

NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT

PUBLIC HEARING
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Wednesday, February 15, 2012
Monroe County Chambers, Room 406
39 West Main Street
Rochester, New York 14614
11:30 a.m.

Demographic Research and Reapportionment, 2-15-2012

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

Demographic Research and Reapportionment, 2-15-2012

INDEX

	Page
MR. DAVID GANTT, NEW YORK STATE ASSEMBLY MEMBER	8
MR. THOMAS RICHARDS MAYOR, CITY OF ROCHESTER	12
MR. OVE OVERMYER	31
MR. TED O'BRIEN MONROE COUNTY LEGISLATOR	37
MR. ADAM MCFADDEN ROCHESTER CITY COUNCILMAN	44
MR. JACK ZIGENFUS SUPERVISOR TOWN OF COHOCTON	52
MS. SANDY PARKER PRESIDENT AND CEO ROCHESTER BUSINESS ALLIANCE	56
MR. WILLIAM GERLING	59
MR. KENT GARDNER PRESIDENT CENTER FOR GOVERNMENTAL RESEARCH	62
REVEREND RICHARD GILBERT COMMON CAUSE	65
MR. JOHN KEEVERT COMMON CAUSE	70
MS. CYNTHIA KALEH MONROE COUNTY LEGISLATOR	76
MS. ELAINE SPAULL ROCHESTER CITY COUNCILMEMBER	78
MR. ROBERT MAURER	82
MR. THOMAS GREGORY	86

Demographic Research and Reapportionment, 2-15-2012

MR. DENNIS SEEKINS	94
MS. CAROL ARAGON	96
MR. JAMES WEBSTER	101
MS. SARAH YAWORSKY 19 TH WARD COMMUNITY ASSOCIATION	103
MR. KEVIN GALLAGHER	107
MR. EDWARD CRAMP	129
MR. TRACEY HARRISON 1199 SEIU	135

1 Demographic Research and Reapportionment, 2-15-2012

2 (The public hearing commenced at 11:33
3 a.m.)

4 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR
5 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
6 RESEARCH AND REAPPORTIONMENT: Good morning.
7 This, the 22nd hearing of the New York State
8 Legislative Task Force on Demographic Research
9 and Reapportionment will come to order.

10 I'm very pleased to be in Rochester
11 today to take testimony from individuals who are
12 interested and concerned with redistricting. The
13 process that takes place once every ten years to
14 reflect New York's census changes. That the
15 hearings have been held in every corner of the
16 state and we look forward to the testimony that
17 will be proffered here today. I'm New York State
18 Senator Mike Nozzolio and along with Assemblyman
19 Jack McEneny are co-chairs of this task force.
20 And without further ado, I want to introduce the
21 Senate representatives on the task force. To my
22 right is the ranking member of the task force,
23 Senator Martin Dilan. Before me, in the center
24 of the aisle ahead, is Welquis Ray Lopez, the

1 Demographic Research and Reapportionment, 2-15-2012

2 citizen representative appointed to the task
3 force. To his right is Debra Levine, Executive
4 Director of the task force. Assemblyman McEneny,
5 our second trip to Rochester, welcome-

6 ASSEMBLY MEMBER JOHN J. MCENENY, CO-
7 CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
8 RESEARCH AND REAPPORTIONMENT: [interposing]
9 Yes.

10 SENATOR NOZZOLIO: -to the greater
11 Finger Lakes region. And that it's wonderful to
12 have you here today and we look forward to the
13 testimony from a variety of groups and
14 individuals.

15 ASSEMBLY MEMBER MCENENY: Thank you,
16 Senator. I'm Jack McEneny, I represent six towns
17 and a lot of the city of Albany. To my immediate
18 left is the Republican counterpart for the
19 assembly, Bob Oaks, who is Yates County?

20 ASSEMBLY MEMBER ROBERT OAKS: Wayne.

21 ASSEMBLY MEMBER MCENENY: Wayne County.
22 And directly in front of him, our citizen
23 representative on the assembly side is Dr. Roman
24 Hedges. And with that, I look forward to hearing

1 Demographic Research and Reapportionment, 2-15-2012

2 the testimony. I believe you know the schedule
3 here. This is the second to last public hearing,
4 tomorrow we'll be in Buffalo. The lines will be
5 changed based in large part on some of the
6 testimony we receive at public hearings across
7 the state. Testimony that's also sent into
8 LATFOR regularly from people who don't make it to
9 a public hearing and will be done during the
10 President's Week break when the legislature is
11 not in session in anticipation of a vote when
12 they return on the 27th at some point during that
13 week. So it's a tight schedule, the Congress has
14 not put together, but the maps have been out for
15 some time now for Senate and Assembly, you may
16 speak on any, anything anywhere in the state.
17 Senator, shall we begin?

18 SENATOR NOZZOLIO: Thank you,
19 Assemblyman. Before we do so, I wish to advise
20 those presenting testimony today that their
21 testimony will be video recorded. The cameras in
22 the center of the room as well as this one here
23 to my left record the testimony. That testimony
24 becomes part of the official record taken by

1 Demographic Research and Reapportionment, 2-15-2012

2 LATFOR. A copy of this testimony is placed on
3 the website of LATFOR for all to review. Anyone
4 watching these proceedings on the LATFOR website
5 is encouraged to submit any of their written
6 comments to LATFOR, should they not be here to
7 testify in person.

8 Without further ado, I'd like to call
9 those who have signed up, the first witness, the
10 first testifier is David Gantt. Assemblyman
11 David Gantt.

12 ASSEMBLY MEMBER DAVID GANTT: Thank you
13 very much, Senator Nozzolio, Senator Dilan, Mr.
14 McEneny, Assembly Oats. I come here to—

15 SENATOR NOZZOLIO: Is your mic on,
16 Assemblyman? It is? Okay. Thank you.

17 ASSEMBLY MEMBER GANTT: Mike probably
18 turned it down so—don't want to hear what I have
19 to say.

20 SENATOR NOZZOLIO: Pardon me?

21 ASSEMBLY MEMBER GANTT: As most of you
22 know, I've had a history in this process and have
23 ensued for district here locally in 1982. The
24 district I now represent, had no intention of

1 Demographic Research and Reapportionment, 2-15-2012

2 representing back in those days, but ran to-
3 helped run the commission in 1992 and in 2002 had
4 a different issue and today I come before you
5 because we have some real problems.

6 When you first came here, I
7 intentionally did not come to speak to you
8 because I thought that you ought to have the
9 right to follow through on your process that you
10 were following.

11 I, as you probably know, was one of only
12 a few members who refused to cave in to Congress
13 or Mayor Koch, because I wouldn't sign that
14 promise that he had us make. Because I sincerely
15 believe that this is a political process, a
16 process that the legislature and the governor
17 ought to have control of. So I refused to sign
18 that because it was not the right thing to do.
19 However, when I looked at what had been proposed
20 as Senate lines, and I've been representing this
21 district now 30 years. When I saw what was
22 proposed as lines that go all the way from
23 Amherst to Rochester, that splits up the
24 University of Rochester and pits it, in my

1 Demographic Research and Reapportionment, 2-15-2012

2 opinion, against the University of Buffalo. And
3 they had the same senator. I wonder who that
4 senator will listen to? When I look at the lines
5 for, in general, with the minority population in
6 the city, I see some senators losing 5%, I see
7 others losing 2%, and I see others, again, going
8 all the way just outside Buffalo and they gain
9 9%. I think it's an unfair process and that's
10 why I've come here today to at least register
11 that. I'm sure that you have the maps that are
12 here. I don't have to draw your attention to the
13 fact that this, the deeper red is where the
14 minority community lives at, both the Hispanic
15 and African American population in particular.
16 Who's put at a disadvantage? They have no
17 choice, given what the lines are now, unless you
18 decide to change those. Because it should be
19 fair. There are others in this room who believe
20 that they ought to draw the lines. I, again,
21 remind you that I do not believe they ought to
22 draw those lines. Having had the opportunity
23 myself. But I do encourage you to take
24 additional looks at those lines and make the

1 Demographic Research and Reapportionment, 2-15-2012

2 kinds of appropriate changes that ought to be
3 made, both on behalf of the University of
4 Rochester, our business community. You know, the
5 University of Rochester is the highest employer
6 in this area. Used to be Kodak. It's no longer
7 Kodak. It's now University of Rochester. And as
8 a research institution, you're going to pit them
9 against, as I said, the University of Buffalo.
10 It's unfair. What we're doing with those who
11 live in the city is unfair. My mayor probably
12 will come later on and talk about the kinds of
13 things that are important to him, but my reason
14 for being here are the University of Rochester,
15 the City of Rochester and the minority community.
16 I implore you to change those lines, get them
17 back where they should be. If not, I, it's my
18 intent to see what I can do starting back with
19 my, something I started in 1982 and that's to
20 watch the reapportionment process and to make
21 sure it's a fair process and if not, I'll see you
22 in court. Thank you and God bless you all.

23 SENATOR NOZZOLIO: Thank you,
24 Assemblyman. Any questions of Assemblyman Gantt?

1 Demographic Research and Reapportionment, 2-15-2012

2 Thank you, Assemblyman.

3 ASSEMBLY MEMBER GANTT: Uh huh.

4 SENATOR NOZZOLIO: Mayor Tom Richards.

5 MAY THOMAS RICHARDS, CITY OF ROCHESTER:

6 Thank you, Senator. Senators and Assemblymen and
7 members of the commission. First, let me
8 recognize that this is a tough job you've got and
9 I know you've spent an awful lot of time on it.
10 And I don't, in some sense, envy you, but I hope
11 that we can point some things out to you today
12 that maybe you didn't appreciate, but in the
13 difficulty that you've encountered here and that
14 you will reconsider some of the lines.

15 The particular areas that we're
16 concerned about, or I'm concerned about on behalf
17 of the city are the Senate lines. We believe
18 that the six districts that are proposed for
19 Monroe County disregard the community of interest
20 that is our community. And the city. They
21 dilute the minority representation, as
22 Assemblyman Gantt has pointed out, and the City
23 of Rochester's ability to influence those
24 elections in its interests. Furthermore, they

1 Demographic Research and Reapportionment, 2-15-2012

2 water down the impact of the new regional
3 economic development. Remember, we've just
4 created here these regional economic areas and
5 ours is the Finger Lakes. There's a separate
6 area in Buffalo. And this, again, runs contrary
7 to that.

8 I know you've spent some time on it and
9 it's a difficult issue for you to deal with, but
10 I hope you'll reconsider that in light of some of
11 the things, as I said before, that are pointed
12 out to you today.

13 State and federal law establish the
14 ground rules that you're trying to obey here and
15 they have a purpose and the purpose, of course,
16 is to recognize this community of interest and
17 the rights of all voters. And they have to be
18 applied properly in order to achieve these goals.
19 Understanding that it's not easy to do. The New
20 York State Constitution addresses the
21 redistricting criteria to preserve communities of
22 interest, which I've addressed, and to present
23 the manipulation of those districts and against
24 that community of interest. Federal rules

1 Demographic Research and Reapportionment, 2-15-2012

2 necessitate compliance with equal representation
3 and the one person one vote. And we believe that
4 representing this district through six districts
5 does not accomplish that.

6 I want to emphasize the importance that
7 the drafters placed on protecting that interest.
8 That local interest. That's why we have
9 districts. Otherwise we could simply have
10 everyone elected at large. I'm afraid that the
11 proposed districts, at least as they impact
12 Monroe County and the City of Rochester, fail to
13 meet those standards.

14 Monroe County has a population that's
15 most recently been recorded of about 744,000
16 people. Assuming that there will be 63 Senate
17 districts, each district will have about 307,000
18 people. Based on that standard, Monroe County
19 would have about two-two and a half districts
20 representing it and not portions of six
21 districts, only one of which is wholly within the
22 county. As drawn, the Rochester area senator
23 districts violate the requirement that no county
24 should have four or more senators unless it shall

1 Demographic Research and Reapportionment, 2-15-2012

2 have a full ratio for each senator. And that's
3 not achieved here and couldn't be achieved here.
4 The proposed six district formula violates that
5 principle. And we given you a testimony, we've
6 provided maps and provided illustrations of it
7 for you to look at when you get a chance.

8 The requirement that the districts are
9 as compact as possible and are clearly violated
10 by Districts 59 and 61. Some of which were
11 referred to by Assemblyman Grantt. They're
12 already long, narrow districts and now they've
13 been extended up into the further north, for the
14 first time into Monroe County to include the town
15 of Wheatland and Henrietta. District 61 is
16 extended eastward into Monroe County to include
17 the towns of Riga and a portion of the city of
18 Rochester. In addition, District 55, which was
19 relatively impact and has now been extended to
20 include eastern and southern towns of Monroe
21 County and extended into the southernmost portion
22 of Ontario county. The proposed District 56
23 violates the spirit of the compactness
24 requirement. The district is composed primarily

1 Demographic Research and Reapportionment, 2-15-2012

2 of the northeastern towns of Monroe County and
3 the northwestern section of the city of Rochester
4 and would be connected to the southeastern
5 portion through a sliver of land, in some cases,
6 only a block wide.

7 Senate 61 is being redrawn to include a
8 substantial portion of the 19th Ward of Rochester.
9 The 19th Ward of Rochester is a recovering,
10 predominantly minority neighborhood. It's home
11 to the city's largest employer - the University
12 of Rochester. And it is a principle economic
13 driver for our community. It is one of the most
14 fundamental institutions that this city and this
15 community has. And, by the way, it's very
16 fundamental to that neighborhood as well.
17 Because it's located there. The section of the
18 city, the two towns of Monroe County, Riga and
19 Chili, will now be added to that district that
20 begins in Amherst and includes all of Genesee
21 County. The senator who represents it currently
22 is a gentleman who lives in Amherst, whose life
23 has been spent there and I'm sure may be doing a
24 great job of representing Amherst and that part

1 Demographic Research and Reapportionment, 2-15-2012

2 of the state, but he's not in a position to
3 represent our community of interest here.

4 Particularly our most prominent employer and one
5 of our most prominent intuitions and a sliver of
6 a minority community, which is diluted by its
7 involvement in this district.

8 And this, for us, is not a political
9 issue. As long as I can remember, our city has
10 been represented by Republican senators. In a
11 set of districts that we were living with and
12 accept. So it isn't that. It's a matter of
13 representing this community of interest, be it
14 Republican or Democrat or whoever it is, that
15 they're in a position to represent that
16 community. Of particular concern are the
17 interests of that 19th Ward that I talked about.
18 Which is now experiencing a revitalization, and
19 the city, along with the U of R, has invested
20 considerable assets and time and effort in that
21 neighborhood to bring it back. And it's the
22 interest of that community which will certainly
23 be weakened that's made part of a district that
24 will it will be a very small representation of.

1 Demographic Research and Reapportionment, 2-15-2012

2 So, the proposed District 61, which
3 starts with the University of Buffalo and,
4 includes the University of Buffalo and Eerie
5 Community College and that it adds the private
6 University of Rochester, we believe, is not an
7 acceptable way in which to represent our
8 community of interest. Each of these
9 universities has major initiatives underway, each
10 of them requires representation and has separate
11 interests and it is—the heavily population
12 concentration will be in the western part of that
13 district. And that's just inevitable in terms of
14 where its interest will lie.

15 As the largest employer, the entity
16 responsible for generating much of Rochester's
17 new business, it's imperative that the University
18 of Rochester be represented by a senator with an
19 understanding of our critical interests and the
20 university's critical interest and we do not
21 believe someone who is in Buffalo, however well
22 intended they may be, is in a position to do
23 that. That's why, in fact, we have districts and
24 I have these communities of interest.

1 Demographic Research and Reapportionment, 2-15-2012

2 Senate District 59 is being redone to
3 add some of the Monroe County towns of Wheatland
4 and Henrietta for the first time. The current
5 district stretches all the way to the towns of
6 Erie and Wyoming, Livingston and Ontario
7 Countries. And similar to the situation with the
8 61st District, the incumbent center has strong
9 gives, as you would expect, in western New York
10 and includes a long-term career as part of an
11 Erie County sheriff and others. That's what you
12 would expect from a district that's prominently
13 dominated by that. Unfortunately, when the
14 district has been redrawn here, it reaches up
15 into Henrietta and takes Rochester's second most
16 prominent educational institution - RIT. I'm
17 sure if you're RIT, you might say you're the
18 first. But it's 18,000 students now at RIT. It
19 is part of what we're basing our economic future
20 on in this community. It generates significant
21 activity not only as a large institution, but as
22 a technical institution that is spinning off
23 other economic activities that are prominent to
24 our community. So now we have both of the most

1 Demographic Research and Reapportionment, 2-15-2012

2 prominent educational institutions in this
3 community, both of whom are major parts of our
4 hope for economic development represented by
5 someone who's in the western district of New
6 York. And we just think that that misses this
7 community of interest that's so important to us.

8 Let me skip over here to say I mentioned
9 the Rochester's 19th Ward, which was talked about
10 before. And this is significant because the
11 minority population in the 19th Ward has struggled
12 for a long time and is now making a comeback.
13 Partly of what's going on at the U of R, but
14 partly because of a significant investment of
15 time and effort by the state and the city in
16 making that a successful district. It deserves
17 to be in a district that is represented
18 adequately. The constituency in District 56
19 minority will be reduced down from 24 to 18%.
20 It's a substantially watering down of that
21 minority representation. And the ability to
22 influence state policy.

23 So the new districts do not consider,
24 and, we believe, run contrary to the recognized

1 Demographic Research and Reapportionment, 2-15-2012

2 development program that's been started by the
3 state of New York. We just went through a
4 process where the state of New York was divided
5 into regions, and you're all familiar with it.
6 We are in the Finger Lakes region. Buffalo is in
7 a separate region, the western district. One of
8 the ways economic development works in this state
9 now, under Governor Cuomo, is these districts
10 compete, they're expected to compete for state
11 aid. They're expected to develop their own plans
12 and expected to compete. And so they are the
13 community of interest that's been designed and,
14 in fact, created by the State of New York. It's
15 the way the Department of Labor looks at it, it's
16 the way the economic development people in the
17 state, and, quite frankly, it's the way we look
18 at it. It is, in fact, the right and a natural
19 division. And so with respect to those things,
20 we think these districts that run all the way to
21 Buffalo run contrary to it. Some of that existed
22 before. But it did not exist in the way that had
23 significant impact now where both the U of R and
24 RIT are carved out of the Finger Lakes District.

1 Demographic Research and Reapportionment, 2-15-2012

2 And that, I think, is the major impact that
3 that's had.

4 Rochester is an important community in
5 this state. I know you know that and I know you
6 appreciate it. And we're working hard, like
7 everybody in upstate New York to make a comeback
8 here. And we can't afford, quite frankly, to
9 have our community of interest placed at risk and
10 we're concerned that the Senate districts that
11 have been designed here do, in fact, do that. We
12 can't expect our community to be adequately
13 represented by people who have other interests
14 and who, in fact, may in fact have to respond to
15 those interests. We have urban minority
16 neighborhoods. Urban minority neighborhoods who
17 deserve and require representation that has an
18 understanding of their unique issues. An
19 understanding of what it's like to live and work
20 and try to build those urban minority
21 communities. And we have major educational
22 institutions that are critical to our long-term
23 success here. And we believe that those
24 principles were not recognized in the Senate

1 Demographic Research and Reapportionment, 2-15-2012

2 districts that are designed before you.

3 Again, I appreciate your work, I
4 understand how difficult it can be and I hope
5 that you'll consider these statements that will
6 be made here and will be made by others as you
7 reconsider the lines.

8 SENATOR NOZZOLIO: Mr. Mayor, before you
9 sit down, I have a few questions.

10 MAYOR RICHARDS: Yes sir.

11 SENATOR NOZZOLIO: First of all, thank
12 you for your advocacy on behalf of the city you
13 represent.

14 Mr. Mayor, how many Senate districts are
15 there now in the city of Rochester? Representing
16 the city of Rochester?

17 MAYOR RICHARDS: We have three.

18 SENATOR NOZZOLIO: And how many do you
19 understand to be part of this new plan?

20 MAYOR RICHARDS: Six.

21 SENATOR NOZZOLIO: Well, I said the city
22 of Rochester.

23 MAYOR RICHARDS: Oh no, the city of
24 Rochester, that doesn't affect all of us, that's

1 Demographic Research and Reapportionment, 2-15-2012

2 correct.

3 SENATOR NOZZOLIO: So there are three
4 senators representing the city of Rochester now.

5 MAYOR RICHARDS: Right.

6 SENATOR NOZZOLIO: And under this plan
7 there are three senators proposed to represent
8 the city of Rochester.

9 MAYOR RICHARDS: That is correct. That
10 is correct.

11 SENATOR NOZZOLIO: Is—I guess I have two
12 hats here as co-chair of this task force as well
13 as a representative of Monroe County, and I'm
14 very proud to have represented the town of
15 Webster for the last 20 years in the Senate. And
16 that representation has included my own advocacy
17 on behalf of those institutions that you are
18 championing today, the University of Rochester
19 and the Rochester Institute of Technology. I
20 guess somebody could say, "Well, I went to
21 Cornell University and my district goes to the
22 doorstep of Cornell, therefore I couldn't be a
23 representative of the University of Rochester's
24 interests or the interests of RIT." And I guess

1 Demographic Research and Reapportionment, 2-15-2012

2 I also ask, the last I looked, both RIT and U of
3 R were private institutions. Yeah, I know well
4 that we, through our efforts of our primarily
5 Senate delegation, have delivered tens of
6 millions of dollars to both of those institutions
7 over the last ten years. And I respect and
8 appreciate and applaud what's being done at both
9 of those schools. But my, part of my district
10 that is at Cornell's doorstep does not impede me
11 in one iota to be an advocate on behalf of the
12 University of Rochester or the Rochester
13 Institute of Technology.

14 Let me ask you this question, Mr. Mayor.
15 Do you think Louise Slaughter [phonetic] has been
16 an effective congresswoman?

17 MAYOR RICHARDS: Yes, I do.

18 SENATOR NOZZOLIO: Does not Louise
19 Slaughter represent Buffalo and Rochester?

20 MAYOR RICHARDS: Yes, she does. And I
21 think she'd be an even more effective
22 representative if she represented Rochester
23 alone. So you're saying that she has been an
24 ineffective representative—

1 Demographic Research and Reapportionment, 2-15-2012

2 MAYOR RICHARDS: [interposing] No.

3 SENATOR NOZZOLIO: -representing

4 Buffalo. You know, and I appreciate the applause
5 and I think that's a great line.

6 MAYOR RICHARDS: [interposing] Let me
7 be clear about what I-

8 SENATOR NOZZOLIO: [interposing] But
9 the fact that you put in motion an allegation
10 that basically says that a representative, not-I
11 guess you're also presupposing that the
12 representative is going to live in Amherst or in
13 one area of-why not Henrietta or Chili or, you're
14 presuming the fact that the representative may be
15 from an area that you don't know now or ten years
16 from now where that representative is going to
17 live. I guess the question is Congresswoman
18 Slaughter may have been a better representative
19 if she only represented Rochester. But does that
20 make her a bad representative or an effective
21 representative because she has two western New
22 York cities in her district?

23 MAYOR RICHARDS: You know, I, let me be
24 clear here. I'm not here to criticize anybody's

1 Demographic Research and Reapportionment, 2-15-2012

2 level of representation or any individual. There
3 are people who live in New York City who have
4 advocated for our district. That's not my point.
5 The reason we're going through this exercise
6 though, and the reason we're creating these
7 districts is to try to do as much as we can to
8 collect that community of interest. That doesn't
9 mean that at some point in time someone couldn't
10 rise above that. Or that there would be common
11 goals that would penetrate all across the state
12 of New York, of course there would be. And we
13 appreciate the assistance you brought to that.
14 But that's not the question before us. The
15 question is not whether someone could overcome
16 that. The question is are we designing these
17 districts in a way that they most closely
18 represent that community of interest and make
19 that connection as direct as we can make. There
20 will be exceptions, I agree with that, because
21 we're not in a perfect world here and we have
22 some things we have to adjust. But to the extent
23 we can do it, we should create these districts
24 that have this clear community of interest so

1 Demographic Research and Reapportionment, 2-15-2012

2 that we don't create obstacles for people to
3 overcome. But I'm not here to criticize anybody
4 who's done anything in the past and if we have to
5 sit still for these districts, I hope, you know,
6 we'll work like the dickens to make it work.
7 But, why we're here is to try to do as good a job
8 as we can. Not that some others haven't overcome
9 it. And that's the basis on which we've made
10 these objections.

11 SENATOR NOZZOLIO: And respectfully,
12 Mayor, that's understandable. You're not the
13 first, as a matter of fact, you're probably the
14 21st in the hearings that we've had, everybody
15 wants their county to be within one district.
16 The population requirements of one person one
17 vote makes that a very, very difficult situation.
18 While there may be a compact district in Monroe
19 County, the districts around Monroe County will
20 be so large and so, with so much territory—my
21 territory, the territory I represent in the
22 Senate is almost 3,000 square miles. It's larger
23 than many other jurisdictions, in large part
24 because it is a rural based district. Which is

1 Demographic Research and Reapportionment, 2-15-2012

2 part of the problem. If you do not place
3 regional representatives in place, that those
4 districts become geographically extremely
5 difficult to represent for what may be an hour
6 drive from Amherst to downtown Rochester if the
7 district did not have any of the population, from
8 the population centers, would be a two and a half
9 hour drive or longer. It takes a good two hours
10 to get from one end of my district to the other
11 now. And that's what unfortunately has to be
12 balanced along with your interests. And, again,
13 you're not the first elected official to ask for
14 a unified county and I respect, and I'm sure
15 members of the panel respect your advocacy on
16 behalf of the city you represent..

17 MAYOR RICHARDS: No, I appreciate that.
18 And I hope that you understand also that it's not
19 just a matter of having a unified county. We
20 understand that there are going to be more than
21 one Senate district here. We understand, that's
22 been true for all the time that I know. But I do
23 think we need to think about the consequences of
24 the way in which it's divided right now on these

1 Demographic Research and Reapportionment, 2-15-2012

2 very significant institutions that are a part of
3 us. It isn't just a matter of distance. It
4 isn't just a matter of one representative. Two
5 of our most prominent institutions are cared out
6 and our minority population is divided up. And
7 that's the basis on which I'm doing it. I
8 understand that we'll have more than one
9 representative here and you can't just create a
10 Monroe County district.

11 SENATOR NOZZOLIO: Well, whatever the
12 size of the delegation, Mr. Mayor, I know we'll
13 be, I certainly will be fighting hard to advocate
14 for the interests of the city of Rochester and
15 all of Monroe County. There is something to be
16 said for having one representative. There is
17 something to be said for having more than one
18 representative because it is a numbers game and
19 the more senators and assemblymen you can have
20 pulling the oar to advocate on behalf of a region
21 also is a strength. So I appreciate your taking
22 the time and energy and effort to present this
23 testimony on the record and, again, thank you for
24 your advocacy.

1 Demographic Research and Reapportionment, 2-15-2012

2 MAYOR RICHARDS: Thank you. We look
3 forward to your help.

4 SENATOR NOZZOLIO: Ove Overmyer.

5 MR. OVE OVERMYER: Thank you for
6 allowing me to speak today. Just before we
7 begin, in the packet I provided for you are a few
8 supporting documents. They denote my
9 neighborhood, the assembly district I live in, a
10 city map of Rochester, and some demographic data.

11 Again, my name is Ove Overmyer, I'm
12 employed as a librarian with the City of
13 Rochester. In the event of full disclosure, I
14 want to let you know that I'm an officer of the
15 Civil Service Employees Association. It's New
16 York's largest employee union. I'm president of
17 the City of Rochester Library Workers, Monroe
18 County Local 828, Unit 7420. Among many other
19 responsibilities, I'm also a writer and
20 photographer for the Empty Closet, New York's
21 oldest continually published LGBT newspaper, with
22 a print subscription of over 10,000 readers. I'm
23 also a caregiver of three teenage boys who go to
24 the Rochester City School district. But I'm not

1 Demographic Research and Reapportionment, 2-15-2012

2 here today to talk to you about a union agenda,
3 media concerns or parental responsibilities. I'm
4 here representing myself as a constituent who
5 cares deeply about his family, his community and
6 as a person who cares about advancing policies
7 that allow citizens to fully participate in the
8 democratic process.

9 I live in a small residential street
10 called Canfield Place in the city. It's a very
11 quiet one way dead end street near the east end
12 in Monroe Avenue areas. The houses on my street
13 were built at the turn of century, 20th Century,
14 almost all of them are owner occupied homes. I
15 have been residing there for six years.

16 Previously I rented an apartment on East Main
17 Street near the Auditorium Theater. I moved to
18 Rochester in 1996, after living 20 years on Long
19 Island in New York City.

20 When I moved here, I was looking for a
21 neighborhood that was culturally rich and
22 diverse. As a laborer and LGBT activist, I was
23 also looking for volunteer opportunities and
24 found my way to the east side of the city

1 Demographic Research and Reapportionment, 2-15-2012

2 donating many hours at the Gay Alliance at the
3 Genesee Valley which is now located at the
4 Auditorium Theater in the neighborhood of the
5 arts. As you may know, this part of Rochester,
6 the east, southeast and southwest parts of the
7 city is a contiguous community of interest if
8 there ever was one. The new assembly district
9 maps for the city of Rochester, specifically the
10 newly redesigned 137 and 138 represent the
11 ultimate partisan gerrymandered districts people
12 just love to hate for obvious reasons for all who
13 live here. An article written February 7th, 2012
14 in the Wall Street Journal, the Senate Republican
15 majority was quoted as saying, "The proposed
16 lines comply with all voting rights X and
17 protects the voices of minority voters." I would
18 argue when it comes to the Senate assembly
19 districts covering the Rochester area, nothing
20 could be further from the truth. Presently I
21 reside in the 131 District and we presently have
22 a contained community of interest. The new
23 district maps have now been butchered into
24 objectionable puzzle pieces of some unknown value

1 Demographic Research and Reapportionment, 2-15-2012

2 and quantity. The city of Rochester is also
3 divided into three Senate districts, which makes
4 even less sense. I would like to submit for the
5 record, according to the U.S. Census, the city of
6 Rochester has the fourth highest self-identified
7 gay households in New York State. The 14607 area
8 zip code, basically the contiguous neighborhoods
9 I'm referring to, is the sixth gayest zip code in
10 New York State, including all five boroughs of
11 New York and Yonkers. If communities of interest
12 are drawn to reflect social, cultural, racial,
13 ethnic and economic interests common to the
14 population of that area, then we must reconsider
15 these lines that we have proposed for the
16 assembly districts. If you want to help build
17 our city, help our small businesses grow, please
18 keep in mind when you review your plan that our
19 community of interest is a local population that
20 already has common social economic interests that
21 benefit from the unified political representation
22 provided by inclusion with one single political
23 district and that district now happens to be the
24 131. I know many area residents who identify as

1 Demographic Research and Reapportionment, 2-15-2012

2 gay and lesbian chose to buy homes in those
3 districts because of its rich diversity and
4 because they'd be close to populated gay
5 businesses.

6 I submit to you that the proposed 137
7 and 138 deeply divide our communities right now
8 with similar identity, racial and economic
9 characteristics. To be even more direct, when I
10 saw these first district, the proposed district
11 lines, I was, I felt like the rug was pulled out
12 from underneath me. You took me and my neighbors
13 of Canfield Place, Buena Vista Place, Gardner
14 Street, Lafayette Park and, in essence, you might
15 as well put us halfway around the world. We have
16 very little in common with downtown and northeast
17 residents. If you take a look at the city of
18 Rochester road map, you're going to see this
19 gargantuan barrier called the interloop. It is a
20 physical barrier that separates these
21 neighborhoods and it just doesn't make sense. If
22 I want to go to the store, I can't cross the
23 interloop, I go into the East District in order
24 to get my shopping done.

1 Demographic Research and Reapportionment, 2-15-2012

2 I implore you to keep my neighborhood
3 intact. Presently, again, I reside in the 131
4 and this proposal will put me in the 138. Please
5 do not divide my community. It makes more sense
6 to assemble the northwest part of the city
7 together and keep the south, southeast, south
8 wedge part of the city together.

9 Okay, I'll finish up. If we value
10 traditional redistricting factors, like identity,
11 compactness and respect for county, city, town,
12 village and school districts, lines wherever
13 possible, well, then we really must consider
14 redrawing these lines.

15 In conclusion, I see redistricting in
16 New York as a system that has prioritized
17 incumbency and partisan interest over democratic
18 representation. This process needs to be about
19 people and not politics. To help restore faith
20 in our state government, we need to reform the
21 system. By considering my suggestions and
22 recommendations, I would argue that this process
23 would take a giant leap forward towards greater
24 dependence, transparency and a commitment to fair

1 Demographic Research and Reapportionment, 2-15-2012

2 representation and equality. Thanks for your
3 time today, I really appreciate it.

4 SENATOR NOZZOLIO: Likewise. Thank you
5 for your testimony, any questions? Thank you.

6 MR. OVERMYER: Thank you.

7 SENATOR NOZZOLIO: Ted O'Brien.

8 MR. TED O'BRIEN, MONROE COUNTY

9 LEGISLATOR: Thank you, Senator.

10 My name is Ted O'Brien, I'm a Monroe
11 County Legislator from the town of Irondequoit,
12 here in Monroe County. And I'm here today to
13 oppose, as strongly as I can, the legislative
14 district reapportionment lines that have been
15 prepared and proposed. Particularly the lines
16 proposed for the New York State Senate districts.

17 The proposed new senate lines divide the
18 city of Rochester into three separate Senate
19 districts and divide Monroe County into six
20 separate Senate districts. This splintering of
21 our community into small pieces constitutes a
22 developing tragedy for our community. A tragedy
23 that we cannot allow to stand. We have already
24 seen, and this community is already at its end

1 Demographic Research and Reapportionment, 2-15-2012

2 with respect to the lack of influence we have in
3 Albany. The inequities in state aid to the city
4 of Rochester, for example, is now widely
5 understood. It is outrageous that state aid to
6 the city of Rochester, roughly \$90 million, is
7 almost doubled by the state aid doled out to the
8 city of Buffalo. The state aid equal to \$226 a
9 person in Rochester grows to \$428 for every
10 person in Buffalo. Even Syracuse, with 65,000
11 fewer people than Rochester, get \$66 more in
12 state aid for each and every person that lives in
13 Syracuse. And unlike Buffalo and Syracuse,
14 Rochester did not win the governor's Economic
15 Development Council competition. Rochester
16 continually lags behind other areas of the state
17 with respect to state funding for infrastructure
18 and transportation dollars. We are not getting
19 our fair share. Meanwhile, as reported in the
20 New York Times, less than 5% of the graduates of
21 the Rochester City School District are either
22 college or career ready.

23 We have large populations of people
24 living in poverty. We have significant

1 Demographic Research and Reapportionment, 2-15-2012

2 difficulties to deal with, yet the interest of
3 our city and our county are being splintered into
4 even smaller pieces. We need strong advocates
5 for our community, but to a larger degree than
6 ever before, our Senate representatives will not
7 even be from our community.

8 By all accounts, the University of
9 Rochester becomes a critical component to our
10 success as a community. It's the area's largest
11 employer. Advocating for our community means, in
12 part, advocating for the University of Rochester.
13 Under the new lines, a senator that would
14 represent the U of R lives in Amherst. Amherst,
15 home to one of the campuses of the University of
16 Buffalo, the medical school is in Amherst. I
17 don't know, Senator Ranzenhofer, I'm sure he is
18 an excellent senator, but we are a time and a
19 place where we need representatives devoted to
20 advocating for Rochester at the cost of nothing
21 else. This plan continues to diminish our
22 influence as a community.

23 Rochester Institute of Technology.

24 Another amazing institution of higher learning

1 Demographic Research and Reapportionment, 2-15-2012

2 and integral to our success as a community.

3 Under this plan, who will represent RIT? Senator

4 Patrick Gallivan. Again, he may be a great

5 senator, I don't know, but Senator Gallivan lives

6 in Alma, New York. Here's what the town of Alma

7 says about itself on its website - "Alma sits

8 squarely in the center of Eerie County and can

9 safely call itself the heart of Eerie County."

10 Is this what we need for representation of RIT in

11 Monroe County? Again, we continue to have

12 diminished influence as a community and it has to

13 be reversed. Of the six senators who would have

14 districts entering Monroe County under the

15 proposed redistricting plan, four would live

16 outside of our county and also be on the counties

17 that touch Monroe County.

18 Senator Nozzolio, you're an accomplished

19 person and I'm not saying that because you're

20 sitting right there, but because it's in my

21 prepared remarks, but you live in the town of

22 Fayette in Seneca. And Senator Maziarz lives in

23 Newfane in Niagara County.

24 SENATOR NOZZOLIO: Excuse me, Ted. It's

1 Demographic Research and Reapportionment, 2-15-2012

2 not Fayette. It's Fayette.

3 MR. O'BRIEN: I should know that as a
4 Syracuse University graduate.

5 SENATOR NOZZOLIO: You should know that.

6 MR. O'BRIEN: That's right.

7 SENATOR NOZZOLIO: I guess—

8 MR. O'BRIEN: [interposing] It's just a
9 little far away from my—

10 SENATOR NOZZOLIO: -someone from Monroe
11 County, I guess born and raised there and lived
12 there and represented, wouldn't know that, would
13 you, Ted.

14 MR. O'BRIEN: That's right. I stand
15 corrected. But it kind of illustrates my point,
16 I wish I knew more about Fayette.

17 Senator Maziarz lives in Newfane in
18 Niagara County. Both, I understand, are good,
19 capable men, but a quick review of the website is
20 enlightening. Senator Maziarz mentions an effort
21 to promote the Niagara Falls International
22 Airport. Support for Niagara Falls State Park.
23 Addresses the positive impact that the regional
24 economic development initiatives will have in the

1 Demographic Research and Reapportionment, 2-15-2012

2 Niagara region. But I could not find a reference
3 to Monroe County initiatives on his site. The
4 same kind of statement can be said of your
5 website, Senator Nozzolio, announcing the Butler
6 Prison, I'm not sure where that is, will stay
7 open and work on the Cayuga Indian Nations' land
8 claim issues. But I did not see anything about
9 the issues we face in our community specifically.
10 There's a lot there that applies to New Yorkers
11 across the state and I give you credit for the
12 good work you do. And I do not say this as any
13 kind of criticism of either you or Senator
14 Maziarz, I believe you both to be men of great
15 accomplishments. I would say that having to
16 serve in districts with different communities of
17 interest are required is unfair to the senators
18 as well as to the communities they serve. It is
19 simply not fair to expect senators to advocate as
20 passionately for communities outside the
21 community where they live with the same
22 intensity, passion and focus as they do for the
23 community where they live, worship and are
24 involved in local service organizations and the

1 Demographic Research and Reapportionment, 2-15-2012

2 like. Four senators representing parts of Monroe
3 County would be part of the fabric of communities
4 located elsewhere.

5 Now I understand the desire of the
6 Republican party to preserve its majority of the
7 New York State Senate and everyone understands
8 that. If the interests of the political party
9 are of paramount concern, the way you would do
10 that is to split the populations that might favor
11 a Democratic senator. This is what the proposed
12 plan does. But at what point do we truly put the
13 people of our community ahead of the political
14 interest of the majority political party? The
15 New York State Constitution provides that Senate
16 districts shall be in as compact form as is
17 practical.

18 MS. DEBRA LEVINE, CO-EXECUTIVE DIRECTOR,
19 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
20 RESEARCH AND REAPPORTIONMENT: Mr. O'Brien,
21 please summarize.

22 MR. O'BRIEN: I will summarize right
23 now. That is a recognition that communities of
24 interest should be respected. Our community

1 Demographic Research and Reapportionment, 2-15-2012

2 should no longer be asked to suffer the
3 consequences of having the political interests
4 trump the interest of the people of our
5 community. This plan is a tragedy for our
6 community in my view. Go back and redraw the
7 plan so that finally the interests of the people
8 of Monroe County are the priority. Thank you.

9 SENATOR NOZZOLIO: Thank you, Ted. Any
10 questions? Thank you very much. Adam McFadden.

11 MR. ADAM MCFADDEN, ROCHESTER CITY

12 COUNCILMAN: Good afternoon. I'm City Council
13 member Adam McFadden. I represent the South
14 District of the city of Rochester. The South
15 District just happens to be the district that's
16 drawn into the proposed 61st District. That's why
17 I'm here today.

18 As you know, every ten years the
19 boundary lines are redrawn for legislative
20 districts. This is a critical time for the city
21 of Rochester, because it determines our future
22 representation for the next ten years. On behalf
23 of my district in the city of Rochester and the
24 Rochester black political caucus, this speech is

1 Demographic Research and Reapportionment, 2-15-2012

2 written in opposition to the proposed New York
3 State redistricting plan of the 55th, 56th, 59th
4 and 61st Senate districts.

5 It is clear to our community that the
6 New York State Legislative Task Force on
7 Demographic Research and Reapportionment is
8 attempting to create districts in western New
9 York that are heavily Republican and majority
10 Caucasian. The city of Rochester is a majority
11 minority city according to the 2010 census.
12 Currently, African Americans and Latinos make up
13 57% of the city's population. Furthermore, of
14 the 98,270 registered voters, Democrats are 63%
15 of the registered voters in our city. The 2010
16 census reflects that Rochester should have a
17 Senate seat. A minority candidate could win.
18 None of the three proposed districts come close
19 to reflecting our population, which calls into
20 question the fairness and integrity of the
21 process. The proposed lines are similar to the
22 gerrymandering that has been occurring in the
23 south. Predominantly black southern communities,
24 for some time now, have been stretched and

1 Demographic Research and Reapportionment, 2-15-2012

2 divided into rural white communities to dilute
3 and disenfranchise the black vote. We believe
4 New York to be better than those clearly overt
5 racist tactics that have been carried out by our
6 southern states. Also, the 61st Senate District,
7 as it is proposed, stretches 70 miles away from
8 Amherst New York into the southern portion of the
9 city of Rochester, which happens to be my
10 district. This portion of our city is heavily
11 democratic and majority minority as well. This
12 portion of the city—I'm sorry. It is a
13 deliberate attempt by LATFOR to break up our
14 voting power and city influence in Albany.
15 Rochester must not be sacrificed for Republican
16 incumbency. This plan, once again, divides the
17 city of Rochester, again, denying the community
18 proper representation.

19 This is a major civil rights issue for
20 our community. The redistricting process has
21 disenfranchised members of our community. This
22 map has proven that the entire process is
23 compromised and no compromise plan in my mind is
24 credible. The courts must crawl the lines. The

1 Demographic Research and Reapportionment, 2-15-2012

2 courts are the only way the community can be
3 protected because the courts have a history in
4 taking part and protecting the voter rights of
5 people.

6 In Erie County a district has been
7 customly designed for Senator Mark Merstani,
8 [phonetic] a freshman Republican, elected during
9 the 2010 upset in a Democratic stronghold. This
10 district removes the African American strongholds
11 out of Niagara Falls diluting the voter power of
12 that community.

13 Also, this plan was developed to reverse
14 the 2010 State Prisoner Reallocation Law. By
15 creating a new district in the capital region,
16 the plan effectively minimizes the impact of
17 prisoner population lost upstate which violates
18 the concept of one person one vote downstate.
19 The Prisoner Reallocation Law was enacted as a
20 major civil and voter rights measure. Instead,
21 LATFOR saw itself losing population in terms of
22 the GOP where they needed prisoners as fillers to
23 meet constitutional requirements. To make up the
24 loss, they created a new district where it

1 Demographic Research and Reapportionment, 2-15-2012

2 doesn't belong.

3 Any increase above 62 Senate districts
4 violated the New York State Constitution plain
5 and simple. A constitutional formula sets the
6 number. Not a political agenda or the Senate
7 Republicans. The increase to 62 Senate districts
8 represents a change in a previously announced
9 redistricting practice and procedure that was
10 never submitted to the Justice Department for
11 approval. We expect the Governor to carry out
12 his pledge to veto any plan that comes out of a
13 broken process and maintain the commitment that
14 he has made to our community. We stand united
15 with Governor Cuomo in calling for independent
16 process. Thank you.

17 SENATOR NOZZOLIO: Councilman McFadden,
18 thank you very much. I have two questions.

19 COUNCILMAN MCFADDEN: Uh huh.

20 SENATOR NOZZOLIO: The first is the
21 question that you raised and would you—I'm
22 confused. I don't know if I heard you correctly
23 regarding the prison allocation count.

24 COUNCILMAN MCFADDEN: [interposing]

1 Demographic Research and Reapportionment, 2-15-2012

2 Reallocation.

3 SENATOR NOZZOLIO: Allocation count.

4 Did you say that the task force violated that
5 law?

6 COUNCILMAN MCFADDEN: Well, it is my
7 belief. I didn't say they violated that.
8 Because of that—

9 SENATOR NOZZOLIO: [interposing] What
10 did you say?

11 COUNCILMAN MCFADDEN: Because of that
12 law that we felt that another district had been
13 drawn, 63 districts to account for the numbers of
14 votes that the Republicans who represent upstate
15 cities that have prisons in them, that they draw
16 another district to account for that.

17 SENATOR NOZZOLIO: So you have nothing
18 specific to say regarding whether or not the task
19 force complied with the administration of the law
20 and the counting and that sort of thing.

21 COUNCILMAN MCFADDEN: No.

22 SENATOR NOZZOLIO: So you have no
23 complaint about that portion of the task force's
24 role.

1 Demographic Research and Reapportionment, 2-15-2012

2 COUNCILMAN MCFADDEN: No.

3 SENATOR NOZZOLIO: Good. Thank you.

4 The second question I had was regarding the
5 Justice Department Review. Could you repeat what
6 you indicated that something was never sent to
7 the Justice Department?

8 COUNCILMAN MCFADDEN: Yeah. That the-
9 going to an additional Senate district was never
10 communicated with the Justice Department. Adding
11 an additional Senate district.

12 SENATOR NOZZOLIO: I assure you that
13 whatever plans are put forward from the
14 legislature require a preapproval by the United
15 States Department of Justice.

16 COUNCILMAN MCFADDEN: Has it been sent?

17 SENATOR NOZZOLIO: It hasn't been
18 approved yet.

19 COUNCILMAN MCFADDEN: [interposing] Or
20 proposed.

21 SENATOR NOZZOLIO: It hasn't been
22 approved yet. It won't-nothing said-

23 ASSEMBLY MEMBER MCENENY: [interposing]
24 They won't look at it until it's signed the

1 Demographic Research and Reapportionment, 2-15-2012

2 Governor.

3 SENATOR NOZZOLIO: So that comment about
4 it was not sent, it's not right-

5 COUNCILMAN MCFADDEN: [interposing] So
6 put the cart before the horse.

7 SENATOR NOZZOLIO: It's not right to be
8 sent. It's only sent once it becomes law of the
9 state.

10 COUNCILMAN MCFADDEN: But my more
11 specific concern is that earlier you asked the
12 Mayor about how many districts are now currently
13 impacting the city, it's three. But the one, the
14 56, has the majority population of minorities.
15 Under this proposed plan, you divide those
16 districts up into three. So where most of our
17 minorities live, instead of being in that one
18 district, they're going to be in three districts.

19 SENATOR NOZZOLIO: Thank you.

20 COUNCILMAN MCFADDEN: So that's what I'm
21 trying to convey here. That's an issue for me.

22 SENATOR NOZZOLIO: Appreciate your
23 testimony. Senator Dilan.

24 SENATOR MARTIN M. DILAN, NYS LEGISLATIVE

1 Demographic Research and Reapportionment, 2-15-2012

2 TASK FORCE ON DEMOGRAPHIC RESEARCH AND

3 REAPPORTIONMENT: I would just like to agree with
4 you, that I believe that just the mere change in
5 the proposed number of Senate districts should
6 have been cleared by the Justice Department. We
7 held 14 hearings before these lines were released
8 and the assumption during the course of those 14
9 hearings were that we were working on the basis
10 of 62 seats. That's what I believed. That's
11 what the public believed. And to go from 62 to
12 63 should have been cleared with the Department
13 of Justice first. So I agree with you.

14 COUNCILMAN MCFADDEN: Thank you.

15 SENATOR NOZZOLIO: Any other questions
16 of Mr. McFadden. Thank you Councilman. Jack
17 Zigenfus. I know I'm mispronouncing that name.

18 MR. JACK ZIGENFUS, SUPERVISOR, TOWN OF
19 COHOCTON: Good afternoon. I am the town
20 supervisor in the town of Cohocton. Probably
21 many of the people behind me have never heard of
22 that town. I'm sure you have. It's home to one
23 of the largest wind farms in the southern tier.
24 And other than wind, we have a lot of wind, we

1 Demographic Research and Reapportionment, 2-15-2012

2 also have a lot of large farms. That's all we
3 have.

4 FEMALE VOICE: Can I interrupt - - .

5 MR. ZIGENFUS: Yes. Jack Zigenfus.
6 Supervisor, Town of Cohocton. We are the
7 northern most county—or, I'm sorry, town in
8 Steuben County. And I appreciate your comment
9 that everybody would like to stay whole. Steuben
10 County, obviously very rural, very southern
11 tierish and don't really have a whole lot of
12 connections to the northern part of Monroe
13 County. However, I am certainly going to request
14 that you consider keeping Steuben County whole as
15 a 132nd Assembly District. And the towns within
16 Steuben borders share common interests and often
17 share services and resources. Dividing Steuben
18 towns between assembly districts would reduce the
19 effectiveness of representing itself to the state
20 and local representatives. It would actually go
21 from whole to three different districts in the
22 assembly. I'm not here to talk about some of the
23 other issues that have already been raised,
24 you've already heard them. But what you may not

1 Demographic Research and Reapportionment, 2-15-2012

2 understand, and it was hard for me to understand,
3 is that we have communication problem. For
4 instance, we're so rural that unless you happen
5 to live within say the village of Cohocton or one
6 of the two hamlets, the only communication you
7 have the ability to use, as far as television, is
8 dish or, what's the other big one? DirecTV. FCC
9 requirements do not allow for my many rural
10 people, that's the only way they get TV, to
11 receive any Rochester news stations. Now that
12 would make it very difficult because all of that
13 news comes out of the southern tier. Either it
14 comes out of Elmira or it comes out of
15 Binghamton. So, for instance, I see YNN here.
16 When I watch YNN, I see representatives,
17 especially on like Capital Tonight, from the
18 southern tier. I have no news of what's going on
19 in this part of the assembly district or senates
20 up this way. So that creates a problem in itself
21 is more of like how would people, it would be
22 difficult for people to get a lot of their news
23 because we're basically totally southern tier
24 news. And I think it's an important thing to

1 Demographic Research and Reapportionment, 2-15-2012

2 think about. And the other one is that even our
3 news print, the vast majority of the people in my
4 town and the town next to me, Wayland, which is
5 also going to be moved receives, there's news
6 print from either the - - Leader or the Hornell
7 Evening Tribute. As a matter of fact, our
8 official newspaper. Some people sparingly get
9 the Democratic and Chronicle. But my point to
10 the committee is that I think it's important to
11 know that people are going to have to be able to
12 have their representative be there in the news.
13 And where I live, I wouldn't know the first, as a
14 matter of fact, I don't even know who the
15 representative up here. Because I deal with
16 either Senator O'Mara, Assemblyman - - and people
17 like that, because they're in our local news.
18 And I, and people around me, are able to easily
19 understand and hear what's going on throughout
20 that area.

21 So my request to you is to consider-
22 communication is the utmost importance of
23 anything. If there's no communication, it's very
24 difficult for constituents to know what's going

1 Demographic Research and Reapportionment, 2-15-2012

2 on. And that's all I had to say.

3 SENATOR NOZZOLIO: Thank you very much.
4 Any questions? Hearing none, thank you. Sandy
5 Parker. Sandy Parker. Sandy, we had you listed
6 yesterday for Syracuse in

7 MS. SANDY PARKER, PRESIDENT AND CEO,
8 ROCHESTER BUSINESS ALLIANCE: [interposing] I
9 heard that.

10 SENATOR NOZZOLIO: -error. So if we
11 announced you and made you look like a no show,
12 we apologize.

13 MS. PARKER: Okay. Thank you. I didn't
14 know about it actually. Assemblyman Oaks gave me
15 that information today. Senator Nozzolio,
16 Assemblyman McEneny and members of the Task
17 Force, I'm Sandy Parker, President and CEO of the
18 Rochester Business Alliance. The regional
19 Chamber of Commerce for the nine county greater
20 Rochester region. Let me start by thanking you
21 on behalf of the over 2,000 members of the
22 Rochester Business Alliance for hosting this
23 hearing and for allowing me to address you on a
24 topic that is vitally important to our

1 Demographic Research and Reapportionment, 2-15-2012

2 community's future. In my role at the RBA I am
3 often called upon to serve as an advocate for our
4 region on issues that affect not just businesses,
5 but the entire community. The redrawing of
6 congressional and state legislative district
7 lines is one of those issues and I am greatly
8 concerned that if the proposed redistricting map
9 is approved, it will have a negative impact on
10 greater Rochester.

11 Believe me, none of this is personal.
12 The senators who would be called upon to
13 represent greater Rochester in this redistricting
14 proposal are fine public servants who I am sure
15 would do their best to represent the citizens of
16 their districts. Rather, it is a concern about
17 further diluting the Rochester region's voice in
18 Albany. Let's face the facts - upstate New York
19 is a diverse region demographically,
20 geographically and economically. Each community
21 has its own strengths as well as issues and
22 concerns that are unique and often times in
23 conflict with needs elsewhere in the state. The
24 plan proposes increasing the number of state

1 Demographic Research and Reapportionment, 2-15-2012

2 senators representing Rochester from the current
3 four to six. I feel very strongly that this
4 increase will make it very difficult, if not
5 impossible, for our community to speak with a
6 unified voice. Which in this current political
7 environment is essential for success. At
8 particular risk is the city of Rochester, which
9 would be represented by three different senators.
10 Greatly increasing the likelihood that there will
11 be conflicting opinions on one matter or another.
12 Such a situation would be difficult to navigate
13 at best. What is of significant concern to me
14 and the business community is that this third
15 senator would be called upon to represent our
16 region's largest employer - the University of
17 Rochester. Further complicating this process is
18 the fact that this senator is not from Rochester
19 or anywhere in the Finger Lakes, but from the
20 Buffalo area. A district that includes the
21 University of Buffalo. The Rochester Institute
22 of Technology would find itself in a similar
23 position, being represented by a senator from
24 greater Buffalo. How is a senator, based in

1 Demographic Research and Reapportionment, 2-15-2012

2 Buffalo, with a majority of his or her
3 constituents in Erie County and western New
4 York, supposed to vote on an issue that is
5 supported by the Rochester region, but
6 potentially opposed by greater Buffalo? For all
7 these reasons, I ask that this committee go back
8 to the drawing board and come forward with a plan
9 that avoids these potential conflicts and allows
10 the citizens of greater Rochester to keep the
11 community focused voice it needs and deserves.
12 Thank you very much.

13 SENATOR NOZZOLIO: Thank you very much.

14 William Gerling.

15 MR. WILLIAM GERLING: My name is William
16 Gerling. I live at 42 Henrietta Street, city of
17 Rochester, also known as Swillburg, [phonetic]
18 the garden spot of the city of Rochester.

19 SENATOR NOZZOLIO: Excuse me, Mr.
20 Gerling, would you be so kind as to get closer to
21 the microphone, so everyone can hear you?

22 MR. GERLING: All right. I have no
23 written testimony. I did submit written
24 testimony the last time you were in the city.

1 Demographic Research and Reapportionment, 2-15-2012

2 I've been following reapportionment issues for
3 probably 40 years or better. One thing I do have
4 to think—it was - - difficult to get maps of - -
5 districts, both Senate and Assembly, in the city
6 of Rochester from the LATFOR website directly. I
7 did utilize the kindness of staff members of
8 Senator Robach and Assemblyman Bronson were able
9 to give me a better look at the maps. I also—the
10 map coming out of LATFOR, I feel that the print
11 media did not do a good job especially when you
12 go down streets inside cities. I know part of
13 that is maybe the graphics that I, being in the
14 newspaper business off and on for 30 years, I
15 would suspect the bean counters to want to go for
16 the space and the time to put it together.

17 All right. The second point is the
18 worst thing that ever happened to reapportionment
19 in the state was the use of the computer. You
20 guys can do it too easily, too fast, by sitting
21 at a keyboard and you don't have to put out big,
22 oversized maps on the tables, the floor and
23 actually get on your hands and knees and move the
24 lines. Maybe it would be a little bit less unique

1 Demographic Research and Reapportionment, 2-15-2012

2 than they are now.

3 The other point that I would like to
4 make is something strange. I am actually
5 supporting the Mayor on this issue. The
6 University of Rochester, including the main
7 campus, the U of R medical center, the south
8 campus, which is in the town of Brighton, and
9 also the Eastman School of Music, which is in
10 downtown Rochester, should be in one entity and
11 it should be representative by somebody who knows
12 the ins and outs and the culture of the
13 University of Rochester and its connection to the
14 founder of our former largest employer in the
15 city of Rochester.

16 I also look forward to seeing the
17 congressional districts coming out, what you did
18 on the Senate and the Assembly is interesting,
19 the congressional ought to be real fun.

20 And five, enjoy your litigation, I
21 expect it will be long and exhaustive. And I
22 hope when we get to petitioning time, I don't
23 have to do it in the middle of August, because
24 there's nobody home. Thank you.

1 Demographic Research and Reapportionment, 2-15-2012

2 SENATOR NOZZOLIO: Thank you, Mr.

3 Gerling. Kent Gardner.

4 MR. KENT GARDNER, PRESIDENT, CENTER FOR

5 GOVERNMENTAL RESEARCH: Thank you for the

6 opportunity to speak, Senator Nozzolio,

7 Assemblyman McEneny, members of the Task Force.

8 The Center for Governmental Research is a 97 year

9 old nonprofit, founded by Kodak - - Eastman in

10 1915. We're an independent, nonpartisan resource

11 for improving government policies and practice.

12 Last July you held hearings and we

13 recommended that reapportionment should be

14 managed by an independent process. A change

15 which we believe would improve the vigor and the

16 responsiveness of New York State democracy. The

17 legislature, instead, remained in control of the

18 process and I believe it's yielded the expected

19 results, that the maps would maintain or enhance

20 the current partisan dominance of each house.

21 Now, I'm not going to comment on the

22 individual districts, previous speakers have been

23 very clear and eloquent about that. I certainly

24 agree with Mayor Richards in terms of the

1 Demographic Research and Reapportionment, 2-15-2012

2 representation of both of U of R and RIT.

3 So I want to talk instead about process.
4 We have some experience to offer. Last year, in
5 partnership with the League of Women Voters, CGR
6 created possible new boundaries for the Monroe
7 County legislature. And that hands on experience
8 gave us some insight into the challenges involved
9 in the task and we know that the work is
10 difficult and it requires balancing multiple
11 considerations. We also know that no map is
12 perfect and that there are an infinite variety of
13 maps that are legal under the state constitution.
14 So while we're sympathetic with the challenge, we
15 also bring some experience to this particular
16 outcome. In this decade's legislative
17 reapportionment process, the good government
18 group Common Cause devoted significant resources
19 to the creation of an alternative set of maps.
20 CGR was invited to work with common cause and so
21 I can testify that the Common Cause and so I can
22 testify that the discussions we had over this
23 line or that line took place without regard to
24 the likely political outcome of that process was

1 Demographic Research and Reapportionment, 2-15-2012

2 to preserve communities of interest within
3 constitutionally valid districts. The Common
4 Cause maps illustrate that an apolitical process
5 can produce coherent compact and rational
6 districts that keep people of similar interest
7 together. For example, on the Common Cause Senate
8 map, the city of Rochester is kept in one Senate
9 district and joined with the older outer inner
10 ring suburbs of Brighton and Irondequoit. Most
11 of the next ring of suburbs makes up a second
12 Senate districts. And outer towns where suburbia
13 blends into exurbia are joined with districts
14 that include nearby counties. And it's assembly
15 maps the city must still be divided to achieve
16 the population target, but the divisions better
17 conformed to how residents would appear to self-
18 identify, the northwest section of the city
19 joined with Greece, west side combined with Gates
20 and the rest together with Brighton.

21 So the Common Cause maps demonstrate one
22 alternative outcome to the current legislatively
23 controlled process and there are certainly
24 countless others. We believe these maps

1 Demographic Research and Reapportionment, 2-15-2012

2 demonstrate that an independent politically
3 blind process would have a good chance of
4 producing maps that preserve communities of
5 interest more effectively than a process that
6 retains a strong political motivation. So we
7 urge a different process. Until it changes, it
8 would be naïve to expect elected officials to act
9 against their self-interest and put process ahead
10 of political survival. Thank you.

11 SENATOR NOZZOLIO: Thank you, Mr.
12 Gardner. Any questions? Thank you Kent.
13 Richard Gilbert. And John Keevert. Is John
14 Keevert here? Would you like to combine, as both
15 of you are members of the same organization?
16 Would you like to be together?

17 REVEREND RICHARD GILBERT, COMMON CAUSE:
18 We have separate testimonies.

19 SENATOR NOZZOLIO: Okay. We'll call Mr.
20 Keevert up after Mr. Gilbert.

21 REVEREND GILBERT: I'm the Reverend
22 Richard Gilbert, a retired Unitarian - -
23 Minister. Live at 70 Harper Street in the city.
24 I've lived and worked in Rochester since 1970. I

1 Demographic Research and Reapportionment, 2-15-2012

2 speak on behalf of Common Cause and I believe you
3 have my testimony.

4 Democracy is the capacity of the people
5 to govern themselves to elect their
6 representatives and to engage and advocate with
7 them for the services government can provide.
8 Its function is to have the people choose their
9 representatives, not to have the representatives
10 choose the people they want to represent. The
11 current proposals of the state assembly and the
12 Senate are, in my opinion, woefully inadequate to
13 measure up to any fair understanding of
14 democracy for two reasons. First, the process is
15 flawed. To expect elected officials to be
16 objective and disinterested in drawing district
17 lines is to place too great a faith in human
18 nature. Politics is the art of the possible.
19 But to expect individuals to a shoo their self-
20 interest for the common good is nearly
21 impossible.

22 Before the 2010 election, my
23 understanding was there was a commitment on the
24 part of many who were elected to refer this

1 Demographic Research and Reapportionment, 2-15-2012

2 matter to an independent bipartisan commission
3 which would propose district lines, receive
4 feedback from the legislature and ultimately be
5 approved by the legislature. Why those pledges
6 have not been kept, mystifies me as a citizen.
7 And the idea I've heard that creating such an
8 independent commission requires changing the
9 constitution and could not be implemented until
10 2022, strikes me as ludicrous. Democracy delayed
11 is democracy denied. It is also a shame that the
12 public will not have the opportunity to comment
13 on a congressional draft.

14 Second, the state legislative proposals
15 before us do not measure up to democratic
16 standards. I've seen the PowerPoint presentation
17 by Blair Horner, formerly of - - and now the
18 American Cancer Society. That presentation would
19 have been amusing if these lines were not so
20 tragically compromised as a gerrymandered
21 political unit which insults the intelligence of
22 the citizenry. The current proposals for the
23 Rochester area are tinged with partisanship and
24 ripe with bias towards the incumbents. In the

1 Demographic Research and Reapportionment, 2-15-2012

2 assembly the city remains gerrymandered to
3 protect the three incumbent democratic assembly
4 members, as you can see on page five of this
5 testimony.

6 In the Senate, Rochester continues to be
7 chopped up. It's chopped up into three districts
8 when the whole district can easily fit in a
9 single district, as you can see on page four of
10 this testimony. A single district can also be
11 drawn for most of Rochester's suburbs.

12 According to the law, legislative
13 districts should have a common community of
14 interest. Looking at the districts proposed by
15 the assembly and particularly the Senate, I do
16 not, for example, find a community of interest
17 between parts of the city of Rochester, with one
18 of the highest child poverty rates in the
19 country, and the suburb of Amherst, outside
20 Buffalo, one of the most affluent communities in
21 the country. Our city definitely needs strong
22 representation and carving out the city like this
23 and linking it to wealthy suburbs, which are not
24 even a part of our own region, does not do the

1 Demographic Research and Reapportionment, 2-15-2012

2 job. It gives Amherst suburban voters, already
3 empowered affluence, still more power at the
4 extent of Rochester voters. Our two top
5 institutions of higher learning would be in
6 districts represented by senators from the
7 Buffalo area, which has its own colleges and
8 universities. And Buffalo, you will remember,
9 has been given \$1 billion of state largess which
10 Rochester has not seen. Despite the fact that
11 one our formerly biggest employers, Eastman Kodak
12 is fading from the picture. So we can see this
13 city needs a stronger representation in Albany.

14 Democracy requires, according to the
15 Supreme Court, a one person, one vote philosophy.
16 District boundaries should reflect the common
17 good and not favor particular parties or
18 incumbents.

19 In conclusion, speaking for Common
20 Cause, I strongly oppose the redistricting plan
21 proposed by the assembly and the Senate. I
22 applaud the Governor's promise to veto any
23 partisan proposal put forth by this task force.
24 If the legislature fails to put forth a fair,

1 Demographic Research and Reapportionment, 2-15-2012

2 nonpartisan district plan, then the task will
3 fall to a special master appointed by the courts
4 and from what we've seen of LATFOR so far, this
5 looks to be the better option for the citizens of
6 New York.

7 Democracy is a very imperfect system, as
8 Winston Churchill reminds us. "The worst form of
9 government, except for every other." E.B. White
10 once defined democracy as a faith that more than
11 half the people will be right more than half the
12 time. He also spoke of democracy as a score at
13 the beginning of the ninth inning. It is not too
14 late to shelve these proposals and start over.
15 And move toward fair and objective redistricting
16 to enhance democracy in the empire state. You
17 only need to look to the Common Cause plans for
18 how this can be done. I thank you for your
19 attention.

20 SENATOR NOZZOLIO: Thank you, Reverend
21 Gilbert. John Keevert.

22 MR. JOHN KEEVERT, COMMON CAUSE: Thank
23 you. Reverend Gilbert's a hard act to follow.
24 My name is John Keevert. I'm a resident of

1 Demographic Research and Reapportionment, 2-15-2012

2 Brighton and a member of Common Cause New York.
3 I'm testifying on behalf of almost 20,000 Common
4 Cause New York members.

5 Common Cause in New York and around the
6 country is a strong supporter of a fair,
7 independent and nonpolitical redistricting
8 process. Unfortunately, neither the
9 redistricting process, nor the proposed official
10 maps are up to the appropriate standard this
11 year. The current district lines in Rochester
12 are one of the examples that Common Cause New
13 York uses to show the effect of political
14 gerrymandering when doing public presentations
15 about redistricting. That's because the current
16 maps for both the Senate and the Assembly divide
17 Rochester into three districts, but to very
18 different outcomes. The current Assembly
19 districts twist and curve through the city of
20 Rochester in shapes that appear designed to elect
21 three Democrats. The current Senate districts
22 also split the city of Rochester into three even
23 though Rochester can fit within a single
24 district. The Senate districts match portions of

1 Demographic Research and Reapportionment, 2-15-2012

2 the city with large areas of surrounding suburbs
3 and then stretch far into rural areas in order to
4 elect three Republican senators.

5 The proposed LATFOR maps continue this
6 sorry story. In fact, the proposed assembly
7 districts in our area, as you can see on page
8 five of this testimony are almost unchanged from
9 the existing districts. The Common Cause reform
10 map offers an alternative for more compact
11 districts that would better keep communities and
12 neighborhoods together.

13 In the Senate, the proposed LATFOR
14 plans, as you can see on pages three and four,
15 are even worse than the existing districts. I
16 personally strongly endorse the concerns of Mayor
17 Richards. Rochester remains cut up into three
18 districts. I currently live in Brighton, which
19 is an inner ring suburb of Rochester. I used to
20 live in the 19th Ward on the southwest corner of
21 Rochester, which is an intentionally integrated,
22 moderate income neighborhood in the city. I can
23 assure you that the interests of the 19th Ward are
24 not well represented by a person who hails from

1 Demographic Research and Reapportionment, 2-15-2012

2 Amherst, an upper class, white suburb of Buffalo.
3 This is what you are proposing for Senate
4 District 61.

5 I strongly support the map proposed by
6 Common Cause, which creates a district of
7 Rochester and the inner ring suburbs of Brighton
8 and Irondequoit for the Senate. It also creates
9 a district that includes the outer ring suburbs
10 as well as others that are mostly rural.
11 Rochester suburbs are equally ill-treated by
12 LATFOR Senate lines. Amazingly, Monroe County is
13 broken between six different Senate districts
14 with only one district entirely within the
15 county. Senate Districts 59, 61 and 62 stretch
16 all the way into Monroe County from Erie and
17 Niagara Counties through uniformly rural areas.
18 As the Common Cause reform map shows, there is no
19 demographic reason for these contortions. The
20 proposed lines disenfranchise both the city of
21 Rochester and the surrounding suburbs. Clearly
22 the lines proposed by LATFOR are not about how to
23 best represent Rochester, but are instead
24 designed to carve up the city to best serve the

1 Demographic Research and Reapportionment, 2-15-2012

2 interests of western New York incumbent
3 politicians. Indeed, no incumbent senator
4 actually lives within the city of Rochester. To
5 paraphrase the Occupy Movement - this isn't what
6 democracy looks like.

7 In Congress, the way in which our city
8 has been treated in the current districts is a
9 famous gerrymandering. As you can see on pages
10 six and seven of this testimony, Monroe County is
11 split between four different congressional
12 districts which extend dozens or even hundreds of
13 miles into other regions. In contrast, the
14 Common Cause reform map for Congress focuses on
15 creating regional districts. One district is for
16 Buffalo, one district is for the Rochester
17 metropolitan area and one district for the Finger
18 Lakes. Yes, it really can be that simple if the
19 lines are drawn with public interest in mind
20 rather than tailored to the desires of the
21 parties and their incumbents. It is astounding
22 to me as a person who supports good government,
23 that there is no proposed congressional map yet.
24 As an election inspector, I have some

1 Demographic Research and Reapportionment, 2-15-2012

2 understanding of the confusion this is creating
3 at the Board of Elections as well as the
4 political parties. Since the official process
5 has not yet been able to generate a proposed
6 congressional map, I strongly suggest that you
7 adopt the Common Cause reform map for Congress.
8 New York deserves a better set of district maps.
9 I hope that you will take the Common Cause reform
10 maps into consideration when revising your
11 proposals. Your current proposals are continuing
12 unacceptable examples of legislators choosing
13 their voters, not the other way around.

14 MR. ROMAN HEDGES, NYS LEGISLATIVE TASK
15 FORCE ON DEMOGRAPHIC RESEARCH AND
16 REAPPORTIONMENT: Thank you very much. Before
17 you leave, let me just say one thing. Common
18 Cause has been at virtually every hearing, both
19 ends of the process. The maps that Common Cause
20 has produced have provided lots of useful
21 insight. I certainly don't agree with all of the
22 detail of any of the maps and many of the ideas
23 that Common Cause has recommended to this group.
24 But I think it's really important to compliment

1 Demographic Research and Reapportionment, 2-15-2012

2 Common Cause, and Susan Learner, [phonetic] in
3 particular, for all the great work that you guys
4 have done. Thank you.

5 MR. KEEVERT: Thank you.

6 SENATOR NOZZOLIO: I believe the
7 sentiments expressed by Commission Member Hedges,
8 Dr. Hedges, are certainly felt by all members of
9 the commission. Thank you for your continued
10 input and it is appreciated. Cynthia Kaleh.

11 MS. CYNTHIA KALEH, MONROE COUNTY

12 LEGISLATOR: Thank you. I was on, then I was
13 off, now I'm back on. So I'm a little confused,
14 but that's okay.

15 I'm going to speak very briefly. I'm
16 Monroe County Legislator Cindy Kaleh. I
17 represent the 28th District in Monroe County,
18 which is the northwest portion of Rochester. I
19 would say, after listening to so many of the
20 speakers, that I am woefully prepared in terms of
21 statistics and I think direct facts that should
22 be considered in this.

23 But I did want to come up just briefly
24 and I will submit the rest of my remarks offline,

1 Demographic Research and Reapportionment, 2-15-2012

2 that can go into your records, that dividing the
3 city of Rochester into three Senate districts,
4 for me, as a legislator here, is less than
5 acceptable. In that it dilutes the voice of the
6 city itself. In the county of Monroe, the city's
7 voice is basically diluted as well. I can speak
8 to, briefly to the CGR study where we had the
9 line redrawn for the Monroe County redistricting.
10 And I have to admit, that it was totally done
11 with a blinders on because my district and two
12 other legislators, we were all living in the same
13 district by the time that plan was over. And as
14 a result of that plan, we would have been in an
15 interesting predicament in terms of primary and
16 who would be serving.

17 That said, it was done with blinders and
18 did show that the results can happen without
19 respect to saving a seat. As a result, that
20 particular study wasn't used for Monroe County
21 and we were all basically saved within our seats.
22 But I have to say that in that case too, that a
23 few of them were carved to the point that it made
24 it much easier for incumbents to be elected and

1 Demographic Research and Reapportionment, 2-15-2012

2 new seats to be filled with a majority, which in
3 this case would be a Republican seat holder.
4 That said, I believe that the lines are ill drawn
5 with respect to the city of Rochester and the
6 extension to Amherst. And basically I would be
7 repeating what a lot of other people had said, so
8 I'm not going to take any more time. And I would
9 submit the rest of my remarks offline. Thank
10 you.

11 SENATOR NOZZOLIO: Any questions for
12 Madam Legislator. Thank you very much for your
13 testimony. Elaine Spaul?

14 MS. ELAINE SPAULL, ROCHESTER CITY

15 COUNCILMEMBER: Great timing. Thank you,
16 Senator. I'm going to read, because if I don't,
17 I have a tendency to go on and on and on, so I'm
18 so grateful to be here. I'm going to read and
19 I'm going to leave some statements with you.

20 My name is Elaine Spaul and I'm a
21 member of the Rochester City Council and have the
22 honor of representing the families of the East
23 District of our city.

24 I ran for a district seat with the

1 Demographic Research and Reapportionment, 2-15-2012

2 belief that serving my constituents close to home
3 would make my representation of them more
4 effective. Because I'm available and accessible
5 every day, I am able to speak sensitively to the
6 diversity and changes that occur on a micro level
7 which I believe to be the building block of a
8 vibrant city that is strong neighborhoods.

9 The city of Rochester for many years
10 used a model of planning that with the consent of
11 neighborhoods, organized itself into sectors.
12 This was known as our - - system. This
13 government grass roots partnership was an attempt
14 by the city to use communities of interest to
15 negotiate, consult, design and lobby for
16 improvement of social conditions with a focus of
17 contributing to the larger vision of engaging the
18 political capacity of its citizens. Two of the
19 most successful sectors happen to be in my
20 district, sector six and seven.

21 There are many reasons for fueling the
22 need for more citizen participation, the
23 partnerships with the city. At city hall we face
24 a difficult task of funding neighborhood

1 Demographic Research and Reapportionment, 2-15-2012

2 improvement projects. However, when we are most
3 directly in touch with our neighborhoods, their
4 volunteer leadership and their ability to
5 leverage other supports, then we make good
6 decisions for good government as to our
7 investments. Recently the city of Rochester
8 engaged in a focused investment strategy. With
9 my personal relationships and clear
10 understandings of the opportunity for local
11 partnerships, I was able to support the focused
12 investment in the Beachwood neighborhood. Just
13 one example. This has proven to be very
14 successful. Without this, a decision may have
15 been made that was not as fruitful for the city
16 or the neighborhood. Knowing the political
17 capital, the social capital in that neighborhood,
18 the leadership of that neighborhood, the fact
19 that they could make this work, was very, very
20 essential. I spend an enormous amount of time
21 there probably every week. I want to be able to
22 talk with them, be there, representing this
23 community is an active project. It's an example
24 of where community of interest comes together for

1 Demographic Research and Reapportionment, 2-15-2012

2 greater good in partnership with government.

3 Rochester has a long history of good
4 government, active citizenry and corporate
5 citizens who are interested in improving the
6 welfare of our city. While tapping into the
7 asset based community development, the city has
8 managed to accomplish the expansion of the
9 political capacity within sector six and seven.

10 The assembly lines that are currently
11 proposed by this committee do not honor the
12 intent of the city or Rochester, the neighborhood
13 organizations and business commitment to civic
14 engagement and social welfare.

15 Now I want to just tell you, I happen to
16 have both a PhD and a law degree from the
17 University of Buffalo and I love that city. It
18 was great home to me when I was traveling many
19 times over the years. But Rochester is not
20 Buffalo. We are our own culture, our own
21 community of interest. And I urge this committee
22 to honor those ideals and keep these communities
23 of interest in one assembly district and I thank
24 you so much for your time. Take care.

1 Demographic Research and Reapportionment, 2-15-2012

2 SENATOR NOZZOLIO: Thank you very much.

3 COUNCILMEMBER SPAULL: I have ten
4 copies, who shall I give them to?

5 SENATOR NOZZOLIO: Thank you,
6 Councilwoman. Carol Lee Conklin [phonetic].
7 Carol Lee Conklin.

8 FEMALE VOICE: She had an appointment
9 and had to leave.

10 SENATOR NOZZOLIO: Thank you.

11 FEMALE VOICE: Sure.

12 SENATOR NOZZOLIO: Robert Maurer. God
13 afternoon.

14 MR. ROBERT MAURER: Good afternoon. My
15 name is Robert Maurer and I live in the town of
16 Menden and I am a lifetime resident of New York
17 State and the Rochester area. I am a registered
18 voter, but not registered with any political
19 party.

20 I would like to start by presenting the
21 following charts. This chart shows the
22 population deviation, the percent population
23 deviation from the average state senate district
24 population with the downstate districts to the

1 Demographic Research and Reapportionment, 2-15-2012

2 left and the upstate districts to the right. It
3 shows an average of 6 to 7% spread between the
4 downstate and upstate district populations.

5 Concentrating more voters into downstate
6 districts, defusing their vote and violating the
7 one person one vote principle that is the whole
8 point of redistricting. Given the larger
9 Republican base in the upstate districts, it
10 stands to reason that this has been purposefully
11 done to benefit the Republican party politicians
12 in the state Senate so they may maintain control
13 there.

14 This chart shows the percent population
15 deviation from the average state assembly
16 district population with the downstate districts
17 to the left and the upstate districts to the
18 right. It also shows deviations between
19 downstate and upstate, concentrating more voters
20 into upstate districts this time, defusing their
21 vote and violating the one person one vote
22 principle there as well. Given the larger
23 Democratic party base in downstate districts, it
24 stands to reason that this has purposefully been

1 Demographic Research and Reapportionment, 2-15-2012

2 done to Democratic party in the state assembly so
3 they maintain control there.

4 I would also like to point out how
5 consistent these deviations are. Look at the
6 straight lines, they are clearly no accident.
7 These numbers alone show a systematic
8 manipulation of district boundaries for political
9 goals, also known as gerrymandering of the
10 redistricting process across the entire state of
11 New York. This comes as a great disappointment,
12 but no surprise to me, as you clearly have a
13 conflict of interest.

14 In regards to the greater Rochester area
15 specifically, we can see in both the state Senate
16 and Assembly maps the city of Rochester has been
17 unnecessarily chopped up into three pieces on
18 each. For the Senate districts, District 61
19 chops out the southwest section of the city,
20 pairing it with far flung rural towns and suburbs
21 of Buffalo. District 55, my district, similarly
22 pairs the east side of the city with Naples, a
23 town farrest to the south. South of - - Lake.
24 District 56 cuts through the heart of the city to

1 Demographic Research and Reapportionment, 2-15-2012

2 pair Brighton, south of the city, with northwest
3 suburbs. Anyone from this area knows these are
4 examples of defusing the vote of one population
5 to benefit another.

6 The state assembly maps are not much
7 better. District 138 appears like a scorpion
8 tail wrapping around parts of the city in order
9 to group disparate city neighborhoods with the
10 towns of Chili and Henrietta. And failing the
11 compactness test. This hook into the city also
12 divides the city in three. The net result of
13 both district maps is the disbursement of the urban
14 and racial minority voters in the city of
15 Rochester to the point that the city will have no
16 real representation in the state Senate or
17 Assembly.

18 If these maps are not technically
19 violations of the Voting Rights Act, which they
20 may be, they are, at a minimum, discriminatory
21 and unethical. These district maps are, thus,
22 completely unacceptable. Better solutions are
23 possible as has clearly been shown in the maps
24 created by Common Cause. It is also completely

1 Demographic Research and Reapportionment, 2-15-2012

2 unacceptable that the congressional districts for
3 the House of Representatives are not available
4 for comment at this time. You have failed to
5 complete your task in a timely manner and thus I
6 will be advising to my representatives, the
7 Governor and to my fellow citizens that this
8 entire task force has squandered time and must be
9 dismissed.

10 The only practical solution to stop this
11 undermining of democracy is to support the
12 creation of an independent redistricting
13 commission, in my opinion. I would now ask
14 everyone in the audience who supports dismissing
15 these district maps in favor of an independent
16 commission for redistricting to rise now. I have
17 listed the names of many individuals from this
18 area who also support the creation of an
19 independent commission on the written statement.
20 Thank you for your time, but not for your efforts
21 on this matter.

22 SENATOR NOZZOLIO: Thank you very much.

23 Thomas Gregory.

24 MR. THOMAS GREGORY: I'd like to thank

1 Demographic Research and Reapportionment, 2-15-2012

2 you for the privilege to appear before this
3 commission. A report has been submitted to you
4 and I'd like to speak to that report by first
5 saying that actually the first nine pages are
6 really the whole report, the rest is just the
7 details. So I'll basically--when I put it
8 together, it was designed in a way to basically
9 let you do the first three pages of what I'm
10 saying. The next six pages is basically the
11 substantial part behind it, or the law behind it.
12 Is the concept behind what I'm saying and the law
13 follows in the body of the report.

14 I had a part in the Monroe County's
15 redistricting. It was an honor and a privilege
16 to be part of that. And learned an awful lot
17 about redistricting. I spent a lot of time at
18 the appellant division really going into what the
19 law is all about. And I find that the maps and
20 the ideas that had been submitted--well, first I
21 should say that there's a lot of people with
22 opinions, but you're the experts and there's a
23 reason why you're the experts, this is what you
24 do. This is your job. You have knowledge of the

1 Demographic Research and Reapportionment, 2-15-2012

2 law. You have knowledge of your constituents,
3 not just in Monroe County or Eerie County, but
4 throughout the whole state. And this is why, as
5 a citizen, I'm going to tell you right now I'm
6 glad you're doing this. I do not support an
7 independent commission. What I have found is,
8 after making an exhaustive study of your maps, is
9 generally the population equity, we're not even
10 going there, you know you'd be in violation of
11 Reynolds vs. Simms [phonetic] if you didn't take
12 that into consideration. But what you've done
13 over the last, I studied the 1992, 2002, and the
14 present maps, and actually you follow a pretty
15 consistent strategy. Your core townships, like
16 in the county or towns where we have election
17 districts, we don't want to divide them. What
18 you've done for the last three redistrictings,
19 including this one, that would be, is that you've
20 maintained, as best able, the core townships as
21 best able. So you have these towns that know who
22 their representative, maybe you're going to
23 change a Senate number or Assembly number, but,
24 by gosh, one town is going to be with the next

1 Demographic Research and Reapportionment, 2-15-2012

2 town and that's pretty well demonstrated in
3 Appendix A, if you take a look at that. It's
4 basically—what I did, I reconfigured your maps
5 and put them in towns and townships and that to
6 show where basically you have continuity from
7 1992 to 2002 to present. You're doing a good
8 job..

9 When you look at the kind of idea that's
10 been protested here, where we don't have this one
11 district, one senator or one assemblyman
12 representing one area, by gosh, everyone knows
13 we've gone to regionalization and I think
14 basically what you've done, and this shows in
15 Appendix B, it shows that what you've been doing
16 is following basically, cities have been your
17 central hub. It's been like a hub, spoke and
18 wheels. The spokes are the county and the
19 outside of the wheel is that regional concept
20 where what you're actually doing is integrating a
21 whole area. I've heard Mayor Richards talk about
22 Erie County like they're a man on the moon. I'm
23 going to tell you right now, if Erie County
24 doesn't do well and Erie County doesn't do well

1 Demographic Research and Reapportionment, 2-15-2012

2 with us, we got a problem. And if we don't start
3 looking at the whole western New York as a whole
4 family of regions, my gosh, we're not going
5 anywhere. I should point something out-Governor
6 Cuomo has got that \$1 billion that he's putting
7 into the semiconductor business and I'm glad that
8 the University of Buffalo and Buff State is tied
9 with the University of Rochester and RIT, that's
10 a billion dollars the Governor has committed.
11 And I tell you what, that makes sense to me.

12 Now the other thing, the irregularity in
13 shapes, and this is all addressed throughout the
14 report, I looked at one of the districts and I
15 know that the previous redistricting committees
16 did a thing called peeling. Which some people
17 might call gerrymandering. But what you actually
18 ended up doing was you ended up actually peeling
19 off the towns of Brighton at one point and the
20 southwest part of Rochester to preserve a
21 majority minority district. And it shows that in
22 all the, the maps are very claritive of that
23 point that this commission and the previous
24 commissions have been very, very cognizant of the

1 Demographic Research and Reapportionment, 2-15-2012

2 fact that you want to preserve what we would call
3 the majority minority districts.

4 I've heard people say that you're doing
5 a bad job, so we want to do this with an
6 independent commission. There's a problem
7 though. Number one is that, and this is stated
8 in the report, hey, what about one person one
9 vote when it applies to a commission? How do I-
10 am I guaranteed as a voter or as a citizen of the
11 state, that a commission has an equal number of
12 representatives per member as I'm assured that
13 this legislative body does. I know right now one
14 person one vote is represented by you, the
15 legislature. And, to be honest with you, I would
16 find that, number one, to use an independent
17 commission, something that the Governor says if
18 we don't use, we might veto, would basically
19 violate the Reynolds vs. Simms.

20 Not only that, but there's no real
21 structure. When you look at the law or you look
22 at the statues, there is no structure. That a
23 person like myself can go down the appellant
24 division and find out what the heck's going on,

1 Demographic Research and Reapportionment, 2-15-2012

2 when it applies to you, but there is no
3 structure. There is no law that tells me what
4 this independent commission is all about. Only a
5 legislative committee fulfills the one person one
6 vote when it comes to redistricting.

7 Now the Governor has basically said,
8 well, you know—he's reported to have said, I
9 don't believe that Andrew Cuomo really said what
10 half the newspapers say he says, that he's going
11 to veto it if we don't use an independent
12 commission. But I think we have to distinguish
13 the role of Governor as executive of the state
14 from Governor in his legislative capacity.
15 Because when it comes to basically passing a
16 bill, when he does his approbations of a bill,
17 he's not doing it as an executive. The
18 Governor's functioning in his legislative
19 capacity. And there, and I'll give you a case,
20 Rapp [phonetic] vs. Kerry, [phonetic] 44 New
21 York, 2D157, there it basically says, hey,
22 governor, you know, you can't go beyond what the
23 state policy is in your approbations. You can't
24 do it.

1 Demographic Research and Reapportionment, 2-15-2012

2 MS. LEVINE: Mr. Gregory, you need to
3 summarize.

4 MR. GREGORY: Okay. I will. I think
5 that pretty much says it. I think—one thing I
6 did want to speak though—I think that's enough.
7 The report says it all. And I want to thank you,
8 once again, for the opportunity to appear before
9 you. Thank you.

10 SENATOR NOZZOLIO: Thank you very much.

11 MS. LEVINE: Sir? Mr. Gregory?

12 SENATOR NOZZOLIO: Sir. Sir. Mr.
13 Gregory? Dr. Hedges.

14 MR. ROMAN HEDGES: Obviously I've just
15 had a few minutes to page through your report.
16 This is an incredible amount of work and thank
17 you very much.

18 MR. GREGORY: Oh, it's a real honor.
19 I'm going to tell you what, I think what you're
20 doing for the state, true compliments to you. It
21 gets a citizen like myself involved in a process
22 that maybe all of us really need to be more
23 involved in. So thank you for what you're doing.

24 SENATOR NOZZOLIO: Thank you. Dennis

1 Demographic Research and Reapportionment, 2-15-2012

2 Seekins.

3 MR. DENNIS SEEKINS: I'm here for a
4 comment on the independent, what the last few
5 speakers have been talking about and everything.

6 I live in this section of Congresswoman
7 Slaughter's district. If this is Buffalo and
8 this is Rochester. You know, so I say that and
9 everything because I appreciate the—but there's
10 something wrong when they sneak a little area
11 about two miles wide, you know, where I, I happen
12 to be in it. Obviously nobody was considering me
13 when they did that. They shouldn't. But the
14 point is, they're just looking at the, what they
15 can do to tie this together. I also spent most
16 of my working life in Washington DC. Maryland,
17 and I'm a lifelong Democrat. And I say that
18 because I spent most of my time in Maryland. Now
19 a lot of times we had a congressman down there
20 named Goody, who was a Republican, who was a
21 great guy, I voted for him every time he ran.
22 But right now, the state of Maryland is an
23 incredible example of this gerrymandering. This
24 done by the local Democratic and Republican

1 Demographic Research and Reapportionment, 2-15-2012

2 people. I mean it's a nightmare. Probably one
3 of the worst in the nation.

4 The point and everything is I really
5 don't see how you folks, you know, you're human
6 beings and everything, you know, you folks, being
7 Republicans and Democratic, how you can really
8 keep our interests first in mind. You need the
9 independent group to do it. I don't know how
10 they're going to do it, don't get me wrong. I
11 don't know if you do it by geography, but the
12 thing is there's a bunch of intelligent people
13 around and I'm sure that with six months' of work
14 they could come up with some sort of a system
15 that would work.

16 Now I said I was a liberal Democrat. I
17 get calls from New York State Democrats all the
18 time, will you donate. I says, "No way in hell."
19 I mean you guys straighten up everything in this
20 redistricting, both on the state and for the
21 congressional district, then I'm going to donate.
22 But no way am I going to donate money to a
23 Democrat in New York State. I donated to Obama,
24 I donate to League of Conservation Voters. Once

1 Demographic Research and Reapportionment, 2-15-2012

2 a year I come to a meeting like this. Once a
3 year I write a letter and I vote. That makes me
4 a pretty inactive citizen. So for all my
5 criticism of you, it really is my fault that the
6 system is the way it is. Yes.

7 ASSEMBLY MEMBER MCENENY: I find it
8 interesting that you mention Maryland. Because
9 the state line of Maryland is absolutely bizarre.

10 MR. SEEKINS: Well, true.

11 ASSEMBLY MEMBER MCENENY: With the
12 panhandle that goes far to the west and is
13 probably a little bit thinner than the district
14 that connects Rochester and Niagara Falls.

15 MR. SEEKINS: Good point. Good point.
16 And you're absolutely right there. Yeah. Yeah.

17 ASSEMBLY MEMBER MCENENY: Thank you.

18 MR. SEEKINS: Thank you.

19 SENATOR NOZZOLIO: Thank you very much.
20 Carol Aragon.

21 MS. CAROL ARAGON: Hello. I'm Carol,
22 whoops. I'm carol Aragon and I've lived in New
23 York State my whole life and I voted at every
24 opportunity and will continue to do so.

1 Demographic Research and Reapportionment, 2-15-2012

2 Here are the proposed districts—and I'm
3 here to scold you. Here are the proposed
4 districts for Senate 56 and Assembly District
5 138. They say a picture is worth a thousand
6 words. These express one word - gerrymandering.

7 What is this hook here all about? Then
8 here you have this little tail down here. What
9 are you thinking? These are disgusting and I
10 don't envy you your task of sitting here and
11 listening to all of us complain. But, even
12 worse, the congressional districts aren't ready
13 yet. Please just stop this nonsense now. Accept
14 the fact that these are unacceptable and will
15 remain unacceptable. And you have better
16 options. You can move A5388 out of the
17 Government Affairs Committee, pass it, send it to
18 the Senate, get the Senate to pass it, appoint
19 the independent commission and approve their
20 proposals. If that will take too long, and it
21 sounds like it would, you could just approve the
22 Common Cause maps. I am not a member of Common
23 Cause, but I have looked at them, I don't
24 understand all the ins and outs of every

1 Demographic Research and Reapportionment, 2-15-2012

2 district. But in terms of contiguity and one
3 person one vote, they come much closer than what
4 you have done. I have no idea what they do to
5 incumbents. So it's time to stop the
6 skullduggery and show some respect for the
7 citizens of New York. We are awake now and we
8 won't let you get away with this fraud. Thank
9 you.

10 ASSEMBLY MEMBER MCENENY: The part that
11 you don't know, 26 assembly members are pitted
12 against each other in the Common Cause map. And
13 ten senators are pitted against each other.

14 MS. ARAGON: And that is a problem
15 because...

16 ASSEMBLY MEMBER MCENENY: It's a problem
17 particularly in the minority community since
18 legislatures govern themselves through seniority.
19 For example, were you elected as a Democrat now
20 to go to Albany, it would take you eight to ten
21 years to ever be a committee chair for the lowest
22 possible level title. So what happens is that in
23 an at risk community, a minority community,
24 which, by the way, is drawn with the kind of

1 Demographic Research and Reapportionment, 2-15-2012

2 lines that you showed, because of the Federal
3 Voting Rights Act of 1965, which creates strange
4 hooks and shapes as minority communities are
5 banded together for either minority majority
6 districts or minority opportunity districts, it
7 doesn't look like a square or a rectangle. But
8 as far as this has been accused of being an
9 incumbent protection program that came out of the
10 respective houses that make up LATFOR and the
11 other has been called an incumbent destruction
12 program. And the incumbent destruction program,
13 when it wipes out of the 18 minorities involved,
14 at least nine of them, then it means that at risk
15 usually poorer community, less educated, more
16 needed community has a voice of much less power
17 and influence in the legislative body where it is
18 located. That's the Voting Rights Act of 1965,
19 which say that we have a moral and legal
20 obligation to try to maximize the minority group
21 of certain protected minority groups, among them
22 Asians, African Americans and Hispanics. And,
23 consequently, I think doing a sweeping judgment
24 and saying who cares about incumbents being wiped

1 Demographic Research and Reapportionment, 2-15-2012

2 out, that also means that incumbents who
3 represent those minority groups and those groups
4 that depend on them to have a certain amount of
5 influence in their district, they start all over
6 again with the freshmen. And in my house, for
7 example, the State Assembly, you can expect to go
8 eight to ten years before you get any kind of a
9 title which, for example, is the chair of a
10 committee. That's why.

11 MS. ARAGON: Okay. Can I respond to
12 that?

13 ASSEMBLY MEMBER MCENENY: Certainly.

14 MS. ARAGON: Because I appreciate the
15 information. But I'd like to point out that
16 you're starting with a problem to explain a
17 problem. If it takes—if you have to be there, be
18 incumbent for that many years to have a
19 significant voice, that's a problem to begin
20 with. I think. Just consider that. Thank you.

21 ASSEMBLY MEMBER MCENENY: It is the
22 world we live in though.

23 SENATOR NOZZOLIO: Thank you very much.
24 James Webster. Could one of you gentlemen do us

1 Demographic Research and Reapportionment, 2-15-2012

2 a favor and shut the door? Thank you.

3 MR. JAMES WEBSTER: Good afternoon. My
4 name is Jim Webster. I'm a resident of - - .
5 I'm honored to be represented by two members of
6 this committee. Although I was born and brought
7 up in Rochester, so I think I will always
8 consider myself a Rochesterian. Excuse me.

9 I had a lot of remarks that I wanted to
10 make this morning, but all I would be doing would
11 be repeating probably everything else you've
12 already heard. So let me just address myself to
13 a couple of other issues that I find important.

14 First I note that, with one exception,
15 every speaker you've heard today is in absolute
16 opposition to the plan as presented. And I join
17 that majority. I am absolutely opposed to this.
18 I absolutely consider it gerrymandering at its
19 worst. And you talk about one man one vote, as
20 this lady just mentioned, and as you talked about
21 the committee and the seniority process, I would
22 submit that that in itself negates one person one
23 vote.

24 I do find it interesting that this plan

1 Demographic Research and Reapportionment, 2-15-2012

2 is presented, and I will take a quote from the
3 Reverend who spoke earlier-seems to show that
4 representatives get to choose their voters rather
5 than voters getting to choose their
6 representatives. It's my understanding of one
7 person one vote that districts need to be
8 relatively equal. And towns need to be within
9 the same district. Now I'm not a lawyer, I
10 probably wouldn't understand half the law. I
11 understand that you either are or advised by
12 attorneys, so I have to accept the fact that what
13 you've presented is, in fact, legal. I don't
14 have to like it. I would submit--and I'm sorry,
15 I'm not a politician and I'm not known for
16 couching things easily, but I would submit that I
17 could take five people in a room with census maps
18 from 2010 and I could come up with a fair and
19 equitable plan. Or that committee could come up
20 with a fair and equitable plan in a pretty short
21 period of time. And certainly not as long as
22 this has taken. And the fact that we don't have
23 congressional lines drawn yet and we're forced to
24 have a primary by judge earlier than ever, we

1 Demographic Research and Reapportionment, 2-15-2012

2 need that information and we need it now. And we
3 need candidates to have the time to prepare the
4 information and the resources that they need to
5 represent us.

6 Finally I will say from day one I have
7 adamantly supported an independent redistricting
8 commission, vid of the legislature according to a
9 pledge that the majority of you signed and yet
10 we're here presented with the same old, same old
11 that to me looks like it's going to do nothing
12 more than continue the dysfunction that has
13 plagued us in Albany for decades.

14 I truly look forward to change. I'm not
15 seeing it. Thank you.

16 SENATOR NOZZOLIO: Thank you, Jim.
17 Sarah Yaworsky.

18 MS. SARAH YAWORSKY, 19TH WARD
19 ASSOCIATION: Hi. My name's Sarah Yaworsky. I'm
20 a part of the 19th Ward Community Association of
21 Rochester and equally grateful for your
22 willingness to listen to us today and our
23 concerns about legislative redistricting.

24 As a representative of that

1 Demographic Research and Reapportionment, 2-15-2012

2 organization, I'm here to urge the task force to
3 revise its proposed technical plan for our
4 neighborhood's representation in the state senate
5 by reattaching us to our community, which is the
6 city of Rochester. You have copies of my
7 comments and you can read them probably more
8 coherently than I can here. So I just want to
9 touch on a couple of things that I haven't heard
10 fully described from many of the speakers that
11 I've enjoyed listening to.

12 One thing I want to talk about is the
13 issue of racial diversity, which we celebrate and
14 nurture in our community. With 66% of our
15 residents African American, including my son.
16 While the other proposed political divisions in
17 the proposed 61st, I'm sure, have their own unique
18 qualities and strengths, they are significantly
19 different from our 100% urban neighborhood.
20 Amherst is, which is the most populous component
21 of the new district is only 6.5% African American
22 and it's the largest and most populous suburb of
23 Buffalo. It's in a completely separate
24 metropolitan statistical area from us in

1 Demographic Research and Reapportionment, 2-15-2012

2 Rochester. Clarence, the town also in Eerie
3 County, and almost 60 miles away from us, has an
4 African American population of 1 ½% with not even
5 a village in its boundaries.

6 The town of Newstead, with an African
7 American population of seven-tenths of a percent,
8 is agriculture - - character. And then what
9 fills mostly the distance, separating our
10 neighborhood from our fellow district members is
11 Genesee County, which has an African American
12 population of 2.7%.

13 Thus, by hacking out our neighborhood,
14 out of Rochester, a Rochester based district and
15 tacking it on to the 61st, the diversity of our
16 district is drastically diminished. Our African
17 American membership is reduced from the current
18 23% in our 56th Senate district to only 10% in the
19 proposed 61st. I heard the talk about reducing it
20 from 23 to 18, but I think that's in, if we were
21 to remain in the new 56th District, they're going
22 to drop from the current 23 because we're being
23 taken out to only 18.

24 So what I don't understand is if the

1 Demographic Research and Reapportionment, 2-15-2012

2 purpose of redistricting is to adjust to changing
3 population trends, why, when the African American
4 population of Rochester has increased, why is the
5 population concentration of African Americans in
6 our Senate district decreasing? It seems to
7 deliberately interfere with access by people of
8 color to political power by eroding their
9 opportunity to elect a representative of their
10 choice. And I did hear you say it, I mean it's a
11 new district, who knows who might be elected in
12 the future, but our neighborhood, which is the
13 only predominantly African American part of the
14 new district is one-fifth of just Amherst alone.
15 Realistically, no one from our district is going
16 to be elected to represent the 61st.

17 Not repeating all the things you already
18 know about community of interest and compactness
19 and our concerns about the independence of the
20 process, I think I just want to summarize by
21 saying that what this does the most to us is it
22 just makes it too hard to be a citizen. An
23 active, engaged citizen. Configuring our voting
24 districts makes it—it's challenging enough to

1 Demographic Research and Reapportionment, 2-15-2012

2 engage in political discourse in so big and so
3 busy and so complicated a state. But adding
4 barriers of geography and even more diverse
5 issues that we would have to become familiar and
6 engaged in so that we can just dial up with our
7 fellow district members, makes it just too
8 discouraging to try to be engaged. And that
9 seems like the opposite of what we need to be
10 doing at this time.

11 So I hope—I appreciate you listening to
12 all this and we urge you not to separate our
13 community from our city of Rochester.

14 ASSEMBLY MEMBER MCENENY: Thank you.

15 SENATOR NOZZOLIO: Thank you very much.
16 Van White. Van White. Kevin Gallagher. Welcome
17 back, Kevin.

18 MR. KEVIN GALLAGHER: Thank you. Good
19 afternoon. My name is Kevin Gallagher from
20 Dunfield, New York.

21 Uh, I have some starting questions that
22 will help me and perhaps other people evaluate
23 the process. So if you can see the list of
24 questions on my list. Start with who is drawing

1 Demographic Research and Reapportionment, 2-15-2012

2 the lines for the House of Representatives? I'm
3 looking for a person's name.

4 ASSEMBLY MEMBER MCENENY: Officially the
5 six people on the LATFOR commission.

6 MR. GALLAGHER: Okay.

7 ASSEMBLY MEMBER MCENENY: Backed by
8 staff.

9 MR. GALLAGHER: All right. Originally
10 the lines were supposed to be done in October of
11 last year, why aren't they done now?

12 ASSEMBLY MEMBER MCENENY: Who said that?

13 MR. GALLAGHER: I've heard that. Early
14 in the process. Perhaps before you picked up the
15 LATFOR process.

16 ASSEMBLY MEMBER MCENENY: Kevin, this
17 body is weeks ahead in coming up with state
18 Senate and Assembly lines based on last year.
19 And months ahead based on, excuse me, the last
20 decade. This body is actually ahead of the
21 original schedule, not behind. There are two
22 changes this year. Three changes that make this
23 a little bit different from any other year.
24 First of all, we traditionally have done Senate

1 Demographic Research and Reapportionment, 2-15-2012

2 and Assembly first and followed up with the
3 Congress second. This year a new law was passed.
4 It was a law that said that prisoners should be
5 counted where they're from. Unfortunately, that
6 law had no regulations. Didn't describe how
7 those prisoners would be counted, if they were
8 homeless at the time they were sent to prison,
9 whether or not they had a home address, whether
10 they had a relative's address and when the
11 Department of Corrections provided us, in
12 February of last year, with a list of prisoners,
13 while keeping their personal identity private,
14 they, nonetheless, gave their address. It took
15 literally months to figure out where you plot
16 them. And in the end, we were able to plot most
17 of them. But without regulations, we had to make
18 them up. And when we made them up, we had to do
19 so in a way that would withstand a court
20 challenge. It was not an easy process and we did
21 not have something that we were comfortable with
22 on a legal point of view until, I would say, the
23 end of November 2nd was our last preliminary
24 hearing and around that time we were able to

1 Demographic Research and Reapportionment, 2-15-2012

2 adjust all the Senate and the Assembly to the
3 level of block or at least, in the case of small
4 towns, to the level of the town, so they could be
5 counted. We came out with maps in December,
6 people had time to review them, to look at them,
7 and started the next round of public hearings.

8 What has also changed—so, first of all,
9 we have an artificial delay trying to figure out
10 how to count the prisoners who, by the way, are
11 not counted in the congressional count, they're
12 counted in the prisons the old fashioned way.
13 Federal government doesn't recognize our law for
14 federal purposes. The second thing that changed
15 is we had a federal court saying that we had to
16 change the date of the primary at one point no
17 later than a date in August, which, if I
18 remember, was a Saturday, which made no sense at
19 all. We figured that meant the previous Tuesday,
20 the 14th. And then it went to court and it was
21 delayed and delayed and delayed. And only
22 recently, in January, did we get a date for the
23 congressional primary. And it is set for the 26th
24 of June. Hence, the mad rush to finish up, to

1 Demographic Research and Reapportionment, 2-15-2012

2 come up with a changed political calendar,
3 etcetera. The political debate on whether or not
4 Senate and Assembly will be included or not. So
5 far the Assembly would like it that way, the
6 Senate has reservations. We have to have a two
7 house solution if we go into it. There's a lot
8 going on.

9 Now, if we could have done the
10 congressional districts in time, it would have
11 been helpful. Traditionally, they have never had
12 the maps, though many people have testified very
13 clearly on what they want to see. They're much
14 larger districts. And this year they go from
15 about 650,000 to 717,707 - huge areas. In some
16 ways easier to draw than the Assembly and Senate.

17 SENATOR NOZZOLIO: I would just like to
18 add, if I could, Assemblyman.

19 ASSEMBLY MEMBER MCENENY: Sure.

20 SENATOR NOZZOLIO: You outlined it very
21 well. I don't know if you said, if you did,
22 please forgive me, but the Justice Department of
23 the United States advised, in their briefs, that
24 they would accept an August date for primary.

1 Demographic Research and Reapportionment, 2-15-2012

2 The judge decided to escalate that date to June
3 as opposed to mid-August. That was a change. We
4 expected certainly that the federal court would
5 listen to the Justice Department.

6 Coincidentally, the New York City Board of
7 Elections, which joined with the State Board of
8 Elections to ask for an earlier primary now is
9 telling us that they cannot comply with that
10 early primary date just from a logistical
11 standpoint. So these were two curve balls from
12 left field that were thrown at the scheduling
13 process and I think that that is just part and
14 parcel of the challenges that we have here with
15 those congressional lines.

16 Having said that, we're working in
17 earnest and we hope to have the lines produced
18 within the next few, certainly, weeks and
19 hopefully it's shorter than that.

20 ASSEMBLY MEMBER MCENENY: The plan is to
21 finish the public hearing tomorrow in Buffalo and
22 to literally draw all-these lines will be
23 changed, what you're testifying on. Some things
24 will be changed to a minor degree to keep a

1 Demographic Research and Reapportionment, 2-15-2012

2 neighborhood together, others perhaps more so.

3 And at the same time, we're hoping to finish up
4 the congressional lines.

5 It would be helpful if the federal
6 government, faced with the dilemma that 20% of
7 servicemen and women were not having their
8 absentee ballots count, it would have been nicer
9 if they gave a federal order to speed up the mail
10 instead of making the state change its system.
11 And as far as the latest ruling from a federal
12 judge, an appointed judge, I would point out, to
13 stop dragging your feet on it, it would be nice
14 if they gave the Justice Department an order to
15 do a quicker review instead of dragging it out
16 for 60 days. We're hopeful that they can speed
17 that up as well. Unfortunately we're the ones
18 getting governed by the federal government by
19 appointed judges rather than the federal
20 government, the post office or the Justice
21 Department. But go ahead, Kevin, I've spoken too
22 long and I do appreciate your testimony.

23 MR. GALLAGHER: Well, the reasons you've
24 given make it seem more poignant that the

1 Demographic Research and Reapportionment, 2-15-2012

2 congressional districts should have been released
3 earlier. That, of course, there were things
4 going on in the federal government you weren't
5 sure of the outcome, but you knew that somewhere
6 down the line that the districts needed to be
7 done. So I guess I would move on.

8 I have some questions about specific
9 districts.

10 ASSEMBLY MEMBER MCENENY: Thank you.

11 MR. GALLAGHER: I've listed, first of
12 all, I would like to know the person who drew the
13 Assembly lines and who drew the Senate lines.

14 ASSEMBLY MEMBER MCENENY: I think it's
15 safe to say the Assembly drew its own lines as
16 did the Senate drew its own. It would be staffed
17 under the direction of myself, Roman Hedges, and
18 to a lesser degree, with the Republican
19 districts, input from Bob Oaks' people as well.

20 MR. GALLAGHER: Okay. Then you can
21 answer the questions, you're right here in front
22 of me. I'm wondering what software was used for
23 your products?

24 ASSEMBLY MEMBER MCENENY: Talk to the

1 Demographic Research and Reapportionment, 2-15-2012

2 PhD.

3 MR. GALLAGHER: Roman?

4 ASSEMBLY MEMBER MCENENY: Roman?

5 MR. HEDGES: The software is Maptitude,
6 but I don't think any of this is relevant. So
7 would you please move on and give us your input?

8 MR. GALLAGHER: I do believe this is
9 relevant. I'd like to know what categories of
10 information...

11 MR. HEDGES: Please move on and give us
12 your input.

13 MR. GALLAGHER: Excuse me, but I sense
14 some hostility from you.

15 MR. HEDGES: I'm impatient. I've been
16 here for three hours. I would like to hear what
17 you have to say instead of you thinking that this
18 is a time for public inquiry.

19 MR. GALLAGHER: Well, several times
20 during previous hearings it was mentioned that
21 this would be an open process. And information
22 that we believe is necessary to evaluate the
23 process is not available to us.

24 MR. HEDGES: The product is the product.

1 Demographic Research and Reapportionment, 2-15-2012

2 Please give us commentary on the product.

3 MR. GALLAGHER: I'll ask the co-chairs
4 to please limit his interruptions.

5 ASSEMBLY MEMBER MCENENY: Well, that I
6 will not do because we are equal members of the
7 commission. And I think he does raise a very
8 valid point that you're here to evaluate the
9 product, the process is gone. The independent
10 redistricting commission didn't happen. And, by
11 the way, some of us up here did not take the
12 pledge.

13 That's gone. That train has left the
14 station. Now we're looking at the results. And
15 I believe your job is to testify, that's not our
16 job, we answer as a courtesy and as an option on
17 our part. So if you would criticize. We've
18 heard a number of people who don't want to see
19 Buffalo suburbs combined with Rochester for
20 reasons that they give. That's useful input.
21 And if you have a district that you're looking
22 at, you feel that it was drawn badly, you can't
23 understand whether it's done for voting rights
24 act or done for some other reason, give your

1 Demographic Research and Reapportionment, 2-15-2012

2 criticism and that becomes part of the record and
3 becomes useful. Going into the software, which I
4 doubt that more than a very small fraction of the
5 audience either watching us understands or—that's
6 a very technical question that can be answered at
7 another time and not take up the time of the
8 group assembled here.

9 MR. GALLAGHER: At what time can those
10 questions be answered?

11 ASSEMBLY MEMBER MCENENY: The Freedom of
12 Information Act. Put it in writing, send it in,
13 we'll give you a response within the five days as
14 required.

15 SENATOR NOZZOLIO: I don't want to make
16 it—let me just interrupt. If you'd like to have
17 an interrogatory, that's fine. I'd be glad to
18 sit with you and go through that. If you have
19 certain points you'd like to make, feel free to
20 make them. You can make them in the form of an
21 interrogatory and if you want us to respond, I
22 think your questions are not unreasonable.
23 They're not questions that haven't been asked
24 many times by many citizens across the state.

1 Demographic Research and Reapportionment, 2-15-2012

2 I'd be glad to answer them. The question, I
3 think, is just the matter of style. This isn't a
4 forum for a series of interrogatories and then
5 answers. Ask your questions, if we have time to
6 answer them now, we will. If we don't, we'll
7 answer them to you individually later.

8 MR. GALLAGHER: Fine. There are six
9 districts, I'd like to know what the method was
10 for drawing those. Why you came up with specific
11 numbers for those districts. You may answer
12 those later. Three in the Senate, three in the
13 Assembly.

14 All members of this task force have
15 expressed support, correction, the elected
16 members of this task force expressed support for
17 an independent commission and associated
18 standards. If they're good ideas, why aren't you
19 abiding by those standards now? I believe the
20 Senate amendment is a smoke screen. What aspect
21 of the independent commission requires a
22 constitutional amendment?

23 On January 30th I made a - - request by
24 email for electronic copies of the contracts with

1 Demographic Research and Reapportionment, 2-15-2012

2 counsel Michael A. Carvin. [phonetic] My
3 question is, is LATFOR Mr. Carvin's client? Yes
4 or no.

5 SENATOR NOZZOLIO: We have received a
6 copy of your Freedom of Information Request and
7 it's been sent along for the Senate to respond
8 to. And they will respond based on the Freedom
9 of Information Act.

10 MS. LEVINE: Mr. Gallagher, you need to
11 summarize please.

12 MR. GALLAGHER: My time hasn't really
13 started.

14 MS. LEVINE: Well actually it has. And
15 when the members speak, I stop your time to allow
16 you to speak. So I assure you, I've recorded
17 your time accordingly.

18 MR. GALLAGHER: Okay. Well, I apologize
19 to the other people who are testifying and who
20 have a time schedule.

21 I will skip the question on the page, if
22 you'd like to answer that at some other point,
23 I'd appreciate that.

24 SENATOR NOZZOLIO: On the page?

1 Demographic Research and Reapportionment, 2-15-2012

2 MR. GALLAGHER: On the first page about
3 Voting Rights Act. I believe in a conversation
4 with me, you said that was the worst thing that
5 ever happened.

6 SENATOR NOZZOLIO: I'll take the
7 committee's time to respond to that question
8 directly. I never said that. What I did say was
9 that, and you may be confused with the question
10 of the prisoner counting law.

11 MR. GALLAGHER: No, I'm sorry. This was
12 three years ago.

13 SENATOR NOZZOLIO: Well, I don't
14 remember that conversation.

15 MR. GALLAGHER: Okay. That's fine.

16 SENATOR NOZZOLIO: And I certainly do
17 not recall ever saying that. And it's not
18 something that I ever believed in. There may be—
19 I'm shocked that that would be alleged and I can
20 state that, unequivocally, this committee has
21 fully complied and I have done all I could to
22 fully comply with the Federal Voting Rights Act
23 in every deliberate act that we have taken.

24 MR. GALLAGHER: Okay. Thank you. This

1 Demographic Research and Reapportionment, 2-15-2012

2 next page, too, is having to do with the opinion
3 by Mr. Carvin. I'm going to skip the first
4 paragraph. The second paragraph. I'm going
5 straight to the methodology. The methodology is
6 inconsistent because it joins and splits county
7 groups within calculations. For correct
8 methodology, it must join county groups or split
9 county groups, not both. A consistent
10 methodology would generate either 62 or 64 seats.
11 I've evaluated his supporting information and I
12 don't agree with it. And the pertinent question
13 is does the prisoner count affect the Senate
14 formula? Do you know that offhand?

15 SENATOR NOZZOLIO: It is my
16 understanding it does not. And I should hasten
17 to add, as we've discussed and we need to place
18 it on the record, this commission has done yeoman
19 work, everything possible to comply with the
20 prisoner voting or prisoner counting act, the
21 prisoner census legislation in spite of the many
22 hurdles and the lack of clarity in that law.

23 MR. GALLAGHER: I understand that. I
24 looked at the numbers for the prisoner count. I

1 Demographic Research and Reapportionment, 2-15-2012

2 believe 48,603 were accounted for and
3 reallocated. But the total prisoner count was
4 closer to 60,000. And I'm wondering if the
5 federal prisoners who may be residents of the
6 state of New York were counted in the same, using
7 the same method.

8 ASSEMBLY MEMBER MCENENY: All of them
9 are counted for the federal, for the
10 congressional whereas the 48,000 are the ones
11 that are counted and repatriated, if you will,
12 back to their own neighborhoods. Under the law,
13 the difference, they are not counted at all. And
14 that's what the law says and some of us are not
15 comfortable with that, but that is the law. So
16 if we could find a legitimate address for state
17 and Assembly and Senate districts, they were
18 counted back home. But the federal government
19 does not recognize—if we couldn't, they're not
20 counted at all for Senate and Assembly. In the
21 federal government, they are all counted in their
22 prisons.

23 MR. GALLAGHER: And then the difference
24 between 48,000 and 59,000 are those without

1 Demographic Research and Reapportionment, 2-15-2012

2 addresses or...?

3 ASSEMBLY MEMBER MCENENY: That's
4 correct. Where it could not be assigned to a
5 specific block in a city or to a town, in the
6 case of the smaller towns. If we could just
7 figure out the town, we added it to that town
8 because the constitution does not allow the
9 breaking of a town unless it's larger than the
10 district you're trying to draw, Senate or
11 Assembly.

12 SENATOR NOZZOLIO: Or they may have been
13 out of state.

14 ASSEMBLY MEMBER MCENENY: Yes, that's
15 true.

16 MR. GALLAGHER: All right. Thank you.
17 I'm going to cut my—what I'm going to say down
18 considerably. The numbers for both the Senate
19 and the Assembly, I've given you a chart that
20 shows the deviation. It shows that there's a
21 distinct break between upstate and downstate. It
22 also shows that the numbers you use are very
23 precise and within regions you are able to hit
24 very tight targets. The problem is you're

1 Demographic Research and Reapportionment, 2-15-2012

2 choosing the wrong numbers. And I believe that
3 is a violation of the Public Officers Law and
4 maybe a violation of the oath of office. You've
5 shown that you have the ability to do very good
6 numbers.

7 ASSEMBLY MEMBER MCENENY: Where the
8 numbers are exact, for example, within the county
9 of Queens, for example, within Manhattan, which,
10 by the way, is more than the average, you'll see
11 them within a half dozen or even one or two
12 people and that's because the New York State
13 Constitution has a requirement that a block on
14 the border, if it can be moved, it must be moved
15 to make the math come out as exact as possible.
16 That's for Senate and Assembly. The same rule
17 applies to towns. When you get to the smaller
18 towns upstate, if you're all done, you have a
19 nice, neat district, you go around the border and
20 you find that a small town can be moved to the
21 other side, even though it may look unsightly on
22 a map, you must move it. Block on border, town
23 on border. And what we have done, I know with
24 our option, is once you break it down, the great

1 Demographic Research and Reapportionment, 2-15-2012

2 big towns like down on Long Island, we treat them
3 the same as a broken city. Once you break it,
4 you're into block on border requirements, which
5 often does a terrible job on particularly urban
6 neighborhoods. But that's the state
7 constitution. Federal, they make you go to the
8 person.

9 MR. GALLAGHER: I understand that. I'm
10 just going to summarize. I'm not happy with the
11 process at all. It does not seem that open to me
12 and my intent is to push for either an
13 independent commission or accept intervention by
14 the courts. And I would support either of those
15 processes. If you have any questions on things I
16 didn't ask out loud, you may ask them.

17 ASSEMBLY MEMBER MCENENY: Thank you very
18 much.

19 SENATOR NOZZOLIO: Senator Dilan.

20 SENATOR MARTIN M. DILAN, NYS LEGISLATIVE
21 TASK FORCE ON DEMOGRAPHIC RESEARCH AND
22 REAPPORTIONMENT: Yes. I believe I have to
23 comment, otherwise I feel I will be remiss.

24 One of the co-chairs mentioned that all

1 Demographic Research and Reapportionment, 2-15-2012

2 members on this commission are equal. I believe
3 that same person indicated that the six of us are
4 responsible for the drawing of the maps. One, I
5 must a that--also I believe it was said that the
6 Assembly drew the maps for the Assembly and the
7 Senate drew the maps for the Senate. Response to
8 that question - the Assembly majority drew the
9 maps for the Assembly and the Senate majority
10 drew the maps for the Senate. With respect to
11 all members being equal, I can say publicly, and
12 I believe that I've indicated this publicly
13 before, I took no role in drawing any lines and
14 at no moment was that shared with me. I actually
15 saw the draft lines about an hour before they
16 were released to the public. So I actively did
17 not play any role because the majorities in both
18 houses were not inclusive of some of the members
19 of this panel.

20 MR. GALLAGHER: Thank you. I have one
21 other response you reminded me. Jack, you said
22 the world, this is the world we live in, in
23 response to--

24 ASSEMBLY MEMBER MCENENY: [interposing]

1 Demographic Research and Reapportionment, 2-15-2012

2 Meaning the state constitution, the Voting Rights
3 Act, the fact that in every legislative body on a
4 state and federal level, we know that seniority
5 is a highly significant factor. This is how
6 legislators function. The House of
7 Representatives, for example, in that freshmen
8 and sophomores, if you will, don't have the same
9 input, don't get the same appointments or
10 opportunities as people that have been there for
11 several years. And whether that's right or
12 wrong, it is the way it is. And we know that if
13 your district is represented by a senior member
14 and he is gerrymandered by a good government
15 group in with someone else who is a senior
16 member, since people tend to use gerrymander
17 rather loosely, that one of those senior members
18 is going to have to go. And there will be
19 another district next to it perhaps having the
20 bulk of what the other senior member who lost had
21 which will now have a freshman. And that is,
22 unfortunately, in that political world, what we
23 live in. You will be represented by a freshman.
24 Which may or may not, and probably will not give

1 Demographic Research and Reapportionment, 2-15-2012

2 your district the same kind of service and
3 influence in the legislative body that the senior
4 member had. On the other hand, if the senior
5 member hasn't done a good job, that's what we
6 have primaries and election for, to throw them
7 out.

8 MR. GALLAGHER: And my response to that
9 is the world they live in, which is the
10 legislature, the rules govern that process, which
11 is unequal for freshmen. And you have a voice on
12 the rules. And I just wanted to point out that I
13 trimmed out two and a half pages of my testimony.

14 ASSEMBLY MEMBER MCENENY: Thank you very
15 much.

16 MR. GALLAGHER: Thank you.

17 ASSEMBLY MEMBER MCENENY: We appreciate
18 your work. I know we get adversarial at times,
19 you and I, but we do appreciate your work-

20 MR. GALLAGHER: [interposing] Oh, I
21 don't mind.

22 ASSEMBLY MEMBER MCENENY: -and your
23 sincerity.

24 MR. GALLAGHER: I don't mind.

1 Demographic Research and Reapportionment, 2-15-2012

2 ASSEMBLY MEMBER MCENENY: Edward Cramp.

3 MR. EDWARD CRAMP: Thank you. My name
4 is Edward Cramp. I'm a resident of the Plymouth
5 Exchange neighborhood, which is near the 19th Ward
6 that so many people have talked about so far. Of
7 course in the southwest. I'm a recent graduate
8 of the University of Rochester, so, but I won't
9 be talking about that, so don't worry about that.

10 And an advocate for electoral reform as
11 well as a registered voter who has voted in both
12 elections in the state that I've been old enough
13 to vote in.

14 As most people have actually covered a
15 large portion of what I'm going to talk about,
16 I'm going to focus—

17 SENATOR NOZZOLIO: [interposing] - -
18 courtesy, could you get closer to the mic?

19 MR. CRAMP: Closer: Okay. Most people
20 have already covered a lot of the content that I
21 would have covered, so I'm going to focus on what
22 things are different about mine. For instance,
23 I'm fairly concerned about the apportionment
24 between upstate and downstate. The differences,

1 Demographic Research and Reapportionment, 2-15-2012

2 essentially the, in the Senate particularly, the
3 8% difference between almost all of the districts
4 upstate and the districts downstate. Which was
5 covered by Robert Maurer earlier.

6 It was cited earlier that this would
7 probably never hold up to the standard of
8 Reynolds vs. Simms in the 1964 case which,
9 frankly, doesn't really matter because the case
10 sort of redefined that later on in '73, which
11 allowed for 8 to 10% variation. And so what is
12 done there is perfectly within right, that you
13 don't have to justify the 8 to 10% variation
14 there because that has been deemed acceptable, at
15 least to some degree, under that case, which was,
16 what, Gaffney [phonetic] vs. Cummins [phonetic].
17 However, I would probably cite the fact that in
18 the three dissenting on that case, they showed
19 concern that, setting this precedent that there
20 is a percentage which you don't have to justify
21 will make that legislators won't necessarily need
22 to justify and won't see the need to justify or
23 even try to diminish beyond that 8% or whatever
24 it happens to be, because there is no need. They

1 Demographic Research and Reapportionment, 2-15-2012

2 won't be reviewed on that because it's already
3 been accepted as legitimate. I would say that
4 this is a concern because 8% isn't, or 10% isn't
5 often usually where it's put because there's a
6 case that also sets the top end, the boundary
7 that would be considered at 11.9, is not a
8 negligible amount to me. I would rather be a
9 voter than nine-tenths of a voter. I think that
10 10% is significant. And so while I understand
11 the difficulty of getting rid of that variation
12 and the fact that certain geographical
13 limitations make it difficult to change where,
14 what districts are where and how to get those
15 numbers to match, we do have an example of how it
16 can be done in the - - cause maps which get the
17 variation to about half of what the LATFOR maps
18 present in the extremes and actually don't have a
19 consistent up and downstate difference, they
20 pretty much average out to, I think both are
21 about negative .5% mean variation. So they don't
22 show this consistent problem and they do it by
23 relocating one district. In particular in the
24 Senate one way and the House the other, whichever

1 Demographic Research and Reapportionment, 2-15-2012

2 way will essentially get rid of the population
3 difference. I think that feature is a problem
4 that we've seen can be dealt with. I don't know
5 if the Common Cause maps is the way it should be
6 dealt with, but it could be done. And before
7 this Cummins case was presented and 8% was
8 acceptable, would have been done at least back
9 until it wasn't even a consideration before the
10 Simms case. So that's one concern. I guess the
11 other one, again, has been brought up before is
12 notably the fact that we have three Senate
13 districts represented in the city instead of one
14 where the city's population could entirely fit
15 within one Senate district with 100,000 to spare
16 and you could actually fit other communities in
17 there, Brighton and Irondequoit - - fit in, by
18 Common Cause maps.

19 And the problem I have with this
20 essentially isn't that could be done and that
21 it's the city and I want the city, but that the
22 city does have a unique character, it is a
23 different population than some of the things it
24 is grouped with. For instance, in this case,

1 Demographic Research and Reapportionment, 2-15-2012

2 almost anything beyond the first ring suburbs,
3 pretty much, has a different concern. They're
4 not the same community of interest. And I know
5 this has been said before.

6 MS. LEVINE: [interposing] Mr. Cramp,
7 you need to summarize, please.

8 MR. CRAMP: What?

9 MS. LEVINE: You need to summarize
10 please.

11 MR. CRAMP: Okay.

12 MS. LEVINE: Thank you.

13 MR. CRAMP: Since you heard that one,
14 we'll skip off on that. One thing I was curious,
15 regarding the comment to Carol Aragon on the
16 Voter Rights Act and districts, particularly
17 district, Assembly District 138. You said that,
18 it is my understanding that the Voters Right Act
19 potentially makes it that minorities, if they
20 could have majority in a district will have a
21 district that represents that, correct?

22 ASSEMBLY MEMBER MCENENY: Section Two
23 says that if you have a clear cut majority, 51%,
24 then you really have to do that. Unless there's

1 Demographic Research and Reapportionment, 2-15-2012

2 a very compelling reason not to. Section Five
3 talks about a minority opportunity district as
4 opposed to a minority majority. And a minority
5 opportunity district, we have concerns, it's, you
6 obviously can't make them a majority if they're
7 not. We have concerns that we don't diminish
8 whatever potential voice they have at the polls.

9 MR. CRAMP: Okay. So in the second case
10 they would not have to have a majority, just
11 simply—

12 ASSEMBLY MEMBER MCENENY: [interposing]
13 They should have consideration, but there are
14 other considerations which can come in here as
15 well. Including geography, math, all kinds of
16 things. And that's what we have the courts for,
17 when people challenge that type of thing.

18 MR. CRAMP: Was this the circumstance
19 that Assembly District 138 fell under?

20 ASSEMBLY MEMBER MCENENY: That Gantt
21 proposed? Which one is that?

22 MR. CRAMP: The scorpion tail.

23 ASSEMBLY MEMBER MCENENY: The one, no, I
24 think the one in the middle with the stronger

1 Demographic Research and Reapportionment, 2-15-2012

2 minority district dictated the odd shape of the
3 districts around it.

4 MR. CRAMP: Okay.

5 ASSEMBLY MEMBER MCENENY: And then that
6 was to not diminish the minority voice that we
7 had there.

8 MR. CRAMP: Okay. Thank you.

9 SENATOR NOZZOLIO: Thank you very much.

10 ASSEMBLY MEMBER MCENENY: Thank you.

11 SENATOR NOZZOLIO: Tracey Harrison.

12 MR. TRACEY HARRISON, 1199 SEIU: Good
13 afternoon, Senators and guests. My name is
14 Tracey Harrison. I work for 1199 SEIU as an
15 administrative organizer. I represent the
16 workers at Strong Memorial Hospital and Anthony -
17 - Health Center, who are members of the 1199
18 SEIU. It is my job to work with management and
19 coworkers to solutions for problems on a daily
20 basis.

21 Just a point, our Vice President, Bruce
22 Popper, who wanted to be here today,
23 unfortunately was called away, he sends his
24 regards.

1 Demographic Research and Reapportionment, 2-15-2012

2 1199 SEIU United Healthcare Workers East
3 represents thousands of workers at western New
4 York hospitals, healthcare centers and nursing
5 homes. Our members have the most direct contact
6 with the residents of the nursing home and the
7 patients at these facilities. With over 2,000
8 members in Monroe County, a substantial majority
9 of our members are city residents and are heavily
10 invested in their neighborhoods. They are New
11 Yorkers who pay their taxes, contribute
12 economically, socially, spiritually to their
13 communities and they vote. Over the past decade,
14 the city of Rochester has put but a small sliver
15 been represented by two state senators who
16 resides in Monroe County. The proposed lines for
17 the state Senate in Rochester are, to put it
18 mildly, confounding. As you well known, the city
19 of Rochester would, under the proposed plan, be
20 represented, by three state senators in the
21 county as a whole by six. Four of these senators
22 would reside far outside of Monroe County. The
23 city would be represented part by a senator based
24 out of a Buffalo suburb and a senator whose

1 Demographic Research and Reapportionment, 2-15-2012

2 district would include the town of Naples.

3 Naples is an hour drive from the county

4 legislator chamber and from downtown Rochester.

5 Our region's largest employer is the University

6 of Rochester. SEIU represents many of the

7 workers at the medical center and on the other

8 campus of the university. A large number of

9 these employees live in the neighborhoods

10 surrounding the university. They participated in

11 revitalization of these neighborhoods and have

12 helped the university and the medical center

13 become a world leader in education and medicine.

14 We've worked closely with our elected officials

15 who had an intimate understanding of the problems

16 and challenges facing our communities and because

17 of their vested interest in addressing the major

18 portion of the district they represent, have made

19 progress and improvement of quality of life, not

20 just for our workers, but for their extended

21 families and neighbors. Under this proposal, a

22 district based in Buffalo suburb would not

23 include the university and its surrounding

24 neighborhoods.

1 Demographic Research and Reapportionment, 2-15-2012

2 Establishing districts that puts
3 disparate and distant communities together with a
4 seemingly intended consequence of diluting the
5 votes and voices of city residents is wrong.
6 There have been other proposed redistricting
7 plans by good government groups, academics,
8 regular citizens, which are legal and do a
9 varied, but excellent job keeping communities of
10 interest together while meeting the strict
11 guidelines established by the state and federal
12 law. This plan looks nothing those plans. We
13 understand that this is an initial proposal. We
14 also understand that the governor and various
15 courts have weighed disapprovingly on the
16 redistricting process in New York State.

17 Being a union that represents a large
18 number of city residents, we cannot support a
19 proposal such as this one and are disappointed
20 that this commission thought it appropriate to
21 begin the important conversation with these
22 flawed districts. We ask that you take
23 consideration and our thoughts. And thank you
24 for your time.

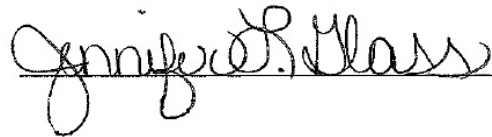
1 Demographic Research and Reapportionment, 2-15-2012

2 SENATOR NOZZOLIO: Thank you. Thank you
3 very much. That concludes those who have signed
4 up to testify. Is there anyone in the audience
5 which wish, who wishes to provide some input to
6 the commission? Hearing none, this concludes the
7 22nd hearing of the task force. Anyone who is
8 watching these proceedings is welcome to
9 participate by submitting any written comments to
10 the LATFOR website. Those comments will be
11 collected and part of the permanent record.
12 Thank you very, very much, those who participated
13 in this hearing. And appreciate the efforts and
14 also the hospitality of the Monroe County
15 Legislature. Thank you very much.

16 (The public hearing concluded at 2:15
17 p.m.)

C E R T I F I C A T E

I, Jennifer Glass, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 139, inclusive, is a true record prepared by me and completed from materials provided to me.

A handwritten signature in cursive script that reads "Jennifer Glass". The signature is written in black ink and is positioned above a solid horizontal line.

Jennifer Glass, Transcriptionist

February 27, 2012