

Exhibit F

January 28, 2021

VIA EMAIL

Honorable Andrew Cuomo
Governor
New York State Capitol
The Executive Chamber
Albany, New York 12224

Honorable Andrea Stewart-Cousins
NYS Senate Majority Leader
188 State Street, Room 907
Legislative Office Building
Albany, NY 12247

Honorable Carl E. Heastie
NYS Assembly Speaker
Legislative Office Building room 932
Albany, NY 12248

Honorable Robert G. Ort
NYS Senate Minority Leader
Capitol Building Room 315
Albany, NY 12247

Honorable William A. Barclay
NYS Assembly Minority Leader
Legislative Office Building room 933
Albany, NY 12248

Dear Governor Cuomo and legislative Leaders:

As duly appointed members of New York State's Independent Redistricting Commission, we are contacting you to request the immediate release of the \$1 million in state funding appropriated to the Department of State in the enacted 2020-21 state budget to fund the Commission, as well as the inclusion of "necessary" funding for the Commission in the 2021-22 Executive Budget through your forthcoming 30-day amendments.

Nearly one year ago, the Majority and Minority Leaders of the State Senate and State Assembly made their appointments to the Commission consistent with Article III Section 5-b(a) of the State Constitution. Subsequently, the enacted 2020-21 State Budget appropriated \$750,000 to the Department of State "[f]or services and expenses of the Independent

Redistricting Commission" (see page 848 lines 23 and 24 of S.7503-C) and contained another \$250,000 in reappropriated funds for the Commission (see page 851 lines 12 and 13 of S.7503-C).

As of the date of this correspondence, however, no such funding has been released by the Department of State to fund the Commission and the 2020-21 Executive Budget that you submitted to the State Legislature on January 20, 2021 neglected to include any new funding for the Commission.

Pursuant to Article III Section 5-b(h) of the State Constitution, "[t]he state budget **shall include necessary appropriations** for the expenses of the independent redistricting commission, provide for the compensation and reimbursement of expenses for the members and staff of the commission, assign to the commission any additional duties that the legislature may deem necessary to the performance of the duties stipulated in this article, and require other agencies and officials of the state of New York and its political subdivisions to provide such information and assistance as the commission may require to perform its duties." (emphasis added)

By failing to disburse the \$1 million appropriated by the State Legislature in the 2020-21 New York State Budget, your administration has failed to live up to the standard you set when you said, "this historic constitutional amendment" would "finally refor[m] the state's broken redistricting process." At present, your administration has not lived up to the provisions of the State Constitution and State Legislative Law—fundamentally negating what Dr. Michael MacDonald, who served as a professor at George Mason University and a Senior Fellow at the Brookings Institution, called your "principled stand" during the last redistricting process.

To this end, I direct your attention to bipartisan correspondence sent to the New York State Budget Director on September 14, 2020 signed by all eight commissioners appointed by the state legislative leaders. In that letter, all eight Republican and Democratic commissioners "respectfully request[ed] that the Commission's legislative appropriation immediately be released, so that we may fulfill our constitutional duties." Moreover, we reminded the Budget Director that "the State Constitution mandates this funding and does not contemplate an indefinite delay before releasing it." That correspondence elicited no response.

Recognizing that the Budget Director failed to even acknowledge our letter, the entire Commission reiterated this request in an email sent to you, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senate Minority Leader Robert Ort and Assembly Republican Leader William Barclay on December 10, 2020. In that correspondence, the Commissioners again "respectfully request[ed] that the appropriations allocated to the Commission" be released and stated that, [w]ithout the appropriated funds we cannot execute our mandated duties within the statutory time frame." Further, we cautioned that the release of this funding was necessary to "have staff hired and [be] ready to receive [Census Bureau] data." Unfortunately, there was no official response from you. That said, Senate Minority Leader Ort's response dated December 14, 2020 noted that "the Governor and Legislative

Majorities should honor the will of the voters and immediately release this long overdue funding...[because] the continued failure to release these funds is significantly impeding the ability of the Commission to operate and fulfill its constitutional mandate.”

We also direct your attention to a letter sent to you on December 14, 2020 that was signed by the principals at the NALEO Educational Fund, Latino Justice PRLDEF, Center for Law and Social Justice at Medgar Evers College, Chinese-American Planning Council, New York Immigration Coalition, League of Women Voters of New York State, Citizens Union and ReInvent Albany. Their message echoed our continued call for the immediate release of this legislative appropriation and, in relevant part, stated:

The Commission has hired its Co-Executive Directors and begun holding regular meetings to set its goals and agenda. At its most recent meeting, Commissioner Martins stated that the Commission was more than eight months behind because of the delay in the release of this funding. This is a gross injustice to democracy and the people of New York State who voted to approve this new Commission.

Without funding, the public has no way to participate in this redistricting process as the Commission has no way to hire staff to undertake major projects including creating a public website, collaborating and meeting with organizations representing diverse communities throughout the state, and scheduling the 12 public meeting set to be held in the coming year.

We find it highly concerning that the Commission has not received its relatively small funding appropriation, yet the State Legislative Task Force on Demographic Research and Reapportionment has received more than \$1 million in the last year. A further delay in the release of these funds undermines the transparent, bipartisan and independent process voted for by millions of New Yorkers as a ballot initiative in 2014.

To the best of our knowledge, you have not responded to this correspondence.

Finally, the Commission’s Co-Executive Directors, as appointed by the members of the Commission pursuant to Article III Section 5-b(h) of the State Constitution, submitted a bipartisan request for funding in the 2021-22 New York State Budget on January 12, 2021. This correspondence was sent to the State Budget Director, with copies sent to you and the state legislative leaders. On behalf of the Commission, they requested a “\$3.2 million appropriation in the upcoming 2021-22 budget,” stating that “[w]e cannot without adequate funding complete the important constitutional obligations that this Commission is required to perform, and in the short time that we have to perform them.” Again, the Commission received no official response to this request and, as documented above, no new funding was included in the Executive Budget for the Commission. Prospectively, we encourage you and to fulfill your constitutional obligation to include the “necessary appropriations” in the 2021-22 State Budget and do so in a manner that realizes the voters’ intent by enabling the Commission to operate as

a fully-functioning, yet independent, arm of state government, with all of the appropriate accommodations afforded Commission members and employees.

As of date of this letter, the urgency expressed, in bipartisan fashion, by the Commission's Co-Executive Directors has come to pass. Nationwide, fifteen states have established redistricting commissions and, currently, New York State's independent Redistricting Commission is the only such entity that remains unfunded—leaving New York as the lone state unprepared to begin the redistricting process. In fact, the Commission was recently forced to inform the United States Census Bureau that it was unable to accept its Topologically Integrated Geographic Encoding and Referencing system ("TIGER") data because the absence of funding has prevented the Commission from acquiring the equipment and personnel necessary to manage it. In addition, your administration's decision to withhold funding has rendered the Commission unable to solicit or receive input or make records from previous meetings available to the public. Without immediate action, the constitutionality of the state's redistricting process is in jeopardy.

Both the Republican and Democratic members of the Commission are at a loss to explain your administration's refusal to disperse funding that you signed into law after it was appropriated by the State Legislature, nor can we comprehend and the state's clear desire to subvert the will of an overwhelming majority of voters who ratified this constitutional amendment. When the amendment first passed the State Legislature, you said that it made New York "a leader among the growing number of states that have reformed their redistricting process in an effort to stop gerrymandering." With the moment now upon us, we hope that your commitment to this principle remains true.

Respectfully yours,

Independent Redistricting Commission

Ivelisse Cuevas-Molina

David Imamura

Charles Nesbitt

George Winner

Elaine Frazier

Ross Brady

Jack Martins

Eugene Benger

John Flateau

Keith Wofford

cc: Robert Mujica, Director, New York State Division of the Budget
Rossana Rosado, Secretary, New York Department of State
Hon. Letitia James, NYS Attorney General
Hon. Monty Wilkinson, Acting United States Attorney General