

# JONES DAY

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March 16, 2012

T. Christian Herren, Jr.  
Chief, Voting Section  
Civil Rights Division  
United States Department of Justice  
Room 7254 – NWB  
1800 G Street, NW  
Washington, DC 20006

Re: Submission under Section 5 of the Voting Rights Act: Request for Preclearance,  
New York Senate Districts in Kings, New York, and Bronx Counties

Dear Mr. Herren:

On behalf of the State of New York, we are submitting for preclearance the Senate redistricting plan contained in S.6696-A.9525, an act enacted by the New York Legislature on March 14, 2012, and signed into law by the Governor of New York on March 15, 2012 (“S.6696-A.9525” or the “2012 Plan”).

The Act provides for the decennial redistricting of New York’s State Senate districts and will take effect in the regularly scheduled 2012 primary and general elections, which are respectively scheduled to occur on September 11, 2012 and November 6, 2012. Given the impending commencement of the electoral calendar, the New York Senate respectfully requests that a decision on preclearance be issued on an expedited basis so as to avoid uncertainty in the elective process. *See* 28 C.F.R. § 51.34.

The State of New York is not itself a jurisdiction covered by and subject to the “preclearance” requirement of Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973c (“Section 5”), but three counties in New York City (Bronx, Kings, and New York Counties) are covered by and subject to Section 5. *See* 28 C.F.R. pt. 51, app. Thus, the 2012 Plan is subject to Section 5’s “preclearance” requirement to the extent (and only to the extent) that it affects minority populations in these three covered counties.

The changes embodied in the 2012 Plan comply with the United States Constitution’s one-person-one-vote requirement and preserve minority voting strength within the covered counties to the extent possible given demographic changes since the last decennial census and redistricting.

Pursuant to 42 U.S.C. § 1973c and 28 C.F.R. §§ 51.27 & 51.28, as amended, the New York Senate submits the following information, which constitutes a complete administrative preclearance submission under your regulations:

**§ 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.**

A certified copy of the 2012 Plan, S.6696-A.9525, is included as **Joint Exhibit 1**.<sup>1</sup> A block equivalency file for the 2012 Plan is included as **Senate Exhibit 2**, and maps illustrating the plan are included as **Senate Exhibit 3**.

The 2012 Plan is the result of an extensive process undertaken by the New York Legislature and the New York State Legislative Task Force on Demographic Research and Reapportionment (“LATFOR”), the technical arm of the Legislature in respect to the redistricting process. LATFOR consists of six members, two of whom are appointed by the Majority Leader of the Senate, two by the Speaker of the Assembly, and one each by the Minority Leaders. LATFOR’s primary function, as charged by law, is to compile and analyze data, conduct research, and make reports and recommendations to the Legislature in connection with the redistricting of the State Senate, State Assembly, and Congressional districts, based on the 2010 Census.

LATFOR held 23 public hearings across the state, including in each of the three Section 5 covered counties. Following the first round of 14 public hearings, LATFOR publicized a proposed Senate redistricting plan, then held an additional 9 public hearings to gather comments on the proposed plan. In addition, LATFOR encouraged members of the public to create and submit their own plan proposals. The plan proposals submitted to LATFOR are included in **Senate Exhibit 22**.

Throughout the process, LATFOR has maintained a public website. Among other things, the website provides the public with: (1) information on the current districts; (2) information on LATFOR’s proposed plans; (3) answers to frequently asked questions; (4) instructions on how to submit comments or proposals; and (5) calendars, agendas, locations, transcripts, and videos of public hearings. In addition, the website promptly informed the public where and when public hearings and other meetings were scheduled, notified the public when plans were proposed, and provided relevant materials explaining each proposal. The website can be accessed at: <http://www.latfor.state.ny.us>. In addition, LATFOR placed 37 public service announcements in daily newspapers around the state, including newspapers that specifically serve minority communities and foreign language newspapers.

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<sup>1</sup> The New York State Senate and New York State Assembly have compiled a joint appendix of exhibits for their respective preclearance submissions. Exhibits that pertain to both submissions are labeled “Joint Exhibit,” while exhibits that pertain solely to the Senate Plan submission are labeled “Senate Exhibit.” The State Assembly will be submitting its redistricting plan for preclearance in the near future.

**§ 51.27 (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 current plan under which members of the New York Senate have been elected, which was embodied in S.6796-A.11014, Chapter 35 of the Laws of 2002, and S.7300-A.11184, Chapter 38 of the Laws of 2002 (“2002 Plan”), was passed by the Legislature, signed into law by the Governor, and precleared by the Attorney General in 2002. A copy of this law is included as **Joint Exhibit 4**. A block equivalency file of the 2002 Plan is included as **Senate Exhibit 5**. Maps of the 2002 Plan are also included as **Senate Exhibit 6**. The New York Senate elections in 2002, 2004, 2006, 2008, and 2010 were held under the 2002 Plan. *See Exhibit 13* for election returns data for these elections.

**§ 51.27 (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 following reports summarize the changes between the current covered districts under the 2002 Plan and the covered districts under the 2012 Plan.<sup>2</sup>

1. A Plan Components Report for the 2002 Plan with the 2010 Census data, providing a population summary for each district, including the district’s Black Voting Age Population (“BVAP”) and Hispanic Voting Age Population (“HVAP”), as well as the precincts in each district. This report is included as **Senate Exhibit 8**.
2. A Plan Components Report for the 2012 Plan with the 2010 Census data, providing a population summary for each district, including the BVAP and HVAP, as well as the precincts in each district. This report is included as **Senate Exhibit 9**.
3. A Comparison Chart showing the BVAP and HVAP percentages in each covered Senate district under the 2002 Plan with the 2000 Census data, the 2002 Plan with the 2010 Census data, and the 2012 Plan with the 2010 Census data. This chart is included as **Senate Exhibit 10**. Please note that some district numbers change between the 2002 Plan and the 2012 Plan. Those changes are identified below in § 51.27 (n).

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<sup>2</sup> Part XX of Chapter 57 of the Laws of 2010, which was precleared by the Department of Justice on May 9, 2011, requires the Legislature to adjust the Census data for state and local redistricting purposes by removing federal and state prisoners from where they were incarcerated on April 1, 2010. State prisoners are re-assigned to their residence of record prior to incarceration. Federal prisoners are subtracted from the state total and are not re-assigned. In accordance with this law, the Legislature used adjusted data in the creation of new State Senate and State Assembly districts. The Plan Components Reports included with this submission each provide two sets of district demographics: one based on the adjusted Census data and one based on the unadjusted Census data. Memoranda and population summaries explaining the adjustment process are included with the submission as **Joint Exhibit 7**.

**§ 51.27 (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.**

The Honorable Dean G. Skelos,  
Temporary President of the New York Senate  
c/o Michael A. Carvin  
Jones Day  
51 Louisiana Avenue, NW  
Washington, DC 20001  
Telephone: (202) 879-7643  
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Email: macarvin@jonesday.com

**§ 51.27 (e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.**

The State of New York is the submitting authority and jurisdiction responsible for this change. S.6696-A.9525 designates the Temporary President of the New York Senate as the official responsible for making this submission.

**§ 51.25 (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 submission is from the State of New York.

**§ 51.27 (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).**

S.6696-A.9525 was duly enacted by the New York Legislature and signed into law by the Governor of New York.

**§ 51.27 (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.**

The New York Senate enacted S.6696-A.9525 in compliance with its duty to carry out decennial reapportionment and in accordance with the Fourteenth Amendment to the United States Constitution, as interpreted by the United States Supreme Court in *Reynolds v. Sims*, 377 U.S. 533 (1964), as well as other Supreme Court and lower federal court decisions applicable to New York, and also in accordance with Article III, Section 4 of the New York Constitution. S.6696-A.9525 became law after a majority in both houses of the New York Legislature voted to pass the bill and the Governor signed it into law.

**§ 51.27 (i) The date of adoption of the change affecting voting.**

The New York Legislature passed S.6696-A.9525 on March 14, 2012, and the Governor signed it into law on March 15, 2012.

**§ 51.27 (j) The date on which the change is to take effect.**

This Act took effect upon the Governor’s signature on March 15, 2012, and is now subject to the requirement for preclearance, within the three covered counties, pursuant to 42 U.S.C. § 1973c.

Following preclearance, the 2012 Plan will become effective in the three covered counties for the 2012 primary and general elections for the New York State Senate. The schedule for those elections is as follows:

1. State Senate candidates may begin gathering petition signatures on June 5, 2012, N.Y. Elec. Law § 6-134(4), and candidates must file notices of their candidacies and sufficient petition signatures no later than July 12, 2012. N.Y. Elec. Law § 6-158(1).
2. Primary elections will be held on September 11, 2012. N.Y. Elec. Law § 8-100(1)(a).
3. General elections will be held on November 6, 2012. N.Y. Elec. Law § 8-100(1)(c).

**§ 51.27 (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 changes embodied in S.6696-A.9525 have not yet been enforced or administered.

**§ 51.27 (l) Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.**

The changes embodied in the 2012 Plan, S.6696-A.9525, affect the entire New York State Senate, but the 2012 Plan is submitted for preclearance only with respect to the changes affecting the minority populations in Kings, New York, and Bronx Counties because those are the only New York counties covered under Section 5.

**§ 51.27 (m) A statement of the reasons for the change.**

Please see the answer to § 51.27 (h) above. The changes embodied in S.6696-A.9525 were enacted to comply with the United States Constitution and the New York Constitution.

**§ 51.27 (n) A statement of the anticipated effect of the change on members of racial or language minority groups.**

As demonstrated below, the 2012 Plan “neither has 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. 42 U.S.C. § 1973c(a). Under Section 5 of the Voting Rights Act, a redistricting plan impermissibly “denies or abridges the right to vote” if it “has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color [or membership in a language minority group] to elect their preferred candidates of choice.” 42 U.S.C. § 1973c(b). In its 2006 reauthorization of the Voting Rights Act, Congress specified that “[t]he term ‘purpose’ . . . shall include any discriminatory purpose.” 42 U.S.C. § 1973c(c). Congress further explained that Section 5’s aim “is to protect the ability of [minority] citizens to elect their preferred candidates of choice.” 42 U.S.C. § 1973c(d); *see also Beer v. United States*, 425 U.S. 130, 141 (1976) (holding that a redistricting plan violates Section 5 if it “would lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise”).

“The ‘benchmark’ against which a new plan is compared is the last legally enforceable redistricting plan in force or effect.” *Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act*, 76 Fed. Reg. 7470 (Feb. 9, 2011) (*DOJ Guidance*) (citing *Riley v. Kennedy*, 553 U.S. 406 (2008)); *see also* 28 C.F.R. § 51.54(c)(1). The “comparison of the benchmark and proposed plans at issue” is based on “updated census data in each.” *DOJ Guidance*, 76 Fed. Reg. at 7471. In these plans, the “ability of [minority] citizens to elect their preferred candidates of choice” in a district—which is protected by Section 5’s anti-retrogression requirement—“either exists or it does not.” *Id.*

As demonstrated below, the 2012 Plan preserves minority voting strength in all Section 5 covered districts. Most importantly, all of the districts where minority populations are able to elect their preferred candidates of choice remain electable under the 2012 Plan. The 2012 Plan also appropriately adjusts districts to account for minority population shifts over the past decade, and to protect against retrogression in the event that similar shifts occur over the next decade. These necessary adjustments result in increases in BVAP or HVAP in some districts where minorities have an ability to elect their preferred candidates of choice, and reductions in other such districts, but any such reductions are not retrogressive because the minority populations in the districts continue to possess the ability to elect their preferred candidates of choice.<sup>3</sup>

There are four covered districts with a majority BVAP under the benchmark plan. These are Districts 19, 20, 21, and 36. The 2012 Plan preserves majority-black status in all four of these districts and restores majority-black status in an additional covered district—District 18 (now District 25)—which dropped below 50% BVAP during the decade since the 2002 Plan was enacted. Thus, the 2012 Plan contains five majority-black districts. The 2012 Plan also increases the BVAP and preserves electability in District 30, which has a plurality BVAP.

Benchmark **District 18**, which contains population from Kings County, is currently represented by Senator Velmanette Montgomery, an African-American Democrat. Although Benchmark District 18 began the decade at 55% BVAP, it decreased to 48.4% BVAP under the benchmark plan. In the 2012 Plan, this district becomes District 25 and is restored close to its

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<sup>3</sup> All statistics referenced in this section are based on the adjusted 2010 Census data. *See supra* note 2.

2002 BVAP level at 55.2% BVAP. Thus, the 2012 Plan ensures this district will remain electable for the black community both now and over the upcoming decade.

Benchmark **District 19**, which contains population from Kings County, is currently represented by Senator John Sampson, an African-American Democrat. Under the 2010 Census, Benchmark District 19 was composed of 74.3% BVAP. And under the 2012 Plan, Senate District 19 remains a performing minority district with 56.6% BVAP. The BVAP in this District increased considerably (67% to 74.3%) over the past decade, while BVAP decreased in neighboring districts. Thus, the 2012 Plan's reduction in District 19's BVAP was necessary to account for these population shifts and ensure continued electability in other covered districts.

Benchmark **District 20**, which contains population from Kings County, is currently represented by Senator Eric Adams, an African-American Democrat. Over the past decade, Benchmark District 20's BVAP decreased from 57% to 50.4%. The 2012 Plan maintains District 20 as a majority-black district, with 54.9% BVAP, and thus ensures that black voters will continue to possess the ability to elect their preferred candidate of choice in this District.

Benchmark **District 21**, which contains population from Kings County, is currently represented by Senator Kevin Parker, an African-American Democrat. Under the 2010 Census, Benchmark District 21 was composed of 57.7% BVAP. Although District 21 experiences a slight reduction in BVAP under the 2012 Plan, it remains an electable majority-black district at 56.1% BVAP.

Benchmark **District 36**, which contains population from Bronx and Westchester Counties, is currently represented by Senator Ruth Hassell-Thompson, an African-American Democrat. Under the 2010 Census, Benchmark District 36 was composed of 61.2% BVAP. Under the 2012 Plan, District 36 remains a performing minority district with 57.9% BVAP.

The 2012 Plan also preserves electability in **District 30**, a plurality BVAP district in New York County, which is currently represented by Senator Bill Perkins, an African-American Democrat. This District contained 48% BVAP when the 2002 Plan was enacted, but increases in white and Hispanic population lowered the BVAP to 40.8% over the ensuing decade. The 2012 Plan increases the BVAP in District 30 to 42.6% and thus preserves the black community's existing ability to elect its candidate of choice in this District.

Under the benchmark plan there are five districts within the three covered counties where Hispanics can elect their preferred candidates of choice—Districts 17 (now 18), 28 (now 29), 31, 32, and 33. Four of these benchmark districts are majority-HVAP, and the fifth is 46% HVAP. The 2012 Plan preserves electability in all five of these districts, and maintains four majority-HVAP districts, with the fifth district at just barely under majority-HVAP (49.92%).

Benchmark **District 17**, which contains population from Kings County, is currently represented by Senator Martin Dilan, an Hispanic Democrat. District 17 was originally enacted under the 2002 Plan with 54% HVAP but its HVAP had decreased to 46.2% by the time of the 2010 Census. Under the 2012 Plan, this district becomes District 18 and again is a majority-Hispanic district with 51.1% HVAP. Thus, Hispanic voters in this District will continue to

possess the ability to elect their preferred candidate of choice, even if the District experiences similar losses in Hispanic population over the next decade.

Benchmark **District 28**, which contains population from New York and Bronx Counties, is currently represented by Senator Jose Serrano, an Hispanic Democrat. Under the 2010 Census, Benchmark District 28 was composed of 55.5% HVAP. In the enacted Senate Plan, this District becomes District 29. Although District 29 experiences a reduction in HVAP under the 2012 Plan, it remains an electable Hispanic district at 49.9% HVAP, 21.0% BVAP, and 23.2% white voting age population (“WVAP”). This reduction in HVAP, moreover, was necessary to account for population shifts and ensure continued electability in other covered districts.

Benchmark **District 31**, which contains population from New York and Bronx Counties, is currently represented by Senator Adriano Espaillat, an Hispanic Democrat. Under the 2010 Census, Benchmark District 31 was composed of 51.4% HVAP. Under the 2012 Plan, District 31 remains an electable majority-HVAP district at 53.7% HVAP, 9.1% BVAP, and 31.1% WVAP.

Benchmark **District 32**, which contains population from Bronx County, is currently represented by Senator Ruben Diaz, an Hispanic Democrat. The benchmark and enacted HVAP percentages in this District are nearly identical: benchmark District 32 was composed of 60.7% HVAP, while enacted District 32 contains 59.5% HVAP. It thus remains an electable Hispanic district.

Benchmark **District 33**, which contains population from Bronx County, is currently represented by Senator Gustavo Rivera, an Hispanic Democrat. The HVAP in this District increases slightly from 63.0% under the benchmark plan to 65.6% under the 2012 Plan.

**§ 51.27 (o) A statement identifying any past or pending litigation concerning the change or related voting practices.**

There are two pending cases concerning redistricting of the New York Senate. The first case, *Favors v. Cuomo*, No. 1:11-cv-05632 (E.D.N.Y. filed on Nov. 17, 2011), is an “impasse” suit that was filed in the U.S. District Court for the Eastern District of New York. The second case, *Cohen v. Cuomo*, No. 12-102185 (N.Y. Sup. Ct. filed Mar. 15, 2012), was filed in the New York Supreme Court (trial court) for New York County and challenges the Legislature’s application of the state constitution to increase the size of the Senate from sixty-two to sixty-three seats. An earlier case, *Cohen v. NY LATFOR*, No. 12-101026 (N.Y. Sup. Ct. filed Jan. 31, 2012), raised the same challenge but was dismissed on March 9, 2012.

**§ 51.27 (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 why such statements cannot be made.**

The New York Senate submitted the 2002 Plan for preclearance on April 30, 2002. The Attorney General made no objection and notified the State of preclearance on June 17, 2002.



The procedure employed to adopt S.6696-A.9525 was the process constitutionally required for all legislation in New York and is not subject to preclearance.

**§ 51.27 (q) For redistrictings and annexations: the items listed under § 51.28(a)(1) and (b)(1); for annexations only: the items listed under § 51.28(c)(3).**

**(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.**

Please see Senate Exhibits 2, 5, 8, 9, and 10.

**(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.**

Please see Senate Exhibits 3 and 6.

**§ 51.27 (r) Other information that the Attorney General determines is required for an evaluation of the purpose or effect of the change. Such information may include items listed in § 51.28 and is most likely to be needed with respect to redistrictings, annexations, and other complex changes. In the interest of time such information should be furnished with the initial submission relating to voting changes of this type. When such information is required, but not provided, the Attorney General shall notify the submitting authority in the manner provided in § 51.37.**

**ADDITIONAL INFORMATION PURSUANT TO 28 C.F.R. § 51.28**

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

Please see the information for 2002, 2004, 2006, 2008 and 2010, provided in **Joint Exhibit 12**. Registration is provided by voting tabulation district (“VTD”). The VTDs for the 2002 and 2004 data are the VTDs that were used in the 2000 Census, and the VTDs for the 2006, 2008, and 2010 data are the VTDs that were used in the 2010 Census.

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

Other than the prisoner allocation adjustments explained in footnote 2 and **Joint Exhibit 7**, no population estimates were prepared. Please see **Senate Exhibits 8 and 9** for Plan Component Reports for the 2002 Plan and 2012 Plan.

**§ 51.28 (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; (2) The prior and new boundaries of voting precincts; (3) The location of racial and language minority groups; (4) Any natural boundaries or geographical features that influenced the selection of boundaries of the prior or new units; (5) The location of prior and new polling places; (6) The location of prior and new voter registration sites.

Please see the information provided above in **Senate Exhibits 3 and 6**. Otherwise, not applicable.

**§ 51.28 (c) Annexations.**

Not applicable.

**§ 51.28 (d) Election returns.** Where a change may affect the electoral influence of a racial or language minority group, returns of primary and general elections conducted by or in the jurisdiction, containing the following information: (1) The name of each candidate; (2) The race or language group of each candidate, if known; (3) The position sought by each candidate; (4) The number of votes received by each candidate, by voting precinct; (5) The outcome of each contest; (6) The number of registered voters, by race and language group, for each voting precinct for which election returns are furnished. Information with respect to elections held during the last ten years will normally be sufficient; (7) Election related data containing any of the information described above that are provided on magnetic media shall conform to the requirements of § 51.20(b) through (e). Election related data that cannot be accurately presented in terms of census blocks may be identified by county and by precinct.

For election information from the past ten years, by VTD, please see **Joint Exhibit 13**. The VTDs for the 2002 and 2004 data are the VTDs that were used in the 2000 Census, and the VTDs for the 2006, 2008, and 2010 data are the VTDs that were used in the 2010 Census. The race of a candidate is provided when known. Registered voters by VTD for 2002, 2004, 2006, 2008 and 2010 are included in **Joint Exhibit 12**.

For additional information on New York elections, please see the Election Results information from the New York State Board of Elections website at: <http://www.elections.ny.gov>.

**§ 51.28 (e) Language usage.** Where a change is made affecting the use of the language of a language minority group in the electoral process, information that will enable the Attorney General to determine whether the change is consistent with the minority language requirements of the Act. The Attorney General's interpretation of the minority language requirements of the Act is contained in **Interpretative Guidelines: Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups, 28 CFR Part 55.**

Not applicable.

**§ 51.28 (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.**

Please see **Joint Exhibit 14**, which contains media articles dating from the beginning of the Senate Redistricting process in 2011 to the enactment of the 2012 Plan, S.6696-A.9525. Please also see **Joint Exhibit 15**, a media contact list that was used to send information out to different media.

**(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).**

Please see **Joint Exhibit 16**, which contains copies of all public notices and **Joint Exhibit 17**, which contains all press releases sent to media contacts.

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

Please see **Joint Exhibit 18**, which contains transcripts of all statewide public hearings.

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

Please see **Senate Exhibit 19**, for a transcript of the Senate proceedings leading to passage of the 2012 Plan on March 14, 2012. For digital video recordings of the legislative sessions, please see the separate DVD included as **Senate Exhibit 20**.

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

For comments from the general public, please see **Joint Exhibit 21**. Additionally, for the

redistricting plan proposals that were submitted by interested parties, please see **Joint Exhibit 22**.

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

Please see answer to § 51.28 (f)(4) above.

**§ 51.28 (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.**

Simultaneous with this filing, a press release is being issued and a public notice sent to all interested parties containing the information in **Senate Exhibit 23**, which informs the public that the New York Senate has submitted its Senate Redistricting Plan to the United States Attorney General for preclearance and that a duplicate copy of the Senate's submission is available for public inspection at the LATFOR offices and on LATFOR's website at: <http://www.latfor.state.ny.us>. This notice also informs the public that any comments on the 2012 Senate redistricting plan should be labeled on the first page and envelope with the notation "Comment under Section 5 of the Voting Rights Act" and sent to:

Chief, Voting Section  
Civil Rights Division  
U.S. Department of Justice  
Room 7254 – NWB  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

**(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.**

All of the electronic information contained with this submission is provided on the LATFOR website at: <http://www.latfor.state.ny.us>.

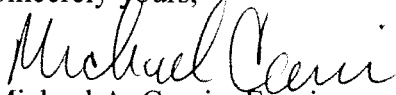
**§ 51.28 (h) Minority group contacts. For submissions from jurisdictions having a significant minority population, the names, addresses, telephone numbers, and organizational affiliation (if any) of racial or language minority group members residing in the jurisdiction who can be expected to be familiar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

Please see **Joint Exhibit 24**, which contains the names and contact information for minority groups and individuals who have been active in the redistricting process.

The Senate wishes to complete the preclearance process as expeditiously as possible. Please let me know if you should require any additional information or if you have any concerns that we need to address.

With best wishes, I am,

Sincerely yours,

A handwritten signature in black ink that reads "Michael Carvin". The signature is written in a cursive style with a large initial "M".

Michael A. Carvin, Esquire

*On behalf of*

Dean G. Skelos

Temporary President, New York Senate