

April 29, 2022

The Honorable Patrick McCallister
Acting State Supreme Court Justice
3 East Pulteney Square
Bath, NY 14810

Dr. Jonathan Cervas
Institute for Politics & Strategy
Carnegie Mellon University
Posner Hall 388
5000 Forbes Ave.
Pittsburgh, PA 15213

RE: REDISTRICTING URBAN CORE OF BUFFALO-NIAGARA REGION

Dear Justice McCallister & Dr. Cervas:

As current and former public officials and community leaders in and around the urban and suburban areas of Erie and Niagara counties, including the cities of Buffalo and Niagara Falls, we encourage you to maintain one united congressional district in our region that combines densely urban and suburban areas.

As you know, Article III §4 (c) of the New York State Constitution lays out criteria which must be considered in the construction of congressional and legislative districts. In addition to requiring an equal number of inhabitants¹, the state constitution spells out specific standards which must be taken into consideration, including contiguity, compactness, and protection against denial or abridgement of rights of racial or minority language groups. Additionally, the constitution further requires that, “[t]he commission shall consider the maintenance of cores of existing districts, of pre-existing political subdivisions, including counties, cities, and towns, and of communities of interest.”

We submit to you that the 26th Congressional District, as it is presently iterated, meets each of these criteria head-on, and need not be altered in any way other than to add population to meet the new federal population standard of 776,971. We consider it essential that the court maintain the core of the current NY-26 in this fashion. Assessing the most relevant criteria:

- **Contiguity and Compactness.** There is no other upstate congressional district that satisfies these criteria better than the present NY-26. The district is unquestionably contiguous and its compactness is beyond compare in any district outside New York City in any map. We hope that the court and the special master will see the wisdom in replicating these conditions in a final map.

¹ A requirement of near-exact equity in congressional districts is also required over and above the state constitutional equity requirement (see *Wesberry v. Sanders*, 376 U.S. 1 (1964)).

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- **Protection of racial and minority language groups' rights.** The present NY-26 remains the most racially and ethnically diverse district outside of New York City. This diversity is best ensured by combining the cities of Buffalo, Niagara Falls and Lackawanna into one district, and is enhanced further with the inclusion of larger suburban towns which contain diverse racial, ethnic and religious populations, like Amherst, Cheektowaga and the Tonawandas. Again, there is no district outside New York City that protects racial and minority language groups' rights better than the current iteration of NY-26.
- **Maintenance of pre-existing cores of districts, including pre-existing political subdivisions.** The current NY-26, which includes urban and first-ring suburban populations of Erie and Niagara counties, contains very few divided political subdivisions. In maps drafted by the Independent Redistricting Commission (IRC) and in the map approved by the state legislature, the entirety of the present NY-26 was preserved in the new NY-26, and the most egregious of these cuts in political subdivisions were corrected by incorporating the entire city of Niagara Falls and the entire town of Amherst into the NY-26 map. While at least one political subdivision must necessarily be divided in order to meet the federal standard for exactness, this is nevertheless a simple fix that the court should consider in its final map as well by ensuring Niagara Falls and Amherst, in their totalities, are included in NY-26.
- **Protecting communities of interest.** Here again, the present iteration of NY-26 protects communities of interest to the greatest extent possible. Ours is a "Buffalo-Niagara" region and the present map (imposed by a special master in 2012), in combining the cities of Buffalo and Niagara Falls with first-ring suburbs of both of cities, ensures that racial, ethnic, religious and recent-immigrant populations in our area maintain the full weight of their voting strength by remaining in the same district.

We recognize that this redistricting process has been fraught with difficulty and no one envies the court for the task it has at hand. Notwithstanding all that has transpired over the past several months, it is important to note that each and every map – draft or final – created by the IRC or adopted by the state legislature recognized the points we raise today in their respective iterations of this congressional district, particularly the inclusion of Buffalo and Niagara Falls in the same district. We urge you to do the same.

We thank you for your kind consideration of the foregoing.

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Sincerely,

Hon. Mark C. Poloncarz, County Executive, County of Erie, NY
Hon. Kevin R. Hardwick, County Comptroller, County of Erie, NY
Hon. Kyle Andrews, County Treasurer, County of Niagara, NY
Hon. Byron W. Brown, Mayor, City of Buffalo, NY
Hon. Robert Restaino, Mayor, City of Niagara Falls, NY
Hon. Austin Tylec, Mayor, City of North Tonawanda, NY
Hon. Annette Iafallo, Mayor, City of Lackawanna, NY
Hon. Patrick Mang, Mayor, Village of Kenmore, NY
Hon. April N. M. Baskin, Chair, Erie County Legislature
Hon. Timothy D. Meyers, Majority Leader, Erie County Legislature
Hon. John Bargnesi, Erie County Legislator
Hon. Lisa Chimera, Erie County Legislator
Hon. John Gilmour, Erie County Legislator
Hon. Howard J. Johnson, Erie County Legislator
Hon. Jeanne Vinal, Erie County Legislator
Hon. Christopher Robins, Minority Leader, Niagara County Legislature
Hon. Jeffrey Elder, Niagara County Legislator
Hon. Mark Grozio, Niagara County Legislator
Hon. John Spanbauer, Chairman, Niagara Falls, NY City Council
Hon. Donta Myles, Member, Niagara Falls, NY City Council
Hon. Kenneth Tompkins, Member & Former Chairman, Niagara Falls, NY City Council
Hon. Darius G. Pridgen, President, City of Buffalo, NY Common Council
Hon. Bryan Bollman, Councilmember, Lovejoy District, City of Buffalo, NY Common Council
Hon. Joel Feroletto, Councilmember, Delaware District, City of Buffalo, NY Common Council
Hon. Joseph Golombek, Councilmember, North District, City of Buffalo, NY Common Council
Hon. Mitch Nowakowski, Councilmember, Fillmore District, City of Buffalo, NY Common Council
Hon. David Rivera, Councilmember, Niagara District, City of Buffalo, NY Common Council
Hon. Christopher Scanlon, Councilmember, South District, City of Buffalo, NY Common Council
Hon. Ulysses Wingo, Councilmember, Masten District, City of Buffalo, NY Common Council
Hon. Rasheed Wyatt, Councilmember, University District, City of Buffalo, NY Common Council
Hon. William Reece, City Treasurer, City of Tonawanda, NY
Hon. James Kossow, City Clerk & Former Councilmember, City of Tonawanda, NY
Hon. David Mileham, Councilmember, City of Tonawanda, NY
Hon. Sean Rautenstrauch, Councilmember, City of Tonawanda, NY
Hon. Brian Kulpa, Supervisor, Town of Amherst, NY
Hon. Francina J. Spoth, Town Clerk, Town of Amherst, NY
Hon. Jacqueline Berger, Councilmember, Town of Amherst, NY

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Hon. Shawn Lavin, Councilmember, Town of Amherst, NY
Hon. Michael Szukala, Councilmember, Town of Amherst, NY
Hon. Diane Benczkowski, Supervisor, Town of Cheektowaga, NY
Hon. Linda Hammer, Councilmember, Town of Cheektowaga, NY
Hon. Brian Nowak, Councilmember, Town of Cheektowaga, NY
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Hon. Marguerite Greco, Town Clerk, Town of Tonawanda, NY
Hon. Jill O'Malley, Councilmember, Town of Tonawanda, NY
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Hon. Carl Szarek, Councilmember, Town of Tonawanda, NY
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Hon. Andrea Czopp, Trustee, Village of Kenmore, NY
Hon. Joseph DeCecco, Trustee, Village of Kenmore, NY
Hon. Christine Hunt, Trustee, Village of Williamsville, NY
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Hon. Russell Petrozzi, President, City of Niagara Falls, NY Board of Education
Hon. Earl Bass, Member, City of Niagara Falls, NY Board of Education
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Hon. Clara Dunn, Member, City of Niagara Falls, NY Board of Education
Hon. Paul Kudela, Member, City of Niagara Falls, NY Board of Education
Hon. Anthony Paretto, Member, City of Niagara Falls, NY Board of Education
Hon. Nicholas Vilardo, Member, City of Niagara Falls, NY Board of Education
Mark Laurrie, Superintendent, City of Niagara Falls, NY Board of Education
Peter de Jesus, President, Western New York Area Labor Federation
Richard Lipsitz, President *Emeritus*, Western New York Area Labor Federation
Paul Brown, President, Buffalo Building Trades Council & Niagara Building Trades Council
Rev. Craig D. Pridgen, President, Niagara Falls Ministerial Council
Rev. Russell Allen, Pastor, Bethany Baptist Church, Niagara Falls, NY
Rev. Mark Blue, President, Buffalo Branch, NAACP
Esmeralda Sierra, President, Hispanic Heritage Council of WNY
Casimiro D. Rodriguez, President *Emeritus*/Founder, Hispanic Heritage Council of WNY
Russell Petrozzi, Chairman, Niagara Falls Chamber of Commerce
Hon. Paul Dyster, former Mayor, City of Niagara Falls, NY
Hon. Geoffrey M. Szymanski, former Mayor, City of Lackawanna, NY
Hon. John Brusco, former Majority Leader, Erie County Legislature

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Hon. Sam Granieri, former Majority Leader, Niagara County Legislature

Hon. Minister Renae Kimble, former Majority Leader, Niagara County Legislature

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Hon. Owen Steed, former member, Niagara County Legislature

Hon. Jason Zona, former member, Niagara County Legislature

Hon. Bonnie Kane Lockwood, Former Councilmember, City of Buffalo, NY Common Council

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Hon. Frank Soda, former member, Niagara Falls, NY City Council

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Hon. Rick Davis, former Mayor, City of Tonawanda, NY

Hon. Alice Roth, former Mayor, City of Tonawanda, NY

Hon. Gayle Syposs, former City Clerk & Councilmember, City of Tonawanda, NY

Hon. Dawn Kammerdiner, former Councilmember, City of Tonawanda, NY