

mdsj,TESTIMONY BY MERTON D. SIMPSON JUNE 30, 2022 (518) 253-3536

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4 attachments (1,007 KB)

JUN 28 Pope v County of Albany(10).pdf; JUN 27 District 2.pdf; JUN 27 District 4.pdf; JUN 25 LOCAL LAW 8.pdf;

Dear Commissioner Allen Campbell:

I plan on submitting the written testimony below as well as speaking via Zoom at the Public Hearing June 30, 2022. Please share my testimony below with the Commissioners, lawyers and mappers of both the ACRC and the MMD.

**TESTIMONY TO THE ALBANY COUNTY REDISTRICTING COMMISSION PUBLIC HEARING 5PM JUNE 30, 2022
SUBMITTED BY MERTON D. SIMPSON**

To the members of the ACRC and MMD thank you for all your hard work and for this opportunity to speak to you. The two links below, the first being a 3 minute video and the second is a link to the Sheridan Hollow Alliance for Renewable Energy (SHARE), for with Ruth Foster I am Co-Chair.

[Sheridan Hollow: The Community on the Front Line of Cuomo's Fracked Gas Hypocrisy — Sane Energy Project](#)

[Sheridan Hollow Alliance for Renewable Energy — Toward a 100% Renewable Energy New York \(sharealbany.org\)](#)

I have provided these 2 links to help document my strong commitment and membership in the Sheridan Hollow Community of interest.

I also have a very strong relationship with the voters on my block and the residents of 45 Central Avenue. I have resided at 295 Sheridan Avenue for almost 30 years. Like many of the residents we moved when the St. Casimir's Church, school convent and rectory were vibrant. Even though the school has been converted into a homeless shelter run by Interfaith many of us older residents are still here supporting each other. It just so happens that the corner of my block on Henry Johnson Blvd, is the beginning border for the West Hill Neighborhood. and the other side of Henry Johnson Blvd marks the end border of Sheridan Hollow.

There is some confusion about communities of interest. The historic neighborhood lines do not necessarily coincide with the present communities of interest.

This is especially true of the MMD's. For example before the last redistricting one side of Orange street between Henry Johnson Blvd and Lexington Ave was in the 2nd Legislative District and the other side of the street was in the 4th Legislative District.

A simple look at the map shows that the current MMDs Districts 1,2,3,4,and 6 are concentrated in one small area and are in fact physically connected.

Albany County is 523 sq mi, the City of Albany is 21.8 sq mi and the MMDs exist within an area about 10 sq mi. Despite this 10 sq mi area there are still communities of interest that identify as Uptown and Downtown.

I had hoped to reserve any input on the Redistricting Commission and MMD Subcommittee until their final official recommendation to the Albany County Legislature. However, when I saw the ACRC Final Draft with MMD Plan D; it appears there is some ,misunderstanding regarding the law on redistricting.

The map below is not the most user friendly; it requires that you magnify the individual districts; See map below

<https://appgeo.maps.arcgis.com/apps/View/index.html?appid=11d6050e7fa34527bd3d583572e2676b&extent=-74.5477,42.3963,-73.3523,42.8440>

When I first ran for office in 2011 for the 2012 term there was a suggestion that the block of my residence 295 Sheridan Ave between Lexington Ave. and Henry Johnson Blvd. be redistricted so that I was moved from the 2nd to the 4th Legislative District. This plan was immediately shot down by the Albany County Legislature. So I was shocked to see that the subject map has once again put my residence of almost 30 years in the 4th Legislative District where Norma Chapman the present MMD District 4 Legislator and I would have to run against each other. To get a clear picture of the present maps for the 2nd and 4th Legislative Districts see the attachments ,,"JUN 27 District 2 and JUN 27 District 4.

I am aware that Local Law 8 Article I Section 2 f states" the places of residence of incumbents or candidates shall not be identified or considered."

This is fine in terms of the preliminary analysis of district lines; but it is quite a different matter to have an incumbent MMD Legislator who has served since 2008 to run in a district against another MMD incumbent Legislator who has served since 2012.

Gerrymandering that results in voter dilution against Blacks or Hispanics is a violation of Section 2 of the Voting Rights Act.

The U.S. Department of Justice in their, *Guidance under Section 2 of the Voting Rights Act, 52 U.S.C. 10302, for redistricting and methods of electing government bodies*-Published September 1, 2021; states that:

"As the cases recognize, Section 2 vote-dilution violations can take several different forms. At-large election systems or multimember districts can submerge minority voters within a larger majority electorate that can effectively control all available positions. Gingles, 478 U.S. at 48-49. Districting plans may dilute minority voting strength by cracking or "fragmenting the minority voters among several districts where a bloc-voting majority can routinely outvote them" or by "packing them into one or a small number of districts to minimize their influence." De Grandy, 512 U.S. at 1007; see also Gingles, 478 U.S. at 46 n.11. Some plans may do both."

The League of Women Voters(LWV) provide a brief definition of some forms of Gerrymandering:

<https://my.lwv.org/georgia/cracking-stacking-and-packing-what-are-they-and-why-do-they-matter>

Cracking, stacking and packing are the three most common techniques used to dilute minority voting strength.

- Cracking fragments minority populations and disperses them among other districts to ensure that all districts are majority white.
- Stacking combines large minority populations with a greater number of white voters in order to ensure that districts are majority white.
- Packing concentrates as many minorities as possible in as few districts as possible to minimize the number of districts where the majority of voters are members of a minority.

Wikipedia provides some even more pernicious forms of Gerrymandering:

- "Hijacking" redraws two districts in such a way as to force two incumbents to run against each other in one district, ensuring that one of them will be eliminated.^[22]
- "Kidnapping" moves an incumbent's home address into another district.^[22] Reelection can become more difficult when the incumbent no longer resides in the district, or possibly faces reelection from a new district with a new voter base. This is often employed against politicians who represent multiple urban areas, in which larger cities will be removed from the district in order to make the district more rural.

See, <https://en.wikipedia.org/wiki/Gerrymandering>.

By redrawing the district lines so that we are "Hijacked" so that we have to run against each other, this is similar to but worse than "Packing"; because you are unilaterally disenfranchising voters by abrogating the voters right to support the, "candidates of their choice" for whom they have already selected.

The present map also "Kidnaps" me by moving my home outside of the Sheridan Hollow Community of interest for which I work for on a daily basis, See the home section, in the link,:

[Sheridan Hollow Alliance for Renewable Energy – Toward a 100% Renewable Energy New York \(sharealbany.org\)](#)

On October 27, 2021 Governor Hochul signed (S.5160-B/A.229c) which provides no county shall supersede any state law which relates to the division of any county into districts for the purpose of apportionment. Requirement e of the law states:

e. Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The maintenance of cores of existing districts, of preexisting political subdivisions including cities, villages, and towns, and of communities of interest shall also be considered. To the extent practicable, no villages, cities or towns except those having more than forty percent of a full ratio for each district shall be divided;

The law is clear, to not favoring or **disfavoring** incumbents...and the maintenance of cores of existing districts...and communities of interest.

All of these factors are violated by this present map.

This current map is unnecessarily in non-compliance with Federal and State law. It is true that in order to create the optimal number of MMD's there has to be modifications to some present districts. But this must be done in a thoughtful and legal way.