

EXHIBIT F

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)	
THE STATE OF NEW YORK,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. 1:12-cv-413
)	Three-Judge Court (RBW, JWR, RJL)
UNITED STATES OF AMERICA and ERIC H.)	
HOLDER, JR., in his official capacity as Attorney)	
General of the United States,)	
)	
<i>Defendants.</i>)	
)	

ANSWER

Defendants, United States of America and Eric H. Holder, Jr., in his official capacity as Attorney General of the United States (collectively “Defendants”), hereby answer each of the paragraphs of the “Complaint for Declaratory Judgment Pursuant to the Provisions of Section 5 of the Voting Rights Act of 1965, as Amended, 42 U.S.C. § 1973c, and Request for Three-Judge Court” (“Complaint,” ECF No. 1), filed on March 16, 2012, by Plaintiff State of New York (“New York”) in the above-styled action.

1. In response to the allegations in paragraph 1, Defendants admit that New York seeks in this action a declaratory judgment that its redistricting plan for the New York State Senate (“Senate Plan”), as enacted by the New York Legislature and signed by the New York Governor complies with Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c (“Section 5”). Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegation that the Senate plan in fact complies with Section 5, and they therefore deny that allegation. Defendants admit that the Senate Plan provides for the decennial redistricting of New

York's State Senate districts. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegation that the Senate Plan will take effect in the regularly scheduled 2012 primary and general elections, and they therefore deny that allegation. Defendants deny that the Senate plan may presently be enforced and Defendants aver that New York may not enforce the Senate plan until it obtains either administrative preclearance from the Attorney General or judicial preclearance from this Court under Section 5.

PARTIES

2. In response to the allegations in paragraph 2, Defendants admit that the State of New York is a state of the United States and that the Temporary President of the New York State Senate is designated in the enacted redistricting legislation as the submitting authority for the Senate Plan. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegation that New York brings this action on behalf of its citizens.

3. In response to the allegations in paragraph 3, Defendants admit that the United States is a proper defendant in this action. The remaining allegations in paragraph 3 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendants admit that the State's desire to implement the Senate plan creates a case or controversy.

4. Defendants admit the allegations in paragraph 4.

JURISDICTION AND VENUE

5. In response to the allegations in paragraph 5, Defendants admit that this action is brought pursuant to 42 U.S.C. § 1973c and 28 U.S.C. § 2201, and that this Court is authorized to hear and determine actions brought by covered jurisdictions seeking declaratory judgments that a voting change complies with Section 5. Defendants also admit that this Court has subject matter

jurisdiction pursuant to 42 U.S.C. § 1973c (and 42 U.S.C. § 1973l(b)) and 28 U.S.C. § 1331.

Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegation that Plaintiff is entitled to a declaratory judgment, and they therefore deny those allegations.

6. Defendants admit the allegations in paragraph 6 to the extent that the United States District Court for the District of Columbia is the only court in which an action can be brought seeking a declaration that a voting change complies with Section 5. 42 U.S.C. §§ 1973c and 1973l(b).

THREE-JUDGE PANEL REQUIRED AND REQUESTED

7. Defendants admit the allegations in the first sentence of paragraph 7. Defendants deny that the remaining allegations in paragraph 7 accurately and fully describe the requirements of Section 5, and they therefore deny the remaining allegations. Defendants specifically deny that the relevant coverage date for Section 5 for the three covered counties in New York is November 1, 1964, and instead aver that the relevant coverage date for these three counties is November 1, 1968, or November 1, 1972, respectively. Defendants also aver that the requirements of Voting Rights Act speak for themselves.

8. Defendants admit the allegations in paragraph 8.

FACTUAL ALLEGATIONS

9. Defendants admit the allegation in paragraph 9.

10. Defendants admit the allegation in paragraph 10.

11. Defendants admit that New York's population shifted over the past decade. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the remaining allegations in paragraph 11, and they therefore deny those allegations.

12. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegations in paragraph 12, and they therefore deny the allegations.

13. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegations in paragraph 13, and they therefore deny the allegations.

14. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegations in paragraph 14, and they therefore deny the allegations.

15. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegations in paragraph 15, and they therefore deny the allegations.

16. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegations in paragraph 16, and they therefore deny the allegations.

17. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegations in paragraph 17, and they therefore deny the allegations.

18. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegations in paragraph 18, and they therefore deny the allegations.

19. Defendants admit that Benchmark Senate District 17 contains population from Kings County and is currently represented by Senator Martin Dilan. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the remaining allegations in paragraph 19, and they therefore deny the allegations.

20. Defendants admit that Benchmark Senate District 18 contains population from Kings County and is currently represented by Senator Velmanette Montgomery. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the remaining allegations in paragraph 20, and they therefore deny the allegations.

21. Defendants admit that Benchmark Senate District 19 contains population from Kings

County and is currently represented by Senator John Sampson. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the remaining allegations in paragraph 21, and they therefore deny the allegations.

22. Defendants admit that Benchmark Senate District 20 contains population from Kings County and is currently represented by Senator Eric Adams. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the remaining allegations in paragraph 22, and they therefore deny the allegations.

23. Defendants admit that Benchmark District 21 contains population from Kings County and is currently represented by Senator Kevin Parker. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the remaining allegations in paragraph 23, and they therefore deny the allegations.

24. Defendants admit that Benchmark Senate District 28 contains population from New York and Bronx Counties and is currently represented by Senator Jose Serrano. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the remaining allegations in paragraph 24, and they therefore deny the allegations.

25. Defendants admit that Benchmark Senate District 30 contains population from New York County and is currently represented by Senator Bill Perkins. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the remaining allegations in paragraph 25, and they therefore deny the allegations.

26. Defendants admit that Benchmark Senate District 31 contains population from New York and Bronx Counties and is currently represented by Senator Adriano Espaillat. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the remaining allegations in paragraph 26, and they therefore deny the allegations.

27. Defendants admit that Benchmark Senate District 32 contains population from Bronx County and is currently represented by Senator Ruben Diaz. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the remaining allegations in paragraph 27, and they therefore deny the allegations.

28. Defendants admit that Benchmark Senate District 33 contains population from Bronx County and is currently represented by Senator Gustavo Rivera. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the remaining allegations in paragraph 28, and they therefore deny the allegations.

29. Defendants admit that Benchmark Senate District 36 contains population from Bronx County and is currently represented by Senator Ruth Hassell-Thompson. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the remaining allegations in paragraph 29, and they therefore deny the allegations.

30. Defendants admit that New York may not enforce the Senate plan until it obtains either administrative preclearance from the Attorney General or judicial preclearance from this Court pursuant to Section 5.

31. Defendants admit the allegations in paragraph 31.

32. Defendants admit the allegations in paragraph 32 only to the extent that the Attorney General received a submission under Section 5 from New York on March 16, 2012, that seeks preclearance of the Senate Plan under Section 5. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegation that Plaintiff intends to file a “complete” submission, and they therefore deny that allegation.

JUSTICIABILITY

33. The allegations in paragraph 33 are statements of law/conclusions of law to which no

response is required. If deemed to allege facts, Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegations in paragraph 33, and they therefore deny the allegations.

34. The allegations in paragraph 34 are statements of law/conclusions of law to which no response is required. If deemed to allege facts, Defendants admit that the next elections for the State Senate districts are scheduled to occur on November 6, 2012, and that the primary elections for the State Senate are scheduled to be held on September 11, 2012. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the remaining allegations in paragraph 34, and they therefore deny those allegations.

COUNT I

35. In response to paragraph 35, Defendants incorporate by reference the responses in this Answer to the allegations in paragraphs 1 through 34 of the Complaint as if fully set forth herein.

36. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegations in paragraph 36, and they therefore deny those allegations.

37. Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegations in paragraph 37, and they therefore deny those allegations.

REQUEST FOR RELIEF

In response to the un-numbered request for relief contained in paragraphs a-e, following paragraph 37 of the Complaint, Defendants admit that a three-judge court should be convened, but Defendants lack knowledge or information sufficient to form a belief at this time as to the truth of the allegations that the State is entitled to any relief, and they therefore deny that the State is entitled to any relief.

GENERAL DENIAL

Defendants deny any and all allegations not specifically admitted in this Answer.

Date: April 13, 2012

RONALD C. MACHEN, JR.
United States Attorney
District of Columbia

Respectfully submitted,

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

/s/ Justin Weinstein-Tull

T. CHRISTIAN HERREN, JR.
BRYAN SELLS
STEVEN WRIGHT
JUSTIN WEINSTEIN-TULL
Voting Section
Civil Rights Division
U.S. Department of Justice
Room 7254-NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 353-0319
Facsimile: (202) 307-3961

*Attorneys for Defendants
United States of America and
Attorney General Eric H. Holder, Jr.*

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2012, I served a true and correct copy of the foregoing via the Court's ECF system, to the following counsel of record:

Michael A. Carvin
Louis K. Fisher
Jones Day
51 Louisiana Avenue, NW
Washington, DC 20001-2113
(202) 879-3939

/s/ Justin Weinstein-Tull
Justin Weinstein-Tull
Voting Section
Civil Rights Division
U.S. Department of Justice
Room 7254-NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 353-0319