

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

1
2 2023. These items represent different
3 versions of a proposed local law to adopt
4 redistricting plans for the Nassau County
5 Legislature based upon the 2020 Federal
6 Census. So what we're going to do is put
7 both of those items before the
8 Legislature, before the Rules Committee,
9 for today's meeting. So we need a motion
10 and a second to place items 33 and 35
11 before us.

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

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

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

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

1
2 So the motion is to withdraw the
3 previous motion that's before the
4 Legislature. Moved by Deputy Presiding
5 Officer Kopel, seconded by Minority
6 Leader Abrahams. All in favor of
7 withdrawing that motion signify by saying
8 "Aye".

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

12 CHAIRMAN NICOLLELO: Those opposed?

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

16 CHAIRMAN NICOLLELO: Carries
17 unanimously.

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

1
2 So that places both of those local
3 laws and both of those maps before the
4 Legislature. These maps that we'll be
5 talking about today are available in the
6 back of the room and on the Legislature's
7 website. We have also created a special
8 e-mail address for the public to comment,
9 which is:

10 NCredistricting@nassaucountyny.gov.

11 Again, that's:

12 NCredistricting@nassaucountyny.gov.

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

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

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

12 The process of re-apportioning the
13 19 legislative districts is governed by
14 Section 114 of the Nassau County Charter.
15 Pursuant to the Charter, the Majority and
16 Minority each appointed five members to
17 the Temporary District Advisory
18 Commission and the County Executive
19 appointed the non-voting chair. The
20 Commission held a number of hearings
21 throughout the county. As most of you
22 know, the respective Commission members
23 produced three different maps, none of
24 which garnered a majority vote to
25 recommend to this Legislature. We, of

1
2 course, monitored the hearings,
3 particularly with respect to the comments
4 that were being made from members of the
5 public and our residents.

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

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

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

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

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

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

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

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

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

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

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

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

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

1
2 LEGISLATOR ABRAHAMS: In regards to
3 the evening?

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

7 LEGISLATOR ABRAHAMS: Okay.

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

22 But I just would repeat again that
23 we are not wedded to anything that the
24 TDAC did, their work product or any
25 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

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2 TDAC, both the Republican and the
3 Democratic side.

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

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

1
2 fields to create maps and analyze the
3 current map, which is the rule of law
4 today and which creates your legislative
5 districts.

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

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

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

1
2 The Democratic proposal is not a partisan
3 gerrymander, and we specifically directed
4 our experts to draw a fair map without
5 giving consideration to enrollment, past
6 election results or partisan advantage.
7 We confirm that our map was not a
8 partisan gerrymander based on unrebutted
9 expert analysis.

10 Now, to put this in the context,
11 let's take a look at the current map from
12 2013. Analysis by experts show
13 substantial evidence that the current map
14 and any new map adopted similar to the
15 current map, violates the Federal State
16 Voting Rights Act and the Municipal Home
17 Rule Law.

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

1
2 outlined by the United States Supreme
3 Court case Thornburg v. Gingles. Dr.
4 Megan Gall, who is a national expert in
5 this work, conducted a racially polarized
6 voting analysis and concluded that any
7 map must provide black and Latino voters
8 with five districts in Nassau County in
9 which they can elect candidates of their
10 choice. Any map that fails to provide
11 these opportunities to black and Latino
12 voters will violate the Federal and State
13 Voting Rights Act. The Democratic map
14 complies.

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

25 Second, Dr. Gall confirmed that

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

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

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

1
2 criteria in order in the legislation. In
3 order they include:

- 4 - population equality
5 - protecting minority voting rights
6 - contiguity
7 - compactness
8 - prohibiting maps that favor or
9 disfavor incumbents or particular
10 candidates or political parties, i.e.,
11 gerrymandering
12 - and last and least considering
13 maintenance or cores of existing
14 districts

15 - Also, no village in cities or
16 villages and towns should be divided to
17 the extent practicable

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

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

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

1
2 state level. This is the case that struck
3 down New York's congressional and state
4 Senate maps.

5 Based on this analysis, the only
6 maps that were not partisan gerrymanders
7 were the maps proposed by the Democratic
8 commissioners. The current map and the
9 Republican commissioners' proposal
10 displayed more bias than virtually all
11 10,000 randomly drawn maps. The 2013 map
12 is more partisan than almost every single
13 one of the 10,000 randomly drawn
14 simulated maps, which renders the current
15 map that you sit under a statistical
16 outlier, proving it to be an extreme
17 partisan gerrymander.

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

1
2 partisan gerrymandering in the Municipal
3 Home Rule Law. And it prioritizes the
4 preservation of cores that would not only
5 violate the Municipal Home Rule Law, but
6 would effectively launder the illegal
7 elements of the current map.

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

13 (Whereupon, brief off record
14 discussion.)

15 VICE CHAIRMAN MEJIAS: Sorry.

16 The Democratic map also unifies
17 important communities of interest that
18 are fractured in the current map and the
19 Republican proposal. The Democratic
20 proposal unites the Five Towns under a
21 single district; the Democratic proposal
22 unites the Village of Hempstead into one
23 district; Unifies Lakeview into a
24 majority/minority district; the
25 Democratic proposal unifies South

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

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

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

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

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

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

1
2 noted, the Democrat proposal creates five
3 districts which are black and Latino
4 voting age population and citizen age
5 voting population exceeding 50%, and all
6 five districts comfortably perform for
7 candidates preferred by black and Latino
8 voters. All five districts are compact
9 and adhere to traditional districting
10 principles. The Democratic proposal also
11 includes an Asian influenced district
12 with an Asian voting age population of
13 40.8%. Democratic map is in full
14 compliance with the Municipal Home Rule
15 Law. The proposed plan improves the
16 overall plan compactness and individual
17 district compactness as compared to the
18 2013 legislative plan. And as Dr. Magleby
19 concluded, the Democratic proposal is not
20 a partisan gerrymander using his ensemble
21 analysis.

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

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

1
2 extreme failure to comply with the
3 compactness and contiguity requirements
4 of the law

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

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

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

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

25 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,

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

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

21 LEGISLATGOR MULE: Thank you.

22 CHAIRMAN NICOLLELO: Legislator
23 Bynoe.

24 LEGISLATOR BYNOE: Thank you,
25 Presiding Officer.

1
2 Mr. Chair, you went through quite a
3 bit of information, and you were when you
4 were specifically naming communities that
5 were cracked by the Republican proposal,
6 you omitted Westbury and New Cassel from
7 your listing. And for the purpose of
8 establishing record here today, I'd like
9 to, for the record, ask you, is Westbury
10 in New Cassel also one of those
11 communities that you join together in
12 your map?

13 VICE CHAIRMAN MEJIAS: Yes,
14 Legislator. And I think there is a
15 provision that Westbury, because the
16 village of Westbury would be less than
17 40% of an entire legislative district,
18 the entire Village of Westbury should be
19 kept whole under the law in one
20 legislative district. So to answer your
21 question, Westbury and New Cassel are in
22 one legislative district.

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

1
2 want for the record, you listed Woodbury,
3 you listed Hempstead, you listed
4 Freeport, and you listed other
5 communities that would join together and
6 you omitted Westbury New Cassel from the
7 list. So my question regarding Westbury
8 and New Cassel: Where they joined
9 together in your map?

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

16 LEGISLATOR BYNOE: Thank you.

17 CHAIRMAN NICOLLELO: Any other
18 questions? Legislator Drucker.

19 LEGISLATOR DRUCKER: Thank you,
20 Presiding Officer.

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

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

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

16 VICE CHAIRMAN MEJIAS: We don't know
17 that. Ultimately, it's up to the voters
18 to decide. But the one thing that we do
19 know is that in the five
20 majority/minority districts, black and
21 Latino voters do tend to vote as a
22 cohesive unit. And the five
23 majority/minority districts drawn in the
24 Democratic proposal do allow voters,
25 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

1
2 that we meet the criteria to have five
3 versus six or seven or we don't meet the
4 criteria at all? How is that determined?
5 What's the population thresholds, if that
6 even is a criteria to determine whether
7 or not we meet the threshold to do five?

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

1
2 and the New York law, it's not a wish
3 list, it's a requirement for the map to
4 be legal.

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

10 VICE CHAIRMAN MEJIAS: Yes.

11 LEGISLATOR ABRAHAMS: That makes
12 things a little bit clearer.

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

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

23 LEGISLATOR ABRAHAMS: Okay.

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

1
2 the Great Neck Peninsula. So I think our
3 proposal will be legislative District
4 Six. Legislative District six under the
5 Democratic proposal will be an Asian
6 influenced district with a population of
7 40.8%.

8 LEGISLATOR ABRAHAMS: Okay.

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

17 LEGISLATOR ABRAHAMS: Got it. Makes
18 sense.

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

1
2 the state are a little bit more ahead of
3 the process than we are. And it has been
4 brought to my attention by counsel that
5 obviously there are some cases or some
6 counties in upstate counties that
7 litigation has been brought against those
8 counties. I think it would behoove us to
9 not look at those particular incidences
10 to try to incorporate into the process
11 that we're doing here. Can you elaborate?
12 I do know I can't speak to detail, I'm
13 not a lawyer, but I do know in Broome
14 County and other counties, I think Ulster
15 County, there are situations -- I think
16 in Broome it was more of a population
17 issue.

18 VICE CHAIRMAN MEJIAS: Sullivan
19 County case as well.

20 LEGISLATOR ABRAHAMS: In Sullivan
21 County as well.

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

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

1
2 LEGISLATOR ABRAHAMS: Sullivan and
3 Broome? I believe there's one -- Is there
4 one in Ulster as well, Pete?

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

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

1
2 MR. CLINES: My recollection is
3 there was an equal population problem
4 there, but also problem with splitting
5 some of the larger jurisdictions that
6 shouldn't be split.

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

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

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

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

1
2 VICE CHAIRMAN MEJIAS: Sure, if you
3 need me to.

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

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

17 (Whereupon, no verbal
18 response.)

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

1
2 commissioners who served uncompensated
3 and volunteer positions and put in a lot
4 of work and a lot of effort in our staff
5 as well. So thank you very much.

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

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

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

17 Good morning, everyone.

18 CHAIRMAN NICOLLELO: Good morning.

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

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

1
2 work. You have before you a very robust
3 record of the competing expert
4 submissions and reports. You have also
5 hefty transcripts of the public hearings,
6 the many public hearings that were held
7 throughout the county.

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

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

1
2 Commission, and to provide you with
3 recommendations of what should be
4 adopted.

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

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

1
2 with, like I said, the Federal and State
3 Constitution and the Voting Rights Act,
4 it also comports with all seven Municipal
5 Home Rule Law factors which are required
6 to be complied with in redistricting in
7 New York State. So they're not an option.
8 You don't pick and choose. You don't try
9 to do as many as possible. All the
10 factors are required to be considered and
11 complied with.

12 Those factors are:

13 - first and foremost, equal
14 population. That's the most important
15 one, because the goal of redistricting is
16 ultimately to give every person's vote
17 equal weight. So there should be no more
18 than 5% deviation among the districts.
19 The Republican proposed plan reduces
20 deviation across the districts to a
21 0.098%. It's nearly ideal.

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

1
2 advances this goal and the goal of Voting
3 Rights Act Section 2, which protects
4 minority communities rights to equal
5 protection to elect the candidate of
6 their choice. Significantly, this
7 proposed map creates a voting age
8 non-Hispanic African American district.
9 There was no such district before in the
10 prior plan, and there is no such district
11 in the proposed plans advanced by the
12 Democratic Commissioners. It also
13 includes three black Hispanic coalition
14 districts.

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

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

1
2 to favor or disfavoring incumbents,
3 candidates or political parties. This is
4 the political gerrymandering factor.
5 Naturally, redistricting in and of itself
6 is subjective to a certain extent.
7 However, the goal in preparing this
8 proposed map was to neither favor or
9 disfavor any party, any incumbent or any
10 candidate. Indeed, efforts were taken to
11 ensure the opposite, election data was
12 not used to create the map, and Mr.
13 Schaefer, who will be speaking after me,
14 will speak to you in greater detail about
15 the considerations he included in the map
16 drawing process.

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

1
2 are not technically municipalities, but
3 have something that keeps them in common
4 -- should be maintained; in other words,
5 not divided by the line when you draw the
6 map. This proposed plan has an average of
7 91% of the cores of existing districts
8 maintained and keeps as many
9 municipalities and villages and Census
10 Designated Places together as possible.
11 Again, this provides continuity for the
12 electorate, does not upset voter
13 familiarity with the district layout it's
14 been used to for the last decade, and it
15 doesn't upset how they understand the
16 members of the Legislature have come to
17 represent them. The Democratic plan is
18 unconcerned with core retention and
19 effectively displaces existing voters by
20 drawing these new lines.

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

1
2 requirements set forth in the Municipal
3 Home Rule Law. This includes the
4 requirement that existing cores be
5 retained and that municipalities and
6 other Census Designated Places not be
7 divided, if at all possible. These
8 factors are important as they result in a
9 map that provides, again, continuity for
10 the electorate and keeps established
11 communities of interest together as they
12 have been for at least the last decade.

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

1
2 (Whereupon, public
3 interruption.)

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

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

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

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

1
2 This includes complying with all the
3 factors of the Municipal Home Rule Law.

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

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

12 CHAIRMAN NICOLLELO: We can hear
13 you.

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

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

1
2 also requires us to recognize small
3 villages and other small areas such that
4 we are not allowed to split those areas
5 as we were in the past. There was there
6 was fewer rules about which communities
7 were allowed to be split and not split.

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

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

1
2 districts, cities, villages and towns.

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

1
2 Stewart Manor Village into District 8
3 from 14, but it didn't change the other
4 aspects of our plan.

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

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

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

1
2 was to equalize the populations between
3 districts beginning at the cores of the
4 existing districts.

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

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

25 We pair members in two districts,

1
2 two members each. All but three of the
3 incorporated villages remain whole in our
4 plan. And also we have a total of 61
5 whole villages, two whole cities and 38
6 whole designated places, which I think is
7 is close to the most that you could have.
8 We certainly respected the boundaries of
9 those communities.

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

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

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

1
2 that they wanted to remain as a whole
3 unit. This is basically an eight by eight
4 block, community. They have a firehouse
5 that's the main cohesive part of their
6 district. I currently represent all of
7 South Hempstead.

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

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

1
2 Hempstead?

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

1
2 asked me to do after my initial
3 submission, we did not change South
4 Hempstead. Certainly, the final say isn't
5 done until the Commission either produced
6 a majority map or the Legislature
7 produces a map that they pass. So the
8 door isn't closed on making South
9 Hempstead whole. But when people have
10 said that we didn't use or listen to the
11 testimony, I think that's misleading. I
12 didn't use testimony in drawing my
13 initial map because I wanted to get a
14 starting point for the Commission to use
15 that started at a legal equal population
16 point so that when public testimony was
17 overlaid, after that, different choices
18 could be made based on what was possible
19 at that time, rather than starting with a
20 map that was disproportionate in terms of
21 population.

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

1
2 public had requested and not to say that
3 the door is closed on that, but that's
4 that's something the Legislature could
5 could take a look at.

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

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

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

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

22 MR. SCHAEFER: Yes.

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

1
2 amongst four different legislative
3 districts. And under your proposed map is
4 still going to be under four different
5 legislative districts. One of those
6 districts is LD4, which is what Denise
7 Ford represents, which is basically the
8 barrier islands and some other areas. But
9 I mean, in what sense is that contiguous?
10 You have to take a boat to get from one
11 side of the district to get to Freeport.
12 There's no other way to do it. There's
13 there's no bridge. You have to take a
14 boat or swim. So my question is, how is
15 that considered contiguous?

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

1
2 sight over water contiguity is allowed or
3 disallowed. Throughout our state and
4 throughout the country, these situations,
5 especially around lots of water, have to
6 exist. Again, there's contiguity in
7 terms of Census blocks. If you're not
8 turning the water layers on your map
9 there, they're contiguous in terms of
10 contiguous Census blocks and for that
11 reason, that's the definition of
12 contiguous. There's roads on the island
13 and bridges that can get to that district
14 relatively easy. You may have to leave
15 the district, you have to swim. But as
16 far as the definition from a map drawing
17 point of view, they are contiguous.

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

25 CHAIRMAN NICOLLELO: Thank you. Any

1
2 other legislators? Legislator
3 DeRiggi-Whitton.

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

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

1
2 district or three, in my opinion, that
3 shouldn't be considered or even
4 mentioned. So I just think we have to be
5 careful because everything we say today
6 is going to be used in a lawsuit.

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

14 MR. SCHAEFER: Yeah.

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

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

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

25 If I heard you correctly, did you

1
2 also take into consideration the listed
3 types of population that we have, the
4 different ethnic backgrounds?

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

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

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

1
2 opportunity of racial or language
3 minority groups; that wasn't there
4 before. It was always in people's minds
5 when drawing districts, different
6 communities, not necessarily racial or
7 language, but, age or certainly race, you
8 know, different kinds of communities were
9 always in people's minds. Now it's
10 written down.

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

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

1
2 County. And even though most of those
3 languages that are spoken, those language
4 minorities would not have the political
5 power, political numbers, to elect a
6 candidate of their choice. Nonetheless,
7 we recognize that people who speak say
8 Mandarin or Hebrew or Farsi, those are
9 all things to consider as when drawing is
10 that those groups are maybe a defined
11 community of interest in the law. Unlike,
12 say, ten years ago, prior to this being
13 here, when again, for people like me, the
14 Federal Voting Rights Act had some very
15 precise ways to determine whether or not
16 the equal opportunity was being violated.
17 I think in this case with the MHRL,
18 unlike the Gingles preconditions for the
19 Voting Rights Act, we don't have
20 preconditions for the Municipal Home Rule
21 Law. The Voting Rights Act, for example,
22 says that for Section 2 to apply, the
23 group must be compact and it must be
24 cohesive politically, and there must be a
25 intent by the majority to vote against

1
2 the preferred candidates of the minority.
3 Those Gingles preconditions aren't
4 applied to this new Municipal Home Rule.
5 It's modeled on it, but I don't think we
6 use the same metrics to measure whether
7 or not minority voting rights or language
8 minority rights are abridged or denied
9 based on the same standards as we use
10 when we do a Gingles test.

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

1
2 Gingles preconditions would and have in
3 the past proven existing in many places
4 in America.

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

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

1
2 but just from living it in the last year
3 or so since we've been hearing about the
4 changes, I was really under the
5 impression that we had to go a little bit
6 further for the minority districts rather
7 than just making sure we're in the 0.5%
8 population demographics; maybe I'm wrong.
9 But did you -- I kind of think I heard
10 you say that you didn't really do any
11 type of analysis as far as any racially
12 polarizing?

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

1
2 just three, and they were relatively
3 recent as well. So their analysis and
4 their conclusions were based on three
5 general elections that had happened in
6 the recent past. And I don't know how
7 they chose which three to use. Certainly,
8 they didn't use all the elections that
9 happened in the last ten years. They
10 didn't use any primary, and the reason
11 maybe there weren't any primaries. It's
12 possible that African American and
13 Hispanic voters tend to vote for the
14 Democratic candidate over the Republican
15 candidate. But in a primary, an African
16 American voter and a Hispanic voter might
17 vote for different candidates of choice.
18 And the input data that had been used in
19 the Democrats analysis did not and could
20 not show that. There was no way to show
21 political cohesiveness based on race
22 alone, based on race as the factor. And
23 and I know based on my study of how many
24 elections could be used to study these
25 things, generally you're looking for an

1
2 odd year because that's when the
3 legislature runs primary elections to do
4 this, and none of those were used.

5 So from my point of view and from,
6 you know, discussions with the
7 commissioners, we felt that as long as we
8 proceed without the intent of abridging
9 anybody's rights, and also because we
10 created an African American district in
11 2013 and maintain that now, we felt that
12 no person in Nassau County has unequal
13 opportunity to participate or to elect
14 the candidates of their choice. Like I
15 said, we don't know if there's political
16 cohesion between black and Hispanic. But
17 having said that, we know there is
18 political cohesion from a lot of results
19 in a lot of places in our state and
20 Nassau County among African Americans. So
21 we were able to create a majority black
22 district, and we resulted in creating
23 three Hispanic districts as well,
24 Hispanic Black Coalition district.

25 LEGISLATOR DERIGGI-WHITTON: Okay. I

1
2 just had like two or three quick follow
3 up questions.

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

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

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

22 MR. SCHAEFER: The Municipal Home
23 Rule Law.

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

1
2 this. I'm just trying to follow it.

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

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

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

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

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

25 MR. SCHAEFER: (Perusing). The

1
2 population is 13% voting age Hispanic;
3 46% voting age whites; 8%
4 African-American and 9% voting age Asian.
5 Oh, you know what? My percentages are
6 wrong. I'm basing that on voting age. One
7 second (perusing).

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

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

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

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

1
2 be approximately 55% at this point.

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

6 (Whereupon, Democratic
7 Counsel gives information.)

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

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

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

1
2 Nassau County is there's a very large
3 Chinese population. There's also a very
4 large Indian population. Those are the
5 two largest that would be coded Asian
6 under the Census coding. And we felt when
7 we were drawing that -- well, there was
8 no evidence for or against, but it would
9 be likely that Asians and Indians who
10 vote in Nassau County would not
11 necessarily be politically cohesive based
12 on being from Asia.

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

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

1
2 All right. And again, I appreciate the
3 efforts. We live on an island. It's hard
4 to divide it in a perfect square or
5 anything like that.

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

24 CHAIRMAN NICOLLELO: Any other
25 questions?

1
2 LEGISLATOR ABRAHAMS: Thank you,
3 Presiding Officer.

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

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

1
2 we've moved on from.

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

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

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

1
2 get to the public. I know they've been
3 here patiently waiting for quite some
4 time. And I know Legislator Bynoe has
5 questions as well, so I'm not going to go
6 on too long.

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

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

1
2 obviously. In 2013, many of the things
3 that have been brought about that
4 wouldn't be deemed illegal or they would
5 deem this map, obviously to be illegal.
6 There's been a lot of talk about whether
7 or not the the map that's been presented
8 didn't have to go through those same
9 challenges. So I just want you to if you
10 could elaborate on that, that'd be great.

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

1
2 participate in the political process or
3 to diminish their ability to elect
4 representatives of their choice. There's
5 not a lot of litigation on this language
6 minority groups. That's a relatively new
7 consideration, and it's not part of the
8 federal considerations. It's part of our
9 state considerations. And I think it
10 takes into account that New York State
11 has many, many groups living together.
12 And it's more than just racial. It's
13 sometimes cultural, it's language, it's
14 religion. It's all these other
15 considerations that you take into account
16 when you're thinking about communities of
17 interest and keeping them together. And
18 that's why you don't want to break up
19 neighborhoods and villages and Census
20 Designated Places where these groups will
21 will live together, but not necessarily
22 comprise a big majority racial group like
23 the Asian question: Who is an Asian or
24 are they all the same? How do they vote?
25 How will they vote? Are they a block? Are

1
2 they not a block? And all the differences
3 that they have among themselves. And it's
4 a relatively new provision and there's
5 litigation yet to be had about what is a
6 proper consideration of a language
7 minority group. What is the language
8 minority group? How do you classify that?
9 Are there dialects that have to be
10 considered? It's a very complicated
11 question.

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

1
2 existed for at least a decade prior. So
3 it is one of the factors that must be
4 considered. It's not like you can
5 disregard that the old map completely.

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

1
2 do that.

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

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

1
2 coalition district. The Democratic
3 proposed map, all of those minority
4 districts are coalition districts. Now,
5 you have to think about whether or not
6 those groups are sufficiently similar,
7 that they're always going to be voting
8 the same way so that it's fair to group
9 them and it's not a dilution of their
10 vote to mix them together. And also with
11 the historical considerations for African
12 Americans, particularly under the federal
13 law, it's always better and I believe --
14 David will correct me if I'm wrong -- to
15 create an African American district, if
16 that's possible. Standalone. That's what
17 I'm saying. David, any input into that?

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

1
2 first draft didn't use race in any way.
3 And the second draft that we did was
4 meant to put different neighborhoods. So
5 the second draft was more for those
6 racial and language minority groups. The
7 first draft did create that majority
8 district because: A, it was there in
9 2013; and B, we could make it again this
10 time.

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

17 MR. SCHAEFER: Voting Age. Yes.

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

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

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

1
2 MR. SCHAEFER: We didn't have the
3 intent to --

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

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

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

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

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

1
2 I guess what I'm saying is you only
3 have one district that is African
4 American predominant base of 51%. The
5 other districts that you have that are
6 minority/majority are coalition based. So
7 so you are taking components of the
8 Democratic proposal of coalition base.
9 Naturally, because that's how you're
10 getting to your minority/majority in
11 those other districts. And I understand
12 that correctly.

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

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

23 MR. SCHAEFER: Yes.

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

1
2 proposal, you have used or naturally
3 they've happened because maybe because
4 the natural course of things they're in
5 the Republican proposal. So you have two
6 different tenets. You have one that's
7 based off of the African American being a
8 predominant district, but then you also
9 have the tenet of a coalition base to
10 make up your other three minority/
11 majority districts; am I correct by
12 saying that?

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

17 MR. SCHAEFER: Yeah.

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

24 MR. SCHAEFER: I could get it into
25 five.

1
2 LEGISLATOR ABRAHAMS: Not District
3 five. I mean, why couldn't you get five?

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

25 LEGISLATOR ABRAHAMS: But I guess

1
2 you say, Mr. Schaffer, it wasn't your
3 goal. It was our interpretation, and
4 correct me if I'm wrong and we're looking
5 for information in this body, isn't it
6 required?

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

1
2 neighborhood, let's put it back together.
3 Elmont, I remember just specifically
4 Elmont from testimony, that we had cut it
5 and then we undid that to get this
6 neighborhood back together. I don't set
7 a target of how many Hispanic and black
8 districts I want unless I'm concerned
9 about federal issues. But having said
10 that, we do look at those things after
11 the map is drawn to see if anything
12 obvious jumps out of that.

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

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

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

1
2 a numerical number that's prescribed in
3 any of the laws. I just think that you
4 should not be able to prove that a
5 language or racial minorities ability to
6 participate in the political process is
7 diminished. And I think that one of the
8 ways we did that, because there's not a
9 lot of objective ways, you know, these
10 racial block polarization analyses,
11 there's not enough data to prove these
12 things. So one of the things we did to
13 inoculate ourselves from that is we try
14 to keep these villages and CDP's whole so
15 that as people moved into different
16 neighborhoods, we wouldn't be carving
17 them up into different districts. So, I
18 don't want to predict a future outcome of
19 any of these districts that I drew with
20 regard to these groups, but we certainly
21 didn't make it impossible for them to
22 elect the candidate of their choice.

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

1
2 may have been split, but villages that do
3 not meet the criteria to be in an entire
4 district, have you split any villages?

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

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

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

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

1
2 analysis that was done, in regards to the
3 analysis that was done, can you describe
4 -- I mean, you talked about in some cases
5 that you did some compact and continuous
6 analysis, if I heard you correctly. I
7 think maybe you might have done some
8 racial polarizing analyses, or maybe Mr.
9 Gimpel did that. Can you elaborate a
10 little bit on those analyses?

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

1
2 the area of a rubber band that was
3 stretched around the district. The plan
4 that we propose is more compact in every
5 measure than the existing district in our
6 version.

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

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

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

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

1
2 based off of the instructions that you
3 received from the Republican
4 commissioners on TDAC, that they believe
5 that the district cores was the most
6 prevailing issue.

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

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

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

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

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

1
2 ranked by the the MHRL, population,
3 equality is first and preserving the
4 cores is fifth, to me, that means if I
5 can only do one of those two things, have
6 equally populated districts or preserve
7 the cores that I have to choose equally
8 populated districts.

9 LEGISLATOR ABRAHAMS: Of course.

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

23 LEGISLATOR ABRAHAMS: I understand.

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

1
2 "E"?

3 MR. SCHAEFER: Yeah. To summarize:

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

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

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

1
2 conflict. Most times that comes into
3 conflict is right at the beginning when I
4 have equally -- or unequally populated
5 districts. So obviously I have to make
6 them equally populated. The choice I
7 would make is, well, let's put all the
8 villages together. If they're still
9 unequal in population, then I consider
10 splitting the villages, which is why we
11 did split three of the villages in the
12 county. So that's probably the only time
13 I needed to use the tiebreaker of the
14 MHRL, is when I split those three
15 villages because I couldn't have equally
16 populated districts without doing that.
17 So the law is clear on that. I have to
18 split the villages I can't keep unequal
19 districts.

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

1
2 parties". You had mentioned, Mr.
3 Schaefer, that -- I can't remember if you
4 said that you had a conversation with Mr.
5 Moroney or Mr. Moroney had a conversation
6 with you, but you had indicated that
7 based on that discussion, you made some
8 changes, you initiated some changes to
9 some incumbents. I just wanted you to
10 elaborate a little bit more on that.

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

1
2 Because the law says favoring and it also
3 says disfavoring. And the Stewart Manor
4 Village had 1992 people in it. It's right
5 next to Franklin Square. And there was a
6 part of Franklin Square with nearly the
7 exact same number of population. So we
8 put Stewart Manor Village into a district
9 that had no incumbent and replaced that
10 population with an adjoining 1900 people
11 from Franklin Square. So certainly
12 pairing three members disfavors all
13 three. Undoing that still disfavors two,
14 but the result was not disfavoring at
15 least one of those members.

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

1
2 I'm the only one who thinks that this
3 disfavoring was necessary, we could put
4 it back and the choices was up to the
5 TDAC people to decide. But I showed that
6 the options were both available.

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

12 MR. SCHAEFER: Well, I worked with
13 the commissioners through Mr. Moroney.
14 One of my practices is to only take
15 direction from a single voice so I am not
16 --

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

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

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

1
2 you were hired by the Republican
3 commissioners, Mr. Schaefer.

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

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

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

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

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

1
2 But just from from a practical
3 programmatic standpoint of how we should
4 proceed, Mr. Moroney, maybe you could
5 shed some light on this, but I would
6 think the Republican commissioners should
7 have initiated the conversation or had
8 the conversations with you, Mr. Schaefer,
9 being that it was the practice of them
10 independently hiring you, I would think
11 they would do so. Obviously the action of
12 the Commission voted for it is well said.

13 CHAIRMAN MORONEY: Legislator?

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

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

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

23 CHAIRMAN MORONEY: I can't recollect
24 whether it was before or after, but they
25 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

1
2 Bynoe.

3 LEGISLATOR BYNOE: Thank you,
4 Presiding Officer.

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

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

1
2 population, a white only population of
3 65.9%; Bethpage has a white only
4 population of 80.6%; Carle Place has a
5 percentage of 78.3%; Garden City is
6 88.2%; Westbury, the village, is 45.89%.

7 Let's deal with it's black
8 populations of those same communities.
9 The black population of Franklin Square
10 is 3.4%; the population of Bethpage is
11 0.2%; the population of Carle Place is
12 1.9%; the population of black or African
13 Americans in Garden City is 0.5%; the
14 population in the Village of Westbury is
15 21.29%.

16 If we look at our Latinos in those
17 communities. Franklin Square is running
18 20.4%; with Bethpage running 12.2%; with
19 Carle Place running 9.5%; and Garden City
20 is 5.9%; with the Village of Westbury
21 rounding off at 29.49%. I don't know how
22 in God's name we could say that putting
23 Westbury in with these communities
24 actually would not be in violation of the
25 second priority, the second priority, of

1
2 the Municipal Home Rule Law that says
3 that you "must take into consideration
4 the voting rights of minority, racial and
5 language groups", that they have to be
6 respected, that you should not dilute
7 their vote and nullify their voice. This
8 is clearly, clearly a violation of the
9 Municipal Home Rule Law.

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

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

1
2 three incumbents. Legislator Giuffre,
3 Legislator Schaefer and myself. In this
4 district, you decided in your first
5 proposal, once you realized -- in your
6 second proposal, once you realized in
7 your first proposal that you put two
8 Republicans in the district along with a
9 Democrat, you decided to break it up.
10 When I heard it was broken up, I knew it
11 wasn't that you pulled out the Democrat,
12 that you left in the Democrat with
13 another Republican in a Republican
14 leaning district, thereby disfavoring the
15 incumbent. That again violates the
16 Municipal Home Rule Law. You purposely
17 disfavored the Democrat.

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

1
2 Legislative District 2, which you cracked
3 off Westbury from New Cassel, is most
4 certainly the core of Legislative
5 District 2. It was not just a part of the
6 2013 map. It actually was a part of the
7 map that Arthur Spatt, the late Honorable
8 Arthur Spatt, created in 1993 when he
9 created the two minority districts. And
10 when he created that, he said
11 specifically -- give me a moment
12 (perusing). Arthur Spatt said, "the two
13 predominantly black districts are etched
14 in stone". If that's not a core, I don't
15 know what is. Further. The three
16 legislators who represented Legislative
17 District two came from the Village of
18 Westbury. Roger Corbin from the
19 inception, my predecessor, Robert
20 Troiano, and then myself. If that's not
21 the core, if Westbury Village is not the
22 core, I don't know what is.

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

1
2 Westbury was a community of interest
3 alongside Uniondale, Hempstead, West
4 Hempstead, and other majority/minority
5 communities. Not only did Arthur Spatt
6 say it was, but in Harkenrider v.
7 Hochul. Judge McAllister also said that
8 it was a core insomuch that he joined
9 Westbury, New Cassel, reached into the
10 town of Hempstead and adjoined it with,
11 Uniondale, Hempstead, Lakeview and other
12 majority/minority communities.

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

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

1
2 would be diluted and nullified. Into a
3 community that is majority community. Not
4 just a majority white community, where it
5 won't have an opportunity to pick its
6 candidates, let alone compete, but in a
7 community that is Republican leaning.

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

1
2 minority racial and language groups come
3 together. Then contiguousness, then
4 compactness. We've already discussed
5 discouraging and disfavoring incumbents.
6 Then we talk about maintenance of cores
7 of existing districts and preexisting
8 political subdivisions in terms of
9 communities of interest.

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

1
2 rights of thousands of voters. There's no
3 way this plan meets the constitutional,
4 the New York State Municipal Home Rule
5 Law nor the Federal Constitution. This is
6 wrong in every shape, form and fashion.
7 It's wrong.

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

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

1
2 cross west and east of Post Avenue. And
3 the most notable one of them is that our
4 students that live west of Post Avenue,
5 the majority of them are zoned for Carle
6 Place school district. And those east are
7 zoned along with the New Cassel students
8 for the Westbury School District. That in
9 itself makes them, while one village,
10 separate communities of interest. And
11 Judge Spatt recognized that back in 1993.
12 And not only does Judge Spatt recognize
13 that, but the authors of the Municipal
14 Home Rule Law recognize that they didn't
15 understand the nuances of every single
16 town nor village. And that's why they
17 wrote that as the final, the final
18 priority because you had to achieve
19 everything else before you got there. And
20 that's why in Harkenrider v. Hochul they
21 did take a town, Town of North Hempstead,
22 that has 233 (sic) roughly residents and
23 cracked it and broke it only to respect
24 the minority racial and language groups.
25 Because a Senate district is 325,000

1
2 people plus. They took this town that
3 they could have pushed right into one
4 senate district and they broke it for the
5 purpose of recognizing and preserving the
6 rights of the people, the good people of
7 Westbury and New Cassel.

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

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

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

1
2 an online comment form that can be
3 accessed through our page. Also, again,
4 as I said before, there's a specific
5 e-mail address that you can e-mail your
6 public comments to. In fact, Mr. McElroy
7 has done so. He has e-mailed today, so
8 we'll make this part of the record. Any
9 comments sent to our e-mail address or
10 the public comment form, will also be
11 made part of the record, of this hearing,
12 and of this process.

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

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

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

1
2 which prohibits a redistricting plan that
3 has a discriminatory purpose or effect.
4 Maps that effectively deprive minority
5 communities from having representation in
6 the county obviously have a racially
7 discriminatory effect.

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

1
2 circumstances, the ability of members of
3 the protected class to elect candidates
4 of their choice or to influence the
5 outcome of elections is impaired".

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

16 If the County approves the
17 Republican proposed maps, it is in
18 serious violation of both Voting Rights
19 Act. Fair maps were proposed by the
20 Democrats. So I ask you to reject the
21 proposed maps by the Republicans and
22 avoid a lengthy lawsuit that will
23 unnecessarily cost your constituents
24 millions of dollars in court, only to
25 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

1
2 everything else, by party lines, it's
3 going to be what it is. Just like earlier
4 today, I had a conversation with a
5 gentleman and he reminded me of two
6 incidents of Georgia people voting on
7 long lines to vote because of certain
8 gerrymandering. And also from my humble
9 experience, that when you look at certain
10 political maps one remind me of South
11 Africa apartheid system, and one doesn't.

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

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

1
2 sharing my thought -- that when you have
3 like Irish and Italian and so forth,
4 they're not broken up. But when it comes
5 to Hispanic and blacks and other
6 minorities, even with the Asian
7 population, we have Japanese, Chinese,
8 Filipinos, so forth, they're broken up.
9 So to me, if something shows a pattern
10 that's not favorable or like they said in
11 the hallway, one person, one vote. To me,
12 they're trying to deliberately
13 disenfranchise us.

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

1
2 county.

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

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

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

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

1
2 something that all the residents of
3 Uniondale are united on. The fact that it
4 should remain whole. On the Republican
5 map is divided into three. And I was
6 watching the presentation for Mr.
7 Schaefer, and he actually said that in a
8 couple of areas, he said it was
9 disadvantageous for certain people to
10 have three legislators. So he made them
11 two, made them one, but for Uniondale, he
12 keeps three. So he picks and chooses
13 which ones are going to get more
14 representation, which ones get less
15 representation, which remain whole or
16 not. And it's not fair. Uniondale is not
17 a big hamlet, it's very small. And so it
18 should not be divided based on commercial
19 properties and things like that. It
20 should be made whole. It should be kept
21 from the Southern State all the way to
22 Old Country Road. That's where our
23 borders are and we should have one
24 legislator. So that there's continuity
25 in all of that.

1
2 I'm looking at that map there. I'm
3 looking, like my dad said with his with
4 the sign that said a pizza, if my pizza
5 came out looking like that, it's sliced
6 like that, I'll give it back and want my
7 money back. I'll make a new pizza.

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

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

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

1
2 clerk item number is the Republican
3 version of the map and which clerk item
4 number is the Democrat number?

5 CHAIRMAN NICOLLELO: Item number 33
6 is the Republican and Item 34 is the
7 Democrat; Democrat Commission is
8 Republican Commission.

9 MS. MAYNARD: Okay. Thank you.

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

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

25 (Whereupon, Ms. Maynard

1
2 address the audience.)

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

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

1
2 the carve out and removal of Home Rule
3 from spaces that are sensitive and spaces
4 that are economic.

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

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

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

19 I just remind you that after the
20 2010 Census, we had similar discussions
21 and disagreements about the redistricting
22 from federal levels to state levels to
23 county levels to town levels. Eventually,
24 that went to the courts. And in solution
25 to that, a state constitutional amendment

1
2 was passed by the voters of this state to
3 avoid this ever happening again. Well, so
4 far, our track record isn't going too
5 well, because we've already gone through
6 the court systems on the federal and the
7 state. In fact, the assembly lines are
8 still not resolved. So here we are again.

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

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

1
2 I came in the door, walked through the
3 lobby, got to the doorways, the common
4 borders, through a system of hallways and
5 arrived here. But in the similar context,
6 this podium and the front doors don't
7 make sense. In a similar context, I don't
8 think New Cassel and Garden City are
9 similar with community needs and issues.

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

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

1
2 The plan on the left is disingenuous
3 at its best and fraught with ulterior
4 motives at its worst (applause).

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

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

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

1
2 major concern. It should be one whole
3 thing.

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

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

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

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

1
2 point of where we are or where we almost
3 are. Both sides. Thank you. Republicans
4 and Democrats.

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

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

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

1
2 Republicans drawing the lines to exclude
3 Lakeview from its whole district that
4 it's accustomed to have been for the past
5 30 years, since 1980.

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

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

25 Lakeview has stayed whole since the

1
2 inception of the 18th Assembly District.
3 I was one of the people who fought for
4 the 18th Assembly District along with
5 this great leader of ours, Hazel Dukes.
6 In my many years of doing redistricting,
7 we were never faced with the changes that
8 we are facing now.

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

1
2 the same time weaken the Lakeview
3 community. As stated already, we do not
4 have any common interests with the two
5 communities; none whatsoever. I don't
6 know anybody from Lynbrook. I don't
7 worship in Lynbrook. I don't worship in
8 Malverne. I worship in Lakeview and
9 communities surrounding Lakeview. It's
10 most upsetting that as hard as our
11 community fought to build a strong
12 community, and with many powerful
13 representatives, and some of them are
14 presently looking at me right now, we
15 were moved to communities that could not
16 care less about having us there as well.

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

25 Let me say, however, maps should be

1
2 drawn with community of cohesion in mind
3 and not dividing communities for one's
4 personal purpose. Lines should be drawn
5 according to keeping communities together
6 that are contiguous and where we worship
7 together, etcetera. We won't have that
8 with the lines that has been drawn for
9 Lakeview.

10 Somehow, I was misguided. That you
11 had done the right thing and you kept
12 Lakeview home and I felt comfortable. I
13 guess my breathing is a little bit off
14 today because I am truly upset. Truly
15 upset. That since I moved to Lakeview in
16 1978, we have never had this problem.
17 None.

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

1
2 back where it belongs. Please. That's all
3 we need you to do. Westbury needs it
4 also. Gerrymandering is not what we are
5 about. We know that a lot of it is based
6 on that. So I lose my power in Lakeview.
7 And then you put me with Malverne and
8 Lynbrook, where I have no power. I have
9 more than one assembly people. Where we
10 are in the 18th Assembly district with
11 one assembly person. Now, you have drawn
12 the maps where we don't have that
13 anymore.

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

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

19 CHAIRMAN NICOLLELO: Just a little.

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

25 CHAIRMAN NICOLLELO: If you want to

1
2 submit your comments, we'll take those
3 too and make them part of the record
4 also.

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

12 CHAIRMAN NICOLLELO: Okay. Thank
13 you.

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

21 CHAIRMAN NICOLLELO: Meda Mereday.

22 MS. MEREDAY: Meta J. Mereday.

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

1
2 Clark County, which is in Las Vegas,
3 Nevada. Food for thought: Because I know
4 this body also has to decide on that
5 idea, and I definitely want to correct
6 the statement that was made in *Newsday*
7 with regard to the County Executive
8 stating, I think he said he only got
9 seven letters in protest. Well, he'd
10 better start tripling that number because
11 the protests are coming.

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

1
2 is not the Hub -- it was initially
3 memorializing our veterans who continue
4 to get short shrift in Nassau County. But
5 I digress.

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

1
2 it. I have a problem with that.

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

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

1
2 And for the attorney or the counsel
3 for the Delegation to say that there were
4 no challenges, there were challenges.
5 They just did not go through. That is the
6 reason why New York State has a John
7 Lewis voting bill. That's why there were
8 changes in the Municipal Home Rule. So
9 just because a challenge was not
10 successful that does not mean that it was
11 not put forth.

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

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

1
2 that you had a conversation because I'm
3 pretty sure Supervisor Clavin would not
4 have changed anything because it would
5 have suited his interest to keep it that
6 way.

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

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

1
2 CHAIRMAN NICOLLELO: Stephanie
3 Chase.

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

1
2 recognition there. I'm not saying all the
3 people in Lynbrook, because I have met
4 some truly great people, but something's
5 going on with the government in Lynbrook.

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

13 Lynbrook has a white population of
14 72%, Malverne 80. The black population of
15 Lakeview is 69%. We would just be tossed
16 aside. Definitely in Lynbrook, I know
17 for sure we wouldn't be counted. They
18 would just run over us.

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

1
2 I think you should allow people to come
3 and voice their opinion so you'll know
4 what the people have been saying. And
5 they've been saying the same thing. Thank
6 you. I'll see you at the next meeting.

7 CHAIRMAN NICOLLELO: Mimi Pierre
8 Johnson.

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

1
2 know any of you on this side. But I
3 remember those who were upset in 2012
4 when they were called racists. Peter
5 Schmitt had to take a time off for
6 everybody to just go in the back for all
7 of us to breathe.

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

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

1
2 he said, come to the legislature. Anne
3 DeMichael was like, come on, Mimi, you
4 got to come. You got to come. I did not
5 know what he was going to do. But he gave
6 me an American flag and a Nassau County
7 flag. You all know he was a Republican,
8 right? Something happened that year that
9 made it made a difference in the way the
10 constituents were treated, the black
11 constituents were treated. You know what
12 that was? We're becoming large in
13 numbers.

14 In 2020, We worked hard to make sure
15 that Elmont and Valley Stream was counted
16 and we raised it 10%. The response was
17 10%. I was so happy because I knew in
18 redistricting that would come in handy
19 that data so that we wouldn't be split.
20 And I know I've been used for you
21 listened, not you, but that committee.
22 You listen at one thing. The tiny part of
23 South Flow Park, you put it back into
24 Elmont. That's because you didn't realize
25 that South Floral Park, overwhelmingly

1
2 black community and South Asian was part
3 of Elmont in interest and not Floral
4 Park. And so I guess Schaefer looked at
5 it and said, Oh, yeah. It's small enough
6 that we could put them in there, but
7 let's leave Elmont still in Inwood. Where
8 if you go to Inwood, you've got to cross
9 over Rosedale and then the marshes and
10 then make a left, hang a left, and it's
11 the Five Towns, when Five Towns ask you
12 all the time to keep them together.

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

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

1
2 or anywhere else? Anywhere else that are
3 here fighting with us? Because you know
4 why? Their maps are always fair. Their
5 areas are always okay. But why is it the
6 predominantly black and brown communities
7 have to come here and beg for something
8 that should be just ours?

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

1
2 that power. And I'm asking you to do it
3 the right way this time. Not from the
4 past, but right now, today. Make a
5 decision.

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

14 CHAIRMAN NICOLLELO: Charlene
15 Thompson.

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

25 I went off to the College of William

1
2 and Mary for college and then Howard
3 University Law School and decided to come
4 back home to invest my time and my
5 efforts in my community. I have served in
6 many capacities and take great pride in
7 serving in many different positions in
8 community organizations.

9 I've also had the pleasure of
10 serving Nassau County government and what
11 is now known as the Office of Community
12 Development for eight years and then as
13 Commissioner of the Incorporated Village
14 of Hempstead Community Development Agency
15 for four years. And I have served under
16 both Democratic and Republican
17 administrations. I've had the unique
18 opportunity to experience the interplay
19 of local politics and government from
20 both sides of the aisle. I've studied
21 this interplay to understand the economic
22 impact and the racial dynamic of politics
23 and government as it plays out through
24 Nassau County in the history of Nassau
25 County politics.

1
2 I also served as a member of the
3 faculty of SUNY Westbury in their
4 Politics and Economics and Law
5 Department. And in that capacity, I
6 taught a class called The Politics of
7 Race and Class. And we looked at Nassau
8 County Dynamics. Historically, the
9 leadership role and the strength of the
10 Republican Party and governance in Nassau
11 County, and how, as the population
12 shifted, how patterns, voting patterns
13 changed.

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

1
2 candidates what qualifications the
3 candidates bring to the table, they are
4 hard pressed to push that level for the
5 Republican line. And oftentimes
6 candidates in those communities that are
7 running on the Democratic line take that
8 line by 85-90%. Like I said, irrespective
9 of the qualifications of the candidates
10 on the other side of the aisle. And you
11 know what this term is called? It's
12 called self-disenfranchisement. And it
13 leads to the Democratic Party taking the
14 black vote for granted, and the
15 Republican Party saying, you know what,
16 they'll never vote for us anyway. So
17 we're going to go to those people who
18 continue to support us and put us back in
19 office, and it takes our voice away and
20 delegitimizes the voices of the minority
21 community (buzzer).

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

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

21 One last point I want to make. We
22 just celebrated the most, Reverend Dr.
23 Martin Luther King's birthday. But I'm
24 sad to say, if he were running in the
25 18th Assembly District, or the first

1
2 legislative District, he would have lost
3 probably about 85% of the vote because he
4 had an "R" behind his name. Thank you for
5 your time and attention (applause).

6 CHAIRMAN NICOLLELO: Lisa Ortiz.

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

25 When you look at the racial makeup

1
2 of our communities: Lynbrook You have
3 72% white; Malverne you have 80% white;
4 and Lakeview you have 5% white.

5 When you look at the black
6 demographics, you have Lynbrook with 4.6%
7 black; Malverne 4.3% black; and Lakeview
8 69.1% black. I don't really see how we
9 could possibly select a candidate of our
10 liking when the odds are stacked against
11 us. When you think about the size of
12 Lakeview, where all of about 6,000
13 residents in a larger voting block, that
14 would never allow us to select the
15 candidate we would like.

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

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

1
2 Legislator Seila Bynoe did point out,
3 Judge Spatt's decision put Lakeview in
4 LD2 only because of the commonalities
5 because we are a part of that core.

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

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

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

1
2 presentations.

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

8 LEGISLATOR BYNOE: Thank you,
9 Presiding Officer.

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

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

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

1
2 time is over. When can we know if
3 Lakeview and Westbury has been put back
4 before the next meeting? What is their
5 timeframe for that?

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

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

18 MS. COADS: Thank you.

19 LEGISLATOR ABRAHAMS: Could I go,
20 Rich?

21 CHAIRMAN NICOLLELO: Yes, sir.

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

1
2 want to thank the public for coming down
3 to share their concerns, which all of us,
4 I'm sure, took very diligent notes to try
5 to incorporate whatever this Legislative
6 Body does in the next couple of weeks to
7 incorporate your concerns and your ideas.

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

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

1
2 moments, we're going to be voting on
3 these two items and Republican
4 legislators are going to be voting to
5 move both along. So but we want to make
6 sure it's clear that we're not endorsing
7 either of the two maps today.

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

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

1
2 together a Democratic map or Republican
3 map, respectively. If this Legislature is
4 now going to take the decision to come
5 together, I mean, if we're incorporating
6 ideas from both sides and we're going to
7 try to reach some type of compromise and
8 we're also going to listen to the public,
9 then I would think this Legislature
10 should have its own person. But that's my
11 opinion in regards to the matter.

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

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

14 CHAIRMAN NICOLLELO: Same to you.

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

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

1
2 Legislature, and to do that you have to
3 have an item or items. That's why we
4 would move them forward at this point.

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

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

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

1
2 he has reached out to our side. He has
3 asked us, based on this process, based on
4 these hearings, if we have input, he
5 would like to hear it. He has said that
6 today. To be fair, I'm just being fair.
7 From that standpoint, I would assume this
8 process will be different than the last
9 two times, one under Democratic control
10 and one of the Republican. So I'm not as
11 casting aspersions on Republicans versus
12 Democrats or anything like that. Both
13 sides had one opportunity to craft a map
14 and in both cases, both sides did it the
15 way that I remember, being the Majority
16 basically pretty much created the map.

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

1
2 mentioned already. So our input is going
3 to be that. So from our standpoint,
4 that's the input that we're going to
5 provide. If those things get incorporated
6 into the map, then maybe you might have a
7 compromise. And assuming the map meets
8 the criteria of being legal, we may have
9 a compromised map and things may be
10 different in 2023.

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

14 LEGISLATOR ABRAHAMS: No.

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

1
2 submitted. So we're under that pressure
3 as well.

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

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

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

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

18 CHAIRMAN NICOLLELO: All right.
19 We're back. We're prepared to vote on
20 these two items and we'll call them
21 separately. The first one is Item 33 of
22 2023. This is the item local law that
23 contains the map that was proposed by the
24 Republican commissioners to TDAC. So this
25 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.

1
2 Again, we are moving these along
3 today. Neither side is endorsing the
4 maps, and then we will be considering all
5 that we've heard today.

6 Thank you, everybody. Thanks.

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

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

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

15 CHAIRMAN NICOLLELO: Those opposed.

16 (Whereupon, no verbal
17 response.)

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

20 (Whereupon, the Rules
21 Committee is adjourned, 3:08
22 p.m.)
23
24
25

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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