



**THE CITY OF NEW YORK
2012-2013 DISTRICTING COMMISSION**

**253 Broadway, 7th Floor
New York, NY 10007**

PUBLIC MEETING

**Thursday, November 15, 2012
7:28 p.m. to 8:30 p.m.**

**New York Law School, Auditorium
New York, New York**

Attendees:

Districting Commission Members:

Benito Romano, Chair
Jamila Ponton Bragg
Scott Cerullo
Kamillah M. Hanks
Robert W. Hart

Linda Lin (via teleconference)
Thomas Ognibene
Oscar Odom III
Frank Padavan
Roxanne J. Persaud

John Robert
Gloria Carvajal Wolfe
Marc Wurzel

Staff:

Carl Hum, Executive Director
City of New York 2012-2013 Districting Commission

Thaddeus Hackworth, General Counsel
City of New York 2012-2013 Districting Commission

Minutes by:

Jane Li

Chair Benito Romano began the meeting by welcoming Commission Members and stating that the main objective of the meeting was for the Commission to consider the revised district plan.

The first order of business was to adopt the official minutes of the Public Meeting held on October 18, 2012. A motion was made by Commissioner Roxanne J. Persaud to adopt the minutes. The motion was seconded by Commissioner Oscar Odom III. The minutes were corrected to reflect that Commissioner John Robert was not in attendance at the October 18, 2012 public meeting. The motion was then approved unanimously.

The next order of business was a county-by-county briefing by Executive Director Carl Hum on the revisions made to the district plan according to the Commission's directives made during the October 18, 2012 public meeting and the requested staff recommendations.

Next, General Counsel Thaddeus Hackworth gave a presentation on the preclearance requirement of Section 5 of the federal Voting Rights Act. Mr. Hackworth noted that in order to obtain preclearance by the Department of Justice, the submitted voting change must not have the purpose or effect of discriminating based on race or color. Specifically, a voting change cannot be approved if it is retrogressive. A voting change is retrogressive if it results in fewer districts in which minority voters have the ability to elect a candidate of their choice as compared to the current electoral boundaries.

Mr. Hackworth explained that the Districting Commission retained Dr. Lisa Handley, a nationally-recognized expert on redistricting and voting rights, to conduct the analysis on whether the proposed district plan satisfied the non-retrogression requirement. Since Dr. Handley was unable to attend the meeting due to scheduling issues, Mr. Hackworth provided a brief overview of Dr. Handley's memorandum to the Commission. Dr. Handley's analysis concluded that the proposed plan does not retrogress and fully satisfies the requirements of Section 5 of the federal Voting Rights Act. Based on Dr. Handley's analysis and input from legal experts, Mr. Hackworth informed the Commission that the staff believed that the proposed plan complied with Section 5 of the federal Voting Rights Act, and would be entitled to preclearance by the United States Department of Justice if adopted by the Commission. Furthermore, Mr. Hackworth stated that it was his opinion that the proposed plan was in full compliance with the relevant New York City Charter provisions.

Before entertaining a motion to adopt the revised district plan, the Chair discussed the procedure and timeline stipulated by the New York City Charter should the Commission vote in favor of adoption. The Chair then shared written statements from Commissioners Madeline Provenzano and Justin Yu, who were unable to attend the meeting, in support of the revised plan. After a brief discussion, Commissioner Marc Wurzel made a motion to adopt the revised district plan and instruct the Commission staff to submit the plan to the City Council. Commissioner Oscar

Odom III seconded the motion. The motion was unanimously approved, by a vote of 13 in favor and none opposed.

Next, Mr. Hackworth described the New York City Charter provision that requires at least nine Commission members to sign a statement certifying that the criteria set forth in Section 52 of the Charter was applied to the maximum extent practicable, in the order that they are listed, before the formal adoption of any plan. The Charter also requires that the certification contain a statement as to how the Commission implemented the criterion that the plan ensures fair and effective representation of racial and language minority groups. Mr. Hackworth stated that the statement would be available for the Commissioner's review and signature after the meeting was adjourned.

The Chair then thanked the Commissioners for their service. He also directed the staff to publish the revised district map and remain available for any further action from the Commission.

With all business concluded, the Chair adjourned the Commission until further notice at 8:30 p.m.