

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

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

## NATIONAL COMMISSIONER

---

John Dunne, former Assistant Attorney General for Civil Rights under President George H. Bush

## GUEST COMMISSIONERS

---

Juan Cartagena, President & General Counsel,  
LatinoJustice PRLDEF

Dr. Hazel Dukes, President, NAACP New York  
State Conference

Ron Chen, Acting Dean, Rutgers Law School-  
Newark, former New Jersey Public Advocate

John Feerick, Former Dean, Fordham Law School  
Margaret Fung, Executive Director, AALDEF

## PANELISTS

---

Ingrid Alvarez, Connecticut State Director,  
Hispanic Federation

James Hong, AACCORD

Fred Brewington, Law Office of Frederick K.  
Brewington

Dorothy Hsu, Legal Fellow, AALDEF

Mary Ciccone, Managing Attorney, Disability  
Rights New Jersey

Dan Kolb, New York Bar Association Special  
Committee on Voter Participation

Kristen Clarke, Chief Civil Rights Bureau, New  
York Attorney General's Office

Susan Lerner, Executive Director, Common Cause  
New York

Anthony Cureton, President, Bergen County  
NAACP

Randolph M. McLaughlin, Professor, Pace Law  
School

DeNora Getachew, Campaign Manager  
Legislative Counsel, Brennan Center at NYU  
School of Law

Dr. Divine Pryor, Executive Director, Center for  
NuLeadership on Urban Solutions

Joan Gibbs, General Counsel, Center for Law and  
Social Justice at Medgar Evers College, CUNY

Catherine Weiss, Chair of Public Interest,  
Lowenstein Center for the Public Interest &  
Election Protection

Lucia Gomez, Executive Director, La Fuente

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

David H. Stonehill, Attorney & Committee  
Co-Chair, Voting Rights Forward

Julissa Gutierrez, NALEO Educational Fund

Latrice Walker, Attorney, Office of

Erin Merin, Attorney, Kirkland & Ellis

Congresswoman Yvette Clark

Nicole Sammy, Co-Chair of the Field and Program  
Committee, Voting Rights Forward

Russel Semmel, Voting Rights Forward

## WRITTEN TESTIMONY

---

|  |   |
|--|---|
| Monica Bartley, Voting Rights Coordinator, Center for Independence of the Disabled, NY | Carol Mellor, Grassroots Director, League of Women Voters of New York State |
| Elaine Frazier, Commissioner, Albany City 2012 Redistricting Commission                | Brooke Pierce   |

## SUPPORTING ORGANIZATIONS (NOT EXHAUSTIVE)

---

|   |  |
|---|--|
| Asian American Community Coalition on Redistricting and Democracy | Kirkland & Ellis LLP                                       |
| Asian American Legal Defense and Education Fund                   | LatinoJustice PRLDEF                                       |
| Brennan Center for Justice at NYU School of Law                   | MinKwon Center for Community Action                        |
| Center for Law and Social Justice at Medgar Evers College, CUNY   | National Association for the Advancement of Colored People |
| Common Cause New York   | NAACP Legal Defense Fund                                   |
| Connecticut State Conference of the NAACP                         | NALEO Educational Fund                                     |
| Davis Polk & Wardwell LLP   | New Jersey State Conference of the NAACP                   |
| Demos   | New York State Conference of the NAACP                     |
| Fordham Advocates for Voter Rights                                | Public Interest Resource Center at Fordham Law School      |
| Hispanic Federation   | YWCA of Queens   |

## 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.”<sup>1</sup> 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.”



*Ron Chen, Acting Dean at Rutgers Law School-Newark, former New Jersey Public Advocate, and NCVR New York City regional hearing guest commissioner providing his opening remarks.*

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*.<sup>2</sup>

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,

<sup>1</sup> *US v. Village of Port Chester*, 704 F. Supp. 2d 411 (S.D.N.Y. 2010); *New Rochelle Voter Defense Fund v. City of New Rochelle* 308 F. Supp. 2d 152 (S.D.N.Y. 2003)

<sup>2</sup> *Favors v. Cuomo* 881 F. Supp. 2d 356 (E.D.N.Y. 2012); *Rodriguez v. Pataki* 274 F. SUPP.2D 363 (S.D.N.Y. 2003)

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.<sup>3</sup>



*Kristen Clarke, Chief of Civil Rights Bureau at the New York State Attorney General's Office, speaks on their efforts to combat minority voter suppression and discrimination.*

---

<sup>3</sup> *Alliance of South Asian American Labor v. Board of Elections, No. 1:13-cv-03732 (E.D.N.Y. 2014)*