

**Statement before the Erie County Advisory Commission on Reapportionment  
April 12, 2011  
Erie County Community College City Campus  
Buffalo, New York**

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 all citizens to participate in government. The LWV does not support or oppose candidates or political parties.

We thank the Commissioners for this opportunity to offer comment and to express our concerns about the progress of the redistricting/reapportionment process in Erie County. Our comments elaborate on some of the recommendations we made earlier.

**Difficulties in assuring transparency and openness in the redistricting process.**

We want to first acknowledge the crucial role the media are playing to increase public awareness of the redistricting and reapportionment process that is taking place at all levels of government. Because redistricting occurs only once every ten years, many key players from earlier efforts have moved on and a new generation of citizens must be educated to understand how important this process is to our representative form of government. We greatly appreciate their continuing coverage of the 2010 Census and all redistricting activities.

We also acknowledge the work of this Commission to reach out to the community by creating its own web site that includes the schedules of public meetings and hearings, minutes of past meetings, opportunities for citizen comment and that encourages citizens to create and legislative district maps of their own making. When the Commission presents its draft plan for public review, the reasons why the lines were drawn where they were, along with any dissenting statements, will also be posted.

As admirable as these efforts have been - and we want them to continue - there have been difficulties, especially the Commission's decision to review citizen maps at this series of public hearings. Census data has been slow in coming. Important software is missing. When we called the Board of Elections late last week, we were told the required Maptitude software would not be available in time for this week's hearings. The website provides sketchy information about the software the Commission is using. Tutorials and other user friendly information have not been provided to make the task of map making easier for the average citizen. When these problems are overcome, citizen mapmakers will be able to submit their plans with comments to the Commission for Commission review.

**The problem of limited time**

As we attend this week's hearings we are painfully aware that the clock is ticking. The Commission has not yet held work sessions to produce its plan (or plans) for public comment. The time left for completing district maps, submitting them for approval,

holding additional public hearings, having a plan adopted by the legislature, and signed by the county executive - all to meet the 2011 elections calendar deadline, is very limited.

Although 2010 census data was slow in coming, we regret that the Commission did not move as quickly as we would have preferred. Working sessions should have been scheduled immediately after the first Commission meeting in March using existing information and estimated population figures then available. This time could have been spent profitably for Commissioners from both sides to get to know each other, to begin open and honest dialogue.

The City of Buffalo's Redistricting Commission has been holding work sessions twice a week for the past few weeks and will continue to do so.

Each day that passes increases the pressure on all of you to finish mapping and it decreases the time you have to work with those of opposing views to reconcile differences.

**Failure to prioritize Criteria that the Commission will follow in drawing district lines.**

Criteria are necessary to guide the Commissioners in their redistricting responsibilities. These criteria are not absolutes nor do they stand alone. But this Commission has not expressly said which criteria takes precedence over another, which have lower priority, or how conflicting criteria will be resolved. Carefully thought out redistricting plans are crafted so that multiple and desirable redistricting objectives can be obtained. The hierarchy of criteria provides a necessary starting point. Identifying and prioritizing them should have been the first item of a working session agenda.

The Commission's instructions to those who are to submit maps indicate the tension that exists between two important criteria, the federal principle of one person, one vote and the prohibition against dividing towns unless the population exceeds by a certain percentage that of the average district population.

Traditionally legislative districts were formed from political entities, such as towns, because it was logically assumed then that residents of towns shared common interests. As populations shifted, these districts became extremely unequal - one district might contain ten times more people than another district located just next door. The Supreme Court's "one person, one vote" decision made every person's vote equal to every other person's and corrected this glaring imbalance. However, keeping political entities like towns intact remains an important redistricting objective.

To insist on strict mathematical adherence to one criteria to the exclusion of others is an invitation for failure. For this reason variations from an ideal are accepted. On the other hand, when these variations are stretched to the limit and beyond, it raises questions of intent. The public has every right to ask which constituencies benefit and which are short changed when criteria are manipulated.

Using the above example, if all districts are drawn to contain the same number of people, have other important criteria been ignored such as the desire of diverse communities to have real representation? If the population varies widely from one district to another, if districts are drawn into bizarre shapes or communities divided, have the votes of one group been either safely contained or effectively diluted to achieve a desired political outcome?

### **The lack of an Independent Redistricting Commission**

The League supports state legislation to create an Independent Redistricting Commission that will correct the shortcomings and abuses, in particular bipartisan gerrymandering, that plagues the current state system. Under existing law, Erie County does not have an independent redistricting commission. Commissioners are chosen by the majority and minority party leaders in the legislature and you are beholden to them to draw legislative district lines to their benefit.

No one expects any Commissioner to be devoid of political bias. Every voter in Erie County has a particular political point of view and wants her/his candidate and party to succeed. We are sure from the moment you were chosen as a Commissioner you have spent many hours pouring over political data and voting records, examining old maps, considering what you can do to help your incumbent get reelected and to improve your party's representation in the legislature. Each of you brings a wealth of valuable political experience and knowledge to this redistricting process. Therefore, we urge each of you to respect the political differences that exist among you and not to allow the differences to keep you from making the good and fair compromises that will be required.

This is an unusually volatile election year. The stakes are high. You must eliminate four of the present fifteen county districts which, unless some legislators decline to run, will require incumbent legislators to run against each other.

Where a legislator lives determines where a legislator can run for reelection. Therefore, when the Commission presents a map to the public for comment, we request that an easily identifiable marker be placed on the residence of each incumbent legislator.

League members will continue to attend Commission meetings and to carefully evaluate your decisions.

The goal of redistricting is not to maintain party control or to protect incumbents. The goal of redistricting is to achieve fair representation for real communities by legislators who are accountable to them. Independent, fair and thoughtful decision making is the key to a successful redistricting outcome.

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