Albany County Redistricting Commission Final Report

Respectfully submitted on September 5, 2022 by:

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Executive Summary

The Albany County Redistricting Commission ("ACRC") and the Majority Minority District Redistricting Subcommittee ("MMD Subcommittee") present this draft Local Law with seven Majority Minority Legislative Districts and 32 non-MMD Legislative Districts to the County Legislature after nearly a year of work. The Commission and the MMD Subcommittee believe that the proposed district lines have been drawn fairly, and offer Albany County the best redistricting plan to avoid any Federal Voting Rights Act legal challenges.

The expert counsel retained by the ACRC and the MMD Subcommittee, as well as the specialist hired to test the effectiveness of our proposed Majority Minority Districts, have earned exceptional reputations in their fields. Every official meeting of both ACRC and MMD Subcommittee was recorded and all the Commission's deliberations can be seen in their entirety online. The Commission's process in determining every district was in strict adherence to federal and state laws, and to the provisions of Albany County Local Law 8 for 2019 (except where that Local Law's provisions were subordinated to federal and state laws).

The ACRC and MMD Subcommittee followed the provisions of Local Law 8 and Albany County's procurement policy in selecting contractors and interns to assist. Expenditures to-date have been well within the amount budgeted by the County Legislature.

Great effort was made to secure public input at every stage of the process. Four joint Public Hearings were held, and each body held at least one other Public Hearing by itself. Display advertisements were printed in both daily and weekly newspapers prior to Public Hearings, along with other outreach efforts detailed in this report. More than 60 persons either spoke at or submitted testimony at these hearings. Every public comment was reviewed and considered in the drafting of the final maps, and a full list of such comments is included in this report.

The greatest challenge in creating new district maps came from the uneven population growth between 2010 and 2020. Even towns (and districts) that did not see a major change in population were impacted by growth or decline in adjoining areas. When matched against the ideal 8,105 population goal for each revised legislative district, the current districts range from –10.2% under to +18.8% over that goal. The proposed plan creates 39 districts that range from –2.29% to +2.42%, within the requirements of federal and state law.

As detailed in this report, the building block of every Legislative District is the census block, which cannot be further divided. In Albany County, these undividable census blocks range in size from zero to over 3,000 people, creating real challenges to the mapmaking process, especially given the tight allowable population deviation between districts.

While every effort was made to keep communities and neighborhoods intact, this was not always possible. Federal and state law, as well as the provisions of Local Law 8 itself, place this consideration below the needs of nearly-uniform district size, effective minority representation, contiguity and compactness.

Introduction

Redistricting requires the redrawing of the legislative boundaries every 10 years to reflect population changes as reported by the most recent federal decennial census. Albany County has a history of being sued over county legislative redistricting over the last three decades, and losing in the courts due to judicial conclusions finding violations of the federal Voting Rights Act.

In 2019 the County Legislature adopted Local Law 8 of 2019 amending the County Charter, creating a redistricting commission separate from the Legislature to "facilitate a non-partisan, independent, inclusive and participatory redistricting process". (Statement of Legislative Findings and Intent, Local Law 8 of 2019.).

Commencing in September 2020 the County Legislature sought applications from persons interested in volunteering to serve on the Albany County Redistricting Commission ("ACRC", or "the Commission") or the Majority Minority District Redistricting Subcommittee ("MMD Subcommittee") once the decennial census was completed and the results were reported. The initial four appointments of the ACRC were drawn from the pool of applicants by the legislative leaders in September of 2021 ; the remaining members of the Commission were selected from the remaining pool by the initial appointees. The Commission began meeting weekly almost immediately thereafter.

The work of the Commission has been remarkable in the collaboration among the members and between the members of the ACRC and the MMD Subcommittee. While there have been challenges, they have been challenges in the line drawing process itself, and not of an interpersonal nature. Comments and suggestions from the public have been welcomed, reviewed and considered for adoption.

The Commission sought to complete its work and submit its proposed map of the 39 Albany County Legislature districts to the Legislature by early summer of 2022 to assure that the Legislature has adequate time for review of the proposed districts and that a new map can be adopted well before the start of the 2023 campaign season. That schedule has now been extended, to ensure adequate time for public input, and time for the Commission to make revisions in response.

It should be noted that the report on finances herein is incomplete as several significant expenses have not yet been paid. The Commission will provide a Supplemental Report with a complete description of the expenditures of the Commission and the MMD Subcommittee at a future date. At that time, the Commission will also provide some considerations for the future.

Section L of Local Law 8 of 2019 provides in part:

“The Commission shall submit its final report in the form of a proposed local law to the Clerk of the County Legislature within thirty (30) days after the final report is completed for distribution to the members of the Legislature.”

This document constitutes the Final Report of the Commission. The proposed local law is Attachment A of this document.

1. Goals

The simple statement of the goal of the Redistricting Commission is to develop in a fair and impartial manner a redistricting of the 39-district Albany County Legislature which would avoid, and if necessary prevail in, any litigation over the districts thereby established.

The Commission and the MMD Subcommittee have spent the past year working as described below in this Final Report. Given Albany County's history, one of the first and most important orders of business for both the ACRC and the MMD Subcommittee was engaging counsel. Both groups were fortunate in being able to engage the well-known and well-respected Jeffrey M. Wice of New York Law School's New York Census and Redistricting Institute. Professor Wice, in turn, engaged Dr. Lisa R. Handley, a renowned expert in conducting racial bloc voting analyses, to work with the Subcommittee. Prof. Wice and Dr. Handley counseled early on that racially polarized voting continues in Albany and that there could be no fewer than the current five majority minority legislative districts. Dr. Handley further noted that (1) the redistricting should result in more than five majority minority districts, if possible, and that (2) the question of whether that is possible is determined by whether those districts are "effective" districts, that is, whether based on past voting practices those minority districts will be able to elect their preferred candidate.

The community in Albany County outside the City of Albany with the largest concentration of minority residents is the Village of Menands and by incorporating a portion of the Village of Menands into a majority minority district, it was possible to establish seven majority minority districts in the County. In reviewing the voting history of the proposed seven majority minority districts, Dr. Handley concluded that in five of them the preferred candidate was likely to be elected and the election of the preferred candidate was possible in the other two. Based on this expert analysis and Prof. Wice's counsel, the MMD Subcommittee recommended the 7-MMD map and the Commission accepted that recommendation and incorporated those districts into the 39-district map.

It is recognized that substantial changes are recommended, particularly within the City of Albany and the Village of Menands. Those changes, in themselves, were not the intention, but rather the result, of following the law and the population. The Commission and the MMD Subcommittee believe that the proposed district lines have been drawn fairly and should avoid legal challenge in court.

2. Albany County Redistricting Commissioners

As per Local Law 8, original appointments to the Commission were made as follows:

Chair of the Legislature: Sita Subbaram
Legislative Majority Leader: Tom Clingan
Legislative Minority Leader: Mark McCumber
Legislative Black Caucus: Joan Ramsey

The additional five members were subsequently selected by the original appointees:

Warren Hamilton, Leif Hartmark, Julia Reeb, Patricia Sibilia, Larry Volk

Larry Volk was elected as the Commission's chair.

Please see the bios of the Commissioners and staff in Attachment I.

3. Legal Framework

Redistricting is a process that applies to every legislative body in the country that elects members by district. Redistricting seeks to realign district boundaries to account for population changes based on decennial census data. In addition to the numerous court decisions that impact the process, Albany County redistricting is also governed by the US Consititution, as well as state and county statutes:

- The Equal Protection Clause of the 14th Amendment to the U.S. Constitution;
- The federal Voting Rights Act of 1965 (as amended);
- Subdivision 4 of Section 34 of the New York State Municipal Home Rule Law as amended by Chapter 516 of the Laws of 2021; and
- Section 207 of the Albany County Charter as amended by Local Law 8 of 2019.

The U.S. Supreme Court has interpreted the Equal Protection Clause of the 14th Amendment to the U.S. Constitution to require that legislative districts be substantially equal in population ("one person, one vote"). The Voting Rights Act assures the right of all citizens to vote regardless of race, color or membership in a language minority group, where racially polarized voting is evident.

The Municipal Home Rule Law (MHRL) provisions have considerable specificity, both as to the subjects more broadly covered by the federal requirements and others. The MHRL provides a list of six factors to be applied in county redistricting in the follow priority order:

1. "[D]istricts shall be as nearly equal in population as is practicable" but, in any event, the difference in population between the most populous district and the least populous district can be no greater than five percent;
2. There is no intent or effect to deny or abridge "the equal opportunity of racial or language minority groups to participate . . . or to diminish their ability to elect representatives of their choice;"
3. Districts must be contiguous;
4. Districts must be compact;
5. Districts are not drawn to discourage competition or to favor incumbents or a political party; maintenance of the cores of existing districts and boundaries of cities, towns, villages and communities of interest are to be considered; to the extent practicable, do

not divide a city, town or village with 40 percent or less of the ideal district population; and

6. "[P]romote the orderly and efficient administration of elections."

The Albany County Charter amendments (adopted two years before the MHRL amendments) requires compliance with the Voting Rights Act and establishes the "goal of equal and fair representation of all people in Albany County" and provides a set of factors, but not in a priority order, to be considered:

- Minimize population variance;
- Lines should not be drawn which would result in "the denial or abridgement of racial or language minority voting rights" and racial or minority language groups have no less opportunity than others to elect representatives of their choice;
- Districts are contiguous territory;
- Districts are compact;
- Districts are "consistent with existing municipal and rural boundaries, and neighborhoods;"
- "[T]he places of residences of incumbents or candidates shall not be identified or considered;" and
- "[P]arty registration shall be excluded from all phases of the mapping process."

Application of all these criteria requires balancing competing interests. The Commission has sought to carefully apply the two federal requirements of substantially equal population and no discriminatory intent or effect, and then address additional considerations. The Commission has worked together, with public input, to evaluate and balance various interests as fairly as possible.

4. Contractor Selection

The Commission followed Albany County's procurement policies in selecting ACRC legal counsel and mapping services.

Selection of Legal Counsel

A Request for Proposals (RFP) for legal services was issued on November 4, 2021 with a return date of November 29. There were no responses to the formal RFP. The Commission subsequently issued a Request for Quotations (RFQ) on December 13 with a return date of December 27. Two qualified responses were received; from Messina, Perillo and Hill of Sayvillle, New York, and Professor Jeffrey M. Wice of the New York Law School's New York Census and Redistricting Institute. A review team consisting of three Commissioners reviewed the proposals, using a set of weighted evaluation criteria.

CRITERIA	***WEIGHT***
Proposer's comprehension of the required (work) Scope of Services	20%
Proposer's Professional Qualifications	20%
Completeness of the Proposal	10%
Total Proposed Cost	25%
Proposer's Experience in providing redistricting and voting law compliance services	25%

The two proposals were scored using an average of the scores of the three reviewers. The proposal submitted by Jeffrey Wice of the New York Law School's New York Census and Redistricting Institute scored higher. Following the reference checks, Jeffrey Wice was selected by the ACRC as counsel.

Selection of Mapping Service

A Request for Proposals (RFP) for mapping services was issued on October 25, 2021 with a return date of November 15, 2021. Three qualified responses were received: Applied Geographics, Inc., ARCBridge, and Mair Magaw, with bids that were $62,500, $74,000 and $95,000 respectively. A review team consisting of three Commissioners reviewed the proposals, using a set of weighted evaluation criteria.

CRITERIA	***WEIGHT***
Proposer's comprehension of the required (work) Scope of Services	20%
Proposer's Professional Qualifications	20%
Completeness of the Proposal	10%
Total Proposed Cost	25%
Proposer's Experience in providing redistricting and mapping services	25%

The three proposals were independently scored by each commissioner and then the results were shared with the ACRC, using an average of the scores of the three reviewers. Applied Geographics Inc. (AppGeo) was ranked the highest by each commissioner and was selected as the mapping contractor for the ACRC.

5. Finances

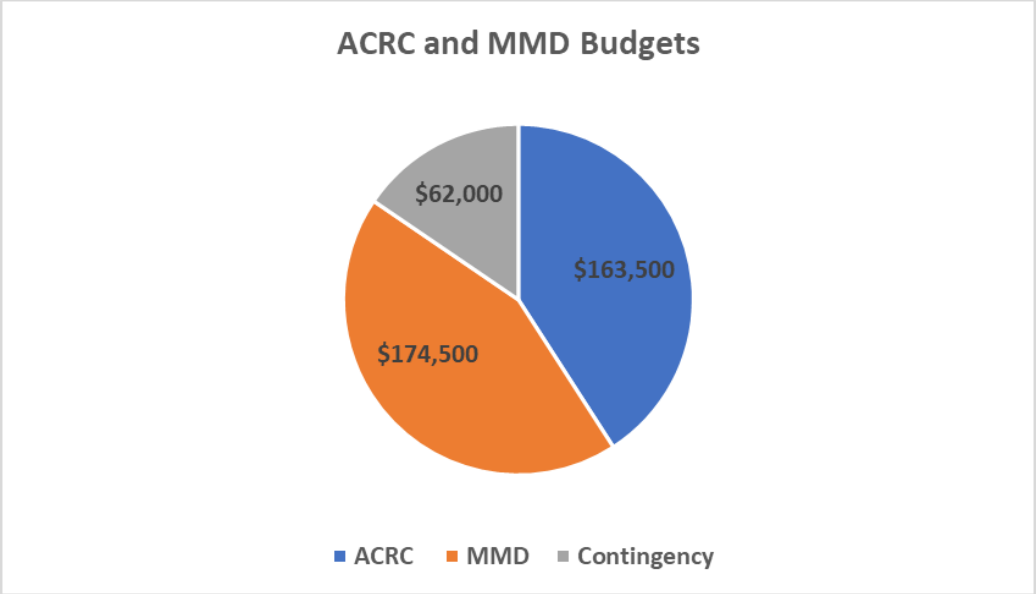
The Albany County Legislature appropriated $400,000 to support the work of the ACRC and MMD Subcommittee. The Local Law creating the ACRC and the MMD Subcommittee authorized the hiring of consultants for mapping and legal services, and other personnel and related resources deemed necessary for the timely and effective conduct of its mission.

A Joint Budget Committee of the ACRC and MMD Subcommittee was created at the January 24, 2022, meeting of the Commission. It consists of three members of the ACRC and three members of the MMD Subcommittee, with co-chairs from each body. The Joint Budget Committee was charged to make recommendations on the equitable distribution of resources between the two bodies, based on the nature of each mission, the requirements for completing their work and their anticipated costs.

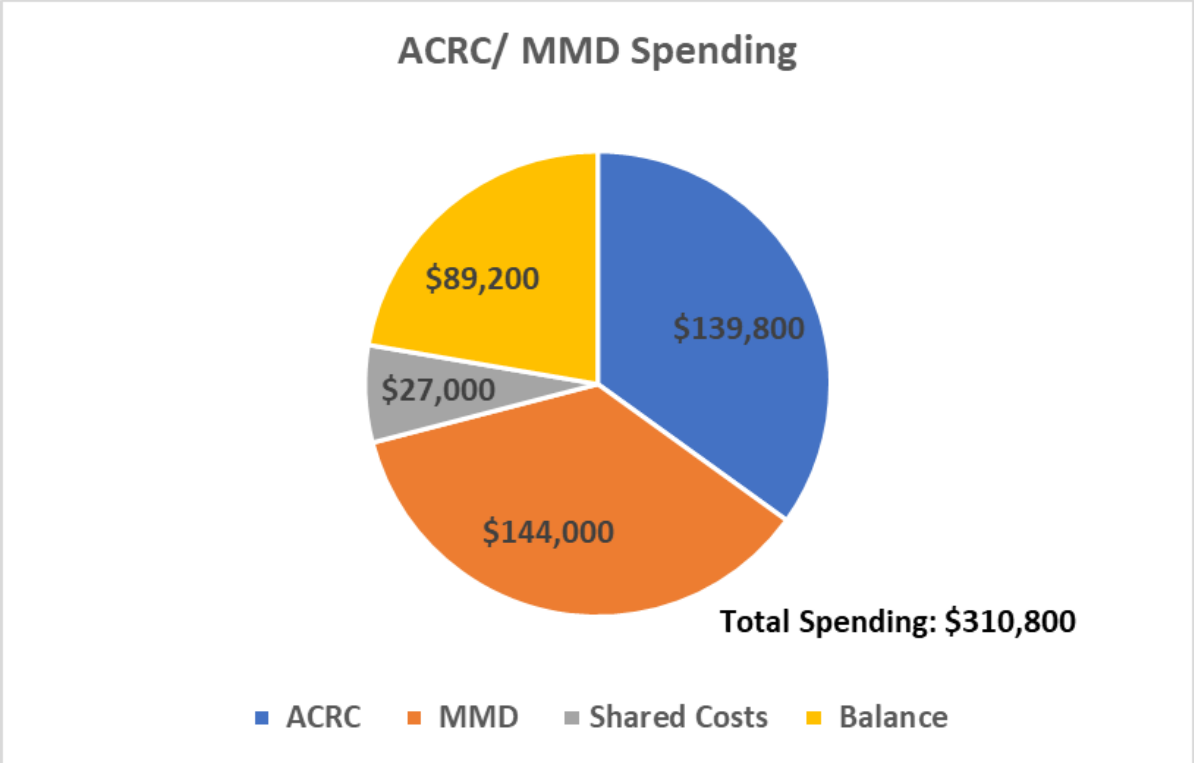
Specific functions include:

- Provide estimates of the cost of various services and activities of each body, including the costs associated with conducting hearings, both jointly and separately, public information, mapping and legal services, administrative support and other related costs.
- Develop a comprehensive budget for each body based on these estimates. Recommend an equitable distribution of resources between the two bodies based on their respective needs and anticipated costs.
- Monitor expenses by category and report periodically on expenditures and balances to the ACRC and the MMD Subcommittee.
- Report periodically to each body on any significant variances from budgeted estimates.
- Make recommendations to each body regarding any significant changes or modifications to their respective budgets.
- Project total estimated expenses for the ACRC and MMD Subcommittee and alert both bodies if such projections indicate expenses in excess of the $400,000 appropriation. Suggest remedial action such as additional savings, budget reallocations, or requesting supplemental County appropriations if needed.
- Prepare a final report on final expenditures of each body.

The charge to the Committee was approved by both the ACRC and the MMD Subcommittee in February. The Committee developed a combined budget which distributed resources to each body based on the then current estimates of their respective needs. The $400,000 appropriation was apportioned as follows: ACRC: $163,500; MMD Subcommittee: $174,500; and $62,000 was held in reserve as a contingency.



While final invoices and payments are not all in as of this writing, the following is a report on the expenditures through August 12, 2022, and the known or projected outstanding obligations. The ACRC spent $139,800 and the MMD spent $144,000. In addition, there were shared costs for the four public hearings that were held jointly: $27,000. A total of $310,800 was spent in support of these activities, leaving a current balance of $89,200.



The largest share of these expenses was for legal and mapping services and each body contracted for these services. The ACRC and MMD Subcommittee both contracted with Professor Jeffrey Wice of New York Law School for $60,000 and $50,000 respectively. These costs are still outstanding and are projected here. The ACRC contracted with AppGeo Mapping Services for $68,500 (including an amendment), and the MMD Subcommittee contracted for mapping services with ARCBridge Consulting for $84,600 (also including an amendment). The only personnel costs were for student interns who were hired consistent with County Human Resources systems and requirements. Two interns were hired for each body, and two of these interns remained for the full duration of the ACRC and MMD Subcommittee work.

Total Spending by Category

	ACRC	MMD	Shared Costs	Total
Mapping Services	$ 68,500	$ 84,600		$ 153,100
Legal Services *	$ 60,000	$ 50,000		$ 110,000
Public Information	$ 4,868	$ 4,152	$ 23,500	$ 32,520
Interns	$ 5,655	$ 3,610		$ 9,265
Public Hearings	$ 570	$ 1,060	$ 3,540	$ 5,170
Technology	$ 191	$ 520		$ 711
	$ 139,784	**$ 143,942**	**$ 27,040**	**$ 310,766**

*Projected costs

A final accounting of the ACRC and MMD spending will be submitted subsequently, when all expenditures have been processed.

6. Community Engagement

The Commission as a body brainstormed a number of ideas to engage the community. These options included:

Website

A set of webpages was created on the Albany County website dedicated to the work of the Commission and MMD Subcommittee. The goal of the website was to provide as much transparency of the Commission's work as possible, as well as promoting the engagement of the public in that work. In addition, the website is the main repository of the Commission's work. The main page (available at this link) features basic information as well as having regular updates to highlight the most current key information for the public – upcoming public hearings as well as published maps. There are multiple subpages for:

- Dedicated page for the MMD Subcommittee
- Mapping, including:
    - AppGeo's MORe application as a tool for the public to draw maps,
    - An interactive map with ability to apply multiple sublayers, and
    - All MMD and ACRC commission published maps.
- Meetings, including:
    - How to participate in Public Hearings, including a feature to listen only for any residents who may not have a strong internet connection,
    - Listing of all Commission meetings, including posting of agendas and meeting minutes, and
    - Links to all Public Hearings and committee recorded meetings on the Commission's and MMD Subcommittee's YouTube channel.
- Public submissions received, including links to written testimony and/or oral testimony given at a public hearing.
- Press announcements and media.
- Commissioner biographies.

Five ACRC Public Hearings

For every public hearing, the required legal notices were published, flyers/posters were created and distributed, and ads were taken out in the Times Union, the Altamont Enterprise and the Colonie and Bethlehem Spotlight weekly papers to ensure the public was fully aware of the ACRC public hearings. The website also prominently displayed information about the hearings and how to submit testimony and/or listen to them.

To ensure there were no barriers for participation and for complete transparency, every public hearing was livestreamed on YouTube and recorded, and a stenographic record was made of

the entire proceeding and posted on the website. In addition, a call-in number was provided for those not able to use the internet.

1. The first ACRC Public Hearing (jointly with the MMD Subcommittee) was held virtually on Tuesday, March 8, 2022, at 4 pm. Small display advertisements were run in each of the above newspapers. The Times Union also ran a story about Albany County's redistricting process on March 4 which mentioned the hearing. The focus of the hearing was to educate the public and to present a map of the current districts showing population growth or loss for each district. Two people submitted written testimony and one individual spoke.
2. The second joint Public Hearing was held on Thursday, April 14, 2022, at 4 pm in the Cahill Room of the Harold L. Joyce County Office Building at 112 State Street, where the public could attend or speak virtually or in person. Similar small display ads were again printed. One person submitted written testimony and three individuals spoke.
3. The third ACRC Public Hearing was also held virtually and in-person in the Cahill Room on May 26, 2022, at 5 pm. Since this hearing focused on the Commission's first draft of the map, for the first time, full-page advertisements including first draft maps were printed in the Sunday Times Union, and in the Bethlehem Spotlight, Colonie Spotlight, and Altamont Enterprise weekly newspapers. Eleven people provided written testimony and seven people spoke.
4. ACRC's fourth Public Hearing was also held jointly with the MMD subcommittee, virtually and in-person at the Cahill Room on Thursday, June 30, 2022, at 5 pm. The second draft map (which included 6 MMDs) was posted in advance on the website and was included in the full-page advertising that ran in two successive Sunday Times Union issues and again in full page ads in the three weeklies. Electronic advertising for the entire 24 hours of June 28 at Timesunion.com was also used for outreach. Twenty-one people delivered testimony in person, virtually, or by written submission.
5. The decision of the MMD Subcommittee to recommend seven MMD districts, and the re-drawing of many other districts to accommodate that decision, led ACRC and the MMD Subcommittee to hold one further joint public hearing (virtually and in-person) at 5:30 pm on Thursday, August 4, 2022, at the Cahill Room. Eleven members of the public spoke or delivered written testimony at this August hearing, notice of which was given by another series of full-page advertisements. In addition, the Times Union on Sunday July 17 ran a frontpage story about the recommendation of seven MMDs, with a large map showing all seven. An editorial supporting the work of the Commission and the Subcommittee appeared in the Times Union on July 25.

For a summary of all the testimony and maps received (either in person or via written submission) please see Attachment H, which includes links to the full testimony and maps received.

Progress Reports

ACRC released three periodic Progress Reports via the County website during the course of its deliberations. These were issued on February 7, April 11, and June 20, 2022. They can be viewed on the website at this link.

Mailings

Current email contact lists, gathered from various community-based sources, were used to distribute communications regarding public hearings.

Flyers/Posters

Flyers/ Posters were created and distributed across various public and private places (such as churches and Stewarts shops). Digital copies of the flyers were shared online through social media and other electronic distribution lists of community members.

Albany County Municipalities

Commissioners contacted the different municipalities in Albany County to request that they share the flyers and information about public hearings by either posting them on their website, or by distributing them via their municipal email lists.

Newspaper Advertising

The Commission contacted the Spotlight newspapers, Altamont Enterprise and The Times Union to publish public announcements, and multiple full-page advertisements, including showing draft maps (formatted by the mapping contractor, AppGeo).

Social Media

The Commission created a dedicated Facebook page and Twitter account for delivering information to the public via social media. Commissioners occasionally amplified the postings, and used this tool to post additional information. A YouTube account was established to both livestream meetings and hearings as well as to be a repository of all video recordings with separate playlists for ACRC meetings, MMD Subcommittee meetings and Public Hearings.

Colonie Farmers Market

Members of the ACRC attended a local farmers market, talked with residents, presented displays of the current district with updated census numbers, the proposed map, and provided general information about the process and the Commission.

7. Mapping Process

Overview

The 2020 census count is the primary driver of the redistricting process, and as per law, the final census numbers are adjusted by incarcerated individuals being counted at their (former) home addresses. This adjusted count is 316,079 individuals for all of Albany County.

The total population of the County, when divided evenly across the 39 districts, results in the ideal population being 8,105 residents per district.

NYS legal requirements are such that the difference in population between the most and least populous district shall not exceed 5% of the mean/average population of all districts. In order to stay as close to the mean as possible, the population of a district should only vary within a range of +/- 2.5% of the 8,105 population, meaning between 7,902 to 8,307 people per district. This state law supersedes the language in Local Law 8 for 2019 about minimizing population variance.

To balance the population between the districts, census blocks are added or subtracted. Census blocks are defined by the US Census Bureau and can vary significantly in size. In Albany County the population of a census block ranges from zero (such as in a commercial or recreational area) to 3,294 (such as in a highly populated area). [Attachment G shows the largest and smallest census blocks in each Albany County municipality.] The difference of a maximum of 5% deviation between the most and least populous districts, about 400 people creates challenges when trying to fine-tune the lines in the mapping process since census blocks are fixed and whatever their size, cannot be subdivided. Albany, Cohoes, Colonie and Guilderland each have undividable census blocks of over 1,000 people. What's more, sometimes these large census blocks completely surround other census blocks – and the "contiguity" requirement means that these surrounded blocks must then also be in the same district as the block surrounding it. Not only does this make it harder to draw a district within the population limits, but it also makes it more likely that older, more dense communities with smaller population blocks, will end up divided into different districts in order to make a district fit the new tighter population requirements. A seemingly reasonable suggestion to include (or exclude) a particular neighborhood can be impossible just because that neighborhood is a portion of an 800-person census block.

The Commission started its work with the results of the incarcerated-adjusted census which showed that there was a major shift of the population from the south and west of the County to the northeast. The map shown in Attachment D highlights the change in population of cities and towns in Albany County between the 2010 census and the 2020 census.

The county's northeastern area (Cohoes, Colonie, Green Island and Watervliet) grew by 6% in adjusted population over 2010; the City of Albany grew by 2.34%; the suburban towns of Bethlehem, Guilderland and New Scotland grew by 4.42%, and the more rural towns of Berne, Coeymans, Knox, Rensselaerville and Westerlo together declined by –2.63%. The net effect of all these population changes caused legislative districts in the northeast to become smaller in area, and the districts in the south and west to become physically larger. The town most impacted by this movement of districts is Guilderland, which needed to have one of its legislative districts expand to include a portion of Colonie.

Some extreme examples of the current districts with the updated population counts are:

> The current District 37 in the southeast (Coeymans) corner had a population of 7,276 with a deviation of -10.23% below the ideal. It needed to be reconfigured to add Census Blocks to bring in at least 626 individuals. This means adjusting to make the district larger in area than it currently is.
>
> On the other end of the spectrum, the current District 18 in the northeast (Colonie/Cohoes) corner had a population of 9,630 with a deviation of +18.82% over the ideal. It needed to be reconfigured to subtract Census Blocks to remove at least 1,323 individuals. This means adjusting to make the district smaller in area than it currently is.

ACRC's mapping began with areas of the county that were at a distance from the likely MMD areas and worked inward towards those areas; allowing the ACRC to begin mapping work while the MMD Subcommittee focused on the MMD districts.

Both the ACRC and the MMD Subcommittee carefully considered all the input received when drafting the maps, but to be clear, the Commission had to adhere to what the laws require including the priority given to certain factors in them.

While the Albany County Local Law 8 for 2019 guided a good portion of the work, it was superseded by the NY State law passed in October 2021 which clearly outlines the criteria but also the priority order of them.

As mentioned previously, the number one priority is to make the districts as equal in size as possible with the variation of the counts between them being within 5%. Census blocks were moved between districts to achieve this result, while also giving careful consideration to the other criteria when doing so.

The second priority the state law gives is that "Districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minority groups to participate in the political process or to diminish their ability to elect representatives of their choice." Local Law 8 for 2019 specifically addressed this by creating the MMD Subcommittee. The MMD Subcommittee worked tirelessly on this difficult task in coordination with their retained experts. The ACRC accepted the MMD Subcommittee's plan unanimously and then adjusted the remaining districts around the MMD plan.

The third and fourth priorities outlined in the State law are contiguity and compactness in that order. In drafting of plans, the Commission visually reviewed our drafts and several times explored changing the district borders where they were not as compact as desired, and adjusted them where possible, based on census block sizes, to better adhere to this criterion. The Commission also used AppGeo's Maptitude software's analytics to ensure they met these priorities.

The last priority outlined in the State law combines several different criteria into the one enumerated fifth priority - political data, municipal boundaries and communities of interest:

- Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. This is also reinforced in the language in Albany County's Local Law 8 for 2019. Candidate and party registration were excluded from all phases of the mapping process, except when used by the MMD Subcommittee to test maps for compliance with its goals by using party voting history and participation.
- Also included in this fifth priority is the maintenance of cores of existing districts, and of pre-existing political subdivisions including cities, villages, and towns. This was seriously taken into consideration in deliberations and to the extent possible without violating higher priorities, adjustments were made to achieve this.
- The fifth NYS criteria also include what is commonly referred to as the 40% rule, which is that to the extent practicable, no villages or cities or towns, except those having more than forty percent of a full ratio for each district, shall be divided. For Albany County, 40% of the 8,105 ideal district population is 3,243 people. There are 7 municipalities in Albany County that fall within this criterion: The Town of Berne, the Town and Village of Green Island, the Town of Knox, the Town of Rensselaerville, the Town of Westerlo, the Village of Altamont, and the Village of Voorheesville. In each case, those municipalities were kept intact in the districts drawn.
- The last criterion in the 5th priority of the NYS Law speaks to keeping communities of interest intact where possible, which implies without violating the four higher priorities. A community of interest is defined as a group that shares a common interest. The definition of a community of interest can vary greatly by who is defining it. For parents of school age children, it may be the school district that defines their community - the parents and students they regularly interact with. For others it might be defined by a residential community or neighborhood, those they see regularly as they go about their daily business. It could also be defined by racial, ethnic or economic groups. Because the definition can vary by perspective, there is no one "right" community of interest for the Commission to use in the mapping process. Instead, the Commission endeavored to take as many as possible into consideration when drawing the district lines.

When drawing the boundaries for each district, the Commission consistently applied the four major priority requirements; however, for the fifth priority the Commission carefully reviewed

all the testimony received, utilized the varied knowledge of different parts of the county, and did further research where needed to determine what were the best district boundaries.

Finalizing the Maps

Throughout the process, the ACRC adjusted the maps based on receipt of testimony and review of submitted maps but did not finish its work until the MMD Subcommittee finalized the MMD districts.

The MMD Subcommittee at its August 6 meeting voted to approve its recommended 7-MMD map. An ACRC mapping workshop was held on August 8 to consider changes to the proposed non-MMD districts as a result of testimony at the August 4 public hearing and recommended that several minor changes be made to the final map.

Following testimony received at the August 4 Public Hearing, the boundary between the 16th and 20th districts was re-examined, and a triangular census block in the 20th district identifying with the Maplewood community in the 16th district was moved to the 16th district. To balance this change, a slightly smaller census block just to the north along the same boundary was moved from the 16th to the 20th. In western Colonie, a suggestion to move eight census blocks on the south side of Central Avenue from the 28th district to the 27th was also examined, again from testimony received at the same hearing. ACRC agreed to this change, balanced by moving a similar-sized population further east on Central Avenue from the 27th to the 28th.

Public comments received about changes to the boundaries of the 28th and 29th districts in Guilderland were also examined. Upon review, several minor changes to these two districts, and to the 30th, 31st, 32nd in Guilderland were found to be improvements over the latest draft map.

The vote to approve this final map and transmit it to the County Legislature with the Report and draft Local Law was approved on August 10, 2022, by a vote of eight in favor, none opposed, and none abstaining (one commissioner was absent.)

8. Legislative District Descriptions

Overview

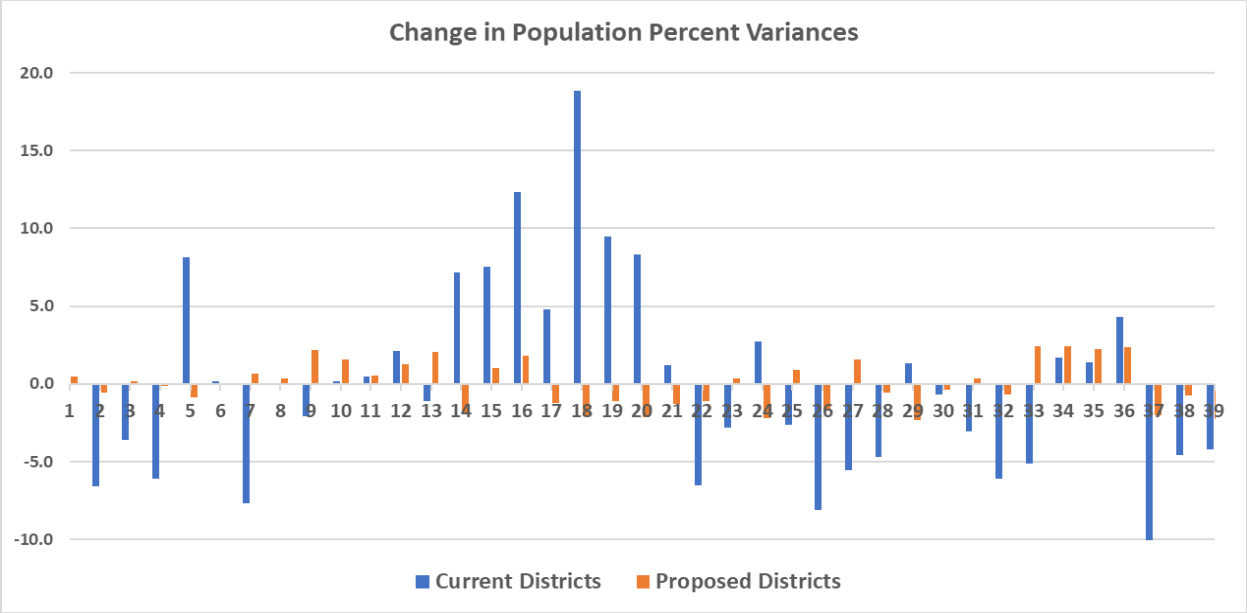
In redrawing the boundaries of districts outside the MMDs, ACRC sought to balance all the legal requirements discussed above with the oral and written comments and maps received at public hearings. This was no small task, given the growth of population in the northeastern part of the county, the more modest growth in Albany and surrounding suburbs, and the loss of population in the rural communities.

ACRC succeeded in:

- Respecting the municipal boundaries of smaller towns and villages as discussed above (including keeping both Berne and Knox whole);
- Creating one Watervliet district entirely within that city;
- Crafting the Village of Colonie district to more closely match that village's borders;
- Creating two districts entirely within Cohoes; and
- Minimizing the impact of population shifts on the Town of Guilderland (which lies at the crossroads of the population changes in the 2020 census.)
    - Three Guilderland districts will be essentially within the town;
    - One continues to be shared with Knox; and
    - One now follows the population shift by including part of the town of Colonie.
- It proved impossible to keep New Scotland in just two districts when the rural hill towns' loss of population required the legislative district in those towns to extend into the Clarksville area.
- The tighter limits on population deviation between districts required the current Coeymans district to be expanded to encompass part of the Selkirk area of Bethlehem.

As described in the descriptions of individual districts, an attempt was made wherever possible to maintain the cores of existing districts and to keep neighborhoods and communities of interest together. In the City of Albany, following the final revision of the majority minority districts by the MMD Subcommittee, a limited number of neighborhoods were restored to their former districts, and the incursion of Albany districts into North Bethlehem was diminished.

ACRC established district populations within 4.71 percent range in variation which is less than the 5% required by State law. While the existing legislative districts range from minus 10.23 percent to plus 18.82 percent variation from the ideal district population, the 39 proposed legislative districts have a much narrower range: from minus 2.29 percent to plus 2.42 percent variation from the ideal population of 8,105.



Moreover, the average or mean variation is only plus or minus 1.28 % from the ideal. 21 of the 39 districts are within plus or minus 1.28% of the ideal population, and sixteen districts are within plus or minus 1.0% variation

District Descriptions

Please see Attachment F for maps with statistics for each proposed legislative district.

MMD Districts

Districts one through seven are MMD Districts with the descriptions taken directly from the MMD Subcommittee's report. In the text below the following abbreviations are used:

HISP = Hispanic NHB = Non-Hispanic Black NHW = Non-Hispanic White

For a full listing of all abbreviations in the document, please see Attachment L.
Please see the MMD Subcommittee Report (Attachment B) for more details concerning these districts.

1st District

The proposed 1st District is entirely within the City of Albany. It includes the Port of Albany, Mt. Hope Townhouse Association Neighborhoods, the southern part of Delaware Area, Second Avenue, and South End Neighborhoods. The current District 1, with a population of 8008, is -1.20% under the ideal population of 8105. The proposed district 1 with a population of 8144 is 0.48% over the ideal population. Proposed District 1 extends west by picking up more area from the Delaware Area and removing areas from Delaware Area, Second Ave to District 5 and part of South End to Districts 5 and 6. The proposed District 1 is made up of majority of current District 1 and parts of Districts 8, 9 and 6.

The proposed configuration of district 1 has less than 50% NH Black Majority Voting Age Population but when the NH Black and Hispanic voting age population is combined, the district has a majority minority population.

PROPOSED MMD PLAN – DISTRICT 1

	Total Pop	NHB	NHB%	NHW	NHW%	Hisp	Hisp%	Hisp+NHB	HISP+NHB%
TOTAL POP	8144	3259	40.02%	2296	28.19%	1526	18.74%	4785	**58.75%**
VOTING AGE	6181	2409	38.97%	2029	32.83%	1016	16.44%	3425	**55.41%**

2nd District

The proposed District 2 is within the City of Albany. It includes a part of the Arbor Hill Concerned Citizens community, Center Square, Sheridan Hollow, Washington Park, Washington Square, and West Hill neighborhoods. Current District 2 with a total of 7573 is 6.56% lower than the ideal population. The proposed District 2, with a population of 8060, is 0.56% lower than the ideal. The proposed District 2 removes part of West Hill to District 3, picks up Arbor Hill area in the North East, removes the area in the eastern part, removes areas of Sheridan Hollow in the east and picks up part of Center Square. The proposed District 2 is made up of majority of current District 2 and small parts of current Districts 3 and 5.

The proposed configuration of District 2 has less than 50% NH Black Majority Voting Age Population but when the NH Black and Hispanic voting age population is combined, the district has a majority minority district population.

PROPOSED MMD PLAN – DISTRICT 2

	Total Pop	NHB	NHB%	NHW	NHW%	Hisp	Hisp%	Hisp+NHB	HISP+NHB%
TOTAL POP	8060	3994	49.55%	2254	27.97%	981	12.17%	4975	**61.72%**
VOTING AGE	6303	2886	45.79%	2097	33.27%	698	11.07%	3584	**56.86%**

3rd District

The proposed District 3 is in the City of Albany and also extends into the Village of Menands. The proposed district includes the Warehouse District Neighborhood and parts of the neighborhoods of Arbor Hills Concerned Citizens, No. Albany/Shaker Park, and West Hill. The current district, with a population of 7815, is 3.58% lower than the ideal population of 8105. The proposed

district, with a population of 8121, is 0.2% more than the ideal population. Parts of No. Albany/Shaker Park and West End neighborhoods were assigned to the newly proposed district 7 and parts of the Village of Menands were included to balance the population and keep district 3 as a majority minority District. The proposed District 3 is made up of majority of current District 3 and small parts of current Districts 2, 6 and 14.

The proposed configuration of District 3 has less than 50% NH Black Majority Voting Age Population. Even when the NH Black and Hispanic voting age population is combined, the district has less than 50%. It is however, an effective minority district.

PROPOSED MMD PLAN – DISTRICT 3

	Total Pop	NHB	NHB%	NHW	NHW%	Hisp	Hisp%	Hisp+NHB	HISP+NHB%
TOTAL POP	8121	3483	42.89%	2610	32.14%	711	8.76%	4194	**51.64%**
VOTING AGE	6366	2607	40.95%	2298	36.10%	503	7.90%	3110	**48.85%**

4th District

The proposed District 4 is within the City of Albany. It includes part of Beverwyck, Pine Hills, Washington Square and West Hill Neighborhoods. The proposed district removes the western part of the current district 4 to the newly created District 7. The areas removed include parts of the West End and Beverwyck Neighborhoods. The current 4th district, with a population of 7610, was 6.11% under the ideal population. The proposed District 4 with a population of 8094 is only 0.14% lower than the ideal population. The proposed District 4 is made up of majority of current District 4 and small parts of current Districts 5, and 7.

The proposed configuration of District 4 has less than 50% NH Black Majority Voting Age Population but when the NH Black and Hispanic voting age population is combined, the district has a majority minority population.

PROPOSED MMD PLAN – DISTRICT 4

	Total Pop	NHB	NHB%	NHW	NHW%	Hisp	Hisp%	Hisp+NHB	HISP+NHB%
TOTAL POP	8094	3642	45.00%	1766	21.82%	1170	14.46%	4812	**59.45%**
VOTING AGE	6042	2609	43.18%	1573	26.03%	797	13.19%	3406	**56.37%**

5th District

The 5th District is within the City of Albany. It is a newly created minority district made of parts of current District 1, 6 and 8. It includes the neighborhoods of Lincoln Park and Mansion and parts of Second Ave, South End and Delaware Area. It does not include any part of current District 5 in it. The current District 5, with a population of 8767, is 8.17% over the ideal population. The proposed district with a population of 8034 is 0.88% under the ideal population.

The proposed configuration of District 5 has less than 50% NH Black Majority Voting Age Population but when the NH Black and Hispanic voting age population are combined, the district has a majority minority population.

PROPOSED MMD PLAN – DISTRICT 5

	Total Pop	NHB	NHB%	NHW	NHW%	Hisp	Hisp%	Hisp+NHB	HISP+NHB%
TOTAL POP	8034	3312	41.22%	2368	29.47%	1112	13.84%	4424	**55.07%**
VOTING AGE	6345	2489	39.23%	2132	33.60%	836	13.18%	3325	**52.40%**

6th District

The proposed District 6 is with the City of Albany. It removes the western part of the old district to proposed District 5 and parts to District 1 and 3. It picks up areas from current Districts 2 and 5. The current District 6, with a population of 8120, is 0.19% above the ideal. The proposed district, with a total population of 8104, is closest to the ideal population with a difference of -0.01%. The proposed District 6 includes Downtown BID, Hudson Park, and Historic Pastures Housing Development neighborhoods. It also includes part of Arbor Hill, Sheridan Hollow, South End, and Ten Broeck Triangle Preservation League neighborhoods. The proposed District 6 is made up of majority of current District 6 and small parts of current Districts 2, and 5.

The proposed configuration of District 6 has less than 50% NH Black Majority Voting Age Population. Even when the NH Black and Hispanic voting age population is combined, the district has less than 50%. It is however, an effective minority district.

PROPOSED MMD PLAN – DISTRICT 6

	Total Pop	NHB	NHB%	NHW	NHW%	Hisp	Hisp%	Hisp+NHB	HISP+NHB%
TOTAL POP	8104	3383	41.74%	2926	36.11%	988	12.19%	4371	**53.94%**

VOTING AGE	6622	2581	38.98%	2748	41.50%	675	10.19%	3256	**49.17%**

7th District

The proposed District 7 is a newly created MMD. It is made up of parts of current District 3, 4 and 13. The district, with a total population of 8158, is 0.65% more than the ideal population. The proposed district includes the neighborhoods of West End and Shaker Bishop's Gate and parts of Beverwyck, No Albany/Shaker Park, Pine Hills, and Upper Washington Ave.

The proposed configuration of District 7 has less than 50% NH Black Majority Voting Age Population but when the NH Black and Hispanic voting age population is combined, the district has a majority minority population.

PROPOSED MMD PLAN – DISTRICT 7

	Total Pop	NHB	NHB%	NHW	NHW %	Hisp	Hisp%	Hisp+NHB	HISP+NHB %
TOTAL POP	8158	3383	41.47%	2569	31.49%	1108	13.58%	4491	**55.05%**
VOTING AGE	6406	2518	39.31%	2285	35.67%	766	11.96%	3284	**51.26%**

Non-MMD Districts

8th District

City of Albany: Washington Park and Park South neighborhoods, along Madison Ave between Lark and Partridge streets. Note: bordered on 3 sides by MMDs, the remains of former District 5 (now renumbered as "8") could only be expanded to the west. The current 8th District is 0.05% under the ideal population; the proposed district is 0.39% over.

9th District

City of Albany and a small portion of Bethlehem: Neighborhoods west of Academy Road along New Scotland Ave, Hackett Blvd, and Whitehall Road east of Sycamore; lower New Scotland Ave and McCormack Road neighborhoods. Note: substantial reduction in the portion of former District 9 that extended into Slingerlands in Bethlehem. The current 9th District is 2.09% under the ideal population; the proposed district is 2.16% over.

10th District

City of Albany: Buckingham Pond, St Peter's hospital, New Scotland Ave and So. Manning Boulevard neighborhoods. The current 10th District is 0.20% over the ideal population; the proposed district is now 1.6% over.

11th District

City of Albany and a portion of Bethlehem: Western Ave south of State Office Campus; lower Russell Road and Schoolhouse Road neighborhoods in North Bethlehem area. The current 11th District is 0.51% over the ideal population; the proposed district is 0.53% over.

12th District

City of Albany: Pine Bush area, including the portions of the UAlbany uptown campus inside the city limits, and also includes Yardboro Ave neighborhood off of Central Avenue. The current 12th District is 2.10% over the ideal population; the proposed district is 1.28% over.

13th District

City of Albany: Upper Washington and Western Avenues; Pine Hills area south of Central Ave and north of Mercer St, east of Edgewood/Eileen/Holmes Dale, along both sides of Western Ave. The current 13th District is 1.10% under the ideal population; the proposed district is 2.07% over. Note: The final proposed changes in MMDs enabled return of upper Lincoln Ave and Washington Avenue neighborhoods to this District, as public comments requested.

14th District

Town of Colonie, City of Watervliet: As most of the Village of Menands is now proposed to be added to an MMD, the disconnected remaining portions of that village, and its surrounding neighborhoods in Colonie, are now proposed to be added to this district, including an area of Loudonville that was cited in public testimony as having a strong affiliation with Menands. The proposed14th district's portion of the City of Watervliet is increased to include all of that city south of the Watervliet Arsenal, plus eastern Colonie south of Watervliet Shaker Road (including the Port Schuyler neighborhood), as well as the Loudonville area south of Siena College and east of Loudon Road and (south of Crumitie Road) on both sides of Loudon Road. The current 14th District is 7.17% over the ideal population; the proposed 14th district is 1.88% under.

15th District

City of Watervliet and Mannsville neighborhood of the Town of Colonie: The Watervliet Arsenal and all parts of Watervliet north of the Arsenal. Public comments asked that Watervliet not be divided into more than two districts (the rest of Watervliet will now be in the proposed 14th district.) The current 15th District is 7.54% over the ideal population; the proposed district is 1.01% over.

16th District

Towns of Green Island and Colonie, and City of Cohoes: All of Green Island, the Maplewood and southern Boght Road neighborhoods of eastern Colonie, and the south and southwest portions

of Cohoes. The current 16th District is 12.31% over the ideal population; the proposed district is 1.80% over. Note: The northernmost portion of the City of Watervliet is now part of the proposed 15th district.

17th District

City of Cohoes: The downtown, Simmons Island, and Van Schaick Island portions of Cohoes. The current 17th District is 4.82% over the ideal population; the proposed district is 1.22% under.

18th District

City of Cohoes: Portions of Colonie formerly part of this district are now in the proposed 19th district, enabling Cohoes's northern and western areas to now be completely within the proposed District 18. The current 18th District is 18.82% over the ideal population; the proposed district is 1.99% under.

19th District

Town of Colonie: This district extends along the south shores of the Mohawk River, from the Schenectady County line to the northern border of the City of Cohoes, including the Dunsbach Ferry, Crescent and Boght Corners neighborhoods. The current 19th District is 9.46% over the ideal population; the proposed district is 1.10% under.

20th District

Town of Colonie: East Latham area south of Johnson Road, east of New Loudon Road, and north of Troy Schenectady Road, including the Park Avenue neighborhood near Latham Circle. The current 20th District is 8.30% over the ideal population; the proposed district is 2.11% under.

21st District

Town of Colonie: Latham area south of Troy Schenectady Road up to the City of Watervliet, including Newtonville and Siena College. The current 21st District is 1.21% over the ideal population; the proposed district is 1.31% under.

22nd District

Town of Colonie: Airport area, including the Whitney Estates neighborhood north of Troy Schenectady Road and the neighborhood north of Watervliet Shaker Road adjacent to the Northway. The district extends from the Schenectady County line in the northwest to the Northway in the southeast, and along the northern border of the Village of Colonie. The current 22nd District is 6.53% under the ideal population; the proposed district is 1.12% under.

23rd District

Town of Colonie: Colonie and Loudonville areas southeast of the Northway, from The Crossings Town Park northeast to Loudon Road and then north to the Latham Circle, including upper Albany Shaker Road and Old Niskayuna Road neighborhoods. The current 23rd District is 2.79% under the ideal population; the proposed district is 0.35% over.

24th District

Town of Colonie: Central Avenue and Sand Creek Road communities southeast of the Village of Colonie, including the upper Fuller Road neighborhood and Roessleville. The current 24th District is 2.76% over the ideal population; the proposed district is 2.17% under.

25th District

Town of Colonie: West Albany, including the Everett Road, lower Sand Creek Road, and Osborne Road neighborhoods. The current 25th District is 2.63% under the ideal population; the proposed district is 0.91% over.

26th District

Town of Colonie: The Village of Colonie. The current 26th District is 8.09% under the ideal population; the proposed district is 1.63% under.

27th District

Town of Colonie: Western Colonie along Central Avenue, including the communities of Stanford Heights, Lisha Kill and Maywood, including north of Morris Road to the Amtrak railroad line, and up to the western limits of the Village of Colonie. The current 27th District is 5.53% under the ideal population; the proposed district is 1.59% over.

28th District

Towns of Guilderland and Colonie: Includes the northwestern section of Colonie and a narrow strip of Guilderland north of I-90, and the northern section of Guilderland from Fort Hunter, West Lydius Street, the Carmen Road neighborhoods and the Fuller Station Road and Lynnwood neighborhoods bordering Route 20. The current 28th District is 4.66% under the ideal population; the proposed district is 0.57% under.

29th District

Town of Guilderland: Includes the Pinebush neighborhoods along East Lydius Street and Old State Road, the Hamlet of Guilderland, the eastern portion of the Lynnwood neighborhood, McCormack Corners and west to French's Mill, the Normanskill Creek and Grant Hill Road, with the Nott Road and Weatherfield neighborhoods to the East. The current 29th District is 1.36% over the ideal population; the proposed district is 2.29% under.

30th District

Town of Guilderland: Westmere along Western Avenue between the Kaikout Kill (just west of New Karner/State Farm Roads) east to upper Johnston Road., and south to Doctor Shaw and Veeder Roads. The current 30th District is 0.69% under the ideal population; the proposed district is 0.39% under.

31st District

Towns of Guilderland and Knox: All of the Town of Knox, and the western portion of the Town of Guilderland including the Village of Altamont, Meadowdale, Guilderland Center, and

neighborhoods along French's Mill Road, Ostrander Road, and Grant Hill Road. The current 31st District is 3.05% under the ideal population; the proposed district is 0.37% over.

32nd District

Town of Guilderland: All of McKownville including the Church Road and lower Johnston Road neighborhoods. The current 32nd District is 6.08% under the ideal population; the proposed district is 0.68% under.

33rd District

Towns of New Scotland and Bethlehem: All of the Village of Voorheesville and Krum Kill Road, Font Grove Road and Maple Ave neighborhoods of the Town of New Scotland, plus the Blessing Road and New Scotland Road areas of the Slingerlands area of the Town of Bethlehem. The current 33rd District is 5.13% under the ideal population; the proposed district is 2.42% over.

34th District

Town of Bethlehem: The Elsmere and Karlsfeld communities, and most of Delmar. The current 34th District is 1.70% over the ideal population; the proposed district is now 2.42% over.

35th District

Town of Bethlehem: Delmar Bypass and Feura Bush Road areas, west of Route 9W. The current 35th District is 1.37% over the ideal population; the proposed district is 2.25% over.

36th District

Town of Bethlehem: Southern and eastern areas of Bethlehem, including South Bethlehem, Selkirk, and Glenmont. The current 36th District is 4.32% over the ideal population; the proposed district is 2.36% over.

37th District

Town of Coeymans and part of the Town of Bethlehem: All of Coeymans, plus portions of South Bethlehem adjacent to Coeymans. The current 37th District is 10.23% under the ideal population; the proposed district is 2.01% under.

38th District

Towns of New Scotland and Bethlehem: Western and southern areas of New Scotland, and the Feura Bush community in the Town of Bethlehem. The current 38th District is 4.54% under the ideal population; the proposed district will now be 0.74% under.

39th District

Towns of Berne, Rensselaerville, Westerlo and a portion of New Scotland: The entire towns of Berne, Rensselaerville and Westerlo, plus the Cass Hill and western Clarksville communities of the Town of New Scotland. The current 39th District is 4.21% under the ideal population; the proposed district is 2.26% under.

9. Attachments

A. Draft of Proposed Local Law establishing districts, with census blocks and metes and bounds

   Appendix A - Census Blocks

   Appendix B - Metes & Bounds

B. MMD Subcommittee Report to Commission

C. Current Districts with 2020 Adjusted Census Numbers

D. Municipalities with 2020 US Census Information

E. Percentage of Deviation from Ideal District Population

F. Proposed District maps with Statistics

G. Proposed District Statistics

H. Recap of Public Testimony and Maps Received

I. Commissioners and Staff

J. List of ACRC meetings

K. Press clippings

L. Abbreviations

A. Draft of Proposed local law establishing districts, with metes and bounds and census blocks
    a. See local law at this link
    b. See the Metes & Bounds at this link
    c. See the Census Blocks at this link

B. MMD Subcommittee Report to Commission - see document at this link [Updated version with attachments to come.]

C. Current Districts with 2020 Adjusted Census Numbers – see PDF at this Link

D. Municipalities with 2020 US Census Information – see PDF at this Link

E. Percentage of Deviation from Ideal District Population – see PDF at this Link

F. Proposed District maps with Statistics – see PDF's at this Link

G. Proposed District Statistics – see PDF at this link

H. Summary of Public comments and Maps Received – see PDF at this link [Revised version with updated links to come]

I. Commissioners and Staff - see PDF at this link

J. List of ACRC meetings - see PDF at this link

K. Press clippings – see PDF at this link

L. Abbreviations – see PDF at this link