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Every ten years, public officials draw strange shapes on maps of New York State. Some resemble coffee spilled on maps; others look like huge claws or Abraham Lincoln riding a vacuum cleaner. This is not an exercise in abstract art, however; it is how legislative districts are drawn in New York State.

Critics have long mocked New York's acceptance of partisan redistricting â€“ or gerrymandering â€“ as antidemocratic, saying it explicitly discourages competitive elections. To date, there has been little momentum in Albany to change the way redistricting is carried out, though, largely because state legislators benefit from the current system. That may be changing however. The four major party candidates for governor have all recently called for serious redistricting reform, and a bill that would create an independent commission has been introduced into the state assembly.

There is wide agreement that change is needed, but some confusion about how that change would look.

"We need to know much better what we're getting into when we talk about reform," said Jeremy Creelan at a recent conference on redistricting organized by Citizens Union Foundation, which publishes Gotham Gazette, and the School of Public Affairs at Baruch College.

Reformers are grappling with a series of questions:
- Should creative districts be created by trying to keep the numbers of Democrats and Republicans even?
- How important is it to have districts correspond to existing political borders, like county lines?
- Should neighborhoods have to be wholly included in single districts, or can they be split up?
- Should redistricting be used to create bases of political power for groups that have traditionally lacked it?
- What is the harm in having districts that look like historical figures riding household appliances?

HOW DOES GERRYMANDERING WORK?

Theoretically, redistricting updates district lines in order to reflect shifts in the state's population. The new districts must all contain roughly the same number of people (there is a ten percent allowable range of population size between districts). Districts are also supposed to be "compact and contiguous", so that they reflect actual geographic communities.

But the main criteria now used to determine how district lines are drawn, critics charge, is how well they will serve incumbent lawmakers. Lines now dip and weave to include friendly populations in some districts and cut unfriendly populations out of others. In at least one case, the lines swerve around several blocks, with the intent of protecting one incumbent from a potentially dangerous political opponent.

The people who benefit most from partisan redistricting are the ones who actively engage in it â€“ those who already hold public office. Being a lawmaker in Albany is one of the more secure forms of employment that exists. About 98 percent of incumbents are reelected in each round of elections, usually by huge margins. Nearly 60 percent of incumbents in the last election either ran unopposed or faced an opponent who had raised less than $1,000.

In Texas, Republicans recently gerrymandered their way into greater representation on Congress over the objections of Democrats. In New York, the benefits are more bipartisan. The two parties have effectively agreed that the Senate belongs to the Republicans and the Assembly to the Democrats. Due to their efforts, there has been no change in the party that has controlled either house of the state legislature for over 30 years.

HOW DOES GERRYMANDERING HURT?

The practice of incumbents drawing district lines with the explicit goal of protecting their own jobs has been deemed legal by both state lawmakers and the courts. But because districts are drawn to shield legislators from competition, critics say, these officials tend to ignore the concerns of the constituents (whose votes don't really matter) and instead focus on keeping in the good graces of party leaders (whose political support matters) or powerful interest groups (whose money does).

"I think it is that most New Yorkers feel that they are not in the system. There is a club of a small amount of people who have immense power in this state, and it leaves out most of us," said Rachel Leon of Common Cause New York.

Without fear of being held accountable for their lack of productivity, say Leon and others, state lawmakers perpetually fail to pass budgets on time, confront problems with Medicaid, implement the requirements of the Help America Vote Act, or address the problems of New York City public schools. The lack of real electoral competition also keeps lawmakers from minority parties from having a say in the legislative process. Strangely shaped districts make door-to-door campaigning much harder, handicapping grassroots candidates who want to challenge established incumbents. [See excerpt from forum: Disenfranchising Political Minorities]

Still, it is not only lawmakers that seek to gain from drawing lines that protect incumbents. Lucia Gomez began working on the last round of redistricting for the Puerto Rican Legal Defense Fund, and saw nonprofit agencies working to help incumbents draw themselves secure districts. At first she assumed that politicians were taking advantage of their naivetĂ©, but Lucia soon realized that these agencies were making a conscious political choice.

"Nonprofits and social services [organizations] rely so heavily on contracts that are provided by state agencies that they don't know any other way of having a relationship with their elected official other than doing whatever that elected official wants," she said. "A lot of our nonprofits are being used â€“ and they love being used." [See excerpt from forum: Why Nonprofits Encourage Gerrymanding
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In other cases, those helping legislators to create secure districts have no choice.

About two-thirds of the 65,000 people in New York State prisons are locked up in facilities in rural, largely white, counties. These prisoners, who for the most part are racial minorities from urban areas, are counted as residents of the counties where they are incarcerated. They cannot vote there, however. Seven upstate senate districts containing prisons would not have enough people to get their own seat in Albany if it weren't for the non-voting prisoners also residing there.

The senators representing these districts, therefore, have a personal interest in maintaining high numbers of prisoners, said Maggie Williams of the Bronx Defenders.

"They're very aware that the reason that they're able to hold onto their seats is because of the prisons in their district," she said. [See excerpt from forum: The Way We Count Prisoners is a Crime]

WHAT IS THE GOAL OF REDISTRICTING REFORM?

There may be widespread agreement on the basic problem: incumbents use gerrymandering to guarantee a minimum level of opposition in elections. Most agree that more competition is desirable. But what is the best way to get there, and what else should be taken into account? [See excerpt from forum: Should Legislative Districts Be Redrawn to Encourage Competition?]

Sensibly Shaped Districts: Some say that the only consideration that should be taken into account when drawing districts is that they are compact, contiguous, and contain roughly the same amount of people. It is inappropriate to guarantee representation for certain ethnic groups, for instance, or to force competition between political parties. Otherwise redistricting remains a manipulative process; only the goals have changed.

Competition Will Take Care of Itself: Therefore districts, some say, should be formed only to reflect geographic communities. If they do not strive for any pre-determined outcome, some believe, legislators will automatically face challenges and thus be held accountable.

"A process that is indifferent to competitiveness will produce the result of competitiveness," said EJ McMahon of the Manhattan Institute.

Empowering the Disenfranchised: Others argue that districts must reflect the communities that people live in â€“ even if these communities are not necessarily the most compact geographically. Furthermore, advocates for minority voting rights also believe that the historic lack of representation that such groups have suffered from needs to be taken into account. In fact, federal law requires it.

"The goal of redistricting and the election process is to give [communities with shared interests] a fair opportunity to have their interests represented," said Steve Carbo of DEMOS. "It is not a clean [process] that is best served by drawing the straightest and narrowest lines that are possible."

DRAWING THE LINES IN NEW YORK STATE

In other states, ostensibly independent commissions have been established to weight these myriad criteria in order to redraw political districts. Two states that have been cited as models are Iowa and Arizona .

Looking at these other states as a guide, Assemblymember Michael Gianaris is pushing a plan to create an independent commission in New York State that would handle the next round of redistricting in 2012. [See Gianaris excerpt from forum].

"We have a system now where the legal and stated goal is to actually reduce competition," he said. "If we just take that out of the equation, I feel we wouldn't have to worry too much about making sure Democrats and Republicans [are equally represented in each district], because you'd end up getting de facto competition."

All districts would have to have to be within one percent of the population of all others (as opposed to ten percent now), and the commission would be prohibited from creating a district with a partisan goal in mind. Its recommendations would have to be either approved or rejected by the legislature as a whole; lawmakers would not be allowed to make changes â€“ except in the case of prolonged deadlock.

In other places, questions have been raised about the actual independence of such commissions. Gianaris' plan addesses this by putting "several layers" between the members and state legislators â€“ instead of having direct appointments.

Because the state's population has been shifting towards the Democrats, the Republicans who control the State Senate have the most to lose from an impartial redistricting. But experts say that the Republicans will likely lose control of the senate no matter what. Smelling blood, some Democratic senators have been hostile to the idea of an independent commission as well, according to Gianaris.

Without a senate sponsor, the idea of an independent commission is currently stagnating. What may spark action, say advocates of reform, is the energy that the next governor puts into the issue. With all those running already lining up to support a new way to approach redistricting, they are optimistic that reluctant lawmakers will be forced to accept change.

"The one trump card we have is our gubernatorial candidates being very aggressive on this," said Gianaris. In the minds of reluctant legislators, he said, "the one thing worse than the legislature creating an independent plan is the whole thing getting thrown into court."