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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 3, 2022

10:24 a.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT BAILEY: The  
3 Senate will come to order.

4 I ask everyone present to please  
5 rise and recite the Pledge of Allegiance.

6 (Whereupon, the assemblage recited  
7 the Pledge of Allegiance to the Flag.)

8 ACTING PRESIDENT BAILEY: In the  
9 absence of clergy, let us bow our heads in a  
10 moment of silent reflection or prayer.

11 (Whereupon, the assemblage respected  
12 a moment of silence.)

13 ACTING PRESIDENT BAILEY: The  
14 reading of the Journal.

15 THE SECRETARY: In Senate,  
16 Wednesday, February 2, 2022, the Senate met  
17 pursuant to adjournment. The Journal of Tuesday,  
18 February 1, 2022, was read and approved. On  
19 motion, Senate adjourned.

20 ACTING PRESIDENT BAILEY: Without  
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President,  
7 on behalf of Senator Parker, on page 15 I offer  
8 the following amendments to Calendar 125, Senate  
9 Print 2838B, and ask that said bill retain its  
10 place on the Third Reading Calendar.

11 ACTING PRESIDENT BAILEY: The  
12 amendments have been received, and the bill will  
13 retain its place on the Third Reading Calendar.

14 SENATOR GIANARIS: Let's move on to  
15 the calendar, please.

16 ACTING PRESIDENT BAILEY: The  
17 Secretary will read.

18 THE SECRETARY: Calendar Number  
19 421, Senate Print --

20 SENATOR LANZA: Lay it aside.

21 ACTING PRESIDENT BAILEY: Lay the  
22 bill aside.

23 THE SECRETARY: Calendar Number  
24 423, Senate Print 8197 --

25 SENATOR LANZA: Lay it aside.

1                   ACTING PRESIDENT BAILEY:   Lay the  
2 bill aside.

3                   SENATOR GIANARIS:  Mr. President,  
4 before we lay the bill aside, is there a message  
5 of necessity at the desk?

6                   ACTING PRESIDENT BAILEY:  There is  
7 a message of necessity at the desk.

8                   SENATOR GIANARIS:  Move to accept  
9 the message of necessity.

10                  ACTING PRESIDENT BAILEY:  All those  
11 in favor of accepting the message please signify  
12 by saying aye.

13                                 (Response of "Aye.")

14                  ACTING PRESIDENT BAILEY:  Opposed,  
15 nay.

16                                 (Response of "Nay.")

17                  ACTING PRESIDENT BAILEY:  The  
18 message is accepted.

19                                 Senator Gianaris.

20                  SENATOR GIANARIS:  Okay.  I believe  
21 it's laid aside, Senator Lanza?

22                                 SENATOR LANZA:  Yes, sir.

23                  SENATOR GIANARIS:  Okay.  Please  
24 lay that bill aside.

25                  ACTING PRESIDENT BAILEY:  Lay the

1 bill aside.

2 SENATOR GIANARIS: Okay, now let's  
3 take up the controversial calendar.

4 ACTING PRESIDENT BAILEY: The  
5 Secretary will ring the bell.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 421, Senate Print 8185A, by Senator Gianaris, an  
9 act to amend the State Law.

10 ACTING PRESIDENT BAILEY: Senator  
11 Lanza, why do you rise?

12 SENATOR LANZA: Mr. President,  
13 would the sponsor yield for some questions.

14 ACTING PRESIDENT BAILEY: Does the  
15 sponsor yield?

16 SENATOR GIANARIS: Yes, he does.

17 ACTING PRESIDENT BAILEY: The  
18 sponsor yields.

19 SENATOR LANZA: Thank you. Through  
20 you, Madam -- Mr. President.

21 Would the sponsor consider himself  
22 the prime author of these maps?

23 SENATOR GIANARIS: No.

24 SENATOR LANZA: Will the sponsor  
25 yield?

1                   ACTING PRESIDENT BAILEY:    Would the  
2 sponsor yield?

3                   SENATOR GIANARIS:    Yes.

4                   ACTING PRESIDENT BAILEY:    The  
5 sponsor yields.

6                   SENATOR LANZA:    Through you,  
7 Mr. President.  Who would the sponsor consider to  
8 be the prime author of these maps?

9                   SENATOR GIANARIS:    I don't know  
10 what Senator Lanza is referring to.  I am the  
11 prime sponsor of this legislation.  But as he  
12 well knows from experience, legislation is  
13 drafted by a number of people this -- from both  
14 houses of the Legislature, staff involvement,  
15 et cetera.

16                   So "prime author" is not a term of  
17 art that I know exactly what he's referring to  
18 when he asks that question.

19                   SENATOR LANZA:    Would the sponsor  
20 continue to yield.

21                   ACTING PRESIDENT BAILEY:    Will the  
22 sponsor yield?

23                   SENATOR GIANARIS:    Yes.

24                   ACTING PRESIDENT BAILEY:    The  
25 sponsor yields.

1                   SENATOR LANZA:    Through you,  
2   Mr. President.  Why don't we do it this way.

3                   So this legislation is different  
4   than just about everything we do.  It comes  
5   around only once every 10 years.  And it draws  
6   maps.  It creates new districts across the state.  
7   It puts lines on the paper.  It says this is  
8   Senate District No. 1 in Long Island, this is  
9   Senate District 43 in the North Country.

10                  Those lines need to be drawn.  So I  
11   will ask again, through you, Mr. President, who  
12   put those lines on that paper?

13                  SENATOR GIANARIS:    A computer.

14                  SENATOR LANZA:    Would the sponsor  
15   continue to yield.

16                  ACTING PRESIDENT BAILEY:    Does the  
17   sponsor yield?

18                  SENATOR GIANARIS:    Yes.

19                  ACTING PRESIDENT BAILEY:    The  
20   sponsor yields.

21                  SENATOR LANZA:    Through you,  
22   Mr. President.  Where is that computer located?

23                  SENATOR GIANARIS:    I have no idea.  
24   You know, everything is now in the Cloud.  So,  
25   you know, I don't really know if there's an

1 actual desktop somewhere. I don't have that  
2 level of detailed knowledge of where the work was  
3 done.

4 SENATOR LANZA: Will the sponsor  
5 continue to yield.

6 ACTING PRESIDENT BAILEY: Will the  
7 sponsor yield?

8 SENATOR GIANARIS: Yes.

9 ACTING PRESIDENT BAILEY: The  
10 sponsor yields.

11 SENATOR LANZA: Through you,  
12 Mr. President. So we're a few years away from  
13 computers actually having full artificial  
14 intelligence capabilities. And my understanding  
15 is that the computers we have today require that  
16 some human input information into those computers  
17 so that the computer spits out a result. So  
18 through you, Mr. President, could the sponsor  
19 tell us the person or persons who inputted that  
20 information?

21 SENATOR GIANARIS: No, I cannot.

22 SENATOR LANZA: Would the sponsor  
23 continue to yield.

24 ACTING PRESIDENT BAILEY: Does the  
25 sponsor yield?

1                   SENATOR GIANARIS:    Yes.

2                   ACTING PRESIDENT BAILEY:    The  
3 sponsor continues to yield.

4                   SENATOR LANZA:    Through you,  
5 Mr. President.  Did the sponsor mean to tell us,  
6 as the author of this legislation, that he has no  
7 idea who it was who entered the information that  
8 resulted in these maps?

9                   SENATOR GIANARIS:    That's correct.  
10 That's what I'm saying.  Because this is a  
11 bicameral effort, there was multiple people --  
12 multiple civil servants on both sides.  I don't  
13 know who the tech person is who sits there,  
14 inputs the keys.  So no, I do not know who did  
15 that.

16                   SENATOR LANZA:    Would the sponsor  
17 continue to yield.

18                   SENATOR GIANARIS:    Yes.

19                   ACTING PRESIDENT BAILEY:    Will the  
20 sponsor yield?  The sponsor yields.

21                   SENATOR LANZA:    Through you,  
22 Mr. President.  Can the sponsor tell us if he was  
23 ever present on any occasion when some human was  
24 entering information in a computer regarding  
25 these maps.

1                   SENATOR GIANARIS:    I was not.

2                   SENATOR LANZA:     Would the sponsor  
3 continue to yield.

4                   SENATOR GIANARIS:    Yes.

5                   ACTING PRESIDENT BAILEY:   Does the  
6 sponsor yield?  The sponsor yields.

7                   SENATOR LANZA:     So let's take a  
8 look at the process, because many of us have not  
9 been privy to it, especially the millions of  
10 people in New York who are affected most by it.

11                   Through you, Mr. President, could  
12 the sponsor tell us where this map drawing  
13 occurred?

14                   SENATOR GIANARIS:    I'm going to  
15 give you the same answer.  I don't know where the  
16 computer was.  I don't know where it happened.

17                   The bottom line, Senator Lanza --  
18 and first of all, I appreciate that many of your  
19 colleagues were not privy to this process.  It is  
20 a process that I believe you were privy to  
21 10 years ago, and some of your colleagues were.  
22 So it is something you should be familiar with.

23                   But the bottom line is this.  We're  
24 here to talk about a bill.  The bill has all the  
25 details in it.  It's before you.  The maps are

1 here, you can look at them, you can see where the  
2 lines are drawn. This is what I am putting  
3 forward as the sponsor. And so who entered --  
4 who tapped keys on a keyboard to make it happen  
5 is not particularly relevant to what we're  
6 talking about right now.

7 So if you want to get to it, let's  
8 get to it.

9 SENATOR LANZA: We will.

10 Would the sponsor continue to yield.

11 ACTING PRESIDENT BAILEY: Would the  
12 sponsor yield?

13 SENATOR GIANARIS: Yes.

14 ACTING PRESIDENT BAILEY: The  
15 sponsor yields.

16 SENATOR LANZA: Could the sponsor  
17 tell us whether or not he spoke to anyone during  
18 the process about any of these lines that were  
19 put on paper?

20 SENATOR GIANARIS: Certainly.

21 SENATOR LANZA: Would the sponsor  
22 yield.

23 SENATOR GIANARIS: Yes.

24 ACTING PRESIDENT BAILEY: Will the  
25 sponsor yield? The sponsor yields.

1                   SENATOR LANZA:    Could the sponsor  
2 tell us who those people were?

3                   SENATOR GIANARIS:   No.  No, these  
4 are -- Senator Lanza, I mean I could tell you  
5 that these are civil servants that do their jobs,  
6 they are staffers at LATFOR that have been there  
7 for -- some people for decades who participated  
8 in this process when you were doing it.  And I  
9 don't particularly see the benefit of trying to  
10 expose government staffers to your  
11 interrogation right now.

12                   If you want to litigate, you can  
13 litigate.  You can ask the questions you want,  
14 you can depose who you want.  That the judge  
15 might or might not allow it, we'll get to that.

16                   But for today we're here to vote on  
17 a piece of legislation.  So let's discuss the  
18 legislation, ask questions, tell us what you  
19 don't like about it, and let's do our  
20 legislating.

21                   SENATOR LANZA:    Will the sponsor  
22 yield.

23                   ACTING PRESIDENT BAILEY:   Will the  
24 sponsor yield?

25                   SENATOR GIANARIS:    Yes.

1                   ACTING PRESIDENT BAILEY:    The  
2    sponsor continues to yield.

3                   SENATOR LANZA:    So I believe it is  
4    relevant, I think it is important that the people  
5    of the State of New York understand the process  
6    that resulted in new maps for Senate districts,  
7    Assembly districts, congressional districts --

8                   SENATOR GIANARIS:   This map is not  
9    of congressional districts.

10                  SENATOR LANZA:    -- being created.

11                  And in terms of interrogation, I'm  
12    not interrogating any civil servant or employee.  
13    But Mr. President, as Senator Gianaris knows full  
14    well, he and I have the enjoyable job which  
15    requires from time to time that we interrogate  
16    each other. And so I will continue to do just  
17    that on behalf of the people of the State of  
18    New York.

19                  Through you, Mr. President, could  
20    the sponsor tell us if there were any  
21    out-of-state consultants who had input or who  
22    were involved in the drawing of these maps?

23                  SENATOR GIANARIS:   No. I mean yes,  
24    I can tell you. The answer is no.

25                  SENATOR LANZA:    Thank you.

1                   Would the sponsor yield.

2                   SENATOR GIANARIS:    Yes.

3                   ACTING PRESIDENT BAILEY:   Will the  
4 sponsor yield?  The sponsor yields.

5                   SENATOR LANZA:    Could the sponsor  
6 tell us whether or not any sitting members of the  
7 Legislature were consulted with before these maps  
8 were drawn?

9                   SENATOR GIANARIS:    Other than  
10 myself?

11                  SENATOR LANZA:    Yes.

12                  SENATOR GIANARIS:    I guess I would  
13 ask you to be a little more detailed in your  
14 question.

15                  SENATOR LANZA:    If the sponsor  
16 would yield.

17                  ACTING PRESIDENT BAILEY:    Would the  
18 sponsor yield?

19                  SENATOR GIANARIS:    Yes.

20                  ACTING PRESIDENT BAILEY:    The  
21 sponsor continues to yield.

22                  SENATOR LANZA:    So for example, can  
23 the sponsor tell us whether or not individual  
24 members of the Senate had input or were involved  
25 with the drawing of the lines for that district?

1                   SENATOR GIANARIS:    The short answer  
2   is no.  We do talk to our colleagues all the time  
3   about a host of issues, but they were not  
4   involved in drawing the maps.

5                   SENATOR LANZA:    Will the sponsor  
6   yield.

7                   SENATOR GIANARIS:    Yes.

8                   ACTING PRESIDENT BAILEY:    Will the  
9   sponsor yield?  The sponsor yields.

10                  SENATOR LANZA:    So the sponsor is  
11   right, I was here last time.  I was not directly  
12   involved.  I was not even remotely involved as a  
13   relatively new member.

14                  But I do recall -- and I have seen,  
15   even now, members scurrying in and scurrying out  
16   and about throughout the state.  Because as we  
17   both understand, these maps have grave  
18   implications for the people of New York, but they  
19   have individual implications for each member.  
20   Even prospective candidates.

21                  And so I'm sure the sponsor would  
22   not deny that members have an interest in knowing  
23   what their district is going to look like.  
24   Members have an interest in requesting or guiding  
25   or controlling what their district looks like.

1                   Through you, Mr. President, I find  
2                   it hard to believe -- I find it highly  
3                   implausible that not a single member of the  
4                   New York State Senate spoke to either the sponsor  
5                   or those civil servants or those employees or  
6                   even that very intelligent computer about their  
7                   Senate districts and their lines.

8                   Is that what the sponsor is saying?

9                   SENATOR GIANARIS:    No, it's not  
10                  what the sponsor is saying.  Nor is it what the  
11                  sponsor said.

12                  I said there were general  
13                  conversations, but they were not the ones drawing  
14                  the maps for their own lines, which is what your  
15                  previous question was.

16                  SENATOR LANZA:    Would the sponsor  
17                  yield.

18                  ACTING PRESIDENT BAILEY:    Would the  
19                  sponsor yield?

20                  SENATOR GIANARIS:    Yes.

21                  ACTING PRESIDENT BAILEY:    The  
22                  sponsor yields.

23                  SENATOR LANZA:    So to the sponsor's  
24                  knowledge, not a single member of the Senate came  
25                  to the sponsor, anyone associated with LATFOR,

1 or, for that matter, anyone else to say could you  
2 draw this line here and can you draw that line  
3 there?

4 SENATOR GIANARIS: As I said, there  
5 were general conversations. But no members were  
6 actually drawing their own lines, which is what  
7 your previous question was.

8 SENATOR LANZA: Would the sponsor  
9 yield.

10 ACTING PRESIDENT BAILEY: Would the  
11 sponsor yield?

12 SENATOR GIANARIS: And let me add,  
13 by the way, there were general conversations with  
14 members across the aisle. I think you and I  
15 spoke about your lines.

16 So those kind of conversations  
17 happen all the time, casually, about what people  
18 think. But what I'm trying to convey to you is  
19 none of the members drew their own lines.

20 SENATOR LANZA: Would the sponsor  
21 yield.

22 ACTING PRESIDENT BAILEY: Will the  
23 sponsor yield?

24 SENATOR GIANARIS: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR LANZA: So let me just say  
3 that my good friend, I think accidentally, has  
4 mischaracterized any conversation we had.  
5 Because I will say here, and before the people of  
6 the State of New York, I never spoke to anyone  
7 about any line in my district.

8 And I have never done this before,  
9 but I am going to do it now. Conversations  
10 between me and any member here has nothing to do  
11 with politics ever. But I will say the only  
12 conversation I can think of that you're alluding  
13 to is that when these maps came out, you came to  
14 the floor and you said, Hey, Lanza, don't worry,  
15 I think your map is pretty much the same.

16 Because I, Mr. President, did not  
17 see my map until the rest of the world saw my  
18 district map. So let's be clear about that.

19 And by the way, Mr. President, I am  
20 not casting any aspersion toward anyone or any  
21 member who has a concern about their district  
22 maps. It's natural. It's understandable. But  
23 I'd just like to know the who, the where, and the  
24 when because I think the people of the State of  
25 New York deserve to know the who, the where, and

1 the when because the political landscape in terms  
2 of districts is about to change more than it has  
3 ever changed in at least recent memory.

4 So I will continue. Will the  
5 sponsor continue to yield?

6 SENATOR GIANARIS: Yes.

7 ACTING PRESIDENT BAILEY: Will the  
8 sponsor yield? The sponsor yields.

9 SENATOR LANZA: So when you say  
10 that there were general conversations, could you  
11 explain to me how that worked? I mean, I'm just  
12 trying to think about how that might even happen.

13 SENATOR GIANARIS: Well, the  
14 reason -- I'm sorry, yes. The reason I brought  
15 up what I did is because I was trying to make the  
16 point that general conversations are had amongst  
17 colleagues all the time, every day.

18 And since we're doing this, that was  
19 not the extent of our conversation only. You  
20 made some comment about, Oh, if I'd have gone to  
21 Brooklyn, it would have been this, that and the  
22 other thing. There was banter, if you will. But  
23 there was a conversation about your lines.

24 I'm merely saying you're asking all  
25 these pointed questions about who I talked to and

1 when. Conversations like that happen with  
2 members, with colleagues all the time. And so  
3 yes, I've talked to a lot of people. I've talked  
4 to you. That's why I brought that up.

5 But people were not drawing their  
6 own maps, which is fundamentally your question.

7 SENATOR LANZA: Will the sponsor  
8 yield?

9 SENATOR GIANARIS: Yes.

10 SENATOR LANZA: Through you,  
11 Mr. President. Yes, I agree. That was after the  
12 maps came out. And we -- as we normally do, we  
13 have, I like to believe, a good friendly  
14 relationship. I have an enormous amount of  
15 respect for my counterpart.

16 We talked about the fact that I  
17 was -- that some Democratic member talked about  
18 writing Lanza into Brooklyn, and I said I hope I  
19 do. I hope that happens. A lot of good  
20 people --

21 SENATOR GIANARIS: To my point,  
22 similarly, other members may have said similar  
23 things to me. That's the context of the  
24 conversation.

25 SENATOR LANZA: So through you,

1 Mr. President, so I'm glad the sponsor is  
2 admitting that people have conversations. And  
3 that's what I'm trying to get at.

4 Through you, Mr. President, can the  
5 sponsor tell us whether or not --

6 ACTING PRESIDENT BAILEY: Are you  
7 asking the sponsor to yield, Senator Lanza?

8 SENATOR LANZA: Does the sponsor  
9 yield?

10 ACTING PRESIDENT BAILEY: Does the  
11 sponsor yield?

12 SENATOR GIANARIS: I do.

13 ACTING PRESIDENT BAILEY: The  
14 Senator yields.

15 SENATOR LANZA: Through you,  
16 Mr. President. Could the sponsor tell us whether  
17 or not any member -- let's stay with the  
18 Senate -- Democrat or Republican, submitted to  
19 either you, the LATFOR employees, or that  
20 computer that we're going to get back to,  
21 anything about lines in their district?

22 SENATOR GIANARIS: Not to my  
23 knowledge. If they did, it would have been  
24 through the public hearing process.

25 SENATOR LANZA: Would the sponsor

1 yield.

2 ACTING PRESIDENT BAILEY: Will the  
3 sponsor yield?

4 SENATOR GIANARIS: Yes.

5 ACTING PRESIDENT BAILEY: The  
6 sponsor yields.

7 SENATOR LANZA: Could the sponsor  
8 tell us whether or not he's aware of the  
9 existence of any emails or texts or other  
10 correspondences between any sitting member of the  
11 Legislature and LATFOR concerning district lines?

12 SENATOR GIANARIS: I don't have  
13 that knowledge. Not that I'm aware of.

14 SENATOR LANZA: Would the sponsor  
15 yield.

16 SENATOR LANZA: Yes.

17 ACTING PRESIDENT BAILEY: Would the  
18 sponsor yield? The sponsor yields.

19 SENATOR LANZA: Does the -- could  
20 the sponsor tell us whether he knows who the  
21 Senate Republican appointee to LATFOR is?

22 SENATOR GIANARIS: Yes, I believe I  
23 do, Senator Lanza.

24 SENATOR LANZA: Will the sponsor  
25 yield?

1                   SENATOR GIANARIS:    Yes.

2                   ACTING PRESIDENT BAILEY:    The  
3 sponsor yields.

4                   SENATOR LANZA:     It's great to have  
5 a good counsel at your side.  The fact of the  
6 matter is -- through you, Mr. President -- I bet  
7 Senator Gianaris did not know that.

8                   SENATOR GIANARIS:    Well, you asked  
9 me a question, I gave you an answer.  Now you're  
10 saying I'm lying to you.  So --

11                   SENATOR LANZA:     Oh, no,  
12 absolutely -- Mr. President, absolutely not.  
13 Absolutely not.

14                   So I'll ask a different question.  
15 Through you, Mr. President, did Senator Gianaris  
16 know that I was the appointee before this moment?

17                   SENATOR GIANARIS:    Yes, I did.

18                   SENATOR LANZA:     Will the sponsor  
19 yield?

20                   ACTING PRESIDENT BAILEY:    Will the  
21 sponsor yield?

22                   SENATOR GIANARIS:    Yes.

23                   ACTING PRESIDENT BAILEY:    The  
24 sponsor continues to yield.

25                   SENATOR LANZA:     Given that fact,

1 could the sponsor tell us why I was never invited  
2 to any of these map-drawing parties?

3 SENATOR GIANARIS: I'm not familiar  
4 with what parties Senator Lanza is referring to.

5 He's generally a sociable guy, so if  
6 there was a party, we probably would have invited  
7 him.

8 (Laughter.)

9 SENATOR LANZA: Will the sponsor  
10 yield?

11 ACTING PRESIDENT BAILEY: Will the  
12 sponsor yield?

13 SENATOR GIANARIS: Yes.

14 ACTING PRESIDENT BAILEY: The  
15 sponsor yields.

16 SENATOR LANZA: Could the sponsor  
17 tell us why I was not invited to anything having  
18 to do with LATFOR or map drawing?

19 SENATOR GIANARIS: Not really.

20 SENATOR LANZA: Will the sponsor  
21 yield.

22 ACTING PRESIDENT BAILEY: Will the  
23 sponsor yield?

24 SENATOR GIANARIS: No.

25 ACTING PRESIDENT BAILEY: The

1 sponsor does not yield?

2 SENATOR LANZA: The sponsor does  
3 not yield?

4 SENATOR GIANARIS: Oh, I'm sorry,  
5 yes.

6 (Laughter.)

7 ACTING PRESIDENT BAILEY: Oh, the  
8 sponsor yields. Sorry.

9 SENATOR LANZA: Just to be clear,  
10 I'm --

11 SENATOR GIANARIS: I was still  
12 answering the previous question again.

13 SENATOR LANZA: Gotcha. Oh, so the  
14 no is you don't know why I was not invited.

15 SENATOR GIANARIS: Correct.

16 SENATOR LANZA: Will the sponsor  
17 yield?

18 ACTING PRESIDENT BAILEY: Will the  
19 sponsor yield?

20 SENATOR GIANARIS: Yes.

21 ACTING PRESIDENT BAILEY: The  
22 sponsor yields.

23 SENATOR LANZA: As chairman of  
24 LATFOR --

25 SENATOR GIANARIS: Cochair.

1                   SENATOR LANZA:    -- cochair of  
2   LATFOR could you not, Senator Gianaris, have  
3   invited me?

4                   SENATOR GIANARIS:   Perhaps it would  
5   have been within my ability to do that, but I  
6   chose not to.

7                   Again, I don't know what I'm  
8   inviting you to.  There weren't any parties.  You  
9   know, I don't know what it is you're asking about  
10  that you should have been invited to.

11                  SENATOR LANZA:    Would the sponsor  
12  yield?

13                  ACTING PRESIDENT BAILEY:    Would the  
14  sponsor continue to yield?

15                  SENATOR GIANARIS:    Yes.

16                  ACTING PRESIDENT BAILEY:    The  
17  sponsor yields.

18                  SENATOR LANZA:    I'll try to make it  
19  clear.

20                  So I don't think the sponsor is  
21  really telling us that there was this computer  
22  tucked in some basement of some building where  
23  they film "Men in Black" which did everything  
24  autonomously without any human input, and that we  
25  all just sat around waiting for the cake to be

1 baked and that you were as surprised as anyone  
2 when you received the maps from that computer. I  
3 don't think that is what happened. In fact, I  
4 know that is not what happened.

5 SENATOR GIANARIS: And I never said  
6 that's what happened.

7 SENATOR LANZA: So through you,  
8 Mr. President, the drawing of these districts  
9 occurred somewhere and involved someone, and  
10 probably more than someone. I'm trying to get,  
11 on behalf of the people of the State of New York,  
12 a glimpse into that process.

13 SENATOR GIANARIS: I understand  
14 that, Senator Lanza.

15 SENATOR LANZA: Because I've had  
16 none as a member of LATFOR, the people of the  
17 state have had none.

18 And I think it's time, before we  
19 vote on this piece of legislation, that we draw  
20 back the curtains and open the door and get an  
21 idea how this happened and the process. And I  
22 think it's perfectly appropriate for us to be  
23 talking about the process.

24 So through you, Mr. President,  
25 besides 250 Broadway in New York City, which is

1 where LATFOR does most of its work, were any maps  
2 drawn in any other locations?

3 SENATOR GIANARIS: Once again, I  
4 don't know.

5 But let me say this, because maybe  
6 we could cut through this if we stipulate to some  
7 things. Maps were drawn, a computer did not  
8 organically draw them. Which I never said, but  
9 you seem to be under the impression that that's  
10 what might have happened. That's not what  
11 happened.

12 There are civil servants who work  
13 for LATFOR who do this work. They've been doing  
14 it for many, many years. You and your colleagues  
15 were not involved, we can stipulate to that.  
16 Okay? If that's what you're trying to get at.

17 You have maps before you that my  
18 name is on as the prime sponsor. I will take  
19 responsibility for what's on those pages. Ask me  
20 whatever you want about it. But I'm not going to  
21 sit here and let you start poking at civil  
22 servants and trying to identify people publicly  
23 for doing their jobs. You want to do that in  
24 litigation, you'll have the chance to try and do  
25 that, and a judge may or may not allow you to do

1 that. But I'm not going to sit here listing  
2 public servants into this political game you're  
3 trying to play.

4 SENATOR LANZA: Would the sponsor  
5 yield.

6 SENATOR GIANARIS: Yes.

7 ACTING PRESIDENT BAILEY: Does the  
8 sponsor continue to yield? The sponsor yields.

9 SENATOR LANZA: So this is not a  
10 game. This is very serious. I'm not poking at  
11 anyone. Regardless of your title -- Senator,  
12 employee, civil servant -- if it was your task to  
13 draw these maps, then the people of the State of  
14 New York deserve to know how you did it.

15 Through you, Mr. President, can the  
16 sponsor tell us how many meetings there were in  
17 drawing these lines?

18 SENATOR GIANARIS: No, I cannot.

19 SENATOR LANZA: Would the sponsor  
20 yield?

21 ACTING PRESIDENT BAILEY: Would the  
22 sponsor yield?

23 SENATOR GIANARIS: Yes.

24 ACTING PRESIDENT BAILEY: The  
25 sponsor yields.

1                   SENATOR LANZA:    And through you,  
2   Mr. President, the sponsor has already said that  
3   no out-of-state consultants were involved in this  
4   process.  Could he tell us whether or not there  
5   were any in-state consultants who were not  
6   employees or civil servants or members of the  
7   Legislature who had input or had an advisory  
8   position with respect to the drawing of these  
9   maps?

10                   SENATOR GIANARIS:    No, there were  
11   not.

12                   SENATOR LANZA:    Will the sponsor  
13   yield.

14                   ACTING PRESIDENT BAILEY:    Will the  
15   sponsor yield?

16                   SENATOR GIANARIS:    Yes.

17                   ACTING PRESIDENT BAILEY:    The  
18   sponsor continues to yield.

19                   SENATOR LANZA:    So it's clear the  
20   sponsor does know specifically some of the things  
21   that happened here.

22                   SENATOR GIANARIS:    Let me just --  
23   because you're characterizing my response, so let  
24   me just step in to clarify.

25                   Yes, I would know if there was a

1 contract with a consultant. So I can answer that  
2 question. I don't know which civil servants  
3 working at LATFOR were typing things into a  
4 computer. Those are two different things.

5 SENATOR GIANARIS: Will the sponsor  
6 yield?

7 SENATOR GIANARIS: Yes.

8 ACTING PRESIDENT BAILEY: Does the  
9 sponsor yield? The sponsor has agreed to yield.

10 SENATOR LANZA: That's  
11 understandable. I appreciate that.

12 Mr. President, through you, can the  
13 sponsor tell us whether or not he made any  
14 decisions with respect to where any of these  
15 lines were drawn?

16 SENATOR GIANARIS: I'm pausing  
17 because these things are vague and general.

18 I had input into the lines, yes.  
19 But ultimately let me also say that we have a  
20 strict set of criteria that exist, and that's  
21 what was driving the map making.

22 SENATOR LANZA: Will the sponsor  
23 yield?

24 SENATOR GIANARIS: Yes.

25 SENATOR LANZA: So let's get to the

1 that.

2 So the strict set of data that drove  
3 this process, can you describe what that or those  
4 are?

5 SENATOR GIANARIS: Give me one  
6 moment to pull that up. (Pause.)

7 Okay, so it's all laid out in the  
8 Constitution, but since you asked: Whether such  
9 lines would result in the denial or abridgement  
10 of racial or language minority voting rights.  
11 Districts shall not be drawn to have the purpose  
12 of nor shall they result in the denial or  
13 abridgment of such rights.

14 Districts shall be drawn so that,  
15 based on the totality of circumstances, racial or  
16 minority language groups do not have less  
17 opportunity to participate in the political  
18 process than other members of the electorate and  
19 to elect representatives of their choice.

20 To the extent practicable, districts  
21 shall contain as nearly as may be an equal number  
22 of inhabitants. For each district that deviates,  
23 the commission shall provide explanation. Each  
24 district shall consist of contiguous territory.  
25 Each district shall be as compact in form as

1 possible. Districts shall not be drawn to  
2 discourage competition or for the purpose of  
3 favoring or disfavoring incumbents or other  
4 political candidates or political parties.

5 The commission shall consider the  
6 maintenance of cores of existing districts, of  
7 preexisting political subdivisions, including  
8 counties, cities and towns, and of communities of  
9 interest.

10 Towns or blocks which from their  
11 location may be included in either of two  
12 districts shall be so placed as to make said  
13 districts most nearly equal in number of  
14 inhabitants.

15 The requirements that Senate  
16 districts do not divide counties or towns, as  
17 well as the "block-on-border" and  
18 "town-on-border" rules, shall remain in effect.

19 SENATOR LANZA: Will the sponsor  
20 yield?

21 SENATOR GIANARIS: Yes.

22 ACTING PRESIDENT BAILEY: Does the  
23 sponsor continue to yield? The sponsor yields.

24 SENATOR LANZA: Through you,  
25 Mr. President. Thank you, Senator Gianaris.

1                   So who made sure that all that  
2 happened?

3                   SENATOR GIANARIS:    The civil  
4 servants at LATFOR who drew these maps.  With  
5 input from me, if that's what you're looking for.

6                   SENATOR LANZA:     With input from  
7 you.

8                   SENATOR GIANARIS:    Yes.

9                   SENATOR LANZA:     Would the sponsor  
10 yield.

11                  ACTING PRESIDENT BAILEY:   Will the  
12 sponsor yield?

13                  SENATOR GIANARIS:    Yes.

14                  ACTING PRESIDENT BAILEY:   The  
15 sponsor yields.

16                  Senator Lanza, as a courtesy, you  
17 are approaching your 30-minute debate limit.  
18 Just as a courtesy.

19                  SENATOR LANZA:     Okay.  Thank you.

20                  SENATOR GIANARIS:    And I should  
21 say, Senator Lanza -- I'm sorry to step in, but  
22 as it relates to the Assembly portion of this  
23 bill, I don't speak for the Assembly.  So I'm  
24 just giving you our side of the equation here.

25                  SENATOR LANZA:     I understand.  And

1 I appreciate that.

2 Through you, Mr. President, would  
3 the sponsor yield.

4 ACTING PRESIDENT BAILEY: Would the  
5 sponsor yield?

6 SENATOR GIANARIS: Yes.

7 ACTING PRESIDENT BAILEY: The  
8 sponsor yields.

9 SENATOR LANZA: Through you,  
10 Mr. President. Senator Gianaris, it's been  
11 reported that, quote, unquote, an Hispanic  
12 district was drawn. Do you believe that to be  
13 true?

14 SENATOR GIANARIS: I don't know  
15 what that means, Senator Lanza. Can you be more  
16 specific in your question?

17 SENATOR LANZA: Through you,  
18 Mr. President, I'm just going by what your press  
19 secretary said.

20 SENATOR GIANARIS: Can you -- I  
21 mean, I don't know what you're referring to,  
22 Senator Lanza.

23 SENATOR LANZA: Through you,  
24 Mr. President, it's been widely reported in the  
25 news that an Hispanic district was drafted. Is

1 that true, and what does that mean?

2 SENATOR GIANARIS: The map contains  
3 many districts that have predominant Hispanic  
4 populations.

5 And as I did yesterday, let me point  
6 out I'm using the term "Hispanic" because that's  
7 the term the Census uses.

8 SENATOR LANZA: Yes. Yes, I  
9 understand that. And thank you for clarifying  
10 that.

11 Will the sponsor yield.

12 ACTING PRESIDENT BAILEY: Will the  
13 sponsor yield?

14 SENATOR GIANARIS: Yes.

15 ACTING PRESIDENT BAILEY: The  
16 sponsor yields.

17 SENATOR LANZA: Is the sponsor  
18 aware of some opposition that is being raised by  
19 the Asian-American community, especially in  
20 New York City, with respect to the feeling that  
21 their vote has been diluted by the maps drawn  
22 here?

23 SENATOR GIANARIS: I'm aware of --  
24 am I aware of that? I'm aware of it specifically  
25 as it relates to some concerns about the Assembly

1 lines.

2 SENATOR LANZA: Will the sponsor  
3 yield.

4 ACTING PRESIDENT BAILEY: Will the  
5 sponsor continue to yield?

6 SENATOR GIANARIS: Yes.

7 ACTING PRESIDENT BAILEY: The  
8 sponsor yields.

9 SENATOR LANZA: With respect to  
10 these new lines, how -- how many -- with respect  
11 to these new lines, how many Republican members  
12 of the Senate now find themselves living in the  
13 same district?

14 SENATOR GIANARIS: I'm sorry, I was  
15 speaking to staff. Can you repeat that, Senator  
16 Lanza?

17 SENATOR LANZA: Yes. With respect  
18 to these new lines that are being proposed, how  
19 many sitting Republican members of the Senate  
20 will now find themselves living in the same  
21 district?

22 SENATOR GIANARIS: I'm not sure I  
23 know the answer to that offhand. I know there's  
24 been -- I think there's been reports since the  
25 maps came out about a couple of such situations.

1                   SENATOR LANZA:    Will the sponsor  
2 yield?

3                   SENATOR GIANARIS:    Yes.

4                   ACTING PRESIDENT BAILEY:    Senator  
5 Lanza, you have reached your 30-minute debate  
6 limit. The sponsor has agreed to yield. Let  
7 this be the final question.

8                   SENATOR GIANARIS:    Mr. President,  
9 let Senator Lanza continue. But he is eating  
10 into his colleagues' time if they also intend to  
11 debate.

12                   SENATOR LANZA:    Okay.

13                   ACTING PRESIDENT BAILEY:    On  
14 consent, continue, Senator Lanza.

15                   SENATOR LANZA:    Thank you,  
16 Mr. President.

17                   Would the sponsor yield.

18                   SENATOR GIANARIS:    Yes.

19                   ACTING PRESIDENT BAILEY:    Will the  
20 sponsor yield?

21                   SENATOR GIANARIS:    Yes, I do.

22                   ACTING PRESIDENT BAILEY:    The  
23 sponsor yields.

24                   SENATOR LANZA:    So I will help  
25 Senator Gianaris out. There are four members in

1 the Senate who are Republicans who will now find  
2 themselves living in the same district. Could  
3 you tell us how that occurred?

4 SENATOR GIANARIS: Well, as Senator  
5 Lanza surely knows, the maps had to change.  
6 That's why redistricting is required.  
7 Populations shift. There seemed to be migration  
8 over the last decade to parts of downstate.  
9 That's one reason.

10 Another reason is the  
11 Republican-drawn maps that we're living with  
12 today had taken full advantage to manipulate the  
13 allowable population deviation. So currently the  
14 difference between the most populated and least  
15 populated Senate districts is 9.3 percent. The  
16 legal limit is 10. And we endeavored to fix  
17 that, because we deem that to be an abusive form  
18 of gerrymandering. And now the difference  
19 between the most and least populated  
20 districts are 1.6 percent.

21 Now, I give you all that background  
22 data by way of explaining the Republicans, your  
23 side of the aisle, had done that in order to  
24 increase artificially the number of seats in a  
25 certain part of the state, and overpopulated

1 other districts to decrease their representation.

2 Now, we could have played that game  
3 and taken it in the other direction and kept the  
4 deviation to its maximum extent to benefit us for  
5 partisan reasons, but we did not do that. Our  
6 difference is 1.6 percent, which means that as  
7 close as possibly could be imagined, all the  
8 districts in the entire state have comparable  
9 population.

10 In doing that, that also  
11 necessitated a shift -- a shifting of the lines.  
12 And when the lines shift, people who reside in a  
13 certain area sometimes get inadvertently placed  
14 in the same districts.

15 But these lines are not drawn to  
16 make sure everyone who's elected has a district  
17 to run in. They're drawn for the communities of  
18 the state.

19 SENATOR LANZA: Would the sponsor  
20 yield.

21 ACTING PRESIDENT BAILEY: Does the  
22 sponsor continue to yield?

23 SENATOR GIANARIS: Yes.

24 ACTING PRESIDENT BAILEY: The  
25 sponsor yields.

1                   SENATOR LANZA:    Through you,  
2   Mr. President, I agree with that.  It's just  
3   funny, it's just funny -- or perhaps not so  
4   funny -- that magically or coincidentally, by  
5   complete happenstance, it occurred with  
6   Republican members of the New York State Senate.

7                   We're led to believe, Mr. President,  
8   that the author of these maps, the entity holding  
9   that pencil or pen was, like Lady Justice up  
10  there on the great Seal of New York State, blind,  
11  blind to the result, guided only by the  
12  constitutional parameters.  But anyone looking at  
13  these maps, Mr. President, cannot deny, cannot  
14  with a straight face see that Lady Justice did a  
15  lot of peeking and that there was an invisible or  
16  not-so-invisible hand really guiding the process.

17                  Because I believe in coincidences,  
18  but it's just a bit too much more for me to  
19  accept that a blind process guided only by these  
20  constitutional principles somehow seemed to  
21  target Republican members of the Senate --

22                  ACTING PRESIDENT BAILEY:    Senator  
23  Lanza, are you on the bill or are you asking the  
24  sponsor to yield for a question?

25                  SENATOR LANZA:    -- and not --

1                   ACTING PRESIDENT BAILEY:    Senator  
2   Lanza, are you on the bill or are you asking the  
3   sponsor to yield for a question?

4                   SENATOR LANZA:    I am asking a  
5   question.  I am asking a question.

6                   -- and not Democrat members of the  
7   Senate.  So my question, Mr. President, for the  
8   sponsor is, how could that have happened?

9                   SENATOR GIANARIS:    I'm informed,  
10   Senator Lanza, that there is a district where a  
11   Democrat incumbent was placed in a district with  
12   another incumbent Senator as well.  So it's not  
13   just the Republicans.

14                  SENATOR LANZA:    Would the sponsor  
15   yield.

16                  ACTING PRESIDENT BAILEY:    Will the  
17   sponsor yield?

18                  SENATOR GIANARIS:    Yes.

19                  ACTING PRESIDENT BAILEY:    The  
20   sponsor yields.

21                  SENATOR LANZA:    I am so glad the  
22   sponsor brought that up.

23                  Lady Justice seemed to have taken  
24   off her blindfold with respect to that district,  
25   too.  Because yes, there are two members who live

1 in a Senate Democrat -- a Democrat-leaning  
2 district -- in fact, I think the sponsor is one  
3 of them -- but surreptitiously, Lady Justice and  
4 that not-so-dumb computer created a brand-new  
5 district right next to that one in which no  
6 sitting member of the Senate now resides.

7 SENATOR GIANARIS: Can you be  
8 specific -- I don't know what you're referring  
9 to. It would be the helpful.

10 SENATOR LANZA: Yeah, I will.

11 So through you, Mr. President, the  
12 sponsor just mentioned that there is in fact a  
13 district in which two sitting members of the  
14 Democratic caucus reside.

15 SENATOR GIANARIS: That's not what  
16 I said. I said there's a district where a  
17 Democratic member and another incumbent member  
18 were placed in the same district.

19 SENATOR LANZA: Would the sponsor  
20 yield.

21 ACTING PRESIDENT BAILEY: Will the  
22 sponsor yield?

23 SENATOR GIANARIS: Yes.

24 ACTING PRESIDENT BAILEY: The  
25 sponsor yields.

1                   SENATOR LANZA:    We could talk about  
2   that one.  So once again, you're alluding to a  
3   district in which a Democratic member of the  
4   Senate will now be sharing a district with a  
5   sitting Republican member of the Senate.

6                   And it just so happens, again, this  
7   computer -- I wish somebody would tell me where I  
8   could buy this computer -- it happens to be the  
9   district that has the greatest shift in terms of  
10  where it was in registration and where it now is  
11  in registration.  I think, if memory serves me,  
12  it goes from an R-plus, D -- it goes from a D4 to  
13  a D40.  So for those listening, it means it went  
14  from a slightly Democratic seat to an  
15  overwhelmingly Democrat seat.

16                  So yes, there is a seat in which a  
17  Republican and a Democrat who are now in office  
18  are pitted against each other.  But the computer  
19  was able to draw a district that Abraham Lincoln  
20  probably couldn't win.

21                  SENATOR GIANARIS:    Senator Lanza,  
22  if I may --

23                  SENATOR LANZA:    Yeah.

24                  SENATOR GIANARIS:    Because I  
25  honestly have no idea what you're talking about.

1 I don't know what the D-plus, minus, whatever is  
2 in this district. I honestly don't know.

3 But just because we've all run in  
4 campaigns and are involved in politics, I  
5 seriously doubt it went from plus 4 to plus 40.  
6 That would just be like a -- some kind of  
7 monumental shift that I don't know if I can  
8 imagine happening. Maybe it did. But if it did,  
9 I don't even know that it did. So that's fine.

10 But let me say as well about this  
11 district, because let's be clear about what  
12 happened. Okay? Sometimes districts are going  
13 to get better and sometimes districts are not  
14 going to get better and the districts are going  
15 to change when you redraw the lines.

16 But you're talking about a  
17 district -- and just because we're speaking very  
18 generally, let's get to it, it's Amherst, I  
19 believe, is the town we're talking about -- that  
20 you folks had twisted and convoluted to connect  
21 to the City of Rochester. Okay? Why? Because  
22 it was R-plus whatever your chart says there. I  
23 don't even know what it was. Right?

24 And so putting a suburb of Buffalo  
25 with the City of Buffalo is why that happened.

1 And for you -- because I've heard this out in the  
2 world since these maps came out -- for you to say  
3 that somehow our interests should be in making  
4 sure that current districts that elect certain  
5 people continue to do that, that's partisan  
6 gerrymandering. I don't have those numbers  
7 you're looking at. Okay? You're looking at how  
8 much Democrats would get, how much Republicans  
9 get. I don't have that.

10 I'm thinking about Amherst is next  
11 to Buffalo. They belong together. As opposed to  
12 let me take Amherst and jump through all these  
13 other rural towns and get all the way out here so  
14 I could split Rochester three ways. Because when  
15 you guys drew these lines, there were all  
16 Republicans representing the City of Rochester.  
17 As it turns out, we beat you under your own  
18 lines. We can talk about that another time.

19 But that was egregious. You can't  
20 sit here and complain about the fact that we're  
21 keeping a city and its suburbs together when you  
22 would want to connect a Buffalo suburb to the  
23 city of Rochester which you are only carving into  
24 to keep the other residents of Rochester from  
25 electing a representative of their choice.

1                   SENATOR LANZA:    Will the sponsor  
2 yield.

3                   SENATOR GIANARIS:    Yes.

4                   ACTING PRESIDENT BAILEY:    Will the  
5 sponsor yield?  The sponsor yields.

6                   SENATOR LANZA:    Through you,  
7 Mr. President.  As I've stated a number of times,  
8 I didn't connect anything to anyone.

9                   SENATOR GIANARIS:    It must have  
10 been the computer you guys use.

11                   SENATOR LANZA:    And irrespective of  
12 what happened 10 years ago, 20 years ago or  
13 50 years ago, it is the legislation and the maps  
14 before us that are relevant.

15                   SENATOR GIANARIS:    You can try it,  
16 Senator Lanza, and escape talking about what you  
17 guys did, but you cannot for the following  
18 reason.

19                   I'm not doing it just to be, you  
20 know, petty.  The changes you see that you're  
21 complaining about are the result of us fixing the  
22 horrible map drawing that you all did a decade  
23 ago.  Maybe it wasn't you.  Like I said, maybe  
24 you had your own supercomputer or whatever.  I'm  
25 not going to sit here and ask you "Who drew your

1 lines 10 years ago, Senator Lanza? Give me the  
2 name of the person," like you are.

3 But the fact is, this map is a fix.  
4 And when you fix things that are broken, they're  
5 going to change. And you may not like that  
6 change, but that's what's happening. And that's  
7 why I'm going to keep bringing up what these  
8 lines looked like 10 years ago.

9 SENATOR LANZA: Would the sponsor  
10 yield.

11 SENATOR GIANARIS: Yes.

12 ACTING PRESIDENT BAILEY: Will the  
13 sponsor continue to yield?

14 SENATOR GIANARIS: Yes.

15 ACTING PRESIDENT BAILEY: The  
16 sponsor yields.

17 SENATOR LANZA: I would agree this  
18 is a fix. I would agree it's fixed. And I would  
19 say the only thing it fixes --

20 SENATOR GIANARIS: I think, if I  
21 can help you, the term of art for people on your  
22 side of the aisle is rigged. Isn't that what you  
23 guys say every time you don't like something that  
24 happens?

25 SENATOR LANZA: Mr. President, as

1 always, I tend to agree with Senator Gianaris on  
2 many things. Yes, rigged. By the way,  
3 Mr. President, not by you, but by someone.

4 Because I agree with what the  
5 sponsor was saying, Mr. President, about the fact  
6 that the maps should not be drawn to favor one  
7 party or one incumbent or some candidate. And so  
8 in fact, Mr. President, I'm asking these  
9 questions not because I want that to happen, but  
10 because it has already happened.

11 SENATOR GIANARIS: It happened a  
12 decade ago --

13 SENATOR LANZA: It has already  
14 happened. It is happening right here in these  
15 lines.

16 SENATOR GIANARIS: It happened  
17 10 years ago, it happened 20 years ago, it  
18 happened 30 years ago --

19 SENATOR LANZA: And through you,  
20 Mr. President --

21 SENATOR GIANARIS: -- it happened  
22 40 years ago, it happened 50 years ago.

23 SENATOR LANZA: And through you,  
24 Mr. President --

25 SENATOR GIANARIS: All by your side

1 of the aisle. I could go back further --

2 SENATOR LANZA: Through you,  
3 Mr. President, I'd like to think that I have some  
4 common sense. It is implausible, I'll say  
5 impossible for me to accept that these maps were  
6 created without, without attention to helping one  
7 incumbent or another, or one party. That's my  
8 belief.

9 Mr. President -- Mr. President,  
10 through you -- because I know a lot of people  
11 across the State of New York are going to see and  
12 are going to know the same thing. And so we  
13 could talk about 10 years ago as long as the  
14 sponsor wants to. If the sponsor would like to  
15 bring that legislation back to the floor, I'd  
16 gladly vote aye.

17 But we're talking about this  
18 legislation, because this is what the people of  
19 the State of New York are going to have to live  
20 with for the next 10 years.

21 Mr. President, through you, would  
22 the sponsor yield?

23 ACTING PRESIDENT BAILEY: Will the  
24 sponsor yield?

25 SENATOR GIANARIS: Yes.

1                   ACTING PRESIDENT BAILEY:    The  
2                   sponsor yields.

3                   SENATOR LANZA:     Senator Gianaris,  
4                   did LATFOR, you or the computer use election or  
5                   enrollment data when drawing these districts?

6                   SENATOR GIANARIS:    I'm trying to  
7                   get it -- your questions get very vague, which is  
8                   why I'm pausing.

9                   Registration data is available  
10                  publicly.  It's always been.  I believe LATFOR  
11                  posts them on their website so the public can  
12                  have a look at them and, you know, do their own  
13                  analysis and know what's happening.

14                  And of course we have to look at  
15                  them in the sense of making sure that the maps  
16                  are being done correctly.

17                  So yes.  But they were not drawn for  
18                  the purpose -- let me get the words exactly  
19                  right.  They were not drawn for the purpose of  
20                  favoring or disfavoring incumbents or particular  
21                  candidates or political parties.

22                  SENATOR LANZA:     Will the sponsor  
23                  yield?

24                  SENATOR GIANARIS:    If I can just --  
25                  I will, but if I can just clarify a little

1 further, just so everyone understands what I'm  
2 talking about.

3 There's a legal principle that  
4 relates to the first criteria, but it also is a  
5 federal principle, where you cannot allow for the  
6 retrogression of minority voting power. In order  
7 to ensure that you're doing that, you have to  
8 look at election performance in those districts.

9 SENATOR LANZA: Will the sponsor  
10 yield?

11 ACTING PRESIDENT BAILEY: Will the  
12 sponsor yield?

13 SENATOR GIANARIS: Yes.

14 ACTING PRESIDENT BAILEY: The  
15 sponsor yields.

16 SENATOR LANZA: Through you,  
17 Mr. President. That reminds me, could the  
18 sponsor tell us how many districts contain over  
19 50 percent of a specific minority?

20 SENATOR GIANARIS: One second.

21 (Pause.)

22 SENATOR GIANARIS: If I understand  
23 your question, it's how many districts have a  
24 majority of a particular --

25 SENATOR LANZA: Yes.

1                   SENATOR GIANARIS:    -- minority  
2                   population, right?  Let me do the math here.  
3                   Hold on one second.

4                   (Pause.)

5                   SENATOR GIANARIS:    I believe it's  
6                   seven.  Seven with a majority.  There are others  
7                   with a plurality of minority representation.

8                   SENATOR LANZA:       Will the sponsor  
9                   yield?

10                  ACTING PRESIDENT BAILEY:    Will the  
11                  sponsor yield?

12                  SENATOR GIANARIS:    Yes.

13                  ACTING PRESIDENT BAILEY:    The  
14                  sponsor yields.

15                  SENATOR LANZA:       Through you,  
16                  Mr. President, thank you.

17                  Could the sponsor tell us whether or  
18                  not these districts were drafted with those  
19                  communities in mind?

20                  SENATOR GIANARIS:    To the extent we  
21                  were required to to comply with the law I just  
22                  referenced, then of course.

23                  SENATOR LANZA:       Would the sponsor  
24                  yield.

25                  ACTING PRESIDENT BAILEY:    Will the

1 sponsor yield?

2 SENATOR GIANARIS: Yes.

3 ACTING PRESIDENT BAILEY: The  
4 sponsor yields.

5 SENATOR LANZA: Does the sponsor  
6 know and therefore could the sponsor tell us what  
7 the citizen voting age population is of those  
8 districts?

9 SENATOR GIANARIS: We got into this  
10 a little bit yesterday, Senator Lanza, with  
11 Senator O'Mara. The Census has not provided us  
12 with final citizen voting age population data at  
13 this point. So I don't have that.

14 SENATOR LANZA: Will the sponsor  
15 yield?

16 ACTING PRESIDENT BAILEY: Will the  
17 sponsor yield?

18 SENATOR GIANARIS: Yes.

19 ACTING PRESIDENT BAILEY: The  
20 sponsor yields.

21 SENATOR LANZA: Through you,  
22 Mr. President. So a few moments ago we talked  
23 about this computer and that data needed to be  
24 inputted.

25 If that information was not

1 available, what information and data was used?

2 SENATOR GIANARIS: We used the  
3 census data as it relates to population  
4 generally. And we do have, I'm told, the  
5 voting-age population but not the citizen voting  
6 age population.

7 SENATOR LANZA: Will the sponsor  
8 yield.

9 ACTING PRESIDENT BAILEY: Would the  
10 sponsor yield?

11 SENATOR GIANARIS: Yes.

12 ACTING PRESIDENT BAILEY: The  
13 sponsor yields.

14 SENATOR LANZA: So just to be  
15 clear, is the sponsor saying that the -- so which  
16 information was available?

17 SENATOR GIANARIS: The voting-age  
18 population. I guess, from what I'm gathering  
19 from what I'm being told, we don't know among  
20 that population which are citizens or not.

21 SENATOR LANZA: Would the sponsor  
22 yield.

23 SENATOR GIANARIS: Yes.

24 ACTING PRESIDENT BAILEY: Will the  
25 sponsor yield? The sponsor yields.

1                   SENATOR LANZA:    Through you,  
2   Mr. President.

3                   So could the sponsor tell us then  
4   how you evaluated the VR districts without  
5   utilizing the data?

6                   SENATOR GIANARIS:   Well, we  
7   utilized the data I just referenced.

8                   SENATOR LANZA:    Would the sponsor  
9   yield?

10                  ACTING PRESIDENT BAILEY:   Will the  
11   sponsor yield?

12                  SENATOR GIANARIS:    Yes.

13                  ACTING PRESIDENT BAILEY:   The  
14   sponsor yields.

15                  SENATOR LANZA:    Can the sponsor  
16   tell us, would that data provide the same  
17   information?

18                  SENATOR GIANARIS:    No.  
19   I thought you were done.

20                  SENATOR LANZA:    Yeah.

21                  SENATOR GIANARIS:    I mean obviously  
22   not, or else it would be the same data.

23                  But this is what we have to go on.  
24   Most of the country has already finished their  
25   redistricting, so I assume they're using the same

1 information that we have available to us. It's  
2 just not the CVAP data, not the citizen voting  
3 age population data.

4 SENATOR LANZA: Would the sponsor  
5 yield.

6 ACTING PRESIDENT BAILEY: Will the  
7 sponsor continue to yield?

8 Senator Gianaris, do you yield?

9 SENATOR GIANARIS: Oh, yes, I  
10 yield, Mr. President.

11 ACTING PRESIDENT BAILEY: The  
12 sponsor yields.

13 SENATOR GIANARIS: Would you like  
14 me to answer that?

15 SENATOR LANZA: Yeah.

16 SENATOR GIANARIS: My understanding  
17 is the citizen age voting population is not a  
18 criteria we're required to use for purposes of  
19 complying with federal laws. But the other data  
20 we're using provides enough information for us to  
21 comply with federal standards.

22 SENATOR LANZA: Would the sponsor  
23 yield?

24 ACTING PRESIDENT BAILEY: Would the  
25 sponsor yield?

1                   SENATOR GIANARIS:    Yes.

2                   ACTING PRESIDENT BAILEY:    The  
3 sponsor yields.

4                   SENATOR LANZA:     Would the sponsor  
5 tell us how recent or -- the latest confirmed  
6 data, the year that we have that data for?

7                   SENATOR GIANARIS:    One moment,  
8 please.

9                   (Pause.)

10                  SENATOR GIANARIS:    We're getting  
11 into the weeds here, but it's a good question.

12                  So we don't have the CVAP data  
13 current and final, as we discussed.  What the  
14 Census does is periodic surveys to update its  
15 data from a decade ago.  The data -- the most  
16 recent such survey was in 2020, except that data  
17 is widely viewed now as unreliable because it is  
18 accepted that it misestimated a lot of the  
19 numbers.  And that was most evidently so in the  
20 fact that that data would have indicated we were  
21 going to lose two congressional seats in  
22 New York, that's why everyone had that  
23 expectation, but when the actual data came in we  
24 only lost one.

25                  So from what I understand, all

1 experts recognize that the 2020 survey data is  
2 not a reliable barometer at this point.

3 SENATOR LANZA: Would the sponsor  
4 yield?

5 SENATOR GIANARIS: Yes.

6 ACTING PRESIDENT BAILEY: Will the  
7 sponsor continue to yield? The sponsor yields.

8 SENATOR LANZA: Does the sponsor  
9 believe that if we waited for the newest data  
10 that there would be a greater chance that the  
11 maps would be drawn according to the  
12 constitutional parameters?

13 SENATOR GIANARIS: No.

14 SENATOR LANZA: Will the sponsor  
15 yield?

16 SENATOR GIANARIS: Yes.

17 ACTING PRESIDENT BAILEY: Will the  
18 sponsor yield? The sponsor continues to yield.

19 SENATOR LANZA: Is the sponsor  
20 saying that with the new data that ought to be  
21 used, nothing would change?

22 SENATOR GIANARIS: I expect nothing  
23 would change, yeah.

24 But again, I'm told that the federal  
25 standards do not require or expect us to look at

1 citizen data, only population data. And so the  
2 voting age population data which we have is  
3 sufficient.

4 SENATOR LANZA: Will the sponsor  
5 yield?

6 SENATOR GIANARIS: Yes.

7 ACTING PRESIDENT BAILEY: Would the  
8 sponsor yield? The sponsor yields.

9 SENATOR LANZA: Through you,  
10 Mr. President. Would the sponsor agree that if,  
11 for instance, in SD 51, if a district was drawn  
12 which combines two incumbent Senators of the same  
13 party and that it was drawn intentionally to  
14 accomplish that goal, that that would be  
15 unconstitutional?

16 SENATOR GIANARIS: I mean, these  
17 standards are brand-new and have not been  
18 interpreted. So I don't want to sit in the  
19 position of our judiciary and tell you exactly  
20 what would run afoul of them or not.

21 But to the extent it was being done  
22 intentionally to -- let me get the language  
23 right -- intentionally to disfavor an incumbent,  
24 that that would seem to be violative of  
25 subdivision 5 of that provision.

1                   SENATOR LANZA:    Would the sponsor  
2   yield.

3                   ACTING PRESIDENT BAILEY:    Will the  
4   sponsor yield?

5                   SENATOR GIANARIS:    Yes.

6                   ACTING PRESIDENT BAILEY:    The  
7   sponsor yields.

8                   SENATOR LANZA:    Through you,  
9   Mr. President.  And so the sponsor is claiming  
10  that that did not happen there.

11                   SENATOR GIANARIS:    It certainly did  
12  not happen.

13                   SENATOR LANZA:    Will the sponsor  
14  yield.

15                   SENATOR GIANARIS:    Yes.

16                   ACTING PRESIDENT BAILEY:    The  
17  sponsor yields.

18                   SENATOR LANZA:    And would that --  
19  the sponsor agree that where it also occurred in  
20  SD 4, in which two Republican members of the  
21  Senate now live in the same district, that again  
22  that was just a happenstance of the data that was  
23  inputted into the computer and then -- resulting  
24  in lines spit out by the computer?

25                   SENATOR GIANARIS:    That's exactly

1 what I'm saying.

2 SENATOR LANZA: Would the sponsor  
3 yield.

4 ACTING PRESIDENT BAILEY: Will the  
5 sponsor yield?

6 SENATOR GIANARIS: Yes.

7 ACTING PRESIDENT BAILEY: The  
8 sponsor yields.

9 SENATOR LANZA: So I don't know  
10 whether or not the sponsor is aware, but one of  
11 these districts that we're talking about --  
12 because the sponsor, when we discussed this issue  
13 a few minutes ago, talked about the fact that  
14 when you change districts dramatically, these  
15 sorts of things are going to happen.

16 One of these districts,  
17 Mr. President, is substantially intact. And what  
18 I mean by that is very, very, very, very little  
19 has changed between the old district and the new  
20 district. Let's say this is the district  
21 (indicating sheet of paper) except one little  
22 thing. Right over here lives a Republican member  
23 of the Senate. (Indicating corner of paper.)  
24 She's here now. And somehow the computer knew  
25 and Lady Justice up there lifted her blindfold,

1 and her house was snipped right out of the  
2 district, while the rest of the district is the  
3 same.

4 Can the sponsor explain that?

5 SENATOR GIANARIS: Well, I can,  
6 because the rest of her district is not the same.

7 And that district was changed in  
8 order to unite communities of interest that were  
9 intentionally divided by you all 10 years ago. I  
10 know you don't want to hear it, but if you want  
11 me to answer the question, I've got to explain  
12 the context.

13 So we were combining communities  
14 that you had divided -- intentionally, I would  
15 submit -- and in doing so the result you  
16 referenced occurred. But it was not intentional.

17 SENATOR LANZA: Mr. President, on  
18 the bill.

19 ACTING PRESIDENT BAILEY: Senator  
20 Lanza on the bill.

21 SENATOR LANZA: Mr. President,  
22 first I want to thank Senator Gianaris.

23 This is -- to most people it's  
24 boring. But the implications and the impact on  
25 the State of New York is not, it's far from it.

1 This is as important a bill as you will ever vote  
2 on if you are a member of the Legislature.

3 And Mr. President, I believe the  
4 people of the State of New York deserve to know  
5 how these maps were drawn, who drew them, and why  
6 they ended up looking the way they do.

7 You know, there's a term known as  
8 "gerrymandering." I think it combines the name  
9 of a member of some legislature years ago with  
10 "salamander," because somebody looked at some of  
11 the district lines and said it looks like a  
12 salamander, and some guy Gerry made them, so  
13 we'll call it gerrymandering.

14 Mr. President, the sponsor tells us  
15 that this legislation aims to fix that and to  
16 cure that. The people of the State of New York  
17 are going to get a look at these maps and they're  
18 going to know, Mr. President, that that's not  
19 true. When you look at these maps, what you're  
20 going to see are a bunch of salamanders which  
21 have grown new legs and a longer tail.

22 In fact, they look like octopus.  
23 Maybe that ought to be the new way we describe  
24 this one. We'll call it gerrypus. Because,  
25 because this map is the quintessential definition

1 of improper gerrymandering written with one goal  
2 in mind, to grab more power for one party, when  
3 the goal of districting is to make sure that the  
4 people's voices are heard.

5           You know I hear a lot lately from  
6 the left about an attack on our democracy. I  
7 hear a lot on the left, from the left, about the  
8 disenfranchisement of voters. I hear a lot from  
9 the left about a so-called voting rights bill,  
10 named after one of America's great legislators,  
11 that's being considered in Congress now as being  
12 vitally important if we're going to fix so-called  
13 our democracy.

14           Mr. President, this map violates  
15 that bill. If that bill were law, these maps  
16 would be thrown out. Period. And in fact,  
17 Mr. President, the entire impact of this  
18 legislation will do more to disenfranchise  
19 voters, will do more to marginalize voters, will  
20 do more to alienate certain minority communities,  
21 will do more to allow one party to grab more  
22 power than anything that's ever come before this  
23 floor.

24           The world is watching,  
25 Mr. President, and the world knows exactly what's

1       happening here.

2                       Quite frankly, Mr. President, I  
3       accept everything Senator Gianaris said with  
4       respect to what he knows and what he doesn't  
5       know. But we all know, we all know,  
6       Mr. President, that this map was not written by  
7       some neutral computer sitting in some basement  
8       somewhere. Impossible.

9                       We all know, Mr. President, that  
10      people -- politicians -- sat down and said, Let's  
11      make this district look like that because we'll  
12      get another Democrat. Let's draw this district  
13      this way, because we'll get rid of that  
14      Republican. There's no other way to explain this  
15      map, period.

16                      Now, Senator Gianaris and I like to  
17      discuss the past sometimes. He likes to talk --  
18      tell tales about the past, 10 years ago and  
19      beyond. Why don't I just stipulate, why don't I  
20      just stipulate that what's happened in the past  
21      10 years ago, 20 years ago, 30 years ago,  
22      40 years ago is not perfect. I'll go so far as  
23      to say I wouldn't have done it that way. But  
24      Senator Gianaris likes to talk about it,  
25      Mr. President, to muddy the waters of what is

1       happening now, to blind the people to what is  
2       about to hit them.

3                       Let's just say somebody committed a  
4       wrong 10 or 20 or 30 years ago. I don't  
5       understand the logic in terms of what that means  
6       today. Does that mean if somebody robbed a bank  
7       20 years ago that we're going to rob a bank  
8       today? Is this about petty you-got-me, now  
9       I-got-you? Because it's not supposed to be.

10                      This bill needs to stand on its own.  
11       We're here to judge this bill the way it is. The  
12       people of the State of New York are going to have  
13       to live with these maps. And I can tell you  
14       this, Mr. President. The people of the State of  
15       New York have had it. They have had it. As I  
16       travel the state I see despair, frustration.  
17       People feel that too much is wrong and not enough  
18       is right. But really they despair because they  
19       feel they don't have a voice and they don't have  
20       a say and that their liberty has been limited and  
21       their freedom has been infringed. And that it  
22       seems more and more every day that government has  
23       more power than they do.

24                      And that's not the American way.  
25       Thomas Jefferson knew that it's a zero-sum game.

1 Every drop of power the government takes comes  
2 out of the well of liberty that belongs to the  
3 people. And this is the greatest power grab that  
4 I've seen in a long time. And every drop of  
5 power that the Democrats are gobbling for  
6 themselves comes at the expense of the freedom of  
7 the people.

8 And that's why they despair and  
9 that's why they are tired and that's why they are  
10 frustrated. When they see this, they say: This  
11 whole thing is rigged against us. We have no  
12 voice. These politicians, all they care about is  
13 their own power, and they'll shred our rights to  
14 grab another ounce of it.

15 You know, Mr. President, I'm going  
16 to be voting no when the time comes. As if that  
17 was any surprise. But what's happening here is  
18 wrong. Listen, I understand -- we talked about  
19 conversations between me and the Majority Floor  
20 Leader. We both love our state, we both love our  
21 country. We talk about the process often, what's  
22 wrong with it, what's right with it.

23 The sponsor wants to talk about what  
24 happened 10 years ago. There's a big difference.  
25 First of all, the Constitution didn't include an

1 Independent Redistricting Commission. Second of  
2 all, Democrats did not call -- control every  
3 branch of government in the State of New York. I  
4 will admit in this chamber, Mr. President, that  
5 politics is a competitive, bare-knuckles  
6 endeavor. And so of course people understand  
7 that if you give the pen to the Republicans,  
8 they're probably going to try to write Republican  
9 districts. Let's admit the big elephant in the  
10 room here. If you give the pen to the Democrats,  
11 they're probably going to write districts for  
12 Democrats.

13 I know when you say that,  
14 politicians run around with their fingers in  
15 their ears and say, Impossible, that doesn't  
16 happen, I would never do it, I don't know what  
17 you're talking about. It's a computer. It's a  
18 computer. Blame her. Blame him. Civil  
19 servants -- they're good people -- they did it.  
20 I don't know what you're talking about.

21 Everybody knows what I'm talking  
22 about. Everybody knows what I'm talking about.  
23 And so the only way the system works in the  
24 absence of what we tried to do in the state, the  
25 Independent Redistricting Commission, which was

1 to take the politics out of it -- it didn't work.  
2 The only way that you get close to it is when you  
3 have both sides at it, when you have the  
4 Republicans at the table and Democrats at the  
5 table.

6                   Republicans, yes, yes,  
7 Mr. President, trying to get more Republican  
8 districts. Yes, Mr. President, Democrats trying  
9 to draw more Democratic districts. But faced  
10 off. Fighting. Opposing. Arguing. And  
11 ultimately having to compromise. That's the way  
12 our founders intended the system to work.  
13 Compromise on behalf of the people so that you  
14 come as close to perfect, as close to good as  
15 possible.

16                   That's not what happened here,  
17 Mr. President. You cannot compare today to  
18 10 years ago. Today one party had the pen. One  
19 party. And that's dangerous. Any time one party  
20 has the pen, the people suffer. Because human  
21 nature kicks in, and politicians think of  
22 themselves. They forget why they came here.  
23 Their competitive juices flow, and they say,  
24 Let's beat them. Meaning let's beat the other  
25 party. And to heck, to heck with how that

1 affects the people.

2           And that's what happened here,  
3 Mr. President. One party, one pen. You heard it  
4 here, Mr. President, on the floor. Republicans  
5 were not even invited to, yes, the map-drawing  
6 party. They weren't. For the party that claims  
7 to care about minority voices, for the party that  
8 claims to care about inclusion, for the party  
9 that cares -- that claims to care about the  
10 voters and the people, this process, this process  
11 proved that at the end of the day too many  
12 politicians care only about themselves, their own  
13 power, their own party, and not the people.

14           And the people are going to see this  
15 map. And there's no way around that that is what  
16 happened.

17           And so it breaks my heart,  
18 Mr. President, that the other party not only  
19 can't do a damn thing about it, the other  
20 party -- the other party is not even invited, not  
21 even counseled, not even considered when doing  
22 something as important as this. Why not ask for  
23 input? No one said you had to use it. But right  
24 from the get-go it was clear.

25           Independent Redistricting

1 Commission, Mr. President, everyone knew where  
2 that was going. I'd love to find out one day  
3 whether or not someone told those people what  
4 they ought to do. Because if they did, because  
5 if they did, you're talking big time,  
6 Mr. President.

7 And we knew all along. I didn't ask  
8 Senator Gianaris, Mr. President, but I could tell  
9 you I wonder aloud, as well as so many others do,  
10 when were these maps really drawn? Were they  
11 drawn Saturday, were they drawn last week, last  
12 month, last year? People deserve to know,  
13 Mr. President. People deserve to know.

14 I know I'm not going to buy that  
15 these were drawn by some computer. I know the  
16 people ain't going to buy it. You know, there  
17 was a famous case in the U.S. Supreme Court  
18 concerning pornography, and the judge famously  
19 said, the justice famously said: I can't really  
20 describe it to you, Mr. President, but I know it  
21 when I see it. Gerrymandering, improper  
22 gerrymandering is kind of the same, in that --  
23 hard to define, but you know it when you see it.  
24 Just look at this map, Mr. President, and you  
25 will see it.

1                   And let's remember that  
2                   gerrymandering is just not some funny expression  
3                   that we talk about. It means that the voters  
4                   were screwed. That's what gerrymandering means.  
5                   It means the voters were used as pawns to serve  
6                   one party.

7                   I'll end with this, Mr. President.  
8                   I believe, as Judge Learned Hand once said, in  
9                   the ultimate supremacy of reason. In our  
10                  country, which was so brilliantly devised in  
11                  terms of its Constitution and its form of  
12                  government, we have the legislature, we have the  
13                  executive, and we have the judiciary,  
14                  Mr. President. And throughout my lifetime, the  
15                  courts were the last refuge for justice. And I'm  
16                  hoping, Mr. President, that they will remain as  
17                  such, because I believe that at some point the  
18                  court will get to see the same map that I am  
19                  looking at here.

20                  Mr. President, I thank you.

21                  ACTING PRESIDENT BAILEY:    Senator  
22                  Borrello, why do you rise?

23                  SENATOR BORRELLO:    Thank you,  
24                  Mr. President. Will the sponsor yield for a  
25                  question?

1                   ACTING PRESIDENT BAILEY:    Will the  
2 sponsor yield for some questions?

3                   SENATOR GIANARIS:    Yes, I will.

4                   ACTING PRESIDENT BAILEY:    The  
5 sponsor yields.

6                   SENATOR BORRELLO:    Yes, thank you,  
7 Senator Gianaris.

8                   So in this debate with Senator Lanza  
9 you I think quoted from the constitutional  
10 amendment the people of New York asked for, and  
11 voted for, that this process has to include  
12 communities of interest. Can you please define  
13 communities of interest?

14                   SENATOR GIANARIS:    I think it's a  
15 very general term. Some communities of interest  
16 have been recognized as such by case law. But in  
17 general, it is communities that share common  
18 aspects of their life, common languages, and are  
19 generally defined in a way that they identify  
20 with each other.

21                   SENATOR BORRELLO:    Mr. President,  
22 will the sponsor continue to yield.

23                   ACTING PRESIDENT BAILEY:    Will the  
24 sponsor yield?

25                   SENATOR GIANARIS:    Yes.

1                   ACTING PRESIDENT BAILEY:    The  
2    sponsor continues to yield.

3                   SENATOR BORRELLO:    So with that in  
4    mind, I can tell you that I looked at several  
5    districts and it seems like a lot of what was  
6    drawn, the only common interest was there was a  
7    lot of registered Democrats, more than  
8    Republicans.  That just seemed to be the most  
9    common interest.

10                  With that said, whoever it was --  
11    bureaucrats, computers -- how would they have had  
12    a clear definition of communities of interest in  
13    order to draw these maps?  So quickly, I might  
14    add.

15                  SENATOR GIANARIS:    Well, Senator  
16    Borrello, there were thousands of submissions  
17    over many months of public hearings that the  
18    commission had that were available to us and that  
19    LATFOR consulted when the lines were drawn.  And  
20    many of them made arguments as to why their  
21    districts should look a certain way.

22                  SENATOR BORRELLO:    Mr. President,  
23    will the sponsor continue to yield?

24                  ACTING PRESIDENT BAILEY:    Will the  
25    sponsor yield?

1                   SENATOR GIANARIS:    Yes.

2                   ACTING PRESIDENT BAILEY:    The  
3 sponsor yields.

4                   SENATOR BORRELLO:    Your press  
5 secretary stated that you drew two new districts  
6 in the New York City area, one for the Asian  
7 community and one for the Hispanic community.  
8 Were those districts drafted only with those  
9 communities in mind?

10                  SENATOR GIANARIS:    No.  I think --  
11 and I don't know what quote you're referring to,  
12 so I can't really address it specifically.  I  
13 don't doubt that you're referring to something  
14 that actually occurred, I just don't know what  
15 was said.

16                  But those districts were drawn to  
17 recognize growing populations over the last  
18 decade.  And yes, communities that, if I may  
19 quote the Constitution again -- and this is the  
20 first on the list -- recognizing that racial and  
21 minority language groups do not have less  
22 opportunity to participate in the political  
23 process than other members of the electorate.  
24 And that was how we were looking at those  
25 communities particularly.

1                   SENATOR BORRELLO:    Thank you.

2                   Mr. President, will the sponsor  
3 continue to yield.

4                   ACTING PRESIDENT BAILEY:    Will the  
5 sponsor yield?

6                   SENATOR GIANARIS:    Yes.

7                   ACTING PRESIDENT BAILEY:    The  
8 sponsor continues to yield.

9                   SENATOR BORRELLO:    So you brought  
10 up growing populations, which is an interesting  
11 question for me.  The County of Erie has -- their  
12 population had grown, yet you have taken one of  
13 the Senate seats out of Erie County, assuming to  
14 move it to New York City, obviously.

15                   So if the County of Erie's  
16 population grew, why did you have to move a seat  
17 out?  In fact, how do you justify removing a seat  
18 from the Western New York delegation?

19                   SENATOR GIANARIS:    I continue to be  
20 startled that my colleagues want to focus on this  
21 part of the map, because the argument you're  
22 making is that we should continue to divide  
23 communities that identify with each other in  
24 order to have more Senators from that region.  
25 And so what you're basically arguing is continue

1 to take a piece of the Buffalo region and attach  
2 it to the City of Rochester. That's why you have  
3 so many people representing Erie right now.

4 We would prefer to unite those  
5 communities as much as feasible, and that's what  
6 we've done.

7 SENATOR BORRELLO: Mr. President,  
8 will the sponsor continue to yield.

9 ACTING PRESIDENT BAILEY: Will the  
10 sponsor yield?

11 SENATOR GIANARIS: Yes.

12 ACTING PRESIDENT BAILEY: The  
13 sponsor yields.

14 SENATOR BORRELLO: So we're going  
15 to unite communities by giving them less  
16 representatives. I'm not sure how that unites  
17 communities.

18 But with that being said, I still go  
19 back to my question. It's based on population.  
20 It's based on population, and Erie County grew.  
21 So I still don't understand how you justify  
22 essentially taking away representation for  
23 roughly, what, 300,000 people. So --

24 SENATOR GIANARIS: First, that's  
25 not what happened, Senator Borrello. We did not

1 take away -- everyone's going to have a Senator.

2 And as I mentioned before, what we  
3 are doing is repairing a broken map that -- you  
4 weren't here back then, Senator Borrello, but a  
5 broken map that you all broke. Okay?

6 So the reason Amherst is connected  
7 to Rochester is to elect a Republican. It's the  
8 exact thing you pretend like you're opposed to  
9 right now. And your argument is let's leave it  
10 that way because that's the way it is.

11 So you're saying we built in a  
12 Republican advantage into this district by  
13 grossly gerrymandering and separating people who  
14 identify with each other and live near each  
15 other, to elect a Republican, and now we don't  
16 want to change it because that would be bad for  
17 us.

18 Well, I'm sorry, you know, that's  
19 not how it works. Communities that belong  
20 together belong together. When you guys divide  
21 cities and you divide towns from their  
22 neighboring cities in order to achieve a  
23 political goal, that's going to be fixed.

24 And our map, to address something  
25 Senator Lanza said earlier, just to the eyeball

1 is so much cleaner and compacter and contiguous  
2 than the one we're living under today.

3 So if you want to have that debate,  
4 I'll have it all day long.

5 SENATOR BORRELLO: Mr. President,  
6 will the sponsor continue to yield?

7 ACTING PRESIDENT BAILEY: Will the  
8 sponsor yield?

9 SENATOR GIANARIS: Yes.

10 ACTING PRESIDENT BAILEY: The  
11 sponsor yields.

12 SENATOR BORRELLO: So you said  
13 we -- and again, I wasn't here, you're absolutely  
14 right about that -- we divided cities. So is the  
15 City of Buffalo going to be represented by one  
16 Senator? It's only 250,000 people. So is the  
17 City of Buffalo divided?

18 SENATOR GIANARIS: No. Because one  
19 of the criteria, as I mentioned when I outlined  
20 them all earlier, is to maintain the cores of  
21 existing districts. And Buffalo is split pretty  
22 cleanly between -- I believe the west side is in  
23 one district and East Buffalo and South Buffalo  
24 in another, if I remember correctly. And we're  
25 maintaining that situation.

1                   The other thing I would mention is  
2                   as we try and allot population to certain  
3                   districts, we have this town-on-border rule which  
4                   we tried to fix in the referendum. So it didn't,  
5                   so this is -- you know, what you're asking about  
6                   is something that existed that we tried to repair  
7                   that you opposed. But the only -- we're not  
8                   allowed to divide towns, if we can help it, and  
9                   so the only place that we can go to to equalize  
10                  the population among the districts is to go into  
11                  the cities and peel population off of it.

12                  SENATOR BORRELLO:    Mr. President,  
13                  will the sponsor continue to yield?

14                  ACTING PRESIDENT BAILEY:   Will the  
15                  sponsor yield?

16                  SENATOR GIANARIS:    Yes.

17                  ACTING PRESIDENT BAILEY:   The  
18                  sponsor yields.

19                  SENATOR BORRELLO:    So you're saying  
20                  despite -- so you said bad Republicans split the  
21                  city. Now you're saying but to the best of your  
22                  ability, you also had to split the city.

23                  SENATOR GIANARIS:    No. I said to  
24                  the best of our ability we have to unite the  
25                  cities, but we weren't able to do it because of

1 this rule. Which is why you have a more united  
2 city, from three to two.

3 SENATOR BORRELLO: Mr. President,  
4 will the sponsor continue to yield?

5 ACTING PRESIDENT BAILEY: Will the  
6 sponsor yield?

7 SENATOR GIANARIS: Yes.

8 ACTING PRESIDENT BAILEY: The  
9 sponsor yields.

10 SENATOR BORRELLO: So 10 years ago  
11 I wasn't here. As I recall, though, because I  
12 was pretty involved in politics, were both -- the  
13 Republicans in charge of both houses?

14 SENATOR GIANARIS: No. But the  
15 division --

16 SENATOR BORRELLO: No, no, that was  
17 my question. Thank you.

18 Mr. President, will the sponsor  
19 continue to yield?

20 SENATOR GIANARIS: I can answer any  
21 way I choose, Senator Borrello.

22 (Overtalk.)

23 ACTING PRESIDENT BAILEY: Senator  
24 Gianaris has the floor.

25 SENATOR BORRELLO: All right, go

1 ahead, go ahead.

2 SENATOR GIANARIS: The division --  
3 you know, you've been here a couple of years now,  
4 Senator Borrello. We haven't all been here  
5 because of the COVID rules, so -- which you're  
6 flouting today, I should add, but that's okay.

7 The -- the way this capital has  
8 historically worked is it's not so much Democrat  
9 versus Republican as it is majority versus  
10 minority. And I have the fortune or misfortune  
11 of having been here long enough to have witnessed  
12 this.

13 The Assembly majority and the Senate  
14 majority were making deals left and right all the  
15 time. And nobody cared about the Assembly  
16 Republicans or the Senate Democrats back then.  
17 Probably most notably when we had Governor Cuomo,  
18 who was actively working against us. So don't  
19 assume that party registrations, you know, mean  
20 anything around here.

21 But the point is those maps were  
22 drawn to benefit the Senate Republicans and to  
23 benefit the Assembly Democrats. And that's how  
24 it happened.

25 SENATOR BORRELLO: Mr. President,

1 if the sponsor will continue to yield.

2 ACTING PRESIDENT BAILEY: Does the  
3 sponsor yield?

4 SENATOR GIANARIS: Yes.

5 ACTING PRESIDENT BAILEY: The  
6 sponsor continues to yield.

7 SENATOR BORRELLO: Okay, so I guess  
8 my point was is that, as I recall, they couldn't  
9 come to an agreement. And as I recall, the  
10 courts had drawn some lines. I know it was so in  
11 the congressional side of things.

12 But if you're claiming that the  
13 Republicans controlled the process, how could we  
14 have controlled the process -- how could every  
15 single member in both houses have voted for  
16 exclusively Republican maps when we did not have  
17 majorities in both houses?

18 SENATOR GIANARIS: Well, I think I  
19 just answered the question. I mean yes, you are  
20 right as relates to Congress, that went to the  
21 courts.

22 But the Senate lines were drawn by  
23 the Senate Republicans, and the Assembly agreed  
24 to accept their lines, and vice versa. So that's  
25 how it happened.

1                   SENATOR BORRELLO:    Mr. President,  
2    on the bill.

3                   ACTING PRESIDENT BAILEY:    Senator  
4    Borrello on the bill.

5                   SENATOR BORRELLO:    Thank you.

6                   Mr. -- Senator Gianaris, thanks  
7    again.

8                   So I am pretty new here.  I wasn't  
9    here 10 years ago.  But I do know one thing.  I  
10   know the people of New York State said, We don't  
11   want anymore gerrymandering.  We don't want  
12   anymore deals between the Assembly Democrats and  
13   the Senate Republicans.  We don't want a process  
14   that's done behind closed doors.  We want the  
15   people to be involved.

16                  I don't know whether people were  
17   involved here.  But I do know that the Democrats  
18   control the Assembly, the Senate, and the  
19   executive chamber.  That was not the case  
20   10 years ago.

21                  So when I bring up these arguments,  
22   what I hear is, Well, that's what the Republicans  
23   did.  Well, first of all, not this Republican.  I  
24   wasn't here.  In fact, most of my colleagues  
25   weren't involved in this process.

1                   But regardless, the people of  
2 New York State said we don't want this anymore.  
3 And here we are doing the same thing again.  
4 What's the definition of insanity?

5                   So, folks, I can tell you that I  
6 think people in my district are far more attuned  
7 to this than I really thought they would be.  
8 This is kind of a down-in-the-weeds thing. But  
9 they're upset, they're upset because when they go  
10 to the gas pump, the price is higher. They're  
11 upset because when they go to the grocery store,  
12 they can't find food to put on their table.  
13 They're upset because they turn on the TV and  
14 they see cities like Rochester with a higher  
15 murder rate per capita than the city of Chicago,  
16 the murder capital of the world.

17                   And they want to at least feel like  
18 their government's working for them. And they're  
19 not talking about special interest after special  
20 interest dividing the people, keeping us angry  
21 with each other. And they ask that we have a  
22 bipartisan process to draw districts for  
23 communities of interest, which we can't even  
24 define. But the people could have told us what  
25 their communities of interest were. They could

1 have said, this is why we want to stay together.

2 When I look at that ridiculous  
3 63rd District -- I lived in Amherst. I started  
4 my business in the City of Buffalo. There's no  
5 business for that district to be where it is.

6 This is not the process the people  
7 wanted. And for the Democrats to say, Well,  
8 that's what the Republicans did -- well, I don't  
9 know about your grandmother, but my grandmother  
10 says two wrongs don't make a right.

11 So let's set that aside. If you  
12 folks are the people -- the party of the people,  
13 then do what the people asked. This isn't it.

14 It's ridiculous. We had a chance to  
15 do it right. We had a chance to do what the  
16 people said in 2014, and they said it again just  
17 a couple of months ago. And what are we doing?  
18 The same old thing. Why? Because that's what  
19 the Republicans did. None of these Republicans  
20 did it.

21 So I'm no, and I think everybody  
22 else should be no. Thank you, Mr. President.

23 ACTING PRESIDENT BAILEY: Senator  
24 Akshar, why do you rise?

25 SENATOR AKSHAR: Mr. President, on

1 the bill.

2 ACTING PRESIDENT BAILEY: Senator  
3 Akshar on the bill.

4 SENATOR AKSHAR: Thank you,  
5 Mr. President.

6 I rise this morning on behalf of not  
7 only the people that I represent in Senate  
8 District 52, but on behalf of all New Yorkers,  
9 regardless of their politics, regardless of their  
10 political persuasion, regardless of where they're  
11 from.

12 You know, they say that absolute  
13 power corrupts absolutely. It was true in 1857  
14 when the phrase was coined, and that statement  
15 has never been more true than it is today.

16 Ask yourself a question: What is  
17 the role and responsibility of an elected  
18 official? For me, it's simple. It's your job to  
19 execute the will of the people. We work for the  
20 people, not the other way around.

21 The sad reality is that there are  
22 some in this room that are so self-absorbed, so  
23 drunk on power that they will blatantly  
24 circumvent the will of the people for their own  
25 gain. It's not as though it's happened once,

1 twice -- it's happened three times.

2           Just a very brief history lesson.  
3 In 2014 the people of this great state spoke very  
4 clearly. They said, We want an independent  
5 commission to redraw the line. The bill that  
6 allowed that to happen passed in a bipartisan  
7 way. There are Democrats that still sit in this  
8 room that thought it was a good idea. The  
9 now-mayor of New York City thought it was a good  
10 idea. Members of Congress thought it was a good  
11 idea.

12           Fast forward, 2018, new majority.  
13 They say, you know what, let's take one more  
14 crack at this. Let's see if we can change the  
15 will of the people. Ballot Proposition No. 1,  
16 repeal what the voters said in 2014.

17           What did the people say? They said,  
18 No, I don't want the Legislature involved in this  
19 process. I want it to be an independent process,  
20 and the result of that being an independent map.

21           So here we are today, for a third  
22 time, discussing the very same issue. But today  
23 is much different. Today we're doing it in a  
24 very public way. And there are members of the  
25 Majority that are saying, we're going to

1 deliberately silence the voice of the people.  
2 We're going to deliberately silence the will of  
3 the people.

4           The reality, my friends, is that  
5 they can't win arguments or debates based on  
6 merit or fact, so by way of these maps what  
7 they're doing is structuring the system of  
8 government that gives them, the elected  
9 officials, all of the power at the expense of the  
10 very people that they're supposed to be  
11 representing.

12           Now, one would think that what I  
13 described is a bad movie or a book. And I say to  
14 all my friends across this great state that in  
15 fact it's not. It's your government. It's your  
16 state government working for you this way.

17           Sadly on full display, as you've  
18 seen during the debate, is blatant arrogance, so  
19 much arrogance it drips from the gold ceiling in  
20 this room. You see shamelessness, you see  
21 callousness, cunningness. And what I call it is  
22 political calculus employed by the so-called  
23 leaders of this great state.

24           Senator Borrello talked about  
25 communities of interest. For decades, Broome and

1 Tioga counties, two counties that I represent,  
2 have always been represented by the same member  
3 of the State Senate. That no longer will be the  
4 case. You know why? Because of political  
5 gerrymandering, that's why.

6 So for the Majority to have no issue  
7 attempting to silence the voice of those in the  
8 Minority, or silence people who live in upstate  
9 New York -- Mr. President, quite frankly, it's  
10 why I rise today, to honor my commitment to the  
11 people that I represent and to honor my  
12 commitment to the people, all the people of this  
13 state. To come here to Albany to speak up and to  
14 be their voice and to speak truth.

15 A yes vote very simply is a message  
16 to the people: I do not care what you think. I  
17 do not care what you say. What I care about is  
18 my own political longevity.

19 And as I stand here and speak about  
20 this bill, I am more resolute in my belief that I  
21 work for the people. My job is to represent  
22 their needs. My job to represent their desires.  
23 So today, as I always have -- and like my  
24 colleagues, who sit in their desks exactly where  
25 they belong, doing the people's work -- I remain,

1 just like my colleagues, a principled leader, an  
2 elected official who understands who he works  
3 for. I choose, like my colleagues on this side  
4 of the aisle, to put people before politics.

5 I'm here six years in Albany. This  
6 is the most shameful, undemocratic, un-American  
7 piece of legislation that this house has ever  
8 taken up.

9 Mr. President, I vote no.

10 ACTING PRESIDENT BAILEY: Senator  
11 Rath, why do you rise?

12 SENATOR RATH: On the bill,  
13 Mr. President.

14 ACTING PRESIDENT BAILEY: Senator  
15 Rath on the bill.

16 SENATOR RATH: Mr. President, I  
17 rise to describe a broken, fractured and wickedly  
18 partisan process. These Democrat-drawn Senate  
19 and Assembly maps are now fully revealed. And  
20 with that, one thing is infinitely clear to  
21 everyone in this room: The will of the people  
22 has been ignored.

23 In 2014 the voters of New York  
24 resoundingly supported a constitutional  
25 amendment, and that amendment created the

1 Independent Redistricting Commission. This  
2 amendment made it abundantly clear that  
3 New Yorkers wanted legislative lines drawn in a  
4 fair and a nonpartisan manner. This past  
5 November the voters spoke again, furthering their  
6 support of an independent process for  
7 redistricting. Twice in seven years. Yes,  
8 that's twice in seven years.

9 Surely the voice of the voters was  
10 heard. Or was it? I wonder if my colleagues on  
11 the other side of the aisle are having short-term  
12 and long-term memory issues. Three months is not  
13 a long time, folks. Three months is a blink of  
14 an eye in this business.

15 Both of these referendums were  
16 completely ignored, side-stepped and bypassed by  
17 the Democrats in this Legislature. Now we are  
18 seeing the results. Communities that have been  
19 bound together for years are ripped apart.  
20 Communities that have been bound together for  
21 years are separated. Some of these communities  
22 have been together for six decades. That's a  
23 long time. Imagine that -- six decades together,  
24 now ripped apart. To me that is the voters of  
25 certain areas of New York State being

1 disenfranchised, no longer represented together.

2           Make no mistake. This is the least  
3 transparent redistricting process New York State  
4 has ever seen. What was once the great Empire  
5 State now has been reduced. It has been reduced  
6 to a state of redistricting funk. A state of  
7 redistricting funk, plain and simple. Too many  
8 communities in Western New York and across our  
9 state are losing their voice, and in return for  
10 what? Here's what's happening. New York City is  
11 gaining two new Senate seats to further its  
12 partisan agenda. That is just wrong.

13           It's proposals like this which we  
14 are seeing from this Majority that is the reason  
15 why the people across our great state no longer  
16 trust their government. The trust is lost, and  
17 that is shameful.

18           What else are we seeing? Here's  
19 what we're seeing. Nearly 1,000 residents per  
20 day are leaving our great state. This might not  
21 seem like much to New York City, but this means  
22 the world to upstate. A thousand people a day.

23           This is not good government. This  
24 is not positive leadership. It's failed  
25 leadership. And what this represents is more

1 hyperpartisan politics as usual out of Albany.

2           There's not been one public hearing  
3 on these maps. There's not been any public input  
4 on these maps. This is shameful, and this is  
5 unacceptable, as voter equity is now lost on the  
6 residents of Western New York.

7           I'm going to close in echoing the  
8 comments of my good friend Senator Akshar. An  
9 argument can be made that this is a move to  
10 cement absolute power, absolute power for one  
11 side of the aisle in Albany. I deeply hope that  
12 this body never forgets that absolute power  
13 corrupts absolutely.

14           For these reasons, when the time is  
15 right, Mr. President, I will be strongly and  
16 resolutely in the negative.

17           ACTING PRESIDENT BAILEY:    Senator  
18 Stec, why do you rise?

19           SENATOR STEC:    Thank you,  
20 Mr. President. On the bill.

21           ACTING PRESIDENT BAILEY:    Senator  
22 Stec on the bill.

23           SENATOR STEC:    I've been listening  
24 to the dialogue and the debate today, and a few  
25 things jumped off the page at me that I thought

1 warranted bringing a little more attention to.

2           On the first debate I think the  
3 point was being made that of our 20 members, five  
4 of our members, I think it could be fairly said,  
5 fared extremely poorly in the maps that came from  
6 a computer with no human input, just randomly  
7 generated by blind Lady Justice -- five of  
8 20 Republican members of this house got a very  
9 unkind turn in this map.

10           But what was not brought out, or it  
11 wasn't clear, anyways, is that three people on  
12 the other side of the aisle, three of 43, had a  
13 similar, you know, complicated outcome, most of  
14 which will be resolved. Those three will be  
15 fine.

16           So again, a blind process with a  
17 computer that saw no human input, no one knows  
18 where the computer was or who worked on it,  
19 25 percent of Republicans had an issue with the  
20 map and at best 7 percent of Democrats in this  
21 chamber had it.

22           And part of the justification when  
23 we started pulling these threads about asking why  
24 were things done this way -- very predictable, I  
25 suppose at many levels understandable -- but the

1 justification, make no doubt, was exactly this:  
2 You did this to us when you were in the Majority  
3 10 years ago and 20 years ago and 30 years ago.

4 Well, first of all, the vast  
5 majority of us, including myself, have never  
6 participated in this. So we'll pay for those  
7 sins, I guess; somebody wants to take it out on  
8 members that had nothing to do with this. But I  
9 understand that.

10 But I also understand that my  
11 teenage son, when he was much younger, he learned  
12 this lesson: Two wrongs don't make a right. And  
13 I think most New Yorkers, I think most  
14 intelligent people would agree that two wrongs  
15 don't make a right. But that's what we're doing  
16 today.

17 However, I want to make sure that  
18 this point is very clear to the public and it  
19 should not need emphasis to this body. But  
20 there's a couple of things that are very  
21 different today than 10 years ago and 20 years  
22 ago and 30 years ago. And that is in 2014, after  
23 two different Legislatures passed a  
24 constitutional amendment, it went to the voters  
25 of the State of New York to create an Independent

1 Redistricting Commission. This is the first time  
2 that we have gone through this process with that  
3 part of our Constitution, the state's  
4 Constitution, amended to require an Independent  
5 Redistricting Commission process.

6 That was reaffirmed last fall  
7 through the proposition process. The voters of  
8 the State of New York said they wanted this to  
9 not be a partisan process. And yet here we are  
10 at today looking at what was a very, very  
11 partisan process.

12 And the other point that I think is  
13 worth mentioning when people say, Well, you did  
14 this to us 10 years ago, is that 10 years ago we  
15 had a divided Legislature. We had one party in  
16 the majority in one house, and the other party --  
17 they were forced to work with each other, they  
18 were forced to compromise, they were forced to be  
19 fair to each other.

20 And I'll circle back to my  
21 initial -- that five of 20, and a few of those  
22 irreconcilably damaged by this process, whereas  
23 three of 43 are mildly inconvenienced by this  
24 process. No one in the State of New York that  
25 looks at these facts is going to say that this

1 was done fairly or blindly or by a computer with  
2 no human input.

3 With that, I will be voting in the  
4 negative.

5 ACTING PRESIDENT BAILEY: Are there  
6 any other Senators wishing to be heard?

7 Seeing and hearing none --

8 (Vocal objections; multiple  
9 Republican hands raised.)

10 SENATOR GIANARIS: Mr. President, I  
11 think what you're asking is who wants to speak on  
12 the bill as opposed to explaining their vote,  
13 which we're about to get into right now. So --

14 ACTING PRESIDENT BAILEY: Yes, my  
15 understanding was that you individuals would be  
16 explaining your vote.

17 Is anybody else on the bill?

18 SENATOR TEDISCO: I am.

19 ACTING PRESIDENT BAILEY: Please  
20 next time, Senator Tedisco, please notify your  
21 floor leader.

22 Senator Tedisco on the bill.

23 SENATOR TEDISCO: Thank you,  
24 Mr. President.

25 Holistically, let me start out by

1 saying I heard Senator Gianaris say that this  
2 redistricting changes the process of  
3 gerrymandering, and I totally agree. It  
4 heightens the process of gerrymandering. It does  
5 change it to that extent.

6 And for my colleagues, I think you  
7 know this. Something happens when you tell a  
8 lie; you have to tell another lie to cover it up.  
9 Then after you do that, you have to tell another  
10 lie to cover up the lie you told to cover up the  
11 initial lie. And it goes on and on and on.

12 The most egregious individuals I can  
13 think of -- and I think your constituents think  
14 of that too -- is people who take an oath of  
15 office, people who ask them to let them represent  
16 them. Those are elected officials. Because you  
17 take an oath of office not only to adhere to the  
18 New York Constitution, but the United States  
19 Constitution, to listen to them, to be their  
20 representative, and basically to be honest and  
21 straightforward.

22 This is the antithesis of what a  
23 representative democracy and a representative  
24 government is.

25 Now, 10 years ago, which you've been

1 talking about, there was certainly  
2 gerrymandering. And there was gerrymandering  
3 10 years before that, and there was  
4 gerrymandering 10 years before that. And most of  
5 you who are in the Majority now were in the  
6 Minority, like I was in the Minority in the  
7 New York State Assembly. And we kept talking  
8 about we've got to change the system for an  
9 independent, outside commission.

10 And the do-good groups across the  
11 state, the League of Women Voters, all those  
12 individuals, the media wanted to have that  
13 happen. And you know what? The media wants to  
14 have it happen again. That's the fourth estate.  
15 That's what you talk about. And there's some  
16 conservative media, there's some progressive  
17 media. But you can look across the state and the  
18 nation today, and they're talking about New York  
19 State.

20 I just picked out one today. This  
21 is the Washington Post, their opinion piece:  
22 "New York's Democratic gerrymandering is  
23 egregious. The courts must intervene." Let me  
24 read that. It's not me, it's not my colleagues,  
25 it's not even today what you're hearing from the

1       Republicans and Democrats across New York State.

2                       And I'll tell you why it's both  
3 parties. It's a media outlet, it's the Times  
4 Union, it's the Gazette here in the Capital  
5 Region -- 90 percent of them, the fourth estate,  
6 says you are gerrymandering to the highest  
7 levels. Not us. And they're the watchdogs. You  
8 always rely on them quite a bit. I've been in  
9 this room, and I've heard you quote the media and  
10 all the facts that they brought forth.

11                      So now you're refuting what our  
12 friends from the fourth estate have been saying.

13                      After that last 10 years where there  
14 was gerrymandering, we came together at some  
15 point before we got to this point 10 years later,  
16 where we're going to go through the same process  
17 of redistricting, and we came together and said  
18 enough is enough. Partially because of all those  
19 do-good groups, and the public, Republicans and  
20 Democrats, a good majority of the 19.5 million  
21 people. Let's do it the fairer way. Let's have  
22 parity. Let's try to take as much politics out  
23 of it. Let's think about the people we  
24 represent.

25                      And you know what? Minorities and

1 majorities, Republicans and Democrats,  
2 progressives and conservatives said: We'll do  
3 it. By a large majority of all of us, we said  
4 let's let the chips fall where we may this time.

5           Something else happened along the  
6 way. My colleagues on the other side of the  
7 aisle became the Majority in this house. More  
8 than that. We had one collectively, holistically  
9 voice from one affiliation from one region of the  
10 state. You control all levers of power. Period.  
11 You control all levers of power.

12           You had the ability to adhere to  
13 that independent outside commission that you said  
14 you supported when you were in the Minority.

15           I was in the Majority for two of the  
16 years that I've been here. I've been through  
17 several redistrictings. I never was in the  
18 Majority, but I always was opposed to  
19 gerrymandering, disenfranchising the public.  
20 Especially this one does for upstate New York.  
21 And anybody who represents any part of upstate  
22 New York, if you're voting for this, you're  
23 telling us: You don't make a difference. My  
24 oath of office doesn't make a difference.

25           You told me -- and this is the other

1 part of it. After we voted for it, we went to  
2 the public and said, Do you want this? And they  
3 ceremoniously said they did. And the reason why  
4 I say Republicans and Democrats, because we can't  
5 vote for anything in New York State unless  
6 Democrats vote for it. We can't stop something  
7 from happening in the ballot box collectively in  
8 New York State unless there's some Democrats by a  
9 good number who vote for it.

10 Democrats and Republicans clearly  
11 voted for an independent outside commission,  
12 because that's what we had going here. But then  
13 you said something else, and this is the big lie.  
14 This is what's so egregious. It's not only  
15 egregious, it's evil and it's treacherous. And  
16 our founding fathers are rolling over in their  
17 grave knowing that we're at this point once again  
18 at the highest level, to disenfranchise our  
19 citizenry.

20 You said, We got the power. And  
21 this is what scares me so much, my colleagues.  
22 Do you know how many countries have nuclear  
23 weapons? What this says is that people who have  
24 the power to do something, most of the time  
25 eventually do it. That should scare the hell out

1 of us right now. Because if you can do this, the  
2 nuclear option -- I'm not satisfied with  
3 two-thirds of the control, 43, I want it all. I  
4 don't care what I said in that oath of office --  
5 I raised my hand, had my family here, put my left  
6 hand on the Bible -- I want it all.

7 And it's sad that -- you got nothing  
8 on Pinocchio. I mean, jeez, lie after lie after  
9 lie, and they get bigger. And that's what you  
10 have to do when you lie.

11 So finally you said: I have the  
12 power, why don't I just change my mind.  
13 Proposition One, let's really water it down. If  
14 we really water it down, it will even be more  
15 easier to get it in our hands. And who cares  
16 what those special do-good groups say or my  
17 public say or the people I represent say?

18 Well, they sent a message to you  
19 again, Democrats as well as Republicans. It  
20 failed statewide. I don't know, is there 9.5 to  
21 9 million, 9.5 million people in New York City?  
22 They didn't even care if you were going to bring  
23 more power to them. They said this is wrong.  
24 Because it wouldn't have passed statewide unless  
25 you had a heck of a lot of Democrats voting for

1 it. Real Democrats, who care about an oath of  
2 office, who care about representative democracy.  
3 Because, you know, Republicans and Democrats both  
4 really do. And they both say -- I'm sure they  
5 have a philosophy that they support, but they  
6 also believe in a representative democracy.

7                   You had the ability to do it, and  
8 you took the nuclear option.

9                   Now, I've been through several  
10 redistrictings, as I said. And yeah, they tried  
11 to beat me out. But you know what I did? I did  
12 the one thing you didn't do here. I just walked  
13 into the district and told them the truth. I  
14 told them who I was. I told them what I stood  
15 for. I told them what I'll fight for. I told  
16 them I'll always represent them. I'll never walk  
17 into here and say, hey, what do I want to do and  
18 my family want me to do? Because my family, when  
19 I take an oath of office, is the people I ask to  
20 let me represent them. The greatest honor you  
21 could ever have is to be a representative. City  
22 council, I was on there. State Assembly, I was  
23 in there. Now I'm in this grand room, the most  
24 beautiful room I think picked across this nation  
25 as a Senate and a legislative room and office.

1                   And you know what they did? They  
2                   elected me overwhelmingly. And you know why  
3                   we're all going to come back next time, even  
4                   though you turned our lives, our families' lives  
5                   and the world upside down, you matched us up  
6                   together? You did the big lie. You did the big  
7                   lie. You're going to need a bigger mask.

8                   We're going to win. We're going to  
9                   win for one reason. We're going to tell the  
10                  truth.

11                  Thank you, Mr. President.

12                  ACTING PRESIDENT BAILEY: Are there  
13                  any other Senators wishing to be heard?

14                  Seeing and hearing none, debate is  
15                  closed. The Secretary will ring the bell.

16                  There is a substitution at the desk.  
17                  The Secretary will read.

18                  THE SECRETARY: Senator Gianaris  
19                  moves to discharge, from the Committee on Rules,  
20                  Assembly Bill Number 9040A and substitute it for  
21                  the identical Senate Bill 8185A, Third Reading  
22                  Calendar 421.

23                  ACTING PRESIDENT BAILEY: The  
24                  substitution is so ordered.

25                  The Secretary will read.

1                   THE SECRETARY:     Calendar Number  
2     421, Assembly Print Number 9040A, by  
3     Assemblymember Zebrowski, an act to amend the  
4     State Law.

5                   ACTING PRESIDENT BAILEY:     Read the  
6     last section.

7                   THE SECRETARY:     Section 4. This  
8     act shall take effect on the same date and in the  
9     same manner as a chapter of the Laws of 2022.

10                  ACTING PRESIDENT BAILEY:     Call the  
11     roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT BAILEY:     As a  
14     courtesy to the house, might I remind the house  
15     of the rules of, as it were, law and order and  
16     governing debate. Relating to Rule 9, subsection  
17     3(e), the sponsor is not to exceed five minutes  
18     and members may not speak to exceed 2 minutes in  
19     explanation of his or her vote.

20                  Senator Gianaris to explain his  
21     vote.

22                  SENATOR GIANARIS:     Thank you,  
23     Mr. President.

24                  Let me just at the outset clarify  
25     that we've consented to let the leader speak for

1 five minutes as well on his explanation.

2 So I just want to set the record  
3 straight about a bunch of things that were just  
4 said, and I'll do it within five minutes,  
5 hopefully.

6 We've heard a number of members say,  
7 you know, we were wrong 10 years ago -- meaning  
8 you -- and, you know, that doesn't make it right  
9 to do the same thing back. Two wrongs don't make  
10 a right, I heard that phrase a number of times.

11 Nobody is saying two wrongs make a  
12 right. Nobody is saying since you did it to us  
13 for decades, we're now going to pull out the  
14 hammer just for punitive purposes. That is not  
15 at all what is happening here.

16 I made this point earlier in the  
17 debate, but what is happening is repairing the  
18 damage done by that work 10 years ago. And  
19 20 years ago and 30 years ago and so on.

20 You can't sit here and say we were  
21 wrong, but leave the maps as they are right now,  
22 because that just enshrines that bad behavior  
23 into the maps forever. If we're going to fix the  
24 things that you did that were wrong, we have to  
25 fix them. If we're going to fix them, things are

1 going to change. And that's -- that's what's  
2 happening.

3 I want to give just a few examples,  
4 because one of the -- aside from the population  
5 deviation question, which we already discussed, a  
6 tool known as cracking is something that was used  
7 routinely by the Republican majority in  
8 redistricting.

9 Cracking is when you take a  
10 community that belongs together and you chop it  
11 up into pieces so that they can't elect somebody  
12 of their choice. And we did a lot of repair  
13 work, and that's caused a lot of the things that  
14 you seem to be unhappy about.

15 Some of the places, just some of the  
16 places around the state that were cracked that  
17 are now together: Huntington, Baldwin, Elmont,  
18 Wyandanch, the City of New Rochelle, the City of  
19 White Plains just about. The City of Rochester  
20 used to be split three ways, now it's split two  
21 ways. The County of Monroe was split six ways,  
22 now it's split three ways only. The County of  
23 Ulster is all together. You guys had split it up  
24 four different ways. The County of Tompkins was  
25 split three ways; now it's in one.

1                   And I should mention, as it relates  
2 to Tompkins, because it was brought up, the  
3 commission proposals, both from the Democratic  
4 and Republican commissioners, have proposed a  
5 solution similar to what we did which combines  
6 those counties.

7                   And so what I'm hearing a lot in  
8 these arguments is an argument for incumbent  
9 protection. You're not arguing about the  
10 communities and what they need and what they  
11 deserve and what they care about. You're worried  
12 about what you might have to do, what your  
13 families might have to do. Oh, no, we're in the  
14 same district with somebody else. Oh, I might  
15 have to move, I might have to, you know, meet new  
16 people and convince them to vote for me. That's  
17 the complaints I'm getting from your side of the  
18 aisle.

19                   And by the way, if we had done what  
20 you're asking and worried about those things,  
21 that map would be illegal, because we're not  
22 allowed to favor or disfavor particular people in  
23 the drawing of these maps.

24                   And so I would close by saying that  
25 we have here a map that if things were drawn

1 fairly from the start, it would have looked like  
2 something like this. Now, maybe you wouldn't  
3 have an artificial majority all these decades,  
4 but that's not why we're here, to worry about  
5 whether you would have that or not. We're here  
6 to make sure these communities are united.

7           And since it was brought up, I just  
8 do want to clarify, for the record, the  
9 Washington Post has not opined that these maps  
10 should be overturned. There was an opinion page  
11 where they asked for someone to write in favor of  
12 the maps and someone to write in opposition to  
13 the maps. And so there were columns next to each  
14 other from individuals not speaking for the paper  
15 that presented either side of the argument.

16           Mr. President, we're very proud of  
17 the maps we've produced. The people of this  
18 state are finally going to have the  
19 representation they deserve. And I proudly vote  
20 yes.

21           ACTING PRESIDENT BAILEY: Senator  
22 Gianaris to be recorded in the affirmative.

23           Senator Jordan to explain her vote.

24           SENATOR JORDAN: The Majority's map  
25 proves the mantra that we hear today, that power

1 corrupts and absolute power corrupts absolutely.

2           Make no mistake, these maps are the  
3 result of the Majority's corrupt process. They  
4 are the result of the Majority's failure to  
5 respect and respond to the will of New Yorkers.  
6 They are the result of political partisanship run  
7 amuck. And these maps utterly fail to fulfill  
8 the promise of truly independent redistricting  
9 that New Yorkers wanted, that New Yorkers voted  
10 for -- twice -- and that New Yorkers deserved.

11           It's a shameful attempt to try  
12 rigging the process that politically  
13 gerrymandered districts and deliberately  
14 disenfranchised voters and communities of  
15 interest. By choosing to draw their own partisan  
16 maps, Democrats deliberately chose to ignore the  
17 will of hundreds of New Yorkers and countless  
18 communities of interest. The Majority is looking  
19 to protect its own political power and not  
20 reflect or serve the will of the people.

21           Redistricting was supposed to be  
22 independent and not driven by partisan politics.  
23 That's what voters wanted, that's what voters  
24 were promised, and that's what these maps should  
25 have reflected. Yet this measure does the exact

1 opposite and flouts the will of the people.

2 I'm going to quote that Washington  
3 Post opinion page because it's appropriate.  
4 "New York's democratic gerrymander is egregious.  
5 The courts must intervene." That was said about  
6 the congressional maps; it applies to the maps  
7 today.

8 And to my Greek friend Senator  
9 Gianaris, I say this in our native Greek  
10 language: Dropí. That means shame. Shame on  
11 you.

12 ACTING PRESIDENT BAILEY: Senator  
13 Jordan, we have reached two minutes. Please wrap  
14 your remarks up.

15 SENATOR JORDAN: These maps are a  
16 shameless example of politically partisan  
17 gerrymandering at its worst. I vote no.

18 ACTING PRESIDENT BAILEY: Senator  
19 Jordan to be recorded in the negative.

20 Senator Helming to explain her vote.

21 SENATOR HELMING: Mr. President,  
22 the people of this state have repeatedly  
23 expressed their desire for a fair and independent  
24 redistricting process. They voted for this at  
25 the ballot box not once, but twice. New Yorkers

1 made it very clear they wanted their voices to be  
2 heard and they wanted to be represented in this  
3 process.

4                   Instead, the Senate Majority has  
5 chosen to ignore the voice of the people. And  
6 that's not just my opinion, it's shared by legal  
7 and political experts from across the state who  
8 have referred to this, the proposed districts, as  
9 partisan gerrymandering. Michael Li, senior  
10 counsel for the Democracy Program at the Brennan  
11 Center for Justice, was quoted in the New York  
12 Times, saying "It's a master class in how to draw  
13 an effective gerrymander." He added, "Sometimes  
14 you do need fancy metrics to tell, but a map that  
15 gives Democrats 85 percent of the seats in a  
16 state that is not 85 percent Democratic, that's  
17 not a particularly hard case."

18                   The Majority members of this body  
19 have blatantly, blatantly disregarded our  
20 State Constitution and the will of the people of  
21 New York State. And to hear it stated over and  
22 over again they're just trying to do the same  
23 thing the Republicans did 10 years ago is a  
24 blatant falsehood. Ten years ago there was  
25 balance and collaboration between Senate

1       Republicans, Assembly Democrats and a Democrat  
2       Governor.

3                       This is why people have lost faith  
4       in our state government. We don't need studies  
5       to tell us that.

6                       However, a recent poll I'm sure many  
7       of you have seen that was put out by Unite  
8       New York, a bipartisan poll, found that more than  
9       one-third of New York voters are so frustrated,  
10      they're so fed up and frustrated that they're  
11      ready to move out of the state.

12                      New Yorkers are sick and tired of  
13      politics as usual. They're sick and tired of  
14      being ignored. They deserve better --

15                      ACTING PRESIDENT BAILEY:     Senator  
16      Helming, we have reached two minutes. Please  
17      conclude your remarks.

18                      SENATOR HELMING:     -- from our state  
19      government. And they deserve better from the  
20      legislators in this chamber.

21                      Mr. President, I cannot in good  
22      conscience vote in favor of an outcome that  
23      expressly ignores the will of the people. I  
24      stand with my constituents and New Yorkers from  
25      across this state and vote no on this

1 legislation.

2 ACTING PRESIDENT BAILEY: Senator  
3 Helming to be recorded in the negative.

4 Senator Weik to explain her vote.

5 SENATOR WEIK: Today we were told  
6 quite a few lies. And they're lies. We were  
7 told that a computer in the cloud generated maps,  
8 maps that were drawn on purpose.

9 And we've been listening to this --  
10 since I took a district from a Democrat, I was  
11 told since day one that map was going to be drawn  
12 and it was going to be changed when the census  
13 came out, and it was going to be the first  
14 minority district. What a coincidence.

15 What a coincidence that is when we  
16 see it all over social media posts: "Not only do  
17 we have a supermajority, but we're going to  
18 redistrict the hell out of New York. Can't  
19 wait." What a coincidence that is.

20 It seems we have sour grapes being  
21 harbored by the Democrats, which is laughable.  
22 We have 43 Democrats sitting across the aisle  
23 accusing 20 Republicans that 10 years ago maps  
24 were drawn unfairly. That's laughable.

25 When was the last time Republicans

1 held a supermajority? I dare you to look up the  
2 history, because it's never. The Republicans  
3 have never held a supermajority in the State of  
4 New York.

5 How many Senators were drawn --  
6 found themselves drawn into the same district? I  
7 can tell you the answer. Senator Gianaris did  
8 not know the answer. It was four. They were all  
9 Republican. And -- although he'll lie and tell  
10 you the purpose of drawing those maps and  
11 changing those maps was to unite like districts  
12 with common interests.

13 Senator Gianaris, pull out a map and  
14 I dare you to look to see. You did not unite any  
15 new district in Senate District No. 3, you simply  
16 cut out where I live. That's all you did. You  
17 did not unite one common community that was not  
18 already united.

19 New Yorkers should be mad. They  
20 should be furious.

21 ACTING PRESIDENT BAILEY: Senator  
22 Weik, you have reached two minutes. Please  
23 conclude your remarks.

24 SENATOR WEIK: This is a disgrace  
25 and it's a shame. And New Yorkers have not had

1 their voices heard for two years. New Yorkers  
2 need to have their voices heard.

3 And for that I vote absolutely not.

4 ACTING PRESIDENT BAILEY: Senator  
5 Weik to be recorded in the negative.

6 Might I remind the house to keep  
7 your comments related to the content of the bill.

8 Senator Serino to explain her vote.

9 SENATOR SERINO: Thank you,  
10 Mr. President.

11 This is a sad day for democracy in  
12 New York. These maps have been blatantly  
13 gerrymandered to benefit the majority party at  
14 the state and the federal levels, and as a result  
15 they completely disregard the will of the people  
16 of New York, who voted overwhelmingly in support  
17 of an independent redistricting process.

18 You know, I've heard a lot  
19 throughout this process about what happened  
20 10 years ago with redistricting, as if that  
21 somehow justifies what is being advanced now.  
22 Let me be clear. It does not.

23 I wasn't here 10 years ago. In  
24 fact, most of us in here now were not. But those  
25 running this chamber today sold New Yorkers a

1 bill of goods about change, only to prove the old  
2 adage correct: Absolute power only corrupts  
3 absolutely.

4 Because real leaders lead. They  
5 don't disregard the clear will of the voters  
6 because it's politically convenient.

7 Independent districting was a chance  
8 to do this right. What's happening today is an  
9 abject failure and an insult to the very people  
10 that we are all elected to serve. New Yorkers  
11 absolutely deserve better.

12 I'll be voting no today,  
13 Mr. President, and I urge my colleagues on the  
14 other side of the aisle to find their conscience.  
15 Do what's right: Put the people of New York  
16 ahead of political party and reject this bill.

17 I vote no, Mr. President.

18 ACTING PRESIDENT BAILEY: Senator  
19 Serino to be recorded in the negative.

20 Senator Ortt to explain his vote.

21 SENATOR ORTT: Thank you,  
22 Mr. President.

23 I want to thank my colleagues, all  
24 of whom have participated in this debate. I want  
25 to thank the members of my conference who have

1 stood up. And you can hear the palpable anger,  
2 frustration. But I want to be clear, it's not  
3 about the people in this room. It's about the  
4 people who sent us to this room.

5 This legislation, I heard in the  
6 beginning of the debate, the sponsor said we  
7 debate all kinds of legislation here. We pass  
8 legislation all the time. And that's true, we  
9 pass bad bills all the time in the last several  
10 years. But this might be the worst.

11 But here's the difference. There's  
12 no other legislation that we've passed since I've  
13 been here that eliminates two members from  
14 this -- from our conference. This bill  
15 eliminates two members from the Republican  
16 caucus. Bureaucrats -- or, as my colleagues  
17 said, civil servants -- unelected, elected by no  
18 one, have removed two elected officials in this  
19 map. That's why you hear frustration today.

20 Now, my colleagues across the aisle,  
21 Senator -- the sponsor has talked about what's  
22 happened in the past. Now, he's much older than  
23 me, so he's been here longer than me. But I  
24 think it's important to note there's one  
25 difference. There's one difference this time.

1 We didn't have a constitutional amendment all  
2 those times in the past.

3 Now, how do you get to a  
4 constitutional amendment? We've talked about the  
5 past a lot. How about we talk about 2014.  
6 That's when the people of New York voted to  
7 enshrine in our State Constitution they thought  
8 that they should decide who represents them and  
9 that we shouldn't get to decide who we represent.  
10 And that's why they passed an Independent  
11 Redistricting Commission and an independent  
12 redistricting process.

13 Now, that process -- flawed but a  
14 first of its kind here in New York -- held public  
15 hearings all across the state, took in testimony  
16 from communities of interest, however you define  
17 them, all across the state -- New York City,  
18 Western New York, North Country, Central  
19 New York, Hudson Valley, Long Island.

20 And when it failed, when the  
21 commissioners could not reach a conclusion,  
22 LATFOR took it over, the Legislative  
23 Apportionment Task Force. I know where it is,  
24 it's at 250 Broadway, because there's a giant  
25 sign down the hall from my office.

1                   Our appointee, Senator Lanza -- he's  
2                   our LATFOR appointee. He wasn't -- he's the  
3                   cochair, the cochair of the task force, and he  
4                   never attended one meeting. Not one public  
5                   hearing was held on a map that affects 20 million  
6                   people.

7                   Now, you heard we took into account  
8                   communities of interest. I have a letter here  
9                   from the IRC to me as well as my colleagues --  
10                  the Speaker, the Majority Leader, and the  
11                  Minority Leader of the Assembly: "The enclosed  
12                  flash drive contains files which are in the  
13                  possession of the New York State Independent  
14                  Redistricting Commission. These files include  
15                  all public testimony that has been submitted to  
16                  the IRC, including testimony that was received  
17                  after the plans were submitted to the Legislature  
18                  on January 3rd. Please let me know if you have  
19                  any questions."

20                  The problem with this,  
21                  Mr. President, it was received by me and it's  
22                  date-stamped February 2nd. That's yesterday, for  
23                  those keeping score at home. Yesterday.

24                  These maps were in print Monday  
25                  night. So I would be -- unless this information

1 was received earlier by my colleagues, they  
2 didn't take it into account. That's the point.  
3 It was a sham, from their perspective, from the  
4 beginning. That's the point. They didn't care  
5 what the testimony was because they already knew  
6 what was going to happen. That's the point. And  
7 this proves it.

8                   And as long as we're talking about  
9 keeping communities together, I have to sort  
10 of -- I have to sort of chuckle, because I  
11 represent currently the City of Niagara Falls,  
12 which once upon a time I guess somebody decided  
13 that should be within Niagara County. It makes  
14 sense, right?

15                   Now, Niagara Falls, lest anyone  
16 think it's a bastion of conservative thought, is  
17 not. And yet I have represented it in my eight  
18 years in the Senate. But somebody decided that  
19 we're going to take Niagara Falls out of the  
20 district that the rest of Niagara County is in,  
21 and we're going to put it with a different county  
22 and a different city.

23                   So I -- I know we can cherry-pick  
24 these examples, but this is about process, a  
25 process that the voters decided they wanted, a

1 process that was undermined, a process that  
2 failed, and now we're stuck with the same  
3 process, gerrymandering. And it doesn't matter  
4 who does it, it's wrong. And you don't get to  
5 make the argument that it happened to us, we're  
6 fixing it. You're just providing a different  
7 solution, a different answer to the same problem  
8 that has plagued this state for many years.

9           And that's why you hear communities  
10 of interest, different groups across the state  
11 who are saying our vote has been diluted. And  
12 it's not an accident. There's a member of the  
13 Majority who was facing off in a primary, and  
14 that district -- that district is better for him.  
15 There was a significant group in that district  
16 that no longer exists to the same strength and  
17 representation that they had in his current  
18 Senate district.

19           So when someone talks about  
20 incumbency protection, that's almost the  
21 definition of it.

22           This is a flawed process,  
23 Mr. President. It's not a transparent process.  
24 It is the same result for New Yorkers, only a  
25 different party is controlling it. And we're

1 losing representation as a result, and New York  
2 City is picking up to two additional seats as a  
3 result.

4 That's a power shift, that's a power  
5 grab. And it doesn't serve this state, it does  
6 not serve this state well, and I believe it's in  
7 violation of our own Constitution. And that is  
8 why I urge all my colleagues to vote in the  
9 negative.

10 ACTING PRESIDENT BAILEY: Senator  
11 Ortt to be recorded in the negative.

12 Majority Leader Andrea  
13 Stewart-Cousins to close.

14 SENATOR STEWART-COUSINS: Thank  
15 you, Mr. President.

16 I am certainly happy to say that we  
17 followed a process. We followed a process that  
18 had been put in place by the former Majority. We  
19 followed a process that said that this  
20 commission -- which, as we know, it was comprised  
21 in the way that the former Majority said it  
22 should be comprised.

23 We put it together, we adhered to  
24 every single stipulation of the commission, and  
25 we adhered to every single parameter once the

1 commission was not able to conclude its work.

2 There was countless testimony that was  
3 considered, understood, and we got it.

4 And the results today are a result  
5 of following a process that was put in place,  
6 again, by the former Majority that has concluded  
7 today with the passage of these new maps.

8 I remember when I ran first, my  
9 district was rectangle-looking. And after, there  
10 was so much consternation and the former Majority  
11 said that there would be -- signed pledges,  
12 indeed, saying that they were never going to do  
13 anything that wasn't bipartisan or nonpartisan.  
14 And at the end of that I had -- instead of a  
15 rectangle, I always say I had a district that was  
16 the smiling profile of an old man with a scraggly  
17 beard. He earned a name, because there were so  
18 many different places that were sort of sketched  
19 and etched together that I had to name him. He  
20 was the personification of what gerrymandering  
21 looked like.

22 In that time, not only were we going  
23 through a Great Recession, but while everybody  
24 was tightening their belts, somehow the former  
25 Majority thought it was fine to add a seat. Not

1 only did they add a seat, but they added a seat  
2 where there had been no population growth.

3           So let me assure you that not only  
4 did we follow the rules that the former Majority  
5 put in place, we then accepted our  
6 responsibility, as laid out by the former  
7 Majority, and we did service to the people of  
8 New York by actually reflecting where the  
9 population growth is, by reflecting what it is  
10 that the majority of New Yorkers wanted us to do,  
11 draw fair maps that stood -- that would stand up  
12 to scrutiny because we actually made them  
13 contiguous.

14           Because we actually didn't do,  
15 again, what the former Majority did, where  
16 Democrats had over 300,000 people in their  
17 districts and the former Majority had about  
18 285,000.

19           We have adhered to the variables,  
20 the variations. We've adhered to not breaking up  
21 things. And we have reflected where the  
22 population growth really is.

23           So, Mr. President, I vote aye.

24           Thank you.

25           ACTING PRESIDENT BAILEY: Majority

1 Leader Stewart-Cousins to be recorded in the  
2 affirmative.

3 Announce the results.

4 THE SECRETARY: In relation to  
5 Calendar Number 421, those Senators voting in the  
6 negative are Senators Akshar, Borrello, Boyle,  
7 Gallivan, Griffo, Helming, Jordan, Lanza,  
8 Martucci, Mattera, Oberacker, O'Mara, Ortt,  
9 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
10 Weik.

11 Ayes, 43. Nays, 20.

12 ACTING PRESIDENT BAILEY: The bill  
13 is passed.

14 Senator Gianaris.

15 SENATOR GIANARIS: Mr. President, I  
16 believe we've agreed to restore the remaining  
17 bill, 8197, to the noncontroversial calendar.  
18 Can we do that and take that up, please.

19 ACTING PRESIDENT BAILEY: On  
20 consent, the bill has been placed back on the  
21 noncontroversial calendar.

22 There is a substitution at the desk.  
23 The Secretary will read.

24 THE SECRETARY: Senator Gianaris  
25 moves to discharge, from the Committee on Rules,

1 Assembly Bill Number 9168 and substitute it for  
2 the identical Senate Bill 8197, Third Reading  
3 Calendar 423.

4 ACTING PRESIDENT BAILEY: The  
5 substitution is so ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 423, Assembly Print Number 9168, by  
9 Assemblymember Zebrowski, an act to amend the  
10 State Law.

11 ACTING PRESIDENT BAILEY: Read the  
12 last section.

13 THE SECRETARY: Section 4. This  
14 act shall take effect on the same date and in the  
15 same manner as a chapter of the Laws of 2022.

16 ACTING PRESIDENT BAILEY: Call the  
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce  
20 the results.

21 THE SECRETARY: In relation to  
22 Calendar Number 423, those Senators voting in the  
23 negative are Senators Akshar, Borrello, Boyle,  
24 Gallivan, Griffo, Helming, Jordan, Lanza,  
25 Martucci, Mattera, Oberacker, O'Mara, Ortt,

1 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
2 Weik.

3 Ayes, 43. Nays, 20.

4 ACTING PRESIDENT BAILEY: The bill  
5 is passed.

6 Senator Gianaris, that completes the  
7 reading of today's calendar.

8 SENATOR GIANARIS: Thank you,  
9 Mr. President.

10 Can you please announce that at the  
11 conclusion of session, there will be an immediate  
12 meeting of the Finance Committee virtually.

13 ACTING PRESIDENT BAILEY: At the  
14 conclusion of session, there will be a virtual  
15 Finance meeting.

16 SENATOR GIANARIS: And please  
17 recognize Senator Lanza for an announcement.

18 ACTING PRESIDENT BAILEY: Senator  
19 Lanza.

20 SENATOR LANZA: Thank you,  
21 Senator Gianaris.

22 Mr. President, there will be an  
23 immediate and brief meeting of the Republican  
24 Conference in Room 315 of the Capitol Building.

25 ACTING PRESIDENT BAILEY: There

1 will be an immediate brief meeting of the  
2 Republican Conference in Capitol Room 315.

3 SENATOR GIANARIS: Is there any  
4 further business at the desk?

5 ACTING PRESIDENT BAILEY: There is  
6 no further business at the desk.

7 SENATOR GIANARIS: I move to  
8 adjourn until Monday, February 7th, at 3:00 p.m.,  
9 intervening days being legislative days.

10 ACTING PRESIDENT BAILEY: On  
11 motion, the Senate stands adjourned until Monday,  
12 February 7th, at 3:00 p.m., with the intervening  
13 days being legislative.

14 (Whereupon, at 12:43 p.m., the  
15 Senate adjourned.)

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