

In Re City of NY Virtual Public Meeting for Training on Racial
Bloc Voting Analysis
August 11, 2022

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PUBLIC MEETING
CITY OF NEW YORK 2022-2023
DISTRICTING COMMISSION

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August 11, 2022
10:04 a.m.

RACIAL BLOC VOTING SEMINAR
Held Virtually via Zoom

Court Reporter: STEPHANIE O'KEEFFE

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APPEARANCES:

Dr. John Flateau, Executive Director
Joseph Maligno, Deputy Executive Director
Dennis Walcott, Chair
Yovan Samuel Collado, Commissioner
Hon. Marilyn Go, Commissioner
Kevin Hanratty, Commissioner
Msgr. Kevin Sullivan, Commissioner
Maf Misbah Uddin, Commissioner
Michael Schnall, Commissioner
Kristen Johnson, Commissioner
Marc Wurzel, Commissioner
Darrin Porcher, Commissioner
Lisa Sorin, Commissioner
Marie Mateo, Commissioner

Presenter
Dr. Lisa Handley

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CHAIR WALCOTT: I just want to,
before we ask for the roll call, to
report that pursuant to the Governor's
Emergency Executive Order on COVID-19
protocol, we are meeting -- convening
this all-virtual public meeting. So,
it's a pleasure to welcome all of you,
both to Commissioners, to our
fantastic staff, and to the public,
who is watching as well.

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My name is Dennis Walcott, and I
have the honor to be the chair, but
more importantly, just one of fifteen
members of the Commission.

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And with that being said, I'd
like to call on our Deputy Executive
Director, Joseph Maligno, to give the
roll call, please.

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MR. MALIGNO: Good morning,
everyone. I'm going to conduct the
roll call now.

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Dennis Walcott?

CHAIR WALCOTT: Present.

MR. MALIGNO: Yovan Samuel

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Collado?

MR. COLLADO: Present.

MR. MALIGNO: Honorable Marilyn
Go?

MS. GO: Present.

MR. MALIGNO: Kevin Hanratty?

MR. HANRATTY: Present.

MR. MALIGNO: Maria Mateo?

(No response.)

MR. MALIGNO: Joshua Schneps?

(No response.)

MR. MALIGNO: Lisa Sorin?

(No response.)

MR. MALIGNO: Monsignor Kevin
Sullivan?

MONSIGNOR SULLIVAN: Present.

MR. MALIGNO: Kai-Ki Wong?

(No response.)

MR. MALIGNO: Maf Misbah Uddin?

(No response.)

MR. MALIGNO: Michael Schnall?

MR. UDDIN: Present. Present.

MR. SCHNALL: I'm present, too.

MR. MALIGNO: So that was

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present for Michael Schnall and Maf
Uddin?

MR. UDDIN: Yes.

MR. SCHNALL: Yes.

MR. MALIGNO: Kristen Johnson?

MS. JOHNSON: Present.

MR. MALIGNO: Gregory
Kirschenbaum?

(No response.)

MR. MALIGNO: Mark Wurzel?

MR. WURZEL: Present.

MR. MALIGNO: Darrin Porcher?

MR. PORCHER: Present.

MR. MALIGNO: That is the end of
roll call.

CHAIR WALCOTT: Thank you, sir.

And all of you have received the
minutes beforehand, if there are any
foundations for corrections, we'll
entertain that. If not, can we have a
motion to --

MR. UDDIN: So moved.

CHAIR WALCOTT: So moved.

Is there a second?

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MR. PORCHER: Second the motion.

CHAIR WALCOTT: Thank you,
Doctors. There is a second.

All those in favor, please say
aye.

(Chorus of ayes.)

Any opposition?

If not, it is passed that we
accept the minutes.

(Reporter asks for clarity.)

CHAIR WALCOTT: Thank you for
clarifying, Court Reporter.

MR. UDDIN: This is Maf Uddin.

MR. PORCHER: And it was Darrin
Porcher that seconded the motion.

CHAIR WALCOTT: Thank you very
much.

Any time I go too fast, or we go
too fast, please let us know because
also, we are having, as usual, our
meeting transcribed. So, again, thank
you for asking the question.

With this, I would like to turn
it over to our great Executive

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Director, Dr. John Flateau, because this is a very unique meeting, and we're excited to have people watching us on YouTube, as well, in addition to the commissioners.

And then at the end of the presentation, we will have the opportunity for the commissioners to have Q&A, and while the presentation is taking place and also Dr. Flateau is talking, if we can mute our mics, so that way we don't have any background noise.

With that being said, Dr. Flateau, the floor is yours.

DR. FLATEAU: Thank you, Chair Walcott and Districting Commission.

The Districting Commission, at its July 15th meeting, approved the public release of the preliminary plan. The Commission utilized several inputs, including legal guidance framed by the federal voting rights laws, state laws, City Charter, census

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data, other research, five public hearings, and other inputs, to assist the Commission in producing the preliminary plan.

A very important research tool which also assists the Commission's important City Council redistricting work is known as Racial Bloc Voting analysis, or RBV. This Racial Bloc Voting methodology uses statistical regression analyses and diagnostics on the preliminary plan maps and districts, as well as on subsequent draft maps, to ensure that proposed New York City Council districts are constructed to be in compliance with voting rights and other important requirements.

Our Districting Commission is fortunate to, again retain a national expert on RBV analysis. A renowned social scientist, Dr. Lisa Handley, PhD, who also served as the 2013 Districting Commissioner's expert,

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providing this similar research and guidance for New York City's very same current City Council districts; she ably assisted by Sid Parker, our own senior data manager.

Dr. Handley is statistically analyzing five years of voting patterns of more than 150 municipal and state elections for this ongoing RBV analysis.

Jeff Wice, the Commission's special counsel for redistricting, a national expert who advised the 2013 Commission as well, he is now advising our Commission on federal, state, and local redistricting and voting rights laws, along with the New York City Law Department and our general counsel, Grace Pyun.

I have academic training in this field as well and have served on a number of redistricting commissions. I'm honored to serve as your executive director with our great Commission

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staff on this important work.

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At this time, I am pleased to
present Dr. Lisa Handley, PhD, who
will now conduct, for our Commission
and for the public, an information
seminar on Racial Bloc Voting analysis
and its application to the New York
City Council redistricting process.

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Dr. Handley.

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DR. HANDLEY: Good morning. Can
you hear me?

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DR. FLATEAU: Yes.

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DR. HANDLEY: I would like to
share my screen because I have lots of
statistics to show you but -- I'm only
teasing.

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You have a very challenging task
in front of you, and I want to spend a
little bit of time today talking about
one bit of it.

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(Whereupon, a document was
displayed on the share screen for
all parties to view.)

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Can you see my screen? Yes.

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What I want to talk about is how to determine if any redistricting plan that you draw, any proposed plan complies with the Voting Rights Act or not.

When you have a whole lot of redistricting criteria that you have to balance, and this slide shows some of these, but this is not an equal balancing act. Some of these are more important than others. Some are going to get you in federal court if you don't comply.

So the triangle behind this list is meant to show that some things, like the U.S. Constitution and the Federal Voting Rights Act trump some things below that, like the New York City Charter. And, in fact, near the top of that triangle is the Federal Voting Rights Act of 1965.

Now, you also have to pay attention to all of these other criteria, but the only one that's

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2 going to actually trump it is going to
3 be equal population. So, for example,
4 you couldn't draw districts that did
5 not comply with equal population in
6 order to create minority districts or
7 districts that would elect
8 minority-preferred candidates. But
9 you can't say, we're going to, for
10 example, keep this community of
11 interest intact, if doing so would
12 violate the Voting Rights Act.

13 So here are the criteria that
14 you have to pay attention to. And
15 again, a particularly important one is
16 complying with the Federal Voting
17 Rights Act, that you cannot dilute
18 minority votes. And now this is also
19 incorporated into New York State law
20 with the recently passed John Lewis
21 Voting Rights Act.

22 So the Voting Rights Act of 1965
23 used to have more sections than it
24 does now. Section 2 is the section
25 that we're going to pay attention to

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today. It prohibits any voting
standard practice or procedure,
including a redistricting plan, that
results in the denial or dilution of
minority voting strength.

The section that the Superior
Court held as unconstitutional not
very long ago was Section 5. When I
was involved with New York
redistricting ten years ago, not only
did you have to make sure that the
plan complied with section 2 or you
would be sued, you had to submit the
plan to the Department of Justice
because three New York City boroughs
were actually covered by Section 5,
and the Justice Department would have
to pre-approve them before you could
put them into place.

So ten years ago, we drew plans,
you chose the plan, we submitted it,
and we had to wait for the Justice
Department to give the okay before you
could actually enact it. This time,

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you don't have that process to go through. But, of course, if you don't comply with section 2 of the Voting Rights Act, you will -- at least, you can be sued and you can lose.

Now, one important thing about Section 2 is that it looks at the effect of the plan and not the intent behind the drawers of the plan. So you can put into place a plan that you don't intend will discriminate, but if it has the effect of discriminating against voters, it will be declared illegal.

Same is true of voters. You may have voters that vote differently, but it doesn't mean that they're prejudiced and they're not willing to vote for other people. You don't have to show that for people of other racial or ethnic groups. You just have to show that by voting for the candidates that they do support, this means that the candidates that are

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preferred by minority -- by minority
voters are defeated.

So a redistricting plan that
violates the Voting Rights Act is one
that either cracks or packs or
submerges a geographically
concentrated minority community across
districts.

Now, in the upper right-hand
corner is an example of a District
that cracks a minority community. You
see the pink, the salmon color, is a
geographically concentrated minority
community. And what's happened is,
the lines have been drawn in such a
way that the community is spread
across five districts so that they
never make up more than 35 percent of
a district and, therefore, cannot
elect a candidate of choice in any of
these districts.

The example below that, is an
example of the plan that packs a
community into a single district. Now

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2 in this particular example, it created
3 a district that's a hundred percent
4 pink, and so they will be able -- this
5 district will be able to elect the
6 pink candidate of choice, but they
7 will have no impact on any of the
8 other districts. And this minority
9 community is probably large enough to
10 be able to elect the candidates of
11 choice in two communities, but it was
12 not drawn that way. They were packed
13 into a single community, so they could
14 only elect one candidate of choice.

15 Now, these examples are examples
16 that we have seen over and over again.
17 We end up in court a lot of times with
18 exactly this kind of situation.

19 Okay. In 1982, the Voting
20 Rights Act of 1965 was amended. And
21 it was amended to make it clear that
22 the intent of the line drawers didn't
23 matter, what only mattered was the
24 effect of the plan and whether it
25 diluted minority votes. Whether it

1
2 was intentional or not.

3 In 1986, a Supreme Court case
4 called Thornburg v. Gingles actually
5 told us how to determine if a plan
6 diluted minority votes in a way that
7 violated section 2. And the Superior
8 Court put out what's called the three
9 prong test.

10 First, the minority group must
11 be sufficiently large and
12 geographically compact to form a
13 majority in a single-member district.
14 Second, the minority group must be
15 politically cohesive. Third, whites
16 must vote as a bloc to usually defeat
17 minority-preferred candidates.

18 So, in terms of the first prong,
19 what that has meant over time in court
20 cases that followed Thornburg, we now
21 know that by sufficiently large, we
22 mean the group must be able to make
23 up, if you're talking about black
24 votes, 50 percent of the black voting
25 age population. You can create

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2 another -- a district or another
3 district that had at least 50 percent
4 black voting age population. With
5 Hispanics, we think it's citizen
6 voting age population. The 5th
7 Circuit has not decreed that, but, for
8 example, the 9th Circuit and the 5th
9 Circuit have both said, it's not
10 voting age population, it's citizen
11 voting age population.

12 Geographically compact, well,
13 you don't have to draw a district that
14 strings across the state, but we don't
15 really have a definition of
16 geographically compact, other than the
17 old inner ocular case, let's look at
18 it and make sure that it doesn't look
19 funny.

20 By minority group being
21 politically cohesive, meaning the
22 minority group, if given a district,
23 would actually support the same
24 candidate, it wouldn't make sense to
25 create a district in which the

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minority group wasn't cohesive and
wouldn't support a single candidate.
So it means that they are voting for
the same candidate.

And finally, in terms of white
bloc voting, what we mean is, they
don't have to bloc vote for a single
nother (sic) candidate, they just have
to not support the minority-preferred
candidate in such a way that the
minority-preferred candidate is always
losing.

So how do we know these things?
What we do is a racial bloc voting
analysis. A racial bloc voting
analysis is a way to estimate the
voting patterns of white voters and
minority voters to determine if the
minority voters are politically
cohesive and determine if whites are
bloc voting against this.

So this is what I did here in
New York. This is what I did ten
years ago. This is what I do in

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hundreds of jurisdictions across the country. I do a racial bloc voting analysis, and estimate how white voters and minority voters are voting.

What's required is two pieces of information. Again, we don't know from the ballot, the race of the voter. So we need to do some analyses, and do it at an advocate level. We look at election precincts or, what are called election districts here in New York. And we're going to look at patterns across election districts.

We need to know the racial composition of these election districts, and we need to know the voting patterns of these election districts. And we're gong to look for patterns across these election districts or precincts.

The easiest way to do this would be something called homogenous precinct analysis. And this is, we

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would look at precincts that we know,
for example, all of the voters are
black voters or all of the voters are
Hispanic voters or all of the voters
are white voters or all of the voters
are Asian voters, and we would compare
who they're supporting in any
particular election and see if there's
differences.

And I always do this kind of
analysis, but first of all, most
precincts aren't homogeneous. And
second of all, voters who live in
these overwhelmingly one-race
precincts might vote differently than
voters who live in more integrated
precincts.

So here are the two statistical
techniques that are used. Now, these
have been used since the 1980s and
1990s. Ecological regression analysis
was developed, actually, in the 1970s.
And it was used by the expert in the
Thornburg v Gingles in 1982. So it's

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been around for a long time.

And ecological inference was developed in the 1990s and has gone through various iterations. And both of these are well accepted by the courts. Any voting rights case will include this kind of statistical analysis. Ecological simply means that we're not doing -- looking at, like, individual surveys, we're looking at an area. In this case, a precinct.

Okay. So these are the two kinds of analysis that I did, and I'm going to explain them.

The first one, the one that's been around the longest, is ecological regression. Now, this is a county in Georgia. And this is the election in 2021, the runoff, that included Raphael Warnock.

Now, in Georgia, we actually know turnout by race. Here, in New York City, we do not. So, here in New

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2 York City, that horizontal access
3 would not be "proportion black
4 turnout." It would be "proportion
5 black of the voting age population."
6 But Georgia, we can get a lot closer
7 to the data because they actually
8 collect registration data. When you
9 go register to vote, you indicate your
10 race, and then we can go back and look
11 at the voter list to see the
12 proportion of blacks that -- the black
13 voters that turned out in any given
14 election.

15 Each of these points on this
16 diagram are election precincts. So,
17 for example, this point would be an
18 election precinct in which about 25
19 percent of the turnout was -- or about
20 30 percent of the turnout was black
21 voters and about 40 percent of the
22 vote went for Warnock.

23 So, you can see a clear pattern
24 here, I presume. You can see that, as
25 the proportion of black turnout

1
2 increases, the proportion of votes for
3 Warnock increases dramatically. And
4 we're going to use that pattern to
5 estimate how many whites voted for
6 Warnock and how many black voters
7 voted for Warnock.

8 Okay. So, this was the standard
9 up until Gary King, a professor at
10 Harvard, developed a new methodology
11 called ecological inference. The main
12 reason that he did that was, there is
13 a problem with ecological regression,
14 in that, if voting is very polarized,
15 as in this particular example, you can
16 get estimates of, say, negative five
17 percent of whites voting for Warnock
18 and a hundred and five percent of
19 blacks voting for Warnock. So this,
20 obviously didn't happen, and we would
21 tend to round them down and say a
22 hundred percent and zero percent. But
23 Gary King came up with a new method
24 that avoided that problem altogether,
25 and that's called ecological

1
2 inference. And this is a lot more
3 complicated.

4 This is called a tomographic
5 plot. Here, instead of every point
6 being a precinct, these lines are
7 precincts. And it's showing you every
8 possible, conceivable relationship
9 given the number of black voters and
10 the votes for Warnock that could have
11 occurred and produced that particular
12 result in that particular in the
13 particular -- in that particular
14 precinct.

15 So, all of these lines are
16 precincts, or election districts as
17 you call them here. And then we do a
18 fancy thing calling maximum likelihood
19 statistics to come up with the
20 strongest grouping of where the
21 estimates are likely to be. And you
22 can see along this line (indicating),
23 this is where the heaviest
24 concentration of this tomographic plot
25 occurred we can estimate that Warnock

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go between 80 and hundred percent of
black votes using this process.

So when I do this analysis,
typically what I do is, I report the
results of both methodologies because
they both approach the question
slightly differently. And I also
actually use homogenesis precinct as
well because these are three different
methods and presumably, they're going
to come up with estimates very close
together.

Now, if they don't come up with
estimates very close together, we
think that we don't really know who
voted and we -- who voted for who, and
we say it's inconclusive. But when
you come up with estimates like this,
you can see that the estimate for this
county is, using ecological
regression, 94.9, using ecological
inference, 94.4 percent of black
voters supporting Warnock. While, in
terms of white voters, you can see

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2 that 23.5 percent and 25.5 percent.
3 So our estimate doesn't matter exactly
4 the percentage, we can just clearly
5 see from this that black voters are
6 strongly supportive of Warnock and
7 white voters are strongly in support
8 of his white opponent, I forgot
9 Loeffler's first name, but his white
10 opponent. So this contest is racially
11 polarized. In this instance, black
12 voters and white voters supported
13 different candidates.

14 Now, this happens to be a county
15 in which Warnock won. In fact, you
16 remember Warnock won the state.

17 So we also have to pay attention
18 to, not only the voting patterns, but
19 is the black preferred candidate
20 winning or losing.

21 This is what I've been doing for
22 the last few months here in New York
23 City, looking at hundreds of contests
24 to determine -- here in Georgia, there
25 are two racial groups that you're

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2 interested in. You're interested in
3 whites and blacks. It's more
4 complicated in New York because we
5 have all -- there are six protected
6 groups -- five protected groups under
7 the Voting Rights Act, and three of
8 them are here. You have Hispanics,
9 you have black voters and you have
10 Asian voters. We have to pay
11 attention to what all of those voters
12 are doing. So this is a very complex
13 statistical problem to figure out, not
14 only how each group is voting in each
15 of these elections, okay.

16 Okay. Back in 2013 -- or 2012,
17 I think in this analysis, I determined
18 that voting was polarized. That black
19 voters, Hispanic voters, Asian voters,
20 and white voters typically voted for
21 different candidates. It wasn't
22 necessarily true in the general
23 election, although, it is true, for
24 example, in Staten Island, and Queens,
25 and some areas of Brooklyn. But it's

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almost always true in the Democratic primary, that each of these groups prefer different voters -- different candidates.

What that means is, if you have polarized voting, then you have to make sure that you create districts that give minority voters an opportunity to elect their candidates of choice. And if they already exist, and you have quite a number of them here in New York City, they should be maintained so that they continue to allow minority voters to elect their candidates of choice.

Now, I look at each group individually, but in some areas, and in particular in general elections, you will find, for example, that blacks and Hispanics might vote similar. But each group is considered separately, and then, at the end of the process, you might consider whether you're going to draw what's

1
2 called a coalition district or not.
3 But, typically, you have to show that,
4 let's say, a coalition district is
5 going to be a black and Hispanic
6 district. You have to show -- for it
7 to be required by the Voting Rights
8 Act, you have to show that black
9 voters and Hispanic voters typically
10 support the same candidates.

11 Okay. So in 2013, as I said,
12 voting was polarized and you did have
13 to create, or maintain, minority
14 districts. This was done. The plan
15 was submitted to the Department of
16 Justice. And it was precleared, and
17 you did not get sued. And you want to
18 do the same thing this time around, I
19 assume.

20 How do we tell if a district is
21 going to provide minority voters with
22 an opportunity to elect? The first
23 thing you can't do is say, "Okay. I'm
24 just going to create all these fifty
25 percent bloc voting age population

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2 districts" because sometimes you
3 don't -- well, first of all, it
4 violates the Constitution. In a case
5 in 2015, that was called racial
6 gerrymandering. You have to look at
7 each district individually, and you
8 have to look -- you have to do a
9 district-specific functional analysis
10 and actually look at voting patterns
11 in that district to determine if the
12 candidates choice of minority voter
13 should be elected. So, you're not
14 going to work with an arbitrary
15 demographic target like fifty percent
16 black voting age population.

17 And this is a good thing
18 because, it turns out, for example,
19 in -- in the state of Ohio, turns out
20 that if you're in northern Ohio, if
21 you're up near Cleveland, you don't
22 need a 50-percent district, you could
23 have a 45-percent district because you
24 have enough white voters who are
25 willing to vote for black candidates,

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that candidate will get elected. But if you're in Southern Ohio, down near Cincinnati, it turns out that you would need a 50-percent.

And sometimes, like in a case I worked on in Arkansas, 50 percent is not enough if black turnout is depressed and virtually no whites will vote for a black candidate, sometimes you need 55 percent.

So, we want to take into account things like turnout -- the relative rates of turnout. And we want to look at how much white crossover voting we might expect, or how much voting of any of the groups we might expect for the candidates of choice.

So, what I've done through this racial bloc voting analysis is, I have identified what are called bellwether elections. And these bellwether elections will help us to determine if the proposed districts will actually elect minority-preferred candidate. A

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2 bellwether election is a racially
3 polarized election in which white
4 voters preferred a different candidate
5 than if we were looking at creating
6 black BAP districts and black voters
7 supported. And we're going to take
8 this previous election and we're going
9 to see what would happen in that
10 previous election -- in that previous
11 polarized election under the new
12 proposed district boundaries. We want
13 to see if the candidate preferred by
14 black voters or Hispanic voters
15 actually carries that district, and we
16 want to see that across a series of
17 elections. And if the black voters
18 are successful in electing their black
19 preferred candidate over time and over
20 these series of elections, we can
21 assume that we have a district that
22 will provide black voters with an
23 opportunity to elect their candidates
24 of choice.

25 And again, this doesn't

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necessarily mean that it's a black voting age population district of 50 percent, it might be less, it might be more.

Now, if you want to bring a section to suit, if a plaintiff group wants to sue, they have to show that they could draw an additional -- I'm going to use black voters as the example here, but a district that has at least a black voting age population of 50 percent. But you don't have to draw districts that are 50 percent. You just have to draw districts that are opportunity districts.

So with black voters, sometimes -- in fact, quite often, it doesn't have to be 50 percent. On the other hand, with Hispanic voters, it turns out, it quite often needs to be more than 50 percent.

So, that's what we're going to be doing here. That's what we've been doing. What I've been doing is doing

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the racial bloc voting analysis.
Determining if voting is polarized.
And then, taking these bellwether
elections, looking at whether the
candidates of choice of each of these
groups are winning the proposed
district.

That is all I have. And I would
look to answer your questions, if you
have any.

CHAIR WALCOTT: Thank you,
Doctor, much appreciated.

With that being said, if we can
put it up to our Commission for
questioning. And also, Doctor, if you
can -- there you go, we can see you.

Commissioners, the floor is
yours.

Judge.

MS. GO: What was your role in
helping review the maps that were
created and released in July?

DR. HANDLEY: What I did was --
at this point the racial bloc voting

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analysis hadn't been completed. But using the information that I had, I used some bellwether elections to determine if we had effective minority districts or not.

CHAIR WALCOTT: Judge, do you want to follow-up?

MS. GO: Now that you have completed your analysis, would your review be different at this point?

DR. HANDLEY: It would be more detailed.

MS. GO: And is there a report that you made?

DR. HANDLEY: I will be writing a report, yes.

MS. GO: Okay.

CHAIR WALCOTT: Yeah, the process will be, Judge and the Commissioners and the audience, that we will be receiving a report, and so we'll let folks know when the report is complete. But that will be the next step in the process as well.

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Other Commissioners?

MS. JOHNSON: Hi there. I wonder if you can answer this question, though. How many years back did you look when looking at bellwether elections?

DR. HANDLEY: To 2017. So, we have 2017 and 2021, when we're talking about citywide and borough-wide contests. I also looked at a couple of contests that occurred in 2019 and 2022. But the furthest back I went was 2017.

CHAIR WALCOTT: Commissioner Johnson, follow-up?

MS. JOHNSON: Not right now. Thank you.

CHAIR WALCOTT: Alright. Also, just for the individual who is transcribing, with any commissioner, can you identify yourself, so that way she can record it efficiently.

So prior to that was Judge Go. And this is Commissioner Johnson.

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Other commissioners?

MR. UDDIN: Yes, Mr. Chair, I
have raised my hand.

CHAIR WALCOTT: Jump on in, sir.

MR. UDDIN: Okay. Good morning.
This is Maf Uddin.

Dr. Lisa Handley, thank you very
much. It's a very good presentation.
And I think we have learned more than
what we knew until we had the district
analysis before.

So, now, in your explanation on
tomographic plot, based on the Georgia
election, Warnock, you know,
re-election, I understand that. I
don't know how important for us to
know what black people votes majority
or not for their own candidate.

The important part that I think
you mentioned, or that I understood it
right is this, you said that the black
voting district are voting for black
candidate, we must try to maintain
that district. In our situation that

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we have experienced, that in order to
accommodate additional census-related
population within that district, it
will be difficult to maintain such.

Is it that we must, or it is
also allowable that in some places,
you may have to increase non-black
population in this case, or bring down
within that district, black population
to accommodate other districts'
numbers? Those things are allowable,
or those things are not allowable as
far as your explanation was concerned?

DR. HANDLEY: You are not
required to draw a district if it's
impossible to draw the district. If
the district would have to be
extremely strange in shape, for
example, or if you were losing
population. For example, in Alaska,
where they're losing Alaskan Native
population in general, but it's moving
into Anchorage and it's hard to draw
districts. If you can't draw a

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district, you can't maintain the same number of districts, then, of course, you don't have to. You can't. The law does not require you to draw strange non-contiguous districts in order to do that.

 If population is shifting in such a way that you're losing population and you cannot maintain a, say, an Asian district in South Manhattan because you're gaining white population and losing Asian population, then you just can't do it. I mean, it is -- the law isn't going to require you to do something it's not possible to do. At least not possible without creating strange, you know, noncontiguous districts. It's just not going to be required.

 On the other hand, New York City has been -- has lost a little white population, lost a little black population, and the Asian population has grown enormously. And I should

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probably leave this up to the lawyers,
but you -- I feel that you are going
to be obliged to draw at least one, if
not two, Asian districts to recognize
this demographic shift in the increase
in the Asian population.

MR. UDDIN: So, I think that the
way I now got the clearance from your
answer, so, so far the way we are, you
know, plotting, or doing this, we are
almost following all the rules and
regulations that you mentioned.

And of course I agree with you
and we always -- all did that more
than half 629,000 are Asian
population. If there would have been
new district creation, there would
have been at least two Asian districts
so -- and I think that is why in our
draft, we are have one Brooklyn,
district was almost 57 percent of
Asian district was there, which was
not there before.

So the issue that was my concern

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that I think we have heard some of the complaints that the -- especially where there is people has been electing they own people, own minority, ethnic-based people are now, with this accommodation of the increased population, has shifted their district, either it has increased or it has decreased.

So that is the concern, I think, that we will be addressing the way you just answered, that wherever possible, we will do that, wherever not possible, we must do the way you just gave the answers.

Thank you very much.

CHAIR WALCOTT: Thank you, Commissioner.

Other commissioners?

MR. SCHNALL: Dr. Handley, I have a follow-up for you.

CHAIR WALCOTT: Michael Schnall.

MR. SCHNALL: Yes. Hi. Mike Schnall, representing Staten Island.

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2 So following Maf's questioning
3 about the South Brooklyn District.
4 There was a District 38, which had --
5 it had a plurality of Latino voters
6 but -- and slightly less percentage of
7 Asian voters. They voted for a Latino
8 elected official.

9 When you look at District 1 in
10 Manhattan, it has a plurality, or even
11 a majority of Asian voters and yet,
12 they elected a Latino elected official
13 in 2021. Prior to that, had elected
14 an Asian elected official.

15 How do you deal with a community
16 that is inconsistent in the way in
17 which they vote? Meaning, you talked
18 about black communities overwhelmingly
19 voting for black candidates. But if a
20 community, like the Asian community,
21 sometimes votes for Asian candidates,
22 sometimes votes for white candidates,
23 sometimes votes for Latinos or others,
24 how does that square up with this
25 analysis?

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DR. HANDLEY: Well, first I have to correct you about District 38. What you're describing is not correct. District 38 was a plurality Hispanic district when it was drawing, but it is now plurality Asian district.

And the candidate who was elected is supported by Hispanics, but not by Asians.

MR. SCHNALL: I apologize. Thank you for correcting me.

DR. HANDLEY: So, but it -- when you're drawing a district, you want to make sure that the group that you're incorporating in the district is cohesive. So, let's say you decide that you wanted to draw a Hispanic district, but you know in this particular area, Hispanics are Puerto Rican and they support a different set of candidates, and another area where, they're -- let's say they're Latinos from Mexico and they support a different -- you would want to try and

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keep those districts as separate
districts, if you could.

I mean, it is true that groups
will vote differently. I mean, not
all the black voters across the state
will support all black candidates.

MR. SCHNALL: And generally, I
mean, I think the work of the
Commission reflects this, that the
vast majority of the districts that we
drew adhered to the -- or close to the
existing lines that were drawn back in
2012/2013.

Do you see other instances
across the country, in your
experience, where districts are drawn
from whole cloth to create a majority
of an ethnic group, or is the majority
of the work to tinker with the lines
to increase the plurality or the
majority?

DR. HANDLEY: There are examples
of both across the country, and
sometimes it's good and sometimes it's

1
2 bad.

3 Let's say, for example, you had
4 a plan in place that didn't recognize
5 the number of black voters in the
6 state, and you redrew that plan and it
7 still didn't recognize the black
8 voters and it wouldn't have been a
9 good idea to adhere to the old lines.
10 But in another example, let's say the
11 population shifted, I gave Alaska as
12 an example, they're maintaining -- it
13 didn't matter what you did, whether
14 you redrew it or whether you stayed to
15 the old lines as closely as possible,
16 just tinkering around the edges to
17 meet one person/one vote, you weren't
18 going to get another Alaskan Native
19 district.

20 So, you know, the circumstances
21 change, but you cannot use typing the
22 current districts as closely aligned
23 with the previous district as an
24 excuse not to meet the Voting Rights
25 Act. That's what you cannot do.

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MR. SCHNALL: Right. However,
to your point, if a district like 38
has a plurality or even a majority of
Asian voters, it is not required of us
to get them over 50 percent, right?
We can -- the requirement is not 50
percent plus one. The requirement is
a demographic that allows them to vote
for the candidate that they'd like to
likely win, not guarantee that they
have over 50 percent and guarantee
that their candidate wins; am I right
on that?

DR. HANDLEY: You are right.
But the Asian voters are not electing
their candidate of choice in 38,
they're not. So that's not a good
example.

MR. SCHNALL: But you said in
New York, we don't have the type of
data that they provided in Georgia, so
we don't know, in fact, that Asian
voters are not voting. We can't know
if Asian voters are voting for Latino

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candidates, black candidates, white
candidates, or Asian candidates. We
do know who wins, but we don't know
the make up of the voters who actually
voted, correct?

DR. HANDLEY: The whole point of
this was to tell you exactly what
you -- we do know. That's what I did.
I did an estimation, and I can tell
you that Asian voters did not support
the representative in District 38.

This analysis is done all the
time. In Georgia, you have turnout by
race, but in most jurisdictions, you
don't. You have what you have here
and that's voting age population.

So what I have done here is an
analysis of voting patterns. I can
tell you how Asians are voting and who
they're supporting. I can tell you
who blacks are -- black voters are
supporting, I can tell you who
Hispanic voters are supporting.
That's the whole purpose of the

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analysis that I just did.

MR. SCHNALL: Okay. Great.
Thank you. I appreciate your time and
your expertise and looking forward to
your report.

CHAIR WALCOTT: Thank you for
the questions.

Other commissioners?

MS. SORIN: If I may, it's Lisa
Sorin. How are you?

CHAIR WALCOTT: Ms. Sorin,
Commissioner.

MS. SORIN: Please forgive me, I
am a little bit confused. So the
analysis will be released when?

I guess, backtracking my
question, how do we know that when we
drew the lines, based on so many
conversations maintaining the
percentages as we saw based on the
census, that we followed the law based
on your analysis? Does it mean we go
back to the drawing board if your
analysis doesn't match the work that

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we all did because we may not have followed the law based on the analysis?

I guess I'm a bit confused as to, if we were doing it based on the census demographics, communities of interest, and keeping within the percentages, which took many hours, if your analysis contradicts what we have done, do we then go back to the drawing board and start from scratch and re-educate our residents about what we may have done wrong?

It's a loaded question, I know.

DR. HANDLEY: I see no need to go back to the drawing board and start all over again. I think there is room for improvement. But I also think that you're not only going to get input from me, but you're going to get input from the community, and so you're going to, most likely, change some of the plan anyway. But I don't see a whole lot of, let's start all

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over from scratch, kind of effort in
this.

MS. SORIN: Okay. I guess, the
reason I say is because I have heard
the rumblings of some elected or
residents who say we may not have
followed the regulations as they're
supposed to be. You know, whether
it's frustration, or personal
frustration or legality, but they use
the word legal, right, or the
transparency and used the fact of the
chaos that happened at the State.

So I guess my personal concern,
and I can imagine -- I don't want to
speak for my colleagues, my other
Commissioners, but I guess it would
concern me that if we didn't know a
piece that we may not have been
following legally, right, based on the
analysis, that it would concern me
that we didn't have all the
information prior to drawing the
lines.

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2 And I may be wrong. This is
3 really coming from an area of not
4 totally understanding why we're
5 listening to -- and please forgive me,
6 it's not meant for -- listening to
7 something so drastically important
8 after the first draft has been
9 released. And, you know, maybe there
10 is not an answer, but I -- you know,
11 I'm really trying to understand the
12 process for the best interest of the
13 residents.

14 We're being asked to participate
15 in these community meetings, and I
16 just want to make sure that the
17 information we have, as commissioner
18 and as residents, really falls within
19 the guideline of everything we have
20 committed to our residents, that we
21 are crossing our Ts and dotting our
22 Is.

23 MONSIGNOR SULLIVAN: May I ask a
24 clarifying question? Because I
25 thought in the review sections, we

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were told by the map drawers that they
were presenting the lines to Dr.
Handley for her input, that we were in
compliance, not saying definitive baa,
baa, baa, but that they did comply.
At least that's what I heard being
said by the guys drawing the lines.

Did I mishear that?

DR. HANDLEY: You did not. I
did a preliminary review of the
boundaries. I did it for three plans.
And it is my belief that you selected
the best of the three plans. But I
think that there is room for
improvement, not just in terms of
Voting Rights Act compliance but you
probably want to include it in other
ways as well.

MS. SORIN: Thank you for that
clarifying question, and thank you so
much, Dr. Handley.

CHAIR WALCOTT: If I may just
interject for a second because I think
the clarifying question and

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Commissioner Sourin's question were
outstanding questions.

I think we had a solid
foundation based on both the input
from Dr. Handley, as well as from our
legal team as well.

I think, as we have stated a
number of times both internally, as
well as externally, as it being a
preliminary draft plan, it allows us
to adjust accordingly. But I think
the foundation was there that put us
in, both the legal compliance, but
also in the compliance of what the
doctor just articulated in her
presentation.

But obviously, there's always
room for improvement, and there will
be room for improvement, and as a
result, I think, of the feedback from
the public, which includes our elected
officials, we will factor those
decisions in because people really do
have -- which is the whole point of

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the process, great feedback as far as,
well, you didn't include this or you
need to include that. But I think,
based on what Dr. Handley just said,
that foundation had been applied to a
variety of scenarios, and as a result
of that, that was what the vote was
based on.

So, that's my interpretation of
the step-by-step process that we
undertook and the next phase of what
we'll be doing starting next week.

Other commissioners?

MR. COLLADO: Hi, this is
Commissioner Collado. Thank you, Dr.
Handley for your presentation. I just
have a quick clarifying question for
your analysis.

I know that it's primarily --
it's a racial analysis, but are there
any other factors that are considered
when you determine that, for instance,
the Asian community is not electing
their candidate of choice in the

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certain district?

DR. HANDLEY: No. It's a statistical analysis that only looks at voting patterns based on race or ethnicity. So, for example, the quality of the candidates or the amount of money the candidates spend are not considered in the analysis.

MR. COLLADO: Understood.

What about, are there any other factors intrinsic to the voting population, maybe age or income, that may be considered, or no?

DR. HANDLEY: Not in this analysis, no. It literally is just the demographic composition of the precincts and the voting patterns.

MR. COLLADO: Understood. Thank you.

MONSIGNOR SULLIVAN: A follow-up question to that, from one of the things you said, Dr. Handley, the analysis is based upon those, what, five categories according to the

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Voting Rights Act of groups; am I
correct on that?

DR. HANDLEY: The Voting Rights
Act recognizes certain protected
groups --

MONSIGNOR SULLIVAN: Right.

DR. HANDLEY: And those voters
are black voters, Hispanic voters,
Asian voters, Alaska Native, and
American Indian. Those are the groups
that are protected.

MONSIGNOR SULLIVAN: Right.
You -- let me use an example far away,
and you mentioned it a little bit, but
there isn't any ability -- or there
isn't any requirement and there --
whether or not there is an ability to
do the analysis for subgroups within
those groups. So, for example, you
mentioned Mexicans voting one way, et
cetera. According to the Voting
Rights Act, and what the analysis --
I'm going to use a completely
non-professional term, it doesn't make

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2 any difference. Because there's not a
3 sub-protection under that. And let me
4 give you an example far away from
5 home. It doesn't matter whether you
6 are Puerto Rican or Cuban in Florida,
7 it's all considered Hispanic?

8 DR. HANDLEY: There was a court
9 case in Florida in which this became
10 an issue because the factors that --
11 what the State of Florida wanted to do
12 is draw an extra Hispanic district in
13 Dade County for Hispanics who lived in
14 Tampa. But, in fact, they're not
15 cohesive. Hispanics was lived in
16 Tampa were Puerto Rican or old Mexican
17 and they were Democrats, and Hispanics
18 who lived in Florida -- in south
19 Florida were Republican, and they
20 weren't cohesive. So it made no sense
21 to draw the extra district down in
22 Dade County for Hispanics up in Tampa
23 where you couldn't draw a district.
24 They weren't geographically
25 concentrated.

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2 So it is -- you do sometimes
3 take that into account, into whether
4 the group is cohesive or not. And
5 there, there is a big difference
6 between those groups, and it comes out
7 that they just simply aren't
8 politically cohesive, so you wouldn't
9 be drawing a district in Dade County
10 for Hispanics who voted very
11 differently up in Tampa.

12 CHAIR WALCOTT: Monsignor,
13 follow-up?

14 MONSIGNOR SULLIVAN: So, let me
15 be a little precise, in that -- but is
16 that -- but in terms of the protected
17 categories, there's no distinction?

18 DR. HANDLEY: That's correct.

19 MONSIGNOR SULLIVAN: That's all
20 I wanted to know.

21 DR. HANDLEY: Well, let me --
22 that is true in terms of the federal
23 Voting Rights Act. I am not sure what
24 the John Lewis Voting Rights Act --

25 MONSIGNOR SULLIVAN: Okay.

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DR. HANDLEY: -- has to say
about this issue.

MONSIGNOR SULLIVAN: Okay.
Good. Thank you.

CHAIR WALCOTT: Thank you.
Commissioners, further
questions?

MS. JOHNSON: Hi. This is
Commissioner Johnson. Just a quick
follow-up to that.

Is it that -- Dr. Handley, is it
that the lack of political
cohesiveness that you talked about in
those two different Hispanic
communities in Florida, that would be
reflected, though, in the racial bloc
voting analysis, right?

DR. HANDLEY: That is correct
because it was area-specific. I mean,
if I had done it statewide, it
wouldn't show, but it's area --

This is how, for example, you
could tell if, say, Mexican Hispanics
were located in one district, they

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were geographically concentrated in
one district and you had a
different -- and you had Cuban
Hispanics in another, you could tell
the voting patterns were different
because they were geographically
separate, but that's the only way you
could tell.

MS. JOHNSON: Thank you.

CHAIR WALCOTT: Other
commissioners?

Judge, please, Judge Go.

MS. GO: This is Marilyn Go.

You had mentioned that there are
six protected groups under the state
law.

And does your analysis cover the
other three non-minority groups?

DR. HANDLEY: You don't have
enough Native Americans, and you don't
have enough Alaskan Natives, so those
two groups, I didn't analyze. You
couldn't do an analysis and, you
couldn't draw a district for those two

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groups, for American Indians or
Alaskan Natives.

MS. GO: And related to that is
the question of defining the critical
mass for having a community of
interest, what would be the numbers
that you would put to that?

DR. HANDLEY: Community of
interest is a totally different
concept; although, of course, many of
these communities that we're looking
at their voting habits are communities
of interest. But, you know, you can
have a community of interest that's
quite small and not large enough to be
a district but might want to be intact
within a district.

So there is a relationship
between communities of interest and
the work that I do, in that some of
these are all communities of interest,
but communities of interest is a much
broader term that also would cover
groups that aren't covered by the

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Voting Rights Act.

CHAIR WALCOTT: Judge,
follow-up?

DR. HANDLEY: You don't have to
have a certain number in order to
create a district for them. In fact,
you don't have to create a district
for them, you might just keep them
intact as opposed to, you wouldn't
want to divide them.

MS. GO: Okay. And from your
research, I mean, is it fair to say
that communities of interest tend to
be geographically clustered? I'm just
trying to get a handle on what we need
to be looking at in mapping?

DR. HANDLEY: So communities of
interest aren't necessarily
geographically concentrated, but if
you're mapping, those are the only
communities of interest that you can
take into account because you're
drawing maps. So if it's, you know,
dispersed across the city in a way

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that you couldn't draw a district, you know, there's nothing that you can do about them in terms of creating a district.

MS. GO: And for us, and this is just from pure ignorance and technological awkwardness in dealing with the software, how do you locate these communities of interest on -- I mean, where is the data for this, if there is any?

DR. HANDLEY: That is not something that I can tell from these voting -- from the analysis that I do, other than saying, for example, you know, black voters here are definitely a politically cohesive community of interest.

But if you want communities of interest beyond that, mostly this comes from the public hearings. Although, there are demographers and geographers out there that might be putting together communities of

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2 interest maps that are looking at
3 something beyond with a broader
4 definition, broader strokes that I'm
5 looking at it. But often, it just
6 comes from the community itself. And
7 the community will come into a hearing
8 and say, "We're a community of
9 interest. Here is where we're
10 located. This is why we're a
11 community of interest." But I'm
12 afraid that my analysis won't really
13 help with that.

14 CHAIR WALCOTT: Can we take a
15 second, especially since I know we
16 have the public as a part of this
17 discussion as well, for definitions
18 itself?

19 So, when we talk about, say, for
20 example, opportunity districts or
21 community of interest, can you just
22 take us through a little bit of
23 overview of how that's defined?

24 And, also, one of my questions,
25 towards the end of year presentation,

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I heard you mention a distinction between black and Hispanic voters, and I think some like to meet threshold levels, are you talking about 50 percent or more than 50 percent?

Can you do a deeper dive into that type of question? And also just from your vantage point of what you studied and what's part of your purview, any type of definitions that people may need to have, including, say for example, me and maybe other commissioners as well, in addition to the public.

DR. HANDLEY: Okay. I'll start with majority/minority districts. So a majority district -- a majority/minority district means typically that you have a district that's at least 50 percent black in voting age population. Or, if you're dealing with Hispanics, the courts, for example, the 9th and the 5th districts have said because the number

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2 of non-citizens is higher for this
3 group, we're actually going to not
4 look at voting age population, we're
5 going to look at citizen voting age
6 population. So, typically, when you
7 say majority black district, you're
8 talking about a district that's at
9 least 50 percent black in voting age
10 population, or 50 percent Hispanic in
11 citizen voting age population. So
12 that's one.

13 Now, it might be different than
14 a minority opportunity district. A
15 minority opportunity district might be
16 more than that or it might be less
17 than that, and it will depend on the
18 voting patterns of not just the
19 minority group, but, say the other
20 groups within the district. So a
21 black opportunity district, you have
22 more than one here in New York City,
23 that is clearly not majority black and
24 voting age population, but is
25 consisting electing the black

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2 preferred candidate. So that would be
3 a black opportunity district, that is
4 what the Voting Rights Act encourages
5 you the draw not -- but you have to
6 show that you -- if you're going to
7 challenge a plan, you have to show
8 that you can draw a black voting age
9 population district. But the remedy
10 might not be a 50 percent black voting
11 age population district, it might
12 actually be a 45 percent. So, that's
13 the -- they're not necessarily the
14 same, you've got a majority district,
15 you've got an opportunity district.

16 And the other thing I'm going to
17 talk about is the coalition district.
18 And this is a district that -- well,
19 you have a coalition district, at
20 least one that I can think of and that
21 in Staten Island, where no minority
22 group is predominant. It's only when
23 you combine all three groups that you
24 get a 50 percent plus district, but it
25 consistently elects a candidate this

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is supported by all three minority groups, so it's a coalition district.

I never heard the term community of interest district used, but clearly, you want to take communities of interest into account when you're drawing districts, and it may be the case that that community of interest predominates in that group. So, I'm thinking, for example, when we were drawing districts in Michigan, there was a big Arab American population that's not protected by the Voting Rights Act, but was large enough to create a district and that became a community of interest district drawn for a group that was not protected by the Voting Rights Act.

I think that covers you questions.

CHAIR WALCOTT: Thank you.

Further questions from the commissioners?

MR. UDDIN: Mr. Chair, I just

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want to make a comment because I think
I am feeling good about Dr. Handley's
presentation.

It clearly indicates that
commissioners, whatever they draft
map, we have submitted, we have
followed U.S. Constitution, Voting
Rights Act of 1965, and later amended
New York State Law, and New York City
Charter very well. I think we got an
A. Now we'll be shooting for A plus.

Thank you very much.

CHAIR WALCOTT: Wow, you're a
tough grader, but I appreciate the A,
I think there would be some saying
that we didn't achieve the A level
yet.

But, I think, in all
seriousness, the goal is to have this
as a part of the process, to make sure
that we are more educated as far as
the details of what Dr. Handley
provided us in her presentation, but
also to share with the community, as

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2 suggested by commissioners, that we
3 have that opportunity to do that.

4 And with that being said, we
5 still have a lot of work to do.

6 And I will take us, as a group,
7 back to, I think, the opening of the
8 doctor, when she, I'm paraphrasing,
9 basically said she doesn't envy our
10 task moving forward in that, there are
11 a lot of variables that we have to
12 deal with, and as I've said publicly,
13 we're dealing with the city of Memphis
14 being relocated into New York City
15 within the same 51 council districts.
16 And I think that's what the challenge
17 is as we take the next step, which
18 will take place starting next week
19 with the hearings that will be, first
20 in Queens and also listening to both
21 the public and the commissioners in
22 moving the meetings to later in the
23 afternoon/evening hours, as well as
24 one on Sunday. So we encourage people
25 to spread the word.

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I don't want to monopolize, but again, to the commissioners or to staff, are there any other questions for the doctor?

MS. JOHNSON: Hi. Commissioner Johnson here.

CHAIR WALCOTT: Yeah, go ahead.

MS. JOHNSON: Dr. Handley, correct me if I'm wrong, but for the last time, was it 2013 -- 2012/2013, you did this for New York City you -- the Commission was working with a 10 percent deviation, and so now we're working with 5 percent.

How does that impact your particular analysis, if at all? I'm curious.

DR. HANDLEY: That's a very good question.

It does not impact the way that I do my analysis. But what would be a curious question would be, what if you could draw a minority district, if you were allowed a 10 percent deviation,

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but State law requires you to have only a five percent deviation? And I'm going to leave it up to lawyers to answer that question.

But that's the only way I could see it impacting what I do is, does it make it harder to draw minority districts.

MS. JOHNSON: Thank you.

MR. SCHNALL: Mike Schnall here again. Just a quick follow-up, Dr. Handley.

When you provide your analysis to the Commission, do you do it as an analysis of the drafted lines that we presented in juxtaposition to the existing lines from the previous district, or are you just looking at what we redrew in totality?

DR. HANDLEY: That is a little complicated, and the reason why it's complicated is the racial bloc voting analysis I've done is off of previous elections, so that's off of the

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districts that are in place now. And
then when I look at proposals, I'm
looking to take those voting patterns
and apply them to a new situation.
And so in a way, I'm doing both.

MR. SCHNALL: Right. Thank you.

CHAIR WALCOTT: Please, go
ahead.

MS. GO: Marilyn Go again.

I'm just curious, you did make
the comment you thought the set of
maps that the Commission voted to move
forward was the best but two questions
related to that.

One, is, you know, because of
the way it's drawn and the state
5 percent deviation, it does affect
the size of the council districts
outside of Staten Island, and would
that affect your analysis?

Secondly, you know, would you be
prepared, I mean, we're going to be
having another session with you to
talk about any suggestions you have

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for improvements to the map because,
as you know, there has been a lot of
feedback from certain sectors about
the map, so there has to be
consideration of their views, too?

Anyway, I'll let you answer
first before I follow up.

DR. HANDLEY: So, at this point
my review of the preliminary plan was
based on what I knew about the current
plan and preliminary plan and two
other alternatives. One thing I'm
here in New York today to do is to
explore other possibilities because,
at this point I've only reacted to
maps that have been drawn, and I'm
curious about what's possible that
hasn't been presented in a map. So I
am going to look at that today.

I think -- I'm afraid I don't --
I don't know if I've answered your
entire question or not.

MS. GO: And you know, by
focusing, by having three districts

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2 wholly contained in Staten Island and
3 having the 5 percent deviation under
4 State law, would your analysis of the
5 Voting Rights Act -- would your Voting
6 Rights Act analysis and
7 appropriateness districts drawn change
8 if we were -- if the other boroughs
9 weren't subject to the very minimum
10 variation that they're currently
11 subject to under the present maps
12 presented.

13 DR. HANDLEY: I think that's an
14 excellent question.

15 What I can tell you at this
16 point is that keeping Staten Island
17 intact certainly did not hurt
18 coalition district that's within
19 Staten Island. What I don't know is,
20 if you crossed to one of the boroughs
21 and therefore were able to decrease --
22 increase the amount of deviation in
23 other five boroughs -- the other four
24 boroughs, that would help you draw
25 minority districts or not. I don't

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know the answer to that, but that is something that needs to be explored because if, in fact, it meant that these very rigid deviations in the other four boroughs meant you couldn't draw a minority district, that would be a problem. I don't know the answer to that. It may not be a problem. It maybe, you know, keeping Staten Island intact might be a problem for a different reason, but it might not be for the Voting Rights Act, and I don't know the answer to that.

I do know it isn't a problem for coalition district on Staten Island, but I don't know what the implications are for the possibilities of, say an Asian district in Queens or keeping a Hispanic district in Brooklyn. I don't know.

MS. GO: I guess my concern is because all of the other districts are larger than the districts of Staten Island, and in particular, the black

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2 districts in Brooklyn. We are talking
3 about percentages that are just barely
4 over 50 percent. You know, I would --
5 I'm just curious, and we could -- you
6 know, you may not be prepared to
7 answer this, but I just want to make
8 sure that having the proper deviations
9 will protect the minority communities
10 in the other boroughs because there is
11 no question that Staten Island
12 district 49 has a coalition voting
13 bloc, but that coalition will still
14 hold if the Staten Island -- that
15 district were larger and there was a
16 crossover, and I think, just based on
17 my look at where the population is
18 located in Staten Island.

19 Anyway, it's half question and
20 half preaching and hoping we'll get
21 more answers from you.

22 DR. HANDLEY: I think that's an
23 excellent question, and I think it is
24 something that needs to be explored.

25 CHAIR WALCOTT: Thank you,

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Judge.

As we wrap up, any final
questions to Dr. Handley?

John, would you like to give any
type of closing remarks before we
close out this session?

DR. FLATEAU: I would just say
that this is going to be an ongoing
dialogue with our experts on the
quantitative side, social science
side, and as well, legal experts that
are working with us, along with the
commissioners, and our input from New
Yorkers to help solve these puzzles
and bring us a new set of council
districts for new New Yorkers.

CHAIR WALCOTT: Thank you, John.
Commissioners, let me thank you.
And since this is a formal meeting, if
there aren't any further questions,
can I have a motion to adjourn.

MS. SORIN: Motion. Lisa.

CHAIR WALCOTT: Thank you, Lisa.

MR. PORCHER: Motion, second.

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Darrin Porcher.

CHAIR WALCOTT: Thank you, Dr.
Porcher.

All those in favor to adjourn?
(Chorus of ayes.)

CHAIR WALCOTT: Any opposition?
(No response.)

Thank you for an excellent
session. Doctor, thank you also for
an excellent presentation and we look
forward to future discussions.

All the best.

Thank you all.

(Time Noted: 11:24 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

I, STEPHANIE O'KEEFFE, a Reporter
and Notary Public within and for the State of New
York, do hereby certify that the within is a true
and accurate transcript of the proceedings taken on
August 11, 2022.

I further certify that I am not
related to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 11th day of August, 2022.



Stephanie O'Keefe