ERIE COUNTY LEGISLATURE
92 Franklin Street - 4th Floor
Buffalo, New York 14202

TO: Members of the Erie County Legislature

FROM: Karen M. McCarthy, Clerk

DATE: August 25, 2016

SUBJECT: Comments on Proposed LL Intro. 12-2 (2016)

The attached comments about proposed Local Law (2016), A Local Law amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to recommendations made by the Erie County Charter Revision Commission, duly organized pursuant to Local Law No. 5, 2015

League of Women Voters Buffalo Niagara – Janet Massaro

Statement on Local Law Intro No 12-2
August 22, 2016, 5:30 PM
Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY 14202

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 today address provisions of the Independent Commission on Reapportionment created by the Erie County Charter Revision Commission and as contained in proposed Local Law 12-2.

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 pitched battle not a thoughtful 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 therefore 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 provisions to the redistricting process contained in the Charter Review Commission's report and to recommend 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. These eleven members 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.

A redistricting commission may be considered "independent" the extent to which a fire wall exists between the appointing authority and the commissioners. In Local Law 12-2 the Legislature's Majority and Minority Leaders make the crucial first cut. There can be no doubt that the first four members will be chosen by party loyalty and the seven others chosen will be also vetted by party considerations. We would prefer a truly independent commission, one without legislative interference. However, we can include requirements in the present proposal that will enable the

members of the Independent Commission on Reapportionment 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 are selected from various geographic areas. We ask that members of the Commission also reflect the county's gender, racial, ethnic, and economic diversity and include members of 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 the Commission staff or as consultants: candidates, 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. Certain provisions are not included in local Law 12-2. There is no provision for choosing the Commission Chair. We believe the redistricting plan should be adopted with more than a simple majority vote.

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. Other criteria are listed: geographic diversity, compactness, contiguity, maintaining political boundaries. Still others are omitted: competitiveness and communities of interest. We know different criteria may serve different and even conflicting objectives. A balance among competing objectives and the desires of elected officials, political parties and citizens is the basic work of the Commission. Clear guidelines are needed to encourage compromise. One of the listed 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 <u>to incumbents or to challengers</u> 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 <u>prominently announced</u> 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 a few additional questions about the proposed redistricting process:

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. Wouldn't this delay conflict with the political calendar? A similar delay caused serious problems in 2010.

What further action would occur should a second commission fail to convene?

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. Please clarify. Two Local Laws on the table. 12-2 specifies four year terms for legislators. Local Law 12-1 does not alter the present two year term. What are the reasons for linking terms of office and redistricting?

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.

Janet Massaro,
massaro.janet@gmail.com
League of Women Voters of Buffalo Niagara
1272 Delaware Ave.
Buffalo, New York 14209
lwvbn@lwvbn.org