NEW YORK CITY REGIONAL HEARING
(Connecticut, New Jersey, and New York)

Fordham University School of Law
New York, New York
April 11, 2014

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PANELISTS
Ingrid Alvarez, Connecticut State Director, Hispanic Federation
Fred Brewington, Law Office of Frederick K. Brewington
Mary Ciccone, Managing Attorney, Disability Rights New Jersey
Kristen Clarke, Chief Civil Rights Bureau, New York Attorney General’s Office
Anthony Cureton, President, Bergen County NAACP
DeNora Getachew, Campaign Manager
Fredrica Bakeish, Campaign Manager
Legislative Counsel, Brennan Center at NYU School of Law
Joan Gibbs, General Counsel, Center for Law and Social Justice at Medgar Evers College, CUNY
Lucia Gomez, Executive Director, La Fuente
James Hong, AACCORD
Dorothy Hsu, Legal Fellow, AALDEF
Dan Kolb, New York Bar Association Special Committee on Voter Participation
Susan Lerner, Executive Director, Common Cause New York
Randolph M. McLaughlin, Professor, Pace Law School
Dr. Divine Pryor, Executive Director, Center for NuLeadership on Urban Solutions
Catherine Weiss, Chair of Public Interest, Lowenstein Center for the Public Interest & Election Protection
Jeff Wice, Fellow, Jaekcle Center SUNY Buffalo Law School

PUBLIC TESTIMONY
Hazel Scottie Coads, Chair of Civil Engagement for the NAACP New York State Conference
Julissa Gutierrez, NALEO Educational Fund
Erin Merin, Attorney, Kirkland & Ellis
Nicole Sammy, Co-Chair of the Field and Program Committee, Voting Rights Forward
Russel Semmel, Voting Rights Forward
David H. Stonehill, Attorney & Committee Co-Chair, Voting Rights Forward
Latrice Walker, Attorney, Office of Congresswoman Yvette Clark
NEW YORK CITY REGIONAL HEARING HIGHLIGHTS

On April 11, 2014, over 60 voters, activists and voting rights advocates gathered at Fordham University School of Law to hear about voting issues in Connecticut, New Jersey and New York at a hearing convened by the Lawyers’ Committee for Civil Rights Under Law in partnership with several New York City law firms and voting and civil rights organizations. Witnesses testified about continued barriers to equal participation in the democratic process for voters in the tri-state region, including equal representation for racial minority communities, continued barriers for voters with limited English proficiency (LEP) and the disproportionate impact of felony disenfranchisement laws on communities of color.

I. Unequal Representation of Minority Communities in Redistricting Plans

Several witnesses testified about cases challenging redistricting plans that lacked equal representation of minority voters or diluted minority voting strength, in violation of Section 2 of the Voting Rights Act. Randy McLaughlin, professor of law at Pace University, noted that two of the cases he litigated using Section 2 (United States v. Village of Port Chester and
New Rochelle Voter Defense Fund v. City of New Rochelle) to challenge redistricting plans that underrepresented African-American and Latino voters, respectively, were ultimately successful, but were incredibly costly and placed the “burden on the voting rights community and the communities themselves to bring these cases.”1 Since there is often no immediate remedy in such cases, McLaughlin said that the absence of preclearance requirements “would mean that millions of individuals would be losing the right to vote and losing the right to equal representation.”

Additionally, Joan Gibbs, general counsel for the Center for Law and Social Justice at Medgar Evers College, noted that in the two most recent redistricting cycles the New York state senate and congressional maps have been characterized by the overpopulation of downstate senate districts, particularly districts within the City of New York where the majority of African Americans and other people of color reside. In her testimony, Gibbs noted that, if the maps were fairly drawn, New York City would have an additional representative in the state senate, which would be a majority-minority district. This practice of overpopulating New York City state senate districts was challenged in 2002 in Rodriguez v. Pataki and is once again being challenged in Favors v. Cuomo.2

Witnesses also explained how in New York Section 5 preclearance often deterred discriminatory voting practices, especially with regard to redistricting. In particular, according to testimony from James Hong of the American Community Coalition on Redistricting and Democracy, Section 5 preclearance had helped ensure that districts drawn in covered jurisdictions equally represented Asian-American voters and “yielded victories for [them].”

II. Barriers for Minority Voters and Language Access Issues

Ingrid Alvarez-DiMarzo, Connecticut state director of the Hispanic Federation, testified to issues minority voters faced in Bridgeport, Conn. during the 2010 elections. According to Alvarez-DiMarzo, Bridgeport, which is predominantly African American and Latino, reported widespread shortages of ballots at polling sites. The Bridgeport registrars of boters had ordered only 21,000 ballots in a city of 68,000 registered voters. In her testimony,

Alvarez-DiMarzo stated that “[t]housands of voters were disenfranchised, standing in lines for hours awaiting a judge’s order for extended hours at the polls and photocopied ballots. Out of confusion and frustration, many individuals left the polling places without voting.”

Representatives from Asian-American and Latino communities also spoke of the lack of bilingual poll workers in precincts with large numbers of LEP voters and voters not being notified if translators were available. According to Dorothy Hsu from the Asian American Legal Defense and Education Fund, as recently as July 2, 2013, South Asians in Queens sought interpretation services in Bengali after exit surveys revealed that there were “few interpreters at poll sites and signs identifying interpreters were often missing, relegating Bengali speaking interpreters to sit in front of Chinese interpreter and available signs.” Hsu stated that a lawsuit was filed against New York City and subsequently settled, resolving the Bengali interpretation issues in Queens.³

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