



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony the Legislative Task Force on Demographic Research and
Reapportionment (LATFOR), Senate Judiciary Committee, and Assembly
Government Operations Committee

Remote Hearing
July 15, 2020

Dear members of the State Senate and Assembly. My name is Rachel Bloom and I am the Director of Public Policy and Programs at Citizens Union. We thank you for inviting us here today and giving Citizens Union the opportunity to present testimony on the constitutional provisions impacting redistricting in 2022. We have been working on redistricting rules in New York for decades, and welcome the opportunity to speak the current cycle as well.

Citizens Union applauds the Legislature for focusing on the redistricting process, particularly in these challenging times. Hopefully this hearing will provide guidance and insight for the Legislature, and for the newly-established Commission as it undertakes its redistricting responsibilities.

Eight years ago, lawmakers placed on the ballot the biggest reform to redistricting in New York in decades, moving forward to change a deeply flawed system dating from the 19th century. The constitutional amendment, which received the decisive support of New York voters in 2014, created a more open and fair redistricting process. Among other benefits, it curbed partisan gerrymandering, codified federal Voting Rights Act language into the state constitution, and clarified the rules the Commission and the Legislature must follow in drawing the lines. The amendment also called for extensive public hearings and the release of maps and other data, which would allow members of the public to draw their own maps, thus fostering public participation.

As New York heads into this process for the first time, the new mechanism faces a number of challenges.

First, it is a new, yet-to-be-tested process. It involves establishing a new commission, including staff, and setting up a complex technical and legal infrastructure to be able to draw maps under new guiding principles. We were pleased that the Legislature allocated \$750,000 in the FY 2020-21 budget for the Commission. We note that the Commission is still missing two members, who must be selected by the other eight Commission members, and has yet to appoint executive directors and hire staff. We call on the Commissioners to reach an agreement on their picks as soon as possible. As they consider filling the two remaining vacancies, we would note that according to the constitution, the Commission should

reflect “the diversity of the residents of this state with regard to race, ethnicity, gender, language, and geographic residence (Sec 5-b(c)).” We note that currently, there is only one woman on the Commission and no Latinx commissioners.

Second, the redistricting process faces a tight schedule. With census data delayed due to Coronavirus, and expected only on July 31, 2021, and with the first day for signing designating primary petitions shifting to early March of 2022, the Commission would be advised to present its plans earlier than expected.

Yet, it should still have sufficient time to do so. Given the speed of modern computing, the actual line-drawing process should not take nearly the length of time that it did a few decades ago. Even with the delay in obtaining census data, the Commission should be able to do its work in a time frame that would allow adequate deliberation and public vetting. The Commission will have approximately 45 days to present its draft plan to the public—the deadline is September 15—and more than enough time to send the first plan well before the January 1, 2022 outer limit set forth in the constitution. That would allow the Legislature to take its first vote on the plan in late 2021.

This won’t be the first time the Legislature faces tight redistricting timing. In 2012, for example, petitioning for the June Congressional Primary Election began on March 20, and a three-judge panel approved the maps a day before that deadline. It is worth noting that the federally appointed Redistricting Master was able to provide the court with a map in two weeks’ time.

To ensure the timeline set in the constitution is maintained, we recommend to the Legislature to amend Article 6-A of the Legislative Law—the implementing legislation that accompanied the 2014 constitutional amendment—to set an accelerated schedule for the Commission. Although the constitution requires the Commission to submit its first plan to the Legislature by January 1, 2022, and if that plan is voted down, to submit its second plan by February 28, **nothing prevents the Legislature from establishing an earlier date so long as that legislation is consistent with the constitutional provisions.**

Alternatively, the Legislature can also shorten the petitioning period (with a proportionate reduction of the signature requirement) or change the date of the 2022 state Primary Election, if lawmakers conclude they will not be able to reach an agreement on time.

Whatever course of action the Legislature takes, it is also imperative that the next state budget includes sufficient funding for this accelerated process. The Commission will need to adequately prepare its staff, software, and database to be able to produce maps once census numbers arrive.

Third and most importantly, Citizens Union opposes any process which seeks to amend the state constitution to address the 2022 redistricting cycle.

The 2014 revision was a result of a long process of deliberation, public input, and media coverage. Changing the constitution without public notice, during a last-minute session, would be counter to the objective of an open and fair redistricting process, especially since, as noted before, timeline problems can be solved through legislative action.

The current redistricting process is not perfect. Citizens Union had hoped the 2014 amendment would have included more improvements to the process, but supported the final version as an important opportunity to fix a rigged system. We believe the public, which strongly supported the 2014

amendment, should be given the chance to see those amendments implemented for the first time. A thoughtful debate on the merits and drawbacks of the process should follow, ahead of the next redistricting process. Changes should not be made during a redistricting process, in the current highly-rushed timeline.

We are especially concerned by any attempts to eliminate the bipartisan nature of the current redistricting process, either by changing the special voting rules in the Commission or the needed majority in the Legislature in case of one-party control. That would contradict the intent of the 2014 amendment. We have advocated for fair redistricting for many decades, during which time we have watched as one party or the other sought to reduce by gerrymander the voting rights of supporters of the opposing party. The goal of a fair redistricting is for every person's vote to have equal value, regardless of party affiliation.

Finally, we are concerned that any process which seeks to amend the constitution at this moment would create confusion, limit public input, and will not influence the timeline. The earliest that an amendment can take effect is January 1, 2022, well past when the Commission is required to submit its preliminary plan for public comment, and on the same day when it is supposed to present its first plan to the Legislature. The Commission must be able to operate with full knowledge of what criteria it needs to follow. If amendments are placed on the ballot, the Commission will not know until November which constitutional provisions would be in effect. If there is a change in January, the Commission would have to operate with different criteria and possibly produce new maps. The tight timing would greatly limit, if not exclude, public input on revised plans. And if there are pending amendments, we doubt members of the public would be able to provide meaningful input to the process. This may also compound the risk of lawsuits, both during and after the process. We fear all this will delay the process rather than expedite it.

We urge the Legislature to keep the redistricting approach set forth in the 2014 amendments intact for the upcoming redistricting.