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January 27, 2014

Governor Andrew Cuomo
Executive Chamber
State Capitol
Albany, NY 12224

Dear Governor Cuomo:

I write to you concerning the issue of approximately 1.5 million New Yorkers whose Senators and/or Assemblymembers have principally left their respective legislative body since the November 2013 elections. I believe that the 12% of New Yorkers represented by the eleven empty legislative districts – i.e., nine Assembly Districts and two Senate Districts, many of which are majority African-American or Latino districts – should not lack representation during the 2014 Executive Budget process, and certainly not until January of 2015. I am respectfully requesting therefore, that you call a special election without delay, so that those New Yorkers “represented” by those “empty seats” have at least the prospect of being represented in 2014 and during the budget process.

As you know, once New York’s annual state budget is completed and enacted into law, most if not all of the state’s major social programs, health initiatives, business incentives and state agency budgets and programs, and taxes and fees are “set in stone” and largely unchangeable for the year. Therefore, to be without representation in the Executive Budget process is literally to be subject to taxation without representation.

Worse, communities without state legislative representatives have no voice in how thousands of other bills are amended, debated or passed into law. Those communities also have no representative to provide them with constituent services, or to voice their community’s concerns in legislative oversight proceedings.

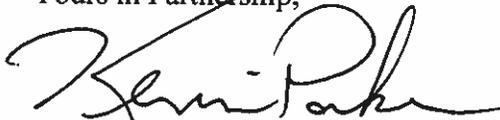
Compounding the challenges faced by these unrepresented legislative districts, of the nine Assembly Seats that are currently vacant, five (5) districts are “majority-minority” – principally African-American and Latino -- districts. Of the two Senate seats vacant, one is a majority African-American district, and the other has large Latino, African-American and varied New American groups that are no longer represented in the Senate. The absence of legislative representation in these eleven districts, therefore, disproportionately harms New York’s African-American, Latino and New American communities.

The question of whether or not -- like many other constitutional rights and duties -- the Governor's discretionary power to call or choose not call special elections is outweighed by New York's constitutional requirement for speedy elections has been discussed extensively in the media over the past month. The media has discussed this issue however as an academic problem that tilts the balance of power between your office and that of the legislative conference leaders, almost completely ignoring the implications of more than a million New Yorkers being without representation during the budget process and an entire legislation session. I am asking you here not to treat this enormous number of citizens bereft of legislative representation for up to one year as a purely academic issue, and to remember and honor the needs of the New Yorkers of the eleven legislative districts without representation. It is simply not right, and violates our constitution's values, that they be denied representation during such an important time due to the failure to call special elections to fill those legislative seats.

As the Court of Appeals most recently said in 1973, "when a vacancy in elective office occurs, the vacancy must be filled by election in the shortest space of time reasonably possible." *See, e.g., Roher v. Dinkins*, 32 N.Y.2d 180, 188 (1973). I respectfully request therefore, as noted above, that you hold a special election without delay, so that those New Yorkers "represented" by those "empty seats" have at least the prospect of being represented in 2014 and during the budget process.

If you have any questions, do not hesitate to contact me at (718) 629-6401.

Yours in Partnership,

A handwritten signature in black ink, appearing to read "Kevin Parker". The signature is written in a cursive, flowing style with a long, thin vertical line extending downwards from the bottom of the signature.

KEVIN PARKER