

Redistricting Battle Comes to a Head

by {ga=dking}

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Photo provided by Office of Gov. Andrew Cuomo

Albany is hurtling toward a massive agreement that will likely resolve the state budget, create a new pension tier, expand the state's DNA database and perhaps most notably finally resolve the long battle over the state district lines.

Late on Sunday night, just moments before midnight the legislature introduced their final proposal for Senate and Assembly district lines and an amendment that would change the process after the next census. On Monday U.S. Magistrate Judge Roanne Mann released her final proposal for Congressional districts—a proposal that would become law if the legislature fails to agree on their on plan—something they seem fated to do.

The battle lines were already drawn over redistricting earlier this year but now the major players have at least partially revealed their hands as negotiations continue between Gov. Andrew Cuomo and the legislature.

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So who stands where? What do legislators have to gain? What does the Governor have to gain? What to good government groups have to gain and why can't they all agree on a solution?

The Lines

The legislative majorities have submitted lines that most observers agree are only a miniscule improvement over their initial proposals that were hailed as blatant gerrymandering. Initially it was difficult for reporters to evaluate the new lines as LATFOR didn't post maps on their homepage for quite some time after the legislation was introduced. A spokesman for the Senate Democrats eventually [sent the maps to reporters](#) with this statement, "Since the Senate Republicans are content on keeping the public in the dark and concealing the maps that they produced, we will do it for them. Attached you will find the maps which show very clearly that there is virtually no change from their previous proposal. These hyperpolitical maps cannot rationally be considered a better product."

However, Gov. Andrew Cuomo said in a [radio interview](#) on Monday that his office worked with legislators on improving the initial lines. "They consulted with my people in redoing the lines," Cuomo told Fred Dicker on Talk-1300. "The lines are far from perfect but I believe they made progress on the lines."

Cuomo also insisted that he would veto the lines if the legislature does not agree to an amendment that would change the redistricting process when it occurs again more than a decade from now.

The final legislative proposal includes a 63rd Senate district which carves out rural parts of upstate New York—avoiding the edges of Democratic leaning cities like Albany and Schenectady in what is seen as insurance for Senate Republicans. Without control of the district map most experts agree they would not be able to sustain much of a conference in the state because New York is such a heavily blue state.

The Amendment

At the heart of the disagreement between the legislative minorities and majorities and the major good government groups is the proposed legislative amendment and how it would alter redistricting a decade from now.

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The amendment would establish a commission that would be made up of 2 legislative appointees from each legislative conference. The legislative appointees would then pick two more members—creating a 10-person panel.

The members of the commission would draw district lines and seven of them would have to vote to approve the legislative lines. Those lines would then have to be passed by the legislature.

According to the proposed legislation if the commission was unable to reach consensus on a plan the commission would be required to submit, “that plan (or plans, if two or more plans garnered an equal number of votes) that garnered the highest number of votes in support of its approval.”

The legislature would ultimately have to pass the commission’s lines. If the legislature rejects the commission’s plan twice in a row the legislature can make slight changes to the maps. A limit is set at a 2 percent deviation.

The Argument For

Two major good government groups have come out in support of the deal that would allow the legislature to go forward with their lines as long as they pass they agree to a constitutional amendment and a failsafe that would enact the changes should two successive legislatures fail to pass the amendment.

Citizens Union and League of Women Voters New York [support for the deal](#) is admittedly pragmatic. (Gotham Gazette is published by Citizens Union Foundation the sister organization of Citizens Union.) They admit that their efforts earlier this year—that lead to 184 legislators signing a pledge to enact a non-partisan redistricting commission “have basically failed. They insist that Cuomo should go ahead with the agreement because this is a rare opportunity for him to force the legislature to enact changes to the process as a whole. “We are not going to trust them again,” said Dick Dadey executive director of Citizens Union, “the promise of let the court draw the lines and we are going to reform the process next time around. They haven’t done it and they never going to do it until they are backed into the corner like they are now.”

During a press call hours after the amendment was released Dadey told reporters:

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"Citizens Union's approach to good government isn't just about taking positions, critiquing the actions of government officials and pushing an agenda," said Dadey. "We want to be both principled yet pragmatic and try and actually achieve the solutions that we set out to address."

Citizens Union and League of Women Voters have not offered [steadfast defense](#) of some of the qualities of the amendment when questioned by reporters. When asked why the bill allows commission members to be family members, or business partners with legislators Dadey responded that such restriction would "limit the pool" of candidates. Adding, "Another thing is, simply because you're the brother of a legislator doesn't mean you're going to agree with him or her on these issues."

Argument Against

Common Cause, New York Public Interest Group as well as former Mayor Ed Koch, the man who lead the pledge drive during the 2010 elections, opposes the deal—as does the Senate Majority and a number of Assembly members.

They say that if the governor vetoes the legislature's lines and puts them in the hands of the court New York could wind up with significantly improved maps. They point to the maps Congressional maps proposed by Judge Mann. Common Cause has created their own maps and feel that they could provide as a guide to the judge that was tasked with drawing the lines should Cuomo veto.

But they also have major concerns about the amendment itself. Common Cause said in a statement that

"The proposed Constitutional Amendment is a far cry from independent redistricting, with final approval of the maps squarely in the hands of the legislature. " This is not reform let alone even an improvement. This is change for change's sake."

Further more they point out that the criteria for drawing districts favors incumbency over criteria such as "communities of interest."

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“Incumbency, in coded language, is given primacy,” Common Cause’s statement reads, “and there is no mention of prison based gerrymandering. In stark contrast, the proposed criteria devised in the 1967 constitutional convention states simply: “Gerrymandering for any purpose is prohibited” (Section 2, subsection c).

In order to achieve meaningful reform in the future, and for the next ten years, the Governor must hold firm to his promise to veto any politicized maps, and work toward a solid constitutional amendment which truly reforms the redistricting process.”

What’s Next?

With Albany hurtling towards the next “Big Ugly” it seems that a deal could be reached at any time. Cuomo’s move—to veto or not to veto could be weighted heavily by deals made on other issues such as Tier 6 and the budget. On March 15 judicial panel will review Mann’s lines unless the legislature comes to an agreement on Congressional lines.