

1                   5-18-2022    -   Albany County Public Hearing

2   ALBANY COUNTY LEGISLATIVE OFFICE

3   -----X

JOINT PUBLIC HEARING

4

LOCAL LAW 8 for 2019

5

Authorizing the Notice of Publication regarding  
the 30-day period for public review and comment,  
Concerning Realigning Albany County's Thirty-nine

6

Districts

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Minutes of Hearing, on 18th day of May, 2022 commencing at  
5:03 p.m., Via Zoom connection

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BEFORE: CHAIRWOMAN MARIE ALLEN CAMPBELL

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Reported by James Maglaras

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2   **APPEARANCES:**

3   **ADRIENNE SMITH KISSEE, Subcommittee**

**DONA BULLUCK, Subcommittee**

4   **KESHANA OWENS CODY, Subcommittee**

**LARRY MAULDIN, Subcommittee**

5   **CONSTANCE GRAVES, Subcommittee**

**PRITI MATHUR, ARCBridge**

6   **SAM MATHUR, ARCBridge**

**JEFFREY WICE, N.Y. Census & Redistricting Institute**

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**TOM CLINGAN**

**JOAN RAMSEY**

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**LARS DAHL**

**KENDRALYN SHIDER**

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**NOELENE SMITH**

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2                                   (The hearing commenced at 5:03 p.m.)

3                           THE REPORTER:   Okay.   So, we are on  
4 the record.   It is 5:03 p.m.

5                           CHAIR CAMPBELL:   Good evening.   On  
6 behalf of the Majority/Minority district --  
7 Redistricting Subcommittee hereinafter referred to as  
8 the MMD, welcome and thank you for your  
9 participation.   My name is Marie Allen Campbell, and  
10 I am the Chair of the MMD.   Also joining me tonight  
11 is Keshana Owens Cody, Adrienne Smith Kissee, Donna  
12 Bulluck, Larry Mauldin, Constance Graves.   We also  
13 have with us tonight Priti Mathur and Sam Mathur of  
14 ARCBridge and we also have Jeffrey Wice of the NY  
15 Census and Redistricting Institute with us.

16                           I'm just going to quickly go through  
17 our outline, so you have a sense of what we're going  
18 to be doing tonight.   Jeffrey Wice is going to come  
19 with a brief presentation on federal law.   Donna  
20 Bulluck is going to do a presentation on New York  
21 State Redistricting in Albany County, Local Law 8.   I  
22 will wrap that up with a summary on redistricting.  
23 Then you -- you will be hearing from Priti Mathur,  
24 who will talk about the 2020 Census in mapping.  
25 Keshana Owens Cody will do a brief presentation on

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2   community engagement and then we will open up for  
3   public comment.

4                         Again, thank you for joining us.  At  
5   this time, I turn it over to Jeffrey Wice.

6                         MR. WICE:  Bear with me for one  
7   second.  I'm just switching computers.  Okay, can  
8   everybody hear me now?

9                         MS. CAMPBELL:  Yes.

10                        MR. WICE:  Let me just bring up my  
11   screen.  Okay, well, good afternoon, everybody.  I'm  
12   Jeff Wice with the New York Census and Redistricting  
13   Institute at New York Law School and I'm serving as  
14   the Counsel to this Committee.  What I'll do in the  
15   next few minutes is provide a presentation on the  
16   Federal Voting Rights Act as it would apply to Albany  
17   County, but to give you an overview of how the law  
18   operates and, generally, the -- the Congress working  
19   off the 14<sup>th</sup> and 15<sup>th</sup> Amendments to the Constitution  
20   enacted the Voting Rights Act in 1965.  The Voting  
21   Rights Act has several sections.  Part of the law  
22   deals with language of minority voting, and federal  
23   observers, and a few other administrative type  
24   things.  The main part -- the main section of the  
25   Voting Rights Act is referred to as Section 2 of the

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2    Voting Rights Act and that's what I'll be spending  
3    most of my time on.  Now, I'll just mention in  
4    passing that there was another section of the Voting  
5    Rights Act known as Section 5.  Section 5 applied to  
6    states and localities that had a history of minority  
7    vote dilution and, if the jurisdiction -- a state or  
8    a city or a locality had a serious history of a voter  
9    -- vote dilution then those jurisdictions were  
10   subject to something called preclearance, or the need  
11   to get federal approval before the new laws could go  
12   into effect.  And this covered everything from  
13   changing the way a ballot question was presented, to  
14   the location of a poll site, and most importantly for  
15   our purposes this afternoon, redistricting plans.  
16   Section 5 required that the jurisdiction obtained  
17   approval from either the U.S. Justice Department or a  
18   special federal district court in Washington, D.C.  
19   before the law could go into effect.

20                    In New York State, this applied to  
21   only three counties: The Bronx, Manhattan, and Kings  
22   County, known as Brooklyn.  It did not apply outside  
23   of New York City, and it did not apply to Albany  
24   County.  But in 2013, the U.S. Supreme Court,  
25   basically eliminated or found unconstitutional the

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2    trigger formula in Section 5 that was based on 1960's  
3    voting statistics that to be covered by Section 5,  
4    you had to have had less than fifty percent of the  
5    minority voters voting in the 1964 presidential  
6    election, and you also might have had a literacy test  
7    or a poll tax. New York City and those three  
8    counties had low voter turnout as well as a -- a  
9    literacy test to vote.

10                    Many people don't remember, but up  
11    until 1969, you had to be able to speak English to  
12    vote. I don't recall how much that was enforced, but  
13    by the early 1970's, that provision was found  
14    unconstitutional, but, subsequently, in the early  
15    1970's through 2013, certain parts of New York City  
16    were subject to Section 5 preclearance. Section 5  
17    was basically put on hold by the Supreme Court in  
18    2013 leaving Section 2 of the Voting Rights Act, the  
19    only really applicable standard and that's the  
20    standard that we're working with in this Subcommittee  
21    and in Albany County.

22                    Section 2 of the Voting Rights Act  
23    applies nationwide. Congress passed Section 2 in the  
24    1960's to help effectuate the 15th Amendment's  
25    guarantee that no citizen's right to vote shall be

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2   denied or abridged on account of race, color, or  
3   previous condition of servitude. Section 2 prohibits  
4   what is usually referred to as minority vote dilution  
5   and that is the minimization or canceling out of  
6   minority voting strength. Section 2 of the Voting  
7   Rights Act prohibits any electoral practice or  
8   procedure and here we're talking about a  
9   redistricting plan that results in the denial or  
10  abridgement of the right of any citizen to vote on  
11  account of race, or color, or language in a language  
12  minority group.

13                   And then Section 2 specifically states  
14  that the right to vote has been abridged if,, and  
15  I'll read you from the law, based on a totality of  
16  circumstances, if it is shown that the political  
17  process leads to nomination or election are not  
18  equally open to participation by members of a racial  
19  or language minority group and that its members have  
20  less opportunity than other members of the electorate  
21  to participate in the political process and to elect  
22  representatives of their choice. That's the classic  
23  language that we usually work with. Section 2  
24  prohibits any redistricting plan or election law that  
25  impairs the ability of a protective minority group to

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2    elect its preferred candidates on a equal basis with  
3    other voters.  And for the purposes of the Voting  
4    Rights Act, we are talking about Black voters, Asian  
5    American, Hispanic, Native Americans, and Pacific  
6    Islanders.

7                            In the context of redistricting, where  
8    Section 2 has been applied most frequently, the law  
9    poses or asks a basic question, how and when must a  
10   city -- mentioning city in the context that -- I'm  
11   sorry, county -- and that we're talking about county  
12   redistricting here, how and when must a county draw  
13   district lines to avoid the voting power of a  
14   protected minority group or, specifically, when does  
15   the county need to create effective majority/minority  
16   districts -- those are districts in which the  
17   minority group consists and effective voting majority  
18   and I'll keep mentioning the word effective because  
19   we've got to show that the plan -- the map for  
20   minority voters will actually work to elect the  
21   minority preferred candidate.

22                           The Supreme Court in 1986, set down a  
23   basic framework by which to determine whether you  
24   have a situation of racially polarized voting and the  
25   Supreme Court in a 1986 case coming out of North



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2    Carolina called Thornburg versus Gingles, the Court  
3    set out a -- a basic three-part test that must be met  
4    by anybody challenging the plan for alleged vote  
5    dilution.  So, the first factor, number one is  
6    whether the minority group is sufficiently large and  
7    geographically compact to constitute a majority in a  
8    single member district.  Now, a single member  
9    district, which we have in Albany County, are  
10   districts that elect one candidate to serve in a  
11   single district in -- in the county.  That's the  
12   first requirement; is it sufficiently large and  
13   geographically compact and by that it means that if  
14   you're challenging the plan for the first time,  
15   you've got to demonstrate that a majority of the  
16   voters in a district would be Black, or Hispanic, or  
17   Asian American and they must meet a fifty percent  
18   plus threshold of minority voting age residents.

19                    The second criteria, number two, is  
20   whether the minority group is politically cohesive.  
21   You've got to demonstrate that the minority voters  
22   vote for the same kinds of candidates.  The classic  
23   example I usually refer to that shows lack of  
24   cohesiveness is Miami, Florida, where Puerto Ricans  
25   generally support Democrats and Cubans generally

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2    support Republicans.  You cannot, in that situation,  
3    put all Hispanic voters together expecting that  
4    they're cohesive because election results demonstrate  
5    using election precincts or election district results  
6    that they are not politically cohesive.  And the  
7    third factor, number three, is whether the white  
8    majority votes sufficiently as a block to enable it.  
9    The white -- the majority in the absence of any  
10   special circumstances to defeat the minority  
11   communities preferred candidate.  So, three factors,  
12   fifty-percent-plus population.  That's number one.  
13   Number two is political cohesiveness, and number  
14   three, racially polarized voting.  Then, if the  
15   answer to any of those questions is no, you don't  
16   need your test.  Once those factors are met, the  
17   Court -- the Supreme Court -- has then set out one  
18   additional requirement and that's that you have to  
19   meet what's called the totality of the circumstances  
20   test.  That you have to demonstrate how the minority  
21   group has less opportunity than white voters to  
22   participate in the political process and to elect  
23   candidates and there there are different factors.  
24   They come out of a 1982 U.S. Senate Judiciary  
25   Committee Legislative Report that they authorized the

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2   Voting Rights Act.  You have to show whether there is  
3   systematic exclusion of minority voters from  
4   political participation whether they can't join and  
5   participate in political clubs, whether they're  
6   denied, and some have the ability to petition, or to  
7   serve in office.  You can also show that there are  
8   socioeconomic factors locally and most commonly we  
9   look at education, employment, health.  You look at  
10  the disparities between the minority community and  
11  the white community.  You also want to look to see if  
12  campaigns have been run with racial appeals.  I'll  
13  use an example, in Suffolk County, on Long Island  
14  where certain candidates ran in districts neighboring  
15  minority communities talking about gangs,, and  
16  violence and we don't want New York City coming out  
17  to Long Island, those are appeals that are based on  
18  race and fear.  So, you look to see, well, what else  
19  is going on there and there aren't a set number of  
20  other criteria to meet, but you generally want to get  
21  a sense of, well, you might meet those three  
22  criteria, but is there anything else going on there  
23  and generally, that is the case.

24                           In New York State recently, we've had  
25  several Section 2 lawsuits where both the three

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2   factors were found as well as a few of the totality  
3   tests.  That includes challenges in Islip, on Long  
4   Island, in Suffolk County to the town board that --  
5   that did not enable the Hispanic community to elect  
6   its preferred candidate.  We had a twenty some-odd  
7   years ago in Nassau County where a five-member white  
8   town board was elected at large constantly, but never  
9   afforded the black community to elect its preferred  
10  candidate.  So, in those instances, what the Courts  
11  do is step in and direct the locality -- the town --  
12  in these cases to create at least one single member  
13  district that the minority community can effectively  
14  elect his preferred candidate as long as it meets the  
15  fifty percent test, as long it's cohesive.

16                   We had that also a year or so ago in  
17  Rockland County where a school board in East Ramapo  
18  was found to deny Hispanic voters the ability to  
19  elect candidates to the school board because of all  
20  of this different exclusionary policies.  We had a  
21  case about ten/twenty years ago in Niagara County  
22  and, of course, as many of you might remember, there  
23  was a case in Albany County, Pope versus Albany  
24  County where in 2015, a federal judge held that the  
25  Albany County Legislature was drawn in a way to deny

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2    minority voters the ability to elect their preferred  
3    candidates and in that decision seven years ago,  
4    Judge Kahn ordered the creation of at least five  
5    minority districts for the Albany County Legislature  
6    and we are picking up on the heels of that decision  
7    with new data in 2020 and with -- with new  
8    demographics.

9                                So, that gives you, basically, an  
10   overview of how the Voting Rights Act works.  There's  
11   also, you know, in a situation where if you had a  
12   situation meeting the three-prong test, as Albany  
13   County did a few years back, and new census numbers  
14   come in and the districts back in 2015 where the Pope  
15   decision was decided, show that -- demonstrated that  
16   you can join districts at fifty percent plus the  
17   minority population and today, if you can still  
18   demonstrate that there is a significant level of  
19   racially polarized voting, you are required to  
20   maintain those districts in a new plan and if there  
21   is a level of polarized voting that the districts  
22   aren't now electing the preferred minority community  
23   candidate of choice and that you might not need to  
24   keep that percentage as high as fifty percent, but  
25   you can go, maybe, a few points lower.

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2                           The key issue now is that you've got  
3   to show that the districts are effective.  The way we  
4   do that is to bring in social science analysis that  
5   the Supreme Court has given its blessings to, where  
6   we take a look at the minority population, minority  
7   voting strength and we look at recent elections to  
8   see for different elections whether white candidates  
9   versus Black, Hispanic, or Asian candidates how --  
10  how are they doing?  How are they receiving votes  
11  from white communities?  And if we see that since  
12  2015 for county elections, basically, and that has  
13  been polarized voting, then we're still required to  
14  create a number of districts.

15                        So, the goal of this Subcommittee is  
16  to look at the County of Albany and determine how --  
17  how have things stacked up today, whether there are  
18  significant populations warranting minority  
19  districts, whether there's a high level of polarized  
20  voting, and if so, how do you draw districts that  
21  best meet the requirements of the Voting Rights Act.  
22  And the reality in the county of creating,  
23  maintaining, redrawing effective minority districts  
24  at whatever percentage population of minority voters,  
25  but that will from all analysis, will demonstrate

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2   that the minority voters will be able to effectively  
3   elect their preferred candidates of choice.

4                        So, the Voting Rights Act is still  
5   very much alive and well in Albany County and this  
6   Subcommittee was created in part to make sure that  
7   any of the mistakes or patterns that we've seen in  
8   previous decades aren't repeated again. We keep  
9   making steps forward at least in New York every ten  
10   years, but that is, essentially, where we are now in  
11   applying the Voting Rights Act to ensure effective  
12   representation of minority voters -- where they live,  
13   how they vote, and how they're expected to perform in  
14   the future to ensure adequate representation for  
15   everyone. I'd be glad to take any questions now or -  
16   - or later.

17                      MS. CAMPBELL: Thank you, Jeff. At  
18   this point, we'll allow the presentation from Donna  
19   Bulluck.

20                      MR. WICE: Microphone is not on.

21                      MS. BULLUCK: Sorry about that. Okay.  
22   Good evening, everyone. I just want to give you a  
23   little background on redistricting in New York State,  
24   but, more importantly, how we got to the creation of  
25   this Subcommittee.

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2                    As you're aware, at the beginning of  
3 every century, there's a census that's conducted  
4 across the country. The census serves a number of  
5 purposes, not just for counting the population in the  
6 United States, but those number are used for a  
7 variety of things. One of the things that those  
8 numbers are used for is to determine representation  
9 in the U.S. Senate and the U.S. House of  
10 Representatives and sometimes you look at some areas  
11 they have gained population. Others areas have lost  
12 population. All this affects the number of  
13 individuals that a state may have in the House of  
14 Representatives. Every state has two senators. That  
15 does not change.

16                   So, when we look at the numbers within  
17 a particular state, the state then has to create maps  
18 and those maps will determine how many  
19 representatives there will be from the State of New  
20 York, but more importantly, within different areas in  
21 the State.

22                   These maps are also used, not just to  
23 determine the number of members of the House of  
24 Representatives in Congress, but also for the New  
25 York State Legislature and the number of assembly



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2 members that will be in the New York State  
3 Legislature.

4                        So, this is why maps are important  
5 because it determines how many assembly men or  
6 assembly persons there will be in the Legislature as  
7 well as the number of representatives in the U.S.  
8 House of Representatives. Maps are then drawn up on  
9 a statewide level and the maps that are drawn on a  
10 state lide -- wide level will determine the  
11 individuals that are elected to the U.S. Congress,  
12 which would include your senators and your members to  
13 the House of Representatives, but it also determines  
14 how many assembly persons will be elected for the New  
15 York State Legislature and where they're coming from  
16 -- what districts they will be coming from.

17                      The census is also used for counties  
18 within a state to also draw maps because we have  
19 statewide elections. We have countywide elections.  
20 So, these numbers help to create the maps that are  
21 drawn that will determine what area has so many --  
22 what number of representatives and where they're  
23 coming from.

24                      Countywide elections would be for  
25 county legislators, for county offices, such as the

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2    district attorney, or the county treasurer, or the  
3    county comptroller.

4                        Back in -- well, let me just say this  
5    -- minorities make up thirty-three percent of Albany  
6    County's population, yet representation in the Albany  
7    County Legislature is currently less than eighteen  
8    percent. Albany County residents have challenged the  
9    last three redistricting efforts in New York State  
10   Courts, and they won. This legal victory resulted in  
11   an increase in the number of minority districts in  
12   Albany County. Currently, there are five.

13                      Albany County Legislature, as a result  
14   of this litigation, passed Local 8 and the purpose of  
15   Local Law 8 is to take party politics out of the  
16   redistricting process. You cannot, in the process of  
17   creating a map and creating a district, try to favor  
18   one party over the other in the creation of that  
19   district. It's also to ensure that input and needs  
20   of minority committees are considered in all aspects  
21   of the redistricting process.

22                      Also, to establish a process where  
23   Albany County residents have input to ensure fair  
24   representation and finally, to protect the voting  
25   rights and interest of minority residents and

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2   communities.  That's -- those are the purposes for  
3   Local 8 that was passed in 2019.  How is this going  
4   to happen?  How is the law going to ensure that these  
5   things are -- that these things actually take place?  
6   That was -- is the focus and the purpose of the  
7   Minority/Majority Redistricting Subcommittee and the  
8   purpose of this Subcommittee is to provide -- and  
9   this is from the legislation -- a laser focus to  
10  ensure the fair representation of Albany County  
11  minority communities in all aspects of the  
12  redistricting process.  This is to happen by making  
13  recommendations to the Albany County Redistricting  
14  Commission regarding the manner in which the minority  
15  districts are drawn ensuring that minority residents  
16  that reside in the minor -- majority/minority  
17  districts have the opportunity to elect individuals  
18  who are representative of that district and to  
19  protect the voting rights of minority residents.  And  
20  one of the ways that we fulfill this -- this mission  
21  is to have a public hearing like we're having this  
22  evening where we could receive questions and input  
23  from the - from the community, but also allow them to  
24  see maps that have been drawn to date.

25                           CHAIR CAMPBELL:  Thank you, Donna.

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2   Well, in times of redistricting and based on what  
3   you've heard, redistricting is a process that is  
4   required under federal, state, and local laws and  
5   federal, state, and local laws also provide  
6   protections to ensure that there's fairness and  
7   equity in how districting plays out.

8                   Our work represents the -- the first  
9   time that Albany County is using an independent  
10   Commission to advance this work.   The  
11   Majority/Minority Redistricting Subcommittee, the  
12   MMD, is working alongside another body, the Albany  
13   County Redistricting Commission to progress this  
14   redistricting work.   It's about fairness and it's  
15   about equity.   It's about giving residents of Albany  
16   County and of minority communities the opportunity to  
17   have input in the redistricting process and it's  
18   about considering that the needs of those communities  
19   are considered in all of this work and why I'm with  
20   that, it's really important that we hear the voice of  
21   the public.   You know your communities.   You know  
22   your neighborhoods.   You know what your concerns are,  
23   and we encourage you to engage with us in this  
24   process.   We encourage you go to the Albany County  
25   Redistricting website, which can be found at

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2   AlbanyCounty.com/acrc.  You can also email comments,  
3   concerns, questions to us at  
4   MMDredistricting@AlbanyCountyNY.gov.

5                   At this point, Priti Mathur is going  
6   to come from ARCBridge, a mapping consultant, and is  
7   going to share some information with you regarding  
8   the 2020 census and our mapping process.

9                   MS. MATHUR:  Good evening.  I am Priti  
10   Mathur from ARCBridge Consulting, and I would like to  
11   give you an update on the mapping process for MMD.  
12   Marie, at this time, I would like to get your  
13   permission to share my screen.

14                  MS. CAMPBELL:  You should have it,  
15   Priti.

16                  MS. MATHUR:  Oh, great.  So, here is  
17   the update on the census data.  As you can see on the  
18   screen, we are showing you the -- a graph of the  
19   population of Albany County by race and ethnicity.  
20   So, while you have the graph, we have the numbers on  
21   right, and you can see that the population of Albany  
22   County is sixty-six-point eight percent non-Hispanic  
23   white and the rest of it that you can see is  
24   minority.  You can see the Hispanic population, non-  
25   Hispanic Black, non-Hispanic Asian, and mixed races.

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2    So, overall, the population is three hundred and  
3    sixteen thousand and seventy-nine.  Given this number  
4    and given the number of districts that Albany County  
5    has, the ideal population for each district is eight  
6    thousand, one hundred and five.

7                    So, the next task that we did, we  
8    looked at the districts and we looked at the  
9    population in each district and we compared it with  
10   the ideal population -- the number that I just told  
11   you, eight thousand, one hundred and five.

12                   So, what you see on this map is all  
13   those districts, which have less population as  
14   compared to the ideal, we shaded it in green and the  
15   ones that had more, we shaded them in pink and red.

16                   So, we are going to next line, I'm  
17   just going to show you the MMDs -- the  
18   majority/minority districts and we looked at those  
19   districts and you can see them here -- the table.  
20   So, you can take a look at the table here and you can  
21   see the -- all these districts, except for district  
22   six, they are in neither population.  So, here we  
23   give you the population of the district and we also  
24   provide you with the original population, the ideal  
25   population -- the ideal population, and the deviation

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2   percent.

3                        So, as you can see, we need to add  
4   areas so that we can see the deviation.

5                        So, the next thing was to look at the  
6   population distribution by race and ethnicity.  So,  
7   in this slide, what we are showing you is wherever  
8   there is the majority, non-Hispanic, white  
9   population, we are showing it in yellow.  Where it's  
10   majority Hispanic population, we are showing it in  
11   red and the non-Hispanic Black population wherever  
12   it's the majority we are showing it in blue.  So,  
13   this map shows the distribution by race and ethnicity  
14   by graphs and since this is the full county, what we  
15   do is we just focus on the MMDs and you can see the  
16   same -- same distribution as you saw on the last  
17   screen, but here you can just look at your MMDs.

18                      So, we draw a map showing the majority  
19   Black just looking at non-Hispanic Black -- majority  
20   Black and we found that these are the districts for  
21   which are currently majority, non-Hispanic Blacks.  
22   On the other side here, we looked at all the  
23   minorities and we found that if we look at all the  
24   minorities that are in other districts that is a  
25   minority district.

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2                        So, then we looked at the as-is, the  
3   current districts and we already give you the  
4   numbers, but we wanted to show you more here, so we  
5   have the Hispanic population, white, non-Hispanic  
6   Black, and the minorities as a whole and we give you  
7   percentages, so if you looked at the percentages for  
8   non-Hispanic Black population, you can look at the  
9   other graph as well as in each population and these  
10  are the numbers. But now we already know that we  
11  need to add population to these districts, so we  
12  went, and we said, how do we do that. So, we  
13  compared the 2011 population and the 2021 population  
14  so that we could see in these districts if the  
15  population for a certain race has grown or decreased.  
16  So, if you look at the total population percentage  
17  and the border district population percentage, you  
18  can see that in districts one, two are MMD districts  
19  and what we want to focus on, we'll see that the non-  
20  Hispanic white population, non-Hispanic Black  
21  population is going down in district one, but on the  
22  other hand, the Hispanic and the non-Hispanic Asian  
23  population is going up. So, you can see that for  
24  each of those districts and I'm going to show you  
25  this information on a map, so that you can see --



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2    actually see and make more sense out of the data.  
3    So, in 2011, the Hispanic population percentage was  
4    four point nine, but in 2021, it's six point eight  
5    seven.  A significant decline in non-Hispanic white  
6    population and a modest increase in non-Hispanic  
7    Black population and non-Hispanic Asian population.

8                        So, now, when we look at this data and  
9    we put it on a map to see exactly what is happening,  
10   we realize and if you look at the legend that we have  
11   here, wherever you see the districts which are in red  
12   or in orange, there the non-Hispanic Black population  
13   has gone down and where you see the greens, that  
14   means that it has increased.  So, if you look at your  
15   specific MMD area, you're seeing that these  
16   traditional MMDs they're actually -- the non-Hispanic  
17   Black population is moving around and is going to be  
18   moving still.  And I'm going to zoom into our MMD so  
19   you can see that district one saw a decline, district  
20   six, district two -- all these MMDs that we were  
21   focusing on, they're seeing a decline in non-Hispanic  
22   Black population.

23                       With this information, what we did was  
24   we decided to explore that, can we maintain our  
25   current MMDs based on the 2021 data, and we came up

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2   with an MMD plan B and if you look at Plan A, we were  
3   able to balance the districts one, two, three, four,  
4   six, and seven what is not a non-Hispanic majority  
5   district, but it's a minority district. So, we were  
6   able to balance them and what you see on the map --  
7   the black and white shaded line, is the current  
8   districts and the black line is what we propose. And  
9   you can see the percentages and the changes look  
10  pretty good for non-Hispanic Black total population  
11  as it relates to the entire population, and when you  
12  look at the minorities combined, you can see strong,  
13  high percentages.

14                    So, when we presented this map, we got  
15  some -- we put it out for the community to view and  
16  there was -- there was feedback, but the district  
17  should remain within the City of Albany and not go  
18  into Menands. So, what we did was we took the  
19  community feedback and we went and we revised our  
20  plan A and we call it a plan A revised and you can  
21  see on this map you're seeing that this -- the red  
22  and black dotted line is the City of Albany and so,  
23  what we did was we stayed within it and then we were  
24  able to balance it and you can see there were minor  
25  differences that instead of going up, we went into

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2    district two and then district two got some from  
3    district four and district four went out to district  
4    13 and got some areas from there and we were able to  
5    create nice, strong -- if you can look at the other  
6    population as well as Albany's population, you see  
7    that there are strong forty and above percentages for  
8    districts one, two, three, four, and six, and seven,  
9    like I told you, is an MMD based on all the  
10  minorities.

11                        So, after doing plan A, what we did  
12  was here on this slide, we are comparing the as-is  
13  plan with the graph, plan A revised and you can see  
14  that our goal was to keep the current districts as  
15  much the same as possible and yet, keep them as MMDs.  
16  So, we were successful in that and then we saw some  
17  submissions from the community where there were more  
18  to explore the possibility of getting more MMDs.  So,  
19  with that what happened was we looked at neighborhood  
20  associations as communities of interest.  We looked  
21  at populations and we came up with a draft plan B.  
22  And in this, we actually were able to create seven  
23  MMDs and if you look at total population for non-  
24  Hispanic Black, you look at the percentages.  The  
25  percentages have gone down some, but if you look at

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2   total population, there is still non-Hispanic Black  
3   majority districts, but the story gets a slightly  
4   different, if you look at the voting age population  
5   and if you look -- just to compare the non-Hispanic  
6   black VAP with non-Hispanic white VAP, there are some  
7   districts where actually the VAP for non-Hispanic  
8   white there's more, but when we add the Hispanics and  
9   the non-Hispanic Blacks, then they're good, strong  
10  MMDs.

11                   But, once again, this is an exercise  
12   that we are looking at. We are exploring the  
13   possibilities, and this is what we have come up with,  
14   and the MMD Subcommittee is still looking at it, and  
15   they are still evaluating this, and this is based on  
16   community feedback. And on this final slide, I'm  
17   just comparing them, so that you can see how the  
18   current districts are, how we devised it to create a  
19   plan A, devised Plan A, and you can see it has  
20   minimum changes, but when you look at draft plan B,  
21   we have - we have tried to keep the communities  
22   together, the neighborhoods together, and yet be able  
23   to try to achieve these seven MMD possibilities that  
24   we have done.

25                   So, with this, I would like to wrap up

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2   my presentation and hand it back to the Chair. Thank  
3   you.

4                   CHAIR CAMPBELL: Thank you, Priti. At  
5   this time, Keshana will come with a piece on  
6   community engagement.

7                   MS. OWENS CODY: Good evening everyone.  
8   So last time we had a a public hearing and we shared  
9   with everyone that we were - that MMD was getting  
10  ahold of the community to get maps to get feedback  
11  out in all of the MMD districts. We have a pretty  
12  robust canvasser. Every week or every day we've been  
13  out whether it was a public library, or a school in  
14  the community. We've tried to make sure that we are  
15  visible, that we are getting the maps out to the  
16  community and that we are getting feedback from  
17  residents in those MMDs. Nest week, or actually I'll  
18  say tomorrow, we'll be in Arbor Hill, both at the  
19  Community Center and at the Library.

20                   On Saturday we'll be at the NAACP  
21  health and wellness event at Empire Plaza, and next  
22  week we'll be at the South end Night Market. We've  
23  found it works best when we're actually at community  
24  events versus some of the events. When we go to the  
25  library we are consistently looking for more events

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2   to attend in the community. We really want your  
3   feedback, we really want to show these maps and get  
4   your feedback in the way the maps are being drawn.

5                   And then last but not least we did put  
6   out a survey if you do go to the Albany County -  
7   Albanycounty.com/government/redistrictingcommission,  
8   you'll also find the MMD survey. We want to get  
9   feedback from each one of the communities that are  
10  not just MMDs, but we did call the entire county as  
11  well, so look for us, we'll be out in the community  
12  with maps, and yeah, we just want to continue to get  
13  feedback.

14                   CHAIR CAMPBELL: Thank you, Keshana.  
15  At this time, just to reiterate, the website is  
16  AlbanyCounty.com/acrc, and at this time we are going  
17  to open the hearing up for testimony. So do we have  
18  Jeanette with us? Do we have Noelene Smith with us?  
19  Do we have Kendralyn Shider? Kendralyn Shider you  
20  have the floor. Kendralyn you're muted. Kendralyn  
21  are you there? I guess she's not there. We have -  
22  we have Lars - Lars Dahl with us who will come and  
23  provide testimony at this time.

24                   MR. DAHL: Hi, everyone. Some  
25  feedback. I love talking with you guys. I just

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2    wanted to bring up a couple of things in my testimony  
3    today. I've talked to the - I've talked extensively  
4    about communities of interest. One testimony I was  
5    talking about district two and district six, which is  
6    around the area where I live. I've also spoken in  
7    the past about the need for more minority  
8    representation and I wanted to clarify a couple of  
9    points today because I've seen that there's been a  
10   little bit of confusion about the seven points -- the  
11   seven MMD maps. So, I wanted to talk a little bit  
12   about them and what can be done.

13                        So, traditionally, it's -- what's  
14   really important is to have effective minority  
15   districts. There's no point in having something  
16   labeled as an MMD if it does not consistently elect  
17   candidates of color. That's something that Jeffrey  
18   Wice has done a really good job of explaining on and  
19   something that another good job that Dr. Hanley has  
20   talked about. And so, when it's -- while it's useful  
21   to understand that it's also useful to look at the  
22   demographics of those areas to really see what those  
23   districts look like and if they are going to actually  
24   be able to elect a candidate of color.

25                        So, for the most part, in the map that

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2    I've seen, I don't have it in front of me,  
3    unfortunately, with the stats, but what I have seen  
4    is in the districts in the plan B that I saw the  
5    commission looked at. I do want to say that I  
6    personally, really enjoyed that plan. I think  
7    there's some minor tweaks, but I'll get to that  
8    later. In that plan, there's a couple of districts  
9    that are kind of borderline MMD territory. It's  
10   definitely having more MMD districts means that all  
11   of the districts will, inevitably, have less people  
12   of color than not, but what's really important about  
13   those districts is not necessarily comparing the  
14   Black percentage to say, fifty percent, but comparing  
15   the Black percentage to the white percentage in all  
16   of those districts because, ultimately, when you're  
17   looking at effectiveness, Asian --if we don't  
18   necessarily know how Asian voters are voting, we  
19   can't assume that all of them are going to vote with  
20   the white candidate against a Black candidate just  
21   like we can't assume that all of the Asian voters  
22   will vote with the Black candidates against the white  
23   candidates. So, we can really pull them aside and  
24   don't worry about them when we are conducting the  
25   theory analysis on what is an effective MMD district.



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2                        But with Hispanic voters, you get into  
3 an interesting territory, where according to Dr.  
4 Hanley's research, there aren't enough for the kinds  
5 of analysis that's she's performed. So, we have no  
6 way of knowing in this particular circumstances how  
7 they vote. What we do have, however, is prior case  
8 results. In the last -- the last case, it was a big  
9 deal that they did find that Hispanic voters should  
10 be treated, not necessarily as minority voters the  
11 way Black candidates are, but, I forgot the exact  
12 quote, but something to the -- like, in the ruling  
13 there's a quote -- something to the effect of saying  
14 that a Black district with Hispanic and white voters  
15 in it is -- was found to be significantly more likely  
16 to elect a Black candidate than just a district with  
17 a Black and a white people in it.

18                      Essentially, while we can't prove that  
19 Hispanic voters vote for Black candidates the way  
20 that Black candidates -- Black voters vote for Black  
21 candidates, what we do know is that Hispanic voters  
22 are more likely to vote for Black candidates than  
23 they are for white candidates. Again, this is a  
24 matter of we don't know how much. We can't pro  
25 provide any sort of empirical research. At least Dr.

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2   Hanley wasn't able to provide any this time around to  
3   see, but we've heard it, and we can really see it  
4   inside of these communities that the Black and  
5   Hispanic communities in Albany County are deeply tied  
6   together and that's a principle that applies not just  
7   to Albany County but applies elsewhere in the State.

8                   For instance, in the newly proposed  
9   congressional district seven through the entire  
10   State, that district is considered an MMD.  The  
11   district only having a Hispanic population of, I  
12   believe, of around thirty-three percentage and that's  
13   the largest minority population.  That district is  
14   considered an MMD, not because of that thirty-three  
15   number, but because of the white population was so  
16   low, that it was inevitable that even if it wasn't  
17   necessarily a Hispanic candidate who won that  
18   district, it was probably going to be a Hispanic,  
19   Black, or Asian candidate who won that district.  The  
20   main point there is that it's not the white candidate  
21   who would be elected to that MMD.  So, you don't  
22   necessarily need to have a very extremely strong  
23   Black district just to elect a Black district and a  
24   non-white candidate.

25                   So, in some of these districts, like,

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2    I believe, district five is one of the weaker ones  
3    where their district in the plan B map where there  
4    are only around thirty-seven percent Black.  What's  
5    important about those districts, is that they're also  
6    only around thirty-seven percent white and the main  
7    other group besides Black and white voters in those  
8    districts are Hispanic people.  The Hispanic people  
9    make up approximately fifteen percent in some of  
10   those other MMD districts.  That fifteen percent can  
11   provide a serious increase to help the Black  
12   candidates get elected and so don't just look and  
13   compare thirty-seven to say, fifty percent.  Compare  
14   thirty-seven plus, we can't take all of that extra  
15   fifteen percent from the Hispanic population because  
16   we don't know for sure, but it's worth something and  
17   so that should be seriously factored into the  
18   analysis.

19                        At the same time, the Commission has  
20   also talked about originally the -- in the original  
21   plan A that the MMD Subcommittee put out, has  
22   described district seven as an MMD.  This district  
23   has a minority population that's around fifty percent  
24   of the district, but in that map, the Black  
25   population was only twenty-six percent, and the

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2    Hispanic population was only ten percent.  In short,  
3    in that district that is referred to as an MMD, the  
4    combined Black and Hispanic population is thirty-six,  
5    less than the sole Black population of some of these  
6    districts that are being questioned as a  
7    majority/minority district and I know the main  
8    rational for the Black district being a  
9    majority/minority district was that they have elected  
10   a Black candidate to the County Legislature from  
11   there, but that candidate was elected with the  
12   majority of the white vote and the non-white vote.  
13   If any candidate is already winning the white vote  
14   and the non-white vote, it's inevitable that they're  
15   going to win that district.  It's not necessarily  
16   proof that they are/is a minority --  
17   majority/minority district.  In the same way that the  
18   current New York nineteenth and current New York  
19   sixteenth districts are not considered to be  
20   majority/minority districts because, while they are -  
21   - happen to have Black representatives, they are  
22   still majority white, but they just don't happen --  
23   but they did just happen to win that election.  
24                    So, what I guess what I'm mainly  
25   trying to ask for is a little more consistency about

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2    what is applied as a majority/minority district and  
3    to really look critically about what the Committee  
4    thinks is really necessary for a district to be  
5    considered an MMD.

6                        And to that end, I have made yet  
7    another map.  I'm hoping it's my last one that I've  
8    submitted, but this map only has six MMD districts,  
9    but in those six MMD districts, the Black population  
10   is around forty-four percent or forty-five percent  
11   and that's all voting age population.

12                      In that map that I'm going to be  
13   putting out soon, those districts should consistently  
14   elect six Black candidates all across all of the  
15   MMDs.  It's a lot stronger than the Commission's  
16   proposed plan A for the reasons I outlined and so if  
17   the Commission does not feel comfortable with the  
18   seven map because the seven districts just don't have  
19   a high enough minority percentages, the goal is to  
20   provide that map as a failsafe to help have six  
21   really strong districts that you can't argue or elect  
22   a Black candidate.

23                      So, I'm looking forward to seeing your  
24   own thoughts on that and hearing more about what you  
25   have to say on the six person MMD or seven person

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2   MMD.

3                        So, thank you for your time and I'm  
4   happy to take any questions as always.

5                        CHAIR CAMPBELL:   Ken -- Kendralyn, if  
6   you're still in the zoom meeting, this is your  
7   opportunity to speak if you can unmute yourself.

8                        MS. SHIDER:    Good evening, everyone.  
9   I apologize for that.   I'm home with two small  
10   children and, you know, whenever I try to do  
11   something, that's when it's time to get live.   So, I  
12   apologize for that, and I appreciate that you've come  
13   back to me.   I'm glad to be here and I want to thank  
14   the Committee for having this public hearing.   I  
15   think that it's important that members of the public,  
16   like myself, had a chance to testify and share in  
17   knowing what's going on and have my input heard.

18                       I live in Albany County, and I know  
19   that other speakers brought up the need for the seven  
20   majority/minority districts and I think that, you  
21   know, the amount of people that have brought that up  
22   underscores how important of an issue it is, and I  
23   just wanted to say that I urge the Committee to  
24   accept the map with seven majority/minority districts  
25   and I appreciate you listening to me and glad we're

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2 here. Thank you.

3                   CHAIR CAMPBELL: Thank you, Kendralyn.  
4 Thanks for joining us. Noelene, if you're on, this  
5 is your opportunity to speak. Noelene, you're muted.

6                   MS. SMITH: Okay, thank you. I just  
7 found that. Good evening and thanks. I am in the  
8 process of our workshop with my parents in the other  
9 room, so I thought I would just -- thanks for having  
10 me come on and I thought I would just take a quick  
11 minute to just say how important it is to me that we  
12 try our best to get the seventh minority district.  
13 As I said, my name is Noelene Smith. I've lived in  
14 Al -- I live in Albany -- the City of Albany. I've  
15 been here for forty-two years and when I looked at  
16 the website, it sounded like that there's -- it's  
17 possible to have a seven minority district. So, I am  
18 hoping and I'm encouraging you to do the best that  
19 you can to make it happen. I spend a lot of time  
20 with poor parents and pick up parents in certain  
21 areas and often times they don't get the opportunity  
22 to come out -- accessible space. My polling place is  
23 a short, straight walk from my house, and I hope that  
24 we can break the county up in a way that it makes it  
25 useful and helpful to everyone and have the

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2    opportunity to vote during the election times.  
3    That's, basically, what I wanted to say.  I  
4    appreciate the work you guys are doing and I do hope  
5    that it will happen.

6                    CHAIR CAMPBELL:  Thank you very much.  
7    We appreciate you joining us.  I do -- I do have a  
8    question for you.

9                    MS. SMITH:  Go ahead.

10                   CHAIR CAMPBELL:  One of the things  
11   that we've had some struggles with is engaging the  
12   community.  Is there any feedback that you can  
13   provide relative to how we might better do that?

14                   MS. SMITH:  I did a lot of door  
15   knocking.  I've always been a person that's engaged  
16   in that, but also a parent, that I reach out, and I  
17   think if we start talking to people early and not  
18   being -- I think sometimes people are reluctant to go  
19   to certain areas and knock on doors, and if we can  
20   get people like -- like me that are out in the  
21   community that people trust and they know, I think we  
22   can organize in a way that we take a group of people  
23   out and knock on certain people's door and have them  
24   work that area.  Part of what we can do is make sure  
25   once they're familiar with them and trust the people



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2   that are, actually, asking them to do it, we can get  
3   them to -- to do those walks and reach out to their  
4   neighbors and other people. I think it's important  
5   that we do that. People have to feel like they're  
6   welcome in the -- the space and that we believe that  
7   they can do what we're asking them to do and then,  
8   obviously, supporting and be grateful and thankful  
9   for the fact that they're willing to do it. So, I --  
10   yeah -- I'm -- I'm interested in that kind of stuff  
11   still. I like knocking on doors. I like talking to  
12   people around -- particularly around election time,  
13   but whenever it is, I'm -- as long as I have the  
14   time, I'm willing.

15                   CHAIR CAMPBELL: Okay. So, we don't  
16   want to keep you. That was -- that was great  
17   feedback. I think he had something to add. But that  
18   was great feedback and I appreciate you taking the  
19   time to join us. Thank you.

20                   MS. SMITH: Thank you.

21                   CHAIR CAMPBELL: Goodnight.

22                   MS. SMITH: And you have my email, so  
23   please just let me know if anything, okay?

24                   CHAIR CAMPBELL: Okay. Great. Thank  
25   you.

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2                           MS. SMITH:  Thank you very much.

3                           CHAIR CAMPBELL:  Do we have Jeanette?

4    Okay, at this time, we have no other speakers and so

5    at this time I will entertain a motion that we

6    adjourn.  It has been moved and properly seconded

7    that we adjourn this public hearing.  We thank

8    everybody for their participation and at this time,

9    the meeting is adjourned.

10                           (The hearing adjourned at 6:09 p.m.)

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1                   5-18-2022    -   Albany County Public Hearing  
2   STATE OF NEW YORK  
3   I, JAMES MAGLARAS, do hereby certify that the foregoing  
4   was reported by me, in the cause, at the time and place,  
5   as stated in the caption hereto, at Page 1 hereof; that  
6   the foregoing typewritten transcription consisting of  
7   pages 1 through 40, is a true record of all proceedings  
8   had at the hearing.

9                                IN WITNESS WHEREOF, I have hereunto  
10   subscribed my name, this the 1st day of June, 2022.

11   *James Maglaras*

12   JAMES MAGLARAS, Reporter

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