

MERTON D. SIMPSON TESTIMONY TO ALBANY COUNTY REDISTRICTING COMMISSION PUBLIC HEARING
12/1/2022

As anyone who has followed the work of the Albany County Redistricting Commission (ACRC) and Majority Minority District (MMD) Subcommittee (hereafter collectively referred to as The Commission) is aware I have had a great deal to say about the work of The Commission.

At this time I think it is appropriate to honestly recognize the hard work that Commission members have put in. Having viewed many of the Commission meetings I am aware that some people think that recognition of the Commission members dedication is disingenuous; I am equally sure that most Commission members who have read my numerous emails understand that my recognition of their hard work is genuine.

I do believe that I am among the group of people who have spent the most time working for an optimum Redistricting Local Law for Albany County. While there are many different opinions about the recommendations of the Commission, my only concern has been the creation of a Local Redistricting Law

that is viable and that could be defended successfully in a court of law; with the hope that there will not be a need for litigation.

Having studied the present redistricting process intensely I can say without fear of successful contradiction that based on all of the precedent set by the three previous Albany County Redistricting Lawsuits, that the Local Law the Commission has decided upon on November 26, 2022 is among the best possible outcomes.

The Court's Recommendation in the 2003 Litigation " Arbor Hill Concerned Citizens vs County of Albany is instructive; it states in part:

III. THE REPORT-RECOMMENDATION

After setting forth the appropriate standard for review of the remedial plan submitted by the County as a result of this Court's issuance of a preliminary injunction, the Magistrate Judge concluded that the County's new plan was compliant with the Constitution and Voting Rights Act. Based thereupon, the Magistrate Judge recommended that this Court approve of the remedial plan submitted by the County despite the fact that plaintiffs had also submitted a redistricting plan which also satisfied the standards of the VRA and was, in some respects, less objectionable concerning the rights of voting minorities. The Magistrate Judge opined that the Court's role was to examine the County's remedial plan for compliance with the Constitution and VRA, not to decide which of the parties' plans was the best or most effective

at maximizing minority voting opportunity. Magistrate Judge Homer also recommended leaving any and all decisions and directives regarding whether and how

[289 F.Supp.2d 273]

to hold 2003 elections for Albany County Legislators to state and county officials charged with authorizing and administering elections.

Having conducted a *de novo* review of the record, the Court agrees with the determinations of the Magistrate Judge that the County's remedial redistricting plan should be approved and that this Court should play no part in authorizing, directing or administering a special or postponed election of County legislators in lieu of the regularly scheduled quadrennial election previously enjoined by this Court's August 22, 2003, order.

The language above and some very illuminating background information is contained in the Court link below;

[ARBOR HILL CONCERNED CITI | 289 F.Supp.2d 269 \(2003\) | pp2d2691533 | Leagle.com](#)

Having submitted several dozen detailed written recommendations on the present redistricting effort I have come to understand that detailed written explanations on redistricting are not effective; in part because most people do not read detailed narratives and/or because the written material is not understood. Viewing many of the Commission meetings it is highly likely that if members of the Commission along with their mappers, lawyers and consultants met with members of the Albany County Legislature and their lawyers for as little as two hours in a working session, this process could have been concluded much sooner.

Accordingly, I offer an open invitation to anyone, who has questions about why the November 26, 2022, Commission Recommendation is among the best possible alternatives, to call me at (518) 253-3536. It is only through a direct dialog that the complexity of this redistricting effort can be understood. See link below for the Albany County Redistricting Commission website for detailed information:

[Albany County Redistricting Commission | Albany County, NY](#)

Respectfully Submitted,

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