UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARK A. FAVORS et al.,

Plaintiffs,

v.

ANDREW M. CUOMO et al.,

Defendants.

DECLARATION OF SENATOR MARTIN MALAVÉ DILAN

MARTIN MALAVÉ DILAN declares the following to be true under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am a member of the New York State Senate, representing the 17th Senatorial District in Kings County. I am a Defendant and Cross-Claimant in the above-captioned action.

2. I write this declaration in opposition to the Senate Majority’s motion for a protective order on the basis of legislative privilege.

3. I am one of the six members—and a former co-chair—of the New York State Legislative Task Force on Demographic Research and Reapportionment (“LATFOR”), the legislative task force that is charged with drafting new state legislative and U.S. congressional districts after every decennial United States Census. LATFOR ostensibly drafted the New York State Assembly and Senate redistricting plans that were enacted in March 2012.

4. Although I am a member of LATFOR, I was consistently and continually
shut out of the process of drawing the new Senate districts. The Senate Majority drafted its own plans for the new Senate lines without consulting me, and LATFOR never had a formal meeting at which the new lines were presented to me and voted upon until March 14, 2012, after the plan was introduced in the Legislature and had gone to the printer as a bill. I therefore had no real opportunity to comment on the Senate lines. In fact, despite the fact that I am a LATFOR member and should have been intimately involved in the crafting of the Senate and Assembly maps and in deciding to recommend the LATFOR staff’s maps to the state Legislature, I learned that LATFOR had made its recommendations to the Legislature, and learned what those recommendations were, at the same time as the media. This practice was starkly different from LATFOR’s practices in the 1980’s, 1990’s, and even in 2002. In those years, while there was often little consensus among LATFOR’s members, all members were given greater opportunity to engage in the process of drawing the Senate and/or Assembly districts.

5. Throughout the summer and fall of 2011, I sent a series of letters and memoranda to my LATFOR contemporaries, asking them to engage with me in a transparent and public redistricting process. A true and correct copy of these letters and memoranda are attached hereto as Exhibit 1. I did not receive any formal response to a single letter or memorandum.

6. In my last letter, dated February 29, 2012, and included in Exhibit 1, I indicated that, while the press was reporting that LATFOR was about to release its maps to the Legislature, I – a LATFOR member – had heard nothing regarding the form of the final Senate maps in nearly two weeks, since the Task Force’s last public hearing on February 16, 2012. As my letter indicates, the redistricting process, which “was
supposed to be more participatory and transparent” than past cycles, ended in “backroom negotiations” conducted separately by each chamber’s controlling party.

Notwithstanding the fact that I am a LATFOR member and a Senator, I was not invited to join the Senate planning and map-drawing sessions. In my letter, I again called on my LATFOR colleagues to meet as a group to develop Senate and Assembly plans, and to do so in a way “where all six members have equal seats at the table.” This letter, like all my previous letters, generated no response.

7. In addition to writing these letters, I publicly stated my concern about LATFOR’s opaque, partisan, and secret redistricting process at LATFOR’s public hearings. For example, at the January 10, 2012 LATFOR public meeting on the prisoner reallocation data, I reminded the LATFOR co-chairs – Senator Nozzolio and Assemblyman McEneny – that it had been approximately two weeks since I had sent them both a memo requesting that LATFOR have a two-week public comment period before the Legislature voted on the implementation of the new prisoner allocation data, and that I still had received no response at all to this suggestion. Senator Nozzolio’s response at the January 10 meeting was to minimize my concerns about transparency and public input and to all but ignore my calls for some sort of public feedback process. A true and correct copy of the transcript of the January 10 hearing is attached hereto as Exhibit 2.

8. I made similar comments at LATFOR’s final public meeting, on March 14, 2012 – the same day the Legislature voted to adopt maps that essentially mirrored LATFOR’s recommendations. This hastily scheduled meeting was intended solely as a vehicle for LATFOR to rubber-stamp the maps that each chamber’s leadership – together
with that caucus’s representatives on LATFOR – had already drawn and blessed, but on which LATFOR had never held a formal vote. Attached hereto as Exhibit 3 is a true and correct copy of the transcript of the March 14, 2012 meeting. There, I stated that I had considered boycotting the meeting because “the entire process ha[d] been a farce, a sham,” conducted without any meaningful public input – and without my participation. I emphasized that LATFOR had never held any official vote on the maps included in the bills on which the Legislature was about to vote. I also noted that LATFOR had not taken any official action or vote on any of the important decisions that preceded the release of the maps, including the increase in the size of the Senate. LATFOR would have had to include me in any official action, but by not acting informally and without any formal or public process, LATFOR’s controlling members were able to shut me out of the process entirely and deprive me – and, by extension, the Senate Minority – of any voice in the map-drawing process. 

9. The secrecy with which the Senate Majority – through its representatives on LATFOR – carried out its map-drawing process is particularly ironic in light of the fact that LATFOR has since made a slew of documents, including data files and memoranda, public by posting the files on LATFOR’s website. Some of these files were included with the Senate’s submission to the Department of Justice, all of which also is available on LATFOR’s website at the following URL:


10. Despite the now-public nature of these documents, the Senate Majority is persisting in arguing that they are confidential. I have reviewed the Senate Majority’s privilege log and supplemental privilege log and have also reviewed some of the emails
that have been designated on those logs as purportedly protected by legislative privilege.

Many of the emails that have been marked privileged – as well as many of the documents attached to those emails – are now available to the public on LATFOR’s website and also have been distributed widely by email.

11. I declare the foregoing to be true under penalty of perjury.

[Signature]

MARTIN MALAVE DILAN
EXHIBIT 1
To: Senator Michael F. Nozzolio, Assembly Member John J. McEneny, Assembly Member Robert Oakes, Welquis R. Lopez, Dr. Roman Hedges

From: Senator Martin Malavé Dilan
Date: July 6, 2011
Re: 2011-2012 LATFOR Agenda Items

Hearing Schedule: Locations
Hearing Schedule: Hours and Time Allotments
Hearing Record
Prison Population Reallocation
Racial Bloc-Voting Analysis
Size of the Senate
Redistricting Criteria

Hearing Schedule: Locations

A public hearing should be held in Nassau County. Hearings have been announced for Albany, Rochester and Syracuse. During the previous redistricting cycle, hearings were held also in Buffalo, Binghamton, Albany, White Plains, Hauppauge, and all five boroughs of New York City – but not in Nassau County. A ‘Long Island’ hearing held only in Suffolk County is not sufficient. Nassau is the sixth most populous county in the state – substantially more populous than Westchester, and with nearly three times the population of Richmond. It requires more time and effort for Nassau residents to go to Hauppauge than for New York City residents to travel to another borough.

A hearing should be held in Mineola. The large public turnout for the recent Nassau County Legislature’s redistricting hearings and meetings shows that there is keen public interest in redistricting in Nassau County. According to the New York Times (May 15), it took ten hours to hear from every person who testified in Mineola on May 9th. CBS News (May 16) estimated the public attendance at the hearing at 300. If LATFOR schedules no hearings in Nassau, it will be impossible to avoid the conclusion that LATFOR deliberately chose to make it difficult for Nassau residents to make their voices heard on the redistricting of the State Legislature and Congress.
Hearing Schedule: Hours and Time Allotments

It has been LATFOR’s practice to schedule hearings in the morning, as has now been done with the Albany, Rochester and Syracuse hearings. Experience shows that hearings on redistricting attract testimony not only from those professionally involved in the subject, or with a special personal interest, but from the general public. Many persons who might wish to testify have jobs and are unable to attend meetings during the day. Past New York City Districting Commissions hearings were held in the evening and LATFOR should follow their example. To accommodate all who wish to testify, LATFOR should consider opening each hearing in the early afternoon, taking a dinner break (unless there are still persons waiting to testify), and resume at an announced time in the early evening.
Occasionally groups of witnesses offer their testimony en masse. In such cases, although each witness should be held to the five-minute time limit, each witness should be entitled to his or her full five minutes. There is no reason that two or three witnesses should be limited to five minutes in total because they have presented themselves as a single panel.

Hearing Record

During the previous (2002) redistricting round, hearing transcripts were posted on the LATFOR web site. Statements submitted in writing, while available to the members and staff, and included in the documentation of the VRA §5 submission, were not readily available to the public. Statements submitted in writing – whether in person or received in the mail – should be scanned to create PDF documents, and those documents should be posted on the web site along with the hearing transcripts. Guidelines could be provided for submitting scannable documents, and the public could be encouraged to submit written statements in printed and electronic format. Since written testimony and letters are likely to have been created with word-processing software, this should be convenient for LATFOR and for the public. The same procedure should be followed for making redistricting proposals received from the public available to the public.

Prison Population Reallocations

Legislative Law §83-m (13) requires LATFOR to develop a redistricting database in which prisoners in federal and state custody have been subtracted from their place of incarceration, and in which prisoners in state custody are, to the extent possible, reallocated to their prior residential addresses. LATFOR is bound by this law, and does not enjoy the discretion to ignore it or to delay its implementation. Although there is litigation concerning the constitutionality of the law, no temporary restraining order or injunction has been issued. Absent an order from the Court, LATFOR does not have the authority to proceed as though it had been enjoined from executing the law.

Last year LATFOR staff was working on the required reallocation of prisoners in state custody, but that work apparently came to a halt in January. The Census Bureau has since made available an Advance Group Quarters Summary File, for the express purpose of helping New York State and other jurisdictions to subtract prisoner populations from
their place of incarceration. More detailed information will be available when the Census Bureau issues Summary File 1 for New York State this summer.

My staff can provide to LATFOR a determination of the required subtractions, at the block level, based on the Advance Group Quarters Summary File and other data sources (which were used to distinguish prisoners in federal and state custody from those in local jails). These determinations should be revisited when Summary File 1 becomes available, but are not likely to require much revision (if revision is required).

Only LATFOR staff, however, can make the legally mandatory reallocations, since that requires the use of confidential information provided to LATFOR by the Department of Corrections and Community Supervision, pursuant to Correction Law §71 (8). LATFOR staff must be instructed to resume this work immediately, and to complete it as soon as reasonably possible. LATFOR is required by law to do so.

If subsequent judicial rulings prohibit the use of the amended database for legislative redistricting, it can be set aside, and no harm will have been done. But in the absence of such rulings, further delay may seriously disrupt the redistricting process. LATFOR is also required by law to make this database available to local governments, which are required by the Municipal Home Rule Law to use it in redistricting or reapportioning local legislative bodies. Ongoing litigation does not challenge this provision of the Municipal Home Rule Law, except as to the method of enactment. LATFOR should also make the amended database—including all mandatory subtractions and reallocations—available to the public as the basis for legislative redistricting proposals to be submitted. Genuine public participation in the redistricting process will be impossible if the amended database is not completed and made available in good time.

**Racial Bloc Voting Analysis and Political Database**

In 2002, LATFOR commissioned expert consultants to prepare a racial bloc-voting analysis to determine whether certain senate districts in New York City would provide minority group voters with the opportunity to elect representatives of their choice.¹ The report did not become generally available, however, until the application was made for VRA § 5 preclearance of the already-enacted legislation.²

Any such report should be made public as soon as it is available, and should be made available to all members of LATFOR and of the Legislature for the proper evaluation of the redistricting legislation. It should be completed early enough so that it is not merely retrospective.

The 2002 report evaluated districts drawn in Queens County, as well as in the three counties subject to VRA §5 preclearance. This was appropriate, since the Legislature’s

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² See *Rodriguez v. Pataki* discovery records.
responsibility to provide fair representation to minority groups is not limited to preclearance counties. For that reason, any such analysis should be extended not only to Queens County, but to every county in which the minority group population is significant in proportion to the mean population of senate or assembly districts.

The 2002 report analyzed several elections that were not part of the generally available LATFOR political database. Any political database compiled for the purpose of such a racial bloc-voting analysis should be made generally available.

The LATFOR political database should now be made publicly available on the LATFOR website for use by any persons who may wish to make redistricting proposals to LATFOR, or to use the database to evaluate LATFOR’s eventual proposals.

**Size of the Senate**

The size of the Senate can be established at this time. The county population totals provide all of the necessary data.

During the last redistricting round, the Senate Majority: 1) announced on the Task Force web site, beginning in the spring of 2001, that the Senate would have 61 districts, and solicited proposals from the public on that basis; 3) 2) privately decided by July of 2001 – perhaps earlier – that 62 districts would be created, while still encouraging and accepting public proposals for 61-district plans; 3) announced publicly only in February 2002 that they intended to create 62 districts; 4) produced a legal opinion in March 2002, rejecting the constitutional interpretation followed in 1972, 1982, and 1992, and argued that NYS Constitution art. III, §4, required 62 districts, a decision that had actually been made long before for other reasons entirely, and 5) maintained that they could not seriously consider the public proposals of 61-district plans, since these were for the wrong number of districts.

Given the county population totals from Census 2010, either of the previous interpretations of art. III, §4—the interpretation followed in 1972, 1982, and 1992, or the new interpretation adopted in 2002—would yield a Senate of 62 seats. LATFOR should immediately determine whether the Senate will continue to have 62 seats, and should solicit public proposals on that basis without equivocation. Although it would be improper to adopt a different interpretation of art. III, §4, yielding a different number of

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3 See the printed screen-shots available in the Senate Minority redistricting files.


6 See n. 5, above, July 20, 2001 memorandum.
senate districts, if any such reinterpretation is to be adopted, it should be done now – before the public

Redistricting Criteria

Many legislators have indicated their support for a more independent redistricting process. The redistricting criteria included in Governor Cuomo’s redistricting reform legislation (S.3419 and A.5388) provide an excellent objective framework for developing fair and objective senate, assembly and congressional plans. I request that LATFOR incorporate Governor Cuomo’s criteria as guidelines for all redistricting plans to be developed by this Task Force.

This criteria governs population equality, minimum 2 percent overall deviation for legislative districts, strict population equality for congressional districts, opportunities for minority communities, Voting Rights Act compliance, communities of interest, and adherence to state constitutional mandates.
September 21, 2011

Senator Michael F. Nozzolio
Assemblyman John J. McEneny
Assemblyman Robert Oaks
Dr. Roman Hedges
Welquis R. Lopez

Re: Scheduling and LATFOR map drafting sessions

As LATFOR concludes its pre-initial redistricting plan hearings, I believe it would be beneficial to this task force and the public, to discuss issues relating to the process as we plan to move forward.

The legally mandated database for Senate and Assembly redistricting will not be available to LATFOR or the public until October 5, at the earliest. It is of the utmost importance that the ongoing subtraction of the prison population from their places of incarceration, and their reallocation to their prior places of residence, be completed and made public in a timely manner.

LATFOR’s delay of many months in performing the duties assigned to it by Chapter 57 of the Laws of 2010 must not be the pretext for denying the public an opportunity to offer legally correct redistricting proposals to LATFOR before initial proposals are considered. The public must have access to an updated, and corrected population database to develop proposals for LATFOR’s consideration.

In addition, a reasonable deadline should be set ensuring that those wishing to submit initial plans are given the opportunity to have those recommendations considered in LATFOR’s own initial proposal. Likewise, LATFOR must also accept and consider alternative redistricting plans submitted during the second round of hearings regarding LATFOR’s initial redistricting proposal. In the spirit of openness and transparency, LATFOR’s own initial plan, and all submitted initial and alternative plans, must be open to public review and discourse.

In continuing to keep the redistricting process as transparent as possible, I suggest that upon implementation of Chapter 57, the amended population database, reflecting the subtractions and reallocations, be made available to the public in the form of user-friendly data files. Concurrently, the same data must be shared with local governments as mandated by Chap. 57.

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Public notification regarding these actions should include:

- the deadline for public submissions of plans for Congressional, Senate and Assembly districts, if those are to be considered by LATFOR in developing our own initial proposals;
- the release date of LATFOR’s initial Congressional, Senate and Assembly proposal;
- the dates (first and last) of the second round of public hearings, where the public will be able to comment on the initial plans and offer alternatives (including both Nassau and Suffolk County hearings, and consideration of hearings that would begin in the afternoon and continue - or resume - in the evening); and
- the target date for submitting a final report to the Legislature.

The above criteria is essential to both the public and LATFOR staff, especially as we begin our own review of plans and conduct drafting sessions. Further, public LATFOR drafting sessions should be considered to bolster public access as plans develop. The California Citizens Redistricting Commission not only held public drafting sessions, but also webcast them live and provide time for additional public comment throughout the process.

I feel given the calls for reform and a fair, transparent process, the last thing LATFOR should do is draft plans in the proverbial “back room.”

I look forward to discussing these issues with you at our October 5 public meeting.

Sincerely,

Martin Malave Dilan
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I look forward to discussing these issues with you at our October 5 public meeting.

Sincerely,

Martin Malavé Dilan
September 26, 2011

Senator Michael F. Nozzolio
Assemblyman John J. McEneny
Assemblyman Robert Oaks
Dr. Roman Hedges
Welquis R. Lopez

Re: Scheduling and LATFOR map drafting sessions

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In continuing to keep the redistricting process as transparent as possible, I suggest that upon implementation of Chapter 57, the amended population database—reflecting the subtractions and reallocations—be made available to the public in the form of user-friendly data files. Concurrently, the same data must be shared with local governments as mandated by Chap. 57.

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The above criteria is essential to both the public and LATFOR staff, especially as we begin our own review of plans and conduct drafting sessions. Further, public LATFOR drafting sessions should be considered to bolster public access and awareness as plans are developed. The California Citizens Redistricting Commission not only held public drafting sessions, but also webcast them live and provided time for additional public comment throughout the process.

With all the calls for reform and a fair, transparent process, the last thing LATFOR should do is draft plans in the proverbial “back room.”

I look forward to discussing these issues with you at our October 5 public meeting.

Sincerely,

[Signature]

Martin Malave Dilan
December 29, 2011

Senator Michael F. Nozzolio
Assemblyman John J. McEneny
Assemblyman Robert Oaks
Dr. Roman Hedges
Welquis R. Lopez

Dear Colleagues:

After months of delay, I am pleased that the Task Force has “agreed in principle” to release adjusted population data as mandated by law reflecting the reallocation or subtraction of prison populations. Pending final staff analysis, I expect the adjusted database to be made available to the public within the next week.

If members of the public are to participate meaningfully in decisions about redistricting, they must be able to propose workable, legitimate redistricting plans to LATFOR and the Legislature. The regulations governing § 5 of the Voting Rights Act particularly require that members of racial and language minority groups be afforded such an opportunity for participation. In respect to redistricting, their concerns that are to be taken into account can be fully expressed only in terms of maps showing specific proposals for districts.

It is important that members of the public and advocacy organizations have enough time to obtain the adjusted data and to take account of this data in evaluating and perhaps revising their already submitted plans, or in crafting plans that have not yet been submitted to LATFOR. I request that a two-week period be established for the public and organizations to work with the new database before any further actions are taken by LATFOR or by the Co-Chairs. This two-week period should commence upon the public availability of the data. Individuals and organizations that have submitted plans should be notified by LATFOR personnel that a new adjusted database is available.

Several persons and organizations have acquired the technical ability, including computers and expensive redistricting software, as well as competent personnel, to develop such proposals. But the confidentiality provisions in Legislative Law §83-m(13)(b) and (c), enacted by Chap. 57 of the Laws of 2010, mean that only LATFOR can create the legally mandatory database for redistricting, and the public has had to wait for LATFOR to perform this task.

Drawing redistricting plans is a complex, time-consuming, labor-intensive process, involving the analysis of massive amounts of statistical data. Persons and organizations proposing redistricting...
plans, including those advocating the voting rights of minority groups, will properly wish to present plans that enjoy the support of broad coalitions. To participate meaningfully in the process, they must therefore have time not only to wrangle with the technical complexities of the process, but also to negotiate among themselves about the details of technically workable plans.

After the public availability of the adjusted database and the two-week period has concluded, I again request that LATFOR meet to conduct public map drafting sessions. New Yorkers have demanded and deserve a fair, transparent and participatory redistricting process.

Sincerely,

[Signature]

Martin Malavé Dilan
February 29, 2012

Senator Michael F. Nozzolio
Assemblyman John J. McEneny
Assemblyman Robert Oaks
Dr. Roman Hedges
Welquis R. Lopez

Dear Colleagues,

While I have read press reports indicating LATFOR will recommend Senate and Assembly maps to the legislature any day now, I have heard nothing from the Task Force since our last public hearing in Buffalo on February 16th.

This year’s legislative redistricting process was supposed to be more participatory and transparent. Instead, LATFOR failed to develop fair and objective criteria, failed to produce draft maps through open sessions, failed to provide a week’s advance notice of LATFOR meetings, failed to discuss the majority’s decision to change the senate size, and failed to end backroom negotiations.

We are at a critical stage. A federal court will now draw congressional lines in light of LATFOR’s failure to hold a single meeting to discuss and draft a congressional plan as required by LATFOR’s mandate. Unless LATFOR meets to develop fair and objective plans for the Senate and Assembly, where all six members have equal seats at the table, LATFOR will fail to do its job.

As I have asked several times before, what is LATFOR doing and when will LATFOR do it?

Sincerely,

Martin Malavé Dilan
EXHIBIT 2
NEW YORK STATE

LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

PUBLIC MEETING

PRISONER COUNT AND REALLOCATION

Tuesday, January 10, 2012
Room 124
State Capitol Building
Albany, New York
1:30 P.M.
TASK FORCE MEMBERS PRESENT:
SENATOR MICHAEL F. NOZZOLIO, Co-Chair
ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair
SENATOR MARTIN M. DILAN
ASSEMBLY MEMBER ROBERT OAKS
DEBRA LEVINE
ROMAN HEDGES
WELQUIS LOPEZ
LEWIS HOPPE
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SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: ...on demographics and apportionment will come to order. My name is Mike Nozzolio. I am honored to be the co-chair of the LATFOR Task Force along with my good friend Assemblyman Jack McEneny. Assemblyman, Happy New Year, very good to be with you as always.

ASSEMBLY MEMBER JOHN J. MCENENY, CO-CHAIR,
NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Yes, indeed.

SENATOR NOZZOLIO: Before I turn it over to you I just want to mention the Senate members of the task force, those with Senate appointments, my—to my right is my colleague Assemblyman Martin, excuse me, Senator Martin Dilan. Good afternoon Senator.

SENATOR MARTIN M. DILAN, NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Hello.

SENATOR NOZZOLIO: Good to see you and the citizen representative on the task force Welquis Ray Lopez. Assemblyman.

ASSEMBLY MEMBER MCENENY: Everybody’s familiar with who’s who and how the progress has been,
Prisoner Count and Reallocation, 1-10-12

been, been, coming along. I will introduce my
members. I’m Jack McEneny from the, from the,
assembly and this is Bob Oaks who is my classmate and
the—I suppose the equivalent of the ranking minority
member here and our citizen representative is Dr.
Roman Hedges.

SENATOR NOZZOLIO: It—the group assembled
here today has been virtually constantly with each
other over the past six months. We have conducted
hearings in every corner of New York State, some in
the room here have participated in those hearings.
Over 55 hours of testimony, well over 375 people
submitting oral testimony, and a number of
individuals, citizens of this state, submitting
written testimony, which is welcome and that it is an
extensive record. Today’s agenda will be to have a—
in fact, an imprimatur of this committee on the
prison adjustment data release of the 2010 census.
That on August 11, 2010, Chapter 57 of the laws of
2010 was signed into law by then Governor Patterson.
This measure directed that the New York State
Department of Corrections provide this task force
with information regarding incarcerated individuals
under its jurisdiction as of April 1st, 2010. This
was the date of the census conducted by the United
Prisoner Count and Reallocation, 1-10-12

States Census Bureau. The objective of the statute was to adjust this census for the very first time for state redistricting purposes by removing prisoners from where they were incarcerated, which is the process that the United States Census undergoes, and placing them at the residence prior—at their residence prior to their incarceration. The adjusted process took three stages and I wish to articulate those. It was first subtracting prisoners from their place of incarceration. Secondly, adding them by a reallocation process that placed them with data from the census taken by the intake of the Department of Corrections responding to the question of where do you live and where your nearest relatives live, and then a process of producing data files and reports. For that I wish to thank the staff of the LATFOR task force. They have been working tirelessly. I also want to thank Roman Hedges, a member of this task force, who engaged in establishing some of the templates that this first process was to engage in.

This process, by adjusting the numbers of all prisoners at the State and Federal level, the addition of prisoners whose addresses were generated successfully, and then the production of those data files, using the adjusted data. Those criteria have
Prisoner Count and Reallocation, 1-10-12

been a method established by the LATFOR task force
staff and the adjusted data is now on the LATFOR
website. We wish to thank the efforts of those who
went about and did the aggressive processes
necessary, again, for the very first time to
implement this law. I hasten to add there were no
regulations that accompany this law, no procedures,
really no guidance in terms of the protocols to
establish this law so we were at the very first
impression.

Assemblyman McEneny and I have talked about
it a number of occasions that certainly more guidance
is necessary and more guidance particularly to the
Department of Corrections. That our position on the—
certainly—on the Senate side of the aisle and, I
believe certainly in the assembly’s side of the aisle
both, we came to the conclusion together that we
wanted to count as many as we possibly could achieve
in that count to insure that there would not be those
left who were not counted, although the statute has
been very inadequate in the proper direction of where
that counting is, is, to be placed. So the purpose
of the task force meeting is to approve the inclusion
of this information and that we want the public to
have it. It is on the website now but this meeting
Prisoner Count and Reallocation, 1-10-12

again is to insure that, that, it meets with the
approval of the members of the task force.

ASSEMBLY MEMBER MCENENY: I think that,
that, covers it Senator. I think one of the biggest
of problems that arose from the counting of prisoners,
which those of you that have been following this right
along, it was a commitment emphasized as far back as
July that we intended to follow the law as close as we
could to the spirit of the law, but that the problem
was the letter of the law became confusing because, as
the Senator mentioned, there were no accompanying
regulations. Therefore, it fell to LATFOR to create
the equivalent as such, such, regulations and the
final numbers 46,003 of our prisoners are now counted
on the home block and in some case within the home
town of the community whence they came and where most
of them will ultimately return.

SENATOR NOZZOLIO: That the LATFOR website
address is latfor.state.ny.us. That information
certainly is welcome to the public. With that, shall
we entertain a motion?

[crosstalk]

SENATOR NOZZOLIO: Can we make the motion
and then discuss it?

[crosstalk]
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ASSEMBLY MEMBER MCENENY: I would like to make a motion we accept the numbers as presented by the combined staff of LATFOR for the purpose of counting for redistricting in accordance with the law.

SENATOR NOZZOLIO: The motion is seconded, made and seconded. Senator Dilan.

SENATOR DILAN: Thank you very much Mr. Chairman. I, I, first would just like to comment and first also commend you both co-chairpersons and the staff for actually putting out this database. I think this is something that we have all been trying to achieve so I really want to commend you on that. However, I believe two weeks ago I sent both co-chairs a memo requesting that when we do ratify the work and efforts of the staff, that maybe we have a two-week period where the public and advocates and those who have already submitted a plan so LATFOR would have the ability to amend their submission based on the data and I have not received a response from either co-chair up to this point so I would like to know that once we ratify this today are we giving the public and advocate groups who have been very involved in this process the ability to submit revised or amended plans?

SENATOR NOZZOLIO: Senator Dilan, thank you
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and thank you for your comments and thank you for your interest in this issue from the beginning. There is no static or finite date to—sell-by date, on the plans submitted. There is always the opportunity until the final plans are ratified or accepted or enacted by the legislature and signed into law that LATFOR, I think, welcomes the continued input of individuals and organizations. So your comments were well taken. There should be a time period for plans are, are, utilized, but I think certainly if we accept this today, the 10th of January, there is ample time for anyone to be able to modify their plans, at least through the remainder of this month and frankly into the hearing process. I think that is a, a, segue into some of the comments that we would like to talk about that—Do you want to address this directly, Senator?

ASSEMBLY MEMBER MCENENY: I would observe that I would think some of the groups who have submitted plans already have these numbers. I think they presumed they would be ratified by LATFOR officially as is happening hopefully today and they’re probably already adjusting to see if it has any major effect on recommended plans. Some for just one or two districts, others for the entire state, and—[crosstalk]
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ASSEMBLY MEMBER MCENENY: —for example is the entire state—

SENATOR DILAN: [Interposing] So I take it your answer is no, that they do not—

ASSEMBLY MEMBER MCENENY: [Interposing] My answer is they are probably already doing it—

SENATOR DILAN: [Interposing] Two weeks—

ASSEMBLY MEMBER MCENENY: —they certainly can do it before the public hearings commence.

SENATOR DILAN: I take the response as your answer is no. However, I would also—

SENATOR NOZZOLIO: No, no, my answer is that, no Senator, my answer is that these—any submissions can be amended at any time throughout now and the hearing process, which again I think there is a segue.

We should now, at least, this is an opportune time to discuss the intentions of the task force, those 14 hearings that we engaged in were only meant to be the first round of hearings that the task force will conduct that we—that we’ll have at least 8 or 9 hearings scheduled across the state and various regions of the state for a second round of hearings to commence sometime, we hope, although we don’t have an exact date now, sometime hopefully, commence by the
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end of the month, end of January. And those meetings certainly would also have as has taken place in I believe in 1992 certainly in 2002 will follow the same basic process engaged in, in, those two redistricting cycles where initial plans were put forward from the task force prior to the beginning of the hearings that will take place hopefully beginning the end of January, this month, and grinding into the month of February. I hope that is a further elaboration of your concern and that certainly anyone can submit a plan today, amend it tomorrow, and decide to amend it three or four times between now and the end the process.

SENATOR DILAN: I understand what you’re saying. I just wanted to have clear and definitely where the public would know that they had the opportunity.

MALE VOICE 1: Uh huh.

SENATOR DILAN: Then secondly, after—I am supporting this motion. However, I would like to also have the ability to discuss other business here.

MALE VOICE 1: Uh huh.

SENATOR DILAN: Today after we are done with this?

MALE VOICE 1: Sure.
SENATOR DILAN: Ok, thank you.

ASSEMBLY MEMBER MCENENY: Maybe we should bring this to a vote too?

MALE VOICE 1: Yes.

MALE VOICE 2: Yes.

SENATOR NOZZOLIO: There is motion on the floor that has been seconded. All those in favor

MALE VOICE 3: I

MALE VOICE 4: I

MALE VOICE 5: I

SENATOR NOZZOLIO: The proposal carries unanimously those numbers that are certified on the—

that are placed on the LATFOR website have been agreed to and certified by the actions of this motion.

MR. ROMAN HEDGES, NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: I would just like to add a couple of observations, if I might. The, the, staff did a fantastic job and they really need to be commended. I am reluctant to name individuals because I’ll forget someone, but a lot of people helped in a lot of different ways and did really good work and I think that if I look back on the product that I helped produce to try to get this process started, we’ve got a much better product now than we had then and I think
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that it’s because of the comments and questions and
pushing that the staff did to make sure that the
product was a much better one.

The second is to really reiterate what you
said about what we’re faced with going forward. I, I,
would certainly hope that the public that has not yet
submitted plans will still feel free to do that and I
would hope that groups that have already submitted
plans will be able to rethink in light of what’s
happened in the release of this data and as we go
forward through the hearing process we’re all going to
learn things and I’m expecting that we’re all going to
learn things and change our mind about things as we go
forward so I want to really reinforce what the
Senator’s premise was, which is this is not a finished
product, this is the beginning of a process to make it
so that everyone can participate and so that we can
learn some things.

SENATOR DILAN: I, I, agree with everything
you said and I think the staff did a fantastic job and
I even believe that the final product is better than I
expected so I commend everyone on that. So if we
could move on—

SENATOR NOZZOLIO: [Interposing] Before we
do, on this, if I may interrupt, Senator, on this
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issue, on the prisoner count issue, again I want to
reiterate my thanks to the citizen participant in
this—on this task force Roman Hedges, for your
efforts, Roman, in helping in terms of helping the
staff focus on this issue as—

I wear another hat in the legislature and
that is chairman of the New York State Standing
Committee on Crime Victims, Crime, and Corrections and
as such, for many years, have had jurisdiction over
the corrections department and the entire correctional
system in this state. I can say that it certainly was
not ever anticipated as the corrections department
takes intake of inmates and have had some of that
intake as old as three decades or more, that that
intake has just not been the type of intake necessary
to do the census taking that this law requires a
virtual census department to be placed within the
Department of Corrections. That’s more staff, more
cost, in order to do this correctly, then you would
have to have that type of total rethinking on the
protocols that are already in place for taking
prisoner intake information.

And there are going to have to be training,
just as the United States Census takers of which co-
chair Assemblyman McEneny is an alumni of that
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organization. That the census taking process is something that was very unfamiliar to the Department of Corrections and expecting them to have the types of information, people ask well why is it taking so long to do this, why is it taking so—why is it so laborious. It’s that way because the Department of Corrections was never given that type of planning and I think that may take legislation and I know Assemblyman McEneny and I have discussed the possibility of recommending that legislation to the—make this process one that is readily established.

With that, any other comments?

SENATOR DILAN: Yes, I would like to discuss an issue which I believe that I have been bringing before this committee which I believe started at the very, very first hearing that we held. First of all, at that time, I requested that this task force come up with a transparent criteria that the public and advocates could use and be guided by when they make their submissions. I think during the 14 hearings there were several individuals that testified with respect to the size of the Senate, some advocating for 63, but a lot more testifying that the Senate should remain at 62 as the constitution of the State of New York requires in the 1894 formula. I want to know how
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last Friday at 5:00 p.m. in a very obscure spot of the LATFOR Senate website a new policy memo appears without the ratification of this panel. I want to know how that happens and who authorized that. I would like to know if that attorney is a staff member of LATFOR or is he an outside consultant.

SENATOR NOZZOLIO: Senator Dilan, you’re referring to a memo from an attorney named Michael Carbon who has been retained by this task force as—he was retained by this task force in 2002 and in 1992 and it’s my understanding that Attorney Carbon placed a memo after analyzing the tenets of the New York State constitution and of which it was his responsibility as counsel to this task force to—that report or analysis, if you will, just as he made an analysis in 2002, was placed on the task force in the same protocols that were established 10 years ago.

Now, it’s not a subject of—certainly everyone is entitled to their opinion and I think that those who testified, some of which are former Senate Democrat staff members, during the course of the hearing, who indicated as they were legally disclosed, they were former staff members of the Senate Minority, that they indicated in their testimony that they believe the size of the Senate should be a certain
number. It’s my understanding that the attorney for this task force placed—in placing his memo on the LATFOR website and analyzed those submissions and dealt with them in his memorandum. His recommendation is based on his analysis of the New York State constitution. A constitution that derives a formula. That constitution says that the assembly is fixed at 150. It also derives a formula that the Senate is established through population growth and population analysis and that analysis was done. It was done by the attorney and that analysis was placed for the public to review on the LATFOR website. Whether it was 5:00 or—at night or 5:00 in the morning, it was placed on the website when it was completed and that analysis is for everyone to review. They’ll have ample opportunity to review that analysis prior to the beginnings of our second round of hearings. We assume that certainly those that are interested will have the opportunity to review that memo, to make their comments known in the additional round of hearings that we are going to be conducting beginning at the end of this month.

SENATOR DILAN: Yeah, we can belabor this for quite a while here today. I didn’t know that an outside-retained attorney has the ability on his own
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to place something on our website without our approval
so before we will conclude today, I would like to make
a motion that any policy changes needs to be approved
by this panel in public before it’s done so I’m going
to make that as a form of a motion. Also, as a member
of this task force, I will be asking the Attorney
General of the State of New York to review that memo
and I will be asking for an Attorney General opinion
based on that memo.

SENATOR NOZZOLIO: It is certainly within
your rights to ask for anything, we should also know
that memos to the contrary were placed on our website
through the testimony of Mr. Brightbard, who I believe
tested at least twice, probably three or four
times, and I know the Senate Democrats also had some
surrogates for Mr. Brightbard who, when he could not
be at a hearing, someone else testified. I remember
answering—asking some of those attorneys questions.
Their testimony is on the website as well.

How do you define this motion—

SENATOR DILAN: [Interposing] I would like
to ask you a question—

[crosstalk]

SENATOR DILAN: —I would just like to

comment in response to that—
SENATOR NOZZOLIO: Senator, I am still talking—

SENATOR DILAN: [Interposing] You also have your surrogates—

SENATOR NOZZOLIO: —I still have the floor, Senator—

SENATOR DILAN: [Interposing] You also have your census of every single county by way of—

SENATOR NOZZOLIO: —I am surprised you interrupt me while I still have the floor, Senator.

SENATOR DILAN: Go ahead.

SENATOR NOZZOLIO: I am very surprised at that. I know you don’t do that often, but I’m not going to allow it in this case. I had yet not yielded and I guess, in conclusion of my remarks, as a question to you. What do you define as a policy change and how can that be defined within the ramifications of this task force?

SENATOR DILAN: Well, I know that when we started these proceedings, I have commented I believe at every single public hearing that the public has the right to know if we’re going to drawing these lines based on 62 or any other number, and I never got an answer to that question from anyone on this panel. You keep referring to Mr. Brightbard, who was a former
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staff person, and he was a former staff person before I got to the Senate, which is about 10 years ago which he has not worked here, but also you referred to other surrogates that we may have had testify, I know none of those individuals. Mr. Brightbard never worked for me. He was never here while I was a state Senator. But I do want to include in the record that your conference had many surrogates via, via, law firms and people who really had no idea or interest of the redistricting process. They were all basically verbatim, had the same testimony at every single district and county throughout the state.

SENATOR NOZZOLIO: Senator—

SENATOR DILAN: And their testimony is also on the website.

SENATOR NOZZOLIO: Senator, please address the question. You have a motion before the committee.

SENATOR DILAN: Ok

SENATOR NOZZOLIO: And the question, there is no second to that motion. I respectfully asked you what do you define as policy change.

SENATOR DILAN: A policy change is that your legal counsel since 2002 has a memo on our website and on Friday of last week, just as your leader announces that the Senate will increase by one seat, which I
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believe you made the comment Tuesday of last week. On Friday you had a policy change with his new memo where he use—you have a result—you have the result you know you want 63 then he uses inconsistent methods of using four counties. You use one method which was the way he advocated for over 10 years on the website and then the other two counties uses the reverse so you can get the end result and how does your legal counsel, without coming to the public or before this panel, like Mr. Brightbard, and like every single other surrogate who came before this panel, this was done in the darkness of night. It did not appear before the public and there it is, a new memo.

SENATOR NOZZOLIO: So, I take it that there is a motion on the floor, it has not been seconded. With that there will be no vote on it. And I would be glad to discuss these policy issues with you that I think that the Senator Majority leader was asked a question and that he provided a very candid answer to that he knew that there was an issue under review, that is issue has been under review for months by the counsel as brought forth by Mr. Brightbard’s analysis, and that certainly can be reviewed on our website, both Mr. Brightbard’s analysis and the counsel’s analysis of that hearing. Any—someone else.
ASSEMBLY MEMBER ROBERT OAKS, NEW YORK STATE

LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT: Just to the, the, co-chairs, I guess I would just add and, as Senator Dilan has, has, raised the question, I did not second it although I see some reasons for putting that out as a motion, I guess my concern is if we create that and we always have to have meeting before something goes on the website, I’m not sure that we can keep information flowing in the way that is needed perhaps. From my perspective, I would suggest though that perhaps when things of substance are added to the website, perhaps notification of the members of this task force would at least perhaps allow review and keeping information flowing. So I would just offer that as a thought as we move forward.

SENATOR DILAN: I would just like to make a final comment. You know, I’m really surprised that you did not second it. The majority is in both houses will totally ignore me and you and many of the citizens of the State of New York and as we can see what the outcome is going to be here is the same as it has been for over 50 years and technically I believe that the hearings that we held preliminary are a farce and waste of time and money.
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ASSEMBLY MEMBER MCENENY: Senator, I would take except to that. My minority member is a classmate. We get along very well. I try to keep him informed of things and will be doing so more intensely. I did not second your amendment because I am not sure what the legal definition of policy is. Policy could be all kinds of things and it could tie up a process which we’re trying to accelerate because of the federal court coming out we hope in a short time giving us an almost unworkable primary date and to interject a bureaucracy and perhaps the figurative monk squall of—is that a policy issue or not a policy issue on something that just popped up today, it just didn’t look like something that I could second or support. What’s policy? I think there’s probably 30 different opinions here in this room, all from people of good will. I think that’s a pretty sweeping structural change and I worry where it would go where it would be passed ever to be passed as a resolution.

SENATOR DILAN: I would just like to say thank you. It is business as usual. Thank you.

SENATOR NOZZOLIO: Any other comments that made before this commission-committee? With that, Assemblyman.

ASSEMBLY MEMBER MCENENY: One comment that
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our goal is still to start public hearings before the end of the month, but those of you who are looking for maps, it has been long been the custom that no less than seven days notice would be given and with that notice would be the maps. It is our goal, we haven’t arrived at the exact schedule yet because we do not want people planning for some date that might be changed, but things are moving swiftly. We have—hope to have those maps out at least seven days prior to the first hearing.

SENATOR NOZZOLIO: Thank you very much.

(The public hearing concluded at 2:00 p.m.)
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CERTIFICATE

I, Zola K. Dickerson, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 30, inclusive, is a true record prepared by me and completed from materials provided to me.

Zola K. Dickerson,
Transcriptionist
January 16, 2012
EXHIBIT 3
STATE OF NEW YORK LEGISLATIVE TASK FORCE
ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

PUBLIC MEETING

LEGISLATIVE REDISTRICTING RECOMMENDATION

State Capitol Building, Room 123
Albany, New York
Wednesday, March 14, 2012
11:00 a.m.
Legislative Redistricting Recommendation, 3-14-2012

TASK FORCE MEMBERS PRESENT:
SENATOR MICHAEL F. NOZZOLIO, Co-chair
ASSEMBLY MEMBER JOHN J. MCENEY, Co-chair
SENATOR MARTIN M. DILAN
ASSEMBLY MEMBER ROBERT OAKS
ROMAN HEDGES
DEBRA LEVINE
WELQUIS LOPEZ
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SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,

NEW YORK STATE LEGISLATIVE TASK FORCE ON
DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Good morning. Good morning. The meeting of the New York State Legislative Task Force on Demographic Research and Reapportionment will come to order.

My name is Mike Nozzolio. I am the Senate Co-chair of this task force along with my colleague and dear friend Assemblyman Jack McEneny. This meeting is an important one. Without further ado, I would like to introduce the Senate representatives on this task force. To my immediate left is Senator Martin Dilan. To his left is our citizen representative on the task force, Welquis Ray Lopez.

WELQUIS LOPEZ, NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank you.

SENATOR NOZZOLIO: And to his left is co-executive director of the task force Debra Levine.
Assemblyman, would you be so kind as to introduce the assembly--

ASSEMBLY MEMBER JOHN J. MCENENY, CO-CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT:

Assemblyman Jack McEneny, Co-Chair. I'm representing the assembly. To my right, Bob Oaks. Member of the Assembly representing the minority in the assembly. To his right, Dr. Roman Hedges who is the citizen representative on the task force.

SENATOR NOZZOLIO: This task force has an important responsibility, an obligation today. It's a culmination of over 23 hearings in every area of New York State, a plan that has been proposed and proffered, and before consideration I'd ask members of the task force if they have any comments. Senator Dilan.

SENATOR MARTIN M. DILAN, NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Good morning, everyone. I'd just like to make several comments. First of all, I was seriously considering boycotting this
meeting this morning. I know that we did hold 23
hearings throughout the state of New York. We
had several business meetings where we did make
several commitments to the citizens of the state
of New York, and the reason I was considering
boycotting this meeting this morning is because
as I indicated once before, the entire process
has been a farce, a sham, has been a waste of
money, and I believe that we have not listened to
the citizens of the state of New York, and the
plan that's being presented today to the
Legislature is something that's putting the cart
before the horse. These bills were introduced at
about 11:50 p.m., just before midnight on Sunday.
Those bills were presented to the Legislature
without this panel taking a vote or making any
sort of recommendation, so it's really not a --
plan. Those bills that are being voted in both
houses today are McEneny Nozzoilo Bill, LES --
Silver Bills, and this entire process I indicated
was a total waste of time and it's--we failed
miserably in our mission and this meeting today
is itself a sham. The proposed lines were
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introduced. The first proposals were introduced to the public without a vote by this panel. Again, legislation was presented without a vote by this panel. With respect to the Senate, an additional seat was added without any action taken by this panel. So, who decided that there should be a 63rd seat? We didn't do that. I would like to know that. I understand also that with these lines there may be a proposal for reforming this entire process. When will there be hearings to have community input with respect to those reforms--so, in essence, what we're doing here today is just confirming what the two leaders of respective Houses want with no real input from communities of interest. I think we heard people in Long Island indicate that there could be an additional minority seat in the Senate out in Long Island. There could be another one in Rochester, and there is also the splitting of Niagra and Buffalo in Erie County, and again, the entire process is a total waste of time.

SENATOR NOZZOLIO: Thank you, Senator
Dilan. Any other members of the task force wish to make a statement? I do wish to respond in part to Senator Dilan's comments. That I certainly have enjoyed working with him through the past few months, in hearing from citizens all across the state.

The measure proffered today is in full compliance with the United States' Constitution, the New York State Constitution, the Federal Voting Rights Act, and all applicable state law that—including the law that was thrust upon this task force on the prison counting, and I should add, that measure was established in the New York State Senate without so much as a single whisper of a hearing. Senator Dilan, I may remind you of that. Unfortunately, though, the law is the law, regardless, and we took great steps and I want to personally thank -- members of the Task Force. A member of the Task Force, Roman Hedges, for his leadership and support and assistance in ensuring that the Section 20 of the Laws of New York State were fully complied with and that that prison counting issue was part of the series of laws.
that were conducted—that this body has fully complied. There is a new Asian seat created, an Asian minority majority seat created in the State Senate—the first time in the Senate's history. That seat was a direct reflection of a number of discussions, primarily in the public hearings that took place twice in Queens. There were over approximately ten hours of hearings in Queens and then the Asian-American seat created was created as a result of those discussions. There are also 13 minority majority districts in this state. Five of those districts were under the major—minority majority numbers as a result of the 2010 United States Census, and I'm very pleased through the work of this task force that every minority district was not only preserved but strengthened in spite of shifting population trends within the city of New York.

There are a number of other comments I could make, but I want to make the task force for their work, particularly the staff. That there were a number of advertisements that existed prior to the first round of hearings and prior to
the second round of hearings. Those advertisements were placed in foreign language newspaper including Chinese, Korean, and Spanish. With newspapers also utilized by the African American and Indo-Caribbean American communities throughout New York publicizing the hearings and trying to ensure maximum participation. For the first time in our State's history, LATFOR established a website, and use of the internet was extensive. That we took comment, posted notice of public hearing and had a great deal of input as a result of that website. Without further ado, though, Assemblyman McEneny.

ASSEMBLY MEMBER MCENENY: Thank you, Senator. I wanted to thank the members of the LATFOR staff, and when we get to the floor, I'll mention some of the staff that have backed us up as well as the members here, and I would just point out that for people who feel that this process was dragged out, that in fact we are weeks ahead of approving of a legislative plan and months ahead of approving a congressional plan compared to years gone by, and the reason
for that is that the change has not been in the
performance of LATFOR in terms of the calendar,
but rather the changing of the calendar as
ordered by the justice department. We don't have
the time that we've had in the past, and I think
our job now--and I know this will be debated in
greater detail because our job now is to take the
work, which is the latest work and the final work
of LATFOR and pass it on for recommendation by
consideration by the two Houses of the
legislature, and so unless someone else wishes to
make a comment. Did you...?

ROMAN HEDGES, NEW YORK STATE LEGISLATIVE
TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT: Just in the way of information
about things that we've done, I'm real pleased
about the prison adjustment and I want to thank
all of you for helping in that. The staff--the
joint staff in particular was just
extraordinarily helpful all the way through.
Both the cartographic staff headed by Chris Ruiz
[phonetic] and the demographic staff headed by
Isaac Pheffer [phonetic] did just a great job.
On substance, in the assembly side of the proposal that's going to the legislature we were able to create three additional majority Hispanic districts, one additional African-American district, two additional Asian-American districts, and I think that that's a remarkable accomplishment, and I'm particularly pleased about that, and with that having been said, I think I'm finished for the day.

SENATOR NOZZOLIO: Thank you very much, Assemblyman. I would remiss if I didn't also thank our other citizen representative on the task force. Welquis Ray Lopez was invaluable throughout this process, even acted as interpreter during some of our hearings. We appreciate his efforts and call above and beyond the call of duty and thank you very much for your great work.

MR. WELQUIS LOPEZ: Thank you very much.

SENATOR DILAN: May I move that the final report of LATFOR be advance to the legislature for its consideration?

SENATOR NOZZOLIO: There's a motion on
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consideration. Is there a second?

ASSEMBLY MEMBER MCENENY: Second.

SENATOR NOZZOLIO: Motion's been moved and seconded. It's up for consideration.

Senator Dilan.

SENATOR DILAN: Is anything in writing that you're presenting us today in terms of what you're actually submitting to the legislature or can you at least give us an outline of what you're talking about?

SENATOR NOZZOLIO: It's the books that have been distributed to all the members and there are extra copies I believe on the desk to the members.

SENATOR DILAN: So, the only thing that you're forwarding to legislature is the Assembly and Senate lines, nothing else?

SENATOR NOZZOLIO: At this time, that's all I believe the law requires.

SENATOR DILAN: All right. Thank you.

SENATOR NOZZOLIO: Thank you, Senator Dilan. This motion for consideration has been seconded. All those in favor?
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ASSEMBLY MEMBER MCENENY: Aye.

SENATOR NOZZOLIO: Aye. Opposed?

SENATOR DILAN: Aye.

SENATOR NOZZOLIO: Senator Dilan.

Motion's carried. The work of the task force has been completed. Thank you very, very much.

SENATOR DILAN: Thank you.

ASSEMBLY MEMBER MCENENY: Thank you.

(The public meeting concluded at 11:13 a.m.)
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CERTIFICATE

I, Christine Morrell, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 15, inclusive, is a true record prepared by me and completed from materials provided to me.

Christine Morrell, Transcriptionist

March 15, 2012  Date