

Statement to the Erie County Legislature

June 9, 2011

Erie County Legislative Chambers

92 Franklin Street, 4th Floor

Buffalo, New York 14202

My name is Janet Massaro and I am speaking this afternoon on behalf of the League of Women Voters of Buffalo Niagara. The League is a nonpartisan volunteer organization that encourages its members and the public to participate in government. The League does not support or oppose political candidates or political parties.

This past February our League, a nonpartisan organization and respected for its commitment to good government issues, submitted an application for one of our members to be appointed the Citizens Advisory Commission on Redistricting. We, and many other applicants – we were told over 80 applications had been received – were not appointed. Since that time, members of the League have attended every meeting and every hearing scheduled by the Commission and the Legislature to monitor and to evaluate the redistricting process. We are pleased to offer our comments today regarding the redistricting and reapportionment process that has occurred so far and will continue to unfold after today's hearing.

The Erie County redistricting and reapportionment process has failed. The people of Erie County have not been well served and they deserve better.

The fact that we have progressed only this far, with a plan still to be decided, two days after the beginning of the election year calendar leading to the November general election, testifies to the failure of the Citizens Advisory Commission on Redistricting and of this Legislature in fulfilling its responsibilities to the people of Erie County.

The real possibility that any redistricting plan approved by the Legislature and the County Executive will be challenged in court, as has happened before, and that some have expressed support for just such a judicial outcome, again testifies to the failure of this Commission and the Legislature in fulfilling their responsibilities to the people of Erie County.

I would repeat here that the League of Women Voters neither supports nor opposes political candidates or political parties.

Our criticism is not directed to you as individuals. You have played with the hand you were given. However, it is senseless to repeat the same failed process over and over again and expect different results. Reforming the system is essential.

Reform can be done by this Legislature. Downsizing from 15 to 11 legislators means that four legislators will not return. A few of you have already declared that you will not run again. The problem in initiating redistricting reform has always been: how can any incumbent legislator be asked to vote against her/his own best interest or to go contrary to party dictates. But four of you are now “free agents”. We urge you form a core of lawmakers determined to address the flaws in the current redistricting process and to correct them; to use your influence with your colleagues so that they may understand the necessity of reform and join in your efforts. A wealth of redistricting reform information is available that many good government groups, including the League, have been advocating for years. We had sent a letter earlier to all Commissioners with our guidelines for reform. Some of these recommendations mirror proposed state legislation now being debated in Albany. A copy of our letter is attached to this statement. We pledge to work with you to achieve reform and to do what we can to inform the public of its importance.

As we attended meetings and hearings and learned of decisions being made out of public view, it became clear that the reforms we have advocated are indeed those that are necessary. We will take the opportunity to share some of them with you today.

An Independent Redistricting Commission

An independent redistricting commission is crucial to any redistricting reform effort. There are instances when a redistricting body is appointed without any input from the legislature. However, when the legislature initiates the appointments to a redistricting entity, there must be degrees of separation between the initial choice by legislators and the final selection of commissioners. Redistricting commissioners should be selected from a pool of qualified candidates that reflect the county’s diversity and excludes those with political affiliations. The proposed state legislation provides for a series of steps to insulate commissioners from political influence. A carefully planned selection process for an independent commission is the starting point for reform.

When the redistricting plan is presented by the commission to the legislature, the complete plan must be accepted or rejected by the legislature. It is not to be amended at whim by the legislators as is our present practice. This process might happen more than once before the legislators are allowed to amend, but the amendments allowed are minimal.

Criteria for redistricting

Criteria, or standards, are required to guide a redistricting commission. There is a hierarchy of criteria. We know they must incorporate the federal equal population principle, or “one person, one vote”, comply with the federal Voting Rights Act, the state constitution and to the extent applicable to Erie County, to home rule law. These criteria are not absolutes, nor do they stand alone. To insist on mathematical adherence to one criterion to the exclusion of others or to use criteria as a cover for

political gerrymandering is unacceptable. Redistricting is a careful balance among different criteria. The goal of redistricting remains: to achieve fair representation for real communities by legislators who are accountable to them.

An open and transparent process

League has recommended specific steps that a commission and legislature could adopt that would ensure an open and transparent redistricting process.

We, like many others, assumed that advanced technology and assistance from the county's knowledgeable staff would provide resources that commissioners and the public could readily use. However, it soon became apparent that computer programs and tutorials to be used for mapmaking by both commissioners and citizens alike were not available, and when they became available, were not easily accessible. Necessary demographic and voting information was not provided.

If we had thought that commission meetings would be the time when commissioners would roll up their sleeves and get to work with paper and pen, we were greatly disappointed. We should have been forewarned when half of the time at the first commission meeting was spent debating when to schedule the next meeting. As days went by, deadlines were not met, decisions made were misunderstood, maps suddenly appeared but were not the product of commission members working together, questions asked were not answered, hearings scheduled were cancelled and tempers flared. Honest discussions to resolve differences never materialized. Any pretense at transparency and openness evaporated.

Upon reflection, the time allotted for redistricting – 60 days after the official release of the federal census figures, figures that were late in coming – was probably not sufficient to redistrict and to downsize the legislature. Perhaps an independent redistricting commission, prepared to address the issue immediately and not constrained by commitments to incumbents or party, would have been able to accomplish the task within the required time. That, we believe, is a big “perhaps”. Therefore, we ask that legislative reformers consider changing the requirement that county redistricting be accomplished in the years ending in “one”. Rather, new district maps should be in place early in the following legislative cycle, that is, if considering this cycle, not in 2011 but in 2013.

As admirable as our intentions might be, we understand that there is no “perfect” redistricting plan. Inevitably there will be individuals or groups that will not be satisfied with the resultant map. But the flaws of the present system are obvious to all of us. We can do better. We ask you to do better.

Thank you,

Janet Massaro

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