

Testimony of LatinoJustice PRLDEF

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Before

New York State Senate Majority Conference

Public Hearings on NYS Legislative Redistricting

Senate Legislative Task Force on Demographic Research

and Reapportionment (LATFOR)

Tuesday, December 14, 2010 at 2:00 PM

250 Broadway, 19th Floor, Senate Hearing Room,

New York, New York

Good morning, members of the State Senate LATFOR Conference:

My name is Jackson Chin. I am Senior Counsel of LatinoJustice PRLDEF.

LatinoJustice PRLDEF is a national not-for-profit non-partisan organization that has conducted legal education, advocacy and impact litigation. Our former name was Puerto Rican Legal Defense & Education Fund (PRLDEF).

Since 1972, we have promoted leadership and civic engagement in the pan-Latino community and we have defended the civil and constitutional rights of Latinos in the areas of first amendment, voting rights, fair housing and employment, access to education, language access and immigrant rights.

Our office approaches its fourth decade of redistricting work. We will be working in on promoting community participation and monitoring compliance with the federal Voting Rights Act throughout the legislative and Congressional redistricting process in New York.

Redistricting and reapportionment are driven by the demographics of population change. How will New York's changing demographics impact the redistricting process?

In New York State, Hispanics helped fuel New York's population growth this decade. From 2000 to 2008, Latinos comprised 72% of the growth.

Latinos continue to comprise a significant proportion of the total population of New York State. In this last decade, according to the 2009 American Community Survey, the number of Latinos made up an estimated 16.8% of the state's total population.

The current legislature consists of a total of 62 senate districts – of which only 6 senate districts have an effective majority of Hispanics. Out of the

150 state assembly districts, only 12 such assembly districts have Latino effective majorities.

In the next cycle of redistricting based on the new demographics of Census 2010, we believe that those responsible for drawing district lines must recognize the obligations for providing fair electoral opportunity for New York's Latino communities.

Proportionality is a key factor in redistricting. As the U.S. Supreme Court has stated, proportionality "links the number of majority-minority voting districts to minority members' share of the relevant population." *Johnson v DeGrandy*, 512 U.S. 997, 1014 n.11 (1994). If given the proper proportionate number of districts in the next round of state redistricting, we expect to see the drawing of more Latino majority-minority districts in both state senate and state assembly plans

In the final analysis, we urge that the state legislative redistricting maps be drawn with the understanding that a proportionate percent of the total districts can be drawn for majority-minority Latino districts. This set of districts bears a proportionate relationship to the number of Latinos now in our state.

Another point that LatinoJustice has always supported is the adoption of the fundamental principle of transparency. Transparency must be infused throughout the state's redistricting process. Transparency will help ensure

that fairness and participatory equality are incorporated into New York's redistricting process. A transparent process will provide accessibility and cultivate trust among the electorate; similarly, transparency and participation will help diminish the excesses of partisan gerrymandering and eliminate barriers to fair redistricting.

We urge that a number of steps be taken whose objective is to encourage full and meaningful public access to the redistricting process. The public must be given the opportunity to testify and provide comment and input to the LATFOR and state's officials before they undertake to draft maps under legislative and Congressional redistricting.

One concrete step is to guarantee public inclusiveness in the pre-mapping phase through encouraging public input and testimony to inform LATFOR about how communities desire to have districting lines drawn. Rounds of public hearings must be conducted throughout the regions of our state.

Bilingual interpretation and translation of materials must be afforded in those communities with significant language minorities that are protected under the Voting Rights Act.

Although this has not been the case in prior rounds of redistricting, we believe there should be a second round of public participation hearings allowing for public review and comment on the state's release of its preliminary maps. LATFOR's draft maps should be circulated to the public

with a reasonable period of time for review and comment of a few weeks during a second round of public hearings. The state's proposed maps can also benefit from the submission of alternative districting maps as proffered by the public

During this phase, public hearings can provide support or suggestions on how district lines will best preserve "communities of interest" and comply under the Voting Rights Act to avoid voter dilution challenges while abiding by traditional redistricting principles of compactness, contiguity and *de minimis* deviation from the equal population requirement.

In closing, LatinoJustice looks forward to working with state officials and LATFOR members and staff to promote community participation in a politically inclusive process which will yield fair maps for all of our communities.