Stephen W. Dunn
80 Park Avenue, Unit 5E
Hoboken, NJ 07030
949-885-6516
swdunn1@gmail.com

May 5, 2022

Dear Dr. Cervas, Special Master:

As you already well know, subject to the applicable federal and state law, you have been retained by the Court to draw fair and equitable congressional district and state senate district lines. Because the maps enacted by the New York State Legislature and signed by the Governor were "voided" by the New York Court of Appeals, you are essentially starting from scratch. Proposed maps submitted to you by the political parties and well-known non-partisan organizations, such as Common Cause, deserve no more deference than maps submitted to you by private citizens. You will assess the maps submitted to you based on their merits, and then use your best judgement to draw your own maps, which almost certainly will not replicate any proposed map which you have reviewed.

As you also know, when drawing a fair map, subject to the law, you use well-accepted "neutral" metrics. Those metrics include minimizing county and municipal splits, compactness, and taking into consideration "communities of interest," which beyond ethnic and racial minorities (e.g., as relevant to New York, Hispanics, Blacks, and Asians), also include communities of interest that are demonstrable and compelling. Again, as relevant to New York, such communities of interest that are most compelling I would think are the Hassidic Jews that live in Borough Park in Brooklyn and the Jews that speak Yiddish in Kiryas Joel and environs. Other so-called "communities of interest," such as uniting college towns (*i.e.*, assuming Syracuse is a college town, which it really isn't, Democrats), and "the lake" (Lake Ontario), or the south or north shores of Long Island, tend to be used, and have been used, mostly for the purpose of justify maps that were submitted to you with partisan motives in my opinion. Map drawers in the political arena almost always have partisan agendas, to be frank about it. They are not to be trusted – at all.

My protocol when I wish to draw "fair" and legal maps, is to turn off partisan data on Dave's Redistricting Application (the DRA), and draw a map that in order of priority (1) hews to federal and state law regarding drawing "performing" minority districts, (2) minimizes county and municipal splits, and (3) subject to (1) and (2), draw districts that are compact rather than erose. The law in New York also *requires* that no consideration should be given to favoring or disfavoring incumbents (including whether or not they are drawn out of their existing districts based on their resident location – a stricture that appears to have been placed on "ignore" by both parties), drawing "compact" districts to the extent "practicable," protecting the interests of minorities, and drawing districts that are contiguous (more on that later as to the "notorious" NY-10). The drum that has been beaten until it has no sound by the Respondents about preserving the cores of districts, is *not* a legal requirement, but is a merely a factor to be taken into account all other things being equal; it is secondary to hewing to the legal mandates. Thus, an existing district that is an erose mess, deserves to be jettisoned, not preserved, irrespective of whether or not it maintains that district's "core." Consideration is also to be given to minimizing jurisdictional splits, but that metric is one that is hewed to in any event when drawing an appropriate map as a neutral special master.

1

After drawing a map in accordance with the above principles, then and only then does one consider whether the allocation of the share of partisan "spoils" afforded to each party is equitable or "proportional." In that regard, I use a metric that takes the statewide margin of the majority political party over a 50% baseline, double it, and then sum that figure with 50%. In New York, the Democrats obtain about 60% of the vote, so roughly 70% ((2 x 10%) +50%) of the congressional districts should favor them, and approximately 30% to the Republicans. So, as an initial matter the Democrats "deserve" about 18 districts that favor them (26 x 70% = 18.2), and the Republicans the remaining 8. With respect to highly competitive districts, I split their count between the two parties. So, if there are six highly competitive districts, for purposes of the foregoing formula, the Democrats would be allocated three of such districts, and the Republicans the remaining three.

Particularly in this hyper partisan "take no prisoners" environment, I also try to maximize the number of such highly competitive political districts. Both parties have made every effort to get rid of such competitive districts across the United States, and sadly have been extremely successful in doing so. Taken to the logical extreme, where there are no competitive Congressional districts in the United States, one could dispense with holding general elections entirely for all practical purposes. The only election that would matter would be the partisan political primaries, where the prevailing candidate in the primary of the dominant party, can be very confident of being elected. Moreover, subject to the above metrics, given the relative dearth of competitive districts across the United States, it is in the best interest of the State of New York to have as many competitive districts as possible. Both parties on a national level will then be incentivized to cater to the interests of the state of New York. Given that New York would have so many competitive districts, a political party ignoring the interests of New York might well cost such party its majority in the House and thus lose control thereof.

 Analysis of the Respondent's Map, the Petitioner's Map, the Common Cause Map, and the Dunn Maps

The Dunn Map Proposal 3

The Dunn Maps were meticulously drawn faithfully following the methodology described above. Quite fortuitously, without having to further adjust any of the lines, it turned out the map effected a fair partisan division between the two parties, while also as a delightful bonus maximized the number of competitive districts. On the right side of the attached Exhibit A, is a chart for Dunn Proposal 3[1] which sets forth the partisan data based on the 2020 Presidential election[2] for each of the congressional districts. (Exhibit A also provides the partisan data for the Respondents and Petitioners maps, with the Common Cause map and a slightly revised Dunn map on the attached Exhibit D, but more about that later.) The chart reflects that the Dunn proposal has three safe Republican districts, two lean Republican districts, five swing districts, one lean Democratic district, and fifteen safe Democratic districts. If you allocate evenly the eight lean and swing districts, then the count for the Democrats is

---

[1] Dunn Proposal 1 unfortunately used prisoner adjusted population which a court determined illegal last Fall. Consequently, Dunn Proposal 2 was submitted using the 2020 Census population. I then realized on further review that the minority population in what is commonly called New York-14 (I label it New York-12 and thus on the chart) reflect that idiosyncrasy by labeling the district "14(12)," and concomitantly New York-12 "12(14), thus, Dunn Proposal 2 redrew portions of some of the districts in New York City to increase the Hispanic VAP percentage in New York-14, and that is the map I compare to the other maps submitted to you that I discuss.

[2] I agree with one of the lawyers for the Respondents when discussing NY-04 that the 2020 Presidential election is the appropriate election to use given how dynamic the partisan trends are, and using composite data is highly misleading and inappropriate.

2

nineteen districts, and seven districts for the Republican, or if one allocates another district to the Republicans given that there are two lean Republican districts and but one lean Democratic district, then you have eighteen Democratic districts and eight Republican districts - "right on the money" as a fair partisan division as it were, and this was the result without the need to make any further adjustments to the lines whatsoever. In short, unlike as is the case in some states, if you follow neutral redistricting metrics without playing partisan or incumbent favoring games, you also end up with an equitable map as a partisan matter.[3]

The Dunn map also does very well in creating performing minority districts and minimizing splits. This is documented in <u>Exhibit B</u>, which compares the minority percentages for the four maps discussed of those districts in New York where such minority percentages are relevant, and <u>Exhibit C</u>, which summarizes the number of splits, together with the DRA score, of the 4 maps.

The Dunn Map is also superior to the other maps when it comes to minimizing splits of counties and municipalities. The Dunn Map (along with the Common Cause Map) has the minimum number of county splits upstate. Overall, the Dunn Map has three fewer county splits than the Common Cause Map, six less than the Petitioner's Map and seven less than the Respondent's Map. Consequently, it is no surprise that the Dunn Map as rated by the DRA (the bottom chart on <u>Exhibit C</u>) scores very well - most dramatically when it comes to competitiveness, where it "blows away" the other maps, but also superior by a considerable margin when comes to compactness and splitting.[4] It also has a near perfect score along with the Petitioner's map when it comes to proportionality, and is about the same when it comes drawing minority districts (except when it comes to an Asian (Chinese) influence district in south Brooklyn; more about that later).

<div align="center">Comments as to Specific Districts in the Submitted Maps</div>

<u>The Long Island District (NY-1 to NY-4)</u>

<u>Dunn Map</u>

NY-1 is entirely contained in Suffolk County, and almost perfectly hews to the town lines, with only a very small chop into the town of Islip. NY-2 fills out the balance of Suffolk County and has a relatively small chop into the town of Oyster Bay in Nassau County. NY-4 with the exception of some minority areas that are necessary to include in NY-5 to make that district a performing Black district, NY-4 takes in the entirety of the town of Hempstead together with the narrow prong of the town of Oyster Bay which goes all the way down to the Atlantic Ocean from Long Island Sound. NY-3 takes in the balance of Nassau County together with the minimum amount of real estate necessary in New York City to create a road connection to Westchester County, in which the balance of NY-3 is located. Serendipitously, by hewing to these basic neutral redistricting metrics, it turns out that both NY- 2 and NY-4 are highly competitive districts (the DRA for what it is worth labels them both "even" as a partisan matter using whatever metrics is in its "black box."

---

[3] For purposes of comparison, Respondents Map has 19 safe Democratic districts, three swing districts, one lean and 3 safe Republican districts, for a count of 20-21 Democratic districts, Petitioners Map

[4] The Dunn Maps superior score on avoiding jurisdictional splits was earned without taking into consideration municipal splits. In that regard, in Suffolk and Nassau counties, the other maps in those counties have lines as if the town lines in the were not there at all. In some cases, a town was tri-chopped, and done so for clearly partisan reasons, or at least that was the effect of ignoring the town lines. If city and town chops were taken into consideration, the superior split score of the Dunn Maps would be even greater.

<div align="center">3</div>

Respondents Map

In contrast, the Respondents Map as to NY- 1, has a much deeper chop into the town of Islip in order to exclude the fairly Republican town of Smithtown, so that its political impact can be neutralized by placing it in a safely Democratic NY-3. Its NY-2 then takes in the balance of Islip, and effects a substantial chop into the town of Huntington, a very substantial chop into Oyster Bay, and then it even goes on to create a small chop in the town of Hempstead. The effect of this abandonment of neutral metrics is to make NY-4 a safely Democratic district in lieu of a competitive one (Respondent's NY-4 even chops into North Hempstead rather than hewing to the town line between Hempstead and North Hempstead, and even goes so far as to having an unnecessary chop into North Hempstead, in lieu of avoiding its unnecessary chop into New York 2 in Hempstead. Respondent's map is replete with unnecessary town chops galore to render NY-4 safely Democratic. In short, hewing to neutral metrics is inimical to drawing a safely Democratic NY-4, rather than a competitive one, so neutral metrics were abandoned.

Petitioners Map

Petitioners Map, in order to create three safe Republican districts on the South Shore of Long Island, has New York 1 chopping into both Islip and Smithtown. New York 2 in turn takes in the bulk of remaining population in Islip (but not all of it Islip is tri-chopped), and then most but not all of Babylon, the southern prong of Oyster Bay, and the most Republican precincts of Hempstead. It's NY-03 has small chops into Smithtown, Islip, and Babylon and then takes in Huntington, the northern half of Oyster Bay, and most but not all of North Hempstead (NY-5 has a small chop into it). Most egregiously, NY- 4, instead of being centered in Hempstead as it should and thus competitive, instead takes but a small bit of it, and marches west to take in the Republican precincts on the south shore of Queens, and then rounds itself out by going into the south shore of Brooklyn to take in those Republican precincts remaining after NY-11 takes in its share.

In order to accomplish this massive drift west of NY-4, NY-5 in turn takes in the most Democratic precincts of Hempstead in a huge move to the opposite direction to the east. This whole unfortunate mess appears to be driven by Petitioners having decided to avoid New York 3 going into Westchester County. As one of the Democratic lawyers noted, NY- 3 is "forced" to go into Westchester County because everything to its west in New York City is needed to draw performing minority districts. Petitioners in order to circumvent this wall of minority precincts in the Bronx and Queens, got creative by vacuuming up all of the Republican precincts on the south shore, in Hempstead, Queens and Brooklyn. Petitioners made a poor choice there. The result is that Petitioners map, in addition to not hewing to neutral metrics, is relatively light on competitive districts.

The Common Cause Map

The Common Cause map has NY-1 hugging the south shore, and therefore there is a huge chop of Brookhaven as it marches all the way to Babylon. NY-2 hugs the north shore, which causes a tri-chop of Oyster Bay, while its NY-4 is made safely Democratic by taking in Democratic precincts in Hempstead, wandering unnecessarily into North Hempstead to effect a chop there, and then does a traveling chop going east, incorporating the southern prong of Oyster Bay and the northeast corner of Babylon. When you look at its map as it chops through jurisdictions, in addition to failing to respect the lines of counties and towns, it does not look attractive to the eye. It has far too many town chops, and in doing so renders NY-04 uncompetitive.

4

New York City

The Dunn Map

Of note, the Dunn Map creates a safely Republican district in Brooklyn (NY-12, which unfortunately at the time I labeled NY-14), and a swing district, NY-11, which Trump carried by a couple percentage points. Notice that the two districts collectively are highly compact. NY-11's ear muffs around NY-12(14) are a result of NY-12(14) being drawn to maximize the Asian (Chinese) percentage in the district, in other words NY-12(14) was drawn first and then NY-11 took in the remaining territory (to wit, the mostly non-Orthodox Jewish population of Coney Island, together with Fort Hamilton, Bay Ridge, the portion of Sunset Park that has a low percentage of Asians, and then up to Windsor Heights to round out its population). After maximizing the Asian population in the district, the balance of New York 12(14) is comprised of either Orthodox Jewish (Midwood and environs) or Hassidic Jewish (Borough Park) neighborhoods. In short, Hassidic Jews and Orthodox Jews who vote heavily Republican are a real community of interest, not a make weight ersatz one made to justify a gerrymander, Republican or otherwise.

NY-7 was drawn to maximize its Hispanic population, and thus it straddles the Brooklyn-Queens County line, and then crosses the water via a bridge into Manhattan to pick up the Hispanic precincts there, and then rounds out its population by including Red Hook to pick up a few Hispanic precincts in that location. NY-14(12) was drawn to be as compact as possible while avoiding chopping into the Bronx. Its Hispanic VAP population is 36.55% (see Exhibit B).[5] New York 6 was drawn to maximize the Asian (Chinese) VAP percentage, which I deemed necessary, because even at a 49.69% Asian VAP percentage (more than any of the other maps), the 2019 citizen Asian percentage was only about 37%. In order to accomplish this maximization of the Asian percentage, NY-05 needed to get somewhat erose along the NY-05 and NY-06 border in order to take in precincts that had a relatively low Asian percentage, as well as move north and east. The consequence of that was that NY-8 was obliged to cross over from Brooklyn into Queens to absorb precincts around JFK Airport and Rockaway Point that NY-5 abandoned, creating an extra chop. One thing leads to another, but the highest priority was maximizing the Asian percentage in NY-6.

Finally, of note, the Dunn map's highly compact NY-16 which straddles the Bronx-Westchester County line has the highest percentage of both blacks and Hispanics of any of the four maps. See Exhibit B.

Respondents Map

When it comes to New York City, the highlight of Respondents map, is its patently obvious and ugly and illegal in multiple ways gerrymander in order to make every district in NYC safely Democratic. Its agenda in particular was to to eliminate New York 11 as a swing district, and to utterly atomize into oblivion the specter of birthing a compact Chinese and Hassidic and Orthodox Jewish district. This was in part accomplished by having NY-11 erosely jut up to heavily Democratic Park Slope, with neighborhood has next to nothing in common with Staten Island, Bay Ridge and Red Hook, thereby rendering NY-11 safely Democrat. Its NY-8 in turn joins into the gerrymandering fray by slicing and

---

5   By chopping into the Bronx and crossing the water into Astoria, without upsetting the apple cart, one can get the Hispanic VAP percentage up to about 41%. I deemed such a chop and water crossing as undesirable and unnecessary. However, it can be done without the district as is true with respect to the other maps wandering all the way to the gates of Westchester County, creating an incredibly erose district.

5

dicing the south Brooklyn shore by absorbing Coney Island and some but not all of the Orthodox Jewish precincts, with NY-9 assigned the mission of slicing and dicing some more of south Brooklyn to take up the balance of the Orthodox Jewish Republican precincts not dumped into NY-8.

However, Respondents' pièce de resistance, akin to Captain Ahab's fixation on harpooning the White Whale, is its notorious NY-10, which crosses from Manhattan into Brooklyn via a tunnel under the water as to which one cannot exit (due to its being underground) when it reaches land while in New York 10 (query, is such a district really contiguous as mandated by New York law, inquiring minds want to know), and then wraps around the southern end of Red Hook, tossing overboard in the process the incumbent in New York-7 from residing in her district.[6] The arguably non-contiguous and therefore illegal NY-10, after tossing Nydia Velazquez over the side to take one for the team, then goes on its incredibly erose and illegal journey down to the Hassidic Jews in Borough Park, and then joining in the slice and dice of the Chinese community in south Brooklyn (some of this Chinese community in Respondent's map are in NY-10, some are in NY-9, and a few are in NY-11), as NY-10 literally goes all the way into the Atlantic Ocean. Is that as compact district as practicable, as New York law requires? Obviously no.

And just what was the justification given by Respondent's lawyers for creating this hideous district? Two of the three of them offered up different ways of putting lipstick on the pig. One said it was to unite the Chinatown Chinese of Manhattan to the Chinese of South Brooklyn. Really? That is obviously false because if the Respondents really cared about uniting the Chinese community of south Brooklyn, they would not have tri-chopped that community between NY- 9, NY- 10 and NY-11. And that is why of course even with Manhattan Chinatown, Respondent's Asian VAP percentage is 28.6% as opposed to the Dunn map's Asian percentage of 34.14% in a compact district, without indulging in the excrescence of its incredible journey snaking down from the Chinatown of Manhattan. The second Respondent's lawyer said/wrote that it was all about uniting the Jews, and keeping Jerry Nadler in office in particular.[7]

Petitioner's Map

Of note, Petitioner's map creates two safe Republican districts in southern Brooklyn and Staten Island, with a little help from Republican friends in the town of Hempstead in Nassau County. To call that anything other than a Republican gerrymander in this part of the state would be disingenuous.

---

6 New York law bans drawing districts that favor or disfavor incumbents. When I drew my map, and for that matter when Common Cause drew its map, we both ignored where incumbents live, in contrast to what I believe both Petitioner and Respondent's maps do, which meticulously avoid placing the residence of any incumbent announcing that they intended to run for re-election their residences in any district other than "their" district. Such a deference to where incumbents live is a form of favoring incumbents, and thus illegal under New York law. You as the Special Master should put the matter of where incumbents live on " ignore," as I am confident that you will.

7 This ersatz rational of uniting Jews that have little in common with each other may have also motivated the Special Master that drew the prior map in 2012, which in allows the Respondent's lawyers to brag about preserving district cores – a metric that is merely something to consider as a prefatory suggestion, as opposed to a legal *requirement*, (e.g., in particular here not favoring incumbents (to whit Jerry Nadler), compactness, and contiguousness). Aside from its illegality, the Respondent's lawyer rolling out as a fig leaf the party line of uniting the Jews is just embarrassing. The heavily Republican Hassidic Jews in Burrough Park have absolutely nothing in common with the much more secular and heavily Democratic Jews living in Manhattan. The Respondent's lawyers also noted that Jerry Nadler is the only Jew in Congress from New York. Their lawyers should not unduly fret about that. The compact Hassidic and Orthodox Jewish and Chinese district that I drew will most likely elect an Orthodox Jewish representative, who will be most sensitive to the needs of the Chinese community, in what is also a Chinese influenced district. The New York 17 district that I drew may also elect a Jewish individual. Rockland County has a substantial Jewish population together with certain towns in Orange County (*e.g.*, the Yiddish speaking community in Kyris Joel and environs).

6

Common Cause Map

Sadly, the Common Cause map embraces the illegal NY-10 concept, joining with Respondents in drawing a hideously erose CD based on the fallacious idea that the heavily Republican Hassidic Jews in Burrough Park and the heaving Democratic more secular Jews in Manhattan belong together. slices and dices the Chinese community in south Brooklyn between NY-11, NY-10 and NY-9, together with slicing and dicing the non-Hassidic Republican Orthodox Jewish community between New York 9 and 11, and embracing the Respondent's map traveling all the way to Coney Island to neutralize the Republican precincts located there, and have the same contiguity issue as the Respondent map, and tossing Nadya Velasquez over the side in the process. Common Cause, while again vaporizing a contiguous Orthodox Jewish and Chinese community (its version of NY-10 has an even more anemic Asian VAP percentage than the Respondents version of NY-10 – 23.36% - Exhibit B), it does concede NY-11 to the Republicans as a GOP vote sink, by connecting, via slicing and dicing the Chinese community, with half but not all of the Orthodox Jewish community in Midwood and environs, which is split between its version of NY-10 and NY-9. Other than these deviations from the theme of the Respondents map, Common Cause map basically replicates the Respondent's districts in New York City, warts and all.

Upstate New York

The Dunn Map

The Dunn Map upstate minimizes the county splits to the bare minimum (other than perhaps in Westchester County which is tri-chopped because New York 3 goes to Westchester County while the Petitioner's Map does not), In addition, NY-22 is chop into Cayuga County is miniscule - just a few hundred people. As you well know, nesting a congressional district within counties that entail chops so small that under federal law one could just do away with the chop (because the population deviation would be less than 0.5 percent), is highly desirable using neutral metrics. The districts are also all compact and "clean," while creating several highly competitive districts (see Exhibit A).

Granted, the preserving of district cores as something that should be take into consideration all other things being equal, is de-prioritized. Having NY-24 wrapped around NY-25 in an ear muffs shape is not compact. The concept that counties abutting Lake Ontario is a real community of interest is not at all compelling. I elected to draw two highly compact districts with respect to NY-23 and NY- 24 that have very small county chops on their margins. In other words, after thinking about preserving district cores, one should just ignore it in this region of New York. Indeed, as an example of another ersatz community of interest, one could label my NY-23 as the Finger Lakes District. That has a nice ring to it actually.

Respondents Map

Respondent in an attempt to maximum the Democratic Party share of the districts, just goes wild with extra chops upstate. NY- 22 and NY-21 have a just insanely erose line between them with extra and unnecessary county chops. NY-21 chops into Saratoga County in two different directions, while causing NY-21 in turn to squeeze into something of a pretzel its chop through Saratoga County as it inexplicably moves all the way up into Warren County. Part, but by no means all, of the ensuing mess in that part of their map is explained by NY-22 taking in all of Montgomery County, which just happens to be the county that the incumbent Mr. Tonko lives in (again, it is illegal under New York law

7

to draw maps designed for the care and feeding of incumbents intending to run for re-election.[8]

And then we have in NY-16, an incredibly erose district that squeezes along the eastern edge of Westchester County to take in the heavily Republican eastern portion of Putnam County, thereby neutralizing the Republicans in that location, leaving only the far western edge of Putnam County in NY-18, in order to cause the NY-18 incumbent to still reside in his district, who lives on the Hudson River in the town of Cold Springs. Very naughty that, and illegal. Similarly, Respondents NY-19 generates an extra chop by having both Ulster and Dutchess Counties chopped between NY-18 and NY-19. Why? Because at the time it was drawn, Respondents thought the incumbent for NY-19 was running for re-election, and thus Respondents needed to make sure that his hometown of Rhinebeck was in his NY-19 district. And finally, we come to NY-22, as to which Respondent seemed obsessed to render safely Democratic. So not only do they make their NY-22 district erose by jutting into Tompkins County, while its New York 23 has ear muffs around it (on the flimsy rational that Ithaca and Syracuse are both "college," *i.e.*, Democratic, towns; – nope, Syracuse is a major transportation, industrial and commercial hub hosting a metro area of substantial size, spilling over into Madison County, with a population of some 500,000 people – nice try). Even more amazingly, not content with drawing a merely quite safe Democratic district, they then decide to have another extra chop into Oneida County, to take in Democratic city of Utica, while mostly avoiding Republican towns in the county. Consequently, NY-22 is no longer in play at all in Respondents' map; Biden beat Trump in Respondents' version of NY-22 by a whopping 18 percentage points.

Petitioners Map

Petitioners Map is much more attractive looking than Respondents Map, but it does have its unfortunate aspects, including the care and feeding of incumbents; thus, the unnecessary chops of *both* Putnam and Dutchess Counties between NY-17 and NY-18, and *both* Dutchess and Ulster Counties between NY-18 and NY-19 (Dutchess is thus unnecessarily tri-chopped), presumably to accommodate the incumbents intending to run for re-election by making sure that Reinbeck is in NY-19 and Cold Spring is in NY-18, respectively. There is also an unnecessary county chop between NY-21 and NY-20, again to make sure the incumbent Mr. Tonko lives in his New York 20 district. It also has NY-22 ear muffed around NY-25 and eschews nesting NY-22 in Onondaga, Madison, and Oneida Counties which has the effect of making NY-22 a couple of points more Republican than it would be otherwise.

The Common Cause Map

Common Cause to its credit drew the same NY-22 district that I did. Imitation is the sincerest form of flattery. However, its map chops the Yiddish speaking Jewish community in Orange County and the chop of NY-24 into Orleans County is not only unattractive looking but forces the chop into Livingston County between its NY-26 and NY-23 to be larger than it needs to be. The main flaw in its map however is to make NY-19 considerably more Democratic than neutral map metrics would dictate by reaching all the way into Tompkins County, which is hardly the most compact way to draw the district. Tompkins County seems to be this irresistible gleaming toy for those wanting to draw maps favorable to Democrats in the sense of giving them an unfair share of the partisan spoils. Moreover, as a result of the way Common Cause's NY-19 jutted into Tompkins County, it now has NY-23 going all the way from Tioga County wedged below Tompkins County (now in NY-19) and the Pennsylvania state line,

---

[8] Come to think of it avoiding competitive districts whenever possible is another form of the illegal care and feeding of incumbents. The last thing incumbents want is to have to worry about getting re-elected. So not only is it improper as a policy matter to avoid competitive districts, it may well be illegal in New York.

8

writhing around the Tompkins County jut, and after taking all of Oswego County on Lake Ontario, then just keeps on going, with a substantial chop deeply into Jefferson County, almost to the gates of Watertown. Neither its NY-19, and particularly its NY-23, are compact by any reasonable standard.

However, one thing that this map does that I did really like is to place the Leatherstocking counties (which it calls the Erie Canal counties) all into New York 21. Doing that creates nice clean lines between NY-21 and NY-19, in comparison to the Dunn map line which had New York 19 taking in Herkimer County, which was wedged between NY-22 and NY-21.

The Revised Dunn Map

Consequently, because I like so much the way Common Cause united Herkimer, Fulton and Montgomery Counties, I did a revised map that did the same thing. Crowd sourcing is good. We learn from each other, and I thank Common Cause for that. However, I avoided the erose prong of NY-19 going into Tompkins County. Instead, in a compact fashion, it takes in about a quarter of the population of Tompkins County, such that Common Cause gets a bit of what it wanted, by virtue of the dictates of neutral metrics line drawing. The DRA link to the map that makes this one revision between New York 21, 19, and 23 is here:

https://davesredistricting.org/join/ec73e98c-c9c5-419a-82bc-9d1c48e14d86
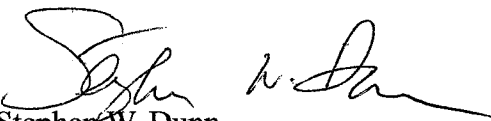
The Shape files for this fix of NY-19, NY-23 and NY-20 as the wheel is spun clockwise, are submitted herewith. A delightful bonus with this revised map is that NY-19 not only looks highly compact, it is also now almost dead even between Trump and Biden in 2020. The attached Exhibit D compares the Common Cause Proposal to the revised Dunn proposal regarding the partisan 2020 Presidential results, reflecting that NY-19 in the revised Dunn map was basically dead even between the parties, as opposed to Trump carrying the district by 2.5% in the prior Dunn map proposal.

Conclusion

Dunn Map's by a considerable margin have the fewest splits and has by far the most competitive districts, which are also very compact and fairly allocate each party's share of the Congressional districts as a partisan matter. For all of the foregoing reasons, I hope that you give the map due consideration when you make your choices between all the competing factors involved in drawing the Congressional districts while hewing to the applicable law.

Best regards,

Stephen W. Dunn

9

Exhibit A

Respondents Proposal			
ID	Biden	Trump	Trump Margin
24	39.46%	58.28%	18.82%
21	40.26%	57.75%	17.49%
23	40.17%	57.64%	17.47%
1	47.07%	51.48%	4.41%
2	50.91%	47.79%	-3.12%
18	50.75%	47.61%	-3.14%
19	51.42%	46.28%	-5.14%
11	54.15%	44.62%	-9.53%
4	55.00%	43.67%	-11.33%
3	55.04%	43.62%	-11.42%
20	57.41%	40.30%	-17.11%
17	58.57%	40.22%	-18.35%
22	58.17%	39.58%	-18.59%
25	59.01%	38.46%	-20.55%
6	61.33%	37.50%	-23.83%
26	61.65%	36.53%	-25.12%
16	68.93%	30.02%	-38.91%
14	74.15%	24.70%	-49.45%
10	76.11%	22.53%	-53.58%
8	77.35%	21.73%	-55.62%
9	77.43%	21.62%	-55.81%
7	81.49%	17.29%	-64.20%
5	81.97%	17.27%	-64.70%
15	85.00%	14.16%	-70.84%
12	84.36%	14.15%	-70.21%
13	87.66%	11.29%	-76.37%

Petitioner's Remedial Map Proposal			
ID	Biden	Trump	Trump margin
24 (22)	40.60%	57.22%	16.62%
21	42.82%	55.18%	12.36%
23	43.49%	54.22%	10.73%
4	45.33%	53.67%	8.34%
11	45.68%	53.11%	7.43%
2	46.19%	52.41%	6.22%
1	46.92%	51.63%	4.71%
19	49.69%	48.05%	-1.64%
18	51.69%	46.67%	-5.02%
22 (24)	51.38%	46.38%	-5.00%
17	54.07%	44.63%	-9.44%
3	55.09%	43.59%	-11.50%
20	58.39%	39.31%	-19.08%
25	59.04%	38.43%	-20.61%
26	61.61%	36.57%	-25.04%
6	63.41%	35.47%	-27.94%
16	71.42%	27.57%	-43.85%
5	72.62%	26.31%	-46.31%
14	72.71%	26.29%	-46.42%
12	78.86%	19.71%	-59.15%
7	81.68%	17.08%	-64.60%
15	86.21%	13.06%	-73.15%
8	86.97%	12.19%	-74.78%
10	86.42%	12.08%	-74.34%
13	87.93%	10.96%	-76.97%
9	89.04%	9.95%	-79.09%

Dunn Proposal			
ID	Biden	Trump	Trump margin
24	38.62%	59.29%	20.67%
21	42.91%	55.06%	12.15%
12 (14)	44.32%	54.55%	10.23%
23	45.43%	52.20%	6.77%
1	46.95%	51.61%	4.66%
11	48.16%	50.65%	2.49%
19	47.24%	50.59%	3.35%
17	49.53%	49.14%	-0.39%
4	51.82%	46.83%	-4.99%
2	51.89%	46.70%	-5.19%
22	52.61%	45.15%	-7.46%
18	56.39%	41.96%	-14.43%
20	58.53%	39.17%	-19.36%
25	59.04%	38.43%	-20.61%
6	61.22%	37.67%	-23.55%
3	62.22%	36.59%	-25.63%
26	61.66%	36.52%	-25.14%
16	76.29%	22.77%	-53.52%
5	77.67%	21.45%	-56.22%
7	80.70%	17.96%	-62.74%
14 (12)	81.14%	17.58%	-63.56%
8	82.93%	16.22%	-66.71%
15	84.24%	14.98%	-69.26%
10	85.54%	12.95%	-72.59%
13	87.64%	11.26%	-76.38%
9	90.22%	8.77%	-81.45%

Exhibit B

	Respondents				Petitioners				Common Cause				Dunn			
	Hispanic	Black	Asian		Hispanic	Black	Asian		Hispanic	Black	Asian		Hispanic	Black	Asian	
15	58.54%	37.46%	4.69%		64.05%	39.66%	3.38%		63.47%	39.86%	3.41%		61.68%	37.82%	4.26%	15
5	18.08%	51.02%	17.08%		20.49%	45.29%	7.97%		18.95%	50.05%	15.82%		17.49%	44.89%	18.02%	5
13	53.31%	34.84%	5.46%		49.21%	30.56%	6.95%		50.27%	33.38%	6.14%		49.21%	30.56%	6.95%	13
6	18.55%	5.06%	45.81%		18.01%	7.21%	46.85%		19.79%	5.41%	48.68%		17.61%	4.82%	49.69%	6
14	45.08%	11.52%	20.53%		39.87%	23.59%	16.70%		43.06%	14.03%	17.93%		36.55%	12.80%	15.55%	14 (12)
8	14.53%	48.60%	10.05%		21.30%	52.05%	15.11%		15.51%	50.36%	8.92%		18.07%	58.12%	8.52%	8
9	12.01%	50.02%	10.22%		12.68%	52.06%	9.60%		12.01%	50.02%	10.22%		12.43%	48.31%	7.72%	9
7	35.87%	15.79%	14.93%		36.96%	12.40%	20.83%		38.10%	12.75%	20.32%		37.94%	12.90%	16.52%	7
16	25.05%	33.88%	5.36%		26.91%	25.21%	7.31%		26.35%	32.62%	6.98%		31.15%	38.90%	7.18%	16
4	20.13%	15.49%	8.99%		13.13%	16.71%	17.26%		21.95%	18.49%	4.48%		18.25%	13.66%	6.36%	4
3	15.88%	5.13%	13.78%		16.09%	6.43%	15.29%		15.42%	7.44%	21.06%		17.78%	7.06%	16.55%	3
10	13.13%	6.45%	28.46%		11.34%	6.74%	16.65%		13.78%	6.52%	23.36%		10.99%	6.31%	20.35%	10
11	16.02%	8.66%	17.27%		16.67%	8.54%	20.61%		16.02%	8.66%	17.27%		18.70%	10.37%	13.10%	11
1	15.13%	6.42%	4.57%		15.07%	6.37%	4.76%		24.34%	8.88%	3.55%		14.75%	6.25%	4.76%	1
12	11.09%	6.51%	16.52%		22.74%	5.53%	19.92%		12.09%	5.51%	16.73%		14.21%	4.15%	34.14%	12 (14)
17	19.91%	11.27%	7.56%		17.98%	9.77%	6.12%		18.74%	9.50%	6.15%		19.52%	13.07%	5.28%	17

Exhibit C

County split count	Respondents	Petitioners	Dunn	Common Cause	CC Dunn Resp
Upstate	14	13	10	10	10
Westchester	3	2	3	3	3
Long Island	5	5	4	5	4
NYC	17	18	15	17	15
Total	39	38	32	35	32
Queens	5	6	5	5	5
Brooklyn	5	5	4	5	4
Manhattan	3	3	3	3	3
The Bronx	4	4	3	4	3
Total	17	18	15	17	15

DRA rating	Respondents Map	Petitioners Map	Dunn Map	Common Cause Map	Dunn Resp to CC Map
Minority	81	79	82	81	82
Compactness	42	58	66	56	63
Splitting	19	20	34	29	34
Proportionality	90	100	99	76	97
Competitiveness	25	33	66	28	63

Exhibit D

Common Cause Proposal			
ID	Biden	Trump	Trump Margin
25 (26)	38.66%	59.26%	20.60%
23	41.06%	56.57%	15.51%
11	43.49%	55.33%	11.84%
21	43.97%	54.02%	10.05%
2	48.22%	50.35%	2.13%
1	49.95%	48.65%	-1.30%
19	51.40%	46.38%	-5.02%
18	52.36%	45.92%	-6.44%
22	52.60%	45.16%	-7.44%
4	54.89%	43.82%	-11.07%
17	54.95%	43.77%	-11.18%
3	56.29%	42.42%	-13.87%
20	57.58%	40.10%	-17.48%
25 (24)	58.61%	38.87%	-19.74%
26 ((25	61.61%	36.57%	-25.04%
6	64.00%	34.86%	-29.14%
16	73.36%	25.68%	-47.68%
14	73.55%	25.31%	-48.24%
10	76.53%	22.10%	-54.43%
7	79.27%	19.47%	-59.80%
5	80.75%	18.46%	-62.29%
8	82.40%	16.64%	-65.76%
9	84.11%	14.90%	-69.21%
12	83.65%	14.85%	-68.80%
15	86.21%	13.06%	-73.15%
13	86.79%	12.11%	-74.68%

Dunn Proposal to Common Cause Proposal			
ID	Biden	Trump	Trump margin
24	38.62%	59.29%	20.67%
21	42.65%	55.35%	12.70%
12 (14)	44.32%	54.55%	10.23%
23	43.97%	53.69%	9.72%
1	46.95%	51.61%	4.66%
11	48.16%	50.65%	2.49%
19	48.92%	48.84%	-0.08%
17	49.53%	49.14%	-0.39%
4	51.82%	46.83%	-4.99%
2	51.89%	46.70%	-5.19%
22	52.61%	45.15%	-7.46%
18	56.39%	41.96%	-14.43%
20	58.44%	39.26%	-19.18%
25	59.04%	38.43%	-20.61%
6	61.22%	37.67%	-23.55%
3	62.22%	36.59%	-25.63%
26	61.66%	36.52%	-25.14%
16	76.29%	22.77%	-53.52%
5	77.67%	21.45%	-56.22%
7	80.70%	17.96%	-62.74%
14 (12)	81.14%	17.58%	-63.56%
8	82.93%	16.22%	-66.71%
15	84.24%	14.98%	-69.26%
10	85.54%	12.95%	-72.59%
13	87.64%	11.26%	-76.38%
9	90.22%	8.77%	-81.45%