

TRANSMITTAL MEMO

September 1, 2022

Mr. Larry Volk, Chairperson
Albany County Redistricting Commission (ACRC)
Albany County Legislature
Harold L. Joyce Albany County Office Building
112 State Street, Room 710
Albany, NY 12207

RE: Final Report of the Albany County Majority Minority District Redistricting Subcommittee (MMD)

Dear Commissioner Volk:

The Albany County Majority Minority District Redistricting Subcommittee (MMD) is pleased to transmit to you our final report for inclusion in your final report to the Albany County Legislature pursuant to Local Law 8 for 2019.

The MMD's redistricting work to ensure that Albany County Minorities are effectively represented on the Albany County Legislature has been difficult, challenging and rewarding. The MMD is thankful for the collaboration, cooperation and support we received from the Albany County Redistricting Commission (ACRC). Your support along with the support of our consultants and Albany County staff was invaluable in enabling the MMD to effectively and successfully engage in its redistricting work.

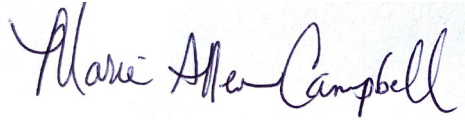
The MMD also recognizes and thanks Albany County ("County") and the Albany County Legislature for the opportunity to engage in this work and for the financial and other resources provided in support of the MMD's redistricting work. The work of the MMD could not have been completed without the legal, statistical and mapping expertise that was available to the MMD through the County's fiscal support. Additionally, the MMD's work could not have been completed without the ongoing support the MMD received from Patrick Collins, Necole Chambers, Michael Cavaleri and Naishly Ortiz.

The MMD has worked judiciously and unceasingly, alongside the ACRC since November of 2021, to advance this work, engage the public in this work, and to consider public input received. The attached report provides an overview of the MMD's work.

The MMD was intentional and thoughtful, throughout this process to comply with all applicable federal, state and local legal requirements in fulfilling its mission. The MMD has been in constant consultation with its legal and mapping consultants to ensure consideration and effective representation for minority communities to elect representation of their choice.

Again, thank you for your support and consideration. We look forward to a successful outcome to our collective redistricting efforts.

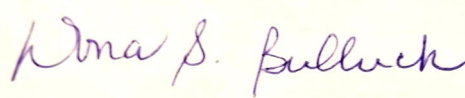
Sincerely,



September 6, 2022

Marie Allen Campbell, Chairperson

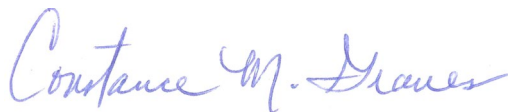
Date



September 6, 2022

Dona S. Bulluck, Commissioner

Date



September 6, 2022

Constance Graves, Commissioner

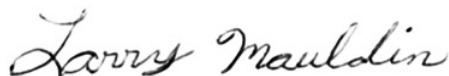
Date



September 6, 2022

Adrienne Smith Kisse, Commissioner

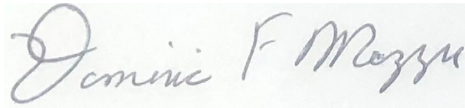
Date



September 6, 2022

Larry Mauldin, Commissioner

Date



Dominic Mazza, Commissioner

September 6, 2022

Date



Keshana Owens-Cody, Commissioner

September 6, 2022

Date

REPORT OF THE MAJORITY MINORITY REDISTRICTING SUBCOMMITTEE

I. INTRODUCTION

Albany County Local Law 8 for 2019 created two separate redistricting bodies to develop a redistricting plan for the Albany County Legislature's thirty-nine districts following the federal decennial. These redistricting bodies include the Albany County Redistricting Commission ("ACRC" or "Commission") and the Majority Minority District Redistricting Subcommittee ("MMD"). Local Law 8 for 2019 (See Appendix A) was preceded by the contentious and litigious history of county legislative redistricting that resulted in findings of federal Voting Rights Act violations after the 1990, 2000, and 2010 redistricting efforts. In each case, the court found that Albany County ("County") failed to provide adequate representation for minority voters as reflected by census data, and that racially polarized voting existed in the County.

The legal challenges resulted in Albany County being directed to redraw maps that properly reflected minority voting strength by increasing the number of effective minority districts. In addition, the legal challenges came at a cost to taxpayers with the County having to cover substantial plaintiff costs and fees awarded by the courts.

Prior to 1990, there was only one effective Majority Minority District. Between 1990 and 2015 the number of effective Majority Minority Districts increased to five. The increases came as a result of successful litigation filed against the County. As a result of the most recent litigation, five effective majority minority districts are in place (Districts 1, 2, 3, 4, and 6). Districts 1, 2, 3 and 4 are represented by African American Legislators and District 6 is represented by a White Legislator.

The ACRC and the MMD were established to "...facilitate a non-partisan, independent, inclusive and participatory redistricting process to be implemented "following the next federal census in 2020, and thereafter." The adoption of the law was intended to ensure fair representation for all Albany County residents, remove party politics from the redistricting process, ensure solicitation and receipt of public input, conduct a transparent process, and ensure that minority communities and residents are represented in all aspects of the redistricting process. And, finally, to ensure full compliance with the Voting Rights Act and all other relevant federal, state and local statutes.

The work of the MMD began on November 1, 2021 with the first three members of the MMD joining the weekly meeting of the ACRC. The MMD's work got underway two months after the ACRC completed its first meeting on September 2, 2021. When the redistricting work began, Albany County was just coming out of the COVID-19 lockdowns. Schools, businesses, organizations, and the community in general were initiating the slow process of re-opening the County. Many people were still hesitant to move around in public spaces and engage in public activities. Accordingly, all of the MMD's initial activities were conducted virtually. As the work

progressed, the MMD sought out opportunities to engage communities, believing this to be key to increasing community awareness of the redistricting process, and as a means of soliciting and gathering public input into the redistricting process.

Early on, the MMD grasped its need to understand the standards by which its work would be reviewed. Thus, our understanding of key provisions of Local Law 8 and the findings of the most recent federal court decision, Pope v. County of Albany, 94 F. Supp. 3d 302 (N.D.N.Y. 2015), invalidating the last county-enacted plan, was critical to our mission (See Appendix B). This was supplemented by the MMD gaining a solid working knowledge of redistricting in general, and of Albany County, specifically.

Throughout the redistricting process, the MMD endeavored to meet the highest ethical standards required of public servants. Following the requirements of federal, state, and county law, every effort was made to work within the criteria and timetables necessary to complete redistricting in a timely manner. Partisan data and the residences of incumbent legislators were not considered. It was critical that commissioners limit their work to official business. However, at certain points in time, individual commissioners were in communication with elected officials and a member of the judiciary. These actions were not approved of or condoned by the MMD and did not influence or impact any of the MMD's redistricting work, including the drawing of the county legislative districts.

II. LEGAL BACKGROUND

A. Pope v. County of Albany, 94 F. Supp. 3d 302 (N.D.N.Y. 2015)

Albany County's last redistricting plan, adopted in 2011, was found to have violated Section 2 of the Voting Rights Act of 1965 because it diluted the voting strength of black voters. On January 10, 2011, the County legislature appointed a Redistricting Commission ("Commission") to redraw districts maps after the receipt of the 2010 Census data. In drawing its maps, the Commission considered traditional districting principles, but prioritized "incumbency protection." After attempts to create a fifth Majority Minority District ("MMD") failed, the Commission settled on creating four MMDs.

The draft plan was not provided to the public due to "time constraints," despite concerns expressed by community members that the Commission was moving too fast. Concerns relating to the Commission's failure to create a 5th MMD were also voiced. Nevertheless, the Commission voted unanimously to send its plan to the legislature for adoption. Upon its adoption, it became "Local Law C."

The County legislature held several public hearings on Local Law C during May, 2011. Despite multiple objections to the plan for its failure to create a fifth MMD, the County legislature voted in favor of Local Law C on May 23, 2011. County Executive, Michael Breslin, signed Local Law C into law on June 6, 2011 (See Appendix C).

Several plaintiffs sued the County challenging the 2011 Local Law C under Section 2 of the Voting Rights Act of 1965 (“VRA”), 52 U.S.C. § 10301. Plaintiffs alleged that the VRA required the creation of an additional MMD following population shifts reflected in the 2010 Census. Plaintiffs alleged that: (1) the County’s redistricting plan diluted the voting strength of black voters; (2) the County’s redistricting plan diluted the voting strength of a combined minority population of black and Hispanic voters (the “coalition claim”); and (3) Plaintiffs were entitled to an adverse inference based on Defendants’ spoliation of evidence.

Voter Dilution Claims:

The District Court utilized the three preconditions set forth in the U. S. Supreme Court’s decision in Thornburg v. Gingles, 478 U.S. 30 (1986), to analyze the case before it.

The Court upheld a prior finding from a prior proceeding,¹ that the first precondition required by Gingles, that the minority group is sufficiently large in number and the district is compact, was present in the case before it. In upholding the grant of summary judgment in the prior proceeding the court found that “the black community in the County of Albany [was] sufficiently large and geographically compact to form five majority-minority districts.”

Also before the Court was the Plaintiff’s claim of voter dilution. A finding on this claim impacts the second and third preconditions set forth in the Gingles. The Court credited the testimony of Plaintiffs’ expert Dr. Baodong Liu, who provided statistical data to establish voter dilution. Dr. Liu analyzed forty-six biracial elections held in Albany County between 1991 and 2011. Using only the data that was probative of the issue of voter dilution, the Court concluded that in a vast majority of elections, black voters preferred the same candidates. Moreover, this cohesion was especially strong in primary elections which eliminate party affiliation as a factor.² Thus, the data supported a finding of political cohesion among black voters in Albany County. The finding was further supported by anecdotal testimony provided at trial. Political cohesion is the second precondition set forth in Gingles.

The third precondition under Gingles for the Court’s consideration was “racial bloc voting that usually defeats the minority-preferred candidate. This third prong of the Gingles preconditions was satisfied in part by Dr. Liu’s statistical analysis of past elections. His analysis exposed racial bloc voting in a majority of elections, noting that the County legislature and primary elections

¹ See Pope v. Cnty. of Albany, No. 1:11-cv-0736 (LEK/CFH), 2014 U.S. Dist. LEXIS 10023, at *54 (N.D.N.Y. Jan. 28, 2014).

² In twenty-seven of thirty-one (87%) single-member district elections, a majority of black voters supported a minority candidate; in eighteen of these elections (58%), black support for minority candidates exceeded seventy percent; the four single-member elections where black voters did not support the same candidate were general elections where the black-preferred candidate had been defeated in the primary; in primary elections, black voters preferred the minority candidate in every election analyzed; similarly, in all but one of the relevant County legislature elections analyzed, a majority of black voters supported a minority candidate; the twelve multi-member elections analyzed showed that in every race, a black candidate was the first place winner in majority black districts.

showed even higher instances of bloc voting. Thus, in weighing the two results together, the Court determined that the third Gingles precondition had been satisfied.³

Having met the three Gingles preconditions, the Plaintiffs had to demonstrate that minorities had less opportunity than other voters “to elect a candidate of their choice,” based upon *the totality of the circumstances*. The court stated that the factors comprising the totality of the circumstances “are neither exclusive nor comprehensive.” There is no one factor that supersedes another, nor is there any one combination of factors that will prevail. The factors comprising the totality of the circumstances include: (1) a history of voting-related discrimination; (2) racially polarized voting; (3) dilution-enhancing voting practices and procedures; (4) access to the slating process; (5) effects of past discrimination; (6) racial appeals in campaigns; and, (7) past election of minority group members.

History of Voting-Related Discrimination

In considering the history of voting-related discrimination in Albany County, the Court noted that the County had a fairly recent history of attempting to interfere with minority voters’ opportunity to participate in the political process in both 1991 and 2003. *Despite significant increases in the minority population*, the County created additional MMDs only after lawsuits were filed. The Court also found it relevant that no minority candidate had ever been elected to County-wide office or nominated by a political party to run for County-wide office during the period under review. In addition, the court found only one instance where a major party endorsed a minority candidate to run in a majority-white legislative district, and, only one minority individual had ever been appointed to head one of the County’s nineteen departments. Thus, the Court determined that this factor weighed in Plaintiffs’ favor.

Racially Polarized Voting

The Court found that recent elections supported a finding that racial bloc voting was still prevalent in Albany County. Although the Defendants challenged this conclusion, arguing that any racial bloc voting was the result of the white candidate’s status as an incumbent, the Court was not swayed. Instead, the Court “adhere[d] to its prior conclusion regarding the presence and prevalence of racial bloc voting in the County and [found] that this factor weigh[ed] in favor of Plaintiffs.”

Dilution-Enhancing Voting Practices and Procedures

To prevail on this factor, the Plaintiffs had to illustrate “*the extent to which the State or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large elections districts, majority vote requirements, and prohibitions against bullet voting.*” The Plaintiffs were unable to meet this standard.

³ Notably, the District Court found “insufficient evidence to determine whether minority-preferred candidates were usually defeated in [MMD] elections.” However, the court noted that that finding did not defeat the Plaintiffs’ claim, because a majority of MMD elections were less probative City elections, and that in the other examples, mitigating special circumstances existed.

Access to Slating Process

In Albany County, the only effective slating process is controlled by the Democratic Party. The court heard testimony and reviewed evidence presented that Party endorsements were denied to black candidates, and if endorsed, the support generally associated with that endorsement was not forthcoming. However, in reviewing the prior decade, the court found that the 2014 election of a minority candidate as the Chairperson of the Democratic Party *signaled a possible increase in slating opportunities for minorities in the future*. This political win along with the endorsement of nine minority candidates over the past ten years persuaded the Court that minority candidates had not been excluded from the endorsement process.

Effects of Past Discrimination

To establish this factor, the Plaintiffs had to demonstrate the “*extent to which minority group members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process.*” In considering the effects of the County’s past discrimination, the Court noted that African Americans in Albany County “continued to lag significantly behind non-Hispanic whites on all socioeconomic measures.” Various witnesses testified that the effects of discrimination in housing and health care are ongoing. There was also testimony that low black voter turnout was the result of lack of opportunity for minority participation in the political process. In finding in favor of the Plaintiffs on this factor, *the Court acknowledged that voter apathy emanates from a perception that minority voters are not a meaningful part of the political process.*

Racial Appeals in Campaigns

Success on this factor requires “*the use of overt or subtle racial appeals in political campaigns.*” Evidence was produced by Plaintiffs of individual use of racial epithets being used by certain individuals during recent campaigns, but no evidence was produced that subtle or overt racial appeals were made by any campaign. Thus, the Court determined that, while abhorrent, the individual incidents did not reflect or represent the political campaigns generally, and were by themselves insufficient to meet this factor.

Past Election of Minority Group Members

The past election of minority group members was the last factor considered by the Court. This factor assesses “*the extent to which members of the minority group have been elected to public office in the jurisdiction.*” This factor along with racial bloc voting is the most important factor when conducting the “totality of the circumstances” analysis. The Court noted that while the electoral opportunities for minority candidates had improved since 2003, “...the journey to real electoral opportunity for minority voters in Albany County is not yet over.”

Only one minority candidate has been elected outside of an MMD to the County Legislature since 2003. Prior to the election, this candidate was appointed to fulfill an unexpired term and was the incumbent going into the election. Likewise, four minority candidates have been elected to county-wide office following the 2003 litigation. Two ran unopposed in their initial election to office, and another was appointed to the position prior to the election and ran as the incumbent.

The fourth minority candidate to prevail in a county-wide contested election was the 2004 election of David Soares for Albany County District Attorney. The court stated that it would not “...discount Soares’ historic success, especially since he has been elected twice since then, the Court also will not interpret one candidate’s sustained success as evidence that minority candidates are now generally able to win County-wide elections.” In finding in favor of the Plaintiffs on this factor, the Court concluded that “...a thorough inquiry into the facts and circumstances of County-wide and County Legislature elections over the past decade shows that with rare exceptions, there is not yet an equal, fair opportunity for minority-preferred candidates to be elected on a county level absent special circumstances.”

In response to other arguments raised by the parties, the Court found that: (1) Plaintiffs failed to meet their burden of demonstrating that the County has been unresponsive to minority needs over the past decade; (2) the policy underlying Local Law C, including the process by which the maps were created, weighed in favor of a finding of vote dilution (i.e., tenuousness of the redistricting policy); (3) there was no minimum majority percentage required to create an effective fifth MMD in that the exact percentage necessary to provide the opportunity may vary; and (4) the evidence indicated that in one of the MMDs, black voters have been consistently denied an opportunity to elect candidates of their choice due to white bloc voting (i.e., proportionality).

In summarizing its findings, the Court found that Plaintiffs had satisfied the three Gingles preconditions, and “that the totality of the circumstances--in particular the persistent presence of racial bloc voting, the continued low levels of minority-preferred candidate success, the lingering effects of past discrimination that continue to inhibit minority participation in the electoral process, and the questionable manner in which the County conducted its redistricting process--demonstrate that Local Law C dilutes the voting strength of black voters in the County.”

B. New York State Legislation

On October 27th, 2021 Governor Hochul signed legislation (S.5160-B/A.229c) (See Appendix D), to ensure fairness and equity in redistricting across New York State and in furtherance of the federal “one person, one vote” principle. The legislation also ensures and promotes maps being drawn in a fair and non-partisan manner consistent with constitutional requirements. The legislation requires, but is not limited to, the following:

- Districts are as nearly equal in population as is practicable;
- Districts are not drawn with the intent or result of denying equal opportunity of racial or language minority groups to participate in the political process;
- Districts consist of contiguous territory;
- Districts are not drawn to favor incumbents or any particular party or candidate; and
- Districts are formed to promote orderly and efficient administration of elections.

Legislation (S.5160-B/A.229c) along with Albany County Local Law 8 for 2019, the federal Voting Rights Act and related provisions, and the last federal court decision on Albany County Redistricting in 2015, served as the foundational and legal basis for the work of the MMD.

C. Albany County Local Law 8 for 2019

The purpose and duties of the Majority Minority District Redistricting Subcommittee (“MMD”) are set forth in Local Law 8 for 2019. Specifically, the MMD was *“to ensure that the voting interests of the minority residents and voters are adequately and appropriately incorporated into a redistricting proposal”* and to *“make recommendations to the Commission regarding the configuration of minority districts, with the goal of protecting voting rights of minority residents and ensuring electoral representation of minority residents residing in MMDs.”* Further, the focus of the MMD, unlike that of the Commission, was *“to ensure the representation of Albany County minority communities in all aspects of the redistricting process.”* To accomplish this goal, the MMD was authorized to *“fully examine the issues unique to the MMD communities and their residents...”* and to present them for *“...inclusion into the final report of the Commission.”*

In addition to participating in joint public hearings with the ACRC, the MMD was authorized to conduct, and facilitate its own public hearings to garner additional public comment, and to provide information about the redistricting process.

III. MMD SELECTION

Under Local Law 8, “Appointments to the MMD Subcommittee may be made in the year of the census, after extensive, repeated solicitation by the Albany County Legislature of potential appointees that are knowledgeable, capable, interested and experienced in the redistricting field. The Albany County Legislature shall use all communication means necessary to educate the public on the Commission and MMD Subcommittee process and need for appointees...After a County-wide solicitation of potential appointees, the Chair of the Legislative Black Caucus (LBC) shall make advisory recommendations to the Chair and Members of the Commission regarding qualified candidates to serve on the MMD Subcommittee. The ACRC Commissioners, by a majority vote, appointed three (3) representatives who shall serve on the MMD Subcommittee. Subsequently, those Members, after examining the recommendations of the Chair of the LBC, shall select the remaining members of the MMD Subcommittee, by a majority vote”.

While the Albany County Legislature conducted its recruitment for Commission applicants in early 2020, the filling of ACRC and MMD Commissioner slots was delayed until the fall of 2021 due to Covid-19 closures and lockdowns. The first three members of the MMD Subcommittee were voted on during the ACRC’s October 28, 2021 meeting. The candidates selected, Marie Allen Campbell, Adrienne Smith Kisse and Keshana Owens Cody, participated in their first meeting with the ACRC on November 1, 2021. As a result of a delay in the selection process of MMD

Commissioners, particularly due to Covid, a number of applicants whose situations changed during the interim, withdrew their names from consideration. This along with the need for the MMD's composition to reflect that of minority communities posed difficulties in filling the last four positions; despite the MMD's outreach to applicants, community organizations and other individuals. The last four slots were eventually filled by Larry Mauldin, Constance Graves, Dominic Mazza and Dona Smith Bulluck.

IV. MMD COMMISSIONERS

Marie Allen Campbell, Chair, has been a resident of Albany County for thirty-five years. Marie retired from the New York State Department of Financial Services as Director of Human Resources Management in 2016. During her 30+ year career with New York State Marie also served as the Director of Personnel for the Education Department; Assistant Director of Personnel with the Thruway Authority and as a Senior Personnel Examiner and Senior Classification and Pay Analyst with the Department of Civil Service. In addition, Marie was employed by the U.S. Drug Enforcement Administration and the Social Security Administration for a combination of nine years.

Marie earned her Bachelor's of Business Administration from Baruch College in New York City and her master's of Business Administration from Russell Sage Graduate School in Troy, New York. She also holds a Certificate of Labor Relations from Cornell University. Marie volunteers in various capacities, including with Catholic Charities food distributions, Literacy Volunteers of Rensselaer and Albany County, and as a CASA (Court Appointed Special Advocate) for abused and neglected children.

Marie currently resides in Delmar, NY

Dona Smith Bulluck, a native of Dayton, Ohio, has lived in the Capital Region since 1980, and in Albany County for 30 years. Dona retired from the State of New York in 2019 after 33 years of service. During her employment with the State of New York, Dona worked as an Administrative Law Judge, a Principal Administrative Law Judge, Director of the Office of the Ombudsman, and most recently as Senior Counsel in the Office of General Counsel at the State University of New York. Prior to her employment with the State of New York, Dona worked in private practice with the law firm formerly known as Roemer & Featherstonhaugh, P.C.

During her time in the Capital District, Dona has served on a number of boards and currently serves on the Board of Green Tech High Charter School. She is the mother of two adult sons and seven grandchildren. She is a member of Macedonia Baptist Church and a Golden Life Member of the Albany (NY) Alumnae Chapter of Delta Sigma Sorority, Inc., an organization dedicated to public service.

Dona received her Bachelors of Arts degree in History from the College of Wooster, Wooster, Ohio, and her J.D. from the Chicago-Kent College of Law.

She resides in the Village of Colonie.

Constance Maxine Graves, known to most as Connie, has been a resident of Albany County for forty years. Connie retired from New York State in 2019 after 38 years of service in Personnel Administration. Prior to moving to Albany, Connie was employed as a Television Production Specialist in Goldsboro, North Carolina where she directed her own weekly program. Connie, however, is best known for her musical talents which, include singing and directing choirs around the Capital District. At the urging of her older brothers, Connie began her singing career at the ripe age of three in Paris, Tennessee and has been singing ever since. Connie has a love and passion for music and uses her talents to share the Gospel through music. Prior to the COVID 19 Pandemic, Connie was providing direction/coordination for five different music/dance ministries. For many years, she has directed the Mt. Calvary Baptist Church Choir, and participated in the Martin Luther King Interdenominational Mass Choir, The Empire State Baptist Congress of Christian Education Retreat Choir, the Tri-Cities Revival Choir, the Voices of Faith Community Choir and many other ensembles and groups. Connie earned her Bachelors in Criminal Justice from the University of Tennessee and her Masters of Public Administration from Central Michigan University. Connie is a proud member of Delta Sigma Theta Sorority, Inc and is excited to have the opportunity to use her skills and talents in ensuring fair representation for minority communities in the redistricting process.

Adrienne Smith Kissee, a native of New York, is a former employee of New York State, retiring after 33 years of service. Ms. Kissee has been a community advocate in the city of Albany for many years. She began advocating for laws against non-violence, mentoring youth, and serving in communities of color in the city of Albany. She has served as a mentor with organizations such as the YMCA and the Boys and Girls Club. Currently, Ms. Kissee is the CEO/Executive Director of Team Esteem on the Hill Y.E.P. (Youth Empowerment Program) non-profit 501C (3) organization's Sankofa Journey, which she started 14 years ago. The prevention program features the Sankofa Journey for ages 6-18. In this, as well as in other capacities, Adrienne continues to advocate for youth in the Capital Area.

In 2019, Adrienne began a restorative justice program "Restored Balance" for young adults. She has been a member of the Albany County Felony Diversion Board since 2017 and is a member of the Albany Urban League, West End/West Hill Steering Committee, and involved in other community efforts.

Adrienne obtained a Bachelor's degree in Business Management with a concentration in Human Resources from the State University of Albany. She also holds a Master's degree in Human Services.

She currently resides in Menands, NY.

Larry Mauldin worked for the New York State Department of Transportation (DOT) for forty plus years. He began his career with DOT as a Public Management Intern in 1979 and retired in 2018 as an Associate Budget Analyst. A native of Washington, D.C. and the eldest of six children born to Mr. and Mrs. Jimmie L Mauldin, Larry attended D.C. public schools and furthered his education at Morgan State University in Baltimore Maryland, where he received a Bachelor's degree in Political Science. Larry continued his education at Atlanta University receiving a Master's degree in Public Administration.

Larry currently resides in Albany County where he is a lively member in several community organizations. He presently serves on the following boards:

African American Cultural Center of the Capital Region

The Black Child Development Institute

The Albany Nubian Ski Club

Larry is an active member of the Mount Calvary Baptist Church of Albany, New York. He participates in the weekly Feed the Hungry Program and the annual picnic. In his spare time Larry enjoys spending time with family and friends, traveling and gardening.

Dominic (Nick) F Mazza has a broad range of government experience with over forty years of service in NYS local government and consulting. Nick was the County Administrator for Livingston County (1989 -2009), Director of Administration and Finance for the City of Cortland (1981-1989), Management Policy Specialist for the City of Syracuse (1975 -1981) and was a Municipal consultant with the Bonadio Group, CPA's and Consultants (2010-2018) working with municipalities throughout NYS. In these roles, Nick developed expertise in assessing, developing and implementing cost saving measures for local government. He has extensive experience in public finance, labor relations and procurement. Nick has direct experience in the development of weighted voting and re-districting plans with Livingston County and the City of Cortland.

Nick received his B.S. in Business and Public Management (Magna Cum Laude) from the State University of New York at Utica/Rome (SUNY POLY) and an MA in Public Administration from Syracuse University's Maxwell School of Citizenship and Public Affairs. Nick's community involvement and memberships include the Governor's Task Force on Retiree Health Care, the International City/County Management Association, the NYS City/County Management Association (NYSCMA) and several Committees for the New York Association of Counties (NYSAC). Nick's current activities are: a member of the Board of Governors of New York Municipal Insurance Reciprocal, Senior Advisor for NYSCMA (volunteer) and an Ambassador for the Maxwell School of Syracuse University. Nick is a resident of the City of Albany.

Keshana Owens-Cody, a Western New York native, has dedicated her career to public service. For the past 15 years, Keshana has served the community, from frontline to leadership, with a focus on public health, children's system of care, workforce development, community navigation

and trauma informed care. Keshana recognizes the importance of access to resources where one lives, works, and plays. This access may come in the form of meeting basic needs, social enrichment, and quality health care. Keshana joined the commission to ensure community members from diverse backgrounds have representation at the local government level that understands the critical needs in their communities, advocates for services, and supports to address social determinants of health, and stands up for injustices that cause toxic stress and limit access and opportunities for the communities served. Keshana resides in South Colonie with her husband, and children. Keshana serves on several boards and committees in the Capital Region that fulfill her passion to serve the community and give back. These boards and committees include Albany County Cornell Cooperative Extension (*Board Member at Large*), Capital Region Human Resource Association (*Board Chair*), Town of Colonie Citizen Advisory Committee, Albany County Health Equity Task Force, and Colonie Central High School PTA (*Vice President*).

V. MMD ROLES and RESPONSIBILITIES

Commissioner Marie Allen Campbell was selected to serve as chair of the MMD, Commissioner Keshana Owens served as Vice Chair, Secretary and Project Manager of the MMD and Larry Mauldin, charged with developing a budget and monitoring expenditures, served as the MMD Treasurer. Dona Bulluck, well versed in procedure, upon her appointment, served as the MMD's Parliamentarian.

Commissioner Marie Allen Campbell as Chair served as the face and leader of the MMD. She attended ACRC meetings as a representative of the MMD, facilitated MMD meetings, served as the liaison between the MMD, the ACRC, Albany County, Consultants and Subcontractors.

Commissioner Keshana Owens as Vice Chair, Secretary and Project Manager organized committee meetings, set the agenda, took minutes, and developed a workplan that described all the work to be conducted by the MMD and distributed amongst MMD members.

Commissioner Larry Mauldin as Treasurer developed the initial MMD Budget and as a member of the Budget Committee worked with ACRC Commissioner Leif Hartmark to review, monitor and report on expenditures.

Commissioner Dona Bulluck trained MMD Commissioners on Roberts Rules of Order and aspects of the Open Meetings Law pertinent to the MMD, and guided the MMD in the implementation of procedural characteristics in meetings, proper handling of emails, and reviewed and developed MMD minutes.

Commissioners were charged with, but not limited to, attending all MMD meetings and other scheduled meetings; attending all public hearings; participating in all MMD activities including MMD events and votes; conducting themselves in a professional manner consistent with the MMD's Code of Ethics (See Appendix E); taking personal responsibility for their own learning and

undertaking appropriate efforts to increase their knowledge base on redistricting and related aspects; reviewing materials and providing timely feedback; assuming responsibility for the effective advancement of assigned work; utilizing their strengths to aid the MMD in progressing work in all areas; working with IT to establish and maintain email and any other accounts necessary to Commissioners ability to progress work and appropriately communicate and interact with other Commissioners Albany County staff, the public, etc.; regularly and consistent reviewing and responding to any emails, meeting invites; and conducting outreach necessary to establishing connections with community members and organizations.

VI. MMD COLLABORATION with ACRC

Throughout the redistricting process the MMD regularly interacted and collaborated with the ACRC and enjoyed a very collegial relationship with the ACRC, which supported the successful advancement of the redistricting work. While few of us were well versed in redistricting, the backgrounds of each Commissioner on the ACRC and MMD provided a well-rounded body of knowledge and expertise in other relevant areas. Although the MMD separately advanced much of its work, the close working relationship with the ACRC aided in supporting and building the knowledge base and work of the MMD. The MMD attended, participated in and provided meaningful input in the meetings of the ACRC; responded to ACRC inquiries about MMD work; and provided periodic updates to the ACRC on the progress of MMD work. In addition to attending regularly scheduled ACRC meetings, the MMD also worked with the ACRC on joint subgroups such as the Budget Committee, the Public Relations Committee and the IT Committee. The MMD also worked closely with the ACRC in reviewing and preparing some redistricting documents and materials, and engaged in other communications with Albany County staff. Finally, the MMD communicated with the ACRC Commissioners through email and phone communications.

This close interaction was critical to ensure the effective progression of our redistricting work. In the beginning the interaction and collaboration between the MMD and ACRC was influenced somewhat by the lack of clarity and understanding of the role of both bodies in relation to each other. This typically arose as a result of language used in documents developed and was fueled by a lack of clarity in the local law with regard to the organizational hierarchy, if any, of the ACRC and the MMD. Some Commission members believed the MMD to be just an arm of the ACRC and some Commission members believed the MMD to be a Commission separate and on equal footing with the ACRC. Initially, there was also a confusion about how the mapping and configuration of the districts would occur relative to the MMD's mapping work feeding into and/or running simultaneously to the ACRC's mapping of the rest of the districts. Since the MMD was at minimum two months behind the ACRC in the progression of its work, mapping activities were delayed as well. In the end, these issues did not hamper the ability of the MMD and ACRC to work together effectively in continuing our important work. However, the MMD recommends that the legislature consider providing upfront guidance in these areas to future commissions and that these issues be clarified in any future versions of Local Law 8.

VII. ACQUISITION OF CONSULTANTS

The MMD's process of acquiring consultants began in December of 2021. The process was delayed as a result of the MMD's delayed start. The MMD worked from a variety of sample RFPs provided by Patrick Collins, Counsel to the Chair of the Albany County Legislature. This included samples from other jurisdictions as well as the mapping and legal services RFPs created by the ACRC. Working from these, the MMD crafted its own RFPs for mapping (See Appendix F) and legal (See Appendix G) services that were tailored to the specific needs of the MMD. The MMD also worked with Karen Storm and Kayla Cronin of the Albany County Procurement Office to learn the county's procurement process and to receive assistance in guiding the RFPs through to completion. Ms. Storm and Ms. Cronin were exceptionally responsive and provided invaluable assistance in the completion, publication and evaluation of the RFPs.

The RFPs for the legal, and mapping services consultants were issued on January 13, 2022 with responses due on January 28, 2022. Consistent with Albany County practice, the RFPs were advertised in the Times Union and The Evangelist and emailed to those who responded to the ACRC's RFPs for similar services. The mapping services RFP were emailed directly to:

- Applied Geographics, Inc. (AppGeo)
- ARCBridge Consulting & Training (ARCBridge)
- Joshua Simmons: The Benjamin Center for Public Policy Initiatives at SUNY New Paltz
- Aaron Mair

The legal services RFP was emailed directly to:

- Jeffrey Wice - NY Census & Redistricting Institute
- Messina, Perillo & Hill, LLP

In addition, the MMD developed a list of attorneys and minority organizations and associations that was provided to procurement staff for RFP distribution (See Appendices F and G). The mapping services RFP was reviewed by nineteen organizations. The legal services RFP was reviewed by nine organizations.

By the January 28, 2022 deadline, the MMD had received one response to the legal services RFP. The response was from Jeffrey M. Wice, an adjunct faculty member of the New York Census and Redistricting Institute of New York University (See Appendix G). The proposal from Professor Wice was reviewed by Commissioners Adrienne Kisse, Dominic Mazza and Larry Mauldin. The most appealing part of the proposal was the inclusion of Dr. Lisa Handley, who offered expertise in racial voting analyses, and displayed an extensive background as a consultant regarding redistricting issues and analyses pertinent to majority minority districts and minority representation. The MMD deliberated on the feasibility and reasonableness of selecting the same legal consultant as the ACRC, due to the potential for conflict-of-interest issues, as well as the desire to avoid double-dipping as related to costs.

The MMD met with Professor Wice to discuss its concerns related to the potential conflict-of-interest issues which might arise, and to ensure that there would be no double dipping relative to cost. The double dipping aspect was important due to the collaborative relationship necessary for the MMD and the ACRC to complete their joint duties and responsibilities. Following the meeting, deliberations ensued. After weighing the probability of seeking additional applicants and considering the additional time required to repost, the MMD determined that subsequent delay would be imprudent. Thus, the MMD selected Professor Wice of the New York Census & Redistricting Institute as its legal consultant (See Appendix G).

Due to the Times Union's failure to publish the RFP for mapping services on the date certain, the deadline for responses was extended to February 2, 2022. After procurement addendums were issued to respond to any inquiries that were received and the mapping RFP date closed, the MMD received four responses (See Appendix F):

- Applied Geographics, Inc. (AppGeo)
- ARCBridge Consulting & Training (ARCBridge)
- Timmons Group Geospatial Solutions
- Joshua Simmons: The Benjamin Center for Public Policy Initiatives at SUNY New Paltz

After review and evaluation by the MMD review committee comprised of Marie Allen Campbell, Keshana Owens-Cody, and Constance Graves, ARCBridge Consulting & Training Inc. was selected as the mapping consultant (See Appendix F). The MMDs Legal Services and Mapping Services contracts were approved by the Contract Administration Board on February 14, 2022.

VIII. INTERNS

The MMD, with the help of Jennifer Clement of the county's Human Resources office and Necole Chambers, hired two student interns to provide administrative support and to assist in the advancement of the MMD's work. The interns were helpful in the implementation, progression, and monitoring of the MMDs Workplan and its Community Engagement Plan. Additionally, the interns provided support in the distribution of materials and in the preparation of meeting notices, agendas and minutes.

The two student interns were:

Nassim Ramdani, an undergraduate student at the State University at Albany pursuing a Bachelor of Arts in Criminal Justice with a Minor in Emergency Preparedness, Homeland Security

Justine McCarthy, a graduate of the State University at Albany with a Bachelor of Arts in Criminal Justice and Sociology (minor in Emergency Preparedness/Homeland Security/Cybersecurity) pursuing a Master of Arts in Criminal Justice with a Concentration in Crime Causation, Prevention

and Intervention and Problem Solving and Analysis at the Rockefeller College of Public Affairs and Policy.

IX. PUBLIC HEARINGS

The MMD worked with the ACRC on the scheduling, coordination, promotion and conduct of the public hearings. Seven public hearings were held, four were joint ACRC/MMD Public Hearings, two were MMD only public hearings, and one was an ACRC Public Hearing. Initially, the MMD scheduled public hearings for April 14, 2022, May 4, 2022 and May 18, 2022. However, it was later decided that the April 14th hearing would be held jointly. The joint hearings were conducted on March 8, 2022, April 14, 2022, June 30, 2022, and August 4, 2022. The MMD hearings were held May 4, 2022 and May 18, 2022. The ACRC also held a hearing on May 26, 2022, which the MMD attended.

For each of these Public Hearings, the MMD worked collaboratively with the ACRC and Albany County to publish and promote the hearings. The hearings were advertised in local news publications including the Times Union, the Colonie and Bethlehem Spotlight, the Altamont Enterprise and Local First. To further publicize and promote attendance at the public hearings, the MMD also had flyers produced and sent to libraries, churches, neighborhood associations, community and civic organizations, food pantries, local schools, and universities and colleges via email and U.S. Mail. In addition, the MMD posted informational and promotional materials at branches of the Albany County Public Library and various Stewart's locations throughout the MMD communities. Flyers were also handed out in Albany County communities and passed out at various community events.

The Chairs of the MMD, and the ACRC presided over the hearings, as appropriate. At several hearings ARCBridge, the MMD's mapping consultant, discussed census and demographic data, the MMD maps and were available to respond to questions. The MMD Subcommittee displayed large copies of map(s) for public viewing. In addition, Commissioners were available to answer any questions pertaining to the map(s). Initially, public comments and /or testimony trickled in slowly, but increased with each successive hearing.

Early public hearings were virtual only due to the Covid pandemic. However, once the community began to open up, the MMD endeavored to hold hybrid hearings, a combination in-person and virtual participation, as soon as feasible. Additionally, the MMD sought to hold meetings at larger facilities to accommodate more attendees and facilitate more interactive sessions. However, given technology concerns and the limited capabilities at locations identified, this proved difficult due to the logistical and technology support required to support a hybrid format. In the end, all of the hybrid public hearings were held in the Cahill Room at the Harold L. Joyce Albany County Office Building at 112 State Street, Albany, NY 12207, which best accommodated the logistical and technology needs for public hearings.

X. PUBLIC INPUT/SUBMISSIONS

The MMD endeavored to create several avenues for the public to provide input. In addition to public hearings, other avenues that were available to the public included, phone and/or email contacts, community engagement forums including events sponsored by the MMD, and events sponsored by others in which the MMD participated. Commissioners took every opportunity to inform, educate and engage community members when distributing informational material, announcements and flyers, and when engaged in conversations with individuals. Most of the input the MMD received, however, came as a result of the public hearings. By the last hearing on August 4th, more than 60% of the comments and/or testimony received during the public hearings addressed issues and concerns related to the proposed MMD districts.

Public input came in the form of oral testimony and written submissions. Written submissions also came in the form of maps that were submitted by various individuals. Feedback was also garnered through conversations between the MMD Commissioners and community members at various public events. Through the public hearings, the MMD received input from fifty-four individuals, with some individuals submitting multiple times. The most engaged individual submitted oral and/or written testimony, including maps, twelve times. One individual submitted four times, two individuals submitted three times, and, at least fifty-seven individuals submitted one or more comments. The MMD received oral and written testimony, and had brief encounters at community events with fifteen legislators. In total, the MMD also received fourteen maps, all of which were reviewed and analyzed by the MMD with the expertise and guidance of the MMD's mapping consultant.

Public input received spanned the gamut from testimony regarding the number of districts, the definition of minority, natural district boundaries, communities of interest, to neighborhood splits

(<https://outlook.office365.com/mail/inbox/id/AAQkADU4OWIxOGEwLTlxYWMtNDAwMC1hNzlyLWMzMjc2NzFhZGYyYgAQAAUzk5GpqNKnrgadO%2BbrJI%3D/sxs/AAMkADU4OWIxOGEwLTlxYWMtNDAwMC1hNzlyLWMzMjc2NzFhZGYyYgBGAAAAAADsARVXpugESq2U9JLDpFknBwDmslFCEv8qQaicSX4uKkrLAAAAAAEMAADmslFCEv8qQaicSX4uKkrLAAB0ObxhAAABEgAQAOkkgyr9kDxPmPMYQFwFdnw%3D>). The most common areas of input the MMD received related to the number of districts and advocacy for seven MMD districts, advocacy for ensuring Hispanics were considered together with blacks and included in the definition of minority; comments regarding North Albany and Menands and comments regarding the splitting of neighborhoods in district five to include Hudson Park, Center Square, South Park, Washington Park and the Lark Street Business Corridor. All comments received were reviewed and considered. Where it was determined that adjustments could be made, adjustments were made.

XI. LEGAL

The subcommittee retained Adjunct Professor and Senior Fellow Jeffrey M. Wice of New York Law School's N.Y. Census & Redistricting Institute, a non-partisan resource center on federal, state, and local redistricting. Professor Wice was assisted by Student Fellow Marissa Zanfardino and Dr. Lisa Handley, one of the nation's leading racial voting experts. Professor Wice helped guide the subcommittee through the legal process, with explanations of the Voting Rights Act and other federal, state, and county laws. Dr. Handley conducted a racial voting analysis of the county, helping lead to the decision to recommend seven effective minority districts for Albany County.

It is the MMD's understanding that very few local governments go to the extent of having such extensive expert analysis completed before redistricting plans are enacted. The Subcommittee expects that the analyses performed by Dr. Handley, along with the recommendations made by her and Professor Wice, will help facilitate the understanding and validate approval of the proposed map by the Albany County Legislature.

XII. MAPPING

The MMD engaged ARCBridge Consulting as the Redistricting / Mapping Consultant to support the MMD in the redistricting process to create for consideration redistricting plans that met federal, state and county redistricting criteria. Keeping with the requirement to provide census and demographic analysis, as well as providing mapping and community engagement support for the MMD, ARCBridge provided this support throughout the MMD's redistricting work. ARCBridge attended all MMD meetings, attended ACRC meetings when requested and engaged in community and public meetings and hearings. Additionally, ARCBridge provided expert resources in map drawing, modeling of districts, and data-driven analysis. Their expertise assisted the MMD in expanding its knowledge of redistricting and the mapping process, which informed decision making and the impact thereof.

Using the State-adjusted Census 2020 PL94-171 redistricting data, Albany County 2020 Census blocks and current districts, and other supporting reference data, ARCBridge developed the AS-IS plan and evaluated it for compliance with redistricting requirements. ARCBridge determined the areas of population growth and decline, and designed strategies to balance the districts. This plan was shared with the public in community meetings to educate them about maps, redistricting and relevant supporting data.

ARCBridge staff used ArcGIS and DISTRICTSolv to create redistricting plans and provided resources to support the MMD by creating plans/scenarios, performing what-if analysis and creating reports. All plans followed redistricting criteria, including but not limited to:

- Districts should be compact and contiguous
- Equal Population – All Districts should have equal population - as equal as possible
- Not abridging the rights of minorities to select candidates of their choosing
- Max. deviation should be under 5%
- Minorities should be fairly represented
- Communities of Interest should be taken into consideration

ARCBridge also provided expert advice to the MMD in conjunction with our legal consultants to complete redistricting work and ensure the legal and constitutional sufficiency of proposed redistricting plans in a timely manner. All public map submissions were analyzed in detail and included in the analysis with many suggestions included in the final map. ARCBridge staff also provided the additional data compilation and analysis required in conjunction with the Racially Polarized Voting Analysis (RPVA) to disaggregate the election results of two county wide elections and create a functional analysis data model for the RPVA analyst to analyze each proposed plan's effectiveness. On the advice of the MMD legal consultant, ARCBridge also evaluated additional population variables termed DOJ variables to analyze the impact of this variable on the minority population.

ARCBridge provided all statistical and plan data to the MMD which supported the selection of the final MMD plan recommended for inclusion in the full county redistricting plan. The final map proposes seven MMD districts as described below:

Legend

NHB = Non-Hispanic Black

NHW = Non-Hispanic White

Hisp = Hispanic

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 the 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 the 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 populations are combined, the district has a majority minority 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 the 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 populations are 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 populations are 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 comprised 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 populations 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 populations are combined, the district has less than 50% minority population. 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 populations are combined, the district has a majority minority population.

EFFECTIVE 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%

The work products, including presentations, data, maps and analyses produced by ARCBridge in conjunction with the MMD's work are included as attachments (See Appendix H).

XIII. RACIAL VOTING & FUNCTIONAL ANALYSIS

Dr. Lisa Handley submitted a report to the MMD that examined racial voting patterns in Albany County. Dr. Handley analyzed all recent statewide, countywide, and county legislative elections that included both white and Black candidates. Her focus was on biracial elections because the courts, including the Court in *Pope v. County of Albany*, indicated that "elections that include minority candidates are more probative than contests in which all the candidates are white (See Appendix I)."

Dr. Handley's initial research indicated that voting is racially polarized in Democratic primaries in the heavily Democratic area where the minority districts are located. She recommended that the five current districts that provide Black voters with an opportunity to elect their candidates of choice should be maintained in the new plan (See Appendix J).

Based on additional public comment and maps submitted by the public, and developed by the MMD, a decision was made by the MMD to recommend a plan to the Albany County Redistricting Commission that created seven potentially effective minority districts. Five of the districts in the proposed plan (2,3,4,5,6) are likely to elect the minority voting community's preferred candidates

of choice and two additional proposed districts (1 and 7) offer the possibility to elect minority preferred candidates (See Appendix K).

The MMD strove to follow the requirements of the federal Voting Rights Act and the suggestions made by Judge Kahn in *Pope* to consider districts that offered both Black and Hispanic voters the opportunity to elect their preferred candidates of choice.

In addition, the recently enacted New York State John R. Lewis Voting Rights Act supports the concept that “where there is evidence that more than one protected class of eligible voters are politically cohesive....members of each of those protected classes may be combined.”

The minority districting plan recommended by the MMD seeks to ensure that the new county redistricting plan respects the growth in Black and Hispanic communities and affords minority voters with the best and most realistic opportunity to elect preferred candidates to the fullest extent of the law and in the interest of democracy and true representation.

XIV. COMMUNITY ENGAGEMENT

The MMD was charged with implementing a public education and outreach plan to ensure minority communities had an awareness and understanding of redistricting and to provide them with opportunities to participate in the redistricting process. To meet this charge, the MMD developed and implemented a Community Engagement and Outreach plan (See Appendix L). The MMD took the following actions to implement its Engagement and Outreach Plan:

- Developed a list of contacts, which included churches, community based organizations, Albany County Libraries, neighborhood associations, food pantries, stores with community bulletin boards such as Stewart’s Shops (See Appendix M).
- Maintained a list of media contacts provided by the ACRC (See Appendix N)
- Developed a list of upcoming Community Events.

All Commissioners, as well as our interns, were assigned one or more of these entities to contact and obtain the mailing addresses, email addresses and the names of responsible contact persons. The MMD used this information for outreach purposes and to send out informational flyers, public hearing notices, press notices and announcements about upcoming public hearings, community engagement forums and survey flyers via email, and U.S. Mail (See Appendix O). In addition, the MMD asked these entities to partner with us by sharing the flyers with their networks, contact lists and social media groups and posting the flyers in other places where they would be visible to the public.

The MMD developed a comprehensive workplan to guide and support the focus on and monitoring of MMD engagement and outreach activities (see Appendix P). The workplan, included activities and tasks necessary to enable community engagement, receive public input

and create communication components. The goal was to identify specific tasks the MMD needed to be accomplished to satisfy each component. Every Commissioner was tasked with selecting area(s) of responsibility. The MMD's intern conducted weekly follow-ups with each Commissioner to track the status/progress of their selected areas of responsibility and to identify and report out on any issues or concerns. This worked reasonably well and helped the MMD to ensure continued progress of responsibilities, to track completed tasks and to identify any bottlenecks, inefficiencies or redundancies.

The MMD also conducted research and outreach to identify any upcoming community events the MMD could attend and display maps, hand out flyers, and discuss maps and the redistricting process with individuals from the community. Commissioners provide the names, dates, times and locations of any upcoming events of which they were aware. Contacts were made with various organizations to identify upcoming events as well. Events were scheduled at accessible locations within communities. Commissioners volunteered to attend and facilitate discussions at these events. The resultant list, which continued to be a work in progress throughout our work, was then placed on "Sign-Up Genius" for each Commissioner to review and select specific events to attend and facilitate. In conjunction with this, the MMD attended and participated in a number of events including, but not limited to, the following:

04/30/2022 (Sat.) Love Egg Hunt- Washington Park 10:00am - 1:00pm

Three MMD Commissioners participated in the event and there were approximately 1000 people in attendance. During this engagement one Commissioner handed out flyers to families, while two Commissioners presented maps to the attendees and discussed redistricting. As the maps garnered attention, we were able to educate roughly eight people on the redistricting process, the MMD progress in the of developed maps, and asked for feedback. Discussion included an overview of how the census data folds into the redistricting process, Local Law 8, and mapping. Flyers that including information about the MMD, the website, and upcoming public hearings were available and were distributed to roughly thirty people. Most of the community members we spoke to at this event had little or no knowledge of redistricting or mapping, and many were unaware of the redistricting process. Some do not participate in the voting process and are skeptical about voting in general, and many confused Albany County redistricting process with the state redistricting process, which was a focal point for media at the time.

05/09/2022 (Mon.) Albany Public Library, Howe Branch 5:00pm - 7:00pm

Three MMD Commissioners tabled this Community Engagement Forum. Information regarding this event was shared during the May 4, 2022 public hearing. The day before this event, the flyer announcing the event was posted at the library, emailed to community contacts and organizations, including churches, neighborhood associations, food pantries, and was circulated at other events. Flyers were also distributed within the community and handed out at other community events. The library staff was accommodating and supportive of our redistricting efforts. The MMD was provided with a room set up with tables and chairs and a large television screen upon which maps could be projected. Our flyers were prominently displayed on the

library's bulletin board. Large maps were displayed and flyers announcing upcoming forums were available for distribution. There were no attendees at this event.

05/10/2022 (Tues.) Albany Public Library, Delaware Branch 5:00pm - 7:00pm

Four Commissioners facilitated the event. Maps were displayed and flyers announcing upcoming forums were available for distribution. One community member, Lars Dahl, was in attendance. Mr. Dahl was exceedingly knowledgeable about the redistricting process and had submitted maps to the Commission prior to this event. Mr. Dahl discussed the maps he submitted and offered suggestions on the creation of MMDs and provided input with regard the splitting neighborhoods; something he cautioned against.

05/11/2022 (Wed.) Green Tech Charter High School 5:00pm - 7:00pm

Three Commissioners were present at this event. Information regarding this event was shared during the May 4, 2022 public hearing. The day before the event, the flyer promoting this activity was emailed to community contacts and organizations including churches, neighborhood associations, food pantries, and was circulated at other events. Maps were displayed for review and discussion and additional flyers for distribution were available. The principal of Green Tech, Dr. Paul Miller, discussed the redistricting process with the Commissioners. There were no other community members present.

5/12/2022 (Thurs.) Macedonia Baptist Church 5:00pm - 7:00pm

Seven Commissioners, including one ACRC Commissioner, were present at this event. It was a hybrid event (virtual and in-person). Maps were displayed for review and discussion. There were virtual attendees. During the event, a malfunction with the fire alarm that resulted in the event ending shortly after it started.

05/18/2022 (Wed.) ACAP Block Party 1:30pm - 4:30pm

Two Commissioners participated in the event which was held on Sheridan Avenue. This event included a number of community organizations and vendors. At this event, the MMD displayed maps and distributed MMD informational flyers and Community Survey flyers. There were approximately one hundred community members in attendance. The MMD had the opportunity to speak to a few attendees about redistricting and the maps, including Honorable Legislator Merton Simpson who stopped by the table. The individuals the MMD engaged with were interested in learning about redistricting and its impact it had on them as residents.

05/19/2022 (Thur.) Arbor Hill Community Center 5:00pm - 7:00pm

Two Commissioners hosted a community forum at the Arbor Hill Community Center. Turnout was low, but the people in attendance were interested in the redistricting information the Commissioners imparted and asked questions. The MMD maps were displayed. Flyers announcing the upcoming forums were provided, and the Commissioners advised the attendees where to find additional information on how to create maps for submission to the Commission. The Commissioners educated two members of the community on redistricting and received feedback regarding minorities in the proposed district 7 as well as the demographic make-up of

that community. One of the community members indicated there was a number of refugees living in that area, many of whom are undocumented, and unlikely to vote.

05/21/2022 (Sat.) NAACP Health and Wellness Expo 10:00am - 3:00pm

Three Commissioners participated in the NAACP Health and Wellness Expo held at the Empire Plaza. Due to high temperatures, the event was moved inside to the Concourse. The event was attended primarily by people who were passing by on their way to another event held in the Plaza Convention Center. Maps were displayed and flyers were distributed. Commissioners educated community members on the redistricting process, Local Law 8, mapping developments and upcoming public hearings and events. One of the event organizers went live on Facebook during the event, and we were able to speak on that format. The Commission presented to approximately 15 people including County Executive, Dan McCoy who thanked the Commission for their work. Approximately 40 flyers were handed out to the public.

05/26/2022 (Sat.) NAACP Virtual Meeting 6:00pm - 7:00pm

Two Commissioners attended this virtual meeting of the NAACP. At this event, Commissioner Allen Campbell presented on redistricting, the MMD and the work underway. Commissioner Allen Campbell responded to questions, requested and received feedback from attendees on ways they have been successful in engaging the community.

06/16/2022 (Thur.) South End Night Market 5:00pm - 8:00pm

Two Commissioners participated in this event. This event was held at 200 South Pearl Street. Due to rain, the event was moved indoors. The organizers of this event hosted small businesses, poets, and musicians. The MMD was allotted time to present Local Law 8, the redistricting process, mapping development, and community engagement to those in attendance. The attendees were attentive to the MMD and other presenters. The MMD's presentation and map display motivated people to come to the table to learn more about the MMD and mapping. MMD informational, events and survey flyers were available and distributed to the attendees. Commissioners also encouraged community members to complete the survey. Many people were unfamiliar with the redistricting process and some advocated for seven districts to provide more minority representation.

06/18/2022 (Sat.) Juneteenth Festival 12:00pm - 6:00pm

Four Commissioners attended this event hosted by the African American Cultural Center of the Capital Region (AACCCR). The MMD had a table near the AACCCR and displayed large maps, along with the MMD's Informational Flyer, Community Engagement Flyer and the Community Survey Flyer, which were distributed to some in attendance. Commissioners spoke with approximately 20-30 people about redistricting, the maps, and encouraged individuals to complete the community survey. Some completed it on the spot while others took the survey information and said that they would complete it later. During this event Commissioners spoke briefly with Legislator Sam Fein.

06/19/2022 (Sat.) Juneteenth: A Day of Freedom 1:00pm - 8:00pm

Two Commissioners attended this event held in Washington Park. The event was open to vendors, community organizations, and entertainment was provided. There were a few hundred people in attendance. The Commissioners were afforded the opportunity to walk around and speak with people about redistricting and the MMD, to request and encourage completion of the survey, and hand out informational and survey flyers.

06/23/2022 (Thur.) South End Night Market 5:00pm - 8:00pm

One Commissioner manned a table at this event. This event began outdoors and, due to rain, was moved indoors. The event included small businesses and community organizations. The maps were displayed and garnered attention from a professor and a few students as well as other attendees. During this event the MMD Commissioner talked to individuals who were in attendance about the maps and redistricting. Informational and survey flyers were also distributed and individuals were encouraged to complete the survey.

06/30/2022 (Thur.) South End Night Market 5:00pm - 8:00pm

Three Commissioners attended this event. This event was held outdoors and hosted small businesses and community organizations. The MMD Commissioners attended this event following their participation in a public hearing held earlier that evening. During this time the Commissioners talked to people who were in attendance about redistricting, the MMD and the final map. The Commissioners also handed out informational and survey flyers, encouraging people to complete the survey.

XV. MMD COMMUNITY ENGAGEMENT SURVEY

For the purpose of gaining insight and documenting the needs of Albany County MMD residents and communities of interest, the MMD Subcommittee developed a Community Survey. The final survey was approved and adopted by the MMD on or about Saturday, April 30, 2022 (See Appendix Q). A Survey Monkey Account was established to collect the community's response to questions and the survey was uploaded to the account. All MMD Commissioners were able to test run the program prior to it being opened to the public. The survey asked the following questions.

1. What Albany County Neighborhood do you reside in?
2. How long have you been a resident in the community identified above?
3. What community events bring residents together in your community?
4. How do residents in your community connect with one another outside of events?
5. Which of the following issues pose challenges for you and the other residents in your community?

6. What are the three most important areas of need in your community?
7. Are there barriers that stand in the way of addressing needs expressed above?
8. Do you know who your county legislator or neighborhood association representatives are to express your concerns?
9. How should public officials engage with your community to meet the needs expressed above?

The survey was published on the redistricting web page. It was promoted at all MMD community engagement events following its approval on or about Saturday, April 30, 2022. Flyers were developed and distributed with a QR code that would take respondents directly to the survey and make it easier for community members to complete the survey on the spot. Community Survey flyers were included with all flyers brought to tabling events, and in all MMD community outreach events and efforts. The Community Survey flyer was also shared on MMD members social media pages. Since the MMD was not getting the level of response desired, in June the MMD Subcommittee requested that the survey be shared with Albany County Legislators for distribution to their constituents. This immediately appeared to result in more responses coming in, but proved to be short lived and not as effective as the MMD had hoped.

The MMD Subcommittee reviewed the survey results at the end of each month. As of May 31st, there were (3) responses. As of June 30th, 43 residents participated in the survey, for a total of 46 responses. Responses were primarily from residents of communities outside of the MMD. The MMD Subcommittee extended the deadline to 7/15/2022 to receive additional responses from the public. The MMD Subcommittee promoted the survey on social media, through community outreach and word of mouth.

As of July 31, 2022, 51 residents had responded to the survey. Out of the 51 residents, 7 represented current MMDs. Thirty-nine respondents have lived in Albany County over ten years. The top community challenges expressed were: (1) Affordable housing, (2) Elder Care, and (3) Crime. Lack of investment was viewed as the primary (number 1) barrier to addressing the challenges expressed. The lack of investment in funding and promotion resources, and the lack of resident investment in community were cited by the respondents. Forty-two residents indicated that they knew the name of their County Legislator, and have recommended that their elected official invest more consistently in community engagement with their residents via town halls, walk throughs, and community presentations.

The largest spike in responses was fueled by Albany County Legislators sharing of the survey. Since the survey is covered for one year, the MMD Subcommittee has decided to leave the survey active indefinitely.

The MMD Subcommittee will continue to promote the survey on social media, through community outreach and word of mouth. As the MMD believes the information provided by a

large number of residents completing the survey would provide beneficial information to Legislators, it is recommended that Legislators consider distributing the survey again and encouraging their constituents to complete the survey.

Full Survey Results can be found here: [Majority Minority Districts Resident Survey - Responses | SurveyMonkey](#).

XVI. CONSIDERATIONS/OBSERVATIONS FOR FUTURE REDISTRICTING WORK

Every one of the Commissioners appointed to the MMD Redistricting Subcommittee started the process with a steep learning curve to close. Despite whatever academic or professional success individual Commissioners may have achieved over the years, none were previously engaged in the redistricting process. Although the MMD Subcommittee members rose to the task at hand, there were some things that would have helped close the learning curve faster and reduce some redundancies we encountered along the way. The following suggestions may be beneficial in advancing future redistricting efforts and we respectfully offer them for your consideration.

- **Separate allocation of monies to the Redistricting Commission and the Majority Minority District Redistricting Subcommittee.**

Rationale: It is important for each body to have a clear sense of how much money has been allocated in support of their work so that budgets can be developed and effectively monitored. Segregation of monies will make it easier for each body to review and monitor its own expenditures. Also, this will support each body having a clearer sense of what can and can't be pursued within the confines of any allocated funding.

- **Create Albany County briefing books to be given to all Commissioners upon appointment. The briefing books will be used to orientate the Commissioners through orientation sessions prior to the start of their redistricting work. Topics/subject matter to be covered would include the relevant sections of Albany County policies, procedures, department contacts, applicable rules, regulations and laws, listing of available meeting spaces within the County, a brief primer on the Open Meetings Law, rudimentary elements of Roberts Rules of Order, and the requirements for conducting public hearings, including equipment and technology needs.**

Rationale: It is imperative that the redistricting bodies receive support from Albany County in order to advance its redistricting work and to conform, where necessary, to Albany County policies, protocols and procedures. This includes having an understanding of the County's "business environment." This "business environment" includes an understanding of IT infrastructure and software; knowledge of key departments and individuals therein, and a briefing on policies relating to hiring, business and procurement policies and processes, and availability and a listing of Albany County spaces available to redistricting bodies for meetings,

and other activities to progress the work of the two bodies. Basic knowledge of the foregoing would reduce the learning curve and produce greater productivity earlier in the process.

- **Start the recruitment for a diverse pool of Commissioners early in the year of the Census and make initial appointments to the ACRC and the MMD by September of the year of the Census.**

Rationale: Much foundational work can be done in advance of the release of Census data.

- **Provide an Orientation and training for all appointed Commissioners that addresses, at minimum, the following:**
 - Redistricting 101 including a review of the Albany County Legislation; Geographic Composition of Albany County to include municipalities, towns and villages. The history of redistricting in Albany County and current Albany County Maps that reflect districts and neighborhoods
 - Public Hearing Requirements
 - Voting Rights Act Primer
 - Basic Roberts Rules of Order
 - Albany County Code of Ethics
 - Documentation and Retention Requirements
 - Albany County Mandated Training
 - Albany County IT Infrastructure and Software Orientation

Rationale: Knowledge in the above areas will greatly reduce the learning curve for newly appointed Commissioners and will facilitate timely progression of the work of the redistricting bodies.

- **Ensure the compilation and availability of yearly election results data in Excel tables and shape file formats. To the extent allowable under the law, data on the ethnicity of candidates should also be compiled.**

Rationale: This data is sometimes needed in support of redistricting. Having it readily available and easily accessible in standard formats that facilitates its use will support the work of redistricting bodies.

- **Ensure Albany County Departments are oriented to redistricting bodies coming on board and adequately staffed to absorb any additional work that will be generated by redistricting bodies.**

Rationale: Albany County staff having an understanding of the redistricting bodies, the scope of work and any potential needs that will aid their readiness in supporting redistricting work and provide early orientation to structures that may not completely conform to normal operating protocols. This at times gave rise to some confusion that resulted in delayed processing of redistricting work. Any support required from Albany County Departments to advance redistricting work should be addressed as priority work. Departments that are not adequately staffed to absorb the additional workload will impede the progress of redistricting work.

- **The MMD endeavored to present the data and maps to the public in a way that would facilitate understanding. Based on a few comments received, map presentations and the provision of supporting data to the public might have been streamlined more to better aid understanding of the data utilized. Future presentations/publications could more clearly delineate:**

1. What data is being used (Census Tract, and the Year, Prison Population)
2. What objectives are being sought
3. What are the challenges
4. Definitions and demographics used to configure the MMDs (Black, Hispanic)
5. Glossary of terms

Rationale: A narrative description of each district, including information relative to any substantive changes, could be provided. This may have assisted in providing a better understanding of mapping, the issues and challenges inherent in therein, the resultant maps, the considerations that went into the map(s), and the resultant changes, which may have supported more public inclusiveness.

- **Community Engagement proved by far to be one of the toughest areas of assignment for the MMD. While coming out of COVID likely attributed to some difficulty engaging communities with many organizations still being closed. In retrospect the MMD's community engagement activities needed to begin sooner. Additionally, they needed to rely more heavily on community stakeholders and partners. Future commissions engaged redistricting focusing primarily on minority communities should consider beginning their community engagement efforts at the very beginning of the process. Once the commission is formed engagement with the public commence immediately.**

Rationale: Initial meetings with churches, and community-based organizations could include planning for resident engagement. This would provide direction on who to reach out to, social

media avenues, outreach platforms, and venues to conduct forums, education sessions and public hearings. Early planning efforts, such as those described above, might have supported the MMD in receiving more input from the public and in disseminating information to the public in a more uniform and streamlined way.