



THE CITY OF NEW YORK 2012-2013 DISTRICTING COMMISSION

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

PUBLIC MEETING

**Wednesday, February 6, 2013
6:13 p.m. to 7:55 p.m.**

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

Attendees:

Districting Commission Members:

Jamila Ponton Bragg
Scott Cerullo
Kamillah M. Hanks
Robert W. Hart
Linda Lin

Oscar Odom III
Thomas V. Ognibene
Frank Padavan
Roxanne J. Persaud
Benito Romano

Gloria Carvajal Wolfe
Marc Wurzel
Justin Yu

Madeline Provenzano (via video teleconference)

John Robert (via video teleconference)

Staff:

Carl Hum, Executive Director
Thaddeus Hackworth, General Counsel
City of New York 2012-2013 Districting Commission

Minutes by:

Jane Li

Chair Benito Romano began the meeting by welcoming the 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 consider and adopt the official minutes of the Public Meeting held on January 23, 2013. Commissioner Roxanne J. Persaud made a motion to adopt the minutes. Commissioner Oscar Odom III seconded the motion. The motion was unanimously approved by the Commission Members.

The next order of business was a county-by-county briefing by Executive Director Carl Hum on revisions made to the district plan according to the Commission's directives set forth in the motions passed during the January 23, 2013 public meeting.

Next, General Counsel Thaddeus Hackworth gave a presentation consisting of an overview of the process if the plan under consideration were to be adopted and a review of the legal requirements to which the district plan is subject. 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, color or language-minority status. Mr. Hackworth reminded the Commission Members that a voting change normally could not be approved by the Department of Justice if the change is retrogressive, meaning that 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 Dr. Lisa Handley, a nationally-recognized expert on redistricting and voting rights, was retained by the Districting Commission to analyze whether the proposed district plan satisfied the non-retrogression requirement. Based on Dr. Handley's analysis, as well as input from legal consultants, Mr. Hackworth indicated that it is the opinion of the Districting Commission staff that the proposed plan complies with the federal Voting Rights Act and is entitled to preclearance by the Department of Justice. Additionally, Mr. Hackworth stated it is his opinion that the proposed plan is fully compliant with the New York City Charter and that the criteria outlined in the Charter were implemented to the maximum extent practicable and in the priority listed.

Dr. Lisa Handley, the Districting Commission's consultant, explained the analysis that she conducted in determining that the proposed plan is not retrogressive. In particular, she described the three components of her analysis—determining whether there is racial bloc voting, identifying benchmark districts, and calculating the number of "ability to elect" districts in the proposed plan. After arriving at the conclusion that voting in New York City is racially polarized, Dr. Handley used racial-demographic information and voting results to determine that under the 2003 lines, there are nineteen districts that offer minorities the ability to elect their candidate of choice and one "opportunity to elect" district, District 1, in the covered jurisdiction (Bronx, Kings, and New York County). She further concluded that the revised plan also contains

nineteen “ability to elect” districts, retains District 1 as an “opportunity district,” and creates a new “opportunity district” in District 46, within the covered counties.

After Dr. Handley concluded her presentation, she discussed her analysis of Districts 28 and 46, as requested by way of the Districting Commission’s January 23, 2013 directive. Based on her analysis, proposed District 28 remains an “ability to elect” district, though Dr. Handley noted that it is not subject to Section 5 of the Voting Rights Act. Dr. Handley described the proposed District 46 is an “opportunity to elect district” as it does not reach the threshold of an “ability to elect” district. Dr. Handley noted that the Unity Plan’s alternative map for District 46 not only did not create an “ability to elect” district, but also decreased the chances that minority voters would be able to elect their candidate of choice in a neighboring district, District 45. Finally, Dr. Handley provided a brief analysis of District 1.

Before entertaining a motion to adopt the revised district plan, the Chair discussed the procedure and timeline stipulated by the New York City Charter. Commissioner Thomas V. Ognibene made a motion to adopt the revised district plan and to instruct the Commission staff to submit the plan to the City Council and take any further necessary steps for the plan to be implemented. Commissioner Oscar Odom III seconded the motion.

The Commission Members discussed the motion. Commissioner Linda Lin expressed her objection to the lines drawn for Districts 19 and 23. Commissioner Justin Yu also stated his concerns about Bayside, Bayside Hills, and Oakland Gardens. Commissioner Jamila Ponton Bragg noted that it was difficult for the proposed lines to reflect the 30% increase in the Asian population in New York City as the population growth was not concentrated, and indicated that in her opinion the lines represent the City’s diverse populations very well. Commissioner Mark Wurzel discussed the demographics of District 23 and the placement of Lexington Houses in District 5. In response to issues raised during the discussion, Dr. Handley provided additional analysis of District 1. In response to a question about whether District 23 as drawn is an “opportunity to elect” district, Dr. Handley indicated that she did not conduct a thorough analysis of that particular district because it was not within a county covered by Section 5 of the Voting Rights Act.

At the conclusion of the discussion, the Chair proceeded with a vote on the motion. The motion was approved by a vote of fourteen in favor and one opposed, with no abstentions. Mr. Hackworth proceeded with a roll-call vote, confirming that fourteen Commissioners voted in favor of the motion and Commissioner Linda Lin opposed the motion.

Following the vote, Mr. Hackworth described the New York City Charter provision that requires that, before the plan can be formally adopted, at least nine Commission members must sign a statement certifying that, in the creation of the district plan, the criteria set forth in Section 52 of the Charter were applied to the maximum extent practicable and in the order that they are listed.

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. The certification was circulated and signed by those Commission Members that voted in favor of the plan.

With all business concluded, the Chair made a motion to adjourn until further notice. The meeting was adjourned at 7:55 p.m.

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