

Lessons in Redistricting: Mapping Monroe County Legislative Districts

April, 2011

Prepared in partnership with:
Greater Rochester League of Women Voters

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SUMMARY

CGR embarked upon an experiment to draw new Monroe County legislative districts based upon the Census 2010 population counts in collaboration with the Greater Rochester League of Women Voters. To do the project, CGR put itself in the role of a nonpartisan, independent commission tasked with drawing the lines, which many advocates locally and statewide have argued should be adopted to make the process more fair and transparent.

CGR used Census data and mapping software, creating two versions of a map to illustrate potential alternatives. For both maps, we tried to respect “communities of interest” by avoiding splitting villages, towns and city neighborhoods any more than was necessary in order to create districts of equal size as much as possible. Given the County’s 2010 total population of 744,344, the target size of each of the Legislature’s 29 districts was 25,677, and we stayed well within the accepted plus or minus 5% range for each district.

Our process was blind to incumbent residences and party enrollment; that is to say we did not know at the time of creating the maps where current County legislators reside, nor did we consider the party enrollment and location of registered voters. After each map was completed, we analyzed party enrollment in each district using the County’s database of registered voters, and we plotted incumbent addresses’ on the maps.

In Monroe County, enrolled Democrats make up 39% of registered voters, compared to 31% for Republicans. Adding in third-party voters leaning to one side of the political spectrum, the margin is 40% likely to lean toward the Democrats and 33% likely to lean toward the Republicans.

Yet the Legislature is made up of 16 elected Republicans and 13 Democrats. Why? One explanation is that this is the outcome of partisan gerrymandering dating back to 2001, when the current legislative map was drawn by the Legislature’s Republican majority: The Republicans drew themselves as many favorable districts as possible and held on to the majority despite the enrollment advantage for Democrats.

Yet in our two politically blind maps, we created exactly the same margin for the Republicans (16-13), in terms of districts with a majority of voters

leaning toward the Republican Party. For this analysis, we considered voters enrolled in the Green, Working Families, Socialist or Democratic parties to lean toward the Democrats and those in the Conservative, Libertarian and Republican parties to lean toward the Republicans. We did not include voters enrolled in no party (“blanks”) or the Independence party in the calculation. The “blanks” are 22% of registered voters; the Independence Party claims an additional 4%.

Blind to incumbent addresses, both of our maps created a number of districts that include the residences of 2 or 3 incumbents. Our District 26, for example, contains the residences of incumbent legislators Robert Colby, Jeff Adair and Michael Rockow.

We conclude that:

- Republicans’ ability to control the County Legislature, despite the Democratic enrollment advantage countywide, can be attributed to:
 - the practice of electing County legislators by geographic districts, not at-large, and
 - the fact that Democrat-leaning voters are concentrated geographically, particularly in the City of Rochester.

Democrat-leaning voters are more dominant in the parts of the County where they are the majority (chiefly the City of Rochester) than are Republican-leaning voters in the regions they dominate. As a result, the Republican Party is rarely competitive in City elections while the Democratic Party is routinely competitive in some suburban communities. Particularly with a strong candidate able to mobilize the community’s many unaligned voters, Democrats can be competitive in Republican-leaning communities.

- GOP gerrymandering in 2001 was perhaps not as pernicious as some have assumed.
- A process blind to where incumbents reside, as ours was, is likely to place two or more incumbents in single districts.
- There are many definitions of a “good map” and countless possible maps that could be drawn.
- An independent process does not necessarily lead to more competitive districts.

Acknowledgements

CGR is grateful for the assistance of Monroe County Board of Elections staff members, including Democratic Commissioner Thomas Ferrarese and Republican Commissioner Peter Quinn. GIS specialist Jon Becker provided technical assistance on mapping.

Staff Team

Erika Rosenberg led the researching and writing this report. Kate Bell completed the mapping process, and Hannah Griese and Michael Silva helped with research and analysis.

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INTRODUCTION

Under the terms of a gift from Beatrice Bibby, the League of Women Voters and the Center for Governmental Research jointly select research projects that are consistent with the missions of both organizations. The proceeds of the Bibby gift support these endeavors. CGR's redistricting project grew out of the League's interest in supporting a fair and transparent approach to redistricting and fostering public discussion of the process.

Why Must Districts Be Re-Drawn?

The members of most legislative bodies are elected to represent particular geographic areas. Members of the House of Representatives, most prominently, are each intended to represent roughly the same number of citizens. Members of the U.S. Senate, by contrast, are elected to represent a state, but are elected "at large" by that state's voters. As a counterweight to district-based representatives, the Executive Branch of government is typically led by someone elected "at large."^{*} Some legislative bodies—consider Rochester's City Council—combine district-based and at-large representatives.

To maintain the "one person, one vote" principle, the boundaries of legislative districts must periodically be adjusted to reflect population shifts. The U.S. Constitution mandates that this re-apportionment process occur after each decennial census. Reflecting the continuing population shift to the West and Southwest, New York State will lose two seats in the House of Representatives and must re-draw its districts accordingly.

Who Controls the Process?

The process of establishing the boundaries of legislative districts is under the control of the states, subject to federal statutes such as the Voting Rights Act. While there are exceptions—the State of Iowa has long employed a nonpartisan process and the State of California is pursuing an independent process for the first time—the process is typically controlled by the sitting legislature, thus is controlled by the political party holding a majority of that legislature's seats.

In New York State, the process of re-drawing Congressional, NYS Assembly and NYS Senate districts is controlled by the NYS Legislature,

^{*} The election of the President of the United States is considered an "at large" election, yet the Electoral College makes it possible for a President to win the office without winning a majority of the popular vote, a phenomenon that occurred in the 2000 contest between George W. Bush and Albert Gore.

although the resulting legislation must be signed by the Governor. If vetoed, the matter goes to the courts for resolution.

The process of drawing county legislative districts is defined in a county's charter. With a few exceptions—New York City, Suffolk and Ulster counties—the sitting legislature, thus the majority party, controls the process.

Partisan Re-Districting in Monroe County

The partisan redistricting process used in Monroe County, New York State and most of the country is often criticized by citizens, good government groups and minority political parties as being more focused on maintaining political power than on creating a set of districts that are sensitive to community interests and public engagement.

Critics suggest that partisan redistricting lets the politicians choose the voters they want to represent, rather than the voters choosing the politicians they want representing them.

Independent Process

Advocates locally, statewide and throughout the nation have pushed for a less political, more independent approach to redistricting^{*}. This has been adopted in one form or another in less than a dozen states, including recent adoption in California[†], and some local areas, including a few counties in New York. Typically, independent redistricting gives the task of drawing new boundary lines to a commission, removing it at least one step from the current elected officials. In some cases, commission membership is limited to people who have never held office; commission members are usually appointed by both dominant and minority parties with some safeguards built in to ensure the dominant party cannot ride roughshod over the minority.

For this project, CGR put itself in a role similar to that of an independent commission drawing new boundaries for the Monroe County Legislature. Using Census 2010 population counts and mapping software, we created two different maps in an attempt to examine potential alternatives to the maps created out of the current partisan process. In the first map, we used Census block groups as the building blocks of legislative districts – in the second map, Census voting districts. Given the County's 2010 total population of 744,344, the target size of each of the Legislature's 29

^{*} See joint League of Women Voters/Common Cause/Citizens Union/NY Public Interest Research Group report: <http://www.nypirg.org/goodgov/redistrictniReport4.20.06.pdf>

[†] See <http://wedrawthelines.ca.gov/>.

districts was 25,677. A variance of plus or minus 5% is generally considered acceptable, but particularly with our second map we tried to stay closer than that to the target.

Our process was blind to incumbent residences and party enrollment; that is to say we did not know at the time of creating the maps where current County legislators reside, nor did we consider the party enrollment and residence of registered voters. After each map was completed, we analyzed party enrollment in each district using the County's database of registered voters, and we plotted incumbent addresses' on the maps. We considered voters enrolled in the Green, Working Families, Socialist or Democratic parties to be Democrat-leaning and those in the Conservative, Libertarian and Republican parties to be Republican-leaning.

RESULTS OF THE EXPERIMENT

CGR's Map

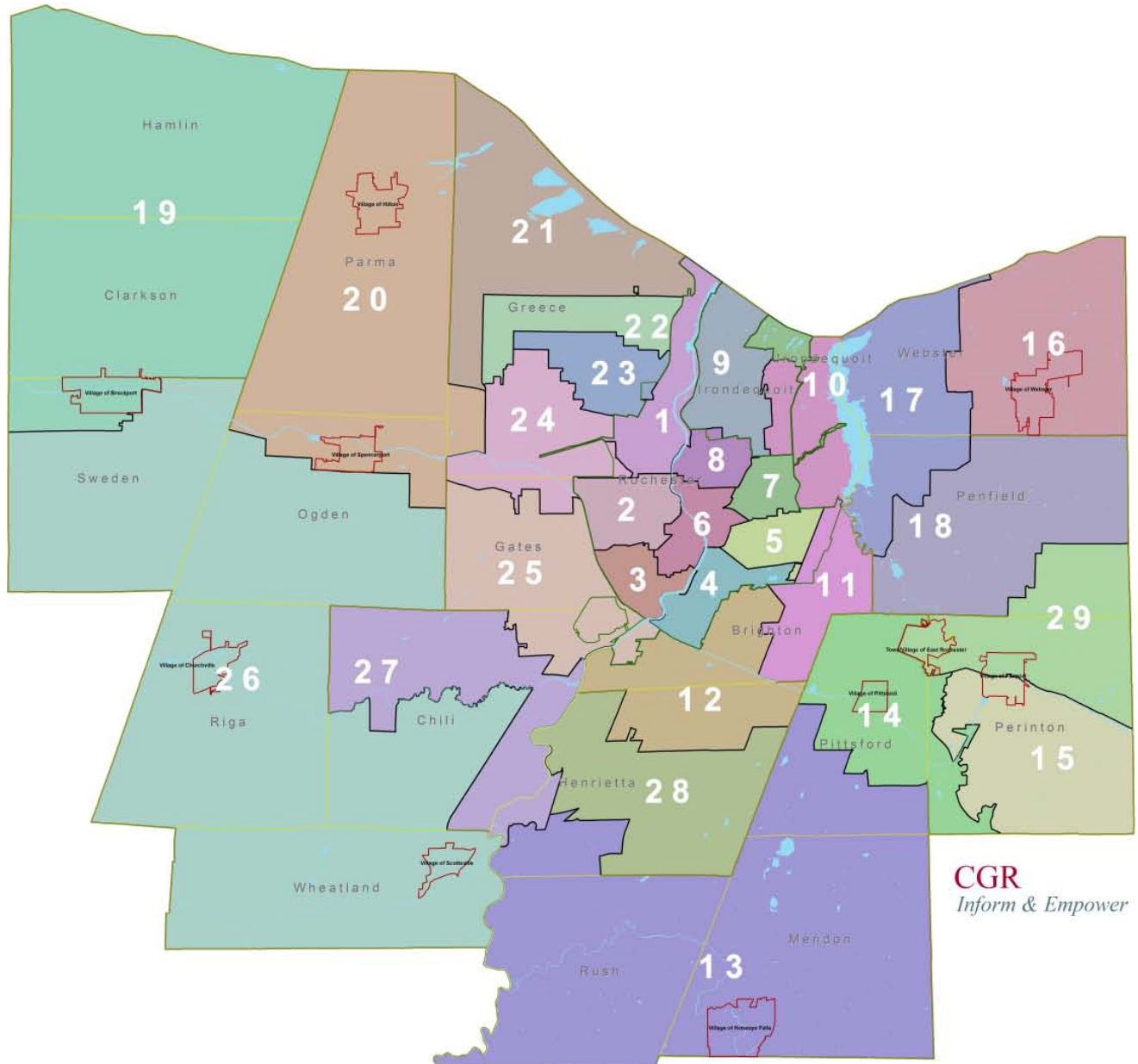
Our second map (see next page) is our preferred version since it does a better job of keeping communities of interest together and keeping legislative districts closer to the population target. Most districts were within 2% of the target and all were within 3%. The average variation across all 29 districts was 1%.

We avoided creating districts that cross the Genesee River (except for District 6 Downtown), the Erie Canal and Irondequoit Bay. Many city neighborhoods were kept together, along with all but one of the County's villages (Fairport), including two (Brockport and East Rochester) that are split in the current and proposed County legislative maps. Two towns in our map were split into fewer districts than they are in the current County map: Brighton and Pittsford are both in 2 districts (compared to 4 and 3, respectively). However, two other towns are in more districts than they currently are: Penfield and Perinton are both in 3 districts compared to 2 currently.*

The Voting Rights Act bars racial discrimination in the drawing of district lines, and we believe our districts conform to its requirements.†

* See www.cgr.org/map for a scalable map overlaying a detailed base map.

† See Appendix for racial breakdowns.



Political Analysis

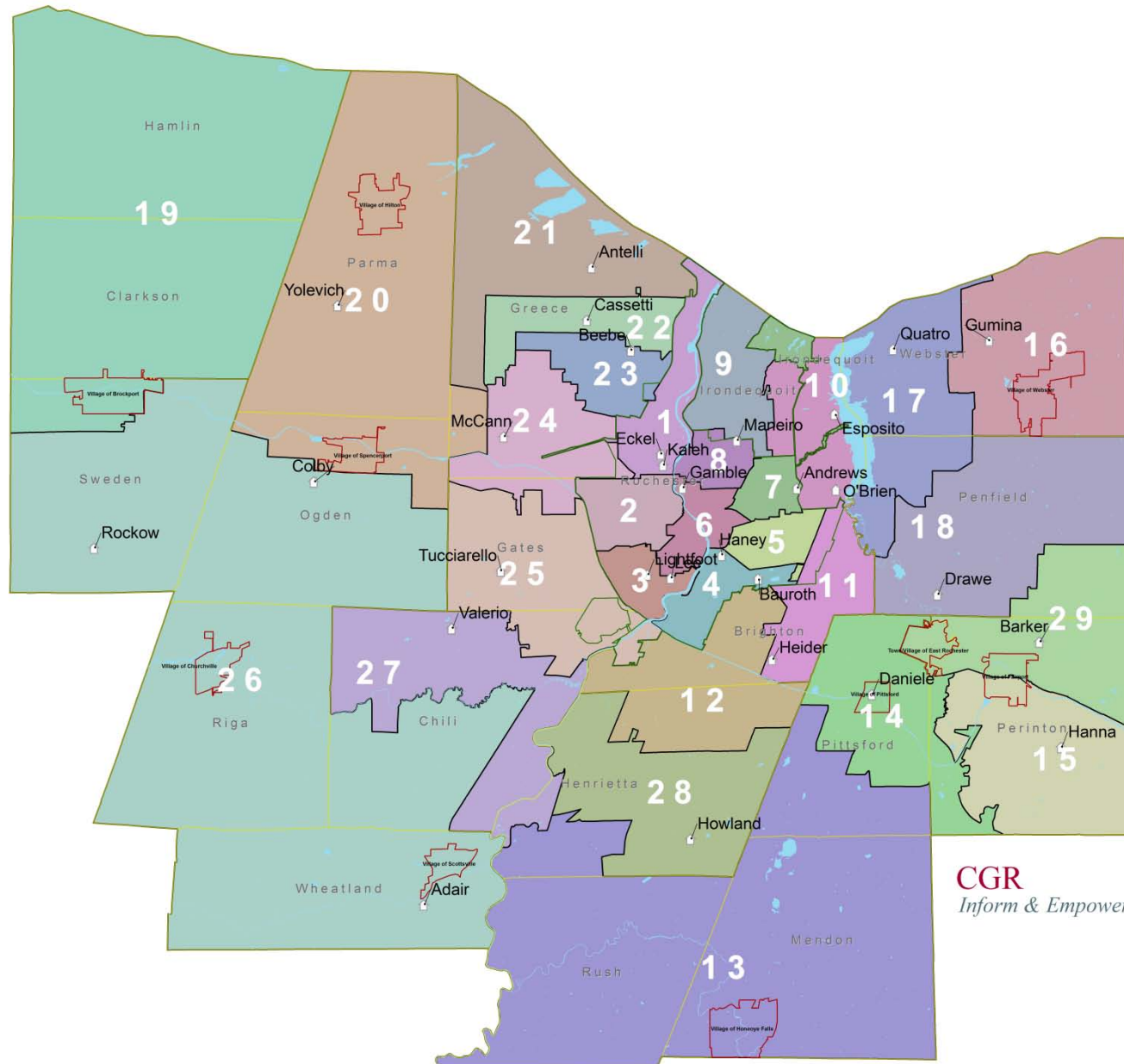
Party enrollment in each of the 29 districts was calculated after the map was drawn. In 16 of the districts, Republican-leaning voters make up more than 50% of all voters in a party (except Independence, as explained above). In 13 districts, Democrat-leaning voters are the majority.

Districts with more than 60% Republican-leaning or Democrat-leaning voters might be considered “safe” districts for the majority party. Of the 16 Republican-leaning districts, 3 are safe, compared to 9 of the 13 Democrat-leaning districts. This is slightly different from the current legislative map in that 10 of the Democrat-leaning districts are safe in the current map (3 districts in the current map are safe Republican-leaning districts).

The margin for the Republican-leaning districts in our map is not different from the current map. The average share of Republican-leaning enrollment in the Republican-leaning districts is 57% both in our map and the current legislative map. There is a slight variation in the margin for Democrat-leaning districts, in that our map has average Democrat-leaning enrollment in the Democrat-leaning districts of 72% vs. 75% in the current legislative map. You could argue that the CGR map does slightly less “packing” of Democrat-leaning voters into districts than does the current map, but the difference is very small.

Five districts enclose the residences of more than one incumbent, as shown on the next page* .

* See www.cgr.org/map for a scalable map overlaying a detailed base map.



Our First Map

Our first attempt did not do as well in keeping communities of interest together. We crossed the Genesee River and Irondequoit Bay and broke up several city neighborhoods. We also had more variation in district size, with a few districts close to 5% over or under the target and an average deviation of more than 2%.

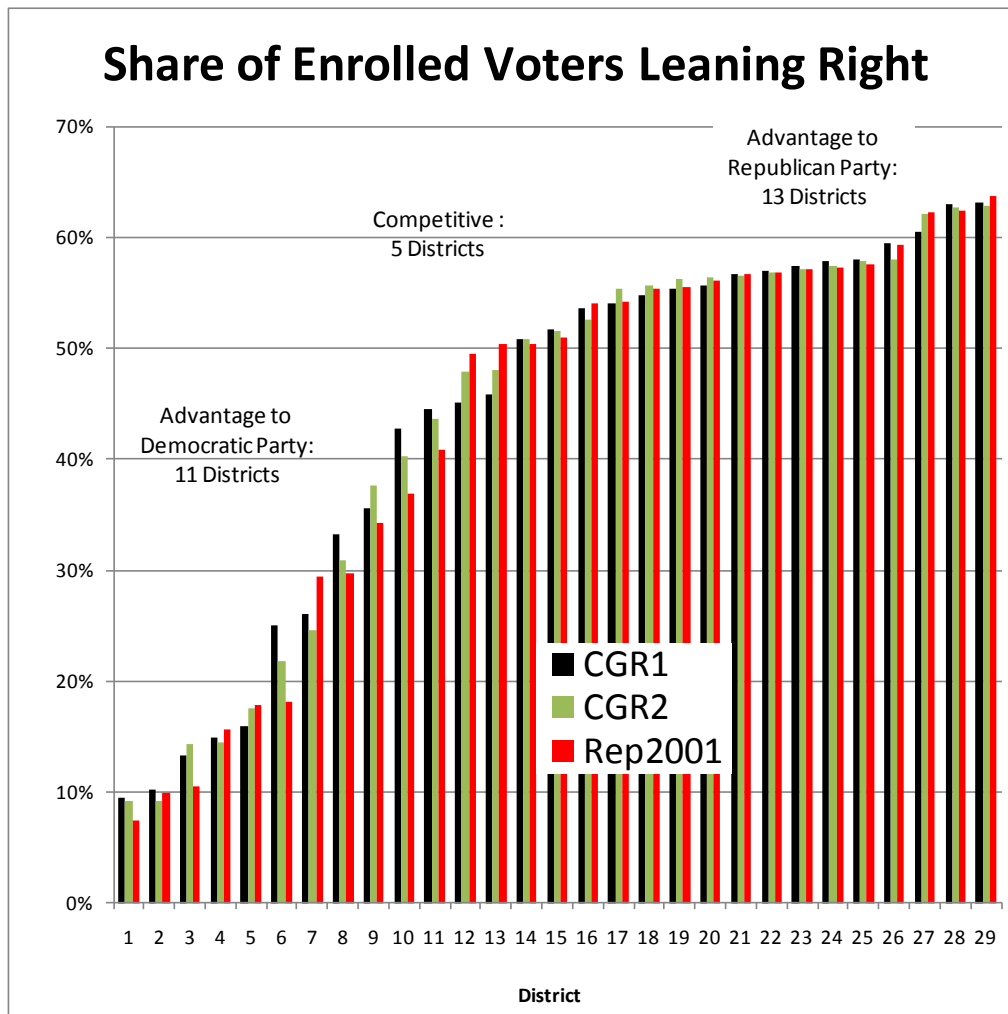
Still, the political results were almost exactly the same. The split of Republican-leaning and Democrat-leaning districts remained 16 to 13, the numbers of safe districts remained the same, and the margin of advantage for Republican-leaning and Democrat-leaning districts was the same. When viewed somewhat differently, the first map did create perhaps a bit more opportunity for Democratic candidates in that the number of districts with 55% or more of Republican-leaning or Democrat-leaning voters was even (11 and 11), compared to 12 and 11 in the current legislative map and 13 and 11 in our second map.

Our first map also grouped incumbents together in six districts.

Interpreting the Results

When we compare the political results of CGR's two maps and the current County legislative map, we are left with the impression that the Republican majority did not have to focus too intently on the political enrollment of districts to get to the current map. As shown in the chart below, both our maps and the current map produced 13 legislative districts with an advantage for Republicans and 11 districts with an advantage for Democrats. Just five districts in all 3 maps could be considered competitive.

We conclude that the way in which voters are distributed in the County, with Democrat-leaning voters concentrated in the City and Republican-leaning voters dispersed across a much larger geographic area, drives the map to favor Republicans.



However, it should be noted that we did not attempt to draw a map that favored Democrats, and this is possible though not very easy to accomplish because of the distribution of voters across the County. Such a map would require creating a number of blended City-suburban districts, thus diluting City influence in the Legislature and possibly diluting the power of racial minorities.

We also did not set out to create competitive districts split as evenly as possible between Republican-leaning and Democrat-leaning voters; doing so would have required working from party enrollment data and we constructed our “experiment” to be party-blind in the creation of maps. Similarly, we did not try to factor in or analyze independent voters

(enrolled in the Independence or no party), who are an important but unpredictable piece of the picture at 26% of overall enrollment in the County.

LESSONS AND OBSERVATIONS

What became clear very quickly in doing this process was that there was no single “correct” map to make. While there are some generally accepted principles for creating a good map, they can be in conflict, and there are other standards against which one might want to judge a legislative map.

The NYS Constitution* states that NYS Senate and Assembly districts “shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable.” Even this short list of values can be in conflict with one another. Keeping the variation in population low and the shape compact might mean creating a district with a strange-looking jut into a different municipality.

We faced a number of choices in making the maps, choices that were not always easy to resolve:

- Our effort to respect city neighborhoods and observe the “compactness” mandate had the effect of concentrating Democratic-leaning voters and leaving suburban districts with a higher relative share of Republican-leaning voters. The Legislature thus would have more districts clearly representing City interests, yet would be more likely to be controlled by the Republican Party.
- This decision also concentrates minority voters. At what point does this reduce the political power of minorities? Would blended City-suburban districts be a more inclusive option?
- Might increasing the number of politically competitive districts be a goal? If so, then ignoring political affiliation of voters would be an error—district lines might be drawn to achieve as many districts as possible that are politically balanced.
- More populous towns must be split into two or more districts. Irondequoit thinks in east/west terms, partly because of the school district boundaries. Should district lines attempt to conform to these informal communities of interest, just as we attempted to respect sector/neighborhood boundaries in the City of Rochester?
- Beyond following municipal boundaries and respecting major waterways like the Genesee River, the Erie Canal and Irondequoit Bay to the extent possible, how do we decide what defines communities of interest? Are

* See <http://www.dos.state.ny.us/info/constitution.htm>

they communities with the same school district, those clustered in certain subdivisions or between specific major roads, or areas sharing some other characteristics or concerns?

- Finally, what is the right approach to adopt with respect to incumbent legislators? Gerald Benjamin, architect of the Ulster County independent redistricting process, argues that district lines should be blind to incumbency precisely because it will “shake up” the Legislative membership and prevent incumbents from remaining in office for decades. In this way independent redistricting can help ensure fresh political representation as a sort of quasi-term limits measure. In a county with legislative term limits (like Monroe), this argument is less persuasive. An argument could be made that the service of incumbent legislators should be respected.

The proposed district map for Monroe County was recently released by the Republican majority of the County Redistricting Commission. This effort explicitly set out to leave incumbents undisturbed. Our initial review suggests that most of the more peculiar district shapes can be explained by the decision to create districts that contain the residence of only a single incumbent. Might this be viewed as a kind of gerrymandering conducted by a “Party of Incumbency?”

COUNTIES WITH INDEPENDENT PROCESSES

A few places in New York have independent local redistricting processes, including New York City, where a 15-member commission draws the lines and presents a map to City Council for an up-or-down vote.

Both Ulster and Suffolk counties in the last several years adopted independent redistricting in advance of the 2010 Census. In Ulster, it was adopted as part of an overall County charter revision and attracted relatively little attention. The County is to advertise in order to solicit a large pool of potential commission members, and public officers or public employees are not eligible to serve. The Legislative majority and minority each appoint 2 members, who together agree on 3 more members. The process calls for a high degree of public input, including an online forum for comments and opportunities for the public to use the County’s redistricting software by appointment.

In Suffolk County, an 8-member commission, half appointed by the Legislative majority and half by the minority, draws the lines. The commission must have 4 retired judges, 2 community minority leaders and 2 members of good government groups. No one on the commission can

have been in elective office for the previous 10 years. Once presented with the commission's plan, the Legislature must approve the plan or ask for a revision. Any stalemate over the plan goes to a court master.

Independent processes are also being pushed in Monroe County and New York State. While it appears clear the County map will be drawn under the usual process since the Republican majority did not accept a proposal for an independent process, the state process will take longer to unfold. Gov. Andrew Cuomo has said independent redistricting is a priority for him.

CONCLUSION

The problem of gerrymandering is often listed with loose campaign finance rules and excessive lobbying by special interests as one of the evils corrupting our political process. Independent, nonpartisan redistricting is presented as a solution. CGR's experiment drawing politically blind maps for Monroe County Legislature found that aggressive gerrymandering did not seem necessary to create districts favoring Republicans, 16 to 13, despite an overall Democratic enrollment advantage in the County. Instead, the geographic distribution of voters across the County – with Democrat-leaning voters concentrated in the City of Rochester and Republican-leaning voters dispersed over a larger area – worked together to facilitate the creation of Republican-leaning districts.

Given these findings, additional questions could be raised about whether geographically based districts are the best way to select representatives, and whether the addition of at-large seats to the County Legislature or some other change might produce a result more in line with the political leanings of County residents.

Even if gerrymandering wasn't apparent in the creation of a Legislature with a Republican-leaning majority, the "Party of Incumbency" did explicitly create district lines that protect its members. While many could argue that this was justified, there are many other criteria for district design that were likely ignored in service of this end.

Ultimately, we agree with the proposition that citizens who are independent of sitting legislatures should control the creation of voting district boundaries. Gerrymandering is a fact of political life when legislative majorities control the process, even if our exercise suggests that an independent process in Monroe County might yield a similar political outcome.

APPENDIX

The table shows the racial breakdown of residents within each of the districts in CGR's map.

Legislative District	Total	White	Black	Asian	Hispanic	White	Black	Asian	Hispanic
D1	25,531	14,900	7,419	804	3,282	58%	29%	3%	13%
D2	25,419	9,131	11,118	1,461	5,227	36%	44%	6%	21%
D3	25,878	4,860	19,338	220	1,304	19%	75%	1%	5%
D4	25,614	18,201	4,072	1,962	1,441	71%	16%	8%	6%
D5	26,031	19,225	4,723	553	1,664	74%	18%	2%	6%
D6	25,741	6,232	15,220	529	5,967	24%	59%	2%	23%
D7	25,906	7,963	13,215	291	6,800	31%	51%	1%	26%
D8	25,866	7,505	12,381	597	8,647	29%	48%	2%	33%
D9	26,055	23,189	1,564	357	1,389	89%	6%	1%	5%
D10	24,978	21,278	2,291	281	1,680	85%	9%	1%	7%
D11	25,738	22,182	1,214	1,533	786	86%	5%	6%	3%
D12	25,335	18,780	2,037	3,574	1,027	74%	8%	14%	4%
D13	25,590	22,662	445	1,912	601	89%	2%	7%	2%
D14	25,561	24,001	479	524	677	94%	2%	2%	3%
D15	25,438	23,403	673	747	613	92%	3%	3%	2%
D16	25,659	23,406	666	887	847	91%	3%	3%	3%
D17	25,452	23,962	442	578	634	94%	2%	2%	2%
D18	25,426	23,642	508	762	599	93%	2%	3%	2%
D19	26,144	24,431	634	237	870	93%	2%	1%	3%
D20	25,600	24,554	380	129	617	96%	1%	1%	2%
D21	25,298	23,010	1,161	370	981	91%	5%	1%	4%
D22	25,544	22,644	1,683	327	1,135	89%	7%	1%	4%
D23	25,645	22,130	1,863	503	1,604	86%	7%	2%	6%
D24	25,885	22,556	1,649	676	1,348	87%	6%	3%	5%
D25	26,243	21,704	2,803	810	1,194	83%	11%	3%	5%
D26	25,619	24,133	635	264	623	94%	2%	1%	2%
D27	25,196	22,183	1,736	599	720	88%	7%	2%	3%
D28	25,755	20,663	2,089	1,872	1,121	80%	8%	7%	4%
D29	26,197	24,005	733	922	607	92%	3%	4%	2%
Total	744,344	566,535	113,171	24,281	54,005				

NOTE: % will not sum to 100% as smaller racial groups and "more than one race" are not reported here (although they are included in the total)