

Dear Members of the Redistricting Commission and Subcommittee,

I did not testify at tonight's hearing because there is not enough time left for the commission to make the changes to the map I would like to see. However, I still would like to add to the public record why I believe that adapting a plan with only 5 MMDs is not an ideal outcome.

I started my work with this redistricting process by looking at census data and I encourage commission members who haven't already to look at data from the 2010 and 2020 census and compare the two results. In both the county of Albany and in the city of Albany, the white population has declined from 2010. Meanwhile the Black population has grown by almost 20% in the county and gains in the city of Albany. In fact, 46% of the city was nonwhite in 2010 but now it is now majority nonwhite. I believe that this growth in the nonwhite population should be accompanied by a growth in nonwhite representation in the county legislature and the best way to do that would be to increase the number of MMD's.

Besides the growth in the nonwhite population there is also a desire among members of the community to create more majority minority districts. Over a dozen people have testified orally or by sending in written letters that they support the creation of 7 MMDs. More people spoke in support of 7 MMDs than any other topic mentioned in the public hearings. In fact, testimonies from people in favor of creating more MMDs make up almost the entirety of public comments that were not from members of the legislature. While the commission is under no obligation to do whatever the public says, I do think that the public input justifies taking another look at creating MMDs, even if only one new MMD is created.

The only reason why the commission might not want to create new MMDs is if creating new MMDs would dilute the minority population in the existing districts. However, I don't believe that is an issue. As voting data confirms, all of the existing districts are effective with the preferred candidate of the minority community winning all of the MMDs. While nothing is certain when it comes to elections, we can be reasonably sure that as long as all of the new districts are as strong as the existing MMDs, the new districts should be effective.

So how do we test to see if the new districts are as strong as the old districts? The easiest way is to compare the Black voting age population of the districts. But that approach doesn't take a number of factors into the equation, such as voter turnout and how racially polarized the electorate is. However, undertaking a functional analysis like Dr. Handley provided is a better way of seeing how strong districts

are. Unlike voting age population data, the functional analysis can take into consideration different levels of racial polarization and turnout. For example, the analysis revealed that in the 6 MMD map district 3 had Black voting age population that was significantly higher than the 7 MMD plan. However, the 6 MMD version was actually less effective than the 7 MMD version because unlike the 7 MMD version, it included a white area with high voter turnout that counteracted the results of increased Black population. While the Black population was larger in the 6 MMD versions, voter turnout played a bigger role.

The results of the functional analysis show that the 7 MMD plan proposed by the commission will result in 5 districts that are as effective as the old districts and will likely continue to function as effective MMDs. There will also be two other districts that might become effective MMDs. Meanwhile, the results of the functional analysis for the five MMD plan will result in four districts that are likely to be effective MMDs and one district that is considered to be very likely to be as effective. The only two differences are that the 7 MMD plan creates the possibility of two new MMDs whereas only the 5 MMD plan makes one of the districts meaningfully stronger. As a result, I don't see a need to switch to the 5 MMD map because the 7 MMD districts were determined to be strong enough by Dr. Handley, and the only real change is eliminating the possibility of two new MMDs.

If the commission is still not fully convinced of a 7 MMD plan because they disagree with Dr. Handley's analysis that the districts are strong enough, the commission could compromise and adopt a 6 MMD map that performs well in the functional analysis and has a higher Black voting age population than the 7 MMD plan. I have created [two new](#) attempts to draw a 6 MMD plan based on the results of previous functional analysis. Unfortunately, I do not have access to the election results used in the analysis so I can not tell for sure if the districts would pass muster or not. The MMD Subcommittee mappers do have access to the results so if they put in the time, they definitely would be able to draw a 6 MMD map that is just as effective.

I am also concerned about legal challenges to the 5 MMD plan, while the county may be protected from a lawsuit with the map under existing law, under the John Lewis Voting Rights Act a lawsuit may be successful against the county. The law is similar to previous court decisions in Albany that have determined that the Hispanic population votes similarly to the Black population and should be considered when drawing MMDs. Given that the city has been sued in the last three redistricting cycles for not drawing enough MMDs, I think it's likely to happen again. I think it will be hard to justify a map in court when by the commission's metrics, there were maps that did a good job protecting the existing districts but also had possibilities for future MMDs. If the commission adopts a 7 MMD map, then the county would be under much better protection for future lawsuits.

I would like to end my comments by recognizing the hard work that the commission has been doing. I've watched all the meetings and know how much time and effort you have all put into the process. I know that I have been quite critical at times but I do want to thank you all for the work you have done.

Best,

Lars