

**JOINT LEGISLATIVE PUBLIC HEARING
ON 2021-2022 EXECUTIVE BUDGET PROPOSAL ON PUBLIC PROTECTION**

**JOINT TESTIMONY TO THE FISCAL COMMITTEES OF THE
NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY
PRESENTED VIRTUALLY
FEBRUARY 10, 2021**

Introduction

Following the 2014 constitutional amendment to Article III, Section 5-b of the New York State Constitution, State Legislative and Congressional maps will now be drawn by an independent redistricting commission (the “Commission”). The 2014 amendment also mandates that the state provide necessary appropriations for the expenses of the redistricting commission including compensation and reimbursement of expenses for the members and staff of the commission.

Despite this mandate, the 10-member Commission has yet to receive any funding to complete its work. The FY 2020-2021 budget included \$1 million in funding for the Commission, but that funding has now been delayed for more than 9 months for undetermined reasons. The Commission has been told that this funding will be paid out through SUNY Research Foundation and that \$350,000 will be set aside for legal fees and a 10% payment to SUNY Research Foundation leaving the Commission with only \$750,000 to use for their work.

The new Independent Redistricting Commission has been tasked with fulfilling the monumental task of redrawing the state’s Assembly, Senate, and Congressional district lines in less than a year’s time. This work is critical to ensuring our democracy moves forward in representing the interests of all New Yorkers in critical areas like healthcare, education, housing, transportation, and other basic services for the next ten years. The Commission must hold a minimum of 12 public hearings to allow for input from all communities in New York State and submit their first draft maps to the public all before September 15th. Although Census population data counts are not expected until the end of July, the Commission has already expressed a desire to begin holding conversations with stakeholder groups planning their work.

Because the Commission has not yet received any funding, New Yorkers cannot participate in the redistricting process as mandated by law. The public has no way to contact the Commission or submit public comment. There is no website with public data, no email addresses for Commissioners, no salary for the Co-Executive Directors, and no server to house public comments. The Commission has even had to rely on the State Senate’s webcasting service to hold their regular meetings in order to comply with Public Meetings laws.

Our joint organizations are highly concerned that the Governor has only appropriated \$750,000 in funding for the Commission and has not proposed any new funding for the coming fiscal year. While it is difficult to predict exactly how much funding the Commission will require, our joint organizations recommend that the Legislature consider how much the Legislative Task Force on Demographic Research & Reapportionment (LATFOR) has received in years it was charged with redrawing the state’s legislative maps when determining a new appropriation for the Commission.

LATFOR Funding Comparison

The Legislative Task Force on Demographic Research & Reapportionment (LATFOR) was formerly tasked to assist the Legislature with drawing maps. However, since passage of the 2014 constitutional amendment to create the Independent Redistricting Commission, LATFOR is no longer the chief agency charged with drawing state and Congressional district lines. Yet, it has continued to receive annual state funding. In FY 2020-2021, LATFOR received \$2,031,705 in funding. The Legislature has proposed, and the Governor has included in the budget, that LATFOR once again receive this level of support for FY 2021-2022. This appropriation includes \$208,000 for equipment, \$122,602 for contractual services, and more than \$1 million for staffing.

LATFOR already has in place staff, technology, and other resources to draw maps for the state of New York. Our groups question the disparity in funding given that LATFOR was replaced by the Commission as the legal entity responsible for taking public comments and creating maps, and LATFOR now has much more limited responsibilities. It is unclear if LATFOR will be obligated to share any of their mapping resources or staff with the new Commission. We are supportive of keeping the Commission separate from LATFOR so that it can maintain its independence, but we believe that at a minimum the Commission should receive equal funding to LATFOR.

Funding Needs for the Redistricting Commission

For the Commission to properly function and adhere to the constitutional mandates for the redrawing of State Legislative and Congressional lines, it must be given funding to hire professional staff, acquire computer software for creating maps, and secure locations for the initial 12 public hearings. Given the ongoing COVID-19 outbreak, our organizations believe it is possible to hold these hearings remotely but would urge that additional opportunities to submit public comment be made available because of the limits on in-person interactions.

Our organizations have identified the following potential cost factors:

Staffing: The Commission has already hired two co-executive directors but is unable to pay those staff members at this time. The co-executive directors are scheduled to receive a \$145,000 annual salary - approximately \$290,000 not including fringe benefits. The Commission will also need to hire two assistants to these directors, a legal counsel, demographer, numbers analyst, experienced map maker, and web designer. If each of these staff members is paid an average salary of \$55,000, the total staffing cost will be more than \$675,000 leaving the Commission with only \$75,000 for the remainder of its expenses.

Public Hearings: The state constitution requires the Commission to initially hold a minimum of 12 public hearings in Albany, Buffalo, Syracuse, Rochester, White Plains, Bronx County, Kings County, New York County, Richmond County, Queens County, Nassau County, and Suffolk County. Given the ongoing COVID-19 pandemic, it is unlikely that these public hearings will be held in person.

Virtual hearings and meetings come with their own set of expenses. Webinar programs like Zoom and Cisco Webex can cost thousands of dollars per month depending on functionality included in the program's package. For example, Zoom's webinar feature can cost as little as \$400 a year for a webinar that allows up to only 100 attendees. On the higher end, Zoom's webinar feature that allows for 10,000 participants per meeting costs \$64,900 per year.

And the second round of hearings after the Commission releases its proposed maps may be done in-person, which would involve additional travel and site costs.

Mapping Software: Unlike LATFOR, the new Commission does not have a pre-existing contract with any map making software company. Most states use the program Maptitude to draw their legislative district lines. According to the Caliper website, a New Remote License for Maptitude 2020 costs \$995 per user. This price does not include training on the software which is priced at \$300 per day for 3 days of classes (\$900) or \$250 for a one-hour training. Data is also not included in the price of the program - US Census block groups are \$250, US Census blocks are \$795, US Congressional Districts are \$495, State Legislative districts are between \$495 and \$1,295, and US school districts are \$250.¹ Given these necessary add-ons, Maptitude can cost up to \$5,000 for a single user. Any additional users would cost at a minimum \$1,895 for the licensing and training.

Other Software and Technology: In addition to mapping software and virtual meeting programs, the Commission must create its own website and begin soliciting public input through email or other electronic means. Similar to virtual meeting technology, the cost of creating a website can vary significantly. Some website hosts are as low as \$12 per month, but for a secure platform that would handle large volumes of data and graphical interfaces, as well as allow for adequate cyber security, the cost is much higher. On top of the cost of the platform, an additional staff person may be needed to ensure the website is functioning properly and that live meetings and webcasts are easily accessible by the public.

Conclusion

For both FY 2011-2012 and 2012-2013, the last period of redistricting, LATFOR's budget was \$1,858,759. During this period, LATFOR held 21 public hearings throughout the state, maintained a public website, and drafted new maps for the state Senate and Assembly. With consideration for inflation and the increased cost of operating in a virtual space, our organizations strongly believe that an appropriation of \$1 million is not a sufficient amount of funding for the Commission to fulfill its constitutional mandates and propose legislative lines for our Assembly, Senate, and Congressional districting. Underfunding this Commission risks limiting the public's ability to provide input into the new redistricting process.

¹ <https://www.caliper.com/maptrc.htm>

This Testimony is Submitted by:

APA VOICE (Asian Pacific Americans Voting and Organizing to Increase Civic Engagement)

Asian Americans for Equality

Asian American Legal Defense and Education Fund

Caribbean Equality Project

Chhaya Community Development Corporation

Chinese Progressive Association

Center for Law and Social Justice at Medgar Evers College

Citizens Union

CPC - Chinese-American Planning Council

Dominicanos USA

Hispanic Federation

Korean Community Services

LatinoJustice PRLDEF

League of Women Voters of New York State

MinKwon Center for Community Action

New York Immigration Coalition

OCA-NY Asian Pacific American Advocates

Reinvent Albany

Shetu

South Asian Council for Social Services

Taking Our Seat