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WHITE PLAINS FEDERAL COURT JUDGE ORDERS REMEDY
IN PORT CHESTER VOTING RIGHTS CASE

PREET BHARARA, the United States Attorney for the Southern District of New York, and THOMAS E. PEREZ, the 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, today ordered the Village of Port Chester, New York, to implement a remedy for its violation of the Voting Rights Act.

In an oral decision rendered in open court, Judge STEPHEN C. ROBINSON ruled that the Village could adopt its preferred remedy, a cumulative voting system, provided that the Village holds the election for all positions on its Board of Trustees at the same time, and adopts a voter education program to explain this system of election to its voters, to be part of a Consent Order with the United States. Judge ROBINSON further ordered that the Village election, originally scheduled for March 2010, be delayed to at least June 2010 to implement the voter education program.

Under a cumulative voting system, each voter is given multiple votes, depending on the number of positions that are open. The voter may cast all of his or her votes for a single candidate, or may allocate votes among candidates. In the case of Port Chester, all six Trustee positions will be up for election. Therefore, each voter in Port Chester will have six votes to allocate between Trustee candidates; they may cast all six votes for one Trustee candidate, or split their six votes between the candidates they prefer.

The Court ordered the parties to develop a detailed voter education and training program for the Court's approval and to return to Court on December 8, 2009.

The United States filed a Complaint on December 15, 2006, alleging that Port Chester's at-large system of electing its governing Board of Trustees diluted the voting strength of the

Village's Hispanic citizens, in violation of Section 2 of the Voting Rights Act of 1965. The same day, the United States filed a motion to enjoin Port Chester from using its at-large election 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. On January 17, 2008, Judge ROBINSON concluded that, as a matter of law, "the Village of Port Chester's at-large system for electing its Board of Trustees violates Section 2 of the Voting Rights Act."

Today's decision comes after extensive briefing and testimony regarding the appropriate remedy to replace Port Chester's at-large system. The United States and plaintiff Cesar Ruiz proposed a six-district plan, under which each voter casts one vote for the candidate whom the voter would want to represent the district, while Port Chester proposed cumulative voting.

Assistant United States Attorney DAVID J. KENNEDY of the United States Attorney's Office for 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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