

Testimony Of Susan Lerner
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Good morning. I am Susan Lerner, Executive Director of Common Cause/New York. Common Cause/New York is a nonpartisan citizens' lobby and a leading force in the battle for honest and accountable government. Common Cause fights to strengthen public participation and faith in our institutions of self-government and to ensure that government and political processes serve the general interest, and not simply the special interests. For 40 years, we have worked at both the state and municipal level to bring about honest, open and accountable government. Consonant with our overall mission we have consistently worked to improve accessibility, accuracy, transparency, and verifiability in our democratic process at the city, state and national level. We are actively engaged in working to support fair, non-partisan redistricting throughout the country. We focus on insuring that the coming decennial redistricting will be performed in accordance with nonpartisan rules designed to create districts of relatively equal population that will provide fair representation for all. We support independent redistricting commissions and work for their adoption wherever practical.

In California, Common Cause California helped to pass Proposition 11, the Voters FIRST Act, in the November 2008 General Election, which transferred responsibility for redrawing the legislative and Board of Equalization district lines to the people in the form of a new Citizens Redistricting Commission. In November 2010, Common Cause California helped pass Proposition 20 (the Voters FIRST Act for Congress), adding to the responsibilities of the Citizens Redistricting Commission the task of adjusting the boundary lines for the Congressional districts as well. We are actively involved in public education efforts to support and monitor the work of that independent commission.

We thank the Task Force for the opportunity to discuss proposed goals and criteria for legislative redistricting. Before turning to specific recommendations for a legislative redistricting process, I would like to point out that Common Cause/NY strongly supports the creation of an independent redistricting commission here in New York and nothing we suggest today should be interpreted to undercut our support for an independent process.

In actuality, however, we believe that, separate from the goal of creating a redistricting process independent of the Legislature, the remaining goals and criteria for the coming redistricting are the same, whatever process is used to draw district lines.

Common Cause/NY believes that the essential goals for the decennial redistricting are to establish a process that 1) eliminates partisan bias and results in maps drawn to create districts of relatively equivalent size that provide fair representation for all and 2) to open it up to ensure full public participation in the redistricting process.

We believe that even a legislative redistricting process – while it is not our first choice – can result in fair maps if the appropriate criteria are used. Those criteria are:

1. Insuring that the minority voting power is not diluted;

2. Insuring that incumbency protection and incumbent residency are not considered as factors and that political party or candidate advantage is similarly disallowed as a criteria; and
3. Insuring that districts for the same office have reasonably equal population except where deviation is required to comply with the federal Voting Rights Act. We believe that deviation in size between districts for the same office should be limited to 1 to 2%, except in situations where the Voting Rights Act would require a greater deviation.

We, of course, support additional criteria such as contiguity and compactness, respecting political and geographic boundaries and protecting communities of interest.

Common Cause/NY believes that the second essential goal of this decennial process should be to conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines. The state of technology is such that redistricting data and software can be made readily available to the public through the Internet. There are various projects underway to help the public understand the redistricting process and to encourage individuals and groups to try their hand at drawing political boundary lines. Virtually all of the software that is designed to accomplish the mapping process can generate maps and data in forms that can be uploaded to a website. Various states are examining how to use the capabilities of the Internet and the most recent generation of mapping software to engage the public in a meaningful way in the mapping process. New York should be a leader in this Government 2.0 effort. Certainly, New York, one of the technology capitals of the world, has the expertise to accomplish this. We recommend that the Open Senate site be expanded to include this capability.

As part of an open process, irrespective of who draws the maps, each map should be accompanied by a report that details the criteria used, the basis on which decisions were made in applying the criteria used and include definitions of the terms and standards used in drawing the map.

The public is highly skeptical of the Legislature's ability to draw fair district lines, with good reason. The gold standard is an independent citizens' redistricting commission that openly and transparently draws maps based on strict, nonpartisan rules designed to create districts of relatively equal population that will provide fair representation. In the end, whatever redistricting process is used, the ultimate goal must be a redistricting process that is open and transparent, invites public participation and comment, and draws maps based on strict, nonpartisan rules to create districts of relatively equal population that provide fair representation and do not establish political and incumbency advantage.