



**CITIZENS UNION OF THE CITY OF NEW YORK**  
**Testimony to the State Senate Majority Conference and**  
**Senate Legislative Task Force on Demographic Research and Reapportionment**  
**on the Need for Redistricting Reform**

**December 14, 2010**

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Good morning, Co-chair and Senator Dilan and Dr. Flateau. My name is Dick Dadey, and I am the Executive Director of Citizens Union of the City of New York, an independent, non-partisan, civic organization of New Yorkers who promote good government and advance political reform in our city and state. For more than a century, Citizens Union has served as a watchdog for the public interest and an advocate for the common good. We thank you for giving Citizens Union and the public the opportunity to comment on the important topic of how legislative lines are drawn in New York.

While we appreciate the opportunity to discuss the goals and criteria for the drawing of legislative lines – which I will address – given the public discussion of, and broad public support for, an independent commission, I will direct much of my comments to the creation of an independent redistricting commission. Citizens Union firmly believes that we cannot have truly fair redistricting unless we remove the inherent self-interested conflict of legislators drawing their own district lines. The partisan practice of gerrymandering of where legislators draw districts choosing their voters before the voters choose them must end. The result of this partisan control has been the splitting of communities, challengers being drawn out of districts, and districts sprawling across too many communities and too many counties make it difficult for some legislators to properly serve their constituents. Creating an independent commission to draw the lines will ensure that the broader public interest will be served and not partisan legislative interests.

The public has been clamoring for the creation of an independent redistricting commission, with 59 percent of voters – across all parties – believing that legislators should pledge to create an independent body to draw district lines.<sup>1</sup> Legislators have responded to this public clamor for redistricting reform. An overwhelming majority of State Senators have pledged to support the creation of an independent commission, including a majority of the Democratic conference. A total of 19 members of the current Majority conference have made such a pledge, as have 5 additional Senate Democrats who are newly coming into office on January 1<sup>st</sup>. When you add several additional senators who did not sign a public pledge but are co-sponsors of Senator David Valesky and Assemblymember Michael Gianaris's legislation, S.1614-B/A.5279-B, which has passed two Senate Committees this year – Elections and Governmental Operations – there is clearly a groundswell of support for this important reform in the Senate. Given this level of support from the public and the legislators themselves, I ask the question, why are we not moving forward with passing S.1614-B?

I'd like to take this opportunity to discuss what we believe constitutes an independent commission, as is represented in S.1614-B, as well as the criteria established for drawing the lines in this legislation, as is the subject of this hearing today. Citizens Union believes that an independent commission, together with an established set of criteria for drawing lines, will provide the best result for the public in terms of representation and improving confidence in the process. It is important to note that Senator Valesky's legislation preserves an important role for the legislature in drawing district lines, as under the State Constitution, the legislature must approve the final redistricting legislation.

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<sup>1</sup> Quinipiac University Polling Institute, "New York State Is Dysfunctional, 83% Of Voters Say, Quinipiac University Poll Finds." 6/23/2010. Available at: <http://www.quinipiac.edu/x1318.xml?ReleaseID=1469>

### **Creating an Independent Redistricting Commission**

In order to create a better process for drawing district lines, one must not only look at the criteria or rules used for drawing the lines, but also the criteria for membership on the redistricting commission. Citizens Union believes that the criteria for membership that is present in the Valesky/Gianaris legislation, taken together with the two-step appointment process, creates the necessary structural independence for forming the commission that will draw district lines. Under the legislation, there would be a nominations committee that would create a “pool” of potential redistricting commission members, with the nominations committee composed of eight members. The Senate Majority Leader, the Speaker of the Assembly, the Senate Minority Leader, and the Assembly Minority Leader would each choose two such members.

Under the legislation, no member of the nominations committee shall:

- Hold or have held within the previous two years an elected government office or any other partisan appointed governmental or political party position;
- Be employed or have been employed within the previous two years in any other position by the US Congress, the State Legislature, or the Executive Chamber;
- Be or have been within the previous two years a registered lobbyist in NY; or
- Be a spouse of or related to any member of the US Congress, the State Legislature, or the Executive Chamber.

Citizens Union and our good government colleagues believe that the above prohibitions on membership and two-year black out periods are essential to ensuring the independence of the body and removing conflicts of interest. We also believe that by creating this additional layer of separation adds independence to the process, by ensuring that legislators cannot directly appoint commissioners of the redistricting commission.

The committee then chooses member of a “nominations pool,” from which the members of the redistricting commission will be appointed. The Committee would establish, based on majority vote, a list of forty eligible persons for the “Nominations Pool.” The Nominations Pool would represent the diversity of the state with regard to race, ethnicity, and gender; would include persons from each NY region (Long Island, New York City, Hudson Valley, Northern, Central, Southern Tier, and Western); and would include fifteen enrolled Democrats, fifteen enrolled Republicans, and ten persons not enrolled in either party. Nominees shall not fall under any of the above listed categories of political affiliation as would be prohibited for nominations committee members.

The redistricting commission would then be established (called the “Apportionment Commission”), which would assist the legislature in the reapportionment of Congressional, Senate, and Assembly districts based on the ensuing Federal Census. The Commission will be made up of eleven members chosen from the “nominations pool” (which as previously noted is balanced with regard to party and diversity), with eight appointed by the following: two each from the Senate Majority Leader, the Speaker of the Assembly, the Senate Minority Leader, and the Assembly Minority Leader. The three remaining Commission members will be appointed by the eight initially appointed members. No more than four members shall be enrolled in the same political party, and to the extent practicable would represent the diversity of the state with regard to race, ethnicity, gender and geographic residence.