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**FEDERAL COURT RULES PORT CHESTER'S SYSTEM OF ELECTION
DISCRIMINATES AGAINST HISPANIC VOTERS
IN VIOLATION OF THE VOTING RIGHTS ACT**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, and GRACE CHUNG BECKER, the Acting Assistant Attorney General of the Civil Rights Division of the United States Department of Justice, announced that a federal judge in White Plains, New York, has ruled that the at-large system of election used by the Village of Port Chester, New York, to elect its Trustees violates the Voting Rights Act because it discriminates against Hispanics.

In a 56-page decision dated January 17, 2008, and released on January 22, 2008, United State District Judge STEPHEN C. ROBINSON ruled that after performing a "thorough and careful analysis," he concluded that "the Village of Port Chester's at-large system for electing its Board of Trustees violates Section 2 of the Voting Rights Act."

The United States filed a Complaint on December 15, 2006, alleging that Port Chester's at-large election system diluted the voting strength of the Village's Hispanic citizens. The same day, the United States filed a motion to enjoin Port Chester from using its at-large system on March 20, 2007, to elect two new trustees. On March 2, 2007, following a 10-day hearing, Judge ROBINSON issued a preliminary injunction enjoining Port Chester from proceeding with its March 20, 2007 election, finding that the United States had shown that it was likely to prevail on its claim. The Court's decision today came after an additional five days of testimony and post-trial briefing.

According to the evidence at trial, and as cited in Judge ROBINSON's opinion, the 2000 census shows that almost half of Port Chester's residents, and 22% of Port Chester's citizens of voting age, were Hispanic. By July 2006, the number of Hispanic citizens of voting age had increased to about 28%. Despite these figures, no Hispanic has ever been elected to Port Chester's municipal

legislature, the six-member Board of Trustees. Indeed, no Hispanic has ever been elected to any public office in Port Chester, despite the fact that Hispanic candidates have run for office 6 times - twice for the Board of Trustees, and 4 times for the Port Chester Board of Education, which manages a school system that is overwhelmingly Hispanic.

In ruling for the United States, the Court also found that:

- a six-district plan could be drawn for Port Chester in which Hispanics would constitute a majority of the citizen voting age population in at least one district;
- Hispanics in Port Chester voted cohesively for their candidates of choice and these candidates of choice were routinely defeated;
- voting in Port Chester is polarized by ethnicity;
- Hispanics in Port Chester suffered from the lingering effects of discrimination that negatively affected their ability to participate in the political process; and
- racial appeals - in particular an anti-Hispanic flyer in the 2007 Mayoral race - had marred recent political campaigns.

Mr. GARCIA stated: "Judge Robinson noted in his decision that a citizen, later appointed to Port Chester's Voting Rights Commission, argued that Port Chester should be exempted from the application of the federal Voting Rights Act. Fortunately for the minority citizens of that Village, whose federally protected voting rights were diluted by Port Chester's at-large election system, the Act applies in full force there, as it does in every municipality. We hope that Port Chester will move forward and work with us to develop a district-based election system that remedies the violation of the Voting Rights Act that Judge Robinson has found."

"We are very pleased with the Court's ruling that Port Chester's election system violates Section 2 of the Voting Rights Act," said GRACE CHUNG BECKER, the Acting Assistant Attorney General for the Civil Rights Division. "This ruling will compel Port Chester to adopt an electoral system that will enable Hispanic voters to participate with all other voters as equals in the electoral process."

The Court ordered the parties to file proposed remedial plans in writing with the Court within three weeks, and stated that the Court would thereafter schedule a one-day hearing on the proposed remedies.

Assistant United States Attorney DAVID J. KENNEDY of

the Southern District of New York and Department of Justice Trial Attorney TIMOTHY F. MELLETT are handling the case.

Additional information about the Voting Rights Act and other federal voting laws is available on the Department of Justice website at www.usdoj.gov/crt/voting/index.htm.

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