

**SUBMISSION UNDER SECTION 5 OF THE VOTING RIGHTS ACT  
(42 U.S.C. § 1973c)**



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

Submission for Preclearance  
of the  
Final Districting Plan  
for the  
Council of the City of New York

Plan Adopted by the Commission: February 6, 2013

Plan Filed with the City Clerk: March 4, 2013

**Dated: March 22, 2013**

**EXPEDITED PRECLEARANCE REQUESTED**

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**EXECUTIVE SUMMARY**  
**Section 5 Preclearance Submission (28 C.F.R. Part 51)**

**I. Required Contents (28 C.F.R. § 51.27):**

- a. A copy of any ordinance, enactment, order, or regulation embodying the change affecting voting for which section 5 preclearance is being requested.*

The 2013 final plan for the Districts of the Council of the City of New York (the “final districting plan”) of the City of New York 2012-2013 Districting Commission (the “Districting Commission”) for the fifty-one districts of the Council of the City of New York (the “City Council”) is annexed to this submission. (Exhibit 1a.)

- b. A copy of any ordinance, enactment, order, or regulation embodying the voting standard, practice, or procedure that is proposed to be repealed, amended, or otherwise changed.*

The 2003 precleared final districting plan for the City Council is annexed to this submission. (Exhibit 2a.)

- c. A statement that identifies with specificity each change affecting voting for which section 5 preclearance is being requested and that explains the difference between the submitted change and the prior law or practice.*

The changes affecting voting are set forth in Section X, *infra*, of this submission.

- d. The name, title, mailing address, and telephone number of the person making the submission. Where available a telefacsimile number and an email address for the person making the submission also should be provided.*

This submission is being made for the the City of New York 2012-2013 Districting Commission by:

Thaddeus Hackworth, Esq.  
General Counsel  
New York City 2012-2013 Districting Commission  
253 Broadway, 7<sup>th</sup> Floor  
New York, NY 10007  
tel: (212) 788-9689  
mobile: (917) 618-1819  
fax: (212) 788-9470  
email: [thackworth@districting.nyc.gov](mailto:thackworth@districting.nyc.gov)

- e. The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.*

The name of the submitting authority and the name of the jurisdiction responsible for the change is the same as those set forth in paragraphs (d) and (g).

- f. If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.*

The City of New York is comprised of New York County, Bronx County, Queens County, Kings County, and Richmond County, in the State of New York.

- g. Identification of the person or body responsible for making the change and the mode of decision (e.g., act of State legislature, ordinance of city council, administrative decision by registrar).*

The body responsible for making the change is the New York City 2012-2013 Districting Commission, a 15-member commission appointed pursuant to Chapter 2A of the New York City Charter.

Benito Romano, Chair  
Carl Hum, Executive Director  
253 Broadway, 7<sup>th</sup> Floor  
New York, NY 10007  
(212) 442-6940

- h. A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.*

Chapter 2A (sections 50 through 52) of the Charter of the City of New York (“City Charter”) provides for the procedure, schedule, and criteria for preparing a districting plan. These elements are further discussed in Section V, *infra*, of this submission. The relevant portions of the City Charter, as cited herein, are annexed to this submission. (Exhibit 8.)

- i. The date of adoption of the change affecting voting.*

The Districting Commission’s final districting plan was adopted upon its filing with the City Clerk on March 4, 2013, pursuant to City Charter § 51(d) and (g). (See Exhibits 1a, 1b, and 8.)

- j. The date on which the change is to take effect.*

The final districting plan became effective upon its adoption on March 4, 2013, pursuant to City Charter § 51(d) and (g).

- k. A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.*

The Board of Elections in the City of New York (the “Board of Elections”) will not implement the final districting plan until it has received Section 5 preclearance (March 12, 2013 Letter from Frederic M. Umane, President, and Gregory C. Soumas, Secretary, Board of Elections) (Exhibit 5.)

- l. Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.*

The final districting plan affects all fifty-one districts of the City Council. Only New York County, Bronx County, and Kings County, however, are subject to preclearance under Section 5 of the Voting Rights Act. *See* 28 C.F.R. Part 51 Appendix.

- m. A statement of the reasons for the change.*

City Charter § 51(a) requires a Districting Commission following each decennial Census to prepare a plan for dividing the city into districts for the election of council members.

- n. A statement of the anticipated effect of the change on members of racial or language minority groups.*

A statement of the anticipated effect of the final districting plan on members of racial or language minority groups is set forth in Section X, *infra*, of this Section 5 submission.

- o. A statement identifying any past or pending litigation concerning the change or related voting practices.*

There is no pending litigation concerning the change herein or related voting practices.

- p. A statement that the prior practice has been precleared (with the date) or is not subject to the preclearance requirement and a statement that the procedure for the adoption of the change has been precleared (with the date) or is not subject to the preclearance requirement, or an explanation of why such statements cannot be made.*

The United States Department of Justice precleared the current districting plan for the fifty-one City Council districts on May 28, 2003.

- q. For redistrictings . . . the items listed under § 51.28 (a)(1) and (b)(1).*

*See* Section II, “Supplemental Contents,” *infra*.

## II. Supplemental Contents (28 C.F.R. § 51.28):

### a. Demographic information.

- (1) *Total and voting age population of the affected area before and after the change by race and language group. If such information is contained in publications of the U.S. Bureau of the Census, reference to the appropriate volume and table is sufficient.*

The affected areas for Section 5 Voting Rights Act purposes are New York County, Bronx County, and Kings County (hereinafter, the “Covered Counties”). A spreadsheet setting forth the total and voting age population information for the Covered Counties before and after the change by race and language group, in summary form, is annexed to this submission. (Exhibit 3a.)<sup>1</sup>

- (2) *The number of registered voters for the affected area by voting precinct before and after the change, by race and language group.*

A spreadsheet including the total number of registered voters by voting precinct for the Covered Counties before and after the change are annexed to this submission. (Exhibit 3a.) Information categorizing registered voters by race and language group is not available.

- (3) *Any estimates of population, by race and language group, made in connection with the adoption of the change.*

The Districting Commission considered estimates of citizen voting age population (“CVAP”) in preparing the final districting plan. CVAP was estimated from 2006-2010 5-year American Community Survey (ACS) data and disaggregated to the Census block level. The citizen voting age population information for the Covered Counties before and after the change by race and language group, in summary form, is annexed to this submission. (Exhibit 3a.)

- (4) *Demographic data provided on magnetic media shall be based upon the Bureau of the Census Public Law 94-171 file unique block identity code of state, county, tract, and block.*

The demographic data set forth in Exhibits 3a, 3b, and 3e are based upon the Bureau of the Census Public Law 94-171 file unique block identity code of state, county, tract, and block.

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<sup>1</sup> As set forth in Section VII of this submission, Section 2 of Part XX of Chapter 57 of the 2010 Laws of New York, a state law, requires the Districting Commission to allocate, for apportionment purposes, persons incarcerated by the Department of Corrections and Community Supervision (“DOCCS”) to his or her Census block prior to incarceration. See N.Y. LEGISLATIVE LAW § 83-m(13)(b), MUNICIPAL HOME RULE LAW § 10(1)(ii)(a)(13)(c.). Likewise, the Districting Commission was required to exclude from the population of a particular Census block those incarcerated persons who were counted in the block solely because they were being held in a DOCCS facility present in that block. Chapter 57, Part XX was precleared by the U.S. Department of Justice on May 9, 2011. The data reported in this submission includes prisoner-adjusted demographic figures; pursuant to 28 C.F.R. § 51.28, unadjusted Census data are also reported in Appendix 2 to this submission.

- (5) *Demographic data on electronic media that are provided in conjunction with a redistricting plan shall be contained in an ASCII, comma delimited block equivalency import file . . .*

Detailed demographic data are provided in Exhibit 3b as ASCII, comma delimited block equivalency import file, and aggregated demographic data are set forth in Exhibit 3a.

- (6) *Demographic data on magnetic media that are provided in conjunction with a redistricting can be provided in shapefile (.shp) spatial data format.*

The final districting plan is also annexed to this submission in shapefile (.shp) spatial data format. (Exhibit 1d.)

- b. *Maps. Where any change is made that revises the constituency that elects any office or affects the boundaries of any geographic unit or units defined or employed for voting purposes (e.g., redistricting, annexation, change from district to at-large elections) or that changes voting precinct boundaries, polling place locations, or voter registration sites, maps in duplicate of the area to be affected, containing the following information:*

- (1) *The prior and new boundaries of the voting unit or units.*

Maps showing the prior boundaries of the voting units (Exhibit 2a) and maps showing the new boundaries of the voting units (Exhibit 1a) are annexed to this submission.

- (2) *The prior and new boundaries of voting precincts.*

This information will be provided by the City of New York Board of Elections under a separate preclearance submission.

- (3) *The location of racial and language minority groups.*

A map displaying the location of racial and language minority groups under the prior boundaries (Exhibit 3i) and a map displaying the location of racial and language minority groups under the new boundaries (Exhibit 3j) are annexed to this submission.

- (4) *Any natural boundaries or geographical features that influenced the selection of boundaries of the prior or new units.*

The Districting Commission used the City of New York's natural boundaries, county lines, major transit thoroughfares, and bodies of water in preparing its final districting plan. The maps set forth in Exhibits 1a, 2a, 3i, and 3j display these features.

- (5) *The location of prior and new polling places.*

This information will be provided by the City of New York Board of Elections under a separate preclearance submission.

(6) *The location of prior and new voter registration sites.*

This information will be provided by the City of New York Board of Elections under a separate preclearance submission.

c. *Annexations.*

This subsection is not applicable.

d. *Election returns.*

For information regarding election returns, please see the report of Dr. Lisa Handley, annexed hereto as Appendix 1, in addition to the discussion of the benchmarked districts in Section X, *infra*, of this submission.

e. *Language usage.*

This subsection is not applicable.

f. *Publicity and participation. For submissions involving controversial or potentially controversial changes, evidence of public notice, of the opportunity for the public to be heard, and of the opportunity for interested parties to participate in the decision to adopt the proposed change and an account of the extent to which such participation, especially by minority group members, in fact took place. Examples of materials demonstrating public notice or participation include:*

(1) *Copies of newspaper articles discussing the proposed change.*

Copies of newspaper articles discussing the proposed change are annexed to this submission. (Exhibit 71.)

(2) *Copies of public notices that describe the proposed change and invite public comment or participation in hearings and statements regarding where such public notices appeared (e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups).*

Copies of public notices that describe the proposed change and invite public comment or participation in hearings are annexed to this submission. (Exhibits 11a, 13a, 15a, 16a, 17a, 19a, 20a, 21a, 26a, 27a, 28a, 29a, 30a, 31a, 35a, 43a, 48a, 49a, 50a, 51a, 52a, 54a and 55a.) Each of these notices was posted at the Public Bulletin Board, accessible to the public, in the lobby of the Surrogate Courthouse, located at 31 Chambers Street, New York, New York, which is the common and traditional location for such public postings, and each was distributed to the media both through email and by posting a copy in the Room 9 of City Hall, where reporters covering local politics are located.

Each of such notices was also translated into the languages of Spanish, traditional Chinese, Korean, Bengali, and Russian. (Exhibits 11b, 13b, 15b, 16b, 17b, 19b, 20b, 21b, 26b, 27b, 28b,

29b, 30b, 31b, 35b, 43b, 48b, 49b, 50b, 51b, 52b, 54b and 55b.) All of the public hearing notices and many of the public meeting notices, including, as applicable, the translated notices, were posted in English language and foreign-language newspapers. (Exhibits 11g, 13f, 15f, 16f, 17f, 19f, 26f, 27f, 28f, 29f, 30f, 35g, 43g, 48f, 49f, 50f, 51f, 52f, 54g and 55g.)

In addition, notices of public hearings and meetings were both emailed and physically mailed to interested members of the public; these mailings with summaries of their distribution are annexed to this submission. (Exhibits 14, 18, 23, 24, 25, 32, 33, 34, 38, 41, 46, 47, 53, 58a, 61 and 62.) All of the English-language and translated notices were also posted on the Districting Commission's website at <http://www.nyc.gov/districting>, and, as with all nyc.gov web pages, the website can also be automatically translated into over 50 languages. (See Exhibit 63.) Many notices were also distributed to all 59 of the City's Community Boards, which are local representative bodies tasked, in part, with addressing community concerns. Many of these Community Boards posted the notices to their own websites, or otherwise distributed such notice to those residing within their communities.

In addition, interpreters for the languages of Spanish and Chinese (Mandarin and Cantonese) were present at all public hearings where testimony was taken, and for those public hearings in Queens County, an interpreter for the Korean language was also present. In addition, each above-referenced notice contained a statement that members of the public could request an interpreter in any language, including American Sign Language, for any public hearing, at public expense. Finally, the staff memorandum which includes a detailed discussion of the proposed changes to each district was made available in Spanish, traditional Chinese, Korean, Bengali, and Russian. (Exhibit 60b.)

(3) *Minutes or accounts of public hearings concerning the proposed change.*

Videos of all public meetings and public hearings were made available on the Districting Commission's website, and are annexed to this submission. (Exhibits 11d, 13d, 15d, 16d, 17d, 19d, 20d, 21d, 26d, 27d, 28d, 29d, 30d, 31d, 35d, 43d, 48d, 49d, 50d, 51d, 52d, 54d and 55d.) Many of these videos were live-streamed over the Internet, where the hosting site had the technical capacity to do so. Transcripts of all public meetings and public hearings were also made available on the Commission's website, and are annexed to this submission. (Exhibits 11c, 13c, 15c, 16c, 17c, 19c, 20c, 21c, 26c, 27c, 28c, 29c, 30c, 31c, 35c, 43c, 48c, 49c, 50c, 51c, 52c, 54c and 55c.) Minutes of public meetings were also made available on the Commission's website, and are also annexed to this submission. (Exhibits 11e, 20e, 21e, 31e, 35e, 43e, 54e and 55e.) Finally, various advocacy groups including the Asian American Legal Defense and Education Fund ("AALDEF") and Taking our Seat distributed newsletters and emails concerning the proposed changes to members of their constituent groups.

(4) *Statements, speeches, and other public communications concerning the proposed change.*

Public statements concerning the proposed change were made in radio and television appearances, examples annexed to this submission include: an appearance in a news story on WNYC radio (Exhibit 70d), and appearances in news stories on the local television station NY1 (Exhibit 70b). In addition, public statements were made: (a) in press releases published by the

Districting Commission, annexed to this submission (Exhibit 72); (b) in press articles, as set forth in subparagraph (1), *supra*; (c) in the public mailings referenced above in subparagraph (2), *supra*; (d) during public meetings and public hearings, as documented in subparagraph (3), *supra*, and (e) on the Commission's website, as described in subparagraph (2), *supra*. In addition, a detailed staff memorandum regarding the change was published, as described in subparagraph (6), *infra*.

(5) *Copies of comments from the general public.*

Copies of comments from the general public are annexed to this submission, and include: (a) oral testimony provided by members of the public at public hearings (Exhibits 13c, 15c, 16c, 17c, 19c, 26c, 27c, 28c, 29c, 30c, 48c, 49c, 50c, 51c and 52c); (b) written testimony provided by members of the public at or in connection with a public hearing (Exhibits 13e, 15e, 16e, 17e, 19e, 26e, 27e, 28e, 29e, 30e, 48e, 49e, 50e, 51e and 52e); (c) public comments provided to the Commission, whether in electronic or written form, outside of a window of public hearings (Exhibits 12, 42 and 57); and (d) alternate districting plan submissions provided by the public using the software provided by the Districting Commission online through its website at <http://www.nyc.gov/html/dc/html/mapping/mapping.shtml>, through staff assistance using public terminals at the Districting Commission's office, and/or submitted by other means (Exhibit 66).

(6) *Excerpts from legislative journals containing discussion of a submitted enactment, or other materials revealing its legislative purpose.*

The Districting Commission does not maintain a legislative journal. However, as noted above, transcripts of all public meetings and public hearings were made available on the Commission's website. (Exhibits 11c, 13c, 15c, 16c, 17c, 19c, 20c, 21c, 26c, 27c, 28c, 29c, 30c, 31c, 35c, 43c, 48c, 49c, 50c, 51c, 52c, 54c and 55c.) In addition, the staff of the Commission published a staff memorandum including a detailed description of the proposed changes and the understanding of the staff regarding the Commission's purpose in enacting the changes. This memorandum was published on the Commission's website, and is annexed to this submission. (Exhibit 60a.)

g. *Availability of the submission.*

(1) *Copies of public notices that announce the submission to the Attorney General, inform the public that a complete duplicate copy of the submission is available for public inspection (e.g., at the county courthouse) and invite comments for the consideration of the Attorney General and statements regarding where such public notices appeared.*

A copy of the public notice that announces the submission to the Attorney General, informs the public that a complete duplicate copy of the submission is available for public inspection at the office of the Districting Commission, 253 Broadway, New York, New York, and invites comments for the consideration of the Attorney General is annexed to this submission. (Exhibit 6a.) This notice was posted at the Public Bulletin Board, accessible to the public, in the lobby of the Surrogate Courthouse, located at 31 Chambers Street, New York, New York, which is the common and traditional location for such public postings, and was distributed to the press both through email and by posting a copy in the Room 9 of City Hall, where reporters covering local

politics are located. The notice was also translated into Spanish, traditional Chinese, Korean, Bengali, and Russian. (Exhibit 6b.) In addition, a letter from the Commission providing such notice was emailed and mailed to interested members of the public. (Exhibits 7a and 7b.)

Furthermore, this submission, in its entirety, has been posted publicly on the Commission's website at <http://www.nyc.gov/districting>.

- (2) *Information demonstrating that the submitting authority, where a submission contains magnetic media, made the magnetic media available to be copied or, if so requested, made a hard copy of the data contained on the magnetic media available to be copied.*

As set forth in subparagraph (1), *supra*, this submission, in its entirety, is available on the Commission's website, including all exhibits, in electronic format at <http://www.nyc.gov/districting>.

- h. Minority group contacts. For submissions from jurisdictions having a significant minority population, the names, addresses, telephone numbers, and organizational affiliation (if any) of racial or language minority group members residing in the jurisdiction who can be expected to be familiar with the proposed change or who have been active in the political process.*

Yang Chen  
Executive Director  
*Asian American Bar Association of New York*  
P.O. Box 3656  
Grand Central Station  
New York, NY 10163-3656  
(718) 228-7206  
[yang.chen@aabny.org](mailto:yang.chen@aabny.org)

James Hong  
*Asian American Coalition on Redistricting  
and Democracy*  
136-19 41<sup>st</sup> Avenue, 3<sup>rd</sup> Floor  
Flushing, NY 11355  
(718) 460-5600 x209  
[james.hong@minkwon.org](mailto:james.hong@minkwon.org)

Chris Kui  
Executive Director  
*Asian Americans for Equality*  
108 Norfolk Street  
New York, NY 10002  
(212) 979-8381  
[chriskui@aafe.org](mailto:chriskui@aafe.org)

Margaret Fung  
Executive Director  
*Asian American Legal Defense and Education  
Fund (AALDEF)*  
99 Hudson Street, 12<sup>th</sup> Floor  
New York, NY 10013  
(212) 966-5932  
[mfung@aaldef.org](mailto:mfung@aaldef.org)

Esmeralda Simmons  
Executive Director  
*Center for Law & Social Justice*  
1150 Carroll Street  
Brooklyn, NY 11225  
(718) 804-8893  
[esimmons@mec.cuny.edu](mailto:esimmons@mec.cuny.edu)

Wellington Chen  
Executive Director  
*Chinatown Partnership*  
60 St. James Place  
New York, NY 10038  
(212) 346-9288  
[wellington@chinatownpartnership.org](mailto:wellington@chinatownpartnership.org)

Mae Lee  
Executive Director  
*Chinese Progressive Association*  
83 Canal Street, Suite. 304-305  
New York, NY 10002  
(212) 274-1891  
[mlee@cpanyc.org](mailto:mlee@cpanyc.org)

Bright Limm  
Co-Chair  
*Korean Americans for Political Advancement*  
144-33 79<sup>th</sup> Avenue, #2J  
Flushing, NY 11367  
[bright.limm@kapany.org](mailto:bright.limm@kapany.org)

Lucia Gomez-Jimenez  
Executive Director  
*La Fuente*  
25 West 18<sup>th</sup> Street, 5<sup>th</sup> Floor  
New York, NY 10011  
(212) 388-3208  
[lgomez@lafuenteinc.org](mailto:lgomez@lafuenteinc.org)

Steven Choi  
Executive Director  
*MinKwon Center for Community Action*  
136-19 41<sup>st</sup> Avenue, 3<sup>rd</sup> Floor  
Flushing, NY 11355  
(718) 460-5600  
[schoi@minkwon.org](mailto:schoi@minkwon.org)

Angelo Falcon  
President  
National Institute for Latino Policy  
25 West 18<sup>th</sup> Street, 15<sup>th</sup> Floor  
New York, NY 10011  
(347) 987-3548  
[afalcon@nilp.org](mailto:afalcon@nilp.org)

Richard S. David  
Executive Director  
*Indo-Caribbean Alliance, Inc.*  
92-15 103<sup>rd</sup> Avenue  
Ozone Park, NY 11417  
(347) 566-1422  
[richard@indocaribbean.org](mailto:richard@indocaribbean.org)

Linda Lee  
Executive Director  
*Korean Community Services of Metropolitan  
New York*  
35-56 159<sup>th</sup> Street  
Flushing, NY 11358  
(718) 939-6137  
[llee@kcsny.org](mailto:llee@kcsny.org)

Juan Cartagena  
President  
*LatinoJustice*  
99 Hudson Street  
New York, NY 10013  
(212) 219-3360  
[jcartagena@latinojustice.org](mailto:jcartagena@latinojustice.org)

Hazel Dukes  
President  
*NAACP New York State Conference*  
1065 Avenue of the Americas, Suite 300  
New York, NY 10018  
(212) 344-7474  
[nysnaacp@aol.com](mailto:nysnaacp@aol.com)

Elizabeth OuYang  
President  
*OCA-NY*  
P.O. Box 3233  
Church St. Station  
New York, NY 10008-3233  
(212) 207-0186  
[oca-ny@oca-ny.org](mailto:oca-ny@oca-ny.org)

Ali Najmi  
SEVA Immigration Community Advocacy  
Project, Inc.  
89-40 115<sup>th</sup> Street  
Richmond, New York 11418  
(718) 406-3312  
[info@sevany.org](mailto:info@sevany.org)

Steve Chung  
President  
*United Chinese Association of Brooklyn*  
6625 Bay Parkway, 2<sup>nd</sup> Floor  
Brooklyn, NY 11204  
(718) 232-0050  
[info@ucaob.org](mailto:info@ucaob.org)

John Albert  
President  
Taking Our Seat  
179-69 80<sup>th</sup> Road  
Jamaica Estates, NY 11432  
(718) 969-1310  
[jalbert@takingourseat.org](mailto:jalbert@takingourseat.org)

**SECTION 5 PRECLEARANCE SUBMISSION  
(28 C.F.R. Part 51)**

**I. INTRODUCTION**

The City of New York (the “City”) by the City of New York 2012-2013 Districting Commission (the “Districting Commission”) makes this submission, pursuant to Section 5 of the U.S. Voting Rights Act of 1965 42 U.S.C. § 1973c, as amended, (the “Voting Rights Act”), seeking preclearance of the 2013 final districting plan for the fifty-one council districts of the Council of the City of New York (the “final districting plan”).

The submitting authority is the City of New York by the Districting Commission. The City of New York is the municipal entity responsible for implementing the final districting plan.

This submission is timely, pursuant to 28 C.F.R. § 51.21, insofar as changes affecting voting are being “submitted as soon as possible after they become final.” The final districting plan was deemed adopted on March 4, 2013 when the Districting Commission filed the plan, together with a certification statement required by local law, City Charter § 51(g), with the City Clerk. (*See* Exhibits 1a, 1b and 8.) Simultaneously, the Districting Commission filed the final districting plan with the Board of Elections in the City of New York (“Board of Elections”). (*See* Exhibit 4.)

All actions necessary for approval of the final districting plan have been taken. This submission consists of the submission cover letter, dated March 22, 2012, an Executive Summary, *supra*, this document, two appendices, and exhibits. In addition, certain data, maps and computer-readable files are included in this submission in electronic form. Accordingly, this submission includes all information required by 28 C.F.R. § 51.27 (“Required Contents”) (Executive Summary, *supra*, Section I) and is accompanied by extensive documentation providing all pertinent information listed in 28 C.F.R. § 51.28 (“Supplemental Contents”)

(Executive Summary, *supra*, at Section II). Should there be a determination that any information required by 28 C.F.R. §§ 51.27 and 51.28 necessary for evaluating this submission has been omitted, the Districting Commission respectfully requests that it be informed “as promptly as possible after receipt of the original submission.” 28 C.F.R. § 51.37(a). Communication by telephone or email to the Districting Commission’s General Counsel is requested when appropriate.

Notice of this submission is being sent to a mailing list of over 4,500 interested parties, including all organizations representing racial and language minority groups that have been in contact with the Districting Commission. A copy of the public notice that announces the submission to the Attorney General, informs the public that a complete duplicate copy of the submission is available for public inspection at the office of the Districting Commission at 253 Broadway, New York, New York, and invites comments for the consideration of the Attorney General is annexed to this submission. (Exhibit 6a.) This notice was posted at the Public Bulletin Board, accessible to the public, in the lobby of the Surrogate Courthouse, located at 31 Chambers Street, New York, New York, which is the common and traditional location for such public postings, and was distributed to the press both through email and by posting a copy in the Room 9 of City Hall, where reporters covering local politics are located. The notice was also translated into Spanish, traditional Chinese, Korean, Bengali, and Russian. (Exhibit 6b.) In addition, a letter from the Commission providing such notice was both emailed and physically mailed to interested members of the public. (Exhibits 7a and 7b.)

Furthermore, this submission in its entirety has been posted publicly on the Commission’s website at <http://www.nyc.gov/districting>.

The City of New York represents that there is no pending litigation involving the City concerning the change herein or related voting practices. 28 C.F.R. § 51.27(o).

## **II. EXPEDITED CONSIDERATION (28 C.F.R. § 51.34)**

The redistricted fifty-one council districts are intended to be used in the City's primary election, currently scheduled to be held on September 10, 2013, and its general election, currently scheduled to be held on November 5, 2013. This districting plan is also intended for all subsequent City Council elections scheduled up to 2023. Under New York State election law, petitioning for the primary election is scheduled to begin on June 4, 2013. In a letter dated March 12, 2013, the New York City Board of Elections, in acknowledging receipt of the final districting plan, advised the Districting Commission that it "recognizes that the Board cannot legally implement the [district] plan until pre-clearance of that plan is obtained." (Exhibit 5.) However, the Board of Elections also noted that "in order for the Board to meet its responsibilities under the New York State Election Law [. . .] the Board must immediately begin the process of redrawing, where necessary, Election district boundaries," and any that such changes would also require preclearance prior to implementation. (Exhibit 5.)

Accordingly, in order to permit timely implementation of the final districting plan and avoid any public uncertainty in advance of the upcoming September primary and November general elections, the Board of Elections must receive preclearance for the anticipated new election districts by June 4, 2013. Therefore, the City and the Districting Commission respectfully request that a decision on preclearance of the plan set forth in this submission be issued on an expedited basis within the sixty day time period set forth in Section 5 of the Voting Rights Act and 28 C.F.R. § 51.9. The notice that is being distributed also informs the public that expedited consideration has been requested.

### **III. THE NEW YORK CITY COUNCIL**

The Council of the City of New York (the “City Council”) is the legislative body of the City of New York. *See* New York City Charter § 21.<sup>2</sup> There are fifty-one council districts throughout the five counties in the City of New York (currently: nine within New York County; eight within Bronx County; fifteen within Kings County; thirteen in Queens County; two within Richmond County; one with area in both New York County and Bronx County; one with area in both Bronx County and Queens County; one with area in both Queens County and Kings County; and one with area in both Kings County and Richmond County).

### **IV. THE NEW YORK CITY DISTRICTING COMMISSION**

#### **A. Districting Commission Members**

Unlike in most states and other jurisdictions where the legislature itself has the authority and responsibility to conduct its own redistricting process, the New York City Charter directs the constitution of a Districting Commission to prepare the plan for dividing the City into districts for the election of City Council members. *See* City Charter § 51(a). The Mayor appoints seven members of this Commission, the City Council’s majority political party delegation appoints five members, and the City Council’s minority political party delegation appoints three members. *See* City Charter § 50(a)(1), (2), and (4). The Districting Commission has the sole authority to approve a new districting plan. *See* City Charter § 51(g). The Justice Department precleared these City Charter provisions on December 13, 1989.

The fifteen members of the Districting Commission were appointed in May and June of 2012. The members are Benito Romano (Chair), Jamila Ponton Bragg, Gloria Carvajal Wolfe, Scott Cerullo, Kamillah M. Hanks, Robert W. Hart, Linda Lin, Oscar Odom III, Thomas V.

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<sup>2</sup> The relevant portions of the City Charter, sections 21, 50, 51, and 52, are annexed to this submission. (Exhibit 8.)

Ognibene, Frank Padavan, Roxanne J. Persaud, Madeline Provenzano, John Robert, Marc Wurzel, and Justin Yu.<sup>3</sup> Of the fifteen commissioners, nine are members of racial and language minority groups: Jamila Ponton Bragg (Black), Gloria Carvajal Wolfe (Hispanic), Kamillah M. Hanks (Black), Linda Lin (Asian American), Oscar Odom III (Black), Roxanne J. Persaud (Black), John Robert (Hispanic), Benito Romano (Hispanic), and Justin Yu (Asian American).

## **B. Commissioner Training**

Shortly after the Districting Commission was formed, several training seminars were offered for the appointed Commission members to learn about the districting process and applicable law. During the Commission's first public meeting on July 17, 2012, the Commission members received a briefing from Joseph Salvo, of the New York City Department of City Planning's Population Division, regarding changes in the demographic composition of the City of New York between the years 2000 and 2010. (*See* Exhibit 11f.) During that inaugural meeting, the Commission also received a briefing from Thaddeus Hackworth, General Counsel to the Districting Commission, providing an overview of the law that applies to redistricting, including the U.S. Constitution's Equal Protection Clause, the Voting Rights Act, and the New York City Charter. (*See* Exhibit 11f.)

On September 20, 2012, J. Gerald Hebert, a legal specialist in the area of election law and redistricting retained by the Districting Commission, presented to Commission members and staff an overview of the federal law that applies to redistricting, including the requirements imposed by the U.S. Constitution and Sections 2 and 5 of the federal Voting Rights Act. (*See* Exhibit 68.) In addition, on September 27, 2012, Mr. Hackworth gave a presentation to Commission members and staff regarding the districting criteria that the Commission was

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<sup>3</sup> A copy of the biography of each Commission Member is attached to this submission as Exhibit 9.

obligated to use pursuant to the New York City Charter. (*See* Exhibit 68.) On October 1, 2012, the Districting Commission also benefitted from a presentation by John Mollekopf, Steven Romalewski, and Joe Pereira, of the City University of New York (“CUNY”) Center for Urban Research, regarding communities of interest in New York City, which included detailed data regarding a variety of communities along with illustrative maps. (*See* Exhibit 68.) The Districting Commission also retained the services of CUNY’s Center for Urban Research in the development of a detailed report regarding communities of interest in New York City. (*See* Exhibit 69.)

### **C. Public Meetings**

The Districting Commission held eight Public Meetings in New York County during which it conducted its business: July 17, 2012 in the Council Chambers, City Hall (*see* Exhibit 11a); August 24, 2012 in the Council Chambers, City Hall (*see* Exhibit 20a); September 4, 2012 in the Council Chambers, City Hall (*see* Exhibit 21a); October 18, 2012 at the City University of New York Borough of Manhattan Community College (*see* Exhibit 31a); November 15, 2012 at New York Law School (*see* Exhibit 35a); December 4, 2012 at Pace University (*see* Exhibit 43a); January 23, 2013 at John Jay College of Criminal Justice (*see* Exhibit 54a); and February 6, 2013 at New York Law School (*see* Exhibit 55a). Annexed to this submission are transcripts of each of these public meetings (Exhibits 11c, 20c, 21c, 31c, 35c, 43c, 54c and 55c), along with meeting minutes (Exhibits 11e, 20e, 21e, 31e, 35e, 43e, 54e and 55e), any handouts or other materials that were available to the public at the meetings (Exhibits 11f, 20f, 21f, 31f, 35f, 43f, 54f and 55f), and computer files including the video of each public meeting (Exhibits 11d, 20d, 21d, 31d, 35d, 43d, 54d and 55d).

## **V. DISTRICTING PROCESS PER CITY CHARTER**

### **A. Schedule**

City Charter § 51 articulates the procedure and schedule for preparing a districting plan.

It reads as follows:

a. Following each decennial census, the commission shall prepare a plan for dividing the city into districts for the election of council members. In preparing the plan, the commission shall be guided by the criteria set forth in section fifty-two.

b. The commission shall hold one or more public hearings not less than one month before it submits its plan to the city council, in accordance with subdivision c of this section. The commission shall make its plan available to the public for inspection and comment not less than one month before the first such public hearing.

c. The commission shall submit its plan to the city council not less than one year before the general election of the city council to be held in the year nineteen hundred ninety-three and every ten years thereafter.

d. The plan submitted in accordance with subdivision c of this section shall be deemed adopted unless, within three weeks, the council by the vote of a majority of all of its members adopts a resolution objecting to such plan and returns the plan to the commission with such resolutions and a statement of its objections, and with copies of the written objections of any individual members of the council who have submitted objections to the speaker prior to such date. Any objections from individual members submitted to the speaker by such date shall be transmitted to the districting commission whether or not the council objects to such districting plan.

e. Upon the receipt of any such resolution and objections, the commission shall prepare a revised plan and shall, no later than ten months before such general election of the city council, make such plan available to the council and the public for inspection and comment. The commission shall hold public hearings and seek public comment on such revised plan.

f. Following its consideration of the comments received pursuant to subdivision e of this section, the commission shall, no later than eight months before such general election of the council, prepare and submit a final plan for the redistricting of the council.

g. Notwithstanding the provisions of subdivision d or subdivision f of this section, no plan shall be deemed adopted in accordance with either of such subdivisions until the commission files, with the city clerk, a copy of such plan and a statement signed by at least nine members of the commission certifying that, within the constraint of paragraph a of subdivision one of section fifty-two, the criteria set forth in the other paragraphs of such subdivision have been applied

in the order in which they are listed and that such criteria have been implemented, in such order, to the maximum extent practicable. Such certification shall also set forth the manner in which the commission implemented the requirements of paragraph b of subdivision one of section fifty-two. Such plan shall be deemed adopted upon the commission's filing with the city clerk of such plan and such certification.

The Justice Department precleared these City Charter provisions on December 13, 1989.

**B. Criteria**

City Charter § 51(a) provides that the Districting Commission “shall prepare a plan for dividing the city into districts for the election of council members.” This section further provides that “[i]n preparing the plan, the commission shall be guided by the criteria set forth in section fifty-two.” Section 52 of the City Charter reads as follows:

1. In the preparation of its plan for dividing the city into districts for the election of council members, the commission shall apply the criteria set forth in the following paragraphs to the maximum extent practicable. The following paragraphs shall be applied and given priority in the order in which they are listed.
  - a. The difference in population between the least populous and the most populous districts shall not exceed ten percentum (10%) of the average population for all districts, according to figures available from the most recent decennial census. Any such differences in population must be justified by the other criteria set forth in this section.
  - b. Such districting plan shall be established in a manner that ensures the fair and effective representation of the racial and language minority groups in New York city which are protected by the United States voting rights act of nineteen hundred sixty-five, as amended.
  - c. District lines shall keep intact neighborhoods and communities with established ties of common interest and association, whether historical, racial, economic, ethnic, religious or other.
  - d. Each district shall be compact and shall be no more than twice as long as it is wide.
  - e. A district shall not cross borough or county boundaries.
  - f. Districts shall not be drawn for the purpose of separating geographic concentrations of voters enrolled in the same political party into two or more districts in order to diminish the effective representation of such voters.

- g. The districting plan shall be established in a manner that minimizes the sum of the length of the boundaries of all of the districts included in the plan.
2. Each district shall be contiguous, and whenever a part of a district is separated from the rest of the district by a body of water, there shall be a connection by a bridge, a tunnel, a tramway or by regular ferry service.
3. If any district includes territory in two boroughs, then no other district may also include territory from the same two boroughs.

The Justice Department precleared these City Charter provisions on December 13, 1989.

## **VI. PUBLIC OUTREACH AND COMMUNICATION**

The Districting Commission emphasized public outreach and maximized public participation, particularly from members of racial and language minority groups. The Districting Commission's outreach activities included efforts to inform the public about the districting process and to solicit feedback from the public in the form of comment, recommendations, and alternative plans.

As described below, the Districting Commission pursued these goals through a multi-pronged approach including: (1) making information about the process and the substantive proposals easily accessible through the Commission's website and social media outlets (including Facebook and Twitter); (2) forming a "Speakers' Bureau" tasked with reaching out to community groups and presenting to such groups to inform them about the process and how their members could become involved; (3) making available an online mapping tool (a simplified version of the same software used by the Commission, including the same data) that allowed members of the public to create, share, and submit alternative districting plans for the Commission's consideration; (4) making available computer terminals and staff assistance for those members of the public who did not have Internet access or desired staff assistance in creating alternative districting plans, known as the "Resource Room;" (5) conducting numerous traditional outreach efforts including email blasts and mass mailings to alert the public about the

process and inform members of the public about public hearings designed to solicit their testimony; (6) providing the public with the ability to sign up to be on the Commission's mailing list through the Commission's website; and (7) for public hearings at which testimony was taken, hiring interpreters for Spanish and Chinese (Mandarin and Cantonese) and offering members of the public the option to request, at no cost, an interpreter for any other language, including American Sign Language, for any public hearing. These efforts are detailed below:

**A. Website and Social Media**

The Districting Commission's website, [www.nyc.gov/districting](http://www.nyc.gov/districting), was an important tool in educating, informing, and engaging the public. The information available on the website included:

- Background information about the Districting Commission, the Voting Rights Act, and the New York City Charter;
- Biographical information on Districting Commission members;
- Notices of the Districting Commission's schedule of public meetings and public hearings;
- Maps detailing each Council district plan considered or proposed by the Commission;
- Written testimony and maps of alternative plans submitted by the public;
- Transcripts and minutes from the Districting Commission's public meetings and public hearings;
- Demographic data regarding the City's population;
- Press releases;
- Contact form to submit comments to the Districting Commission;
- Sign-up list to receive emails from the Districting Commission regarding proposals and upcoming public meetings and hearings;
- Portals to sign up for updates through social media outlets, including Facebook and Twitter; and
- Relevant portions of the City Charter and the Voting Rights Act.

(See Exhibit 63).

As with all nyc.gov web pages, the Districting Commission's website can also be automatically translated into over fifty languages. (See Exhibit 63.)

The Districting Commission's website received 69,943 visits between July 16, 2012 and March 11, 2013. The Districting Commission also reached out to the public via its social media sites on Facebook and Twitter. (See Exhibit 73.)<sup>4</sup>

**B. Speakers' Bureau and Outreach to Community Boards**

The Districting Commission's Speakers' Bureau was an integral component of the overall communications effort to reach City residents on a local level. The Speakers' Bureau consisted of Districting Commission staff members who were knowledgeable about both the Districting Commission's work and avenues for public involvement in the districting process. Members of the Speakers' Bureau were available to give presentations in English, Chinese (Mandarin and Cantonese), and Spanish. The availability of the Speakers' Bureau was announced at public hearings and meetings, on the Districting Commission's website, and via mailings and email communications.

The Districting Commission's community outreach staff contacted all of the City's fifty-nine Community Boards. Community Boards are local representative bodies covering every neighborhood in the City and are excellent venues to educate the public on the substance and process of districting. Staff reached out to all fifty-nine Community Boards via mail, telephone, and email to provide updates on the Districting Commission's progress and inform them of the Speakers' Bureau availability to speak at Community Board meetings. By the end of the districting process, members of the Speakers' Bureau attended thirty-five Community Board meetings.

Additionally, the Community Outreach staff contacted dozens of community-based organizations, civic associations, block associations, and political clubs, to inform them about the

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<sup>4</sup> The Commission's Facebook page is available at <http://www.facebook.com/NycDistrictingCommission>, and its Twitter page is available at <http://twitter.com/NYCDistricting>.

ongoing districting process and availability of the Speakers' Bureau. Additional efforts were made to reach groups tailored towards members of racial or language minority groups. In total, the Speakers' Bureau conducted fifty-two outreach events throughout the City and responded to hundreds of letters and telephone calls from the public. (*See Exhibits 67a and 67b.*)

The Districting Commission staff also conducted over thirty-five meetings with the principals and staff of community and voting rights advocacy groups, and other organizations during the districting process. These groups included the Asian American Coalition on Redistricting and Democracy ("ACCORD"), Center for Law and Social Justice at Medgar Evers College ("CLSJ"), Citizens Union, Common Cause New York, the Jewish Community Relations Council ("JCRC"), LatinoJustice PRLDEF, National Institute for Latino Policy ("NiLP"), and the National Association for the Advancement of Colored People ("NAACP"). These advocacy groups, among others, were closely monitoring the districting process. At these meetings, the advocacy groups presented their views and recommendations on the proposed plans and submitted their own alternative districting plans. These recommendations, views, and alternative plans were passed on to Commission members.

### **C. Online Mapping for Members of the Public**

The Districting Commission provided online access to software that enabled members of the public to create their own Council districting plan on the Commission's website. The mapping tool, Maptitude Online, is a simplified version of the Maptitude software that the Commission staff used for its work and utilizes the same database of demographic information used by the Commission. (*See Exhibit 64.*) Members of the public were able to submit alternative plans online for the Commission's review and consideration. In total, twenty-one unique alternative plans were generated by the public and submitted via the online mapping tool

or were created with an individual or organization's own software and submitted to the Commission. These alternative districting plans are annexed to this submission. (Exhibit 66.)

**D. Resource Room (Public Access Terminals)**

For those without computer access, or for members of the public that desired assistance with the online mapping tool, the Districting Commission made available a public "Resource Room" at its office at 253 Broadway. The availability of the Resource Room was announced at public meetings and hearings, Speakers' Bureau presentations, and in Districting Commission communications. The Resource Room opened to the public on August 27, 2012. To maximize public engagement, the Resource Room's operating hours were 10 a.m. to 7 p.m. from Tuesdays through Thursdays and 10 a.m. to 5 p.m. on Fridays, as well as by appointment. (See Exhibit 65.) A Districting Commission technical staff member was available to explain the software, assist visitors in creating alternative Council district plans, and answer any questions.

**E. Advertisements and Mailings**

The Districting Commission sought every opportunity to engage the public in the districting process, which included direct mail, advertising in citywide and local press, and electronic communications. Targeted organizations included advocacy groups, civic associations, government officials, houses of worship, not-for-profits, unions, and more. In addition, the Districting Commission regularly advertised throughout the five boroughs in more than 20 newspapers, including advertising in the City's daily and weekly newspapers, neighborhood newspapers, and the City Record—the publication for notices related to municipal government. (Exhibits 11g, 13f, 15f, 16f, 17f, 19f, 26f, 27f, 28f, 29f, 30f, 35g, 43g, 48f, 49f, 50f, 51f, 52f, 54g, and 55g.) Among these publications, the Districting Commission advertised regularly in foreign-language newspapers, including *El Diario* (Spanish-language), *Korean Times* (Korean-language), *Korea Daily* (Korean-language), *World Journal* (Chinese-language),

*Sing Tao Daily* (Chinese-language), *Ming Pao* (Chinese-language), *The Weekly Thikana* (Bengali-language), *Vecherniy New York* (Russian-language), *Reporter* (Russian-language) and *The Bukharian Times* (Russian-language), using, as appropriate, the translated notices of public meetings and public hearings that were also available on the Districting Commission's website.<sup>5</sup> The combined circulation of these foreign-language newspapers exceeds 350,000.

Notices of public hearings and meetings were also both emailed and physically mailed to interested members of the public. (Exhibits 14, 18, 23, 24, 25, 32, 33, 34, 46, 47 and 53.) Notices were also distributed to all fifty-nine of the City's Community Boards. Many of these Community Boards posted the notices to their own websites, or otherwise distributed such notice to those residing within their communities. Finally, each of the public meeting and public hearing notices was posted at the Public Bulletin Board, accessible to the public, in the lobby of the Surrogate Courthouse, located at 31 Chambers Street, New York, New York, which is the common and traditional location for such public postings, and each was distributed to the new media both through email and by posting a copy in the Room 9 of City Hall, where reporters covering local politics are located.

The Districting Commission's email list was also used to solicit the public regarding the Commission's Speakers' Bureau (as discussed in subsection B, *supra*), the Districting Commission's website, and its Resource Room. By the end of the districting process, the email list encompassed over 4,500 individuals and organizations.

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<sup>5</sup> As discussed in subsection H, *infra*, interpreters for the languages of Spanish, Chinese (Mandarin) and Chinese (Cantonese) were present at all public hearings where testimony was taken, and for those public hearings in Queens County, an interpreter for the language of Korean was also present.

**F. Press Coverage**

In addition to the advertisements purchased by the Districting Commission in local newspapers, the Commission was the subject of numerous press articles throughout its public process. Press clippings regarding the Districting Commission are annexed to this submission. (Exhibit 71.) In addition, staff and/or members of the Districting Commission made several television and radio appearances, including two appearances on NY1, the City's 24-hour cable news television station, and one radio appearance on the *Brian Lehrer Show* on WNYC, the City's predominant public radio station. (Exhibits 70a and 70d.) Numerous other broadcasts featured news regarding the proposed districting changes, including Chinese and Spanish-language television broadcasts (Exhibits 70c, 70e and 70f), in addition to English-language broadcasts (Exhibits 70b and 70g).

**G. Comments/Communications from Third Parties Received by Commission**

In addition to the alternative plans submitted by the public, as discussed in subsection C, *supra*, the Districting Commission's public outreach efforts resulted in an enormous public response. Thousands of individuals and organizations submitted comments on the districting plans throughout the process. A copy of all written and electronic submissions made to the Districting Commission by members of the public is attached to this submission, including correspondence and written testimony received in conjunction with a particular public hearing (Exhibits 13e, 15e, 16e, 17e, 19e, 26e, 27e, 28e, 29e, 30e, 48e, 49e, 50e, 51e and 52e) and public comments received outside of one of the three rounds of public hearings (Exhibits 12, 42 and 57). All submitted plans and comments were presented to the Commission members for their review and consideration. The submissions were also made accessible to the public on the Districting Commission's website.

## **H. Public Hearings**

Between August 2012 and February 2013, the Districting Commission held three rounds of evening public hearings throughout the five counties of New York City. In total, the Commission held 15 public hearings which were attended by approximately 1,700 attendees, of which over 500 provided oral testimony regarding the districting process and/or the plans proposed by the Commission. These public hearings were held in the evenings in order to maximize attendance and have the broadest possible public participation. The vast majority of the hearings were also live-streamed on the Districting Commission's website for those unable to attend, and were aired live on NYC TV, a government-access television channel focused on local news. All public hearings were videotaped and the videos were made available on the Commission's website (Exhibits 13d, 15d, 16d, 17d, 19d, 26d, 27d, 28d, 29d, 30d, 48d, 49d, 50d, 51d and 52d), along with the written transcripts (Exhibits 13c, 15c, 16c, 17c, 19c, 26c, 27c, 28c, 29c, 30c, 48c, 49c, 50c, 51c and 52c) and submitted testimony for each hearing (Exhibits 13e, 15e, 16e, 17e, 19e, 26e, 27e, 28e, 29e, 30e, 48e, 49e, 50e, 51e and 52e).

In order to maximize public participation in the process, the Districting Commission provided advance notice and information regarding all public meetings and public hearings. (Exhibits 13a, 15a, 16a, 17a, 19a, 26a, 27a, 28a, 29a, 30a, 48a, 49a, 50a, 51a and 52a.) As set forth in Section VI, *supra*, announcements were posted on the Districting Commission's website and distributed through mail, email, social media, and newspaper advertisements.

In addition, the participation by language minority groups during the hearing process was further encouraged by the Commission through the provision of Spanish and Chinese (Mandarin and Cantonese) interpreters, who were present at all public hearings where testimony was taken. For those public hearings in Queens County, a Korean-language interpreter was also present. All of the official public notices announcing public meetings and/or public hearings were translated

into Spanish, traditional Chinese, Korean, Bengali, and Russian and were available on the Commission's website. (Exhibits 11b, 13b, 15b, 16b, 17b, 19b, 20b, 21b, 26b, 27b, 28b, 29b, 30b, 31b, 35b, 43b, 48b, 49b, 50b, 51b, 52b, 54b and 55b.) Moreover, all of the official notices distributed by the Districting Commission concerning public hearings contained a statement that members of the public could request an interpreter in any language, including American Sign Language, for any such hearing, at public expense.

In sum, over the eight month districting process, the Districting Commission made good-faith efforts to make the process open and transparent, and endeavored to maximize the opportunity for members of the public, particularly members of racial and language minority groups, to participate in the districting process. The testimony and comments provided by the public were carefully considered by the Commission and its staff, and good-faith efforts were made to take into account concerns about districting changes raised by the public. All members of the New York City public were provided with an equal opportunity to participate meaningfully in the districting process. Indeed, as stated, nearly 1,700 individuals took part in the three rounds of public hearings, and an additional 1,500 pieces of correspondence were received via mail or email. Although it is impossible to quantify, these figures surely include extensive participation by members of racial and language minority groups given the Commission's extensive outreach efforts.

**i. First Round**

The Districting Commission held its first round of public hearings between August 13 and 23, 2012, each from 5:00 p.m. to 9:00 p.m. The hearing schedule was as follows: August 13, 2012 at Brooklyn Borough Hall (Kings County) (Exhibit 13a); August 16, 2012 at New York Law School (New York County) (Exhibit 15a); August 20, 2012 at Staten Island Borough Hall

(Richmond County) (Exhibit 16a); August 21, 2012 at Queens Library - Flushing (Queens County) (Exhibit 17a); and August 23, 2012 at Lehman College (Bronx County) (Exhibit 19a).

The Districting Commission used the first round of public hearings as a means to gather information, solicit public input, and generate public interest in the process prior to the preparation of any new districting plan. Over 350 individuals attended the first round of public hearings and over 130 individuals testified. Taking into account the testimony provided at the first round of public hearings and in conjunction with the Charter-mandated criteria, a preliminary draft plan was produced on September 4, 2012. (Exhibit 22a.)

## **ii. Second Round**

After creating a preliminary plan, which primarily took the 2003 districting plan and adjusted it to create representational equity, the Districting Commission commenced its second round of public hearings in accordance with City Charter § 51(b) in order to solicit further public comment. The Districting Commission conducted a public hearing in each county between 5:30 p.m. and 9:00 p.m. with the following schedule: October 2, 2012 at Bronx Community College (Bronx County) (Exhibit 26a); October 4, 2012 at Schomburg Center for Research in Black Culture (New York County) (Exhibit 27a); October 9, 2012 at New Dorp High School (Richmond County) (Exhibit 28a); October 10, 2012 at LaGuardia Community College (Queens County) (Exhibit 29a); and October 11, 2012 at Medgar Evers College (Kings County) (Exhibit 30a). The Districting Commission used the second round of public hearing to solicit public input on the preliminary draft district plan, and, on November 15, 2012, adopted a revised district plan in accordance with the Charter criteria, taking into account public feedback on the preliminary plan. (Exhibit 36a.) In accordance with the Charter-mandated schedule, the Commission submitted this plan to the City Council on November 16, 2012, but, as expressed in a letter to the City Council, the Commission invited the Council to return the plan to the Commission so that

the Commission could continue the public process in deference to requests from members of the public for additional hearings. (*See* Exhibit 37.) In response, the Speaker of the City Council requested that the Districting Commission withdraw its submission and continue the public hearing process. (Exhibit 39.) On December 4, 2012, the Districting Commission resolved to withdraw the plan from the consideration of the City Council, publish a new plan for public consideration, and conduct a third round of public hearings. (*See* Exhibit 44.)

### **iii. Third Round**

As set forth above, the Districting Commission commenced a third round of public hearings to solicit public comment on the revised plan as of December 4, 2012. A public hearing was held in each county between 6:00 p.m. and 9:00 p.m. with the following schedule: January 7, 2013 at Hunter College (New York County) (Exhibit 48a); January 9, 2013 at Hostos Community College (Bronx County) (Exhibit 49a); January 10, 2013 at Saint Francis College (Kings County) (Exhibit 50a); January 14, 2013 at LaGuardia Community College (Queens County) (Exhibit 51a); and January 15, 2013 at Staten Island Borough Hall (Richmond County) (Exhibit 52a). The Districting Commission used the third round of public hearing to solicit public input on the December 4, 2012 revised plan. After considering the public comment received in the third round of hearings, the Districting Commission published another revised plan on February 6, 2013. (Exhibit 56a.) The plan was then submitted to the City Council on February 8, 2013. (Exhibit 59.) This plan became the Districting Commission's final plan upon its filing with the City Clerk on March 4, 2013, and is the plan being submitted for preclearance.

## **VII. DATABASE DESIGN**

As described below, when drawing the new district lines, the Districting Commission was required to include in the population of a particular Census block those incarcerated persons that the Legislative Task Force on Demographic Research and Reapportionment ("LATFOR") had

determined previously resided in such block prior to their incarceration, and to exclude from the population of a particular Census block those incarcerated persons who were counted in the block solely because they were being held in a New York State Department of Corrections and Community Supervision (“DOCCS”) facility present in that Census block.

City Charter § 52(1)(a) requires the Districting Commission to use the results of the decennial Census in preparing its districting plan. However, Section 2 of Part XX of Chapter 57 of the 2010 Laws of New York, a state law, changed how LATFOR was to count, for apportionment purposes, persons incarcerated by DOCCS by amending N.Y. LEGISLATIVE LAW § 83-m.<sup>6</sup> Under the amended law, LATFOR was to determine the Census block corresponding to each such incarcerated person’s residential address prior to his or her incarceration (if any could be found) and allocate the incarcerated person to that prior Census block for apportionment purposes. *See* N.Y. LEGISLATIVE LAW § 83-m(13)(b).<sup>7</sup> The amended law directed that the State Assembly and Senate districts be drawn using this amended population data set. *Id.* It further directed that the amended data set be “[made] available to local governments.” *Id.* Section 3 of Part XX also amended certain provisions of the Municipal Home Rule Law.<sup>8</sup> The amendment set forth in Part XX required that, when municipalities consider their own population for their own legislative reapportionment, “no person shall be deemed to have gained or lost a residence

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<sup>6</sup> Chapter 57, Part XX was precleared by the U.S. Department of Justice on May 9, 2011. The law also was upheld following a challenge under the New York State Constitution in *Little v. LATFOR*, Index No. 2310-2011 (Sup. Ct. Albany Co. Dec. 1, 2011). After the New York Court of Appeals declined to hear the direct appeal and transferred the action to the Appellate Division, Third Department, the appeal was discontinued by the plaintiff-appellants.

<sup>7</sup> For those incarcerated persons present in a federal correctional facility on Census day, or for whom the incarcerated person’s prior residential address either was outside the state or could not be identified, the task force was charged to consider such person’s address to be unknown and exclude them from the data set.

<sup>8</sup> The Municipal Home Rule Law grants powers to local governments such as the City of New York to adopt its own laws regarding certain issues, including apportionment for local legislative bodies (in this case, the City Council). *See* N.Y. MUNICIPAL HOME RULE LAW § 10(1)(ii)(a)(13).

or to have become a resident of a local government . . . by reason of being subject to the jurisdiction of [DOCCS] and present in a state correctional facility pursuant to such jurisdiction.”

N.Y. MUNICIPAL HOME RULE LAW § 10(1)(ii)(a)(13)(c).

The Districting Commission employed David Ze Ming Cheng, the Commission’s Director for Technical Services, to design and develop the database used by the Commission.<sup>9</sup> In doing so, the Districting Commission purchased redistricting mapping software from the Caliper Corporation, which is the market leader in mapping and demographic databases used in state and local redistricting projects.

The Districting Commission’s database consisted of 2010 P.L. 94-171 data, American Community Survey (“ACS”) 2006-2010 5-year data, election data for select primary and general elections between 2005 and 2009, the 2010 Census TIGER geography, and a second dataset based on the 2010 P.L. 95-171 data as adjusted by LATFOR for the statutorily required reassignment of state correctional facility residents to the Census geography of their last home address. All of the relevant data used by the Commission are attached to this submission. (Exhibit 3b.)

The unadjusted 2010 P.L. 94-171 data was built into the Maptitude mapping software that the Districting Commission purchased from Caliper Corporation. Mr. Cheng oversaw the addition of the prisoner-adjusted LATFOR dataset, which had been previously made available by the State of New York. He was also responsible for producing citizen voting age population estimates for 2010 Census blocks from the 2006-2010 ACS dataset and conversion of election data from Board of Elections geography to 2010 TIGER geography for addition into the Caliper software.

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<sup>9</sup> Mr. Cheng’s biography is attached to this submission as Exhibit 10.

The LATFOR dataset was made available for download from the Districting Commission website. To provide greater accessibility to the districting process, the dataset was also made available for public use on public access terminals located in the Resource Room and within the web-based Maptitude mapping software on the Commission's website.

**A. The 2000 Census**

In 2000, the City's population was 8,008,278, with members of the City's three largest racial and language minority groups forming a majority of the population. In 2000, Hispanics made up 27.0% of the population, Blacks<sup>10</sup> made up 24.5% of the population, and Asian Americans made up 9.8% of the population. Together, these three groups made up 61.3% of the City's total population and 57.8% of its voting-age population (24.7% Hispanic, 23.0% Black, and 10.1% Asian American). *See* U.S. Bureau of Census, 2000 SF2.

This population was dispersed throughout the City's five counties as follows: in Bronx County, the population was 48.4% Hispanic, 31.2% Black, 2.9% Asian American, and 14.5% White. In Kings County, the population was 19.8% Hispanic, 34.4% Black, 7.5% Asian American, and 34.7% White. In New York County, the population was 27.2% Hispanic, 15.3% Black, 9.4% Asian American, and 45.8% White. In Queens County, the population was 24.0% Hispanic, 19.0% Black, 17.5% Asian American, and 32.9% White. In Richmond County, the population was 12.1% Hispanic, 8.9% Black, 5.6% Asian American, and 71.3% White.

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<sup>10</sup> In the 2010 Census, "Black or African American" referred to a person having origins in any of the Black racial groups of Africa. The Black racial category includes people who marked the "Black, African Am., or Negro" checkbox on the Census form. It also includes Census respondents who reported entries such as African American; Sub-Saharan African entries, such as Kenyan and Nigerian; and Afro-Caribbean entries, such as Haitian and Jamaican.

**B. The 2010 Census**

The 2010 Census shows that members of the three largest racial and language minority groups in the City continue to form a majority of the City's population. In 2010, the City's population was 8,175,133. In 2010, Hispanics made up 28.6% of the population, Blacks made up 22.8% of the population, and Asian Americans made up 12.6% of the population. Together, these three racial and language minority groups made up 64.0% of the total population and 61.8% of its voting-age population (26.7% Hispanic, 22.2% Black and 13.0% Asian American). *See U.S. Bureau of Census, 2010 SF2.*

This population was dispersed throughout the City's five counties as follows: in Bronx County, the population was 53.5% Hispanic, 30.1% Black, 3.4% Asian American and 10.9% White. In Kings County, the population was 19.8% Hispanic, 31.9% Black, 10.4% Asian American, and 35.7% White. In New York County, the population was 25.4% Hispanic, 12.9% Black, 11.2% Asian American, and 48.0% White. In Queens County, the population was 27.5% Hispanic, 17.7% Black, 22.8% Asian American, and 27.6% White. In Richmond County, the population was 17.3% Hispanic, 9.5% Black, 7.4% Asian American, and 64.0% White.

**i. Demographic Changes in New York County**

Manhattan's population increased by approximately 3% to 1,585,873 residents. While there was significant growth in downtown Manhattan, notably Districts 1 and 2, that growth was offset by population losses in Districts 7 and 10. Overall, the borough experienced an 8% increase in the non-Hispanic White population. The Asian American population increased by 24%. Hispanic population declined slightly, by 3%. Significantly, Manhattan had the largest proportion of Black population decline in the City at almost 13%, primarily in northern Manhattan and Central Harlem.

**ii. Demographic Changes in Bronx County**

The Bronx's population increased by approximately 4% to 1,385,108 residents. Approximately 53% of the Bronx population is Hispanic, reflecting a 15% growth rate in the last decade. The non-Hispanic White population decreased by 22%. The Black population remained stable, and the Asian American population increased by 22%. Overall, Hispanics are replacing the non-Hispanic White population in the northern, northwestern, and eastern portions of the borough. The population increase was most notable in Districts 16 and 17 in the South Bronx.

**iii. Demographic Changes in Kings County**

Brooklyn is the most populous borough in the City and grew at a rate of 1.6% to 2,504,700 residents. Black population in the borough declined by approximately 6%. The non-Hispanic White population grew by approximately 5%, while the Hispanic population remained about the same, and the Asian American population grew 41%. East New York and Sunset Park in particular gained residents, whereas the Flatbush and East Flatbush neighborhoods lost significant population.

**iv. Demographic Changes in Queens County**

Queens County's population remained stable over the past decade, growing by a mere 0.1%. Nonetheless, the borough continues to be the most diverse borough in the City. Non-Hispanic Whites and Hispanics each account for about 28% of the borough's population, followed by Asian Americans at 23% and Blacks at 18%. The Census data show a 16% decline in non-Hispanic White population and a 31% increase in Asian American population.

**v. Demographic Changes in Richmond County**

In terms of percentage increase, Staten Island's population grew the most of any borough, at 5.6%. With an additional 25,000 new residents, the borough's population increased to 468,730 residents. This growth allows Staten Island to have three fully-contained Council

districts for the first time. Virtually every neighborhood on Staten Island increased in population, with Charleston-Richmond Valley and Tottenville experiencing the largest gains. Staten Island is the only borough where the Hispanic and Black populations both increased, by 51% and 12% respectively, most heavily in District 49. There was also a 40% increase in Asian American population in Staten Island, though the borough's Asian American population is still under 50,000.

## **VIII. DISTRICTING PLANS**

### **A. Overview**

The 2010 Census figure for the total population for the City of New York was 8,175,133 and the total LATFOR prisoner-adjusted population was 8,196,215. For purposes of satisfying the first districting criteria set forth in City Charter § 52(1)(a), which addresses the acceptable population size for each council district, the City's total population (prisoner-adjusted as required by state law) was divided by fifty-one Council districts, which resulted in the average council district population size of 160,710 (the "ideal population"). In accordance with the requirement of City Charter § 52(1)(a) that the "difference in population between the least populous and the most populous districts" not exceed ten percent, Council district populations range from 152,767 (-4.94%) to 168,556 (+4.88%) in the final districting plan.

### **B. Preliminary Draft Plan<sup>11</sup>**

The Districting Commission prepared a preliminary districting plan for public review at the conclusion of the first round of public hearings. During that process, the Districting Commission received districting plan proposals from individuals, community groups, and

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<sup>11</sup> The descriptions of each of these plans focus largely on changes made within the three covered counties. For a description of changes made to other areas, see the Commission's Staff Memorandum (Exhibit 60a) and/or the transcripts of the public meetings (Exhibits 13c, 15c, 16c, 17c, 19c, 26c, 27c, 28c, 29c, 30c, 48c, 49c, 50c, 51c and 52c).

advocacy groups, including Agudath Israel of America, Taking Our Seat, and a joint plan, the “Unity Plan” (or “Unity Map”), which was the product of several groups: the Asian American Legal Defense and Education Fund (“AALDEF”), LatinoJustice PRLDEF, CLSJ, NiLP, and La Fuente, collectively known as the “Unity Group.” (Exhibit 66.) The Districting Commission used the 2003 districting plan as its starting point in preparing the preliminary plan, and made most of its adjustments based on the need to comply with the City Charter’s highest-priority criterion, the population deviation criterion set forth in City Charter § 52(1)(a).

In the benchmark plan, nine districts were severely under-populated, with population deviations exceeding 5% below the average district size, specifically District 10 in New York County, Districts 22, 23, 28, and 29 in Queens County, and Districts 35, 36, 40, and 45 in Kings County. Conversely, twelve districts in the benchmark plan were severely overpopulated, with population deviations exceeding 5% above the average district size, specifically Districts 1 and 3 in New York County, Districts 12, 13, 15, 16, 17, and 18 in Bronx County, District 21 in Queens County, Districts 33 and 43 in Kings County, and District 49 in Richmond County.

At the September 4, 2012 meeting, the Districting Commission released its preliminary plan, which brought all districts within the Charter-mandated representational equity requirements, and incorporated, to the extent possible, many of the suggestions raised during the first round of public hearings. (Exhibit 22a.) Substantive changes were made to District 8, which covers portions of both New York County and Bronx County. District 8 changed significantly due to extreme population growth in Bronx County. Under the 2003 lines, District 8 is an inter-borough district primarily composed of Manhattan’s East Harlem and a small portion of Mott Haven in the Bronx. To ensure that Bronx residents have proportional Council representation, given the large increase in the population of the Bronx described *supra*, District 8

in the preliminary plan expanded within the Bronx by acquiring area and population from what was District 17 under the 2003 lines. As described below, this change also addressed a challenge the Commission confronted with respect to District 8's status as an "ability to elect" district by increasing the share of the Hispanic population within the district's boundaries.

**C. November 15<sup>th</sup> Plan**

The Districting Commission approved a second revised draft plan at its November 15, 2012 public meeting. (Exhibit 36a.) This draft incorporated many of the public requests from the first and second rounds of public hearings. In response to public testimony, in New York County, for example: Morningside Heights, which had been split between Districts 7 and 9, was unified within District 7; the neighborhoods of Washington Heights and Inwood were unified into a single district, District 10; and District 8 was reconfigured to extend further south in response to community concerns about the shape of the district and the division of the Highbridge neighborhood in Bronx County, and several East Harlem landmarks, such as "La Marqueta" were districted back into District 8. In Bronx County, the housing development known as Concourse Village was placed back into District 16 where it has been historically, and a church was united with its parish in the area between Jerome Avenue and Grand Concourse, up to 198<sup>th</sup> Street. Finally, in Kings County, changes in response to public testimony included: moving the area known as Broadway Triangle back into District 33 from the previous draft plan's placement in District 34; including more of the Russian-speaking community into District 48, reverting the boundary between Districts 35 and 40 to Empire Boulevard; and uniting the neighborhood of Canarsie within District 46. As described below, the reconfiguration of District 46 also allowed the Commission to create an additional "opportunity to elect" district for Black residents in Kings County, similar to that drawn under the Unity Plan.

**D. December 4<sup>th</sup> Plan**

As discussed in Section VII, *supra*, in accordance with the Charter-mandated schedule, the Commission submitted the November 15, 2012 plan to the City Council on November 16, 2012, but invited the Council to return the plan to the Commission so that the Commission could continue the public process in deference to requests by members of the public. (*See* Exhibit 37.) Subsequently, the Speaker of the City Council requested that the Districting Commission withdraw its submission and continue the public hearing process, (*see* Exhibit 39). On December 4, 2012, the Districting Commission resolved to withdraw the plan (*see* Exhibit 44) and voted to publish a new plan for public consideration, taking into account some of the feedback that had been received by the Commission after the November 15, 2012 plan was published (*see* Exhibit 43e). These adjustments included minor changes to Districts 34 and 37 in Kings County, as well as more substantive changes in Queens County relating to the neighborhoods of North Flushing and Broadway-Flushing. (*See* Exhibit 45a.)

**E. Final Districting Plan**

Following the third round of public hearings, discussed in Section VII, *supra*, the Districting Commission adopted its final plan for submission to the City Council on February 6, 2013. (Exhibit 56a.) After adoption, this plan was submitted to the City Council on February 8, 2013. (*See* Exhibit 59.) The plan was “deemed adopted” by the City Council on March 1, 2013, pursuant to the terms of the City Charter, because the City Council did not pass a resolution objecting to the plan within three weeks of its submission. (*See* Exhibit 8.) The final districting plan was subsequently filed with the City Clerk on March 4, 2013, along with the certification statement required by the City Charter. (*See* Exhibits 1a and 1b.)

In the final districting plan, all fifty-one council districts satisfied the requirements of City Charter § 52(1)(a), as all were within the permissible range of deviation. Furthermore, City

Charter § 52(1)(b) was applied to the maximum extent practicable, as evidenced by the fact that the final districting plan has a total of thirty-five council districts in which protected racial and language minority groups together represent at least a plurality of the total population in the council district (thirty-four majority-minority districts and one plurality district)—consisting of over two-thirds of the fifty-one total Council districts in the City. By comparison, this is four more of such districts than the 2003 districting plan, which had thirty-one of such districts at the time of its adoption (thirty majority-minority districts and one plurality district). Further, as discussed in Section X, *infra*, the districting plan retains nineteen “ability to elect” districts as required by Section 5 of the Voting Rights Act. Finally, the Commission applied the remainder of the City Charter-mandated criteria to the maximum extent possible, relying heavily on community feedback to keep neighborhoods and communities of interest together. *See* City Charter § 52(1)(c).

The notable features of the final plan are described below.<sup>12</sup>

**i. New York County**

Throughout the process, testimony was provided by a number of groups, including ACCORD, suggesting that Chinatown in District 1 and the Lower East Side in District 2 should be combined into one district. Other testimony, notably from the groups Asian Americans for Equity (“AAFE”) and the Chinatown Partnership, was given in opposition to such a change. Although District 1 was not a plurality Asian American district in the 2003 plan, Asian American voters were successful in electing their preferred candidate to the City Council in the 2009 primary. Testimony provided by AAFE and the Chinatown Partnership expressed concern that

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<sup>12</sup> For a more complete and detailed description of the changes throughout the City, refer to the Staff Memorandum published on February 4, 2013 that accompanied the final proposed plan prior to its adoption by the Districting Commission. (Exhibit 60a.)

combining these two areas could threaten the chances of a minority candidate being elected, and therefore urged the Commission to keep the district as currently drawn. In order to ensure that Asian American voters retained the opportunity to elect candidates of their choice in District 1, the Commission decided not to significantly alter the boundaries of District 1.

In response to public testimony, the final plan included more of the area of Hamilton Heights and Sugar Hill into District 7. In addition, the area of Manhattan Valley was largely placed into a single district, District 7, when it had previously been divided among three districts. Furthermore, in response to public testimony concerning District 8, Randall's Island was placed back into District 8, along with Mount Sinai Hospital, which had been identified by the community as an important institution. Finally, throughout New York County, several public housing developments that had been separated in previous versions of the plan were re-united into a single district. Under the benchmark 2003 plan, there were four districts in New York County where minority voters were able to elect the candidates of their choice. Under the plan submitted for preclearance here, there continue to be four such districts.

## **ii. Bronx County**

Despite many public requests that the Districting Commission draw nine fully-contained districts in the Bronx, the borough's population could not sustain nine districts. Based on the ideal population size of 160,710 residents per district, the population of Bronx County would support 8.6 ideally-sized districts while the population of New York County would support 9.9 ideally-sized council districts. Drawing nine Bronx districts would have been theoretically possible only if nearly all of the Bronx districts were drawn at their lowest allowable population deviation. However, under such a scenario, the Commission would still need to account for the necessity of the Queens-Bronx district due to the configuration of Rikers Island (which is in Bronx County but is only accessible through Queens County, specifically District 22 under the

final plan), as well as the significant “ripple effects” of requiring either extreme under-population or overpopulation of districts in other boroughs. This could have potentially affected the voting power of other City residents. In balancing the districting criteria, the Commission decided that the revised plan should have approximately 9.5 districts within New York County and 8.5 districts within Bronx County to ensure representational equity. Under the benchmark 2003 plan, there were six districts with population in Bronx County where minority voters were able to elect the candidates of their choice. Under the plan submitted for preclearance here, there continue to be six such districts.

**iii. Kings County**

In response to testimony from various members of the ACCORD group, including AALDEF, the Districting Commission included a larger portion of the neighborhood of Bensonhurst into District 47, which has a sizable Asian American population, so that the area could be united with similar communities in nearby Gravesend and Bath Beach. In doing so, the Commission relied heavily on the testimony and alternative plan submitted by the New York Chapter of OCA (formerly known as the Organization of Chinese Americans).

In addition, the Districting Commission responded to concerns raised by the Orthodox Jewish population in South Brooklyn by including more of the community within District 48, but only to the extent it could do so without compromising District 45’s “ability to elect” status or the newly created “opportunity to elect” district in District 46.

Finally, representatives from CLSJ had voiced a desire to further increase the share of the Black population in District 46 at the expense of neighboring District 45 as reflected in the Unity Plan. As discussed below, Dr. Lisa Handley, an expert retained by the Commission, opined that making such a change would not significantly strengthen the recompiled voting results in District 46 in favor of the Black-preferred candidate, and that it could, in fact, jeopardize District 45’s

status as an “ability to elect” district because of the corresponding decrease in Black population in that district. Based on this analysis, the Districting Commission approved the final plan without making this requested change. Under the benchmark 2003 plan, there were eight districts with population in Kings County where minority voters were able to elect the candidates of their choice. Under the plan submitted for preclearance here, there continue to be eight such districts, plus the new “opportunity to elect” District 46.

## **IX. FINAL PLAN ADOPTION**

At the Districting Commission’s final public meeting on February 6, 2013, the Commission voted to adopt the final districting plan and submit it to the City Council, and if adopted, to the City Clerk and the United States Department of Justice for preclearance. The motion to adopt the final districting plan passed with fourteen Commission members voting in the affirmative and one Commission member voting in opposition. Eight of the nine Commission members who are members of a racial and/or language minority group voted in favor of the plan. Commissioner Lin (Asian American) voted in opposition to the plan solely due to the boundaries of District 19 in Queens County—a non-covered jurisdiction—which were drawn in such a way that did not fully maximize the Asian American share of the population in this district; her comments regarding this issue are set forth in the public meeting transcript.<sup>13</sup> (Exhibit 55c at 54-55.) All fourteen of the Commission members voting in favor of the plan signed a certification of compliance with the City Charter. (Exhibit 1b.)

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<sup>13</sup> Note that under the Unity Plan’s drawing of District 19, favored by ACCORD and its constituent Asian American advocacy groups, the share of the Asian American population in District 19 is 31.16% (compared to 28.05% in the final districting plan) and the share of the Asian American voting age population is 30.01% (compared to 27.27%) — far less than an effective majority. (See Exhibit 3a.)

**A. Board of Elections Letter and Response**

In a letter dated March 12, 2013, the New York City Board of Elections, in acknowledging receipt of the final districting plan, advised the Districting Commission that it “recognizes that the Board cannot legally implement the [district] plan until pre-clearance of that plan is obtained.” (Exhibit 5.)

**B. Public Notice of this Submission**

A copy of the public notice announcing the submission to the Attorney General, informing the public that a copy of the submission is available for public inspection at the office of the Districting Commission, and inviting comments for the consideration of the Attorney General, is annexed to this submission. (Exhibit 6a.) This notice was posted at the Public Bulletin Board, accessible to the public, in the lobby of the Surrogate Courthouse, at 31 Chambers Street, New York, New York, which is the traditional location for such public postings, and was distributed to the press both through email and by posting a copy in Room 9 of City Hall, where reporters covering local politics are located. The notice was also translated into Spanish, traditional Chinese, Korean, Bengali, and Russian. (Exhibit 6b.) In addition, a letter from the Commission providing such notice was both emailed and physically mailed to interested members of the public. (Exhibits 7a and 7b.) Furthermore, this submission in its entirety has been posted publicly on the Commission’s website at <http://www.nyc.gov/districting>.

**X. SECTION 5 PRECLEARANCE SUBMISSION**

**A. Covered Jurisdictions**

The City of New York consists of five counties: Bronx, Kings, New York, Queens, and Richmond. Only three counties, however, are covered jurisdictions for Section 5 preclearance purposes: Bronx, Kings, and New York. 28 C.F.R. Part 51, Appendix. Based upon data from

the most recent 2010 Census, the demographic information, including the voting-age population (“VAP”), for the current fifty-one Council districts, precleared by the Justice Department on May 28, 2003, is set forth below:<sup>14</sup>

**i. New York County**

<b>Council District</b>	<b>Total Population</b>	<b>White VAP (%)</b>	<b>Black VAP (%)</b>	<b>Hispanic VAP (%)</b>	<b>Asian American VAP (%)</b>
<b>1</b>	169,225	46.45%	4.03%	11.82%	35.69%
<b>2</b>	162,026	58.74%	5.91%	18.18%	14.84%
<b>3</b>	173,347	68.40%	4.59%	11.95%	12.66%
<b>4</b>	155,287	77.83%	3.02%	6.73%	10.83%
<b>5</b>	161,325	78.49%	3.38%	6.67%	9.70%
<b>6</b>	163,836	73.15%	5.48%	10.83%	8.78%
<b>7</b>	157,004	21.51%	26.74%	46.29%	3.37%
<b>8<sup>15</sup></b>	163,814	21.47%	22.63%	47.72%	6.21%
<b>9</b>	165,366	26.00%	46.94%	17.86%	6.45%
<b>10</b>	137,203	10.52%	6.72%	79.63%	2.11%

**ii. Bronx County**

<b>Council District</b>	<b>Total Population</b>	<b>White VAP (%)</b>	<b>Black VAP (%)</b>	<b>Hispanic VAP (%)</b>	<b>Asian American VAP (%)</b>
<b>11</b>	163,226	36.37%	18.36%	36.29%	6.76%
<b>12</b>	171,698	5.11%	67.60%	23.13%	1.59%
<b>13</b>	168,787	43.38%	11.67%	36.05%	6.96%
<b>14</b>	159,644	3.00%	22.07%	70.27%	3.01%
<b>15</b>	168,814	5.80%	25.28%	64.72%	2.53%
<b>16</b>	177,841	1.46%	39.64%	56.49%	1.02%
<b>17</b>	181,147	1.71%	27.51%	68.60%	0.93%
<b>18</b>	170,118	3.50%	30.51%	56.82%	6.09%
<b>22<sup>16</sup></b>	146,662	53.94%	7.81%	23.06%	12.40%

<sup>14</sup> As set forth in Section VII, *supra*, the Districting Commission was required to use prisoner-adjusted population data pursuant to State law during the redistricting process, and the data reported throughout this submission are those adjusted figures. For the purposes of this submission, unadjusted Census figures are also provided pursuant to 28 C.F.R. § 51.28; Appendix 2 contains a table with unadjusted data corresponding to each table in this submission that contains adjusted data.

<sup>15</sup> Council District 8 includes areas in both New York County (a covered jurisdiction) and Bronx County (a covered jurisdiction).

<sup>16</sup> Council District 22 includes areas in both Queens County (not a covered jurisdiction) and Bronx County (a covered jurisdiction).

## iii. Kings County

Council District	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
33	170,965	72.09%	6.20%	14.04%	5.59%
34 <sup>17</sup>	158,778	29.91%	9.66%	51.08%	7.53%
35	152,472	32.19%	46.67%	13.14%	5.09%
36	150,267	7.97%	70.66%	16.81%	2.22%
37	159,353	4.99%	29.70%	55.27%	6.57%
38	157,637	19.11%	4.72%	41.89%	32.75%
39	154,474	65.30%	5.07%	14.40%	12.87%
40	147,069	11.09%	65.62%	15.50%	5.24%
41	154,570	2.21%	82.09%	12.93%	0.76%
42	166,221	4.72%	72.77%	18.51%	1.99%
43	169,214	61.13%	1.03%	13.01%	23.26%
44	164,433	69.19%	1.19%	9.93%	18.36%
45	140,820	10.07%	76.96%	7.63%	2.90%
46	165,848	44.31%	41.16%	6.58%	6.29%
47	162,159	59.71%	7.80%	12.29%	18.86%
48	158,226	72.69%	3.50%	8.39%	13.89%
50 <sup>18</sup>	155,683	73.30%	2.28%	11.52%	11.57%

**B. Benchmark Plan**

According to the analysis conducted by Dr. Lisa Handley, the three covered jurisdictions under the current plan contain nineteen districts that provide minority voters with the ability to elect candidates of choice to office. (See Appendix 1.) Eight of these districts are either majority or plurality Black in composition and consistently elect the Black-preferred candidate (New York County District 9; Bronx County District 12; and Kings County Districts 35, 36, 40, 41, 42 and 45). Eleven of these districts are either majority or plurality Hispanic in composition, nine of which consistently elect the Hispanic candidates (New York County Districts 8 and 10;

<sup>17</sup> Council District 34 includes areas in both Queens County (not a covered jurisdiction) and Kings County (a covered jurisdiction).

<sup>18</sup> Council District 50 includes areas in both Richmond County (not a covered jurisdiction) and Kings County (a covered jurisdiction).

Bronx County Districts 14, 15, 17 and 18; and Kings County Districts 34, 37 and 38) and two of which consistently elect Black candidates (New York County District 7 and Bronx County District 16). Accordingly, the total number of effective minority City Council districts in the three covered jurisdictions under the current plan is nineteen (the “benchmark plan” or “benchmark districts”).

### **C. Standard of Review**

The standard for obtaining preclearance is whether the City of New York and the Districting Commission have met their burden of showing that the proposed changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color or membership in a language minority group. *See* 42 U.S.C. § 1973c; 28 C.F.R. § 51.52(c); *Georgia v. United States*, 411 U.S. 526 (1973). The final Council districting plan lacks any discriminatory effect (as detailed below), and moreover, it is the product of a process that was transparent and equally open to all individuals, including those who are members of racial, ethnic, or language-minority groups, and is free of any discriminatory purpose.

In evaluating redistricting plans under Section 5, the test for discriminatory effect is that of “retrogressive effect,” that is, whether under the proposed plan there would be a worsening of the position of minority voters with respect to their effective use of the electoral franchise in comparison to the position of minority voters as they existed under the prior plan (known as the “benchmark”). *See Beer v. United States*, 425 U.S. 130, 141 (1976) (“[T]he purpose of § 5 has always been to insure that no voting-procedure changes would be made that would lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise.”). In particular, to evaluate whether a redistricting plan will have a discriminatory effect under Section 5, the focus is on whether the new redistricting plan will cause an avoidable decrease in the number of “ability to elect districts”—districts where minority

voters have demonstrated the ability to elect candidates of their choice. *See Dep't of Justice Guidance on Redistricting Under Section 5 of the Voting Rights Act*, 76 Fed. Reg. No. 27 at 7471 (Feb. 9, 2011) (“In analyzing redistricting plans, the Department will follow the congressional directive of ensuring that the ability of such citizens to elect their preferred candidates of choice is protected. That ability to elect either exists or it does not in any particular circumstance.”). Thus, a retrogression analysis requires a comparison of the Districting Commission’s final districting plan with the benchmark plan. *See id.*

**D. Section 5 Analysis**

The Districting Commission retained Dr. Lisa Handley as a consultant to assist in the Section 5 voting rights retrogression analysis. Dr. Handley has extensive experience as a districting consultant and expert, has advised numerous jurisdictions on districting-related issues, and has served as an expert in dozens of redistricting and voting rights cases. (*See Exhibit 74.*) In assisting the Districting Commission, Dr. Handley prepared a report which compared the benchmark plan with the final districting plan (the “Handley Report,” annexed hereto as Appendix 1). In that report, Dr. Handley states that her analysis indicates that “voting in the three covered counties in New York City is often racially and ethnically polarized [and therefore] districts that offer minority voters an opportunity to elect candidates of choice must be maintained in order to satisfy Section 5 of the Voting Rights Act.” (Handley Report at 8.) The Handley Report establishes that the benchmark plan contains nineteen districts where minority voters possess the ability to elect candidates of choice to office in the three covered counties. (Handley Report at 2.)

As Dr. Handley concludes in her report, the final districting plan adopted by the Districting Commission maintains the nineteen benchmark districts, maintains the effective “opportunity to elect” district for Asian Americans in District 1, and includes an additional

“opportunity to elect” district above and beyond the benchmark plan in District 46. As discussed fully below, in the covered counties,<sup>19</sup> the final districting plan:

- Creates **nine** effective majority-Black districts by:
  - Maintaining the six majority-Black council districts under the benchmark plan (Bronx County District 12 and Kings County Districts 36, 40, 41, 42 and 45);
  - Restoring two majority-Black districts that had fallen below the 50% threshold under the benchmark plan (New York County District 9 and Kings County District 35); and
  - Creating one additional majority-Black district (Kings County District 46);
- Creates **nine** effective majority-Hispanic districts by:
  - Maintaining the eight majority-Hispanic council districts under the benchmark plan (New York County District 10; Bronx County Districts 14, 15, 16, 17 and 18; Kings County District 37; and Kings/Queens County District 34);<sup>20</sup> and
  - Restoring one majority-Hispanic district that had fallen below the 50% threshold under the benchmark plan (New York/Bronx County District 8); and
- Creates **three** effective multi-ethnic council districts by:
  - Maintaining the three multiethnic council districts under the benchmark plan (New York County Districts 1 and 7 and Kings County District 38).<sup>21</sup>

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<sup>19</sup> The final districting plan creates fourteen other districts in which protected racial and language minority groups together represent at least a plurality of the total population in the Council district, most of which are in non-covered counties (Bronx County Districts 11 and 13; Queens County Districts 20, 21, 22, 23, 24, 25, 26, 27, 28, 31 and 32; and Richmond County District 49), making a total of 35 of such districts out of the City’s fifty-one total number of Council districts—over two-thirds of the fifty-one total Council districts in the City.

<sup>20</sup> Council District 16 is majority-Hispanic, yet the voters in that district have consistently elected a Black candidate in recent years (currently Councilmember Helen D. Foster, first elected in 2001, preceded by Wendell Foster, first elected in 1978).

<sup>21</sup> Council District 7 is plurality-Hispanic, yet voters in that district have consistently elected a Black candidate in recent years (currently Councilmember Robert Jackson, first elected in 2001). Council District 38 is also plurality-Hispanic, and has consistently elected a Hispanic candidate (currently Councilmember Sara Gonzalez in 2002, preceded by Councilmember Angel Rodriguez).

i. Majority Black Districts<sup>22</sup>

## a. Council District 9

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<b>Benchmark Plan</b>	165,366	26.00%	<b>46.94%</b>	17.86%	6.45%
Unity Plan	157,704	22.69%	50.05%	19.53%	5.12%
Preliminary Draft Plan	168,491	15.53%	54.68%	23.28%	3.87%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	164,925	14.00%	57.60%	22.64%	3.14%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	164,925	14.00%	57.60%	22.64%	3.14%
<b>Final Districting Plan</b>	160,288	10.57%	<b>60.80%</b>	23.29%	2.73%

The incumbent Councilmember is Inez E. Dickens.

District 9 includes Central Harlem and parts of East Harlem. Although the district experienced a 6.1% increase in population, the Black population declined by almost 13%. In order to keep neighborhoods and communities of interest together, portions of Morningside Heights and Manhattan Valley were removed from District 9 (allowing Manhattan Valley to be contained wholly within District 7) and portions of Harlem above 140<sup>th</sup> Street were added to this Central Harlem district. The shape of District 9 largely comports with the Unity Plan.

Council District 9's benchmark Black VAP is 46.94%. As redrawn, the Black VAP is 60.80%, restoring the district as an effective majority-Black district. The proposal in the alternative Unity Plan has a Black VAP only slightly above 50% (and below 50% using non-adjusted Census figures). Given the substantial increase in the Black population in the district,

<sup>22</sup> As stated in Section VII, *supra*, the Districting Commission was required to use prisoner-adjusted population data pursuant to State law during the redistricting process; those figures are reported here. Unadjusted Census figures pursuant to 28 C.F.R. § 51.28 are provided in Appendix 2 of this submission.

the final districting plan reflects the demographic growth within the district and preserves the ability of Black voters to elect candidates of their choice.

In the 2008 Presidential Primary election, identified in the Handley Report as one of the bellwether elections to test the effectiveness of the ability of Black voters to elect candidates of their choice, the Black-preferred candidate, Barack Obama, prevails under the final districting plan, faring slightly better as compared to the results under the benchmark plan:

District 9	<b>Recompiled Election Results<sup>23</sup></b> <i>2008 Presidential Primary</i>	
	Barack Obama	Hillary Clinton
Benchmark Plan	62.86%	36.13%
Final Plan	<b>64.74%</b>	34.61%

Based on the foregoing, the final districting plan for Council District 9, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

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<sup>23</sup> Recompiled election results reflected in this document are calculated using disaggregated political data. In New York City, election returns are collected at the Election District (“ED”) level pursuant to New York City Board of Elections procedures. An ED can contain a single Census Block or multiple Census Blocks, and, in some cases, can split a Census Block to create “Block Pieces.” The City’s Board of Elections collects registration information at both ED and Block/Block Piece level. In order to use these data in the districting process, Commission staff attributed election returns to Census Blocks.

Because registered voters are collected at both ED and Block/Block Piece level, Commission staff disaggregated election returns from the ED level to the Census Block/Block Piece level in proportion to registered voters according to the following formula:

$$\begin{array}{c}
 \text{Votes for Candidate "Z" in Census Block or Block Piece "X"} \\
 = \\
 \frac{\text{Registered Voters in Census Block or Block Piece "X"}}{\text{Registered Voters in ED "Y"}} * \text{Total Votes for Candidate "Z" in ED "Y"}
 \end{array}$$

For those Census Blocks that had been split into Block Pieces, Commission staff then aggregated the election returns from the Block Piece back to the Census Block level.

Note that, as a result of this process of disaggregation and reaggregation, the reported Census Block level election returns are not actual data, but rather are estimates of election returns at that level. Although not 100% accurate at the Census Block level, they remain a reliable estimate of aggregated election data for proposed Council districts because estimation error is only introduced in those areas where new Council lines split existing EDs, and because there is no reason to believe that the estimation error is biased.

## b. Council District 12

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	171,698	5.11%	<b>67.60%</b>	23.13%	1.59%
Unity Plan	168,676	5.24%	68.32%	21.66%	1.87%
Preliminary Draft Plan	167,292	5.13%	68.05%	22.69%	1.56%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	166,864	5.10%	68.08%	22.68%	1.56%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	166,864	5.10%	68.08%	22.68%	1.56%
<i>Final Districting Plan</i>	166,555	5.11%	<b>68.18%</b>	22.63%	1.53%

The incumbent Councilmember is Andy King.

District 12 consists of Co-op City, Baychester, Eastchester, Edenwald, Laconia, Olinville, Williamsbridge, and a part of Wakefield. Under the 2003 lines, the district grew by almost 7% and was approximately 11,000 residents over the ideal population size. Consistent with the “one person, one vote” Constitutional standard and the New York City Charter’s representational equity requirement, the district’s population was adjusted to bring it within the proper population deviation and was otherwise largely unchanged.

Council District 12’s benchmark Black VAP is 67.60%. As redrawn, the Black VAP is 68.18%, in line with the alternative Unity Plan. Given the substantial majority of the Black population in the district, the final districting plan maintains the ability of Black voters to elect candidates of their choice.

In the 2008 Presidential Primary election, identified in the Handley Report as the bellwether election to test the effectiveness of the ability of Black voters to elect candidates of

their choice, the Black-preferred candidate, Barack Obama, prevails under the final districting plan, with results that are nearly identical to the results under the benchmark plan:

District 12	<b>Recompiled Election Results</b> <i>2008 Presidential Primary</i>	
	Barack Obama	Hillary Clinton
Benchmark Plan	55.28%	44.02%
Final Plan	<b>55.18%</b>	43.98%

Based on the foregoing, the final districting plan for Council District 12, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## c. Council District 35

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	152,472	32.19%	<b>46.67%</b>	13.14%	5.09%
Unity Plan	154,641	32.24%	46.67%	13.11%	5.06%
Preliminary Draft Plan	155,660	27.57%	52.27%	12.75%	4.53%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	152,829	28.63%	51.32%	12.48%	4.65%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	152,829	28.63%	51.32%	12.48%	4.65%
<i>Final Districting Plan</i>	152,804	28.74%	<b>51.15%</b>	12.54%	4.66%

The incumbent Councilmember is Letitia James.

District 35 is comprised of Clinton Hill, Fort Greene, Crown Heights, Prospect Heights, and Bedford-Stuyvesant. Under the 2003 lines, the district is 5% under the ideal population size. Because the district is an effective minority “ability to elect” district under the benchmark plan, the area south of Flushing Avenue was placed in neighboring District 33 to unite a community of interest, and this had the effect of preserving District 35’s status as a minority “ability to elect” district. In a previous plan, the border between Districts 35 and 40 was at Lincoln Road; however, this border is restored to Empire Boulevard in response to public testimony.

Council District 35’s Black VAP is 46.67% in the benchmark plan. That VAP is 51.15% in the final plan being submitted here, with the effect of maintaining the district as an effective “ability to elect” district for Black voters. The proposal in the alternative Unity Plan has a Black VAP well below 50%, which would severely jeopardize this benchmarked district’s status as an “ability to elect” district. Given the majority of the Black population in the district, the final

districting plan (compared to the benchmark plan) enhances the ability of Black voters to elect candidates of their choice in the district.

In the 2008 Presidential Primary election, identified in the Handley Report as the bellwether election to test the effectiveness of the ability of Black voters to elect candidates of their choice, the Black-preferred candidate, Barack Obama, prevails under the final districting plan, with results that are nearly identical to the results under the benchmark plan:

District 35	<b>Recompiled Election Results</b> <i>2008 Presidential Primary</i>	
	Barack Obama	Hillary Clinton
Benchmark Plan	66.55%	32.62%
Final Plan	<b>66.59%</b>	32.63%

Based on the foregoing, the final districting plan for Council District 35, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## d. Council District 36

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	150,267	7.97%	<b>70.66%</b>	16.81%	2.22%
Unity Plan	154,803	7.63%	71.16%	16.79%	2.14%
Preliminary Draft Plan	155,905	6.80%	72.06%	16.74%	2.09%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	152,706	6.88%	71.82%	16.93%	2.09%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	152,706	6.88%	71.82%	16.93%	2.09%
<i>Final Districting Plan</i>	152,846	6.97%	<b>71.53%</b>	17.12%	2.10%

The incumbent Councilmember is Albert Vann.

District 36 covers Bedford-Stuyvesant and Crown Heights. It is one of several Central Brooklyn districts that experienced a significant loss in population in the past decade. The 2003 boundaries leave the district over 10,000 residents short of the ideal population size. As redrawn by the Commission, District 36 shifts westward to gain population in accordance with the Constitution and City Charter mandate to ensure representational equity.

Council District 36's benchmark Black VAP is 70.66%. That VAP is 71.53% under the final plan, a figure that is in line with the alternative Unity Plan. Given the substantial majority of the Black population in the district, the final districting plan maintains the ability of Black voters to elect candidates of their choice in the district.

In the 2008 Presidential Primary election, identified in the Handley Report as the bellwether election to test the effectiveness of the ability of Black voters to elect candidates of their choice, the Black-preferred candidate, Barack Obama, prevails under the final districting plan, with results that are nearly identical to the results under the benchmark plan:

District 36	<b>Recompiled Election Results</b> <i>2008 Presidential Primary</i>	
	Barack Obama	Hillary Clinton
Benchmark Plan	64.58%	34.76%
Final Plan	<b>64.61%</b>	34.74%

Based on the foregoing, the final districting plan for Council District 36, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## e. Council District 40

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	147,069	11.09%	<b>65.62%</b>	15.50%	5.24%
Unity Plan	154,801	13.01%	63.72%	15.13%	5.61%
Preliminary Draft Plan	156,525	16.49%	59.30%	14.85%	6.83%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	152,859	14.55%	61.14%	15.48%	6.23%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	152,859	14.55%	61.14%	15.48%	6.23%
<i>Final Districting Plan</i>	152,861	14.65%	<b>60.78%</b>	15.54%	6.43%

The incumbent Councilmember is Mathieu Eugene.

District 40 covers Ditmas Park, East Flatbush, Flatbush, Lefferts Gardens, and Prospect Park South. Over the last decade, the Black population in Central Brooklyn declined significantly. Under the 2003 lines, the district is 13,000 residents short of reaching the ideal population size. In order to comply with the Constitution and Charter representational equity requirements, the final plan expands the district on its southwestern border to add a portion of Kensington.

Council District 40's benchmark Black VAP is 65.62%. Under the proposed plan, District 40's Black VAP is 60.78%, close to that of the alternative Unity Plan. Given the substantial majority of the Black population in the district, the final districting plan maintains the ability of Black voters to elect candidates of their choice in the district.

In the 2008 Presidential Primary election, identified in the Handley Report as the bellwether election to test the effectiveness of the ability of Black voters to elect candidates of

their choice, the Black-preferred candidate, Barack Obama, prevails under the final districting plan, with results that are nearly identical to the results under the benchmark plan:

District 40	<b>Recompiled Election Results</b> <i>2008 Presidential Primary</i>	
	Barack Obama	Hillary Clinton
Benchmark Plan	54.78%	44.51%
Final Plan	<b>54.19%</b>	44.94%

Based on the foregoing, the final districting plan for Council District 40, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## f. Council District 41

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	154,570	2.21%	<b>82.09%</b>	12.93%	0.76%
Unity Plan	155,132	1.81%	82.94%	12.47%	0.78%
Preliminary Draft Plan	153,273	1.48%	82.66%	13.21%	0.70%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	152,760	2.29%	83.11%	11.89%	0.73%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	152,760	2.29%	83.11%	11.89%	0.73%
<i>Final Districting Plan</i>	152,964	2.20%	<b>83.23%</b>	11.87%	0.72%

The incumbent Councilmember is Darlene Mealy.

District 41 encompasses part of Bedford-Stuyvesant, Ocean Hill-Brownsville, East Flatbush and Crown Heights. The final districting plan largely maintains District 41's current configuration.

Council District 41's benchmark Black VAP is 82.09%. Under the proposed plan, District 41's Black VAP is 82.23%, in line with that of the alternative Unity Plan. Given the substantial majority of the Black population in the district, the final districting plan maintains the ability of Black voters to elect candidates of their choice.

In the 2008 Presidential Primary election, identified in the Handley Report as the bellwether election to test the effectiveness of the ability of Black voters to elect candidates of their choice, the Black-preferred candidate, Barack Obama, prevails under the final districting plan, with results that are nearly identical to the results under the benchmark plan:

District 41	<b>Recompiled Election Results</b> <i>2008 Presidential Primary</i>	
	Barack Obama	Hillary Clinton
Benchmark Plan	59.22%	40.28%
Final Plan	<b>58.45%</b>	41.04%

Based on the foregoing, the final districting plan for Council District 41, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## g. Council District 42

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	166,221	4.72%	<b>72.77%</b>	18.51%	1.99%
Unity Plan	155,566	3.90%	73.22%	19.59%	1.39%
Preliminary Draft Plan	153,124	5.43%	70.47%	19.68%	2.38%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	152,722	4.16%	71.36%	20.57%	1.90%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	152,722	4.16%	71.36%	20.57%	1.90%
<i>Final Districting Plan</i>	152,776	4.17%	<b>71.39%</b>	20.53%	1.89%

The incumbent Councilmember is Charles Barron.

District 42 is comprised of East New York and Brownsville. Under the 2003 lines, District 42 is approximately 5,500 residents over the ideal population size. The district's revised configuration under the proposed plan is a result of the Commission's decision to unite neighborhoods and communities of interest in District 46, specifically Bay View Towers and Canarsie. Additionally, District 42 expands into East New York so that areas from its Central Brooklyn border can be shifted to adjacent underpopulated districts that are below ideal population size.

Council District 42's benchmark Black VAP is 72.77%. The Black VAP is 71.39% under the proposed plan submitted for preclearance, close to that of the alternative Unity Plan. Given the substantial majority of the Black population in the district, the final districting plan maintains the ability of Black voters to elect candidates of their choice.

In the 2008 Presidential Primary election, identified in the Handley Report as the bellwether election to test the effectiveness of the ability of Black voters to elect candidates of

their choice, the Black-preferred candidate, Barack Obama, prevails under the final districting plan, with results that are nearly identical to the results under the benchmark plan:

District 42	<b>Recompiled Election Results</b> <i>2008 Presidential Primary</i>	
	Barack Obama	Hillary Clinton
Benchmark Plan	56.71%	42.58%
Final Plan	<b>56.96%</b>	42.39%

Based on the foregoing, the final districting plan for Council District 42, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## h. Council District 45

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	140,820	10.07%	<b>76.96%</b>	7.63%	2.90%
Unity Plan	161,346	24.83%	59.92%	7.93%	5.54%
Preliminary Draft Plan	153,200	10.95%	76.23%	7.72%	2.72%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	154,193	19.81%	65.95%	7.91%	3.99%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	154,193	19.81%	65.95%	7.91%	3.99%
<i>Final Districting Plan</i>	153,543	18.59%	<b>67.13%</b>	7.94%	3.98%

The incumbent Councilmember is Jumaane D. Williams.

District 45, in Central Brooklyn, includes Flatbush, East Flatbush, Flatlands, and Midwood. Under the 2003 lines, the district is the least populous district in Brooklyn and deviated by minus 12%, approximately 20,000 residents below the ideal population size. In compliance with the Constitution and Charter, the district's population is increased by expanding the boundary on the southern border into Midwood, and was done in such a way that allowed for the creation of an "opportunity to elect" district in neighboring District 46, as described below. Additionally, Victorian Flatbush, a neighborhood which is enclosed by Foster Avenue and Coney Island Avenue, was added to District 45 in response to public testimony.

Council District 45's benchmark Black VAP is 76.96%. The Black VAP of District 45 in the proposed plan is 67.13%, substantially greater than that of the alternative Unity Plan. Given the substantial majority of the Black population in the district, the final districting plan maintains the ability of Black voters to elect candidates of their choice in District 45. This conclusion is confirmed by Dr. Handley's analysis.

In the 2008 Presidential Primary election, identified in the Handley Report as the bellwether election to test the effectiveness of the ability of Black voters to elect candidates of their choice, the Black-preferred candidate, Barack Obama, prevails under the final districting plan, with results that are very similar to the results under the benchmark plan:<sup>24</sup>

District 45	<b>Recompiled Election Results</b> <i>2008 Presidential Primary</i>	
	Barack Obama	Hillary Clinton
Benchmark Plan	54.45%	44.64%
Final Plan	<b>52.69%</b>	45.88%

Based on the foregoing, the final districting plan for Council District 45, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

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<sup>24</sup> Note that under the Unity Plan’s configuration of District 45, the share of the vote for Barack Obama is reduced to 50.37%, potentially risking District 45’s status as an “ability to elect” district.

## i. Council District 46

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	165,848	44.31%	<b>41.16%</b>	6.58%	6.29%
Unity Plan	154,415	30.32%	56.67%	7.57%	3.53%
Preliminary Draft Plan	157,157	45.62%	41.18%	6.52%	4.97%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	167,505	33.70%	51.80%	7.57%	5.10%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	167,505	33.70%	51.80%	7.57%	5.10%
<b><i>Final Districting Plan</i></b>	167,505	33.70%	<b>51.80%</b>	7.57%	5.10%

The incumbent Councilmember is Lewis A. Fidler.

District 46 includes Bergen Beach, Gerritsen Beach, Canarsie, Flatlands, Marine Park, and Mill Basin. In compliance with the Charter criterion of keeping neighborhoods intact, Canarsie is now united and included within the district. Additionally, Bay View Houses, which was previously in District 42, was moved into District 46 after the Commission heard testimony indicating that the 2003 lines divided the community of interest that is shared between that housing development and the neighborhood of Canarsie.

The final plan district lines for District 46 were heavily influenced by the Unity Plan, which creates a new “opportunity to elect” district for minority voters. According to the Handley Report, these changes appear to provide Black residents in this district with an opportunity to elect their candidate of choice to the Council for the first time.

Council District 46’s benchmark Black VAP is 41.16%. The Black VAP of District 46 in the proposed plan is 51.80%, somewhat less than that of the alternative Unity Plan. Given the majority of the Black population in the district, the final districting plan, according to Dr.

Handley, provides an opportunity for Black voters to elect candidates of their choice in newly configured District 46.

In the 2008 Presidential Primary election, identified in the Handley Report as the bellwether election to test the effectiveness of the ability of Black voters to elect candidates of their choice, the Black-preferred candidate, Barack Obama, fares significantly better under the final districting plan than under the benchmark plan:<sup>25</sup>

District 46	<b>Recompiled Election Results</b> <i>2008 Presidential Primary</i>	
	Barack Obama	Hillary Clinton
Benchmark Plan	43.02%	55.14%
Final Plan	<b>46.34%</b>	52.15%

Finally, in the 2009 Mayoral General election, an election identified in the Handley Report as a bellwether election to test the effectiveness of the ability of Black and Hispanic voters, if voting cohesively, to elect candidates of their choice, the Black- and Hispanic-preferred candidate, Bill Thompson, increases his share of the vote and carries the district under the final districting plan as compared to the benchmark plan:

District 46	<b>Recompiled Election Results</b> <i>2009 Mayoral General</i>	
	Bill Thompson	Michael Bloomberg
Benchmark Plan	45.33%	51.88%
Final Plan	<b>53.18%</b>	44.35%

Based on the foregoing, and because District 46 is not an effective minority “ability to elect” district under the benchmark plan, the final districting plan for Council District 46, created

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<sup>25</sup> Note that under the Unity Plan’s configuration of District 46 (with a slightly greater Black VAP), Black-preferred candidate Barack Obama still fails to carry the district, garnering only 47.62% of the vote (only about 1 percentage point greater than the result under the final districting plan). Moreover, as set forth in footnote 24, *supra*, the configuration of District 46 under the Unity Plan negatively affects the configuration of District 45, where the share of the vote for Barack Obama is reduced to 50.37%, potentially risking District 45’s status as an “ability to elect” district.

pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive, and, in fact, creates a new “opportunity to elect” district not present in the benchmark plan.

ii. **Majority Hispanic Districts**

a. **Council District 8**

<b>Plan</b>	<b>Total Population</b>	<b>White VAP (%)</b>	<b>Black VAP (%)</b>	<b>Hispanic VAP (%)</b>	<b>Asian American VAP (%)</b>
<b><i>Benchmark Plan</i></b>	163,814	21.47%	22.63%	<b>47.72%</b>	6.21%
Unity Plan	168,070	17.82%	23.40%	51.26%	5.65%
Preliminary Draft Plan	167,958	6.85%	25.63%	62.45%	3.57%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	168,734	6.27%	25.52%	63.24%	3.48%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	168,734	6.27%	25.52%	63.24%	3.48%
<b><i>Final Districting Plan</i></b>	168,460	6.43%	25.59%	<b>63.12%</b>	3.34%

The incumbent Councilmember is Melissa Mark-Viverito.

District 8 includes East Harlem and Randall’s Island in Manhattan, and Mott Haven, Concourse, and Highbridge in the Bronx. Major Charter-related factors influenced the redrawing and composition of new District 8 under the proposed plan, including the need to provide proportional Council representation to both Manhattan and Bronx residents, to maintain neighborhoods and communities of interest, and to preserve cultural landmarks.

District 8 changes significantly due to extreme population growth in Bronx County. Under the 2003 lines, District 8 is an inter-borough district primarily composed of Manhattan’s East Harlem and a small portion of Mott Haven in the Bronx. To ensure that Bronx residents have proportional Council representation, District 8 in the final districting plan expands within the Bronx by acquiring area and population from what was District 17 under the 2003 lines.

District 8 is also drawn to accommodate many of the community’s concerns raised during the Commission’s public hearings. In response to public testimony, La Marqueta, El Museo del Barrio, and Mount Sinai Hospital, identified by the public as important East Harlem institutions

and cultural landmarks, are kept within District 8. Randall's Island also remains in District 8, as envisioned by the alternative plan submitted by the nonpartisan citizen's lobbying organization Common Cause as well as the community-created "Common Sense Bronx Plan" (*see* Exhibit 66), and as echoed by many who testified during the Commission's January Bronx hearing (*see* Exhibit 49c). This change (to put Randall's Island into District 8) was made in response to overwhelming public testimony after Randall's Island had been placed in a Queens County district in an earlier draft plan. That preliminary plan also extended District 8 north to the Cross Bronx Expressway. In order to make the district more compact, as requested by the public and consistent with Charter criteria, the Bronx segment contracted south, to encompass the neighborhood of Concourse.

Another challenge confronting the configuration of District 8 is the decline of Hispanic population over the past ten years within the district. The 2010 Census shows that District 8's Hispanic voting age population percentage had dropped below a 50% share in the benchmark plan to 47.72%. As a result, according to the Handley Report, this district as configured under the benchmark did not elect the candidate of choice of Hispanic voters in the 2009 City Council primary.

The Hispanic VAP of District 8 in the final districting plan is 63.12%, which addresses this deficiency and which is significantly greater than that of the Unity Plan. Given the majority of the Hispanic population in the district, the final districting plan maintains the effective ability of Hispanic voters to elect candidates of their choice in the District, according to Dr. Handley's analysis.

In the 2005 Mayoral Democratic Primary election, identified in the Handley Report as one of the bellwether elections to test the effectiveness of the ability of Hispanic voters to elect

candidates of their choice, the Hispanic-preferred candidate, Fernando Ferrer, fares significantly better under the final districting plan:

District 8	<b>Recompiled Election Results</b> <i>2005 Mayoral Democratic Primary</i>	
	Fernando Ferrer	All Other Candidates <sup>26</sup>
Benchmark Plan	52.57%	47.43%
Final Plan	<b>65.29%</b>	34.71%

Based on the foregoing, the final districting plan for Council District 8, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

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<sup>26</sup> The other major candidates in the 2005 Mayoral Democratic Primary included C. Virginia Fields (Black), Anthony D. Weiner (White), and Gifford Miller (White); there was no other Hispanic candidate.

## b. Council District 10

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	137,203	10.52%	6.72%	<b>79.63%</b>	2.11%
Unity Plan	152,832	20.79%	6.35%	68.94%	2.70%
Preliminary Draft Plan	168,461	22.05%	9.97%	63.34%	3.12%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	166,731	20.66%	6.82%	68.40%	2.85%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	166,731	20.66%	6.82%	68.40%	2.85%
<i>Final Districting Plan</i>	166,731	20.66%	6.82%	<b>68.40%</b>	2.85%

The incumbent Councilmember is Ydanis Rodriguez.

District 10 consists of Washington Heights, Hudson Heights, Fort George, and Inwood. During the last decade, District 10 lost 9% of its population, leaving the district substantially under-populated with 136,647 residents, almost 15% below the ideal population size. As a result, District 10 needed to add population in order to comply with the representational equity requirements of the Constitution and City Charter. The district was expanded west to include the entirety of northern Manhattan, some of which was previously part of District 7. This change also complies with the Charter's criteria of uniting neighborhoods, as the majority of Washington Heights and Inwood fall within the district's boundaries. The district's configuration is similar to the alternative Unity Plan.

Council District 10's benchmark Hispanic VAP is 79.63%. The Hispanic VAP of District 10 under the final districting plan being submitted for preclearance is 68.40%, very similar to that of the Unity Plan. Given the majority of the Hispanic population in the district,

the final districting plan maintains the effective ability of Hispanic voters to elect candidates of their choice in District 10.

In the 2005 Mayoral Democratic Primary election, identified in the Handley Report as one of the bellwether elections to test the effectiveness of the ability of Hispanic voters to elect candidates of their choice, the Hispanic-preferred candidate, Fernando Ferrer, continues to successfully carry the district by a significant margin under the final districting plan:

District 10	<b>Recompiled Election Results</b> <i>2005 Mayoral Democratic Primary</i>	
	Fernando Ferrer	All Other Candidates
Benchmark Plan	67.42%	32.58%
Final Plan	<b>58.86%</b>	41.14%

Based on the foregoing, the final districting plan for Council District 10, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## c. Council District 14

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	159,644	3.00%	22.07%	<b>70.27%</b>	3.01%
Unity Plan	167,105	3.09%	24.54%	67.81%	3.07%
Preliminary Draft Plan	164,253	3.13%	23.14%	69.20%	2.94%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	168,302	3.38%	23.09%	69.18%	2.91%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	168,302	3.38%	23.09%	69.18%	2.91%
<i>Final Districting Plan</i>	165,009	3.38%	22.72%	<b>69.50%</b>	2.95%

The incumbent Councilmember is Fernando Cabrera.

District 14 includes Morris Heights, University Heights, and Fordham Manor. In response to public testimony about parishioners being placed in a district different from their church, a community of interest was united (pursuant to the Charter criterion) by including Jerome Avenue and Grand Concourse, up to 198th Street, into the district, in addition to moving the district's eastern border to largely follow the Grand Concourse. Consistent with the "one person, one vote" Constitutional standard and the City Charter's own proportionality requirement, these changes increased the district's total population to an acceptable level in terms of ideal population, while adhering to the City Charter districting criteria.

Council District 14's benchmark Hispanic VAP is 70.27%. The Hispanic VAP in District 14 under the final districting plan being submitted here is 69.50%, very similar to that of the Unity Plan. Given the majority of the Hispanic population in the district, the final districting plan maintains the effective ability of Hispanic voters to elect candidates of their choice in the district.

In the 2005 Mayoral Democratic Primary election, identified in the Handley Report as one of the bellwether elections to test the effectiveness of the ability of Hispanic voters to elect candidates of their choice, the Hispanic-preferred candidate, Fernando Ferrer, continues to successfully carry the district under the final districting plan:

District 14	<b>Recompiled Election Results</b> <i>2005 Mayoral Democratic Primary</i>	
	Fernando Ferrer	All Other Candidates
Benchmark Plan	71.24%	28.76%
Final Plan	<b>72.19%</b>	27.81%

Based on the foregoing, the final districting plan for Council District 14, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## d. Council District 15

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	168,814	5.80%	25.28%	<b>64.72%</b>	2.53%
Unity Plan	168,647	10.90%	25.59%	59.26%	2.54%
Preliminary Draft Plan	157,388	6.52%	25.38%	63.47%	2.88%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	168,413	5.69%	25.49%	64.49%	2.53%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	168,413	5.69%	25.49%	64.49%	2.53%
<i>Final Districting Plan</i>	168,524	8.28%	26.30%	<b>60.63%</b>	2.90%

The incumbent Councilmember is Joel Rivera.

District 15 covers Crotona, Belmont, Fordham Heights, Tremont, Van Nest, and a portion of Bronxwood. With a population of 168,814, the district was 5% over the ideal population size under the benchmark 2003 plan. In response to public testimony and the City Charter criterion to keep communities of interest intact, the Parkside Houses were united into District 15. The final districting plan keeps the Van Nest neighborhood in Districts 13 and 15 instead of dividing the area into three Council districts as proposed in the Preliminary Draft Plan drawn by the Commission. This shift also brings the New York Botanical Gardens into the district and unites it with the Bronx Zoo. The district's western border now follows the natural boundary of Grand Concourse.

Council District 15's benchmark Hispanic VAP is 64.72%. The Hispanic VAP in new District 15 under the final plan submitted here is 60.63%, very similar to that of the alternative Unity Plan. Given the majority of the Hispanic population in the district, the final districting

plan maintains the effective ability of Hispanic voters to elect candidates of their choice in District 15.

In the 2005 Mayoral Democratic Primary election, identified in the Handley Report as one of the bellwether elections to test the effectiveness of the ability of Hispanic voters to elect candidates of their choice, the Hispanic-preferred candidate, Fernando Ferrer, continues to successfully carry the district under the final districting plan:

District 15	<b>Recompiled Election Results</b> <i>2005 Mayoral Democratic Primary</i>	
	Fernando Ferrer	All Other Candidates
Benchmark Plan	72.79%	27.21%
Final Plan	<b>70.80%</b>	29.20%

Based on the foregoing, the final districting plan for Council District 15, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## e. Council District 16

<b>Plan</b>	<b>Total Population</b>	<b>White VAP (%)</b>	<b>Black VAP (%)</b>	<b>Hispanic VAP (%)</b>	<b>Asian American VAP (%)</b>
<b><i>Benchmark Plan</i></b>	177,841	1.46%	39.64%	<b>56.49%</b>	1.02%
Unity Plan	168,718	1.51%	33.90%	61.54%	1.50%
Preliminary Draft Plan	162,668	1.44%	38.31%	57.67%	1.12%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	155,281	1.43%	39.52%	56.46%	1.11%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	155,281	1.43%	39.52%	56.46%	1.11%
<b><i>Final Districting Plan</i></b>	163,322	1.44%	39.35%	<b>56.63%</b>	1.15%

The incumbent Councilmember is Helen D. Foster.

District 16 consists of Highbridge, East Morrisania, Claremont, and Concourse Village. Due to rapid growth in the last decade, the district was significantly overpopulated, with a population deviation of 10.7% above the ideal population size. In compliance with the Constitution and City Charter mandate to ensure representational equity, District 16 shed population by relinquishing a portion of Morris Heights on its northern boundary. To keep neighborhoods and communities of interest intact, the Commission responded to public testimony by including Concourse Village, Highbridge, and Yankee Stadium in the district.

Council District 16's benchmark Hispanic VAP is 56.49%. The Hispanic VAP of District 16 under the final districting plan submitted here is 56.63%, slightly higher than the benchmark but a few percentage points lower than that of the alternative Unity Plan. Although the City Council representative currently serving the district was the Black-preferred candidate, (but not the Hispanic-preferred candidate) in the last election, that representative is now term-limited and will not run again in 2013. In accordance with Dr. Handley's analysis, the

recompiled election results indicate that the Hispanic-preferred candidate could well prevail in the next election. Specifically, in the 2005 Mayoral Democratic Primary election, identified in the Handley Report as one of the bellwether elections to test the effectiveness of the ability of Hispanic voters to elect candidates of their choice, the Hispanic-preferred candidate, Fernando Ferrer, continues to successfully carry the district by a wide margin under the final districting plan:

District 16	<b>Recompiled Election Results</b> <i>2005 Mayoral Democratic Primary</i>	
	Fernando Ferrer	All Other Candidates
Benchmark Plan	64.76%	35.24%
Final Plan	<b>63.86%</b>	36.14%

Moreover, because the district’s non-Hispanic White voting age population is less than 2% of the total voting age population, some minority-preferred candidate (either Hispanic-preferred or Black-preferred) is all but certain to carry the district.

Based on the foregoing, the final districting plan for Council District 16, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## f. Council District 17

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	181,147	1.71%	27.51%	<b>68.60%</b>	0.93%
Unity Plan	167,855	1.55%	29.99%	66.40%	0.85%
Preliminary Draft Plan	160,388	1.45%	29.55%	66.72%	0.86%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	152,767	1.48%	28.92%	67.10%	0.97%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	152,767	1.48%	28.92%	67.10%	0.97%
<i>Final Districting Plan</i>	156,701	1.45%	29.41%	<b>66.95%</b>	0.83%

The incumbent Councilmember is Maria del Carmen Arroyo.

District 17 includes Hunts Point, Longwood, Port Morris, Woodstock, Foxhurst, and Claremont Village. Similar to District 16, District 17 experienced tremendous growth. The population deviation of approximately 13% over the ideal population size was rectified to ensure compliance with the Constitution and the City Charter mandate of representational equity. District 17 was reconfigured by extending the district towards its eastern portion and shedding area on the western and southern boundaries. The shape of District 17 is largely the result of the contours of District 8 and District 16, both of which are “ability to elect” districts under the Voting Rights Act.

Council District 17’s benchmark Hispanic VAP is 68.60%. The Hispanic VAP under the final districting plan in District 17 is 66.95%, very similar to that of the alternative Unity Plan. Given the majority of the Hispanic population in the district, the final districting plan maintains the effective ability of Hispanic voters to elect candidates of their choice in the district.

In the 2005 Mayoral Democratic Primary election, identified in the Handley Report as one of the bellwether elections to test the effectiveness of the ability of Hispanic voters to elect candidates of their choice, the Hispanic-preferred candidate, Fernando Ferrer, continues to successfully and easily carry the district under the final districting plan:

District 17	<b>Recompiled Election Results</b> <i>2005 Mayoral Democratic Primary</i>	
	Fernando Ferrer	All Other Candidates
Benchmark Plan	72.11%	27.89%
Final Plan	<b>72.33%</b>	27.67%

Based on the foregoing, the final districting plan for Council District 17, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## g. Council District 18

<b>Plan</b>	<b>Total Population</b>	<b>White VAP (%)</b>	<b>Black VAP (%)</b>	<b>Hispanic VAP (%)</b>	<b>Asian American VAP (%)</b>
<b><i>Benchmark Plan</i></b>	170,118	3.50%	30.51%	<b>56.82%</b>	6.09%
Unity Plan	168,338	3.22%	31.68%	55.98%	6.02%
Preliminary Draft Plan	160,338	3.78%	30.18%	56.37%	6.57%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	154,175	4.01%	30.34%	55.70%	6.83%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	154,175	4.01%	30.34%	55.70%	6.83%
<b><i>Final Districting Plan</i></b>	165,654	3.77%	29.76%	<b>56.85%</b>	6.50%

The incumbent Councilmember is Annabel Palma.

District 18 consists of Castle Hill, Clason Point, Parkchester, Park Versailles, Unionport, and Soundview. Under the 2003 lines, the district is approximately 6% above the ideal population size. To reduce population, portions of the neighborhoods of Soundview and Park Versailles have been removed from the northwest portion of the district under the plan being submitted for preclearance. The district remained otherwise largely unchanged.

Council District 18's benchmark Hispanic VAP is 56.82%. The Hispanic VAP in District 18 under the final districting plan is 56.85%, very similar to that of the alternative Unity Plan. Given the majority of the Hispanic population in the district, the final districting plan maintains the effective ability of Hispanic voters to elect candidates of their choice in the district.

In the 2005 Mayoral Democratic Primary election, identified in the Handley Report as one of the bellwether elections to test the effectiveness of the ability of Hispanic voters to elect candidates of their choice, the Hispanic-preferred candidate, Fernando Ferrer, continues to successfully and easily carry the district under the final districting plan:

District 18	<b>Recompiled Election Results</b> <i>2005 Mayoral Democratic Primary</i>	
	Fernando Ferrer	All Other Candidates
Benchmark Plan	69.82%	30.18%
Final Plan	<b>70.53%</b>	29.47%

Based on the foregoing, the final districting plan for Council District 18, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## h. Council District 34

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	158,778	29.91%	9.66%	<b>51.08%</b>	7.53%
Unity Plan	154,822	30.52%	9.12%	50.84%	7.68%
Preliminary Draft Plan	154,483	29.38%	9.59%	51.58%	7.61%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	156,423	30.33%	9.38%	50.50%	7.94%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	155,959	30.34%	9.41%	50.77%	7.63%
<i>Final Districting Plan</i>	155,276	30.37%	9.40%	<b>50.75%</b>	7.65%

The incumbent Councilmember is Diana Reyna.

District 34, an inter-borough district, covers Williamsburg and Bushwick in Kings County and Ridgewood in Queens County. The district remains almost identical to the current district.

Council District 34's benchmark Hispanic VAP is 51.08%. The Hispanic VAP in new District 34 is substantially the same at 50.75%, and almost identical to that of the alternative Unity Plan. Given the majority of the Hispanic population in the district, the final districting plan maintains the effective ability of Hispanic voters to elect candidates of their choice.

In the 2005 Mayoral Democratic Primary election, identified in the Handley Report as one of the bellwether elections to test the effectiveness of the ability of Hispanic voters to elect candidates of their choice, the Hispanic-preferred candidate, Fernando Ferrer, continues to successfully and easily carry the district under the final districting plan:

District 34	<b>Recompiled Election Results</b> <i>2005 Mayoral Democratic Primary</i>	
	Fernando Ferrer	All Other Candidates
Benchmark Plan	64.27%	35.73%
Final Plan	<b>64.21%</b>	35.79%

Based on the foregoing, the final districting plan for Council District 34, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## i. Council District 37

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<b><i>Benchmark Plan</i></b>	159,353	4.99%	29.70%	<b>55.27%</b>	6.57%
Unity Plan	154,871	5.18%	27.33%	56.79%	7.15%
Preliminary Draft Plan	152,775	5.22%	27.28%	57.07%	6.89%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	152,687	5.11%	27.71%	57.29%	6.39%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	153,151	5.20%	27.60%	56.96%	6.74%
<b><i>Final Districting Plan</i></b>	152,880	5.19%	27.46%	<b>57.08%</b>	6.76%

The incumbent Councilmember is Erik Martin Dilan.

District 37 includes East New York, Bushwick, Cypress Hills, City Line, Ocean Hill-Brownsville, and Wyckoff Heights. Areas south of Belmont Ave in East New York were added from District 37 to District 42 to allow other Central Brooklyn districts to gain needed population. The Districting Commission heard testimony about the South Asian community of interest that exists between City Line and Ozone Park, a neighborhood in District 32. However, the desire to unite these two areas could not be accommodated because the City Charter only allows one inter-borough district per borough pair. (See Exhibit 8.) Changing the Kings County/Queens County inter-borough district from District 34 to District 37 would necessitate significant and disruptive changes to those districts, both of which are benchmarked districts, and many other districts. Furthermore, there is insufficient Asian American population in this area to create an effective Asian American district.

Council District 37's benchmark Hispanic VAP is 55.27%. The Hispanic VAP in new District 37 is 57.08%, almost identical to that of the alternative Unity Plan. Given the majority

of the Hispanic population in the district, the final districting plan maintains the effective ability of Hispanic voters to elect candidates of their choice.

In the 2005 Mayoral Democratic Primary election, identified in the Handley Report as one of the bellwether elections to test the effectiveness of the ability of Hispanic voters to elect candidates of their choice, the Hispanic-preferred candidate, Fernando Ferrer, continues to successfully carry the district by a wide margin under the final districting plan:

District 37	<b>Recompiled Election Results</b> <i>2005 Mayoral Democratic Primary</i>	
	Fernando Ferrer	All Other Candidates
Benchmark Plan	60.72%	39.28%
Final Plan	<b>61.87%</b>	38.13%

Based on the foregoing, the final districting plan for Council District 37, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

iii. Multiethnic Districts

a. Council District 1

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<b><i>Benchmark Plan</i></b>	169,225	46.45%	4.03%	11.82%	<b>35.69%</b>
Unity Plan	160,735	39.72%	5.11%	16.08%	37.12%
Preliminary Draft Plan	162,854	45.94%	3.90%	11.76%	36.41%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	168,738	46.74%	3.87%	11.71%	35.65%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	168,738	46.74%	3.87%	11.71%	35.65%
<b><i>Final Districting Plan</i></b>	168,491	46.95%	3.97%	11.42%	<b>35.63%</b>

The incumbent Councilmember is Margaret Chin.

District 1 encompasses Chinatown, Battery Park City, Tribeca, SoHo, the Financial District, Governor’s Island, and Greenwich Village. The district’s population grew at 13% during the last decade. Although District 1 was not plurality Asian American in composition in the 2003 plan and historically has not elected candidates preferred by Asian American voters, Asian American voters were successful in electing their preferred candidate to the City Council in the 2009 primary. Thus, although this district has not been an effective minority district over successive elections (and is therefore is not an effective minority district in the benchmark plan), Dr. Handley’s analysis refers to the district as an “opportunity to elect” district for Asian American voters in light of the 2009 election where the Asian American-preferred candidate was elected.

Testimony from ACCORD and other groups indicated a desire to join Lower East Side and Chinatown together in one district to unite socio-economic interests. However, this testimony was counterbalanced by the opposite views expressed by AAFE and the Chinatown

Partnership, which expressed the view that such a configuration could threaten the chances of a minority candidate being elected in the district and urged the Commission to maintain the district as previously drawn in the 2003 benchmark plan. In accordance with advice provided by Dr. Handley to maintain the district’s “opportunity to elect” status, the boundaries of District 1 were not significantly altered.

Council District 1’s benchmark Asian American VAP is 35.69%. The Asian American VAP in new District 1 is 35.63%—and only about one and a half percentage points lower than that of the alternative Unity Plan. Given that the Asian American share of the VAP in the district remains essentially unchanged, the proposed final plan does not diminish the opportunity of Asian American voters to elect candidates of their choice in District 1.

In the 2009 Comptroller Democratic Primary and Primary Runoff elections, identified in the Handley Report as two of the bellwether elections to test the ability of Asian American voters to elect candidates of their choice, the Asian American-preferred candidate, John Liu, continues to outperform the other candidates under the final districting plan:

District 1	<b>Recompiled Election Results</b>	
	<i>2009 Comptroller Democratic Primary</i>	
	John Liu	David Yassky <sup>27</sup>
Benchmark Plan	47.68%	30.44%
Final Plan	<b>47.60%</b>	30.41%
	<i>2009 Comptroller Democratic Primary Runoff</i>	
	John Liu	David Yassky
Benchmark Plan	63.52%	36.48%
Final Plan	<b>63.74%</b>	36.26%

Based on the foregoing, and because District 1 retains its status as an “opportunity to elect” district for Asian American voters under the final districting plan, Council District 1,

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<sup>27</sup> David Yassky was the candidate that received the greatest number of votes in this district, after John Liu.

created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

## b. Council District 7

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<b><i>Benchmark Plan</i></b>	157,004	21.51%	<b>26.74%</b>	<b>46.29%</b>	3.37%
Unity Plan	158,846	17.16%	27.15%	48.69%	4.79%
Preliminary Draft Plan	168,644	25.33%	19.01%	47.54%	6.12%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	160,605	25.93%	20.20%	44.63%	6.95%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	160,605	25.93%	20.20%	44.63%	6.95%
<b><i>Final Districting Plan</i></b>	168,453	27.70%	<b>19.13%</b>	<b>43.74%</b>	7.11%

The incumbent Councilmember is Robert Jackson.

District 7 consists of Morningside Heights, Manhattanville, Hamilton Heights, and a small portion of Washington Heights. District 7's configuration is largely a result of the significant loss of population in neighboring District 10 and the need to ensure representational equity (*i.e.* equal population) under the Constitution and the City Charter. Due to the need to significantly expand District 10 and the inability to expand District 10 to the north (because of the City Charter prohibition on multiple inter-borough districts per borough pair) or to the east (because of the need to maintain District 9 as a minority "ability to elect" district), District 10 expanded to the south. This had the effect of pushing District 7 to the south, away from the largely Hispanic population to the north, and towards an area that is more significantly non-Hispanic White in demographic makeup.

In addition, the Commission heard public testimony about the community of interest between West and Upper Harlem, and as a result these areas were united in subsequent versions of the plan. Moreover, Manhattan Valley, which was split into three districts under the

benchmark plan, is now united in District 7, consistent with requests that were the subject of much public testimony and comment. With the exception of minor modifications, District 7’s boundaries largely mirror those proposed by the alternative plan submitted by Common Cause (Exhibit 66) and encompasses virtually the entirety of Community Board 9.

Council District 7’s benchmark Hispanic VAP is 46.29% and benchmark Black VAP is 26.74%. In the final districting plan, District 7 has a Hispanic VAP of 43.74% and a Black VAP of 19.13%, while its White VAP increases slightly from 21.51% to 27.70%. According to Dr. Handley’s analysis, the Black-preferred candidate has won the City Council election in this district throughout the last decade, and has done so even though Black and Hispanic voters have not voted cohesively in the past in City Council elections. However, if these two groups were to vote cohesively, they would elect a candidate of their choice. In the 2009 Mayoral General election, an election identified in the Handley Report as a bellwether election to test the effectiveness of the ability of Black and Hispanic voters, if voting cohesively, to elect candidates of their choice, the Black- and Hispanic-preferred candidate, Bill Thompson, would carry the district by a healthy margin under the final districting plan:

District 7	<b>Recompiled Election Results</b> <i>2009 Mayoral General</i>	
	Bill Thompson	Michael Bloomberg
Benchmark Plan	62.95%	34.59%
Final Plan	<b>61.26%</b>	36.54%

Hispanic-preferred candidates tend to carry the district in elections where Black and Hispanic voters prefer different candidates. For example, in the 2008 Presidential Primary, Hillary Clinton, the Hispanic-preferred candidate carried the district over Barack Obama, the Black-preferred candidate:

District 7	Recompiled Election Results <i>2008 Presidential Primary</i>	
	Barack Obama	Hillary Clinton
Benchmark Plan	45.89%	52.78%
Final Plan	44.73%	<b>54.12%</b>

In addition, in the 2005 Mayoral Democratic Primary election, identified in the Handley Report as one of the bellwether elections to test the effectiveness of the ability of Hispanic voters to elect candidates of their choice, the Hispanic-preferred candidate, Fernando Ferrer,<sup>28</sup> increases his share of the vote under the final districting plan as compared to the benchmark plan:

District 7	Recompiled Election Results <i>2005 Mayoral Democratic Primary</i>			
	Fernando Ferrer	C. Virginia Fields	Anthony Weiner	Gifford Miller
Benchmark Plan	45.04%	23.73%	17.27%	6.70%
Final Plan	<b>45.47%</b>	20.18%	17.61%	8.89%

As a consequence, it is difficult to predict which minority-preferred candidate would prevail in future elections if Black and Hispanic voters are not cohesive in their candidate preference. However, because District 7 has a non-Hispanic White voting age population of only 27.7% of the total for the district under the final districting plan, a minority-preferred candidate is almost certain to continue to carry District 7 in future elections. Moreover, it is worth re-emphasizing that District 7’s reconfiguration was driven in significant part by the population loss in District 10 to the north (which lost substantial population in the last decade) and the goal of maintaining District 9 as an effective minority “ability to elect” district.

Based on the foregoing, the final districting plan for Council District 7, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

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<sup>28</sup> According to the Handley Report, C. Virginia Fields (B) was the candidate preferred by Black voters in the 2005 Mayoral Democratic Primary, while non-Hispanic White voters tended to prefer Anthony Weiner (W) or Gifford Miller (W).

## c. Council District 38

<b>Plan</b>	<b>Total Population</b>	<b>White VAP (%)</b>	<b>Black VAP (%)</b>	<b>Hispanic VAP (%)</b>	<b>Asian American VAP (%)</b>
<b><i>Benchmark Plan</i></b>	157,637	19.11%	4.72%	<b><i>41.89%</i></b>	<b><i>32.75%</i></b>
Unity Plan	153,975	16.56%	4.44%	40.62%	37.00%
Preliminary Draft Plan	163,431	19.78%	4.58%	39.55%	34.61%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	168,669	20.45%	4.45%	38.53%	35.11%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	168,669	20.45%	4.45%	38.53%	35.11%
<b><i>Final Districting Plan</i></b>	168,310	20.43%	4.42%	<b><i>38.51%</i></b>	<b><i>35.19%</i></b>

The incumbent Councilmember is Sara M. Gonzalez.

District 38 consists of Greenwood, Red Hook, and Sunset Park. New District 38 under the final plan keeps neighborhoods and communities of interest intact. Specifically, at the northern boundary, the neighborhood of Gowanus is now united in District 39. The Commission heard considerable testimony in favor of placing both sides of 8th Avenue within the district, and the final districting plan also reflects that request.

Council District 38's benchmark Hispanic VAP is 41.89% and benchmark Asian American VAP is 32.75%. In the final districting plan, Hispanic VAP in District 38 is 38.51% and Asian American VAP is 35.19%, while White VAP increases very slightly from 19.11% to 20.43%. No alternative plan, including the Unity Plan, proposed redrawing this district with a majority-Hispanic population. Dr. Handley's analysis indicates that Hispanic and Asian American voters have voted cohesively over the last decade. Given the very minor changes made to the demographics of this district, District 38 will continue to provide Hispanic and Asian

American voters with an effective opportunity to coalesce and to elect candidates of their choice in the district.

Even if Hispanic and Asian American voters are not cohesive in their choice of a candidate in future elections, because the non-Hispanic White voting age population is only 20.43% of the total voting age population under the final districting plan in District 38, a Hispanic-preferred candidate can carry the district even without such support. Specifically, in the 2005 Mayoral Democratic Primary election, identified in the Handley Report as one of the bellwether elections to test the effectiveness of the ability of Hispanic voters to elect candidates of their choice, the Hispanic-preferred candidate, Fernando Ferrer, continues to outperform all other candidates and prevail under the final districting plan in District 38, as he did in the benchmark plan:

District 38	<b>Recompiled Election Results</b> <i>2005 Mayoral Democratic Primary</i>	
	Fernando Ferrer	All Other Candidates
Benchmark Plan	62.81%	37.19%
Final Plan	<b>61.22%</b>	38.78%

Based on the foregoing, the final districting plan for Council District 38, created pursuant to the objective districting criteria set forth in City Charter § 52, is not retrogressive.

**XI. CONCLUSION**

For the reasons stated above and based on the information accompanying this submission, the final districting plan does not diminish the number of districts in which Black, Hispanic, and Asian American voters possess the ability to elect their candidates of choice to the City Council as compared to the benchmark plan. Moreover, the plan is free of a racially discriminatory purpose or intent. The plan does not have a discriminatory effect, and the process by which the plan was developed was fair and open to all persons in the City. Minority voters and groups supporting them had an effective opportunity to participate throughout the redistricting process in a meaningful and unprecedented way. Thus, the final districting plan will not have “the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group.” As such, the final districting plan complies with Section 5 of the Voting Rights Act. Accordingly, the City of New York 2012-2013 Districting Commission respectfully submits that the final districting plan for the Council of the City of New York should be precleared by the Attorney General.

Respectfully submitted,



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THADDEUS HACKWORTH  
General Counsel  
The City of New York 2012-2013  
Districting Commission  
253 Broadway, 7<sup>th</sup> Floor  
New York, NY 10007  
(212) 788-9689  
[thackworth@districting.nyc.gov](mailto:thackworth@districting.nyc.gov)

Of Counsel:

J. Gerald Hebert, Esq.  
Jeffrey M. Wice, Esq.

## **XII. EXHIBIT LIST**

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**APPENDIX 1**

**Dr. Lisa Handley**

**A Voting Rights Act Evaluation of the  
2013 New York City Council Redistricting Plan**

# **A Voting Rights Act Evaluation of the 2013 New York City Council Redistricting Plan**

Prepared by Dr. Lisa Handley  
March 11, 2013

## **1.0 Scope of Project**

I was retained by the New York City Districting Commission to provide guidance to the Commission in meeting the standards established by Section 5 of the Voting Rights Act of 1965 (the “Act”). In addition, I was asked to review select proposed redistricting plans to determine if the plans satisfied the requirements of Section 5 of the Act.

There were three components to my analysis for the Districting Commission:

- A racial bloc voting analysis to determine if voting is racially/ethnically polarized in New York City and to identify the minority-preferred candidates if voting is polarized;
- An analysis of the Benchmark Plan to determine how many districts in the plan provide minority voters with the ability to elect their candidates of choice to the City Council; and
- An analysis of any proposed plan, including the plan ultimately adopted by the Districting Commission, to ensure that the plan offers at least an equivalent number of effective minority districts (that is, districts that provide minority voters with the ability to elect candidates of choice to the City Council).

My review of the plan ultimately adopted by the Districting Commission on February 6, 2012 (referred to as the “Revised Plan”) has led me to conclude that this plan satisfies the requirements of Section 5 of the Act. My conclusion is based on, among other things, my assessment that the Revised Plan offers the same number effective minority districts as the Benchmark Plan and is therefore not retrogressive.

## **2.0 Professional Background and Experience**

I have advised numerous jurisdictions and other clients on voting rights-related issues and have served as an expert in dozens of voting rights and redistricting cases. My clients have included scores of state and local jurisdictions, a number of national civil rights organizations, the U.S. Department of Justice, and such international organizations as the United Nations. In addition to advising the New York City Districting Commission in both 2000 and 2010 rounds of redistricting, I served as an expert to the Special Master in the New York State Supreme Court 2002 New York State redistricting litigation.<sup>1</sup>

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<sup>1</sup>*Allen v. Pataki*, Index No.101712/02 (N.Y. Sup. Ct., May 3, 2002).

I have been actively involved in researching, writing and teaching on subjects relating to voting rights, including minority representation, electoral system design and redistricting. I co-authored a book, *Minority Representation and the Quest for Voting Equality* (Cambridge University Press, 1992), and numerous articles, as well as co-edited a volume (*Redistricting in Comparative Perspective*, Oxford University Press, 2008) on these subjects. I have taught several political science courses, both at the undergraduate and graduate level, related to representation and redistricting. I hold a Ph.D. in political science from George Washington University.

I have been a principal of Frontier International Electoral Consulting since co-founding the company in 1998. Frontier IEC specializes in providing electoral assistance in transitional democracies and post-conflict countries.

### **3.0 An Evaluation of the Benchmark and Proposed Plans**

Because three of New York City's five boroughs (New York, Kings and Bronx Counties) are covered by Section 5 of the Act, the City is required to submit its redistricting plans for preclearance before they can be implemented. And because voting in New York City is racially polarized (see the section below on *Analyzing Voting Patterns by Race* and Appendices A and B), any proposed redistricting plan must maintain at least a comparable number of effective minority districts as the plan it would be replacing.

#### **3.1 The Benchmark Plan**

My analysis indicates that the current redistricting plan (the "Benchmark Plan") contains 19 districts that provide minority voters with the ability to elect candidates of choice to office in the three covered boroughs.<sup>2</sup> This determination is based on both the demographic composition of the districts and the propensity of the district to elect minority-preferred candidates to the City Council.

Eight of these districts are either majority or plurality black in composition. These eight districts, listed below in Table 1, consistently elect the black-preferred candidate (in every instance an African American) to the City Council:<sup>3</sup>

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<sup>2</sup> Although District 1 is not even plurality Asian voting age population (VAP) in composition in the Benchmark Plan (it is 46.4% white VAP and 35.7% Asian VAP), Asian voters were successful in electing their preferred candidate to the City Council in the 2009 primary (defeating, among others, the white candidate supported by a plurality of the white voters). This district has been retained nearly intact – with an Asian VAP of 35.6% – in the Revised Plan. Recompiled election results indicate that John Liu received a plurality of the vote in the 2009 primary for Comptroller (47.7%) and a large percentage of the vote in the 2009 runoff for Comptroller (63.5%) in Benchmark District 1 and nearly the same plurality (47.6%) and majority (63.7%) in the primary and runoff in Revised District 1.

<sup>3</sup> My analysis of voting patterns indicates that the City Council candidates preferred by black voters won in all these eight districts.

**Table 1: Majority and Plurality Black City Council Districts  
(Current Plan with 2010 Adjusted Census Data)**

District	Percent Black Population	Percent Black Voting Age Population	Combined Black and Hispanic Voting Age Population	City Council Representative (Race/Ethnicity, Political Party) <sup>4</sup>
9	47.7	46.9	64.8	Inez Dickens (AA,D)
12	67.0	67.6	90.7	Andy King (AA,D) <sup>5</sup>
35	45.7	46.7	59.8	Letitia James (AA,D)
36	70.3	70.7	87.5	Albert Vann (AA,D)
40	65.0	65.6	81.1	Mathieu Eugene (AA,D)
41	81.2	82.1	95.0	Darlene Mealy (AA,D)
42	72.9	72.8	91.3	Charles Barron (AA,D)
45	76.1	77.0	84.6	Jumaane Williams (AA,D)

As listed below in Table 2, there are 11 districts with heavy concentrations of Hispanics within the covered boroughs – nine of these are majority Hispanic districts and two are plurality Hispanic districts. Nine of these 11 districts elect Hispanics to City Council; the other two districts (Districts 7 and 16) elect African Americans to the Council.

**Table 2: Majority and Plurality Hispanic City Council Districts  
(Current Plan with 2010 Adjusted Census Data)**

District	Percent Hispanic Population	Percent Hispanic Voting Age Population	Combined Black and Hispanic Voting Age Population	City Council Representative (Race/Ethnicity, Political Party)
7	49.0	46.3	73.0	Robert Jackson (AA,D)
8	50.2	47.7	70.4	Melissa Mark Viverito (H,D)
10	81.4	79.6	86.3	Ydanis Rodriguez (H,D)
14	71.9	70.3	92.3	Fernando Cabrera (H,D)
15	66.2	64.7	90.0	Joel Rivera (H,D)
16	57.6	56.5	96.1	Helen Foster (AA,D)
17	68.8	68.6	96.1	Maria del Carmen Arroyo (H,D)
18	58.2	56.8	87.3	Annabel Palma (H,D)
34	55.0	51.1	60.7	Diana Reyna (H,D)
37	56.4	55.3	85.0	Erik Martin Dilan (H,D)
38	43.9	41.9	46.6	Sara Gonzalez (H,D)

<sup>4</sup> The abbreviations used in Tables 1 and 2 are “AA” for African American, “H” for Hispanic, and “D” for Democrat.

<sup>5</sup> On November 6, 2012, Andy King (AA, D) won a special election in District 12, replacing Council Representative Larry Seabrook (AA, D) after he was removed from office.

Evidence of the effectiveness of these districts in electing minority-preferred candidates can be gleaned from the racial bloc voting analysis I conducted.<sup>6</sup> In addition, I used recompiled election results from previous citywide elections to determine if the candidate preferred by minority voters (or, if minority voters were not cohesive, black or Hispanic voters) carried these 11 districts, as well as the eight black districts.

I also employed recompiled election results to compare the minority districts in the Benchmark and Revised Plans and to determine if the newly drafted districts were likely to provide minority voters with the ability to elect candidates of choice. I selected three “bellwether” contests for this purpose:

- 2009 General Election for Mayor – In this election, black and Hispanic voters were cohesive in their support for Bill Thompson. White voters (as well as Asian voters), however, voted for Michael Bloomberg. As a consequence, the results from this election contest provide a good indication of whether black and Hispanic voters, if they vote cohesively, can elect a minority-preferred candidate in the district.
- 2008 Democratic Primary for US President – Black voters supported Barack Obama in this election, while white, Hispanic and Asian voters supported Clinton. This election contest therefore provides a good indication of whether a black-preferred candidate can carry a proposed district, even if no other group supports that candidate.
- 2005 Primary Election for Mayor – In this election, only Hispanic voters strongly supported the Hispanic candidate, Fernando Ferrer, and therefore this contest serves as a good bellwether for the ability of Hispanic voters to elect their candidate of choice in a proposed district.

### **3.2 The Revised Plan**

The Revised Plan, like the Benchmark Plan, includes 19 districts that provide minority voters with the ability to elect candidates of choice. This conclusion is based on (1) the demographics of the proposed districts, (2) the information I ascertained regarding turnout and voting patterns by race/ethnicity in the general area of the proposed districts and (3) recompiled election results for the bellwether contests identified above. (The recompiled election results for both the Benchmark and the Revised Plan can be found in Appendix C of this report.)

Tables 3 and 4, below, provide a comparison of the minority percentages in the Benchmark and Revised Plans.

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<sup>6</sup> Districts 10, 14, 17, 34, 37 and 38 have all demonstrated the ability to elect a Hispanic-preferred candidate to City Council. In Districts 7 and 16, the black-preferred candidate wins over the candidate preferred by Hispanic voters. Despite being heavily minority, the election dynamics in District 8 (a large number of candidates competing, most of whom are Hispanic) has produced a winning Council candidate supported by the more cohesive white voters rather than a minority-preferred candidate.

**Table 3: Comparison of Majority and Plurality Black Districts  
In the Benchmark and Revised Plans**

District	Benchmark Plan			Revised Plan		
	Percent Black Pop	Percent Black VAP	Combined Black and Hispanic VAP	Percent Black Pop	Percent Black VAP	Combined Black and Hispanic VAP
9	47.7	46.9	64.8	59.9	60.8	84.1
12	67.0	67.6	90.7	67.6	68.2	90.8
35	45.7	46.7	59.8	51.3	51.2	63.7
36	70.3	70.7	87.5	71.1	71.5	88.6
40	65.0	65.6	81.1	60.2	60.8	76.3
41	81.2	82.1	95.0	82.3	83.2	95.1
42	72.9	72.8	91.3	71.4	71.4	91.9
45	76.1	77.0	84.6	65.5	67.1	75.1

All of the Revised Districts listed in Table 3 have either approximately the same (Districts 12, 36, 41 and 42) or a higher (Districts 9 and 35) percentage of black population than the comparable Benchmark Districts with the exceptions of Districts 40 and 45. Districts 40 and 45, however, still have black voting age populations of over 60% and the recompiled election results indicate that the black-preferred candidate in the bellwether contest (Obama in the 2008 US Presidential Democratic Primary) would carry the two Revised districts with nearly the same percentage of the vote as in the districts in the Benchmark Plan.<sup>7</sup>

In addition, the Revised Plan offers an additional district (compared to the Benchmark Plan) that provides minorities with an opportunity to elect candidates of choice to office. District 46 in the Benchmark Plan is 44.3% white VAP and 41.2% black VAP. In the Revised Plan, the black VAP in this district increases to 51.8% and white VAP decreases to 33.7%. Recompiled election results indicate that Thompson’s vote in the 2009 general election for mayor increases, from 45.3% to 53.2%. Although the percentage vote for Obama also increases – from 43.0% to 46.3% – Obama still does not carry the district. For this reason I am characterizing the district as one that provides an “opportunity” as opposed to an “ability” to elect district.<sup>8</sup>

<sup>7</sup> The black-preferred candidate carries District 40 with 54.8% of the vote in Benchmark Plan and 54.2% of the vote in the Revised Plan. The black-preferred candidate’s percentages for District 45 are 54.5% in the Benchmark Plan and 52.7% in the Revised Plan.

<sup>8</sup> Note that under the District 46 lines proposed by the “Unity Plan” (offered by a coalition of racial and language minority advocates), Obama also fails to carry the district, garnering only 47.6% of the vote. Moreover, the Unity Plan’s configuration of District 46 jeopardizes the ability of a minority-preferred candidate to prevail in District 45. Recompiled election results for District 45 under the Unity Plan indicate that Obama’s percentage of the vote drops to a bare majority, 50.4%, compared to 52.7% under the Revised Plan.

**Table 4: Comparison of Majority and Plurality Hispanic Districts  
In the Benchmark and Revised Plans**

District	Benchmark Plan			Revised Plan		
	Percent Hispanic Pop	Percent Hispanic VAP	Combined Black and Hispanic VAP	Percent Hispanic Pop	Percent Hispanic VAP	Combined Black and Hispanic VAP
7	49.0	46.3	73.0	46.5	43.7	62.9
8	50.2	47.7	70.4	64.5	63.1	88.7
10	81.4	79.6	86.3	71.0	68.4	75.2
14	71.9	70.3	92.3	71.1	69.5	92.2
15	66.2	64.7	90.0	62.8	60.6	86.9
16	57.6	56.5	96.1	57.9	56.6	96.0
17	68.6	68.6	96.1	67.3	66.9	96.4
18	58.2	56.8	87.3	58.3	56.8	86.6
34	55.0	51.1	60.7	54.7	50.7	60.1
37	56.4	55.3	85.0	58.2	57.1	84.5
38	43.9	41.9	46.6	40.3	38.5	42.9

As illustrated by Table 4, the Revised Plan offers comparable Hispanic percentages in Districts 14, 16, 17, 18, 34 and 37. Although there is a decrease in the percentage Hispanic voting age population in District 15 – from 64.7% to 60.6% – the Hispanic-preferred candidate (Ferrer in the 2005 Democratic Primary for Mayor) wins by a sizable percentage in both plans (70.8% in the Revised Plan compared to 72.8% in the Benchmark Plan). District 8 has a considerably higher Hispanic VAP in the Revised Plan than in the Benchmark Plan. This increase is a positive change as this district in the Benchmark Plan was unsuccessful at electing the Hispanic-preferred Council candidate in the 2009 primary.

Although the Hispanic percentage in District 10 is lower in the Revised Plan,<sup>9</sup> it is still over 68% Hispanic in voting age population. Moreover, the bellwether contest for indicating if the district offers Hispanic voters an ability to elect their candidates of choice (the 2005 Democratic Primary for Mayor) indicates that the Hispanic-preferred candidate continues to carry the district with a healthy margin.

District 7 is 46.3% in Hispanic VAP and 26.7% in black VAP in the Benchmark Plan. It is a multi-racial district that Thompson easily carried in the 2009 general election for mayor (a contest in which black and Hispanic voters supported the same candidate). Although both the Hispanic and black voting age percentages decline in the Revised Plan (District 7 in the Revised Plan is 43.7% Hispanic and 19.1% black in VAP), Thompson continues to carry the

<sup>9</sup> District 10 in the Benchmark Plan is the most under-populated of all of the city council districts. The only way to add population to the district and not compromise the adjacent minority districts is to move westward and gain white population.

district by a comparable percentage.<sup>10</sup>

District 38 is a multi-racial district made up of mostly Hispanics and Asians. Although the Hispanic VAP declines slightly from 41.9% to 38.5%, the Asian VAP increases from 32.8% to 35.2% for a comparable combined percentage of 73.7% Hispanic and Asian in the Revised Plan. If Hispanic and Asian voters continue to be cohesive in their support for City Council candidates in this district,<sup>11</sup> the minority-preferred candidate will easily win. If the two groups disagree, it is difficult to predict which minority group will be successful in electing their preferred candidate (but this is not a consequence of a redrawing of the district boundaries – a change in the level of cohesion might have produced a different winner in the Benchmark district as well).

#### 4.0 An Analysis of Voting Patterns by Race

In *Thornburg v. Gingles*, 478 U.S. 30 (1986), the first U.S. Supreme Court case to consider the 1982 Amendments to the Voting Rights Act, the Supreme Court made it clear that the evidentiary "linchpin" of a vote dilution suit is the presence of racially polarized voting. The Court identified racial bloc voting as the foundation of two of the three elements of the "results test": one, a racial bloc voting analysis is needed to determine whether the minority group is politically cohesive; and two, the analysis is required to determine if whites are voting sufficiently as a bloc to usually defeat minority-preferred candidates.<sup>12</sup> Voting is racially polarized if minorities and whites, considered separately, would have elected different candidates (this is referred to as the "separate electorates test").

An analysis of voting patterns by race/ethnicity is also relevant to a Section 5 analysis. According to the Section 5 redistricting guidelines published by the Department of Justice, "[t]he presence of racially polarized voting is an important factor considered by the

<sup>10</sup> Thompson carries Benchmark District 7 with 63.0% of the vote and Revised District 7 with 61.3% of the vote. It should be noted, however, that although this district is a plurality Hispanic district, it has consistently elected the black-preferred candidate (Robert Jackson) to City Council rather than the Hispanic-preferred candidate. If Hispanic and black voters agree on his successor, he/she will easily be elected. It is more difficult to predict which group of minority voters will prevail in electing their preferred candidate if the two groups disagree. Given the low white VAP in the district, however, it is safe to assume that a minority-preferred candidate will win.

<sup>11</sup> Although Asian and Hispanic voters often do not support the same candidates, the overwhelming majority of Asian voters and a strong majority of Hispanic voters cast their ballots for Sara Gonzalez in the 2009 primary. She was also the candidate of choice of both groups in the 2005 primary.

<sup>12</sup> The "results test" as interpreted by the Supreme Court in *Thornburg v. Gingles* requires plaintiffs to demonstrate three threshold factors to establish a §2 violation:

- The minority group must be sufficiently large and geographically compact to constitute a majority in a single member district;
- The minority group must be politically cohesive;
- The minority group must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it – in the absence of special circumstances, such as the minority candidate running unopposed – usually to defeat the minority's preferred candidate.

Department of Justice in assessing minority voting strength." 66 Fed. Reg. 5412, 5413 (2001-01-18).

#### **4.1 Statistical Methods for Estimates Voting Patterns by Race and Ethnicity**

The voting patterns of white and minority voters must be estimated using statistical techniques because direct information about how individuals have voted is simply not available – the race of the voter is not, of course, obtainable from the ballot. I used three complementary statistical techniques to measure the extent of racial bloc voting in New York City elections: homogeneous precinct analysis, bivariate ecological regression, and ecological inference.<sup>13</sup> Each of these techniques has advantages and disadvantages associated with them which is why I typically employ all three statistical methods. All three methods yield estimates of the percentage of white, black, Hispanic and Asian voters that turned out and voted for each candidate.

#### **4.2 Results of the Racial Bloc Voting Analysis**

Appendices A and B contain the results of my analysis. Tables A1 through A20, in Appendix A, report the homogenous precinct, bivariate ecological regression and ecological inference estimates for City Council elections that included minority candidates in the covered counties since 2003, with each table reporting the estimates for a single City Council district. The tables in Appendix B (Tables B1, B2 and B3) provide homogenous precinct and bivariate ecological regression estimates for citywide contests (including the 2008 Democratic Primary for US President) that included minority candidates since 2003. There are no ecological inference estimates included in the tables in Appendix B because there are too many precincts citywide for the ecological inference software (EzI or RxC) to operate.

My analysis of voting patterns by race and ethnicity indicate that voting in the three covered counties in New York City is often racially and ethnically polarized. In addition, minority voters tend to vote cohesively within their respective groups, though not necessarily across minority groups. That is to say, black voters usually support the same candidates, Hispanic voters usually support the same candidates and Asian voters usually support the same candidates, but the three groups do not necessarily support the same candidates.

Because voting in New York City is polarized, districts that offer minority voters the ability to elect candidates of choice must be maintained in order to satisfy Section 5 of the Voting Rights Act.

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<sup>13</sup> These statistical techniques use the information that is available – specifically the racial/ethnic composition of election precincts and tabulations of how those precincts voted – to arrive at estimates of how whites and minorities voted.

## **5.0 Conclusion**

The Revised Plan provides the same number of “ability to elect” districts as the Benchmark Plan. It also maintains District 1 as a district that offers Asian voters an opportunity to elect their candidates of choice. Finally, the Revised Plan provides an additional district – above and beyond the Benchmark Plan – that offers minority voters the opportunity to elect a minority-preferred candidate, District 46. For these reasons, I believe the Revised Plan satisfies the requirements of Section 5 of the Voting Rights Act.

**Appendix A:  
Racial Bloc Voting Estimates for City Council Contests, 2003-2009**

**Table A1: New York City Council District 1**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<i>2009 Primary</i>						
Chin*	Asian	D	12.1 (21.6) 15.5	6.3 (NA) 8.5	47.3 (NA) 48.9	87.6 (67.0) 75.4
Gerson	White	D	36.5 (36.8) 36.4	72.0 (NA) 69.4	34.5 (NA) 33.1	11.3 (19.5) 15.3
Gleason	White	D	19.5 (12.6) 16.2	10.1 (NA) 9.1	12.5 (NA) 13.3	0.0 (1.9) 1.2
Gregory	White	D	2.1 (1.3) 1.9	4.5 (NA) 4.2	4.6 (NA) 3.9	.9 (1.2) .8
Kim	Asian	D	29.7 (27.7) 28.6	7.0 (NA) 6.5	1.1 (NA) .9	2.3 (10.4) 4.4
<i>turnout</i>			<i>9.2 (13.2) 10.5</i>	<i>9.0 (NA) 9.5</i>	<i>8.7 (NA) 9.1</i>	<i>5.1 (6.6) 5.9</i>

Abbreviations in Appendices A and B, Tables 1A through 20A and B1, B2, and B3:

- In the Contests and Candidates column, a “\*” indicates the winning candidate for a given contest
- In the Party column, “D” is Democrat; “R” is Republican, “WF” is Working Families, “C” is Conservative, “L” is Libertarian, and “I” is Independence Party

**Table A2: New York City Council District 7**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Bernace	Hispanic	D	8.1 (NA) 10.2	8.3 (NA) 9.2	14.8 (26.0) 16.2	NA (NA) NA
Jackson*	Black	D	79.9 (NA) 72.8	83.4 (NA) 81.5	20.6 (34.1) 22.1	NA (NA) NA
Lantigua	Hispanic	D	5.1 (NA) 7.3	5.3 (NA) 5.9	60.0 (36.6) 58.2	NA (NA) NA
Masson	White	D	6.8 (NA) 8.9	2.9 (NA) 3.8	4.7 (3.3) 3.8	NA (NA) NA
<b>turnout</b>			<b>12.2 (NA) 11.9</b>	<b>6.8 (NA) 6.9</b>	<b>5.4 (4.9) 5.1</b>	<b>NA (NA) NA</b>
<b>2005 Primary</b>						
Bernace	Hispanic	D	11.6 (NA) 19.8	6.8 (NA) 13.3	109.6 (64.3) 89.4	NA (NA) NA
Jackson*	Black	D	88.4 (NA) 79.4	93.2 (NA) 86.5	-9.6(35.7) 10.5	NA (NA) NA
<b>turnout</b>			<b>16.4 (NA) 15.9</b>	<b>5.7 (NA) 5.9</b>	<b>3.0 (5.0) 4.2</b>	<b>NA (NA) NA</b>
<b>2003 Primary</b>						
Bernace	Hispanic	D	12.8 (NA) 15.7	4.5 (NA) 6.2	74.6 (43.0) 69.4	NA (NA) NA
Jackson*	Black	D	87.2 (NA) 84.2	95.5 (NA) 93.5	25.4 (57.0) 30.7	NA (NA) NA
<b>turnout</b>			<b>9.8 (NA) 9.4</b>	<b>4.2 (NA)</b>	<b>3.2 (3.5) 3.3</b>	<b>NA (NA) NA</b>

**Table A3: New York City Council District 8**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Goodwin	White	D	18.6 (NA) 20.3	7.5 (NA) 8.1	4.7 (4.0) 4.1	NA (NA) NA
Viverito*	Hispanic	D	69.5 (NA) 68.2	22.0 (NA) 23.0	14.5 (44.9) 20.3	NA (NA) NA
Rodriguez	Hispanic	D	9.8 (NA) 10.1	27.4 (NA) 26.9	67.3 (43.8) 60.7	NA (NA) NA
Santiago	Hispanic	D	1.1 (NA) 1.0	7.6 (NA) 6.8	8.5 (5.1) 7.5	NA (NA) NA
Solomon	Black	D	1.0 (NA) .9	35.6 (NA) 35.2	9.6 (2.2) 6.8	NA (NA) NA
<b>turnout</b>			<b>10.9 (NA) 9.9</b>	<b>13.6 (NA) 14.2</b>	<b>4.3 (9.5) 5.9</b>	<b>NA (NA) NA</b>
<b>2005 Primary</b>						
Denis	Hispanic	D	4.9 (NA) 4.9	26.7 (NA) 20.3	33.8 (10.9) 15.4	NA (NA) NA
Johnson	Black	D	47.7 (NA) 43.5	.7 (NA) 11.8	-26.2 (6.5) 3.2	NA (NA) NA
Luciano	Hispanic	D	8.2 (NA) 8.8	45.4 (NA) 32.6	45.4 (30.8) 42.5	NA (NA) NA
Marcial	Hispanic	D	-.7 (NA) 1.1	5.6 (NA) 4.9	7.4 (3.0) 6.2	NA (NA) NA
Ruiz	Hispanic	D	1.2 (NA) .9	20.7 (NA) 19.5	24.7 (13.4) 17.7	NA (NA) NA
Viverito*	Hispanic	D	38.7 (NA) 40.8	1.0 (NA) 11.8	14.8(35.3) 15.9	NA (NA) NA
<b>turnout</b>			<b>15.6 (NA) 15.3</b>	<b>15.0 (NA) 15.1</b>	<b>6.9 (14.1)</b>	<b>NA (NA) NA</b>
<b>2003 Primary</b>						
Henderson	Black	D	.8 (NA) .7	6.8 (NA) 5.1	4.9 (4.1) 4.6	NA (NA) NA
Marcial	Hispanic	D	.2 (NA) .3	4.9 (NA) 5.8	11.8 (6.5) 10.7	NA (NA) NA
Reed*	Black	D	93.2 (NA) 83.2	56.5 (NA) 61.3	-10.8 (33.7) 3.1	NA (NA) NA
Rosado	Hispanic	D	-8.7 (NA) .3	24.2 (NA) 19.9	59.8 (36.7) 53.8	NA (NA) NA
Vargas	Hispanic	D	4.1 (NA) 4.7	2.5 (NA) 2.1	12.8 (9.5) 11.2	NA (NA) NA
Viverito	Hispanic	D	10.5 (NA) 10.8	5.1 (NA) 4.8	21.5 (9.5) 15.7	NA (NA) NA
<b>turnout</b>			<b>7.2 (NA) 7.0</b>	<b>13.0 (NA) 12.7</b>	<b>3.7 (5.9) 5.0</b>	<b>NA (NA) NA</b>

**Table A4: New York City Council District 9**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Berkley	Black	D	6.9 (NA) 7.4	14.6 (15.3) 14.9	NA (NA) NA	NA (NA) NA
Dais	Black	D	16.4 (NA) 17.1	23.1 (15.0) 19.6	NA (NA) NA	NA (NA) NA
Dickens*	Black	D	76.7 (NA) 75.4	62.4 (69.7) 65.3	NA (NA) NA	NA (NA) NA
<b>turnout</b>			<b>9.0 (NA) 10.2</b>	<b>11.9 (26.8) 17.8</b>	<b>NA (NA) NA</b>	<b>NA (NA) NA</b>
<b>2005 Primary</b>						
Allen	?	D	-1.6 (NA) .2	8.5 (3.2) 5.3	NA (NA) NA	NA (NA) NA
Carroll	Black	D	-2.4 (NA) .6	15.4 (9.8) 10.3	NA (NA) NA	NA (NA) NA
Cornelius	Black	D	16.6 (NA) 15.8	22.9 (16.0) 17.4	NA (NA) NA	NA (NA) NA
Dickens*	Black	D	7.1 (NA) 8.2	41.5 (31.9) 34.6	NA (NA) NA	NA (NA) NA
Doty	White	D	84.6 (NA) 70.2	-22.7 (.6) .5	NA (NA) NA	NA (NA) NA
Henderson	Black	D	-.1 (NA) .3	4.9 (2.5) 3.2	NA (NA) NA	NA (NA) NA
Holly	Black	D	-2.2 (NA) 1.2	7.9 (7.5) 7.8	NA (NA) NA	NA (NA) NA
Montague	Black	D	-2.4 (NA) 4.4	21.6 (28.5) 21.6	NA (NA) NA	NA (NA) NA
<b>turnout</b>			<b>13.9 (NA) 14.8</b>	<b>13.7 (35.6)</b>	<b>NA (NA) NA</b>	<b>NA (NA) NA</b>
<b>2003 Primary</b>						
Johnson	Black	D	-.6 (NA) .5	5.3 (3.5) 4.5	NA (NA) NA	NA (NA) NA
Montague	Black	D	6.5 (NA) 6.1	24.1 (28.4) 25.7	NA (NA) NA	NA (NA) NA
Perkins*	Black	D	94.1 (NA) 93.8	70.6 (68.1) 69.8	NA (NA) NA	NA (NA) NA
<b>turnout</b>			<b>2.5 (NA) 2.9</b>	<b>11.2 (25.0) 12.2</b>	<b>NA (NA) NA</b>	<b>NA (NA) NA</b>

**Table A5: New York City Council District 10**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Castellanos	Hispanic	D	11.4 (NA) 10.5	8.5 (NA) 8.1	2.5 (3.1) 2.9	NA (NA) NA
Facundo	Asian	D	.2 (NA) .5	6.1 (NA) 6.2	1.7 (1.7) 1.8	NA (NA) NA
Realmuto	White	D	38.2 (NA) 35.8	4.0 (NA) 3.0	15.2 (15.6) 15.4	NA (NA) NA
Rodriguez*	Hispanic	D	42.6 (NA) 42.2	30.6 (NA) 33.2	64.1 (62.0) 63.7	NA (NA) NA
Sarete	Hispanic	D	8.0 (NA) 6.4	2.6 (NA) 2.5	1.2 (1.3) 1.1	NA (NA) NA
Spies		D	3.7 (NA) 3.1	5.0 (NA) 4.9	2.1 (1.7) 1.9	NA (NA) NA
Vargas	Hispanic	D	1.5 (NA) 1.2	14.2 (NA) 13.8	4.9 (5.0) 4.9	NA (NA) NA
Velazquez	Hispanic	D	-5.7 (NA) .4	28.9 (NA) 27.7	8.3 (9.5) 8.7	NA (NA) NA
<b>turnout</b>			<b>3.9 (NA) 4.8</b>	<b>17.0 (NA) 15.9</b>	<b>8.4 (8.2) 8.4</b>	<b>NA (NA) NA</b>
<b>2005 Primary</b>						
Martinez*	Hispanic	D	68.1 (NA) 69.7	90.8 (NA) 88.5	82.0 (78.9) 81.0	NA (NA) NA
Vargas	Hispanic	D	31.9 (NA) 30.2	9.2 (NA) 11.7	18.0(21.1) 19.1	NA (NA) NA
<b>turnout</b>			<b>5.1 (NA) 5.8</b>	<b>16.4 (NA) 15.7</b>	<b>7.6 (7.8) 7.7</b>	<b>NA (NA) NA</b>
<b>2003 Primary</b>						
Adames	Hispanic	D	3.1 (NA) 3.5	7.6 (NA) 6.7	1.1 (1.1) 1.3	NA (NA) NA
Lizardo	Hispanic	D	1.8 (NA) 1.4	.5 (NA) .9	28.5 (24.0) 25.9	NA (NA) NA
Martinez*	Hispanic	D	47.8 (NA) 48.6	81.3 (NA) 77.5	45.7 (51.3) 48.2	NA (NA) NA
Rodriguez	Hispanic	D	47.3 (NA) 46.2	10.6 (NA) 14.9	24.7 (23.5) 24.8	NA (NA) NA
<b>turnout</b>			<b>4.1 (NA) 5.4</b>	<b>18.8 (NA) 17.3</b>	<b>9.1 (8.7) 9.0</b>	<b>NA (NA) NA</b>

**Table A6: New York City Council District 11**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<i>2009 Primary</i>						
Koppell*	White	D	66.5 (76.3) 66.7	47.0 (NA) 49.1	NA (NA) NA	NA (NA) NA
Cassino	Hispanic	D	33.5 (23.7) 33.3	53.0 (NA) 51.0	NA (NA) NA	NA (NA) NA
<i>turnout</i>			<i>14.3 (7.32) 12.9</i>	<i>1.3 (NA) 3.7</i>	<i>NA (NA ) NA</i>	<i>NA (NA) NA</i>

**Table A7: New York City Council District 12**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
King	Black	D	33.6 (NA) 33.5	37.0 (31.7) 36.6	26.0 (NA) 27.8	NA (NA) NA
Rice	Black	D	7.5 (NA) 7.9	6.1 (8.5) 7.2	10.3 (NA) 9.7	NA (NA) NA
Seabrook*	Black	D	56.2 (NA) 55.3	53.7 (56.4) 54.9	59.8 (NA) 58.9	NA (NA) NA
Ulanga	Hispanic	D	2.7 (NA) 3.4	3.1 (3.4) 3.3	4.0 (NA) 3.3	NA (NA) NA
<b>turnout</b>			<b>32.4 (NA) 31.2</b>	<b>4.5 (5.6) 4.8</b>	<b>11.4 (NA) 9.9</b>	<b>NA (NA) NA</b>
<b>2003 Primary</b>						
Saunders	Black	D	73.9 (NA) 69.8	25.9 (38.5) 30.4	47.9 (NA) 47.8	NA (NA) NA
Seabrook*	Black	D	26.1 (NA) 30.1	74.1 (61.5) 69.6	52.1 (NA) 52.2	NA (NA) NA
<b>turnout</b>			<b>35.5 (NA) 33.9</b>	<b>4.6 (6.0) 5.7</b>	<b>11.9 (NA) 12.8</b>	<b>NA (NA) NA</b>

**Table A8: New York City Council District 14**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Baez	Hispanic	D	-13.5 (NA) 4.4	38.6 (NA) 37.5	38.1 (37.9) 38.4	35.7 (NA) 32.2
Cabrera*	Hispanic	D	122.6 (NA) 89.9	45.2 (NA) 44.7	31.8 (23.1) 28.6	-5.6 (NA) 1.1
Tapia	Black	D	-9.1 (NA) 5.7	16.2 (NA) 17.6	30.1 (39.0) 32.7	69.9 (NA) 66.7
<i>turnout</i>			<b>2.8 (NA) 3.1</b>	<b>7.0 (NA) 6.8</b>	<b>4.5 (4.8) 4.4</b>	<b>1.5 (NA) 1.8</b>
<b>2003 Primary</b>						
Baez*	Hispanic	D	-10.7 (NA) 13.5	43.4 (NA) 42.8	103.9 (74.5) 87.7	50.2 (NA) 60.7
Ruiz	Hispanic	D	110.7 (NA) 86.4	56.6 (NA) 57.3	-3.9 (25.5) 12.3	49.8 (NA) 40.9
<i>turnout</i>			<b>7.5 (NA)</b>	<b>6.9 (NA)</b>	<b>2.1 (3.4)</b>	<b>3.1 (NA) 3.0</b>

**Table A9: New York City Council District 16**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Foster*	Black	D	NA (NA) NA	81.1 (NA) 76.5	0.0 (34.5) 29.7	NA (NA) NA
Slerra	Hispanic	D	NA (NA) NA	19.9 (NA) 23.5	100.0 (65.5) 70.1	NA (NA) NA
<i>turnout</i>			<i>NA (NA) NA</i>	<i>9.3 (NA)8.9</i>	<i>5.7 (NA)6.0</i>	<i>NA (NA) NA</i>

**Table A10: New York City Council District 17**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2003 Primary</b>						
Estrada	Hispanic	D	NA (NA) NA	31.0 (NA) 28.7	-2.7 (22.0) 15.9	NA (NA) NA
Serrano*	Hispanic	D	NA (NA) NA	69.0 (NA) 71.8	102.7 (78.0) 84.1	NA (NA) NA
<i>turnout</i>			<i>NA (NA) NA</i>	<i>7.4 (NA) 5.9</i>	<i>1.8 (6.8) 5.7</i>	<i>NA (NA) NA</i>

**Table A11: New York City Council District 18**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2003 Primary</b>						
Espada	Hispanic	D	NA (NA) NA	24.6 (NA) 29.4	68.6 (29.4) 58.9	NA (NA) NA
Palma*	Hispanic	D	NA (NA) NA	75.4 (NA) 70.9	31.4 (70.6) 41.1	NA (NA) NA
<i>turnout</i>			<i>NA (NA) NA</i>	<i>17.4 (NA) 16.4</i>	<i>3.1 (10.0) 5.8</i>	<i>NA (NA) NA</i>

**Table A12: New York City Council District 34**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Davila	Hispanic	D	-35.5 (NA) 2.5	50.0 (NA) 52.1	61.8 (43.4) 59.1	62.3 (NA) 60.9
Esposito	Hispanic	D	66.4 (NA) 47.7	3.9 (NA) 6.5	-2.8 (8.7) 6.4	4.0 (NA) 4.9
Reyna*	Hispanic	D	69.1 (NA) 50.2	46.1 (NA) 40.9	41.0 (48.0) 34.5	33.7 (NA) 33.8
<i>turnout</i>			<b>3.2 (NA) 5.7</b>	<b>20.1 (NA) 18.6</b>	<b>7.9 (2.7) 7.4</b>	<b>15.4 (NA) 11.4</b>
<b>2005 Primary</b>						
Reyna*	Hispanic	D	88.9 (NA) 86.8	82.2 (NA) 80.7	70.8 (83.5) 73.5	88.0 (NA) 80.6
Rivera	Hispanic	D	11.1 (NA) 13.3	17.8 (NA) 19.5	29.2 (16.5) 27.5	12.0 (NA) 20.9
<i>turnout</i>			<b>3.6 (NA) 5.7</b>	<b>17.1 (NA) 16.9</b>	<b>6.4 (19.1) 7.1</b>	<b>13.6 (NA) 11.5</b>
<b>2003 Primary</b>						
Martinez	Hispanic	D	30.6 (NA) 32.1	34.9 (NA) 35.1	49.4 (27.4) 44.3	27.5 (NA) 26.1
Reyna*	Hispanic	D	69.4 (NA) 67.9	65.1 (NA) 64.7	50.6 (72.6) 55.6	72.5 (NA) 74.2
<i>turnout</i>			<b>2.6 (NA) 2.8</b>	<b>19.1 (NA) 18.1</b>	<b>6.7 (23.1) 8.4</b>	<b>12.4 (NA) 11.7</b>

**Table A13: New York City Council District 35**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Estiphanos		D	5.1 (NA) 4.8	3.8 (3.1) 3.3	NA (NA) NA	NA (NA) NA
Hunley-Adossa		D	5.4 (NA) 7.9	18.0 (8.0) 16.7	NA (NA) NA	NA (NA) NA
James*	Black	D	89.5 (NA) 87.3	78.2 (88.9) 80.1	NA (NA) NA	NA (NA) NA
<b>turnout</b>			<b>6.6 (NA) 7.5</b>	<b>10.1 (11.9)</b>	<b>NA (NA) NA</b>	<b>NA (NA) NA</b>
<b>2005 Primary</b>					NA (NA) NA	NA (NA) NA
Blackwell		D	1.2 (NA) 6.7	19.1 (18.7) 17.1	NA (NA) NA	NA (NA) NA
James	Black	D	98.8 (NA) 93.4	80.9 (81.3) 82.9	NA (NA) NA	NA (NA) NA
<b>turnout</b>			<b>7.5 (NA) 8.3</b>	<b>10.2 (11.0) 10.9</b>	<b>NA (NA) NA</b>	<b>NA (NA) NA</b>

**Table A14: New York City Council District 36**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Carrington	Black	D	NA (NA) NA	5.1 (7.5) 6.7	8.8 (NA) 7.1	NA (NA) NA
Cornegy	Black	D	NA (NA) NA	7.9 (9.8) 8.4	11.7 (NA) 10.9	NA (NA) NA
Griffith	Black	D	NA (NA) NA	24.3 (16.9) 20.9	-1.1 (NA) .8	NA (NA) NA
Grinage	Black	D	NA (NA) NA	8.6 (7.5) 8.9	11.1 (NA) 10.4	NA (NA) NA
Jones	Black	D	NA (NA) NA	7.8 (5.9) 8.1	20.9 (NA) 19.6	NA (NA) NA
Straker	Black	D	NA (NA) NA	5.1 (4.3) 4.2	21.7 (NA) 19.4	NA (NA) NA
Vann*	Black	D	NA (NA) NA	30.4 (38.0) 32.5	34.6 (NA) 30.8	NA (NA) NA
Wright	Black	D	NA (NA) NA	10.7 (10.2) 10.4	-7.8 (NA) 1.2	NA (NA) NA
<b>turnout</b>			<b>NA (NA) NA</b>	<b>10.4 (8.8)9.9</b>	<b>3.8 (NA) 4.1</b>	<b>NA (NA) NA</b>
<b>2005 Primary</b>						
Taylor	Black	D	NA (NA) NA	26.5 (29.8) 27.8	63.4 (NA) 62.5	NA (NA) NA
Vann*	Black	D	NA (NA) NA	73.5 (70.2) 72.2	36.6 (NA) 37.6	NA (NA) NA
<b>turnout</b>			<b>NA (NA) NA</b>	<b>7.5 (7.6) 7.2</b>	<b>5.4 (NA) 5.8</b>	<b>NA (NA) NA</b>
<b>2003 Primary</b>						
Taylor	Black	D	NA (NA) NA	21.3 (25.9) 25.4	56.2 (NA) 54.7	NA (NA) NA
Vann*	Black	D	NA (NA) NA	78.7 (74.1) 74.8	43.8 (NA) 45.4	NA (NA) NA
<b>turnout</b>			<b>NA (NA) NA</b>	<b>5.8 (4.7) 5.4</b>	<b>2.7 (NA) 2.9</b>	<b>NA (NA) NA</b>

**Table A15: New York City Council District 37**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2003 Primary</b>						
Dilan*	Hispanic	D	86.8 (NA) 86.6	67.9 (NA) 68.4	65.8 (NA) 64.3	NA (NA) NA
Santiago	Hispanic	D	13.2 (NA) 13.5	32.1 (NA) 31.6	34.2 (NA) 35.9	NA (NA) NA
<i>turnout</i>			<i>7.5 (NA) 7.1</i>	<i>5.2 (NA) 5.4</i>	<i>5.0 (NA) 4.9</i>	<i>NA (NA) NA</i>

**Table A16: New York City Council District 38**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Gonzalez*	Hispanic	D	61.6 (NA) 62.7	83.2 (NA) 80.6	58.7 (57.8) 59.1	97.1 (77.4) 95.1
Iglesias	Hispanic	D	38.4 (NA) 37.3	16.8 (NA) 19.4	41.3 (42.2) 40.9	2.9 (22.6) 4.8
<i>turnout</i>			<i>6.9 (NA) 7.1</i>	<i>10.6 (NA) 9.4</i>	<i>4.5 (2.7) 4.7</i>	<i>.14 (1.0) .8</i>
<b>2005 Primary</b>						
Galarza		D	30.6 (NA) 30.5	25.6 (NA) 26.6	21.4 (26.3) 20.9	NA (14.8) 14.5
Gonzalez*	Hispanic	D	24.8 (NA) 24.7	45.8 (NA) 46.2	45.9 (39.0) 45.7	NA (74.1) 70.2
Rodriguez	Hispanic	D	44.6 (NA) 44.9	28.7 (NA) 27.4	32.7 (34.7) 33.8	NA (11.1) 15.4
<i>turnout</i>			<i>7.1 (NA)</i>	<i>19.1 (NA) 15.3</i>	<i>7.4 (5.0) 6.5</i>	<i>.02 (NA) .1</i>

**Table A17: New York City Council District 40**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Eugene*	Black	D	37.3 (NA) 37.1	64.3 (60.6) 62.1	134.3 (NA) 96.2	36.1 (NA) 37.4
Hackshaw	Black	D	32.6 (NA) 32.2	12.2 (10.6) 12.8	-14.4 (NA) 2.1	45.9 (NA) 45.8
Tulloch	Black	D	30.2 (NA) 30.8	23.5 (28.8) 25.2	-19.9 (NA) 1.8	18.0 (NA) 17.2
<b>turnout</b>			<b>12.9 (NA) 11.8</b>	<b>5.6 (5.3) 5.7</b>	<b>2.6 (NA) 2.7</b>	<b>4.5 (NA) 2.9</b>
<b>2005 Primary</b>						
Clark*	Black	D	69.1 (NA) 70.2	83.0 (88.9) 82.1	NA (NA) NA	NA (NA) NA
McNally	Black	D	30.9 (NA) 29.8	17.0 (11.1) 17.9	NA (NA) NA	NA (NA) NA
<b>turnout</b>			<b>16.6 (NA) 14.9</b>	<b>5.2 (7.2) 7.1</b>	<b>NA (NA) NA</b>	<b>NA (NA) NA</b>

**Table A18: New York City Council District 41**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Boyland	Black	D	31.1 (NA) 33.6	34.4 (38.6) 36.7	42.2 (NA) 41.5	NA (NA) NA
Herbert	Black	D	1.1 (NA) 1.3	6.2 (6.2) 6.0	11.3 (NA) 10.1	NA (NA) NA
Kinard	Black	D	33.4 (NA) 31.7	22.7 (15.7) 20.2	5.6 (NA) 7.8	NA (NA) NA
Mealy*	Black	D	34.5 (NA) 33.5	36.7 (39.5) 37.5	40.9 (NA) 40.1	NA (NA) NA
<b>turnout</b>			<b>7.2 (NA) 7.4</b>	<b>6.4 (6.2) 6.3</b>	<b>9.8 (NA) 6.2</b>	<b>NA (NA) NA</b>
<b>2005 Primary</b>						
Ampry-Samuel	Black	D	-2.4 (NA) 2.1	1.4 (1.9) 1.5	10.5 (NA) 8.7	NA (NA) NA
Antoine	Black	D	11.5 (NA) 10.7	5.3 (4.7) 6.5	7.9 (NA) 7.1	NA (NA) NA
Boyland	Black	D	22.8 (NA) 19.8	17.8 (18.8) 19.1	22.0 (NA) 21.4	NA (NA) NA
Duggan	Black	D	-2.2 (NA) .7	3.1 (2.6) 4.0	2.3 (NA) 2.8	NA (NA) NA
Junior	Black	D	22.3 (NA) 15.9	2.5 (1.6) 2.3	2.5 (NA) 2.6	NA (NA) NA
Kinard	Black	D	-12.1 (NA) 1.9	2.6 (2.9) 2.7	16.2 (NA) 14.3	NA (NA) NA
King	Black	D	14.7 (NA) 15.2	5.8 (8.0) 6.8	23.4 (NA) 21.7	NA (NA) NA
Mealy*	Black	D	25.1 (NA) 27.8	57.2 (55.1) 55.2	8.4 (NA) 17.1	NA (NA) NA
Miller	Black	D	17.6 (NA) 11.4	4.0 (3.4) 3.1	-.1 (NA) .5	NA (NA) NA
Samad	Black	D	2.7 (NA) 2.8	.2 (.8) .4	7.0 (NA) 5.7	NA (NA) NA
<b>turnout</b>			<b>5.8 (NA) 6.1</b>	<b>8.2 (8.6) 8.6</b>	<b>12.1 (NA) 11.5</b>	<b>NA (NA) NA</b>
<b>2003 Primary</b>						
Boyland*	Black	D	77.7 (NA) 76.1	77.1 (74.3) 75.3	69.8 (NA) 70.2	NA (NA) NA
Miller	Black	D	22.3 (NA) 23.9	22.9 (25.7) 24.6	30.2 (NA) 29.9	NA (NA) NA
<b>turnout</b>			<b>5.7 (NA) 5.7</b>	<b>3.8 (4.1) 4.9</b>	<b>10.5 (NA) 8.5</b>	<b>NA (NA) NA</b>

**Table A19: New York City Council District 42**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Barron*	Black	D	51.4 (NA) 53.1	60.6 (65.0) 60.0	87.0 (NA) 80.7	NA (NA) NA
Bristol	Black	D	6.6 (NA) 8.1	7.6 (5.5) 8.9	27.9 (NA) 5.3	NA (NA) NA
Brown	Black	D	3.5 (NA) 2.4	5.3 (2.9) 4.9	-8.5 (NA) 1.5	NA (NA) NA
Key	Black	D	17.1 (NA) 15.4	7.6 (8.5) 8.7	10.1 (NA) 9.2	NA (NA) NA
Lewis	Black	D	8.0 (NA) 8.1	2.9 (4.8) 3.5	9.5 (NA) 4.8	NA (NA) NA
Powell	Black	D	13.3 (NA) 13.9	16.0 (13.2) 14.5	-26.0 (NA) .9	NA (NA) NA
<b>turnout</b>			<b>15.8 (NA) 13.7</b>	<b>5.4 (7.9) 6.7</b>	<b>1.7 (NA) 2.8</b>	<b>NA (NA) NA</b>
<b>2005 Primary</b>						
Barron*	Black	D	69.1 (NA) 68.3	83.0 (83.9) 83.2	89.0 (NA) 88.7	NA (NA) NA
Whitehead	Black	D	30.9 (NA) 31.7	17.0 (16.1) 16.9	11.0 (NA) 11.4	NA (NA) NA
<b>turnout</b>			<b>16.6 (NA) 11.9</b>	<b>5.2 (9.8) 6.7</b>	<b>2.0 (NA) 2.0</b>	<b>NA (NA) NA</b>
<b>2003 Primary</b>						
Barron*	Black	D	37.1 (NA) 42.1	92.7 (77.1) 88.9	112.5 (NA) 91.2	NA (NA) NA
Booker	Black	D	62.9 (NA) 57.9	7.3 (22.9) 10.9	-12.5 (NA) 8.9	NA (NA) NA
<b>turnout</b>			<b>14.4 (NA) 12.9</b>	<b>5.0 (5.9) 5.8</b>	<b>4.6 (NA) 5.1</b>	<b>NA (NA) NA</b>

**Table A20: New York City Council District 45**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate, (homogeneous estimate), and ecological inference estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Primary</b>						
Emmanuel	Black	D	6.5 (5.5) 6.1	5.3 (3.9) 4.4	NA (NA) NA	NA (NA) NA
King	Black	D	5.2 (2.7) 3.8	4.0 (3.8) 4.1	NA (NA) NA	NA (NA) NA
McKenzie	Black	D	2.0 (6.4) 4.5	12.9 (15.1) 13.5	NA (NA) NA	NA (NA) NA
Stewart	Black	D	35.5 (37.3) 36.7	24.8 (28.6) 25.9	NA (NA) NA	NA (NA) NA
Taiitt	Black	D	23.7 (24.5) 23.7	16.0 (16.7) 16.2	NA (NA) NA	NA (NA) NA
Williams*	Black	D	27.1 (23.6) 25.8	36.9 (32.0) 35.9	NA (NA) NA	NA (NA) NA
<b>turnout</b>			<b>4.6 (9.1) 5.7</b>	<b>9.8 (9.0) 9.2</b>	<b>NA (NA) NA</b>	<b>NA (NA) NA</b>
<b>2005 Primary</b>						
Stewart*	Black	D	69.4 (64.5) 67.2	52.3 (54.8) 54.7	NA (NA) NA	NA (NA) NA
Taitt	Black	D	30.6 (35.5) 32.9	47.7 (45.2) 45.2	NA (NA) NA	NA (NA) NA
<b>turnout</b>			<b>6.8 (10.6) 7.6</b>	<b>8.3 (7.8) 7.4</b>	<b>NA (NA) NA</b>	<b>NA (NA) NA</b>
<b>2003 Primary</b>						
Boucher	Black	D	11.5 (5.6) 10.7	22.9 (22.4) 22.7	NA (NA) NA	NA (NA) NA
King	Black	D	14.8 (7.8) 12.5	11.1 (10.0) 10.9	NA (NA) NA	NA (NA) NA
Stewart*	Black	D	39.7 (32.2) 38.9	34.7 (37.5) 35.5	NA (NA) NA	NA (NA) NA
Taitt	Black	D	34.0 (54.4) 38.0	31.3 (30.1) 31.1	NA (NA) NA	NA (NA) NA
<b>turnout</b>			<b>4.7 (6.8) 5.4</b>	<b>5.7 (5.2) 5.5</b>	<b>NA (NA) NA</b>	<b>NA (NA) NA</b>

**Appendix B:  
Recent New York Citywide Contests**

**Table B1: New York Citywide Contests in 2005**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate and (homogeneous estimate)			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2005 Democratic Primary</b>						
<b>Mayor</b>						
Brodeur	White	D	0.0 (.9)	4.0 (2.4)	11.4 (11.0)	NA (5.1)
Ferrer*	Hispanic	D	12.3 (15.0)	45.9 (35.0)	92.4 (76.5)	NA (44.7)
Fields	Black	D	0.0 (4.6)	39.5 (42.9)	8.1 (5.2)	NA (10.4)
Miller	White	D	20.2 (16.1)	10.6 (6.0)	0.0 (2.2)	NA (17.9)
Piccolo	White	D	1.0 (1.1)	1.2 (1.1)	1.3 (.7)	NA (2.5)
Weiner	White	D	67.2 (62.2)	4.7 (12.7)	0.0 (4.4)	NA (19.4)
<b>turnout</b>			<b>7.4 (7.5)</b>	<b>11.1 (10.4)</b>	<b>8.2 (9.6)</b>	<b>.4 (4.1)</b>
<b>Public Advocate</b>						
Brown		D	2.8 (3.1)	17.3 (14.1)	20.9 (11.1)	20.5 (9.4)
Cabbagestalk	Black	D	.7 (1.3)	3.6 (3.1)	5.8 (4.7)	3.5 (6.1)
Golub	White	D	3.2 (4.7)	5.3 (5.1)	7.5 (7.0)	4.9 (8.7)
Gotbaum*	White	D	60.3 (63.3)	41.6 (46.7)	23.4 (36.9)	43.7 (39.7)
Rasiej	White	D	3.9 (3.3)	4.2 (3.6)	10.4 (7.5)	2.7 (10.9)
Siegel	White	D	31.7 (24.3)	27.9 (27.6)	32.0 (32.8)	24.7 (25.3)
<b>turnout</b>			<b>7.2 (6.8)</b>	<b>8.8 (9.2)</b>	<b>4.6 (5.8)</b>	<b>.3 (2.8)</b>
<b>2005 General Election</b>						
<b>Mayor</b>						
Bloomberg*	White	R,I,L	83.2 (84.1)	30.8 (51.6)	11.3 (18.6)	100.0 (75.9)
Ferrer	Hispanic	D	12.9 (12.5)	69.0 (47.2)	87.5 (80.6)	0.0 (23.1)
Ognibene	White	C	1.9 (2.5)	0.0 (.3)	0.0 (.2)	0.0 (.3)
Others			2.0 (.9)	.6 (.9)	1.2 (.6)	0.0 (.7)
<b>turnout</b>			<b>20.1 (30.9)</b>	<b>17.9 (23.4)</b>	<b>11.9 (18.5)</b>	<b>.8 (13.3)</b>
<b>Comptroller</b>						
Thompson*	Black	D,WF	85.5 (83.3)	100.0 (98.3)	100.0 (97.3)	100.0 (93.4)
Ryan	White	C	10.9 (13.9)	0.0 (.9)	0.0 (1.1)	0.0 (4.6)
Others			3.5 (2.8)	0.0 (.8)	0.0 (1.6)	0.0 (2.0)
<b>turnout</b>			<b>15.2 (15.1)</b>	<b>16.2 (17.6)</b>	<b>9.1 (11.2)</b>	<b>.4 (5.7)</b>

**Table B2: New York Citywide Contests in 2009**

Contests and Candidates	Race/ Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate and (homogeneous estimate)			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>2009 Democratic Primary</b>						
<b>Mayor</b>						
Avella	White	D	35.1 (29.9)	4.6 (6.4)	21.0 (19.7)	NA (18.9)
Rogers	White	D	4.3 (6.1)	8.1 (6.4)	18.2 (14.8)	NA (11.4)
Thompson*	Black	D	60.6 (64.0)	87.2 (87.2)	60.8 (65.5)	NA (69.7)
<b>turnout</b>			<b>4.6 (4.1)</b>	<b>7.2 (8.8)</b>	<b>3.2 (5.1)</b>	<b>.04 (3.7)</b>
<b>Comptroller</b>						
Katz	White	D	21.7 (23.0)	17.0 (16.0)	32.5 (23.8)	0.0 (6.8)
Liu*	Asian	D	19.4 (18.3)	56.7 (55.9)	44.1 (32.0)	100.0 (86.9)
Weprin	White	D	12.2 (13.6)	8.7 (9.4)	10.3 (11.6)	0.0 (1.9)
Yassky*	White	D	46.6 (45.2)	17.6 (18.7)	13.1 (32.7)	0.0 (4.4)
<b>turnout</b>			<b>6.0 (4.6)</b>	<b>7.1 (9.2)</b>	<b>2.6 (4.9)</b>	<b>1.7 (6.5)</b>
<b>2009 Democratic Runoff</b>						
<b>Comptroller</b>						
Liu*	Asian	D	31.8 (30.3)	86.2 (79.1)	100.0 (67.3)	92.3 (94.8)
Yassky	White	D	68.2 (69.7)	13.8 (20.9)	0.0 (32.7)	7.7 (5.2)
<b>turnout</b>			<b>4.5 (3.9)</b>	<b>3.9 (5.0)</b>	<b>.8 (2.1)</b>	<b>2.9 (7.2)</b>
<b>2009 General Election</b>						
<b>Mayor</b>						
Thompson	Black	D, WF	16.0 (18.0)	100.0 (82.3)	100.0 (66.8)	NA (33.6)
Bloomberg*	White	R,I	79.1 (77.6)	0.0 (17.0)	0.0 (31.9)	NA (64.8)
Christopher	White	C	3.0 (3.5)	0.0 (.3)	0.0 (.5)	NA (.5)
Others			1.9 (.9)	0.0 (.5)	0.0 (.8)	NA (1.1)
<b>turnout</b>			<b>23.3 (27.9)</b>	<b>16.4 (21.2)</b>	<b>7.2 (13.8)</b>	<b>6.8 (12.0)</b>
<b>Comptroller</b>						
Liu	Asian	D, WF	58.5 (51.3)	100.0 (96.3)	100.0 (86.6)	100.0 (94.1)
Mendola	White	R	35.1 (42.1)	0.0 (2.3)	0.0 (10.6)	0.0 (4.8)
Avrick	White	C	4.3 (5.3)	0.0 (.5)	0.0 (.9)	0.0 (.5)
Others			2.1 (1.3)	0.0 (.9)	0.0 (1.9)	0.0 (.5)
<b>turnout</b>			<b>19.7 (22.5)</b>	<b>14.3 (18.9)</b>	<b>4.9 (10.6)</b>	<b>7.1 (12.1)</b>

**Table B3: 2008 Democratic Primary for US President**

Contests and Candidates	Race/Ethnicity	Party	Estimates of the Percent of Voters Voting for Each Candidate: regression estimate and homogeneous estimate			
			White Voters	Black Voters	Hispanic Voters	Asian Voters
<b>US President</b>						
Obama	Black	D	38.4 (31.8)	64.3 (64.6)	11.5 (13.5)	NA (18.3)
Clinton*	White	D	58.5 (64.2)	35.5 (35.0)	88.5 (86.0)	NA* (81.2)
others		D	3.1 (4.0)	.2 (.3)	-2.6 (.4)	NA (.6)
<b>turnout</b>			<b>15.6 (13.9)</b>	<b>22.5 (24.8)</b>	<b>10.6 (14.8)</b>	<b>NA(8.0)</b>

**Appendix C:  
Recompiled Election Results for Benchmark Plan**

**Table C1: Recompiled Results for the 2009 General Election for Mayor  
(Benchmark Plan)**

District	Total Vote for Mayor 2009 GE	Thompson	Bloomberg	%Thompson
1	24765	9145	14845	<b>36.93%</b>
2	27438	11673	14729	<b>42.54%</b>
3	31103	11430	18474	<b>36.75%</b>
4	35608	7105	27614	<b>19.95%</b>
5	33608	6727	25989	<b>20.02%</b>
6	39444	11505	26829	<b>29.17%</b>
7	25053	15772	8666	<b>62.95%</b>
8	24506	15254	8812	<b>62.25%</b>
9	29804	20375	8824	<b>68.36%</b>
10	16283	10612	5379	<b>65.17%</b>
11	23126	9877	12567	<b>42.71%</b>
12	21771	15696	5863	<b>72.10%</b>
13	21023	7832	12395	<b>37.25%</b>
14	12383	8305	3945	<b>67.07%</b>
15	12409	8339	3903	<b>67.20%</b>
16	14669	11159	3376	<b>76.07%</b>
17	16420	11690	4532	<b>71.19%</b>
18	19003	12859	5904	<b>67.67%</b>
33	26759	10999	14240	<b>41.10%</b>
34	17733	10999	6063	<b>62.03%</b>
35	25434	17694	6950	<b>69.57%</b>
36	20767	17200	3207	<b>82.82%</b>
37	12017	8304	3513	<b>69.10%</b>
38	12540	6191	5856	<b>49.37%</b>
39	27523	10182	15600	<b>36.99%</b>
40	17968	13431	4157	<b>74.75%</b>
41	18178	15227	2773	<b>83.77%</b>
42	22645	17473	4978	<b>77.16%</b>
43	23827	6639	15970	<b>27.86%</b>
44	22608	4360	16963	<b>19.29%</b>
45	21461	15394	5776	<b>71.73%</b>
46	26580	12050	13790	<b>45.33%</b>
47	21517	5778	15295	<b>26.85%</b>
48	23703	4358	18715	<b>18.39%</b>

**Table C2: Recompiled Results for the 2005 Democratic Election for Mayor  
(Benchmark Plan)**

District	Total Vote for Mayor 2005 Primary	Ferrer	Field	Miller	Weiner	% Ferrer
1	11431	4182	1188	1822	3730	<b>36.58%</b>
2	16514	6378	1885	2148	5433	<b>38.62%</b>
3	17735	5153	1709	3654	6750	<b>29.06%</b>
4	14005	3314	1333	2702	6328	<b>23.66%</b>
5	13744	2461	961	4095	5970	<b>17.91%</b>
6	21078	5950	2401	3262	8999	<b>28.23%</b>
7	15510	6985	3680	1039	2678	<b>45.04%</b>
8	18195	9565	3243	1442	2564	<b>52.57%</b>
9	19366	6307	7481	1594	3332	<b>32.57%</b>
10	10990	7410	1014	341	876	<b>67.42%</b>
11	11958	5142	999	842	4449	<b>43.00%</b>
12	10711	5468	2559	765	1332	<b>51.06%</b>
13	9255	5030	567	565	2626	<b>54.35%</b>
14	7584	5403	798	180	436	<b>71.24%</b>
15	7844	5710	773	204	427	<b>72.79%</b>
16	8988	5821	1662	239	548	<b>64.76%</b>
17	11446	8254	1249	251	468	<b>72.11%</b>
18	10618	7414	1386	318	836	<b>69.82%</b>
33	11951	3730	1034	2419	4408	<b>31.21%</b>
34	9761	6273	867	733	1277	<b>64.27%</b>
35	11660	4520	3397	1208	2157	<b>38.76%</b>
36	9814	4115	3420	792	1048	<b>41.93%</b>
37	6018	3654	1003	309	469	<b>60.72%</b>
38	5822	3657	408	381	1130	<b>62.81%</b>
39	10378	2920	751	1389	5069	<b>28.14%</b>
40	7638	2952	2070	600	1551	<b>38.65%</b>
41	10588	4092	3915	916	1178	<b>38.65%</b>
42	10899	4348	3880	799	1443	<b>39.89%</b>
43	4494	1149	170	600	2434	<b>25.57%</b>
44	4764	710	132	676	3090	<b>14.90%</b>
45	9461	3777	2544	696	2042	<b>39.92%</b>
46	9260	1955	1222	904	4960	<b>21.11%</b>
47	7367	1545	567	1252	3681	<b>20.97%</b>
48	7345	933	204	633	5385	<b>12.70%</b>

**Table C3: Recompiled Results for the 2008 Democratic Primary for US President  
(Benchmark Plan)**

District	Total Vote for the 2008 Democratic Primary for US President	Clinton	Obama	%Obama
1	22472	12382	9707	<b>43.20%</b>
2	29219	15853	12867	<b>44.04%</b>
3	35967	19076	16239	<b>45.15%</b>
4	27773	14918	12417	<b>44.71%</b>
5	27190	15437	11347	<b>41.73%</b>
6	41357	21758	18947	<b>45.81%</b>
7	27332	14428	12542	<b>45.89%</b>
8	27755	15972	11478	<b>41.35%</b>
9	33578	12131	21108	<b>62.86%</b>
10	19007	14957	3897	<b>20.50%</b>
11	21489	13042	8027	<b>37.35%</b>
12	24450	10764	13517	<b>55.28%</b>
13	14034	9374	4327	<b>30.83%</b>
14	14344	9972	4271	<b>29.78%</b>
15	14229	10076	4077	<b>28.65%</b>
16	17484	10370	7013	<b>40.11%</b>
17	19441	13434	5836	<b>30.02%</b>
18	19007	11465	7431	<b>39.10%</b>
33	27124	12577	14088	<b>51.94%</b>
34	16931	11044	5716	<b>33.76%</b>
35	27071	8831	18015	<b>66.55%</b>
36	21130	7345	13646	<b>64.58%</b>
37	12506	8078	4353	<b>34.81%</b>
38	10450	6709	3556	<b>34.03%</b>
39	23083	10413	12062	<b>52.26%</b>
40	19264	8575	10553	<b>54.78%</b>
41	19114	7700	11319	<b>59.22%</b>
42	22295	9494	12643	<b>56.71%</b>
43	10332	6745	3272	<b>31.67%</b>
44	7554	5185	1778	<b>23.54%</b>
45	21440	9571	11675	<b>54.45%</b>
46	18659	10288	8027	<b>43.02%</b>
47	11268	7983	2954	<b>26.22%</b>
48	10348	7380	2496	<b>24.12%</b>

**Appendix D:  
Recompiled Election Results for Revised Plan**

**Table D1: Recompiled Results for the 2009 General Election for Mayor  
(Revised Plan)**

District	Total Votes for Mayor 2009 GE	THOMPSON	BLOOMBERG	% THOMPSON
01	24716.69	9128.14	14814.35	36.93%
02	28375.67	12006.69	15293.09	42.31%
03	30780.32	11220.23	18384.11	36.45%
04	37626.74	6993.75	29689.37	18.59%
05	34146.98	7614.27	25605.45	22.30%
06	42205.79	12838.24	28172.92	30.42%
07	26619.22	16307.89	9725.60	61.26%
08	18033.50	12764.11	5032.21	70.78%
09	27576.06	21708.62	5480.97	78.72%
10	23343.48	13176.57	9543.64	56.45%
11	21990.95	9127.01	12199.94	41.50%
12	21531.26	15513.09	5809.42	72.05%
13	19761.93	7167.51	11819.52	36.27%
14	12620.89	8572.97	3904.41	67.93%
15	12612.37	8257.57	4182.28	65.47%
16	14311.51	10875.81	3297.93	75.99%
17	13795.08	9792.50	3848.50	70.99%
18	18367.57	12289.82	5842.04	66.91%
33	22175.39	9241.59	11620.85	41.67%
34	17316.91	10690.64	5958.58	61.74%
35	26390.01	18794.69	6829.80	71.22%
36	20569.84	17047.16	3190.60	82.87%
37	11555.22	7905.00	3458.50	68.41%
38	13538.26	6310.02	6683.61	46.61%
39	30615.84	12069.68	16738.16	39.42%
40	18524.42	13206.25	4896.05	71.29%
41	18220.85	15255.77	2790.19	83.73%
42	20380.82	15748.07	4452.96	77.27%
43	24567.80	6766.57	16553.56	27.54%
44	23068.81	4187.09	17477.84	18.15%
45	24415.49	15405.92	8609.30	63.10%
46	26028.67	13842.79	11542.84	53.18%
47	19340.08	5676.19	13231.61	29.35%
48	25885.87	4475.21	20755.21	17.29%

**Table D2: Recompiled Results for the 2005 Democratic Election for Mayor  
(Revised Plan)**

District	Total Votes for Mayor 2005 Primary	FERRER	FIELDS	MILLER	WEINER	% FERRER
01	11417.63	4142.13	1200.44	1826.13	3744.58	36.28%
02	16965.47	6543.52	1932.12	2219.05	5586.15	38.57%
03	17622.50	5116.52	1673.13	3607.47	6767.78	29.03%
04	14197.98	3235.80	1252.72	2813.13	6586.11	22.79%
05	14669.43	2951.45	1181.51	4159.35	6063.13	20.12%
06	23601.94	6718.09	2692.74	3727.17	9902.08	28.46%
07	17853.92	8118.72	3603.63	1587.99	3143.96	45.47%
08	14278.22	9322.63	2177.14	541.26	878.02	65.29%
09	17448.94	5886.88	8102.85	874.15	1842.05	33.74%
10	14845.71	8737.60	1522.31	845.43	2312.85	58.86%
11	11239.77	4660.07	921.64	822.42	4366.84	41.46%
12	10557.53	5379.02	2512.86	758.15	1321.27	50.95%
13	8573.46	4593.07	514.57	530.54	2502.77	53.57%
14	7680.05	5544.43	803.92	186.34	459.85	72.19%
15	7935.06	5618.23	810.12	226.10	566.29	70.80%
16	8848.58	5650.78	1678.66	247.62	551.38	63.86%
17	8998.31	6508.20	1032.08	187.04	375.22	72.33%
18	10237.12	7220.13	1275.99	303.26	812.16	70.53%
33	9193.92	3052.76	786.51	2084.63	2995.84	33.20%
34	9458.69	6073.12	836.63	717.12	1253.12	64.21%
35	12303.90	4750.99	3685.05	1256.10	2211.69	38.61%
36	9828.75	4091.28	3496.77	782.82	1018.50	41.63%
37	5910.74	3657.11	900.17	302.68	450.97	61.87%
38	5827.21	3567.33	388.56	397.56	1216.64	61.22%
39	13184.30	3816.34	1037.77	1686.78	6315.41	28.95%
40	7551.95	2916.11	1992.44	620.97	1562.56	38.61%
41	10393.25	4046.58	3735.82	897.03	1213.75	38.93%
42	10119.34	4062.16	3649.78	727.58	1267.28	40.14%
43	4925.42	1172.37	187.15	661.51	2756.44	23.80%
44	4870.94	651.82	121.67	706.65	3253.73	13.38%
45	10375.21	3807.16	2487.72	800.87	2873.78	36.69%
46	9282.66	2324.70	1562.12	902.99	4246.28	25.04%
47	5780.13	1466.92	526.12	918.65	2591.04	25.38%
48	8465.41	940.12	199.69	876.05	6225.97	11.11%

**Table D3: Recompiled Results for the 2008 Democratic Primary for US President  
(Revised Plan)**

District	Total Vote for the 2008 Democratic Primary for US President	CLINTON	OBAMA	% OBAMA
01	22476.83	12304.51	9792.28	43.57%
02	30211.24	16405.30	13286.55	43.98%
03	35717.10	19009.00	16066.30	44.98%
04	28863.18	15605.51	12800.25	44.35%
05	28589.32	16065.56	12103.07	42.33%
06	45212.57	23402.17	21069.84	46.60%
07	31425.51	17008.23	14055.70	44.73%
08	20692.12	13665.41	6847.66	33.09%
09	29601.28	10244.55	19164.94	64.74%
10	26088.66	18329.29	7407.06	28.39%
11	20221.64	12341.85	7499.18	37.08%
12	24231.62	10656.52	13371.41	55.18%
13	12863.30	8608.21	3931.79	30.57%
14	14857.01	10343.70	4415.61	29.72%
15	13989.85	9578.43	4324.23	30.91%
16	16883.01	9870.53	6913.20	40.95%
17	15990.39	10812.42	5055.24	31.61%
18	18213.94	11157.64	6944.12	38.13%
33	20657.49	10170.83	10124.53	49.01%
34	16464.55	10688.71	5604.84	34.04%
35	28389.93	9264.04	18903.94	66.59%
36	20908.45	7264.05	13508.63	64.61%
37	12023.23	8004.71	3947.85	32.84%
38	10326.39	6846.13	3270.43	31.67%
39	30159.66	12915.07	16603.85	55.05%
40	18959.52	8521.05	10273.25	54.19%
41	19301.01	7922.00	11282.36	58.45%
42	20133.63	8534.34	11468.06	56.96%
43	10769.63	7088.04	3354.00	31.14%
44	7359.54	4961.87	1735.92	23.59%
45	22178.69	10175.96	11686.77	52.69%
46	20126.19	10496.72	9327.28	46.34%
47	9760.40	6742.25	2749.99	28.17%
48	11584.25	8724.91	2427.21	20.95%

## APPENDIX 2

## Submission Tables - Unadjusted Census Data

The tables below replicate the tables set forth in the body of the submission, however these tables use *unadjusted* Census data pursuant to 28 C.F.R. § 51.28. As stated in Section VII, the Districting Commission was required to use prisoner-adjusted population data pursuant to State law, which data is reflected in the tables in the main body of the submission. Each heading below also includes a citation to the page number of the corresponding table in the main body of the submission.

## X. SECTION 5 PRECLEARANCE SUBMISSION

## A. Covered Jurisdictions

## i. New York County (Page 34)

Council District	Total Population	White VAP <sup>1</sup> (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
1	168,966	46.51%	3.99%	11.76%	35.74%
2	161,554	58.91%	5.82%	18.06%	14.88%
3	173,254	68.42%	4.59%	11.93%	12.66%
4	155,199	77.86%	3.00%	6.72%	10.84%
5	161,269	78.51%	3.37%	6.66%	9.70%
6	163,687	73.22%	5.44%	10.79%	8.79%
7	156,217	21.63%	26.55%	46.33%	3.39%
8 <sup>2</sup>	162,739	21.64%	22.42%	47.71%	6.26%
9	164,423	26.20%	46.62%	17.92%	6.50%
10	136,647	10.56%	6.67%	79.63%	2.12%

## ii. Bronx County (Page 34)

Council District	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
11	162,922	36.44%	18.31%	36.25%	6.78%
12	171,182	5.13%	67.56%	23.13%	1.59%
13	168,530	43.43%	11.63%	36.04%	6.98%
14	158,876	3.01%	21.95%	70.36%	3.03%
15	167,995	5.82%	25.16%	64.80%	2.55%
16	176,956	1.47%	39.47%	56.64%	1.03%
17	180,064	1.71%	27.38%	68.73%	0.93%
18	169,410	3.51%	30.40%	56.88%	6.13%
22 <sup>3</sup>	146,509	53.97%	7.77%	23.05%	12.41%

<sup>1</sup> Voting Age Population

<sup>2</sup> Council District 8 includes areas in both New York County (a covered jurisdiction) and Bronx County (a covered jurisdiction).

<sup>3</sup> Council District 22 includes areas in both Queens County (not a covered jurisdiction) and Bronx County (a covered jurisdiction).

## iii. Kings County (Page 35)

Council District	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
33	170,735	72.19%	6.14%	13.98%	5.60%
34	158,141	30.03%	9.54%	51.03%	7.57%
35	151,793	32.36%	46.47%	13.13%	5.12%
36	148,936	8.06%	70.49%	16.86%	2.25%
37	158,438	5.00%	29.52%	55.36%	6.63%
38	157,282	19.13%	4.65%	41.84%	32.84%
39	154,341	65.36%	5.03%	14.37%	12.89%
40	146,522	11.13%	65.53%	15.51%	5.26%
41	153,328	2.22%	82.02%	12.97%	0.77%
42	165,150	4.75%	72.71%	18.51%	2.00%
43	169,098	61.14%	1.02%	12.99%	23.27%
44	164,339	69.21%	1.18%	9.91%	18.38%
45	140,433	10.10%	76.92%	7.64%	2.91%
46	165,679	44.34%	41.14%	6.58%	6.30%
47	161,814	59.82%	7.68%	12.26%	18.90%
48	158,086	72.72%	3.48%	8.37%	13.91%
50 <sup>4</sup>	155,537	73.32%	2.27%	11.50%	11.58%

## D. Section 5 Analysis

## i. Majority Black Districts

## a. Council District 9 (Page 39)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	164,423	26.20%	<b>46.62%</b>	17.92%	6.50%
Unity Alternative Plan	156,715	22.89%	49.74%	19.59%	5.16%
Preliminary Draft Plan	167,253	15.69%	54.38%	23.37%	3.91%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	163,673	14.16%	57.31%	22.73%	3.17%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	163,673	14.16%	57.31%	22.73%	3.17%
<i>Final Districting Plan</i>	158,999	10.70%	<b>60.53%</b>	23.40%	2.75%

<sup>4</sup> Council District 50 includes areas in both Richmond County (not a covered jurisdiction) and Kings County (a covered jurisdiction).

**b. Council District 12 (Page 41)**

<b>Plan</b>	<b>Total Population</b>	<b>White VAP (%)</b>	<b>Black VAP (%)</b>	<b>Hispanic VAP (%)</b>	<b>Asian American VAP (%)</b>
<i>Benchmark Plan</i>	171,182	5.13%	<b>67.56%</b>	23.13%	1.59%
Unity Alternative Plan	168,169	5.26%	68.29%	21.66%	1.88%
Preliminary Draft Plan	166,790	5.14%	68.01%	22.69%	1.56%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	166,362	5.12%	68.05%	22.69%	1.56%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	166,362	5.12%	68.05%	22.69%	1.56%
<i>Final Districting Plan</i>	166,055	5.13%	<b>68.14%</b>	22.63%	1.53%

**c. Council District 35 (Page 43)**

<b>Plan</b>	<b>Total Population</b>	<b>White VAP (%)</b>	<b>Black VAP (%)</b>	<b>Hispanic VAP (%)</b>	<b>Asian American VAP (%)</b>
<i>Benchmark Plan</i>	151,793	32.36%	<b>46.47%</b>	13.13%	5.12%
Unity Alternative Plan	153,955	32.41%	46.47%	13.11%	5.08%
Preliminary Draft Plan	154,889	27.73%	52.08%	12.74%	4.56%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	152,045	28.80%	51.11%	12.48%	4.68%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	152,045	28.80%	51.11%	12.48%	4.68%
<i>Final Districting Plan</i>	152,017	28.91%	<b>50.95%</b>	12.53%	4.69%

**d. Council District 36 (Page 45)**

<b>Plan</b>	<b>Total Population</b>	<b>White VAP (%)</b>	<b>Black VAP (%)</b>	<b>Hispanic VAP (%)</b>	<b>Asian American VAP (%)</b>
<i>Benchmark Plan</i>	148,936	8.06%	<b>70.49%</b>	16.86%	2.25%
Unity Alternative Plan	153,432	7.70%	70.99%	16.84%	2.17%
Preliminary Draft Plan	154,520	6.87%	71.90%	16.80%	2.12%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	151,356	6.96%	71.66%	16.98%	2.12%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	151,356	6.96%	71.66%	16.98%	2.12%
<i>Final Districting Plan</i>	151,497	7.04%	<b>71.37%</b>	17.17%	2.13%

## e. Council District 40 (Page 47)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	146,522	11.13%	<b>65.53%</b>	15.51%	5.26%
Unity Alternative Plan	154,242	13.06%	63.63%	15.13%	5.63%
Preliminary Draft Plan	155,987	16.55%	59.20%	14.85%	6.86%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	152,312	14.61%	61.05%	15.49%	6.26%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	152,312	14.61%	61.05%	15.49%	6.26%
<i>Final Districting Plan</i>	152,313	14.71%	<b>60.68%</b>	15.55%	6.46%

## f. Council District 41 (Page 49)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	153,328	2.22%	<b>82.02%</b>	12.97%	0.77%
Unity Alternative Plan	153,915	1.82%	82.87%	12.51%	0.79%
Preliminary Draft Plan	152,035	1.49%	82.60%	13.25%	0.70%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	151,618	2.31%	83.05%	11.92%	0.74%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	151,618	2.31%	83.05%	11.92%	0.74%
<i>Final Districting Plan</i>	151,826	2.22%	<b>83.17%</b>	11.89%	0.73%

## g. Council District 42 (Page 51)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	165,150	4.75%	<b>72.71%</b>	18.51%	2.00%
Unity Alternative Plan	154,504	3.93%	73.17%	19.60%	1.41%
Preliminary Draft Plan	152,151	5.47%	70.39%	19.68%	2.40%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	151,655	4.19%	71.29%	20.59%	1.92%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	151,655	4.19%	71.29%	20.59%	1.92%
<i>Final Districting Plan</i>	151,703	4.20%	<b>71.32%</b>	20.55%	1.91%

## h. Council District 45 (Page 53)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	140,433	10.10%	<b>76.92%</b>	7.64%	2.91%
Unity Alternative Plan	160,984	24.89%	59.45%	7.93%	5.55%
Preliminary Draft Plan	152,788	10.99%	76.19%	7.72%	2.73%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	153,817	19.87%	65.88%	7.91%	4.01%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	153,817	19.87%	65.88%	7.91%	4.01%
<i>Final Districting Plan</i>	153,160	18.64%	<b>67.07%</b>	7.93%	4.00%

## i. Council District 46 (Page 55)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	165,679	44.34%	<b>41.14%</b>	6.58%	6.30%
Unity Alternative Plan	154,145	30.36%	56.63%	7.56%	3.54%
Preliminary Draft Plan	156,983	45.64%	41.15%	6.51%	4.97%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	167,268	33.74%	51.77%	7.56%	5.11%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	167,268	33.74%	51.77%	7.56%	5.11%
<i>Final Districting Plan</i>	167,268	33.74%	<b>51.77%</b>	7.56%	5.11%

## ii. Majority Hispanic Districts

## a. Council District 8 (Page 58)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	162,739	21.64%	22.42%	<b>47.71%</b>	6.26%
Unity Alternative Plan	166,939	17.96%	23.18%	51.29%	5.70%
Preliminary Draft Plan	166,753	6.90%	25.42%	62.57%	3.60%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	167,515	6.31%	25.32%	63.36%	3.51%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	167,515	6.31%	25.32%	63.36%	3.51%
<i>Final Districting Plan</i>	167,256	6.48%	25.40%	<b>63.23%</b>	3.37%

**b. Council District 10 (Page 61)**

<b>Plan</b>	<b>Total Population</b>	<b>White VAP (%)</b>	<b>Black VAP (%)</b>	<b>Hispanic VAP (%)</b>	<b>Asian American VAP (%)</b>
<i>Benchmark Plan</i>	136,647	10.56%	6.67%	<b>79.63%</b>	2.12%
Unity Alternative Plan	152,302	20.86%	6.31%	68.89%	2.72%
Preliminary Draft Plan	167,889	22.13%	9.91%	63.31%	3.13%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	166,269	20.72%	6.84%	68.32%	2.86%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	166,269	20.72%	6.84%	68.32%	2.86%
<i>Final Districting Plan</i>	166,269	20.72%	6.84%	<b>68.32%</b>	2.86%

**c. Council District 14 (Page 63)**

<b>Plan</b>	<b>Total Population</b>	<b>White VAP (%)</b>	<b>Black VAP (%)</b>	<b>Hispanic VAP (%)</b>	<b>Asian American VAP (%)</b>
<i>Benchmark Plan</i>	158,876	3.01%	21.95%	<b>70.36%</b>	3.03%
Unity Alternative Plan	166,289	3.11%	24.41%	67.91%	3.09%
Preliminary Draft Plan	163,438	3.14%	23.00%	69.30%	2.96%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	167,465	3.39%	22.94%	69.29%	2.93%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	167,465	3.39%	22.94%	69.29%	2.93%
<i>Final Districting Plan</i>	164,181	3.39%	22.57%	<b>69.60%</b>	2.96%

**d. Council District 15 (Page 65)**

<b>Plan</b>	<b>Total Population</b>	<b>White VAP (%)</b>	<b>Black VAP (%)</b>	<b>Hispanic VAP (%)</b>	<b>Asian American VAP (%)</b>
<i>Benchmark Plan</i>	167,995	5.82%	25.16%	<b>64.80%</b>	2.55%
Unity Alternative Plan	167,871	10.95%	25.48%	59.31%	2.55%
Preliminary Draft Plan	156,649	6.54%	25.27%	63.55%	2.90%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	167,598	5.71%	25.38%	64.57%	2.55%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	167,598	5.71%	25.38%	64.57%	2.55%
<i>Final Districting Plan</i>	167,756	8.32%	26.19%	<b>60.69%</b>	2.91%

## e. Council District 16 (Page 67)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	176,956	1.47%	39.47%	<b>56.64%</b>	1.03%
Unity Alternative Plan	167,934	1.51%	33.74%	61.68%	1.51%
Preliminary Draft Plan	161,887	1.44%	38.15%	57.82%	1.13%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	154,556	1.44%	39.36%	56.60%	1.12%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	154,556	1.44%	39.36%	56.60%	1.12%
<i>Final Districting Plan</i>	162,560	1.44%	39.19%	<b>56.77%</b>	1.16%

## f. Council District 17 (Page 69)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	180,064	1.71%	27.38%	<b>68.73%</b>	0.93%
Unity Alternative Plan	166,835	1.55%	29.85%	66.53%	0.86%
Preliminary Draft Plan	159,479	1.45%	29.45%	66.81%	0.87%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	151,872	1.49%	28.80%	67.21%	0.98%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	151,872	1.49%	28.80%	67.21%	0.98%
<i>Final Districting Plan</i>	155,805	1.45%	29.31%	<b>67.03%</b>	0.83%

## g. Council District 18 (Page 71)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	169,410	3.51%	30.40%	<b>56.88%</b>	6.13%
Unity Alternative Plan	167,652	3.23%	31.58%	56.04%	6.05%
Preliminary Draft Plan	159,692	3.79%	30.07%	56.43%	6.61%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	153,576	4.02%	30.23%	55.75%	6.86%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	153,576	4.02%	30.23%	55.75%	6.86%
<i>Final Districting Plan</i>	164,979	3.78%	29.65%	<b>56.90%</b>	6.53%

## h. Council District 34 (Page 73)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	158,141	30.03%	9.54%	<b>51.03%</b>	7.57%
Unity Alternative Plan	154,232	30.64%	9.02%	50.79%	7.71%
Preliminary Draft Plan	153,857	29.51%	9.47%	51.54%	7.65%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	155,805	30.45%	9.26%	50.45%	7.98%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	155,337	30.47%	9.29%	50.73%	7.67%
<i>Final Districting Plan</i>	154,656	30.49%	9.28%	<b>50.70%</b>	7.69%

## i. Council District 37 (Page 75)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<i>Benchmark Plan</i>	158,438	5.00%	29.52%	<b>55.36%</b>	6.63%
Unity Alternative Plan	153,980	5.20%	27.13%	56.89%	7.20%
Preliminary Draft Plan	151,911	5.24%	27.10%	57.16%	6.95%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	151,810	5.13%	27.52%	57.39%	6.44%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	152,278	5.22%	27.41%	57.06%	6.79%
<i>Final Districting Plan</i>	152,013	5.21%	27.28%	<b>57.18%</b>	6.81%

## iii. Multiethnic Districts

## a. Council District 1 (Page 77)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<b>Benchmark Plan</b>	168,966	46.51%	3.99%	11.76%	<b>35.74%</b>
Unity Alternative Plan	160,387	39.80%	5.04%	15.99%	37.20%
Preliminary Draft Plan	162,617	46.00%	3.86%	11.69%	36.46%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	168,494	46.81%	3.83%	11.64%	35.69%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	168,494	46.81%	3.83%	11.64%	35.69%
<b>Final Districting Plan</b>	168,247	47.01%	3.93%	11.36%	<b>35.67%</b>

## b. Council District 7 (Page 79)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<b>Benchmark Plan</b>	156,217	21.63%	<b>26.55%</b>	<b>46.33%</b>	3.39%
Unity Alternative Plan	158,023	17.26%	26.96%	48.74%	4.82%
Preliminary Draft Plan	167,915	25.46%	18.87%	47.52%	6.15%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	159,825	26.07%	20.02%	44.63%	6.99%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	159,825	26.07%	20.02%	44.63%	6.99%
<b>Final Districting Plan</b>	167,682	27.85%	<b>18.96%</b>	<b>43.73%</b>	7.15%

## c. Council District 38 (Page 82)

Plan	Total Population	White VAP (%)	Black VAP (%)	Hispanic VAP (%)	Asian American VAP (%)
<b>Benchmark Plan</b>	157,282	19.13%	4.65%	<b>41.84%</b>	<b>32.84%</b>
Unity Alternative Plan	153,654	16.58%	4.38%	40.58%	37.10%
Preliminary Draft Plan	163,089	19.81%	4.51%	39.50%	34.70%
Revised Draft Plan (Nov. 15 <sup>th</sup> )	168,325	20.47%	4.38%	38.47%	35.20%
Revised Draft Plan (Dec. 4 <sup>th</sup> )	168,325	20.47%	4.38%	38.47%	35.20%
<b>Final Districting Plan</b>	167,967	20.45%	4.35%	<b>38.46%</b>	<b>35.27%</b>