

October 20, 2022

Via Email [legislatorlamar@mnroecounty.gov]

Sabrina LaMar, President

Monroe County Legislature

407 County Office Building

39 West Main Street

Rochester, New York 14614-1476

Dear President LaMar,

I write today to express concern regarding the proposed redistricting map for the Monroe County Legislature that is one the agenda for tomorrow's legislative session. Common Cause is a national nonpartisan advocacy organization founded in 1970 working to ensure that every vote counts, that every eligible voter has an equal say, that our elections represent the will of the people, and that our government is of, by, and for the people. Common Cause/New York is one of the most active state chapters within Common Cause, with tens of thousands of members and activists in every county of New York State. We have over 1600 activists and members in Monroe County.

Fair redistricting is a major policy focus for Common Cause across the country. Our national Redistricting & Representation Program helps members of the public play an active role in shaping their own representation, leading efforts to create fairer, more inclusive and impartial processes for drawing districts. We also litigate to challenge partisan and racial gerrymanders in state and federal courts around the country. Common Cause has been involved in redistricting litigation in 11 states this cycle as either a party or amicus brief participant, including cases currently active in Florida, Georgia, Michigan, North Carolina, and Texas, in addition to redistricting lawsuits pending in New York.

Common Cause/New York is actively engaged in assisting members of the public and organizational partners to understand and participate in the redistricting process at the state and local level through our series of community mapping workshops. In the last redistricting cycle, Common Cause/New York was the only organization to draw statewide maps for both houses of the Legislature and Congress that were based on extensive input from communities of interest and Voting Rights Act-protected classes. Portions of the Common Cause congressional map were expressly adopted by the federal court and formed the basis for several upstate districts in the past cycle congressional map. Additionally, in the last redistricting cycle we prepared and advocated fair maps for both New York City and Nassau County. This cycle, we actively participated in assisting coalition partners and members of the public to map their neighborhoods and prepare testimony to the New York Redistricting Commission. Additionally, we drew and submitted reform maps for congressional and state senate districts, again based on extensive input from communities of interest and Voting Rights Act-protected classes and provided live testimony, as well as extensive written comments, before the special master in the now concluded *Harkenrider v. Hochul* lawsuit. Our participation

was acknowledged in the special master's report and several of our proposed districts were expressly incorporated into the final congressional and state senate maps. Additionally, Common Cause/NY supported the passage and signing into law S.5160-B/A.229c, which amended section 34 of the municipal home rule law to ensure that county redistricting is first and foremost subject to state and federal constitutional requirements ensuring fairness and equity, and in furtherance of the principle of "one person one vote."

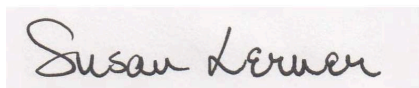
Accordingly, we are familiar not only with the law and policy governing redistricting but the actual process and challenge of drawing fair and nonpartisan district lines. Organizationally and on behalf of our members, Common Cause/New York has a long-standing interest in ensuring a fair and open redistricting process that results in maps that reflect the public interest rather than partisan interests. We offer our comments herein in that spirit.

We have reviewed the report prepared by Dr. Lisa Handley, the redistricting map which is under consideration by the County Legislature and the current county district map. We have followed the redistricting process as it has played out in Monroe County, alarmed at the way in which partisan interests have dominated.

Accordingly, we urge the County Legislature to reject the proposed map. Adopting the proposed map, which Dr. Handley's analysis reduces the number of county legislative districts in which minority voters have an equal opportunity to elect a representative of their choosing. The proposed map appears to pack Black voters into 5 districts in order to eliminate a sixth district which provides minority voters with an opportunity to elect a representative. To adopt the proposed map may subject the county to claims that it has violated not only the federal Voting Rights Act but also section 34 of the municipal home rule law, which now requires that county district lines cannot be drawn with the result of denying equal opportunity of racial or language minority groups to participate in the political process.

Accordingly, Common Cause/NY urges the Monroe County Legislature to reject the proposed map, restart the process and work with independent redistricting experts to draw a map which provides all Monroe County residents with a fair chance to elect representatives of their own choosing.

Respectfully submitted,



Susan Lerner, Esq., Executive Director
Common Cause/New York

Cc (via email):
Minority Leader Yversha Roman
Legislator Robert Colby
County Attorney John P. Bringewatt, Esq.

