SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
---X
Michael Williams, José Ramírez-Garofalo, Aixa Torres, and Melissa Carty,

Index No. ________________

Petitioners,

PETITION

-against-

Board of Elections of the State of New York; Kristen Zebrowski Stavisky, in her official capacity as Co-Executive Director of the Board of Elections of the State of New York; Raymond J. Riley, III, in his official capacity as Co-Executive Director of the Board of Elections of the State of New York; Peter S. Kosinski, in his official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York; Henry T. Berger, in his official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York; Anthony J. Casale, in his official capacity as Commissioner of the Board of Elections of the State of New York; Essma Bagnuola, in her official capacity as Commissioner of the Board of Elections of the State of New York; Kathy Hochul, in her official capacity as Governor of New York; Andrea Stewart-Cousins, in her official capacity as Senate Majority Leader and President *Pro Tempore* of the New York State Senate; Carl E. Heastie, in his official capacity as Speaker of the New York State Assembly; and Letitia James, in her official capacity as Attorney General of New York,

Respondents.
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Petitioners Michael Williams, José Ramírez-Garofalo, Aixa Torres, and Melissa Carty, by and through their counsel, Emery Celli Brinckerhoff Abady Ward & Maazel LLP and Elias Law Group LLP, for their petition against Respondents the Board of Elections of the State of New York; Kristen Zebrowski Stavisky, in her official capacity as Co-Executive Director of the Board of Elections of the State of New York; Raymond J. Riley, III, in his official capacity as Co-Executive Director of the Board of Elections of the State of New York; Peter S. Kosinski, in his

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official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York; Henry T. Berger, in his official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York; Anthony J. Casale, in his official capacity as Commissioner of the Board of Elections of the State of New York; Essma Bagnuola, in her official capacity as Commissioner of the Board of Elections of the State of New York; Kathy Hochul, in her official capacity as Governor of New York; Andrea Stewart-Cousins, in her official capacity as New York State Senate Majority Leader and President *Pro Tempore* of the Senate; Carl E. Heastie, in his official capacity as Speaker of the New York State Assembly; and Letitia James, in her official capacity as Attorney General of New York, allege as follows:

PRELIMINARY STATEMENT

1. Petitioners bring this action to challenge New York's congressional district map, SB S8653A, codified at New York State Law §§ 110-112 (McKinney 2024) (the "2024 Congressional Map"). Black and Latino Staten Islanders have less opportunity than other members of the electorate to elect a representative of their choice and influence elections in New York's 11th Congressional District ("CD-11"), in violation of the prohibition against racial vote dilution in Article III, Section 4(c)(1) of the New York Constitution.

2. While the enactment of the 2024 Congressional Map remedied the procedural defects of the map drawn immediately following the 2020 decennial census, it still perpetuates a fatal substantive defect: it dilutes Black and Latino voting strength in CD-11.

3. Staten Island's Black and Latino populations have increased significantly over the last several decades. From 1980 to 2020, the combined Black and Latino population on the Island climbed from approximately 11% to nearly 30%. During the same period, the Island's white

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population dropped from 85% to 56%, meaning racial minorities have been a significant driver of Staten Island's population growth in recent years.

4. However, the current configuration of CD-11 does not account for these demographic changes or modern communities of interest. CD-11's antiquated boundaries instead confine Staten Island's growing Black and Latino communities in a district where they are routinely and systematically unable to influence elections for their representative of choice, despite the existence of strong racially polarized voting and a history of racial discrimination and segregation on Staten Island. Instead of reflecting the demographic changes, the 2024 Congressional Map ensures that the growth of CD-11's Black and Latino populations will not translate to increased political influence at the federal level. This configuration stands in stark contrast to the current New York State Assembly map, which links communities of interest in Staten Island's North Shore and southern Manhattan.

5. The 2024 Congressional Map fails entirely to account for a long history of discrimination facing Black and Latino residents of Staten Island. Staten Island is one of the most segregated parts of New York, with the vast majority of Black and Latino residents confined to the Island's North Shore while white residents occupy the more affluent South Shore. That segregation has consequences: Black and Latino voters generally live in areas where Black and Latino residents make up a significant majority, and many of those neighborhoods have significant populations that are classified as low-to-moderate income.

6. In 2014, New York voters approved constitutional amendments (the "Redistricting Amendments") that expressly prohibit race discrimination and racial vote dilution in voting in state assembly, senate, and congressional elections. In particular, Article III, Section 4(c)(1) provides that: "districts shall not be drawn to have the purpose of, nor shall they result in, the denial or

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abridgement" of minority voting rights. N.Y. Const. art. III, § 4(c)(1). Further, "[d]istricts shall be drawn so that, based on the totality of the circumstances, racial or minority language groups do not have less opportunity to participate in the political process than other members of the electorate and to elect representatives of their choice." *Id.*

7. In 2022, the New York Legislature passed new legislation that extended the Constitution's prohibition on voter suppression and vote dilution to local political subdivisions—the John R. Lewis Voting Rights Act of New York (the "NY VRA"). *See* N.Y. Elec. Law § 17-200. The language of the NY VRA mirrors the language of the constitutional prohibition against vote dilution in Article III, Section 4(c)(1): it provides that "[n]o voting qualification, prerequisite to voting, law, ordinance, standard, practice, procedure, regulation, or policy shall be enacted or implemented by any board of elections or political subdivision in a manner that results in a denial or abridgment of the right of members of a protected class to vote." *Id.* § 17-206(1)(a). Further, "[n]o board of elections or political subdivision shall use any method of election, having the effect of impairing the ability of members of a protected class to elect candidates of their choice or influence the outcomes of elections, as a result of vote dilution." *Id.* § 17-206(2)(a).

8. Through these enactments, New York has become a national leader in protecting voting rights, heeding the Supreme Court's guidance that states are free to go above and beyond the minimum requirements of the federal Voting Rights Act to safeguard their citizens' rights to exercise the franchise. *Bartlett v. Strickland*, 556 U.S. 1, 23 (2009) (plurality op.). And by protecting influence, or "cross-over" districts, New York's Constitution advances the goal of "diminish[ing] the significance and influence of race by encouraging minority and majority voters to work together toward a common goal." *Id.*

9. Together, Article III, Section 4(c)(1) and the NY VRA reflect New Yorkers'

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commitment to safeguarding the right to vote for the state's minority populations by prohibiting vote dilution in redistricting across *all* maps used in the State of New York, at each level of government. These provisions work in tandem to ensure that there are consistent, robust protections for New York's minority voters across local, state, and federal elections.

10. The NY VRA thus informs the scope of the constitutional protections against minority vote dilution. The NY VRA protects coalition and minority influence districts, or districts where racial minorities do not form a numerical majority but can form coalitions with other racial minorities and white voters to influence elections and elect their representatives of choice. N.Y. Elec. Law § 17-206(2)(c)(iv).

11. The NY VRA also provides detailed standards outlining how voters can prove a racial vote dilution claim: they must show that candidates preferred by members of the protected classes would usually be defeated and either (a) voting is racially polarized in the political subdivision, *or* (b) under the totality of the circumstances, the ability of the protected classes, individually and collectively, to elect candidates of their choice or influence the outcome of elections is impaired. *Id.* § 17-206(2)(b)(ii). The law provides a non-exhaustive list of factors ("totality of the circumstances factors") that a court may consider in its assessment. *Id.* § 17-206(3).

12. Consistent with these standards, had Respondents complied with Article III, Section 4(c)(1)'s prohibition against racial vote dilution, they would have constructed CD-11 as a minority influence district in which Black and Latino voters on Staten Island could combine with diverse communities of interest in lower Manhattan to elect their candidate of choice. Given the presence of racially polarized voting on Staten Island and the persistence of many of the totality of the circumstances factors, Respondents' failure to create such a district violates Article III, Section 4(c)(1) of the New York Constitution.

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13. Accordingly, Petitioners seek an order (i) declaring that the 2024 Congressional Map violates Article III, Section 4(c)(1) of the New York Constitution; (ii) permanently enjoining Respondents from using the 2024 Congressional Map in any future elections; (iii) ordering the Legislature to create a minority influence district that pairs Staten Island with lower Manhattan, thereby providing Black and Latino Staten Islanders with an opportunity to elect a representative of their choice in CD-11; and (iv) providing any such additional relief as is appropriate.

PARTIES

14. Petitioners are citizens of the United States and registered to vote in New York.

15. Petitioner Michael Williams is a Black registered voter in Staten Island, New York. He resides in CD-11. He could reside in a properly constructed remedial district that complies with traditional redistricting criteria and allows Mr. Williams and other minority voters to have an opportunity to influence elections and elect their representative of choice.

16. Petitioner José Ramírez-Garofalo is a Latino registered voter in Staten Island, New York. He resides in CD-11. He could reside in a properly constructed remedial district that complies with traditional redistricting criteria and allows Mr. Ramírez-Garofalo and other minority voters to have an opportunity to influence elections and elect their representative of choice.

17. Petitioner Aixa Torres is a Latina registered voter in Manhattan, New York in CD-10. She could reside in a properly constructed remedial district that complies with traditional redistricting criteria and allows Ms. Torres to form a coalition with other minority voters in CD-11 to have an opportunity to influence elections and elect their representative of choice.

18. Petitioner Melissa Carty is a white registered voter in Manhattan, New York in CD-10. She could reside in a properly constructed remedial district that complies with traditional

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redistricting criteria and allows Ms. Carty to form a coalition with minority voters in a district that allows them an opportunity to influence elections and elect their representative of choice.

19. Respondent Board of Elections of the State of New York is an Executive Department agency with the authority and responsibility for administration and enforcement of the election laws of the State of New York.

20. Respondent Kristen Zebrowski Stavisky is sued in her official capacity as Co-Executive Director of the Board of Elections of the State of New York.

21. Respondent Raymond J. Riley, III is sued in his official capacity as Co-Executive Director of the Board of Elections of the State of New York.

22. Respondent Peter S. Kosinski is sued in his official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York.

23. Respondent Henry T. Berger is sued in his official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York.

24. Respondent Anthony J. Casale is sued in his official capacity as Commissioner of the Board of Elections of the State of New York.

25. Respondent Essma Bagnuola is sued in her official capacity as Commissioner of the Board of Elections of the State of New York.

26. Respondent Kathy Hochul is sued in her official capacity as Governor of New York.

27. Respondent Andrea Stewart-Cousins is sued in her official capacity as New York State Senate Majority Leader and President *Pro Tempore* of the Senate.

28. Respondent Carl E. Heastie is sued in his official capacity as the Speaker of the New York State Assembly.

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29. Respondent Letitia James is sued in her official capacity as Attorney General of New York.

JURISDICTION AND VENUE

30. This Court has jurisdiction over this action pursuant to Article III, Section 5 of the New York Constitution, Unconsolidated Laws § 4221, and New York Civil Practice Law and Rules 3001.

31. Article III, Section 5 provides that "[a]n apportionment by the legislature, or other body, shall be subject to review by the supreme court, at the suit of any citizen, under such reasonable regulations as the legislature may prescribe." N.Y. Const. art. III, § 5.

32. Unconsolidated Laws § 4221 provides that "[a]n apportionment by the legislature shall be subject to review at the suit of any citizen, upon the petition of any citizen to the supreme court" in the designated county for the "judicial department where at least one petitioner resides." N.Y. Unconsol. Law § 4221. These include New York County for the first judicial department; Westchester County for the second judicial department; Albany County for the third judicial department; or Erie County for the fourth judicial department. *Id.*; *see also id.* § 4225 ("No limitation of the time for commencing an action shall affect any proceeding hereinbefore mentioned . . . .").

33. Venue is proper in New York County because this petition challenges "[a]n apportionment by the legislature" and two petitioners, Aixa Torres and Melissa Carty, reside in the first judicial department. *See* N.Y. Unconsol. Law § 4221(a); *see also* N.Y. Const. art. III, § 5.

34. Venue is also proper in New York County because Petitioners Aixa Torres and Melissa Carty reside in New York County. *See* N.Y. C.P.L.R. 503(a).

35. Under Section 5 of Article III of the New York Constitution, this action shall be

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given precedence over all other causes and proceedings, and this Court shall render its decision within sixty days after the date of filing of this petition. N.Y. Const. art. III, § 5.

LEGAL BACKGROUND

I. In 2014, New York voters amended the Constitution to explicitly prohibit racial vote dilution in redistricting.

36. In 2014, New York voters approved constitutional amendments to reform the congressional and state legislative redistricting processes.

37. Not only did the Redistricting Amendments alter many aspects of the map-drawing procedure and approval process, they also made "historic changes" that "guarantee[] the application of substantive criteria that protect minority voting rights." *See* Assembly Mem. In Support, 2013 N.Y. Senate-Assembly Concurrent Resolution S2107, A2086.

38. In particular, the Redistricting Amendments prohibit racial vote dilution in redistricting. N.Y. Const. art. III, § 4(c)(1). Article III, Section 4(c)(1) states that "districts shall not be drawn to have the purpose of, nor shall they result in, the denial or abridgement" of minority voting rights. Further, "[d]istricts shall be drawn so that, based on the totality of the circumstances, racial or minority language groups do not have less opportunity to participate in the political process than other members of the electorate and to elect representatives of their choice." *Id.* The Redistricting Amendments specifically apply to New York's state assembly, senate, and congressional districts. *Id.* § 4(b).

39. No court has yet ruled on the substantive standards applicable to a constitutional vote dilution claim in the context of redistricting. This case thus presents the first opportunity for a court to interpret this important provision and the applicable legal standard.

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II. The New York Legislature subsequently passed the New York Voting Rights Act, which provides expansive protections for minority voting rights and detailed standards for proving racial vote dilution.

40. In 2022, the Legislature passed the NY VRA, which codified detailed standards for proving racial vote dilution and contains similar language as the relevant constitutional provisions. Several courts have interpreted the application of the NY VRA in the context of redistricting litigation and vote dilution. *See Clarke v. Town of Newburgh*, 237 A.D.3d 14, 26 (2d Dept. 2025) (explaining that the NY VRA "permits 'influence' claims, and does not require . . . that the minority group must be sufficiently large and geographically compact to constitute a majority in a reasonably configured district"); *Coads v. Nassau County*, 86 Misc.3d 627, 652 (Sur. Ct., Nassau County 2024) (noting that the NY VRA "addresses influence districts"); *Serratto v. Town of Mount Pleasant*, 86 Misc.3d 1167, 1172–74 (Sur. Ct., Westchester County 2025) (holding that genuine issues of material fact precluded summary judgment as to Hispanic voters' claim that town's at-large election system impaired Hispanic voters' ability to influence outcome of town elections).

41. Like Article III, Section 4(c)(1), the NY VRA's protection against vote dilution is expansive. The purpose of the NY VRA is to "[e]nsure that eligible voters who are members of racial, color, and language-minority groups shall have an equal opportunity to participate in the political processes of the state of New York." N.Y. Elec. Law § 17-200. The law further provides that "all statutes, rules and regulations . . . shall be construed liberally in favor of . . . ensuring voters of race, color, and language-minority groups have equitable access to fully participate in the electoral process in registering to vote and voting." *Id.* § 17-202. The NY VRA specifically prohibits "method[s] of election" that have "the effect of impairing 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." *Id.* § 17-206(2)(a).

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42. Vote dilution can be established by showing "that candidates . . . preferred by members of the protected class would usually be defeated and either: (A) voting patterns of members of the protected class within the political subdivision are racially polarized; *or* (B) under the totality of the circumstances, the ability of members of the protected class to elect candidates of their choice or influence the outcome of elections is impaired." *Id.* (emphasis added).

43. Racially polarized voting occurs when "there is a divergence in the candidate, political preferences, or electoral choice of members in a protected class from the candidates, or electoral choice of the rest of the electorate." *Id.* § 17-204(6). Black and Latino voters are considered members of a protected class. *Id.* § 17-204(5).

44. In determining whether, under the totality of the circumstances, vote dilution has occurred, the factors that may be considered shall include, but not be limited to:

(a) the history of discrimination in or affecting the political subdivision;

(b) the extent to which members of the protected class have been elected to office in the political subdivision;

(c) the use of any voting qualification, prerequisite to voting, law, ordinance, standard, practice, procedure, regulation, or policy that may enhance the dilutive effects of the election scheme;

(d) denying eligible voters or candidates who are members of the protected class [access] to processes determining which groups of candidates receive access to the ballot, financial support, or other support in a given election;

(e) the extent to which members of the protected class contribute to political campaigns at lower rates;

(f) the extent to which members of a protected class in the state or political subdivision

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> vote at lower rates than other members of the electorate;
>
> (g) the extent to which members of the protected class are disadvantaged in areas including but not limited to education, employment, health, criminal justice, housing, land use, or environmental protection;
>
> (h) the extent to which members of the protected class are disadvantaged in other areas which may hinder their ability to participate effectively in the political process;
>
> (i) the use of overt or subtle racial appeals in political campaigns;
>
> (j) a significant lack of responsiveness on the part of elected officials to the particularized needs of members of the protected class; and
>
> (k) whether the political subdivision has a compelling policy justification that is substantiated and supported by evidence for adopting or maintaining the method of election or the voting qualification, prerequisite to voting, law, ordinance, standard, practice, procedure, regulation, or policy.

Id. § 17-206(3).

45. The NY VRA sweeps more broadly than federal law. The NY VRA requires proof only of racially polarized voting *or* a showing that the totality of the circumstances factors have been met. *Id.* § 17-206(2)(b)(ii).

46. In addition, the NY VRA does not require the plaintiff to show that a district could have been drawn that would have a majority of residents of a single protected class. A plaintiff need only show that the current district map is responsible for the protected class's lack of electoral *influence* based on the existence of racially polarized voting or the totality of the circumstances. In other words, "the NY VRA specifically allows for remedies that might allow for minorities to elect their candidates of choice or influence the outcome of elections without their constituting a

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majority in a single-member district." *Clarke*, 237 A.D.3d at 38; *see* N.Y. Elec. Law § 17-206(c) (explaining, for the purpose of demonstrating that unlawful vote dilution has occurred, "where there is evidence that more than one protected class of eligible voters are politically cohesive in the political subdivision, members of each of those protected classes may be combined"); *id.* § 17-206(2)(a) ("No board of elections or political subdivision shall use any method of election, having the effect of impairing 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."). Thus, under certain circumstances, the NY VRA requires the creation of coalition and minority influence districts, or districts in which racial minorities can form coalitions with other racial minorities and white voters to influence elections and elect their representatives of choice.

47. By passing the 2014 Redistricting Amendments and enacting the NY VRA, the voters of New York and the New York Legislature made the choice to go beyond the scope of the federal Voting Rights Act and protect coalition and crossover districts. *See Bartlett*, 556 U.S. at 23 (observing that Section 2 "allows States to choose their own method of complying with the Voting Rights Act, and we have said that may include drawing crossover districts").

III. The vote dilution prohibitions in the NY Constitution and NY VRA are similar, and the same standards should apply.

48. Although the language of the constitutional prohibition on minority vote dilution is expansive, no court has yet ruled on what precisely constitutes impermissible vote dilution under that provision. This case thus presents an issue of first impression for New York courts.

49. Even so, New York courts have suggested that Article III, § 4(c)(1), like the NY VRA, is more protective of minority voting rights than federal law. *See Harkenrider v. Hochul*, 173 N.Y.S. 3d 109, 112 (Sur. Ct., Steuben County 2022) ("The prohibition against discriminating

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against minority voting groups at the least encapsulated the requirements of the Federal Voting Rights Act, and according to many experts expanded their protection."),

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Island's population ballooned by approximately 40%. And with that growth came dramatically more racial diversity. Between 1980 and 2020, the white population on Staten Island dropped from 85% to 56%, while the combined Black and Latino population increased from approximately 11% to nearly 30%. Most of Staten Island's Black and Latino residents live in the North Shore, in neighborhoods such as St. George, Tompkinsville, Stapleton, and Clifton.

53. Staten Island's congressional district, CD-11, does not account for this demographic transformation. Despite the stark changes in the Island's demographic makeup, the district's boundaries have remained static since 1980. As a result, Staten Island's growing Black and Latino communities remain in a district where they consistently and systematically have less opportunity to elect their representatives of choice.

II. The 2024 Congressional Map was enacted following litigation aimed at fixing the procedural defects of the 2021 map.

54. In 2014, New York voters approved the Redistricting Amendments, which reformed the congressional and state legislative redistricting processes and mandated specific substantive criteria for district maps.

55. Among other changes, the Redistricting Amendments, now codified in Article III, Sections 4 and 5(b) of the New York Constitution, provided for the creation of an independent redistricting commission (the "IRC"), which is required to submit proposed redistricting plans for consideration by the Legislature. The Redistricting Amendments also prohibit racial vote dilution in redistricting. *See* N.Y. Const. art. III, § 4(c)(1).

56. In the first redistricting cycle following the enactment of the Redistricting Amendments—which occurred immediately after the 2020 Census—the IRC process failed. The IRC deadlocked and failed to send a second round of maps to the Legislature, as required by the

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New York Constitution. N.Y. Const. art. III, § 4(b). As a result, the congressional map in place for the 2022 elections (the "2021 Congressional Map") was ultimately drawn by a special master at the behest of the Steuben County Supreme Court with minimal opportunity for public comment and scrutiny. The special master admitted in his report that he did not actively avoid the dilution of minority voting strength. Instead, he hoped that dilution would be avoided simply because "the largest minority groups . . . are almost always highly geographically concentrated." NYSCEF Doc. No. 670 at 11–12, rep. of the special master, in *Harkenrider v. Hochul*, Sur. Ct., Steuben County index No. E2022-0116CV.

57. Following additional litigation, the Court of Appeals ordered the IRC to redraw the 2021 Congressional Map to fix the procedural defects by requiring the IRC to submit a second congressional map to the Legislature. *Hoffmann v. N.Y. State Indep. Redistricting Comm'n*, 41 N.Y.3d 341, 370 (2023). On February 15, 2024, the IRC submitted a second congressional map to the Legislature that made very few substantive changes to the map and no changes to the configuration of CD-11.

58. The Legislature rejected the IRC's second map, *see* 2024 NY Senate Bill 8639, 2024 NY Assembly Bill 9304, and ultimately drew its own, but did not make any sweeping substantive changes. The 2024 Congressional Map, which was passed by the Legislature on February 28, 2024, did not alter the configuration of CD-11. *See* 2024 NY Senate Bill S8653A, 2024 NY Assembly Bill 9310A.

59. On February 28, 2024, Governor Hochul signed SB S8653A into law. Although the enactment of the 2024 Congressional Map fixed the procedural defects identified in *Harkenrider* and *Hoffman*, it did not remedy the unlawful racial vote dilution in CD-11.

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III. Voting on Staten Island is racially polarized, and Black and Latino voters in CD-11 have less opportunity than other voters to elect candidates of their choice.

60. Voting on Staten Island and within the Eleventh Congressional District is racially polarized.

61. Racially polarized voting means “voting in which there is a divergence in the candidate, political preferences, or electoral choice of members in a protected class from the candidates, or electoral choice of the rest of the electorate.” N.Y. Elec. Law § 17-204(6).

62. In the current CD-11, Black and Latino voters make up a combined 22.18% of the citizen voting-age population.

63. Black and Latino voters on Staten Island are politically cohesive and consistently and overwhelmingly support the same candidates, which the rest of the electorate consistently opposes. At the same time, the white majority on Staten Island overwhelmingly supports the same candidates and votes as a bloc to usually defeat Black and Latino voters’ candidates of choice.

64. A long string of election outcomes demonstrates that white voters have historically been able to elect their candidates of choice in the congressional district containing Staten Island while Black and Latino voters have not. Since 1980, when Republican representative Guy Molinari was first elected to Congress, Republicans have been elected to represent the district in almost every congressional election held in CD-11.

65. The district’s current representative, Republican Representative Nicole Malliotakis, is decidedly not Black and Latino voters’ candidate of choice and has never been their candidate of choice in any congressional election. In other words, despite Black and Latino voters now constituting nearly a quarter of the citizen voting age population of CD-11, they are not able to influence elections or elect their candidate of choice in that district.

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66. In other elections, too, Black and Latino Staten Islanders have been cohesive in their support for the same candidates, which the white majority opposes. For example, in the 2017 mayoral election, in which Representative Malliotakis was the Republican nominee for mayor, Black and Latino Staten Islanders were consistent in their support for Bill DeBlasio, the Democratic nominee, whereas white Staten Islanders overwhelmingly supported Malliotakis. In the 2020 presidential election, Black and Latino Staten Islanders were cohesive in their support for former President Biden, whereas white Staten Islanders supported President Trump's campaign. The same was true in the 2024 election, where Black and Latino voters supported former Vice President Harris's campaign for President, and white voters cohesively supported President Trump.

IV. Under the totality of the circumstances, Black and Latino voters have less opportunity to elect candidates of their choice and influence the outcomes of elections in CD-11.

67. The evidence of racially polarized voting in CD-11, coupled with decades of Black and Latino voters' lack of opportunity to influence elections and elect their candidate of choice, is sufficient to show unconstitutional vote dilution.

68. Unlawful vote dilution can also be established where, "under the totality of the circumstances, the ability of members of the protected class to elect candidates of their choice or influence the outcome of elections is impaired." N.Y. Elec. Law § 17-206(2). The NY VRA provides a non-exhaustive list of factors which a court may consider. *Id.*; *supra* ¶ 44. As discussed below, these factors show that the 2024 Congressional Map impairs Black and Latino voters' ability to elect their candidates of choice and influence elections in CD-11.

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A. History of Policies and Practices on Staten Island that Have Suppressed Minority Voting Rights

69. Staten Island's growing minority population has suffered decades of marginalization and discrimination that continues to this day and has stymied Black and Latino voters' ability to participate fully in the political process.

70. Black people have lived on Staten Island since the early 1800s. Staten Island's oldest and largest Black community, Sandy Ground, was established by free Blacks—many of whom were oystermen in the early 19th century. Previously known as "Harrisville" and "Little Africa," Sandy Ground was given its current name because of the poor quality of its soil. Despite the soil's relative infertility compared to other areas, Sandy Ground became a thriving agricultural and trading center. In the mid-1850s, Sandy Ground was part of the Underground Railroad; it was considered a safe haven for those escaping slavery.

71. At the same time, however, Black men were legally and explicitly excluded from being able to exercise the franchise. At the New York Constitutional Conventions addressing the right of suffrage, the framers made explicit statements of their intent to discriminate against minority voters. And for decades, New York voters resisted providing Black men the same access to the ballot as white men. For example, by 1821, white men were no longer required to own property to be eligible to vote. But New York voters repeatedly rejected referenda—in 1846, 1860, and again in 1869—that would have eliminated the property requirement for Black men. It was not until the passage of the Fifteenth Amendment in 1870 that legal discrimination against Black men in voting ended. *See Hayden v. Paterson*, 594 F.3d 150, 157–59 (2d Cir. 2010).

72. Even as Black men gained the right to universal suffrage, Black communities on Staten Island continued to face discrimination in nearly all facets of life as a result of redlining,

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persistent segregation, and racially motivated violence.

73. As in other parts of New York City, redlining drove residential segregation on Staten Island. Redlining is a practice by which the government draws boundaries around neighborhoods based on residents' race and then denies access to financial services, such as loans and mortgages, to areas that have significant populations of racial minorities. When the Home Owners Loan Corporation ("HOLC")—a government-sponsored corporation created as part of the New Deal to provide mortgage relief to homeowners—prepared a map of Staten Island ranking neighborhoods by their "risk" for federally guaranteed home improvement and mortgage loans in 1940, every neighborhood on Staten Island with even a small Black population received the HOLC's lowest ranking—"D." That included Sandy Grove, which suffered a sharp decline in Black population in the early 1900s as a result of the closure of oyster beds and devastating fires. The HOLC described Sandy Ground as "on the downgrade for years" with "little hope for recovery," and concluded that "it is difficult to envisage any further decline, but the trend, if any, would be downward."

74. When the Verrazzano Bridge was constructed in the 1960s, many white Staten Islanders decried the project, fearing the influx of migrants from New York's more diverse boroughs. Private real estate brokers reacted to this fear by engaging in discriminatory housing practices and racial steering that reinforced the patterns of segregation. Brokers consistently steered Blacks into segregated and rundown neighborhoods. In 1967, Ben Harris, director of the Open City fair housing program, told *The New York Times* that that Staten Island is the "worst borough" for discrimination against Blacks. He further observed that, "[w]henever a Negro goes into a Staten Island real estate office he always gets sent back to the worst areas . . . The white clients get shown places in the nice neighborhoods."

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75. Redlining and other discriminatory housing practices were banned by the Fair Housing Act of 1968, but their discriminatory impacts persist today. Because of redlining, it was almost impossible for Blacks, and later Latinos, to buy property in sections of Staten Island inhabited by whites. Builders could not get Federal Housing Administration subsidies for the construction of single-family homes or apartment developments open to Blacks outside of mixed-race or predominantly Black areas. As a result, minorities were largely confined to low-ranked neighborhoods—like St. George and Stapleton neighborhoods, ranked "declining" or "hazardous"—where it was difficult to obtain market-rate mortgages to buy or improve properties. Redlining also spurred disinvestment and decline in many low-ranked neighborhoods.

76. The result was extreme segregation, the remnants of which still exist today. Black and Latino residents of Staten Island remain largely concentrated in the North Shore, while Staten Island's South Shore is almost entirely white. This *de facto* segregation on Staten Island is no accident—it is by design. During debates over rezoning in the early 1960s, South Shore community organizations fought tooth and nail to ensure the city planning commission would zone their neighborhoods for detached, single-family homes only. They were successful, and low-cost housing that minorities could afford were confined to the North Shore.

77. White communities also protested public transportation routes that would have connected the South Shore to other parts of Staten Island. Since at least the early 2000s, Staten Island residents have called the Staten Island Expressway the "Mason Dixon line," because it divides the predominantly white southern part of the island from its increasingly racially diverse northern section.

78. In addition to bearing the effects of segregation, Black and Latino communities on Staten Island have also suffered from a history of racially motivated violence. In 1972, arsonists

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torched the home that a Black family had purchased in the predominantly white town of New Dorp, just before the family's scheduled move-in date. Later that year, a police officer in New Brighton shot and killed a Black unarmed, 11-year-old child for allegedly fleeing the scene in a stolen vehicle. In the 1980s, a limited integration effort at New Dorp High School prompted a "race riot" so serious that Black students were evacuated from the facility. In 1988, when the Willowbrook Parkway was renamed the "Dr. Martin Luther King, Jr. Expressway," vandals shot at the new sign and splashed paint on it.

79. Racially motivated violence has also persisted in recent years. In 2003, as Staten Island was rapidly diversifying, a spate of hate crimes and racial clashes occurred. In early 2009, the U.S. Department of Justice indicted three white men in Staten Island for brutal attacks against Black people in Park Hill and Richmond on the night that Barack Obama was elected president. In 2023, Staten Islanders held anti-immigrant protests when the borough opened a 60-person shelter for refugees in the predominantly white Arrochar neighborhood.

80. In 2014, New York City Police Officer Daniel Pantaleo held Eric Garner, a 43-year-old Black man, in a prohibited chokehold after stopping Garner for allegedly selling loose cigarettes in Tompkinsville, a diverse neighborhood in northeastern Staten Island. Pantaleo ultimately strangled Garner to death while Garner repeatedly said, "I can't breathe." The Staten Island district attorney refused to indict Officer Pantaleo for killing Mr. Garner, sparking a nationwide outcry.

B. The Extent to Which Members of the Protected Classes are Disadvantaged in Areas Which May Hinder Their Ability to Participate Effectively in the Political Process

81. In nearly every sphere of life, Black and Latino residents of Staten Island bear the ongoing effects of discrimination. Black and Latino residents lag behind white residents in areas

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such as education, employment, income, and access to healthcare.

82. In education, for example, Black and Latino Staten Islanders face substantial disparities in graduation rates from Staten Island's public schools. In 2024, Black and Latino high school graduation rates were more than 15% lower than white graduations rates. While 93% of white students graduated, only 78% of Latino students and 74% of Black students did.

83. Black and Latino Staten Islanders have also long been largely excluded from admission to Staten Island's most prestigious public school, the Staten Island Technical High School. In 2023, for example, only two Black and seven Latino students were given admissions offers out of 287 students admitted. And in 2025 the rate was even lower. Of the 289 students admitted, only one was Black and five were Latino.

84. The racial income disparities on Staten Island are also stark: Latino and Black residents earn only about 60% of the per capita income of their white counterparts. Only about one in fifteen whites live in poverty on Staten Island; by contrast, one in six Latinos and one in four Blacks are poor.

85. These educational and socio-economic disadvantages hinder minority residents' ability to participate effectively in the political process. Indeed, white Staten Islanders consistently turn out to vote at higher rates than Black and Latino Staten Islanders.

C. The Extent to Which Members of the Protected Classes have Been Elected to Office on Staten Island

86. Black and Latino candidates have achieved little success in Staten Island elections. As late as 1988, there was no Black member of the Island's community school board even though close to 20% of its public school pupils were members of minority groups.

87. Staten Island has never elected a Latino Supreme Court judge despite the fact that

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Latinos are the second largest demographic group in Richmond County.

88. The first Black person elected to public office on Staten Island was Deborah ("Debi") Rose, a Democrat elected to the North Shore city council seat in the fall of 2009. Since then, Black candidates have had some success in city council and state assembly elections—but *only* in districts in the North Shore where Black and Latino voters are concentrated. In 2022, Kamillah Hanks succeeded Debi Rose to represent Assembly District 49. Charles Fall, who is Black, has represented Assembly District 61, which is comprised of the North Shore and parts of lower Manhattan, in the State Assembly since 2019. There has never been a Black or Latino candidate elected to be Staten Island Borough President.

89. Staten Island has never elected a Black representative to the United States House of Representatives and only recently elected its first Latina member, Representative Malliotakis, in 2020. But Representative Malliotakis is not the candidate of choice for either Black or Hispanic voters. In both 2022 and 2024, Black and Hispanic voters supported Malliotakis's Democratic opponents in *substantial* numbers. The same is true of her 2017 run for mayor of New York. At the same time, Malliotakis won the white vote by more than 75% in all three elections.

D. Racial Appeals Have Occurred in Staten Island Campaigns

90. Political campaigns on Staten Island have featured overt racial appeals. For example, in 2017, a political operative, Richard Luthmann, allegedly created a fake Facebook page in Representative Debi Rose's name, stating that she supported welcoming a "welfare hotel full of criminals and addicts" and turning a St. George property into "a heroin/methadone den."

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Debi Rose
July 10 ·

Come support my partnership with Real Estate Developer George Christo to redevelop 78 Fort Place into and SRO Welfare Hotel full of Criminals and Drug Addicts. His campaign contributions will help me to give him the necessary administrative variance to turn this St. George property into a heroin/methadone den. Hey Baby! He bought St. George cheap - a few thousand in campaign contributions to me and NOTHING for the community.

V. A new CD-11 can be drawn in which Black and Latino voters would no longer have less opportunity than other voters to influence elections and elect candidates of their choice.

91. A new district in which Black and Latino voters have the ability to influence congressional elections can be drawn by joining Staten Island with voters in lower Manhattan.

92. This configuration is not without precedent. Joining Staten Island with lower Manhattan would align the district with New York's existing Assembly District boundaries. The 61st Assembly District links communities in Staten Island's North Shore with neighborhoods in lower Manhattan.

93. In addition, in 1972, following the 1970 census, the New York Legislature enacted a congressional map with a newly-configured congressional district, then CD-17, that joined Staten Island with lower Manhattan. However, after the 1980 Census and the contentious 1982 redistricting battle, Republicans in control of the Senate sought to gain solid control of the Staten Island-based district. With the two houses of the Legislature controlled by opposite parties, the parties compromised to redraw the Staten Island-based congressional district to include the Bay

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Ridge section of Brooklyn instead of the southern tip of Manhattan. The move was transparently partisan, securing Republican advantage on Staten Island for decades to come.

94. Given the dramatic demographic shifts that have occurred on Staten Island since the 1980s when the district took its current form, in particular the growth of the Black and Latino populations and the relative decline of the white population, along with the persistence of racially polarized voting and the totality of the circumstances factors, CD-11 should be redrawn to comply with the requirements of Article III, section 4(c)(1) of the New York Constitution.

95. This Court should order the Legislature to draw a new, lawful CD-11 that pairs Staten Island with lower Manhattan in order to afford Black and Latino voters the same opportunity as other members of the electorate to influence elections and elect their candidate of choice.

CLAIM I

Unconstitutional Vote Dilution
Article III, Sections 4(c)(1) and 5 of the New York Constitution; Unconsolidated Laws §§ 4221, 4223

96. Petitioners reallege and reincorporate by reference all prior paragraphs of this Petition and the paragraphs in the count below as though fully set forth herein.

97. The New York Constitution explicitly protects against minority vote dilution in congressional redistricting by providing that "[d]istricts shall be drawn so that, based on the totality of the circumstances, racial or minority language groups do not have less opportunity to participate in the political process than other members of the electorate and to elect representatives of their choice." N.Y. Const. art. III, § 4(c)(1).

98. The NY VRA provides the standards under which New York courts evaluate a claim of vote dilution. In order to demonstrate vote dilution, plaintiffs must show that the Black- and Latino-preferred candidate would usually be defeated, and that either: (a) voting is racially

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polarized in the congressional district; or (b) under the totality of the circumstances, the ability of Blacks and Latino voters to elect candidates of their choice or influence the outcome of elections is impaired. N.Y. Elec. Law § 17-206(2)(b). Black and Latino Staten Islanders' votes are being diluted in CD-11 under both standards.

99. There is racially polarized voting in CD-11. Blacks and Latinos dependably prefer the same candidates; their preferred candidates differ from those preferred by the rest of the electorate; and as a result, Black- and Latino voters' preferred candidates are consistently defeated.

100. Under the totality of the circumstances, Black and Latino voters have less opportunity to influence the outcome of elections and elect candidates of their choice than other members of the electorate in CD-11.

101. A minority influence district is both possible and required by the New York Constitution in CD-11. Pairing Staten Island with voters in lower Manhattan would produce a district in which Black and Latino voters could influence elections and elect candidates of their choice.

102. By engaging in the acts and omissions alleged herein, Defendants have acted and continue to act to deny Plaintiffs rights guaranteed to them by Article III, Section 4 of the New York State Constitution. Defendants will continue to violate those rights absent relief granted by this Court.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for relief as follows:

A. Declare that the 2024 Congressional Map violates Article III, Section 4(c)(1) of the New York Constitution by unlawfully diluting the votes of Black and Latino voters in CD-11.

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B. Pursuant to Art. III, Section 5 of the New York Constitution, order the Legislature to adopt a valid congressional redistricting plan in which Staten Island is paired with voters in lower Manhattan to create a minority influence district in CD-11 that complies with traditional redistricting criteria.

C. Issue a permanent injunction enjoining Defendants and their agents and successors in office, from enforcing or giving any effect to the boundaries of the congressional districts as drawn in the 2024 Congressional Map, including an injunction barring Defendants from conducting any further congressional elections under the current map.

D. Hold hearings, consider briefing and evidence, and otherwise take actions necessary to order a valid plan for new congressional districts in New York that comports with Article III, Section 4(c)(1) of the New York Constitution.

E. Grant such other or further relief the Court deems appropriate, including but not limited to an award of Petitioners' attorneys' fees and reasonable costs.

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