the number of
12 senators at whatever the number is that's
13 appropriate, because, as you all know, the senate
14 that grown from 50 members in the 1930s to 63
15 now. So thank you for this opportunity to
16 testify. Again we applaud your interest in this
17 issue, and I'm done.

18 SENATOR GIANARIS: I appreciate it. Let
19 me just answer Senator O'Mara's question of
20 earlier. I misunderstood his question. The
21 members' videos turn on so they can be seen when
22 they are speaking or recognized and then just the
23 co-chairs and the panelists are on video. We've
24 also have been joined by Senator Kaminsky,

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2 Senator Sepulveda and Senator Boyle. And next we
3 have L. Joy Williams from NAACP. Welcome.

4 MS. L. JOY WILLIAMS, BRANCH PRESIDENT,
5 BROOKLYN NAACP: Good morning and thank you very
6 much for the opportunity to talk with you this
7 morning. The New York State Conference of NAACP
8 is submitting full written testimony, but I just
9 wanted to highlight a number of issues that the
10 NAACP are focusing now and will be focusing on
11 throughout this process.

12 For those of you who don't know, I am
13 president of Brooklyn NAACP, but I'm also the
14 legislative coordinator for the New York State
15 NAACP Conference of Branches, which consists of
16 thousands of members. We have over 51 branches in
17 the State of New York, under the leadership of
18 our New York State Conference president, Hazel
19 Dukes.

20 I'm sure you will hear from me a number
21 of times throughout this process, not only on
22 this issue but on a number of different issues.
23 But there are some key pieces that I would like
24 to highlight as you begin this process.

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2 So, back in September of 2011, the late
3 Reverend Anita Burson, who was then second vice
4 president of Brooklyn NAACP, testified before the
5 committee and she began her testimony
6 highlighting the lack of diversity and minimal
7 representation of people of color, as well as
8 diversity in gender, both on the committee and on
9 the staff.

10 And so as you begin the process and as
11 the speaker before me mentioned, that we are in
12 the beginning phases of how this process will
13 play out, I urge you that as you are staffing up,
14 if you will, that, you focus on ensuring that the
15 entire operation of our redistricting process is
16 reflective of the great diversity of this state.

17 This should be a guiding principle, not
18 only for the individual staff, legislative aides
19 and others and I'm talking about even a person
20 making photocopies, but, also any contractors and
21 vendors that will be used for this process.

22 In addition, I ask and urge the elected
23 leaders to go a step further, and expect both the
24 elected leaders and commission to produce a

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2 report demonstrating not only your commitment but
3 your actions to this equity principle to ensure
4 that our redistricting process is reflective of
5 the people of state of New York.

6 Now, our redistricting process, as
7 previously mentioned will have a number of
8 firsts, it is the first time we will have an
9 independent redistricting commission. And as you
10 know, and as the previous speaker noted, the New
11 York State NAACP also opposed the commission at
12 that time.

13 But this is also the first redistricting
14 process that will be doing since the Supreme
15 Court struck down the preclearance directive
16 under Section 5 of the 1965 Voting Rights Act.
17 This means that states like ours, which had
18 districts under preclearance, including Brooklyn,
19 will not have that preclearance principle to the
20 Justice Department or Attorney General.

21 Now, you may say given the current U.S.
22 Attorney General and Justice Department that we
23 may count that as a blessing. However, just
24 because the federal version of preclearance is on

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2 hold until Congress takes action, it doesn't mean
3 that the state of New York should not have some
4 process and we are advocating having a
5 preclearance process with our state attorney
6 general, in the passage of a New York State
7 voting rights act that will ensure not only the
8 voting rights and representation of people of
9 color in state of New York.

10 The other issue that was highlight
11 highlighted in the previous redistricting
12 process, was that of counting those who are
13 incarcerated. As you know, NAACP attempted to
14 join on two lawsuits on this particular issue.
15 And it was something that was done in the
16 previous census operation and has not yet been
17 for this 2020 cycle. So I'm urging the
18 legislature to address this issue as well.

19 So, we are obviously behind the eight
20 ball as I wrap up. The pandemic that is
21 particularly ravaging communities of color, in
22 addition to a number of wholesome different
23 issues in terms of the rising costs of living in
24 New York, housing gentrification and all of those

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2 issues. And at the center of this will be making
3 sure that this process is inclusive and is not
4 just a set number of folks that is separate and
5 apart from the diversity of the state of New
6 York.

7 So I urge not only in the hearings that
8 will happen that are required to happen all over
9 the state, but that the elected leaders, the
10 committees and commission, also create a process
11 for active participation of the public, because
12 we know our communities, we know our districts in
13 creating the maps in the process that will go
14 forward to create a better New York. Thank you.

15 SENATOR GIANARIS: Thank you so much, L.
16 Joy. Next, we have Susan Lerner from common cause
17 New York.

18 MS. SUSAN LERNER, EXECUTIVE DIRECTOR,
19 COMMON CAUSE NEW YORK: Thank you very much. And
20 I want to join my colleagues, Blair Horner, in
21 thanking the legislature for this hearing and to
22 join in with the NAACP's call that the commission
23 and all of its proceedings should be sensitive to
24 diversity issues.

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2 As you may be aware, Common Cause New
3 York drew the only set of statewide reform maps
4 in the last redistricting process. And as a
5 national organization, redistricting is one of
6 our key issues where we advocate across the
7 country for fair redistricting processes and we
8 are the organization which wrote and passed the
9 California system of an independent citizen led
10 redistricting commission process.

11 I'd like to point out that we did
12 receive a court ruling in 2014, which clarified
13 that the commission set up by our constitution
14 should not properly be called independent because
15 it really is politically appointed.

16 But, I do differ with Blair on the issue
17 of what can be done currently to affect
18 redistricting. I do believe that changes can be
19 made timely to our constitution which will
20 provide guidance to the commission, and improve
21 our process. And there are four areas that we
22 identify in our written testimony.

23 The first is of course the deadlines
24 which simply have to be changed. We recommend

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2 that the first set of maps from the commission go
3 to the legislature on December 1, and that
4 revised maps also have to be completed in
5 December. We recognize this is a very collapsed
6 timeframe with the late provision of information
7 from the census. But I believe that the
8 commission's requirements in the constitution to
9 hold hearings around the state, and get input
10 from citizens should remain in place and that the
11 commission should be given the resources to
12 satisfy that requirement.

13 We agree with NYPIRG, the
14 uncontrovertibly unconstitutional language that
15 was placed in our constitution in 1894 and help
16 unconstitutional by the U.S. Supreme Court in
17 1964 should simply be removed. It serves no
18 purpose, it's confusing and a good draftsmanship
19 requires that it should be removed.

20 We do advocate for some improvements to
21 the redistricting process which we believe would
22 improve and add some good redistricting
23 practices. We agree with the NAACP, the ban on
24 prison-based gerrymandering can and should be

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2 memorialized in our constitution. It is an
3 important public policy, and there should not be
4 any confusion regarding its application in any
5 redistricting process for our state.

6 We also believe that there should be a
7 standard set for population equivalence. Based on
8 our experience drawing maps, we believe that
9 standard should be plus or minus two percent to
10 give map drawers sufficient flexibility to
11 respect communities of interest and other
12 necessary standards for good redistricting.

13 And we also believe that there should be
14 some language changes to encourage new and fair
15 maps. We believe that the requirement that the
16 map drawers must start from the core of existing
17 districts really impedes an open and fair
18 redistricting process and should be stricken.

19 Finally, we believe that the language in
20 the constitution should be changed to set a fair
21 and politically neutral voting process for the
22 commission and for the legislature. As a matter
23 of policy, we do not support shifting rules of
24 procedure based upon the results, the political

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2 results of elections. We think particularly, in
3 this divisive time in our country, that that
4 precedent is a dangerous one and should be
5 changed so that, the rules apply equally
6 irrespective of election results.

7 To the extent that there is a concern in
8 a not independent commission, that one party or
9 another would take advantage, we believe
10 requiring that the approval of the final maps
11 must include the vote of at least one of the non-
12 affiliated members of the commission would
13 alleviate those concerns.

14 And I look forward to further
15 discussions of changes and improvements to our
16 redistricting process. Thank you.

17 SENATOR GIANARIS: Thank you Susan. And
18 I want to thank all of the witnesses to being
19 incredibly timely to the five-minute requirement.
20 And next we're going to hear from Juan Rosa from
21 the NALEO Education Fund.

22 MR. JUAN ROSA, NORTHEAST DIRECTOR,
23 NATIONAL ASSOCIATION OF LATINO ELECTED AND
24 APPOINTED OFFICIALS: Good morning and thank you

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2 so much to Chairs Gianaris, Rodriguez, Hoylman,
3 Zebrowski and the committee members from the
4 Senate and the Assembly for providing us the
5 opportunity to testify on this important issue. I
6 am Juan Rosa, the NALEO Education Fund. We are
7 the nation's leading nonpartisan organization
8 which facilitates full Latino participation in
9 America's political process.

10 We have had a physical office here in
11 New York City for the last 25 years, in which we
12 have implemented multifaceted voter assistance
13 and vocational programming.

14 Because redistricting shapes the
15 contours of our [unintelligible] [00:23:25] of
16 democracy, we have been involved in several
17 national and state dialogues for the last two
18 decades about how to ensure that all
19 redistricting provide Latinos with a meaningful
20 opportunity to participates in the process. We
21 also believe that all redistricting must produce
22 maps which provide Latinos with a fair
23 opportunity to elect the candidates of their
24 choice.

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2 Back into 2005, our board of directors
3 articulated principles to guide our assessment of
4 redistricting whether lines are drawn by
5 legislature, a commission or some other entity.
6 In my testimony, I will address the extent to
7 whether New York's current constitutional
8 provisions comply with our principals and the
9 impact of the delay in the delivery of census
10 data on the process and the Latino community.

11 First, our principles require that all
12 redistricting comply with the U.S. Constitution
13 and the federal Voting Rights Act. Generally, the
14 criteria for redistricting set forth in New
15 York's Constitution appear consistent with this
16 goal. We are concerned that the provision
17 prohibiting the drawing of districts that
18 discourage competition could under certain
19 circumstances make it more difficult to draw
20 districts that comply with the DRA.

21 And we will be watching carefully as the
22 state's redistricting process moves forward to
23 see if the provision of competition interferes
24 with the DRA compliant districts.

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2 One of our key principles is the
3 application and selection process for members of
4 a commission must result in a commission that
5 reflects the geographic, racial, ethnic, gender
6 and age diversity of the political jurisdiction.
7 We will note that there is language in the
8 Constitution that requires to the extent
9 practical that New York's redistricting
10 commission achieve this goal. Yet, we're
11 extremely dismayed that New York's redistricting
12 commission -- I'm sorry, I lost my place here.
13 That no one Latino was selected for any of the
14 first eight seats in New York's commission.

15 Given that Latinos comprise nearly 20
16 percent of the state's population, the commission
17 cannot reflect the state's diversity with an
18 absence of Latinos and without a significant
19 increase in Latino representation. Thus we urge
20 the first eight commissioners to select qualified
21 Latinos for the remaining seats.

22 We will also note that the constitution
23 requires legislative leadership selecting the
24 commissioners to the extent practicable, consult

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2 with voting rights advocates and voters from
3 underrepresented communities. To the best of our
4 knowledge, this consultation did not occur with
5 respect to the Latino community. In the future,
6 it is critical that Latinos have a voice early on
7 in the selection process.

8 Our principles finally call for
9 reasonable requirements for the qualifications
10 and conduct of commissioners to ensure they avoid
11 conflict of interest and the appearance of
12 impropriety. While we very much understand the
13 importance of avoiding conflict of interest for
14 any commission, we suggest that the restrictions
15 in New York's Constitution may prevent civically
16 engaged Latinos from being able to serve on the
17 commission for past activities which do not
18 create a meaningful risk of conflict of interest.

19 For example, having served as a
20 professor administrator at either CUNY or SUNY at
21 some point in the last three years would bar
22 anyone from being appointed to one of the last
23 two seats under the current restriction of the
24 state employment. Thus, we suggest that these

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2 restrictions in the constitution be reexamined to
3 determine the extent to which otherwise
4 qualified, civically engaged Latinos have been
5 prevented or deterred by the commission service,
6 for these restrictions.

7 With respect to the potential delay in
8 the delivery of resident data by the census to
9 the state of New York, Congress is considering
10 the legislation which would provide for a 120 day
11 delay in the delivery of census redistricting
12 data to states, which would mean the New York
13 might obtain its data as late as July 15, 2021.

14 Given that the state's commission can
15 complete its maps by as late as January 15, 2022,
16 it is possible for the commission to meet its
17 deadline, even with the delay in delivery of
18 data. However, the commission must take several
19 steps to ensure the public has a meaningful
20 opportunity to participate in the process, given
21 this delay. For example --

22 MODERATOR: Time has expired.

23 MR. ROSA: Oh, thank you.

24 SENATOR GIANARIS: You can finish up,

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2 Juan, if you just have a couple more sentences.

3 MR. ROSA: Yes, I'll finish up this one
4 sentence. Thank you, senator. Actually, no, we
5 will just submit the rest. Thank you, senator.

6 SENATOR GIANARIS: Okay, thank you.
7 Next, we're going to hear from Lurie-Daniel-
8 Favors from Medgar Evers Center for Law and
9 Social Justice.

10 MS. LURIE DANIEL-FAVORS, INTERIM
11 EXECUTIVE DIRECTOR, CENTER FOR LAW AND SOCIAL
12 JUSTICE: Hello, good morning. I apologize as
13 lawn mowers literally just started blowing
14 outside my window. Hopefully you are still able
15 to hear me well. Greetings to all, and thank you
16 for the opportunity to present today. My name is
17 Lurie Daniel-Favors and I am the interim
18 executive director and general counsel at Center
19 for Law and Social Justice, a unit at Medgar
20 Evers College at CUNY.

21 At the outset, I would be remiss if I
22 did not state that if this body is considering a
23 constitutional amendment to make a correction and
24 eliminate the minority party detail plan which is

1 Joint Task Force Reapportionment, 7-15-2020
2 currently contemplated in the redistricting
3 commission provisions of the state constitution,
4 I would be very happy to comment on that and
5 would encourage your investigation of that
6 option.

7 As it now stands, we don't see how a
8 minority party veto aids black voters and voters
9 of color across the state, and to the contrary,
10 this provision is actually disempowering to
11 members of these communities. And if this body is
12 considering such an amendment, it should be
13 publicly announced as soon as possible so that we
14 can provide comment and we would welcome the
15 opportunity to do so.

16 During our 35-year history, CLSJ has
17 consistently worked to defend the voting rights
18 of New Yorkers of African descent and other
19 racial minority New Yorkers. We have led or co-
20 led numerous historic voting rights advocacy
21 initiatives or litigation across the state, the
22 details of which are contained in our written
23 testimony.

24 As it pertains to the upcoming

1 Joint Task Force Reapportionment, 7-15-2020
2 redistricting cycle, we continue to advocate that
3 new districts be drawn such that they comply with
4 the Voting Rights Act one person, one vote rule.
5 While the Supreme Court adopted a stricter
6 standard for congressional districts than those
7 employed for state and local districts, equitable
8 access to the ballot requires the state
9 legislature to seek to achieve population
10 equality among the state legislative districts.

11 Thanks to improvements in computer
12 software, population equality is far more
13 possible today than it was even ten years ago.

14 And this is particularly notable in
15 light of the nationwide calls for racial equity
16 and justice following the killings of members of
17 our community like George Floyd, Brianna Taylor,
18 Ahmaud Arbery and the many others who have lost
19 their lives due to systemic racist violence.

20 It would be untenable to face another
21 decade in New York State with small districts
22 upstate and larger districts downstate,
23 particularly when these disparately drawn
24 districts disenfranchise wholesale black

1 Joint Task Force Reapportionment, 7-15-2020
2 communities and communities of color on a
3 statewide basis.

4 The requirements of the Voting Rights
5 Act must also be adhered to. As noted by my
6 colleagues the SCOTUS Shelby decision gutted the
7 Section 5 provision preclearance provision of the
8 VRA and with that demise, New York State must
9 pass a state Voting Rights Act which contains a
10 preclearance provision into law, particularly due
11 to the fact that several New York jurisdictions
12 were covered by the VRA Section 5. And underlying
13 reasons for that coverage have not been
14 ameliorated and a state Voting Rights Act is
15 necessary. According to Section 2 of the Voting
16 Rights Act, redistricting plans must not unfairly
17 [unintelligible] [00:31:04] minority voting
18 strength and they should not be drawn such that
19 they reduce the number of minority, majority
20 minority districts. Nor, such that the minority
21 population percentage is reduced to such a level
22 that it makes more challenging for minority
23 voters to continue electing candidates of their
24 choice.

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2 In light of these requirements, and the
3 history of the racially polarized voting
4 [unintelligible] [00:31:23] in New York,
5 including New York City, when drawing minority
6 majority districts, we maintain that the minority
7 voting population should be at least 55 percent
8 to ensure that minority voters will be able to
9 elect candidates of their choice.

10 The reformed state redistricting process
11 must be transparent and open, which means that
12 the commission should make public all of its
13 redistricting criteria and procedures. There
14 should be public access to redistricting data
15 within weeks of its receipt from the state by the
16 Census Bureau, and there should be as many public
17 hearings across the state as possible with
18 several densely populated areas of the state.

19 This is particularly significant as the
20 commission must hear directly from the people,
21 especially during this heightened age of mass
22 civic engagement. This is how we ensure that the
23 process is informed of the concerns and values of
24 community leaders, residents and activists. Those

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2 voice must not only be welcomed, but they must be
3 centered throughout the process.

4 To these ends we urge that you make your
5 data publicly available and that you advocate for
6 the redistricting commission to hold as many
7 public hearings as possible.

8 It must also be noted that contrary to
9 the provisions the New York State Constitution,
10 which calls for the members of the commission to
11 reflect the diversity of residents of this state
12 with regards to race, ethnicity, gender, language
13 and geographic residence, there is currently a
14 stunning lack of diversity to the current
15 composition of the commission. Current membership
16 only includes one man and one woman of African
17 descent and does not include a single Asian or
18 Latinx member. Racial, gender and geographic
19 equity must be enforced for all redistricting
20 bodies and their staff.

21 Additionally, as noted, legislators must
22 advocate to maintain the end of prison
23 gerrymandering. While prison gerrymandering was
24 addresses in 2010, it has not yet been resolved

1 Joint Task Force Reapportionment, 7-15-2020
2 for the 2020 cycle and we're demanding that this
3 commitment to abolishing prison gerrymandering
4 for the purpose of redistricting continues. And
5 we ask that our legislators do the same. And to
6 be clear, this is a part of the process that can
7 happen now. The prisons are well aware of the
8 jurisdictions from whence incarcerated persons
9 come and they do not wait until 2021 to receive
10 additional data. And we encourage for you to
11 advocate for them to start now.

12 We also know the commission has not been
13 empowered by a budget and cannot functionally
14 operate. The commissioners are volunteers and
15 need to have administrative backing behind them
16 in order to be effective. Upon current knowledge,
17 it remains an open question as to whether or not
18 the legislature will allow the commission to use
19 the LATFOR agency or if the legislative body will
20 retain control over LATFOR for its own use. We
21 are encouraging you to give it over to the
22 commission so that the redistricting process has
23 the full benefit of the decades of knowledge held
24 by this agency.

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2 Thank you and we look forward to
3 remaining engaged with you and all interested
4 parties to ensure the equitable drawing of maps
5 that reflect the true diversity of New York
6 State.

7 SENATOR GIANARIS: Thank you, Lurie, I
8 appreciate it I also appreciate the dynamic
9 camera work and the mobile nature of your
10 testimony. And you reminded me. I should have
11 apologized in advance. We're all in New York, so
12 if anyone hears helicopter noise, or airplane
13 noise, welcome to Queens.

14 For questions, we're asking the
15 legislators that are interested to raise hand
16 hand and I don't mean actually raise your hand. I
17 mean hit the raise hand button on this Zoom
18 application. And then you'll be called on. We're
19 going to alternate between the Senate and the
20 Assembly. And I will begin with a question.

21 There were a couple of witnesses that
22 had made reference to unconstitutional provisions
23 of the constitution in Article 3 as it relates to
24 things that are over 100 years old that have

1 Joint Task Force Reapportionment, 7-15-2020
2 since been ruled invalid by various rulings of
3 the Supreme Court and otherwise. So, I guess this
4 is a question for Blair Horner. Can you just
5 outline what those provisions are or at least
6 some of them, so we get a sense of what we're
7 referring to?

8 MR. HORNER: Well, in the state
9 constitution, there is language that basically
10 allocates legislators based on geography instead
11 of population. And, the Supreme Court, as Susan
12 mentioned, in the 1960s struck down those
13 provisions for the country, and said you should
14 adhere to a system of one person, one vote.

15 Now, I don't know why that language is
16 still in there. I mean, you would think it would
17 have occurred to people in 2012, that having dead
18 letter language in the state constitution doesn't
19 make any sense and they should take it out. I
20 never got a good explanation as to why it was in
21 there other than they were too busy. So, the
22 fundamental issue really is the issue of basing
23 legislative district on something other than
24 population.

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2 SENATOR GIANARIS: Thank you. Thank you
3 very much, Blair. And I think that Susan Lerner
4 mentioned as well. Do you have anything that you
5 want to add to that?

6 MS. LERNER: Yes. In my written
7 testimony, I specified the provisions that I
8 believe should be stricken, in Article 3, it's
9 Section 4D and specific language in Section 5.
10 And, we also recommend that language in 4C, which
11 references state constitutional standards, should
12 be stricken.

13 I fear that the unconstitutional
14 language was left in and this additional
15 reference made to muddy the waters should there
16 be any litigation on further maps. And so we
17 believe for clarity's sake and just, you know,
18 good drafting, that the unconstitutional
19 provisions should be removed, along with the
20 reference language.

21 SENATOR GIANARIS: Thank you, Susan.

22 ASSEMBLY MEMBER ZEBROWSKI: Senator,
23 thanks. I want to first mention that we're joined
24 by Assembly Member Palmesano and Assembly Member

1 Joint Task Force Reapportionment, 7-15-2020
2 Goodell, and our first assembly member to ask
3 questions will be Assembly Member Buchwald.

4 ASSEMBLY MEMBER DAVID BUCHWALD: Hi,
5 thank you, Chairman Zebrowski and to all the
6 chairs and everyone for putting together today's
7 hearing and to all of the panelists who
8 presented. First, just as a, [unintelligible]
9 [00:37:13] for clarification, I think a statement
10 was made that there are no Asian Americans on the
11 commission and I think that's incorrect. I think
12 one of senate majority leader appointees
13 qualifies.

14 But my question is more broadly, and for
15 any panelist who wants to answer, a lot of the
16 remarks up until now have been about what changes
17 can and should be made to the state constitution
18 following up on the last constitutional
19 amendment. As everyone knows, our state
20 constitution, the process for amending it is a
21 multistage process that takes at least a few
22 years, couple of passages through the state
23 legislature and then a vote of the people of New
24 York.

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2 So, my more immediate question is, with
3 the upcoming redistricting, under the existing
4 constitutional provisions, what proposals do
5 folks have as to how to address the concerns that
6 have been expressed without yet getting to the
7 further constitutional amendments, because we're
8 going to have a section of redistricting that
9 affects us for the next decade, and I'd like to
10 hear the non-constitutional amendment solutions.

11 I do take note of some of the points
12 made about appropriate appointments for the
13 remaining commissioners and so forth, but in
14 terms of the process the commission actually uses
15 within the framework, that is laid out as is now,
16 what are the steps that you think the commission
17 itself, or the legislature should be taking to
18 make sure that it is as productive and fair of a
19 process as possible? And I direct that to whoever
20 wants to take up the question.

21 MR. HORNER: I'll take an initial crack
22 at it. I mean the -- you know, as Susan mentioned
23 earlier, there are a number of issues that you
24 could do constitutionally, but you could pass

1 Joint Task Force Reapportionment, 7-15-2020
2 legislation to I think strengthen the prison
3 gerrymandering issue more clearly. And one of the
4 complaints that I've heard is since it passed in
5 2010, the constitutional amendment was passed in
6 2012, and did not include it that that might be
7 an opportunity for mayhem. And so clarifying that
8 that, in fact, is the law of the land, although I
9 do know if you need a law to do that, but
10 certainly some mechanism to make it clear to the
11 commission they should include it would be one.

12 ASSEMBLY MEMBER BUCHWALD: Mr. Horner,
13 could I just ask, is the existing statute, did it
14 expire or is it still on the books and applies?
15 And --

16 MR. HORNER: It's still on the books.

17 ASSEMBLY MEMBER BUCHWALD: And can you
18 just explain then why you believe the existing
19 statute, which as far as I know was adhered to in
20 the 2010 or 2011 redistricting, why that isn't
21 sufficient?

22 MR. HORNER: Well, no, I think it would
23 be sufficient. I mean I have heard people argue,
24 that it is an issue because the passage of the

1 Joint Task Force Reapportionment, 7-15-2020
2 constitutional amendment occurred after the use
3 of it. But, again there's no -- you're right, the
4 commission should follow the law and that is the
5 law. The deadlines, you might be able to
6 statutorily move them up beyond, although the
7 constitution obviously trumps any statutory
8 deadlines.

9 It's important that the commission act
10 more quickly. I agree with Susan, that the
11 deadlines that would have to be moved up. I think
12 you could also argue to change the, through
13 statute, to change the population variance. Right
14 now under the Supreme Court decisions, the map
15 makers have up to ten percent range in terms of
16 population size, and as mentioned by one of the
17 other testifiers that the senate districts in
18 particular, the senate district have large
19 populations, vis-à-vis upstate senate and the
20 opposite is true in the Assembly, so those are
21 issues that you can deal with I think
22 constitution -- I'm sorry, statutorily.

23 But, I think it's really going to come
24 down to the commission and the resources it has

1 Joint Task Force Reapportionment, 7-15-2020
2 to getting the job done. And the commission is
3 not fully appointed yet. It does not reflect the
4 diversity of the State. And they're going to have
5 a hell of a time to try to meet the various
6 deadlines that are in the state constitution,
7 even if you were able to move them up.

8 And so I think that's really where the
9 action is in terms of statutory changes or
10 budgetary changes for the commission.

11 MS. LERNER: And I would like to add
12 that I think some of the things that we are
13 proposing including, as Lurie Daniels-Favors
14 mentioned, the minority veto provisions, even
15 though they need to be changed constitutionally,
16 they could through an immediate process be
17 changed before the final votes on the maps are
18 necessary. So, even with a constitutional change,
19 I believe that there's significant ways in which
20 that constitutional provision can be timely
21 changed.

22 ASSEMBLY MEMBER BUCHWALD: Thank you,
23 everyone. I see my time is up.

24 SENATOR GIANARIS: Thank you,

1 Joint Task Force Reapportionment, 7-15-2020
2 assemblyman. We have also been joined by Senators
3 Shelley Mayer, Gustavo Rivera, Jim Gaughran and
4 senator Zellnor Myrie. And I would go to Senator
5 Myrie for a question.

6 SENATOR ZELLNOR MYRIE: Sorry, I was
7 just waiting to be unmuted. Firstly, good morning
8 to everyone and thank you to all of the
9 panelists. I wanted to direct this question
10 primarily to Lurie and L. Joy, but obviously
11 welcome responses from the rest of the panel. My
12 concern is mostly around the communities of color
13 that will be impacted by a census undercount, and
14 no protection from Section 5, or it used to be
15 known as Section 5 in the federal VRA. And I'm
16 wondering if you can speak to what the
17 implications might be if we do not have that
18 protection and there is an undercount in our
19 communities, what that means for redistricting,
20 what that means for the political power of
21 communities of color all across the state.

22 MS. WILLIAMS: Well, you know, I'm going
23 to start off by first in our written testimony
24 talking first and foremost, as you mentioned,

1 Joint Task Force Reapportionment, 7-15-2020
2 about the census. And while obviously, the census
3 has been significantly impacted by the pandemic
4 that we are experiencing and that we all
5 experienced here in the state of New York, I
6 think that it is unacceptable that organizations
7 like ours, who are all volunteers, organizations
8 were able to quickly determine how we can
9 continue to do our census outreach and operation
10 in the midst of a pandemic to ensure our
11 communities were counted. However, the state
12 process has been stunted.

13 And so, I find it very disappointing
14 that a state with its resources, with the plan
15 and execution that we are still, the State is
16 still on hold in terms of how it's properly and
17 I'm talking this is separate from whatever
18 advertisement that may exist. Advertisement is
19 different from outreach. It is a method of
20 outreach, but it is not the sole determinant of
21 how we ensure that people are counted within our
22 communities.

23 And so the first piece that I would say
24 about the census is obviously before we even get

1 Joint Task Force Reapportionment, 7-15-2020
2 to a redistricting process, we also have to make
3 sure that people in New York State are properly
4 counted. We saw and have experienced for the last
5 decade what an undercount means in terms of
6 resources for our community and our federal
7 government. We already send more money than we
8 actually give back. Why give the federal
9 government additional ammunition to keep our
10 money? So, that's one.

11 And so, I urge the legislators to call
12 the state and operation to task on what is
13 happening and what is the quick method, because
14 if volunteers are able to quickly come together
15 via Zoom and figure out how we can execute a
16 census operation to ensure our communities are
17 counted, by all means the state should do so.

18 And to your point, your later point in
19 terms of what this means, this also means that if
20 we do not have an accurate count, when we get to
21 redistricting, that creates this fight and this
22 tension for resources and for seats that
23 additionally as the political connotation in it
24 where we're then putting groups against each

1 Joint Task Force Reapportionment, 7-15-2020

2 other in terms of political representation.

3 And so, it has disastrous effect for
4 people of color. You can go throughout the
5 history in the State of New York on how many
6 times the NAACP had to sue and black people in
7 general have had to sue in the State to ensure
8 that we have proper equal political
9 representation in this state.

10 We did that on local levels across the
11 State, in terms of the expansion of New York City
12 Council, expansion in other councils and school
13 boards across this state. And so if we did not
14 start from that premise, and then also make sure
15 that we have proper representation and equity
16 throughout the process, we are setting our state
17 up again to not only receive our fair share from
18 resources, but further create political fighting
19 within the State, and then, again, have a whole
20 other decade where we are scrapping for
21 resources. And who that hurts is always people of
22 color that end up being at the bottom.

23 MS. DANIEL-FAVORS: I would also add
24 that, with the absence of a Section 5

1 Joint Task Force Reapportionment, 7-15-2020
2 preclearance provision, the redistricting, the
3 portions of our state that were covered by
4 Section 5 would have had to submit their
5 redistricting plans for evaluation and approval
6 prior to implementation.

7 The fact that we do not have a Section 5
8 now means that those same jurisdictions, and
9 quite frankly others that were not covered but
10 all honesty should have been, are not going to be
11 held to the same standards of equity as it
12 pertains to redistricting outcomes. And so, echo,
13 in addition to what Joy said, there's just a
14 practical matter of needing to have that
15 additional referee on the field, who's going to
16 make sure that the plans that are created are
17 going to center the same principles that govern
18 the application of Section 5.

19 And it's to be noted that the Section 5
20 covered those portions of our state because the
21 need was ongoing. It had not been ameliorated.
22 The issues that brought these portions of our
23 state under the coverage of section 5 are still
24 in a position where they require that level of

1 Joint Task Force Reapportionment, 7-15-2020
2 coverage and supervision. And so, I think having
3 a statewide version is going to be fundamentally
4 important, not only for redistricting but
5 ensuring access to voting rights going forward.

6 And I would finally add it would be
7 extraordinarily helpful if the \$70 million that
8 had been pledged to the state organizations and
9 municipalities, for census outreach to go beyond
10 the media activism that Joy mentioned were
11 actually released. There was an entire process
12 the governor announced in January. I actually
13 spoke at the announcing conference and we were
14 very excited about that and there has been radio
15 silence on those funds ever since. So we need
16 those funds to be distributed now, like two
17 months ago, and that in and of itself would be
18 significant as it pertains to helping to ensure
19 that the first portion of this issue, the
20 accurate count work was not going to be
21 undermined.

22 SENATOR GIANARIS: Thank you both.

23 ASSEMBLY MEMBER ZEBROWSKI: Senator,
24 thanks. And I'll take the next question and for

1 Joint Task Force Reapportionment, 7-15-2020
2 Panelist Favors, you mentioned briefly and said
3 you would expand upon it, that you felt that the
4 minority veto would or could disenfranchise
5 minority communities. Just so we have a complete
6 record, could you expand on that? You said you'd
7 be happy to expand on it, but I only heard that
8 one sentence.

9 MS. DANIEL-FAVORS: Yes, are you able to
10 hear me?

11 ASSEMBLY MEMBER ZEBROWSKI: Yes.

12 MS. DANIEL-FAVORS: Okay. So yes, so the
13 minority veto as noted by myself and others, is
14 something that because voters of color across the
15 state are not equitably enrolled in various
16 parties, the minority veto is something that
17 could really work to harm communities of African
18 descent, communities of color across the state
19 because, it is essentially a provision that is
20 not going to recognize the needs and the sanctity
21 of those communities to have their preferences
22 and to have their engagement with this process
23 recognized and respected.

24 And, because the minority provision

1 Joint Task Force Reapportionment, 7-15-2020
2 essentially, now that we have two members or both
3 houses, I'm sorry, both the Assembly and the
4 Senate are both led by members of the same party,
5 it essentially cedes the approval of the
6 redistricting plans to the party that is not in
7 power. And, so, that is a provision that will
8 work to harm communities of color, particularly,
9 communities of African descent simply because it
10 does not allow for the equitable consideration of
11 the concerns that go into determining where
12 boundary lines should be drawn because, voters of
13 color are not equitably enrolled across those two
14 parties.

15 ASSEMBLY MEMBER ZEBROWSKI: Thank you.

16 SENATOR GIANARIS: Okay, next on the
17 list, I have Senator Brad Hoylman.

18 SENATOR HOYLMAN: Thank you, Senator
19 Gianaris and thank you for bringing us together
20 here along with my Assembly colleagues and it's
21 appropriate that we've heard already from Senator
22 Myrie, the elections chair, who represents a
23 district that looks like a steam shovel. I think
24 people know about those lines in his district.

1 Joint Task Force Reapportionment, 7-15-2020

2 I just wanted to follow up on the census
3 question. Because it's of great concern that not
4 only are communities not possibly being counted,
5 of course, the black and brown communities which
6 is of great concern, but, also, the census itself
7 may be delayed due to COVID-19 and I was
8 wondering if any of the panelists had thoughts on
9 how the delay of even an inaccurate count of the
10 census will have an impact on redistricting
11 moving forward.

12 And, my district, some of my
13 neighborhoods, you know, have responded to the
14 rate of like, less than 40 percent in some
15 neighborhoods due to COVID-19. Any thoughts from
16 any of the panelists on that point?

17 MS. WILLIAMS: I think this is where an
18 issue I believe that Susan and others mentioned
19 this where the state needs to be nimble and make
20 sure that we have dates that sync up, this is
21 things that we can do now to the process. I know
22 that the federal government has put out an
23 adjusted timeline as it pertains, right now, so,
24 us taking action on the adjusted timeline as it's

1 Joint Task Force Reapportionment, 7-15-2020

2 been put out right now and then what are some of
3 the things that we can do leading up to and in
4 preparation for the redistricting process.

5 So, I think the timeline certainly has a
6 direct effect and particularly as we talk about
7 municipal elections that happen all across the
8 state and as people are running for lines next
9 year that will have to change, you know, further,
10 so. Those are -- the calendar is something that
11 we have to pay close attention to and be nimble
12 enough that the session should not end, that the
13 year should not end without the legislature
14 addressing these issues as it pertains to the
15 schedule right now.

16 MR. HORNER: And, senator, just to add
17 one thing on that. I mean when you think about
18 it, by the way, it's the huge unknown. I mean who
19 know what the pandemic brings us, right. So as of
20 now, you could have the commission dealing with
21 the month of August when generally, people take
22 vacation, and the first half of September, to get
23 their act -- to get maps ready and materials out
24 and everything, to hold public hearings across

1 Joint Task Force Reapportionment, 7-15-2020

2 percent the state and that really is hard.

3 Now they could be doing a lot of work to
4 prepare for that in advance. And, that's why
5 getting the commission up to speed quickly
6 matters. But the census timetable, assuming it's
7 the same next summer, gives it essentially
8 including work weekends, somewhere in the
9 neighborhood of 45 days to get the work done and
10 that's going to be really hard.

11 The timetable that's contemplated in the
12 constitution was based on a non-pandemic, which
13 of course why would they expect otherwise, and
14 primaries being in September. And, those are real
15 problems in terms of the commission getting your
16 work done.

17 MS. LERNER: You know, there is no
18 question that the commission is going to be
19 squeezed in terms of the timeframe, but I would
20 agree with Blair that advanced preparation is
21 absolutely essential. You know, there will be
22 some surprising demographic shifts, but,
23 demographic trends are pretty obvious through the
24 ACS during the entire preceding decade. And there

1 Joint Task Force Reapportionment, 7-15-2020

2 are ways in which proper staffing and preparation
3 can ensure that the commission is ready to draw
4 down the demographic data, do the necessary
5 evaluation, and have clear guidance in advance
6 from the commission in terms of the standards
7 which are to be applied in the map drawing.

8 As Lurie pointed out, we have advanced
9 technology. We had it in the last cycle. It is
10 usually the process of negotiating the politics
11 of the district lines that take more time than
12 the actual application of the technology to the
13 data.

14 ASSEMBLY MEMBER ZEBROWSKI: Okay, and, I
15 want to first mention that, Assembly Member
16 Hyndman has joined us and our next assembly
17 member, that's looking to ask questions is
18 Assembly Member Goodell.

19 ASSEMBLY MEMBER ANDREW GOODELL: I'm not
20 sure if you can hear me or not.

21 ASSEMBLY MEMBER ZEBROWSKI: Yes, yes, we
22 can.

23 ASSEMBLY MEMBER GOODELL: Okay. Thank
24 you. I had a question for Ms. Daniel-Favors. You

1 Joint Task Force Reapportionment, 7-15-2020
2 mentioned that the minority voters should be
3 represented at 55 percent if possible. Now, as
4 you know, there are two ways to eliminate
5 representation by members to the minority. One is
6 by dilution, reducing them by gerrymandering so
7 that they don't have a controlling influence. The
8 other approach though is the opposite, by
9 consolidating them all into one district so that
10 the remaining districts that are around there,
11 are clearly not under any influence of being
12 taken over, if you will, or having a minority
13 representative. How do you balance those two
14 conflicting approaches, and, what are your
15 recommendations on how we approach that? I would
16 point out by the way, in a competitive district,
17 it's not your basic results in winning or losing
18 an election, it's your swing voters, how do you
19 balance those?

20 MS. DANIEL-FAVORS: Well, I think as
21 just noted by Susan, the capacity to have access
22 to technology really does help us to draw
23 districts that are neither packed nor cracked. I
24 think that there is a world that exists between

1 Joint Task Force Reapportionment, 7-15-2020

2 those two goals that when applying principles of
3 equity and when applying principles of justice in
4 line with the principles that have been outlined
5 for us by the courts, we are definitely able to
6 draw districts that are reflective of the
7 diversity of the state, and that empower minority
8 communities to be able to have an equitable shot
9 at electing candidates of their choice.

10 And I think this is not something new,
11 this is something that we have seen done before.
12 And so long as we're adhering to those same
13 principles, and we're centering the needs of the
14 community and employing the access that we have
15 now to technology, which in 2010 was allowing for
16 equitable drawing of districts, and has only
17 improved since that time, I do not think that we
18 are stuck between the two. I think it's a false
19 choice to look only at packing or cracking a
20 district.

21 And there are certainly tools available
22 to us now, particularly in light of having the
23 access of time that we do right now with
24 forewarning and proper preparation, that we apply

1 Joint Task Force Reapportionment, 7-15-2020
2 the judicial principles that should be guiding
3 these decisions, along with the technology to
4 ensure that these districts are equitably drawn
5 in ways that empower minority communities to have
6 access to the ballot and to have access to
7 putting candidates into office reflective of
8 their two choices.

9 ASSEMBLY MEMBER GOODELL: Would it be
10 your recommendation then you look at all of
11 demographic factors that you've mentioned,
12 including communities, neighborhoods, school
13 districts, things of that nature, trying to group
14 people of similar interests and concerns
15 together, rather than perhaps using an artificial
16 threshold like 55 percent that would be packing
17 or, a lower threshold?

18 MS. DANIEL-FAVORS: Well, I think if
19 your 55 percent is informed by the principles of
20 communities of interest, both existing and
21 emerging communities of interest, then I think
22 that you can strike gold. District plans should
23 not divide populations and communities that have
24 those common needs and interests as you noted.

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2 And they can be drawn in ways that not just only
3 consider census data, but they could also be
4 informed by demographic studies, by surveys and
5 sociological economic data to determine the
6 shared social and economic characteristics of
7 each community.

8 As we testified in 2010, some of those
9 social and economic characteristics that should
10 be considered include, but are certainly not
11 limited to, income level diversity, educational
12 backgrounds, housing patterns and living
13 conditions, language and cultural
14 characteristics, employment and economic
15 patterns, health and environmental conditions.

16 All of these elements and pieces of data
17 should be used to inform how these districts are
18 shaped and they should be used to inform that 55
19 percent threshold that we are suggesting.

20 ASSEMBLY MEMBER GOODELL: I would agree
21 with all of the comments that you made with the
22 exception of an artificial percentage. And, I
23 agree that our mission should be to avoid either
24 cramming or cracking. And so, I would hope that

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2 as we move forward, we don't set artificial
3 criteria, but look at all of the diverse factors
4 that you mentioned, which I think are incredibly
5 important.

6 I have one other question for any of the
7 panelists. There's a lot of talk about the
8 minority veto that's contained in the
9 constitution. As you know, we for the first time
10 in many years, at least a decade, have split
11 houses with the Senate and the Assembly. We saw
12 what happened when the Senate was under
13 Republican control. We had small districts in New
14 York, I'm sorry, small districts upstate, large
15 districts downstate. The flip occurred in the
16 Assembly. My district was the largest in terms of
17 population. And the assembly districts in New
18 York City were as small as they could be so they
19 could squeeze out a couple of extra members.

20 If we eliminate the requirement that
21 both parties agree that the redistricting is
22 fundamentally fair, what would you suggest we do
23 to protect the minority parties from being
24 gerrymandered out of existence?

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2 MS. LERNER: So, in my written
3 testimony, I suggest that the way in which to
4 alleviate those sorts of concerns for
5 gerrymandering by either party in their own self
6 interest, would be to ensure that the final maps
7 must contain, the majority which would approve
8 final maps, must include at least one
9 unaffiliated member of the commission who, one
10 would assume, does not have a particular
11 political favorite. And therefore, would be
12 representative of a class of voters who remain
13 pretty much unrepresented in our process, which
14 is the large number of unaffiliated voters. And
15 so, I think that that would ensure a fairer and
16 more open process in the final maps.

17 ASSEMBLY MEMBER GOODELL: Thank you, my
18 team time is up, but I would note a lot of
19 unaffiliated voters are anything but
20 unaffiliated. Their only unaffiliation is their
21 registration and, if we wanted to follow that
22 process, we might want to consider having the
23 commission representatives reflect the percentage
24 of registered but unaffiliated voters. Thank you

1 Joint Task Force Reapportionment, 7-15-2020
2 very much for your comments.

3 SENATOR GIANARIS: Thank you,
4 assemblyman. And next we have Senator Gustavo
5 Rivera.

6 SENATOR GUSTAVO RIVERA: Thank you.
7 Thank you, senator. And thanks, everyone who is
8 here today. My question is for Ms. Williams, a
9 pleasure to see you, ma'am. You mentioned
10 previously that the state needs to engage in
11 additional outreach and participation for
12 redistricting process. So I wanted to have you
13 expand on that, beyond the hearing, what exactly
14 do you mean?

15 MS. WILLIAMS: Yeah, I think this is an
16 important point because I believe that people
17 believe that the extension of outreach is just on
18 the hearings, that you come and testify, and,
19 that's outreach. We talk to the community. And,
20 rather than having a process in which people are
21 active participants in the process of drawing
22 lines, and I'll do this by giving an example.

23 In a previous timeframe, I served on a
24 local community board for nearly a decade,

1 Joint Task Force Reapportionment, 7-15-2020
2 serving as a vice chair of our land use committee
3 at that time, where we actually rezoned Bedford
4 Stuyvesant. And in doing that process, there is
5 the official process that happens, right, where
6 the council actually puts it out and do the
7 guidance and things of that nature.

8 But we did additional steps in the
9 summer, before the process started. And those
10 additional steps were walking through the
11 neighborhood, talking to people and sort of
12 creating -- and looking at what is existing, how
13 people were using the space in different ways, in
14 order to create the zoning that we now have.

15 The state can do a similar process and
16 the commission and elected leaders should do a
17 similar process as it pertains to redistricting.
18 Certainly, I'm not suggesting y'all walk the
19 state of New York, although that would be a great
20 reality show.

21 ASSEMBLY MEMBER RIVERA: I commit to
22 walking in my district, certainly, that's like
23 you can walk around in my district.

24 MS. WILLIAMS: Right. But that we

1 Joint Task Force Reapportionment, 7-15-2020
2 actively invite people as Lurie mentioned, sort
3 of in this heightened period that we are of civic
4 engagement and actively invite people that as we
5 are preparing to draw maps and draw district
6 lines, that you begin to give the commission,
7 give that additional information on the
8 communities that exist within the districts in
9 order to keep them together as we are using the
10 mapping technology.

11 So yes, technology is great, and
12 everyone who knows me knows that, you know, that
13 is something that I invest in and use. But,
14 mapping software cannot tell you the break of a
15 community that may be like, you know, different
16 people living together or certain housing
17 buildings and things of that nature, right. And
18 so, I think that the commission, the elected
19 leaders have to invite the public beyond public
20 hearings, to actually participate in the process.
21 I know that last time, we had draw your own maps,
22 and that kind of software online, but actively
23 invite people to participate in the process of
24 drawing lines of their community for their

1 Joint Task Force Reapportionment, 7-15-2020
2 political power because people vote based upon
3 their community. They vote based upon the
4 resources and the things that they need within
5 their community.

6 So making a redistricting process absent
7 that community, absent that outreach, is taking
8 out that life, that engagement that happens on a
9 daily basis and also happens as it pertains to
10 our politics.

11 ASSEMBLY MEMBER RIVERA: Would you agree
12 then that also, that there needs to be a
13 commitment from the commission that such
14 participation is actually going to be taken into
15 account in a real way, so it's not just
16 ornamental?

17 MS. WILLIAMS: I would say, that is
18 similar to my call in my testimony as well about
19 making sure that the entire process has focused
20 principles of equity and diversity. So I don't
21 want to also, you know, hear commission members
22 or elected say yes, we're committed to diversity,
23 like I want to see a report specifically on how
24 the staff, the vendors, and everybody that is

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2 involved in this process, you know, demonstrates
3 that commitment.

4 So, a line that I'm similar to say
5 saying, I don't want to just see the mural in the
6 press conference, I want to see the actual work
7 that you did to demonstrate your commitment to
8 those principles.

9 ASSEMBLY MEMBER RIVERA: Okay. Thank
10 you. That's my time. Thank you, senator.

11 ASSEMBLY MEMBER ZEBROWSKI: Assembly
12 Member Epstein.

13 ASSEMBLY MEMBER HARVEY EPSTEIN: I want
14 to thank the panelists. I want to thank the
15 chairs for holdings this important hearing. I
16 mean this is a really important topic and I think
17 so few people actually know anything about
18 redistricting. And I guess really, this goes to
19 the crux of what we're trying to do is how do we
20 engage people in a really meaningful conversation
21 and where do we find people where they're at. And
22 I'm wondering if we should be using existing
23 systems and structures in place, like our CUNY
24 and SUNY systems, our schools, you know, our

1 Joint Task Force Reapportionment, 7-15-2020
2 places of higher education, our places of worship
3 instead of just having this traditional like come
4 to a public hearing and talk about redistricting.
5 And really how do people dig in deeper so we can
6 have meaningful change and meaningful input. And
7 I'm not sure it's geared to any specific panelist
8 but I'd love to hear people's feedback.

9 MS. LERNER So, in the New York City
10 redistricting, Common Cause developed a series of
11 workshops along with partners to engage
12 communities in a mapping exercise and thinking
13 tangibly about what districts should look like.
14 My favorite one was one we conducted in Sunset
15 Park, where we have to have translators for both
16 Spanish and Chinese.

17 I would certainly recommend to all of
18 the elected officials who are here today that you
19 could be leading similar discussions in your own
20 districts. It was shocking to me for the New York
21 City redistricting, that virtually none of the
22 city council members engaged their constituents
23 in that sort of a dialogue. And I would hope
24 that, you know, the legislators would want to

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2 interact with their constituents, provide some
3 services in helping them tangibly engage with the
4 way in which people live, work and gather in
5 their particular areas, which is a mapping
6 process.

7 We are more than happy to share our
8 experience with any legislators in leading those
9 sorts of discussions, and that could then be
10 handed to the commission. The commission itself
11 should be encouraged to develop community mapping
12 resources, not just technology, but guidelines
13 for how to facilitate that sort of discussion.

14 MS. DANIEL-FLAVORS: But also I'd like
15 to add to that, thank you so much for that,
16 Susan. At the Center for Law and Social Justice,
17 we, in collaboration with the members of the New
18 York Voting Rights Consortium, Asian-American
19 Legal Defense Fund and Latino Justice, engaged in
20 a unity maps project over the past two cycles,
21 where we came together for exactly that purpose.
22 Not only to involve the community but to ensure
23 that the community was clear about what the
24 redistricting process is, add a voice in helping

1 Joint Task Force Reapportionment, 7-15-2020
2 to determine, as Joy mentioned, where do our
3 communities start and end, and it was one that
4 was able to uphold principles of equity as it
5 pertains to representation and fairness.

6 And so I think this is a process that
7 certainly is one that various organizations have
8 been involved in. And it's something that I think
9 elected officials certainly could be doing more
10 as it pertains to engaging your community
11 members.

12 But organizations that are represented
13 here and others that will be testifying later are
14 already in the process of having those
15 conversations. Support for that work would be
16 wonderful. And being clear about value that
17 communities bring to this process in the ways
18 that allow them to determine what their
19 communities look like I think is very, very
20 important. And so that unity maps project is a
21 project that is ongoing. And it's something that
22 we will be doing again in this round, and they
23 were literally able to create a set of New York
24 State maps that respected and built upon the

1 Joint Task Force Reapportionment, 7-15-2020
2 strength of the historically recognized racially
3 protected groups under the Voting Rights Act. And
4 we were able to increase the number of districts
5 from [unintelligible] [01:12:21] Asian
6 congressional district and kept communities of
7 interest intact and avoided that typical cracking
8 and packing of voters that I had mentioned
9 earlier.

10 MR. HORNER: If I could just add one
11 thing, on the colleges you referenced, I mean we
12 have affiliates at a bunch of SUNY, CUNY and some
13 private schools. And we found getting people
14 engaged is hard because it's a pretty esoteric
15 topic. And just by reading the state
16 constitution, the rules are I guess could be best
17 described as complicated.

18 But we, the last two cycles, we ran the
19 name that district contest, which was a big hit
20 on college campuses, one that became reasonably
21 well known was Abraham Lincoln riding a vacuum
22 cleaner in the cycle of 2002. And it was also a
23 way though to sort of get people engaged and to
24 talk about what happens.

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2 There was a district in, I think it was
3 in 2002, where the map was drawn to cut out
4 Hakeem Jefferies out of an assembly seat that he
5 was seeking to run for. And I think we all know
6 who he is now. So there's certainly ways to do
7 it, but the maps are the tool, and getting it
8 from the esoteric to real life has been certainly
9 for us the challenge. We're planning another
10 contest next year.

11 ASSEMBLY MEMBER EPSTEIN: Thank you. I
12 think my time is up.

13 SENATOR GIANARIS: Okay. Thank you,
14 assembly member. Next senator, Tom O'Mara.

15 ASSEMBLY MEMBER THOMAS F. O'MARA: Okay.
16 I think that's set now. Is that right? Can you
17 hear me?

18 SENATOR GIANARIS: Yep.

19 ASSEMBLY MEMBER O'MARA: Okay. Thank
20 you. And thank you to the panelists that are here
21 today on this important topic, and I look forward
22 to the next two rounds of panelists as well. I
23 would note for the record that we did not receive
24 a witness list for these witnesses until a

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2 quarter to 10:00 this morning, when this hearing
3 started at 10:00. The witnesses have each
4 referenced their written statements submitted.
5 The minorities have not received those written
6 statements. So I hope we do at some point and
7 we'll be able to follow up with questioning of
8 these witnesses if we deem it necessary.

9 Further, each of the panelists and each
10 of the members that have spoken so far have
11 discussed their concerns over the timeline here,
12 the compressed timeline because of the census
13 being delayed.

14 However, while money has been
15 appropriated in this year's budget for the
16 funding of the Independent Redistricting
17 Commission, the majorities of the legislature
18 have not released that money to the commission,
19 therefore, they cannot hire executive directors,
20 they have no resources to have an initial meeting
21 and they have no resources to hire staff.

22 I just find that unconscionable in this
23 compressed time frame that we're talking about,
24 that these resources have not been released. The

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2 commission needs to get together because they
3 need to pick two independent commissioners from
4 amongst themselves. That needs to be done and
5 there needs to be hiring of executive directors
6 and staff. I would like the panelists here to
7 please comment on your thoughts on why this
8 funding has not been released, and do you think
9 it's important that that money be released as
10 soon as possible so that the commission's work
11 can commence. Thank you.

12 MS. DANIEL-FAVORS: I guess I would just
13 offer I do not know why the funds have not been
14 released. It is untenable. And quite astounding
15 that we are at this point of this process
16 embarking on something this significant and the
17 body charged with shepherding us through the
18 process has not been properly funded. And I will
19 leave it there.

20 MS. WILLIAMS: I will add that, you
21 know, I understand, and given the pandemic that
22 everyone is experiencing, that there are shifts
23 and delays in all of our operations, and so I
24 understand that. But here's where I think we can

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2 move forward on this is I think the hearing today
3 and in inviting us to participate and to express
4 the concerns and also the principles that the
5 commission, that the legislature and others will
6 need to have in place in order to move forward is
7 important.

8 But again, I know for a fact that
9 government can move quick when it decides it
10 wants to. And so in this instance, I think this
11 is one issue, recognizing the timeline,
12 recognizing the impact the pandemic has had on
13 all of us, on all our normal operations and on
14 our community operations, that we can quickly
15 come together and that government and our
16 leadership can quickly come together to execute a
17 plan that we can begin to hire and execute an
18 operation that will ensure that the state of New
19 York has a fair, equitable census and
20 redistricting process.

21 And so while, yes, I stand in agreement
22 with Lurie and others that we are behind, I also
23 know that with everybody committed to move
24 forward, we can do so.

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2 MR. HORNER: I'll just add, I guess from
3 our perspective, yeah, the commission should get
4 moving, the money should flow. Hopefully the
5 hearing will act as a stimulant for that to
6 happen. But as, senator, I don't know if you were
7 here for my opening comments, but we were not big
8 fans of the commission in the first place. I have
9 to admit I am somewhat skeptical, but certainly
10 there's no reason for them not to get moving and
11 the money to flow and to hire the staff and then
12 we'll get to see what happens with them. There's
13 a lot of work that needs to be done.

14 We talked about getting the public
15 involved. And there's no reason why the
16 commission can't do some of that, even before
17 they get the census dated to start collecting the
18 kind of feedback that the Senate and Assembly is
19 seeking today.

20 ASSEMBLY MEMBER O'MARA: Thank you. I
21 would further note that none of the commission
22 members are testifying today. My understanding is
23 that they have not been requested to testify. My
24 understanding is that Speaker Heastie's

1 Joint Task Force Reapportionment, 7-15-2020
2 appointment, Elaine Frazier, has specifically
3 requested to testify today and has been denied. I
4 am somewhat skeptical of this hearing as a whole.

5 I am concerned with the lack of moving
6 forward with the funding for this commission, the
7 fact that the commission is not involved today,
8 and I'm skeptical that the majority of the
9 legislature want the commission to fail, so
10 therefore the legislative majorities can then
11 draw the lines themselves. Thank you, Chairman.
12 Nothing further.

13 SENATOR GIANARIS: thank you, Senator
14 O'Maraa. I will note that the testimony gets
15 uploaded to the senate website as we receive it,
16 so if you're interested in reviewing any of that,
17 it's available instantaneously and I myself, as
18 the co-chair of this hearing, only got the
19 witnesses list last night. So sometimes it's not
20 a conspiracy, it's just logistics working
21 themselves through.

22 I believe that's the last legislator
23 with questions so let me thank our first panel
24 for their time and their input and I will hand it

1 Joint Task Force Reapportionment, 7-15-2020
2 over to Assembly Member Zebrowski for the second
3 panel.

4 ASSEMBLY MEMBER ZEBROWSKI: Thank you,
5 senator. Our second panel, I'll announce the
6 names and give our folks running the hearing
7 logistically the ability to get everybody up and
8 running. We'll have Jennifer Wilson from the
9 League of Women Voters, Arva Rice from the Urban
10 League, Amy Torres from the Chinese-American
11 Planning Council, Michael Li from the Brennan
12 Center and Jose Perez from Latino Justice. So
13 when everybody is up and ready, we will start
14 with Jennifer Wilson from the League of Women
15 Voters.

16 MS. JENNIFER WILSON, DEPUTY DIRECTOR,
17 LEAGUE OF WOMEN VOTERS: Hi, can you guys all see
18 and hear me? Okay. Fantastic.

19 ASSEMBLY MEMBER ZEBROWSKI: We can.

20 MS. WILSON: Great. Well, thank you
21 Senators Gianaris and Hoylman and Assembly
22 Members Rodriguez and Zebrowski for the
23 opportunity to testify today. I think it's great
24 that we're starting this process so early. My

1 Joint Task Force Reapportionment, 7-15-2020
2 name is Jennifer Wilson. I'm the deputy director
3 of the League of Women Voters of New York State.
4 And you may remember the League was actually one
5 of the strong advocates in favor of 2014
6 constitutional amendment that created the new
7 redistricting commission.

8 And we believe that the amendment was a
9 significant improvement to the redistricting
10 status quo that had the potential to
11 fundamentally change elections in New York State.
12 And we were not the only ones who believed this
13 to be true. New York State voters were the ones
14 who ultimately voted to approve the
15 constitutional amendment.

16 Although we realize that some of our
17 good government partners may be seeking to amend
18 this process, our overwhelming interest here is
19 that the process the people supported, be given
20 the chance to work in the most transparent and
21 inclusive manner possible. And we're primarily
22 concerned with ensuring appropriate
23 representation on the commission, keeping
24 meetings open to the public, and allowing for

1 Joint Task Force Reapportionment, 7-15-2020

2 ample community input, and providing assistance
3 to the commission in a manner that allows them to
4 remain independent, but also empowers them to
5 fulfill their mission.

6 And in addition to those procedural
7 concerns, we do recognize that there is an issue
8 with the timing with respect to the release of
9 the proposed maps and the June primary
10 petitioning process. We don't believe that that
11 needs to be a constitutional fix. We believe that
12 can be done statutorily through the legislature
13 to shorten the timeline for submitting the maps
14 to the legislature. It doesn't have to be done
15 through the constitution, especially considering
16 if we did do it through the constitution, that
17 wouldn't be in effect until January 1st of 2022
18 and at that point it's almost too late to have
19 that make any sort of impact.

20 But outside of that, one of our chief
21 concerns is still representation and in June of
22 this year, we had actually sent a letter to all
23 legislators and commission members that are
24 currently seated commission members urging them

1 Joint Task Force Reapportionment, 7-15-2020
2 to consider the need for greater gender and
3 racial diversity on the commission.

4 Currently there is only one woman and no
5 Latinx members that have been appointed to the
6 ten-member commission. And, of course, we know
7 that women make up more than 50 percent of New
8 York's population and NALEAO has cited that more
9 than 20 percent of New Yorkers identify as
10 Latinx. We supported NALEAO Education Fund and
11 also Latino Justice in their call for Latinx
12 representation and believe that in order for the
13 commission to truly be representative of all New
14 Yorkers, these final two commissioners must
15 embody New York State's population.

16 We are also very concerned over the
17 undefined operational and procedural standards of
18 the commission. We would urge the legislature to
19 ensure that the commission adhere to open
20 meetings laws and that the commission receive
21 appropriate operational support that allows them
22 to remain independent while they work to fulfill
23 their mission.

24 In 2020-2021 budget, you allocated

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2 \$750,000 for the commission through the
3 Department of State, which Senator O'Mara
4 mentioned previously, and we were very happy to
5 see this budget allocation, but we were very
6 confused as to why it was being made through the
7 Department of State, considering that the
8 commission is really supposed to work alongside
9 the legislature and there really isn't supposed
10 to be any sort of oversight or input from the
11 governor.

12 We assumed that the allocation would
13 have been paid out through the legislature
14 because of this. And the commission is
15 responsible for doing pretty everything itself,
16 as Senator O'Mara mentioned, hiring its own
17 staff, setting its own meetings, facilitating its
18 own meeting space. And it could really benefit
19 from assistance from an already operation a
20 agency or the legislature.

21 In California, their Independent
22 Citizens Redistricting Commission receives early
23 assistance from the Secretary of State there. The
24 California Secretary of State provides temporary

1 Joint Task Force Reapportionment, 7-15-2020
2 staff and meeting space until the commission is
3 fully up and running, and we think here in New
4 York that could work really well, too. So either
5 you or the Department of State could offer some
6 sort of meeting space, some sort of temporary
7 staff until the commission could be fully set up.

8 And finally, I want to drive home the
9 importance of the ensuring that the commission
10 stays on target with regard to appointing its
11 final members and getting starting planning its
12 meetings. Recent commissions, including the New
13 York State Complete Count Commission and the New
14 York State Public Campaign Financing Commission
15 encountered serious issues because of delays in
16 their operations and a lack of staff assistance.
17 I'm not going to belabor those points, but I will
18 say both commissions started with the best of
19 intentions and were derailed because they didn't
20 have any staff and they had very little
21 assistance.

22 And that concludes my testimony. I want
23 to thank you all again for holdings this hearing
24 and we hope that you will review our full

1 Joint Task Force Reapportionment, 7-15-2020
2 recommendations. We're very excited to see what
3 our first independent redistricting commission
4 will produce and we look forward to working
5 alongside LATFOR and the new commission on
6 ensuring ample public participation, public input
7 and transparency in the state process. Thank you.

8 ASSEMBLY MEMBER ZEBROWSKI: Thank you
9 very much. I announced second Arva Rice from the
10 Urban League. I'm not sure I see that panelist
11 up. I'll give it a second, if not, we'll go to
12 the next person and come back.

13 MODERATOR: Not present.

14 ASSEMBLY MEMBER ZEBROWSKI: Not present,
15 okay. Next up we have Amy Torres from the
16 Chinese-American Planning Council.

17 MS. AMY TORRES, DIRECTOR OF POLICY,
18 CHINESE-AMERICAN PLANNING COUNCIL: Thank you.
19 Good morning, everyone. Thank you to chairs and
20 members of both committees for the opportunity to
21 testify today. I'm just mahogany sure my volume
22 is working. Yes, it appears that it is, for the
23 opportunity to testify today. CPC is the nation's
24 largest social services organization for Asian

1 Joint Task Force Reapportionment, 7-15-2020
2 Americans. We bridge social services to social
3 change for over 60,000 low-income immigrant and
4 Asian American and Pacific Islander New Yorkers
5 each year. Our community members come from more
6 than 40 countries, speaking 25 distinct languages
7 and dialects. We provide over 50 contracted
8 programs in 35 sites throughout Manhattan,
9 Brooklyn and Queens. But we also serve a citywide
10 population that commute to our site there.

11 Our services range from support,
12 education [unintelligible] [01:27:41] empowerment
13 and [unintelligible] [01:27:42] programs often
14 [unintelligible] [01:27:43] in language
15 [unintelligible] [01:27:45].

16 In addition to our direct services work,
17 CPC conducts nonpartisan civic engagement and
18 education across our sites each year. We've been
19 very humble to join with many other organizations
20 testifying today on census outreach awareness and
21 education. And so for these reasons we feel well
22 poised to comment on the impacts of
23 reapportionment in our communities and again, we
24 appreciate the opportunity to share our

1 Joint Task Force Reapportionment, 7-15-2020
2 recommendations.

3 I want to review a little bit some of
4 our experience and some of what we've been
5 looking at for self-response to date, and then
6 share a few top line recommendations of ours. The
7 neighborhoods that CPC serves and the communities
8 that we serve, these are communities that are
9 historically marginalized and alienated from the
10 political process. Before the census self-
11 response period began, the federal bureau's own
12 analysis found that Asian Americans and Pacific-
13 Islanders were 55 percent less likely to fill out
14 the census, 38 percent unfamiliar with the census
15 and 41 percent concerned that the census would be
16 used against them, forecasting that APIs would be
17 the least likely of all immigrant groups to
18 respond.

19 And indeed, in our own census outreach
20 and awareness efforts, we found that many of
21 these sentiments have only deepened between the
22 xenophobic and anti-immigrant policies that have
23 come out at the federal level, particularly once
24 the implementation of public charge happened,

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2 which was very close to the start of the self-
3 response period, as well as the rising hate
4 crimes and related incidents in the preceding and
5 early months of the COVID-19 pandemic where even
6 before cases were detected in the United States,
7 Asian Americans and particularly Chinese
8 Americans reported verbal harassment, public
9 shunning and customer discrimination at Asian-
10 serving businesses.

11 So as of July 8th, the July 8, 2020
12 reporting period from the bureau, Asians in New
13 York City overall lagged below the citywide self-
14 response average. The citywide response rate for
15 Asians is growing over time, but majority Asian
16 tracts in certain neighborhood remain
17 significantly below city and borough wide
18 averages.

19 For example, in South Ozone Park in
20 Richmond Hill, which is home to significant South
21 Asian and Indo-Caribbean communities response
22 rates are over ten percent behind city and
23 borough wide averages. We see similar lags in
24 Brooklyn, which as borough has historically

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2 gone undercounted and in neighborhoods like
3 Bensonhurst and Sunset Park and Sheepshead Bay.
4 They're also falling significantly behind
5 citywide average, which is behind the nationwide
6 average as well.

7 And when we look outside New York City,
8 we know new migration trends in asylee and
9 refugee resettlement show that Asian American
10 communities are growing, particularly in regions
11 where those communities haven't historically
12 settled, so Greater Utica and Rome, Buffalo,
13 Albany, Syracuse and Rochester. And so we
14 understand that the COVID-19 pandemic has cause
15 both necessary operational and unintended delays
16 to census operations and response rates, so we
17 really want to issue two initial recommendations.

18 One is encouraging the final moment
19 point of remaining seats to be timely and more
20 reflective of communities across the state and to
21 commit to a robust public participation schedule.

22 As already mentioned, this is a new
23 process. It's untested. But the hope is that with
24 the right composition and engagement of the

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2 public, the resulting map will more closely

3 reflect the voters. The racial and gender

4 diversity of seated commissioners has raised

5 flags for advocates, a lot of which has been

6 mentioned already. And without tokenizing the

7 identity of commissioners appointed to date, we

8 hope that the existing appointees will consider

9 filling the final spots with commissioners who

10 are reflective, whether that's by geography, by

11 residency or experience of diverse and

12 marginalized communities.

13 That's impossible to deal with two

14 remaining seats, but as Ms. Williams mentioned in

15 her testimony, there are also aides and staff

16 engaged in this work and we hope for a

17 transparent process so that those individuals

18 more closely reflect communities of color and

19 minority and marginalized identities.

20 We also urge a commitment to a robust

21 public participation schedule and process. At

22 this moment, community-based organizations and

23 civic associations are stretched extremely thin.

24 These groups already face limited resources, even

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2 in the best of times, but even more so as
3 austerity budgets have forced many of our
4 organizations in response to the economic
5 downturn to downsize. And as these groups meeting
6 rising service demands and priorities in their
7 communities, we're finding less and less capacity
8 to be able to challenge decisions and weigh-in in
9 the public process so we really encourage, as
10 many of my colleagues earlier testified, a
11 process that invites the community in, in ways
12 that are easy for them.

13 And that may mean going beyond the
14 minimum number of geographic hearings to not only
15 meet those required geographic minimums but also
16 to bring together community and interest groups
17 that have been deeply involved to date. The
18 community surveys that happened during the unity
19 map process, which were described earlier come to
20 mind. Other organizations like CPC were part of
21 the Asian Community Coalition on Redistricting
22 and Democracy, the ACCORD Coalition and these
23 invited the public in, in ways where we could
24 block-by-block understand what the process would

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2 mean for us and put in meaningful engagement not
3 just from experts but from actual community
4 members themselves.

5 So we're thrilled to witness this new
6 process. We appreciate the opportunity to
7 testify, and we're humbled to do so amongst so
8 many great and amazing advocates. Thank you.

9 ASSEMBLY MEMBER ZEBROWSKI: Thank you.
10 Next up, we have Michael Li from the Brennan
11 Center.

12 MR. MICHAEL LI, SENIOR COUNSEL, BRENNAN
13 CENTER FOR JUSTICE: Thank you. Thank you to the
14 committees for this opportunity to testify. New
15 York will face a number of challenges when maps
16 are redrawn in 2021, both because of COVID and
17 because it will be using a new system to draw
18 maps for the first time, and I want to talk about
19 four challenges in particular.

20 The first is, as several other people
21 have mentioned, redistricting will be delayed
22 because of COVID. States normally get the census
23 data that they use to draw districts in February
24 or March after the census. That schedule was been

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2 pushed back because of census delays and it could
3 potentially could be pushed back further because
4 of the ongoing COVID pandemic elsewhere in the
5 country.

6 But right now what those delays mean is
7 that states won't get the data until mid-June to
8 July of 2021, which means that map-drawing
9 effectively will not to be able start until late
10 summer at the very earliest.

11 That will make it is virtually
12 impossible for the commission to submit
13 meaningful draft maps by the September 15th
14 deadline in the constitution, and it may be hard
15 for the commission to meet the January 15th
16 deadline for submitting final maps to the
17 legislature. And those dates may need to be
18 adjusted in some way.

19 And also because the New York process is
20 iterative, the legislature could reject the first
21 set of maps, if they are not approved, then the
22 commission will have to draw a second sets of
23 maps and they also -- it will have time to do
24 that but that will bump up very closely against

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2 the filing deadline for the 2022 primary and that
3 may need to be moved. In an outside world, it's
4 possible that the data of the primary might have
5 to be moved or you might want to consider that to
6 allow a robust redistricting process to take
7 place.

8 And the reason that you particularly
9 want a robust redistricting process relates to
10 second challenge, which is that New York has to
11 unwind some fairly bad maps from last decade,
12 particularly in the legislature where on the
13 Senate side there's a significant bias in favor
14 of republicans on the map because, as some
15 speakers have already talked about, the under
16 population of districts upstate, the
17 overpopulation of districts in the New York City
18 area.

19 The map was legal but it pushed things
20 to the very edge of legality. And by some
21 measures, New York City could support up to two
22 additional senate seats, if you were using the
23 aggressiveness of those population variances. So
24 something similar happened on the Assembly side

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2 but it didn't really affect control of the body
3 as much.

4 The third challenge is significant
5 demographic change in New York. New York has
6 grown this past decade, but barely compared to
7 other states. The state, in fact, has lost over
8 620,000 white residents, while the black
9 population has grown a little bit. The state, the
10 fact that the state is growing at all is duty
11 increases in its Latino and its Asian
12 populations, mostly in the New York City and the
13 downstate regions of the state.

14 Right now the state is the projected to
15 lose one congressional district. It may, it would
16 lose more if it weren't for that Latino and Asian
17 growth. The state's electorate has also become
18 considerably more diverse. The white citizen
19 voting age population has decreased by about
20 50,000. Meanwhile, you have about 200,000 more
21 black voters, 290,000 Asian voters and a whopping
22 540,000 Latino voters. In other words, all of the
23 increase in eligible voters this last decade was
24 attributable to people of color, which gets to

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2 the fourth challenge.

3 Well, let me stop there. Because of
4 that, I think it's important to get public input,
5 and that's something that can happen right now.
6 When undoing these gerrymanders and figuring out
7 what the map should look like, it's really
8 important to get public input and public feedback
9 and that's something that the commission could
10 absolutely do now and start hearings around the
11 state in order to get that public input.

12 The fourth challenge which, I will
13 mention just briefly is to make sure that the
14 commission is robustly funded to be able to do
15 its work. I realize that's a special challenge in
16 this current fiscal landscape, but the process
17 will not work, especially for the first time out
18 for the commission if the commission doesn't have
19 the resources to have field hearings and to have
20 adequate staff and to be able to respond to the
21 community.

22 So with that, thank you again for this
23 opportunity to testify. We're happy to follow up
24 on any of these issues.

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2 ASSEMBLY MEMBER ZEBROWSKI: Thanks very
3 much. Next up we have Jose Perez from Latino
4 Justice.

5 MR. JOSE PEREZ, DEPUTY GENERAL COUNSEL,
6 LATINO JUSTICE PRLDEF: Good morning, everyone.
7 Thank you for this opportunity to testify.
8 Senator Gianaris, Hoylman, Assemblyman Zebrowski
9 and Rodriguez and other elected officials. On
10 behalf of Latino Justice PRLDEF, we were founded,
11 some of you may remember us more as the Puerto
12 Rican Legal Defense and Education Fund founded
13 back in 1972. Democracy, civic engagement, and
14 access for Latinos to be able to participate in
15 the electoral and democratic process have been
16 cornerstones of our work since our founding
17 almost 50 years ago.

18 I think you heard references in the
19 first panel to litigation involving the
20 application of Section 5 of the Voting Rights Act
21 to redistricting here in New York City. That was
22 lawsuits brought by a group of racial civil
23 rights groups known as the Unity Coalition.
24 PRLDEF back in that day was among the leaders in

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2 those two lawsuits Herron v. Koch and Gerene-
3 Valentin v. Koch, which dealt with the city's
4 attempt to adapt new municipal districts without
5 first getting preclearance from the Department of
6 Justice.

7 The courts enjoined the primary days
8 before the September primary back in 2011. We
9 have a long history of continuing to engage in
10 voting rights and redistricting litigation. After
11 the last round, after in 2011 we participated
12 again with our Unity partners at the Asian-
13 American Legal Defense Fund and the Medgar Evers
14 Center Law for Social Justice, enjoining and
15 intervening in the Favors lawsuit again where
16 LATFOR had not yet drawn congressional districts.

17 Our unity map, which was largely a joint
18 community-driven effort respecting communities of
19 color, communities of interest, not attempting to
20 disenfranchise, but working united to preserve
21 our communities and afford them their opportunity
22 to elect candidates of their own choosing was
23 largely adopted by the federal court balk in
24 2011-12.

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2 There was a second phase to that Favors
3 litigation or Favors 2 as it was called, which I
4 think Michael referred to, again, the attempt to
5 add a senate district, a 63rd senate district was
6 drawn notwithstanding that all the population
7 growth was downstate and in the Bronx and that's
8 where an additional senate district should have
9 been drawn. However, it was drawn up in the
10 Albany Capital District area. Although the court
11 ultimately sustained that district, again it was,
12 as I think Michael alluded to, on the cutting
13 edge of passing constitutional and legal muster.

14 Going from there, so in terms of going
15 forward, and you've heard already this
16 repeatedly, and I want to thank Jennifer on
17 behalf of the League of Women Voters for the
18 letter that they sent and made reference to this,
19 the fact that our elected leadership has failed
20 to appoint or nominate yet one Latino among the
21 first eight appointments, its supposed so-called
22 independent redistricting commission, is a
23 travesty. How could this happen in today's day
24 and age? It's inexcusable.

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2 I appreciate and applaud the efforts of
3 some of those that are this call, sitting on the
4 panel, Assemblyman Rodriguez, Sepulveda and
5 others who have joined with some of the other
6 panelists. You heard from Juan Rosa and the
7 NALEAO Educational Fund. You will hear from Eddie
8 Cuesta from Dominicanos USA. We have joined
9 together to express our outrage in the failure of
10 our elected leadership to recognized and include
11 Latinos in this political process. And that's
12 what it is. It's not independent. It's political.
13 Let's get real. Let's change the name as Susan
14 Lerner mentioned earlier.

15 We have joined with our partners in
16 sending letters. We've identified, we've done the
17 homework of looking for the proverbial needle in
18 the haystack, looking for those, are there
19 independent Latinos in New York State? Well, we
20 found at least five eminently qualified that
21 we've identified and provided to the leadership
22 and to the commission. And we urge members of
23 both houses, the leadership, to consider and do
24 everything in your power so that the existing

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2 eight members fairly evaluate, assess and vote to
3 support the appointment of a Latino to this
4 commission. Failure to have a Latino, and you
5 have two independent spots right now. They should
6 be permitted to testify, they should be included
7 in order that we have a voice in this process.

8 The other things I wanted to mention is
9 there are some changes, again that were touched
10 upon by the first panel, Susan Lerner, I know
11 Common Cause is supporting. One thing was not
12 mentioned in terms of changing some of this
13 outdated, old language in the constitution, there
14 is currently a term called excluding aliens still
15 in language in Article 3, Section 5.

16 As a Latino Civil Rights Legal Defense
17 Fund uniquely cognizant of the diversity of
18 immigrant statuses of our communities, we want to
19 ensure that all New Yorkers counted and included
20 during reapportionment and not limited to voting
21 age population. The Supreme Court included that
22 everyone counts. One person, one vote, as Justice
23 Ginsburg eloquently cited in the Evenwel case. So
24 we urge that that language excluding aliens which

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2 is more reflective of the administration and the
3 politics emanating from Washington, that that
4 should not be countenanced by a state as
5 inclusive and diverse as New York.

6 So again, I would urge transparency. I
7 would urge inclusion, respectful of communities
8 of color and communities of interest, and not
9 Withstanding the Shelby County striking down of
10 the Section 5 preclearing, the principles of the
11 Voting Rights Act Section 2 still apply and
12 communities of color and minority communities
13 rights must be respected. Otherwise,
14 organizations such as Latino Justice will
15 continue to be in business and back in the
16 courts. Thank you.

17 ASSEMBLY MEMBER ZEBROWSKI: Thank you
18 very much. And I want to thank the panel for your
19 testimony today and for your insights. We do have
20 an assembly member who wishes to ask a question.
21 Assembly member Harvey Epstein.

22 ASSEMBLY MEMBER EPSTEIN: Again, I want
23 to thank all panelists on really good questions.
24 And Jose, to you, what do you think we need to do

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2 to push, to ensure that the Latino get
3 appropriate representation on the commission, and
4 you know, the things that you think we otherwise
5 should be doing to ensure the diversity of
6 representation across this state to ensure that
7 we include those voices that are being excluded?
8 Is it a letter to the governor? Is it something
9 you guys need us to do? Or do you feel you've
10 bean pushing on your own and you think that
11 you're going to be successful?

12 MR. PEREZ: We, again, there have been
13 its sent by -- and not just Latino groups, again,
14 groups such as the League of Women Voters also
15 reached out and have identified this, Assemblyman
16 Epstein. What I think is again was alluded to in
17 the earlier panel, for in the future, inclusion
18 in the process, why weren't we invited to be part
19 of the discussions on these things. If this is
20 going to be an independent redistricting
21 commission, maybe we should revisit, you know,
22 this is not an independent redistricting
23 commission if the political leaders are
24 appointing the individuals.

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2 Are we going to be part of that
3 discussion? We can make suggestions. We did the
4 work and we've identified candidates, which whom
5 I understand are being evaluated and perhaps then
6 being considered, but given it's the existing
7 eight members that vote upon them, you as an
8 elected official on behalf of your constituents,
9 communicate with the existing commissioners. They
10 have to do that. Communicate this to Speaker
11 Heastie, technically the leader of your house,
12 that this is imperative that they consider and
13 answer, you know, identify suitable candidates.

14 We did homework. We spent hours and we
15 searched and we found at least five, so we made
16 it easy. We identified people. Lawyers, I'm a
17 lawyer, right, doctors, community leaders. It's
18 imperative that they be able to bring their life
19 experience.

20 The other part of it is language. I mean
21 everything is in English. Where is the bilingual?
22 We're going to be multi-cultural. Language
23 accessibility has to be recognized, notice of
24 these proceedings, notice of when their review of

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2 candidates being considered has to be
3 multicultural, culturally sensitive and language
4 accessible.

5 ASSEMBLY MEMBER EPSTEIN: So you're
6 saying that the materials that they're publishing
7 are not accessible in multiple languages?

8 MR. PEREZ: Well, if they were, I mean,
9 this is going forward, again, with the initial
10 appointments, there were no public notices that
11 the speaker or the senate leaders were
12 considering who they were accounting. Were there
13 meetings? Were we -- we were not invited.

14 ASSEMBLY MEMBER EPSTEIN: Right.

15 MR. PEREZ: If there were meetings for
16 consideration. So that's something. Were members
17 of the House, members of the Assembly or the
18 Senate included or asked to weigh in or to do
19 this? Probably, I think not. So again, if you
20 were not aware of that, then clearly you were not
21 apprized, or saying can you make suggestions it?
22 It should be an inclusive process. Folks, the
23 members of the Assembly and the Senate should be
24 able to make recommendations and you all,

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2 representing your constituents and hearing from
3 advocates and organizations such as ours can
4 share our insights or comments or make
5 suggestions and really make this a true
6 democratic participatory process.

7 ASSEMBLY MEMBER EPSTEIN: So you're
8 saying some kind of like public notice for, hey,
9 this is a commission, we want applicants that
10 express the diversity of New York and have a
11 deadline for people to apply, to submit and then
12 have a pool that they could go to.

13 MR. PEREZ: Right. That would be more
14 akin to a true independent, citizen independent
15 commission, much as California and some other
16 states have adopted, where folks can apply
17 publicly. But if it's going to be in the existing
18 structure, again then our leaders I think need to
19 hear from their constituents and their members.

20 ASSEMBLY MEMBER EPSTEIN: Right. Well,
21 very helpful. Thank you for testifying and being
22 here today.

23 MR. PEREZ: Good to see you again, my
24 friend.

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2 ASSEMBLY MEMBER EPSTEIN: You too.

3 Alright. Bye-bye.

4 SENATOR GIANARIS: Thank you. Next, we
5 have Senator Gustavo Rivera.

6 SENATOR RIVERA: Thank you, senator. Let
7 me turn on my video here. It's not allowing me to
8 start the video but I'll I guess I'll speak until
9 it does. You all can hear me, correct?

10 SENATOR GIANARIS: Yes.

11 SENATOR RIVERA: Good. All right. So
12 this is actually to, there we go. This is to, I
13 guess the CPC, Latino Justice and Brennan Center,
14 I guess you can all chime in. You mentioned both
15 we're talking about Latino, Latinx, Latino
16 communities and AAIPi communities, but also some
17 of their undercounts is obviously a concern that
18 was shared by the first panel. And I certainly
19 share it. In the communities that I represent,
20 the undercounted is definitely, we're behind.

21 But can you say more how that may affect
22 the existing districts in the future and also, so
23 future ones that are drawn that retain kind of
24 core of prior districts? Can you talk a little

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2 bit about how that would break down. CPC maybe
3 first?

4 MS. TORRES: Sure, I can go first. Thank
5 you, Senator Rivera. So in our, testimony we
6 pulled some analysis that the Asian American
7 Federation had done, which was very helpful to
8 our understanding of where counts are to date.
9 And I mentioned some neighborhoods in Queens
10 where the count is significantly behind the
11 citywide self-response rate.

12 In that same area where we have a high
13 and dense population of South Asians, Indian
14 Americans and Indo Caribbean Americans is also a
15 place where some of those, the core parts of
16 those communities are actually split into four or
17 five assembly districts. And so when we think
18 about the potential for undercount, the existing
19 core of -- the core of existing districts and
20 understanding that some of the undercounted
21 communities are on the margins of those
22 districts, the undercount serves to further
23 marginalize them so they continue that fracturing
24 effect.

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2 And so I don't have the analysis of what
3 the full count of other communities is that
4 district is in front of me right now. But I think
5 our concern is that without a full public
6 participation process where one, for those of us
7 who are continuing to work on get out the count
8 efforts to make sure that the same organizations
9 remain at the table and those same community
10 groups remain at the table so that when we talk
11 about, line by line, where these communities live
12 that there's a full public record that reflects.

13 And also we need to understand that many
14 of these communities that are facing undercounts,
15 it's also because of a lot of historic
16 displacement that these communities have
17 experienced but there's also going to be
18 significant displacement as a fallout of the
19 COVID-19 pandemic.

20 ASSEMBLY MEMBER RIVERA: Got you.
21 Anybody else want to chime in? Obviously, you've
22 covered it, you've covered it well, Ms. Torres.
23 Thank you. And thank you all for being part of
24 this process. Thank you, senator.

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2 SENATOR GIANARIS: Thank you, senator
3 Rivera. In the absence of a member of the
4 Assembly, we also have Senator Tom O'Mara.

5 SENATOR O'MARA: Thank you, Chairman. I
6 just have a follow-up question for I think it was
7 Jose, who was speaking regarding candidates that
8 have been put forward for the two open commission
9 spots and who was evaluating those. I'm not aware
10 of any candidates that have been put forward by
11 any of the groups that are testifying here today.
12 But I guess I would ask if you know who those
13 individuals are that have been submitted and who
14 they've been submitted to.

15 MR. PEREZ: Senator, Dominicanos USA,
16 NALEAO Educational Fund and Latino Justice
17 identified five. We issued a letter, I believe,
18 in early June, again, critiquing the failure to
19 have a Latino appointed to the commission. As
20 part of that, it's a public press release. A
21 letter was sent to both the Puerto Rican-Hispanic
22 Task Force and the legislative leadership in both
23 the Assembly and the Senate and the Governor as
24 well.

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2 And in part of that letter, we also
3 identified five candidates that we had vetted and
4 cleared. So when I say perhaps in terms of, I
5 don't want to get into semantics but we
6 identified or put together a short list that we
7 had already identified and cleared five
8 individuals who are independent, independent
9 registered voters, non-Republican, non-
10 Democratic, and identified these as potential
11 candidates for consideration. And it is my
12 understanding that the leadership has been, that
13 those names have been shared and are considering
14 them.

15 SENATOR O'MARA: You had --

16 MR. PEREZ: But that release, that
17 letter, the list, that is public, so you should
18 have. I'm happy to send it to you. It's
19 publicized by all the organizations that I
20 mentioned earlier.

21 SENATOR O'MARA: Okay. Do you think it
22 would have been a good idea to perhaps have those
23 candidates maybe testify at this hearing today?

24 MR. PEREZ: Possibly. Again, the

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2 candidates themselves, and when I say -- and just
3 to go back, when I say the leadership, it was
4 sent to both the majority the minority leadership
5 and we've had discussions with both the minority,
6 the Republican leadership, as well as the senate
7 and the Assembly Democratic leadership so it's
8 both houses. This is not a one side, given that
9 there's two final spots to be filled. Whether
10 these candidates, given, if they are not being
11 idea or doing that, would they share I think the
12 outrage that I expressed earlier that not a
13 Latino could do that, to convey that, if you need
14 repetition, then that would clearly be helpful.

15 SENATOR O'MARA: Okay. Thank you very
16 much. I'm set here.

17 SENATOR GIANARIS: Thank you, senator.

18 ASSEMBLY MEMBER ZEBROWSKI: All right,
19 well, I want to thank the panel again for your
20 testimony today. In the absence of any other
21 senators or assembly members, Senator Gianaris,
22 I'll kick it over to you for the third panel.

23 SENATOR GIANARIS: Thank you, assembly
24 member. And for our third and final panel of the

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2 day, we have Jeff Wice from New York Law School's
3 Census and Redistricting Institute, Eddie Cuesta,
4 from Dominicanos USA, Tom Speaker from Reinvent
5 Albany and Rachel Bloom from the Citizens Union.
6 We will begin with Jeff Wice.

7 MR. JEFF WICE, PROFESSOR, NEW YORK LAW
8 SCHOOL CENSUS & REDISTRICTING INSTITUTE: Okay. I
9 thought I was live on screen. Sorry. Thanks very
10 much for this opportunity. Let me get my screen
11 justice here adjusted here a bit. Well, it's a
12 pleasure to be addressing you this morning on
13 redistricting. Again my name is Jeff Wice. I am a
14 senior fellow and adjunct professor at New York
15 Law School, where I'm heading up a new institute
16 on census and redistricting. We created a
17 redistricting roundtable to engage the public,
18 veterans, experts, and new organizations with
19 everything redistricting, especially with
20 education, training and involving the public.

21 It's been my privilege in the past to
22 have worked for five assembly speakers and four
23 democratic senate leaders, with the last four as
24 a staff or counsel, and it's a pleasure to be

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2 providing information to you. I am not advocating
3 or presenting a particular point of view, but
4 want to suggest a few ideas in light of the COVID
5 caused delay in the census delivery and the state
6 constitution. I will submit a written statement,
7 but I'll submit the National [unintelligible]
8 [01:56:42] recently published redistricting red
9 book, which I was a coauthor and coeditor. That's
10 a [unintelligible] [01:56:51] and staff primer on
11 redistricting and will answer many of the legal
12 questions that came up earlier in this hearing.

13 And I'll also provide a copy of a
14 recently published primer on the New York State
15 redistricting process that New York Law School
16 published last month that walks people through
17 the current new constitutional scheme.

18 Since the pandemic hit and the Census
19 Bureau has had to delay its census-taking process
20 and the expected delay in providing redistricting
21 data to the states, I've also been working with
22 other states similarly situated including
23 California, New Jersey, Virginia, which have much
24 tighter time frames than New York.

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2 I'm going to suggest that there are
3 three different options that the legislature can
4 consider. The first is to work with and urge the
5 commission to move up deadlines without a
6 constitutional amendment and to enact chapter
7 laws that will accommodate the schedule. A second
8 approach could be to develop basic constitutional
9 amendment to deal with some of the calendar
10 dates.

11 And then a third option would be a much
12 more comprehensive approach to amend the
13 constitution to change the 2022 dates involved,
14 make other reforms that, as other before me
15 mentioned could include creating a bipartisan
16 commission with a final authority and a neutral
17 high tiebreaker, similar to the New Jersey
18 scheme, second, creating a commission with final
19 authority and being fully independent of the
20 legislature, similar to California. Other changes
21 can include prioritizing the criteria used for
22 redistricting, changing the commission's rules on
23 voting, adding the prison reallocation law to the
24 constitution, changing the standard of

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2 traditional review to make, verify the burdens of
3 proof when challenging redistricting plans. And
4 there are numerous other changes that could be
5 made if the thought is to go beyond simply fixing
6 the dates.

7 In light of the delay, the current plan
8 will not provide the data to the state until
9 sometime in June or July 2021. Under the current
10 framework, this gives the commission only five
11 months to submit its first set of plans, leaving
12 the commission with only about 45 days to
13 conclude its work or as soon as practicable
14 thereafter, in the words of the constitution.

15 The commission can't expedite its work
16 after the date arrives next summer, still meet
17 deadlines in 2021, but make changes in the
18 political calendar. My colleague and friend Todd
19 Breitbart, a former state senate redistricting
20 staffer, and I have looked at the calendar and
21 would suggest that if the dates for the
22 commission and the legislature can be moved up a
23 bit, that a primary can still be held on June
24 28th with the first day to circulate petitions

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2 would be March 25th, the last date for filing

3 petitions on April 19th, leaving a 25-day

4 petition period, reducing the number of

5 signatures required and having a primary on June

6 28th.

7 The congressional primary in 2012 was in
8 the spring. This commission amendment was adopted

9 in 2012 originally and approved 2014 with full

10 knowledge that there was going to be a problem.

11 So I think I've worked out a schedule that could

12 accommodate this.

13 You can find a much more detailed
14 analysis of all the suggestions others and I have

15 made about constitutional amendments in a book

16 chapter called "New York's Broken Constitution"

17 from the 2016 SUNY press book, the title of our

18 chapter was "These Seats Cannot be Saved". But we

19 looked at the entire recent history of

20 redistricting in New York and ways to make

21 further changes.

22 Please don't hesitate to call me for

23 further assistance as you develop either chapter

24 amendments or revisions to the 2014 amendment and

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2 it's a pleasure seeing some of the old colleagues
3 and friends again. Thank you.

4 SENATOR GIANARIS: Thank you, Jeff. It's
5 great to have your experienced opinion on this
6 matter. Eddie Cuesta from Dominicanos USA.

7 MR. EDDIE CUESTA, EXECUTIVE DIRECTOR,
8 DOMINICANOS USA: Greetings. And thank you, Chair
9 Gianaris, Rodriguez, Hoylman, Zebrowski, and
10 fellow committee members for providing us with
11 the opportunity to testify on this important
12 issue. My name is Eddie Cuesta, executive
13 director of Dominicanos USA, a nonpartisan in a
14 nonpartisan organization committed to the civic,
15 social and economic integration of the Dominican
16 American into all facets of the American life.

17 DUSA advocates and strives to ensure to
18 every U.S. citizen is able to freely and easily
19 able to exercise their civic rights, realize
20 their full potential and capitalize on the
21 opportunities the U.S. has to offer. Our
22 contribution to making this vision a reality
23 begins with our direct and grass root work the in
24 Dominican American community. Dominicanos USA is

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2 here today because the New York State

3 redistricting process is intimately tied to our

4 representative democracy, which is essential to

5 the progress of our growing important population.

6 We make up a significant portion of New York's

7 largest and diverse Latino population. According

8 to the 2017 estimate from the Census Bureau,

9 there are over 2 million Dominicans or people of

10 Dominican descent living in the United States.

11 In New York State and New York City, the

12 population estimates are 872,000 and 720,000

13 respectively. The 720,000 Dominicans in New York

14 City accounts for more than one of every nine

15 city residents, 12 percent, and they also account

16 for 29 percent of the Latino in the city. The

17 355,000 Dominicans in the Bronx account for

18 nearly one of every four, 24 percent can

19 [unintelligible] [02:02:52] of 43 percent of the

20 Latino borough residents, making the Bronx the

21 U.S. county with by far the largest Dominican

22 population.

23 Considering the magnitude of the

24 Dominican population in New York and of the

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2 contribution Latinos as a whole to our great
3 state, we are clearly dismayed to hear that not a
4 single Latino was pointed to New York State
5 during the [unintelligible] [02:03:11]
6 redistricting commission, as has been said in
7 this panel.

8 It is essential that this commission is
9 as diverse as practically possible as stated in
10 its legal guidelines because representation
11 without such an essential democracy process will
12 help produce political maps which provide Latinos
13 a fair opportunity to elect the candidates of
14 their choice, both for candidates that look like
15 them and candidates that share their experiences.

16 In an attempt to remedy this oversight
17 well join, as was mentioned in this panel, and
18 the previous panel, with our partners at the
19 NALEAO Educational Fund and Latino Justice
20 PRLDEF, at the request of the Puerto Rican and
21 Hispanic Task Force to find and recommend
22 eminently qualified Latinos, candidates to fill
23 the remaining two seats open on the commission.

24 After an intense two months of scouring

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2 the entire state, we found five wonderful
3 candidates and have shared with both minority and
4 majority leaders in both legislative houses, as
5 has been mentioned previously. This process was
6 not easy and we believe that the current legal
7 structure disproportionately limits the
8 appointment and participation of Latinos to this
9 commission.

10 Dominicanos USA believes that the
11 application and selection process for members of
12 the redistricting commission, as noted in the
13 body of law that form the IRC, ones we saw in the
14 commission will reflect the geography, racial,
15 ethics, gender and national diversity of the
16 political jurisdiction.

17 The current qualification makes it
18 nearly impossible for Dominicans to participate
19 directly in this process. While we firmly state
20 by the importance of appointing candidates that
21 have no conflict of interest, we do find they
22 should some exceptions to this rule. Thus we urge
23 the first eight commissioners to select qualified
24 Latinos for the remaining seats.

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2 Lastly, considering the current state of
3 our public health and the COVID-19 pandemic, it
4 is important that the commission make the 12
5 hearings it is mandated to hold accessible to all
6 communities. We hope that this can be done
7 virtually in order to mitigate the spread of the
8 COVID-19 virus if in-person hearings are not
9 possible in the future.

10 Historically, as you may know, the
11 redistricting process have been intentionally
12 utilized to suppress the electoral power of
13 communities of interest, like Dominicans. We have
14 an opportunity to help ensure fair redistricting
15 process by appointing more Latinos to the
16 commission and by making the process as
17 accessible as possible to all communities in New
18 York State.

19 We have been at the ground to make sure
20 that the Dominican communities involved in our
21 nation's democracy process and look forward to
22 doing the same for redistricting. Thank you again
23 for this opportunity to testify. We know you
24 share our goals of a fair redistricting process

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2 to allow all New Yorkers a meaningful opportunity
3 to participate as a result of maps that provide
4 underrepresented New Yorkers an opportunity to
5 elect the candidates their choice. We look
6 forward to working with you to achieve this
7 important goal. Thank you again.

8 SENATOR GIANARIS: Thank you, Eddie.

9 Next, we have Tom Speaker from Reinvent Albany.

10 MR. TOM SPEAKER, POLICY ANALYST,

11 REINVENT ALBANY: Good morning. My name is Tom
12 Speaker and I'm a policy analyst for Reinvent
13 Albany. Reinvent Albany advocates for open and
14 accountable government in New York State. We
15 thank the Senate and Assembly for holding this
16 hearing today on redistricting, the first hearing
17 on this topic for the 2022 cycle and for all the
18 hearings we'll be holding over the coming week.

19 So today we call on the legislature to
20 focus their efforts on helping the redistricting
21 commission function properly, rather than making
22 major structural changes to the redistricting
23 process. While we recognize that the
24 redistricting process needs improvement, the

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2 earliest constitutional changes would take effect
3 after voter approval in November 2021, which we
4 believe to be too far along in the process of
5 drawing district lines.

6 The first passage of a constitutional
7 amendment would need to be done by the
8 legislature in the next couple weeks. While the
9 public discussion around redistricting has only
10 started in earnest with this hearing today major
11 changes to redistricting policy should only be
12 made after the public has had sufficient time to
13 weigh in. The constitutional amendment passed in
14 2014 is not perfect, but it was approved by the
15 voters and is the only feasible framework for
16 drawing lines for 2022, given the current time
17 limitations.

18 That said, we believe that statutory
19 changes could and should be made to the
20 redistricting commission's timeframes to address
21 the consolidated June primary date and delays in
22 census collection data related to COVID-19. These
23 ministerial changes can be made via statute and
24 would provide the commission guidance on how to

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2 proceed during the cycle while ensuring adequate
3 time for public hearings and review.

4 We also support the League of Women
5 Voters of New York State's request to ensure that
6 the commission is fully equipped with both
7 funding and staff and that the funding that was
8 made available is released as soon as possible.
9 There should also be a greater clarity around the
10 application of the open meetings law and the
11 freedom of information law to the commission.

12 Lastly, the commission must work to
13 appoint its final two non-affiliated
14 commissioners so that planning can finally begin.
15 It is important for public trust as the
16 commission begin its work soon and lay out an
17 open roadmap for how this redistricting cycle
18 will unfold.

19 So while discussion of changes is
20 warranted, we believe that these issues should be
21 considered when there is more time for thoughtful
22 public discussion and review. Changing
23 redistricting midstream would be disruptive and
24 potentially damage public confidence in the

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2 process. Consideration of larger structural
3 changes should only be made with more time for
4 public input. That's all we have, so thank you
5 for the opportunity to speak today.

6 SENATOR GIANARIS: Thank you, Tom. And
7 last but certainly not least, Rachel Bloom from
8 Citizens Union.

9 MS. RACHEL BLOOM, DIRECTOR OF PUBLIC
10 POLICY, CITIZENS UNION: Hello. Thank you for
11 having me. I know that you've heard a lot of
12 people already today, and I'm going to try and
13 not be as repetitive. So I am representing
14 Citizens Union, and we are very excited to be
15 here talking about, for the first time in this
16 cycle, about redistricting with you, but I'm sure
17 there are many more to come. Particularly right
18 now with so much that's going on, we are thankful
19 for you for having this hearing and shining a
20 light on it.

21 So eight years ago, when lawmakers
22 placed on the ballot the biggest reform to
23 redistricting in decades, received the decisive
24 support of New Yorkers, and it created a more

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2 fair and open redistricting process. Having said
3 all of that, the amendment also called for
4 extensive public hearings and the release of maps
5 and other data which would allow the members of
6 the public to draw their own maps, thus fostering
7 public participation. As we head into this
8 process for the first time, it's exciting but
9 there are also challenges we face, and I'm going
10 to try and run through these.

11 First, as we obviously all know, it's a
12 new and yet untested process. We have to
13 establish the commission, including staffing. We
14 are excited that the legislature allocated
15 \$750,000 for the budget, and urge them to get
16 going with the creation and staffing and
17 appointing an executive director.

18 We call on the commissioners to reach an
19 agreement on their picks as soon as possible, and
20 as they consider filling the two remaining
21 vacancies, we note that according to the
22 constitution, the commission should reflect the
23 diversity of the residents of the state. And with
24 that, we amplify those who spoke before us,

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2 noting that there's only one woman on the
3 commission and no Latinx commissioners, which
4 does not as at the moment seem reflective of New
5 York State.

6 Next, I'm actually going to skip ahead
7 to something and go back to this if I have time.
8 Our third, what was originally our most important
9 point is that we oppose any process which seeks
10 to amend the state constitution to address the
11 2022 redistricting cycle. The 2014 revision was a
12 result of a long process of deliberation, public
13 input and media coverage.

14 Changing the constitution without public
15 notice during a last minute session would be
16 counter to the objective of an open and fair
17 redistricting process, especially since timeline
18 problems we believe can be solved through
19 legislative action and do not need to happen
20 merely through constitutional amendment. The
21 current redistricting process is not perfect.
22 There are things that we had hoped the 2014
23 amendment would have included, more improvements
24 to the process. But we very much supported the

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2 final version as an important opportunity to fix
3 a rigged system.

4 We believe the public, which strongly
5 supported the 2014 amendment, should be given the
6 chance to see those amendments implemented for
7 the first time. A thoughtful debate on the merits
8 and drawbacks of the process should follow ahead
9 of next redistricting process.

10 Changes should not be made during a
11 redistricting process in the current highly
12 rushed timeline. We are especially concerned by
13 any attempts to eliminate the bipartisan nature
14 of the current redistricting process, either by
15 changing the special voting rules on the
16 commission or the needed majority in legislature
17 in case of one-party control. That would
18 contradict the intent of 2014 amendment.

19 We have advocated for fair redistricting
20 for many decades, during which time we have
21 watched as one party or the other sought to
22 reduce by gerrymander the voting rights of
23 supporters of the opposing party. The goal of
24 fair redistricting for every person's vote to

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2 have equal value, regardless of party
3 affiliation. We are concerned that any process
4 which seeks to amend the constitution at this
5 moment would create confusion, limit public input
6 and will not influence the timeline.

7 The earliest that an amendment can take
8 affect is January 1, 2022, well past the when
9 commission is set to require its preliminary plan
10 for public comment and on the same day when it is
11 supposed to present its first plan to the
12 legislature. The commission must be able to
13 operate with full knowledge of what criteria it
14 needs to follow.

15 If amendments are placed on ballot, the
16 commission will not know until November which
17 constitutional provisions would be in effect. If
18 there is a change in January, the commission
19 would have to operate would have to operate with
20 different criteria and possibly produce new maps.

21 The tight timing would greatly limit, if
22 not exclude public input on revised plans. And if
23 there are pending amendments, we doubt members of
24 the public would be able to provide meaningful

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2 input to the process. This may also compound the
3 risk of lawsuits, both during and after the
4 process. We fear this will delay the process
5 rather than expedite it.

6 And with that I will be submitting my
7 written testimony which has more in it, which
8 cannot be contained in these five minutes. And I
9 just end it by urging the legislature to keep the
10 redistricting process set forth in the 2014
11 amendment intact for the upcoming redistricting
12 cycle. Thank you.

13 SENATOR GIANARIS: Thank you. And before
14 I go to questions, let me just point out the
15 irony for those who say that the current process
16 was subject to great public input and no vote.
17 Anything that would happen now would also be
18 subject to the exact same process. It would be at
19 least a year plus before the public would get to
20 opine on it and it would be the same vote that
21 would be known in November of '21, even if it
22 would take effect in January, so the commission
23 would have full knowledge for two months about
24 what the changes would be. With that Senator

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2 Gustavo Rivera is first on this.

3 SENATOR RIVERA: Thank you, sir. All
4 right, thank you all for being here. Jeff, it is
5 good to see you and I've worked with this
6 gentleman before, and obviously good to see the
7 rest of the panelists, Eddie, good to you as
8 well. But Jeff, I wanted for you to -- you took
9 some time during your testimony to talk about the
10 timeline that, because obviously we are under
11 constraints as far as what the timeline would be,
12 and I want to go a little bit deeper into that.
13 Because obviously our choices are limited because
14 of when the primary is set and what the amendment
15 says. I voted against it. That's neither here nor
16 there. It is reality. So tell us a little bit
17 more about the timeline that you think could
18 potentially work, as far as how it would
19 breakdown.

20 MR. WICE: That's a great question.
21 Without going to the constitutional amendment
22 issue, I think the simplest way of approaching
23 things is to first persuade the commission, once
24 it's up and running, to work as expeditiously as

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2 possible, to have everything it can possibly do
3 ready to go at the time the state receives the
4 census data, where if Congress approves, will be
5 now later than July 30th of 2021 and possibly or
6 probably earlier in July, if not late June. The
7 Census Bureau is still working out that schedule.

8 Having said that, if the data comes, you
9 know, as the late case scenario, on July 30th,
10 the commission needs to upload and analyze the
11 data, it needs to work out the kinks. It takes a
12 few weeks to do that. To look at the mal-
13 apportionment of current districts and the new
14 populations, determine where districts are over
15 or under the ideal population size. Then it's,
16 the commission is required to hold a series of 12
17 hearings throughout the state. I looked back at
18 recent schedules --

19 ASSEMBLY MEMBER RIVERA: Sorry to
20 interrupt. So that 12 hearings, that is a
21 requirement that exists in law or in the --

22 MR. WICE: In the constitution. The
23 actual cities and counties are listed in the
24 constitution and it's similar to the hearings

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2 that were held ten years ago and 20 years ago,
3 when each series of hearings went for about two
4 and a half weeks. Although, to be more expedited
5 in 2021, I calendared out if hearings can start
6 in September, late September, that you can hold
7 12 hearings and you can do Manhattan, Bronx,
8 Staten Island five days in a row, you can do
9 every other day or Rochester, Syracuse, Buffalo,
10 Albany in four days straight. That's how it's
11 been done in the past.

12 So you can work with a month and get,
13 develop public input, develop plans. And drawing
14 plans is not that difficult, given the software
15 that's out there. It's just a matter of applying
16 the public input and weighing, I think, the
17 tremendous amount of greater public involvement
18 that we'll see in 2021. But to develop the first
19 iteration draft plan at some point by November,
20 December of next year, and then send the plan to
21 the legislature if the commission can agree on a
22 plan, and even have a second plan. Let's say if
23 the first plan can be done in November and if the
24 legislature can meet, either adopt and it send it

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2 to the governor or if it's rejected by either the
3 legislature or the governor, then go back in
4 December and try it again. But at some point to
5 have a plan in place, signed by the governor,
6 that would allow -- this would be for really, I
7 guess February final enactment, so that then
8 boards of elections can redraw the election
9 districts to comport with the new assembly
10 districts, and then begin a primary process for
11 June 28th primary date beginning on March 25th.

12 You need at least about a month for the
13 boards of elections to administer the process. I
14 went back and looked at the 1982 process, when
15 both petitions and dates were collapsed. I look
16 back at the 2020 schedule. So it's fast-tracked,
17 but as many of the speakers talked about, the
18 more that's done at the frontend to gain input,
19 to reach out to people, to get the sense of what
20 various communities are looking at, this could be
21 done rather quickly.

22 ASSEMBLY MEMBER RIVERA: I want to make
23 sure, we only have 20 seconds so I wanted to just
24 say, I wanted to make sure that we get all of

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2 that on the record, since it is clear that we're
3 going to have a very compressed timeline and we
4 want to make sure that we move it expeditiously,
5 so that we can do all these things, that it is
6 possible to do it. It is tight, but it is
7 possible to do. So in your expert opinion that is
8 the case?

9 MR. WICE: And I don't think the
10 constitution could be amended to impact the 2021
11 dates since any amendment couldn't go into effect
12 until January 1, 2022.

13 ASSEMBLY MEMBER RIVERA: Okay. Thank
14 you, Jeff.

15 MR. WICE: You're welcome.

16 SENATOR GIANARIS: Okay. Member
17 Zebrowski, do you have any members of the
18 assembly?

19 ASSEMBLY MEMBER ZEBROWSKI: Not at this
20 point.

21 SENATOR GIANARIS: Okay. We have senator
22 Tom O'Mara.

23 SENATOR O'MARA: Thank you, Chairman.
24 That was Mr. Wice that was just answering

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2 questions at the end there, correct?

3 MR. WICE: That's correct.

4 SENATOR O'MARA: Can you, for the
5 public's benefit, you mentioned the redistricting
6 software and capabilities that are out there
7 today and that it can be done quickly. Can you
8 just generally explain to myself and to the
9 public just exactly how this software works and
10 how quickly these lines can actually be drawn
11 now.

12 MR. WICE: Well, sure. There are three
13 major commercial vendors that have developed
14 redistricting software, and when I say software,
15 you get the census data from the Census Bureau.
16 It's called the PL94171 file. It basically
17 provides all of the racial and age data for every
18 election district in the state. You upload that
19 data into the software. And the software enables
20 to you look at the current districts to see all
21 of the racial and ethnic numbers that comport
22 with each district, each election district,
23 senate district or assembly district, and then
24 allows you, using geographic information

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2 assistance, GIS science, to move populations
3 around so that you're changing district
4 populations, and as you do that, you get to see
5 the racial, ethnic and age differences as you
6 change them, so that you draw districts that
7 comport with one person, one vote, that all
8 districts be equal in size roughly, the Voting
9 Rights Act, so that you know what the racial
10 composition of districts look like. You also get
11 a sense to see the other kinds of factors that
12 you can add to the software.

13 An experienced line drawer, of which
14 there are very few, can draw a map in a matter of
15 days. It's just a matter of how much advanced
16 work has gone into the process, how much politics
17 and policy making goes into what the line drawer
18 is being told to weigh. But it's not a process
19 that takes a month to draw a map, a relatively
20 short period of time.

21 But again, it depends on the
22 circumstances of what is going on then, what
23 needs to be done, whether there are policy or
24 political differences that need to be worked out.

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2 But I am talking about doing that on a fast
3 track.

4 SENATOR O'MARA: Right. Now, you didn't
5 mention the criteria or the data point of party
6 affiliation. Does that not go into that system?

7 MR. WICE: You look at party affiliation
8 when you do racial voting analysis to determine
9 whether you need to comport with the Voting
10 Rights Act to maintain or draw districts that are
11 required based on racially polarized voting
12 patterns. So you need to look ac back at ten
13 years of primaries and general elections, so the
14 partisan data there does play in. It's not
15 prohibited to use partisan data. It's not
16 prohibited to use any kind of data. That's up to
17 the policy making body as to what data it wants
18 to consider.

19 However, all data that goes into the
20 redistricting machinery should be made public and
21 divulged so that the public knows what factors
22 went into the line drawing. If you're hiding some
23 kind of a data, then you're making some kind of a
24 mistake.

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2 SENATOR O'MARA: Thank you. At the first
3 panel I asked a question about the money not
4 being released that's been appropriated for this.
5 Would you agree that the sooner that money gets
6 released to set up the commission and that staff
7 and executive directors get hired, that these
8 final two commissioners get chosen, and that they
9 begin their work is imperative?

10 MR. WICE: It's imperative from an
11 objective point of view that things get moving
12 along, because we say that the longer you take to
13 wait, the harder it is to catch up. But again I
14 just want to reiterate that I'm not making
15 recommendations to the legislature. I'm just
16 giving you examples based on my experience that
17 early planning leads to a better result.

18 SENATOR O'MARA: Okay. Now, that
19 \$750,000 for this commission was appropriated in
20 this year's budget that was passed in the first
21 week of April. That money's been appropriated,
22 and it's up to the majorities of each house of
23 the legislature to get that money released. That
24 has not been done. Do you think the later we go

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2 on this, we might potentially need more resources
3 for the need to hire more staff to do more work
4 in less time?

5 MR. WICE: That's hard to say because
6 the money that was appropriated goes through
7 April 1st of next year. There needs to be an
8 entirely new appropriation for the fiscal year
9 beginning 2021-22. The unknown factor that none
10 of us anticipated at all prior to mid-March, was
11 the possible need to work remotely. We have no
12 idea what the future holds and whether we'll be
13 back at our offices next year. That would add up
14 costs in terms of more hearings like this. Then
15 again, it can save costs by not having to travel
16 to travel 12 cities, but that's a factor to be
17 thinking about. But it might also cost that each
18 staff person, each legislator have his or her own
19 commuter and software and each software license
20 can cost about \$1,000 each. So there are factors
21 that hadn't been planned for. We don't know yet.

22 SENATOR O'MARA: Well, right now the
23 commission isn't staffed, doesn't have resources,
24 so they can't even make a choice of which

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2 software to purchase to use. And I would just
3 note that I think it's imperative that this money
4 get released and the commission get on with its
5 work. But I thank you for testifying here today,
6 Mr. Wice and the rest of the panelists here.
7 Thank you very much, Chairman.

8 SENATOR GIANARIS: Thank you, Senator
9 O'Mara. Let me point out to you that I believe
10 the trigger for the hirings and the rest of the
11 work the commission needs to do is the
12 establishment of the commission. And until the
13 final two members are selected, I'm not sure that
14 that can proceed regardless, but do I share your
15 view that the commission needs to start moving
16 expeditiously, given the tight time frame we all
17 have.

18 I believe that wraps up the hearing. Let
19 me thank all our panelists, all my colleagues, my
20 co-chairs, Assembly Member Zebrowski, Assembly
21 Member Rodriguez, Senator Hoylman. This is
22 certainly something we're going to be talking a
23 lot more about as the weeks and months unfold and
24 we'll have the opportunity for even more input.

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2 With that, I would like to ask my Senate Co-Chair
3 Senator Hoylman to give some closing remarks and
4 then we'll pass it over to Assembly Member
5 Zebrowski.

6 SENATOR HOYLMAN: Thank you, Senator
7 Gianaris. This is an unprecedented time for us,
8 but it's also unprecedented in that the Senate
9 has never actually had hearings leading up to a
10 redistricting in this manner previous. So I'm
11 very proud of our participation today, Senator
12 Gianaris and looking forward to putting deed
13 behind the words of so many of our panelists
14 today who gave us an expert insight into one of
15 the most fundamental issues involving our
16 democracy, whether every person's vote counts
17 equally. Thank you very much, Senator Gianaris.

18 ASSEMBLY MEMBER ZEBROWSKI: Thank you,
19 Senator Gianaris and Senator Hoylman. I'd like to
20 give my co-chair for this hearing, Assembly
21 Member Robert Rodriguez, who chairs the task
22 force on demographic research and
23 reapportionment, an opportunity for a statement.

24 ASSEMBLY MEMBER RODRIGUEZ: Thank you,

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2 Assembly Member Zebrowski and thank you to my
3 senate colleagues for the opportunity to have
4 this very important discussion about
5 redistricting and the process. And certainly the
6 comments that were made about diversity are
7 important I think both to the Senate majority as
8 well as the Assembly majority and certainly
9 something that we are committed to enacting
10 throughout this process. And endeavor to meet and
11 respond to the comments that were made through
12 actions and hopefully to the final appointments.

13 But more importantly, we would be remiss
14 if we didn't look at the inputs to the process
15 that we are evaluating now. The census and our
16 ability to respond and get good data will inform
17 our ability to make good decisions with respect
18 to redistricting that actually reflect one
19 person, one vote.

20 And as we talk about the efforts around
21 census, we have to recognize that we are still
22 below the national average in terms of response,
23 and still have appropriations outstanding to help
24 us to achieve those numbers. So I think it's

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2 important that we recognize there's \$30 million
3 that needs to get utilized to ensure that the
4 census numbers are meaningful. And I think it's
5 important that that information come into play so
6 that we are able to have a successful outcome
7 that we all hope for in this process. Thank you.

8 SENATOR GIANARIS: Thank you, Assembly
9 Member Rodriguez, and that concludes this joint
10 public hearing. I want to thank everybody that
11 participated, all of my colleagues, everyone that
12 testified and all those out there that are
13 listening and engaging in this process. I also
14 want to thank both the Senate and Assembly staff
15 who worked very hard on put this on and I hope
16 everyone has a wonderful day. Thank you.

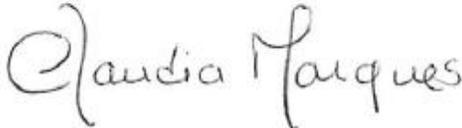
17 (The public hearing concluded at 12:30
18 p.m.)

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CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Online Public Hearing on Evaluating Constitutional Provisions Impacting Redistricting on July 15, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Claudia Marques

Date: July 28, 2020

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