



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

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December 1, 2022

Via Electronic Mail

Nassau County Temporary Districting Advisory Committee
Theodore Roosevelt Executive and Legislative Building
1550 Franklin Avenue
Mineola, NY 11501

RE: Nassau County Legislative Redistricting — Dividing the New Hyde Park/Manhasset Hills Asian American Community of Interest Violates the NYVRA

Dear Chair Moroney and Committee Members,

As a lifelong Nassau County resident and the Director of the Democracy Program at the Asian American Legal Defense and Education Fund (AALDEF),¹ I am dismayed by the Temporary Districting Advisory Committee's (TDAC) decision to illegally divide the Asian American community of interest in New Hyde Park/Manhasset Hills, in clear violation of the soon to be effective John Lewis Voting Rights Act of New York (NYVRA).² The map approved by TDAC during its November 21, 2022 working session fails to include a legally required Asian influence district³ encompassing New Hyde Park and Manhasset Hills. Instead, the approved map impermissibly draws a line directly through this protected community, illegally dividing it between proposed Districts 9 and 10 as illustrated in the attached racial heat map.⁴

Effective next year,⁵ the NYVRA explicitly prohibits redistricting plans, like TDAC's, which "impair[] the ability of members of a protected class to elect candidates of their choice or *influence* the outcome of elections, as a result of vote dilution."⁶ The standard for proving a vote dilution claim under the NYVRA is much lower than the federal Voting Rights Act. Minority plaintiffs must only show that (1) the minority community's candidates of choice would usually be defeated, and there is either (2) racially polarized voting or under the totality of circumstances, the ability of minority voters to elect or influence the election of candidates is impaired.⁷ Over the course of TDAC's ten public hearings and through written testimony

¹ AALDEF is a 48-year-old non-partisan civil rights organization that has engaged in advocacy, organizing, and litigation across the country to ensure Asian Americans are treated fairly and equitably in redistricting.

² N.Y. ELEC. LAW §§ 17-200-22.

³ The Supreme Court has defined influence districts as districts in which "where minority voters may not be able to elect a candidate of choice but can play a substantial, if not decisive, role in the electoral process." *Georgia v. Ashcroft*, 539 U.S. 461, 482 (2003).

⁴ See Attachment 1.

⁵ The NYVRA prohibitions against vote dilution will come into effect one year after the law's passage. See 2022 N.Y. Sess. Laws ch. 226, § 5 (McKinney).

⁶ N.Y. ELEC. LAW § 17-206(2)(a) (emphasis added).

⁷ *Id.* at (2)(b)(i).

submitted by AALDEF and the New York Civil Liberties Union, among others, TDAC was made well aware of the NYVRA's clear legal requirements, yet failed to comply with them.⁸

The approved map illegally dilutes the votes of Asian Americans by dividing this protected community of interest between proposed Districts 9 and 10 instead of drawing an Asian influence district as required by the NYVRA. Creating an Asian influence district in the New Hyde Park area is feasible as illustrated by the attached boundaries AALDEF has drawn.⁹ Further, the two maps submitted by the Democratic TDAC commissioners confirm that drawing an Asian influence district is likewise possible within a legally compliant county redistricting plan.¹⁰

Redistricting offers our county a once in a decade opportunity to ensure the fair and equitable distribution of electoral power. Our county has experienced rapid growth and demographic change fueled in large part by the burgeoning Asian community.¹¹ It was TDAC's responsibility to submit a map that reflects these changes in compliance with state and federal law. TDAC has failed in its duty by submitting a map that so clearly violates the NYVRA, and now has exposed Nassau County to highly onerous and costly legal action. AALDEF will use all resources to ensure that the Asian American community in Nassau County, a federally protected group, does not have its voting strength illegally diluted through any redistricting plan.

Sincerely,



Jerry Vattamala
Director, Democracy Program

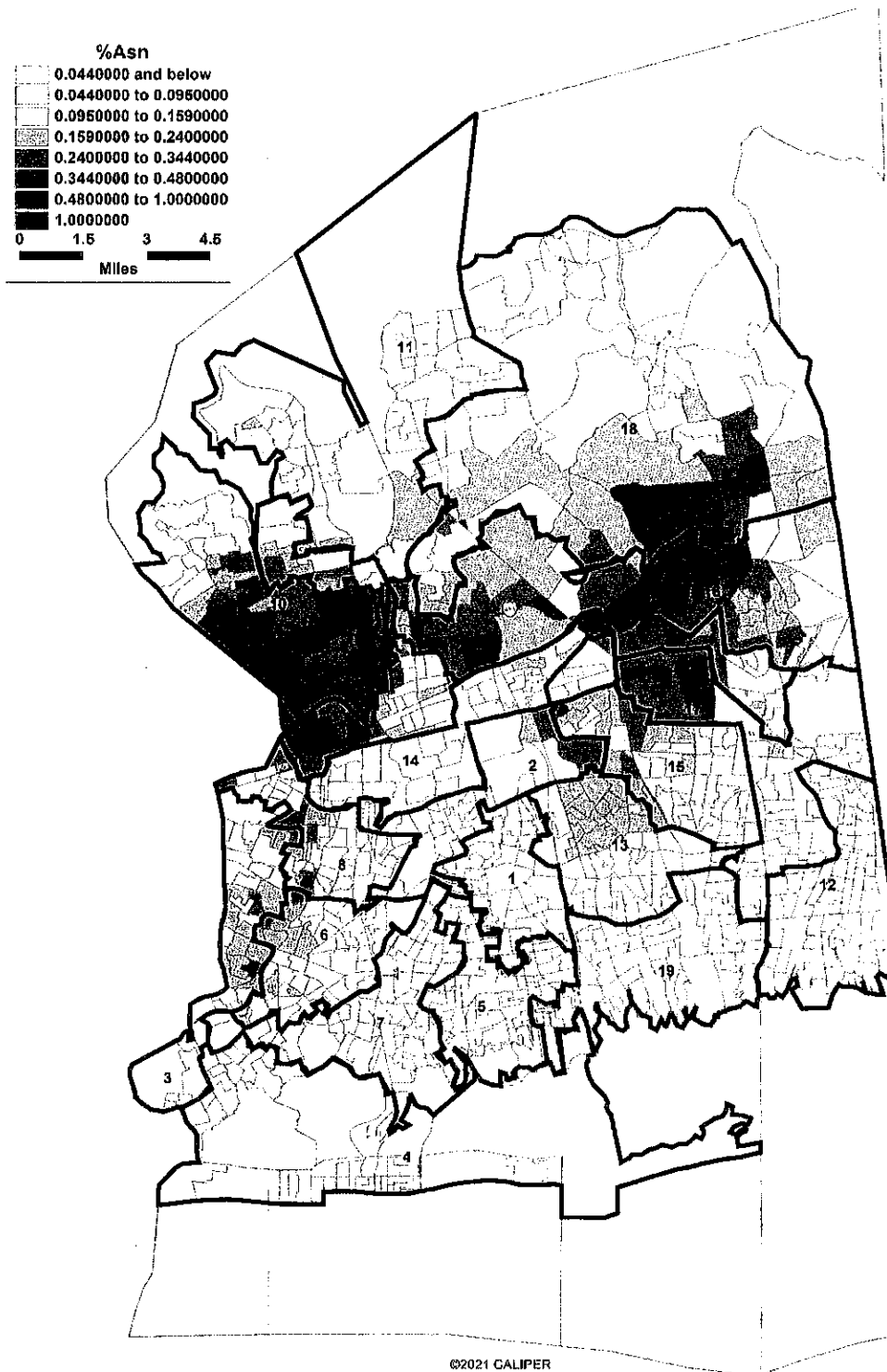
⁸ See Letter from Jerry Vattamala, Director Democracy Program, Asian Am. L. Def. and Educ. Fund, to Nassau Cnty. Temp. Districting Advisory Comm. (Nov. 10, 2022); Letter from New York Civ. Liberties Union, Nassau Cnty. Region, to Nassau Cnty. Temp. Districting Advisory Comm. (Nov. 16, 2022).

⁹ See Attachment 2.

¹⁰ See, e.g., Attachment 3

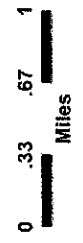
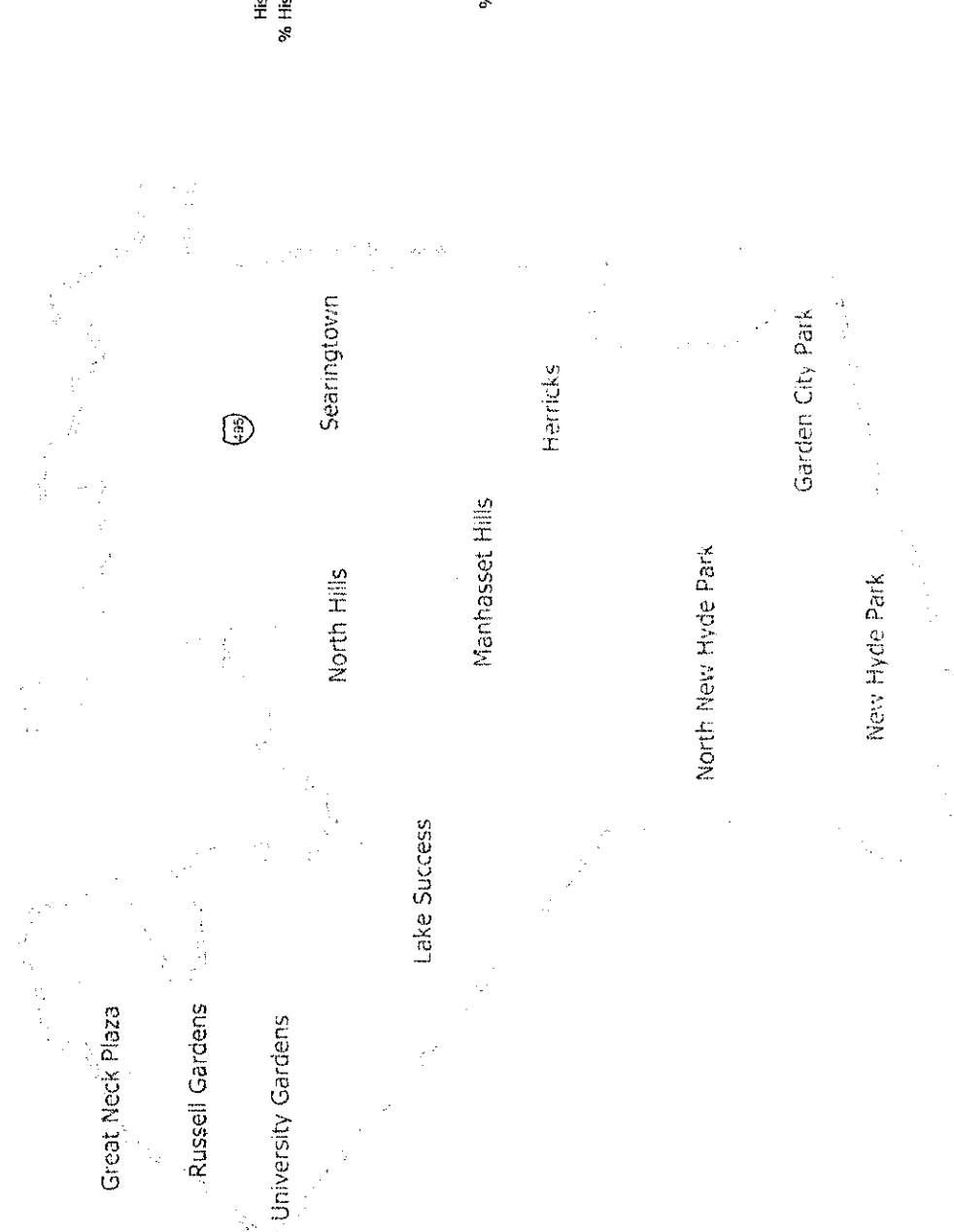
¹¹ Between the 2010 and 2020 U.S. Census. Nassau County's Asian population has grown over 60.5%, reaching 11.8% of the total population. United States Census Bureau, 2020 Redistricting Data PL 94-171 (P1).

Attachment 1: Asian Racial Heatmap of Nassau Plan 5, Approved by TDAC on November 21, 2022



Attachment 2: AALDEF's Potential Asian American Influence District for the New Hyde Park/Manhasset Hills Area

Field	Value
Population	72271
Deviation	-1,191
% Deviation	-1.62%
White	31553
% White	43.66%
Black	933
% Black	1.29%
Asian	32838
% Asian	45.44%
Hispanic Origin	5691
% Hispanic Origin	7.87%
18+_Whit	27553
% 18+_Whit	38.12%
18+_Blk	773
% 18+_Blk	1.07%
18+_Asn	24441
% 18+_Asn	33.82%
H18+_Pop	4223
% H18+_Pop	5.84%



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Attachment 3: Asian Racial Heatmap of Democratic TDAC Commissioners' Map 1, Submitted on November 10, 2022

