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Sent: Thursday, November 17, 2022 1:23 PM
To: LegPublicComment
Subject: Nassau County 11-16 Testimony
Attachments: [FINAL] Nassau County Redix Commission 11-16 Hearing.pdf

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Greetings,

Attached find a copy of my testimony which I presented orally last night.

Best,

Cesar Z. Ruiz, Esq. | Equal Justice Works Fellow Sponsored by the Lavan-Harris Family

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Cesar Z. Ruiz

Equal Justice Works Fellow Sponsored by the Lavan-Harris Family

LatinoJustice PRLDEF

Nassau Redistricting Commission Hearing

New York, New York

November 16, 2022

Greetings, Commissioners of the Nassau County Redistricting Commission. Thank you for providing me with this opportunity to testify. My name is Cesar Z. Ruiz. I am an attorney at LatinoJustice PRLDEF and a member of its New York Voting Rights & Redistricting Project staff. LatinoJustice PRLDEF is a Latinx civil rights organization that for the past 50 years has worked to create a more just society by using and challenging the rule of law to secure transformative, equitable and accessible justice, by empowering our community and by fostering leadership through advocacy and education. We have *actively* participated in various New York redistricting and mapping processes over the past several decades, advocating for equitable representation of the Latinx community. We continue in that effort once more.

Redistricting is a critical component of our democracy one that will determine the political representation of Nassau County residents for the next 10 years. As we know, historically members of marginalized communities have been excluded and disenfranchised by a political process that is often partisan. Our participation and that of our communities in this process is crucial.



I. The Commission Has a Duty to Adopt a Map That Does Not Dilute the Voting Power of Black, Latino and Asian Community Members.

Black, Latino, and Asian community members are protected classes under Section 2 of Voting Rights Act, which prevents the dilution of minority votes by any legislative map. State law similarly protects minority votes from dilution through the Municipal Home Rule Law and the John R. Lewis Voting Rights Act. Given the history of discrimination aimed at these communities in voting and redistricting, the protections of federal and state law are core to any redistricting process and must be respected.

Commented [JP1]: Why are you also mentioning Black and Asian communities? This is NOT a Unity Coalition joint effort and you are testifying o/b/o Latino communities & residents, focus n that!

Commented [JP2]: racial minority communities of color

II. The Majority-Proposed Map Abdicates the Commission's Duty to Avoid Diluting the Voting Power of Communities of Color in Defiance of State and Federal Law.

The majority-proposed map has prioritized protecting the cores of districts, village boundaries and equal populations. However, these priorities are in conflict with the Legislature's duty to prevent vote dilution of minority community members. An analysis of the majority-proposed map makes clear that the new district lines have cracked and packed Latino, Black and Asian populations unjustifiably, splintering communities of interest in defiance of public testimony and proper redistricting principles. A number of glaring examples show that these lines have been drawn at the expense of communities of color. For example:

- District 1 in the majority-proposed map splits the Village of Hempstead in half on the basis of equal population. But public testimony sought for Hempstead's district to be unified. In contrast, the minority-proposed map creates District 3, which unifies the Village of Hempstead and avoids an unnecessary cracking of Latino and Black community members.



- District 1 in the majority-proposed plan also unnecessarily packs Latino and Black population, raising concerns of racial gerrymandering, found to be illegal under the United States Supreme Court decision *Cooper v. Harris*.¹ If adopted, this map could be vulnerable to legal challenge under the Equal Protection Clause of the Fourteenth Amendment as well as the Voting Rights Act.
- In the majority-proposed plan, Uniondale is split amongst 3 districts. The minority map, by contrast, maintains the whole of Uniondale in one district, District 2, thus avoiding the cracking of its community and the dilution of Latino and Black voting power.
- The majority-proposed plan splits Freeport into four districts. The minority plan, by contrast, maintains the core of Freeport in its District 5, thus unifying Black and Latino community members who share similar economic, social and political interests.
- In the majority plan, Westbury and New Cassel are split despite public testimony requesting they be kept together because they share similar social, economic, and cultural interests. The minority plan by contrast unifies the two in its District 2.
- In the majority-proposed plan, the Lakeview community is split. In the minority proposed plan the community is maintained as proposed District 4.
- In District 3 in the majority-proposed map, Elmont and Valley Stream are unnecessarily connected to Inwood, a plan that packs and cracks minority voters in neighboring areas. The minority-proposed map, by contrast respects communities of

¹ *Cooper v. Harris*, 137 S.Ct. 1455 (2017) (upholding a lower court ruling that two North Carolina congressional districts were racial gerrymanders in violation of the Equal Protection Clause of the Fourteenth Amendment.)



interests and connects Elmont, North Valley Stream and Valley Stream in a unified district given they share many common social, cultural and economic interests

All of these areas have significant populations of Black and Latino people. The majority-proposed map diminishes their ability to meaningfully elect candidates of their choice. While the minority-proposed map shows it is possible to maintain communities of color together, the majority-proposed map splits those communities under the guise of equal population, maintaining cores of districts and respecting village boundaries. This is not only unacceptable but legally dubious. I urge the commissioners to reconcile their map with the objections raised in this forum and cure the glaring deficiencies by engaging with public testimony, following demographic trends, and maintaining communities of interests.

III. Conclusion

Simply put, the Commission must meet its obligations under state and federal law. If it does not, the map risks suffering the same fate as recent statewide maps did earlier this year. The majority-proposed map has numerous glaring deficiencies which must be addressed before being submitted to the legislature and adopted. I thank the Commission for the opportunity to testify and look forward to future opportunities to do so.