

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Redistricting NY 23  
**Date:** Wednesday, August 11, 2021 8:36:14 PM

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I am Alice Shoemaker, [REDACTED]. Here are my comments:  
I am a resident of the Town of Starkey, Yates County. I like the current lines outlining NY 23. The current lines put together a community of interest, with a large swath of NY's agriculture, NY's wineries, and small and medium size communities. We have an important manufacturing community which includes Hilliard Corp, in Elmira, Corning Glass, and Coach and Equipment in Penn Yan, all providing steady employment and good wages to non-farmers in our mostly rural area. We also have some small cities, such as Geneva, Ithaca, Elmira, and Corning. The cities with their grocery stores and restaurants provide local access to markets for the farms, wineries, breweries and cideries, and also provide those of us in the small towns access to cultural events, great restaurants, etc. There is a lot of synergy happening within NY 23, although at first glance, one might think the diversity of occupations and interests of the country folks vs the city folks means we should be split. The tourism, recreational opportunities including the wonderful state parks in NY 23 also unites the folks in NY 23. Adding more of Ontario County to our district to make up the population lost would not be a bad idea. But, it would not make sense for us to be joined with Monroe County, which is a much larger city than those in NY 23 at present, with different concerns, etc.

Thank you for your consideration.

Alice Shoemaker

## Submissions

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**From:** New York State Independent Redistricting Commission [REDACTED]  
**Sent:** Friday, September 3, 2021 2:40 PM  
**To:** Submissions  
**Subject:** Comment has been submitted

[REDACTED]

### New York State Independent Redistricting Commission

A private comment has been submitted

My community is located in the Town of Dickinson in Broome County and people in my neighborhood work, shop and socialize in Vestal, Binghamton, Johnson City, Endicott and other locations throughout the county. This neighborhood also includes SUNY Broome Community College. Currently our neighborhood is included in a different state assembly (122) than the rest of the County (123). Having this political representation cut out from the rest of the county where we live and work does not benefit the residents of these neighborhoods. And despite the strong connections between Binghamton University and SUNY Broome, we do not share a State Assembly representative. Including this portion of Broome County with the rest of the 123rd district would provide better political representation for our community. Thank you for your efforts to consider public input in the redistricting process.

**User:** Alison Twang [REDACTED]

Delete Comment

Ban User from Future Comments

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## RESOLUTION NO. 206-21

### URGING PRESERVATION OF EXISTING BOUNDARIES OF NEW YORK STATE'S 23<sup>rd</sup> CONGRESSIONAL DISTRICT

Offered by: Ways & Means Committee

**WHEREAS**, redistricting in the State of New York is the process of drawing new Congressional and State Legislative district boundaries wherein the process is completed every ten (10) years following the completion of the United State Census, and New York's 26 United States Representatives and 213 State Legislators are all elected from political divisions called districts, and

**WHEREAS**, federal law dictates that districts must have equal populations and must not discriminate on the basis of race or ethnicity, and

**WHEREAS**, New York State Law requires that State Legislative Districts be contiguous and compact, and must also take into account the "historic and traditional significance of counties," and

**WHEREAS**, the history and tradition of Allegany County is that it has been included within a congressional district encompassing New York State's Southern Tier Region, and

**WHEREAS**, the counties along New York State's Southern Tier constitute a substantial community of interest, with a common and integrated regional economy, and

**WHEREAS**, the residents of the Southern Tier counties have common concerns about access to quality health care and the sustainability of rural health care providers, and

**WHEREAS**, in 2014, New Yorkers voted to give the responsibility of redistricting to an Independent Redistricting Commission with input from citizens to devise the best possible redistricting plan, and

**WHEREAS**, citizen participation will help ensure that no region of the state, special interest or political party gains an unfair advantage in the redistricting process, and

**WHEREAS**, the Independent Redistricting Commission of New York State and the New York State Legislature should continue the State's longstanding practice of combining the Southern Tier counties in a single congressional district because they constitute a community of interest whose residents are best represented by having a unified voice in the United States House of Representatives, and

**WHEREAS**, as the current construction of New York's 23<sup>rd</sup> Congressional District has well served the residents of the Southern Tier and it is generally compact, contiguous and respects municipal boundaries, the Independent Redistricting Commission of New York State and the New York State Legislature should make every effort to preserve the District's existing boundaries to the greatest extent practicable, now, therefore, be it



**RESOLVED:**

1. That the Allegany County Board of Legislators strongly urges the Independent Redistricting Commission of New York State and the New York State Legislature to make every effort to preserve New York’s 23<sup>rd</sup> Congressional District’s existing boundaries.

2. That a certified copy of this resolution be sent to the Independent Redistricting Commission, Senate Temporary President Andrea Stewart-Cousins, Senate Minority Leader Robert Ort, Assembly Speaker Carl Heastie, Assembly Minority Leader William Barclay, Senate Local Government Committee Chair James Gaughran, Assembly Local Government Committee Chair Fred Thiele, Senator George Borrello, Assemblyman Joseph Giglio, the New York State Association of Counties, and all others deemed necessary and proper.

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said Board on the **9<sup>th</sup> day of August 2021**.

Brenda Rigby Riehle Dated at Belmont, New York, this 9th day of August 2021  
*Clerk, Board of Legislators, Allegany County*

Moved by: **Stockin**

Seconded by: **Fanton**

VOTE: Ayes:

Noes:

Absent:

Voice: **X**

Absent: Curran, Decker

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Wednesday, July 28, 2021 5:04:30 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

The needs of the citizens of the Town of Aurora would be better served by being grouped with Orchard Park and West Seneca by adding our town to the district of Assemblyman Pat Burke. Our rural/village geography is a better match to these communities.

**User:** Amy Gipe ([REDACTED])

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW:  
**Date:** Friday, August 13, 2021 2:16:59 PM

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**From:** Andrea Windoft <[REDACTED]>  
**Sent:** Friday, August 13, 2021 2:13 PM  
**To:** Douglas Breakell <[breakelld@nyirc.gov](mailto:breakelld@nyirc.gov)>  
**Subject:**

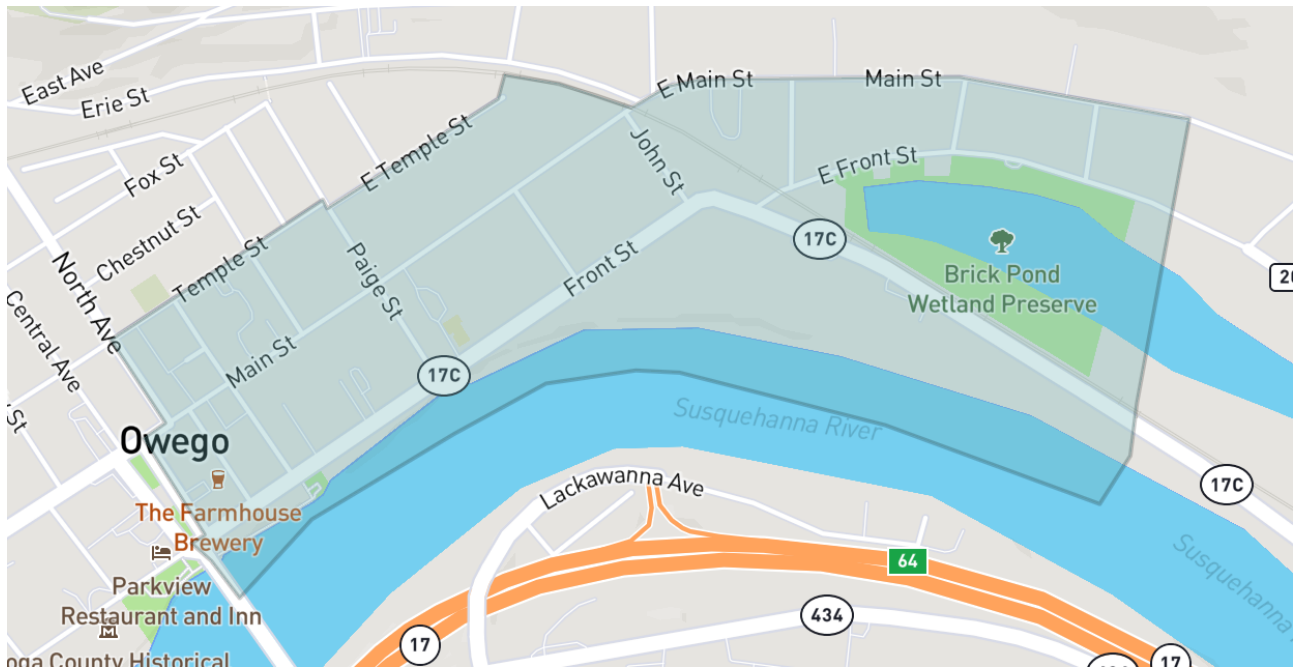
**Chautauqua County does not want to be included with Buffalo/Erie County in the redistricting, we are Southern Tier and we want to remain with the Southern Tier. Thank you.**

# Owego Village Historic District

This map was created at [Representable.org](https://representable.org)

View this community at:

<https://www.representable.org/submission/c6a63db6-3bde-4f62-8023-b12557c01c56?pdf=true>



# Community Information

## **Economic or Environmental Interests**

Owego's economy is linked to the Susquehanna Valley. In the 20th century, Owego was linked to IBM at the plant in Owego that is now part of the Lockheed Martin campus. High tech jobs at Lockheed Martin have been an economic anchor for the community, providing excellent jobs with good pay and benefits. Tourism is also an important part of Owego and the surrounding area's economy, including Tioga Downs in Nichols. Some agriculture, particularly dairy farming is still important. Owego and its surroundings are also bedroom communities for both Binghamton/Tri-Cities and Ithaca.

## **Community Activities and Services**

The Village of Owego Historic District is a community on the Riverbank of the Susquehanna River bordered by Front Street and Main Street in Downtown Owego. We have a commercial area that features many galleries, craft shops, restaurants and cafes and the Tioga County Historical Society. We have many beautiful historic houses, churches and public buildings (Tioga County Courthouse). Every year the Village sponsors Lights Along the River in December and StrawberryFest in June. We also have a Memorial Day parade and tribute to our veterans.

## **Cultural or Historical Interests**

Besides the Owego Historic District, the Village of Owego has a monthly ArtsWalk on the first Friday of each month, April-December. We have vibrant church communities in St Patrick's Catholic Church, the Historic Owego First Baptist Church (where John D. Rockefeller worshipped), St. Paul's Episcopal Church, the Owego Methodist Church and Owego Presbyterian Church. We have the Tioga County Fair in early August in Marvin Park.

## **Community Needs and Concerns**

Owego need to be in the congressional, state senate and assembly districts that share its high-tech industries, tourism and the suburban connections to Broome and Tompkins Counties. People who live in Owego work in Binghamton and Ithaca. Many Owego residents work for Binghamton University, Cornell University and Ithaca College.

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Mon 8/2/2021 2:28 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

Attached above please find a copy of Act No. 306-2021 of the Cattaraugus County Legislature URGING PRESERVATION OF EXISTING BOUNDARIES OF NEW YORK STATE 23RD CONGRESSIONAL DISTRICT. Thank you.

**User:** Ann Giglio

Delete Comment

Ban User from Future Comments

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## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Mon 8/9/2021 4:28 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

I regret being unable to testify as planned on Thursday, August 12, due to unforeseen circumstances. I live in Elma, a second-ring suburb of Buffalo. All three of my legislative districts (27, 59 and 147) exclude the city; they should not.

**User:** Anne Fanelli

Delete Comment

Ban User from Future Comments

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Monday, August 9, 2021 4:28:20 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

I regret being unable to testify as planned on Thursday, August 12, due to unforeseen circumstances. I live in Elma, a second-ring suburb of Buffalo. All three of my legislative districts (27, 59 and 147) exclude the city; they should not.

**User:** Anne Fanelli ([REDACTED])

Delete Comment

Ban User from Future Comments

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## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Sat 7/17/2021 11:04 AM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

The 23rd district is too wide, making it difficult to organize w/i district. Chaut. & Cattar. counties should be moved to 27th and western portion of 27th should move to 23rd as needed to balance population. INCREASE CHARACTERS ALLOWED & ADD COUNTER HERE!

**User:** Anne Marie Johnson [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Meeting Sign-up for Finger Lakes and Western NY  
**Date:** Wednesday, August 4, 2021 12:28:48 PM

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## New York State Independent Redistricting Commission

### Finger Lakes and Western NY on August 12, 2021

- **Time:** 2:00 PM
- **First Name:** Anthony
- **Last Name:** Pingitore
- **Email:** [REDACTED]
- **Testimony file** was too large and will be emailed separately
- **Phone:** [REDACTED]
- **Address:**  
[REDACTED]
- **Special needs or accommodations requested:**  
We like the lines as they are currently drawn. We do not wish to lose George Borrello as our State Senator, nor lose Andres Goodel as our Assemblyman.
- **Response Submitted:** August 4, 2021, 12:28 PM

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This e-mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Monday, July 26, 2021 9:07:35 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

Our Rural Community is being destroyed by trickle-down Big City Politics. Crime in Ithaca NY has spiked. Please re-district us as far away from the big cities politically and financially as possible. This is horrible...do our votes even count???

**User:** Arlene Bahar ([REDACTED])

Delete Comment

Ban User from Future Comments

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Ladies and Gentlemen,

I reside between three small communities in the southwest corner of New York State. As I briefed myself on the background of the NYS Independent Redistricting Commission and listened to fellow citizens and representatives of the southern tier and central NY I was impressed by the forethought and wisdom of the people that established the IRC. This commission is set up to attempt to meet the needs of those who are misrepresented by state and federal government. My mindset and the mindsets of many in our communities are akin to Lilia who spoke on video from the southern tier central NY area.

You can suppress frustration but as it slowly builds over the years you truly question if anything good can come from Albany and the US congress. Over the years we have watched more and more family farms disappear. In the area communities as I grew up there were hundreds of small family farms. Today maybe ten farms remain and they are enormous. Many other small businesses are also closed.

Our needs are not the needs of those who dwell in large metropolitan areas. We do not want to be pampered with our every need supplied by government; we do not want to be overregulated. We desire to have the freedom to make decisions locally.

I would like to remind you that our founding fathers had fresh in their memories the effects of living under a tyrant king and a government far removed from their way of life, not interested, it seemed, in meeting their needs but instead burdened them down with increasing demands. Therefore they created a government of representation of and by the people. Our king is not fallen flesh and blood but God our creator; every person is subject to Him.

In conclusion I would like to reiterate I am pleased that the NYS IRC was formed wisely to seek to listen to the needs of the disenfranchised. You and I both as citizens are charged with a great task. Do not seek your own selfish conclusions. We have fresh in our memories what can be done to a tyrannical governor.

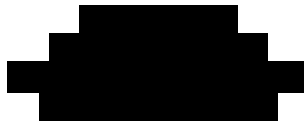
Sincerely,

Ben Schenk



## GENESEE COUNTY LEGISLATURE

Old Courthouse



Rochelle M. Stein, Chair  
Marianne Clattenburg, Vice Chair

Pamela LaGrou, Clerk

Dist. 1 Chad Klotzbach  
Dist. 2 Christian Yunker  
Dist. 3 Gordon Dibble  
Dist. 4 Brooks Hawley  
Dist. 5 Rochelle M. Stein  
Dist. 6 Gregg Torrey  
Dist. 7 John Deleo  
Dist. 8 Marianne Clattenburg  
Dist. 9 Gary Maha

August 10, 2021

Genesee County is comprised of rich agricultural lands, highly productive family farms, food and dairy manufacturing as well as traditional Main Streets which support our Towns and Villages. The redistricting process could adversely affect the unique culture of 59,000 Genesee County citizens and lead to a loss of our common needs awareness to larger urban areas.

Potential undesirable outcomes include fewer direct connections with state and federal representatives. More densely populated urban areas are likely to garner the attention of state and federal representatives. There will likely be a disincentive among elected officials to visit less populated areas. Regardless of our greater need for advocacy for quality of life services like broadband and public water.

Issues affecting rural communities differ from urban areas. For instance, broadband and public water access are both high stakes quality of life issues for rural communities.

Laws and regulations affect rural dwellers differently than urban residents; for example, use of gasoline is higher in rural areas and rural residents are more likely to own and drive a vehicle to work, school and to entertainment destinations. Proposed increase to NYS Gasoline Taxes negatively impact non-urban dwellers greater. Urban residents are more likely to use public transportation to commute to work & shopping.

The Farm Worker Labor Bill did not impact urban businesses or populations, yet caused heavy increased business costs, loss of willing labors to travel to rural areas for reduced available labor hours and food left in fields unharvested. Elected representatives need to be fully informed and aware of impacts of regulations on rural enterprise economy.

The economy of Genesee County is based in agriculture. Our representatives must have a full and complete understanding of the economic synergies we have built and continue to support from field to fork in Genesee County. Roads and bridges, workforce development, manufacturing capacity, internet to support GIS and GSP, public water access, agronomy to food processing careers, financing, education and health roles are all supported through growing food for the region, state and international markets. We would lose focus and impactful knowledge to help craft legislation that does not harm non-urban taxpayers.

Genesee County desires and deserves representation from a NY Senator and Congressional representative that understands our rural areas' needs, how urban needs negatively impact rural economies and recognize that one size rule does not fit all when measured urban vs rural. Ones that take our voice to heart and push our needs forward, not lump our needs against a higher population number and leave rural taxpayers needs unanswered.

Loss of attention from elected representatives results in a dimming of our rural voice. Roads and bridges, public water infrastructure and high-speed broadband are not common needs to both urban and rural constituencies. Re-districting has the opportunity to leave Genesee County as an outsider to urban areas to our east and west. Our desire is to remain as one county in a State Senate and Federal Congressional District as we are currently served by elected representatives.

Submitted by:  
Rochelle M. Stein, Chair  
Genesee County Legislature

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Thu 8/12/2021 11:02 AM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

Senate district is diluted by being part of a Buffalo district.  
Legislative district was created for the gay vote to be represented  
in Albany. Rochester has been divided in order to dilute our  
concerns in Albany.

**User:** Susan Rodio

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Redistricting  
**Date:** Friday, August 13, 2021 2:51:11 PM

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**From:** Benjamin Troche <[REDACTED]>  
**Sent:** Friday, August 13, 2021 2:43 PM  
**To:** Ahsia Badi <badia@nyirc.gov>  
**Subject:** Redistricting

Good Afternoon,

I am emailing in regards to the Congressional redistricting initiated from our latest Census. As a proud Chautauqua County citizen for 21 years I am aware of what defines our county socially, and economically. We are unique due to the fact that we border the State of Pennsylvania to our South and West. To our North is the urban center of Erie County with the City of Buffalo. While to our East is the rural farm lands of Cattaraugus County. Economically Chautauqua County interests are intertwined with both New York bordering counties, however, our make-up and direct policy interests only aligns with one. Socially, we are a vastly rural area with two “urban” centers on each end of our County. These centers are vast cities for a rural community like ours and to our friends to our East. However, to the metropolitan area of Erie County their is no comparison. Once again we align with the Southern Tier.

I hope this email finds you both in good health and contributes to the decision forward. Our U.S. Representative should have a district that is more uniform so there concerns and issues are more direct. Chautauqua County does not need our House Representative to focus all of their efforts on pleasing their constituents in Erie County only, since their population is larger. It is plain common sense that the 23rd Congressional District should stay the same in principle once the new lines are drawn.

Graciously,  
Ben Troché

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Thursday, July 29, 2021 12:12:36 AM

## New York State Independent Redistricting Commission

A private comment has been submitted

The 23rd Congressional District should remain the same as it is due to unique similarities of the Southern Tier Communities and Counties, etc. Please leave our District alone without change.

**User:** Beverly C. Stockman ([REDACTED])

Delete Comment

Ban User from Future Comments

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Bonnie Seegmiller

I will keep this short and to the point. I believe that Delaware County is different from surrounding areas, most specifically points west in the Southern Tier. We should have our own district/representation. Our area is so rural that it's needs are quite different from other areas.

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Thursday, July 15, 2021 6:06:53 AM

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## New York State Independent Redistricting Commission

A private comment has been submitted

Please split the state. I live in Niagara County and the downstate people do not speak for us. WNY needs their own voice.

**User:** Brenda Bonner [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Thursday, July 29, 2021 8:08:26 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

We should stay as the Southern Tier with Chautauqua, Cattaragus, Allegany counties and a portion of Livingston county. We do not want to be lumped in with a big city.

**User:** Brenda Malarkey [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Chautauqua County  
**Date:** Friday, August 13, 2021 3:16:28 PM

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**From:** Brent Ellis <[REDACTED]>  
**Sent:** Friday, August 13, 2021 3:12 PM  
**To:** Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>; Danielle Futia <[futiad@nyirc.gov](mailto:futiad@nyirc.gov)>  
**Subject:** Chautauqua County

to whom it may concern,

Any attempt to lump Chautauqua in with Erie would be seen for exactly what it is a political power play. These two countries could not be more different. We belong in the southern tier and any truly independent commission would see it that way. So the choice is simple do your job or what your told to do.

Brent Ellis

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Congressional District  
**Date:** Friday, August 13, 2021 4:14:56 PM

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**From:** Brian Abram [REDACTED]  
**Sent:** Friday, August 13, 2021 4:03 PM  
**To:** Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>  
**Subject:** Congressional District

Please note that when New York State redistricts I would prefer to have Chautauqua County included in a rural district like it currently sits. .

Thank you, Brian Abram - Chautauqua County Election Commissioner

## Re: Testimony

Bruce Gammack [REDACTED]

Fri 8/6/2021 9:32 AM

To: Submissions <submissions@nyirc.gov>

Buffalo should be linked to other small cities in the state as a district. Rural voters wishes are ignored with the present districting system. Example : New York Power Authority relicensing funds largely went to Buffalo not the Niagara County residents adversely affected by building the power plant in Niagara county. Niagara County is always left unrepresented. Buffalo Billion should have been Niagara County Billions.

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**From:** New York State Independent Redistricting Commission <submissions@nyirc.gov>

**Sent:** Friday, August 6, 2021 8:54 AM

**To:** mmack@msn.com <bruce\_gammack@msn.com>

**Subject:** Verify Email Address

## New York State Independent Redistricting Commission

### Thank you for signing up to the New York State Independent Redistricting Commission website

Please click the button below to verify your email address.

Verify Email Address

Regards,

New York State Independent Redistricting Commission

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If you're having trouble clicking the "Verify Email Address" button, copy and paste the URL below into your web browser: <https://www.nyirc.gov/verify-email/1710/75d18b439240bccaeae229e3b0bcf5f186cd8be9?expires=1628258070&signature=922159903b9fc0571fd0e49ffd78b73fcbbf93f34be5747bfcac48bbcd94390f>

My name is Bryan Meyer, and I live in the City of Canandaigua, Ontario County. While our current district primarily encompasses Western New York State, the City of Canandaigua is more aligned with the Finger Lakes region, Monroe County, and the City of Rochester.

Canandaigua has long been considered a “bedroom community” of Rochester. Many of the people that live in Canandaigua commute to work in the Rochester area. I’m currently retired, but for most of my working career I also commuted to the Rochester area.

Any local news we receive comes from Rochester area TV and radio stations, and newspapers. Any issues or concerns that pertain to Canandaigua are reported on through these Rochester media outlets.

Most of the shopping and social activities we participate in outside of Canandaigua are in the Rochester area.

Including our area with Erie, Niagara, Wyoming, Orleans, and Livingston counties does not properly represent the interests, concerns, and beliefs of the people that live in Canandaigua. It would make more sense to redraw the district to include the City of Canandaigua within the same district as Rochester and Monroe County.

**Bryan Wigfall  
County Committeeman  
New York State Assembly District 79  
Bronx Democratic Party**

**Testimony  
New York State Independent Redistricting Commission  
August 15, 2021**

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Good Afternoon Distinguished Commissioners. My name is Bryan Wigfall. I have the honor of serving my community as a County Committeeman for New York State Assembly District 79 within the Bronx Democratic Party. I am providing you with testimony about congress district 15. This congressional district consists of the South Bronx.

All of the communities within the South Bronx have similar needs. By the South Bronx having its own congressional district this gives our communities the ability to work as part of a coalition with the house member who represents our district to meet our needs. This is crucial. Please do not break up our congressional district. I ask that you keep congress district 15 the way it is.



**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Thursday, August 5, 2021 7:53:27 AM

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## New York State Independent Redistricting Commission

A private comment has been submitted

We very much want to continue to have representation that adequately covers our rural community here in the Southern Tier and doesn't tie us in with a large city ( such as Buffalo). Thank you.

**User:** Carl and Cheryl Feidler [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [Danielle Futia](#)  
**To:** [Submissions](#)  
**Subject:** FW:  
**Date:** Sunday, August 15, 2021 2:07:59 PM

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*Danielle Futia*

Independent Redistricting Commission  
Assistant Director of Public Engagement  
[www.nyirc.gov](http://www.nyirc.gov)

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**From:** [REDACTED]  
**Sent:** Sunday, August 15, 2021 9:36 AM  
**To:** [Danielle Futia](#)  
**Subject:**

Hello my name is Carl Balmas thank you for giving me the opportunity to submit testimony and I have my voice for as part of the redistricting process I currently live in a town of Amherst and I am involved in several community groups I feel it is extremely important that any redistricting proposal protect the interest of Amherst residence and recognize its role as largest suburban town in western New York. As such I believe that residents like myself are best served by district is representative of Amherst and the like communities that surround it maintaining a suburban focus district which is important to ensuring that Amherst voice is heard. I also believe it is important to respect the role the town plays in the regional economy and its connection with the town of Clarence and the transit Road corridor. This is especially true of northern and eastern Amherst in the town of Clarence. This quarter is integral to the regions economy and it is comprised of several community organizations that serve crosstown residents. Whether it is fire or school districts it is extremely beneficial to the community to be representative by a single representative. Ignoring the significant historical and economic significance of these community of interest would be a disservice to our residence. Thank you for your time and I appreciate the independence district information hearing directly from voters.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Monday, July 19, 2021 8:09:59 AM

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## New York State Independent Redistricting Commission

A private comment has been submitted

WNY needs its representatives. NYC should not decide for the rest of the state because it is full of illegal immigrants. How did the pandemic nursing home deaths impact those numbers? NYC should lose the representatives.

**User:** Carolyn Fafinski [REDACTED]

Delete Comment

Ban User from Future Comments

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**Statement submitted to New York State's Independent Redistricting Commission by former  
State Senator Catharine Young**

My name is Catharine Young and I had the honor and privilege of representing the Southern Tier and Western Finger Lakes in the New York State Senate and Assembly for more than 14 years.

I am eternally grateful for the opportunity to serve because it gave me a deep understanding of the region's people and communities, their unique character and way of life. Together, we laughed and cried, cleaned up after floods and tornados, fought to preserve and strengthen quality rural health care, worked to grow jobs and the economy, strived to increase learning opportunities in our rural classrooms, and prioritized assisting the elderly. As the new state legislative and Congressional districts are being drawn, I am advocating on their behalf because I am concerned about their future.

The residents of the Southern Tier need to have strong voices in Albany and Washington, D.C. Their distinct needs cannot and must not be diluted or ignored by merging their communities into Congressional districts dominated by urban areas such as Buffalo, Rochester or Syracuse that do not share their priorities, interests or way of life. The current 23rd Congressional District has as its backbone the Southern Tier of New York from Lake Erie in the west to the Susquehanna River in the east and includes three of the eleven Finger Lakes.

This Southern Tier district stretches along the Pennsylvania border, bound together by Interstate-86. But an expansive roadway is not the only factor that ties the quilt of towns, villages and small cities together. All rural in nature, the Southern Tier counties' vast landscape features dairy farms, vineyards, hardwood forests, lakes and rivers, and the rolling hills of the Allegheny Plateau region of the Appalachian Mountains.

Robert F. Kennedy, running for the U.S. Senate from New York in 1964, recognized the common threads, homogeneous nature and unique needs of the Southern Tier as he campaigned across the state. After he was elected, Senator Kennedy successfully fought to add New York's Southern Tier counties to the Appalachian Regional Development Act of 1965. The Appalachian Regional Commission that was formed as a result focuses on giving specialized federal economic development attention to address the unique rural issues in the Southern Tier. Chautauqua, Cattaraugus, Allegany, Steuben, Chemung and Tioga counties are among the New York counties that continue to be woven together by this initiative.

Historically, the differences between the Southern Tier and both Western and Central New York have been reflected in the drawing of the congressional and state legislative district boundaries. That fact has helped ensure that government in Washington and Albany pays attention to our area and is focused on the unique challenges we face.

## Catharine Young

Twenty years ago, former Congressman Amory Houghton, Jr., recognized by both sides of the aisle for his common sense and bipartisan style of governing, fought hard to keep the rural counties of the region together because he knew it was the only way that the residents would be treated fairly and equally, and receive the attention and resources they need for job development, healthcare, infrastructure, and education. At the time, there was justified concern that the Congressional districts might be drawn into Buffalo, Rochester and Syracuse. The rural counties would have been swallowed up by urban areas. That very concern exists today.

The rural counties of the Southern Tier region have little in common with Buffalo, Rochester and Syracuse. In fact, they are a study in contrasts. For example, the Buffalo-Niagara Falls Metropolitan area is the second largest regional economy in New York, after New York City. Buffalo's economic engine consists of a mix of industrial, light manufacturing, high technology and service-oriented private sector companies, according to statistics from the University at Buffalo Regional Institute. Bioinformatics and human genome research led by researchers at the University at Buffalo and Roswell Park Comprehensive Cancer Center have established this urban area as a hub for life sciences. M&T Bank Corporation with \$142.6 billion in assets is headquartered in Buffalo and is a major employer in banking, insurance, investments, mortgage and commercial financial services.

The Rochester region and economy is the third largest in the state, and is defined by technology and education, particularly in the healthcare sectors, and is boosted by elite universities such as the University of Rochester and the Rochester Institute of Technology. It is known for its culture, particularly its music culture that is fueled by the Eastman School of Music. Syracuse economic drivers are primarily in higher education, research, health care and services, and high-tech manufacturing.

By contrast, the Southern Tier's economy continues to be dominated by agriculture, including dairy, grapes and other fruits, cattle, vegetables, timber, maple and grains. The food processing and manufacturing, and value-added output economy that result from agriculture are economic drivers that provide jobs. For example, Steuben County has the most farming acreage of any New York State county, while Chautauqua County ranks first in the state for number of farms.

Wineries, breweries, farm stands and agriculture attractions, coupled with the region's natural resources such as lakes, have fueled the tourism industry across the Southern Tier – an economic boost that especially benefits small businesses such as restaurants, gas stations, hotels and motels, and ski areas.

Each Southern Tier county has some larger employers – Lockheed Martin and Crown Holdings in Tioga, Anchor Glass and Eaton Cutler-Hammer in Chemung, Alstom and Corning, Inc. in Steuben, Otis-Eastern in Allegany, Cutco Knives in Cattaraugus, and Cummins Engine and Wells Enterprises in Chautauqua. Each county works hard to attract good paying jobs. But growing agriculture and manufacturing in rural counties is not a priority of the power brokers in

## Catharine Young

large urban areas, and it is very difficult to compete when monied interests and major media outlets are focused on the cities. The rural counties need a federal representative who will solely fight to advance the rural economy.

Access to quality healthcare is another major concern in the Southern Tier. For example, primary care is one of the most frequently cited and urgent health problems facing rural populations in New York State, according to the Primary Care Development Corporation. Compared with metropolitan areas, rural and small-town areas were found to have the fewest primary care providers, with urban areas having 15 primary care providers per 10,000 residents, and rural areas only having 3.4.

Keeping rural hospitals open is another critical issue in the Southern Tier. While Buffalo and Rochester have several major hospitals, the Southern Tier has faced hospital restructuring, loss of services and even closure. Geography, distance and lack of public transportation complicate this issue even further. Driving an ambulance on winding rural roads in a snowstorm to transport a critically ill patient suffering from a stroke, heart attack or catastrophic injury to the local emergency room is difficult enough. If local hospitals close, access to a critical care center can be as far away as an hour and a half drive on a sunny day, and much more in a blizzard. Lives will be lost.

Transportation infrastructure is another area of concern. Buffalo and Rochester have high profile, big ticket projects that would overshadow the road and bridge needs of the rural communities if the Southern Tier is dissolved into the urban areas. Buffalo is seeking federal funds of \$100 million for Metro Rail Buffalo, \$500 million for Kensington Route 33, up to \$1.4 billion to replace the Skyway, and \$90 million to turn the Scajaquada Expressway into a parkway. Rochester priorities include \$56 million for Rochester Rapid Transit, \$68 million for the 390 North-490 west Interchange, and \$21 million for the Inner Loop. Syracuse is seeking an estimated \$2 billion to rebuild Interstate 81.

None of these projects would provide benefit or impact the lives of the vast majority of the people of the Southern Tier. But rural communities have serious road and bridge concerns. By preserving the homogenous, rural nature of the Congressional district, federal transportation resources can continue to be spread equally and fairly across the region.

In addition, there are wide swaths of rural areas that have lack of broadband access, an issue that has become even more acute during the COVID-19 pandemic. People working from home, students learning on-line, and telehealth services delivered via the internet have become common practice. We need a strong advocate in Washington who will fight to finally build out broadband in rural regions.

In conclusion, the economy, and delivery of social and community services are very different in the Southern Tier than in Syracuse, Rochester or Buffalo. How the federal and state government engages the people who live here is very different, and the solutions that may work in other parts of the state are not compatible with the Southern Tier.

## Catharine Young

The Southern Tier traditionally has had a dedicated Congressional representative, even as New York has lost congressional seats to other states. It is crucial that the Southern Tier continues to have a seat in the House of Representatives.

The role of the New York Independent Redistricting Commission is to take politics out of the process to ensure each region of the state is treated fairly. Without a doubt, the Southern Tier is a community of interest, and I ask that the Commission makes sure that the Southern Tier keeps its voice in the House of Representatives.

Thank you.

## **Statement for the Independent Redistricting Commission**

### **From Catherine Wagner, Resident of the Town of Dryden and Tompkins County**

The shape of our legislative districts affects not only who will be elected, but also whether the person elected will be responsive to members of all political parties and will be willing to hold local town meetings open to everyone. With this in mind, I strongly request that the boundaries of the districts currently assigned to Tompkins county be changed and that the county not be “cracked” as it currently is for the NYS Senatorial representation.

Tompkins County encompasses urban, suburban and rural areas. This means that we have an interesting and valuable cross section of the upstate population. Many residents commute from outlying areas into the city of Ithaca while residents of the urban part of the county interact with farmers at the large farmers market and, in general, spend time and resources in the rural areas. The result is that we have a cohesive county, each part of which has a significant impact on the other parts.

In addition to the importance of keeping our county intact for state redistricting, it is also critical to keep in mind our connections with Cortland County. The two counties jointly own and support an important community college, Tompkins Cortland Community College. Both counties have strong academic foundations due to the presence of Cornell University, Ithaca College and SUNY Cortland. Both also have urban and rural populations with workers commuting between the counties. For these reasons, I urge you to place Tompkins County in the same districts as Cortland County.

As a resident of Tompkins County, I am in the 23<sup>rd</sup> congressional district. Our current representative is Tom Reed. Because of the shape of this district, Rep. Reed has not needed the votes from our county and has publicly stated that Tompkins County is too liberal. He has been unwilling to participate in candidate forums in our county since the second time he was elected and has had only a few town halls. Before 2012 our representatives held regular town halls in our county but also throughout their entire districts. The current district lines have left Tompkins County without a voice in either the choice of our congressional representative or the ability to have meaningful conversations about policy with whoever is elected.

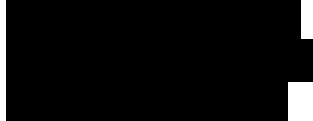
The current representative for the 23<sup>rd</sup> district will not be running again in 2022. It is likely that his district will be redrawn and great care must be taken when this occurs. It is important that Tompkins County remain entirely within one congressional district. But it is also critical that it be part of a more politically balanced entity. Please help us regain our voice.

The state senatorial districts for Tompkins County have long been a problem. Currently the county is divided into three parts, with the result that the county again does not have a voice with regard to who is elected or on policy issues that concern us.



In closing, I want to thank you for being a part of an independent commission. As a mathematician I am familiar with the proofs that if you assume certain reasonable sets of criteria for drawing districts one can always find cases in which it is impossible to satisfy all of the criteria. But it is certainly possible to come close to perfection, avoiding gerrymandering, cracking and packing. I hope that you will take into consideration the points I have raised above and give us districts in which we can again have a voice.

Thank You,  
Catherine Wagner



August 19, 2021

Dear Commissioners,

My name is Cathleen Kane and I have been a resident of Irondequoit, a first ring suburb of Rochester, New York, since 1989. I have been a resident of Monroe County since 1981 when I moved to the city of Rochester from downstate, and I have loved this area ever since. Although I now live in a suburb, I go to the city for church, friends, volunteer work and the best public market in upstate New York. However, I am not writing to you for my own direct benefit, but rather out of a sense of justice. I am deeply concerned about the challenges that this city faces to overcome a history of systematic racism, a contracting manufacturing base, and gerrymandered legislative districts.

I support the residents of Rochester and their representatives who testified at the Finger Lakes/Western New York hearing on August 12. As mentioned in the testimony, Rochester has been divided into three Assembly districts and two Senate districts. A visual inspection of the maps below will show that Assembly districts 138 and 136 are not compact and they favor the influence of suburban voters. The scale of the first Senate district map was chosen to clearly illustrate the borders of Rochester. The second Senate districts map demonstrates that Senate district 61 includes a large area of residents in the Buffalo area. With no disrespect the current Senator of district 61, southwest Rochester is not well represented by that district.

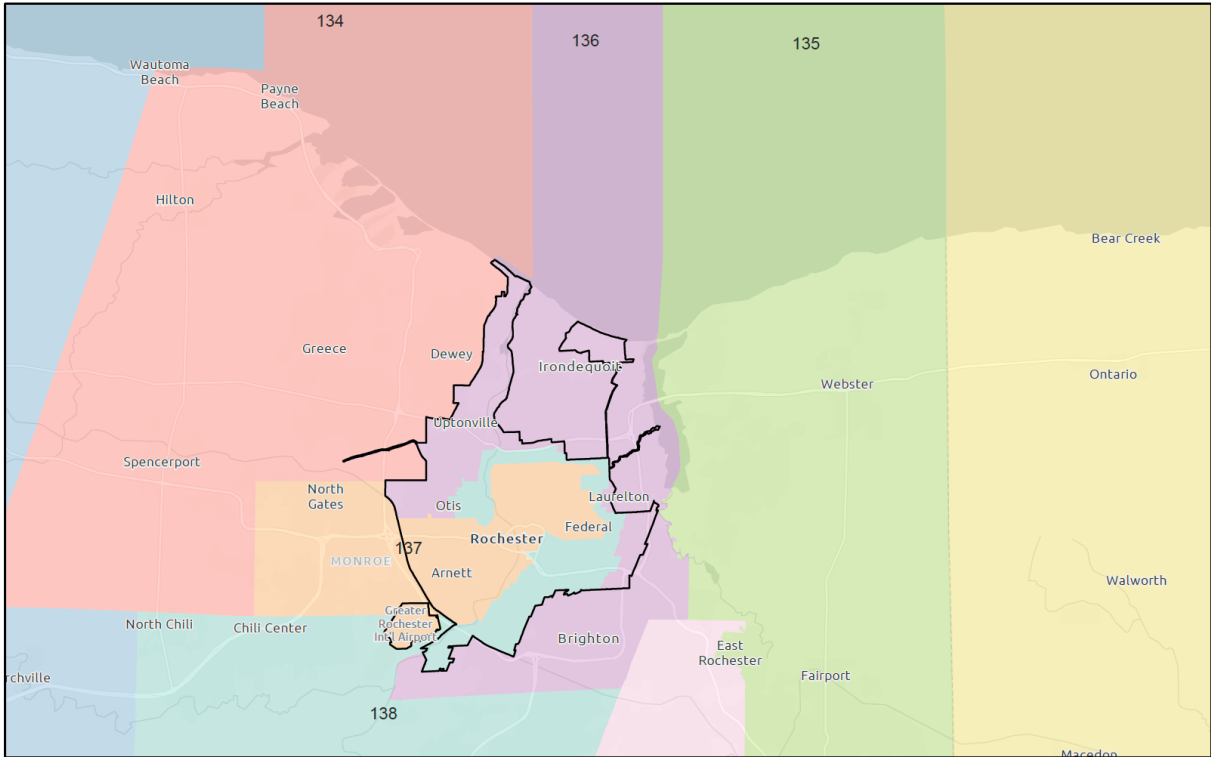
I am deeply grateful to all of you, Commissioners, for taking up this challenging task of drawing new districts. While I understand that some sections of Rochester may need to be combined with suburban towns to achieve a full ratio for apportionment, I ask that you propose compact districts that do not dilute the voting power of the residents of Rochester.

Thank you for your kind attention,

Cathleen Kane

A simple L-shaped line representing a signature, consisting of a vertical line on the left and a horizontal line extending to the right from the bottom of the vertical line.

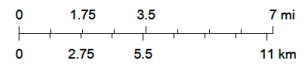
# Rochester Area 2010 Assembly Districts



8/19/2021

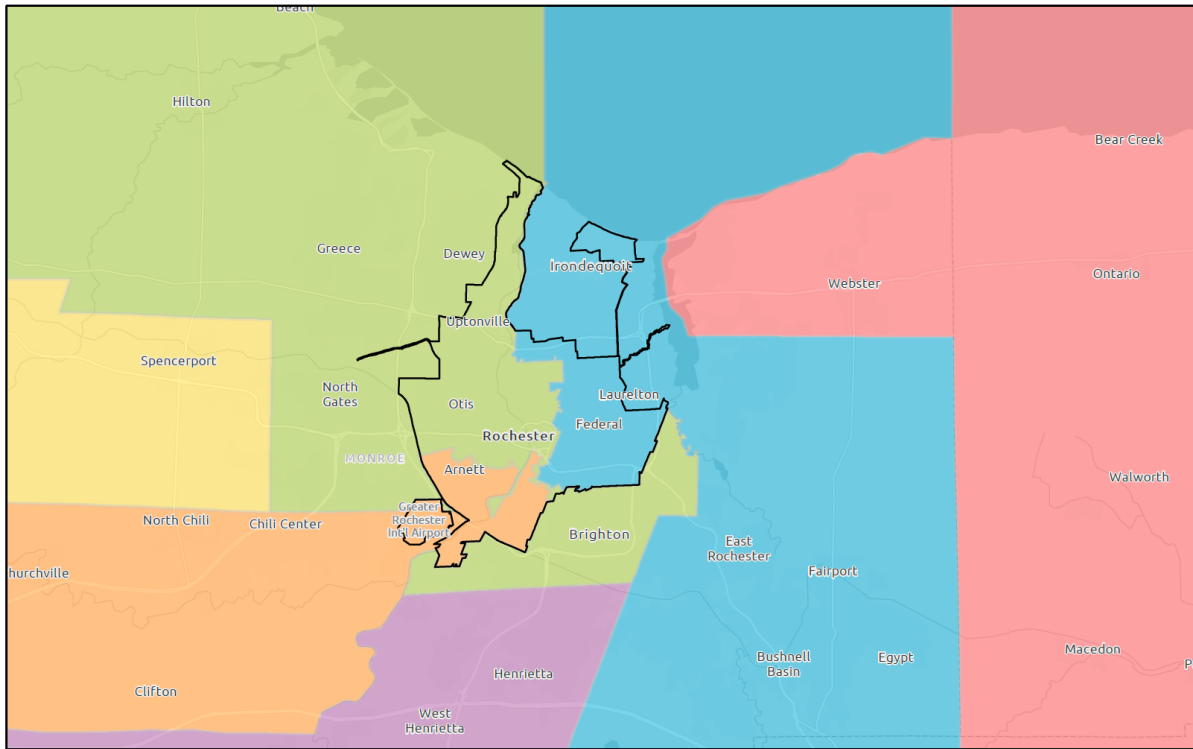
- City of Rochester, including airport and parks
- 139
- 137
- 135
- 130
- 134
- 136
- 133

1:288,895



Esri Canada, Esri, HERE, Garmin, SafeGraph, METINASA, USGS, EPA,

# Rochester area Senate Districts



8/19/2021

City of Rochester, Including airport and park

State Senate Districts

State Senate District 54

State Senate District 55

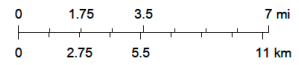
State Senate District 56

State Senate District 59

State Senate District 61

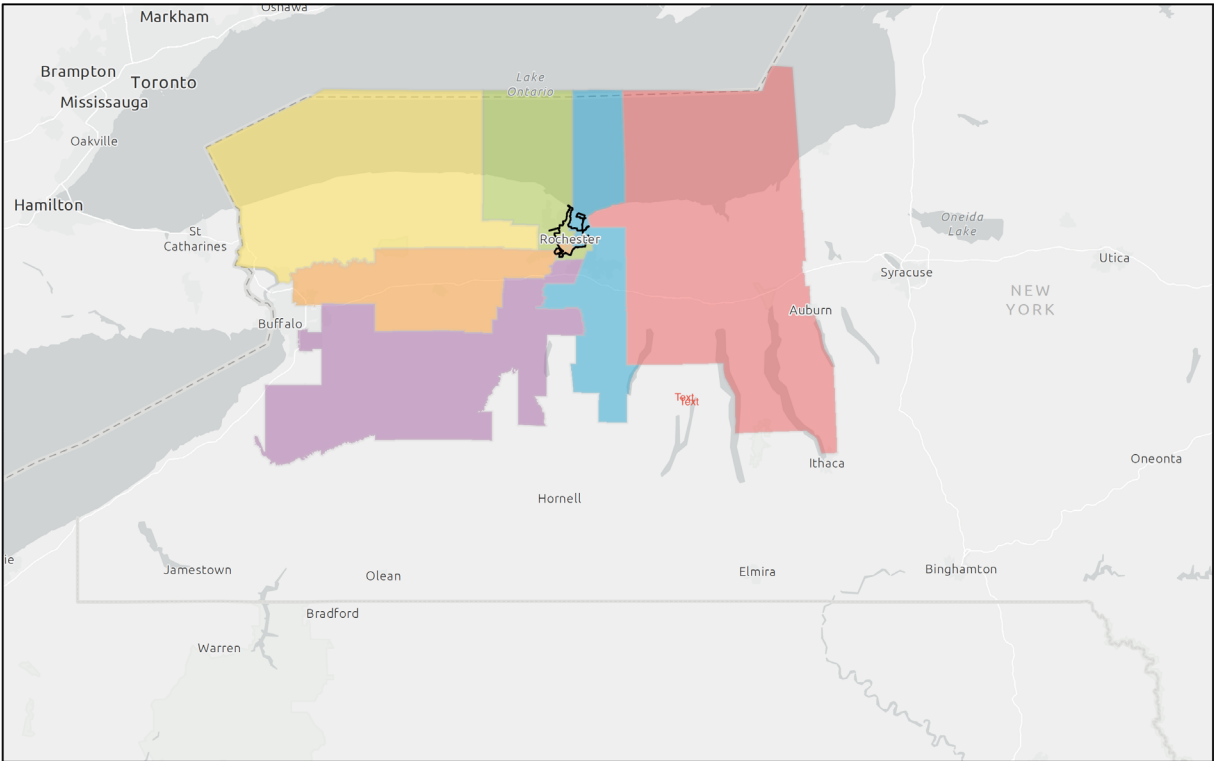
State Senate District 62

1:288,895



Esri Canada, Esri, HERE, Garmin, SafeGraph, METANASA, USGS, EPA,

# Rochester area Senate Districts



8/22/2021

City of Rochester, Including airport and park

State Senate Districts

State Senate District 54

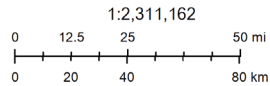
State Senate District 55

State Senate District 56

State Senate District 59

State Senate District 61

State Senate District 62



1:2,311,162  
County of Ontario, Esri Canada, Esri, HERE, Garmin, FAO, NOAA, USGS.

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Assembly district 138  
**Date:** Sunday, August 15, 2021 7:07:27 AM

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-----Original Message-----

From: Chad Fagan [REDACTED]  
Sent: Saturday, August 14, 2021 9:36 PM  
To: Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>  
Subject: Assembly district 138

Hello,

I hope this email isn't too late.

It is my understanding that you are looking at redistricting specific representative areas. The assembly district 138 currently held by Harry Bronson is in need of consideration. The shape of this district does not represent all the people equally. I currently live in a suburban/rural area in the Chili, NY area. However because of the way the district is drawn our vote and representation are outnumbered by the population of people that reside around the inner rochester city district area. We are all represented under the same district by Harry Bronson, which is not very well laid out. Representing these two populations, of inner city people and rural/suburban people in another area, under the same demographic district is not possible. I have lost representation because of this on each of the times that I reached out to Harry Bronson, whom only cares about representing the inner city.

It is my request that our district for the assembly 138th district is re-drawn to not include the inner city of Rochester along with the suburban and rural areas of Chili, NY.

I thank you for your consideration.

Kind regards,  
Chad Fagan

Sent from my iPad

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Redistricting  
**Date:** Friday, August 13, 2021 2:39:09 PM

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**From:** Chelsea Webster-Curley [REDACTED]  
**Sent:** Friday, August 13, 2021 2:09 PM  
**To:** Ahsia Badi <badia@nyirc.gov>  
**Subject:** Redistricting

To Whom it May Concern,

Contrary to what was said about Chautauqua County, we cannot be linked with Erie County. As if the massive population difference was not enough, the way the county thinks and operates is extremely different. Chautauqua County prides ourselves on being a rural agriculture area with a crop that is specific to the climate and soil. Our "Citys" are small and are in no way comparable to even the suburbs of Buffalo. The operations on Chautauqua County flows great and it would be a huge error to link with Erie County.

Please do not let one uneducated comment by anyone with no knowledge of our area hinder what is truly important to our area.

Thank you for your time.  
Chelsea E Webster-Curley  
Secretary of the Chautauqua County Republican Committee

## Submissions

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**From:** Cheryl Feidler [REDACTED]  
**Sent:** Tuesday, September 7, 2021 12:11 PM  
**To:** Submissions  
**Subject:** Fwd: Redistricting Map

[REDACTED] [REDACTED]

Sent This is copied from a friend but we agree- we should NOT be linked with Erie County- Chautauqua is a rural county with nothing in common with the Buffalo metropolis area - this seems to make much more sense .

Carl and Cheryl Feidler  
[REDACTED]

District 23 should run along the southern tier from Chautauqua county to Broome county. Taking away Tompkins county. This would give the 23 district an approximate population of 808,742. This would afford the district population to have representation for similar concerns and economical environments. Chautauqua =127,657 Cattaraugus =77,042 Allegany=46,456 Steuben=93,584 Chemung=84,148 Tioga=48,455 Broome=198,688 Schuyler=17,898 Yates=24,774 Seneca=33,814 Ontario=56,229(112,458 split county) (- Tompkins=105,740) These are approximate but close totals due to some counties being split, I don't have detailed population totals on split counties.

<map.png>





## Chris Schotz

NYS District 62 is composed of mostly farmland and many miles of Lake Ontario shoreline. I was born, raised, and live in this District. I am a small farmer who enjoys and appreciates the rural atmosphere of this District along with the recreational value Lake Ontario provides. The close-knit communities have worked hard for many years to develop and promote their unique offerings from farmers markets to wineries (including the Niagara Wine Trail), Craft Breweries, hiking trails, fantastic fishing opportunities (from numerous Charter Boats to shore based) to name a few.

I would encourage the Commission to not break up this district or change it by including areas/municipalities/Cities that do not understand or embody the rural atmosphere we currently have and enjoy in District 62. I believe that many residents feel the same way as I about District 62.

August 9, 2021

Dear New York State Independent Redistricting Commission:

I thank the New York State Independent Redistricting Commission for permitting written testimony as you begin work as required by the 2020 Census.

The Orleans/Niagara BOCES serves 13 component school districts, including three small cities, covering over 900 square miles while servicing over 34,000 students in the Northwest quadrant of New York State. The BOCES and component school districts are very dependent upon the New York State Legislature annually for funding. Our mutual interest to support low wealth rural and small cities pre-kindergarten to grade 12 populations needs a single-focused and committed Senatorial Legislator who can advocate for our interests and not be diluted across multiple representatives with geographic limitations. Inclusive of school funding are tangential school issues of economic growth, grant opportunities, environmental impacts, energy and compliance issues that all call for a focused representative.

For the aforementioned issues, I believe it is imperative that not only the 13 school districts be represented by the same New York State Senate District, but both Niagara and Orleans Counties remain whole to meet our commonality of issues across this geographic area. Our students, taxpayers and school districts need a single and uniform voice in Albany to represent our multiple interests to best serve our clientele.

Respectfully submitted,



Dr. Clark J. Godshall  
District Superintendent



## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Wed 8/11/2021 3:53 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

Our educational, socio-economic, healthcare & business development needs are very different from the larger populations of Buffalo and Rochester. Our rural / agricultural challenges are unique and we are opposed to losing representation by redistricting.

**User:** Colleen Meeder (village.sherman@gmail.com)

Delete Comment

Ban User from Future Comments

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To the New York State Independent Redistricting Commission,

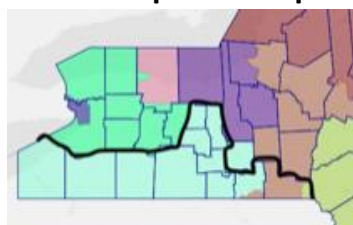
**The following are my recommendations on redistricting.**

I would recommend redrawing District 23 to run along the southern tier from Chautauqua County to Broome County. See “Proposed Map” below.

**Current Map**



**Proposed Map**



“Current Map” taken from <https://www.redistrictingandyou.org/?markerL=42.3012%2C-79.5226&geoid=3623#map=5.68/42.927/-78.686>

Here is a link to the map with the census numbers.

<https://davesredistricting.org/maps#viewmap::6703b5c2-0849-4fdd-9712-f281849255ab>

Census totals taken from the map for each of the counties in District 23

Chautauqua =127,657	(add - Broome=198,688)
Cattaraugus =77,042	Schuyler=17,898
Allegany=46,456	Yates=24,774
Steuben=93,584	Seneca=33,814
Chemung=84,148	Ontario=56,229 (112,458 split county)
Tioga=48,455	(remove- Tompkins=105,740)

**Why I recommend this particular redistricting.**

The proposed redistricting would add Broome County to District 23 and remove Tompkins County from District 23. Doing this would increase District 23’s total population to approximately 808,745 giving it the needed average district population.

Also, this would move Tompkins County to a district with comparable objectives and its traditionally and historically urban region and Broome County would fit in well with District 23's objectives and their traditionally and historically agricultural region.

Thank you for your consideration.

Sincerely,  
Mrs. Judy Crook



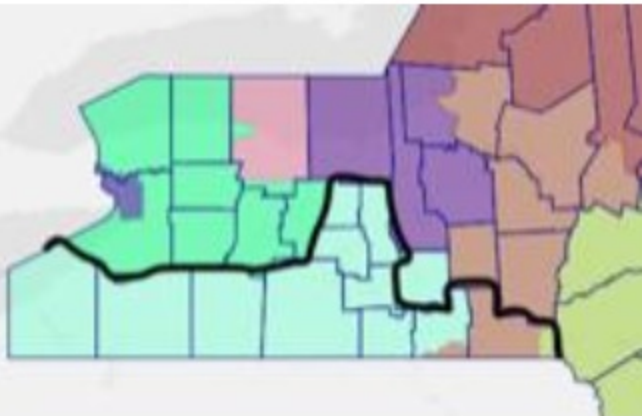
Rochester

Syracuse

Utica

Buffalo

NEW YORK





July 23, 2021

To whom it may concern:

I live in the Southern Tier of NYS. I feel strongly that representation in Albany should represent the region not gerrymandering with us lumped into Ulster County or somewhere in the Hudson Valley. Our issues and concerns may not be similar to those so far from our region. I would like to see the Senate made up of 2 representatives from each region no matter what the population is of that region, similar to what the US Senate is made up of. The Assembly should be made up of a percentage of the population of that region/district. But a district should be a cohesive group in the same region not blended between a high density city or region. Or several low density regions blended together but not near to each other just to make the representation more in Albany. Then make the smaller regions larger in geography. We need a balance and have a voice as much as the people do in the NYC metro region. Or better yet, have NYC, Long Island and Westchester secede and become the 51st state with Puerto Rico. Our issues here, economy, housing, jobs, salaries are far different than those of NYC metro area and it seems that legislation is tilted to them because of their voice.

Thank you

Cynthia Gottlieb  
Vestal, NY

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW:  
**Date:** Friday, August 13, 2021 4:15:26 PM

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**From:** Dalton Anthony [REDACTED]  
**Sent:** Friday, August 13, 2021 3:53 PM  
**To:** Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>  
**Subject:**

Hello,

My names is Dalton Anthony and I am currently running for Town Council for town Carrol In Western New York and I am writing to express my feelings on redistricting us with Erie County. With that population added to us it would make it so that the balance come election time would be thrown off and the representation for us would shrink therefore giving 1 person for more work for much more area and therefore creating more issues. This is why I feel we need to stay how we are and leave Erie County be them and let Chautauqua County stay as we are.

Thank You

Dalton Anthony



August 12, 2021

David Imamura, Esq., Chair  
New York State Independent Redistricting Commission

Dear Mr. Imamura:

With Congressional district lines being redrawn we write today to urge the Commission to consider the representation of rural regions of New York State in its deliberations. Specifically, we ask you to carefully consider the district placement of Chautauqua County.

The population estimate of Chautauqua County as of July 2019 was 126,903. While our county includes two small cities and a number of villages, many of our residents live in very rural settings.

Our businesses also reflect the rural nature of our county. Chautauqua County is home to more than 2,700 businesses that fulfill an annual payroll of over \$1.6 million. While we have a few large and medium sized manufacturing firms located here, our economy also relies heavily on tourism, service industries, and agriculture. Over 1,000 square miles of land in Chautauqua County is in active agricultural production, largely in grapes and dairy, with other crops playing key roles as well.

While the Chautauqua County Chamber of Commerce is fortunate to have a broad variety of member businesses across all economic sectors. These businesses, and their employees, deserve representation that is focused on our specific needs and demographics, not as an after-thought to a district that may be more urban focused.

We encourage the Commission to keep Chautauqua County in a district that is inclusive of the Western Southern Tier region along with Cattaraugus and Allegany Counties, which share many of our demographics.

Thank you for your consideration.

Sincerely,

Daniel J. Heitzenrater  
President/CEO

***Leading Businesses. Leading Communities.™***

PO Box 27 ■ Jamestown, NY 14702-0027  
(716) 366-6200 or (716) 484-1101

**[www.chautauquachamber.org](http://www.chautauquachamber.org)**

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Sat 8/7/2021 8:37 AM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

Please do not change the current state districts. As a rural Western New Yorker I feel the current districts represent the diversity of our state and allows everyone's voices to be heard. Thank you.

**User:** Darlene Nygren (mdnygren@windstream.net)

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

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August 2, 2021

Dear New York State Independent Redistricting Commission:

We write today as county legislators from Niagara and Orleans counties. Together in 2012, by joint resolution of each of our counties, we formed the Niagara-Orleans Regional Alliance (NORA). The purpose of NORA was to coordinate the efforts of our two counties to tackle common issues.

The top priority of the NORA collaboration has been to facilitate high speed broadband internet access to every unserved household across the two counties. NORA retained a consultant to help identify and quantify gaps in coverage as well as assets from which to build upon. The goal was to provide all rural businesses, tourists, residents and students with Internet service equal to that of more advantaged areas. As you are well aware, this took on even greater importance during the COVID-19 pandemic, as residents worked from home, their children learned virtually and medical appointments became telemedicine appointments.

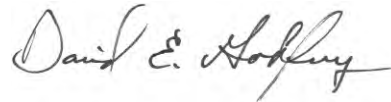
Our collaborative effort has been greatly added by sharing common representation in the New York State Senate. Niagara and Orleans counties have shared a State Senator for as long as anyone can remember and we believe this has helped further our joint priorities.

On behalf of the NORA, we submit this testimony urging that Niagara and Orleans counties remain in a single State Senate District.

Sincerely,



Lynne Johnson  
Orleans County Legislator



Dave Godfrey  
Niagara County Legislator

Good afternoon, Commissioners.

My name is Dave Garretson. I live in the Town of Greece in Monroe County. I am a former Chair of the Democratic Party in Monroe County. However, I'm not here to advocate for politically favorable districts. Just the opposite.

Until now, our region has been plagued with partisan district lines. Obviously, some communities will naturally favor one party over another. That's not what I'm talking about. We have lines that were drawn, cynically, to favor the incumbents and disfavor the challengers. Not fair to voters, and no good for the communities who find themselves poorly represented in Albany.

Monroe County is a viable community of interest, and within it, the City of Rochester even more so. Yet, we currently have six Senate Districts criss-crossing Monroe County, with three of them dividing the city.

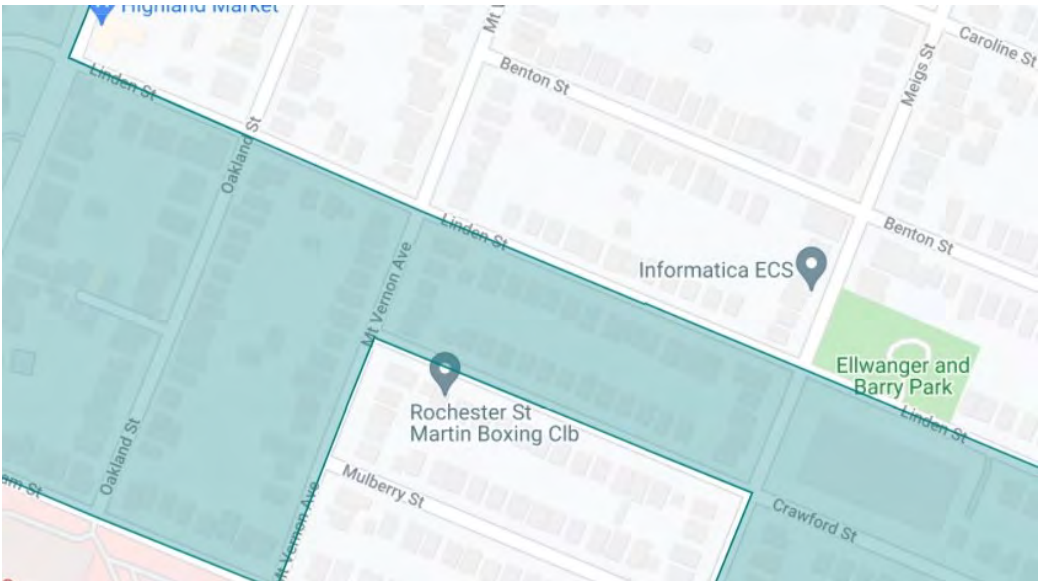
I'll remind you that Rochester is, sadly, mired in difficulty. The second worst center of childhood poverty in the nation. High levels of gun violence, drug addiction, and substandard housing. The Rochester City School District is struggling. By most measures, Rochester is the worst school district in NY State. Eighty percent of our students fail to meet basic proficiency standards in math and language. Almost half fail to graduate. And who is there to help? Not the State Senate. This vital Community of Interest, the City of Rochester, is divided among three State Senate districts.

My own Senate District, 56, is one of the three that represents a piece of Rochester. It includes semi-rural towns in western Monroe County, my own town of Greece – which I'd describe as a mostly blue-collar community – various low-income neighborhoods in the City of Rochester, and – a night and day difference – the affluent Town of Brighton.



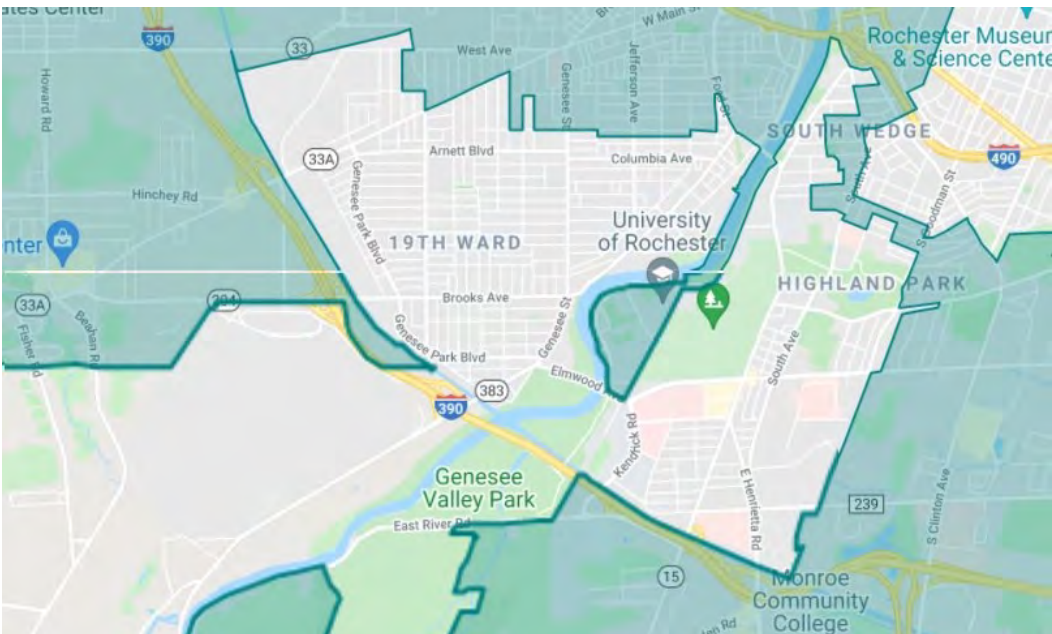
SD 56 MAP

Two things stand out on this map. First, the island of nothing in the middle. That's no accident. Also, the thin strip that connects the northwest section to the southeast – visible here beneath the 1<sup>st</sup> "e" in "Rochester."



SD 56 – CLOSE-UP VIEW OF “THE BRIDGE”

Here’s a better view of the thin connecting strip. This small city block is the bridge that combines rural towns, blue collar Greece, and impoverished Rochester neighborhoods to the affluent Town of Brighton. As currently drawn, SD 56 is not a compact district centered around a common Community of Interest.

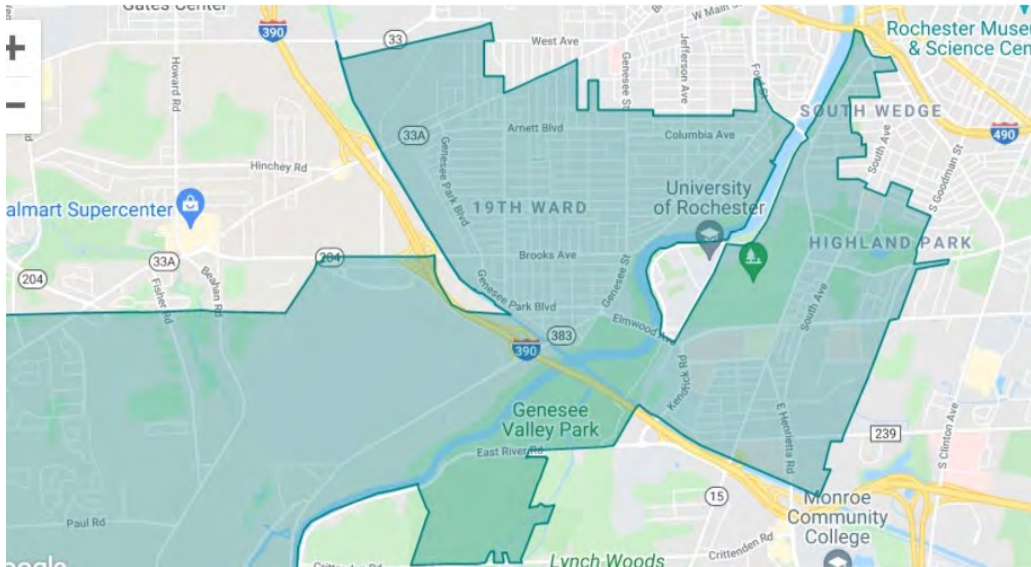


SD 56 – CLOSE-UP VIEW OF 19<sup>th</sup> WARD

In the last redistricting, these voters were removed from SD 56. They committed the offense of repeatedly voting against the incumbent.

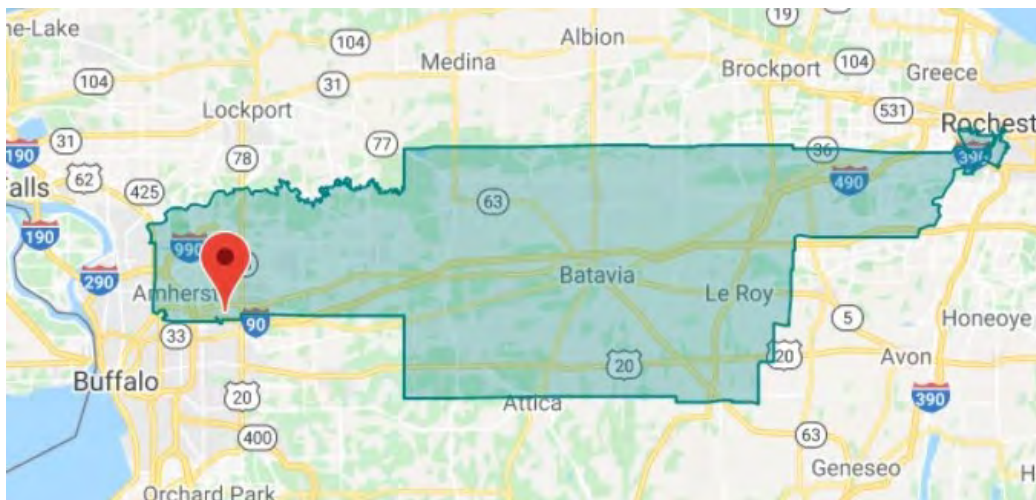
What about the spoon-shaped area in the middle? That’s what the incumbent wanted to keep. It’s the University of Rochester campus. Our region’s biggest employer and a significant political donor.





**SD 61 CLOSE-UP VIEW OF 19<sup>th</sup> WARD**

Here's that same view. The voters who were formerly in the 56<sup>th</sup> District were redrawn into the 61<sup>st</sup>.



**SD ENTIRE DISTRICT**

If we pull back to look at the entire district, we see that the Rochester portion – geographically – is quite small. However, about one third of the district's population lives in Rochester and Monroe County.

This is a disservice to the people of Rochester, who need strong representation in Albany. With all due respect to Senator Rath, he rarely visits this end of the district. His district office is in suburban Buffalo, 68 miles from Rochester. By contrast -- Canada is only 9 miles from the office.

This is not a compact district. It separates several communities of interest. Residents in Buffalo do not watch the same newscasts as those who live in Rochester. Those who read newspapers – are not seeing the same paper. The district spans two distinct metropolitan areas, in addition to rural farm areas in the middle.





### **BEEF ON WECK**

It doesn't stop there. We don't even eat the same foods. This is a popular food item in Buffalo. It's called "Beef on Weck." It's a roast beef sandwich on a highly seasoned salty bun. Everybody near Buffalo knows what it is. However, if you visit Genesee Street in Rochester, the eastern part of the 61<sup>st</sup> district, you won't find a single restaurant that serves it. They won't even know what you talking about.



### **WHITE HOTS**

Here's something that we do eat in Rochester. White hots. Everybody here knows about them. Our famous garbage plates often include them. Guess what. If you go ask for a white hot at Ted's, the popular hot dog stand in the western part of the district – you'll get a blank stare. Nobody knows about white hots in the Buffalo area.

Obviously, this is not about food. It's about two different places that were awkwardly combined into the same State senate district. It's about preserving communities of interest by creating compact districts.

Commissioners, please don't give us another abomination like the current SD 56 or SD 61. Keep our communities intact. Keep the struggling school children of Rochester in mind. We need concentrated representation in Rochester and Monroe County.

Thank you.

David Garretson



To Congressional District Commission:

To begin, I would like to thank you kind folks for your continual service to NYS and for taking the time to read my remarks concerning the Southern Tier 23rd Congressional District.

My name is David L. Smith and I reside in Gowanda, NY. I am the proud Mayor of the Village of Gowanda, a member of the Cattaraugus County Health Board and a 29 year teacher and school administrator in both Chautauqua and Cattaraugus Counties. I am writing today to express my **STRONG** support for maintaining the makeup of the current Southern Tier 23rd Congressional District that runs along the PA border on the I-86 corridor from Chautauqua County through Tioga County.

In the year 2000, Congressman Amo Houghton worked tirelessly to preserve the Southern Tier Congressional District that included communities of interest in Chautauqua, Cattaraugus, Allegany, Stuben, Chemung and Tioga Counties because he knew the most important asset in all of these great counties was their citizens; and these citizens shared the same fabric of life.

Since that time, my life experiences as an educator, volunteer, father and Mayor have proven that he was exactly right in his position to keep these vibrant communities together. The Southern Tier is unique in that it shares natural beauty, needs and priorities. Because of its rural nature, it has very little in common with the much larger suburban and urban settings in the Buffalo and Rochester area communities. I say nothing of a disparaging nature about these communities, except that they are vastly different from the communities in the Southern Tier. I believe the needs and priorities of the Southern Tier counties will not be met if they are drawn into congressional districts where their needs and voices will be overwhelmed and drowned out by the louder, larger needs of the large cities and their suburbs. Our great political system was designed to avoid exactly that.

The Southern Tier counties **ALL** share the **URGENT** need for access to local health, hospital and urgent care. Currently, these rural counties all have hospitals and medical centers that provide essential access to emergency care and other vital health services that are oftentimes time sensitive and sometimes, life saving in nature. The drive to a city hospital from many remote, rural areas in these counties can be up to 2 hours in good weather and much longer in the winter conditions that plague the Southern Tier for 6 months out of the year. Losing minutes can and often does result in losing lives. The preservation of local hospitals is vital to each county and this focus will be lost if Southern Tier counties are not kept together in the same congressional district.

The Southern Tier has a distinct and unique persona and culture that should be reflected, honored and fortified by the people elected to represent it. Shared economic drivers include agriculture and food production, small businesses, and tourism. These characteristics differ greatly from the diverse needs of larger suburban and urban areas. Many of the schools in the Southern Tier are small to medium in size and have similar challenges in meeting rising operating costs, aging facilities and diverse curricular needs. Many schools partner with their small neighbors to share services, combine extra-curricular activities and enhance the overall academic and social experiences of all students. These efforts result in a graduating student body

that is better prepared to enter college, a career or the military. The collegiality and access to common resources due to common needs would be lost if the configuration of the current congressional district is not maintained.

Lastly, there is no doubt that the infrastructure needs of the Southern Tier are different from that of the rest of the state, particularly larger suburban or urban areas. Due to unique travel conditions that exist in the Southern Tier, unique road, bridge and development projects are prevalent. The area has high infrastructure needs and unique economic challenges that make these needs harder to realize. Equal distribution of infrastructure funds throughout the Southern Tier counties is crucial to preserving economic growth in these areas. This equal distribution would be lost if the Southern Tier counties are drawn into urban counties.

In conclusion, as Mayor of a small Village in the Southern Tier, I respectfully implore the Commission to preserve the Southern Tier 23rd Congressional District.

Respectfully Submitted,

David L. Smith  
Mayor, Village of Gowanda

**From:** [Danielle Futia](#)  
**To:** [Submissions](#)  
**Subject:** FW: Redistricting Chautauqua County  
**Date:** Friday, August 13, 2021 9:16:55 PM

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*Danielle Futia*

Independent Redistricting Commission  
Assistant Director of Public Engagement  
[www.nyirc.gov](http://www.nyirc.gov)

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**From:** [REDACTED]  
**Sent:** Friday, August 13, 2021 2:27:12 PM  
**To:** Danielle Futia <futiad@nyirc.gov>  
**Subject:** Redistricting Chautauqua County

To whom it may concern:

**Chautauqua County does not want to be with Buffalo/Erie County in the redistricting, we are Southern Tier and we want to remain with the Southern Tier.**

**Thank you for your consideration.**

**Diane Terrano**  
[REDACTED]

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Map Submitted  
**Date:** Friday, August 6, 2021 4:17:58 PM

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## New York State Independent Redistricting Commission

### Submitted Map

- **First Name:** Dolores Saltzman
- **Last Name:** Saltzman
- **Email:** [REDACTED]
- **Description:** Dolores Saltzman [REDACTED]  
[REDACTED]

On March 3rd 2021 the House of Representative passed legislative bill HR1, known as The For The People Act. The bill is before the Senate as S1. This bill contains provisions that are widely popular across the country regardless of party affiliation. It seeks to strengthen voting rights, making our election system free, fair, accessible to all eligible citizens. It mandates transparent election funding, and keeps political office from being the means to accumulate personal wealth. Perhaps most importantly, it seeks to end Gerrymandering.

These provisions are non-partisan and popular. The National League of Women Voters, a century old, non-partisan, organization with hundreds of local Leagues, including The Tompkins County League of Women Voters, of which I am a member, was very early in its support of the provisions, of S1, even influencing some of its language. The League remains fully committed to the passage of S1, ending Gerrymandering and instead creating "People Powered Fair Maps".

Gerrymandering, as it is understood, is the effort, by whatever party holds a majority in a state legislature, to use its power to change the layout of electoral districts so that their party's candidates will continue to win future elections as voters cast ballots for local and State legislative legislative representatives,

as well as Federal representatives to Congress, one from each congressional district. This "Redistricting" process takes place every 10 years after the census tallies our current population.

Since Gerrymandering was recognized as taking place in 1812, we seem to have allowed it to continue, apparently thinking of it as part of the "democratic" process, perhaps like "spoils of war" for having won a majority in state legislatures. Chief Justice John Roberts is quoted in Bloomberg Businessweek, January 22, 2018 as saying (in a Wisconsin redistricting case of 2017) "You're taking these issues away from democracy" on what "I can only describe as sociological gobbledygook". In a democratic society we generally believe that our elected officials should be returned to office, or elected to office, based on how they have met, or plan to meet, the needs of the people in the future, not on how well the majority party has managed to win elections by other means than convincing us of the merits of their platforms, regardless of how dedicated the party is to the correctness of its platform.

How is Gerrymandering carried out? The party with a majority in the legislature, now entrusted with creating the new redistricted districts, may eliminate the influence of the votes of those voters not expected to support the party's candidates. One way they might do this is to "Crack" or split the area of opposition voters into parts, and put the parts into different districts, adding enough other areas containing their own supporters to each of those districts to create "Safe Districts" for their party in future elections. We are familiar with this tactic in Tompkins County where a resident's State Senator is, Pamela Helming, Tom Omara, or Peter Oberacker, depending on where in Tompkins County the resident lives (see map). Previously.....? Include if can find Jim Seward maps

Another Gerrymandering tactic is "Packing" a favorable area of voters, keeping it together, and expanding its area to include enough friendly voters as necessary for a "Safe District", mindful

not to “pack” it with unnecessary, wasted, votes that could be used in another district for the same purpose. They might also “Pack” an area containing a fairly large number of opposing voters with more of their own friendly voters again just enough to win. Tompkins County has been victim of this form of “Packing” for our Congressional representative. Depending on which party controlled the State Legislature our district ambled South toward the Catskills or West along the Pennsylvania boarder as it does now. (see maps).

Depending on the circumstances, “Packing” can take another form as well. An area of unfavorable voters might be packed with more unfavorable voters creating a “Safe” district for the opposition. The object now is to keep the number of future opposition legislators to a minimum, by diminishing the number of districts that are “Safe Districts” for the opposition. Other methods exist as well, like “Highjacking”, combining parts of 2 opposition districts with two popular opposition representatives so they will compete for one seat, or “Kidnapping”, changing the district so that its legislator no longer lives in the district. The effort is always to use affirming votes in as efficient a manner as possible, winning districts with as few party positive voters as necessary, using unneeded “wasted” votes elsewhere for the same purpose.

Unfortunately Chief Justice John Roberts’s “sociological gobbledygook” is now extremely sophisticated. With quantitative methods in the field of Political Science, coupled with today’s high powered tech and software, and using all possible methods of Gerrymandering, optimizing the result, it is not difficult to imagine Gerrymandering to be a formidably efficient weapon for successful “Safe District” creation, with future control of the legislature of the state in question plus the representatives in the United States Congress. This is a recipe for “Safe Elections” into the future not based on the will of the people. That is surely not what we think of as how to run a genuinely democratic system of government. Fortunately there are also quantitative methods to challenge, and expose, outrageously gerrymandered districts. As early as 1987 one called “partisan symmetry” described in the afore



mentioned Bloomberg Business article, was developed by Gary King of Harvard and a co-author, Robert Browning. It says “that districts should be drawn so the parties would achieve the same outcomes given the same number of votes”. Thus far these methods have not been able to overcome the notion that the courts are not able to resolve Gerrymandering issues. Challenging evidence should no longer be excluded by the courts, and, it is to be devoutly wished that even before that happens it will nonetheless be addressed by the Independent Commission when creating the new districts so that we can advance the notion of non-partisan People Powered Fair Maps. The Independent Commission’s redistricting process should, as its name suggests, be clearly free of political influence.

That puts important responsibility on the political members of the Commission, that is to be non-partisan, to trust the democratic process.

Much needs to be done to actually create fair maps, and there has been much research to try to accomplish that. See <https://blog.districts.com/2020/01/08/the-list-of-redistricting-software-tools-updated-for-2020/>

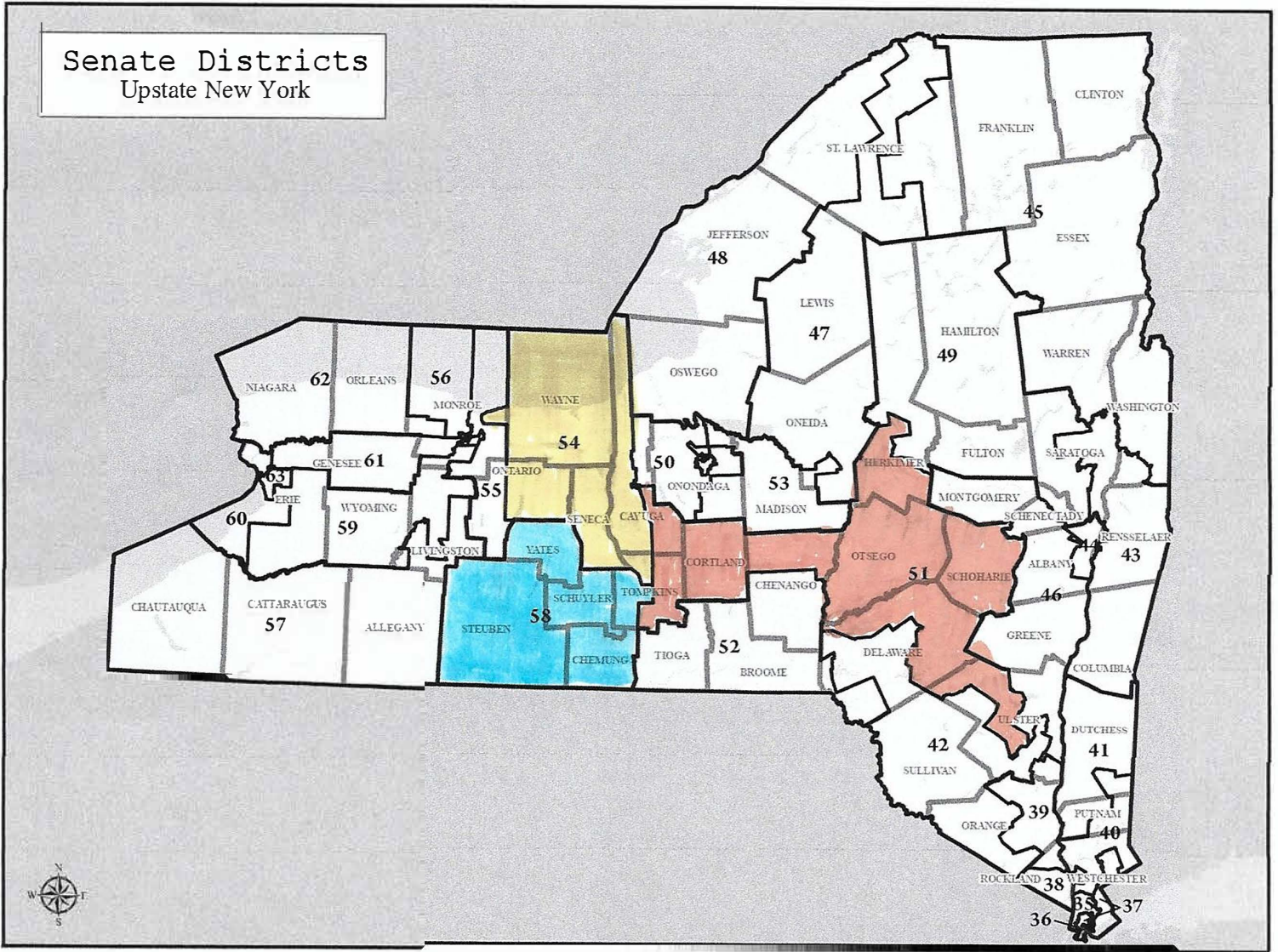
Sincerely,

Dolores Saltzman

- **Map File:** [Link to Map File](#)

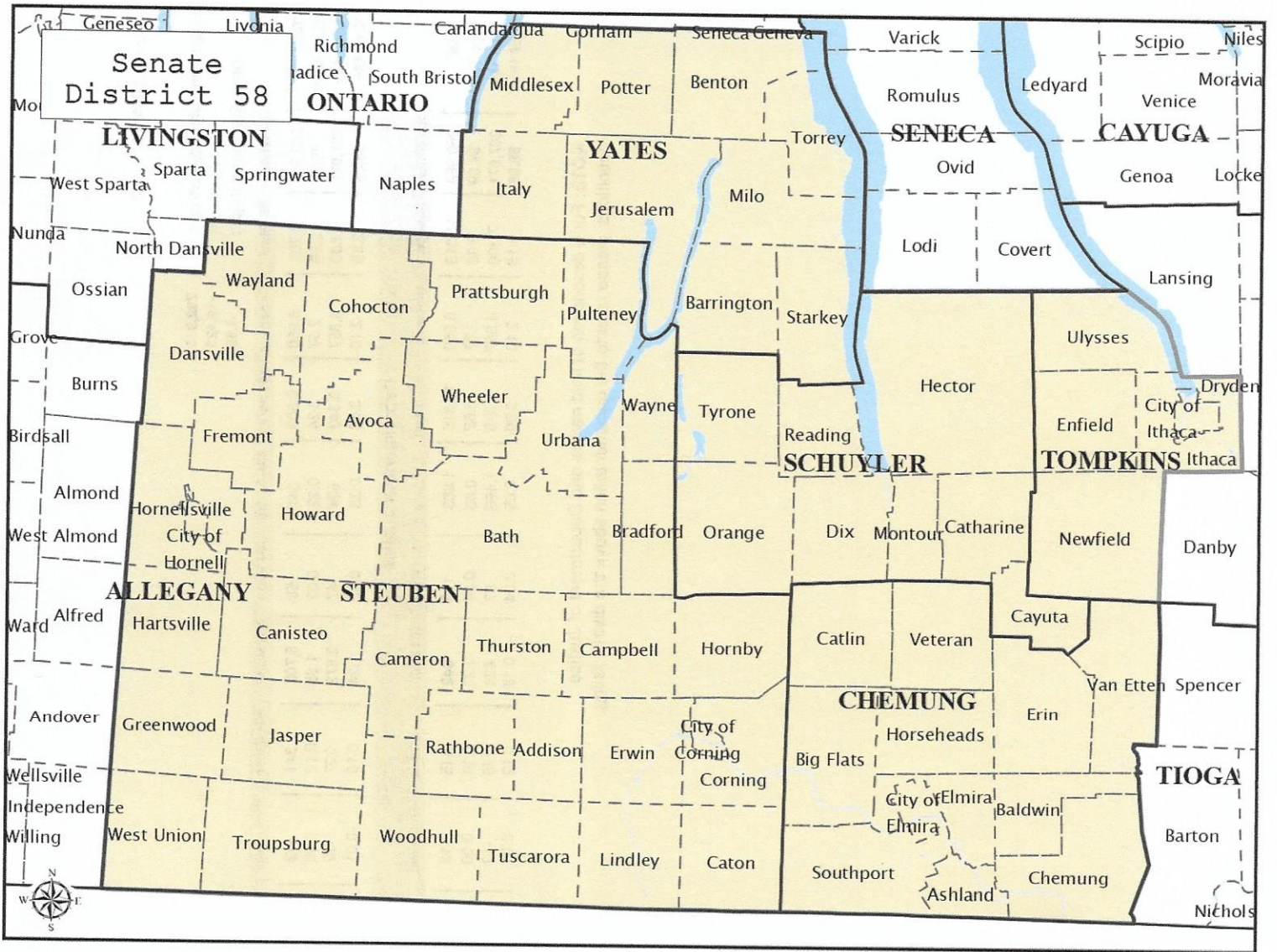
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Dolores Saltzman





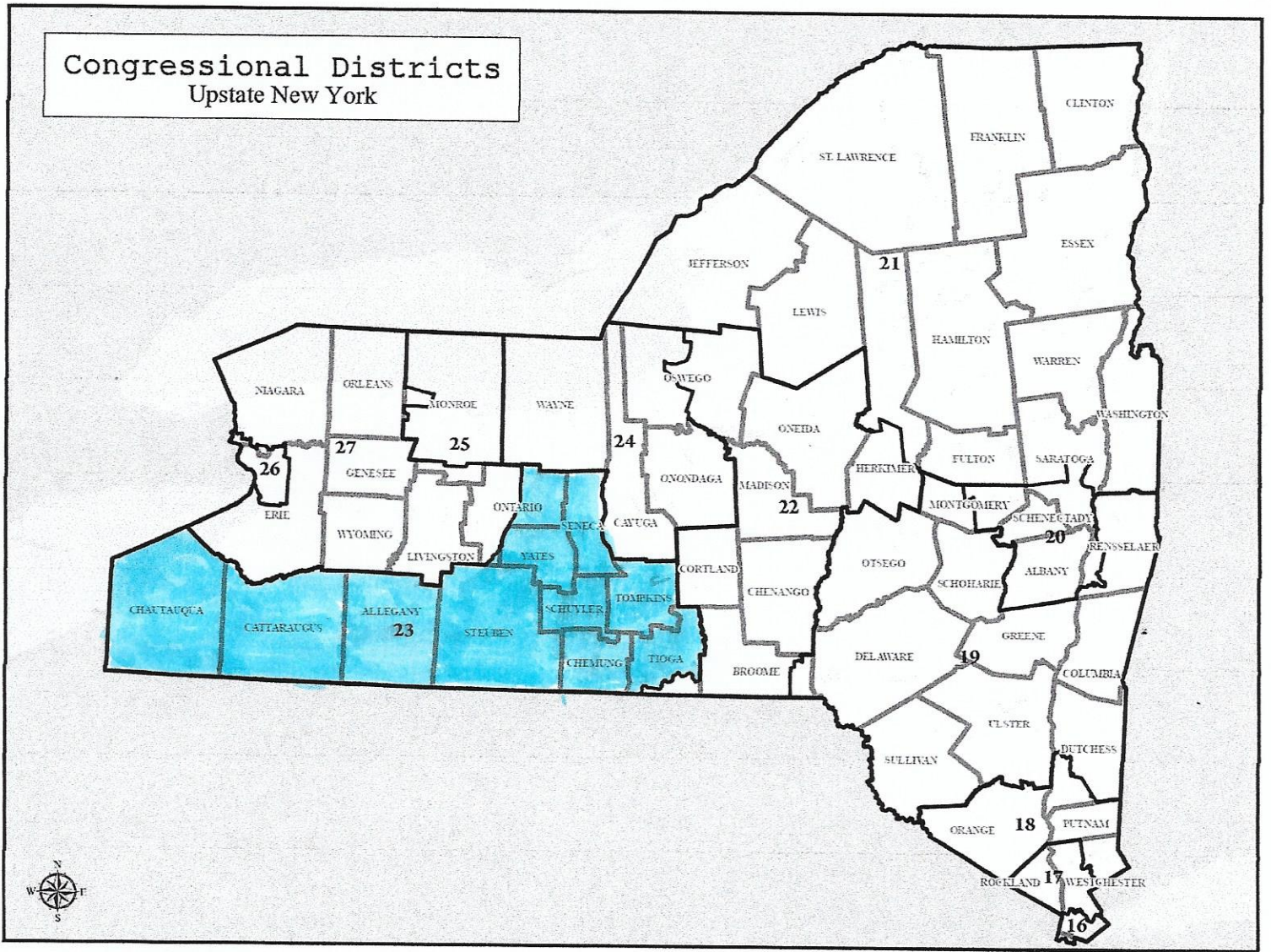




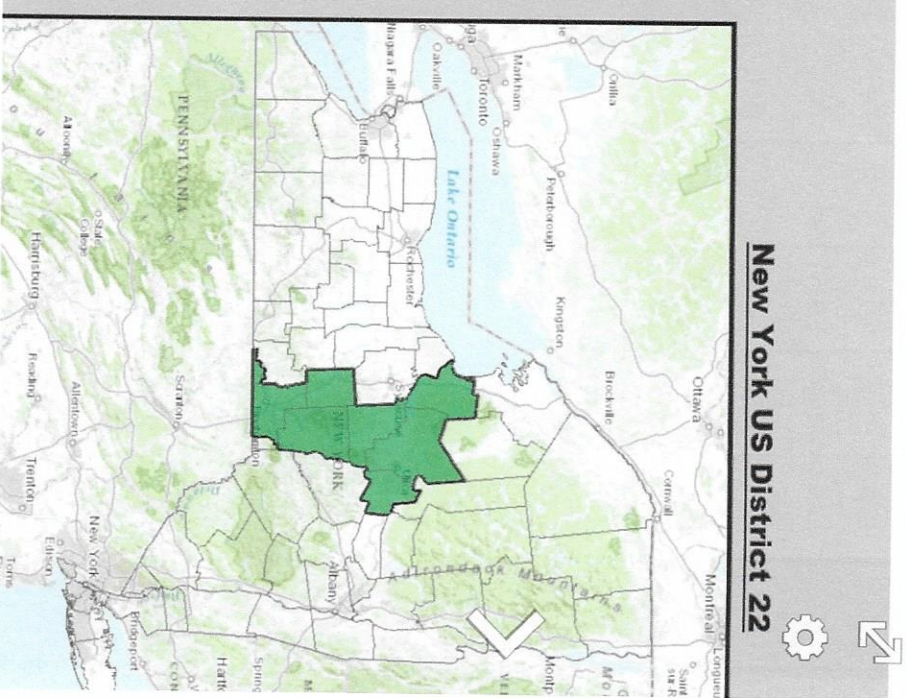
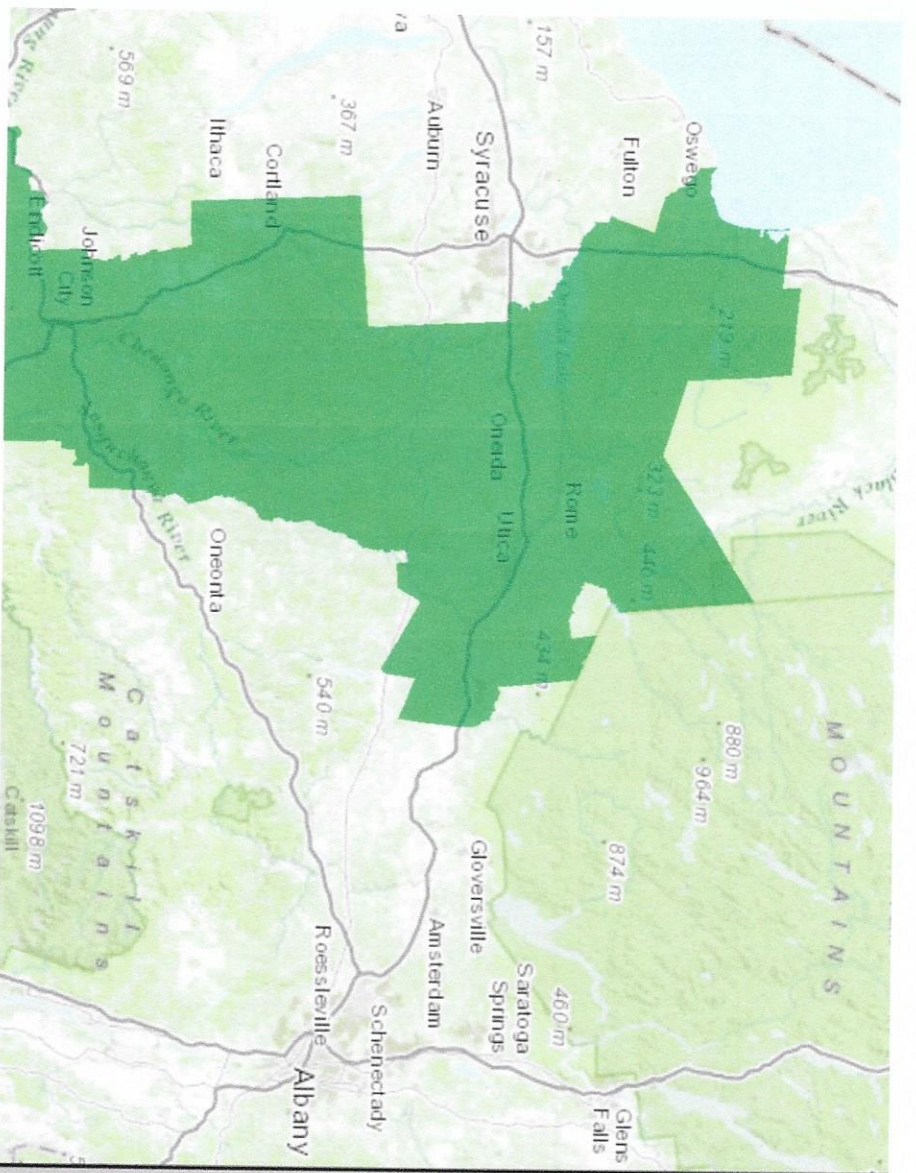




Dolores Saltzman







## Boundaries for New York's 22nd United States Federal Congressional District.

[More details](#)

1: GIS (congressional districts, 2013) shapefile data was created by the United States Department of the Interior. 2: Data was rendered using ArcGIS® software by Esri. 3: File developed for use on Wikipedia and elsewhere by 7partparadigm. - GIS shapefile data created by the United States Department of the Interior, as part of the "1 Million Scale" geospatial data project. Retrieved from: <http://nationalatlas.gov/atlasfp-1m.html?openChapters=#chpbound>

Public Domain

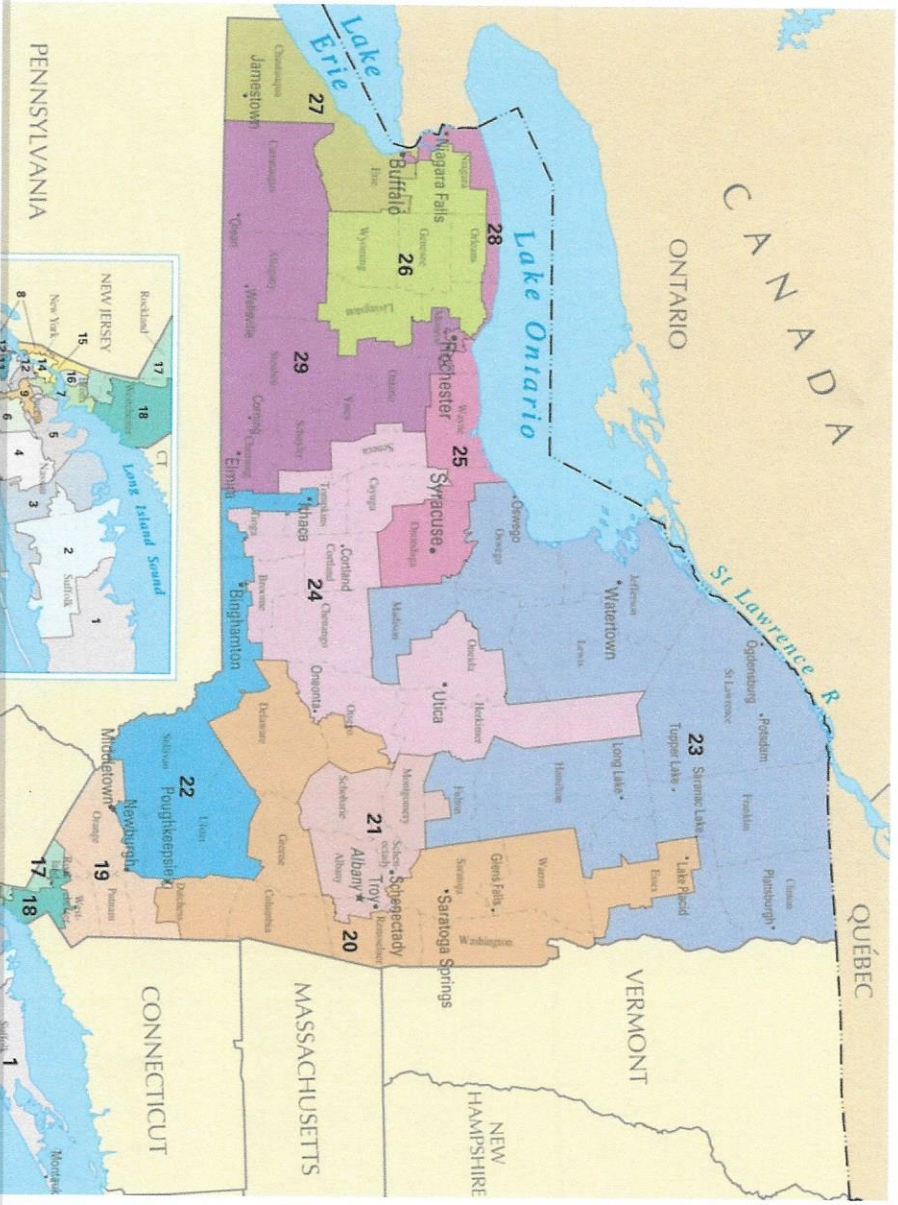
File: New York US

Congressional District 22 (since

2013).tiff

Created: 29 March 2014





# New York congressional districts from 2003 to 2013

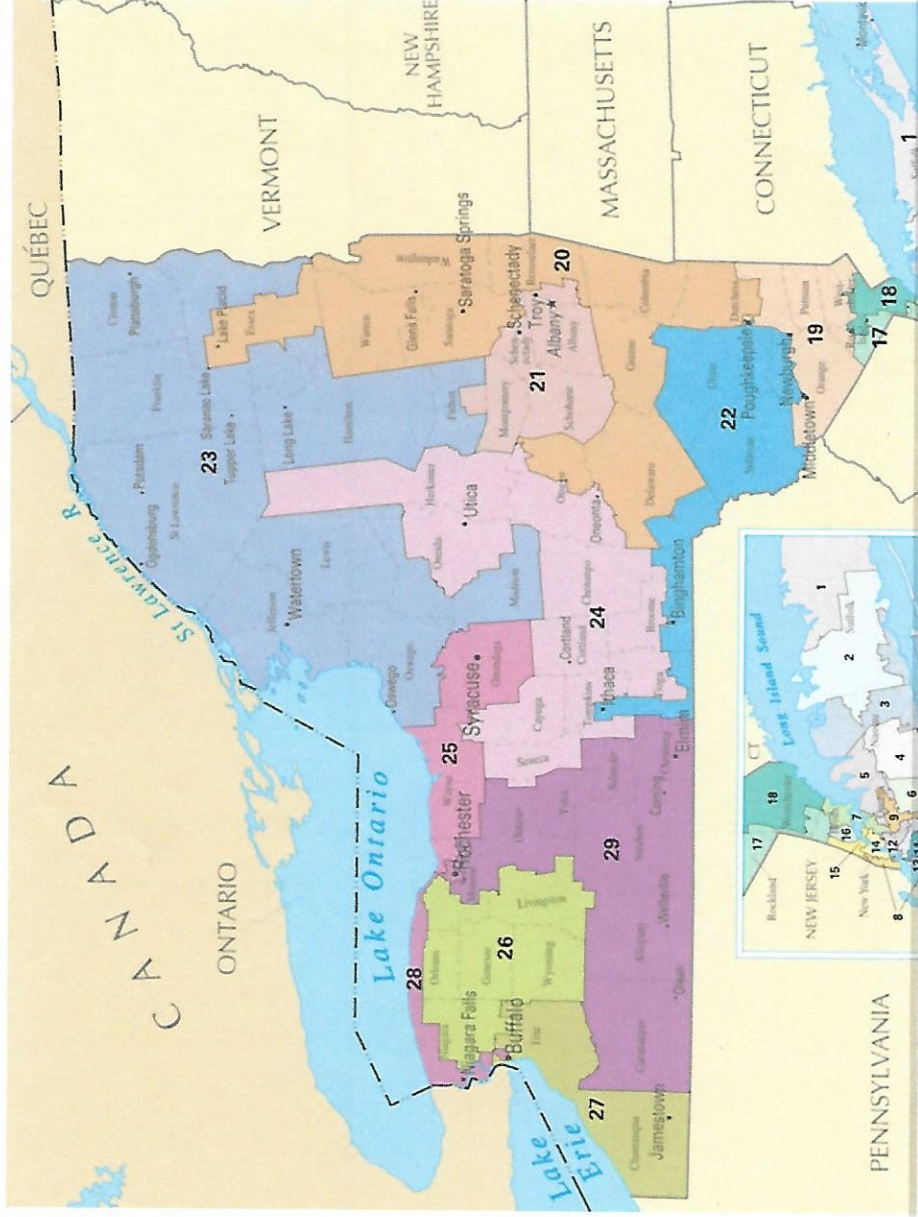
[More details](#)

United States Department of the Interior - Printable maps: New York. *National Atlas of the United States*. United States Department of the Interior. Retrieved on 2009-09-06.

Map of New York's congressional districts from 2003 to present.

Public Domain  
 File: NY Congressional Districts 110th Congress.png  
 Created: 1 January 2007





## New York congressional districts from 2003 to 2013

[More details](#)

United States Department of the Interior - Printable maps: New York. *National Atlas of the United States*. United States Department of the Interior. Retrieved on 2009-09-06.

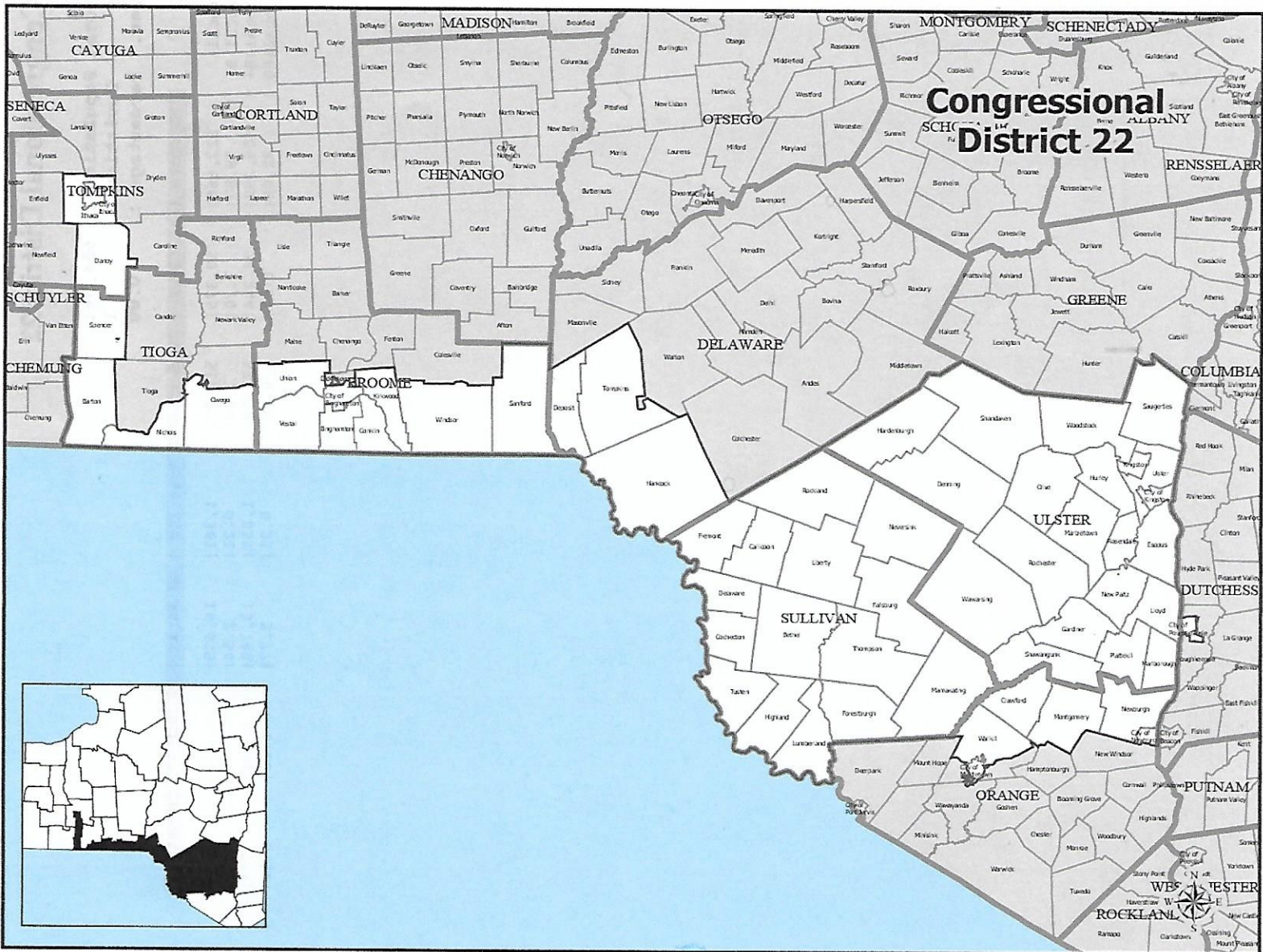
Public Domain

File: NY Congressional Districts 110th Congress.png

Created: 1 January 2007

Map of New York's congressional districts from 2003 to present.





# Congressional District 22

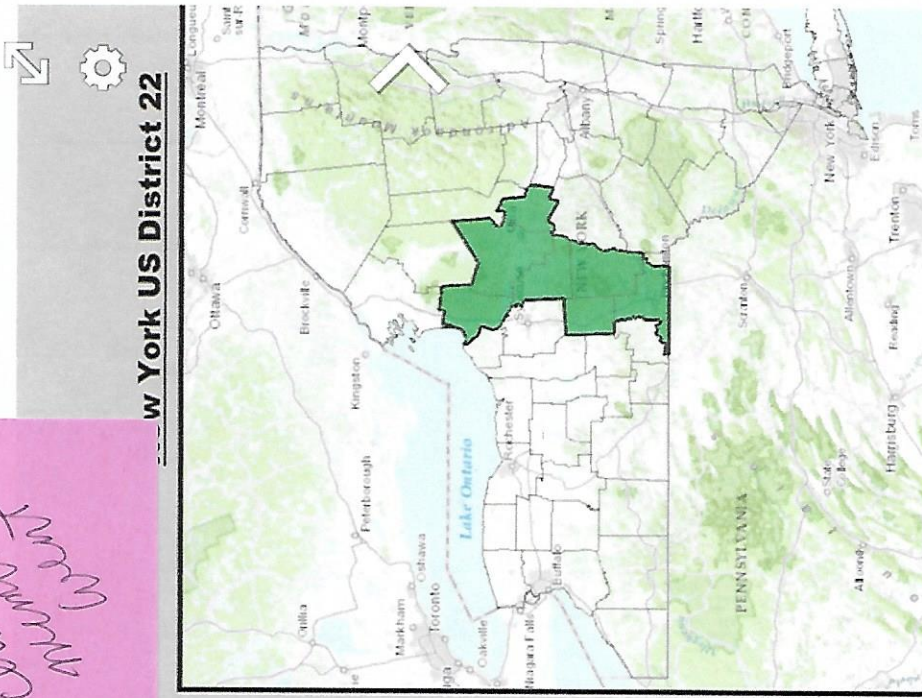
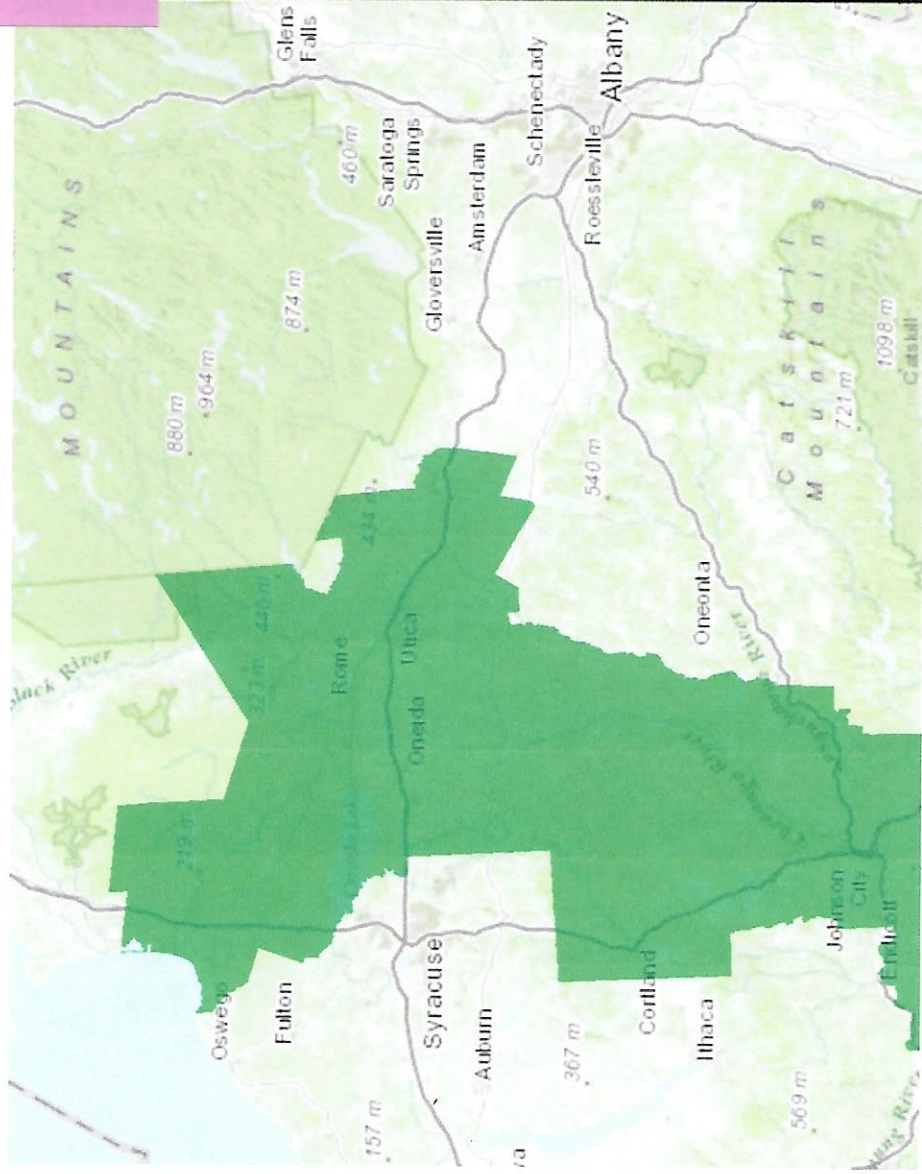
Total Population : 654,361  
 Deviation : 1  
 Percentage : 0.00

	NH White	NH Black	Hispanic	NH Amer Ind	NH Asian	NH Multi	NH Other
Total	522,666	50,375	51,037	1,361	16,635	10,874	1,413
Total %	79.87	7.70	7.80	0.21	2.54	1.66	0.22
Total18+	409,292	34,244	33,310	1,031	13,790	6,094	874
Total18%	82.08	6.87	6.68	0.21	2.77	1.22	0.18





*where  
the  
member  
is*



## Boundaries for New York's ~~22nd~~ United States Federal Congressional District.

**More details**

1: GIS (congressional districts, 2013) shapefile data was created by the United States Department of the Interior. 2: Data was rendered using ArcGIS® software by Esri. 3: File developed for use on Wikipedia and elsewhere by 7partparadigm. - GIS shapefile data created by the United States Department of the Interior, as part of the "1 Million Scale" geospatial data project. Retrieved from: <http://nationalatlas.gov/atlasftp-1m.html?openChapters=#chpbound>

Public Domain  
File: New York US  
Congressional District 22 (since  
2013).tif  
Created: 29 March 2014

**From:** [Danielle Futia](#)  
**To:** [Submissions](#)  
**Subject:** FW: Redistricting with Erie County  
**Date:** Sunday, August 15, 2021 5:53:46 PM

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*Danielle Futia*

Independent Redistricting Commission  
Assistant Director of Public Engagement  
[www.nyirc.gov](http://www.nyirc.gov)

---

**From:** [Donna H](#) [REDACTED]  
**Sent:** Sunday, August 15, 2021 5:48 PM  
**To:** [Danielle Futia](#)  
**Subject:** Redistricting with Erie County

No, no, no. Never. Please listen. Chautauqua county should no be linked to Erie county in any way

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Friday, July 30, 2021 4:29:23 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

all counties along the southern tier should be it's own district.  
Chautauqua, cattaraugus, allegany counties should be together and  
separate from Buffalo area.

**User:** DORIS GODFREY ([REDACTED])

Delete Comment

Ban User from Future Comments

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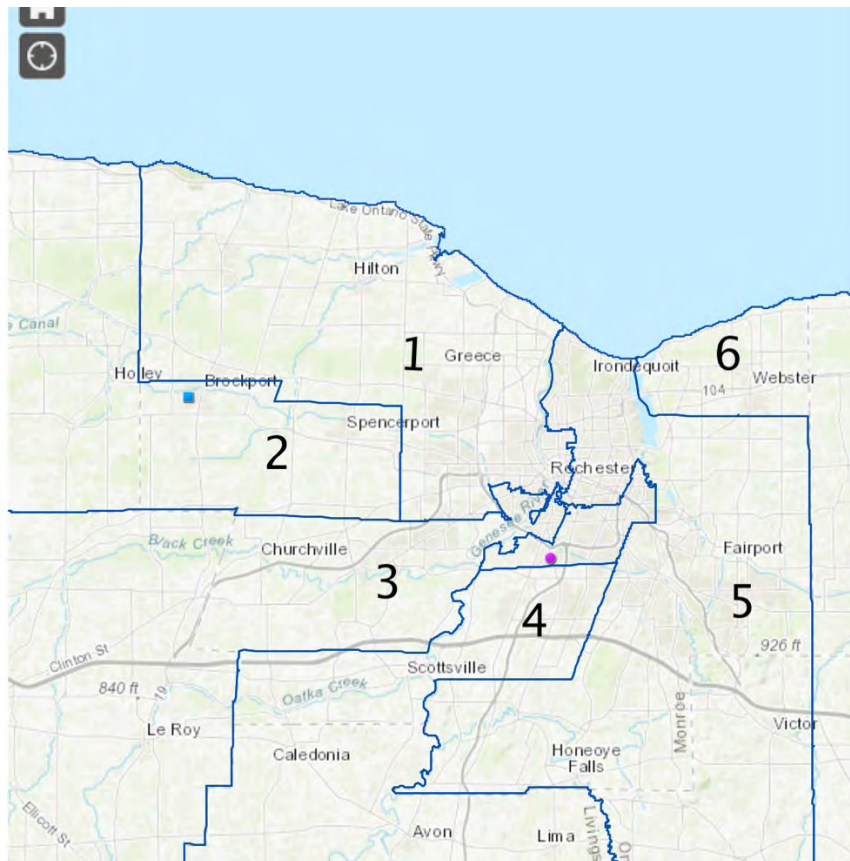
# Redistricting Commission Testimony

Dylan Dailor

I would like to begin by thanking this esteemed committee for having me today. I have been watching the each of the meetings and this group has done a great service for our state by just listening to some of the communities that have been disenfranchised by districts drawn for politicians. After being party to a conversation last year where the Lieutenant Governor promised that State Senators in Monroe County would have their districts drawn favorably during this cycle, I understand more now than ever that the work being done by this commission is vital to trying to undo the partisan gerrymandering that both parties have perpetuated.

## State Senate

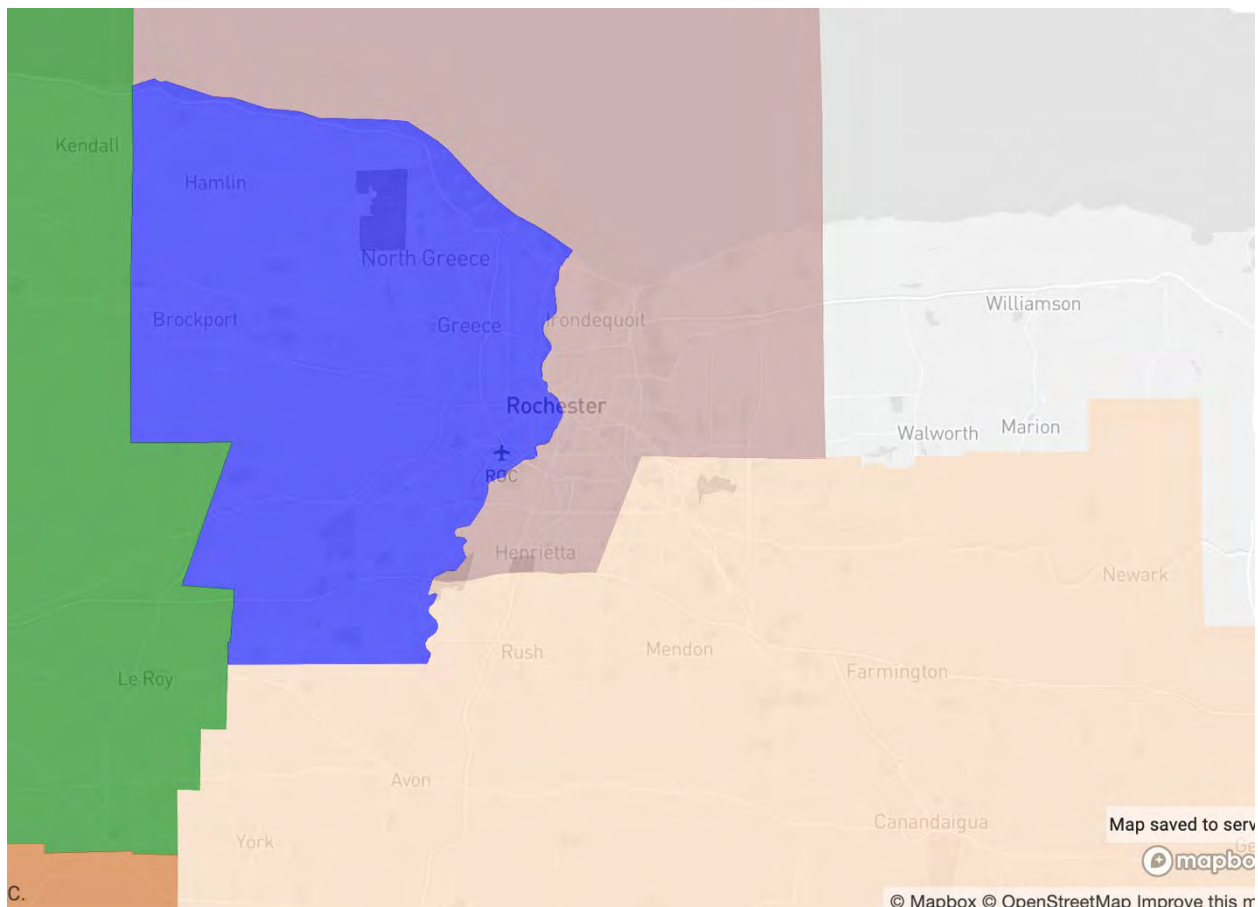
To begin, I would like to address the State Senate districts that currently exist within Monroe County.





I marked in this photo to show that this area is currently split into six separate State Senate Districts. The city of Rochester alone is split into three different districts and if the committee were to zoom in specifically on the city, they would see that it has been carved up in a way that splits the University of Rochester into two separate districts. One for the River Campus that is west of the Genesee River and one for the Medical Campus which is a two-to-three-minute drive depending on how long the lights are that day.

While obviously the release of Census data today might change some of the specifics of the map, the general ideas presented in the State Senate maps submitted with my testimony still stand. My recommendations suggest using the Genesee River as a divider between the 55<sup>th</sup> and 56<sup>th</sup> districts and only splitting the county in three instead of into six. This would allow for districts based on an east and west dynamic instead of one that carves up the county and separate the 19<sup>th</sup> Ward from the rest of the city.

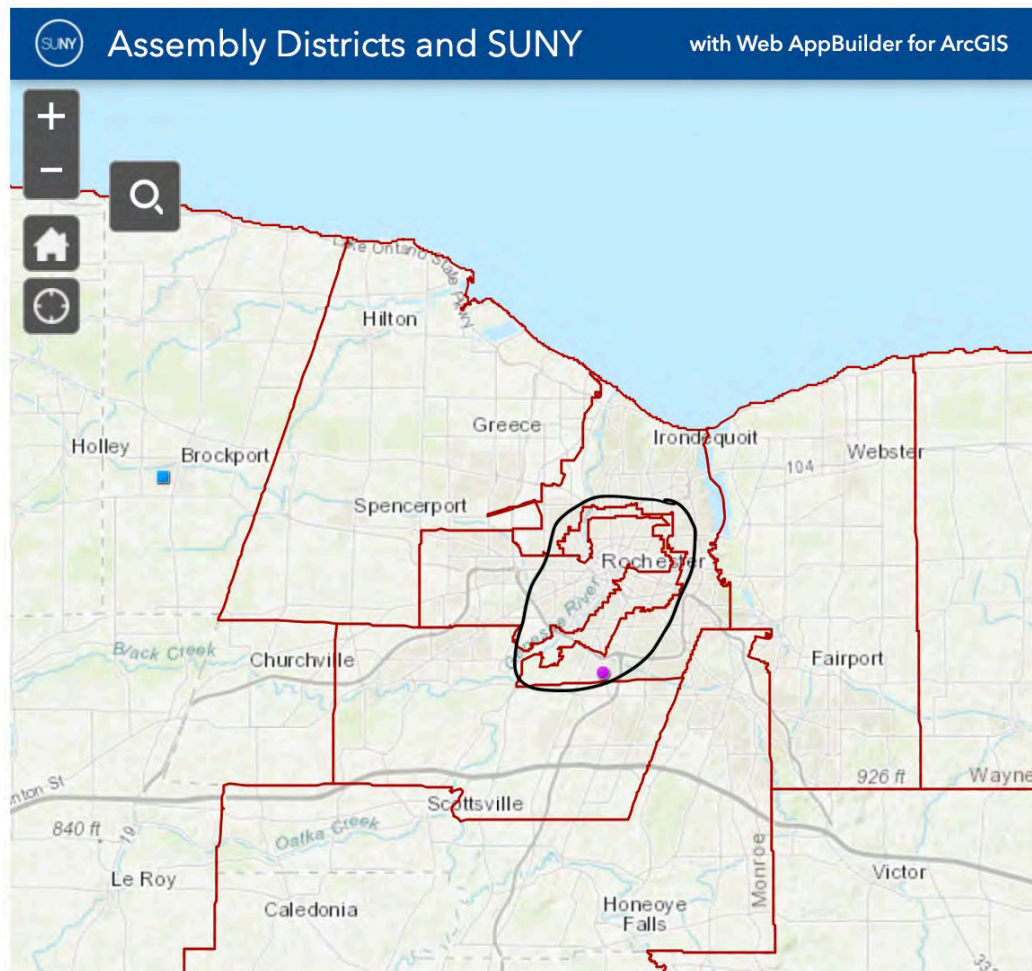


### State Assembly Districts

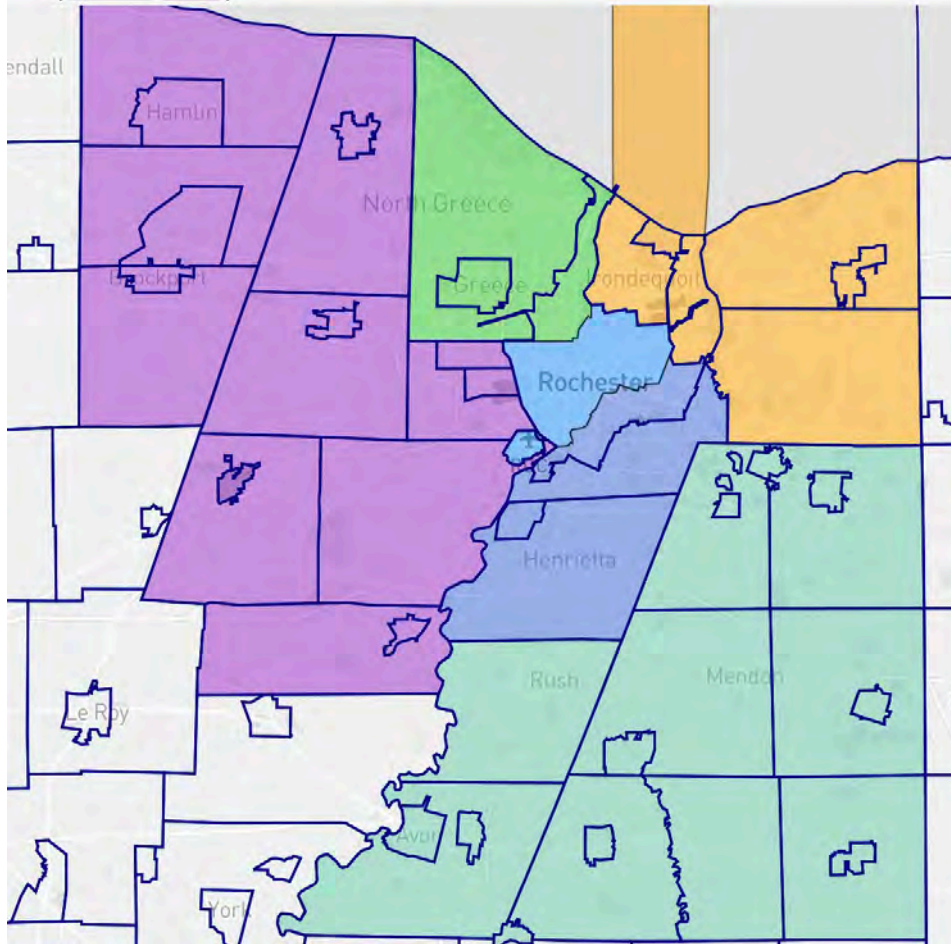
Onto the topic of State Assembly districts, I would like to point to what I affectionately refer to as the “lemur tail” of the 138<sup>th</sup> district. While I certainly feel like the current representative for that district does an excellent job managing to represent a portion of the city, the design of that section of the district has no reason to exist. I would also point out that the current map does



not have a district that is fully contained within the city, tying all three of them to the surrounding suburbs, diluting its political power



The 135<sup>th</sup> district and 134<sup>th</sup> district are drawn in a compact manner while the city districts are drawn to promote incumbency and partisan districts. The districts that I have attached with this testimony recommend continuing the split of the city of Rochester into three districts (technically four because of the cast-off portion along the beach in Irondequoit) but made much more compactly and starting by returning the 134<sup>th</sup> district to its former composition that includes part of the city. Compacting the 137<sup>th</sup> completely into the city to give residents more say in bills that would impact them without having to also cater to the needs of a suburb. The 138<sup>th</sup> loses its lemur tail and fits within the city, Brighton, and Henrietta.



### **Conclusion**

I want to thank the committee once again for taking the time to talk with everyone here today so that you can understand the impact that excluding communities has had on our political system. The city and county have both been repeatedly carved up to serve the incumbents instead of the people and as I mentioned earlier, without maps drawn by this committee, I fully expect that the legislature would once again do so. Please

## Edmund Starowicz

Thank you, Chairman David Imamura, Vice Chair Jack Martins, and all the New York State Independent Redistricting Commission members, for your time and patience to listen to NY residents. It has been almost a month of your time on just these hearings.

As you draw the first set of maps for New York, I have listened to many special interest groups lobby for allowing their communities to be focused within a specific district. I support maintaining the communities such as the Asian Pacific groups in Brooklyn and other groups across NY. I support maintaining City centered districts in NYC, Buffalo, Rochester, Yonkers, Syracuse, and Albany with the big 5 school district communities also to be considered so that their communities and those with people of color, or other ethnicities and their city issues can be translated into the representation of the voters. Do not break up communities like Little Italy or Chinatown in NYC unless the ethnic dominance has migrated out of the area. Support communities like Kiryas Joel, the village within the Town of Palm Tree in Orange County. Its residents are Yiddish-speaking Hasidic Jews who belong to the worldwide Satmar Hasidic sect. Try to protect those type of known communities across NYS with ONE elected official representing those interests as best as possible. **DO NOT BREAK UP NEIGHBORHOODS!**

My key focus on this effort is multi-faceted as you redraw the lines of state legislative and congressional districts.

1. Be data driven with computer generated algorithmic profiles that satisfy the population distribution yet still maintain as best you can the unique characteristics of special communities for state Senate & Assembly Districts and the Congressional districts.
2. This is about the voters! Right now, do not even think about Republican or Democrat districts. It should be about the voters and their communities.
3. At the Congressional level the districts in most part across UPSTATE New York state appear adequate as they are created now. Bottom line is they are blob shaped in nature or cover a large swath of land area. In NYC there is room for improvement in Districts #5, #7, #8, # 12 and #14. Do not make snake trails and do not even think about worrying or getting lobbied by legislators to hold their Congressional districts.
4. In the NYS Assembly Districts in our Rochester area, # 136 looks like a reverse can opener. #138 is boxy BUT snakes around other districts. Don't let that happen. Please watch those type of string and/or snake borders. I again ask for more rectangular/square districts or lump areas that STILL protect the ethnic communities.
5. In the NYS Senate, District #55 should be more boxed. For Senate districts consider starting at the major city centers and working your way out to the suburbs. Maintain ethnicities yet get rid of the snake trails. Try to make new districts like the present #54 & #58.

Remember this is about the voter, not special interest groups or political parties. Let the parties fluctuate.

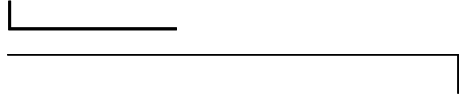
The 1812 event when Massachusetts Gov. Elbridge Gerry approved a partisan district that was so oddly shaped it was said to resemble a salamander, which, combined with his surname, produced the term "gerrymander is what has got us here today." Governor Gerry was a salamander, I am a Boxer. We don't need any more snakes or salamanders in NYS, make them more boxed.

Please be the leader in America so that other states see your leadership and vision.

Please redistrict accordingly. I look forward to seeing great maps that do not rely on present residency of incumbents or party affiliation breakdowns but rather identify the major cities, their internal communities and neighborhoods and maintain VOTERS number versus party allegiance.

Thank you for your time and consideration. Thank you for volunteering for this historic committee.

Edmund Starowicz



# Second Amendment for EVER, Inc.



August 3, 2021

**To: Independent Redistricting Commission**

**From: Ed Pettitt  
President, Second Amendment for EVER, Inc.**

**Re: Independent Redistricting Commission Submission from (SAfE) in Niagara County**

Dear Commissioners,

I am Ed Pettitt, President of Second Amendment for EVER, Inc. (SAfE) in Niagara County. Our role as a civics organization is to encourage gun owners to vote and to advocate for the rights of gun owners in Niagara County in a manner that is non-political and non-partisan. I am writing to you to share my perspective that the proper districting of the NYS Senate should be by county. Each county should be represented by one senator to provide an equal voice to each of the diverse county governments, peoples, and cultures.

Article IV, Section 4 of the US Constitution guarantees to every state “a republican form of government.” Key constructs of our republic are the protection of individual rights through the rule of law, that power flows upward from the citizenry with their consent and that checks and balances are required to prevent a consolidation of government power that can “abuse” its people. In our Federal government the Legislative Branch was designed to balance the “voice of the people” with the “voice of the states”. Each state has 2 senators regardless of population. The Wisdom of this design continues to prevent an overwhelming consolidation of political power to the few populous states which would overwhelm the majority of states in the nation. Likewise, we should consider a similar design for New York State by districting the senate by county and have 62 senators- one from each county.

The current districting of the NYS Senate which is by population is basically the same as the Assembly and has thus shifted legislative power to the population center around New York City for both houses. In the Senate, roughly 14 counties are represented by 43 senators while the remaining 48 counties are represented by 20 senators. This districting design has negated the ability of the NYS Senate to balance the Assembly and has led to a near total consolidation of government power to the downstate region. Whether intentional or by design, policies that deter growth or cause decline in the poorly represented counties throughout the state has continued this shift in power which now seems unstoppable.

Each county is unique in its culture, government, industry, natural resources, and people. And since our republic protects the rights of the individual then there are rights that must extend to the local government and communities created by those individuals. To not have a mechanism for a distinct voice of the county at the state senate is contrary to being a republic. Redistricting the Senate by county will equitably distribute legislative influence among the diverse counties throughout the state and restore some balance in our state government.

Respectfully,

# Second Amendment for EVER, Inc.



*Edward D. Pettitt*

Edward D. Pettitt  
President, Second Amendment for EVER, Inc.  
[REDACTED]

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Saturday, July 24, 2021 1:45:15 PM

---

## New York State Independent Redistricting Commission

A private comment has been submitted

Keep Chautauqua County with the other southern tier counties. Our rural lifestyle and way of living are much more in tune with the rest of the southern tier counties compared to the urban/sub-urban life of the denser population of Erie County.

**User:** Edwin Andeerson [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

## Submissions

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**From:** Miranda Goodwin Raab  
**Sent:** Thursday, September 9, 2021 10:22 AM  
**To:** Submissions  
**Subject:** FW: New York State Independent Redistricting Commission- Genesee County Map Submission  
**Attachments:** RedistrictingMappingDataRequestWater\_GC\_20210909.pdf;  
RedistrictingMappingDataRequest\_GeneseeCounty\_Shapefiles\_20210909.zip

---

**From:** Felipe Oltramari <[REDACTED]>  
**Sent:** Thursday, September 9, 2021 10:22 AM  
**To:** Miranda Goodwin Raab <[REDACTED]>  
**Cc:** Ahsia Badi <[REDACTED]>; Erin Pence <[REDACTED]>; Rochelle Stein  
<[REDACTED]>  
**Subject:** New York State Independent Redistricting Commission- Genesee County Map Submission

Ms. Goodwin-Raab,

The great majority of Genesee County residents live, go to school, shop and worship within the City of Batavia, its villages: LeRoy, Oakfield, Bergen, Corfu, Elba, Alexander and its major hamlets such as Stafford, Darien Center, Pavilion, East Pembroke, Byron, Indian Falls, Bethany Center and Alabama. The county is uniquely tied together through a countywide water system/project that includes inter-municipal agreements between the county and each of its municipalities. The agreements include adherence to the County Smart Growth Plan which discourages water hookups, and therefore development, outside of these existing population centers.

Please find attached a PDF Map and zipped folder with associated ESRI Shapefiles. The map shows the ultimate build-out of the County water system and the current Smart Growth Development Area Boundaries Do not hesitate to contact me directly with any questions.

Thank you,

-Felipe

**Felipe A. Oltramari AICP CNUa**  
Director  
Genesee County Department of Planning

On the web at: [www.co.genesee.ny.us/departments/planning](http://www.co.genesee.ny.us/departments/planning)





**We are charting a new  
course for Genesee County.  
Your feedback is important!  
Please visit:  
[www.Genesee2050.com](http://www.Genesee2050.com)**

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Written Comment Submission  
**Date:** Monday, August 9, 2021 2:56:11 PM

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Members of the Independent Redistricting Commission (IRC), thank you for allowing me to submit input. My name is Felissa Koernig, and I am the President of the Guthrie Corning Hospital, alumni of Elmira College, and a proud resident of the Corning Valley. It is a great place to live, work and raise a family. It is these qualities that brought me back to this area after living out of state for over a decade.

As you undertake this important task of re-drawing our state's congressional and state legislative districts, I felt that it was important to share what makes this region distinct. The labor force for Guthrie Corning Hospital and surrounding entities is over 1000, all right here in the Southern Tier. These employees choose to work and raise their families here because of the unique characteristics of this region. These communities share common values. The schools our children attend and the health care system that serves our region is centered here. So when hospital staff care for patients, these patients are neighbors, families, and friends.

This is a special community, with a unique history and we would not want to see the identity of this region split up. Dividing our community or combining us with a larger metro area would have an adverse impact on the character of the district and the unique issues of rural and industrial manufacturing life that have been at the core of the district for decades. This is one of the fundamental reasons we believe that these core counties should remain together, at the heart of the district and not be split up.

Areas like ours, smaller and more rural, are impacted much more by their legislative districts. Our geography including the distance between neighbors and communities means that things like a congressional district, our school system, and hospitals are what bring us together and define us. We would feel the impact of a change in Congressional district more acutely than a larger metro area would. Additionally, there is potential for the voices of these smaller, rural communities to be drowned out by those larger metropolitan areas overshadowing the important issues that we face. Ultimately, this would negatively impact the region and New York overall.

I want to thank you for the opportunity to be here today and tell you a little bit about why we believe that our special part of New York should stay intact as you complete your work in the days ahead.

Felissa Koernig, JD/MBA, FACHE  
President/COO  
Guthrie Corning Hospital  
[REDACTED]  
Corning NY 14830

**MEMORANDUM**

**TO:** New York State Independent Redistricting Commission

**FROM:** Frank Campbell, Sportfishing Program Coordinator  
Niagara County Department of Economic Development

**DATE:** August 6, 2021

I would like to thank the New York State Independent Redistricting Commission for this opportunity to submit input as the Commission begins its work to redraw the State's District lines following the 2020 Census.

Niagara County is surrounded by water. Lake Ontario to the north and the Niagara River to the west. The Erie Canal traverses through the heart of Niagara County and there are numerous creeks and streams offering a variety of fishing options. In the last four years we experienced two high water events in 2017 and again in 2019. When it was time to work with New York State to respond to these catastrophic events, it was good to have one representative in the New York State Senate whose sole focus was Niagara County.

It is my belief that one voice representing the concerns and needs of the Niagara County Sportfishing Promotion program is the best approach as it pertains to the redrawing of Senate district lines. Dividing representation unnecessarily creates another layer of government to contact and work with, often greatly slowing efforts to deal with issues. One Senator representing Niagara County offers a more direct avenue to dealing with policy and legislation which effects the Sportfishing and Outdoors community.

A recent economic impact study indicates that sportfishing has a \$30 million economic impact in Niagara County. Please consider the promotion of the world-class Niagara County Sportfishing industry into the equation when considering redistricting.

I would like to respectfully request that the 62<sup>nd</sup> Senate District remain as is, with one representative serving all of Niagara County.

Thank you for the opportunity to address this issue.

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Tue 8/3/2021 12:32 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

Please leave the boundaries for the 23rd District intact. The demographics are similar and the District, as it is works! Frederick Sinclair, Alfred NY 14802

**User:** Frederick P Sinclair Jr

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Tuesday, August 3, 2021 12:32:19 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

Please leave the boundaries for the 23rd District intact. The demographics are similar and the District, as it is works! Frederick Sinclair, Alfred NY 14802

**User:** Frederick P Sinclair Jr [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Fri 8/6/2021 12:55 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

---

A private comment has been submitted

Please keep District 62 serving Niagara/Orleans! The Shawnee Sno-Chiefs need representation who knows/understands us/our ability to be an economic engine to businesses. We need continued leadership here. Our trails connect these counties and the state

**User:** Gary Broderick [REDACTED]

Delete Comment

Ban User from Future Comments

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Gayle Ablove

The state should be redistricted by geographic blocks which resemble its counties.

The 2011 redistricting created a district that includes Buffalo and Rochester, 2 of largest cities in Upstate New York. This district must be dismantled so that Buffalo and Rochester are in separate districts once more.

Ginger Schroder

I write to urge you to maintain the existing boundaries of the 23<sup>rd</sup> Congressional District. Redistricting in the State of New York is the process of drawing new congressional and state legislative district boundaries wherein the process is completed every ten (10) years following the completion of the United State Census, and New York's 26 United States Representatives and 213 State Legislators are all elected from political divisions called districts. Federal law dictates that such districts must have equal populations and must not discriminate on the basis of race or ethnicity, and New York State Law requires that State Legislative Districts be contiguous and compact and must also take into account the "historic and traditional significance" of counties. The history and tradition of Cattaraugus County is that it has been included within a congressional district encompassing New York State's Southern Tier Region, and the counties along New York State's Southern Tier constitute a substantial community of interest, with a common and integrated regional economy. Unlike Central and Western New York, Southern Tier counties share a common border with Pennsylvania. When dealing with interstate issues, it's particularly important that our region has its own representative in Congress.

Unlike the regions centered around bigger cities like Buffalo, Syracuse and Rochester, the structure of our economy and the delivery of social and community services is very different in a rural area like the Southern Tier. As a result, the role of state and federal government and the way it engages the people who live here is different. The same approach and solutions that work in other parts of Upstate are ill suited to the Southern Tier. For generations, the Southern Tier has had a dedicated member of Congress, even as the state has lost congressional districts to other states. It's critically important that the Southern Tier continues to have a seat in the House of Representatives.

The residents of the Southern Tier counties have common concerns about access to quality health care and the sustainability of rural health care providers. We also have grave concerns about broadband access, which lack thereof became a critical and marginalizing issue during the past year and one half of the pandemic. It is imperative that the Independent Redistricting Commission (with input from citizens) devises the best possible redistricting plan and considering the requests of citizens from each region helps ensure that no region of the state, special interest or political party gains an unfair advantage in the redistricting process. The



Independent Redistricting Commission of New York State and the New York State Legislature should continue the State's longstanding practice of combining the Southern Tier counties in a single congressional district because they constitute a community of interest whose residents are best represented by having a unified voice in the United States House of Representatives. The current construction of New York's 23rd Congressional District has well served the residents of the Southern Tier and it is generally compact, contiguous and respects municipal boundaries, the Independent Redistricting Commission of New York State and the New York State Legislature should make every effort to preserve the District's existing boundaries to the greatest extent practicable. As a local legislator I strongly urge the Independent Redistricting Commission of New York State and the New York State Legislature to make every effort to preserve New York's 23rd Congressional District's existing boundaries.

Ginger D Schroder, Esq.  
County Legislator, Legislative District #3



## Gregory Edwards

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Wednesday, August 18, 2021 9:36:11 AM

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### New York State Independent Redistricting Commission

A private comment has been submitted

Committee: I have had unique exposure to two of the potential approaches (the two most recent maps) to a Congressional District for WNY. My experience began with my role as an intern in the office of Congressman Stanley Lundine who represented the Region 1976-1986. Following that I interacted with Congressman Amo Houghton 1987-2005 who then supported my successful campaign for County Executive of Chautauqua County in 2006 (I served from 2006-2013). Each of these Congressman represented the area when the map was a Southern WNY District. As County Executive I worked closely with Congressman Brian Higgins who represented this area from 2005-2013, as a Southern WNY District, which was then amended to become included with Erie County and Niagara County in what is described as a Northern WNY District. Since leaving elected office I have served as CEO of the Gebbie Foundation working closely with our elected officials including our present Congressman Tom Reed. We have been fortunate to have been represented by talented, and committed Congressmen irrespective of Political Party. Each has done an excellent job. However, Congressman Higgins was saddled with the obligation of managing the very different constituencies of the urban areas of Niagara Falls and Buffalo in addition to our rural Chaut. Co. when the District had a Northern alignment. Again, I think Congressman Higgins did a fine job, but the complexity of the difference in issues and needs of Urban vs Rural was always a challenge. When the Map was amended when Congressman Reed was elected it to return it to a Southern WNY District, even though bigger in geography, it proved to a more homogeneous District with common challenges and needs across the District. I witnessed how that enabled Congressman Reed to serve this District in a more

effective manner. I hope you can see from my positive relationships with Congressmen Lundine, and Higgins as Democrats, and Houghton and Reed as Republicans this is not a political issue. It is my strong conviction that a Southern District alignment for our Congressional Representation is just a more effective design. Gregory J. Edwards CEO Gebbie Foundation Jamestown NY 14701

**User:** Gregory Edwards [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Tuesday, July 27, 2021 10:30:06 AM

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## New York State Independent Redistricting Commission

A private comment has been submitted

The special challenges facing rural healthcare providers, school districts and businesses to a lack of broadband access and the financial challenges facing our small cities, the Southern Tier needs its own voice in Washington to ensure we are heard.

**User:** Gretchen Hanchett ([REDACTED])

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Tuesday, July 27, 2021 10:31:50 AM

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## New York State Independent Redistricting Commission

A private comment has been submitted

Unlike Central and Western New York, Southern Tier counties share a common border with Pennsylvania. When dealing with interstate issues, it's particularly important that our region has its own representative in Congress.

**User:** Gretchen Hanchett [REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED] mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Tuesday, July 27, 2021 10:31:50 AM

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## New York State Independent Redistricting Commission

A private comment has been submitted

Unlike Central and Western New York, Southern Tier counties share a common border with Pennsylvania. When dealing with interstate issues, it's particularly important that our region has its own representative in Congress.

**User:** Gretchen Hanchett [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Tue 7/27/2021 10:31 AM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

Historically, the differences between the Southern Tier and both Western and Central New York have been reflected in the drawing of congressional and state legislative district boundaries.

**User:** Gretchen Hanchett

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Tuesday, July 27, 2021 10:32:26 AM

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## New York State Independent Redistricting Commission

A private comment has been submitted

For generations, the Southern Tier has had a dedicated member of Congress, even as the state has lost congressional districts to other states. It's critically important that the Southern Tier continues to have a seat in the House of Representatives.

**User:** Gretchen Hanchett [REDACTED]

Delete Comment

Ban User from Future Comments

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Tuesday, July 27, 2021 10:33:23 AM

## New York State Independent Redistricting Commission

A private comment has been submitted

New York's Independent Redistricting Commission was designed to take politics out of the redistricting process and ensure that each region of the state was treated fairly

**User:** Gretchen Hanchett ([REDACTED])

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Tuesday, July 27, 2021 10:33:46 AM

## New York State Independent Redistricting Commission

A private comment has been submitted

The Southern Tier is unquestionably a community of interest and I ask the commission to ensure the Southern Tier keeps its voice in the House of Representatives.

**User:** Gretchen Hanchett ([REDACTED])

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Thursday, July 29, 2021 8:13:59 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

I think Chautauqua, Cattaraugus and Allegany counties and a portion of Livingston should stay together since we have common interests. Do not put our rural communities with a big city. Our voices need to be heard.

**User:** Henry Malarkey [REDACTED]

Delete Comment

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This e-mail has been automatically generated

Ida Golden  
Chautauqua County



August 7, 2021

## Testimony of Ida Golden

### New York State Independent Redistricting Commission

David Imamura and Jack Martins, and Commission Members.

My name is Ida Golden, and I am here to voice my concerns and opinions. I live in Ashville, Ny. Ashville is part of the beautiful Chautauqua County where visitors come from all over to vacation. Tour the wine trail, visit Lucille Ball museum, or hear a lecture at Chautauqua Institution, take a peaceful drive along the winding county roads, visit family owned farms and roadside vegetable stands. Smell the fresh chopped hay or taste the freshly harvested maple syrup. There are vineyards, orchards, pumpkin patches, you name it we have it. We are a community who embrace our local rural roots.

It is so important that redistricting be linked with who we are as a community. A community of common values, and influences. We are rural, made up of small towns and villages with agriculture as our core. If we were to be linked up with a large city we would risk losing our identity and our voice.

I urge you to draw the district lines by population connecting us along the southern tier. Our communities along the southern border are of like

influences. I oppose Chautauqua County being mapped in with Buffalo, the concerns of Buffalo are not the agricultural concerns of the Southern Tier. Thank you for the opportunity to address the committee.

Ida Golden

Ida Golden

[REDACTED]  
Ashville, NY 14710

August 7, 2021

## Testimony of Ida Golden

### New York State Independent Redistricting Commission

David Imamura and Jack Martins, and Commission Members.

My name is Ida Golden, and I am here to voice my concerns and opinions. I live in Ashville, Ny. Ashville is part of the beautiful Chautauqua County where visitors come from all over to vacation. Tour the wine trail, visit Lucille Ball museum, or hear a lecture at Chautauqua Institution, take a peaceful drive along the winding county roads, visit family owned farms and roadside vegetable stands. Smell the fresh chopped hay or taste the freshly harvested maple syrup. There are vineyards, orchards, pumpkin patches, you name it we have it. We are a community who embrace our local rural roots.

It is so important that redistricting be linked with who we are as a community. A community of common values, and influences. We are rural, made up of small towns and villages with agriculture as our core. If we were to be linked up with a large city we would risk losing our identity and our voice.

I urge you to draw the district lines by population connecting us along the southern tier. Our communities along the southern border are of like

influences. I oppose Chautauqua County being mapped in with Buffalo, the concerns of Buffalo are not the agricultural concerns of the Southern Tier. Thank you for the opportunity to address the committee.

Ida Golden

## Submissions

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**From:** New York State Independent Redistricting Commission <[REDACTED]>  
**Sent:** Monday, September 6, 2021 2:22 PM  
**To:** Submissions  
**Subject:** Map Submitted

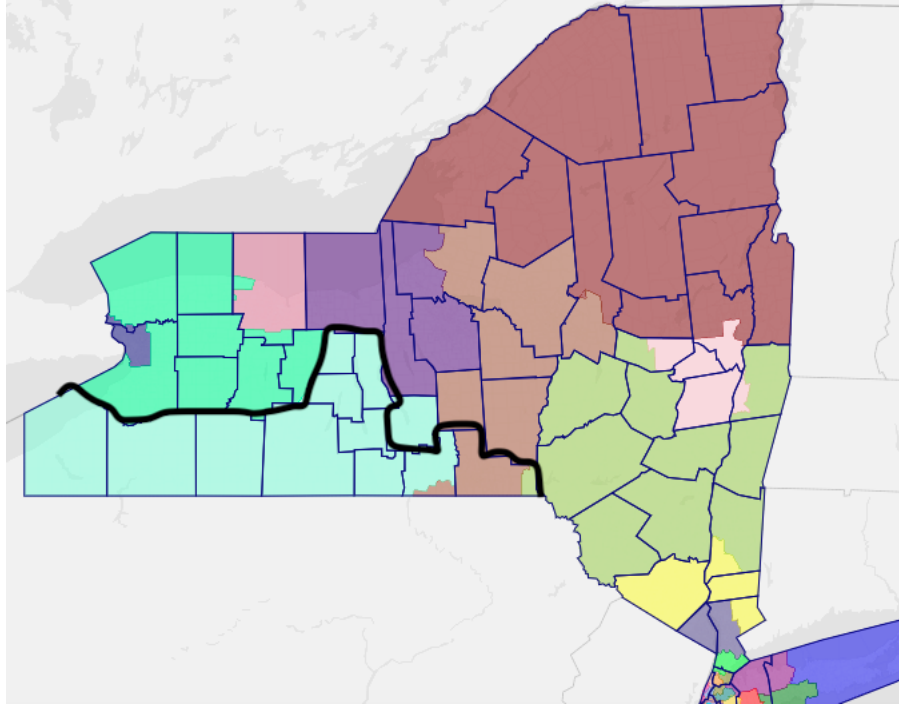
### New York State Independent Redistricting Commission

#### Submitted Map

- **First Name:** Ida
- **Last Name:** Golden
- **Email:** [REDACTED]
- **Description:** District 23 should run along the southern tier from Chautauqua county to Broome county. Taking away Tompkins county. This would give the 23 district an approximate population of 808,742. This would afford the district population to have representation for similar concerns and economical environments. Chautauqua =127,657 Cattaraugus =77,042 Allegany=46,456 Steuben=93,584 Chemung=84,148 Tioga=48,455 Broome=198,688 Schuyler=17,898 Yates=24,774 Seneca=33,814 Ontario=56,229(112,458 split county) (- Tompkins=105,740) These are approximate but close totals due to some counties being split, I don't have detailed population totals on split counties.
- **Map File:** [Link to Map File](#)

This e-mail has been automatically generated





**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: redistricting..  
**Date:** Saturday, August 14, 2021 10:55:13 AM

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**From:** irene turck [REDACTED]  
**Sent:** Saturday, August 14, 2021 8:36 AM  
**To:** Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>  
**Subject:** redistricting..

We in Chautauqua County do not wish to be redistricted with Erie County...We have nothing in common with them.

**From:** [Danielle Futia](#)  
**To:** [Submissions](#)  
**Subject:** FW: New York State Redistricting Concerns  
**Date:** Friday, August 13, 2021 9:17:21 PM

---

*Danielle Futia*

Independent Redistricting Commission  
Assistant Director of Public Engagement  
[www.nyirc.gov](http://www.nyirc.gov)

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**From:** James Feldmann [REDACTED]  
**Sent:** Friday, August 13, 2021 2:14:31 PM  
**To:** Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>; Danielle Futia <[futiad@nyirc.gov](mailto:futiad@nyirc.gov)>  
**Subject:** New York State Redistricting Concerns

Hello, my name is James Feldmann I am a resident of Silver Creek in Chautauqua County. I would like to voice my opinion that Chautauqua County NOT BE grouped with Erie county (specifically the city of Buffalo and it's suburbs) during redistricting. I believe the 23rd congressional District and 57th senate districts accurately group Chautauqua county with similar rural communities with small cities, towns and Villages. Erie counties large metropolitan area of Buffalo is completely different and the needs of the two communities are completely different. I believe Chautauqua county needs to remain in a rural district to ensure our voice is heard, we are represented, and not ignored due to the needs of the metropolitan area. Thank you.

James Feldmann

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Wed 8/4/2021 1:35 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

---

A private comment has been submitted

We are more aligned with Erie County due to access to doctors, hospitals, business, airports, entertainment, higher education and dining. Routes 5, 20 and the Thruway make this possible. Rarely to we venture past Jamestown for any purpose.

**User:** James Clark

Delete Comment

Ban User from Future Comments

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**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: New York State Redistricting Concerns  
**Date:** Friday, August 13, 2021 2:16:48 PM

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**From:** James Feldmann [REDACTED]  
**Sent:** Friday, August 13, 2021 2:15 PM  
**To:** Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>; Danielle Futia <[futiad@nyirc.gov](mailto:futiad@nyirc.gov)>  
**Subject:** New York State Redistricting Concerns

Hello, my name is James Feldmann I am a resident of Silver Creek in Chautauqua County. I would like to voice my opinion that Chautauqua County NOT BE grouped with Erie county (specifically the city of Buffalo and it's suburbs) during redistricting. I believe the 23rd congressional District and 57th senate districts accurately group Chautauqua county with similar rural communities with small cities, towns and Villages. Erie counties large metropolitan area of Buffalo is completely different and the needs of the two communities are completely different. I believe Chautauqua county needs to remain in a rural district to ensure our voice is heard, we are represented, and not ignored due to the needs of the metropolitan area. Thank you.

James Feldmann

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Tuesday, August 17, 2021 4:54:00 PM

---

## New York State Independent Redistricting Commission

A private comment has been submitted

I've always been of a mindset that if it's not broken, why fix it? NYS traditionally votes Democrat. We presently live in WNY which traditionally votes Republican. Our two counties (Allegany/Catt Co.) are the poorest in the state. The population is dwindling. Three school buildings closed in Olean just recently. Dresser Rand has left. Great Lakes Cheese is about to. Our taxes continue to rise. Our counties continue to vote against their own best interests. The Dems have a proven track record down state. Buffalo and Rochester have become places of destination thanks to the support of Democrat leadership. I realize I'm submitting partisan opinions to a bi-partisan commission, but I find it difficult not to.

**User:** James Keough [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Monday, July 26, 2021 10:01:51 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

Alden & surrounding areas should not be included in the Buffalo Map.  
The desires of metro Buffalo are not the desires of the country folks.

**User:** Jeffrey Williamson [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

My name is James O'Brien. I can only testify in a general manner. As a resident of LaGrange, and New York State, I, respectfully, request that the redistricting be done without any political influence.

It is critical that the votes of all New Yorkers have a say in choosing our elected officials.

I feel confident that the New York State Redistricting Commission will make changes that are only fair and balanced.

Thank you for your efforts.



## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Mon 8/2/2021 9:53 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

---

A private comment has been submitted

Please keep my senatorial district the same. It is a very good alignment of lakeshore towns from Niagara Falls to Rochester. Jim Simon Yates Town Supervisor

**User:** James Simon [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

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## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Mon 7/26/2021 10:01 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

---

A private comment has been submitted

Alden & surrounding areas should not be included in the Buffalo Map. The desires of metro Buffalo are not the desires of the country folks.

**User:** Jeffrey Williamson



Delete Comment

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Wednesday, July 28, 2021 4:06:03 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

I strongly believe my community, the Town of Aurora, would be better served in the State Assembly District 142.

**User:** Jennifer Fee [REDACTED]

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**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Chautauqua County, do not redistrict with Erie County.  
**Date:** Friday, August 13, 2021 4:16:05 PM

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**From:** Jennifer Wendel [REDACTED]  
**Sent:** Friday, August 13, 2021 3:41 PM  
**To:** Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>  
**Subject:** Chautauqua County, do not redistrict with Erie County.

Please do not redistrict Chautauqua County to include Erie County.

Chautauqua County is rural in nature and has vastly different needs of representation than Erie County's urban and suburban settings.

I appreciate your consideration of my viewpoint.

Jennifer Wendel  
Chautauqua County Resident.

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Wednesday, August 4, 2021 5:22:54 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

Please keep the Town of Hancock in Delaware County in Senate District 52. We have had great representation from Sen. Akshar and am sure his replacement will continue you to do so. Thank you, Jerry Vernold Supervisor Town of Hancock

**User:** Jerry Vernold [REDACTED]

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Tuesday, July 27, 2021 8:02:55 AM

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## New York State Independent Redistricting Commission

A private comment has been submitted

I believe the Southern Tier has needs and problems very different from other regions of New York State. We are rural here and should still have a voice in what we see are our problems and what is needed to repair those problems or address those issues.

**User:** Joanne Ralyea [REDACTED]

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## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Wed 8/11/2021 10:47 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

Please do not change the current map of the 23rd congressional district. It is vitally important that our rural areas continue to have representation and that they not be lumped in with larger metropolitan areas.

**User:** John Davis

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Wednesday, August 11, 2021 10:47:02 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

Please do not change the current map of the 23rd congressional district. It is vitally important that our rural areas continue to have representation and that they not be lumped in with larger metropolitan areas.

**User:** John Davis ([REDACTED])

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districts, our representation would be diminished and would hinder the community's ability to come together. We believe that our current representatives are fully committed to listening to our concerns.

Thank you to the Independent Redistricting Commission for allowing me to submit testimony. I ask that you consider the needs of all of our communities so that they may continue to receive adequate and fair representation.

Respectfully,

John W. Hemmer [REDACTED]  
[REDACTED]

**User:** John Hemmer [REDACTED]

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**TESTIMONY OF JOHN KEEVERT,**

**Member of INTERFAITH IMPACT OF NYS**

**Before Independent Redistricting Commission Finger Lakes/Western NY hearing,  
Rochester, NY**

My name is John Keevert. I am a resident of Brighton NY and I am strong supporter of a fair, independent and non-political redistricting process. Unfortunately, the redistricting process in the past has been none of those.

The current district lines in Rochester are one of the examples which Common Cause/NY has used to show the effect of political gerrymandering in its public presentations about redistricting. That's because the current maps for both the Senate and Assembly divide Rochester into three districts, but to very different effect. The current Assembly districts twist and curve through the City of Rochester in shapes that appear designed to elect three Democrats. The current Senate districts also split the City of Rochester into three, even though Rochester can fit within a single district. The Senate districts match portions of the city with large areas of the surrounding suburbs stretch far into rural areas that for decades elected three Republican senators.

In the Senate, the existing districts are visually obvious examples of gerrymandering. I currently live in Brighton which is an inner ring suburb of Rochester. I used to live in the 19<sup>th</sup> ward on the southwestern corner of Rochester, and which is an intentionally integrated, moderate income neighborhood in the city. I can assure you that the interests of the 19<sup>th</sup> ward have not been well represented by a person who hails from Amherst/Williamsville, an upper class white suburb of Buffalo. This is the current Senate District 61 which also includes very rural towns like Murrays Corner and Iroquois National Wildlife Refuge. It is impossible for one individual to understand and properly represent the interests of such disparate people in areas such as school aid, criminal justice reform, foreclosure prevention, or health care.

I would strongly support efforts that create a district composed of Rochester and the inner ring suburbs of Brighton and Irondequoit. We are a diverse urban area with common interests around public transportation, school aid, policing, and job creation. Another district could include the outer ring suburbs, and others could be mostly rural. Amazingly, Monroe County is now broken between six different Senate districts, with only one district entirely within the county (SD 56). SDs 59, 61 and 62 stretch all the way into

Monroe from Erie and Niagara through uniformly rural areas. There is no demographic reason for these contortions. The current lines disenfranchise both the City of Rochester and its surrounding suburbs. To paraphrase the protest movement, this ISN'T What democracy looks like.

It is critical that we restore competitive elections in New York to end the dysfunction. I am tired of my legislators picking their voters, instead of voters picking their representatives. I am one of a majority of New Yorkers who are calling for a redistricting process that is independent of the Legislature.

I support the new redistricting process and ask that there be a priority to draw districts that:

- maximize the number of competitive districts;

- configures districts to be compact and contiguous;

- ensures that districts comply with the federal Voting Rights Act;

- ensures respect for communities of interest; and

- prohibits the use of voter registration data, prior voting records or incumbent's home address to establish or change legislative districts.

I am optimistic that the new process can better produce districts that will elect politicians that feel the need to actually represent the interests of their constituents. "Better" is a low bar, as for too many decades politicians have been able to create safe districts where they barely have to show up to stay in office and they remain isolated from constituent's concerns. Thank you for starting off on this much improved process. I understand that some of the goals are conflicting and I wish you patience and success.

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Fri 8/6/2021 6:49 AM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

The redistricting commission should preserve and protect the voices of the counties of Chautauqua, Cattaraugus, Allegany and beyond. Our economic successes and business opportunities are tied to each other, more so than the larger metro areas.

**User:** john pfeffer ( [REDACTED]

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Summary and supporting materials for oral testimony of Professor Jonathan Krasno, Aug 9, 2021  
**Date:** Monday, August 9, 2021 11:56:56 AM  
**Attachments:** [Krasno CV May20.pdf](#)  
[Elec Law Journ -- Comparing Packing Standards.pdf](#)  
[APR Detecting Gerrymanders.pdf](#)

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Date: Aug. 9, 2021

To: NYS Independent Redistricting Commission  
From: Jonathan Krasno, Professor of Political Science, Binghamton University  
Re: Summary of Oral Testimony on 8/9

Intro/Bio

I am a professor of Political Science at Binghamton University who has published extensively on gerrymandering with a group of my colleagues. Specifically, our work addresses how to identify partisan gerrymanders using a very simple approach. I attach a copy of my CV and two of our published papers to this email. I would be happy to discuss this work now or later with the Commission.

I am opposed to partisan gerrymandering.

My testimony – 2 points

#1: No commission, regardless of how well-intentioned or staffed, can hope to combat partisan gerrymandering without some sort of agreed-upon standard for assessing maps. It's like grading papers without an idea of what an A or B is supposed to look like. We would be happy to talk to you about the work we've done at Binghamton.

#2: I believe it is premature for the Commission to *prevent* New York from gerrymandering in the 2020 redistricting cycle. I know from my research that practically all of the gerrymandering was done in favor of Republicans. This has created the perverse incentives we observe in Congress and elsewhere where good-faith efforts to combat partisan gerrymandering are opposed by Republicans who correctly perceive that they benefit from the practice.

If states like New York and California unilaterally opt for fair districting while states like Florida, Texas and Ohio gerrymander, then there are no incentives for both sides to come to an accord (whether legislatively or in court).

Therefore, I believe New York should aggressively gerrymander in this cycle – unless it can enter into a non-gerrymandering compact with a state like Ohio or Florida.

## Considering the Prospects for Establishing a Packing Gerrymandering Standard

Robin E. Best, Shawn J. Donahue, Jonathan Krasno, Daniel B. Magleby, and Michael D. McDonald

### ABSTRACT

Courts have found it difficult to evaluate whether redistricting authorities have engaged in constitutionally impermissible partisan gerrymandering. The knotty problem is that no proposed standard has found acceptance as a convincing means for identifying whether a districting plan is a partisan gerrymander with knowable unconstitutional effects. We review five proposed standards for curbing gerrymandering. We take as our perspective how easily manageable and effective each would be to apply at the time a redistricting authority decides where to draw the lines or, post hoc, when a court is asked to decide whether an unconstitutional gerrymander has been enacted. We conclude that, among the five proposals, an equal vote weight standard offers the best prospects for identifying the form of unconstitutional gerrymanders that all but ensure one party is relegated to perpetual minority status.

**Keywords:** gerrymander, vote dilution, efficiency gap, partisan symmetry

**P**ARTISAN GERRYMANDERING HAS BECOME such a dark art that retired Justice John Paul Stevens proposed a constitutional amendment to curb it (Stevens 2014). After the 2000 round of redistricting, David Mayhew pointed to five cases of deft gerrymandering—Florida, Michigan, Ohio, Pennsylvania, and Texas (Mayhew 2011, 24; see also Toobin 2003), to which three others could have been added—California, Illinois, and South Carolina (McDonald and Best 2015, 321). After the 2012 round of redistricting, credible gerrymandering allegations have been leveled at no fewer than ten states: Florida, Georgia, Illinois, Louisiana, Maryland, North Carolina, Ohio, Pennsylvania,

Tennessee, and Texas (Fang 2014). One could likely add Michigan and Wisconsin without any stretch of credibility. In all these cases the party in power is suspected of designing districts to perpetuate their majority control of a congressional delegation or state legislative chamber almost regardless of what a majority of voters would decide were they not pre-organized in clusters favoring the party in power. The artistry, of this sordid sort, is accomplished through so-called packing gerrymanders. Very many partisans of one stripe are crammed into a small number of districts while partisans of the other stripe are given strong but not overwhelming majorities in the larger number of remaining districts.

Justice Stevens' call for a constitutional amendment comes in the face of two frustrations. Only a few states have shown a willingness to police partisan gerrymandering on their own, and courts have been unable to craft a diagnostic standard that identifies whether a districting plan produces constitutional harm. Needless to say, the wait for a constitutional amendment requires as much patience as the wait for states to adopt rules themselves. Instead

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Robin E. Best is an associate professor of Political Science at Binghamton University in Binghamton, New York. Shawn J. Donahue is a JD and PhD candidate in Political Science at Binghamton University. Jonathan Krasno is an associate professor of Political Science at Binghamton University. Daniel B. Magleby is an assistant professor of Political Science at Binghamton University. Michael D. McDonald is a professor of Political Science at Binghamton University.

of waiting, we ask whether any of five recent proposals to assess partisan gerrymandering might be able to supply redistricting authorities in the first instance or courts, if needed later, with a manageable and effective diagnostic tool.

The five proposals are

- (1) an *efficiency gap* test (Stephanopoulos and McGhee 2014);
- (2) a test *comparing seats won to neutral expectations* (Chen and Rodden 2013a);
- (3) an *equal vote weight* test (McDonald and Best 2015);
- (4) a *partisan symmetry* test (Grofman and King 2007); and
- (5) a *three-prong* test (Wang 2016).

*Manageability* refers to the clarity and ease with which an analyst can observe a standard's proposed showing of effect. Why? Absent a clear and easily observed effect, debatable aspects of the principal facts leave a conclusion in doubt. *Effectiveness* refers to the accuracy by which a standard's proposed showing of effect identifies gerrymandering as the cause of violating a constitutionally protected right. Why? Absent an accurate assessment of gerrymandering as the cause, doubts about the possibility of false negative or false positive inferences overtake a conclusion.

The next section lays a conceptual foundation by using the language of the Supreme Court to identify the constitutional harm packing gerrymanders can inflict. The third section, first, details the principles of manageability and effectiveness we use to evaluate each proposed standard and, next, describes the types of vote dilution the different standards are designed to uncover. The fourth section describes the reasoning associated with each of the five standards and, through a series of hypotheticals, offers preliminary evaluations of their manageability and effectiveness. Because hypotheticals are useful for illustrating general principles but are prone to doubts about how they operate in actual applications, the fifth section extends the evaluations by applying each standard to state senate districting plans in North Carolina and Iowa. North Carolina is a case where the intention to gain partisan advantage is acknowledged; Iowa is the poster child for a districting process that has neither the intent nor the effect of producing a partisan gerrymander. Thus, reliance on these two cases provides opportunities

to check for false negative (North Carolina) and false positive (Iowa) readings.

While arguably manageable, we find that counting wasted votes (aka, the efficiency gap test) relies on a dubious definition of wasted votes and is decidedly ineffective because wasted votes occur for reasons other than gerrymandering. Comparing seats won to neutral expectations requires a set of neutrally drawn districts, a process that can encounter manageability problems due the black-box computer algorithms they require, and they can suffer effectiveness problems because a disadvantaged party hamstrung by a cracking gerrymander can win seats at or even above expectations when its votes amount to less than a majority. The equal vote weight test is manageable and mostly effective but not as aggressive as might be preferred. Testing for partisan symmetry is mostly effective but not entirely manageable because its reading of gerrymanders requires reliance on nonfactual hypotheticals. Finally, the three-prong approach fails on its own terms because the prongs do not fit together as a coherent whole and, worse, the prongs can operate at cross-purposes. All in all, the reviews lead to this conclusion: the equal vote weight standard is the most easily manageable and effective at identifying packing gerrymandering as the cause of a constitutional harm: diluting the votes of one set of partisans.

## PARTISAN GERRYMANDERS OF THE PACKING VARIETY

All five proposed standards have been aimed at identifying packing gerrymanders.<sup>1</sup> As remarked, packing gerrymanders concentrate a large number of the disadvantaged party's voters in a small number of districts. When one party's voters are packed

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<sup>1</sup>Wasted votes were the primary evidence of effect in a Wisconsin State Senate challenge (*Whitford v. Gill* 2016). Comparing wins was used in a challenge to Florida's congressional districts (*Romo v. Detzner* 2014). The equal vote weight standard was proposed by amici (Hebert and Lang 2015) at the remedy stage of the Virginia litigation that earlier found the State's congressional districts to be an unconstitutional racial gerrymander (*Page v. Virginia State Board of Elections* 2014). Seat-denominated symmetry was proposed to the Supreme Court by amici (King et al. 2005) for consideration in *LULAC v. Perry* (2006). One of the three prongs was proposed by amici (Wang 2015) in *Harris v. Arizona Redistricting Commission* (2016).



into a few districts, the packed partisans hold overwhelming majorities in those districts. Packing gerrymanders also serve to spread the packed party's remaining voters over a large number of districts where they constitute sizable but ineffective minorities.<sup>2</sup> By way of example, a competitive jurisdiction with 10 districts and a vote typically expected to split 52 percent Democrat and 48 percent Republican might enact a packing gerrymander by granting Republicans two districts that are 100 percent Republican and next set up the remaining eight so that they split 35 versus 65, Republican versus Democrat. The result is two safe Republican seats and eight safe Democratic seats, a seat split that would likely hold even if votes shifted substantially in the Republicans' favor. Notice that packing uses cracking at a second step. In the example, two districts are packed with Republicans; this recasts the system-wide percentages among the other eight, which are then cracked, safely for Democrats, so they all divide 35–65.

In theory an optimal partisan gerrymander can be shown to involve pure cracking (Freidman and Holden 2008), but as Owen and Grofman have shown, for reasons both of a party's desire for legislative majority control and of it and its individual candidate's risk aversion, an optimal gerrymander under competitive circumstances relies on packing (Owen and Grofman 1988; see also Gul and Pesendorfer 2010).<sup>3</sup> In any case, as we have noted (fn. 1), the five proposed standards have been aimed at packing gerrymanders and so, too, has the Supreme Court's attention in three major partisan gerrymandering decisions, *Davis v. Bandermer* (1986), *Veith v. Jubelirer* (2004), and *LULAC v. Perry* (2006).<sup>4</sup>

Justice Scalia, announcing the Court's judgment in *Veith*, defined gerrymandering as “[t]he practice of dividing a geographical area into electoral districts, often of highly irregular shape, to give a political party an unfair advantage by diluting the opposition's voting strength” (*Veith v. Jubelirer*, 2004, 271 n. 1, quoting *Black's Law Dictionary* 1999, 696). Finding intention and observing weirdly shaped districts are seldom difficult (as in *Davis v. Bandermer* 1986; *Veith v. Jubelirer* 2004, *LULAC v. Perry* 2006), but finding a standard that identifies a party's unfair advantage because the opposition party's votes have been diluted has proved elusive.

In *Bandermer*, Justice White explained the Court majority's holding of justiciability of partisan gerrymandering in response to a caution from Justice

O'Connor. She worried that judicial attempts to police partisan gerrymandering would have courts give preference to proportionality. Justice White and the majority disagreed; justiciability of packing forms of partisan gerrymandering rests on the Court's preference not for proportionality but, rather, for ensuring that popular “majorities are not consigned to minority status” (*Davis v. Bandermer* 125, n. 9).<sup>5</sup> Such majority-to-minority consignment would signal vote dilution because turning a majority into a minority occurs only if the votes of those in the vote majority count less than those in the vote minority.

The Court's disagreement with Justice O'Connor came in a context of whether its approach to racial gerrymandering could also apply to partisan gerrymandering. It can, but with an important

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<sup>2</sup>Gerrymandering is a term used to cover a large range of electoral manipulations. Aside from the packing gerrymander focus under review here, pure cracking gerrymanders spread one party's votes evenly across districts so that they constitute sizable but losing minorities in all districts. These are most effective, least risky, in jurisdictions with lopsided competition. At-large and multi-member district plurality elections with their super-majoritarian effects are referred to as institutional gerrymandering (Dixon 1971, 54). Creating under-populated districts for one versus the other partisan group is a form of malapportionment gerrymandering (Brunell 2012; see also *Harris v. Arizona Redistricting Commission* 2016). Creating a district adverse to or favorable to particular candidates are “personalized” gerrymanders or, when the candidates in question are incumbents, “incumbent-displacement” gerrymanders (Owen and Grofman 1988, 14–16). Each has its own means and methods for accomplishing its manipulation and thus is best approached with its own form of precisely aimed standard for detection.

<sup>3</sup>Freidman and Holden's terminology can be misleading in that their title advises never cracking. Notice, however, they have in mind an uncommon meaning of cracking. They come at the issue from an approach that assigns individuals to districts and from there advises placing (packing in their meaning) the most staunch opposition partisans in districts with one's own staunch supporters. “Intuitively, extreme Democrats can be neutralized by matching them with a slightly larger mass of extreme Republicans” (Freidman and Holden 2008, 115). Discussions of gerrymandering normally refer to this as cracking or dispersal gerrymanders—spreading opposition partisans over many districts to deny them majority control in as many as possible (see, e.g., Owen and Grofman 1988, 6).

<sup>4</sup>The Court considered allegations of a different form of partisan manipulation in *Harris v. Arizona Redistricting Commission* (2016). There, as remarked on in note 2, *supra*, the issue was neither packing nor cracking, as such, but malapportionment partisan manipulation by systematically underpopulating districts favoring Democrats (see Brunell 2012 for a general discussion of this form of manipulation).

<sup>5</sup>In relation to purely cracking forms of gerrymander, Justice White refers to the Court's concern for ensuring “significant minority voices are heard” (*Davis v. Bandermer* 1986, n. 9).

qualifying complication. In the same term that *Bandemer* was decided, the Court spelled out a three-prong test for racial gerrymandering (*Thornburg v. Gingles* 1986). While the allegation of racial vote dilution involved several of North Carolina's multi-member districts, the *Gingles* standard could be (and later was) extended to strictly single-member district plans (*Growe v. Emison* 1993; *Voinovich v. Quilter* 1993; *Johnson v. DeGrandy* 1994). It calls for comparing the actual number of majority-minority districts to the number that could reasonably be expected to exist when a fair set of single-member districts is drawn.<sup>6</sup>

On its face, it would appear simple to transfer that diagnostic to partisan gerrymandering. One could ask whether Democrats and Republicans have won a number of districts compared to what could be expected under a fair set of compact and contiguous single-member districts. The resemblance is not quite as straightforward as it appears, however. Unlike counting people based on race or language minority status, where the relevant number is determined and essentially fixed by census count, vote counts vary from one election to another. In a packing gerrymander, an unfair allocation of seats of, say, 40 percent when a party wins 50 percent of the vote is readily apparent. However, when the same party receives only 40 percent of the vote and wins the same 40 percent of the seats, the plan would appear eminently fair. This sort of variable result could occur in a packing gerrymander precisely because a packing gerrymander is designed to grant the disadvantaged party some minority percentage of seats over a wide range of vote percentages. As we shall demonstrate, taking account of this understanding of how packing gerrymanders operate in differential ways when votes vary between low and high is a difficult problem that the five standards propose to but sometimes fail to resolve.

## EVALUATIVE FRAMEWORK

We are looking for an easily manageable and effective standard for identifying packing gerrymanders that dilute the voting weights of one party's voters. Easy manageability refers to a diagnostic method that calls for a clear and self-evident observation of the facts as the basis upon which the ultimate inference is to rest. The more directly observable the facts, the more indisputable are the foundation

stones of what everyone observes. Indubitably, such transparency fades to ambiguity the more the prescribed method requires leveraging assumptions. The fourth section identifies assumptions each standard relies on to establish the factual underpinning it calls for.

Effectiveness refers to a diagnostic method that avoids errors. A false negative error occurs when a method fails to identify a gerrymander even though the choice of where to place the district lines actually caused vote dilution. A false positive error occurs in either of two ways: a proposed standard identifies vote dilution when there is none, or it identifies gerrymandering as the cause of vote dilution when the cause is attributable to something else. In addition to highlighting assumptions relevant to manageability, the fourth section identifies possible reasons to be concerned about inferential errors. Because possible reasons for doubt are potentially more hypothetical than real, the fifth section evaluates effectiveness in two applications. If we accept that North Carolina's senate districts are a partisan gerrymander, which the state acknowledges, and Iowa's senate districts are not a partisan gerrymander, which most observers acknowledge, then a standard that fails to identify North Carolina's gerrymander or misidentifies Iowa's districts as a gerrymander is committing error. Moreover, if a standard sometimes identifies the same set of districts as a gerrymander with respect to some elections and a non-gerrymander with respect to other elections, we know with assurance it is committing errors.

As for the concept of vote dilution, it must be said that four of the five standards have in mind their own particular meaning. The discussions and analyses accept each standard's definition, and thus we evaluate manageability and effectiveness on each standard's own terms of what it means to dilute votes.

Comparing parties' wasted votes considers dilution to occur when one party's voters cast more

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<sup>6</sup>Justice Brennan explained the Court's rationale this way. "The reason that a minority group making such a challenge must show, as a threshold matter, that it is sufficiently large and geographically compact to constitute a majority in a single-member district is this: Unless minority voters possess the potential to elect representatives in the absence of the challenged structure or practice, they cannot claim to have been injured by that structure or practice" (*Thornburg v. Gingles* 1986, 50 n. 17).

unnecessary votes in the sense that they go to losing candidates or exceed what is necessary to win a seat. If votes for one party are more likely to count for nothing, that party has more votes with zero weight and thus more votes that are diluted to a maximum extent. The comparison of wins standard sees dilution as existing to the extent that one set of partisan votes do not count as much as they should because they elect fewer of their party's candidates than would be expected under neutrally drawn districting procedures. This is the direct analogue to the approach taken by the Court in racial gerrymandering. The equal vote weight standard is a vote-denominated symmetry idea that says vote dilution is foretold by comparing the median district to mean district vote percentage. If all votes count the same, the median and mean have the same numerical value; if the median and mean differ, votes for the two major parties count differently as a consequence of being divided into districts. The partisan symmetry standard aims at non-dilution in the sense that whatever seat percentage one party wins with a given vote percentage, the other party is expected to win that same percentage of seats with that same percentage of votes. The idea here is that the same resources, votes, reap the same rewards, seats; otherwise, the two sets of voters are not counting equally. The three-prong test has more expansive interests that include vote dilution but carry concerns beyond just that concept. Its focus includes (1) seat-vote outcomes that hue towards proportional representation; (2) seat shifts that are responsive to vote shifts; and, (3) depending on competitiveness, a non-gerrymandered plan that either preserves symmetry or ensures the predominant party's district vote percentages are not too similar.

## FIVE STANDARDS

### *Efficiency gap*

Counting and comparing wasted votes is the basis for the efficiency gap standard proposed by Stephanopoulos and McGhee (2015; see McGhee 2014 for the underlying social science thinking). The approach proceeds from the insight that both winners and losers "waste" votes by inefficient allocation in an election. That is, any votes above the 50% +1 for the winner plus all votes for the loser are wasted in that they contribute nothing of determinative importance to deciding who wins. In a

single-district election decided by a 60–40 margin, the winner wastes 10 percentage points above 50% (setting aside ties for the sake of simplicity), while the loser wastes all 40 percentage points. Comparing the magnitude of the waste on both sides, 10 versus 40, shows an efficiency gap (of 30 points) favoring the winner. McGhee and Stephanopoulos argue that in a non-gerrymandered system both sides waste the same number of votes, so ideally the efficiency gap should equal zero.

Their claim has an appealing label along with a seemingly simple, straightforward, and intuitive procedure for calculating a numerical indicator. Nevertheless, it runs into manageability difficulties in two regards: (1) it assumes wasted votes are to be counted in an odd way, and (2) it has no secure baseline for establishing the degree of wasted votes that indicates a gerrymander. Effectiveness difficulties arise for three reasons: (1) votes are wasted for reasons other than gerrymandering; (2) the wasted vote gap co-varies with a party's vote percentage; and (3) the method seeks to cover both cracking and packing gerrymanders in one calculation and thereby can allow some amount of cracking to disguise an undue amount of packing.

Even though the arithmetic required is simple, and in that sense would seem to clear the manageability bar, the efficiency gap's definition of votes wasted by the winning candidate is disputable.<sup>7</sup> In particular, decades ago Andrew Hacker, who refers to the winner's wasted votes as *excess* votes, defines them as one more than the votes received by the losing candidate (Hacker 1964, 55–7). McGhee (2014) and Stephanopoulos and McGhee (2015) define a winner's excess/surplus/wasted votes as votes beyond 50% +1. It runs into a second manageability problem when deciding how many wasted votes signal a gerrymander. Because no democratic or legal principle answers the question of how many wasted votes are needed to say a plan is a gerrymander, the approach calls for comparisons to the historical record in the same jurisdiction and contemporaneous results in other jurisdictions. Such relative baselines beg the question of whether what occurred previously in the same jurisdiction or

<sup>7</sup>Judge Greisbach, dissenting in *Whitford*, goes so far as to call the efficiency gap's method of counting excess wasted votes "absurd" (*Whitford v. Gill* 2016, 150).

is occurring contemporaneously in other jurisdictions are results contaminated by gerrymandering.<sup>8</sup>

The efficiency gap runs into three problems related to its effectiveness. First, and simply, under single-member district rules votes are wasted for reasons other than gerrymandering. One needs to look no further than a simple example of a congressional district in a one-district state such as Delaware to see this. Unless the vote splits 75–25, one party wastes more votes than the other, this despite the fact that a gerrymander is impossible in a one-district state. Maybe the efficiency gap is useful only in multi-district situations, but that can't be true either. Therein resides the efficiency gap's second effectiveness problem. In a three-district state, a symmetrical distribution of 48–52–56 has a gap of +8.3 in favor of the majority party and is, by the eight-point criterion, a gerrymander. Of course, if the vote shifts uniformly to 46–50–54, there is no gerrymander, even though it is the same districting plan. Then, if votes shift another two points to 44–48–52, the gerrymander would be said to run in the direction opposite of what was inferred from the original 48–52–56 distribution. In this scenario, the relative distribution of partisan voters did not change—neither party became relatively more (or less) packed—and yet the efficiency gap registered a substantial shift in partisan advantage. In fewer words, reading a gerrymander from the efficiency gap can and often will vary depending on the underlying percentage level of the votes a party receives.

A third effectiveness problem has to do with the translation of votes to seats, the seat-vote ratio. Assuming equal turnout in all districts, a majoritarian seat-vote ratio of two to one is sufficient for equalizing wasted votes—i.e., having a seat percentage in excess of 50 equal to two times the vote percentage in excess of 50 produces an equal number of wasted votes (McGhee 2014, 79–80; Stephanopoulos and McGhee 2015, 853). For example, winning 60 percent of the seats (10 points above 50) in association with winning 55 percent of the votes (five points above 50) indicates there is no gerrymander. However, that is not necessarily so. A majoritarian seat-vote correspondence of two-to-one can occur even when a packing gerrymander is in place. Hence, a two-to-one seat-vote ratio is not a sufficient condition to conclude there is no gerrymander. For example, consider a 40–40–60–65–70 vote distribution. The distribution is asymmetrical (median 60 and mean 55), but the efficiency gap shows an equal number

of wasted votes. Votes are five points above 50, and seats are ten points above 50; the majoritarian ratio is two-to-one even though the distribution is asymmetrical. Thus, despite its proponents' claims to the contrary, the efficiency gap standard does not comport with nor arise from the idea of partisan symmetry.<sup>9</sup>

The wasted vote approach has clear intuitive appeal. Nevertheless, it has several downsides. One, its computation poses a manageability problem because it relies on a shaky definition of what it means to waste a vote, given the alternative way of counting excess votes (as in Hacker 1964; *Whitford v. Gill*, 2016, 150–2, Greisbach dissenting). Two, it underachieves on the question of manageability because evaluation of the wasted vote computation requires using a relative comparison to the historical record of elections in the same jurisdiction or to elections in other jurisdictions. A historical comparison is liable to perpetuate gerrymanders in earlier years; comparison to other jurisdictions leaves one wondering whether the baseline involves a mix of fair and unfair outcomes elsewhere. What's more, it can under-reach and overreach on questions of effectiveness for three reasons, each functionally related to its implications that single-member district elections are fair if and only if they operate with a seat-vote majoritarian ratio of two to one. Under-reaching occurs when it offers a false negative reading of gerrymandering because, despite substantial packing, the majoritarian ratio is two to one. It overreaches when it offers a false positive reading of gerrymandering by indicting a districting plan as a gerrymander because it has many competitive districts that slightly favor one party and thus a majoritarian ratio greater than two to one.

### *Comparing wins*

This approach identifies diluted votes as winning fewer seats than expected in districting plans

<sup>8</sup>In some applications an efficiency gap beyond  $\pm 8$  indicates a gerrymander (Stephanopoulos and McGhee 2015, 831). In other applications, a gap beyond  $\pm 7$  is deemed indicative (Jackman 2015, 5). As applied to congressional districts, it is designed to be applied only to delegations of eight or more members; in this context a gerrymander is indicated, not by any particular magnitude of the gap, but when one party would have been expected to win two or more seats than it actually did win (Stephanopoulos and McGhee, 2015, 835–6).

<sup>9</sup>See Stephanopoulos and McGhee (2015, 834 and passim) for claims about the relationship between symmetry and the efficiency gap.

produced through partisan blind line-drawing. If an enacted plan is an outlier in a partisan-blind null set's expected seat distribution, one can infer that it was probably intended to hold a partisan advantage. This closely aligns with the Court's racial gerrymandering standard that asks for a comparison between how many districts a group actually wins and how many the group would win under a fairly drawn single-member district plan. Its manageability problem arises in association with the black-box nature of the computer algorithm needed to establish the factual baseline for comparison. Its effectiveness can be left wanting because the match of observed versus expected wins (or districts carried) depends on the vote percentage a party wins.

The basic idea behind generating the comparisons is to use a computer to draw a large number of districting plans. Using computers for this purpose is an idea that has been floated at least since William Vickrey made the point more than a half-century ago (Vickrey 1961). A few pioneers succeeded in advancing the idea in modest ways in the 1960s and 1970s (Nagel 1965; Engstrom and Wildgen 1977); then, with advances in processing speed, the approach was ready for a full-scale application years later (e.g., Cirincione, Darling, and O'Rourke, 2000; Altman and McDonald 2011; Chen and Rodden 2013a)—at least it seemed ready in the run up to the Florida proceedings involving the State's congressional districts. Both Thomas Darling along with Jowei Chen and Jonathan Rodden produced null sets in advance of the Florida trial (see Darling 2013; Chen and Rodden 2013b; 2014), and Rodden testified at length. In the end, however, neither the reports nor Rodden's testimony received any mention by the trial court or in subsequent court decisions (*Romo v. Detzner* 2014; *League of Women Voters of Florida v. Detzner* 2015).

For what it says about manageability, the Florida courts' silence is disquieting. It may have been benign. In the face of the smoking gun evidence of partisan maneuvering that violated Florida's newly operative state-constitution intent standard, the court might well have reasoned that nothing as sophisticated as a computer-generated null set was needed.<sup>10</sup> Perhaps, however, the court was dissuaded from crediting the method with probative value because one report identified a few contiguity problems (Hodge 2013) and another report, plus testimony, questioned whether the Chen-Rodden null set was randomly generated since no one can know

the characteristics of the population of all possible plans (McCarty 2013; 2014). Or, perhaps and more simply, the black-box nature of the method left the court unsure what reliable conclusions could be drawn.

Because the null set approach has yet to be tried and tested in a full form application, questions about its effectiveness are open. Still, this much can be said. Not enough thought has gone into how the null set could be used to detect gerrymandering beyond forming a baseline to say whether an enacted plan is an outlier in the null set distribution and, on that basis, probably indicates a gerrymander. Engstrom and Wildgen (1977, 469–70) evaluate a plan in regard to how many competitive districts it contains. Cirincione et al. (2000), Darling (2013), along with Chen and Rodden (2013a, 2014), evaluate a plan in regard to the number of districts in which each racial group or political party holds a majority. We have to suppose that focusing solely on the central tendency is not enough. Why? Depending on the vote percentage won by a disadvantaged party, the expected number of competitive districts or of majority-held districts varies and might well include seat outcomes that square with the expectation—i.e., the central tendency—but involve packing.

As an example of the problem associated with a focus on seats won (more precisely, districts carried), consider Chen and Rodden's attempt to indicate a gerrymander by counting President Bush's 2000 or John McCain's 2008 district wins across Florida, in their academic and trial-related work, respectively (Chen and Rodden 2013a, 2013b, 2014). As noticed and noted by both Darling (2013) and McCarty (McCarty 2013, 2014), a match or mismatch between expected and observed number of districts carried is not a per se robust and structural feature of a districting plan. The match or mismatch varies depending on the vote percentage won. A packing gerrymander that all but guarantees that a party win, say, 40 percent of the districts whether it wins, say, 40, 50, or 60 percent of the vote—which is the type of result a packing gerrymander can and often does produce—will sometimes match the expected number of districts carried and

<sup>10</sup>The facts revealed such damning evidence as Republican legislators and their operatives enlisting mapmaking confederates to submit "citizen constructed plans" under fake names and writing scripts for "concerned citizens" to present the operatives' ideas at public meetings (*Romo v. Detzner* 2014, 20–31).

other times will not. In different words, the contours of a districting plan interact with a party's system-wide level of vote support to produce more, equal, or fewer than expected wins. As a consequence, the interaction produces variable readings of gerrymandering under the expected wins standard.<sup>11</sup>

Using computer-generated districts to form a null set holds promise. It removes all but inadvertent partisan effects in its construction of a null set and thus supplies a strong basis for probabilistic inferences about intentions. One problem it has to overcome is making the computer processing more intuitive and transparent. Another pressing matter is choosing a benchmark other than the expected number of competitive districts or the number of district wins. The approach supplies a useful tool, but we need to figure out how to make it transparent and how to use it effectively.

### *Equal vote weight*

The *equal vote weight standard* relies on two observed facts: (1) compare the median district vote percentage to the mean district vote percentage received by the party, and (2) check whether majority rule is violated. When one group of partisans is relatively more packed than the other, a districting plan has the potential to violate the widely embraced principle of equal vote weights and, from the unequal weights, to entrench one party in majority status. Manageability of the equal vote weight standard is straightforward inasmuch as the essential facts are directly observable. Its effectiveness can be challenged, however, because its requirement to observe a violation of majority rule is not as assertive as some ideas about gerrymandering might require.

In all, the standard for a factual identification of a gerrymander rests on three manageable ideas.

- (1) *Leading indicator*: Asymmetrical packing exists when the median district vote percentage for one party is persistently lower than its mean district vote percentage.
- (2) *Objectionable harm*: A vote weight inequality is clearly identifiable when one set of partisan voters casts a majority of the votes but carries less than a majority of the districts, because violating majority rule occurs only when all votes do not count equally.<sup>12</sup>
- (3) *Cause*: District line placements are the known cause of the unequal vote weights. Votes counted system-wide contribute equally

to the count. Counting votes after division into districts changes only the manner of counting. To the extent the two forms of counting do not produce the same result, the difference must be caused by the line placements.

Manageable as it is with respect to the required facts, tying its focus to violating majority rule is an arguable shortcoming of its potential effectiveness. Equal median and mean district vote percentages indicate only average symmetry, not full-scale symmetry. Reaching for a full- or at least a fuller-scale approach would be more aggressive. For example, a five-district plan applied to two-party competition that has (expected) Republican district vote percentages of 44, 46, 51, 52, and 62 is symmetrical via the equal vote weight standard but asymmetrical under a full-scale symmetry requirement (i.e., as recorded by partisan symmetry considered next—see below). The median and mean are both 51. Thus, average symmetry is upheld inasmuch as deviations above and below the mean of 51 both average six. Majority rule is also preserved; the vote majority holds a three-to-two seat majority. Full-scale symmetry goes wanting, however, because something like uniform vote swings would result in Republicans winning only three seats with 52 percent of the vote—an upward shift of one point resulting in a 45, 47, 52, 53, 63 distribution—but Democrats win four seats when they have 52 percent of the vote—after a downward shift of three points resulting in a 41, 43, 48, 49, 59 distribution. While majority rule is maintained under both vote swings, the idea of equality is not as aggressive as it might be in the sense that different rewards (seats) can be acquired from the same resources (votes).

<sup>11</sup>Darling analyzed his 5,000-map null set for nine pre-2012 statewide Florida elections in addition to the McCain-Obama presidential contest. For the McCain-Obama contest he found, as did Chen and Rodden, the expected number of McCain wins under the 2012 lines was 14, whereas the enacted districting plan had McCain winning 17—a result observed in less than one percent of the null set plans. However, Darling's analysis of the nine other elections showed the actual versus expected wins either matched (three elections), differed by one in favor of Republicans (three elections), or differed by one or two in favor of Democrats (three elections)—see Darling (2013, 16).

<sup>12</sup>As McDonald and Best point out, violation of majority rule is evaluated against the two-party statewide vote percentage and not the district mean vote percentage, in order to ensure that the evaluation does not conflate a violation due to turnout bias with a violation due to gerrymandering bias (McDonald and Best 2015, 318).

The equal vote standard has pros and cons. Its required factual finding is easily observed: compare the median and mean district percentages and check for violations of majority rule. However, it is not as aggressively effective as some might demand. It can be charged with under-reaching by not accounting for situations when vote shifts produce different seat outcomes while winning the same vote percentage.

### *Partisan symmetry*

A proposal for a partisan symmetry constructed on the basis of fair seat-vote translations at various levels of vote splits goes back decades (Gelman and King 1994). It has found favor among political scientists (e.g., Engstrom 2013; McGann et al. 2015, 2016). To some extent it has also found favor among members of the Supreme Court in *LULAC v. Perry* (2006; for a detailed discussion of the Justices' reactions see Grofman and King 2007, 1–6). Its effectiveness would not be much in doubt were it not for the assumptions required to establish baseline hypothetical seat results for making comparisons between the two parties.

The approach, which could be called a seat-denominated symmetry standard, relies on an equal opportunity notion of fairness. Within practical and probabilistically knowable limits, each party is expected to win the same seat percentage for the same vote percentage. Suppose Democrats win 35 of 50 seats, 70 percent, with 55 percent of the vote. Seat-denominated symmetry requires that Republicans win 70 percent of the seats (35 of 50) when they win 55 percent of the vote. This notion of a partisan symmetry standard shares the same concern for asymmetry that violates majority rule as the equal vote weight approach, but it adds a requisite symmetrical operation of the swing ratio. At an even 50:50 vote split, seats should split 50:50, and in the competitive range of two-party vote splits, perhaps inside the 40 to 60 range, if Democrats win five more seats with 53 percent of the vote, then Republicans should be expected to add five seats when their vote is three points above 50. Its attention to the swing ratio bears a similarity to the wasted vote approach; however, it differs by being agnostic about the magnitude of the ratio, provided that the effect of the swing is symmetric.

One way to see the standard's manageability problem is from the example used to point to a

shortcoming of the equal vote weight approach. There we had a five-district Democratic two-party vote percentage distribution of 44, 46, 51, 52, and 62. The median and mean are equal, and therefore a vote-denominated indicator of asymmetry is missing. However, as discussed, a three-point uniform shift in favor of the Republicans, moving the median and mean to 54, leaves them with three district wins, while a three-point swing in favor of Democrats leads to four district wins. That, of course, depends on the uniformity of the vote swing. If the swing is non-uniform—i.e., if it is mixed in the sense that some districts swing more than others—we need to know more, much more. Getting an assured handle on what else we need to know was the apparent stopping point for Justice Kennedy when he remarked favorably on the partisan symmetry approach but said courts are “wary of adopting a constitutional standard that invalidates a map based on unfair results that would occur in a hypothetical state of affairs” (*LULAC v. Perry* 2006, 420).

The partisan symmetry standard is more comprehensive than the equal vote weight standard. To realize the added value of its comprehensiveness, however, it can under reach in practice by requiring a supporting analysis that makes some decision makers wary of relying on it because it requires leveraging a variety of not easy to evaluate assumptions embedded in computationally intensive analysis of vote swings.

### *Three prongs*

Because gerrymandering is a complex concept, it might seem to be a good idea to use multiple criteria to evaluate whether one has been enacted. Such is the apparent thought standing behind Samuel Wang's proposed three-prong test (Wang 2016). The three prongs are grounded in concerns for (a) a less than justifiable degree of seat-vote proportionality, (b) under-responsiveness of seat shifts to vote shifts, and (c) asymmetry in the vote distribution.

- (1) *Excess seat test*: Seat-to-vote responsiveness is within a range between proportionality and what could be expected from the seat-vote relationship in other states (plus allowance for random variation).
- (2) *Lopsided outcomes test*: Unequal average lopsidedness in the vote distribution is evaluated by comparing average values of each party's

winning margin above 50 (plus allowance for random variation).

- (3) *Reliable wins test (two forms)*: In a competitive jurisdiction a party's median district percentage equals its mean district percentage (plus allowance for random variation); in a non-competitive jurisdiction the dominant party's standard deviation of the vote percentages equals the standard deviation of the party's vote from simulations based on other jurisdictions (plus allowance for random variation).

Having three prongs gives the appearance of a more comprehensive set of concerns than the preceding four approaches. That much can be granted, but having three prongs creates at least two manageability problems. One is reliance on election results from other jurisdictions as a basis for comparison. As with the wasted vote approach, an external standard begs the question of whether what occurs in the jurisdiction in question is the consequence of something particular to the jurisdiction other than the manner in which the jurisdiction was divided into districts. Second, Wang advises that the three prongs can be used "separately or combined" (Wang 2016, 1308). Questions naturally follow: Is satisfying one of the prongs enough to say no gerrymander exists? Is violating one of the prongs enough to say a gerrymander has been enacted?

Wang's advice to use his three prongs independently or in combination also carries with it an effectiveness problem. The different prongs can provide indications running in opposite directions. For example, a five-district distribution of 40, 40, 60, 60, 60 satisfies both proportionality (prong 1) and equal average lopsidedness (prong 2) but fails the symmetry standard of prong 3 (median 60 and mean=52). Likewise, a swing ratio could reside within the bounds of acceptable proportionality but fail on both lopsidedness and symmetry. And a districting plan could fail the lopsidedness test simply because an election-swing moves the vote percentage away from 50 percent even in the absence of gerrymandering. A second effectiveness problem also relates to a lack of clarity regarding which prongs apply. Requiring failure on all three prongs simultaneously leaves an opportunity for mapmakers to satisfy any one prong while enacting a gerrymander that would be indicated by either or both of

the other two prongs. In all, and in other words, the three prongs lack a coherent framework that allows them to work together.

Evaluating gerrymanders through three different tests has an intuitive appeal. Nevertheless, it raises difficult questions for both manageability and effectiveness because, as it stands, no compelling coordinating principle supplies clarity about whether a gerrymander exists according to any or all three prongs.

## TWO APPLICATIONS

Argument is instructive but not enough when evaluating standards to be applied not just in theory but also in fact. Below we put all five standards to the test in the contexts of North Carolina's and Iowa's post-2011 enacted state senate districts. We want to see whether any of the five produce false negative or false positive diagnoses.

We select North Carolina and Iowa because one case is rather assuredly a gerrymander (North Carolina) and the other is rather assuredly not (Iowa). That's because North Carolina's post-2011 districts are acknowledged by the state itself, assembly members, and, later, the courts to have been drawn with pro-Republican partisan advantage as one goal (*Dickson v. Rucho* 2014, 3). Iowa's redistricting process is often held up as an exemplar of neutral redistricting. Thus, we have opportunities to check on false negative (North Carolina) and false positive (Iowa) readings.

### *North Carolina*

The North Carolina State Senate is a 50-member body elected every two years from 50 single-member districts. Following the 2010 elections, Republicans took control of the state senate and house for the first time since 1870. The 2010 census data were delivered in March 2011, and in July the legislature passed bills establishing state senate districts for the 2012 elections.<sup>13</sup> Those elections saw Republicans win 66 percent of the senate seats (33 of 50) with 52.8 percent of the vote. Two years

<sup>13</sup>While a Democrat, Beverly Perdue, occupied the governor's office, North Carolina's redistricting bills are not subject to gubernatorial veto.



later, 2014, Republicans won 70 percent of the seats with 54.9 percent of the vote.<sup>14</sup> Both are substantial seat victories, 16 to 20 points in seats beyond 50 percent for votes just three to five percentage points beyond 50. But important facts militate against reading too much into the senate results by themselves. Forty percent of the seats went uncontested by one or the other major parties: 19 of 50 in 2012 and 21 of 50 in 2014. This sort of non-competitiveness, we have to think, reflects anticipated wins/losses as a consequence of the way the district lines were drawn in the first place, more so than a statement of accurate fact about the partisan disposition of the districts. More generally, prospective candidates in each of the various districts have to be thought to take account of their prospects of winning, in part—likely in substantial part—depending on a district's partisan leanings.

We can avoid the problem of district-by-district state senate election competition being endogenous to the enacted lines by turning to elections for statewide office (often referred to as *exogenous* elections) aggregated into separate counts within each of the 50 districts. The North Carolina General Assembly provides election returns for each of nine statewide offices elected in 2012 (the nine are identified in Table 1) aggregated to U.S. Census Defined Block Groups.<sup>15</sup> All nine elections resulted in vote percentage splits within a reasonably competitive range. We use these nine as the elections holding the most probative value for revealing whether the district lines are a pro-Republican gerrymander. In addition, with the state board supplying election returns for all nine election results disaggregated to the precinct level, we can run a large number of null set applications to generate expectations based on 50 districts drawn through a partisan-blind procedure.<sup>16</sup> This has a direct benefit for evaluating the observed versus expected district wins. In relation to two other proposed standards (not including the partisan symmetry and the three-prong tests) it has two additional benefits. The expectations provide a baseline for what partisan residential patterns alone could be expected to produce in regard to wasted votes and equal vote weights.

As a visual prelude, Figure 1 presents two histograms, one for the gubernatorial election, the least competitive of our nine elections, and the other for the lieutenant governor, the most competitive of our nine elections. Both distributions are bimodal. Just about two-thirds of the districts reside at percentages favorable to the Republicans regardless of

whether Democrats won 44.2 or 49.9 percent of the vote. Indeed, when the vote percentage shifts in the Democrats' favor by 5.7 points, from 44.2 Democratic percent for governor to 49.9 percent Democratic for lieutenant governor, the gain in districts carried by the Democratic candidate is a mere one district. The electoral playing field is tilted substantially in favor of Republicans, leaving Democrats with a rather steep hill to climb before having any realistic prospect of winning a majority of districts.

Table 1 reports the Democratic two-party vote percentage for the nine statewide offices (column #1) and the relevant numbers for the five proposed standards (columns #2 through #6). The competitiveness noted above can be seen in the vote percentages; they range between 44.2–55.8 and 54.2–45.8, Democrat-Republican, two-party splits.

<sup>14</sup>Data from North Carolina State Board of Elections Nov 6, 2012 General Election Official Results and November 4, 2014 Official General Election Results are posted on the State Board of Elections (SBoE) website.

<sup>15</sup>We rely on the North Carolina General Assembly's (NCGA) 2016 Redistricting Base Data provided through the NCGA's website (NCGA.net). The state provides returns for statewide contests for the 2008 through 2014 general elections. These data are collected at the voter tabulation district (VTD) level (a Bureau of the Census term for a polling area such as a precinct) level; however, several VTDs in close proximity to military bases in North Carolina reported unusually high numbers of votes and contained unusually high numbers of residents. These extremely large VTDs caused problems for our development of a null set of neutral maps because districts containing extremely these large VTDs were liable to exceed reasonable levels of population parity. To circumvent this problem, we disaggregate the returns reported by the NCGA to census blocks. We achieve this by using the spatial join utility in the QGIS software package to determine into which VTD a census block falls (Quantum GIS Development Team 2016). We then assigned votes to a block according to the proportion of the VTD population that resides within the block. We then re-aggregate block level returns to the block groups.

<sup>16</sup>We use a neutral redistricting algorithm proposed by Daniel Magleby and Daniel Mosesson to draw a null set of maps of legislative districts for both North Carolina and Iowa (Magleby and Mosesson 2016). The null set we develop is partisan blind in that the maps that make up the distribution were drawn without reference to any factors besides geographic contiguity and population parity. The analysis uses a graph partitioning algorithm to randomly group geographic units (block groups in North Carolina and VTDs in Iowa). While maintaining district contiguity, it then uses a second algorithm to shift geographic units randomly between districts until all districts in a given plan have roughly equal populations. We repeat the process to draw 50,000 maps of North Carolina and Iowa's state senate districts. For the analysis presented here, we utilize the 25,000 maps with the lowest difference in population across districts. Among the maps included in our sample, the maximum population deviation is within  $\pm 4.5\%$ .

TABLE 1. RESULTS OF APPLYING FIVE STANDARDS FOR EVALUATING WHETHER NORTH CAROLINA'S SENATE DISTRICTS ARE A GERRYMANDER

Office	#1	#2		#3		#4		#5	#6	
	Obs Dem	Wasted votes		District wins		Equal vote weight		Partisan symmetry	3-prong test	
	2-pty vote %	Obs	Exp	Obs	Exp	Obs	Exp	Dem Seat Advantage	Prong 1	Prong 2
Governor	44.2	6.8	13.2 (2.9)	16	15.3 (1.40)	-5.8	-1.6 (.91)	-8.5	2.02	-.44 (-0.22)
Lt Gov	49.9	16.5	5.8 (3.0)	17	21.5 (1.44)	-5.7	-2.0 (.95)	-9.5	1.80	9.22 (5.02)
Auditor	53.7	14.8	-1.6 (2.8)	21	26.9 (1.41)	-5.2	-1.8 (.99)	-8.2	1.72	11.36 (5.72)
Agri Comm	46.8	10.2	12.5 (2.8)	17	16.9 (1.35)	-7.1	-2.8 (.90)	-10.0	1.95	3.25 (1.74)
Insur Comm	51.9	16.2	2.3 (2.9)	19	24.1 (1.40)	-6.4	-2.2 (.98)	-9.5	1.81	10.11 (5.15)
Labor Comm	46.7	11.7	11.7 (2.9)	16	17.3 (1.39)	-6.1	-2.5 (.76)	-9.2	2.09	4.31 (2.33)
Sec of State	53.8	13.3	-3.1 (2.8)	22	27.7 (1.40)	-4.7	-1.8 (.82)	-8.5	1.97	10.49 (4.76)
Supt Public Ed	54.2	10.0	-3.9 (2.7)	24	28.3 (1.36)	-4.7	-1.7 (.88)	-8.1	1.91	9.38 (4.09)
Treasurer	53.8	15.1	-1.2 (2.9)	21	26.8 (1.45)	-5.3	-2.1 (.96)	-8.7	1.99	8.48 (3.86)

#1 = Percentages are for the statewide two-party vote.

#2 = Wasted votes are the difference in Dem vs Rep votes cast for a losing candidate plus votes above 50% +1 as a percentage of total two-party votes—i.e.,  $\{(Dem\ wasted - Rep\ wasted) / Total\ two\ party\ votes\} * 100$ . Positive numbers indicate more Dems wasted more votes.

#3 = District wins are the number of districts carried by the Dem candidate, observed and expected, with expectations based on 25,000 computer-generated results. Numbers in parentheses are the standard deviation of expectations among the 25,000 neutral plans.

#4 = Equal vote weights record the difference between the median district two-party Dem percentage and the mean two-party district Dem percentage. Negative numbers indicate Dem disadvantage, with the magnitude indicating approximately the percentage points above 50 Dems would need to carry a majority of districts. The column of expected results is the median-mean difference attributable to residential patterns, with standard deviations in parentheses.

#5 = Partisan symmetry is the average difference in Dem-Rep expected number of seats won in a competitive range of vote percentage (40 to 60) if each party won the same vote percentage. Negative numbers indicate Dems are expected to win fewer seats with the same vote percentage as Reps.

#6 = Prong 1 of the three-prong test is the estimated seat-vote swing ratio—e.g., a 2.02 value means a vote gain of one point brings a seat gain of 2.02 points. Prong 2 is the difference between Dem and Rep vote percentages above 50% in districts won by Dems vs Reps. Negative numbers indicate Dems have more extreme lopsided winning percentages. Numbers in parentheses are *t*-test values; values above 1.68 are statistically significant at  $p < .05$ , one-tail.

**Efficiency gap.** Applying the efficiency gap calculations produces mixed results for detecting a gerrymander. Eight of the nine elections show wasted vote percentage magnitudes exceeding the suggested demarcation line of 8.0, with the gubernato-

rial election falling below that line. What is one to say of these results? Sometimes the North Carolina senate districts appear to be a gerrymander, but once in a while they don't. The conclusion depends on which election one looks to as evidence. Notice,

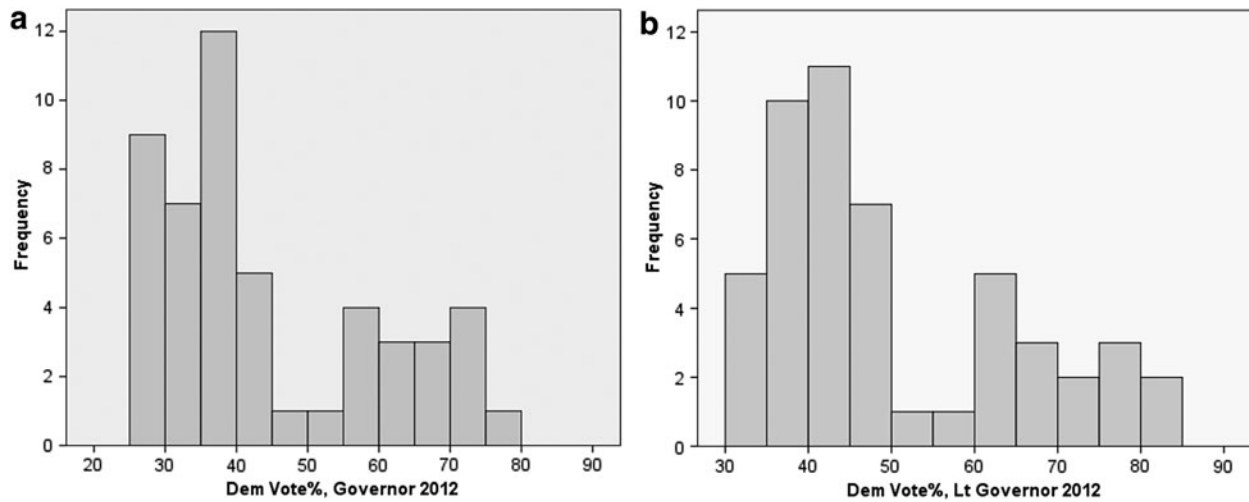


FIG. 1. Distribution of Democratic two-party vote percentages among North Carolina's state senate districts: 2012 governor and lieutenant governor elections. (a) Left panel: Dem Statewide % = 44.2; Dem Mean % = 44.4; Dem Median % = 38.6; Std. Dev. = 15.6; Dem Vote % > 50 = 16 of 50. (b) Right panel: Dem Statewide % = 49.9; Dem Mean % = 50.0; Dem Median % = 44.3; Std. Dev. = 15.0; Dem Vote % > 50 = 17 of 50.

also, the expected values rise and fall depending on the levels of the two-party vote. That is a serious problem because it tells us the magnitude of the wasted vote calculations depend on the vote percentage and not just whether the districts are gerrymandered. And notice that, despite being above the 8.0 threshold, two elections (commissioners of agriculture and labor) are not statistically distinguishable from expectations drawn for neutral plans.

What gives rise to the false negative reading from the gubernatorial election? The reason is directly related to the wasted vote requirement of a responsiveness ratio (aka, swing ratio) in the neighborhood of 2.0. When, as in North Carolina's gubernatorial election, Democrats win 44.2 percent of the vote, the wasted vote requirement for fairness is to have the Democrats winning 38.4 percent of the seats—i.e., the vote difference from 50 is  $44.2 - 50 = -5.8$ . Two times that difference is  $-5.8 * 2 = -11.2$ , and an equal number of wasted votes would require that Democrats win 38.4 percent of the districts, since  $-11.6 + 50 = 38.4$ . Adding or subtracting the standard's requirement to be within eight points of the "fair" outcome implies that seat percentages in the range of 30.4 to 46.4 ( $38.4 \pm 8$ ) indicate no gerrymander effect. Given that a packing gerrymander might well be designed to grant Democrats some outcome in the vicinity of a third of the seats for a range of vote percentages, weak Democratic vote performances can fall within the safe-harbor range of the wasted vote standard. On the flip side, when Democrats receive something close to or exceeding 50 percent of the vote, a gerrymander effect becomes apparent, because seats are restricted to something such as 30 to 45 percent even when Democrats' votes approach or go above a majority. In short, the wasted vote standard can provide false negative readings in certain circumstances precisely because a gerrymander has been fashioned to allow one party to win a circumscribed minority number of districts unless and until it can win especially large vote majorities.

**Comparing wins.** The standard of counting the number of district wins suffers from the same shortcoming as the wasted vote standard. We see in Table 1 that in the three elections Democrats won with between 44 and 47 percent of the vote (governor, commissioner of agriculture, and commissioner of labor), they won close to the number of districts expected. When Democrats win votes in the vicinity

of a majority or above, their shortfalls in seats are clear to see—just as when using the wasted vote standard. Put differently, when Democrats cast a minority of votes below 47, the safe seats granted to them by the gerrymander disguise the fact of the gerrymander. In short, comparing observed and expected district wins is subject to false negative readings under some circumstances.

**Equal vote weights.** This standard shows a consistent bias against Democrats. The median-mean differences run between 4.7 and 7.1 points adverse to Democrats, implying they would need something approaching 54.7 to 57.1 percent of the vote in order to carry a majority of districts—i.e.,  $(50 + 4.7)$  to  $(50 + 7.1)$ . Among the five elections when Democrats actually won a statewide vote majority, these various statewide candidates never carried a majority of the districts.<sup>17</sup> And, while the column of numbers on median-mean difference expectations shows Republicans have a natural 1.5- to 3.0-point advantage simply due to residential patterns, observed advantages attributable to gerrymandering fall far outside those expectations. Indeed, in none of the nine elections is the observed median-mean difference anywhere close to expectations. In the best-case circumstances, the secretary of state election, only 3 of 25,000 neutral maps (.012%, twelve-thousandths of one percent) have a median-mean difference as large as the actual  $-4.7$  value. In four elections, no expected value, among the 25,000 per election, is as large as the one observed. All indications from the equal vote weights standard indicate a rather harsh gerrymander favorable to Republicans, adverse to Democrats.

**Partisan symmetry.** As Justice Kennedy stated in *Veith*, the partisan symmetry standard runs into manageability problems because it relies on hypothetical estimates for the number of seats that would be won were one versus the other party to win the same vote percentage. We address the seat-denominated symmetry question in two ways, one more and one less factual. The facts from among our nine elections show that in the lieutenant governor's election the vote splits 49.9 to 50.1. Partisan symmetry would expect Democrats to win 24 or 25

<sup>17</sup>Turnout bias never exceeds 0.8 percent, and among the nine elections it averages 0.17 percent favoring Democrats.

seats for such an evenly split vote. They actually won only 17 districts. Furthermore, in three elections that Democrats won with 53.7 or 53.8 vote percentages (auditor, secretary of state, and treasurer), they won 21 or 22 seats. By way of contrast, in close to comparable circumstances, when Republicans won 53.2 or 53.3 percent of the vote (agriculture and labor commissioners), they won 33 or 34 seats. Clearly, large discrepancies in equal opportunities exist in the seat-vote relationship. Very similar resources (vote percentages) carry with them hugely different seat rewards. Through this more factual version of applying the seat-denominated symmetry standard we arrive at a clear indication of gerrymandering. Democrats win far fewer seats than Republicans when they win something close to the same vote percentages.

The less factual analysis takes a form more closely aligned with that described by Grofman and King (2007). We construct it through four steps: (1) accept as given the vote percentages and the number of districts won for each of our nine elections, (2) allow for hypothetical uniform vote swings so that they range from 40 and 60, (3) record the number of districts carried by Democrats at each of the 21 percentage points, and (4) compare the differences when both Democrats and Republicans won 40, 41, 42, . . . , 60 percent of the vote. The seat-denominated column in Table 1 records the results. On average, across the 21 percentage points, Democrats are at an eight- to nine-seat disadvantage despite, hypothetically, winning the same vote percentages as Republicans. Moreover, were we to restrict the comparisons to a vote range of 45 to 55, the Democrats' seat disadvantage runs, on average, between 13 and 15 districts. By this second form of analysis, too, the partisan standard indicates a substantial pro-Republican gerrymander.

Three prongs. Vote-denominated symmetry is the third prong in the proposed test. As discussed, by that prong we see an indication of a pro-Republican gerrymander.

Prong 1, the excess seats test, calls for calculating "whether the outcome . . . was disproportional relative to the seats/votes curve" by checking whether "the actual seats and the simulated number of seats" correspond beyond chance deviations (see Wang 2016, 1306). One method of checking is to revisit the district wins comparison in the null set test. That would tell us that in some elections district wins

are in line with expectations but some are not. Another check is through a simulated seats/votes curve based on the simulation analysis we described for the less factual version of the partisan symmetry analysis but, here, by reporting the seat/vote slope value. Those results show seat/vote relationships between 1.7 and 2.1 (column 5 of Table 1). All results are within the range of one and three, which the standard supposes indicates no gerrymander (Wang 2016, 1286–89).

The reason for the sometime false negative readings from comparing actual and expected seat results is similar to the reasons we reported for the wasted votes and null set comparisons. The expectation ebbs and flows depending on the level of the vote, and when the disadvantaged party's votes are below 47, the districts the gerrymander grants to that party turn out to be about as expected in a non-gerrymandered plan. As the disadvantaged party votes rise to something approaching or beyond a majority, however, few additional districts are won. In fewer words, North Carolina created an effective packing gerrymander, and an associated consequence of packing gerrymanders is to reduce seat responsiveness toward proportional seat-to-vote results. The disadvantaged party wins its granted set of packed districts with relatively small statewide vote percentages, but as its vote percentages approach and go above 50, to say 54 or 55, the seats gains respond only modestly. All in all, therefore, we have to conclude the prong 1 test cannot be considered an effective standard by which to evaluate whether a packing gerrymander was enacted in North Carolina. It is prone to false negative readings because the standard it sets for a non-gerrymander is actually an outcome we expect a gerrymander to produce.

Prong 2 also runs into a problem, where again the problem is a failure to take account of how a gerrymander functions as vote percentages for the disadvantaged party vary between low versus high. It calls for a comparison of average vote percentages above 50 for districts won by Democrats compared to districts won by Republicans. To check whether the comparisons show systematic differences going beyond mere chance, prong 2 applies t-tests for the differences between two means. In contradiction of a pro-Republican gerrymander that North Carolina enacted, applying prong 2 to the Governor's election shows a difference slightly adverse to Republicans, not Democrats. The difference is not statistically

significant, and therefore the inference indicated from the gubernatorial election is that there is no gerrymander. Put differently, the prong 2 results tell us that sometimes the North Carolina senate districts appear to be a gerrymander, but sometimes they do not. The conclusion depends on which election is analyzed.

**North Carolina Summary.** North Carolina's senate districts were drawn for the purpose, in part, of providing Republicans with electoral advantage. Prong 1 of the three-prong standard misses that fact completely. The wasted vote, district wins, and prong 2 of the three-prong standard are not fully reliable indicators of that advantage. More often than not they indicate a Republican advantage, but depending on the size of statewide vote percentage they can, and in North Carolina do, give false negative readings. At the very least we have to conclude that indicators of gerrymandering that vary depending on how the vote splits are undesirable. More to the point, the false negatives exist because packing gerrymanders are intended to produce the seat outcome that the standards misidentify—i.e., packing gerrymanders grant the disadvantaged party some minority number of seats whether their vote percentage is small or substantial. The two symmetry standards, on the other hand, provide consistent indicators of North Carolina's designed partisan advantage. No false negatives appear. Thus, in application to North Carolina the symmetry standards are the dependable indicators, at least in the sense of avoiding false negatives.

### *Iowa*

The Iowa Senate is a 50-member body elected to four-year terms from 50 single-member districts. Elections are staggered, with 25 members elected in presidential years and 25 elected in presidential midterms. Iowa's Legislative Service Agency (LSA) and its subordinate affiliated redistricting commission serve in an advisory capacity by presenting congressional and state legislative districts for the legislature's approval/disapproval, subject to veto by the governor.<sup>18</sup> The LSA is required to ignore partisan-related information of party registration, voting patterns, incumbency, candidate residences, and the like. The process has long drawn praise for its fair-mindedness (*Economist* 2002; Martin 2016).

Following the 2010 round of redistricting, the combined 2012 and 2014 senate elections saw the

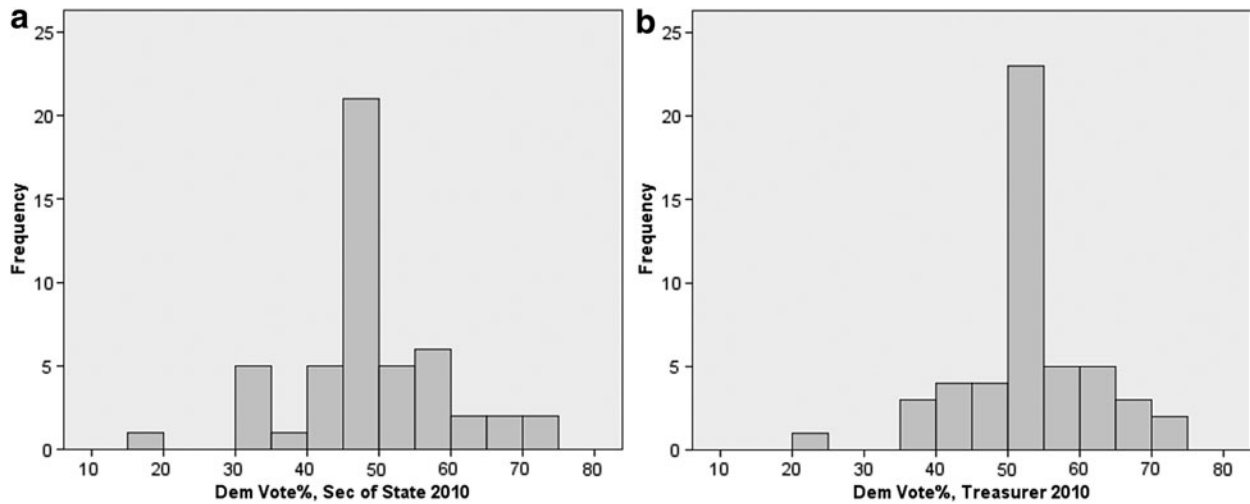
Democrats win 52 percent of the seats (26 of 50) with only 46.5 percent of the vote. As we noted in regard to North Carolina, however, the senate elections themselves do not offer especially probative evidence because the choices by candidates about whether and how to compete depend on where the lines are located. In Iowa, for instance, nearly one-third of all districts (16 of 50) went uncontested. Among the 34 districts contested by major-party candidates, Democrats cast 51.2 percent of the vote and won 20 districts. Thus, as with North Carolina, the more probative evidence is drawn from analyses of Iowa's statewide elections, here ten of them between 2008 and 2012.

As prelude, Figure 2 presents two vote percentage histograms: one for the secretary of state and the other for the treasurer, the two most competitive elections among our ten. The obvious fact apparent in both graphs is that Iowa has a large number of competitive districts. The numbers of districts in a competitive vote percentage range between 45 and 55 are 26 (secretary of state) and 27 (treasurer). Notice, also, a difference of just 4.4 vote points is associated with seat splits of 17 Democratic and 33 Republican versus 38 Democratic and 12 Republican. Small vote shifts apparently bring large district win rewards.

The numbers relevant to evaluating the five standards are reported in Table 2. Our various analyses track the same path as those reported and discussed for the North Carolina application.

**Efficiency gap.** The news about whether the wasted vote standard provides the correct reading of no gerrymander in Iowa is mixed. Nine of ten values exceed the suggested line of demarcation for distinguishing a gerrymander from a non-gerrymander, i.e., a value below  $-8$  or above  $+8$ . If analysts rely on just one exogenous election to evaluate a gerrymandering allegation, they are likely to arrive at a false positive conclusion. If, however, two or more elections are investigated and each party wins a vote majority in at least one of the elections, it would be possible to see that the wasted votes rise and fall depending on whether a party receives a vote majority or minority. In Iowa, Democrats

<sup>18</sup>If disapproved, the Legislative Service Agency (LSA) is required to draw new maps. After three disapprovals, the legislature is allowed to draw new maps, but this has not occurred since implementation in the 1980 round of redistricting.



**FIG. 2.** Distribution of Democratic two-party vote percentages among Iowa's state senate districts: 2010 secretary of state and treasurer elections. **(a)** *Left panel:* Dem Statewide % = 48.5; Dem Mean % = 48.7; Dem Median % = 48.3; Std. Dev. = 10.0; Dem Vote % > 50 = 17 of 50. **(b)** *Right panel:* Dem Statewide % = 52.9; Dem Mean % = 53.0; Dem Median % = 52.8; Std. Dev. = 8.8; Dem Vote % > 50 = 38 of 50.

waste fewer votes than Republicans (indicated by the negative values in column 2) when they win a vote majority but waste more votes (positive values in column 2) when Republicans win a vote majority.

Comparing wins. Comparing actual district wins to expected wins from maps drawn using a neutral process comes close to getting to the right conclusion that Iowa's senate districts are not a gerrymander. The observed results are never too far

**TABLE 2.** RESULTS OF APPLYING 5 STANDARDS FOR EVALUATING WHETHER IOWA'S SENATE DISTRICTS ARE A GERRYMANDER

Office	#1 Obs Dem 2-pty vote%	#2 Wasted votes		#3 District wins		#4 Equal vote weight		#5 Partisan symmetry	#6 3-prong test	
		Obs	Exp	Obs	Exp	Obs	Exp	Dem Seat Disadvantage	#1	#2
Pres 2012	53.0	-9.6	-8.6 (2.8)	33	32.4 (1.37)	.47	0.1 (.48)	.2	4.60	1.26 (0.71)
Pres 2008	54.8	-7.8	-12.7 (2.7)	34	36.4 (1.32)	.40	-0.3 (.50)	-.2	4.98	4.87 (2.75)
U.S. Senate 10	34.1	14.4	9.0 (1.2)	2	2.3 (0.63)	-.88	-1.14 (.55)	.2	4.82	-11.20 (-1.99)
U.S. Senate 08	62.7	-22.6	-24.6 (1.2)	49	48.6 (0.59)	.47	0.4 (.46)	0	5.91	2.00 (0.29)
Governor	45.0	17.1	15.9 (2.1)	12	12.6 (1.04)	.42	-0.5 (.44)	.2	4.63	-0.60 (-.29)
Sec of State	48.5	13.1	8.7 (3.2)	17	19.3 (1.60)	-.38	-0.3 (.43)	-.2	5.15	2.20 (1.07)
Treasurer	52.9	-20.8	-17.4 (3.1)	38	35.0 (1.53)	-.25	0.1 (.39)	-.9	5.50	-1.42 (-0.67)
Auditor	43.5	22.7	25.0 (2.5)	11	11.1 (1.14)	-.11	-0.1 (.61)	.7	4.36	-3.41 (-1.55)
Sec of Agri	37.1	15.7	15.0 (1.8)	5	5.00 (1.01)	-1.93	-1.6 (.63)	1.1	3.90	-9.39 (-2.57)
Atty Gen	55.6	-21.7	-18.7 (2.6)	41	39.5 (1.28)	-.11	0.2 (.42)	-.6	5.20	0.78 (0.33)

#1 = Percentages are for the statewide two-party vote.

#2 = Wasted votes are the difference in Dem vs Rep votes cast for a losing candidate plus votes above 50% + 1 as a percentage of total two-party votes—i.e.,  $\{(\text{Dem wasted} - \text{Rep wasted}) / \text{Total two-party votes}\} * 100$ . Positive/negative numbers indicate more Dems/Reps wasted more votes.

#3 = District wins are the number of districts carried by the Dem candidate, observed and expected, with expectations based on 25,000 computer generated results. Numbers in parentheses are the standard deviation of expectations among the 25,000 neutral plans.

#4 = Equal vote weights record the difference between the median district two-party Dem percentage and the mean two-party district Dem percentage. Negative numbers indicate Dem disadvantage, with the magnitude indicating approximately the percentage points above 50 Dems would need to carry a majority of districts. The column of expected results is the median-mean difference attributable to residential patterns, with standard deviations in parentheses.

#5 = Partisan symmetry is the average difference in Dem-Rep expected number of seats won in a competitive range of vote percentage (40 to 60) if each party won the same vote percentage. Negative numbers indicate Dems are expected to win fewer seats with the same vote percentage as Reps.

#6 = Prong 1 of the three-prong test is the estimated seat-vote swing ratio—e.g., a 4.60 value means a vote gain of one point brings a seat gain of 4.60 points. Prong 2 is the difference between Dem and Rep vote percentages above 50% in districts won by Dems vs Reps. Negative numbers indicate Dems have more extreme lopsided winning percentages. Numbers in parentheses are *t*-test values; values above 2.02 are statistically significant at  $p < .05$ , two-tails.

off expectations. For six of ten elections, the difference is just a fraction of one seat. The one hitch is that two elections are statistically significantly different from expectations (i.e., more than 1.65 standard deviations removed from expectations). Because the differences run in both partisan directions—once with Democrats carrying fewer than expected (treasurer) and once with Republicans carrying fewer (president 2008)—an evaluation of several elections could be used to demonstrate no systematic favoritism serving to advantage one but not the other party. So, even though the comparison of wins standard generally avoids false positives more often than not, the statistical significance consideration is a reminder that it is worthwhile to apply the standard to more than one exogenous election.

**Equal vote weight.** The equal vote weight standard (aka vote-denominated symmetry) reaches the correct conclusion of no Iowa gerrymander. The median-mean differences are small; they run in different directions (six negative versus four positive); and never is majority rule violated.<sup>19</sup> All this leaves the no gerrymander conclusion on secure footing.

**Partisan symmetry.** Seat-denominated symmetry involves a degree of ambiguity but essentially reaches the right conclusion. By the method that pairs comparable situations where Democrats and Republicans win the same vote percentage, four comparisons come close to filling the bill: (1) President 2008 vs Governor, (2) Attorney General vs Governor, (3) Treasurer vs Secretary of State, and (4) U.S. Senator vs Secretary of Agriculture. In order, respectively,

- (1) D vote % 54.8 and R vote % 55.0 → D seats = 34 vs R seats = 38
- (2) D vote % 55.6 and R vote % 55.0 → D seats = 41 vs R seats = 38
- (3) D vote % 52.9 and R vote % 51.5 → D seats = 38 vs R seats = 33
- (4) D vote % 62.7 and R vote % 62.9 → D seats = 49 vs R seats = 45

The results in any one election are three, four, or five seats off—hence the ambiguity—but one election shows a Republican advantage and the other three a Democratic advantage. In other words, there is no indication of a persistent partisan advantage running in one direction. Alternatively, applying

the less factual, simulation analysis reported in Table 2's column 6 (see the details of how this approach works in our discussion of the North Carolina analysis, above), we see mostly fractional seat differences with none amounting to as many as two seats. On this evidence, seat-denominated symmetry indicates about as little of a gerrymandering seat effect as one might imagine in a fair set of districts, but with a touch of ambiguity.

**Three prongs.** The third prong of the three-prong test has already been covered as it repeats the calculation of the equal vote weight test. On that score, the test indicates no gerrymandering. One version of evaluating the first prong, from the standpoint of a party winning more or fewer seats than expected, also indicates there is no gerrymander inasmuch as that is what the district wins test indicates (i.e., from column 3). That follows, however, when the expectation is based on the null set. Compared to outcomes in other elections nationwide (Wang 2016, 1289–92), the rather large seat swings in response to vote shifts might very well lead to a different conclusion. As can be seen in the prong 1 column of the three-prong test, simulated seat-vote relationships have values above 3.90. All ten simulated slopes are beyond the test's zone of acceptability (Wang 2016, 1286). Taking all of these considerations on board makes it difficult to say what conclusion should be drawn from the prong 1 test.

Finally, prong 2 offers mixed readings. Two of ten differences in the lopsidedness of district-win percentages are statistically significant—viz., president 2008 and secretary of agriculture. On the one hand, because one significant result shows a Democratic win is too lopsided and the other shows a Republican win is too lopsided, one could conclude the lopsidedness shows no partisan favoritism and thus no gerrymandering. On the other hand, the results more generally show that comparing lopsidedness is not a reliable indicator of gerrymandering in any case. Large vote percentage outcomes for a party, as in Iowa's 2010 U.S. Senate and secretary of agriculture elections, can produce disparities in lopsidedness as the result of the vote percentages, not as a result of gerrymandering.

<sup>19</sup>As is true for North Carolina (fn. 17), turnout bias in Iowa does not amount to much. It favors Democrats in all ten elections but never exceeds 0.6 percent and averages just 0.22 percent.

Iowa summary. Iowa's senate districts are widely viewed as fair. All five standards could be made to confirm that they are. Three of the five arrive at that conclusion only as contingencies, however. By way of counting wasted votes in any one election, the results actually look like a gerrymander. The important fact revealed by this contingency is that counting wasted votes and checking whether they exceed the proposed threshold of  $\pm 8$  is not anything close to a standard for identifying a gerrymander because wasted votes exceed the threshold for reasons other than gerrymandering. In Iowa they occur in nine of ten elections because many senate districts are highly competitive, something that is neither an ill in and of itself nor something that operates to the detriment of only one party. That same high degree district competitiveness hampers prong 1 of the three-prong approach, and prong 2 is subject to false positives simply when one party wins considerably more votes than the other. Comparing observed to expected wins fares better. It usually arrives at the right conclusion, though it is subject to possible false positive reading as in two of ten elections when the differences are not large but nevertheless statistically significant. Both the equal vote weight and partisan symmetry standards offer credible readings of Iowa's non-gerrymander. One finds no indication of a gerrymander from the equal vote weight standard and, at most, not so much a false positive reading as a degree of ambiguity from the partisan symmetry standard. In all, on questions of avoiding false positives, just as with avoiding false negatives, the two symmetry standards are the dependable indicators, one slightly more so (equal vote weight) and the other slightly less so (partisan symmetry).

## DISCUSSION

What have we learned? The two symmetry standards hold the best prospects for identifying a packing gerrymander that dilutes the votes of one party's voters relative to the vote weight enjoyed by the other party's voters. Between the two, the equal vote weight standard is the more convincing as it more readily meets manageability and effectiveness considerations. Considered as matters of principle and checked against hypotheticals, the equal vote weight standard is faulted only for not being aggressive enough to cover the contingency that, while a

districting plan is fair in the sense of not violating majority rule, it could miss the fact that one party can expect more seats when it wins a vote majority with X percent of the vote compared to when the other party wins the same X percent of the vote. This lack of aggression has to be balanced against the less manageable partisan symmetry standard, which relies on observed outcomes where the votes are mirror images—e.g., 45–55 and 55–45—or engages in hypothetical projections of what reasonably could be expected to result were votes to shift in some particular way. Also, as the Iowa application illustrates, the equal vote weight standard avoids a few of the modest ambiguities that arise when the partisan symmetry standard is applied.<sup>20</sup>

The three other standards leave much to be desired. Each suffers manageability problems: wasted votes for both its arguable counting procedure and its need to look externally to create a relative metric by which to say whether a gerrymander exists; comparing observed versus expected wins for its black box computer algorithms; and the three-prong test for its possible internal contradictions. All three also suffer effectiveness problems, each and all, in essence, because their results vary depending on the level of the vote each party receives. Their missing effectiveness is especially damning because it means these three approaches misapprehend a key feature of how packing gerrymanders work. Packing gerrymanders grant the disadvantaged party some number of seats that can look fair when that party wins a modest vote percentage but is clearly unfair when the same or similar limited number of seats is all it wins with vote totals approaching or exceeding a majority. The series of false negative readings in the North Carolina applications make this shortcoming ever so clear. To be sure, each of the three can be saved from full-scale rejection. When applied to the “right” mix of elections each can be argued to come to the right conclusion. At that juncture, however, there is nothing to be gained over applying the symmetry standards and

<sup>20</sup>In application, the choice does not need to be treated as a stark either/or. The equal vote choice is easier to manage and, in most cases, is highly likely to reach the same conclusion were one, instead, to apply the partisan symmetry standard. When and where circumstances warrant, a need for the greater aggressiveness of the partisan symmetry approach can be explained and the case for its broader notion of vote dilutions can be pressed.



something to be lost by doubts and arguments about just what is the “right” mix of elections.

### CONCLUSION

The ballot box is the essential institution of any democracy, with more than a few thousand up through hundreds of millions of people coming together to exercise self-government. It is remarkable that centuries beyond the widespread recognition that gerrymandering can be and has been used to distort the self-governing process we are still struggling to find ways to identify and combat it. Our evaluation of five proposals for curbing packing gerrymanders reveals both the difficulties and possibilities.

Our focus has been on packing, as it is the most commonly alleged form. Its clear harm to democratic principles protected by the U.S. Constitution is unequal treatment of voters by implicitly assigning them different vote weights. Its contra-democratic systemic consequence is relegation of a popular majority to minority status. The three proposals of computing the efficiency gap, comparing wins, and applying a three-prong test encounter manageability problems. More damning, the three ask for evidence of gerrymandering that, when the specified evidence does not appear, can actually be absent because a gerrymander has been wrought—i.e., the false negative readings North Carolina’s senate districts. Just as damning for two of the three proposals, not including comparing wins, is their asking for evidence that when it does appear it is for reasons other than gerrymandering—i.e., the false positive readings of Iowa’s senate districts. The two symmetry-based standards, equal vote weights and partisan symmetry, are both more or less easily manageable—the equal vote weight test is the more manageable of the two. By argument and confrontation with evidence we have shown both to be effective at identifying when the placement of lines is the cause of diluting votes—here, again, with the equal vote weight standard providing more clarity—i.e., avoiding the arguable claims that could be focused on why a party did not win more seats at each and various level of its votes. On this review, it is clear that the equal vote weight symmetry standard offers the best prospects for redistricting authorities and courts to confront the perniciousness we know as packing partisan gerrymanders.

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# Can Gerrymanders Be Detected? An Examination of Wisconsin's State Assembly

American Politics Research

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## Abstract

In October 2017, the Supreme Court heard an appeal of a November 2016 ruling striking down Wisconsin's State Assembly districts as a Republican gerrymander that illegally dilutes the weight of Democratic votes. We take the opportunity to revisit this litigation to evaluate three proposed methods of detecting gerrymanders: the “efficiency gap,” a count of Assembly districts carried by statewide candidates, and the difference between the district-level partisan median and mean. The first two measures figure either centrally or peripherally in the plaintiffs' case in Wisconsin, while the third is the approach we favor. We expand on the analysis offered at trial by evaluating how these measures fare across a variety of elections in Wisconsin and with the aid of 10,000 alternative Assembly maps drawn by computer. The alternative maps provide the appropriate baseline with which to gauge the level of vote dilution in Wisconsin and distinguish between the effect of residential geography and the Legislature's actions. The results show that Wisconsin's Assembly map is a substantial gerrymander according the median–mean comparison across all elections, while the two tests relied upon by the plaintiffs provide mixed results. We examine the measurement qualities of each test and show that the efficiency gap and

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districts-carried count both capture elements beyond partisan bias. We find no similar ambiguity with the median–mean comparison and conclude that the plaintiffs’ claim that Wisconsin’s Assembly map systematically dilutes the weight of Democratic votes is correct.

### Keywords

gerrymandering, efficiency gap, *Gill v. Whitford*, neutral maps, partisan symmetry, median–mean comparison

### Introduction

Partisan gerrymandering has been written off by many observers as an inherently subjective phenomenon (Schuck, 1987). When Democrats like one set of districts, Republicans are bound to object. When Republicans approve of another, it becomes Democrats’ turn to complain. Yet, it is clear that district lines do affect who is elected, and obvious that parties often try to press their control of the line-drawing process to create systematic advantages for themselves in legislative elections. The questions are whether (a) these “systematic advantages” produce bias that is detectable using objective tests, and (b) whether that bias is linked to a constitutional violation. In short, can gerrymanders be measured and might they be unlawful? The Supreme Court, first in *Davis v. Bandemer* (1986) and later in *Vieth v. Jubelirer* (2004) and *League of United Latin American Citizens [LULAC] v. Perry* (2006), has held that partisan gerrymandering is a justiciable issue, effectively answering the second question. Some gerrymanders might indeed be illegal *provided that plaintiffs produce objective evidence demonstrating their effects*. The plaintiffs in *Gill v. Whitford*, a group of Democratic voters in Wisconsin, invoke the 14th Amendment by arguing that their state’s Assembly map illegally dilutes the weight of Democrats’ votes.<sup>1</sup> To support that claim, they present empirical results using one proposed method of detecting gerrymanders, the “efficiency gap” (EG), and by offering an affidavit about a second measure focusing on the count of Assembly districts carried (DC) by each party.<sup>2</sup>

In November 2016, a panel of federal judges ruled in favor of the plaintiffs by a 2-1 margin, and the Supreme Court agreed to hear the State’s appeal with the oral argument taking place on October 3, 2017. During that argument, many of the Justices’ questions were directed toward whether the EG could serve as a reliable and effective standard for detecting a gerrymander with several expressing skepticism bordering on derision. Chief Justice Roberts went so far as to suggest that any empirical assessment of gerrymandering might be nothing more than “sociological gobbedlygook.”

Given the high stakes involved, we take the opportunity here to revisit the case to address a question of interest to political scientists, judges, and citizens: Can gerrymanders be reliably and objectively detected. Specifically, we examine these two measures used by the *Whitford* plaintiffs as well as a third we favor, a comparison of the partisan median and mean at the district level. We expand on the analysis offered at trial by examining a wider range of elections in Wisconsin and by comparing them to an appropriate, within-sample counterfactual that allows us to distinguish the effect of Legislature's actions from residential patterns. The results show that the plaintiffs' two measures do *not* reliably identify Wisconsin's Assembly districts to be a Republican gerrymander. The comparison of the partisan median and mean district, however, does detect a substantial Republican gerrymander achieved by diluting the weight of Democratic votes in every election and every test. If the plaintiffs' evidentiary standards are adopted, the ruling that Wisconsin's Assembly districts are a gerrymander is potentially in jeopardy. If the median–mean (MM) is to be believed, the plaintiffs' claims of vote dilution are correct. Sorting out who is right and why is essential for the current case as well as other lawsuits that may follow.

The circumstances of this lawsuit aside, Wisconsin is an ideal setting for this inquiry for several reasons. As we describe below, the State Legislature maintains and makes available an unusually comprehensive collection of election data. More important, the state is politically competitive. In the 13 statewide elections conducted between 2008 and 2014 (the two cycles before and after redistricting), Republicans won eight, Democrats won five, and all but two were fairly close. That makes the stakes of vote dilution particularly high for Wisconsin is the sort of state where either side could reasonably expect to win control of its Assembly in a given election. Gerrymandering in these sorts of circumstances could make it possible for a minority of voters to consistently win a majority of legislative seats. In an area of law where the debate rages over the proper translation of votes into seats, the notion of “majority rule” is perhaps the single clear and agreed-upon principle.<sup>3</sup>

The 2016 presidential election serves as a reminder that majority rule is not universally applied to all U.S. elections. Whatever the merits of the Electoral College, its example provides a useful contrast to partisan gerrymandering. Obviously, state boundaries would have unknown effects on elections taking place more than a century later. Legislative boundaries, by contrast, are redrawn every decade. They carry none of the historical weight of state lines, but they also give the party in control an opportunity to entrench its majority anew each decade. Indeed, the popular vote winner has almost always carried the Electoral College in U.S. history. An arrangement within a state or other jurisdiction that is biased so that it consistently awards a majority of seats to a minority of voters is far different.

We focus on three related issues in our examination of bias in the form of vote dilution in Wisconsin's Assembly districts: its magnitude, persistence, and source. The first two dimensions are straight forward. Magnitude refers to the size of the bias produced by a gerrymander, and persistence to its presence across elections. The latter is essential because we expect vote dilution would be detectable across a range of elections else it suggests that voters might do and undo the bias with their ballots.<sup>4</sup> Source is particularly important given the objections raised at trial and by the dissenting judge in *Whitford* that the apparent pro-Republican lean of the Assembly map could be the result of high concentrations of Democratic voters living in Madison and Milwaukee. This effect of residents essentially packing themselves is known as the "natural" or "accidental" gerrymander and has been recognized for decades (Chen & Rodden, 2013b; Erikson, 1972, p. 1237; Vieth, 2004, pp. 289-290). As a result, it is useful to distinguish between the effect of geography and the actions of the mapmakers. We do so here with the aid of 10,000 alternative Assembly maps of Wisconsin drawn by computer without reference to voting history. We argue these maps provide the appropriate baseline with which to establish the extent of the natural gerrymander and differentiate it from mapmakers' actions.

We proceed in this essay to evaluate these three methods of detecting gerrymanders as applied to Wisconsin's Assembly map. "Three Measures of Gerrymandering" section introduces and discusses the methods. "Data" section moves to the data, including a longer explanation of the computer mapping process used to produce the comparison set of neutral maps. "Results" section presents the empirical analysis, first showing the observed bias for all three measures across the 13 statewide races in Wisconsin from 2008 to 2014, then comparing these results to the results generated for each metric in the set of 10,000 alternative maps. Finally, we examine the measurement qualities of each of the three proposed gerrymandering metrics in "Is Wisconsin's Assembly Map a Republican Gerrymander?" section to resolve the disparity between their results, determine which reliably detects gerrymanders, and draw conclusions about the level of vote dilution produced by Wisconsin's Assembly districts.

## Three Measures of Gerrymandering

### *The EG*

The EG standard proposed by Eric McGhee (2014) and Stephanopoulos and McGhee 2015 proceeds from the insight that both the winner and loser of an election almost inevitably "waste" votes that play no role in determining the outcome. For instance, we know that Hillary Clinton and Donald Trump ran

up needlessly large margins in some states, and neither benefited from the votes they received in states they lost. Stephanopoulos and McGhee maintain that gerrymanders arrange district lines so that one side wastes many more votes than does the other, creating a system where one side enjoys greater efficiency in the process of aggregating votes within districts.

There is an intuitive appeal to this approach. Casting a party's advantage from gerrymandering as a function of wasted votes is consistent with the pair of maneuvers used by mapmakers: "packing" where the winning party uses many more votes than necessary to prevail in one or more districts, and "cracking" where the losing party falls just a few votes short of victory in multiple districts. In both situations, the disadvantaged party squanders votes by winning by a mile or losing by an eyelash. If that party were able to move some of these ballots into neighboring districts, it could change the outcomes in those districts by improving the efficiency of how their voters are distributed across the legislative map. Indeed, the EG is billed as simultaneously capturing both packing and cracking.

Stephanopoulos and McGhee define waste as votes received by the winner above 50% (of the two-party vote) and all votes by the loser.<sup>5</sup> For instance, in an election where 100 people cast ballots and the winner received 60 votes, the winner has wasted 10 votes in excess of the 50 votes needed to win (setting aside ties) and the loser has wasted all 40. The total waste by party is the sum of votes wasted by Democratic/Republican winners and losers across all the legislative districts in a jurisdiction, and the EG is disparity in wasted votes as a percentage of votes cast for the major parties. So, if Democrats wasted 100,000 more votes than Republicans and one million people cast ballots for those parties,  $EG = 100,000/1,000,000 = 10\%$ . Stephanopoulos and McGhee (2015) examine a number of states over time and suggest that an EG greater than 8% generally indicates a gerrymander in legislative elections, though they are open to the possibility of different thresholds. The *Whitford* plaintiffs argue for a lower threshold of 7%. For the purposes of this article, we use the higher threshold of 8%.

The EG also has a noteworthy empirical property that reveals its underlying normative properties. If equal numbers of votes are cast in each district, its calculation reduces to a simple equation<sup>6</sup>:

$$EG = \text{Seat Margin} - (2 \times \text{Vote Margin}),$$

In this case, seat and vote margin are both measured by percentage-point deviations from 50%. So, the  $EG = 0$  when the party that wins 55% of votes receives 60% of seats; any result above or below 60% could indicate a gerrymander in either direction.

As it is exceedingly rare to observe precisely equal turnout across a series of districts in a jurisdiction, this formula is no shortcut for calculating the EG.<sup>7</sup> Rather, Stephanopoulos and McGhee (2015, p. 852) herald it as offering “a normative guide” for the relationship of votes and seats in a fair system, a theoretically derived “swing ratio” (e.g., Butler, 1951; Tufte, 1973). They dismiss the concept of proportional representation as unrealistic in single-member districts where the winning party frequently receives a “winner’s bonus” in seats beyond their share of the votes, and argue the EG’s approach is normatively and legally superior. Several scholars object that this winner’s bonus is arbitrary and questionable on any yet to be articulated ethical grounds (McGann, Smith, Latner, & Keena, 2015). It is also the empirical by-product of the specific way in which votes are designated as wasted (see Note 5).

### Counting DC

The effect of a gerrymander—and the admitted purpose of mapmakers in Wisconsin and other states<sup>8</sup>—is to benefit one party by helping it receive more than its fair share of seats in legislative elections. Thus, a long-established way to detect a gerrymander is to examine its result, the seats won by each party in an election (e.g., Butler, 1951). Among other things, this line of research has produced a large empirical literature on how votes translate into seats in various electoral systems. As election outcomes affected by gerrymandering may involve both packing and cracking, detecting gerrymanders by focusing on the number of victories implicitly captures both maneuvers.

In isolation, the problem with counting wins and losses is that there is no agreement as to how votes *should* translate into seats. The Court has essentially dismissed proportional representation, notably in *Bandemer*.<sup>9</sup> Justice Thomas has gone so far as to assert that it is inappropriate bordering on foolish for the Court to insist on any standard for how undiluted votes are weighed or, as a consequence, how votes are translated into seats:

A review of the current state of our cases shows that by construing the Act to cover potentially dilutive electoral mechanisms, we have immersed the federal courts in a hopeless project of weighing questions of political theory—questions judges must confront to establish a benchmark concept of an “undiluted” vote. (*Holder v. Hall*, 1994, p. 892)

Indeed, the dissenter in *Whitford*, Judge William Griesbach, dismisses the EG’s version of a winner’s bonus as a “phantom constitutional right. . .that voters for one party are entitled to some given level of representation proportional to how many votes that party’s candidates win in every assembly



district throughout the state as a whole” (*Gill v. Whitford* 2016, p. 120).<sup>10</sup> It seems likely that any formulaic approach to translating votes to seats is certain to run into this sort of objection.

Gary King and Bernard Grofman (2007) offer a possible solution to this problem by arguing for “symmetry” whereby a fair system is one in which each party wins the same number of seats when it receives the same share of the vote. So, no matter if the Democrats win 55%, 65%, or 75% of seats with 52% of the two-party vote, disproportionate as some of those results may seem, the result is fair so long as the Republicans would do just as well were they to win 52% of the vote. This sidesteps the question of the appropriate swing ratio by reformulating it as a matter of equity. Unfortunately, we rarely get to observe elections whose outcomes mirror one another (e.g., 52% Democratic and 52% Republican) in the same jurisdiction over a short period of time, and we never observe the whole distribution of possible election outcomes. In response, King and Grofman simulate different election results to test the symmetry of a plan. While their insight about equivalent outcomes was praised by Justice Kennedy writing for the majority in *LULAC* (2006), he ultimately rejected this measurement approach as too hypothetical and unworkable for the Court (at 419-420).

Jowei Chen and Jonathan Rodden (2015) offer another way to use election outcomes without reference to any sort of formulaic translation of votes to seats by comparing the number of districts a party carries under the enacted map with the number it would have carried under a set of alternative maps. Their process features a computer algorithm that allows them to generate a large number of alternative maps by combining voting tabulation districts (VTDs or the generic term for precincts, wards, or election districts) in different ways without reference to their voting patterns. The districts they generate are geographically contiguous and equally populated, and as they are drawn from VTDs, it is simple to add election data to mix *after* they are drawn. For example, if two existing districts consisting of VTDs 1 to 10 and 11 to 20 swapped a pair of VTDs, it is straightforward to calculate a new set of district-level results for VTDs 1 to 9 and 11 and 12 to 20 and 10. The process essentially rearranges ballots already cast.

In their view, a gerrymander occurs when a party carries more or fewer districts in the enacted map than were the map drawn by some sort of neutral process. So, imagine a state where Donald Trump carried 55% of its Assembly districts in 2016. If 1,000 computer-generated districting plans had Trump carrying 45% to 50% of districts, Chen and Rodden would conclude enacted map is a Republican gerrymander because Trump did better than he would have done had the districts been drawn through a politically neutral process, and vice versa if he did worse.<sup>11</sup> This comparison is simple and bypasses

questions about normative fairness, speaking more to mapmakers' intent and potentially to voters' expectations. Like the Grofman and King symmetry standard, Chen and Rodden's test relies on a computationally intensive methodology, but theirs merely re-aggregates ballots cast within different sets of boundaries as opposed to simulating election results that have not occurred. There is reason to hope, at least, that judges might find that more acceptable because it tests a hypothesis—what would have happened had the district boundaries been different—that is observable with the evidence at hand.

Implicit in their approach to generating this counterfactual is that the ballots rearranged must offer the same choices to all the voters in a jurisdiction. This rules out using legislative elections as only the voters in the existing districts choose between exactly the same pair of legislative candidates; moving precincts in and out of the core of a district inevitably leaves some voters who never saw Candidates A and B when they cast their votes. Elections conducted throughout the jurisdiction—in this case, statewide elections like contests for president, U.S. Senate, and state constitutional offices—solve this problem because every voter, no matter the district in which they are placed, has faced the same choice. Importantly, there is no reason to believe that a voter's choice for president or governor is affected by the legislative district in which they live. As we describe below, there is consensus among political scientists that statewide elections are better indicators of the underlying partisan complexion of a precinct—and therefore its likely performance in other elections—than are the often idiosyncratic results of Assembly elections. Because Chen and Rodden's approach counts the number of districts carried by (in this case) statewide candidates rather than seats won, we refer to it as the “districts carried” (DC) test.

### *The MM Comparison*

The MM comparison was introduced by Michael D. McDonald and several coauthors (McDonald, 2009; McDonald & Best, 2016; McDonald, Krasno, & Best, 2011), although its intellectual pedigree is much longer.<sup>12</sup> Unlike the EG and DC measures, by itself the MM detects packing only or what McDonald and Best (2016) refer to as “differential packing.”<sup>13</sup> Everyone understands that gerrymanders most frequently function by skewing the distribution of partisans in legislative districts.<sup>14</sup> The MM asserts that fundamental way this skew can be observed is by comparing the partisan median district in a jurisdiction to the partisan mean across all districts, with the distance between the two revealing the degree to which the votes of the disadvantaged party are diluted by the legislative map. Indeed, the MM purports to observe vote dilution directly, unlike the EG and DC.

Inevitably expressed in the language of introductory statistics, the MM is best explained by illustration. There are 99 Assembly seats in Wisconsin, meaning the median district is the 50th most Democratic or Republican one in a given election and the mean is the average Democratic or Republican share of the two-party vote among 99 districts. The MM simply subtracts a party's mean vote across all 99 districts from its percentage in the 50th best district. A gerrymander is indicated when there is a large and persistent difference between the partisan median and mean at the district level.

Comparing median and mean is a standard way to observe skew in a distribution. This particular type of skew is relevant to gerrymandering because McDonald and his coauthors argue that the median represents the pivot point where majority control of the legislature (or legislative delegation) is at stake.<sup>15</sup> To win a majority of seats, a party must carry the district in the center of the partisan distribution. Doing so is a tall order for Republicans if the median district is 60% Democratic, an even shot if it is 50% Democratic. A median district that strongly favors one party is neither surprising nor objectionable if the underlying partisan division in the state strongly also favors that party, so McDonald et al. use the partisan mean to gauge a state's partisan leaning. While the district-level mean is generally close to the statewide vote no matter where district lines are drawn, the median is another story. Districting plans which differentially pack a large number of the disadvantaged party's voters into a small number of districts make it possible to adjust the partisan composition of the median district (McDonald & Best, 2016). In short, a "packing gerrymander" essentially arranges voters so that the median district is more favorable to a party than their performance statewide would indicate. In states like Wisconsin where both parties have often won a majority of votes statewide, differential packing gives one party a better chance of winning control of the legislature than the other party—even when the party fails to win a majority of votes. This is a clear violation of the principle of majority rule, an issue orthogonal to the debate about the proper translation of votes into seats.

From the standpoint of the *Whitford* plaintiffs, the MM is particularly useful because McDonald et al. argue that it directly measures the degree to which some the value of some votes are diluted relative to others. For example, if the median district in an election is 52% Democratic while the mean is just 47% Democratic, Republican voters essentially face a 5-point handicap. That is, to win the pivotal district and control of the legislature, they must win approximately 55% of the statewide vote, while the Democrats can achieve the same result with approximately 45% of the statewide vote. This is precisely the claim that the Democratic plaintiffs make in *Whitford*, that the Assembly districts created by the Legislature make their and other Democrats'

votes less valuable than are Republican votes as applied toward winning control the legislature.

## **Data**

Apart from the litigation, Wisconsin offers several analytic advantages for evaluating these three measures. There were 13 statewide elections in the two election cycles immediately preceding and succeeding the districting plan enacted by the Legislature in 2011: presidential races in 2008 and 2012, U.S. Senate races in 2010 and 2012, and regular elections for four constitutional offices (Governor, Attorney General, Secretary of State, and State Treasurer) in 2010 and 2014, plus a gubernatorial recall in June 2012.<sup>16</sup> As we note above, statewide elections are necessary to estimate the DC test and they also provide the best available data about an area's partisan leanings. Partisanship is the sine qua non of gerrymandering because it provides the basis for predicting other behavior. Political practitioners and political scientists know that Democrats and Republicans are extremely likely to vote for their party's candidate—if most other things are equal. Things are decidedly not equal in legislative elections where many districts go uncontested and many others draw just token opposition. This is true in Wisconsin where one third of Assembly elections between 2008 and 2014 were uncontested, and most of the remainder were lightly contested at best. Races where a hopeless (and potentially disinterested) candidate essentially fills a ballot line offer a particularly misleading view of the underlying partisanship of an area for they are likely to lose by a much wider margin than would a more active candidate. Statewide elections may be one-sided, but the relative position of the VTDs remain fairly steady even when one of the candidates is stronger or weaker than expected in a particular area. That is why political scientists have long used statewide contests to make inferences about partisanship in geographic units within states (e.g., Ansolabehere, Snyder, & Stewart, 2001; Canes-Wrone, Cogan, & Brady, 2002; Erikson & Wright, 1980; Key, 1949). Stephanopoulos and McGhee and the two main plaintiffs' experts use either statewide elections or a combination of statewide and legislative results in their analyses.

Beyond these advantages in measuring partisanship, there is also useful variation in election returns. As we note, Democrats and Republicans both won multiple statewide elections between 2008 and 2014 and usually by relatively narrow margins, making Wisconsin the sort of closely divided state where either party might be expected to have a good chance to win control of the state Assembly in the absence of systematic vote dilution. The variation in outcomes also informs analysts about the persistence of the any bias caused

by gerrymandering across different races with different outcomes. Appendix A provides information about these contests, including summary data about these 13 races in Table A1, and the ward-level correlation of the Democratic vote showing the high stability in partisan voting patterns in Table A2.

Finally, Wisconsin features election data of unusual quality and availability. Few states collect and archive VTD-level election returns from counties and municipalities who administer elections. Fewer still collect maps of VTDs let alone make them available as shape files through a central repository.<sup>17</sup> Wisconsin's Legislative Technology Services Bureau (n.d.) provides all this information. Its GIS analysts also disaggregate ward returns to census blocks according to the proportion of the population of a ward who reside on those blocks, so if 80% of residents of a ward live on a block, it gets 80% of the vote cast for each candidate in that ward. This procedure is used in several other states including California.<sup>18</sup> The block-level data make it possible to bridge census decades to see how elections conducted prior to 2011 would play out in the current boundaries. They also have the advantages of being official in the sense that they are created by public law, and were the data relied upon by mapmakers in the most recent redistricting cycle.

We acquired population and election data for 252,596 census blocks from the State covering elections from 2002 to 2014.<sup>19</sup> We used the population data to produce an expansive array of 10,000 neutral maps drawn by computer using a new process introduced by Magleby and Mosesson (2018).<sup>20</sup> This process is vastly more efficient than are earlier approaches and allows us to produce large numbers of unique maps from census blocks (as opposed to VTDs).<sup>21</sup> While there is currently no known method for estimating the number of possible legislative maps that might be drawn in a jurisdiction like Wisconsin, Magleby and Mosesson have shown that their process has no discernable biases under existing tests.<sup>22</sup> Following their lead, we refer to these maps as “partisan blind” or “neutral” in that they are generated with no conditions other than contiguity and equal population. Election data are added only *after* the maps were produced. Each of the 10,000 maps is unique, contains 99 contiguous districts with a maximum population variation of 1.5%.<sup>23</sup>

These computer-generated maps are a necessary element in the districts-carried (DC) test of gerrymandering and they also play a vital role in our evaluation of the EG and MM comparison. First of all, they provide the appropriate in-sample comparison with which to assess the magnitude of the potential gerrymander in a jurisdiction. For instance, Stephanopoulos and McGhee's (2015) “suggestion” (p. 40) that a gerrymander is detected when the EG is greater than 8% comes from an empirical examination of state legislative elections going back to the 1970s. The *Whitford* plaintiffs use a similar examination of elections for state assemblies to argue for a 7% threshold

(Jackman 2016). Any dividing line is inevitably arbitrary, but the real difficulty here comes from what analyses of different places at different times tell us about a specific place at a specific time. As Stephanopoulos and McGhee (2015) observe, “(a)n eight-point gap in California simply is not commensurate, legally or politically, to an eight-point gap in Connecticut” (p. 42). Social scientists are used to making out-of-sample comparisons, often with controls to make situations as equal as possible. No matter the control variables, there is inherent risk due to unobserved factors that might make California different from Connecticut or Wisconsin circa 2014 different from Wisconsin circa 2004. An advantage of the neutral maps is that they make such comparisons unnecessary because they introduce the precise counterfactual in question: what would have occurred had the district lines been drawn differently. Thus, these maps offer a baseline relevant to all the measures examined here.

This baseline, moreover, has substantive significance for the EG and MM which measure bias without reference to a counterfactual. A process that combines blocks or VTDs on the basis of population and contiguity will produce maps that reflect the characteristics of residential geography plus chance.<sup>24</sup> As a result, bias detected by the EG and MM in the neutral maps would stem from the residential geography.<sup>25</sup> The plaintiffs’ claim for relief in *Whitford* implies that mapmakers’ actions have their own impact on vote dilution independent of Wisconsinites’ residential choices. The impact of the map itself, what we refer to as the “unnatural gerrymander” in contrast to the natural gerrymander, can be observed by comparing the total bias observed in the enacted map with the natural gerrymander observed in the neutral maps. This matter of distinguishing between the effect of residential geography and the mapmakers’ actions is emphasized in Judge Griesbach’s dissent and has come up in gerrymandering cases elsewhere.<sup>26</sup> The neutral maps are an ideal tool with which to address this issue.

## Results

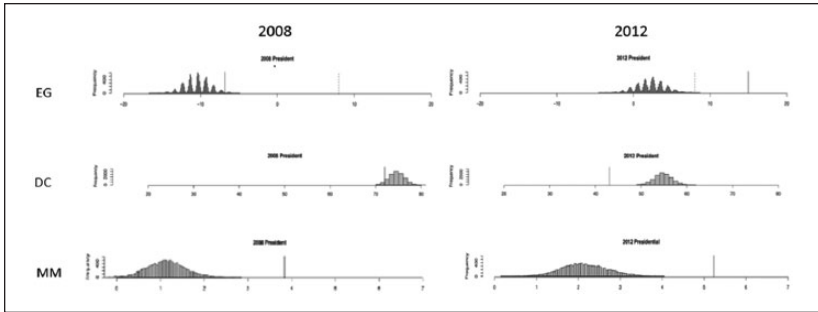
We proceed to examine the current Assembly districts in Wisconsin for evidence of gerrymandering in these 13 statewide elections, first without the benefit of the neutral maps and then with them. We begin with the enacted map, calculating the three measures over all 13 elections, focusing initially on the EG and MM, the two standalone measures of bias. The addition of the neutral maps to the analysis brings the DC back in, and provides the baseline from which to gauge the magnitude and source of the purported gerrymander in Wisconsin. These alternative maps also offer insight into the measurement qualities of all three metrics, so we pay attention to the distribution of results

obtained from them. For simplicity, we use the 2008 and 2012 presidential races to illustrate our full analysis, then proceed to examine all 13 statewide elections with a series of annotated histograms. We produce a simple score-card showing whether a measure detects a Republican gerrymander in Wisconsin distinct from the neutral maps, and conclude by distinguishing the impact of the residential geography versus the district lines drawn by the Legislature for the EG and MM measures.

We start by computing the EG and MM under the current Assembly map using returns from the statewide elections conducted between 2008 and 2014. The MM shows a clear pro-Republican bias in Wisconsin's Assembly map in all elections ranging from +3.84 (2008 presidential) to +6.33 points (2012 gubernatorial recall). The interpretation is straightforward: Democrats need to win approximately 53.84% (i.e., 50% + 3.84%) to 56.33% of the two-party vote statewide to carry the median district and win control of the Legislature, while Republicans always carry the median district with a minority of votes. This is exactly the sort of vote dilution alleged by the *Whitford* plaintiffs. The readings from the EG are somewhat less clear cut. Twelve of the 13 elections show a clear pro-Republican bias from +10.53% (2014 Attorney General) to +15.63% (2010 Attorney General). While these results are not directly interpretable, they are larger than the suggested 8% threshold for a Republican gerrymander. The EG observed in the 13th election, the 2008 presidential, is -6.83%, close to suggesting the current Assembly districts are a *pro-Democratic* gerrymander. Thus, while the series of relatively close elections and the sizable Republican victory produce efficiency imbalances favoring Republicans, the largest Democratic win suggests the opposite. Nonetheless, the EG detects a Republican gerrymander in 12 of the 13 statewide elections conducted in Wisconsin between 2008 and 2014, while the MM detects one in all 13 contests.

Incorporating the neutral maps into this inquiry helps to bring these results into sharper focus, and allows examination of the DC test. As 10,000 different combinations of census blocks into 99 Assembly districts yield a range of values for each measure, we use histograms to display the distribution of their results. The six panels of Figure 1 provide an example of this setup using the 2008 and 2012 presidential elections. The  $x$  axis in each panel represents the value of a measure and the height of the bars indicate the number of times each value is observed in the neutral maps. The count of DC by the Democratic candidate is always a whole number, but the EG and MM produce fractions (e.g., 3.84 or -6.83) so we group them in bins to graph them. Each panel also contains a vertical, solid line representing the observed value in the enacted map. In addition, the panels showing the EG have the 8% gerrymandering threshold drawn in as vertical, dashed line.





**Figure 1.** Three gerrymandering metrics in the 2008 and 2013 presidential elections using 10,000 neutral maps.

Note. *x* axis = observed value; *y* axis = number of observations; vertical line = observed value in enacted map.

Several aspects of these histograms are notable. First, the results obtained from the neutral maps for each measure appear normally distributed. This offers some reassurance that variations among the alternative maps are due to chance. The dispersion of results for all three measures suggests, too, that the 10,000 maps are more than incremental variations on a single theme. The EG displays a sort of jaggedness. We experimented with different sized bins and formats, but this pattern of peaks and valleys persists for reasons that are related to the measurement qualities of the EG discussed below. The EG and DC in the neutral maps shift (along the *x* axis) considerably in each election. For example, the mean EG in the 10,000 maps is  $-10.41$  in the 2008 election and  $2.29$  in the 2012 election, and the mean DC (by Democrats) is  $75.09$  in 2008 and  $55.24$  in 2012. The MM from the neutral maps is more stable across these disparate results in this pair of presidential elections with a mean of  $1.13$  in 2008 to  $2.15$  in 2012.

Figure 1 also provides a mixed answer to the question, depending on the election used, of whether Wisconsin's Assembly map is a Republican gerrymander distinct from the neutral maps. All three measures detect a Republican gerrymander using 2012 presidential returns in that the observed value in the enacted map is noticeably distinct from the range of values in the neutral maps. Thus, the solid vertical line representing the status quo is to the right of the histograms representing the neutral maps for the EG and MM and to the left for the DC, indicating that all three measures show the enacted map is appreciably more favorable to the GOP than are any of the 10,000 neutral maps. Complications ensue when we examine the enacted map using returns from the 2008 presidential election. The neutral maps yield negatively signed

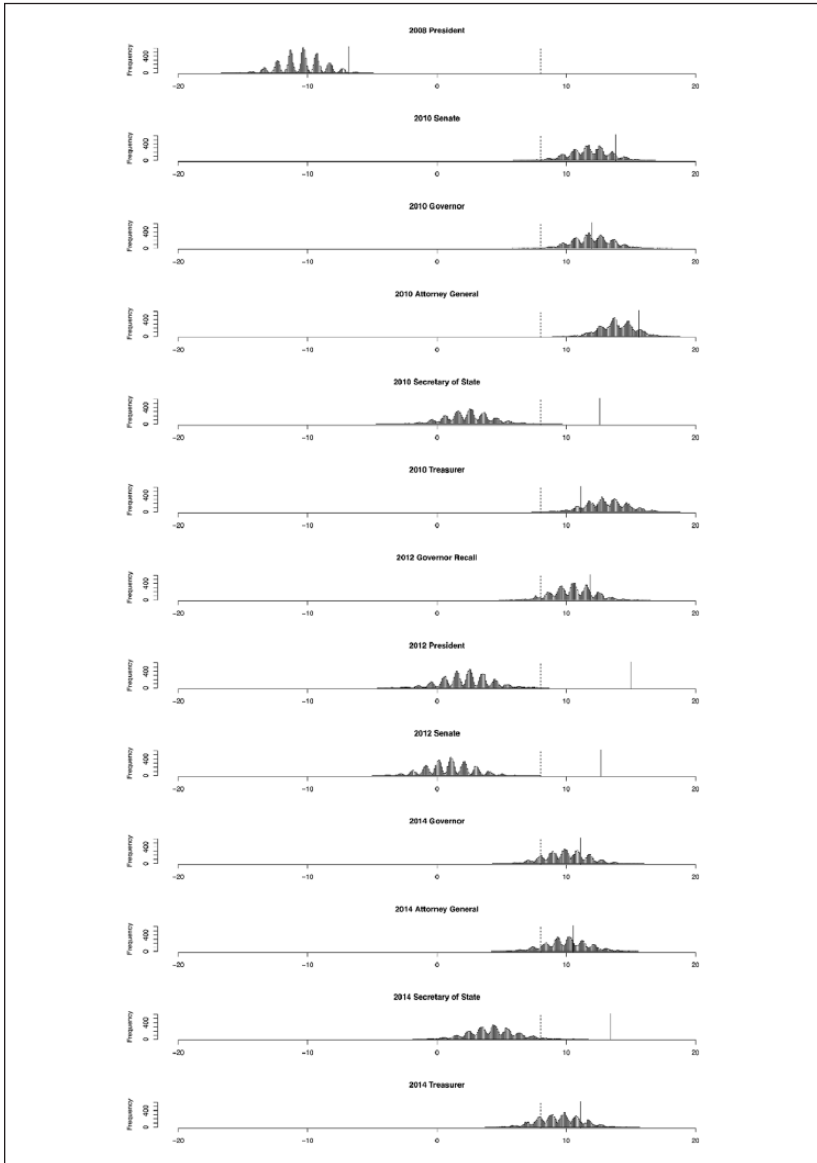


EGs in that election, 95% of which exceed the  $-8\%$  threshold to qualify as *Democratic gerrymanders*. The DC measure strongly suggests the enacted map is a Republican gerrymander; Obama carried 73 of the current Assembly districts in 2008, while 95.5% of the neutral maps show him winning 74 or more. The MM offers even clearer evidence of a Republican gerrymander in 2008 as none of the neutral maps produce bias that equals the bias in the enacted map.

Given the variety of results found using presidential returns from 2008, it is fair to question whether that election is an outlier best set aside (see Note 4). On one hand, the 2008 presidential election was by far Democrats' largest victory during this period. On the other, 2008 was the year where the presidential election conducted prior to redistricting and testimony at trial confirms that the analysts hired by Republican legislators used its results to analyze their maps.<sup>27</sup> Fortunately, there are results from 11 other statewide races to evaluate, including 10 relatively close contests and one Republican victory larger than Obama's in 2008 (2010 Attorney General). Presumably the close races, at least, should produce results similar to the relatively narrow Democratic victory in the 2012 presidential election.

Figures 2 (EG), 3 (DC), and 4 (MM) provide the full set of histograms for all 13 elections using the same setup as Figure 1. The scale of the axes is constant within each metric and the histograms are stacked vertically to make it easier to discern differences between elections. While the histograms may be too small to discern fine details, some patterns are easy to see. We start with the stability of each measure in the neutral maps. Contrary to expectations, the EG shifts considerably even when election results are close. For instance, the bottom two panels in each figure show the results using the 2014 contests for Secretary of State and State Treasurer, down-ballot races whose outcomes nearly mirror another with the Democrat winning the first and the Republican winning the second with about 52% of the two-party vote. Figure 2 shows that the neutral mean EG in the former is 4.31 and the latter is 9.51—suggesting that a partisan-blind process essentially produces what looks like a Republican gerrymander in one race but not in the other. The 2014 Treasurer's race is not the only one where the EG in a large majority of neutral maps exceeds the suggested 8% gerrymandering threshold; the same patterns appear in the 2010 U.S. Senate election, 2010 and 2014 gubernatorial elections, the 2012 gubernatorial recall, the 2010 and 2014 elections for Attorney General, and the 2010 and 2014 elections for State Treasurer. These are all of the races won by the GOP candidate.

Figure 3 shows that the DC in the neutral maps moves considerably, too, though this is less surprising as these counts by themselves do not indicate



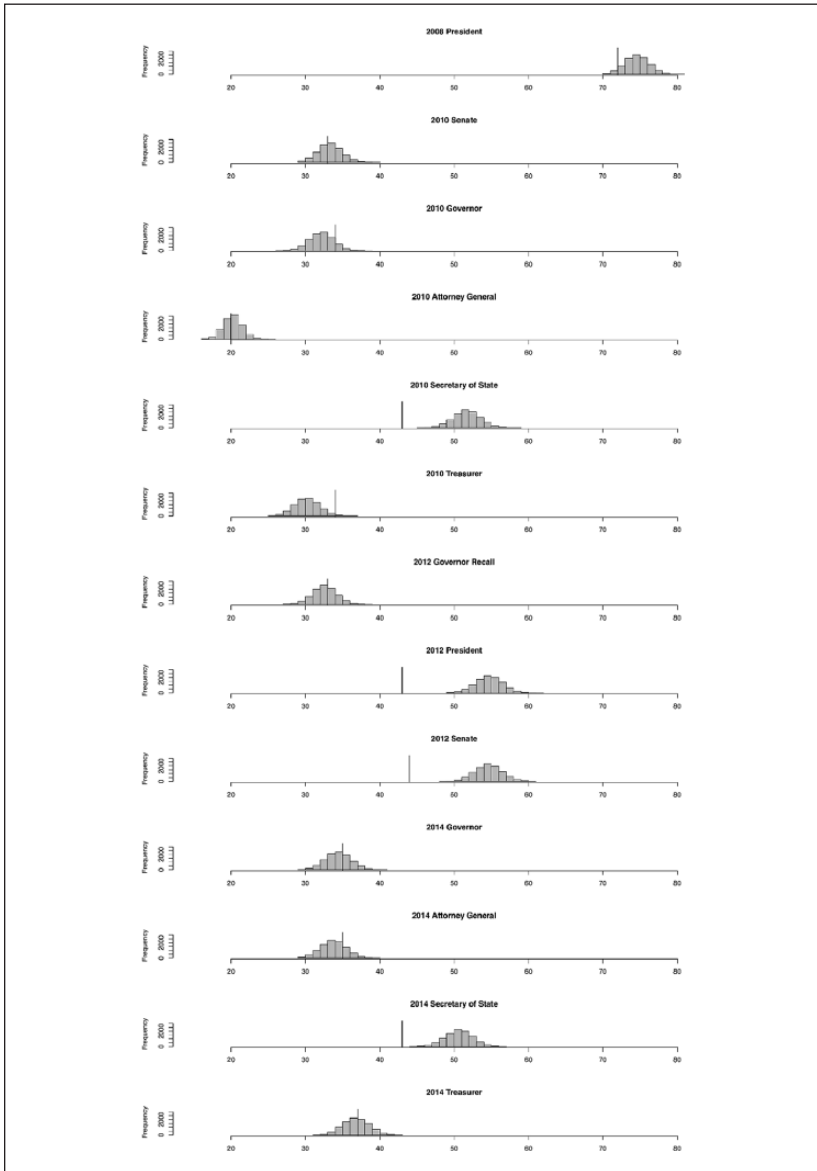
**Figure 2.** EG in 10,000 neutral maps across 13 statewide elections in Wisconsin. Note. x axis = observed efficiency gap in a map; y axis = number of observations; vertical solid line = efficiency gap in enacted map; vertical dashed line = 8% gerrymandering threshold.

bias. Nonetheless, the movement here is noteworthy because of what it says about Wisconsin's political geography. To use the same two down-ballot 2014 races as an example, the Democratic candidate for Secretary of State carried a mean of 51.13 districts in the neutral maps, while the Democrat running for Treasurer carried just 37.31—a 14-point shift in districts from a 4-point shift in votes. This suggests that the political geography is such that a neutral process will produce a relatively large number of districts competitive enough to flip when the statewide vote moves from one to the other side of 50%. Interestingly, the Democratic statewide winners carry a majority of districts in most of the neutral maps, but Republican statewide winners always carry a majority. This asymmetry hints at a natural gerrymander favoring the GOP.

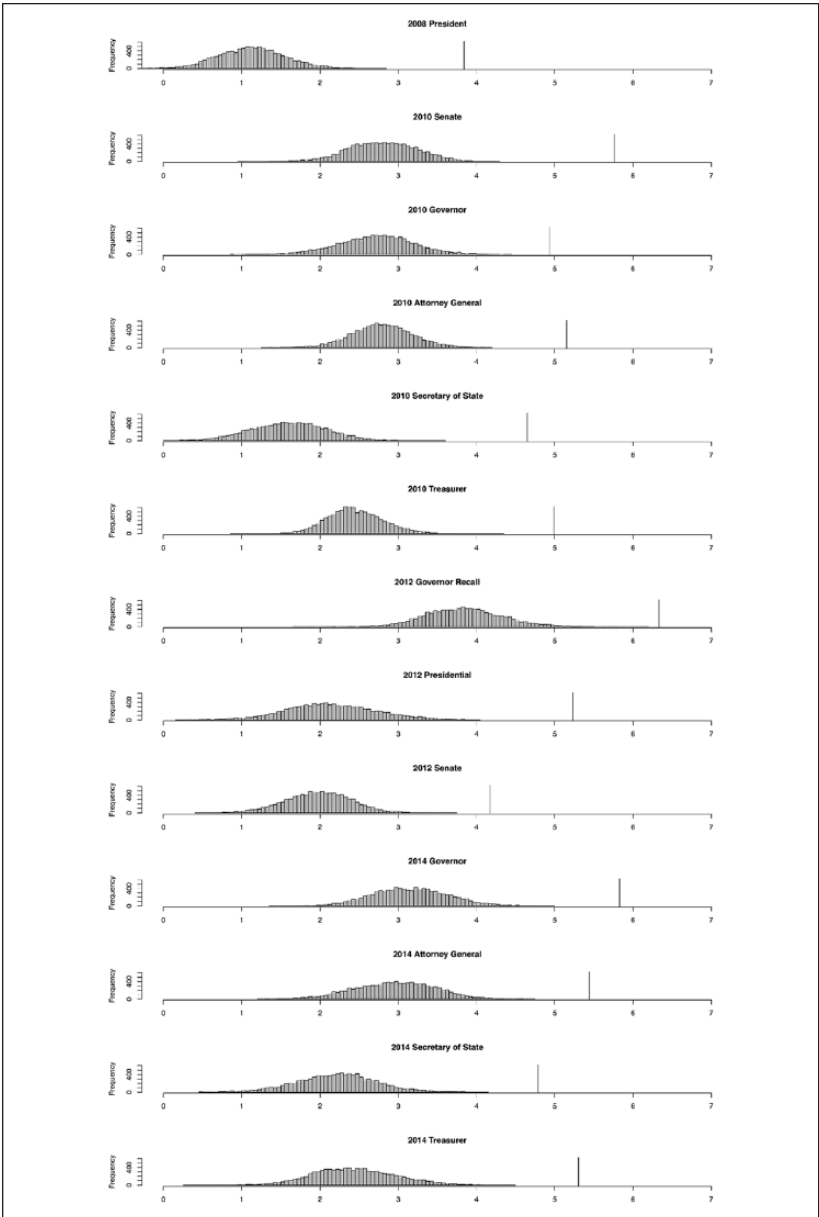
By contrast, the MM delivers reasonably stable results in the neutral maps no matter the election with a mean ranging from 1.13 in the 2008 presidential election to 3.86 in the 2012 gubernatorial recall. These fluctuations appear to make some sense. For instance, Obama's 2008 victory was marked by larger improvements in relatively Republican areas than in Democratic strongholds where gains were limited by ceiling effects, shifting the median district closer to the mean. Furthermore, these numbers are consistent with what is known about the natural gerrymander by essentially adding a few percentage points to Republicans' vote share in the contest to control the State Assembly. We argue below that stability should be evident in any measure of vote dilution as the disparate treatment of one group of voters would be observable no matter which party wins an election, at least within some plausible range of outcomes (see Note 4).

The main question of interest is whether the enacted map in Wisconsin is a Republican gerrymander when evaluated against this neutral baseline. That baseline is a required element in the DC test, and it provides perspective with which to judge the magnitude and source of bias for the EG and MM. The histograms in Figure 4 shows that the MM test meets these expectations. The solid vertical line of the enacted map is always to the right of the solid bars of the neutral maps, meaning that the enacted Assembly map favors Republicans more than do the neutral maps. In fact, the MM in the enacted map exceeds the MM found in *any* of the 10,000 maps across *all* 13 elections—130,000 comparisons in all. This is powerful evidence that Wisconsin's Assembly map is a Republican gerrymander. The MM says that this occurs because the enacted map packs Democratic voters into a relatively small number of districts beyond anything attributable to residential patterns, thereby diluting the weight of their votes relative to Republicans' in pursuit of the goal of winning a majority of Assembly seats.

The verdict from the EG and DC tests is more equivocal for it depends on the election examined. The panels in Figures 2 and 3 reveal multiple races



**Figure 3.** DC in 10,000 neutral maps across 13 statewide elections in Wisconsin. Note. x axis = number of Assembly districts carried by the Republican candidate; y axis = number of observations; vertical solid line = actual number of Assembly districts carried by Republican candidate in enacted map.



**Figure 4.** MM in 10,000 neutral maps across 13 statewide elections in Wisconsin. Note. x axis = observed median–mean in a map; y axis = number of observations; vertical solid line = median–mean in the enacted map.

where the solid vertical line of the enacted map is distinct from the results obtained from the neutral maps and others where it intersects them. For instance, in the 2014 race for Secretary of State, the solid line of the enacted map is right of the bars of the histogram for the EG and left of them for the DC, indicating a gerrymander favoring Republicans. But with the 2014 election for Treasurer, the line representing the enacted map is located within the bars representing the neutral maps for both measures, meaning that the effects of the Legislature's map cannot be clearly distinguished from the maps drawn by a computer. Scanning upward in both figures reveals other panels similar patterns. By its own decision rule the DC indicates that the Wisconsin Assembly map is a gerrymander in some races but not in others, and we maintain that the EG's results should be read the same way. Both measures suggest that the Republican gerrymander in Wisconsin appears and disappears depending on the election.

Table 1 presents a series of summary statistics about the values returned from the neutral maps from each measure, including the percentage of neutral maps that diverge from the enacted map. We scored divergence so that larger numbers represent results consistent with the hypothesis that the enacted map is a Republican gerrymander. For the EG and MM, that is the percentage of neutral maps with scores less than the enacted map to assess whether the Legislature's map is more biased in favor of Republicans than are the computer's. For the DC, that is the percentage of neutral maps that show the Democrat carrying more districts than he or she carried in the enacted map. While the degree of divergence is always 100% in the anticipated direction for the MM, the results from the EG and DC vary considerably from as little as 1.2% (DC in 2010 race for State Treasurer) to 100% in multiple elections. Table 2 distills this information as a scorecard reporting whether each test indicates a Republican gerrymander distinct from the neutral maps. Chen and Rodden are not explicit about how much overlap between the enacted map and neutral maps is permissible to determine whether a gerrymander has occurred, so we adopt a sliding three-category standard: 100% divergence, 95% divergence, and 75% divergence. Obviously, the MM is the only metric to detect a Republican gerrymander in every race and at every confidence level. The EG shows a Republican gerrymander distinct from the neutral maps in between 31% (100% divergence) and 69% (75% divergence) of elections and DC shows one between 31% and 38% of elections. The most noteworthy aspect of these results is that the EC and DC tend to find gerrymanders or not in the same elections. When the Democratic candidate wins by a relatively narrow margin (i.e., not Obama in 2008), both show Republican gerrymanders. When the Republican candidate wins, neither finds one except (occasionally) at the most forgiving confidence level. We return to this matter of conditionality

**Table I.** Summarizing the Results of the Neutral Maps for the Efficiency Gap, Victory Count, and Median–Mean Comparison Across 13 Statewide Elections in Wisconsin.

Efficiency gap	Victory count—no. districts carried by Dem									
	Dem % state-wide	Observed enacted map	Neutral map mean (minimum, maximum)	Overlap: % neutral > enacted	Observed enacted map	Neutral map mean (minimum, maximum)	Overlap: % neutral < enacted	Observed enacted map	Neutral map mean (minimum, maximum)	Overlap: % neutral > enacted
Presidential 2008	57.06	–6.83	–10.41 (–16.70, –4.93)	<sup>a</sup>	72	75.09 (70, 81)	9.60%	3.84	1.13 (–0.43, 2.83)	0.00%
Senate 2010	47.55	13.84	11.84 (5.91, 16.86)	8.84%	33	33.77 (29, 40)	20.40%	5.76	2.80 (0.99, 4.28)	0.00%
Governor 2010	47.08	11.97	12.03 (5.87, 18.16)	49.83%	34	32.64 (26, 39)	70.04%	4.94	2.72 (0.87, 4.45)	0.00%
Attorney General 2010	42.17	15.63	13.97 (8.96, 18.79)	10.88%	20	20.75 (16, 26)	15.16%	5.15	2.80 (1.27, 4.18)	0.00%
Secretary of State 2010	51.66	12.57	2.43 (–4.61, 9.64)	0.00%	43	52.18 (45, 59)	0.00%	4.65	1.60 (0.04, 3.57)	0.00%
Treasurer 2010	46.53	11.12	13.10 (7.34, 18.76)	88.28%	34	30.68 (25, 37)	95.79%	4.99	2.45 (0.89, 4.34)	0.00%
Governor recall 2010	46.58	11.86	10.55 (4.80, 16.46)	18.34%	33	33.06 (27, 39)	35.93%	6.33	3.86 (1.74, 6.19)	0.00%

(continued)

Table 1. (continued)

Efficiency gap	Victory count—no. districts carried by Dem									
	Dem % state-wide	Observed enacted map	Neutral map mean (minimum, maximum)	Overlap: % neutral > enacted	Observed enacted map	Neutral map mean (minimum, maximum)	Overlap: % neutral < enacted	Observed enacted map	Neutral map mean (minimum, maximum)	Overlap: % neutral > enacted
Presidential 2012	53.46	15.01	2.29 (-4.56, 8.65)	0.00%	43	55.24 (49, 62)	0.00%	5.24	2.15 (0.19, 4.03)	0.00%
Senate 2012	52.85	12.68	1.03 (-4.97, 7.94)	0.00%	44	55.08 (48, 61)	0.00%	4.17	1.97 (0.42, 3.72)	0.00%
Governor 2014	47.17	11.1	9.98 (4.38, 15.92)	23.60%	35	34.92 (29, 41)	40.61%	5.84	3.15 (1.37, 4.98)	0.00%
Attorney General 2014	46.87	10.53	10.03 (4.28, 15.53)	35.75%	35	34.24 (29, 40)	56.04%	5.45	2.96 (1.22, 4.73)	0.00%
Secretary of State 2014	51.97	13.39	4.31 (-1.82, 11.65)	0.00%	43	51.13 (44, 57)	0.00%	4.79	2.22 (0.46, 4.15)	0.00%
Treasurer 2014	47.86	11.09	9.51 (3.71, 15.62)	17.18%	37	37.31 (31, 43)	32.49%	5.3	2.44 (0.30, 4.46)	0.00%

Note. Overlap column can be understood as the % age of neutral maps in which Democratic candidate fared better than he or she did in enacted map.

<sup>a</sup>Potential Democratic gerrymander.



**Table 2.** A Scorecard: Is Wisconsin’s Assembly Map a Republican Gerrymander?.

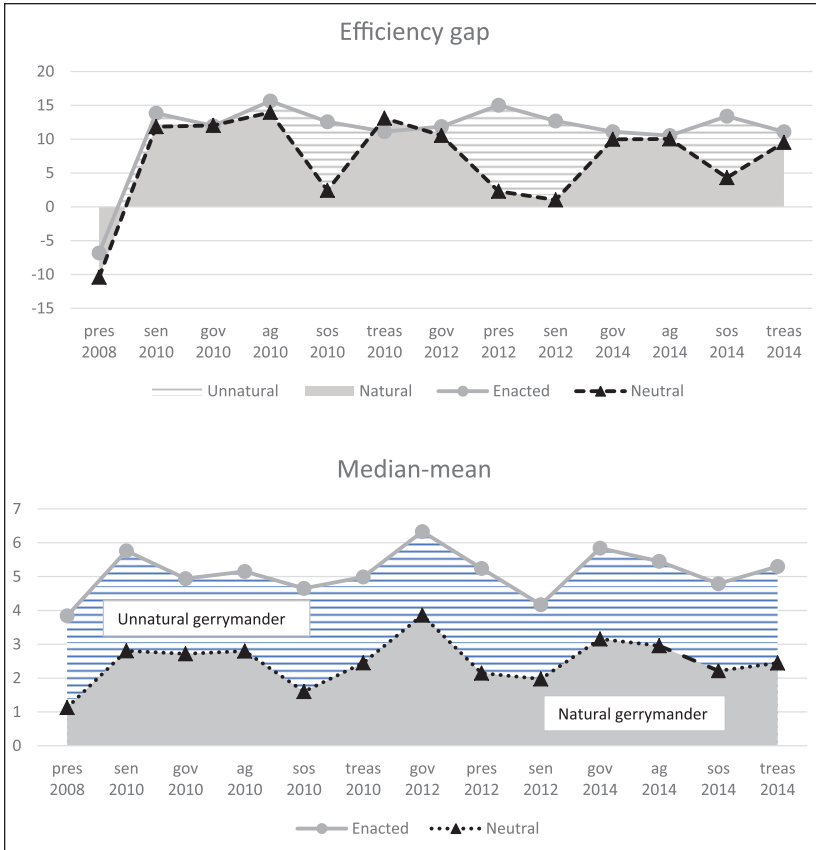
Election	Efficiency gap			Victory count			Median–mean		
	100%	95%	50%	100%	95%	50%	100%	95%	50%
<i>Presidential 2008</i>	No <sup>a</sup>	No <sup>a</sup>	No <sup>a</sup>	No	No	Yes	Yes	Yes	Yes
U.S. Senate 2010	No	No	Yes	No	No	Yes	Yes	Yes	Yes
Governor 2010	No	No	No	No	No	No	Yes	Yes	Yes
Attorney General 2010	No	No	Yes	No	No	Yes	Yes	Yes	Yes
<i>Secretary of State 2010</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Treasurer 10	No	No	No	No	No	No	Yes	Yes	Yes
Governor recall 12	No	No	Yes	No	No	No	Yes	Yes	Yes
<i>Presidential 2012</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>U.S. Senate 2012</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Governor 14	No	No	Yes	No	No	No	Yes	Yes	Yes
Attorney General 14	No	No	No	No	No	No	Yes	Yes	Yes
<i>Secretary of State 14</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Treasurer 14	No	No	Yes	No	No	No	Yes	Yes	Yes
Percent of races indicating gerrymander	31%	31%	69%	31%	31%	54%	100%	100%	100%

Note. Italics indicates race won by Democrat.

<sup>a</sup>Potential Democratic gerrymander.

in the next section when we discuss the measurement qualities of all three metrics examined here.

Finally, what of the natural and unnatural gerrymander? As we have noted, many defendants and judges would distinguish between vote dilution caused by the residential geography as opposed to mapmakers, and the plaintiffs often introduce evidence on mapmakers’ intent to produce advantage at the expense of some voters.<sup>28</sup> If the EG and MM observed in the enacted map is the total bias of the status quo and the EG and MM in the neutral maps represent the bias from residential geography, then the effect of the map itself is the difference between the two. Figure 5 depicts this calculation via a line graph with hash marks for each election. The solid line in each panel represents the EG and MM observed in the enacted map, and the dashed line is the *mean* EG and MM obtained from the neutral maps (a more forgiving standard than any in Table 2). The shaded area between zero and the dashed line thus reflects the natural gerrymander, while the striped area between the dashed and solid line represents the unnatural gerrymander. The EG again shows



**Figure 5.** The “unnatural gerrymander” layered on top of the natural gerrymander.

uneven support for the notion that the Legislature’s actions further dilute the weight of Democrats’ votes beyond residential geography. In most elections, the total bias of the enacted map is barely distinguishable from the neutral mean. Only in the four Democratic victories smaller than Obama’s margin in 2008 is there sign of a substantial pro-Republican bias clearly produced by the map itself.

By contrast, the MM reveals that the enacted map by itself does substantially dilute the voting strength of Democrats in every race. The MM in the enacted map ranges from 3.84 to 6.33 points and the mean in the neutral maps ranges 1.13 to 3.86 points. The difference between the two, the unnatural

gerrymander in the striped area in the second panel of Figure 5, varies from 2.20 (the 2012 Senate election) to 3.09 points (the 2012 presidential election). Thus, the Legislature's map has the effect of giving Republicans an additional 2.5% of the vote, approximately, in the battle to win control of the Wisconsin State Assembly. This is a significant hurdle for Democratic voters in Wisconsin for, coupled with the natural gerrymander, it means that they must produce a landslide there to win control of the State Assembly. In contrast, Republican routinely prevail in a majority of seats with a minority of votes.

## **Is Wisconsin's Assembly Map a Republican Gerrymander?**

As we can see from Table 2, the answer to this question depends on which measure of gerrymandering is used. The EG and DC suggest a Republican gerrymander in Wisconsin may be evident in elections won by the Democrat, but not in elections won by the Republican. On a certain level, this makes sense for it suggests that the Legislature's map protects Republicans in the event of a Democratic victory while providing little help to the party when its candidate wins. That is certainly a more nuanced argument than the one normally made that gerrymanders systematically benefit one party or its voters. It also suggests that any dilution of Democratic votes is situational depending on how the voters behave. Only the MM finds that Wisconsin's Assembly districts are a Republican gerrymander in every election and in every test. Given judges' reluctance to intervene in political gerrymandering, we are skeptical that plaintiffs will succeed if they are only able to say that electoral arrangements are *sometimes* unfair to them.

This divergence in empirical results seems noteworthy given that all three measures implicitly capture some version of "vote dilution." The EG categorizes votes by the binary decision rule of whether they are wasted or not. An efficiency imbalance occurs when one side squanders far more votes than does the other, suggesting greater dilution of their ballots.<sup>29</sup> The DC and the MM treat vote dilution as the value of partisans' votes relative to some outcome. For the DC, the outcome is the number of seats won versus expected victories from a neutral process. Votes are aggregated by district, effectively making the district the unit of analysis. The outcome of interest for the MM is control of the legislature, making the median district vitally important. By comparing the partisan median and mean, the MM's unit of analysis remains voters. We would argue that focusing on voters is superior both for legal (the 14th Amendment claim being made) and empirical reasons (the direction of coding does not flip at 50%).

The ultimate question, however, is which of these measures ought to be believed. Before answering that, we address two issues about the neutral maps which play such a large role in our conclusions. First, we return to the matter of whether our maps should be regarded as a valid counterfactual. The State and Chen (2017) emphasized attributes about their map or maps which we ignored in creating our comparison set, including race, jurisdictional wholeness, and compactness. Race is a less of a concern in Wisconsin with its overwhelmingly White population (89%) than it is elsewhere. Nonetheless, the algorithm we use should produce a significant number of majority–minority districts due the high concentration of minority voters in neighborhoods north (Black) and south (Latino) of I-94 in Milwaukee (Magleby & Mosesson, 2018).<sup>30</sup> The State and Chen both pointed to the number of municipalities and counties kept whole in their map or maps. However desirable keeping municipalities and counties within the same Assembly district may be, wholeness is not a legal requirement in Wisconsin.<sup>31</sup> Nor is it evident what difference this would make to these analyses, even if we knew which jurisdictions to keep whole.<sup>32</sup> Compactness is not a legal requirement in Wisconsin either, nor do statutes or case law provide a single metric for measuring it.<sup>33</sup> Magleby and Mosesson (2018) note that compact districts are a likely by-product of their algorithm, although irregular shapes and juts cannot be ruled out in the effort to balance population. Finally, to the extent we can compare them, our maps and Chen’s appear similar. He finds that Mitt Romney would have carried between 38 and 47 Assembly districts in his 200 maps compared with between 37 and 50 in our 10,000; his maps yield EGs ranging from approximately –3 to 6 (reading from figures) while ours range from –4.56 to 8.65. In short, we have no reason to suspect the 10,000 neutral maps we evaluate are either deficient or much different than Chen’s.

Second is the matter of incorporating neutral maps into the analysis of Wisconsin’s Assembly districts. A comparison set is a necessary component to the DC’s method of detecting bias, but not for the EG and MM. As the neutral maps create such difficulties for the EG, why incorporate them at all? In a generic sense, we believe it is appropriate to evaluate a measure in as many settings as possible. Moreover, the neutral maps provide added value by approximating the effect of residential geography, allowing assessment of the State’s claim that the enacted map merely reflects where Wisconsinites choose to live. While we do not endorse the principle that vote dilution from residential geography is acceptable where fairer arrangements are accessible, the courts have made the distinction between what we have called the natural and unnatural gerrymanders. Indeed, Judge Griesbach objects that the plaintiffs do “not adequately account for Wisconsin’s political geography, which

naturally ‘packs’ large numbers of Democrats into urban areas like Madison and Milwaukee, resulting in hundreds of thousands of ‘wasted’ votes in inevitable landslide Democratic victories for assembly candidates” (p. 121). The neutral maps allow us to account for that political geography. Furthermore, the plaintiffs themselves refer to Chen’s alternative maps in arguing for the EG, but Chen only examines the 2012 presidential elections with its cooperative results. As we have shown, other elections yield different results for both the EG and DC measures.

If the data and empirical tests here are appropriate, the question whether Wisconsin’s Assembly map is a gerrymander boils down to which measure is most reliable. The goal of any tool designed to detect gerrymandering is to capture the partisan bias created by the way the votes are aggregated *without* picking up other electoral characteristics. The notion that a measure measures only what it is meant to measure is axiomatic. Otherwise, it risks being confounded by other factors, like a thermometer that also detects barometric pressure. It is potentially significant that the EG and DC exhibit the same pattern of results, tending to find that modest Democratic wins look like Republican gerrymanders while Republican victories do not. This pattern raises the question whether both measures are capturing more than partisan bias.

There is ample reason to believe so for the components that build both measures are conditional on which party carries a district. This is obvious for the DC with its binary coding of wins and losses, but it also applies to the EG. For example, in a contest where the Democrat wins 51 votes and Republican wins 49, the disparity in wasted votes is enormously favorable to the Democrats (one wasted Democratic vote vs. 49 wasted Republican ones). If two Democratic voters change their minds and support the Republican, the disparity is now equally favorable to the Republican. Indeed, the EG goes substantially farther than the DC by using the difference in each party’s wasted votes. In the pair of 51 to 49 examples above, the DC would have the Democrats winning 1 or 0 districts while the EG has a disparity in wasted votes as either +48 or -48. These sign flips account for the jaggedness in the histograms of the EG in Figures 1 and 2; the EG grows and shrinks as districts change hands. It also explains why the enacted map looks like a Democratic gerrymander when analyzed with the 2008 presidential returns. Obama’s victory was broad enough to carry what in all other elections look like marginally Republican districts, turning the difference in wasted votes in Democrats’ favor. We expect the EG to indicate the Assembly map is a Democratic gerrymander in any election the Democrat wins approximately 55% or more of the statewide vote—or when the Republican wins approximately 60% or more.<sup>34</sup>

Thus, both measures are susceptible to big changes from small movements in the vote near 50% in a district, suggesting that any map with a number of competitive districts will produce unstable results. That is exactly what appears to be happening here with the EG and DC. As we note, the 4-point difference in vote share in the 2014 contests for Secretary of State and State Treasurer triggers large shifts in the EG and DC obtained from the neutral maps. This occurs because Wisconsin is so politically competitive that the computer produces enough districts close enough to the 50-50 tipping point that a small shift in the vote moves a relatively large number of districts to the other party's column. When that happens, the EG in individual districts flips signs and the DC goes from 0 to 1, leading to big movements in both measures. Beyond capturing vote dilution, it is clear that both measures also pick up electoral performance, rendering them unreliable at detecting gerrymanders.<sup>35</sup> Presumably both would do better in uncompetitive states like Texas or California, but majority rule is rarely threatened in those places. Given these measurement properties, we would not use either metric to argue for or against a gerrymander. Other scholars have raised similar doubts about the EG in particular (Cho, 2017; Cover, 2018).

Does the MM fare better? Should we be suspicious that it is prone to discover gerrymanders, given it finds substantial dilution of Democratic votes in the enacted map across all 13 elections? This concern cannot be addressed from a single case. We expect similar results from analyzing the same maps, but consistency does not indicate whether those results are consistently right or wrong. Elsewhere we have analyzed legislative districts in other states and are reassured the MM is not prone to detect gerrymanders (Best, Donahue, Krasno, Magleby, & McDonald, 2017).<sup>36</sup> The fact it detects one in Wisconsin seems unsurprising given the array of evidence that Wisconsin's Assembly map actually is a gerrymander: the peculiar and secretive process by which the map was created,<sup>37</sup> the admission of several leading Republicans of partisan intentions while drawing the map,<sup>38</sup> Democratic candidates' failure to carry a majority of Assembly seats in circumstances short of a landslide, and so on. Still, it is circular reasoning to proclaim the MM finds the Wisconsin Assembly map is a Republican gerrymander because the map is a Republican gerrymander, no matter how much we may suspect that is true.

The best internal evidence of the MM's reliability in this single case comes from what the neutral maps say about the natural gerrymander in Wisconsin. We know that a natural gerrymander exists where there are high concentrations of Democratic voters in large cities. The same conditions exist in Wisconsin according to both sides in the litigation, and the MM finds a natural gerrymander whose mean across 10,000 maps is between 1.13 and 3.86

percentage points in all 13 races there. Thus, the MM confirms what everyone argues is present in Wisconsin, a modest yet important Republican advantage in legislative elections from the natural packing of Democratic voters. It also lends credence to our estimates that Legislature's map adds another 2.20 to 3.09 points of pro-Republican bias beyond the effect of residential geography. The MM exhibits the qualities expected in a measure by providing stable and sensible estimates of both components of a gerrymander across a relatively wide range of elections.

Ultimately, the MM stands or falls on its logic that gerrymandering skews the way votes are aggregated toward the goal of winning control of a legislature. That is not to say that mapmakers conceive of gerrymandering in statistical terminology like skew, distribution, median, or mean. These terms become relevant for the precision they bring in evaluating the degree of vote dilution in a map. This is evident in Wisconsin when we look separately at the district-level partisan mean and median in the enacted and neutral maps. The mean in all these maps tracks the statewide result closely; when a Democrat wins 47% or 52% of the vote statewide, her mean vote across 99 Assembly districts is around 47% and 52% in all maps. There is little that would-be gerrymanders could do to manipulate that result so long as the districts are relatively equal in population. The median, however, is a different story. Packing Democratic voters makes the remaining districts more Republican on average, thus shifting the probable location of the median. The partisan median in the enacted map is substantially more Republican than the median in any of the 10,000 alternative maps we produced in every election we examine. The end result is a nearly insurmountable advantage for Republicans in the battle to control the State Assembly; the Democrats must win about 55% or more of the vote statewide to carry a majority of districts while Republicans need only win 45% or more. This is an arrangement that routinely gives a minority of voters control over an important branch in state government, a form of entrenchment that insulates the GOP from the normal processes of democratic change.

We conclude that the *Whitford* plaintiffs are correct that Wisconsin's Assembly districts systematically dilute the weight of ballots cast by Democratic voters versus Republican voters. The vote dilution we observe is substantial, persistent, and created mainly from the Legislature's map. The fact that the best evidence for their case comes from material not presented at trial is unfortunate. The fact that their evidence at trial could be used both to undermine and support their case is ironic. No matter what was presented at trial, their claim remains demonstrably true. From our perspective, it is clear both that gerrymanders can be detected and that Wisconsin's Assembly map is a fairly substantial Republican gerrymander that directly harms Democratic voters in that state.

## Appendix

### *Voting Behavior in Wisconsin's Statewide Elections*

Table A1 shows the results of the 13 statewide elections conducted in Wisconsin in the two election cycles before and after the 2011 redistricting, including the number of current Assembly districts carried by the Democrat in each race.

Table A2 shows the ward-level correlation in the Democratic vote in these statewide elections. Despite the range of results and the 6-year time period, the correlations are high throughout every pair of races: the average correlation is .939 and only dips below .9 in three pairs of elections. The results demonstrate that partisan voting patterns in Wisconsin are remarkably stable—a fact that mapmakers who analyzed their work using returns from previous elections counted on in drawing Wisconsin's Assembly districts.

**Table A1.** Summary Information About 13 Statewide Elections in Wisconsin From 2008 to 2014.

Election	Democratic vote	Republican vote	Democratic % age	Number of districts carried by the Democrat (of 99)
Presidential 2008	1,677,112	1,262,318	57.06	72
Senate 2010	1,020,895	1,125,944	47.55	33
Governor 2010	1,004,242	1,128,885	47.08	34
Attorney General 2010	890,021	1,220,729	42.17	20
Secretary of State 2010	1,074,054	1,005,165	51.66	43
Treasurer 2010	958,410	1,101,264	46.53	34
Governor recall 2010	1,335,585	1,164,480	46.58	33
Presidential 2012	1,620,985	1,410,966	53.46	43
Senate 2012	1,547,104	1,380,126	52.85	44
Governor 2014	1,120,559	1,255,053	47.17	35
Attorney General 2014	1,064,633	1,206,968	46.87	35
Secretary of State 2014	1,158,498	1,070,809	51.97	43
Treasurer 2014	1,024,238	1,116,012	47.86	37



**Table A2. Ward-Level Correlation in the Democratic Two-Party Vote in Wisconsin's Statewide Elections From 2008 to 2014.**

	Presidential		Senate		Governor		Attorney general		Secretary of state		Treasurer	
	2008	2010	2010	2010	2010	2010	2010	2010	2010	2010	2012	2014
Presidential 2008		.945	.94	.926	.942	.94	.885	.935	.929	.894	.903	.915
Senate 2010	.945		.987	.969	.97	.976	.921	.937	.929	.927	.932	.931
Governor 2010	.94	.987		.969	.966	.975	.927	.937	.93	.93	.935	.933
Attorney General 2010	.926	.969	.969		.945	.978	.915	.925	.921	.916	.924	.912
Secretary of State 2010	.942	.97	.966	.945		.969	.895	.925	.921	.903	.909	.918
Treasurer 2010	.94	.976	.975	.978	.969		.913	.935	.933	.919	.926	.928
Governor recall 2010	.885	.921	.927	.915	.895	.913		.939	.933	.962	.954	.942
Presidential 2012	.935	.937	.937	.925	.925	.935	.939		.98	.952	.952	.954
Senate 2012	.929	.929	.93	.921	.921	.933	.933	.98		.945	.952	.956
Governor 2014	.894	.927	.93	.916	.903	.919	.962	.952	.945		.986	.968
Attorney General 2014	.903	.932	.935	.924	.909	.926	.954	.952	.952	.986		.976
Secretary of State 2014	.915	.931	.93	.912	.925	.928	.931	.952	.956	.968	.976	
Treasurer 2014	.915	.932	.933	.92	.918	.928	.942	.954	.957	.979	.985	.984

## Author's Note

All authors are at Binghamton University. Questions or comments on this article may be directed to [REDACTED].

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## Notes

1. Vote dilution is the central element in gerrymandering. For instance, Justice Scalia cites the definition from the 1999 edition of *Black's Law Dictionary* in Vieth (2004): "[t]he practice of dividing a geographical area into electoral districts, often of highly irregular shape, to give a political party an unfair advantage by diluting the opposition's voting strength" (p. 271, n. 1). The *Whitford* plaintiffs invoke the 14th amendment by arguing the harm is experienced by individual voters as opposed to focusing on political parties themselves, a savvy move given that individuals have traditionally received more constitutional protection. We return to the question of what a diluted vote is in the conclusion.
2. The plaintiffs also offer a brief examination of the partisan symmetry standard (King & Grofman, 2007) in their trial brief to confirm the findings of the efficiency gap (EG). We discuss partisan symmetry as well as several other measures which played no role in the case elsewhere (Best et al., 2017).
3. For instance, in *Davis v. Bandemer*, 478 U.S. 109 at 132-133, Justice White in a plurality opinion wrote, "An equal protection violation may be found only where the electoral system substantially disadvantages certain voters in their opportunity to influence the political process effectively. In this context, such a finding of unconstitutionality must be supported by evidence of continued frustration of the will of a majority of the voters or effective denial to a minority of voters of a fair chance to influence the political process."
4. Gerrymanders may not be detectable in landslides where the normal patterns of voting are substantially disrupted.

5. This treatment of the winner's wasted votes is a peculiarity noted Judge Griesbach who observes that it is the equivalent of suggesting that the Indians need one more run than half the total they and the Cubs scored together as opposed to simply one more run than the Cubs scored (Griesbach, p. 150). This would seem to make more sense for exactly the reason Judge Griesbach observes: in elections, as in baseball, the winner needs only to surpass the loser. More important, this formulation appears to underestimate the winner's wasted votes. Later work by McGhee (2016) acknowledges that adjustments in how the EG is calculated might be necessary. There is no consensus among the few other academics who have used the concept of waste. Hacker (1964) defines votes wasted by winning candidates as those exceeding the loser's total, while Campbell (1996) says only the losers' votes are wasted.
6. McGhee (2014) is explicit about the assumption of equal numbers of votes cast when he derives this function in an appendix: "When there are only two parties and each district has exactly the same number of voters, proportions can be substituted for raw votes in all of the formulas" (p. 79). Stephanopoulos and McGhee (2015) only mention the requirement that "all districts are equal in population" (p. 853) and note that equality is constitutionally required. Their Figure 1 which shows how the EG is calculated has 10 districts with exactly 100 votes in each.
7. One of the plaintiff's experts, Prof. Simon Jackman, used this "simplified method" to calculate the EG in Wisconsin and elsewhere while another expert, Prof. Ken Mayer, used the "full method." Their results for the 2012 presidential election in Wisconsin differed by 3 percentage points (Whitford decision, p. 82).
8. Republicans have somewhat openly conceded partisan motivations in the *Whitford* and also in litigation in Virginia (*Page v. Virginia State Bd. of Elections*, 2015 WL 3604029, \*19 (ED Va., June 5, 2015), appeal dismissed sub nom. *Wittman v. Personhuballah*, 136 S. Ct. 1732, 2016), Alabama (*Alabama Legislative Black Caucus v. Alabama*, 575 U. S. \_\_\_, 2015), and North Carolina (*Harris v. McCrory*, No. 1:13-cv-949, 2016 U.S. Dist. LEXIS 14581 (M.D.N.C. Feb. 5, 2016), *probable jurisdiction noted*, 136 S. Ct. 2512, 2016).
9. Justice White wrote, "Our cases, however, clearly foreclose any claim that the Constitution requires proportional representation, or that legislatures in reapportioning must draw district lines to come as near as possible to allocating seats to the contending parties in proportion to what their anticipated statewide vote will be." He referred back to *White v. Regester*, 412 U.S. 765, 765-766 (1973) and *Whitcomb v. Chavis*, 403 U.S. 156, 160 (1971).
10. The two judges who held for the plaintiffs, Judges Kenneth F. Ripple and Barbara B. Crabb have a different take. "To say that the Constitution does not require proportional representation is not to say that highly disproportional representation may not be evidence of a discriminatory effect. Indeed, acknowledging that the Constitution does not require proportionality, Justice Kennedy observed in *LULAC* that 'a congressional plan that more closely reflects the distribution of state party power seems a less likely vehicle for partisan discrimination than one

- that entrenches an electoral minority.’ 548 U.S. at 419 (opinion of Kennedy, J.). We do not believe, therefore, that the Constitution precludes us from looking at the ratio of votes to seats in assessing a plan’s partisan effect.”
11. The number of districts carried will end up being a range because each computer-generated map is a separate observation.
  12. The lineage of this simple calculation as an aspect of fair districting can be traced as far back as a late-19th century analysis by Edgeworth (1898). Its connection to gerrymandering can be traced at least to David Butler’s analysis of electoral bias in mid-20th century British general elections (Butler, 1951). The same comparison has been used in later work to provide the same check (e.g., Butler, 1952; Erikson, 1972).
  13. McDonald and Best note that there are separate tests to detect cracking and turnout bias, which together with their measure of differential packing offer a comprehensive method for evaluating potential gerrymanders.
  14. The exception would be a gerrymander that exclusively cracks a population by, for instance, dividing a 52% Democratic state into ten 52% Democratic districts. In that case, there would be no skew in the distribution of partisans and there would also be no evidence of dilution of the weight of Republican votes. Republicans’ complaint about such an arrangement would be based on their inability to achieve “effective” representation ala *Reynolds v. Sims*, 377 U.S. 533 (1964).
  15. The Court’s concern about control of the legislature is expressed in many places, including *Bandemer* (at 133): “such finding of unconstitutionality must be supported by evidence of continued frustration of the will of a majority of voters.”
  16. June 2012 also featured a separate recall election for the Lt. Governor. Normally, Governor and Lt. Governor run as a team, but both were individually subject to recall. Given these unusual circumstances and nearly identical results, we only examine the gubernatorial recall.
  17. The most heavily used repository of election data with shape files is Election Data Archive Dataverse at Harvard University which contains information for a number of states painstakingly gathered over a several-year period. See <https://dataverse.harvard.edu/dataverse/eda>.
  18. We tested these estimates by deriving our own using a similar procedure as the described by Wisconsin’s analysts. The comparisons showed little difference between our numbers and the State’s.
  19. The Census Bureau has information for approximately 500 more blocks than are in the Wisconsin files, but they appear to be areas covering water with no population.
  20. The possibility of using computer-generated maps to evaluate districts was first suggested by Nobel Laureate economist William Vickrey in 1961. A number of scholars have attempted to follow up on his recommendation, including Cirincione, Darling, and O’Rourke (2000), Altman and McDonald (2009), Chen and Cottrell (2016), Chen and Rodden (2013b, 2015), Cho and Liu (2016), and Cho (2017). All appear to show the same analytic approach to the problem. Altman and McDonald

- have provided an open-source statistical package, BARD, to allow others to produce districts (2009).
21. Chen (2017), by comparison, discusses an alternative set of 200 maps of Wisconsin Assembly districts. He and Rodden offered testimony about 1,000 maps in Florida, while Darling produced 5,000 maps in the trial phase in the same litigation (*League of Women Voters v. Detzner*, 188 So.3d 68 (Fla. 2016)). Chen, Rodden, and Darling all used voting tabulation districts (VTDs). Census blocks add substantial complexity to the process of producing districts, but they are the building blocks from which districts are created.
  22. These two tests are proposed by Altman et al. (2015) and Fifield et al. (2017). As the underlying universe of possible maps is unknown, both sets of authors offer stylized examples of small jurisdictions with which to appraise the bias of mapping algorithms.
  23. Maps are generated as lists of component census blocks, so testing for uniqueness is straightforward. Like the courts, we adopt the principle of “point contiguity” where two areas may be connected by a single point. The element insuring contiguity is an adjacency matrix of census blocks and their neighboring blocks. We regenerated this matrix multiple times to look for variations and rendered a random sample of maps to inspect by eye. Examples of these maps are available upon request.
  24. A set of 10,000 unique maps will return a range of results on any given measure, including some maps that might appear to be gerrymanders. Theoretically, the larger the number of these maps, the more likely it is that resulting distribution should appear normal with a visually discernable median and mode and a decreasing number of observations farther from the mode.
  25. Chen and Rodden (2013b) present a method of measuring the natural gerrymandering using neutral maps. As their method of detecting gerrymanders (the districts carried [DC]) produces such mixed results below, we do not attempt to replicate their calculations of the natural gerrymander.
  26. For instance, in *League of Women Voters v. Detzner* (Fla. 2016), the State of Florida argued that its districts merely reflected the residential geography of the state using Chen and Rodden’s (2013a) earlier analysis of the state as its proof.
  27. Adam Foltz and Tad Ottman, who were legislative aides, admitted at various points that they used the 2008 election to assess the partisanship of proposed Assembly districts. This race was also considered in the analysis of the General Assembly’s consultant, Professor Ronald Keith Gaddie of the University of Oklahoma.
  28. For example, the *Whitford* plaintiffs introduced evidence on the intent of Republican legislators in drawing these lines, including the fact that those drawing the districts were using names for the plans such as “Adam Assertive” and “Joe Aggressive” to describe their partisan lean. The map team carefully assessed the anticipated bias using a variety of methods, eventually producing a color-coded chart to reflect each district’s lean under various conditions. This chart was reproduced in the circuit panel’s opinion in *Gill v. Whitford* (p. 117).

29. It is noteworthy that Stephanopoulos and McGhee's coding leaves 75% to 25% as the only perfectly balanced outcome within a single district as each side wastes 25% of the votes cast. The farther the vote departs from 75% to 25%, the greater the imbalance. We explore the ramifications of this formula, especially the sign flip that occurs at 50-50 (see below), in another paper.
30. In *Baldus v. Members of Wisconsin Government Accountability Board*, 849 F. Supp. 840 (E.D. Wisc. 2012), a three judge panel found two districts (AD-08 and AD-09) in the southern part of Milwaukee County to have violated the Voting Rights Act by diluting Hispanic votes. These districts were redrawn, but did not affect any others in the state.
31. Article IV, Section 4 of the Wisconsin Constitution (1982) states, "such districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory and be in as compact form as practicable." However, Atty. Gen. Opinion 58-88 has rendered previous state interpretation to prohibit splitting of counties negatory.
32. Chen (2017) speculates that a key difference between the enacted map and his alternatives is the number of counties kept whole (14 and 18, respectively). But the counties involved are relatively unpopulated, constituting just 4% (the state's 14 counties) and 5% (Chen's 18) of Wisconsinites.
33. Niemi et al. (1990) considered several different measures for compactness, among them dispersion, perimeter, and population. In *Wisconsin State AFL-CIO v. Election Board*, 543 F.Supp. 630 (E.D. Wisc. 1982), the court found that compactness was subservient to the overall objective of population equality.
34. There are two ways to think about this. In a GOP landslide, the party's increasing margin in Republican and marginal districts increases the number of votes it wastes in these districts. Or, the packing of Democrats into a handful of overwhelmingly partisan districts makes it impossible for the winning Republican to carry as many districts as her popular vote count suggests she should.
35. To express the statistical relationship between Democratic performance and the EG and DC measures in more rigorous and familiar terms, we regressed those measures on the Democratic statewide vote and a dummy variable for the Obama landslide in 2008 using the neutral maps. The expectation, of course, is that the Democratic vote should have little or bearing on a variety of dependent variables such as the size of the EG, an array of binary variables indicated whether a Republican gerrymander is detected or not (e.g.,  $EG > 8$ ,  $EG >$  observed EG in enacted map, and  $DC >$  observed DC in enacted map). No matter the specification, the coefficient associated with statewide Democratic performance is always sizable and statistically significant. We explore this topic in greater detail, especially for the EG, in another paper underway.
36. For example, we find that Iowa's State Senate districts are not a gerrymander using the median-mean (MM), a noteworthy departure from the EG which exceeds 8% in more than 60% of statewide races conducted in the current redistricting cycle.
37. Republicans in the Wisconsin Legislature had tried to assert attorney-client and legislative privilege in order shield communications and documents from the

public. They were repeatedly denied on this point by the three judge panel in *Baldus v. Members of the Wisconsin Government Accountability Board* (2012), which was comprised of two Republican judges and one Democratic judge. They found that privilege did not exist as this involved those hired at taxpayer expense. At one point, the Court became so displeased with the attorneys for the Wisconsin Legislature not complying with their orders that they issued sanctions against them.

38. Judge Griesbach writes: “I begin with a point upon which I agree with my colleagues. It is almost beyond question that the Republican staff members who drew the Act 43 maps intended to benefit Republican candidates. They accumulated substantial historical knowledge about the political tendencies of every part of the state and consulted with Dr. Ronald Gaddie to confirm their predictions about voting patterns. Though they denied the suggestion that such information was used to project future voting tendencies, my colleagues rightly conclude that when political staffers compile historical voting information about potential districts, their claim that they did not intend to use that information to predict future voting patterns is hardly worthy of belief. After all, these individuals are not operating under even the pretense that they are nonpartisan: they are employed by Republicans in leadership and draft district maps at their direction. That they would resort to partisan considerations in drawing the maps is therefore anything but surprising” (p. 121).

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### **Author Biographies**

**Jonathan Krasno** is an associate professor of Political Science at Binghamton University (SUNY). He is an expert in public opinion, voting behavior, and campaign finance.

**Daniel B. Magleby** is an assistant professor of Political Science at Binghamton University (SUNY). His research focuses on legislative institutions, elections, and political geography.

**Michael D. McDonald** is a professor of Political Science at Binghamton University (SUNY) and director of the Center on Democratic Performance at Binghamton University. He is an expert in election systems, voting rights and political parties.

**Shawn Donahue** is a doctoral candidate in Political Science at Binghamton University (SUNY). His research focuses on electoral geography, election law, and voting rights.

**Robin E. Best** is an associate professor of Political Science at Binghamton University (SUNY). She is an expert on political parties, electoral politics, and democratic systems of government.

# Jonathan S. Krasno

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Department of Political Science

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[REDACTED]

## Education

- 1991            Ph.D.: Political Science, University of California, Berkeley  
1985            M.A.: Political Science, University of California, Berkeley  
1982            B.A.: Political Science, University of Wisconsin-Madison

## Professional Experience

- 2003 -            **Binghamton University:** Professor of Political Science (2018 – present); Associate Professor of Political Science (2003 – 2018); Director of Undergraduate Studies (Political Science, 2006 – 2009, 2013 – 2016)
- 2009 - 2010      **University of Tampere,** Tampere, Finland: Fulbright Scholar / Visiting Professor
- 2001 - 2003      **Yale University:** Visiting Fellow, Institute for Social and Policy Studies; Lecturer, Department of Political Science (2001-2002)
- 2000            **University of Maryland:** Nonresident Fellow, Center for American Politics and Citizenship,
- 1998 - 2000      **Brennan Center for Justice at NYU School of Law:** Senior Policy Analyst
- 1991 - 1998      **Princeton University:** Assistant Professor of Politics

## Publications

### Books and monographs

- 2000    *Buying Time: Television Advertising in the 1998 Congressional Elections* (with Daniel Seltz). New York: Brennan Center for Justice.
- 1994    *Challengers, Competition, and Reelection: Comparing Senate and House Elections*. New Haven: Yale University Press. (paperback edition 1996)

## Political Science Journals

- 2020 Partisan Consumerism: Experimental Tests of Consumer Reactions to Corporate Political Activity (with Costas Panagopoulos, Donald Green, Michael Schwam-Baird, and Kyle Edres). *Journal of Politics*, forthcoming (July).
- 2019 Detecting Florida's Gerrymander: A Lesson for Law and Social Science (with Robin Best, Daniel Magleby, Michael D. McDonald). *Social Science Quarterly*, forthcoming.
- 2019 Can Gerrymanders Be Detected? An Examination of Wisconsin's State Assembly (with Robin Best, Shawn Donahue, Daniel Magleby, and Michael D. McDonald). *American Politics Research* 47: 1162-1201.
- 2018 Making a Case for Two Paths Forward in Light of *Gill v. Whitford* (with Michael D. McDonald, Daniel Magleby, Robin Best, and Shawn Donahue). *Election Law Journal* 17: 315-27.
- 2018 Considering the Prospects for Identifying a Gerrymandering Standard (with Robin Best, Shawn Donahue, Daniel Magleby, and Michael D. McDonald). *Election Law Journal* 17: 1-20.
- 2018 Values and Validations: Proper Criteria for Comparing Standards for Packing Gerrymanders (with Robin Best, Shawn Donahue, Daniel Magleby, and Michael D. McDonald). *Election Law Journal* 17: 82-4.
- 2016 Do Public Matching Funds and Tax Credits Encourage Political Contributions? Evidence from Three Field Experiments Using Nonpartisan Messages (with Michael Schwam-Baird, Donald P. Green, and Costas Panagopoulos). *Election Law Journal* 15: 115-28.
- 2016 Creating a Racially Polarized Electorate: The Political Fallout of Immigration Politics in Arizona and California (with Gregory Robinson, Joshua Zingher, and Michael Allen). *Politics, Groups, and Identities* 4: 579-97. (Published online, June 2015).
- 2016 The Effects of Lawn Signs on Vote Outcomes: Results from Four Randomized Field Experiments (with Donald P. Green, Alexander Coppock, Benjamin Farrer, Brandon Lenoir, and Joshua Zingher). *Electoral Studies* 41: 143-50.
- 2015 Encouraging Small Donor Contributions: A Field Experiment Testing the Effects of Nonpartisan Messages (with Donald P. Green, Costas Panagopoulos, Benjamin Farrer, and Michael Schwam-Baird). *Journal of Experimental Political Science* 2: 183-91.
- 2009 Observing the Counterfactual? The Search for Political Experiments in Nature (with Gregory Robinson and John E. McNulty). *Political Analysis* 17: 341-57.
- 2008 Do Televised Presidential Ads Increase Voter Turnout? Evidence from a Natural Experiment (with Donald P. Green). *Journal of Politics* 70: 245-61.
- 2008 Response to Franz, Freedman, Goldstein, and Ridout. *Journal of Politics* 70: 269-71.
- 2004 For the Defense (with Frank J. Sorauf). *PS* 37: 777-780.
- 2002 The Facts about Television Advertising and the McCain-Feingold Bill (with Kenneth Goldstein). *PS* 35: 207-212.

- 1994 The Dynamics of Campaign Fundraising in House Elections (with Donald Green and Jonathan Cowden). *Journal of Politics* 56: 459-74.
- 1990 Rebuttal to Jacobson's "New Evidence for Old Arguments" (with Donald Green). *American Journal of Political Science* 34: 363-372.
- 1988 Preempting Quality Challengers in House Elections (with Donald Green). *Journal of Politics* 50: 920-936.
- 1988 Salvation for the Spendthrift Incumbent: Reestimating the Effects of Campaign Spending in House Elections (with Donald Green). *American Journal of Political Science* 32: 884-907.

#### Edited Volumes

- 2018 Analyzing Gerrymandering's Offense to Electoral Integrity (with Robin Best, Shawn Donahue, Daniel Magleby, and Michael D. McDonald). In *Challenges of U.S. Electoral Integrity*, Pippa Norris, Sarah Cameron and Thomas Wynter, eds. Oxford University Press.
- 2011 Political Parties in the Capital Economy of Modern Campaigns. In *Facing the Challenges of Democracy: Explorations in the Study of Public Opinion and Political Participation*. Paul Sniderman and Benjamin Highton, eds. Princeton, NJ: Princeton University Press.
- 2003 Why Soft Money Does Not Build Strong Parties (with Frank J. Sorauf). In *Inside the Campaign Finance Battle: Court Testimony on the New Reforms*. Anthony Corrado, Thomas Mann, and Trevor Potter, eds. Washington, DC: The Brookings Institution Press.
- 2003 Issue Advocacy and the Integrity of the Political Process (with Frank J. Sorauf). In *Inside the Campaign Finance Battle: Court Testimony on the New Reforms*. Anthony Corrado, Thomas Mann, and Trevor Potter, eds. Washington, DC: The Brookings Institution Press.
- 2003 Rebuttal to Gibson. In *Inside the Campaign Finance Battle: Court Testimony on the New Reforms*. Anthony Corrado, Thomas Mann, and Trevor Potter, eds. Washington, DC: The Brookings Institution Press.
- 2003 The Electoral Impact of Issue Advocacy in 1998 and 2000 House Races. In *The Medium and The Message*. Kenneth Goldstein and Patricia Strach, eds. Upper Saddle River, NJ: Prentice-Hall.
- 2001 "Issue Advocacy" in the 1998 Elections (with Daniel Seltz). In *Exploring Organizations and Advocacy: Strategies and Finances*. Elizabeth J. Reid and Maria D. Montilla, eds. Washington: The Urban Institute.
- 2000 Going Negative: Attack Advertising in the 1998 Elections (with Kenneth Goldstein, Daniel Seltz, and Lee Bradford). In *Playing Hardball: Campaigning for the U.S. Congress*. Paul Herrnson, ed. Upper Saddle River, NJ: Prentice-Hall.
- 1998 Interpreting the 1994 Elections. In *New Perspectives on Party Politics*. John Geer, ed. Baltimore: Johns Hopkins University Press.

## Other

- 2005 The Trouble with Targeting: Four Reasons Why the Parties Outsmart Themselves in Congressional Elections (with Donald Green). *Campaigns and Elections* (Dec./Jan.): 61-2.
- 2003 Evaluating the Bipartisan Campaign Reform Act (with Frank J. Sorauf). *N.Y.U. Review of Law & Social Change*. Volume 28, Issue 1: 121-81.
- 1993 Stopping the Buck Here: The Case for Campaign Spending Limits (with Donald Green). *The Brookings Review* 11 (no. 2): 16-21.

## Op-eds and letters to the editors

*The Monkey Cage/Washington Post, Washington Post, Chicago Tribune, Newsday, Roll Call, The Hill, Christian Science Monitor, The Weekly Standard, New York Post, Wall Street Journal, Binghamton Press and Sun, TheDemocraticStrategist.com*

## **Under Review/Working Papers**

Please Recuse Yourself: A Field Experiment Exploring the Relationship Between Campaign Donations and Judicial Recusal (with Dane Thorley, Costas Panagopoulos, Donald Green, Michael Schwam-Baird, and Kyle Edres). Revise and Resubmit: *Journal of Politics*.

Observing Congressional District Gerrymanders, Post-2010 (with Daniel Magleby, Michael D. McDonald, Robin Best, and Shawn Donahue).

Assessing Wasted Votes as an Indicator of Partisan Gerrymandering (with Daniel Magleby and Gregory Robinson).

The Relationship Between Racial and Partisan Gerrymandering (with Robin Best, Shawn Donahue, Daniel Magleby, and Michael D. McDonald).

Candidate Information and Donor Motivations: A Field Experiment in Ohio (with Michael Schwam-Baird, Costas Panagopoulos, and Donald Green).

The Personal Vote Reconsidered: Factoring in Electoral Competition (with Gregory Robinson and Benjamin Farrer).

## **Expert Testimony/Other**

2017 *Gill v. Whitford*. Organized *amicus curiae* brief for five Binghamton political scientists in support of appellees. Trial date: October 3, 2017.

2015 *Zimmerman v. City of Austin*. Expert witness for Austin, TX on the constitutionality of their charter rules on financing of municipal campaigns. Trial date: December 14-5, 2015.

2015 *Personhuballah v. Alcorn*. Prepared analysis of proposed maps under consideration by federal court in Virginia (with Michael D. McDonald, Robin Best, and Daniel Magleby) for an amicus brief by Common Cause and New Virginia Majority. Trial date: October/November, 2015.

- 2009 *Cao v. F.E.C.* Expert witness for the F.E.C. on the impact of limitations on the size of parties' coordinated expenditures. Authored report showing how the current system has aided parties, and speculating about the impact of removing existing limits on coordinated expenditures. Trial date: July, 2009.
- 2009 Organized and edited special issue of *Political Analysis* on natural experiments in Political Science (with Gregory Robinson and John McNulty). Solicited and reviewed papers, and co-authored introductory essay.
- 2006 Participated in American Bar Association cyber-forum on Campaigns, Elections, & Campaign Finance Reform. Published by the ABA as the Spring 2006 issue of *Focus on Law Studies* (Vol. 21:2).
- 2006 Participated in Roundtable on Redistricting in the inaugural issue of webzine, *TheDemocraticStrategist.org*. <http://www.thedemocraticstrategist.org/0607/index2.php>
- 2004 Organized symposium A Political Scientists in *McConnell v. FEC* for October, 2004 issue of *PS*, and authored introductory essay.
- 2004 Contributed cover essay on campaign finance reform for APSA Media Resources webpage: <http://www.apsanet.org/about/media/elections/campaignfinance.cfm>.
- 2002 *McConnell v. F.E.C.* Expert witness for the F.E.C. on the impact of the Bipartisan Campaign Reform Act of 2002 (McCain-Feingold). Co-authored report (with Frank Sorauf) on soft money, political parties, and electoral communications, and authored rebuttal report and supplementary rebuttal about *Buying Time 1998*. Trial date: October, 2002.
- 2001 Wrote Policy Briefing Paper for Independent Sector, an association of nonprofit and philanthropic organizations, on A Nonprofit Advocacy and the McCain-Feingold Bill. See <http://independentsector.org/pdfs/krasno.pdf>.
- 2000 *Service Employees International Union et al. v. Fair Political Practices Commission of California* (FPPC). Expert witness for FPPC on the impact of campaign spending limits in the retrial of Proposition 208. Trial date: July, 2000.
- 2000 *Missouri Republican Party et. al. v. Lamb*. Prepared declaration for State of Missouri with Frank Sorauf on the impact of Missouri's limits on political parties' contributions to candidates. Trial date: July, 2000.
- 2000 Member of Brennan Center's Blue-Ribbon Committee on Television Advertising. Authored final report, *Five New Ideas to Deal With the Problem of Campaign Appeals Masquerading as Issue Advocacy* (New York: Brennan Center for Justice).
- 1999 *Nixon v. Shrink Missouri Government PAC*. Organized *amicus curiae* brief for fourteen political scientists in support of defendants. Trial date: October 4, 1999.
- 1997 Member of The Task Force on Campaign Finance Reform. Participated in deliberations, commented on drafts and wrote dissents for *New Realities, New Thinking*, (Los Angeles: Citizens Research Foundation).
- 1997 *Federal Election Commission (FEC) v. Colorado State Republican Party*. Prepared declaration for the FEC with Frank Sorauf on the potentially corrupting effect of removing limits on coordinated expenditures by political parties. Trial date: October, 1997.

1997 *Service Employees International Union et al. v. Fair Political Practices Commission of California* (FPPC). Expert witness for FPPC defending the constitutionality of campaign spending limits in Proposition 208. Trial date: October, 1997.

### **Grants and Awards**

2018 Second place in Common Cause Gerrymandering Writing Contest for Making a Case for Two Paths Forward in Light of *Gill v. Whitford* (with Michael D. McDonald, Daniel Magleby, Robin Best, and Shawn Donahue).

2015 Robert H. Durr Award for the best paper applying quantitative methods to a substantive problem presented 2014 Annual Meeting of the Midwest Political Science Association. Encouraging Small Donor Contributions: A Field Experiment Testing the Effects of Nonpartisan Messages (with Donald P. Green, Costas Panagopoulos, Benjamin Farrer, and Michael Schwambaird).

2013 Open Society Foundation & Omidyar Network. \$900,000 for field experiments on campaign finance (with Donald Green and Costas Panagopolous).

2011 Chancellor's Award for Excellence in Teaching. Binghamton University.

2009 Fulbright Scholar. University of Tampere, Tampere, Finland. August, 2009 to January, 2010.

2001 Pew Charitable Trusts. \$80,000 to study the impact of issue advocacy campaigns.

1999 Pew Charitable Trusts. \$915,000 for the Brennan Center for Justice to acquire data on campaign advertising from the Campaign Media Analysis Group, and to conduct and publicize research comparing traditional electioneering to issue advocacy campaigns.

1998 Open Society Institute. \$46,225 Individual Project Fellowship to study the effect of independent expenditures and issue advocacy campaigns.

1996 The Joyce Foundation. \$27,128 to analyze the partisan impact of various proposals to reform the system of financing House campaigns.

1995 Pew Charitable Trusts. \$40,000 to examine the electoral impact of campaign finance reform.



*The testimony of Joseph Sempolinski, resident of Steuben County:*

I submit this testimony in the hopes that the Commission will preserve intact, in some configuration, the rural nature of the district currently known as the 23<sup>rd</sup> Congressional District. The current 23<sup>rd</sup> district is made up of 9 complete counties: Allegany, Cattaraugus, Chautauqua, Chemung, Seneca, Steuben, Schuyler, Tompkins and Yates. It also contains portions of 2 other counties: Ontario and Tioga. The largest cities are Ithaca, Jamestown and Elmira which all have populations of about 30,000. All the counties of the current 23<sup>rd</sup> Congressional District have similar economies. Agriculture, viticulture, manufacturing and secondary education are dominant economic sectors throughout the current configuration. The population densities are similar throughout the current district and far less than the density in Erie, Monroe or Onondaga Counties.

There is long standing precedent for the Southern Tier and Finger Lakes having a member of Congress who is from that region. In fact, there has been at least one member of Congress who was a resident of the area currently in the 23<sup>rd</sup> District since 1813. I know from talking to residents of the Southern Tier and Finger Lakes there is fear that this region will be divided up into districts dominated by the population centers of Buffalo, Rochester and Syracuse. In this scenario, each given portion of the current 23<sup>rd</sup> District would only represent a small fraction of the new district to which it was assigned. Most of the populations of the new districts would be urban or suburban rather than rural. The needs of the rural and small-town areas of the new districts would be an afterthought for the member of Congress from that district since the voter base would be predominantly from areas with other needs.

The rural areas of the Finger Lakes and Southern Tier constitute a community of interest that the Commission should respect in its mapmaking activities. Far more unifies this region, despite its large geographic area, than divides it. Each of the counties of the 23<sup>rd</sup> are more like each other than they are the suburbs of Syracuse, Rochester or Buffalo. The way of life, economy, culture and values of the small communities of the Finger Lakes and Southern Tier are a community. They are a community of a scale that they deserve to have a member of Congress that is one of them, knows them and will represent their needs.

Of course, there are practical considerations that the Commission must consider. The commission is limited by the provisions of the US Constitution, New York State Constitution, Federal Law and State Law that govern redistricting. Also, it is restricted by the mathematical and geographical realities of the state. The state of New York is losing a seat in Congress and therefore the remaining seats must, by definition, change and grow. However, the commission should note that there are 5 counties adjoining the current 23<sup>rd</sup> district that have estimated populations of less than 100,000 people and are of similar culture and economy to the current 23<sup>rd</sup> district: Cayuga, Cortland, Livingston, Wayne, and Wyoming. These 6 counties have a total population of over 300,000 people. This population, plus the portions of Ontario and Tioga Counties not already in the 23<sup>rd</sup> District easily provide potential areas to find the needed additional population to complete the district's post 2020 configuration. The needed additional population can also be added in ways that preserve the current cores of surrounding Congressional districts. Finally, the new territory would still be a portion of the rural Finger Lake / Southern Tier community of interest.

I humbly ask the commission to respect the needs of the rural areas of New York State. Precedent, mathematics and the social and economic realities of the region call for a rural Finger Lakes / Southern Tier Congressional district to be preserved.

Submitted by:

Joy Underhill, Farmington NY 14425

NYS District 27

My testimony re: redistricting of NYS, scheduled for 2021:

As a 40-year resident of the Victor-Farmington region, I believe District 27 needs to be re-drawn so that the southeast portion of the current district falls within Monroe County.

My needs and concerns lie much more with a closer geographic area than the one that currently represents me. The Victor-Farmington-Canandaigua corridor is the gateway to the Finger Lakes, with much of the tourism coming from the NYS Thruway and Rochester. Our current district includes us in with parts of Genesee County and Buffalo far to the west.

Please consider my needs as you redistrict. Our district has been gerrymandered more than once and this is the year to put an end to it!

Regards,

Joy Underhill

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Sunday, July 25, 2021 10:31:34 AM

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## New York State Independent Redistricting Commission

A private comment has been submitted

Dear people, It is unfair that Tompkins county has been cracked. It should all be in the same district for state and national districts. Thank you

**User:** Joyce Leslie [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**NYS Redistricting Testimony**  
**Joyce St George – Delaware County, NYS Senate District 51**  
**August 9, 2021**

It is with great appreciation to the NYIRC and its staff that I submit this testimony regarding redrawing of NYS counties. Your efforts to gain input with community members before establishing new districts is refreshing and necessary. It is my hope that you are successful in your efforts to establish districts that are objective, nonpartisan and purposeful.

I have been a member of the Delaware County community for 40 years. In that time, I have run a successful consulting business, chaired a local hospital, established food pantries, worked with many nonprofit and social service organizations in our district and teach criminal justice at SUNY Delhi. In 2018, I was also the Democratic candidate for NYS State Senate. It is because of my involvement in my community that I provide this testimony.

Like many districts in the Catskill Mountains, NYS Senate District 51 has been predominantly an agricultural and recreational area with mostly small towns and hamlets and a few small cities. The district covers nine counties and is comparable to the size of Connecticut. Specifically, the district includes the outskirts of the city of Kingston, but not Kingston; all towns between Kingston and Delhi, but not Woodstock or Delhi; areas south of Utica, but not Utica, and west to the north of Ithaca, but without the actual city of Ithaca. In short, over the years, many cities and “Democratic” enclaves have been cut out of District 51.

Poverty rates are high in all areas of the district and access to healthcare and mental health is a constant challenge. I coordinate a food pantry in the Town of Middletown that includes approximately 3600 residents. Our food pantry served approximately 700 of those families. Farms and related businesses have all but disappeared in District 51, and in areas of Ulster and Delaware, new residents from NYC and surrounding areas have moved into the many small communities.

In 2018 as I ran for office, I realized that no one office could represent such an immense area. I also learned how difficult it was to travel the five hours it took from one end of the district to the other to listen to the needs of constituents. I also learned how easy it was for Republicans to dominate this district for at least the past forty years. I learned the District, which looks like “road kill” on the map, has been carved and designed for only one party to maintain, and that those in power served only their base, including the oil industry with fracking, and large corporations and farms, and prisons and law enforcement, while leaving small farms, health care, mental health, social services, and those in poverty to fend for themselves.

In fact, many Democrats and independents have stopped voting, feeling that districts were so manipulated that their votes did not count. In 2018, we actually boosted the

number of Democrats voters, but they were still quite a minority. Eliminating such gerrymandering must occur if we are to restore faith in our democratic election process. The demographics of the district is changing, with fewer agricultural workers and more “home” workers and independent contractors, and the District must match such changes. It is my fervent hope that the Commission will end such manipulation and establish a more balanced District 51. Thank you for all you are doing.

## Judith Hunter

Thank you for the opportunity to testify today. It's absolutely vital that you get all possible input in advance of redistricting, a process that will profoundly affect all New Yorkers for the next decade.

I come before you wearing two distinct hats. On the one hand, I am a local party official. I have been the Chair of the Livingston County Democratic Committee since 2009, so I have operated under two sets of maps. My one overriding concern in my local role is that we have been repeatedly put in districts for Congress and the State Senate that group us with Erie County. I will admit, we pay close attention to Erie County on Sunday afternoons in the fall (go Bills!), but that is the average sum total of the connection for residents of Livingston County (as well as for lots of New York voters).

But Livingston County is in the Rochester media market. We are closely connected by Interstate 390 with Monroe County; many of our residents commute there every day. It's where we often shop, get much of our medical care, and frequent for entertainment. Erie County is both miles and a world away from us. It is difficult for us to be "represented" by people who don't know us, as they do not share our experiences or concerns. Unfortunately, given its size, Erie County dominates the districts we share with them, and successful candidates are always from there. That creates a situation where Livingston County is at a natural disadvantage. I very much hope that we can be in districts oriented to Monroe County instead in the new maps.

The other role I have that is relevant to my testimony today is that I serve as Chair of the Democratic Rural Conference of New York State. We're an organization that represents Democrats in the 47 of New York's total of 62 counties, those that have populations under 250,000. The needs and concerns of the DRC counties are varied, but they are all very different from those of larger suburban or urban counties. Our hope for redistricting is that we are put into districts that are competitive. There is nothing more dispiriting or damaging to those who want to serve their communities than to face districts deemed hopeless because of the vast discrepancies in party registrations. There is nothing more deadening to small-d democracy than to be consigned to districts that are "written off."

I can illustrate the dangers of non-competitive districts by pointing to the history of the congressional district I live in, currently NY 27, previously NY 26. Our representatives have not answered to the voters, because they know their re-elections are a given. So we have had members of Congress who feel the constituency they represent is their national party rather than residents of western New York. Our members of Congress, with the brief exception of Kathy Hochul after the special election of 2011, never hold town halls open to all. They appear only to supporters in carefully controlled settings. Some have had so little fear of accountability that they have gotten involved in reckless personal or legal scandals.



Districts where representatives are truly accountable to their voters every two years ensure both accountability and responsive governance. Unfortunately, the exact opposite has been the case in NY 27.

Again, I want to thank you for giving me this opportunity to speak today. I very much hope that you will consider the concerns of rural New Yorkers and the residents of Livingston County in your deliberations.

Good afternoon and thank you to the Commissioners for this opportunity to give input.

My name is Judy Sternberg and I reside in Rochester. I am a member of the League of Women Voters of the Rochester Metro Area but am speaking today as an individual on behalf of my Community of Interest - the city and residents of Rochester. I am speaking to the need for Rochester to be fairly represented in the NYS legislature, particularly the State Senate.

Rochester is the 3rd largest city in the state, with a population of about 205 thousand residents. Racial demographics from 2010 show the city with a makeup that is roughly 43% White, 41% Black and 16% Hispanic/Latino. Today's release of detailed 2020 Census data will likely show a continuing trend of decreased population and a decreased percentage of White residents.

Board of Elections statistics on Rochester's registered voters show about 66% are enrolled as Democrats, about 20% with No Party enrollment, and less than 10% as Republicans.

In a 2020 Report from the Rochester-Monroe Anti-Poverty Initiative, Rochester when compared with the nation's 75 largest metro areas, ranks No 3 in overall poverty and when compared to similarly sized cities Rochester is No 1 in the nation in overall poverty, childhood poverty and extreme poverty.

Quoting a Brookings Institution Report from 2018:

"Low incomes overall in a city equate to less money available for schools, transportation, parks, public safety and economic development. They also make a city less attractive for private investments that create jobs and amenities."

So how is Rochester represented in our State Senate? It is sliced up and put into 3 districts, where its voters' voices are diluted in regions that look nothing like it. For decades it has been represented by Republican State Senators, and only in 2020 did 2 of those districts elect Democrats. And how has this worked out for Rochester? Compared to its sister cities of Syracuse and Buffalo, Rochester lags behind in funding from State Aid and Incentives for Municipalities, receiving respectively only 68 and 85% of their funding.

Rochester is a wonderful place, but it has serious problems and needs strong advocates in the State legislature. It needs elected officials who will represent Rochester with a sense of urgency and priority that matches its critical needs. It needs to be kept more intact and have its voice heard loud and clear.

Again, I thank you for this opportunity to speak.

Respectfully submitted, Judith Sternberg, [REDACTED] Rochester, NY 14609



LWVNYS PEOPLE'S HEARING WRITTEN TESTIMONY APRIL 29TH, 2021

1.Name: Karen V Emerson

2. Where do you reside in New York State? (You do not have to provide your full address - a town, village, city, or county name will suffice):

ROCHESTER

3. Are there certain community needs or concerns that make your community unique to others in the state: We currently struggle with lack of owner occupied homes, policing issues, some drug usage and LGBTQ flags being destroyed

4. Do you believe that your legislative districts have been misdrawn or drawn to inadequately represent the people who live in your community? If yes, please explain: The 61st State Senate District encompasses: the Towns of Amherst, Clarence, and Newstead and the Villages of Akron and Williamsville in Erie County; the Towns of Chili and Riga, the Village of Churchville and part of the City of Rochester in Monroe County; and all of Genesee County.

5. What are issues in your community that you feel are not currently being addressed by your elected representatives: Guns(illegal) and drugs. My representatives are currently addressing needs but I feel there can not be good representation of our small city part of the district since there are no other urban areas in the district. Because the portion of the is vastly outnumbered by the eastern Buffalo suburbs and rural Genesee county.

6. Are there specific ways you would redraw your legislative districts to better represent the people who live in your community: Of course, first and foremost to most effectively hear the voice of urban dwellers we must not continue to cut up cities into minute segments. This fractionization of the urban voice does no service to any one. "Urban problems" are everyone's problems and will end up affecting not only urban dwellers but our rural and suburban neighbors eventually

7. Do you have any additional comments about redistricting and how it may impact your community: With the last redistricting my family in Genesee County and I have been represented by the same person. The redistricting done after the last census created in my small neighborhood 2 districts so that Rath and Cooney represent us. This is really a duplication of time and money which could be used for other things.

**From:** [Danielle Futia](#)  
**To:** [Submissions](#)  
**Subject:** FW: Please submit my testimony. Thank You  
**Date:** Thursday, August 5, 2021 10:00:42 AM

---

*Danielle Futia*

Independent Redistricting Commission  
Assistant Director of Public Engagement  
[www.nyirc.gov](http://www.nyirc.gov)

---

**From:** [Douglas Breakell](#)  
**Sent:** Thursday, August 5, 2021 9:59 AM  
**To:** [Danielle Futia](#)  
**Subject:** FW: Please submit my testimony. Thank You

---

**From:** Chautauqua Updates [REDACTED]  
**Sent:** Thursday, August 5, 2021 9:57 AM  
**To:** Douglas Breakell <breakell@nyirc.gov>  
**Subject:** Please submit my testimony. Thank You

Dear Douglas Breakell,

Below is my form as filled out. The system will not accept me. I would like to submit a testimony for the August 9 session of the NYIRC. Please submit my testimony for me. Thank you.

**Testimony:** The redistricting should maintain the existing character of our region – one of small cities, rural communities and farm areas. We want to maintain the voice of the Southern tier independent of large metropolitan areas. If our region includes large cities the representation would be diminished and our quality of life placed in jeopardy. Please keep the southern tier independent and well represented as it has been.

signed, Karen Engstrom, [REDACTED]  
[REDACTED]

Karen

Last Name \*engstrom

Title

Organization

Phone \*

Mobile Phone

Address \*

*Street Address, P.O. Box, Company Name, c/o*

*Suite, Unit, Building, Floor, etc.*

City \*

State \*NY

*State Abbreviation*

Zip Code \*

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Wed 8/11/2021 4:09 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

---

A private comment has been submitted

- 1. Communities must be kept intact, or divided as little as possible.
- 2. Districts should reflect logical political, cultural, commercial communities. Ex. where this is NOT true: Congressional District 27, Senate District 62, Monroe Co. legislature

**User:** Karen LoBracco [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

## Submissions

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**From:** New York State Independent Redistricting Commission <[REDACTED]>  
**Sent:** Wednesday, September 8, 2021 5:51 PM  
**To:** Submissions  
**Subject:** Map Submitted



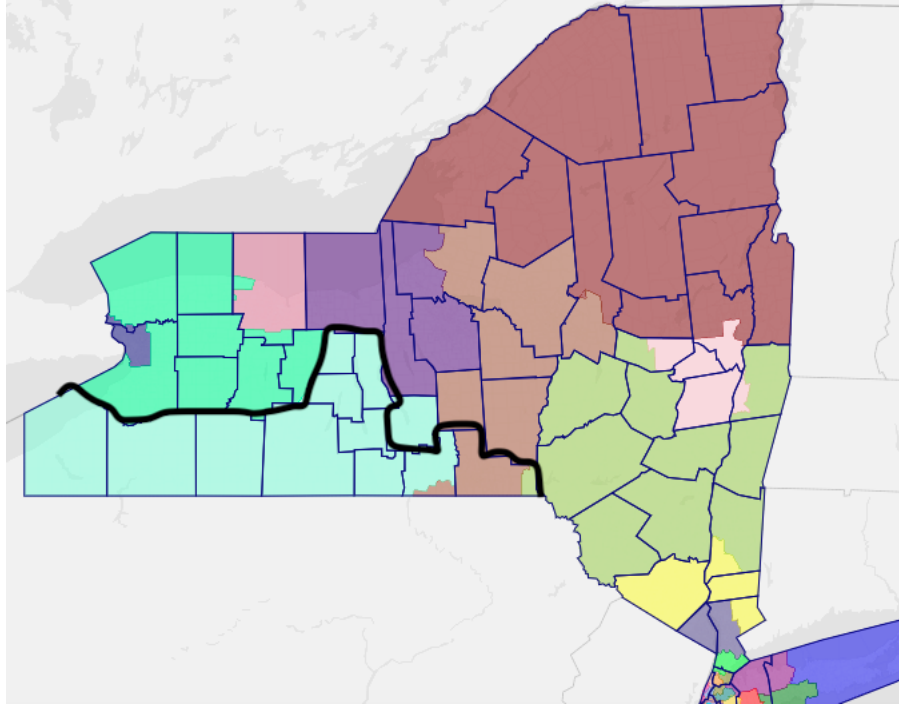
## New York State Independent Redistricting Commission

### Submitted Map

- **First Name:** Kathleen
- **Last Name:** Abbate
- **Email:** [REDACTED]
- **Description:** District 23 should run along the southern tier from Chautauqua county to Broome county. Taking away Tompkins county. This would give the 23 district an approximate population of 808,742. This would afford the district population to have representation for similar concerns and economical environments. Chautauqua =127,657 Cattaraugus =77,042 Allegany=46,456 Steuben=93,584 Chemung=84,148 Tioga=48,455 Broome=198,688 Schuyler=17,898 Yates=24,774 Seneca=33,814 Ontario=56,229(112,458 split county) (- Tompkins=105,740) These are approximate but close totals due to some counties being split, I don't have detailed population totals on split counties.
- **Map File:** [Link to Map File](#)

This e-mail has been automatically generated





## Submissions

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**From:** Kate Spencer <[REDACTED]>  
**Sent:** Tuesday, September 7, 2021 8:05 AM  
**To:** Submissions  
**Subject:** Redistricting Map



To Whom it may Concern,

Thank you for allowing the residents of NY to let our opinions be known about the issue of redistricting. I am a resident of Chautauqua County. District 23 should run along the southern tier from Chautauqua county to Broome county. Taking away Tompkins county. This would give the 23 district an approximate population of 808,742. This would afford the district population to have representation for similar concerns and economical environments. Chautauqua =127,657 Cattaraugus =77,042 Allegany=46,456 Steuben=93,584 Chemung=84,148 Tioga=48,455 Broome=198,688 Schuyler=17,898 Yates=24,774 Seneca=33,814 Ontario=56,229(112,458 split county) (- Tompkins=105,740) These are approximate but close totals due to some counties being split, I don't have detailed population totals on split counties.



Kathryn Hamilton

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Thursday, September 2, 2021 12:55:01 AM

## New York State Independent Redistricting Commission

A private comment has been submitted

I live in Avon and shop there and in Geneseo. I have my horse trailer serviced in Caledonia. I keep my horses in Avon and ride there and in Geneseo. I am retired and rarely go to Rochester any more except for my biannual eye checkup. My doctor is in Livonia and my dentist is in Geneseo. I buy my vegetables and chicken at a CSA in Livonia. My bank is in Honeoye Falls and I recently transferred my prescriptions to a privately owned pharmacy in Honeoye Falls. When I can't find plastic free and fair trade products locally I buy them on the internet but I am moving away from Amazon to the company making the product especially if it is a small business. I have started knitting and sewing my clothes so I don't support companies that exploit workers and can use natural sustainable yarns and fabrics. I follow sound evidence based health practices.

**User:** Kathy Barsz [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [Ahsia Badi Submissions](#)  
**To:** [Submissions](#)  
**Subject:** FW: REMINDER: New York State Independent Redistricting Commission Accepting Map Submissions  
**Date:** Thursday, September 2, 2021 2:32:28 PM

**From:** Kathy Nolan [REDACTED]  
**Sent:** Thursday, September 2, 2021 2:21 PM  
**To:** Miranda Goodwin Raab <[goodwinraabm@nyirc.gov](mailto:goodwinraabm@nyirc.gov)>  
**Cc:** Ahsia Badi <[badi@nyirc.gov](mailto:badi@nyirc.gov)>  
**Subject:** Re: REMINDER: New York State Independent Redistricting Commission Accepting Map Submissions

To: NYS Redistricting Commission

RE: Request for Maps

ATTACHED: "The Catskill Park and Overlying NYC Watersheds" (2012) - used by permission of Catskill Mountainkeeper

This map shows the lands in our community that are connected by inholdings of protected lands forming the New York State Forest Preserve, within the "blue line" of the Catskill Park, and within the New York City Watershed. The communities within the Catskill Park and within the New York City Watersheds share similar benefits and disadvantages from large amounts of protected lands, primarily used for outdoor recreation. Four counties comprise the Catskill Park: Delaware, Ulster, Greene, and Sullivan; additionally, the Schoharie Reservoir of the New York City Watershed is in Schoharie County. Currently, despite many shared features and concerns, these lands and interconnected rural communities are represented by many, many different state senators and assemblymembers.

## The Catskill Park and Overlying NYC Watersheds

### Legend

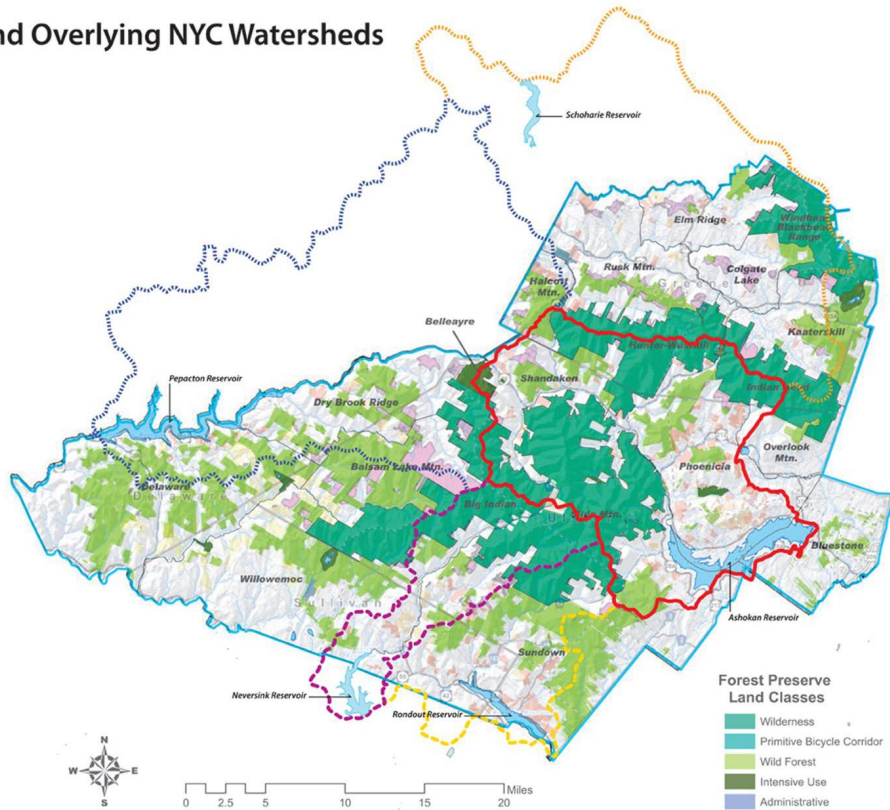
- County Boundary
- Town Boundary
- Surface Waters
- Portion of Private Lands at Elevations > 2,500 feet
- CSI Easements
- NYC DEP Easement Lands
- NYC DEP Fee Lands
- Forest Preserve
- Ashokan Watershed Boundary
- Delaware/Pepacton Watershed Boundary
- Rondout Watershed Boundary
- Schoharie Watershed Boundary
- Neversink Watershed Boundary
- CATSKILL PARK BOUNDARY

Note: This map has been compiled from different sources, among them, NYC DEP, NYS DEC, The Appalachian Mountain Club, The Ashokan Center, USGS, and others.

Areas within the Catskill Park not designated Wilderness, Primitive Bicycle Corridor, Wild Forest, or Intensive Use and not lying within one of the five NYC watersheds are potentially subject to hydrofracking. Areas outside the Park and outside the NYC & Syracuse watersheds are potentially subject to hydrofracking.



[catskillmountainkeeper.org](http://catskillmountainkeeper.org)



Submitted by: Kathleen Nolan, MD, MSL, Senior Research Director at Catskill Mountainkeeper and resident of Mount Tremper NY 12457 (Ulster County)

On Sep 1, 2021, at 8:02 PM, Miranda Goodwin Raab <[goodwinraabm@nyirc.gov](mailto:goodwinraabm@nyirc.gov)> wrote:

To Whom It May Concern:

This is a reminder that the New York State Independent Redistricting Commission is still eagerly seeking input from all New Yorkers, **especially in the form of maps. The Commission will be releasing its first round of maps on September 15<sup>th</sup>, so the sooner we hear from you, the better!**

**Please tell us about your community. Show us on a map where your community lives, goes to school, goes grocery shopping, and/or worships.**

Preferred file types for maps/geographic data: *Geographic JavaScript Object Notation (.geojson, .json), Google Keyhole Markup language (.kml, .kmz), ESRI Shapefile (.shp, .dbf, .shx)*

Also accepting the following for maps/geographic data: *Microsoft Excel (.xls, .xlsx), Comma Separated Values (.csv) Adobe Portable Document Format (.pdf), Bitmap Graphics (.bmp), Graphics Interchange Format (.gif), JPEG images (.jpg, .jpeg), Portable Network Graphics (.png), Scalable Vector Graphics (.svg), Tagged Image File Format (.tif, .tiff)*

If you have already sent us your maps and comment, we have received them and our Commissioners are busy reviewing your input.

Public participation is paramount to the process, goals, and success of the Commission. We thank you for continued engagement in this process.

Stay up to date with the Commission on [Facebook](#), [Twitter](#), and our website, [www.nyirc.gov](http://www.nyirc.gov). Additionally, recordings of our past public meetings can be viewed on our [YouTube](#) channel.

I am very concerned that the redistricting of my area would result in the loss of views and representation from my area of the state. Chautauqua County is a rural, agriculture area. We are also situated along the Western Pennsylvania border, along the coast of Lake Erie. All of these geographic features make our area a unique area to live and work in. There are no big cities within our county; Buffalo is nearly 60 miles away. The geography and industry of the Buffalo area is vastly different from ours. When redistricting please consider keeping our county group with the southern tier region as our geography, industry and beliefs are more in line with people of this area. We will be underrepresented and not heard if we are redistricted with Erie county and the Buffalo area. Thank you.

Katie O'Neil-Stratton

Westfield, NY 14787

Chautauqua County

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Thursday, September 2, 2021 8:57:03 AM

---

## New York State Independent Redistricting Commission

A private comment has been submitted

I have lived in both Erie County and Chautauqua County and can tell you their lifestyle and needs are not the same. Our community, Town of Hanover and Chautauqua County, is rural. Houses are further apart, there is no public transportation, little industry, small schools but many school districts, many elderly and many low income families, Due to these factors and more, our needs are similar to other rural countries and not Erie county which is more metropolitan. The town of Hanover and Chautauqua county should not be changed or redistricted. Thank you.

**User:** Kelly Borrello [REDACTED]



[Ban User from Future Comments](#)

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This e-mail has been automatically generated

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Redistricting- Chautauqua County  
**Date:** Friday, August 13, 2021 4:15:03 PM

---

-----Original Message-----

From: Ken Lawton [REDACTED]  
Sent: Friday, August 13, 2021 4:00 PM  
To: Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>  
Subject: Redistricting- Chautauqua County

Our rural county is best represented by NOT being redrawn with Erie County. Please support us in this effort.  
Thanks,  
Ken Lawton  
County Legislator

Sent from my iPhone

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: redistricting  
**Date:** Friday, August 13, 2021 2:39:19 PM

---

**From:** Kevin Muldowney [REDACTED]  
**Sent:** Friday, August 13, 2021 2:08 PM  
**To:** Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>  
**Subject:** redistricting

I strongly believe Chautauqua county needs to stay aß part of the southern tier dißtrist



**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Wednesday, August 11, 2021 10:14:48 PM

---

## New York State Independent Redistricting Commission

A private comment has been submitted

From the special challenges facing rural healthcare providers and school districts to a lack of broadband access and the financial challenges facing our small cities, the Southern Tier needs its own voice in Washington to ensure we are heard.

**User:** Kevin Muldowney [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Jamestown  
**Date:** Friday, August 13, 2021 2:39:03 PM

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**From:** Douglas Breakell <[breakelld@nyirc.gov](mailto:breakelld@nyirc.gov)>  
**Sent:** Friday, August 13, 2021 2:30 PM  
**To:** Danielle Futia <[futiad@nyirc.gov](mailto:futiad@nyirc.gov)>; Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>  
**Subject:** FW: Jamestown

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**From:** Kimberly Ecklund [REDACTED]  
**Sent:** Friday, August 13, 2021 2:29 PM  
**To:** Douglas Breakell <[breakelld@nyirc.gov](mailto:breakelld@nyirc.gov)>  
**Subject:** Jamestown

**Chautauqua County does not want to be included with Buffalo/Erie County in the redistricting, we are Southern Tier and we want to remain with the Southern Tier.**

Regards,  
Kimberly Ecklund  
Jamestown NY

[Sent from Yahoo Mail on Android](#)

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Saturday, July 31, 2021 5:48:26 PM

---

## New York State Independent Redistricting Commission

A private comment has been submitted

I tried to share my thoughts but 255 character/word limit is not sufficient so I will just say if WNY is a target for losing a seat in congress, I suggest incorporating District 23 into districts 27 and 24  
Laura Lewis

**User:** Laura Lewis [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

August 4, 2021

New York State Independent  
Redistricting Commission  
C/O Mr. David Imamura, Esq.

Chairman Imamura,

On behalf of the Niagara USA Chamber of Commerce and the Orleans County Chamber of Commerce, we write this letter to day to express out thoughts on the importance of fair redistricting for our communities and New York State as a whole.

Niagara and Orleans Counties share many similar attributes and have always has a strong economic connection to each other. We fell that when Senate lines are redrawn both counites should be represented by one unified voice who understands this region's unique makeup, from the large swaths of rural landscape to the aging urban centers.

As you are aware it is imperative to have strong representation within government to ensure our communities receive the proper allocations of funding and resources needed to remain a viable and healthy region. To split these counties through redistricting would do a grave disservice to the families and businesses located here. Many of the towns and villages throughout these two counites face aging infrastructure, decline in tax revenue, and need to ensure that proper representation protects their interests.

One of the applied principles of redistricting is to maintain communities of interest in a single district. Niagara and Orleans Counties share a BOCES system, a library system, high school athletic conferences, just to name a few and as such should remain in a single district.

Thank you for consideration.

Respectfully,

Bryan Degraw  
Executive Director  
Orleans Chamber of Commerce

Kory Schuler  
Executive Director  
Niagara USA Chamber

## Testimony for Redistricting on August 12, 2021

My name is LaShana Boose and I am a member of the Rochester Alumnae Chapter of Delta Sigma Theta Sorority, Inc. Our sorority was founded in 1913 by 22 women who envisioned an organization committed to sisterhood, scholarship, service, and addressing the social issues of the time. They were change agents because of their service.

Today I stand here in the legacy of those women because I too made a commitment to stand up and address issues of our time. Redistricting is a vital line for the community of Rochester especially as we close a decade in our current status and open another for our future generations. I know and understand the importance very well of these decisions that we are making now as I am a mother of three daughters. Having moved to this community over 16 years ago and volunteered with local non-profits like Action for a Better Community, Judicial Process Commission, AAUW, and so many more which has allowed me to see how the current lines create so many barriers to advocate for basic necessities for this community and how it hurts our most vulnerable people in the City.

Racial gerrymandering that has continuously stifled this community for decades and it probably plays a role in unimaginable poverty rates and the low performing schools. Currently the City of Rochester is represented by three different assembly members and three state senators. These lines for all these districts are literally split between a street within the City of Rochester (meaning neighbors living on the same street are in two different assembly or senate districts). This honorable body must not continue to allow for this process to purposefully break up communities in that manner and take away the community's ability to come together and advocate for important issues. How can neighbors right across the street from each other come together for a common cause and have to address and appeal to three different people that may not live anywhere near by and will not understand or prioritize the challenges of the community. This status quo has

## Testimony for Redistricting on August 12, 2021

allowed for legislators to ignore the needs of a suffering community for their more affluent communities that they represent.

Assembly District lines, particularly 136 and 138, have been drawn to prevent another Assembly district with a majority Black and Latino population and is just plain voter manipulation. The population of Rochester is enough where there could easily be two seats with predominately African American and Latino populations based on demographics of Rochester. The same holds true for the 55th and 56th Senate districts, if the districts were drawn east to west and divided along the Genesee River and it currently does not allow for political games to be played and systemically excludes and dilutes the minority voters of the City of Rochester.

The current districts for the assembly and Senate, are not connected by what we know as “communities of interest” especially when we consider issues such as childhood poverty, public education opportunities, health care disparities, when you group together the City of Rochester with any of its surrounding suburbs. If no changes occur, we are looking at 10 more years of disfranchisement, particularly in the State Senate Districts, but also in the 136th and 138th Assembly District as these districts are mainly comprised of affluent suburban areas in the Rochester metro area. It will continue to perpetuate a system that has diluted the voting block for citizens in the City of Rochester and impact their right to fairly participate in the democratic system of electing candidates from their community to represent their interests. This is a call of action to this NYS Redistrict Commission to do what is right and draw lines that will no longer favor the incumbents and other politics as usual but honor and restore the voting power back to the people of the City of Rochester. Thank you

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Sat 7/31/2021 5:48 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

I tried to share my thoughts but 255 character/word limit is not sufficient so I will just say if WNY is a target for losing a seat in congress, I suggest incorporating District 23 into districts 27 and 24  
Laura Lewis

**User:** Laura Lewis

Delete Comment

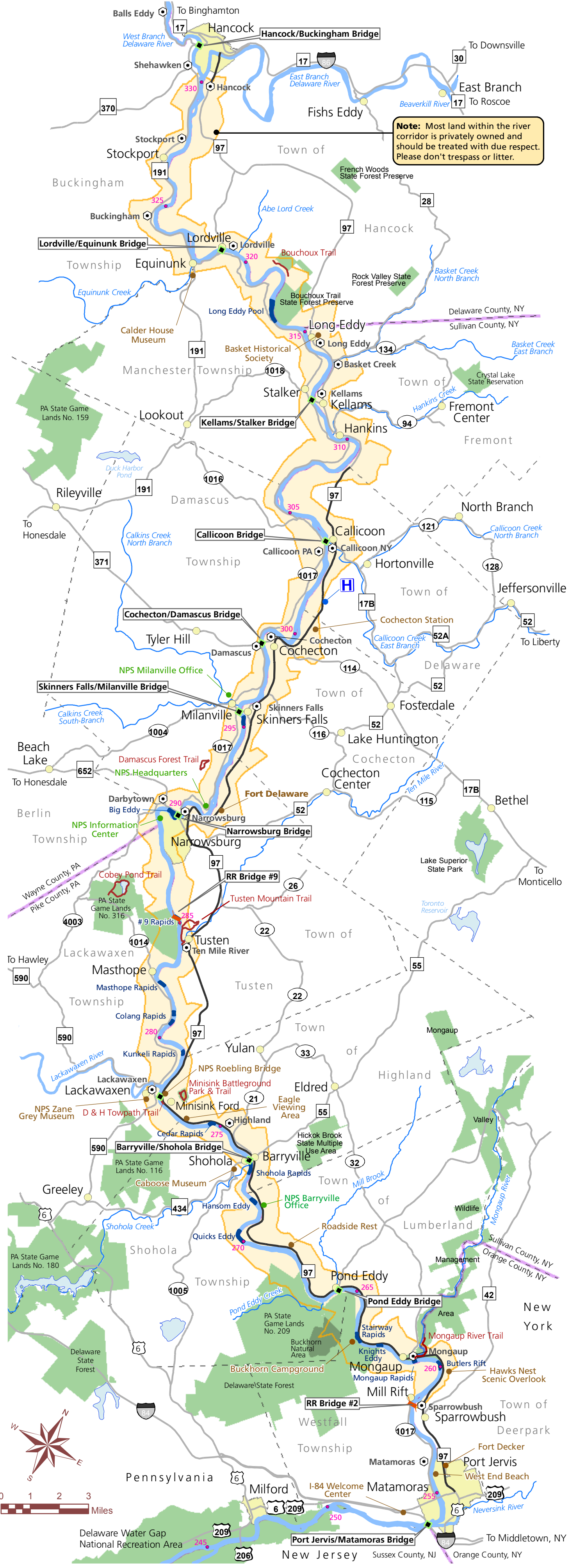
Ban User from Future Comments

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This e-mail has been automatically generated

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**Note:** Most land within the river corridor is privately owned and should be treated with due respect. Please don't trespass or litter.





**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Map Submitted  
**Date:** Thursday, August 5, 2021 9:13:02 PM

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## New York State Independent Redistricting Commission

### Submitted Map

- **First Name:** Laurie
- **Last Name:** Ramie
- **Email:** [REDACTED]
- **Description:** Upper Delaware Scenic and Recreational River boundaries designated by U.S. Congress in 1978 (shaded yellow area)
- **Map File:** [Link to Map File](#)

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This e-mail has been automatically generated



# Upper Delaware Council

P.O. Box 192, 211 Bridge Street, Narrowsburg, New York 12764-0192 • (Tel.) 845-252-3022 • (Fax) 845-252-3359  
[www.upperdelawarecouncil.org](http://www.upperdelawarecouncil.org)

August 5, 2021

Mr. David Imamura, Esq., chairperson  
Independent Redistricting Commission of New York State  
Public Comment via [www.nyirc.gov](http://www.nyirc.gov)

## **RE: Retain Upper Delaware River Region within NYS 42<sup>nd</sup> Senate District**

Dear Chairperson Imamura and members of the Independent Redistricting Commission,

As your 10-member commission embarks on a first-ever independent and equally bi-partisan process to draw new state legislative district boundaries informed by data from the 2020 U.S. Census, the Upper Delaware Council, Inc. (UDC) appreciates the opportunity to offer public comment on behalf of the 42<sup>nd</sup> Senate District.

Our community of interest represents eight New York State towns with a total of 30,366 acres contained within the 1978 Congressionally-designated boundaries of the Upper Delaware Scenic and Recreational River. Incorporated as a 501(c)3 bi-state organization in 1988, the UDC voting membership also includes the State of New York (represented on our board by the Department of Environmental Conservation), the Commonwealth of Pennsylvania, and five PA townships, while the Delaware River Basin Commission participates as a non-voting member.

We operate under a Cooperative Agreement with the U.S. Department of the Interior, National Park Service, to oversee the federal-state-local partnership which is responsible for the joint management of this 73.4-mile-long and 55,574.5-acre unit of the National Wild and Scenic Rivers System. The Upper Delaware River forms the border between Southeastern New York State and Northeastern Pennsylvania. A map is attached for reference.

The mission of the UDC is to conserve, enhance and promote the Delaware River corridor's natural and cultural resources, and social and economic vitality, by fostering cooperation among public and private partners to implement the River Management Plan.

The UDC urges the Commission to recommend maintaining the core of the existing 42<sup>nd</sup> Senate District, which includes the majority of the municipalities that we represent in the Counties of Orange (Town of Deerpark) and Sullivan (Towns of Lumberland, Highland, Tusten, Cochection, Delaware, and Fremont). The designated river corridor then extends into the Delaware County Town of Hancock (6,694 acres out of the 30,366 New York State total acreage).

The continuity of state legislative representation and advocacy is critically important for this Catskills region that has a well-established tourism marketing and branding identity, works across municipal borders to seek joint funding opportunities and collaborate on projects, and shares common issues of concern such as addressing land use pressures, maintaining a healthy environment, combating natural resource threats, and strategizing to bolster the local economy.

---

### ***Working together to conserve the Upper Delaware Scenic and Recreational River***

*Town of Hancock - Town of Fremont - Town of Delaware - Town of Cochection - Town of Tusten - Town of Highland  
Town of Lumberland - Town of Deerpark - Damascus Township - Berlin Township - Lackawaxen Township - Shohola Township - Westfall Township  
State of New York - Commonwealth of Pennsylvania - Delaware River Basin Commission - In partnership with the National Park Service*

In addition to the contributions of the resident population, a 2020 National Park Service Visitor Spending Effects Report showed that the Upper Delaware Scenic and Recreational River welcomed 250,198 visitors who spent \$11.3 million in recreational dollars, supporting a total of 119 jobs, and generating \$5.4 million in labor income, \$9.1 million in value-added income, and \$13.6 million in economic output to the gateway communities surrounding the river.

That constituency of local residents, second homeowners, visiting tourists, the business community, and stakeholder organizations like ours is diverse individually but is brought together by a beloved geography and shared stewardship goals to conserve and protect this special place.

If this community of interest was split up into different districts, its collective voice would be diminished on the state legislative level.

Thank you for hearing these comments.

Sincerely,



Jeffrey R. Dexter,  
UDC 2021 Chairperson  
[info@upperdelawarecouncil.org](mailto:info@upperdelawarecouncil.org)

Cc: NYS Senator Mike Martucci, (R-NY 42)  
Sullivan County Legislature  
Orange County Legislature  
Town of Deerpark  
Town of Lumberland  
Town of Highland  
Town of Tusten  
Town of Cocheton  
Town of Delaware  
Town of Fremont

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** Fw: Redistricting for Chautauqua County  
**Date:** Saturday, August 14, 2021 10:56:33 AM  
**Attachments:** [Outlook-qodswr2a.png](#)

---

Ahsia Badi, MPH  
Director of Public Engagement  
New York State Independent Redistricting Commission  
<https://www.nyirc.gov/>



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**From:** LAWRENCE WILCOX [REDACTED]  
**Sent:** Saturday, August 14, 2021 10:22 AM  
**To:** Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>  
**Subject:** Redistricting for Chautauqua County

I am a lifelong resident of Chautauqua County. There is the possibility that under a new Congressional redistricting that Chautauqua County could be placed into a new district that includes all or a portion of Erie County, including the City of Buffalo. I and my family would be solidly AGAINST such a proposed new congressional district. Chautauqua County has nothing in common with Erie County and the City of Buffalo. We hope that the people involved in recommending new districts takes this into consideration. Chautauqua County should be in a district that encompasses other rural counties of the Southern Tier or WNY.

Sincerely,  
Lawrence Wilcox

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Redistricting  
**Date:** Friday, August 13, 2021 2:17:06 PM

---

**From:** Tom Volpe [REDACTED]  
**Sent:** Friday, August 13, 2021 2:08 PM  
**To:** Douglas Breakell <[breakelld@nyirc.gov](mailto:breakelld@nyirc.gov)>  
**Subject:** Redistricting

**Chautauqua County does not want to be included with Buffalo/Erie County in the redistricting, we are Southern Tier and we want to remain with the Southern Tier. Sincerely, Lisa M. Volpe**

Sent from my iPhone

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Monday, August 16, 2021 1:10:39 PM

---

## New York State Independent Redistricting Commission

A private comment has been submitted

23rd District is unnecessary. Chautauqua County should be combined with Erie County to offer a more sophisticated overview of the needs of the population. Jamestown, NY, has a very high crime rate. Congressional Representation that can see a bigger urban/rural perspective would be valuable to the quality of life in the region.

**User:** Lisa Mertz [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

I am a resident of Chautauqua County, and would like the redistricting to maintain the same small cities and rural communities with the same values, concerns, and history of this region. It is very important to keep the voice of the Southern Tier independent of large metropolitan areas. If the Southern Tier is included in large cities the representation would be diminished and our voices will not be heard. Please make this a very important part of your decision when considering how you will draw the legislative and congressional district maps.

Thank you for your time,

Liz Nixon

[REDACTED]

Jamestown, NY 14701

I am a resident of Chautauqua County, and would like the redistricting to maintain the same small cities and rural communities with the same values, concerns, and history of this region. It is very important to keep the voice of the Southern Tier independent of large metropolitan areas. If the Southern Tier is included in large cities the representation would be diminished and our voices will not be heard. Please make this a very important part of your decision when considering how you will draw the legislative and congressional district maps.

Thank you for your time,  
Liz Nixon

[REDACTED]

Jamestown, NY 14701



**From:** [Danielle Futia](#)  
**To:** [Submissions](#)  
**Subject:** FW: No  
**Date:** Monday, August 16, 2021 9:38:31 AM

---

*Danielle Futia*

Independent Redistricting Commission  
Assistant Director of Public Engagement  
[www.nyirc.gov](http://www.nyirc.gov)

---

**From:** [Douglas Breakell](#)  
**Sent:** Monday, August 16, 2021 9:37 AM  
**To:** [Danielle Futia](#)  
**Subject:** FW: No

---

**From:** Lou Turcotte [REDACTED]  
**Sent:** Monday, August 16, 2021 8:50 AM  
**To:** Douglas Breakell <breakelld@nyirc.gov>  
**Subject:** No

**Chautauqua County does not want to be included with Buffalo/Erie County in the redistricting, we are Southern Tier and we want to remain with the Southern Tier.**

LT / 716.450.1680

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Map Submitted  
**Date:** Sunday, August 15, 2021 2:04:58 PM

---

## New York State Independent Redistricting Commission

### Submitted Map

- **First Name:** Michael
- **Last Name:** Thompson
- **Email:** [REDACTED]
- **Description:** current NYS senate district 61 is pictured in my file. it encompasses counties and portions thereof in the western district of NYS. I have lived in the small area in the city of Rochester NY.
- **Map File:** [Link to Map File](#)

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This e-mail has been automatically generated

Dear Redistricting Committee of NY,

Aug. 8, 21

I was told by my patriot group that NY is scheduled to redistrict, something that only happens every ten years. I was told that our voice in Chautauqua County and Southern Tier NY would be grouped with the Buffalo area. I am concerned, because we are small town people. We live in rural communities, and the beliefs and values of Buffalo do not always represent ours. Please do not allow our voice in the Southern Tier and Chautauqua County be drowned out by the more populated voice of Buffalo.

Thank You,  
Maegan House  
Resident of Jamestown, NY

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Tuesday, August 10, 2021 10:37:06 AM

---

## New York State Independent Redistricting Commission

A private comment has been submitted

I would like to see Tompkins County moved out of Dist 23.

**User:** Marie McRae ([REDACTED])

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Issue of combining Chautauqua County and Erie County State redistricting  
**Date:** Friday, August 13, 2021 4:15:17 PM

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---

**From:** Mark Dickey [REDACTED]  
**Sent:** Friday, August 13, 2021 3:54 PM  
**To:** Danielle Futia <futiad@nyirc.gov>; Ahsia Badi <badia@nyirc.gov>  
**Subject:** Issue of combining Chautauqua County and Erie County State redistricting

I am writing this is response to the support of some Chautauqua County officials being "Happy" to be combined with Erie County. This initiative is absurd! To district an entirely rural county with a largely urban county would be detrimental to the way of life that Chautauqua County residents expect from our State government. Control of the entirety of the western frontier would be lopsided and maintained in perpetuity by the traditionally liber voting of the urban area in Erie County. I am vehemently opposed to this redistricting. Chautauqua/Cattaraugus/Allegany counties deserve their own representative.

Thank you  
Mark Dickey  
Ripley Republican Committee Member

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Monday, August 2, 2021 11:33:31 AM

---

## New York State Independent Redistricting Commission

A private comment has been submitted

The Shrman Town Board unanimously ask for the southern tier retain it's separate voting district intact!

**User:** Mark Persons [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Redistricting  
**Date:** Sunday, August 15, 2021 10:39:34 AM

---

**From:** Marlene Bradigan [REDACTED]  
**Sent:** Sunday, August 15, 2021 10:18 AM  
**To:** Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>; 'futuad@nyirc.gov' <[futuad@nyirc.gov](mailto:futuad@nyirc.gov)>; Douglas Breakell <[breakelld@nyirc.gov](mailto:breakelld@nyirc.gov)>  
**Subject:** FW: Redistricting

-----  
From: "Marlene Bradigan"  
To: "[Futuad@nyirc.gov](mailto:futuad@nyirc.gov)"  
Cc:  
Sent: Saturday August 14 2021 10:15:51AM  
Subject: Redistricting

We, Richard & Marlene Bradigan who have lived at [REDACTED] for 56 years and do not want our district to be in the same Congressional District as Buffalo. Our email address is [REDACTED] We are a rural community in Chautauqua County and we have nothing in common with Erie County. We want to remain in the same Congressional District as the other Southern Tier counties.

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: NY Congressional District Redistricting  
**Date:** Friday, August 13, 2021 4:14:36 PM

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**From:** Martin Proctor [REDACTED]  
**Sent:** Friday, August 13, 2021 4:10 PM  
**To:** Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>  
**Subject:** NY Congressional District Redistricting

Hello my name is Martin Proctor and I am a resident of Findley Lake, NY in Congressional District 23. I am writing as a Town Board Member of the Town of Mina and a concerned resident. I am concerned about the possibility of District 23 being separated and Chautauqua County being included in a District with Buffalo NY. We have been a District of rural counties with very similar characteristics and needs. If we were to be redrawn into a district which included a large urban area we would lose our identity and voice for the specific challenges that face a rural area such as ours. Healthcare, Education, Social services, and our economy are distinctly different than that of any large urban area and being represented as a District as a whole with common needs is vital to our daily lives. Please take politics out of any equation and recognize the uniqueness of our District and the importance that we remain intact as part of the rural communities that we now have. Thank you for your time and consideration.

Martin J. Proctor



[REDACTED]  
Hamden, New York 13782 (post office)  
Colchester, New York (physical address)  
August 5, 2021

Hello,

In regard to redistricting, please do not group Delaware County with the Southern Tier. The terrain of most of our towns requires infrastructure that is more typical of the Catskills.

1. We have mountains that are dangerous and nearly impassible at the slightest snowfall, which degrades access to health services, schools, and jobs.
2. Flash floods regularly tear through narrow valleys, destroying life and property.
3. Delivery vehicles that allow our farmers and small businesses to access markets must negotiate narrow, winding roads that need the atypical maintenance required in the mountains.
4. The rough terrain makes placing cell towers and broadband poles extraordinarily difficult and expensive, thereby providing spotty service.
5. We have people who live isolated on rugged roads that hinder deliveries and service. Many are life-long, elderly residents.
6. In some towns, the percentage of homes owned by non-residents is nearly equal to that of full-time residents. These properties require access to services even though the owners do not vote in town and do not count in calculations for government subsidies.
7. Scattered populations present problems for school systems, where consolidation (for budgeting purposes) forces children to travel long distances by bus to schools.
8. Police departments and fire departments cover such large areas that the concept of “emergency assistance” can be moot.
9. New York City reservoirs impose significant environmental restrictions, home ownership requirements, and financial considerations on towns in the Catskills, including those in Delaware County.

Delaware County's geological and geographical characteristics differ significantly from the counties along the eastern end of New York's southern tier. Part of Delaware County is presently ignored in the State Legislature due to its association with the 122<sup>nd</sup> NY State Assembly district. It would be a disservice to assign Delaware to a Congressional district where its needs would be an afterthought in the US Congress.

Thank you for your consideration.

Best regards,  
Mary Brawley-Fuat

[REDACTED]

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Wednesday, August 11, 2021 10:20:46 PM

---

## New York State Independent Redistricting Commission

A private comment has been submitted

Unlike Central and Western New York, Southern Tier counties share a common border with Pennsylvania. When dealing with interstate issues, it's particularly important that our region has its own representative in Congress.

**User:** Marybeth Muldowney [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment to the Commission  
**Date:** Saturday, August 14, 2021 7:43:41 AM

---

Dear Members of the New York Independent Redistricting Commission:

As a retired educator, I have spent most of my adult life teaching students (K-12!) about their local, state and federal governments and their responsibilities and privileges of citizenship.

How to register to vote and communicate with elected officials has always been part of that process. However, in my experience, most *adults* in our state are grievously unaware of who their elected officials are, at any time, let alone at the time of elections. This is a problem that amplifies lack of voter engagement. In my opinion, because I have done many years of voter outreach, the confusion of our election district lines contribute to this problem. In my region, my NYS Senate district line alone crosses county lines from Fredonia (Chautauqua) to Conesus (Livingston) with a thin slice of Cattaraugus, Allegany, and Wyoming counties along the way. My Congressional district is composed of towns from 8 counties (Erie to Ontario!) I understand that all our NYS Senate and Assembly districts may aim to be equal in population, but the overall effect, for many years now has been fragmented, with rural voters in my town and county voting along with people who live in an entirely different regions (Western NY or the Southern Tier vs. Finger Lakes) with different economic and community challenges.

My request to the commission is to honor *county* lines. Keep entire *counties* entirely within the same NY Assembly, NY Senate and U.S. Congressional districts.

Thank you,

Maureen McCarron, M.A., CCC/SLP (Retired)

[REDACTED]  
Conesus, NY 14435  
[REDACTED]

Sent from Maureen's iPad

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Sat 8/7/2021 7:24 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

Please keep Chautauqua county as a Southern Tier district in the redistricting process. I do not want our county to be lumped in with Erie county to form a congressional district.

**User:** Mel McGinnis

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

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## Submissions

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**From:** Danielle Futia  
**Sent:** Tuesday, September 7, 2021 9:26 AM  
**To:** Submissions  
**Subject:** FW: Redistricting request




*Danielle Futia*

Independent Redistricting Commission  
Assistant Director of Public Engagement  
[www.nyirc.gov](http://www.nyirc.gov)

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**From:** [Douglas Breakell](#)  
**Sent:** Monday, September 6, 2021 5:22 PM  
**To:** [Danielle Futia](#)  
**Subject:** FW: Redistricting request

---

**From:**   
**Sent:** Monday, September 6, 2021 3:06 PM  
**To:** Douglas Breakell <breakelld@nyirc.gov>  
**Subject:** Redistricting request

Hello, I am resident of Chautauqua county. I have grave concerns over the county being removed from its Southern Tier identity by putting it in with Erie county. This has already been done once in the not so distant past. It made our county irrelevant. Right now, we are the most populous county in the current district. Please do all you can to retain our distinct identity. Thank you, Mel McGinnis, Frewsburg NY.

## Submissions

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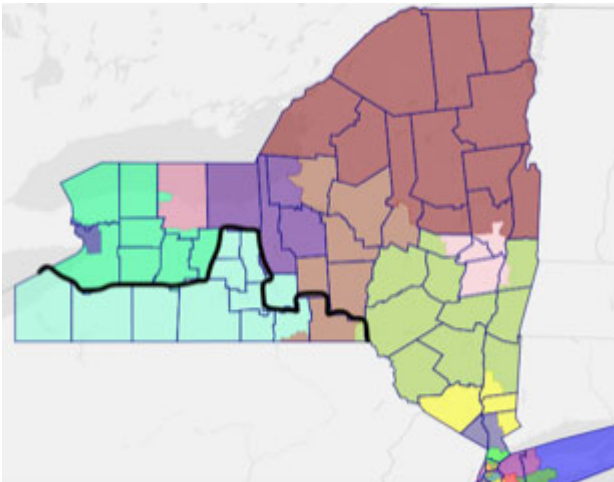
**From:** Ida Golden [REDACTED]  
**Sent:** Tuesday, September 7, 2021 7:55 AM  
**To:** ida Golden  
**Subject:** Redistricting Map

Below is the contents of an email I received from the redistricting committee. Redistricting committee requested a map showing where I felt the lines should best be drawn. This is what I sent.

Please feel free to use if you agree, change wording make it your own.

Email to [submissions@nyirc.gov](mailto:submissions@nyirc.gov)

District 23 should run along the southern tier from Chautauqua county to Broome county. Taking away Tompkins county. This would give the 23 district an approximate population of 808,742. This would afford the district population to have representation for similar concerns and economical environments.  
Chautauqua =127,657 Cattaraugus =77,042 Allegany=46,456 Steuben=93,584 Chemung=84,148 Tioga=48,455 Broome=198,688 Schuyler=17,898 Yates=24,774 Seneca=33,814 Ontario=56,229(112,458 split county) (- Tompkins=105,740) These are approximate but close totals due to some counties being split, I don't have detailed population totals on split counties.



Here is my thinking on splitting the district this way. If we get rid of Tompkins county that gets rid of a large democratic strong hold Ithaca. By picking up Broome county they have a larger population to make up for the shortage but they are also like minded mostly republican. Here is a link to the map site with the census numbers.

<https://davesredistricting.org/maps#viewmap::6703b5c2-0849-4fdd-9712-f281849255ab>

<https://www.redistrictingandyou.org/?markerL=42.3012%2C-79.5226&geoid=3623#map=5.68/42.927/-78.686>

Map below shows partisan lean. As you can see Tompkins is a Democratic strong hold and Broome is mostly red/pink more aligned with Chautauqua county. So dropping Tompkins and picking up Broome would benefit us, by giving us better voting power and representation.

<https://www.redistrictingandyou.org/?markerL=42.3012%2C-79.5226&geoid=3623#map=5.68/42.927/-78.686>

v v v This is the email I received, don't wait until last minute to send. Do it today. I am not sure when the cut off is.

To Whom It May Concern:

This is a reminder that the New York State Independent Redistricting Commission is still eagerly seeking input from all New Yorkers, **especially in the form of maps. The Commission will be releasing its first round of maps on September 15<sup>th</sup>, so the sooner we hear from you, the better!**

**Please tell us about your community. Show us on a map where your community lives, goes to school, goes grocery shopping, and/or worships.**

Preferred file types for maps/geographic data: *Geographic JavaScriptObject Notation (.geojson, .json), Google Keyhole Markup language (.kml, .kmz), ESRI Shapefile (.shp, .dbf, .shx)*

Also accepting the following for maps/geographic data: *Microsoft Excel (.xls, .xlsx), Comma Separated Values (.csv) Adobe Portable Document Format (.pdf), Bitmap Graphics (.bmp), Graphics Interchange Format (.gif), JPEG images (.jpg, .jpeg), Portable Network Graphics (.png), Scalable Vector Graphics (.svg), Tagged Image File Format (.tif, .tiff)*

If you have already sent us your maps and comment, we have received them and our Commissioners are busy reviewing your input.

Public participation is paramount to the process, goals, and success of the Commission. We thank you for continued engagement in this process.

Stay up to date with the Commission on [Facebook](#), [Twitter](#), and our website, [www.nyirc.gov](http://www.nyirc.gov). Additionally, recordings of our past public meetings can be viewed on our [YouTube](#) channel.

## Submissions

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**From:** [REDACTED]  
**Sent:** Tuesday, September 7, 2021 4:32 PM  
**To:** Submissions  
**Subject:** Redistricting Map  
**Attachments:** Redistricting Map

[REDACTED] [REDACTED]

To whom it may concern regarding redistricting,

As a resident of Chautauqua county, I would like our 23rd District to remain as is. It retains the identity of the Southern Tier. However, if changes must be made, I can agree with the new map line you see below. District 23 should run along the Southern Tier from Chautauqua county to Broome county. It would cover the district in ways demonstrating similar economic and cultural concerns.. This would give the 23 district an approximate population of nearly 809,000.

Thank you for your consideration, Mel McGinnis, Frewsburg NY





**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: NO to redistricting with Erie County  
**Date:** Friday, August 13, 2021 2:51:15 PM

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-----Original Message-----

From: Melanie Mann [REDACTED]  
Sent: Friday, August 13, 2021 2:43 PM  
To: Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>  
Subject: NO to redistricting with Erie County

To whom it may concern:

The idea that Chautauqua County should be redistricted with Erie County is preposterous! The economy of Chautauqua County is primarily one of agriculture and tourism. Erie county has little to no agricultural base.

Further, the rural nature of Chautauqua County deems that we be represented by someone in touch with the needs of our rich farmland, lower income constituents and rural needs.

To have anyone assume that the needs of our county would be represented by someone from the Buffalo/Amherst/Williamsville inner cities is not only evidence of that person's ignorance but their elitist bent.

Sincerely,

Melanie Mann  
Chairwoman,  
Fredonia-Pomfret Republican Committee

Sent from my iPhone

July 30<sup>th</sup>, 2021

Thank you for allowing us to comment on re-districting in NYS, particularly for Amherst NY.

We are long-time residents of Amherst, and we believe our congressional representation to be completely unfair. We are located in Congressman Brian Higgins district, which we consider to be a liberal democrat City of Buffalo political culture. We live however, in a geographic area where the majority of residents in Amherst have conservative in political values. Congressman Higgins only represents the liberal Democrat run City of Buffalo population. He does not represent the conservative values found in our Amherst area. Yet, we are forced by Democrat districting measures to be represented by him. We consider ourselves victims of Democrat NYS politicians, and we wish to have a congress person who more identifies with the culture and values of Amherst NY. Hence, we need congressional districting reform

If you want to figure out why retired people of any means are leaving NYS, this is only one reason. We are overtaxed, under- represented and discriminated against for our conservative values.

Congressional representation of the people should be fair and just. It is sadly NOT so under the current Democrat controlled system.

Thank you for your consideration.

Drs. Michael and Elizabeth Hatton

[REDACTED]

Amherst, NY

14228

**MEMORANDUM**

**TO:** New York State Independent Redistricting Commission

**FROM:** Michael A. Casale, Commissioner  
Niagara County Department of Economic Development

**DATE:** August 6, 2021



I would like to thank the New York State Independent Redistricting Commission for this opportunity to submit input as the Commission begins its work to redraw the State's District lines following the 2020 Census.

Covering over 522 square miles, Niagara County is located in the northwestern most part of New York State, and is bordered by Lake Ontario to the north, Orleans County to the east, Genesee County to the southeast, Erie County to the south and the Niagara River to the west. According to the Census Bureau's 2019 ACS 5-Year Estimates, the County has a population of 210,820. Niagara County is home to three cities, including Niagara Falls, Lockport and North Tonawanda, as well as 12 towns and five villages.

Currently, Niagara County has one representative in the NYS Senate serving the 62<sup>nd</sup> Senate District, and four members in the NYS Assembly serving in the 140<sup>th</sup>, 144<sup>th</sup>, 145<sup>th</sup> and 146<sup>th</sup> Assembly Districts.

As noted, much of Niagara County is bordered by water, which over the last four years, has created quite a challenge with high water events in 2017 and again in 2019. When it was time to work with New York State to respond to these catastrophic events, it was good to have one champion in the New York State Senate to carry the ball over the finish line. Working with one representative who can focus solely on the needs of Niagara County in the area of grant funding and critical legislative issues maximizes our ability to receive the attention we need and deserve.

As Commissioner of the Niagara County Department of Economic Development, I oversee a staff that works diligently to respond to state funding opportunities on behalf of the entire County. Having one representative to go to bat for Niagara County makes for a more efficient process for my staff and ultimately for all of the residents of Niagara County.

I would like to respectfully request that the 62<sup>nd</sup> Senate District remain as is, with one representative serving all of Niagara County.

Thank you for the opportunity to address the issue.

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Wed 8/11/2021 12:40 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

All counties should be contiguous. There should be no jumping over a county to get to a more favorable political one. No town should be split up. All residents of Amherst should be in the same district.

**User:** Michael Sommer

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Map Submitted  
**Date:** Sunday, August 15, 2021 2:04:58 PM

---

## New York State Independent Redistricting Commission

### Submitted Map

- **First Name:** Michael
- **Last Name:** Thompson
- **Email:** [REDACTED]
- **Description:** current NYS senate district 61 is pictured in my file. it encompasses counties and portions thereof in the western district of NYS. I have lived in the small area in the city of Rochester NY.
- **Map File:** [Link to Map File](#)

---

This e-mail has been automatically generated



**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Tuesday, July 27, 2021 7:57:29 AM

---

## New York State Independent Redistricting Commission

A private comment has been submitted

How does a person who lives near Bird Ave & Bidwell Pkwy in Buffalo, NY get to gerrymander a district to represent the Southtowns area of Hamburg, Orchard Park and other Southtowns? Map is not logical at all but to favor a "ruling" party!

**User:** Mike Shanahan [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Nacole Ellis Chautauqua County  
**Date:** Friday, August 13, 2021 2:39:14 PM

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**From:** Nacole Ellis [REDACTED]  
**Sent:** Friday, August 13, 2021 2:09 PM  
**To:** Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>  
**Subject:** Nacole Ellis Chautauqua County

The region's agricultural interests might also become diluted if absorbed into an urban district dominated by Buffalo. "It's a concern, because I believe we have more in common with the Southern Tier counties than Erie County, Absolutely it should be preserved – at least the concept of it. We will make sure we'll do everything we can to preserve it

Nacole Ellis  
Chautauqua County



**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Tuesday, August 3, 2021 12:05:43 PM

---

## New York State Independent Redistricting Commission

A private comment has been submitted

As indicated by the submitted zoning map, North Harmony is a predominately agricultural town with seasonal residences on Chautauqua Lake. The Southern Tier is located along the I-86 corridor and should continue to have it's own representation.

**User:** Nancy Thomas [REDACTED]

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Map Submitted  
**Date:** Tuesday, August 3, 2021 12:01:17 PM

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## New York State Independent Redistricting Commission

### Submitted Map

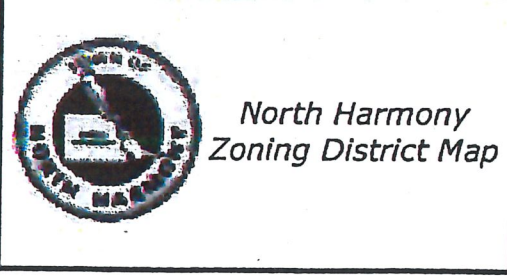
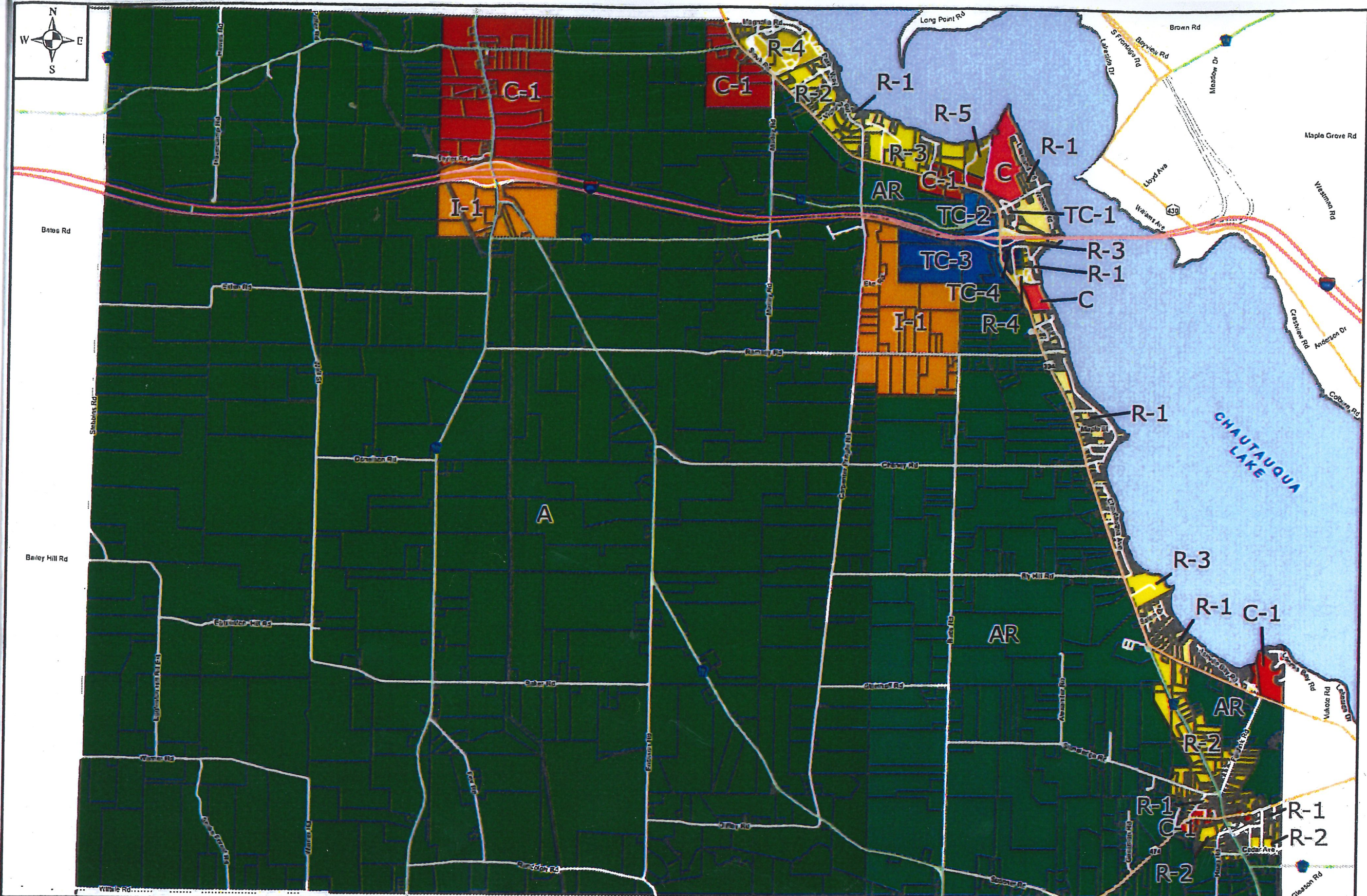
- **First Name:** Nancy
- **Last Name:** Thomas
- **Email:** [REDACTED]
- **Description:** Town of North Harmony Zoning Map. Note the town is predominately agricultural with many seasonal residences along the 7 miles of Chautauqua Lake.
- **Map File:** [Link to Map File](#)

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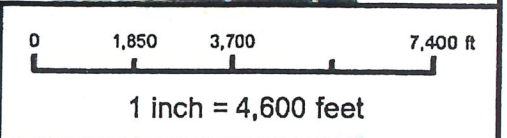
This e-mail has been automatically generated



Nancy Thomas



LEGEND					
	A - Agricultural		I-1 - Light Industrial		R-5 - Hotel/Multiple Family
	AR - Ag Residential		R-1 - Single Family		TC-1 - Tourist Comm. Hamlet
	C - Conservation		R-2 - Duplex Multi-Family		TC-2 - Tourist Comm. Mixed Use
	C-1 - Commercial		R-3 - Multiple Family		TC-3 - Tourist Comm. Service
			R-4 - Multiple Seasonal		TC-4 - Tourist Comm. Hadley Bay



Map Created:  
March 10, 2014





**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Map Submitted  
**Date:** Tuesday, August 3, 2021 10:49:02 AM

---

## New York State Independent Redistricting Commission

### Submitted Map

- **First Name:** Nancy
- **Last Name:** Thomas
- **Email:** [REDACTED]
- **Description:** The Town of North Harmony is located in Chautauqua County NY. We have approximately 7 miles of properties on the shore of Chautauqua Lake and most of our land is located in the Agricultural District. We are predominately at rural community with many lakefront summer residents.
- **Map File:** [Link to Map File](#)

---

This e-mail has been automatically generated

**From:** [Danielle Futia](#)  
**To:** [Submissions](#)  
**Subject:** FW: Do not re-district Chautauqua County with Erie county  
**Date:** Saturday, August 14, 2021 6:45:34 PM

---

*Danielle Futia*

Independent Redistricting Commission  
Assistant Director of Public Engagement  
[www.nyirc.gov](http://www.nyirc.gov)

---

**From:** Nathaniel Webster-curley [REDACTED]  
**Sent:** Saturday, August 14, 2021 10:41:46 AM  
**To:** Danielle Futia <futiad@nyirc.gov>  
**Subject:** Do not re-district Chautauqua County with Erie county

To Whom it May Concern,

Affiliating Chautauqua County with Erie County could very easily be the worst mistake your committee could make. Not only does Chautauqua County differ in way of life but also my population and the what we pride ourselves on. Erie county's population and demographics are so different than Chautauqua's. We love being a rural County and pride ourselves on the agriculture that we grow and send across the world. Erie county is ran by the city. It is like New Your City choosing what happened all the way down here at the other end of the state. Our voices would be muffled and we would have no say on our day to day life. Please do not make the detrimental choice by linking Erie County to Chautauqua County. This is not a political move. This is just a stupid one.

Thank You.  
Nathaniel Webster-Curley

# SOS



Save Ontario Shores, Inc.

PO Box 382, Lyndonville, NY 14098  
www.SaveOntarioShores.com  
Info@SaveOntarioShores.com

August 6, 2021

To whom it may concern:

Thank you for the opportunity to submit testimony for your consideration as you reach a decision regarding redistricting in Western New York.

I am writing on behalf of Save Ontario Shores, a grassroots citizens group formed in January 2015 to address the health, safety and welfare of the Town of Yates and Town of Somerset taxpayers and residents regarding the issue of permitting Apex Clean Energy, Inc. to build 47 to 70 industrial wind turbines over 600 feet tall in these rural towns.

Both Niagara and Orleans Counties are under pressure for the development of industrial renewable energy projects. Individual communities have different attributes and issues that need to be considered. Having one Senate district representative who understand these nuances is critical in considering the most appropriate siting of projects.

This region holds rich resources in terms of agriculture, wildlife refuges, access to Lake Ontario, a portion of the Great Lakes Seaway Trail and the Niagara Wine Trail, to mention a few. Lake Ontario has had serious issues relating to changing lake levels the past few years, which has presented a great challenge to lakeside communities. Again, having one Senate representative work on this area's concerns relating to these assets and challenges is invaluable to making sure there is a consistent and cohesive approach in solving problems.

Please consider this request that the 62<sup>nd</sup> Senate District representing the entirety of Niagara and Orleans Counties is left unchanged during your deliberations.

Sincerely,

Pamela Atwater, President  
Save Ontario Shores, Inc.

## REDISTRICTING TESTIMONY

I am sure you have much input to consider so I will keep this as condensed as possible.

The Western New York area district is proposed a significant change. Although, it may not appear to be very significant to just look at a map, there are many facets to consider. The Southern Counties of Chautauqua, Cattaraugus, and Allegany are all very similar in demographics. Rural communities make up most of these counties and the needs therefore, reflect the similarity. Erie County has many towns of the first class along with several cities and villages. The needs of a county with mainly towns of the first class vary greatly from the towns of the second class. A representative would have experience in serving the needs for one but not the other. The other would suffer as a result of the lack of representation. It is also evident from the census, that the Southern Tier Counties residents were decreased slightly indicating the need for redistricting. It is more than likely there were residents not "counted" in the census due to their unfortunate lack of effort to fill out easy census paperwork and send back. With COVID in a census year, the numbers are definitely not going to be accurate with the census workers unable to visit these residence sites and physically record the accurate numbers.

Thank you for taking the time to read this testimony and consider the best alternatives for everyone in New York State.

Patricia R. Dashnaw  
Ashford Town Clerk  
Cattaraugus County

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Redistricting  
**Date:** Monday, August 16, 2021 8:28:33 AM

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Honorable Independent Redistricting Commission,

I am requesting that you keep the Voting/Legislative Districts for the Town of Clarence the way they are at the present time. The 31,000 people who reside in the Town of Clarence will not benefit from a District change.

The Town of Clarence which was once all of Erie County has much in common with the other municipalities that share our District. Especially with the Town of Amherst and Newstead. Part rural and suburban makes for a perfect legislative match. The Legislative District we have now has served well in ensuring our elected leaders understand the issues that are important in our area. Because of the commonality our leaders have been effective in getting results for our community from all levels of Government.

Certainly your task is not simple but why change a district that has been working for its residents. The continued service to our community from the District's present outline is very important to my residents and should be maintained as it is now.

Thank you for your consideration on Redistricting.

Sincerely,

Patrick Casilio  
Town of Clarence Supervisor

[REDACTED]  
Clarence, NY 14031  
[REDACTED]

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Written Testimony of  
**Patrick J. Mehler<sup>1</sup>**  
President and Co-Founder  
Cornell Votes

Submitted to the New York State Independent Redistricting Commission at the “Southern Tier and Central NY Public Hearing” Regarding College as Communities of Interest

August 9, 2021

I would like to thank Chair Imamura and the entire Commission for allowing me the opportunity to testify today. I would also like to also thank GenVote, Senator Shelley Mayer, and everyone at Cornell Votes who encouraged me to share the story of college students. As a lifelong New Yorker and student at Cornell University, I have spent my entire civic engagement career within New York State. I voted in my first election at 18 years old in Yonkers and am proud to have voted in every election there since. Unfortunately, I have watched thousands of similar New Yorkers go from being engaged citizens after high school to disinterested bystanders in our electoral process once becoming college students and graduates. I can confidently tell you that decades of malpractice in redistricting are to blame. **If you all take one thing away from my testimony, I am imploring you to keep colleges, universities, and our college towns together in your redistricting plans, as we have been intentionally isolated from our communities, and from each other, for centuries.**

A. College Students are a Community of Interest

In New York State, 22%, or just over 3,000,000, citizens are 18-29 years old.<sup>2</sup> With almost a quarter of New Yorkers falling into this range, young people are certainly a community of interest. If you insist that communities of interest are more typically specified as those in conglomerated physical areas, such as retirement homes or a town, then let’s look to where young people are.

Within our State, there are over 1.2 million college students spread across our SUNYs and private colleges.<sup>3</sup> Putting that math together, that means college students make up almost 9% of the entire electorate. 9% of the electorate is *certainly* a community of interest. So where is this community of interest? They are spread out from Brooklyn to Buffalo, from Rockland to

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<sup>1</sup> Patrick J. Mehler can be reached at [REDACTED] for any questions or clarifications on the importance of college voting and its relationship with redistricting.

<sup>2</sup> [https://www.census.gov/library/visualizations/2016/comm/citizen\\_voting\\_age\\_population/cb16-tps18\\_ny.html](https://www.census.gov/library/visualizations/2016/comm/citizen_voting_age_population/cb16-tps18_ny.html)

<sup>3</sup> <https://data.nysed.gov/highered-enrollment.php?year=2018&state=yes>

Rochester, and from Yonkers to Ithaca. This body of the electorate may be physically spread out, but their common pursuit for higher education unites them throughout the State.

Regardless of whether a student is attending a SUNY, a community college, or an Ivy within this state, all students are studying and working to achieve their degrees. When participating in elections and State government, our interests align at every corner. Students want lower tuition or at least lower housing costs close to their school. Students want action on climate change and gun control to protect the country and planet that is about to become theirs. Students want to be able to vote. Students want to be able to vote *without* being in a district that either isolates them from their communities or is intentionally drawn to silence their voices.

### B. Ithaca and Syracuse

I intentionally wish to draw your attention to two areas of the Southern Tier: Tompkins & Cortland counties and the city of Syracuse. In Cortland and Tompkins County we have four institutions of higher education that students attend; Ithaca College, TCCC (Tompkins Cortland Community College), SUNY Cortland, and Cornell University, all of which exist within 15-minute drives of each other. These four schools work in tandem with one another on hundreds of projects, events, and research; research which we see cited in bills passing through the New York Senate and Assembly every legislative session.

Attached to this testimony are the maps for Assembly District 125 as well as Senate Districts 51 and 58. Looking at A125, you will see that Cornell, IC, TCCC, and SUNY Cortland all share a similar banner under one assemblywoman. However, when you look at S51 and S58, you will see that TCCC and SUNY Cortland have been split to S51 while Cornell and IC have been split to S58. Is this mapping to say that “we believe these colleges interests align in the Assembly but differ vastly in the Senate?” Is this saying that “we believe the interests of Cornell and Ithaca College are so different than those of SUNY Cortland and TCCC we must separate the schools and affiliate them with towns two hours away?” I believe that our schools share more than just a geographical home and a purpose of educating New Yorkers. And I call to recognize our schools as communities of interests that ought to share both assemblymembers and senators.

Even more egregious is the districting in Syracuse. Also attached to this testimony are the maps for Assembly Districts 128 and 129 as well as Senate Districts 50 and 53. While in Ithaca we may deal with the separation of colleges from one another, Syracuse University and Onondaga Community College (OCC) are drawn entirely out of their community and from another.

S50 explicitly excludes Syracuse University from the entire north-half of the city. S50 also includes OCC but separates the schools from one another. S53 does the reverse, including the University, but separating it from the rest of the city.

The Assembly districts are inexcusable. A128 includes Onondaga Community College but is drawn to exclude Syracuse University, which is 10 minutes east of the College. However, this same district, A128, includes the Onondaga Golf and Country Club; a country club 15 minutes *further* east of Syracuse University. A129 is the district that includes Syracuse University, but is literally drawn so excluding of its neighboring community that the district does not include the

Southside of Syracuse or OCC. The district is drawn like a middle finger, both visually and metaphorically, to its own community.

### C. Students Want to Participate in State Government but Are Discouraged

While the efforts of Cornell Votes and other student voting organizers have already seen success in voter turnout, we know these numbers can be higher. We will continue to pour our hearts and souls into this work, but one of the largest issues we face with our peers is voter apathy because of these districts. College students are fortunate that we can choose whether to vote in our hometowns or college towns, but I hear the same story every time we try to help students vote.

Student: “Where should I register and vote?”

Organizer: “Luckily, you have two choices, so the real question is where do you feel closest to your community or where you will have the most impact?”

Student: “Well, I’ve lived in Rochester my whole life but feel a strong connection with the folks I work with at the Women’s Resource Center in Ithaca and my volunteering work with other SUNY Cortland students, so I think I want to vote here to give them a louder voice.”

Organizer: “That’s great! However, the way the lines are drawn, you won’t be able to vote for a State Senator that aligns with those folks, but you will for the State Assembly.”

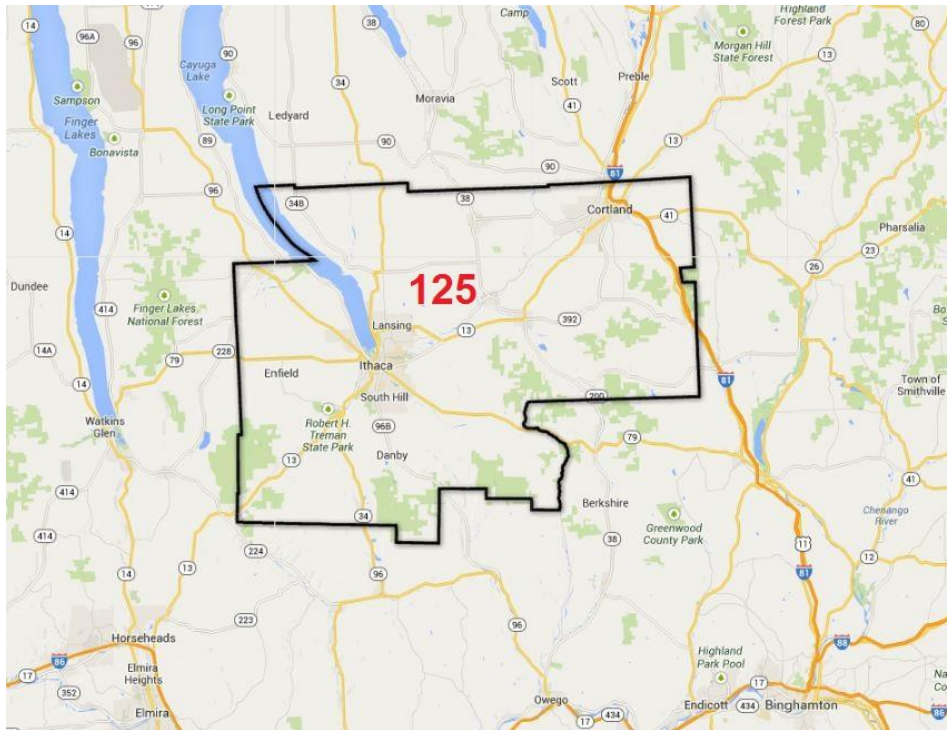
Student: “So any activism I do with my friends will be applicable only in the Assembly just to have my ideas ignored in the Senate? What’s the point in voting for the Assembly here then? Whatever, I have to go, sorry.”

### D. Keep Colleges and our Communities Together

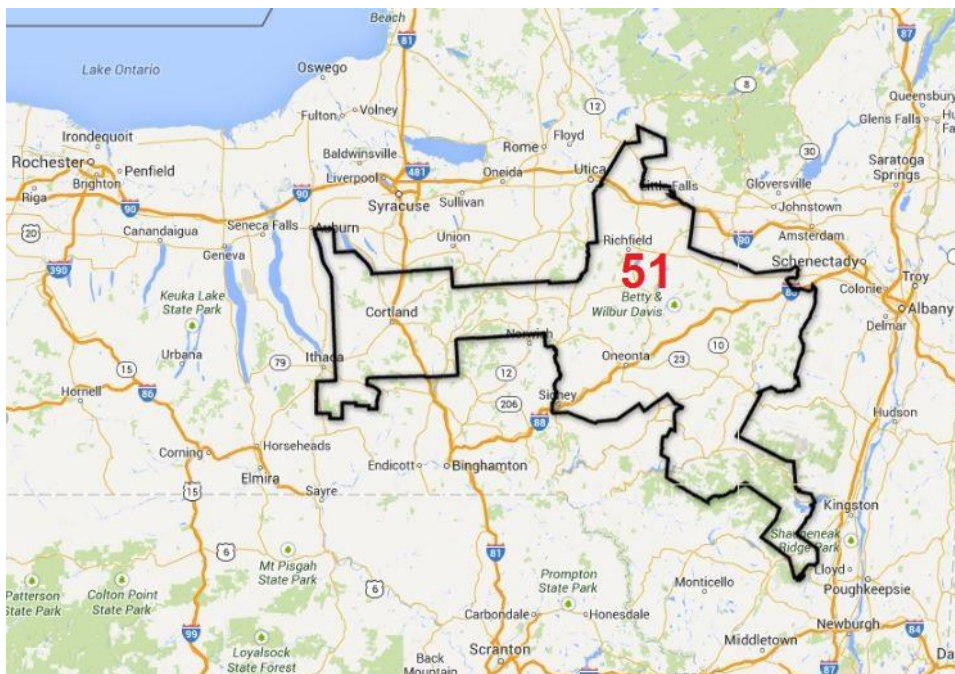
The short of this entire testimony is this: 1. College students and young voters are a community of interest, 2. Current lines intentionally exclude our colleges from one another and from our college towns, and 3. Students are discouraged to participate in civic engagement because of these broken lines.

I implore you all to please consider the special place that our country’s future leaders are currently in and understand that each discouraged student is one more bystander in our democracy. Fair lines will not only benefit these millions of students now, but the millions of New Yorkers who will eventually lead our State and our country.

## Assembly District 125<sup>4</sup>



## Senate District 51<sup>5</sup>

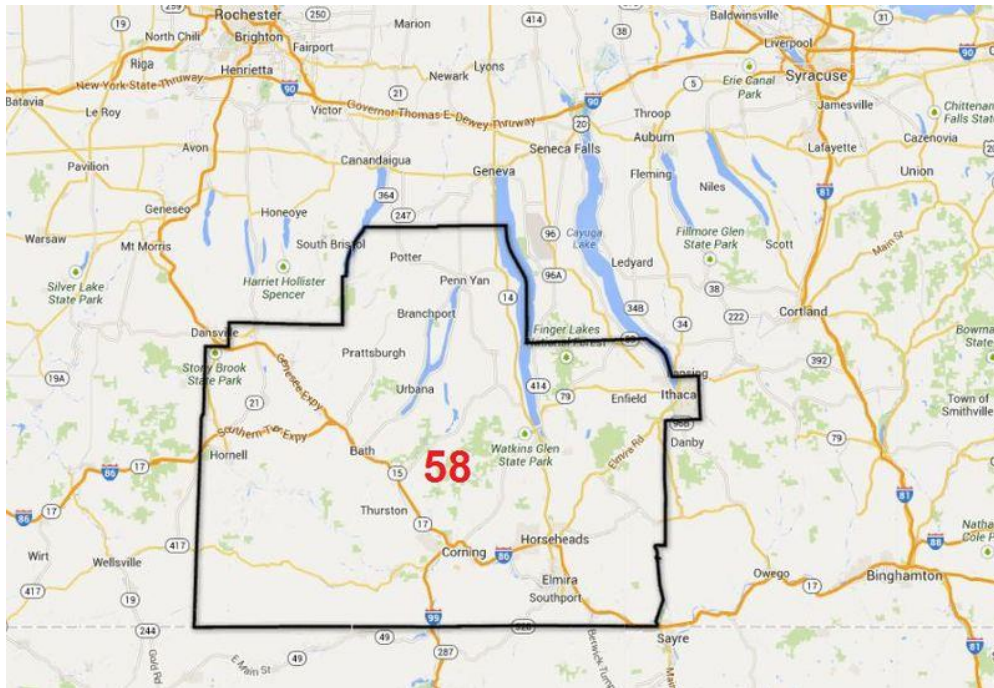


<sup>4</sup> [https://ballotpedia.org/New\\_York\\_State\\_Assembly\\_District\\_125#/media/File:NY\\_HD\\_125.JPG](https://ballotpedia.org/New_York_State_Assembly_District_125#/media/File:NY_HD_125.JPG)

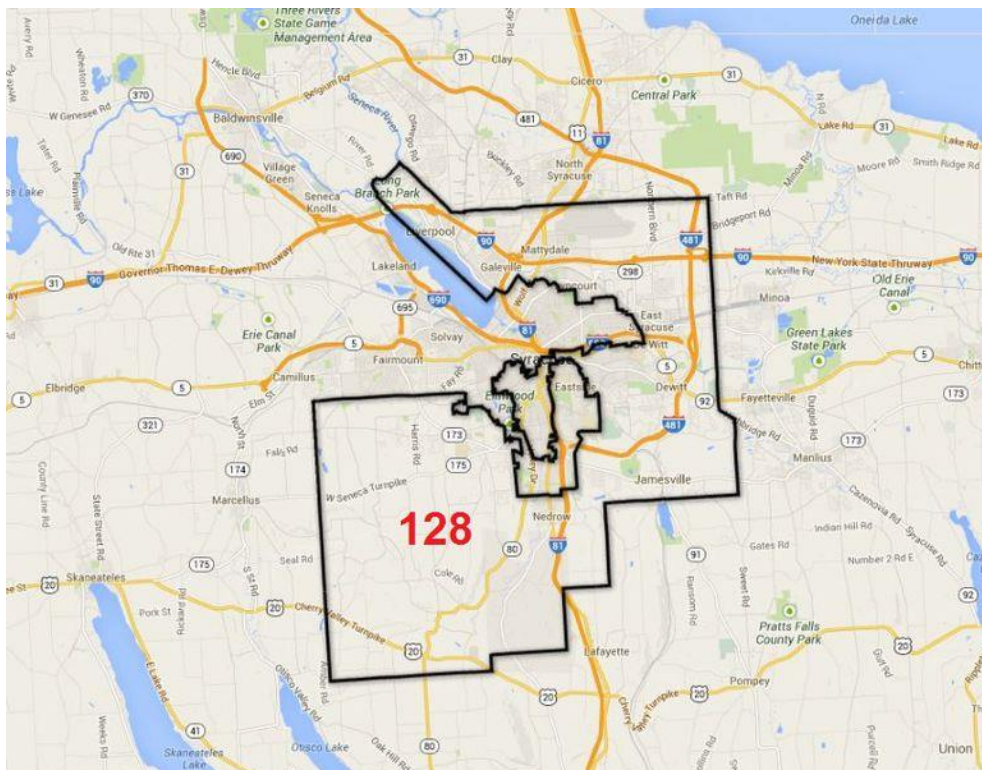
<sup>5</sup> [https://ballotpedia.org/New\\_York\\_State\\_Senate\\_District\\_51#/media/File:NY\\_SD\\_51.JPG](https://ballotpedia.org/New_York_State_Senate_District_51#/media/File:NY_SD_51.JPG)



## Senate District 58<sup>6</sup>



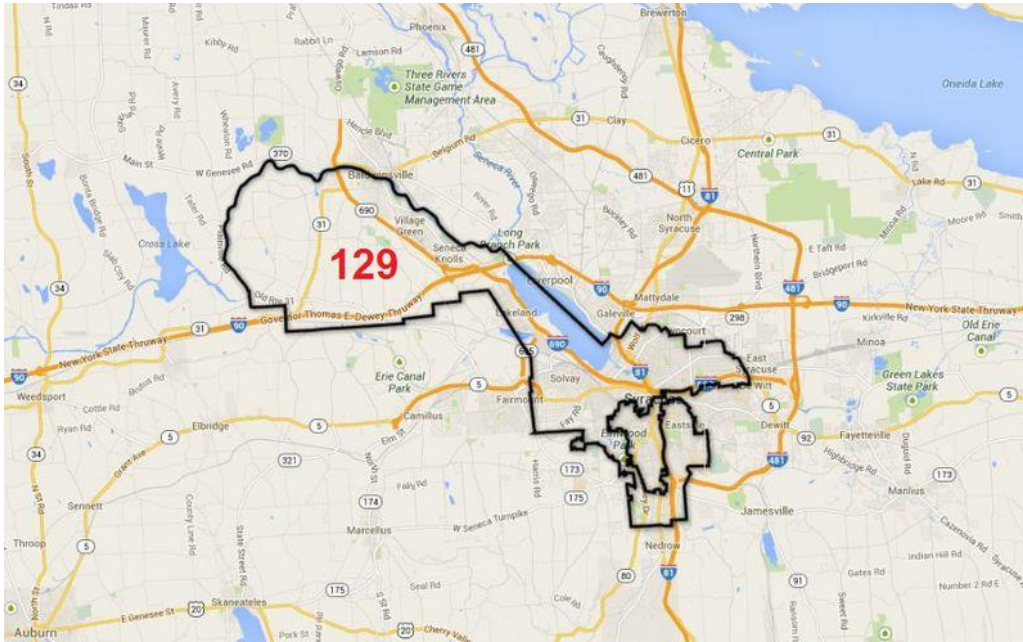
## Assembly District 128<sup>7</sup>



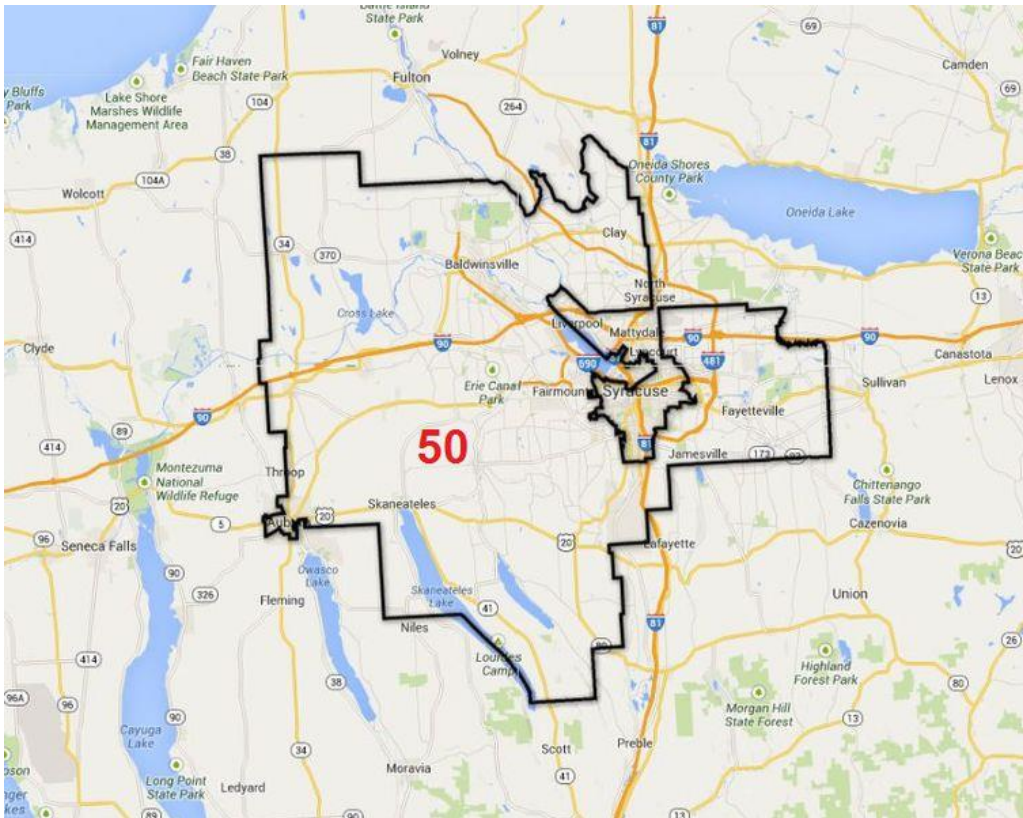
<sup>6</sup> [https://ballotpedia.org/File:NY\\_SD\\_58.JPG](https://ballotpedia.org/File:NY_SD_58.JPG)

<sup>7</sup> [https://ballotpedia.org/File:NY\\_HD\\_128.JPG](https://ballotpedia.org/File:NY_HD_128.JPG)

## Assembly District 129<sup>8</sup>



## Senate District 50<sup>9</sup>

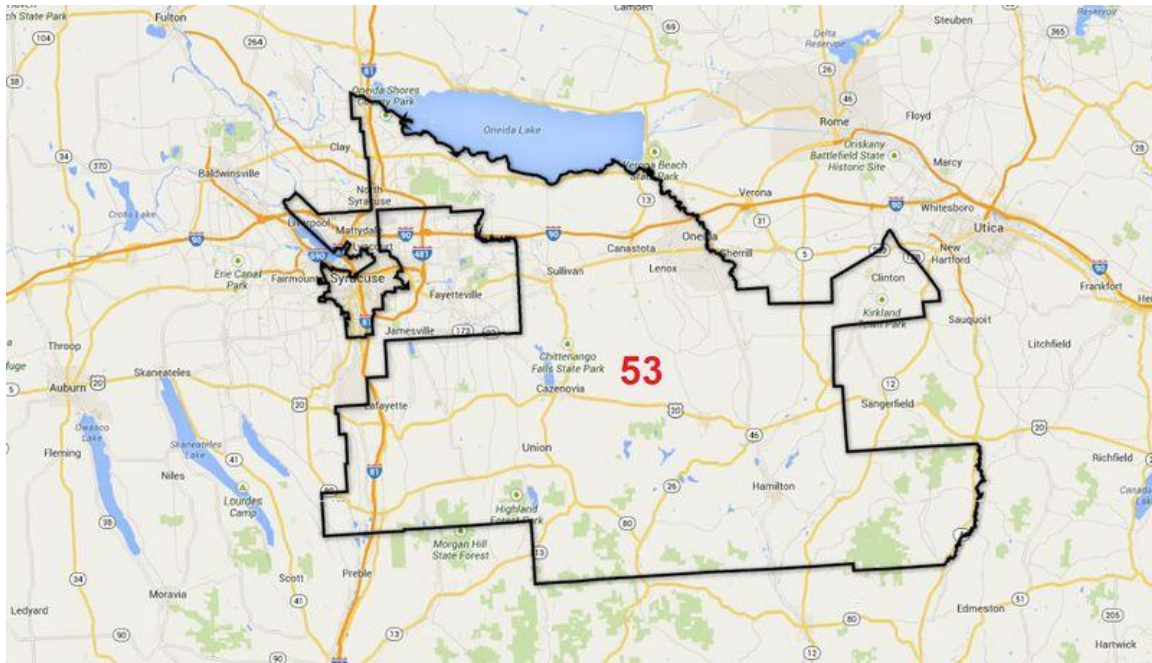


<sup>8</sup> [https://ballotpedia.org/File:NY\\_HD\\_129.JPG](https://ballotpedia.org/File:NY_HD_129.JPG)

<sup>9</sup> [https://ballotpedia.org/File:NY\\_SD\\_50.JPG](https://ballotpedia.org/File:NY_SD_50.JPG)



## Senate District 53<sup>10</sup>



<sup>10</sup> [https://ballotpedia.org/File:NY\\_SD\\_53.JPG](https://ballotpedia.org/File:NY_SD_53.JPG)

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Sun 8/1/2021 11:10 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

Our district the 27th congressional well reflects the values of our community and needs no changes.

**User:** Paul Lauricella [REDACTED]

Delete Comment

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## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Tue 8/10/2021 9:03 AM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

I strongly request that the new congressional and legislative districts be compact and minimize splitting up local towns and counties. The current congressional districts, at least in western NY, are a positive example of this, and should be emulated!

**User:** Peter Collinge

Delete Comment

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Sunday, August 1, 2021 10:31:44 AM

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## New York State Independent Redistricting Commission

A private comment has been submitted

The Southern tier has unique values, needs and ideas as a rural area. We need our rural hospitals, schools, private transportation, broadband. Do not break us up or put us with Buffalo/Rochester

**User:** Phyllis Couture ([REDACTED])

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This e-mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Sunday, August 1, 2021 1:56:35 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

I strongly urge the Commission to make every effort to preserve the New York 23rd Congressional District's existing boundaries. Southern tier counties share a border with Pennsylvania, so it's important that our region has its own representative.

**User:** Pierre Chagnon [REDACTED]

Delete Comment

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This e-mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Friday, August 13, 2021 1:17:35 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

Chautauqua County does not want to be with Buffalo/Erie County in the redistricting, we are Southern Tier and we want to remain with the Southern Tier.

**User:** Randall Holcomb [REDACTED]

Delete Comment

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This e-mail has been automatically generated

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Friday, August 13, 2021 11:56:41 AM

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## New York State Independent Redistricting Commission

A private comment has been submitted

The Town Board of the Town of Mina is requesting that any redistricting plan for Congressional District #23 include communities with similar rural characteristics to the present district so that the constituents are adequately represented in Congress.

**User:** Rebecca Brumagin [REDACTED]

Delete Comment

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## Testimony to New York State Independent Redistricting Commission

I wish to express my support for this independent commission and my desire to see districts in New York State drawn fairly and without gerrymandering. Creating logical, geographically contiguous districts where people have some sense of shared place, I believe, should be one criterion.

A district representative should be able to travel easily from one end of a district to the other, not for convenience's sake, but because being physically present often and publicly visible to those living in the district is part of being a good representative.

Thank you.

Rebecca Ruggles  
Aurora NY 13026

August 2, 2021

Dear New York State Independent Redistricting Commission:

As the respective chairs of the Orleans and Niagara County Legislatures, we write today regarding the New York State redistricting process and specifically district lines for the New York State Senate. We implore the commission to give strongest consideration to leaving Niagara and Orleans counties together in a Senate district.

One of the tenets of redistricting at any level of government is to preserve communities of common interest. We believe the demographics, economies and shared priorities of Niagara and Orleans counties are the very definition of shared common interest.

To emphasize this point, we share common policy concerns on issues ranging from expansion of rural broadband to support for agriculture to Lake Ontario flooding to local control over the expansion of green energy projects, to name just a few. Our counties are inextricably linked in numerous ways, including Niagara Orleans BOCES, the NIOGA library system and the Niagara-Orleans high school athletic league. We have a strong history of collaboration and cooperation, and our joint priorities have been aided by having shared representation in the New York State Senate.

Redistricting is a complicated process filled with many competing interests. But the bedrock principle of the process is to ensure one person, one vote which means equal representation for all. Equal representation also means respecting historical, cultural and geographic connections of communities across the state to ensure collective concerns are given a voice in the State Legislature. And that is again why we emphasize the need for Niagara and Orleans counties to remain together in any legislative redistricting map.

Thank you for your consideration.

Sincerely,



Lynne Johnson  
Chairman  
Orleans County Legislature



Rebecca Wydysh  
Chairman  
Niagara County Legislature

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Redistricting  
**Date:** Friday, August 13, 2021 2:32:42 PM

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**From:** Douglas Breakell <breakelld@nyirc.gov>  
**Sent:** Friday, August 13, 2021 2:31 PM  
**To:** Danielle Futia <futiad@nyirc.gov>; Ahsia Badi <badia@nyirc.gov>  
**Subject:** FW: Redistricting

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**From:** Rich Fischer [REDACTED]  
**Sent:** Friday, August 13, 2021 2:30 PM  
**To:** Douglas Breakell <[breakelld@nyirc.gov](mailto:breakelld@nyirc.gov)>  
**Subject:** Redistricting

My name is Rich Fischer and I live in the village of Lakewood in Chautauqua County. It is the last thing that I would want in even considering being included with Buffalo/Erie County in redistricting. We have always been known as the Southern Tier and we want to remain that. Anything else and we would probably get lost in who knows what.

Rich Fischer  
[REDACTED]  
[REDACTED]



**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: redistricting  
**Date:** Sunday, August 15, 2021 3:28:53 PM

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**From:** Marlene Bradigan [REDACTED]  
**Sent:** Sunday, August 15, 2021 2:51 PM  
**To:** Ahsia Badi <badia@nyirc.gov>  
**Subject:** redistricting

We, Richard & Marlene Bradigan who have lived at [REDACTED] for 56 years and do not want our district to be in the same Congressional District as Buffalo. Our email address is [REDACTED]. We are a rural community in Chautauqua County and we have nothing in common with Buffalo or Erie county. We want to remain in the same Congressional District as the other Southern Tier counties.

TESTIMONY TO THE INDEPENDENT REDISTRICTING COMMISSION (IRC)  
Rev. Dr. Richard S. Gilbert – [REDACTED] – Rochester, NY 14607-3142  
Representing Interfaith Impact Rochester – August 12, 2021

I'm the Rev. Dr. Richard S. Gilbert, a retired Unitarian Universalist minister, and live at [REDACTED] in Rochester, having lived and worked in the city since 1970. I am submitting written testimony on behalf of Interfaith Impact of Rochester, an advocacy and educational group which sponsors forums on legislative matters before the New York State Legislature and addresses state issues of moral importance.

To provide an idea of our work especially relevant to redistricting, at the time of the last Census we sponsored a program featuring a Power Point presentation created by Blair Horner, of the New York State Public Interest Group. He portrayed the grotesque shapes that marked earlier gerrymandering. That presentation would have been amusing, if these lines were not so tragically compromised as a gerrymandered political insult to the intelligence of the citizenry. We have presented over twenty-five such programs over the last quarter century in Rochester.

I gave testimony on redistricting to the State Assembly and Senate in 2010, urging that there be established an independent bi-partisan commission which would launch the process of redistricting. We are pleased, then, to give testimony before just such a body. Hearing the voice of the people is imperative in this process.

We recognize the inherent difficulty of creating fair redistricting, especially in view of New York's probable loss of one Congressional seat. Despite this we have high hopes for the IRC, one degree removed from the political pressures of the state Legislature. To accommodate all the various constituencies is a formidable task, and we wish you well in your endeavor. We are also enthusiastic about the process of including testimony directly from the people for the public record.

Democracy requires, according to the U. S. Supreme Court, one-person one-vote. District boundaries should reflect the common good and should favor neither particular parties nor incumbents. There should be no "cracking" (spreading out communities of interest so as to dilute their power) or "packing" (concentration of a particular community in a single district so as to minimize their influence).

We have considered the criteria for "fair" redistricting: substantial equality of population; geographic contiguity; promotion of partisan fairness; preservation of "communities of interest;" respect for municipal and county boundaries; comparative competitiveness so long as it does not conflict with the above criteria.

Living in Rochester and Monroe County reflects a "tale of two cities" with our patterns of racial segregation. Therefore, the issue of racial communities of interest is of special importance to us, particularly in view of the efforts of several states to pass legislation that places an undue burden on racial minorities. They must have strong representation. We call special attention to the Voting Rights Bill of 1965, Section Two, which bars direct or inadvertent discrimination based on race. I was in Selma in 1965 at the memorial service for a ministerial colleague, the Rev. James Reeb, who was working in Martin Luther King's voting rights campaign. Too many people have sacrificed, some with their lives, for us to do anything that would stand in the way of racial justice.

Another issue of importance to us is counting incarcerated people in their permanent or more recent homes rather than in the places where they are incarcerated. National legislation, much with bi-partisan support, has shed new light on criminal justice with an emphasis on rehabilitation. Of course, formerly incarcerated

persons in New York State already can vote. Counting incarcerated persons in the homes to which they will someday return is an important democratic reform.

Democracy is the capacity of the people to govern themselves, to elect their representatives, and to engage and advocate with them for the services government can provide. Its function is to have the people choose their representatives, not to have those representatives choose the people they want to represent.

Democracy is a very imperfect system. As Winston Churchill said, “democracy is the worst form of government except for every other.” E. B. White once defined democracy as the faith that more than half the people will be right more than half the time. He also spoke of democracy as the score at the beginning of the ninth inning. It is time to move toward fair and objective redistricting to enhance democracy in the Empire State.

Redistricting is not only a political issue. It is a moral issue affecting the lives and well-being of millions of New Yorkers. It deserves far more than partisan gerrymandering. We wish you well.

Interfaith IMPACT of Rochester is an organization of congregations and individuals from Protestant, Unitarian Universalist, Reform Jewish and other faith traditions. We advocate from our progressive and liberal religious traditions for social justice in New York State.

**Comment has been submitted**

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Mon 8/9/2021 1:33 PM

To: Submissions <submissions@nyirc.gov>

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**New York State Independent Redistricting Commission**

A private comment has been submitted

Greetings...follow up to talk, Chautauqua Catt. And Allegheny would like to stay in the NY 23 congressional district :)

**User:** Richard Moon

Delete Comment

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This e-mail has been automatically generated

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Independent Redistricting Commission  
**Date:** Friday, August 13, 2021 2:51:06 PM

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**From:** Richard Syper <[REDACTED]>  
**Sent:** Friday, August 13, 2021 2:43 PM  
**To:** Ahsia Badi <badia@nyirc.gov>  
**Cc:** Danielle Futia <futiad@nyirc.gov>  
**Subject:** Independent Redistricting Commission

I feel Chautauqua County would be unhappy with being redistricted with ERIE COUNTY, Erie County is not even close to the same political view point as Chautauqua County. We are a county, farming second or Third home setting. I truly believe we would be misrepresentative being grouped with this huge mistake.

Thank you for taking the time to listen and read my thoughts

*Richard W Syper President*  
*Greatness "Is not" What you Think! WW84*  
*R&R Property Services & Landscaping LLC*  
[www.randrmayville.com](http://www.randrmayville.com)

[REDACTED]  
[REDACTED]

**From:** [Miranda Goodwin Raab](#)  
**To:** [Submissions](#)  
**Subject:** FW: REMINDER: New York State Independent Redistricting Commission Accepting Map Submissions  
**Date:** Wednesday, September 1, 2021 8:35:34 PM  
**Attachments:** [image002.png](#)

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**From:** Bob Breslawski [REDACTED]  
**Sent:** Wednesday, September 1, 2021 3:37 PM  
**To:** Miranda Goodwin Raab <[goodwinraabm@nyirc.gov](mailto:goodwinraabm@nyirc.gov)>  
**Cc:** Karen Breslawski [REDACTED]  
**Subject:** Re: REMINDER: New York State Independent Redistricting Commission Accepting Map Submissions

Dear Miranda,

I live in the Town of Sweden, just east of the village of Brockport off Route 31, Brockport Spencerport Road.

Our shopping is typically done at the Brockport Wegmans or Walmart store. Any exceptions to that are in the City of Rochester, Town of Greece and Marketplace Mall in Henrietta NY. We have nothing in common with the Orleans County or Niagara communities that Robert Ortt represents. His district is not the district we should belong to.

We are part of Monroe County and the greater Rochester region.

Thank you for your information and requested information.

Regards,  
Robert Breslawski,  
[REDACTED]

On Wed, Sep 1, 2021 at 3:13 PM Miranda Goodwin Raab <[goodwinraabm@nyirc.gov](mailto:goodwinraabm@nyirc.gov)> wrote:

To Whom It May Concern:

This is a reminder that the New York State Independent Redistricting Commission is still eagerly seeking input from all New Yorkers, **especially in the form of maps. The Commission will be releasing its first round of maps on September 15<sup>th</sup>, so the sooner we hear from you, the better!**

**Please tell us about your community. Show us on a map where your community lives, goes to school, goes grocery shopping, and/or worships.**

Preferred file types for maps/geographic data: *Geographic JavaScriptObject Notation (.geojson, .json)*, Google

**From:** [Independent Redistricting Commission](#)  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Tuesday, July 13, 2021 11:23:47 AM

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## Independent Redistricting Commission

A private comment has been submitted

Chautauqua County was previously in Rep. Higgins district. We had good representation and we clearly are part of WNY more than Southern Tier. I ask that you alter our Congressional District to that of Rep. Higgins

**User:** Robert Curtis [REDACTED]

Delete Comment

Ban User from Future Comments

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**Comments to the Independent Redistricting Commission**  
Robert A. Lynch, Councilperson, Town of Enfield, Tompkins County, NY  
*August 9, 2021*

Good Afternoon.

Robert Lynch, [REDACTED] Town of Enfield, Tompkins County. I'm a Councilperson on the Enfield Town Board.

In 1865, Horace Greeley famously advised his newspaper readers, "Go West, Young Man." In 2021, for us in Tompkins County, I'd ask your Commission to encourage us instead, to "Go East." Or maybe, if we must, "Go North."

For the past decade, we in Tompkins County have found ourselves attached as an often mocked and maligned aberrant appendage grafted to an overly-long, hard-to-represent, submarine of a 23<sup>rd</sup> Congressional District. The best we can say is that the *Old 23<sup>rd</sup>* includes our whole county.

In three prior redistricting cycles, we found ourselves chopped into bits. In the two prior cycles reapportionment, to varying degrees, split Tompkins County residents between two districts. Worse yet, in the 1980's, it cut us three ways, with my Enfield and neighboring Newfield towns orphaned from our county seat and from all our other towns. That was a horrible mess. Some insinuated it was political payback.

So, please, as a first priority, keep Tompkins County unified; within a single Congressional District.

But second, please consider attaching our district to the one you create to include Binghamton—or a second-best alternative, Syracuse.

My Town of Enfield, and also Tompkins County's other towns, ring a central city, Ithaca, our county seat. Despite our towns' cherished individual identities, we usually hold hands in a circle and stare inward. We hold an Ithaca focus and deserve a single, common Congressional representative.

But moreover, please also respect our outward attention. We bond ourselves to our Finger Lakes neighbors. Sadly, too few reside in these neighboring counties to form a district of our own. So, next closest, we tie ourselves to Cortland; then to Binghamton; and then, a bit farther, to Syracuse. We hold little in common with far-away Jamestown. And our interests and political allegiances remain far apart from most in Cattaraugus, Allegheny, or even Steuben Counties.

During this past decade, many of us in Tompkins County have sensed map-makers have deliberately thwarted our political will. Our Democratic-leaning majority, quite frankly, detests its unwelcome joined-at-the-hip linkage to what's, on balance, a very *Trump-friendly* Republican majority district. In apportionment parlance, we feel we've been "*stacked*," subjected to gerrymandering that ties us to a dissimilar majority so as to dilute our political power.

Uniting us with the more urban populations of Greater Binghamton—or alternately, Syracuse—would remedy our plight. By doing so, you, our Redistricting Commission, would promote true representative Democracy for our entire Finger Lakes region, but most importantly, for Greater Ithaca—our unique, Ithaca—and for all of us who, like me, hold hands in Ithaca's outer ring.

Please keep our county together within one Congressional District. But next, also place us among friends.

Thank you.



## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Tue 8/10/2021 11:47 AM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

---

A private comment has been submitted

Districts should be made up of individuals & communities with common interests so they have a voice to speak for them. Victor shares many services and needs with Farmington and many surrounding rural communities.

**User:** Robert Reed

Delete Comment

Ban User from Future Comments

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## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Fri 8/6/2021 7:43 AM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

---

A private comment has been submitted

I live in zip code 14120 and live in income-based housing. I have friends here who are from the Niagara Falls area. As a disabled retiree and Mastered-prepared RN, I have been appalled by the amount of illegal drug use displayed right in public here.

**User:** Roberta Williams

Delete Comment

Ban User from Future Comments

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## Submissions

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**From:** New York State Independent Redistricting Commission <submissions@nyirc.gov>  
**Sent:** Monday, September 6, 2021 12:39 PM  
**To:** Submissions  
**Subject:** Comment has been submitted



### New York State Independent Redistricting Commission

A private comment has been submitted

I'd like to take this opportunity to address the commission regarding the redistricting configuration of the 132nd A.D. which includes Steuben County in the Southern Tier. Up until the last redistricting process, Steuben was kept whole and coupled with smaller surrounding counties (i.e. Yates and Schuyler counties) to complete the Assembly district. After 2010, Steuben was dissected amongst three Assembly members resulting in a segmented, sometimes fragmented, approach for local governments and constituents alike. I've served as a Steuben County legislator (T/Bath) for 10 years, however, my perspective on redistricting is derived from nearly 30 years as a legislative aide in the Assembly. With Steuben County in its entirety as an anchor county for the Assembly district, local governments and its constituents had been afforded seamless representation throughout its largely rural, agricultural communities. Steuben consists of three population centers, Corning in the east, Hornell in the west and the county seat of Bath in the center. Steuben shares many similar economic, demographic and social interests with its contiguous counties of Yates and Schuyler. The three counties frequently team up in regional approaches to tourism (the number two industry behind agriculture), state and federal grant opportunities, and public policy-making. In my work as an Assembly legislative

aid, I worked daily with local governments and businesses. It was an advantage to work with Steuben as a whole county within the same Assembly district and much less confusing for constituents. The wine and craft beverage sector is a significant part of the three-county tourism industry in the Finger Lakes and plays a major role in the region's economic well-being. Thus, coupling the counties into one Assembly district creates a seamless coordinated mechanism to further develop the industry. Keeping Steuben county as a whole within the Assembly district worked very well for decades and gave its residents the best access to state-level legislators. In the latest census figures, Steuben's population ranges around 93,000 residents. If Steuben is coupled with Yates County (approx. 24,000) and Schuyler (17,000), the resulting district would encompass around 134,000 residents -- very close to the redistricting target for appropriate Assembly district representation. In the interest of offering Steuben-Yates-Schuyler residents the best approach to governing, economic development and growth, I respectfully ask the commission to carefully consider the aforementioned Assembly district configuration of Steuben, Yates and Schuyler as one unit.

**User:** Robin Lattimer ( [REDACTED] )

Delete Comment

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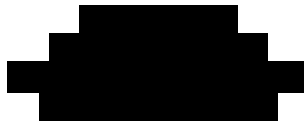
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## GENESEE COUNTY LEGISLATURE

Old Courthouse



Rochelle M. Stein, Chair  
Marianne Clattenburg, Vice Chair

Pamela LaGrou, Clerk

Dist. 1 Chad Klotzbach  
Dist. 2 Christian Yunker  
Dist. 3 Gordon Dibble  
Dist. 4 Brooks Hawley  
Dist. 5 Rochelle M. Stein  
Dist. 6 Gregg Torrey  
Dist. 7 John Deleo  
Dist. 8 Marianne Clattenburg  
Dist. 9 Gary Maha

August 10, 2021

Genesee County is comprised of rich agricultural lands, highly productive family farms, food and dairy manufacturing as well as traditional Main Streets which support our Towns and Villages. The redistricting process could adversely affect the unique culture of 59,000 Genesee County citizens and lead to a loss of our common needs awareness to larger urban areas.

Potential undesirable outcomes include fewer direct connections with state and federal representatives. More densely populated urban areas are likely to garner the attention of state and federal representatives. There will likely be a disincentive among elected officials to visit less populated areas. Regardless of our greater need for advocacy for quality of life services like broadband and public water.

Issues affecting rural communities differ from urban areas. For instance, broadband and public water access are both high stakes quality of life issues for rural communities.

Laws and regulations affect rural dwellers differently than urban residents; for example, use of gasoline is higher in rural areas and rural residents are more likely to own and drive a vehicle to work, school and to entertainment destinations. Proposed increase to NYS Gasoline Taxes negatively impact non-urban dwellers greater. Urban residents are more likely to use public transportation to commute to work & shopping.

The Farm Worker Labor Bill did not impact urban businesses or populations, yet caused heavy increased business costs, loss of willing labors to travel to rural areas for reduced available labor hours and food left in fields unharvested. Elected representatives need to be fully informed and aware of impacts of regulations on rural enterprise economy.

The economy of Genesee County is based in agriculture. Our representatives must have a full and complete understanding of the economic synergies we have built and continue to support from field to fork in Genesee County. Roads and bridges, workforce development, manufacturing capacity, internet to support GIS and GSP, public water access, agronomy to food processing careers, financing, education and health roles are all supported through growing food for the region, state and international markets. We would lose focus and impactful knowledge to help craft legislation that does not harm non-urban taxpayers.

Genesee County desires and deserves representation from a NY Senator and Congressional representative that understands our rural areas' needs, how urban needs negatively impact rural economies and recognize that one size rule does not fit all when measured urban vs rural. Ones that take our voice to heart and push our needs forward, not lump our needs against a higher population number and leave rural taxpayers needs unanswered.

Loss of attention from elected representatives results in a dimming of our rural voice. Roads and bridges, public water infrastructure and high-speed broadband are not common needs to both urban and rural constituencies. Re-districting has the opportunity to leave Genesee County as an outsider to urban areas to our east and west. Our desire is to remain as one county in a State Senate and Federal Congressional District as we are currently served by elected representatives.

Submitted by:  
Rochelle M. Stein, Chair  
Genesee County Legislature

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Mon 8/9/2021 11:45 AM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

---

A private comment has been submitted

The Commission should consider two factors in establishing new districts, population and the nature and relationships of areas of NY, Allegany county should be included in districts with adjoining counties that reflect our rural nature, no big cities

**User:** Roderic Sechrist

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

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## Redistricting in NY

Tue 8/10/2021 10:38 PM

To: Submissions <submissions@nyirc.gov>

📎 1 attachments (16 KB)

270 seats.docx;

Hello,

I became aware of your commission through a message I received from my State Senator, Pam Helming. I took up on her invitation to participate and would like to offer some comments on the redistricting process here in New York State.

First, I applaud the decision made by the voters of New York back in 2014 to implement a non-partisan, independent body to handle the issue of redistricting every ten years. I would like to see this occur in every state in the nation so that partisan gerrymandering will be rid of forever and not left to partisan wishes of state legislatures and governors.

As for our state, I would simply ask that as you begin your deliberations and craft a map for use in the next ten years, that you make it as fair and equitable as possible. I know it won't be easy and not everyone is going to be pleased with the finished product. I'd also implore you to not create odd looking districts that resemble a classic gerrymandered one. I know not every district can a perfect square or rectangle in shape. But please avoid creating a district like what happened to the late Congresswoman Louise Slaughter in the 2000s when her district looked like a pair of earmuffs stretching from the Rochester area to Buffalo and Niagara Falls.

My main point here though is we need to completely overhaul the structure of the Legislature. Currently, we have districts in both the Assembly and Senate that span multiple counties and can hundreds of miles. For example, in my current Senate district (54th), Webster is the only town in Monroe County represented in that district. Monroe County as a whole is represented by five or six Senators. There is no one singular person representing Monroe County in the State Senate.

My suggestion to overhaul the Legislature is modeled on the US Congress. The Assembly should be apportioned based on population of an individual county, just like it is with a state in the US House. The State Senate should be represented by one person in a given county, regardless of population. Therefore, there would be 62 State Senators and 270 Assembly members. I came up with 270 using the same proportion used between the US House and US Senate (1:4.35). I've attaches a list of how many members of the Assembly each country would receive under my proposal.

I also support this overhaul because it would allow more balance between the upstate and downstate interests in the Legislature. Perhaps, even more compromise could be accomplished in crafting legislation and policies that would benefit the entire state.

To close, I thank you for the opportunity you've given me and other citizens of this great state to express our views on how redistricting should be accomplished under this new system. By going with an independent, bi-partisan commission, New York State will no longer subject itself to hyper-partisan whims when it comes to our basic right of self governance and equal representation in our state government.

If you wish to contact me for questions or comments on my written testimony, please don't hesitate to do so here or by calling me at [REDACTED]

Roger H. DeMott  
Webster, NY

## Roger DeMott

Albany - 6	Herkimer - 1	Richmond - 9
Allegany - 1	Jefferson - 2	Rockland - 6
Bronx - 16	Kings - 16	St. Lawrence - 2
Broome - 4	Lewis - 1	Saratoga - 5
Cattaraugus - 2	Livingston - 1	Schenectady - 3
Cayuga - 2	Madison - 2	Schoharie - 1
Chautauqua - 3	Monroe - 15	Schuyler - 1
Chemung - 2	Montgomery - 1	Seneca - 1
Chenango - 1	Nassau - 16	Steuben - 2
Clinton - 2	New York - 16	Suffolk - 16
Columbia - 1	Niagara - 4	Sullivan - 2
Cortland - 1	Oneida - 5	Tioga - 1
Delaware - 1	Onondaga - 9	Tompkins - 2
Dutchess - 6	Ontario - 2	Ulster - 4
Erie - 16	Orange - 7	Warren - 1
Essex - 1	Orleans - 1	Washington - 1
Franklin - 1	Oswego - 2	Wayne - 2
Fulton - 1	Otsego - 1	Westchester - 16
Genesee - 1	Putnam - 2	Wyoming - 1
Greene - 1	Queens - 16	Yates - 1
Hamilton - 1	Rensselaer - 3	
Total - 70	Total - 123	Total - 77



**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Opposition Letter to Western NY State Redistricting  
**Date:** Tuesday, August 17, 2021 8:59:17 AM

---

Dear New York State IRC:

The Southern Tier is a distinct community of interest that is different from Buffalo, Rochester and Syracuse, with much different issues and concerns.

The counties along the Southern Tier are connected by the I-86 corridor and have their own regional economy and way of life. The I-86 corridor also impacts the Southern Tier in a manner which is also unique. This corridor is the preferred route of travel in an easterly and westerly direction between major commerce centers such as New York City and Chicago and points west. As such, this commerce impacts the Southern Tier in many ways such as interstate commerce, law enforcement issues and tourism. We need proper representation in local, State and Federal government to assure that these issues in our jurisdiction are properly addressed.

From the special challenges facing rural healthcare providers and school districts to a lack of broadband access and the financial challenges facing our small cities, the Southern Tier needs its own voice in Washington to ensure we are heard.

Historically, the differences between the Southern Tier and both Western and Central New York have been reflected in the drawing of congressional and state legislative district boundaries.

That's helped ensure that government in Washington and Albany pays attention to our area and is focused on the unique challenges we currently face in our area.

Unlike Central and Western New York, Southern Tier counties share a common border with Pennsylvania. When dealing with interstate issues, it's critically important that our region has its own representative in Congress. We are a unique geographical and geopolitical entity within New York State because of our agricultural influences upon the State of New York as a whole.

Unlike the regions centered around the larger metropolitan areas of Buffalo, Syracuse and Rochester, the structure of our economy and the delivery of social and community services is drastically different in a rural area like the Southern Tier of Western NY State. As a result, the role of state and federal government and the way it engages the people who live here is different. The same approach and solutions that work in other parts of Upstate are ill suited to the Southern Tier.

For generations, the Southern Tier has had a dedicated member of Congress, even as the state has lost congressional districts to other states. It's critically important that the Southern Tier continues to have a seat in the House of Representatives.

New York's Independent Redistricting Commission was designed to take politics out of the redistricting process and ensure that each region of the state was treated fairly. The Southern Tier is unquestionably a community of interest and I ask the commission to ensure the Southern Tier keeps its voice in the House of Representatives.

Respectfully submitted,

Russell L. Payne

Town of Carroll Supervisor



## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Fri 7/23/2021 1:24 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

We in Chautauqua County have far more in common with the Buffalo area than with Binghamton!

**User:** Sandy Low

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

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**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Friday, August 13, 2021 1:48:08 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

I live in Holland, NY in southern Erie County, District #27. We are represented by Chris Jacobs. A man who said nothing to his district after the events of January 6, 2021. Prior to that, by a man who was indicted for financial crimes. For rural Western New Yorkers who actually care about other people, who support anti-racist legislation, who are ashamed of our neighbors' Confederate and Gadsden flags...we have no one representing our interests in the House of Representatives. Please do better and draw competitive districts for all New Yorkers.

**User:** Sarah Smith [REDACTED]

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Ash-Lin's Elegant Rose

**Angela Wiseman**  
Koike Aronson, Inc.



August 11, 2021

Karen Blatt, Co-Executive Director  
Douglas Breakell, Co-Executive Director  
NYS Independent Redistricting Commission  
VIA: Electronic Submission

Dear Members:

I am submitting testimony on behalf of the Wyoming County Chamber of Commerce, a business association representing approximately 530 local businesses located in and around the 16 towns and villages in Wyoming County, NY.

I write today to participate in New York's newly implemented independent redistricting process and the effects redistricting will have on our rural community located in the heart of Western New York.

As a rurally focused business community, we are focused on cohesive and consistent representation for our greater region. Maintaining the villages and towns of Wyoming County within single and similar legislative districts would ensure our elected leaders understand our issues and are focused on advocating for them at the state and federal level. The continuity of our local communities and our elected representation is critical to the ability of our communities to provide services and receive assistance from our current representatives by speaking with a unified voice and advocating for similar issues.

Wyoming County and our regional counties represent diverse legislative districts, yet our residents share common rural interests, issues, and values. If Wyoming County together with our neighboring rural counties were to be split up into different districts, our representation would be greatly diminished and would hinder the community's ability to come together in shared goals, common projects, and legislative issues of priority. Our current representation is fully committed to listening to Wyoming County's concerns and acting in the best interests of similar Western New York communities.

Thank you to the Independent Redistricting Commission for allowing my organization to submit testimony. I again ask that you consider the needs of our rural communities so that there may continue to be adequate and fair representation.

Sincerely,

  
SCOTT A. GARDNER  
PRESIDENT & CEO

**Wyoming County Chamber  
of Commerce, Inc. &  
Tourism Promotion Agency**  
Ag & Business Center  
36 Center Street, Suite A  
Warsaw, NY 14569  
Phone: (585) 786-0307  
Fax: (585) 786-0009

**WyCoChamber.org  
GoWyCo.com**

**From:** [Danielle Futia](#)  
**To:** [Submissions](#)  
**Subject:** FW: Redistricting  
**Date:** Friday, August 13, 2021 9:04:15 PM

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*Danielle Futia*

Independent Redistricting Commission  
Assistant Director of Public Engagement  
[www.nyirc.gov](http://www.nyirc.gov)

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**From:** [Douglas Breakell](#)  
**Sent:** Friday, August 13, 2021 3:07 PM  
**To:** [Ahsia Badi](#); [Danielle Futia](#)  
**Subject:** FW: Redistricting

---

**From:** Scott Sampson <[REDACTED]>  
**Sent:** Friday, August 13, 2021 3:04 PM  
**To:** Douglas Breakell <breakelld@nyirc.gov>  
**Subject:** Redistricting

I wan the southern tier to remain the southern tier and not be put together with Buffalo.

Thank you

Scott E. Sampson

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I have attached (below) a redistricting map with my proposal for the 23<sup>rd</sup> District.

I am currently a resident of Seneca County.

In the map, I have included the remainder of Ontario County, which was split between Districts 23 and 27.


I think Cayuga and Wayne counties should be included with District 23. These are mainly rural counties that identify with most of District 23's rural counties. They border on Seneca County. We live in a small town and have to use fire services from Wayne County which is out of our district. I'm not sure if that has any affect on redistricting but many of us in Seneca County use facilities, including medical, shopping, and other business from Wayne and Cayuga Counties.

Remove Chautauqua County and add it to District 26.

However, since one district has to be removed, a possibility would be keeping Chautauqua County in District 23 and combining Districts 25, 26 & 27.

Thank you.

Sharon Rayno

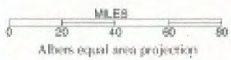
  
Waterloo, NY 13165



CONGRESSIONAL DISTRICTS  
113th Congress (January 2013-January 2015)

The Constitution prescribes Congressional apportionment based on decennial census population data. Each state has at least one Representative, no matter how small its population. Since 1941, distribution of Representatives has been based on total U.S. population, so that the average population per Representative has the least possible variation between one state and any other. Congress fixes the number of voting Representatives at each apportionment. States delineate the district boundaries. The first House of Representatives in 1789 had 65 members; currently there are 435. There are non-voting delegates from American Samoa, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

- |    |    |
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| 7  | 21 |
| 8  | 22 |
| 9  | 23 |
| 10 | 24 |
| 11 | 25 |
| 12 | 26 |
| 13 | 27 |
| 14 |    |





## Submissions

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**From:** New York State Independent Redistricting Commission <submissions@nyirc.gov>  
**Sent:** Wednesday, September 8, 2021 7:50 AM  
**To:** Submissions  
**Subject:** Map Submitted

## New York State Independent Redistricting Commission

### Submitted Map

- **First Name:** Soukarya
- **Last Name:** Samanta
- **Email:** [REDACTED]
- **Description:** NY least change map.
- Keeps the core of all current districts intact.
- Reduces county-splits than the current plan, from 36 down to 30.
- Increases Minority vote power than current map.
- Increases Compactness & Competitiveness.
- Satisfying all above, least precincts shifted from one districts to another.

Note: The map is slightly biased towards Democrats, because they control legislature and might reject a fully proportional map and replace it with a radically gerrymandered Democratic map. That's what numerous recent articles like the one in Cook Political expect. Dem gerrymandering in NY isn't even hard.

- 22nd (Tenney-R) is eliminated.
- Current 24th (Katko-R) is replaced by new 22nd. Current 27th (Jacobs-R) is replaced by new 24th.
- New 22nd contains exactly 3 counties with no splits. Coincidentally, new 24th & 26th together are coextensive with 8th Judicial District.
- 2nd district now leans Democratic.
- Gabarino's (R-2nd) home moved into 1st (likely R).

- Stefanik's (R-21st) home moved into 20th (likely D). But her home, Schuylerville is less than one mile away from new 21st. Bringing her home into 21st will cause it to become bluer.
- Katko's (R-24th) home moved into new 22nd (lean D but less so than the current 24th).
- 2nd (lean D), 23rd (likely R) become open seats.

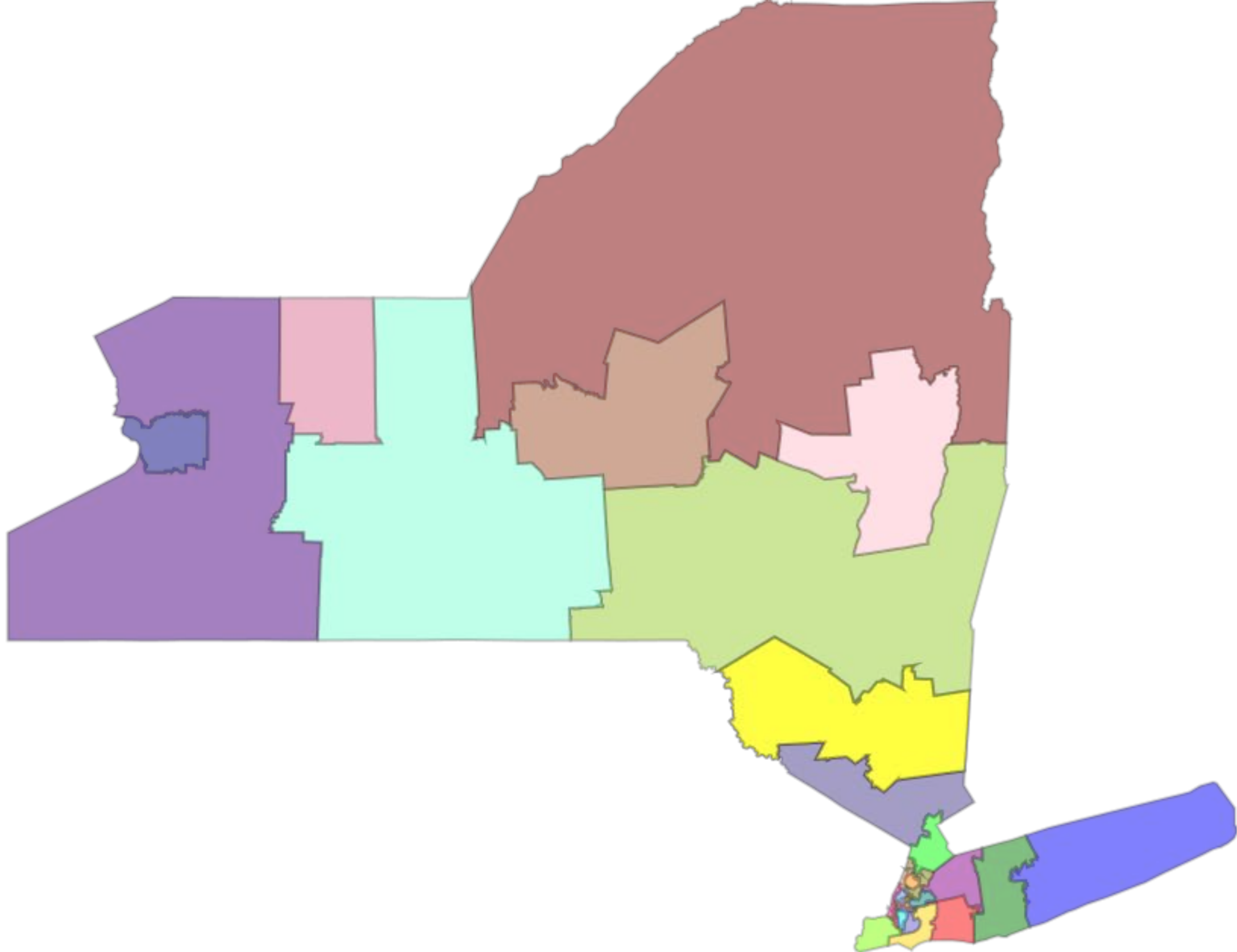
My original plan, also contains detailed analysis based on 2012-16 Presidential election average:

<https://davesredistricting.org/join/79750aae-21e3-45d8-a1df-3e5f8034bc57>

Thanks. Yours sincerely, Soukarya

- **Map File:** [Link to Map File](#)

This e-mail has been automatically generated





August 6th, 2021

Independent Redistricting Commission:

The Greater Binghamton Chamber of Commerce, a business membership organization consisting of over 800 members, strongly supports keeping Broome County unified in regard to political representation.

We understand that drawing new districts is a difficult and time-consuming process and we appreciate the opportunity to submit comment on behalf of our business community.

Broome County has a unique history, heritage, and future. We believe it is vitally important that Broome County, retain its current representation structure, as a number of strategic economic and community development plans have created and implemented with this district in mind.

If the redistricting commission were to draw lines that split our community, that would create disunity within our area. For instance, we are concerned about a situation where Endicott and Johnson City (separated by only a few miles) may have different State Senate and Congressional representation than the City of Binghamton. The Triple Cities area and Broome County in general is an interconnected community. That is why we need unified representation in order for representatives to truly represent our community.

We respectfully ask that the commission recognize the unified and interconnected nature of our community and draw the district lines accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacey Duncan", written in a cursive style.

Stacey Duncan  
President & CEO

**WE'RE HERE  
TO BUILD A  
GREATER  
BINGHAMTON**

Five South College Drive  
Suite 101  
Binghamton, NY 13905

607.772.8860  
chamber@binghamtonchamber.com  
greaterbinghamtonchamber.com

**Stan Lundine**  
[REDACTED]  
**Bemus Point, NY 14712**

8/12/2021

To: Independent Redistricting Commission  
From: Stan Lundine

I strongly urge you to preserve a Congressional district in the Southern Tier of New York. I was first elected to the House of Representatives in 1976 when this region was the 39<sup>th</sup> district. Now, with reduced population causing New York to transition to just 26 districts, it is vital that this rural district be preserved.

The character of this region consists of agriculture, manufacturing, higher education, and tourism. Frankly, we have little in common with the urban areas to our North. Even if this district needs to be extended east to include Binghamton, the character of our district would be maintained. As a practical matter, no candidate from one of our Southern Tier counties will be elected to Congress if we are combined with the more populous areas in or around Buffalo, Rochester, or Syracuse.

This is not a partisan matter. The Southern Tier region would usually elect a Republican or occasionally a Democrat, but the point is that the interests of this rural region would be better served by remaining a cohesive, predominately rural district.

Stephen Pitoniak

Is it possible to form districts that consist of about the same number of voters from each of the top two political parties? It would seem to me that landslide victories should be very rare if the population of the district has about the same number of potential votes from each of the two main political parties. If this is not possible then there should be an equal number of districts that are dominated by each of the top two political parties. If the intent of voting is to avoid a pre-determined outcome by drawing fair lines, then political equity should take priority (not necessarily replace) over other considerations, such a cultural interests.

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Redistributing  
**Date:** Friday, August 13, 2021 2:38:58 PM

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-----Original Message-----

From: Douglas Breakell <breakelld@nyirc.gov>  
Sent: Friday, August 13, 2021 2:34 PM  
To: Danielle Futia <futiad@nyirc.gov>; Ahsia Badi <badia@nyirc.gov>  
Subject: FW: Redistributing

-----Original Message-----

From: Susan Drago [REDACTED]  
Sent: Friday, August 13, 2021 2:34 PM  
To: Douglas Breakell <breakelld@nyirc.gov>  
Subject: Redistributing

To whom it may concern: I am a resident of Chautauqua County and have lived in Southwestern NY my entire life. Although I love the city of Buffalo you can understand that a representative of Erie county, if combined with Chautauqua, would always win. We would lose our rural voice! Please do not redistrict Chautauqua County into Erie for our congressional representative. Susan Drago. [REDACTED]

Sent from my iPhone

Fairness  
Transparency  
Courage

*Susan Parker for Legislature – District 4*



Good day,

My name is Susan Parker. I am a resident of the Village of Fredonia, New York in the Town of Pomfret in Chautauqua County.

I'm either a resident of the Niagara Frontier; Western New York; the Southern Tier; Appalachia; and some other geographic, historical, cultural, or social place name.

Politically, I reside in the New York 23<sup>rd</sup> Congressional District.

I am testifying today with respect to Congressional redistricting.

I believe, based upon my research and the work of others, primarily the work done by Dave's Redistricting ([davesredistricting.org](http://davesredistricting.org)), that Chautauqua County should be placed within a Western New York-centered Congressional District.

The Census numbers will be released August 14.

Preliminarily, based upon the best estimates currently available now, Chautauqua County figures into a Western New York centric congressional district when districts are drawn so as to be (1) Most Proportional; (2) Most Compact; (3) Most Diverse; or (4) Most Competitive.<sup>1</sup>

I'm anticipating that the new census numbers will result in only slight changes respecting the maps resulting from any of those four criteria.

Beyond the detailed work of redrawing New York's congressional districts, Chautauqua County should be redistricted into a western New York centric district for four primary reasons:

- (1) Chautauqua County primarily shares its geographic location on Lake Erie and is contiguous with the other Lake Erie counties of New York state, Erie and Niagara Counties;
- (2) Chautauqua County is a keystone between the cities of Erie, Pennsylvania and Cleveland, Ohio to the west, Buffalo and Rochester, New York to the east (and Toronto, Ontario, Canada to the north of Buffalo).
- (3) Chautauqua County's economic ties radiate primarily east to Buffalo and beyond; west to Erie, Pennsylvania and beyond; and south to Pittsburgh, Pennsylvania. While the County is intersected by I-86, the "Southern Tier Expressway" to Olean and Corning, New York and beyond, and has rail service into the southern tier, the most consequential transport and economic flow occurs along the New York State Thruway (and Route 60 between Jamestown and Dunkirk); and along the CSX and Norfolk Southern rail lines along Lake Erie (and used by Amtrak for service between Chicago, Illinois and Buffalo and on to New York City).
- (4) As near as I can tell, New York State's regional government offices serving Chautauqua County are all, with possibly a few minor exceptions, located in Buffalo and organized on a western New York basis. Consider these offices and agencies as examples: New York State's Empire State Development Western New York Economic Development Council;

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<sup>1</sup> See Dave's Redistricting at <https://davesredistricting.org/maps#state::NY>



Fairness  
Transparency  
Courage

*Susan Parker for Legislature – District 4*



New York state Department of Transportation Region 5; New York State department of Environmental Conservation Region 9; New York State Agricultural and Markets; New York State Trooper's Troop A; New York State attorney General; New York State Office of Parks and Historic Preservation Western District; New York State Department of Health's Western Region; Offices of New York State Division of Human Rights, Department of Labor, Division of Veterans Affairs, Comptroller's Office, Department of Financial Services, and Department of State (all located in the Walter J. Mahoney State Office Building in Buffalo; the Western New York Office of People with Developmental Disabilities; and the New York State Unified Court System's 8th Judicial District Offices.

In sum, I encourage the Redistricting Commission to look to include Chautauqua County in a western New York centric congressional district based upon the work done by the non-partisan Dave's Redistricting organization, and for my further reasoning above.

Thank you for this time and your kind consideration.

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Thu 8/12/2021 11:02 AM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

Senate district is diluted by being part of a Buffalo district.  
Legislative district was created for the gay vote to be represented  
in Albany. Rochester has been divided in order to dilute our  
concerns in Albany.

**User:** Susan Rodio [REDACTED]

Delete Comment

Ban User from Future Comments

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## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Sat 8/7/2021 4:32 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

The idea of these districts SHOULD be to hear the voice of the people not political manipulation. I ask for us to have CHQ county drawn exclusive of Buff and Rochester so as not to lose the rural voice.

**User:** Tammy Schack

Delete Comment

Ban User from Future Comments

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This e-mail has been automatically generated

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While disappointed that I just found out about this request for input, I would like to say that our current congressional district (27) suffers from the hodgepodge way it was drawn up. As a resident of Springville, my concerns are more in line with those of the Buffalo district or Cattaraugus County than those in the Niagara district. I also think our concerns deserve more representation than the amount given to Long Island and the boroughs of New York City. They have 16 representatives while the rest of the state is only given 11. I'd like to see that evened out as our waterways and roads suffer from a lack of representation in the House of Representatives. A million dollar investment in "upstate" areas would have a larger impact than the same about spent in the New City area. Personally, I'd love subways or trains here. Instead, the limited public transportation in the whole of the western New York area exasperates access to the limited services we do have. This lack of representation is a hindrance to pursuing the fundamentals of life, liberty, and pursuit of happiness. Our high tax rate forces many to leave and why wouldn't they when their tax money often goes to fund services in the New York City area and frankly, I'm sick of that.

Thank you for considering my hastily put together input.

Sincerely,

Tammy Sherwood-Mongerson



My name is Teresa Minutolo and I am submitting testimony on behalf of the Finger Lakes region. This region has long been rural with the core economy based on agriculture. Broken down further we have areas where farms are operated by faith based groups, such as the Mennonites and Amish to grand vineyards which produce award winning wines. Over the years our area has been developed into a vibrant tourist destination from people all over the world.

Oftentimes our area gets overlooked. Our small businesses cannot compete with big online corporations or businesses and rely on tourism to sustain their businesses. Our small communities are proud and love our lifestyle here. Our representatives understand our needs and when I reach out to them, I always get a prompt response.

Presently, we continue to lose small businesses who cannot sustain themselves during this economic downturn and desperately need proper representation to make this area prosper and grow. We need to be recognized for the gifts we possess and not get overshadowed by larger cities or bedroom communities who are well taken care of because of their association with larger cities.

My community represents a diverse district, yet its residents share common interests. If my community were to be split up into different districts, our representation would be diminished, and it would hinder the community's ability to come together. I believe our current representation is fully committed to listening to the community's/ group's concerns.

I ask that you consider the needs of my community so that there may continue to be adequate and fair representation.

Respectfully,

Teresa Minutolo

[REDACTED]

[REDACTED]

[REDACTED]



**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: 23 Congressional District  
**Date:** Sunday, August 15, 2021 1:14:30 PM

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**From:** TERRY A NIEBEL [REDACTED]  
**Sent:** Sunday, August 15, 2021 12:54 PM  
**To:** Ahsia Badi <badia@nyirc.gov>  
**Cc:** n iebelrealty [REDACTED]  
**Subject:** 23 Congressional District

Committee,

First of all, a heartfelt thanks for all your work. New Yorkers everywhere appreciate your efforts. Regarding the 23rd Congressional District - Chautauqua County does not want to be in a Congressional District with Buffalo. We have nothing in common with a large urban area like Buffalo. For 150 years Chautauqua County was in what was known (and still is known) as the Southern Tier District. Based on the 2000 Census, Chautauqua County was placed in a District with Buffalo. This was a mistake which the Committee corrected by returning Chautauqua County to the Southern Tier District following the 2010 Census. Please don't repeat the mistake made in 2000. Chautauqua County County needs to remain in the Southern Tier District. Thank you for time and attention.

Respectfully,  
Terry Niebel  
Chautauqua County Legislator  
District # 5

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Monday, August 9, 2021 12:36:52 PM

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## New York State Independent Redistricting Commission

A private comment has been submitted

I have lived in Chautauqua County NY my entire life (58 years). Chautauqua County has a strong agriculture base. Don't mix our county with the more urbanized Erie County. Keep Chautauqua County in the "Southern Tier" Congressional District !

**User:** theodore bogdan [REDACTED]

Delete Comment

Ban User from Future Comments

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Thomas Golden  
Chautauqua County



August 7, 2021

## Testimony of Thomas Golden

### New York State Independent Redistricting Commission

David Imamura and Jack Martins, and Commission Members.

My name is Ida Golden, and I am here to voice my concerns and opinions. I live in Ashville, Ny. Ashville is part of the beautiful Chautauqua County where visitors come from all over to vacation. Tour the wine trail, visit Lucille Ball museum, or hear a lecture at Chautauqua Institution, take a peaceful drive along the winding county roads, visit family owned farms and roadside vegetable stands. Smell the fresh chopped hay or taste the freshly harvested maple syrup. There are vineyards, orchards, pumpkin patches, you name it we have it. We are a community who embrace our local rural roots.

It is so important that redistricting be linked with who we are as a community. A community of common values, and influences. We are rural, made up of small towns and villages with agriculture as our core. If we were to be linked up with a large city we would risk losing our identity and our voice.

I urge you to draw the district lines by population connecting us along the southern tier. Our communities along the southern border are of like

influences. I oppose Chautauqua County being mapped in with Buffalo, the concerns of Buffalo are not the agricultural concerns of the Southern Tier. Thank you for the opportunity to address the committee.

Thomas Golden

Thomas Golden  
Chautauqua County



August 7, 2021

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Thomas Golden

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Redistributing  
**Date:** Friday, August 13, 2021 4:23:07 PM

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-----Original Message-----

From: Tcard <[REDACTED]>  
Sent: Friday, August 13, 2021 4:23 PM  
To: Ahsia Badi <[REDACTED]>  
Subject: Redistributing

As the chairman for the Republican Party for the Town Of Harmony I would like to say that I am not in favor of the thought of the combination with Erie County. Tim Card

Sent from my iPhone

**From:** [REDACTED]  
**To:** [Submissions](#)  
**Subject:** Comment has been submitted  
**Date:** Thursday, August 12, 2021 9:40:36 AM

---

## New York State Independent Redistricting Commission

A private comment has been submitted

I am totally against any redistricting of the southern tier district. We must keep our district intact. We do not want Brian Higgins representing us.

**User:** Timothy Crino [REDACTED]

Delete Comment

Ban User from Future Comments

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## FW: New comment on "Southern Tier and Central New York Public Meeting"

Miranda Goodwin Raab <goodwinraabm@nyirc.gov>

Thu 8/12/2021 11:00 AM

To: Submissions <submissions@nyirc.gov>

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**From:** YouTube <noreply@youtube.com>

**Sent:** Thursday, August 12, 2021 10:55 AM

**To:** Miranda Goodwin Raab <goodwinraabm@nyirc.gov>

**Subject:** New comment on "Southern Tier and Central New York Public Meeting"

New comment on "Southern Tier and Central New York Public Meeting"



tinka commented on your video



[Southern Tier and Central New York Public Meeting](#)

**tinka**

Im sorry but Universities seem to be a large problem within this state and many others - they DO NOT REPRESENT THE CITIZENS THAT LIVE IN THESE AREAS - people attending university are only there a short time - their ideas being driven by professors with agendas - again that dont represent the general public. Our area got redistricted back in 2014? just in the lines to get Louise Slaughter RE-Elected (because she would have lost by a landslide to Mark Assini) amazingly they changed the lines and I could no longer vote in that election. Much of the state is rural and should be redistricted NOT TO INLCUDE LARGE CITIES - the city of rochester or buffalo in no way represent anyone that lives 10 minutes outside thier city limits - DO BETTER ON THE LINES - stop making it so PARTISAN to one PARTY - the democrat party

**REPLY**

**MANAGE ALL COMMENTS**

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## FW: New comment on "Southern Tier and Central New York Public Meeting"

Miranda Goodwin Raab <goodwinraabm@nyirc.gov>

Thu 8/12/2021 11:00 AM

To: Submissions <submissions@nyirc.gov>

---

**From:** YouTube <noreply@youtube.com>

**Sent:** Thursday, August 12, 2021 10:55 AM

**To:** Miranda Goodwin Raab <goodwinraabm@nyirc.gov>

**Subject:** New comment on "Southern Tier and Central New York Public Meeting"

New comment on "Southern Tier and Central New York Public Meeting"



tinka commented on your video



[Southern Tier and Central New York Public Meeting](#)

**tinka**

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**REPLY**

**MANAGE ALL COMMENTS**

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August 12, 2021

Dear NYS Independent Redistricting Commission:

My name is Todd Johnson and I am the Town Supervisor for the Town Of Hanover, which is located in the Southern Tier. I am writing to express my opinion on the proposed redistricting of our Congressional District. Over the past several years, we have been fortunate to have our congressional district made up of numerous rural communities which share similar needs and interests. Redistricting threatens all of this. Our community does not want to be lumped in with any large urban areas which have totally different objectives. The only way our voices will be heard in Congress is by maintaining our current district made up of counties from across the southern tier.

It has been rumored that, with redistricting, our community could end up with Brian Higgins as our Congressman. While I consider Representative Higgins a good man and competent Congressman, I do not feel he could or would represent the best interests of the Town of Hanover or the rest of the southern tier. There is a famous biblical passage that states "no man can serve two masters, for either he will hate the one and love the other or else he will hold to the one and despise the other." This is so true. There is no way Congressman Higgins can represent both the best interests of the residents of Buffalo while at the same time represent what's best for the residents of the Town of Hanover.

For decades, the southern tier has had a dedicated member of Congress. It continues to be critically important to the residents of my Town and the rest of the southern tier that we continue to have a seat in the House of Representatives.

Very truly yours,

A handwritten signature in black ink, appearing to read "Todd H. Johnson", with a long horizontal flourish extending to the right.

Todd H. Johnson

Hanover Town Supervisor

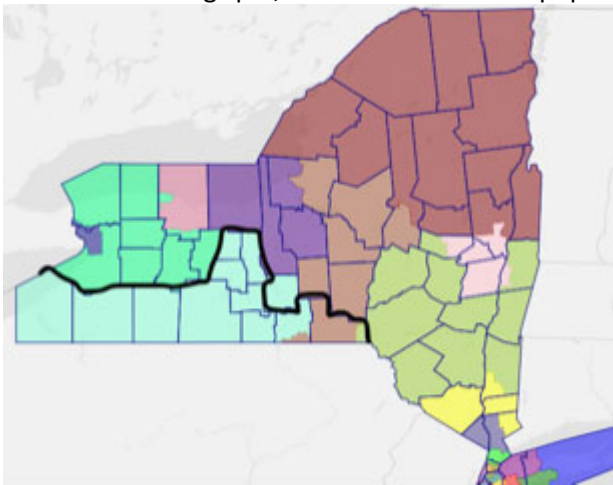
## Submissions

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**From:** Tom Golden [REDACTED]  
**Sent:** Monday, September 6, 2021 2:24 PM  
**To:** Submissions  
**Subject:** Map



District 23 should run along the southern tier from Chautauqua county to Broome county. Taking away Tompkins county. This would give the 23 district an approximate population of 808,742. This would afford the district population to have representation for similar concerns and economical environments. Chautauqua =127,657 Cattaraugus =77,042 Allegany=46,456 Steuben=93,584 Chemung=84,148 Tioga=48,455 Broome=198,688 Schuyler=17,898 Yates=24,774 Seneca=33,814 Ontario=56,229(112,458 split county) (- Tompkins=105,740) These are approximate but close totals due to some counties being split, I don't have detailed population totals on split



counties.

**From:** [Ahsia Badi](#)  
**To:** [Submissions](#)  
**Subject:** FW: Re districting  
**Date:** Friday, August 13, 2021 1:32:48 PM

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-----Original Message-----

From: Tom H. [REDACTED]  
Sent: Friday, August 13, 2021 1:28 PM  
To: Ahsia Badi <[badia@nyirc.gov](mailto:badia@nyirc.gov)>  
Subject: Re districting

To whom it may concern, I am in huge opposition of re districting Chautauqua county with the county directly north of us. We need to align or stay with like county's that have and will continue hold the same values financially and morally.

Please let my voice be heard,  
Tom Harmon  
Legislator District 6  
Chautauqua County

Sent from my iPad

**PUSH Buffalo**

# **Testimony for the New York State Independent Redistricting Commission**

August 12, 2021

Thank you to the Independent Redistricting Commission (IRC) for organizing this series of public hearings on the upcoming redistricting cycle.

I am Tyrell Ford, Street Team Manager at PUSH Buffalo, We are an organization focused on creating sustainable affordable housing on the city's west side of buffalo. PUSH Buffalo is a member of the NYC's Mapping Our Future coalition. Mapping Our Future is a statewide coalition of advocates dedicated to mobilizing the grassroots to get involved in redistricting and advocate for a fair process and fair maps.

## **Fair districts are the foundation for fair representation.**

The opportunity to draw fair districts only comes every 10 years. And there are no do-overs. If we don't get this right, our communities have to live with the consequences for the next decade.

Being in Buffalo over the last 10 years has shown me we lack resources for our city schools. The height of this lack of resources was exposed during the global pandemic. Our governor has short changed our students for years. Mostly allocating funds to wealthier districts due to the amount of taxes they pay leaving the poorest communities with less. Now with the pandemic forcing us into our home it took the district months to come up with enough tablets and laptops needed to educate our kids. If the resource our community needed was granted a long time ago my kids and

many kids who are dependent on public education wouldn't have had to wait for those tablets for months. They would have already had them on hand. This is just a huge example of how black and brown communities are given the scraps during the redistricting process that leave our kids and future generations behind compared to the suburban schools who garner top dollars as their community pays higher taxes thus, getting more state funding. They also have access to fill out the census when many of my neighbors couldn't due to the lack of access to technology in the home and knowledge around the effects of filling out the census.

But a good redistricting process can remedy that. Well-drawn districts that keep communities like mine together can protect New York's immigrants and communities of color, allow challengers to have a fair shot at winning elections, and energize civic engagement. It will finally allow for my community's needs to be prioritized by our elected leaders, leading to better policy and budget outcomes.

These public hearings are a promising start, but I urge the IRC to consider the entire redistricting process to be a public one. At a minimum this must include:

- Community input on the drawing of the line by in-trusting our coalition to start mapping what fair lines look like in western New York.

In closing: We need fair equitable lines drawn that finally give us the resources we need to strive.

Thank You!

Tyrell Ford

## Comment has been submitted

New York State Independent Redistricting Commission <submissions@nyirc.gov>

Mon 8/9/2021 11:37 PM

To: Submissions <submissions@nyirc.gov>

## New York State Independent Redistricting Commission

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A private comment has been submitted

I live in NY-23; my city used to be in the old NY-22. The old district was horribly gerrymandered: a narrow tract of land going along the PA border, and then shooting up at a 90° angle to include Ithaca. Please don't do that. The current NY-23 is good.

**User:** Vivek Iyer

Delete Comment

Ban User from Future Comments

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Ladies and Gentlemen,

I reside between three small communities in the southwest corner of New York State. As I briefed myself on the background of the NYS Independent Redistricting Commission and listened to fellow citizens and representatives of the southern tier and central NY I was impressed by the forethought and wisdom of the people that established the IRC. This commission is set up to attempt to meet the needs of those who are misrepresented by state and federal government. My mindset and the mindsets of many in our communities are akin to Lilia who spoke on video from the southern tier central NY area.

You can suppress frustration but as it slowly builds over the years you truly question if anything good can come from Albany and the US congress. Over the years we have watched more and more family farms disappear. In the area communities as I grew up there were hundreds of small family farms. Today maybe ten farms remain and they are enormous. Many other small businesses are also closed.

Our needs are not the needs of those who dwell in large metropolitan areas. We do not want to be pampered with our every need supplied by government; we do not want to be overregulated. We desire to have the freedom to make decisions locally.

I would like to remind you that our founding fathers had fresh in their memories the effects of living under a tyrant king and a government far removed from their way of life, not interested, it seemed, in meeting their needs but instead burdened them down with increasing demands. Therefore they created a government of representation of and by the people. Our king is not fallen flesh and blood but God our creator; every person is subject to Him.

In conclusion I would like to reiterate I am pleased that the NYS IRC was formed wisely to seek to listen to the needs of the disenfranchised. You and I both as citizens are charged with a great task. Do not seek your own selfish conclusions. We have fresh in our memories what can be done to a tyrannical governor.

Sincerely,

Ben Schenk

Dear Independent Redistricting Commission:

Thank you for the opportunity to provide testimony on redistricting. I live in Ithaca, NY, which is part of NYS Congressional District 23, which stretches across the Southern Tier from Elmira to Lake Erie. Tompkins County is heavily Democratic and the rest of District 23 is heavily Republican. Last year, *The New York Times*, published an article highlighting that in many District 23 counties it is difficult to find more than a handful of Democrats. As national politics has become increasingly partisan, this has resulted in the marginalization of Ithaca resident voices. For instance, Representative Tom Reed regularly campaigns against the “hippies”, “socialists”, and “intellectual elites” of Tompkins County and Cornell University. He even refuses to hold town meetings in Ithaca. When we travel to other locations to present our views, he avoids taking our questions. In this context, it is difficult for individuals like myself to express our views and engage in productive debate. As a result, I feel that I am not represented in the House of Representatives and have lost my voice in national debates.

Redistricting is difficult. In redrawing new district lines based on the 2020 Census, I encourage you to draw them so that there is a more even balance between Republicans, Democrats, and Independents so that everyone has an opportunity to express their views and engage in respectful debate about issues. In addition, it would be helpful as well to draw district lines so that they create geographical areas with similar economic and development interests. For instance, Ithaca is centrally located and has more in common with Syracuse and Binghamton and surrounding rural counties than it has with the predominantly rural counties of the Southern Tier, particularly those at the extreme western end of the district. More compact geographical areas would make it easier to engage in productive debate about solving pressing economic and development issues.

Thank you for the opportunity to provide testimony on redistricting and hope that you will take my concerns into consideration as you deliberate and redraw new district lines.  
Sincerely,



William J. Sonnenstuhl

