

Statement on Local Law Intro No 9-1 2016 before County Executive Mark Poloncarz
July 28, 2016
14th Floor Conference Room, 95 Franklin Street, Buffalo, New York

My name is Janet Massaro and I am a member of the League of Women Voters of Buffalo Niagara. The League is a nonpartisan volunteer organization that encourages the active participation of citizens in government. The League does not support or oppose candidates or political parties.

I served as Chair of the League's Redistricting Committee when county legislative districts were redrawn following the 2010 federal census. My remarks address provisions of the Independent Commission on Reapportionment created by the Erie County Charter Revision Commission.

The League remembers well the thorny issue of legislative redistricting that occurred in 2010, with partisan political divisiveness playing the major role. Redistricting became a battle not a deliberation. Where the new district lines would be drawn was finally decided in court, as had occurred in past decades, testifying to how highly contentious the process of redistricting remained and indicating what might happen in 2020.

We appreciate the efforts of the Erie County Charter Review Commission to create an Independent Commission on Reapportionment to replace the present Citizens Advisory Commission. (Erie County Charter. Section 11. Article 2. Section 210.) Our comments refer to some of the changes to redistricting contained in the Charter Review Commission's report that is now being evaluated by County Executive Poloncarz and to recommend other changes that we believe should be included to result in a more fair, open and inclusive process.

The Independent Commission on Reapportionment provides that Legislature's Majority and Minority Leaders shall each select two members from a pool of citizens who have expressed interest in serving. These four members will select seven other members from the same pool of citizens. The eleven members of the Independent Commission will draw the new district lines. The Independent Commission's redistricting plan is final. Neither the County Legislature nor the County Executive will be able to approve or reject the plan.

It is essential, therefore, that the Independent Commission on Reapportionment be carefully crafted to enable its members to perform their responsibilities in an unbiased manner to benefit all Erie County residents and to ensure that the public has a meaningful role in the process.

Who should draw the lines. The Commission is to consist of Erie County residents who are eligible to vote and be selected from various geographic areas. We recommend that Commission members also reflect the county's gender, racial, ethnic, and economic diversity and include members of both major

political parties, minor parties, unaffiliated voters, nonpartisan community groups, and interested citizens.

The following individuals should be prohibited from serving on the commission, on staff or as consultants: presently elected officials and their immediate families, county employees, officials who have been out of office for less than three years, paid lobbyists, and those doing business with the county.

How lines should be drawn. The Charter Review Commission has prioritized criteria for how district lines should be drawn according to federal requirements of substantially equal populations, “one person one vote rule”, and the Voting Rights Act. It is not clear which of the remaining criteria take precedence. Different criteria may serve different and even conflicting objectives. A balance among competing objectives and the desires of elected officials, political parties and citizens must be worked out. Clear guidelines to encourage compromise should be determined. One of the criteria contains an important omission that must be corrected. The present wording states, “...there shall be no consideration of giving advantage to one or another political party”. The statement should be amended to read, “...there shall be no consideration of giving advantage to incumbents or to challengers or to one or another political party.”

Promoting an open and transparent process. Redistricting should be accomplished in an open unbiased manner with citizen participation and access at all levels and steps of the process. We ask that the recommendations League made in 2010 be included for 2020.

Independent Redistricting should:

- Be subject to open meeting laws.
- Establish specific time lines for all steps of the process with notice of all meetings and hearings prominently announced in print and electronic media.
- Maintain and continually update a redistricting Web site to include:
 - All necessary demographic and political data used in mapmaking
 - Detailed maps that include new demographic and political data
 - Information on software being used by the Commission and software the public can use to submit maps of their own
- Promptly make available summary reports of the Commission’s meetings and hearings, including comments on redistricting plans submitted by the public
- Require the Commission to prepare a final report for public comment justifying any plan they may adopt.
- Include at least one public hearing in each legislative district.

We have other concerns about the redistricting provisions that we hope can be answered.

A second commission would be empowered should the first commission fail to convene in 70 days after the census data becomes available. The second commission would be given up to six months to

convene. This additional time would most likely conflict with the political calendar. A similar delay caused serious problems in 2010.

Should the second commission fail to convene what further action would occur? Court action appears to be the most likely outcome.

The new Independent Commission on Reapportionment mandates that terms for county legislators be changed from two to four years but only if the redistricting commission convenes. What are the reasons for linking these two different proposals?

We know that there is no perfect redistricting plan, but the goal of any plan is the same: to achieve fair representation for all county residents by legislators that are accountable to them. Independent, unbiased and open decision making is the key to a successful redistricting outcome.

We thank you for this opportunity to express our views and to offer recommendations.

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