1. 1-17-2023 Rules Public Notice

   Documents:

   1-17-23 RULES MEETING.PDF

2. 1-17-2023 Rules Committee Agenda

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   1-17-23R.PDF

3. 1-17-2023 Rules Minutes

   Documents:

   01.17.2023 NC RULES COMMITTEE.PDF

PUBLIC NOTICE

PLEASE TAKE NOTICE THAT

THE NASSAU COUNTY LEGISLATURE WILL HOLD

A MEETING OF THE RULES COMMITTEE

TO CONSIDER LEGISLATION RELATING TO THE REAPPORTIONMENT OF THE COUNTY'S 19 LEGISLATIVE DISTRICTS

ON

TUESDAY, JANUARY 17, 2023 AT 11:00 AM

IN

THE PETER J. SCHMITT MEMORIAL LEGISLATIVE CHAMBER THEODORE ROOSEVELT EXECUTIVE AND LEGISLATIVE BUILDING 1550 FRANKLIN AVENUE, MINEOLA, NEW YORK 11501

As per the Nassau County Fire Marshal's Office, the Peter J. Schmitt Memorial Legislative Chamber has a maximum occupancy of 200 people.
Attendees who would like to address the Legislature must submit a slip to the Clerk's office staff. Public comment is limited to three minutes per person. At meetings of the full Legislature, public comment will be heard only during the pre-calendar public comment period and during public hearings that are on the calendar. At meetings of the Legislature's committees, there is no pre-calendar public comment period. Public comment will be heard on agenda items. Public comment on any item may be emailed to the Clerk of the Legislature at NCRedistricting@nassaucountyny.gov and will be made part of the formal record of this Legislative meeting.

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MICHAEL C. PULITZER
Clerk of the Legislature
Nassau County, New York

DATED: January 5, 2023
Mineola, NY

Scan the QR code to submit written public comment, which will be incorporated into the record of this meeting.

NASSAU COUNTY LEGISLATURE

14th TERM MEETING AGENDA

RULES COMMITTEE

JANUARY 17, 2023 11:00 AM

Richard Nicolello – Chairman
Howard Kopel – Vice Chairman
Laura Schaefer
Kevan Abrahams – Ranking
Delia DeRiggi-Whitton
Siela Bynoe

Michael C. Pulitzer, Clerk of the Legislature

Scan the QR code to submit written public comment, which will be incorporated into the record of this meeting.

Clerk Item No.	Proposed By	Assigned To	Summary
33-23	**LE**	**R**	**PROPOSED LOCAL LAW NO. – 2023** A LOCAL LAW TO AMEND ANNEX A OF THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY TO DESCRIBE THE NINETEEN LEGISLATIVE DISTRICTS BASED UPON THE 2020 FEDERAL CENSUS DATA. 33-23(LE)
34-23	**LE**	**R**	**PROPOSED LOCAL LAW NO. – 2023** A LOCAL LAW TO AMEND ANNEX A OF THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY TO DESCRIBE THE NINETEEN LEGISLATIVE DISTRICTS BASED UPON THE 2020 FEDERAL CENSUS DATA. 34-23(LE)
35-23	**LE**	**R**	**PROPOSED LOCAL LAW NO. – 2023** A LOCAL LAW TO AMEND ANNEX A OF THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY TO DESCRIBE THE NINETEEN LEGISLATIVE DISTRICTS BASED UPON THE 2020 FEDERAL CENSUS DATA. 35-23(LE)

NASSAU COUNTY LEGISLATURE

COMMITTEES MEETING

****

RICHARD NICOLELLO

PRESIDING OFFICER

****

RULES COMMITTEE

County Executive and Legislative Building

1550 Franklin Avenue

Mineola, New York

****

Tuesday, January 17, 2022

11:15 p.m.

TAKEN BY: KAREN LORENZO, OFFICIAL COURT REPORTER

A P P E A R A N C E S

LEGISLATOR RICHARD NICOLELLO Chair

LEGISLATOR HOWARD KOPEL Vice Chair

LEGISLATOR JOHN GIUFFRE

LEGISLATOR LAURA SCHAEFER

LEGISLATOR KEVAN ABRAHAMS

LEGISLATOR DELIA DERIGGI-WHITTON

LEGISLATOR SIELA BYNOE

*****

MICHAEL PULITZER Clerk of the Legislature

A L S O A P P E A R E D:

LEGISLATOR WILLIAM C. GAYLOR

LEGISLATOR JAMES KENNEDY

LEGISLATOR THOMAS MCKEVITT

LEGISLATOR JOHN FERRETTI

LEGISLATOR ROSEMARIE WALKER (Streaming)

LEGISLATOR DENISE FORD (Streaming)

LEGISLATOR ARNOLD DRUCKER

LEGISLATOR DEBRA MULE

LEGISLATOR CARRIE A. SOLAGES

Democratic Delegation TDAC:

VICE CHAIR DAVID MEJIAS

PETER CLINES, ESQ.

Republican Delegation TDAC:

CHAIRMAN FRANK X. MORONEY

LISA PERILLO, ESQ.

DAVID SCHAEFER (EXPERT)

PUBLIC COMMENT:

CLAUDIA BORECKY

JAMES JACOBS

CHRIS JACOBS

JEANNINE MAYNARD

KATHLEEN LYONS

KAREN MONTALBANO

H. SCOTTIE COADS

MEDA J. MEREDAY

STEPHANIE CHASE

MIMI PIERRE JOHNSON

CHARLENE THOMPSON, ESQ.

LISA ORTIZ

CHAIRMAN NICOLLELO: All right. I'm going to call the meeting of the Rules Committee to order and ask that we all rise. And I'm going to ask Legislator Debra Mule to lead us in the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance is said.)

CHAIRMAN NICOLLELO: Thank you. Very much.

Welcome to this meeting of the Rules Committee of the Nassau County Legislature. I'm going to ask Mike Pulitzer, our clerk, to please call the roll of Rules Committee members.

CLERK PULITZER: Thank you, Chairman. Rules Committee roll call.

Legislator Siela Bynoe.

LEGISLATOR BYNOE: Here.

CLERK PULITZER: Legislator Delia DeRiggi-Whitton?

LEGISLATOR DERIGGI-WHITTON: Here.

CLERK PULITZER: Ranking Member Kevan Abrahams.

LEGISLATOR ABRAHAMS: Here.

CLERK PULITZER: Legislator Laura Schaefer?

LEGISLATOR SCHAEFER: Here.

CLERK PULITZER: Legislator John Giuffre?

LEGISLATOR GIUFFRE: Here.

CLERK PULITZER: Vice Chairman Howard Kopel?

LEGISLATOR KOPEL: Here.

CLERK PULITZER: Chairman Richard Nicolello?

CHAIRMAN NICOLLELO: Here.

CLERK PULITZER: We have a quorum, sir.

CHAIRMAN NICOLLELO: All right. Thank you very much. There are seven members of the Rules Committee, but I've invited other legislators to attend and participate as this involves an issue that affects all the legislators, obviously, as well as the entire county.

There are two items on today's agenda. They are Clerk Items 33 and 35 of

2023. These items represent different versions of a proposed local law to adopt redistricting plans for the Nassau County Legislature based upon the 2020 Federal Census. So what we're going to do is put both of those items before the Legislature, before the Rules Committee, for today's meeting. So we need a motion and a second to place items 33 and 35 before us.

Motion by Deputy Presiding Officer Kopel, seconded by Minority Leader Kevan Abrahams.

We just have a couple of words to speak before we open things up, both myself and Minority Leader Abrahams. All right.

(Whereupon, brief off the record discussion is held.)

CHAIRMAN NICOLLELO: We actually were supposed to call one version of the map and we actually called the other. So we're trying to correct that now in a way that's legally permissible.

So the motion is to withdraw the previous motion that's before the Legislature. Moved by Deputy Presiding Officer Kopel, seconded by Minority Leader Abrahams. All in favor of withdrawing that motion signify by saying "Aye".

(Whereupon, all members of the Rules Committee respond in favor.)

CHAIRMAN NICOLLELO: Those opposed?

(Whereupon, no verbal response from the Rules Committee.)

CHAIRMAN NICOLLELO: Carries unanimously.

So now I'm going to go back to the beginning and call 33 and 34. They are both local laws to amend Annex A of the county government law of Nassau County to describe the 19 legislative districts based upon the 2020 Federal Census. Moved by Deputy Kopel, seconded by a Minority Leader Abrahams.

So that places both of those local laws and both of those maps before the Legislature. These maps that we'll be talking about today are available in the back of the room and on the Legislature's website. We have also created a special e-mail address for the public to comment, which is: NCredistricting@nassaucountyny.gov. Again, that's: NCredistricting@nassaucountyny.gov.

The Legislature noticed this meeting as required by law. The majority has taken the following additional steps to advertise and publicize it:

We've sent news releases to more than 250 news outlets. We in the majority collectively have sent over 17,000 e-mails to our residents to advise of the meeting and the abilities to comment on what's before us. Legislators also posted this meeting on social media with the date, time, location and how to stream the meeting and post public comment.

Last week we were advised that the Town of Hempstead had scheduled a work session on redistricting for the town at the same time -- actually at 10:30. So recognizing that many residents would want to participate and or view what we are doing, I spoke to Supervisor Clavin and he graciously agreed to reschedule the Town's hearing so there's no conflict.

The process of re-apportioning the 19 legislative districts is governed by Section 114 of the Nassau County Charter. Pursuant to the Charter, the Majority and Minority each appointed five members to the Temporary District Advisory Commission and the County Executive appointed the non-voting chair. The Commission held a number of hearings throughout the county. As most of you know, the respective Commission members produced three different maps, none of which garnered a majority vote to recommend to this Legislature. We, of

course, monitored the hearings, particularly with respect to the comments that were being made from members of the public and our residents.

Although we have two maps before us, maps from both Republican and Democrat commissioners, the Legislature and the Rules Committee are not bound to accept either map. We are free to accept or reject the maps in whole or in part.

The primary purpose for today's meeting is to hear from the public about your concerns and thoughts regarding legislative district lines, how the lines affect neighborhoods and communities. We in the Majority are also interested to hear from our colleagues in the Minority as to their thoughts and priorities in this process.

So I will now turn things over to the Minority Leader for some comments.

LEGISLATOR ABRAHAMS: Thank you, Presiding Officer, and thank you to the public.

First and foremost, I want to thank the the Redistricting Commission for putting in an extensive amount of work over the last several months, holding public hearings and being able to go through the testimony. I think all of that information is vital. And I'm also going to ask that this Committee incorporate the minutes and testimony that was given during those particular hearings to be incorporated into our schedule going forward. I think that's imperative because we just don't want to lose out on anything that was made clear.

I think this is an opportunity -- as we all know, we go through the redistricting process every ten years. In that process, basically, we need to hear from the public that it's a very vital piece to ensure that whatever we decide to do, whatever we decide to support, that it has community involvement and public support. And I think that's important.

I bring that up because as I look out into the audience, I remember ten years ago we had much more people. I think now in this day and age, things are more difficult for people to get to our public meetings during the day. And I asked Presiding Officer that we schedule a nightly meeting, our evening meeting, so that we're able to get more people of the public that can be here when they get off of work.

Those are the two things I wanted to make sure as part of the record -- I think you covered many of the things that I would have covered as part of the record in terms of the process and our role in that process. But I think it's imperative that we should be looking for as much community input as possible. And I think the way we maximize that is by having an evening meeting.

I do want to ask at this time also, Presiding Officer, the schedule for our record going forward so that the public

can anticipate whether or not there's going to be more hearings. I know we're going to obviously do a Full Legislature hearing. Do we plan to do any other hearings in between the time frame as well so that they can schedule their time accordingly going forward?

CHAIRMAN NICOLLELO: This will be it for the Rules Committee. After these maps, if they pass the Rules Committee, there will be no further meetings of the Rules Committee on this.

But with respect to the Legislature, the process is open and I'm open to a dialogue and to consider whatever proposals there are with respect to hearings going forward.

Obviously, there will be a hearing, at least one hearing before the Full Legislature, because the Legislature is responsible for ultimately adopting a map. But the dialogue with the Minority will continue on this, and certainly we will take that into consideration.

LEGISLATOR ABRAHAMS: In regards to the evening?

CHAIRMAN NICOLLELO: We'll definitely take that in consideration as well.

LEGISLATOR ABRAHAMS: Okay.

CHAIRMAN NICOLLELO: Now, what we're going to do is this. This is the kicking off point for the Legislature's part of the process. There was work done over the course of a number of months by the Temporary District Advisory Commission. So we've invited both sides of the Commission to come and do a presentation today. We're going to give them 10 minutes each. And then after that, we will get into the public comment portion of the meeting. So we want to hear what the TDAC has to say with their respective members and then get to the public.

But I just would repeat again that we are not wedded to anything that the TDAC did, their work product or any proposal by the Democrat or Republican

commissioners.

So I'm going to offer the Democrat members of the TDAC an opportunity to make a presentation.

LEGISLATOR ABRAHAMS: Presiding Officer, just a point of clarification. Will the TDAC members be available for questioning today?

CHAIRMAN NICOLLELO: Yes.

VICE CHAIRMAN MEJIAS: This is what it looks like. I've never been on this side before.

Presiding officer, Minority Leader, Legislators. Thank you for having us. I have never been on this side of the mic before. Having once served in this austere body, I see that Legislator Nicollelo and Legislator Abrahams look exactly the same as they did when I was here. I, of course, have gotten much older. I need glasses, I have less hair, and it's much more gray now.

But I appreciate the opportunity to be here and I appreciate the work of

TDAC, both the Republican and the Democratic side.

While one of the points that we tried to make during our hearings -- and I see that Chairman Moroney is here -- is that although we disagreed on pretty much everything, we were never disagreeable. And we tried to get along and in a manner that befitted this austere body. There's way too much animosity and politics these days. And it's hard for both of us, both sides to find people to run in this environment. And I thank the Republican commissioners for being so welcoming. Although we occasionally disagreed, we got along for the most part.

The Democratic Delegation conducted the process with great seriousness right from the outset. We went to great lengths to ensure that new maps we proposed met all federal, state and local law. The Democratic Delegation retained nonpartisan experts, both highly credentialed PhDs in their respective

fields to create maps and analyze the current map, which is the rule of law today and which creates your legislative districts.

Dr. Megan Gall is a PhD in Political science and an MS in Geographic Information Science and a research associate appointment with the University of California at Berkeley. Dr. Daniel Magleby is an associate professor of political science and economics at Binghamton University, where he is also the director of the Center for the Analysis of Voting and Elections. Both are independent. Both testified that they've never been hired by a partisan organization in the past and that they were hired to analyze the new maps and that any new proposed maps comply with both federal and state law. Among other things, the United States Constitution, the Federal Voting Rights Act, the John R. Lewis Voting Rights Act of New York, the New York Municipal Home Rule Law.

Our findings were summarized in a memorandum dated, ironically enough, January 6th, and was submitted by e-mail to all of the legislators, the County Clerk and the County Executive, as well as well as all members of the Commission. An overview of the Democratic map shows that the Democratic map is in full compliance with all applicable laws. Our proposal avoids any racial vote dilution and creates five performing majority/minority districts and an Asian influence district for the first time in the history of the County. All five majority/minority districts have a black and Latino population as required by the federal and New York State Voting Rights Act in excess of 50%, and an Asian influence district as required in the New York Voting Rights Act that exceeds 40%.

The Democratic proposal is in full compliance with the Municipal Home Rule Law, meeting all the requirements based on the priorities set forth in the law.

The Democratic proposal is not a partisan gerrymander, and we specifically directed our experts to draw a fair map without giving consideration to enrollment, past election results or partisan advantage. We confirm that our map was not a partisan gerrymander based on unrebutted expert analysis.

Now, to put this in the context, let's take a look at the current map from 2013. Analysis by experts show substantial evidence that the current map and any new map adopted similar to the current map, violates the Federal State Voting Rights Act and the Municipal Home Rule Law.

Now let's talk about the applicable law in more detail. The Federal Voting Rights Act and the John R. Lewis New York State Voting Rights Act under the Federal and State VRA, we must ensure the map does not deny voters of color an equal opportunity to participate and elect candidates of their choice. And this is

outlined by the United States Supreme Court case Thornburg v. Gingles. Dr. Megan Gall, who is a national expert in this work, conducted a racially polarized voting analysis and concluded that any map must provide black and Latino voters with five districts in Nassau County in which they can elect candidates of their choice. Any map that fails to provide these opportunities to black and Latino voters will violate the Federal and State Voting Rights Act. The Democratic map complies.

And how do we know that any map that fails to provide five these five districts is illegal? First, Dr. Gall concluded that it would be easy to draw county legislative maps with five majority/minority districts, and we can do so while complying with all other redistricting criteria better than the current map, which the Democratic map does.

Second, Dr. Gall confirmed that

there is racially polarized voting in Nassau County and that black and Latino voters are cohesive in their preferences. Third, she confirmed that black and Latino voters will continue to be shut out of the process and will not receive due representation without the creation of five majority/minority districts.

So what does this tell us? It means that any map that fails to provide black and Latino voters with five districts in which they can elect candidates of their choice is dilutive and in violation of the Federal and State Voting Rights Acts and also provide an Asian influence district pursuant to the New York Voting Rights Act. Currently, Legislative Districts 9 and 10 are splitting the Asian influence into two separate districts.

Next is the Municipal Home Rule Law. Now, the Municipal Home Rule Law outlines a list of criteria which must be followed in priority order, meaning they put the

criteria in order in the legislation. In order they include:

- population equality
- protecting minority voting rights
- contiguity
- compactness
- prohibiting maps that favor or disfavor incumbents or particular candidates or political parties, i.e., gerrymandering
- and last and least considering maintenance or cores of existing districts
- Also, no village in cities or villages and towns should be divided to the extent practicable

Criteria must be followed in priority order. For example, under the Municipal Home Rule Law, protecting minority voting rights, contiguity, compactness and avoiding partisan gerrymandering all have a higher priority than considering maintenance of cores of existing districts. Maintenance of cores

of existing districts is not a commandment of the Municipal Home Rule Law, and you cannot prioritize them. To do so would render a map illegal. The Democratic map complies with this criteria in the order established by the Municipal Home Rule Law.

One of the most important provisions of this new law is the prohibition on partisan gerrymandering. To evaluate whether various proposals violate the new prohibition on partisan gerrymandering, we retained an expert, Professor Daniel Magleby. Daniel Magleby conducted his analysis by using a computer simulation that generated 10,000 randomly simulated maps and comparing the outcomes of various proposals to the random maps. This methodology is endorsed by the Court of Appeals case in Harkenrider v. Hochul, which we are all familiar with, which caused the redistricting last year and which overturned the gerrymandered districts that were presented on the

state level. This is the case that struck down New York's congressional and state Senate maps.

Based on this analysis, the only maps that were not partisan gerrymanders were the maps proposed by the Democratic commissioners. The current map and the Republican commissioners' proposal displayed more bias than virtually all 10,000 randomly drawn maps. The 2013 map is more partisan than almost every single one of the 10,000 randomly drawn simulated maps, which renders the current map that you sit under a statistical outlier, proving it to be an extreme partisan gerrymander.

It would be unlawful to prioritize maintaining the cores of the existing districts. There is overwhelming evidence that the current map is blatantly illegal. Not only does it fail to provide five majority/minority districts, it is an extreme partisan gerrymandering violation of the new prohibition on

partisan gerrymandering in the Municipal Home Rule Law. And it prioritizes the preservation of cores that would not only violate the Municipal Home Rule Law, but would effectively launder the illegal elements of the current map.

One of the most important new provisions of this law is the prohibition on partisan gerrymandering. It would be unlawful to prioritize maintaining the cores of the existing districts --

(Whereupon, brief off record discussion.)

VICE CHAIRMAN MEJIAS: Sorry.

The Democratic map also unifies important communities of interest that are fractured in the current map and the Republican proposal. The Democratic proposal unites the Five Towns under a single district; the Democratic proposal unites the Village of Hempstead into one district; Unifies Lakeview into a majority/minority district; the Democratic proposal unifies South

Hempstead into a single district; Woodbury/Syosset are unified in a single district; Plainview, Old Bethpage and Bethpage are unified in a single district; and the Democratic proposal keeps Freeport into two districts instead of the four districts that it is currently in.

Fracture in these communities shows that the current maps violate the Municipal Home Rule Law prohibition on partisan gerrymandering, which is a higher legal priority than, for instance, considering maintaining cores.

Additionally, the current map, which contains bizarrely shaped non compact districts, also violates the higher legal priority of compactness and contiguity. The current map splits important communities. For example, Freeport, as we said, the Five Towns, the Villages of Hempstead, Rockville Centre, Hicksville and East Meadow are each cracked across three districts. Therefore, as a matter

of law, given the overwhelming evidence that the 2013 map is unlawful, it would be improper to preserve the cores of that map, as doing so would effectively launder the illegal elements of the 2013 map.

It would be interesting to note that Mr. Schaefer, who I believe we're going to be hearing from later, at the hearings of the Commission, testified that maintaining the current map and their cores were his priority in the maps that he helped to draw. If we would be intent on simply preserving the cores of the current map, all we would be doing is endorsing the very partisan gerrymandering and institutional racism that the legislation was designed to tear down.

In summary, the Democratic Delegation map complies with every aspect of the applicable law, including full compliance with the Federal and State Voting Rights Act and as previously

noted, the Democrat proposal creates five districts which are black and Latino voting age population and citizen age voting population exceeding 50%, and all five districts comfortably perform for candidates preferred by black and Latino voters. All five districts are compact and adhere to traditional districting principles. The Democratic proposal also includes an Asian influenced district with an Asian voting age population of 40.8%. Democratic map is in full compliance with the Municipal Home Rule Law. The proposed plan improves the overall plan compactness and individual district compactness as compared to the 2013 legislative plan. And as Dr. Magleby concluded, the Democratic proposal is not a partisan gerrymander using his ensemble analysis.

In short, the final map passed by this Body must:

- not be a partisan gerrymander
- Must Cure the current map's

extreme failure to comply with the compactness and contiguity requirements of the law

- and cannot violate the Federal and State Voting Rights Act or the Municipal Home Rule Law.

The Democratic map cures all of these shortcomings. It is my understanding that when the maps are presented to the Full Legislature that the Democratic commissioners and either one or both of our experts will be allowed to provide testimony to the Full Legislature at that meeting.

With that, it has been a pleasure serving as the chairman of the Democratic side of the Temporary Redistricting Advisory Commission. And I'm here to answer any questions any of the legislators may have.

CHAIRMAN NICOLLELO: Thank you, Dave. Appreciate the comments. It's good to see you back.

VICE CHAIRMAN MEJIAS: Thank you.

It's sort of good to be back.

CHAIRMAN NICOLLELO: Just for the record, I just wanted to note that Legislator Walker and Legislator Ford could not be here, but they are actually viewing this on stream.

I want to clarify also so that we make this clear on the record, we proposed today consideration of 33 and 34. So it was the intention of the TDAC that we only proceed on one of the two Democratic maps, correct?

VICE CHAIRMAN MEJIAS: Yes.

CHAIRMAN NICOLLELO: So I just want to make sure we have the correct map that you want us to consider today.

VICE CHAIRMAN MEJIAS: Yes, sir.

CHAIRMAN NICOLLELO: All right. Any questions? Legislator Mule, then Legislator Bynoe.

LEGISLATGOR MULE: Thank you, Presiding Officer. You mentioned in your opinion that the proposed map from the Republican members of TDAC is illegal,

and to my mind that means if that were the one that would pass, it would likely go to court. What happens if it goes to court and that map loses?

VICE CHAIRMAN MEJIAS: Well, there is the potential that prevailing party legal fees would have to be paid by the County. We are all trying to avoid going to court and come up with a map that I'm sure complies with the law. In case that it doesn't and there is a lawsuit brought, if the plaintiff in that case were to prevail, then the County would be on the hook for the legal fees and it would potentially cost the County millions and millions of dollars just for the plaintiff's legal fees in addition to the outside legal fees that the County would have to pay for their own lawyers.

LEGISLATGOR MULE: Thank you.

CHAIRMAN NICOLLELO: Legislator Bynoe.

LEGISLATOR BYNOE: Thank you, Presiding Officer.

Mr. Chair, you went through quite a bit of information, and you were when you were specifically naming communities that were cracked by the Republican proposal, you omitted Westbury and New Cassel from your listing. And for the purpose of establishing record here today, I'd like to, for the record, ask you, is Westbury in New Cassel also one of those communities that you join together in your map?

VICE CHAIRMAN MEJIAS: Yes, Legislator. And I think there is a provision that Westbury, because the village of Westbury would be less than 40% of an entire legislative district, the entire Village of Westbury should be kept whole under the law in one legislative district. So to answer your question, Westbury and New Cassel are in one legislative district.

LEGISLATOR BYNOE: Based on the priorities that you list maintaining -- Well, we'll get to that later. But I just

want for the record, you listed Woodbury, you listed Hempstead, you listed Freeport, and you listed other communities that would join together and you omitted Westbury New Cassel from the list. So my question regarding Westbury and New Cassel: Where they joined together in your map?

VICE CHAIRMAN MEJIAS: Yes, they were. The Village of Hempstead and the Village of Freeport, as a total population do exceed 40% of a district. But just for the record, Westbury and New Cassel are in the same district.

LEGISLATOR BYNOE: Thank you.

CHAIRMAN NICOLLELO: Any other questions? Legislator Drucker.

LEGISLATOR DRUCKER: Thank you, Presiding Officer.

Dave, one quick question: So is it your conclusion that the ultimate and desired result of the maps proposed by the Democratic Delegation to TDAC is to achieve 19 competitive districts?

VICE CHAIRMAN MEJIAS: No. In fact, when we retained our experts, we asked them to do an analysis without regard to election results or partisanship or party registration. Their only task was to ensure that the districts complied with all of the legal factors necessary for a legal map: Contiguity, compactness, no partisan gerrymandering, those things. We did not instruct our experts to take into account election results or partisanship.

LEGISLATOR DRUCKER: But would that be the ultimate outcome, though? You don't know that, right?

VICE CHAIRMAN MEJIAS: We don't know that. Ultimately, it's up to the voters to decide. But the one thing that we do know is that in the five majority/minority districts, black and Latino voters do tend to vote as a cohesive unit. And the five majority/minority districts drawn in the Democratic proposal do allow voters, black and Latino voters, to elect

representatives of their choice.

LEGISLATOR DRUCKER: Thank you.

CHAIRMAN NICOLLELO: Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: How are you, Chairman Mejias?

VICE CHAIRMAN MEJIAS: I'm doing okay. I feel like karma is coming back. I'm getting back all the questions that I would ask up there.

LEGISLATOR ABRAHAMS: I just have a quick question in regards -- and I thank you for your testimony. Just a quick question in regards to your testimony. You had mentioned that the TDAC map the Democratic commissioners put together has five minority/majority districts. I remember some testimony from the actual hearings where there was discussion where I guess the the Republican commissioner TDAC map only had four, if I remember correctly. I'm asking the question because obviously in a county that we're in a diverse county, how is it determined

that we meet the criteria to have five versus six or seven or we don't meet the criteria at all? How is that determined? What's the population thresholds, if that even is a criteria to determine whether or not we meet the threshold to do five?

VICE CHAIRMAN MEJIAS: Well, that's an excellent question. The 2013 map drew three, and just by virtue of Census changes, there currently are four in the current map. Coming up with five majority/minority districts is required under the Federal Voting Rights Act. And whether or not you can actually do that and still comply with the other factors: Compactness, population, contiguity, in a way that's relatively easy to do. And that's what Dr. Gall's analysis showed us, that you can comply with all the federal and state laws and and draw five majority/minority districts in a relatively easy way and comply with all those other factors. If you're able to do that under the Federal Voting Rights Act

and the New York law, it's not a wish list, it's a requirement for the map to be legal.

LEGISLATOR ABRAHAMS: So as long as you can meet the other requirements of the federal, state and municipal code laws, you can still draw five, you're required to do so?

VICE CHAIRMAN MEJIAS: Yes.

LEGISLATOR ABRAHAMS: That makes things a little bit clearer.

So from our standpoint, I don't want to get too much in depth with each of the maps, it looks like what you're presenting to us today has five minority/majority districts with an influence district. Where is the influence district?

VICE CHAIRMAN MEJIAS: It goes between the current ninth and tenth districts under the current map.

LEGISLATOR ABRAHAMS: Okay.

VICE CHAIRMAN MEJIAS: So really, that's like North Hempstead going into

the Great Neck Peninsula. So I think our proposal will be legislative District Six. Legislative District six under the Democratic proposal will be an Asian influenced district with a population of 40.8%.

LEGISLATOR ABRAHAMS: Okay.

VICE CHAIRMAN MEJIAS: So it doesn't meet the 50% threshold. But if you can achieve -- under the New York Voting Rights Act, if you can achieve an influence district in that way, it would be illegal to crack that community into separate districts to limit the influence of that particular community.

LEGISLATOR ABRAHAMS: Got it. Makes sense.

My last question: Obviously, Nassau County is not the only county that's going through redistricting processes throughout the state. I mean, obviously, many of us read about what's going on in Suffolk and upstate and other places as well. Some of the counties throughout

the state are a little bit more ahead of the process than we are. And it has been brought to my attention by counsel that obviously there are some cases or some counties in upstate counties that litigation has been brought against those counties. I think it would behoove us to not look at those particular incidences to try to incorporate into the process that we're doing here. Can you elaborate? I do know I can't speak to detail, I'm not a lawyer, but I do know in Broome County and other counties, I think Ulster County, there are situations -- I think in Broome it was more of a population issue.

VICE CHAIRMAN MEJIAS: Sullivan County case as well.

LEGISLATOR ABRAHAMS: In Sullivan County as well.

Can you speak to some of the cases throughout the state?

VICE CHAIRMAN MEJIAS: In Sullivan and Broome County or --

LEGISLATOR ABRAHAMS: Sullivan and Broome? I believe there's one -- Is there one in Ulster as well, Pete?

MR. CLINES: I think there's one in Ulster. I have not read that decision. I've only read of it. And there is a case, I believe in Erie County. I think the takeaway from those cases, as I see it, is that you have to take the requirements as set forth in the Municipal Home Rule Law Section 34 seriously and follow them in drawing your maps or they're liable to be struck down in litigation.

LEGISLATOR ABRAHAMS: And like I said before, one of the counties, I believe, was Broome, the litigation that the judge ordered that the district Commission go back or the legislature, go back and redraw the map -- if I stand corrected -- was in regards to that they didn't adhere to the population shifts and I guess they were either below the minus five or above the plus five.

MR. CLINES: My recollection is there was an equal population problem there, but also problem with splitting some of the larger jurisdictions that shouldn't be split.

VICE CHAIRMAN MEJIAS: In regard to the population, we didn't really address the requirement for population of either the Republican Delegation of Democratic Delegation's submission because they do both comply with the population requirements under the law.

One of the reasons we did have two maps that we presented, by the way, just for the record, is that we did take into consideration public comment and what we heard from the public in terms of certain communities to improve the map during the public hearings. And we thought that was important as well.

LEGISLATOR ABRAHAMS: Okay. Well, thank you again. I appreciate it.

Are you hanging around, Dave and Pete, a little bit?

VICE CHAIRMAN MEJIAS: Sure, if you need me to.

LEGISLATOR ABRAHAMS: Not for the whole day, but at least through the portion with the next expert or TDAC commissioners that come up for.

VICE CHAIRMAN MEJIAS: Yeah. We'll, definitely stick around for the Republican. I'm trying to get over the PTSD that I'm having from sitting here for a long time, but I will -- thank you for starting on time, Presiding Officer. That was always an issue before. I appreciate that. Anything else? Anybody else?

(Whereupon, no verbal response.)

VICE CHAIRMAN MEJIAS: I'll be here afterwards if anyone else has any questions or comments, thank you for the opportunity to speak. And again, thank you all for, for listening. And I want to thank all of the commissioners who served. It was a long process. We had 11

commissioners who served uncompensated and volunteer positions and put in a lot of work and a lot of effort in our staff as well. So thank you very much.

CHAIRMAN NICOLLELO: Thank you. Thank you. Appreciate the presentation. (Applause).

All right. So now I'm going to give an opportunity for the Republican commissioners to make a presentation or their representative.

MS. PERILLO: Lisa Perillo from Perillo Hill LLP, formerly Messina, Perillo and Hill. We were counsel to the Republican Delegation to the Committee.

Good morning, everyone.

CHAIRMAN NICOLLELO: Good morning.

MS. PERILLO: Thank you very much for the opportunity to come and speak with you today. This is my first time speaking before a body such as this, and I'm very honored.

I will echo my counterpart's comments about the committee and its hard

work. You have before you a very robust record of the competing expert submissions and reports. You have also hefty transcripts of the public hearings, the many public hearings that were held throughout the county.

As you are aware, the County Charter provides that the TDAC be established to recommend one or more plans to the Legislature for dividing the county into legislative districts. Those plans are required to apply with applicable law. When I say applicable law, I'm taking that language from the Charter. Applicable law is the Federal and State Constitution, it's the Voting Rights Act, and it's significantly the New York State Municipal Home Rule law.

The Commission is required then to transmit a recommendation and any and all plans proposed. So their job is not to per se, come up with a plan for you to adopt wholesale, but to give you options and to advise you; it is an advisory

Commission, and to provide you with recommendations of what should be adopted.

The Commission here, after the process was concluded, like I said before, numerous public hearings, resulted in a deadlock. They haven't presented a single plan for your consideration, but they've proposed more than one plan for you. And the Legislature may at this point reject any and all plans, adopt the plans, revise the plans, amend the plans, or significantly, the Commission may adopt any other redistricting plan as long as the ultimate plan adopted complies with the statutory requirements and the constitutional requirement.

The Republican Delegation to the advisory Commission has proposed a plan which fully adheres to all local, state and federal law and recommends that you consider it at the very least, as a good base. Not only does the plan fully comply

with, like I said, the Federal and State Constitution and the Voting Rights Act, it also comports with all seven Municipal Home Rule Law factors which are required to be complied with in redistricting in New York State. So they're not an option. You don't pick and choose. You don't try to do as many as possible. All the factors are required to be considered and complied with.

Those factors are:

- first and foremost, equal population. That's the most important one, because the goal of redistricting is ultimately to give every person's vote equal weight. So there should be no more than 5% deviation among the districts. The Republican proposed plan reduces deviation across the districts to a 0.098%. It's nearly ideal.

- The second factor, the districts may not have the intent or result of diminishing racial or language minorities participation in elections. The plan

advances this goal and the goal of Voting Rights Act Section 2, which protects minority communities rights to equal protection to elect the candidate of their choice. Significantly, this proposed map creates a voting age non-Hispanic African American district. There was no such district before in the prior plan, and there is no such district in the proposed plans advanced by the Democratic Commissioners. It also includes three black Hispanic coalition districts.

- The additional factors often thought of together are contiguous and compactness. The districts must be contiguous; and here they are. You can see that when you look at the map. The districts must be compact. Here, the proposed plan results in all districts being both contiguous and more compact than the existing plan.

- The fifth factor, districts should not be drawn to discourage competition or

to favor or disfavoring incumbents, candidates or political parties. This is the political gerrymandering factor. Naturally, redistricting in and of itself is subjective to a certain extent. However, the goal in preparing this proposed map was to neither favor or disfavor any party, any incumbent or any candidate. Indeed, efforts were taken to ensure the opposite, election data was not used to create the map, and Mr. Schaefer, who will be speaking after me, will speak to you in greater detail about the considerations he included in the map drawing process.

- In addition, the cores of existing districts are required to be considered. The cores of existing districts allow for a continuity in the district's. In addition, villages, cities, towns and other municipal entities and also communities or areas that the Census designates as a significant place -- these are Census Designated Places which

are not technically municipalities, but have something that keeps them in common -- should be maintained; in other words, not divided by the line when you draw the map. This proposed plan has an average of 91% of the cores of existing districts maintained and keeps as many municipalities and villages and Census Designated Places together as possible. Again, this provides continuity for the electorate, does not upset voter familiarity with the district layout it's been used to for the last decade, and it doesn't upset how they understand the members of the Legislature have come to represent them. The Democratic plan is unconcerned with core retention and effectively displaces existing voters by drawing these new lines.

The fundamental difference between the Republican approach and the Democratic proposed approach to this plan is that the Republican plan prioritizes following all of the above legal

requirements set forth in the Municipal Home Rule Law. This includes the requirement that existing cores be retained and that municipalities and other Census Designated Places not be divided, if at all possible. These factors are important as they result in a map that provides, again, continuity for the electorate and keeps established communities of interest together as they have been for at least the last decade.

The Democratic proposed map, although lawful in other respects, intentionally ignores the requirement that the existing districts and cores be considered in developing the new map when they say that the 2013 map was illegal or unlawful. This approach is flawed because it's based on that supposition that has no legal basis. There hasn't been a challenge to the 2013 map that successfully had the Court find it to be unlawful. There has never been a declaration that it's unlawful.

(Whereupon, public interruption.)

CHAIRMAN NICOLLELO: Excuse me. I would just ask members of the public to please allow her to to give her presentation so that we can hear her without having the background noise. I would appreciate it. Just give her the respect to let her completing her remarks. Thank you.

MS. PERILLO: Rather, we must operate with a presumption of legality under which this county has been operating for at least a decade.

The Municipal Home Rule Law does not permit the map drawing process to ignore the existing lines outright, and to start wholesale brand new.

I leave you with the truism before I introduce Mr. Schaefer that redistricting always involves tradeoffs and compromise. Redistricting is never perfect. However, the plan that ultimately results from the Legislature is required to be lawful.

This includes complying with all the factors of the Municipal Home Rule Law.

So at this point, I'd like to introduce Mr. Schaefer. Who's with us via Teams to speak more specifically about the plan and the process by which it was drawn.

MR. SCHAEFER: Thank you. Just want to make sure you can hear me now. I haven't tested my microphone in a minute.

CHAIRMAN NICOLLELO: We can hear you.

MR. SCHAEFER: Okay. I won't go over a lot of the things Lisa did. I'll skip around. But basically, obviously, Nassau County's legislative districts had to be adjusted to comply with the new populations and also the changes to the Municipal Home Rule Law.

Specifically, one of the major changes was we used to allow a 10% total deviation between the biggest and smallest districts. That number has been reduced to a 5% total deviation. The MHRL

also requires us to recognize small villages and other small areas such that we are not allowed to split those areas as we were in the past. There was there was fewer rules about which communities were allowed to be split and not split.

So basically what my goal was in my first draft was to equalize the population in light of these new changes. So putting villages back together and getting to that two and a half percent deviation. The first draft that I did -- although I did listen to and read some of the testimony, but my primary goal was to get to equal population and not split the villages wherever possible.

We did achieve all aspects, as Lisa said, of the Municipal Home Rule Law: Equal population; not diminishing the rights of language and ethnic minorities; Districts are compact and contiguous; They were not drawn with any political considerations or incumbency data; and we did respect the cores of existing

districts, cities, villages and towns.

After we produced our first draft, in speaking with members of the Commission, we amended it slightly. I think we moved about maybe 100 Census blocks total to improve the number of Census Designated Places that remain whole. As well as, after drawing the initial plan, we had discovered that one of our districts had three incumbent members in it, and we were able to easily without sacrificing the other municipal rule laws take that district that had three members and draw it in such a way that that district only had a pair of members representing it. The MHRL says both, you can't favor or disfavor incumbents. And we felt that putting three incumbents into a district or two certainly would disfavor those incumbents. And if we could undo some of that without sacrificing a more important goal, that we did it. So in the end, we revised our plan to, I think, move

Stewart Manor Village into District 8 from 14, but it didn't change the other aspects of our plan.

With regard to majority/minority districts, in 2013 we had Nassau County had drawn a majority African American district with about 50% voting age non-Hispanic black population. The decade had seen population shifts such that that district's African American voting age population went down below 50. And again, with the changes in the Municipal Home Rule Law, we got some villages to remain whole. We were still able to create that African American majority district which had been drawn in in 2013.

With regard to other majority/minority districts, our plan has a total of four if you go strictly by percentage. A fifth district has 49.6% minority population. Many others have minority populations in the forties.

Drawing for specifically for race was not our goal. My my goal, as I said,

was to equalize the populations between districts beginning at the cores of the existing districts.

In the end, the result that we got was inline with our expectations that an African American district should be created to adhere with federal and state law, and also that the ability of other minorities to participate in the elections wouldn't be diminished, and they certainly aren't in this plan.

This plan based on the algorithms that measure compactness is more compact than the existing lines. Certainly, they're all contiguous. Again, preservation of cores of existing districts. We maintain 91% of the core of the previous districts compared to the other plans that were submitted which do not preserve cores in any way. I did the math, half or less than half of the cores of the old existing districts and the other plan were maintained.

We pair members in two districts,

two members each. All but three of the incorporated villages remain whole in our plan. And also we have a total of 61 whole villages, two whole cities and 38 whole designated places, which I think is is close to the most that you could have. We certainly respected the boundaries of those communities.

I think with that, my presentation for this part is over.

CHAIRMAN NICOLLELO: Okay. Thank you, Mr. Schaefer. Any questions? Legislator Mule.

LEGISLATGOR MULE: Thank you, Presiding Officer. So I have a couple of questions. I represent currently LD 5, which includes Freeport, Baldwin, South Hampstead, pieces of Rockville Centre, Oceanside, and Merrick. I attended several of the redistricting Commission meetings and a number of people from those communities came. And I'm thinking for this particular question in terms of South Hempstead. They very clearly said

that they wanted to remain as a whole unit. This is basically an eight by eight block, community. They have a firehouse that's the main cohesive part of their district. I currently represent all of South Hempstead.

Under the proposed map that that you put together, it has been divided into three different legislative districts. I, I can't begin to understand why that happened specifically because they said they wanted to remain whole. It just defies any type of common sense as far as I'm concerned. And it certainly defied the wishes of the community, which leads to a second question. I did read in the paper after the maps were proposed that the Republican Commission said that they did not take into account any of the comments that were made by the public. And this does seem to be what I'm seeing.

So can you answer first, were the comments taken into consideration, and if so, how did this happen in South

Hempstead?

MR. SCHAEFER: Well, I can say that my initial draft, although I did listen to the testimony, my practice is to give the Commission an equal population map to get it from a noncompliant map in terms of population to a compliant map to get it under the 5% total deviation. I'm looking at South Hempstead now. I could be wrong. I see. It's part of District 2 and 5 and a slight bit of District 1. I can tell you the way it got to this point was to get to my equal population, South Hempstead being in the center of things was split. I proposed it to the Commission. The Commission in that case asked me to make things like Lakeview whole -- this is between my first submission and the final one that we did -- and to look at some of the other things that could make other places whole. So I did as much as I could. Again, to get to equal population and to to achieve the things the Commission

asked me to do after my initial submission, we did not change South Hempstead. Certainly, the final say isn't done until the Commission either produced a majority map or the Legislature produces a map that they pass. So the door isn't closed on making South Hempstead whole. But when people have said that we didn't use or listen to the testimony, I think that's misleading. I didn't use testimony in drawing my initial map because I wanted to get a starting point for the Commission to use that started at a legal equal population point so that when public testimony was overlaid, after that, different choices could be made based on what was possible at that time, rather than starting with a map that was disproportionate in terms of population.

So like I said, I think between my first draft and the final draft I gave to the Commission, we were just not able to achieve all the things that people in the

public had requested and not to say that the door is closed on that, but that's that's something the Legislature could could take a look at.

LEGISLATGOR MULE: Okay. That's something that's -- I want to put this on the record. That's something that's definitely going to have to be fixed. An eight by eight block community should not be divided amongst three different legislative districts. That's just insane.

And as I understand it, the legal requirement is that equal representation is 5% or under, correct?

MR. SCHAEFER: Yeah. The total deviation between the largest and the smallest district is 5%.

LEGISLATGOR MULE: So you can go up to 5% and still be legal, correct?

MR. SCHAEFER: Yes.

LEGISLATGOR MULE: Thank you. With regards to contiguous communities, I live in Freeport, which is currently divided

amongst four different legislative districts. And under your proposed map is still going to be under four different legislative districts. One of those districts is LD4, which is what Denise Ford represents, which is basically the barrier islands and some other areas. But I mean, in what sense is that contiguous? You have to take a boat to get from one side of the district to get to Freeport. There's no other way to do it. There's there's no bridge. You have to take a boat or swim. So my question is, how is that considered contiguous?

MR. SCHAEFER: Well, it's contiguous because the geography touches each other. It's line of sight contiguity over water is contiguous. The barrier island and the islands that District 4 represents obviously can't be contiguous by land in every place. And for the purposes of my practice of doing redistricting, it's based on the traditions of the municipalities, whether or not a line of

sight over water contiguity is allowed or disallowed. Throughout our state and throughout the country, these situations, especially around lots of water, have to exist. Again, there's contiguity in terms of Census blocks. If you're not turning the water layers on your map there, they're contiguous in terms of contiguous Census blocks and for that reason, that's the definition of contiguous. There's roads on the island and bridges that can get to that district relatively easy. You may have to leave the district, you have to swim. But as far as the definition from a map drawing point of view, they are contiguous.

LEGISLATGOR MULE: Okay. I find that to be rather tortured logic. But again, I'd like to put it on the record that that tiny little piece of Freeport that is currently under District 4 be incorporated into another district. And that's all I have. Thank you.

CHAIRMAN NICOLLELO: Thank you. Any

other legislators? Legislator DeRiggi-Whitton.

LEGISLATOR DERIGGI-WHITTON: Hi. And I want to thank both Commissions. I was here last time, and I happen to think that there were a few moments, but for the most part, I think we met our meetings and I think we've had a more open dialogue than we did last time, for which I'm grateful.

But as we know, things have changed in the last ten years, especially with the lawsuits that have been a precedent in different congressional or upstate and different counties. So I just think we have to just be careful with our words. Like today, as much as I would like in a selfish way to say, oh, yes, it's important to keep the legislative districts, I happen to know that that's really not something that's supposed to be considered, as far as the current legislators that are sitting here. So whether there are two people in a

district or three, in my opinion, that shouldn't be considered or even mentioned. So I just think we have to be careful because everything we say today is going to be used in a lawsuit.

The other thing I just had a question with, again, I'm not an expert in this area, as are you, Mr. Schaefer, but from what I understand, we had the Census and then we look at the results of the Census and we see where the population has shifted; is that correct?

MR. SCHAEFER: Yeah.

LEGISLATOR DERIGGI-WHITTON: So you did analyze the the results of the Census?

MR. SCHAEFER: Yeah. That was the basis of my first draft to the Commission, was just to account for those population shifts.

LEGISLATOR DERIGGI-WHITTON: So that's the number of people living in each area.

If I heard you correctly, did you

also take into consideration the listed types of population that we have, the different ethnic backgrounds?

MR. SCHAEFER: Not in the first draft. I evaluated after I drew it knowing that the Municipal Rule Law requires that we don't have the results of abridging voting rights for different communities. I don't draw using the racial overlays, I use population. But then after the drafts are done, we evaluate to see whether or not any of the communities were diminished from the existing districts.

LEGISLATOR DERIGGI-WHITTON: Am I correct in from just what I've read that the change in the last ten years is primarily based on the fact that the racial considerations are supposed to be considered at this point; am I correct in saying that? Mr. Schaefer?

MR. SCHAEFER: Municipal Rule Law added to the state law some factors that require us to not deny or abridge equal

opportunity of racial or language minority groups; that wasn't there before. It was always in people's minds when drawing districts, different communities, not necessarily racial or language, but, age or certainly race, you know, different kinds of communities were always in people's minds. Now it's written down.

LEGISLATOR DERIGGI-WHITTON: So when it's written down, does it actually go a little further than that in stating that that these districts which encompass mainly minority members should have the opportunity to represent a member that they feel would represent them in the way that they wish that they would be?

MR. SCHAEFER: No, I think that it gives people like the Commission something to look at to make sure that that it's on their checklist to do. There's the addition of the words say, "language minority" for example, there's dozens of languages spoken in Nassau

County. And even though most of those languages that are spoken, those language minorities would not have the political power, political numbers, to elect a candidate of their choice. Nonetheless, we recognize that people who speak say Mandarin or Hebrew or Farsi, those are all things to consider as when drawing is that those groups are maybe a defined community of interest in the law. Unlike, say, ten years ago, prior to this being here, when again, for people like me, the Federal Voting Rights Act had some very precise ways to determine whether or not the equal opportunity was being violated. I think in this case with the MHRL, unlike the Gingles preconditions for the Voting Rights Act, we don't have preconditions for the Municipal Home Rule Law. The Voting Rights Act, for example, says that for Section 2 to apply, the group must be compact and it must be cohesive politically, and there must be a intent by the majority to vote against

the preferred candidates of the minority. Those Gingles preconditions aren't applied to this new Municipal Home Rule. It's modeled on it, but I don't think we use the same metrics to measure whether or not minority voting rights or language minority rights are abridged or denied based on the same standards as we use when we do a Gingles test.

So we recognize their existence. We make sure that we don't have the intent or result of denying or abridging their rights. When we did our evaluations, we recognized that the African American district that was created in 2013 and then recreated now, we did have a Gingles set of preconditions that we would adhere to. The rest, we did create seats that that minority preferred candidates would likely succeed. We didn't have a racial block voting analysis or racial polarization analysis to show that the majority votes is a block against the minority preferred candidates, which the

Gingles preconditions would and have in the past proven existing in many places in America.

So as a result, what we did was we drew our districts. We looked to see whether or not Hispanic neighborhoods and villages and places were made whole. And I think that's the other thing to mention is because we don't split very many villages or Census Designated Places, that kind of takes to the extent that different minority and language minority communities live in those same communities, Elmont came up in a lot of testimony, as long as they remain whole, we aren't subconsciously picking and choosing Census blocks. We're keeping all of Elmont whole so that the people who live in Elmont and their needs are met; therefore, we are not denying or abridging their rights to elect a person of their choice.

LEGISLATOR DERIGGI-WHITTON: Okay. So again, I'm not an expert in this area,

but just from living it in the last year or so since we've been hearing about the changes, I was really under the impression that we had to go a little bit further for the minority districts rather than just making sure we're in the 0.5% population demographics; maybe I'm wrong. But did you -- I kind of think I heard you say that you didn't really do any type of analysis as far as any racially polarizing?

MR. SCHAEFER: Well, an analysis was done by Dr. Gimpel on our side and the two professors on the other side of. Part of the reason we didn't do a racial polarization or a racial block voting analysis on our side until Dr. Gimpel did his report -- and I read his report, but it was after my plans were drawn -- There's not a lot of data in Nassau County that could show cohesion between African American and Hispanic communities. The reports that were done used three general election results --

just three, and they were relatively recent as well. So their analysis and their conclusions were based on three general elections that had happened in the recent past. And I don't know how they chose which three to use. Certainly, they didn't use all the elections that happened in the last ten years. They didn't use any primary, and the reason maybe there weren't any primaries. It's possible that African American and Hispanic voters tend to vote for the Democratic candidate over the Republican candidate. But in a primary, an African American voter and a Hispanic voter might vote for different candidates of choice. And the input data that had been used in the Democrats analysis did not and could not show that. There was no way to show political cohesiveness based on race alone, based on race as the factor. And and I know based on my study of how many elections could be used to study these things, generally you're looking for an

odd year because that's when the legislature runs primary elections to do this, and none of those were used.

So from my point of view and from, you know, discussions with the commissioners, we felt that as long as we proceed without the intent of abridging anybody's rights, and also because we created an African American district in 2013 and maintain that now, we felt that no person in Nassau County has unequal opportunity to participate or to elect the candidates of their choice. Like I said, we don't know if there's political cohesion between black and Hispanic. But having said that, we know there is political cohesion from a lot of results in a lot of places in our state and Nassau County among African Americans. So we were able to create a majority black district, and we resulted in creating three Hispanic districts as well, Hispanic Black Coalition district.

LEGISLATOR DERIGGI-WHITTON: Okay. I

just had like two or three quick follow up questions.

One, did your map change at all after you read the report regarding the racial influences in Nassau County? The one that your own expert did after you drew your first map?

MR. SCHAEFER: No. Not as a result of that. I produced a plan and then I had discussions with Mr. Moroney and we made some changes based on making more Census Designated Places whole and making a Lakeview whole. But nothing based on anything that Dr. Gimpel had written.

LEGISLATOR DERIGGI-WHITTON: And I have one other question regarding procedure. The Voting Acts Right, that's the change in the last ten years. The Voting Acts act that is now in place that wasn't here.

MR. SCHAEFER: The Municipal Home Rule Law.

LEGISLATOR DERIGGI-WHITTON: Correct? I'm sorry. I'm not, again, an expert in

this. I'm just trying to follow it.

So does that require any type of a racially polarizing study or analysis? Doesn't does that law in itself require that you take that into consideration?

MR. SCHAEFER: No. It requires that you don't diminish a racial or language minority group's ability to participate in the political process.

LEGISLATOR DERIGGI-WHITTON: Now, that's interesting. It's just different from what I've been hearing, what you're saying. Okay. Well, I guess it's up to the powers that be to decide that.

MR. SCHAEFER: It's based on but different than the Federal Voting Rights Act.

LEGISLATOR DERIGGI-WHITTON: Two more questions. The Census, when we got the results, do you remember the percentage of Nassau County residents that were deemed to be in some type of minority class?

MR. SCHAEFER: (Perusing). The

population is 13% voting age Hispanic; 46% voting age whites; 8% African-American and 9% voting age Asian. Oh, you know what? My percentages are wrong. I'm basing that on voting age. One second (perusing).

I don't have exact numbers, but basically it's primarily non-Hispanic whites. These are not correct numbers, but about, say, 25% Hispanic and 15% black and 15% Asian. I don't have the exact numbers in front of me.

LEGISLATOR DERIGGI-WHITTON: Well, I think that would kind of be important at some point for someone who's drawing their maps.

MR. SCHAEFER: I wasn't expecting that -- I have a lot of data about my maps, but not about general theory of the county redistricting.

LEGISLATOR DERIGGI-WHITTON: Okay. Just to kind of -- from what the numbers that I've heard of, rough estimate of minority residents in Nassau County would

be approximately 55% at this point.

So my question was just as to whether or not you felt that different groups --

(Whereupon, Democratic Counsel gives information.)

LEGISLATOR DERIGGI-WHITTON: 55% white, 45% minority, I apologize.

But I guess my other concern was I know that the Democratic map addressed the Asian population, which happens to be the fastest growing in Nassau County. Did you take that into consideration at all with this map?

MR. SCHAEFER: Yeah. To the extent the Municipal Home Rule Law requires us to. District nine and ten in our plan have about 25% in one and 33% in another Asian percent. What we have to figure out with Asian is -- and also Hispanic to a large extent -- is made up of groups. Asians in the Census terminology could be Chinese, Japanese, Korean or Indian. And my understanding of the population of

Nassau County is there's a very large Chinese population. There's also a very large Indian population. Those are the two largest that would be coded Asian under the Census coding. And we felt when we were drawing that -- well, there was no evidence for or against, but it would be likely that Asians and Indians who vote in Nassau County would not necessarily be politically cohesive based on being from Asia.

So we accounted for the groups that existed. I think they were primarily in North Hempstead. And we made sure that we didn't split those those neighborhoods. But as far as joining them together to create a majority Asian district, we thought it would be disingenuous, since it be likely that 50% would be Chinese and 50% would be Indian.

LEGISLATOR DERIGGI-WHITTON: I guess that's like where we would benefit from some type of analysis to see how people would vote and what their needs would be.

All right. And again, I appreciate the efforts. We live on an island. It's hard to divide it in a perfect square or anything like that.

But I think, again, just from my reading of the newspapers and all, the real concern with this redistricting went far beyond just the 5% change. It really is based on why the Legislature was formed in the beginning. My dad was actually on the Board of Supervisors and lost his job with that. So the bottom line is, we believe in it. It's supposed to be that everyone is represented fairly and that's what I want to see happen also. So I think that the case law is -- this real difference is to make sure that our minority populations feel represented and feel that they have an equal opportunity to elect someone that they feel will represent them well. So thank you for your time.

CHAIRMAN NICOLLELO: Any other questions?

LEGISLATOR ABRAHAMS: Thank you, Presiding Officer.

We spent a lot of time with both sides, with the commissioners and the experts, and I'm not going to going to great depth. I just want to ask Mr. Perillo and Mr. Schaefer, I see Mr. Moroney there as well, are you coming back for the Full Legislature meeting in case something comes up or develops from the public that we have to ask you again?

CHAIRMAN NICOLLELO: Well, here's the -- what we're talking about today are the the maps proposed by the TDAC. That doesn't mean that what comes before the Full Legislature will be the maps proposed by the TDAC, so having them come back to talk about something that we had already moved on from doesn't really make much sense. And we'll take this as it comes. But again, if the same map is not before us, the Full Legislature, then there doesn't seem to be a point to have them presenting on the TDAC maps, which

we've moved on from.

LEGISLATOR ABRAHAMS: So my only point is, Presiding Officer, is that, that Ms. Perillo, by her own testimony, had indicated that the Republican TDAC map should be used as a starting point, a recommendation, if I use your word correctly. So, obviously, if ingredients of this map are somehow incorporated into the map that this Legislature is looking to adopt, I would think we would want to get to know whether or not the ingredients of what they had put together still, you know, their thoughts and their criteria and their analysis.

CHAIRMAN NICOLLELO: I don't know that we need -- look, again, if we move on from that map, I don't know that we need their analysis of a subsequent map. But you're free to ask any questions you want today.

LEGISLATOR ABRAHAMS: Okay. I wanted to ask you a few questions based off your testimony. And again, I want to really

get to the public. I know they've been here patiently waiting for quite some time. And I know Legislator Bynoe has questions as well, so I'm not going to go on too long.

But I did want to ask you in regards to, you had mentioned that -- obviously, I was here in 2013, I think, and I was here for 2003, so I've been here for quite some time -- But in those redistricting processes, obviously there have been changes to Municipal Home Rule Law. There have been interpretations as well as litigation that has driven many different redistricting cases all throughout the state that has changed things as well. Can you describe those changes in regards to particular state or federal laws in the last ten years that weren't incorporated in 2013 because they just weren't around? And I just want to hear you elaborate a little bit on that.

Because I know you had mentioned that, obviously, and I was here in 2013,

obviously. In 2013, many of the things that have been brought about that wouldn't be deemed illegal or they would deem this map, obviously to be illegal. There's been a lot of talk about whether or not the the map that's been presented didn't have to go through those same challenges. So I just want you to if you could elaborate on that, that'd be great.

MS. PERILLO: Sure. The main change or the revisions to the Municipal Home Rule Law and the change in the factors that need to be considered. There's also been recent case law regarding political gerrymandering that that's not an appropriate factor to consider political parties, political interest, incumbents, and so forth, which bolsters the changes to the Municipal Home Rule Law. So, for example, there is the language about districts shall not be drawn with the intention or result of denying or bridging the equal opportunity of racial or language minority groups to

participate in the political process or to diminish their ability to elect representatives of their choice. There's not a lot of litigation on this language minority groups. That's a relatively new consideration, and it's not part of the federal considerations. It's part of our state considerations. And I think it takes into account that New York State has many, many groups living together. And it's more than just racial. It's sometimes cultural, it's language, it's religion. It's all these other considerations that you take into account when you're thinking about communities of interest and keeping them together. And that's why you don't want to break up neighborhoods and villages and Census Designated Places where these groups will will live together, but not necessarily comprise a big majority racial group like the Asian question: Who is an Asian or are they all the same? How do they vote? How will they vote? Are they a block? Are

they not a block? And all the differences that they have among themselves. And it's a relatively new provision and there's litigation yet to be had about what is a proper consideration of a language minority group. What is the language minority group? How do you classify that? Are there dialects that have to be considered? It's a very complicated question.

But, you know, just circling back, one of the considerations that have to be considered are the maintenance of cores of existing districts. So it's not completely correct to say that you can start all over again. There is a question of continuity and continuity benefiting existing voters that live in a neighborhood that know they're represented by a certain Legislator that has a sensitivity to what their neighborhood needs and for them not to be displaced by the arbitrary drawing of a line that's different from a line that

existed for at least a decade prior. So it is one of the factors that must be considered. It's not like you can disregard that the old map completely.

Now, all of these considerations -- again, I'm going to reiterate -- the plan is a starting point. Most significant of the factors is the equality of population, because it does bring forth the ideal that every person's vote gets equal weight. And so that's a good starting point. That's why it's a recommended plan as a base. You all sitting here and the Legislature with their sensitivities to what their constituency needs and the particularities of their neighborhoods can make those adjustments. You're authorized to do that by your County Charter in amending, revising, rejecting and making a wholesale new plan, if that's your choice. And you can do other studies, you can be guided by your by your counsel to Legislature as to how to

do that.

LEGISLATOR ABRAHAMS: So one of the things that your colleagues on the other side had brought up was when possible and while addressing the other components of Municipal Home Rule Law and federal and state law that we draw Nassau County lines with the mindset, the goal would be in adhering to the law of that goal, five minority/majority districts. If I heard your testimony correctly, the map that was presented by the Republican commissioners draws four; am I correct?

MS. PERILLO: That's correct. It draws four. It draws three that are coalition, African American, Hispanic, one that's majority African American. And it also has another that has a significant population. I believe it's. David, you'll correct me if I'm wrong, but it's African American as well and Hispanic. What our map does is create the African American minority/majority district that's on its own. That is not a

coalition district. The Democratic proposed map, all of those minority districts are coalition districts. Now, you have to think about whether or not those groups are sufficiently similar, that they're always going to be voting the same way so that it's fair to group them and it's not a dilution of their vote to mix them together. And also with the historical considerations for African Americans, particularly under the federal law, it's always better and I believe -- David will correct me if I'm wrong -- to create an African American district, if that's possible. Standalone. That's what I'm saying. David, any input into that?

MR. SCHAEFER: No. It's just that we didn't create it out of nothing either. It existed in 2013 and we didn't maximize the African American population in that district. It's 51% African American. So it's over the line 50. But it's not every African American that we could find to put in the district. We certainly in the

first draft didn't use race in any way. And the second draft that we did was meant to put different neighborhoods. So the second draft was more for those racial and language minority groups. The first draft did create that majority district because: A, it was there in 2013; and B, we could make it again this time.

LEGISLATOR ABRAHAMS: So if I'm understanding you, Mr. Schaefer and Ms. Perillo, you created and obviously was there already an African, a predominantly African American district that has 51% African Americans, I believe?

MR. SCHAEFER: Voting Age. Yes.

LEGISLATOR ABRAHAMS: So the rationale in the other districts that were minority/majority, those are coalition based?

MR. SCHAEFER: Well, that's what existed. We didn't --

LEGISLATOR ABRAHAMS: What I'm getting at is, I mean, based.

MR. SCHAEFER: We didn't have the intent to --

LEGISLATOR ABRAHAMS: But you accept the coalition base formulating a district?

MR. SCHAEFER: Not as a grounds for violating the Voting Rights Act.

LEGISLATOR ABRAHAMS: No, no, no, no, no. That's not what I'm saying, Mr. Schaefer. I guess what I'm driving at is that your colleagues on the Democratic Commission side had created five minority districts by doing it coalition based.

MR. SCHAEFER: They don't have enough evidence to show that black and Hispanic voters --

LEGISLATOR ABRAHAMS: Yes, I understand that, Mr. Schaefer. I understand that. I know there's a difficulty hearing back and forth. So I know we're probably seem like we're jumping in front of each other, but we're not. I understand that that's your that's your content.

I guess what I'm saying is you only have one district that is African American predominant base of 51%. The other districts that you have that are minority/majority are coalition based. So so you are taking components of the Democratic proposal of coalition base. Naturally, because that's how you're getting to your minority/majority in those other districts. And I understand that correctly.

MR. SCHAEFER: -- based on answers to questions I was asked.

LEGISLATOR ABRAHAMS: Let's just get to the point I know the public wants to get to this. Are the other districts that are not Legislative District one, which is predominantly African American base. Are those districts the minority/majority? Are they getting there by coalition based minorities?

MR. SCHAEFER: Yes.

LEGISLATOR ABRAHAMS: Yes. So some of the tenets that are in the Democratic

proposal, you have used or naturally they've happened because maybe because the natural course of things they're in the Republican proposal. So you have two different tenets. You have one that's based off of the African American being a predominant district, but then you also have the tenet of a coalition base to make up your other three minority/ majority districts; am I correct by saying that?

MS. PERILLO: Yes, I believe so. And David, correct me if I'm wrong, but that's how the numbers, populationwise, work out, right?

MR. SCHAEFER: Yeah.

LEGISLATOR ABRAHAMS: So the question becomes, you were able to get coalition based minority/majority districts in three of your four districts; why weren't you able to get it in five?

MR. SCHAEFER: I could get it into five.

LEGISLATOR ABRAHAMS: Not District five. I mean, why couldn't you get five?

MR. SCHAEFER: District six, for example, is. 19% Hispanic and 17% black. It's about 35 or 36% minority. It might be possible. I'm just looking at the map to. To rearrange boundaries to maximize those percentages, it might be possible. We don't and I don't try to make a racial majority district as an end goal except when I believe the Voting Rights Act, Federal Voting Rights Act might apply. We have this one district that's 49.6% minority, and that's defined by absence of non-Hispanic white people. But that district -- I'm sure if we went block by block or split a Census place to add Hispanic and black voters into those districts, we might be able to get that above 50. We just didn't do that. We didn't make it our goal to count the number of minority districts after the African American district was created.

LEGISLATOR ABRAHAMS: But I guess

you say, Mr. Schaffer, it wasn't your goal. It was our interpretation, and correct me if I'm wrong and we're looking for information in this body, isn't it required?

MR. SCHAEFER: I don't think a number is required. I think in my mindset, I never draw knowing where the minority populations are so that eliminates my intent. And then the result of denying or abridging equal opportunity or racial or minority groups, we look at things like look where communities are. There's a big, you know, if we overlay the race information over our maps, if it looks like we have a large shape that looks like Hispanic voters likely live in this neighborhood, and we split it into ten pieces, we might put that back together because it looks like we split a neighborhood up that we shouldn't split up. We're not doing it by the numbers, though. We're not stopping when we get to 50. We're just saying, oh, here's a split

neighborhood, let's put it back together. Elmont, I remember just specifically Elmont from testimony, that we had cut it and then we undid that to get this neighborhood back together. I don't set a target of how many Hispanic and black districts I want unless I'm concerned about federal issues. But having said that, we do look at those things after the map is drawn to see if anything obvious jumps out of that.

LEGISLATOR ABRAHAMS: I guess what I'm driving at, I mean, this Legislative Body just wants to make sure we do something that, one, is legal; and then obviously from hearing from constituents, we believe to be something that represents them properly.

I'm understanding you correctly and correct me if I'm wrong, is it your understanding that the Legislature does not need to go forward with the five minority/majority districts?

MR. SCHAEFER: I don't think there's

a numerical number that's prescribed in any of the laws. I just think that you should not be able to prove that a language or racial minorities ability to participate in the political process is diminished. And I think that one of the ways we did that, because there's not a lot of objective ways, you know, these racial block polarization analyses, there's not enough data to prove these things. So one of the things we did to inoculate ourselves from that is we try to keep these villages and CDP's whole so that as people moved into different neighborhoods, we wouldn't be carving them up into different districts. So, I don't want to predict a future outcome of any of these districts that I drew with regard to these groups, but we certainly didn't make it impossible for them to elect the candidate of their choice.

LEGISLATOR ABRAHAMS: From what I could tell from the map, I don't want to have you go through every village that

may have been split, but villages that do not meet the criteria to be in an entire district, have you split any villages?

MR. SCHAEFER: Three of them. The same three as the other plan.

LEGISLATOR ABRAHAMS: So I envision that's Hempstead, Valley Stream and Freeport.

MR. SCHAEFER: Yeah. But we also keep the Census Designated Places. I think we have -- I'm sure we have, both cities and 38 whole designated places. I don't have it in front of me, but that's a large percent of the CDPs in the county. CDP is an umbrella for villages or non village neighborhoods or hamlets. And we maximize the number of CDPs we keep whole.

LEGISLATOR ABRAHAMS: And, Mr. Schaefer, just to stay on this issue of the districts, in regards to analyses and I know there's been a lot of talk, I know you probably have internal analyses, Ms. Perillo, you probably have internal

analysis that was done, in regards to the analysis that was done, can you describe -- I mean, you talked about in some cases that you did some compact and continuous analysis, if I heard you correctly. I think maybe you might have done some racial polarizing analyses, or maybe Mr. Gimpel did that. Can you elaborate a little bit on those analyses?

MR. SCHAEFER: Yeah. The software I use has I think it's nine different methods of measuring compactness. All measures of compactness are based on usually a circle being the most compact form. And that's not practical for redistricting. You know, we have mountains and rivers and waterways and different items. The circle is mathematically the most compact, but maybe not sociologically. However, we use all nine algorithms that have been prescribed and looking for the biggest circle that can fit outside a district, the biggest circle that can fit inside

the area of a rubber band that was stretched around the district. The plan that we propose is more compact in every measure than the existing district in our version.

The Democrat plan is compact. But they had the benefit of not using Section E of the MHRL where maintaining the cores of existing districts was not one of their tenets. So creating compact districts for them more compact than ours was probably easier since they didn't have the restriction of following Section E of the MHRL.

LEGISLATOR ABRAHAMS: Okay. So if I'm understanding you correctly, you're saying that the Democratic map met its criteria in terms of compactness. Is that in regards to contiguous too?

MR. SCHAEFER: Yeah. They are compact and contiguous and equally populated.

LEGISLATOR ABRAHAMS: Okay. All right. I understand. And it sounds like

based off of the instructions that you received from the Republican commissioners on TDAC, that they believe that the district cores was the most prevailing issue.

MR. SCHAEFER: Well, I told them that the Municipal Home Rule Law requires it.

LEGISLATOR ABRAHAMS: But the Municipal Home Rule Law, prefaced by Ms. Perillo, encompasses other things as well, correct?

MR. SCHAEFER: It does. And we achieved all "A" through "F" of the MHRL, all the aspects of it.

LEGISLATOR ABRAHAMS: No, I guess what I'm driving at is that since the Municipal Home Rule Law includes other components, the instruction based on you given by the Commission, was based off the fact that the district cores is the most is the highest priority.

MR. SCHAEFER: No. That is one of the priorities. Even though they're

ranked by the the MHRL, population, equality is first and preserving the cores is fifth, to me, that means if I can only do one of those two things, have equally populated districts or preserve the cores that I have to choose equally populated districts.

LEGISLATOR ABRAHAMS: Of course.

MR. SCHAEFER: In our plan we were able to achieve all aspects, all six of them. You know, and I guess during my process, if there was a dispute of whether or not I should put this village in or split this village, I did that with the rankings in mind, but I tried to make sure that I treated all six aspects equally unless there was a conflict. At the end of the day, we were able to do all six resolving all conflicts without eliminating the cores of existing districts clause.

LEGISLATOR ABRAHAMS: I understand.

Can you share with us, Mr. Schaefer, a priority list of sections "A" through

"E"?

MR. SCHAEFER: Yeah. To summarize:

Section A is equal population; Section B is had to be drawn with the intent or result of equal opportunity of racial or language minority groups to participate; then contiguous; then compact; E is relatively new, can't be drawn to discourage competition, favoring disfavoring incumbents or candidates or political parties; maintaining cores of existing districts, preexisting political subdivisions, including cities, villages and towns and communities of interest shall be considered; and to the extent practicable, no villages, cities or towns should be divided, except if they're -- not even except, but no villages having more than 40% shall be divided.

LEGISLATOR ABRAHAMS: And that's how you prioritize them, in the same order that they are in?

MR. SCHAEFER: I only use the priority when when things came into

conflict. Most times that comes into conflict is right at the beginning when I have equally -- or unequally populated districts. So obviously I have to make them equally populated. The choice I would make is, well, let's put all the villages together. If they're still unequal in population, then I consider splitting the villages, which is why we did split three of the villages in the county. So that's probably the only time I needed to use the tiebreaker of the MHRL, is when I split those three villages because I couldn't have equally populated districts without doing that. So the law is clear on that. I have to split the villages I can't keep unequal districts.

LEGISLATOR ABRAHAMS: Okay. I think I understand you. In regard to Section E, "the district shall not be drawn to discourage competition or the purpose of favoring or disfavoring incumbents or their particular candidates or political

parties". You had mentioned, Mr. Schaefer, that -- I can't remember if you said that you had a conversation with Mr. Moroney or Mr. Moroney had a conversation with you, but you had indicated that based on that discussion, you made some changes, you initiated some changes to some incumbents. I just wanted you to elaborate a little bit more on that.

MR. SCHAEFER: Yeah. After we drew our first plan, we found that District 14 in our plan had three incumbent members. I think there was another district, I can't remember which one, had a pair of incumbents; District 4, I believe. Between my first draft and the second draft, I talked to Mr. Moroney to discuss what we could do to continue the process. He had mentioned that we'd like to see more Census places made whole. And he also said, you know, is it necessary to have the three -- and I showed him -- three members in the district? Is there a simple way that we could undo that?

Because the law says favoring and it also says disfavoring. And the Stewart Manor Village had 1992 people in it. It's right next to Franklin Square. And there was a part of Franklin Square with nearly the exact same number of population. So we put Stewart Manor Village into a district that had no incumbent and replaced that population with an adjoining 1900 people from Franklin Square. So certainly pairing three members disfavors all three. Undoing that still disfavors two, but the result was not disfavoring at least one of those members.

Since this clause has been put in the MHRL, it's been very difficult for me in all of my redistricting work to not draw a line that favors or disfavors everyone. Every single line I've drawn this year for any of my clients favors and disfavors at the same time, depending on points of view. So it was a choice I made. I was clear about the choice. I put it in my report for this reason. So if

I'm the only one who thinks that this disfavoring was necessary, we could put it back and the choices was up to the TDAC people to decide. But I showed that the options were both available.

LEGISLATOR ABRAHAMS: Okay. I understand. I'm just curious. You had the conversation with Mr. Moroney and the Republican commissioners or just Mr. Moroney?

MR. SCHAEFER: Well, I worked with the commissioners through Mr. Moroney. One of my practices is to only take direction from a single voice so I am not --

LEGISLATOR ABRAHAMS: No, I just want to make sure. So the Republican commissioners endorsed what you did in terms of the --

MR. SCHAEFER: Mr. Moroney asked me to do it.

LEGISLATOR ABRAHAMS: I'm confused, Mr. Schaefer, you're hired by the Republican commissioners, correct? Where

you were hired by the Republican commissioners, Mr. Schaefer.

MR. SCHAEFER: I think so, yeah. I, I answer to them. That's who I work with.

LEGISLATOR ABRAHAMS: I don't know. Mr. Moroney, maybe you can enlighten us.

MR. SCHAEFER: I didn't speak directly -- we didn't have work sessions with all of the members at any one time. When when this plan was was given to them, that's what they accepted. As far as endorsed, I don't know if it was unanimous, I don't know if it was just Frank, I don't know if it was just giving two options and thinking that we'd move on to the future.

I did offer to do the work to unpair the other districts, but we decided not to pursue that.

LEGISLATOR ABRAHAMS: I'm not going to belabor this too much because obviously by the action of the Republican commissioners, they endorse the changes.

But just from from a practical programmatic standpoint of how we should proceed, Mr. Moroney, maybe you could shed some light on this, but I would think the Republican commissioners should have initiated the conversation or had the conversations with you, Mr. Schaefer, being that it was the practice of them independently hiring you, I would think they would do so. Obviously the action of the Commission voted for it is well said.

CHAIRMAN MORONEY: Legislator?

LEGISLATOR ABRAHAMS: I'm sorry. Oh, Mr. Moroney, yes?

CHAIRMAN MORONEY: All the commissioners were briefed. I should say all of the Republican commissioners were briefed prior to this being put together.

LEGISLATOR ABRAHAMS: Prior to you making the decision to reach out to Mr. Schaefer?

CHAIRMAN MORONEY: I can't recollect whether it was before or after, but they were definitely briefed as to what

changes were made.

(Whereupon, interruption from the public.)

LEGISLATOR ABRAHAMS: I'm sorry, Mr. Moroney. The public can't hear you. Please repeat the answer.

CHAIRMAN MORONEY: The question initially was, did the commissioners, Republican commissioners know. The answer to that is yes, they were briefed. When were they briefed? I don't have an exact recollection whether it was before or after, but they did ultimately vote in favor of the application.

LEGISLATOR ABRAHAMS: And they supported what Mr. Schaefer did, obviously, because they voted for it, correct?

CHAIRMAN MORONEY: Right. They voted for it.

LEGISLATOR ABRAHAMS: I understand. I understand. I don't have anything further.

CHAIRMAN NICOLLELO: Legislator

Bynoe.

LEGISLATOR BYNOE: Thank you, Presiding Officer.

Ms. Perillo and Mr. Schaeffer, you've indicated that the map that you have provided to the Republican Delegation was legal, and more importantly, that met the Municipal Home Rule Law, insomuch that you state that it was up or down on population by maximum allowable, which was 5%.

And then, second, you state that the voting rights of the minority and racial groups were respected. And as it relates to Legislative District 14, I find that your plan fails on its face. Legislative District 14 takes communities such as Franklin Square, Bethpage, Carle Place and Garden City and pairs it with Westbury Village. Westbury Village. Is a majority/minority community. Franklin Square -- let's just deal with the numbers in terms of Census data information. Franklin Square has a

population, a white only population of 65.9%; Bethpage has a white only population of 80.6%; Carle Place has a percentage of 78.3%; Garden City is 88.2%; Westbury, the village, is 45.89%.

Let's deal with it's black populations of those same communities. The black population of Franklin Square is 3.4%; the population of Bethpage is 0.2%; the population of Carle Place is 1.9%; the population of black or African Americans in Garden City is 0.5%; the population in the Village of Westbury is 21.29%.

If we look at our Latinos in those communities. Franklin Square is running 20.4%; with Bethpage running 12.2%; with Carle Place running 9.5%; and Garden City is 5.9%; with the Village of Westbury rounding off at 29.49%. I don't know how in God's name we could say that putting Westbury in with these communities actually would not be in violation of the second priority, the second priority, of

the Municipal Home Rule Law that says that you "must take into consideration the voting rights of minority, racial and language groups", that they have to be respected, that you should not dilute their vote and nullify their voice. This is clearly, clearly a violation of the Municipal Home Rule Law.

The second thing is that it goes into compactness and contiguousness. And that's because in event that you have to protect -- not in the event. For the express purpose of protecting the rights of the minority constituency; compactness and contiguousness comes after that, you must first protect their right.

Then it goes into number five. Number five is broken up into several sections, and we start talking about discouraging competition and disfavoring incumbent. Well, we talked several times in this moment regarding Legislative District 14, as the Republican proposal lays out. In the initial plan, it had

three incumbents. Legislator Giuffre, Legislator Schaefer and myself. In this district, you decided in your first proposal, once you realized -- in your second proposal, once you realized in your first proposal that you put two Republicans in the district along with a Democrat, you decided to break it up. When I heard it was broken up, I knew it wasn't that you pulled out the Democrat, that you left in the Democrat with another Republican in a Republican leaning district, thereby disfavoring the incumbent. That again violates the Municipal Home Rule Law. You purposely disfavored the Democrat.

Let's move on into maintenance, of cores, which you said you put a heavy amount of consideration on. I'm concerned about how you may have considered maintaining cores. Because if you were maintaining cores of the Village of Westbury, you would have taken into consideration that the core of

Legislative District 2, which you cracked off Westbury from New Cassel, is most certainly the core of Legislative District 2. It was not just a part of the 2013 map. It actually was a part of the map that Arthur Spatt, the late Honorable Arthur Spatt, created in 1993 when he created the two minority districts. And when he created that, he said specifically -- give me a moment (perusing). Arthur Spatt said, "the two predominantly black districts are etched in stone". If that's not a core, I don't know what is. Further. The three legislators who represented Legislative District two came from the Village of Westbury. Roger Corbin from the inception, my predecessor, Robert Troiano, and then myself. If that's not the core, if Westbury Village is not the core, I don't know what is.

So then when we start talking about communities of interest. A community of interest, I would say Arthur Spatt said

Westbury was a community of interest alongside Uniondale, Hempstead, West Hempstead, and other majority/minority communities. Not only did Arthur Spatt say it was, but in Harkenrider v. Hochul. Judge McAllister also said that it was a core insomuch that he joined Westbury, New Cassel, reached into the town of Hempstead and adjoined it with, Uniondale, Hempstead, Lakeview and other majority/minority communities.

So it's not lost on me that some 28 plus years ago, Arthur Spatt said that it was a core and it was a community of interest, that it was memorialized and ordered in yet another judge's report 28 years later. Judge McAllister, 28 years later, memorialized that same, same exact decision that not only is it a community of interest, it is a core.

So it's lost on me how today we could be looking at a Republican map that we would consider that Westbury should be put into a community where its voice

would be diluted and nullified. Into a community that is majority community. Not just a majority white community, where it won't have an opportunity to pick its candidates, let alone compete, but in a community that is Republican leaning.

I want to deal with this Municipal Home Rule Law. I'm going to go further and I want to deal with it to this extent: Everybody here has acknowledged that the Municipal Home Rule Law, everyone who has spoken, that it's listed by priority. And again, bear with me. The first priority, we went through this, right, is that it has to be equal in population. That's the first thing, because we can't have one that has 70,000 and the other one have 40. We have to we have to do something so that we make sure that it's an equal population. That makes sense to me. And the other thing that makes sense to me is that we protect the underserved in communities here. And that's where the voting rights of

minority racial and language groups come together. Then contiguousness, then compactness. We've already discussed discouraging and disfavoring incumbents. Then we talk about maintenance of cores of existing districts and preexisting political subdivisions in terms of communities of interest.

The last thing, the last thing that's in this Municipal Home Rule Law, not by mistake, but by design for a situation such as this, is that only if you can achieve all of those things. Then you should keep villages under a certain size whole. Only then. But if you can't, then you should exercise discretion because it says, if practicable, that's discretion. That's because we have to protect the individuals who have to have their voices heard. One person, one vote. To do anything less than that for the Westbury community, to crack it off from New Cassel is a disservice, it's discriminatory, and it's violating the

rights of thousands of voters. There's no way this plan meets the constitutional, the New York State Municipal Home Rule Law nor the Federal Constitution. This is wrong in every shape, form and fashion. It's wrong.

How do we cure this? You would adjoin Westbury, the Village whole, to New Cassel, put it back in legislative district to where it belongs. The Municipal Home Rule gives you a second option: To respect the lines drawn by Arthur Spatt in 1993 and recognize that Legislative District 2 Westbury and Legislative District 14 Westbury, while in one village, may have separate interests.

I live in Westbury. I've lived there for 50 years. Legislative District 14, we live as one Westbury, I'll tell you that. And there's a wonderful saying, Westbury's love is real love", and that is true. We are one community. But there are significant differences when you

cross west and east of Post Avenue. And the most notable one of them is that our students that live west of Post Avenue, the majority of them are zoned for Carle Place school district. And those east are zoned along with the New Cassel students for the Westbury School District. That in itself makes them, while one village, separate communities of interest. And Judge Spatt recognized that back in 1993. And not only does Judge Spatt recognize that, but the authors of the Municipal Home Rule Law recognize that they didn't understand the nuances of every single town nor village. And that's why they wrote that as the final, the final priority because you had to achieve everything else before you got there. And that's why in Harkenrider v. Hochul they did take a town, Town of North Hempstead, that has 233 (sic) roughly residents and cracked it and broke it only to respect the minority racial and language groups. Because a Senate district is 325,000

people plus. They took this town that they could have pushed right into one senate district and they broke it for the purpose of recognizing and preserving the rights of the people, the good people of Westbury and New Cassel.

I behoove this Body to respect the work of the judge in 1993 and the Judge McAllister of 2022 who recognized the cores and the communities of interest of Westbury and New Cassel. Do not disenfranchise those people; do not do it. Thank you (applause).

CHAIRMAN NICOLLELO: Okay. Does anyone else have any questions? Okay. Thank you, Mr. Perillo. Thank you, Mr. Schaefer.

All right. We are going to go into the public comment portion. This is primarily what we're here to do is to listen to members of the public. You have one opportunity, a couple of minutes to submit your comments here, obviously, but there's also other opportunities. We have

an online comment form that can be accessed through our page. Also, again, as I said before, there's a specific e-mail address that you can e-mail your public comments to. In fact, Mr. McElroy has done so. He has e-mailed today, so we'll make this part of the record. Any comments sent to our e-mail address or the public comment form, will also be made part of the record, of this hearing, and of this process.

All right. So it's three minutes per speaker. We don't cut you off when you get to three minutes, but we ask you to sum up. The Legislative rules prohibit you from yielding your time to somebody else to build up that time. So it's three minutes. First speaker is Claudia Borecky.

MS. BORECKY: Claudia Borecky from Merrick. President of the Bellmore Merrick Democratic Club.

These Republican maps flagrantly violate the Voting Rights Act of 1965,

which prohibits a redistricting plan that has a discriminatory purpose or effect. Maps that effectively deprive minority communities from having representation in the county obviously have a racially discriminatory effect.

Further, the Republican maps violate the John R. Lewis Voting Rights Act of New York, which was just enacted in June of last year. It specifically prohibits impairing the ability of members of a protected class to elect candidates of their choice or to influence the outcome of elections. In other words, you no longer need to use an argument as it was used in the past, that a particular minority community votes as a block. Violation is established if a political subdivision creates districts wherein, "candidates of electoral choices preferred by members of the protected class would usually be defeated, or voting patterns are racially polarized, and under the totality, totality of the

circumstances, the ability of members of the protected class to elect candidates of their choice or to influence the outcome of elections is impaired".

Placing Lakeview in a district with Lynbrook does just that. It dilutes the voice of the minority community. The Voting Rights Act prohibits redistricting based on political or racial biases. The John R. Lewis Voting Act, even more specifically, rules that the county must allow the protected class to elect candidates of their choice or to influence the outcome of elections.

If the County approves the Republican proposed maps, it is in serious violation of both Voting Rights Act. Fair maps were proposed by the Democrats. So I ask you to reject the proposed maps by the Republicans and avoid a lengthy lawsuit that will unnecessarily cost your constituents millions of dollars in court, only to wind up with the Democratic maps as the

2023 Census warrants.

I thought it was very telling today also that the Republicans, not once, not once, could even mention the word John R. Lewis Voting Act. Wasn't even mentioned. You're talking about the Municipal Rule Law (sic) and completely ignore the John R. Lewis Act that was meant to take away the loopholes that they got away with ten years ago. So I just want you to consider that and approve the Democratic maps. Thank you.

CHAIRMAN NICOLLELO: All right. James B. Jacobs.

MR. JACOBS: Good afternoon. Thank you for letting me speak today. I just want to make comments and just me sharing a thought.

First of all, on the website they had this meeting at 10:00. So I've been here from 9:30, which I didn't think was fair. Also, the mere fact that we know that the County Legislature is going to vote on this. And if it goes by

everything else, by party lines, it's going to be what it is. Just like earlier today, I had a conversation with a gentleman and he reminded me of two incidents of Georgia people voting on long lines to vote because of certain gerrymandering. And also from my humble experience, that when you look at certain political maps one remind me of South Africa apartheid system, and one doesn't.

Just like today, I have my little poster here: "Keep Uniondale whole"; Keep Undiondale whole without no casino"; Uniondale is not a pizza, don't slice us up"; "Stop voter suppression. No gerrymandering"; "Who are you kidding by splitting?"

In a nutshell, is that -- because I know there's a lawyer in the audience and he was having a good conversation about that rule you're saying about the majority/minority about ethnicity. But I know in certain areas and certain hamlets that when you have -- this is just me

sharing my thought -- that when you have like Irish and Italian and so forth, they're not broken up. But when it comes to Hispanic and blacks and other minorities, even with the Asian population, we have Japanese, Chinese, Filipinos, so forth, they're broken up. So to me, if something shows a pattern that's not favorable or like they said in the hallway, one person, one vote. To me, they're trying to deliberately disenfranchise us.

Now, when I've moved to Nassau County over 30 years ago, they told me Nassau County was very welcoming to everybody. From past practices and respect, I always come to these meetings, saluting the flag and everything else. It's like my vote don't count. My tax dollars is green like everybody else. I work hard every day when I was working. And my only thing is that, you don't have to love me, but respect my vote and respect me as a constituent in this

county.

And I do appreciate you, Presiding Officer Nicollelo, because you seem to be a fair man. Same thing with Kevan Abrahams. They young lady that spoke over there, I'm loving you because you had the facts together. Mr. Solages, I hope I said that correctly and Siela Bynoe. There are certain people that show they are really for the people. Because right now, the way the other map is showing is the candidate is picking their constituents, not the other way around. And thank you for letting me speak (applause).

CHAIRMAN NICOLLELO: Thank you, Mr. Jacobs. Chris Jacobs.

MR. C. JACOBS: Good afternoon, Chris Jacobs.

Basically, I'm here to comment on the Republican map. I'm not dissing (sic) it or anything like that. But basically I'm talking about Uniondale now and that Undiondale should remain hold. That's

something that all the residents of Uniondale are united on. The fact that it should remain whole. On the Republican map is divided into three. And I was watching the presentation for Mr. Schaefer, and he actually said that in a couple of areas, he said it was disadvantageous for certain people to have three legislators. So he made them two, made them one, but for Uniondale, he keeps three. So he picks and chooses which ones are going to get more representation, which ones get less representation, which remain whole or not. And it's not fair. Uniondale is not a big hamlet, it's very small. And so it should not be divided based on commercial properties and things like that. It should be made whole. It should be kept from the Southern State all the way to Old Country Road. That's where our borders are and we should have one legislator. So that there's continuity in all of that.

I'm looking at that map there. I'm looking, like my dad said with his with the sign that said a pizza, if my pizza came out looking like that, it's sliced like that, I'll give it back and want my money back. I'll make a new pizza.

Like I said, you know, just be fair about it. I want equality for everybody. I don't want my no advantage to my side. I don't want on anybody else's side. Just everybody should be whole. It should be symmetrical. Everybody should have similar interests and it should be divided based on interests. And the fact that Undiondale being split into three, other places being split into three and fours, that's unheard of. We're Nassau County. We could do better than that. So that's all I have to say. Thank you.

CHAIRMAN NICOLLELO: Thank you, Mr. Jacobs. Jeanine Maynard. Greater Uniondale Area Action Coalition.

MS. MAYNARD: Okay. My comments today. First, I would like to ask which

clerk item number is the Republican version of the map and which clerk item number is the Democrat number?

CHAIRMAN NICOLLELO: Item number 33 is the Republican and Item 34 is the Democrat; Democrat Commission is Republican Commission.

MS. MAYNARD: Okay. Thank you.

My comments are really focused on what I see happening with the mapping and a key example of intentional misuse of what is possible.

The way that this map is proposed by the Republicans represents the Uniondale community has a carve out that carve out goes to an East Meadow representative. That is not the representative of the majority of the population of the Uniondale community. So the carve out really runs along Meadowbrook Parkway. So we're talking about this dark blue space here and the way it cuts into the community from the East Meadow side.

(Whereupon, Ms. Maynard

address the audience.)

CHAIRMAN NICOLLELO: Ma'am, you have to address yourself to the Legislature.

MS. MAYNARD: I'm just showing what I'm talking about here. So Mr. Schaefer made a big argument about how population management was part of their deciding priority. And then the second point was to not diminish equal representation over one's community. So what's happened is we have commercial areas that begin with the Shoprite Center and a junior high school and A. Holly Patterson. Those are open spaces and developable areas and they're being carved out and removed from Home Rule. You go up along the Meadowbrook Parkway (indicating) and you have sensitive wetland areas. They're intimate and wetlands that help recharge the aquifer and other environmental features of the community. And then you come out and take RXR Plaza and other places that are commercial. So that is not about residential individual voices, it's about

the carve out and removal of Home Rule from spaces that are sensitive and spaces that are economic.

We're asking you what is the point of that carve out? It is not about equalizing and it is about removing voice. We're asking you to do better than that. We are not endorsing the Republican version of the map. The Democratic version is the one that we would endorse. Thank you.

CHAIRMAN NICOLLELO: All right. Thank you, Ms. Maynard. Kathleen Lyons.

MS. LYONS: Good afternoon. My name is Katherine Lyons. I'm a resident of Uniondale, a lifelong resident of Uniondale.

I just remind you that after the 2010 Census, we had similar discussions and disagreements about the redistricting from federal levels to state levels to county levels to town levels. Eventually, that went to the courts. And in solution to that, a state constitutional amendment

was passed by the voters of this state to avoid this ever happening again. Well, so far, our track record isn't going too well, because we've already gone through the court systems on the federal and the state. In fact, the assembly lines are still not resolved. So here we are again.

As I look at this and I look at these two maps, I look at them and I say, the one on the right seems to be more contiguous, as I understand that word. The one on the left, not so much. Looking up the word contiguous, you get things like adjoining, adjacent to, neighboring, common border, common side. All right. But you also get something that says similar to a specific context.

So, as I look at the map and, for example, how do I see the piece that is New Cassel contiguous to a piece of Garden City over here? Well, maybe in the same sense that I got to this podium, maybe that the podium is contiguous to the front doors of this building because

I came in the door, walked through the lobby, got to the doorways, the common borders, through a system of hallways and arrived here. But in the similar context, this podium and the front doors don't make sense. In a similar context, I don't think New Cassel and Garden City are similar with community needs and issues.

On the other hand, you take the Undiondale community, which its natural borders are pretty much rectangular, and the plan ignores the common border of Meadowbrook Parkway and creates a district in Uniondale that is now going to be represented, if this map is adopted, by three legislative districts.

Uniondale is an unincorporated district. We have community activists who volunteer to do this kind of thing and advocate for the needs of the community. I don't think that the needs of the community are going to be met very easily with having to meet with three separate elected officials.

The plan on the left is disingenuous at its best and fraught with ulterior motives at its worst (applause).

CHAIRMAN NICOLLELO: Thank you, Ms. Lyons. Karen Montalbano.

MS. MONTALBANO: My name is Karen Montalbano. I'm the community government liaison for the Baldwin Civic Association.

I live in Baldwin, and I look at this map that's put up by the Republicans. Baldwin has been listed by the Census for the first time as a complete Census Designated Place, and it's not even listed on the map. Your representatives from the Republicans said the CDPs, Census Designated Places, should be kept together. The logic of this map elude me. The north part of Baldwin looks like a Lego block building. You have blocks going this way, blocks going that way (indicating). You divide the houses along Millburn Creek. Millburn Creek is a natural boundary. It also is a

major concern. It should be one whole thing.

Not only are you splitting the school system, you're splitting an elementary school, Brookside School, by the way, you divide with your Lego block system up north.

I also hear -- I can't tell because I can't read it on here -- that's there's even one house that's being separated out into another district. This is not contiguous. This is not keeping one community whole. It's not logic, it's not logical. I see no legitimate reason for dividing Baldwin. I see no reason why a four square mile community needs to be divided three ways. Keep Baldwin whole. Thank you.

CHAIRMAN NICOLLELO: Thank you, Ms. Montalbano. H. Scottie Coads.

MS. COADS: Good afternoon, everyone. First of all, let me thank the Commissioners who had the arduous job of going through all of this to get to a

point of where we are or where we almost are. Both sides. Thank you. Republicans and Democrats.

I have to thank. My Democratic side. I can talk about Democrats and Republicans today because I don't represent an organization. I represent my community and myself, my black community that's under the guns right about now.

If I sound a little bit off is because I was rushing and it interferes with my breathing. But just bear with me because I have a lot to say. I'll only take three minutes, though. And what I'm going to say, after doing redistricting for 30 years, I'm accustomed to sharing my testimony with all of the legislators on a local and state level, so I have copies for you today. It will probably be the same speech that I will give at the next meeting.

I'm trying to settle down, but I am upset. Why? My community of Lakeview has been so disenfranchised by the

Republicans drawing the lines to exclude Lakeview from its whole district that it's accustomed to have been for the past 30 years, since 1980.

So let me read my statement before I go off track:

I'm Scotty Coads. I'm a district leader. I'm a leader throughout the black community. I come from the community of Lakeview, where I've resided since 1978. What do we want? What does Lakeview want? I rise this afternoon -- it was supposed to be morning, but we sat for a long time, so -- I rise representing the great community of Lakeview, along with avid supporters that showed up here today in support of the Lakeview community. We have a long and strong community that has been fondly referred to as, "Little old Lakeview". You see, we acquired that name affectionately because although we were a small community, we are a small community, we carry a big stick.

Lakeview has stayed whole since the

inception of the 18th Assembly District. I was one of the people who fought for the 18th Assembly District along with this great leader of ours, Hazel Dukes. In my many years of doing redistricting, we were never faced with the changes that we are facing now.

I'm going to stop for a minute to ask all of you who are responsible for making the change go back to what it was. Think about it. That other minority district is Lakeview that you have split up and put it where we don't have common interests. Lakeview was put into the Malverne/Lynbrook districts. Yes, we have friends in Malverne. Lakeview School District is Lakeview/Malverne/Lynbrook. But we know that has nothing to do with the lines that you have put us in. We're a school district, but drawing the lines have nothing to do with that. The fact that we're in a school district is not a reason to have the lines drawn to accommodate two communities strong and at

the same time weaken the Lakeview community. As stated already, we do not have any common interests with the two communities; none whatsoever. I don't know anybody from Lynbrook. I don't worship in Lynbrook. I don't worship in Malverne. I worship in Lakeview and communities surrounding Lakeview. It's most upsetting that as hard as our community fought to build a strong community, and with many powerful representatives, and some of them are presently looking at me right now, we were moved to communities that could not care less about having us there as well.

We ask today to change the maps back to Lakeview, where we belong, whole. I understand population growth. I understand that maybe you have to make changes at times because of the population growth, but you took one solid black community and put it in a community that we have no common interest at all.

Let me say, however, maps should be

drawn with community of cohesion in mind and not dividing communities for one's personal purpose. Lines should be drawn according to keeping communities together that are contiguous and where we worship together, etcetera. We won't have that with the lines that has been drawn for Lakeview.

Somehow, I was misguided. That you had done the right thing and you kept Lakeview home and I felt comfortable. I guess my breathing is a little bit off today because I am truly upset. Truly upset. That since I moved to Lakeview in 1978, we have never had this problem. None.

And I agree with the legislator. I remember Judge Spatt's laws. I was all part of all of that. I remember the Board of Supervisors where everybody had a vote to get rid of their own jobs. I've been here a long time. We are common, good, good, God fearing people. So what do I what am I asking you to do? Put Lakeview

back where it belongs. Please. That's all we need you to do. Westbury needs it also. Gerrymandering is not what we are about. We know that a lot of it is based on that. So I lose my power in Lakeview. And then you put me with Malverne and Lynbrook, where I have no power. I have more than one assembly people. Where we are in the 18th Assembly district with one assembly person. Now, you have drawn the maps where we don't have that anymore.

CHAIRMAN NICOLLELO: Ms. Coads, could you please sum up?

MS. COADS: Yes, I will do that. I thank you, Mr. Nicollelo. You let me go a little bit over.

CHAIRMAN NICOLLELO: Just a little.

MS. COADS: But I'm sincere. When I come back to the next meeting, you probably will hear the same thing. So we have a repeat, and I'll finish it at that time.

CHAIRMAN NICOLLELO: If you want to

submit your comments, we'll take those too and make them part of the record also.

MS. COADS: Oh, sure. I have 19 copies. I have one for each of you. The redistricting I grew up in, it was a mass that we gave our testimonies to the elected people and to the commissioners. So I'm accustomed to that. I thank you very much. And I'm sorry I'm overtime.

CHAIRMAN NICOLLELO: Okay. Thank you.

MS. COADS: There are some numbers that my people will share. All of these people who are clapping, they're not all from Lakeview, but they support us. And the numbers they will share with you, because I know you tell me my time is up. Thank you.

CHAIRMAN NICOLLELO: Meda Mereday.

MS. MEREDAY: Meta J. Mereday.

Keep Uniondale whole with no casino. The state and community with the largest gambling problem in the United States is

Clark County, which is in Las Vegas, Nevada. Food for thought: Because I know this body also has to decide on that idea, and I definitely want to correct the statement that was made in *Newsday* with regard to the County Executive stating, I think he said he only got seven letters in protest. Well, he'd better start tripling that number because the protests are coming.

With regard to redistricting, and that's a whole 'nother issue because it ties in because I know this Body generally wants to have the continuity aspect of it. It just seems interesting that that property per se is also being bandied about. And I think if the thought is that a local community is going to benefit and you don't want Uniondale to possibly benefit from it when Uniondale doesn't even want it, the sad news is East Meadow or whatever community that you're trying to put the Uniondale Nassau Veterans Memorial Coliseum property -- it

is not the Hub -- it was initially memorializing our veterans who continue to get short shrift in Nassau County. But I digress.

I, too, support the Democratic version of the map, that Republican version and the disgrace in that presentation from the Republican Delegation, which did not include the commissioners, at least Commissioner Mejia had the integrity to sit before this Body. That is going to determine which map, if any, will generate another ten years of either soul sacrificing, lack of determination, lack of diversity in this county, or not. At least he stood before you to speak on the basis of the Commission. And I have a problem with the fact that the Republican Delegation was not represented by the commissioners who are appointed. And the commissioner who was supposed to have no voice. He had a lot of voice during the hearings, but had very little to say when he needed to say

it. I have a problem with that.

Mr. Schaefer was paid, I believe it was close to $1,000,000 that was designated for this redistricting process. I've said it over there as a taxpayer, I want my money back. I want it back. And if it means we have to put out another million dollars, maybe somebody's friend or donor or relative might not get that job that they don't have the credentials for anyway. Let's use that money to get the map right. If there's problems on either side, now's the time to fix it.

I, too, like Scottie, was here ten years ago when it was a flawed map, but we didn't have (buzzer) -- and I won't take as long as my sister, but I will say what I need to say -- The flawed map ten years ago was rushed through by this Body because and it was stated on the record, I believe that we paid the money to have the work done and we should respect the process and those who put it forth.

And for the attorney or the counsel for the Delegation to say that there were no challenges, there were challenges. They just did not go through. That is the reason why New York State has a John Lewis voting bill. That's why there were changes in the Municipal Home Rule. So just because a challenge was not successful that does not mean that it was not put forth.

And as was also stated, there's also enough ammunition, information, collaboration's out there that we know we're going to court. We already know we're going to court in the town as well as the county.

I did want to say to you, Presiding Officer Nicollelo, that I appreciate you having a conversation with the Town of Hempstead Supervisor because I did make it a point at the Town meeting last week with regard to having a Town redistricting meeting at 10:30 and the County at 11:00. So I am appreciative

that you had a conversation because I'm pretty sure Supervisor Clavin would not have changed anything because it would have suited his interest to keep it that way.

But voices can still be heard if one voice can throw a rock on the pond and generate a ripple of change. Trust and believe. Just because you don't see this room full those nights in the rain, when the Republican Delegation walked out on the public, including the stenographer who's getting paid. We're not getting paid to stand here. She stopped doing her due diligence that we were paying her for it. I have a problem with that.

So again, let's look at the communities here that are not made whole. Let's look at the situation that's going to come forward if you do not listen to the voices now, since the paid mapper didn't listen. I'm hoping that you do the same. And again, no casino in Uniondale. Thank you.

CHAIRMAN NICOLLELO: Stephanie Chase.

MS. CHASE: Good morning, commissioners. I echo my fellow constituents from Lakeview. We will be severely diluted if you put us with Lynbrook and Malverne. They don't care about us. I've said this before. I've come to every redistricting meeting; rain in the dark, not knowing where I was going, but I made it. We will really be diluted. Especially, I could speak for firsthand knowledge of Lynbrook, they don't care about us. I was a letter carrier for 36 years. There. Every black letter carrier that came -- I was the first -- every black letter carrier in uniform without uniform was stopped by the police. I had them follow me constantly. My own fellow carriers didn't believe it until they saw it for themselves. I just retired last February and still we're being stopped. So I know we're not going to get any kind of

recognition there. I'm not saying all the people in Lynbrook, because I have met some truly great people, but something's going on with the government in Lynbrook.

Malverne, Linder Place. Grand Wizard. That's his name. Our kids had to go to school to a Linder Place, which was later changed, but the street remained the same. Black kids going by the Grand Wizard's skipping to school. I think that's horrible.

Lynbrook has a white population of 72%, Malverne 80. The black population of Lakeview is 69%. We would just be tossed aside. Definitely in Lynbrook, I know for sure we wouldn't be counted. They would just run over us.

I've gone to every meeting and I'm asking that you have another meeting where everyone could come. All the residents can voice their -- because I've gone to every meeting there were hundreds of people. There were at least 100 people.. At this time it's too early. And

I think you should allow people to come and voice their opinion so you'll know what the people have been saying. And they've been saying the same thing. Thank you. I'll see you at the next meeting.

CHAIRMAN NICOLLELO: Mimi Pierre Johnson.

MS. JOHNSON: My name is Mimi Pierre Johnson from Elmont. You know, I got so emotional listening to Scottie because I thought of also Diane Coleman. I think of all the legislators that are no longer with us. I'm not talking about they're no longer legislators, but they've passed away. And I'm thinking about to 2013 when this room was full. Many of the people who were here fighting for a fair map have gone. And I'm thinking about all the people who don't understand this process at all. And I'm thinking about all our children that were little and now who are in high school and married and we're still here older, fighting for the same thing. My heart is heavy because I don't

know any of you on this side. But I remember those who were upset in 2012 when they were called racists. Peter Schmitt had to take a time off for everybody to just go in the back for all of us to breathe.

Well, I want you to understand something as a mother, as a grandmother, as black, as white, as those of us who are not elected official. We're doing the hard work for you as elected officials because you don't come to our neighborhoods when our community are hungry. You don't come to our communities when you saw someone working and now they're homeless, living in their car or in the bushes behind Home Depot. You don't see those things. But every ten years, what you do see is how can I stay in my position? And that's what has happened with redistricting.

When I became an American citizen right here in this room, John Ciotti told me -- he was at the time my legislator --

he said, come to the legislature. Anne DeMichael was like, come on, Mimi, you got to come. You got to come. I did not know what he was going to do. But he gave me an American flag and a Nassau County flag. You all know he was a Republican, right? Something happened that year that made it made a difference in the way the constituents were treated, the black constituents were treated. You know what that was? We're becoming large in numbers.

In 2020, We worked hard to make sure that Elmont and Valley Stream was counted and we raised it 10%. The response was 10%. I was so happy because I knew in redistricting that would come in handy that data so that we wouldn't be split. And I know I've been used for you listened, not you, but that committee. You listen at one thing. The tiny part of South Flow Park, you put it back into Elmont. That's because you didn't realize that South Floral Park, overwhelmingly

black community and South Asian was part of Elmont in interest and not Floral Park. And so I guess Schaefer looked at it and said, Oh, yeah. It's small enough that we could put them in there, but let's leave Elmont still in Inwood. Where if you go to Inwood, you've got to cross over Rosedale and then the marshes and then make a left, hang a left, and it's the Five Towns, when Five Towns ask you all the time to keep them together.

Something wonderful has happened this time around. You see Bellrose and Baldwin, we've become a group together to make sure that all of us in Nassau County get a good map; a fair map. So that when my children, when my children ask, "Grandma, what happened in 2023?" I'm proudly going to say we, Nassau County residents, stood together.

But I want you to just see one thing. How many people in this room lives in Garden City? How many live in Muttontown? How many lives in Oyster Bay

or anywhere else? Anywhere else that are here fighting with us? Because you know why? Their maps are always fair. Their areas are always okay. But why is it the predominantly black and brown communities have to come here and beg for something that should be just ours?

Mr. Nicollelo, you were here when I first spoke here, right? And you told me back then, don't worry, your match will be fair. We're going to think about it. We're going to talk about it. You told me that and it didn't happen. Now you are in Peter's seat. I see that you're listening. I see some reactions in you that was different from them. I implore you, please. I'll beg if that's what you guys understand. Work with the Democrats. Don't do this to our children. Make sure that Nassau County is an example. You have that power. You have that power to make sure. I don't care about these committees anymore, they've already failed. But you. You have it. You have

that power. And I'm asking you to do it the right way this time. Not from the past, but right now, today. Make a decision.

The last thing I'll say. Our County Executive at the Kwanzaa ceremony said, I do not want Nassau County to be segregated. I want Nassau County to be one everyone to be equal. So much so my administration represents that. Follow the County Executive and make us all whole and have fair maps.

CHAIRMAN NICOLLELO: Charlene Thompson.

MS. THOMPSON: Good afternoon. Presiding Officer Minority Leader. My name is Charlene Thompson. I'm an attorney by profession. I have been a resident of Nassau County for 56 years. I've lived in Freeport, Roosevelt, the Incorporated village of Hempstead, Uniondale and I currently reside in Baldwin.

I went off to the College of William

and Mary for college and then Howard University Law School and decided to come back home to invest my time and my efforts in my community. I have served in many capacities and take great pride in serving in many different positions in community organizations.

I've also had the pleasure of serving Nassau County government and what is now known as the Office of Community Development for eight years and then as Commissioner of the Incorporated Village of Hempstead Community Development Agency for four years. And I have served under both Democratic and Republican administrations. I've had the unique opportunity to experience the interplay of local politics and government from both sides of the aisle. I've studied this interplay to understand the economic impact and the racial dynamic of politics and government as it plays out through Nassau County in the history of Nassau County politics.

I also served as a member of the faculty of SUNY Westbury in their Politics and Economics and Law Department. And in that capacity, I taught a class called The Politics of Race and Class. And we looked at Nassau County Dynamics. Historically, the leadership role and the strength of the Republican Party and governance in Nassau County, and how, as the population shifted, how patterns, voting patterns changed.

So today, what I want to talk about is a little bit different, but very relevant. I want to talk about the voting patterns and minority communities that I've observed over the last more than two decades. Having come from majority minority communities, what I've personally witnessed is those individuals in our communities vote in a block or they sit at home. They often vote straight down the line democratic regardless, irrespective of what the

candidates what qualifications the candidates bring to the table, they are hard pressed to push that level for the Republican line. And oftentimes candidates in those communities that are running on the Democratic line take that line by 85-90%. Like I said, irrespective of the qualifications of the candidates on the other side of the aisle. And you know what this term is called? It's called self-disenfranchisement. And it leads to the Democratic Party taking the black vote for granted, and the Republican Party saying, you know what, they'll never vote for us anyway. So we're going to go to those people who continue to support us and put us back in office, and it takes our voice away and delegitimizes the voices of the minority community (buzzer).

Just one moment and I'll wrap up. I think it's important for us to recognize this phenomenon because you see it when we sit at home. And if the Democratic

candidates are not playing to our interest, then you have Suozzi losing. Then you have Laura Guillen losing the town, Laura Curran losing the county, and then Laura Guillen again losing the congressional seat. This is a very real phenomenon. And the Democratic Party needs to wake up and understand you can't take our vote for granted. If you want our vote, you need to come to our communities and campaign. You shouldn't leave $1,000,000 sitting in your campaign fund and not coming to garner our vote. And we as a community need to understand we need to look at the candidates for what they bring to the table and give diverse candidates, politically diverse candidates a fair shot, if we come to the table with the right qualifications.

One last point I want to make. We just celebrated the most, Reverend Dr. Martin Luther King's birthday. But I'm sad to say, if he were running in the 18th Assembly District, or the first

legislative District, he would have lost probably about 85% of the vote because he had an "R" behind his name. Thank you for your time and attention (applause).

CHAIRMAN NICOLLELO: Lisa Ortiz.

MS. ORTIZ: Good afternoon, everyone. My name is Lisa Ortiz. I am a resident of Lakeview. Today I come before you again to speak on behalf of Lakeview residents myself, my family, my children, and some of those that are represented here today. During the redistricting process, several Lakeview residents came out to one of the final meetings requesting that Lakeview be made whole in the Republican map. And while it was made whole, it was made whole in what we would consider an unfair way. We were placed into a district with neighboring communities such as Lynbrook and Malverne. Those communities share very few commonalities with our community. None.

When you look at the racial makeup

of our communities: Lynbrook You have 72% white; Malverne you have 80% white; and Lakeview you have 5% white.

When you look at the black demographics, you have Lynbrook with 4.6% black; Malverne 4.3% black; and Lakeview 69.1% black. I don't really see how we could possibly select a candidate of our liking when the odds are stacked against us. When you think about the size of Lakeview, where all of about 6,000 residents in a larger voting block, that would never allow us to select the candidate we would like.

While we want to remain whole and still want to remain whole in whatever way you guys decide, we really want to be within a district that looks like us, that we can say our church is here. We hang out with family members and friends and we want to share some common interest with those that we share a district with.

Some of the other points that I think are important to note is that as

Legislator Seila Bynoe did point out, Judge Spatt's decision put Lakeview in LD2 only because of the commonalities because we are a part of that core.

And also in the decision Harkenrider v. Hochul, they echoed the same sentiments. Lakeview really should be in a district that reflects the community residents.

So I would ask at this time that when you all are sitting down and discussing what these new maps would look like or end up like that, you would consider placing Lakeview in a district that looks like Lakeview, not that would take away our vote, our voting power, and disenfranchise us in any way, shape or form. Thank you.

CHAIRMAN NICOLLELO: Thank you. And that was the last slip that I had from public and the last public comment. So I want to thank all of you for coming today and for your patience. It took a while to get through the commissioner's

presentations.

So now I want to offer up legislators if they want to add anything to what they've said already. I know that Legislator Bynoe wants to add some comments.

LEGISLATOR BYNOE: Thank you, Presiding Officer.

So I wanted to dovetail back on there was some discussion regarding Broome County's decision relative to the Municipal Home Rule Law and the judge in that particular case did not support separating or splitting that particular town, the town of Maine, and that was because that request was not supported with evidence that it was tied to a higher priority. They were just doing it for the sake that they've always done it. It wasn't done because they were trying to preserve communities of interest. It wasn't done for the fact there was any other higher priority in terms of communities of interest or cores or any

of that. I also wanted to state that the other litigation that came out of that was the City of Buffalo and Onondaga. The City of Buffalo had to do more with the Citizens Commission process Onondaga had mostly to do with the procedure involving the Executive Branch, and Ulster also did not comply with the State's population requirement. Again, want to go on record saying the Republican map, I definitely have concerns about it. The Democratic map, the one thing that it did do in support of the good people of Lakeview was to pair it with communities that were similar and they had common interests. While it wasn't Legislative District 2, it was Legislative District 1, but they were communities that had similar interests. And I just also want to offer up support for that community in the maps redrawn. Thank you.

MS. COADS: Can I break the chain, please. I have a question, and I know my

time is over. When can we know if Lakeview and Westbury has been put back before the next meeting? What is their timeframe for that?

CHAIRMAN NICOLLELO: I do not have a specific date for the next meeting for you. But I can tell you this, we've been listening to the public, listening to our colleagues, legislative comments and things. So we have to digest that at least over the next few days and then take a step forward from there.

Again, I don't have a date for the next hearing of the Legislature, but again, we have to digest what you've been telling us today. We're listening.

MS. COADS: Thank you.

LEGISLATOR ABRAHAMS: Could I go, Rich?

CHAIRMAN NICOLLELO: Yes, sir.

LEGISLATOR ABRAHAMS: Just a quick note and token of appreciation. I want to thank the testimony given by our commissioners, our experts today. I also

want to thank the public for coming down to share their concerns, which all of us, I'm sure, took very diligent notes to try to incorporate whatever this Legislative Body does in the next couple of weeks to incorporate your concerns and your ideas.

I just have a quick question in regards to process, Presiding Officer, because obviously it sounds to me that this Legislature is going to take the direction of proposing a map that is separate and apart from the maps that are being considered before this Body today. If that is the case, will there be experts that will be able to opine on those maps? I mean, how do we envision this process going forward since we're making the decision? I'm assuming we're making a decision to develop an independent map or a different map from the maps that are being proposed?

CHAIRMAN NICOLLELO: Well, look, we don't know what the next step is. And just so the record, is clear, in a few

moments, we're going to be voting on these two items and Republican legislators are going to be voting to move both along. So but we want to make sure it's clear that we're not endorsing either of the two maps today.

You have access to your own experts. Obviously, you have from the TDAC process. So if we propose a map based on the testimony that we've been hearing, you have an opportunity to have those experts opine on it. We've offered you the opportunity to have those experts come in and and speak to us. So I'm so I'm not committing to anything other than that. I told you already that those experts of the Democratic commissioners will have an opportunity to speak at future hearing.

LEGISLATOR ABRAHAMS: I mean, look, from our standpoint, we obviously know that we have access to those commissioners, but those commissioners were hired when they were putting

together a Democratic map or Republican map, respectively. If this Legislature is now going to take the decision to come together, I mean, if we're incorporating ideas from both sides and we're going to try to reach some type of compromise and we're also going to listen to the public, then I would think this Legislature should have its own person. But that's my opinion in regards to the matter.

I do have a question in regards to the process. Obviously, I think Legislator Bynoe brought up many, many, many good points. I think Legislator DeRiggi-Whitton as well as Legislator Mule that ask questions brought up many good points. And I think from that standpoint it sounds to me that there are some grave concerns with the Republican commissioner map. I wish we had obviously more time to get into them and elaborate a little bit more. In a perfect world and a perfect process, if we had more time, obviously, we would be able to not vote

for either map until we have some type of compromise on one particular map. But lack of that actually happening today, I just find it hard to believe that we would actually even tee up a map with so many concerns. So I'm a little -- I think, I don't know, because to me, it sounds like -- and I have a lot of respect for many of my all my colleagues on the other side of the aisle. And I was going to say, I have a lot of respect for you, Rich.

CHAIRMAN NICOLLELO: Same to you.

LEGISLATOR ABRAHAMS: And from that standpoint, it sounds like to me this Body, both sides, are not considering either map to be able to move forward. But then we're sending the message that we're going to move them forward. But just to have them as a placeholder, I guess.

CHAIRMAN NICOLLELO: Yeah, I want to move the process out of the Rules Committee and before the Full

Legislature, and to do that you have to have an item or items. That's why we would move them forward at this point.

I guess part of the purpose today well, the purpose today was to hear from both sides and to hear from public and hear from legislators and to be able to digest that as we go forward. But again, we need something to move forward today. We can't just say, all right, we'll do something different. You know, it has to come out of the Rules Committee and we have to get it before the Full Legislature.

MS. BORECKY: Who is going to be drawing this independent map?

LEGISLATOR ABRAHAMS: I can only tell you, Claudia, the way things have been done in the past. From our standpoint, when there has been deadlock in the past, generally, it's been done by the Majority. The Majority came together and they put together a map. Now, I will say this process. Presiding Officer Nicollelo

he has reached out to our side. He has asked us, based on this process, based on these hearings, if we have input, he would like to hear it. He has said that today. To be fair, I'm just being fair. From that standpoint, I would assume this process will be different than the last two times, one under Democratic control and one of the Republican. So I'm not as casting aspersions on Republicans versus Democrats or anything like that. Both sides had one opportunity to craft a map and in both cases, both sides did it the way that I remember, being the Majority basically pretty much created the map.

So from that standpoint, I envision holding the presiding officer to his letter. I envision that we will provide input. Our input is going to be what you have said. It's going to be what the public has said. It's going to be what Legislator Bynoe talked about. It's going to be what Legislator Mule and Legislator DeRiggi and all my colleagues have

mentioned already. So our input is going to be that. So from our standpoint, that's the input that we're going to provide. If those things get incorporated into the map, then maybe you might have a compromise. And assuming the map meets the criteria of being legal, we may have a compromised map and things may be different in 2023.

MS. BORECKY: Does the Independent map have to go before the Rules Committee again?

LEGISLATOR ABRAHAMS: No.

CHAIRMAN NICOLLELO: That's the point of today is that we is to get beyond the Rules Committee, to have the Full Legislature into this process, which is what the next step is. And look, we are also mindful of the fact that we have we have a political calendar to consider. For example, the petitions, the nominating process starts at the end of next month and the petitions have to go out. There's a deadline for them to be

submitted. So we're under that pressure as well.

MS. CHASE: And the public has no more input?

CHAIRMAN NICOLLELO: Yeah. No, no, absolutely. The public will have more important. Yeah, absolutely. There will be there will be a hearing. The legislature and the public will have full input, as we have today and as in the past.

We're going to take a five minute break before we vote on the items.

(Whereupon, a brief recess is taken, 2:38 p.m. to 3:07 p.m.)

CHAIRMAN NICOLLELO: All right. We're back. We're prepared to vote on these two items and we'll call them separately. The first one is Item 33 of 2023. This is the item local law that contains the map that was proposed by the Republican commissioners to TDAC. So this is 33 of 2023, committee members all in

favor signify by saying Aye.

CHAIRMAN NICOLLELO: Aye.

LEGISLATOR SCHAEFER: Aye.

LEGISLATOR GIUFFRE: Aye.

LEGISLATOR KOPEL: Aye.

CHAIRMAN NICOLLELO: Those opposed?

LEGISLATOR ABRAHAMS: Nay.

LEGISLATOR DERIGGI-WHITTON: Nay.

LEGISLATOR BYNOE: Nay.

CHAIRMAN NICOLLELO: That one moves forward by a vote of 4 to 3.

And then this 34 - 23 is the map that was proposed by the Democratic commissioners to Temporary Commission. All in favor of that map signify by saying Aye.

(Whereupon, all members of the Rules Committee respond in favor.)

CHAIRMAN NICOLLELO: Those opposed?

(Whereupon, no verbal response.)

CHAIRMAN NICOLLELO: Carries unanimously 7 to 0.

Again, we are moving these along today. Neither side is endorsing the maps, and then we will be considering all that we've heard today.

Thank you, everybody. Thanks.

Motion to close. Motion by Legislator Schaefer, seconded by Minority Leader Abrahams.

All in favor of closing the meeting signify by saying aye.

(Whereupon, all members of the Rules Committee respond in favor.)

CHAIRMAN NICOLLELO: Those opposed.

(Whereupon, no verbal response.)

CHAIRMAN NICOLLELO: Meeting is closed, adjourned is the correct word.

(Whereupon, the Rules Committee is adjourned, 3:08 p.m.)

C E R T I F I C A T E

STATE OF NEW YORK)

: SS.:

COUNTY OF NASSAU)

I, KAREN LORENZO, a Notary Public for and within the State of New York, do hereby certify:

That the above is a correct transcription of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of January, 2023.

Karen Lorenzo

Karen Lorenzo

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