

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

X

HARKENRIDER, ET AL.

-against-

HOCHUL, ET AL

X

Index No. 2022 - 0116CV

McAllister, J.

AFFIDAVIT, APPLICATION

FOR AMICUS STATUS & SUBMISSION

STATE OF NEW YORK)
COUNTY OF RICHMOND) s.ss:

Daniel J. Hennessy, residing at 121 Franklin Avenue, Staten Island, New York 10301, being duly sworn, dose hereby depose and states as follows:

1. I am a citizen of the State of New York.
1. I am requesting herewith Friend of the Court status in connection with the Court's proceedings to, with the assistance of a neutral special master, set a plan for the apportionment of State Senate Districts in conformance with the 2020 decennial census, the U. S. Constitution and the Constitution of the State of New York.
2. Annexed hereto as Exhibit 1 is a copy of my *curriculum vitae*.
3. Briefly, I have over thirty-six years' experience as a demographer, GIS cartographer, and research analyst engaged in the processes of apportioning political subdivisions within the State of New York. This included preparation of State Senate and Congressional district maps.
4. I was employed by the Legislative Taskforce on Demographic Research and Reapportionment until January of 2019.
5. I have prepared a submission of maps and supporting data for sixty-three State Senate Districts based upon the most recent decennial census.
6. I respectfully submit that my experience and professional qualifications give me the ability to give to the Court and Special Master assistance in accomplishing the task at hand, and a perspective that is not readily available, or likely to be presented by the parties to this litigation.
7. A descriptive cover letter is annexed as EXHIBIT 2
8. A Maptitude layer and ESRI shape files are submitted herewith as EXHIBIT 3 [where files cannot be uploaded to NYSCEF, they will be e-mailed to the Court bwise@nycourts.gov and the Special Master cervas@cmu.edu].

Appendix A

Daniel J. Hennessy**121 Franklin Avenue****Cell: (917) 414-7783****Email: Dhennessy@si.rr.com****Home: (718) 983-1717****Staten Island, NY 10301**

January 1981-March 2009, December 2010-January 2019

NYS Legislative Task Force on Demographic Research and Reapportionment

- Planned and supervised a multitude of computer graphic projects supervising technical support staff consisting of cartographers, computer programmers, as well as, college interns. My primary project (1983-2009) was the Task Force's project to digitize NYS's entire election district geography for input into the redistricting geographic database for each redistricting cycle. NYS has over 15,000 election districts which can change frequently, especially after every redistricting cycle.
- In 1985, I became the Task Force's NYS coordinator for participation in the U. S. Bureau of the Census Precinct Program, part one was the Block Boundary Suggestion Program (BBSP).
- In the late 1980's I was a member of the Task Force's Request for Proposal (RFP) team responsible for the selection and implementation of a new redistricting software package. My primary responsibility was to ensure that the data was coordinated properly into the graphics environment.
- In 1992, I was accepted as a technical expert by both the special federal and state special masters appointed by the courts to draw the state's congressional districts.
- Was actively involved in the drawing of NYS Senate and US Congressional Districts in the 1980, 1990, 2000 and 2010 redistricting cycles..

Presentations:

- January 1985: New York State Board of Elections Commissioners Association and in
- February 1985: New York State Association of Towns
The Impact of the 1990 Precinct Program on the State of New York
- May 1989: United States Bureau of the Census, NY Regional Office
Reapportionment in New York State
- April 1990: Association of Public Administrators
The Political Implications of the Census, Reapportionment and the Affects of the same on NYS
- January 1991: NYS Board of Elections Commissioners Association
Panel discussion: GIS, computer technology and local reapportionment

Education:

- 1976: Cathedral College – B.A. in American History
- 1985: M.A. in American History, New York University

Daniel J. Hennessy
121 Franklin Avenue
Staten Island, NY 10301

Dear Special Master Cervas:

My name is Daniel J. Hennessy, a resident of Staten Island, NY.

Based on a career (36 ½ years) with The Legislative Task Force on Demographic Research and Reapportionment (LATFOR), my degrees in American History (resume attached) and a lifelong Interest in reapportionment and redistricting, I submit this plan for the redistricting of New York's State Senate.

The guiding principles in developing this plan are: the Constitutions of the United States and the State of New York and creating equally populated districts with the lowest possible deviations.

In regard to the State Constitution, the people of the state approved a Constitutional amendment in 2014 changing some of the redistricting criteria to minimize political manipulation. They list, in ranked order the following criteria: Draw districts that would not result in the denial or abridgement of racial or language minority voting rights; the districts should be compact and contiguous with low population deviation; the districts should preserve Counties, Cities and Towns and not discourage competition. Also, State Senate plans may not split small towns.

In 2021, the people of the state rejected several amendments to the state constitution regarding redistricting that would have restored some of the Legislature's ability to influence the drawing of districts in partisan manner.

The plan I submit was drawn using nonpolitical census geography and demographic data. The first draft was originally drawn without political or incumbency data, but I did overlay Incumbent member addresses to see if members were unnecessarily paired.

The plan has the state divided into 3 regions: Long Island, New York City plus a portion of Westchester County and the rest of upstate.

Long Island

The Long Island region consists of Nassau and Suffolk counties containing 9 whole districts with equal populations.

In keeping with the Constitutional requirement to preserve Towns and Villages, ten towns and cities are maintained and five were required to be split based upon their size and location. The districts were also drawn to minimize the splitting of villages or Census Designated Places, but that was occasionally necessary to achieve population equality required by the Constitution's "Block-on-Border" requirement.

In Nassau County, a Majority Minority District (6) was created in keeping with the first provision of the Constitutional rules to prevent the denial of racial or language minority voting rights.

The districts are equal in population, contiguous and as compact as reasonably possible. There is no incumbent pairing.

New York City

The New York City region consists of the 5 counties/boroughs of NYC plus a portion of in Westchester County, consisting of 28 districts with equal populations.

In the New York City region, districts were originally drawn at the Census Tract level and went down to the block level for "Block on Border" requirements. After the initial draft, one pairing of incumbents was corrected as it involved a small geographic area and population. I was not able to correct a second pairing without making a political choice.

In this proposal, the existing racial and language minority districts were maintained, and some districts were created due to changing demographics in the City.

Population deviation/block on border requirements resulted in the crossing of various county borders.

The crossing into Westchester County was to maintain a historic minority district, the second was to population equality requirement.

Upstate

In the upstate region, districts containing the whole cities of Buffalo, Rochester, and Syracuse were created. In adherence to the Constitution, I attempted to create equally populated districts without splitting Counties unless necessary. Counties were split only to maintain low population deviation. As a result, 39 of the 54 upstate counties were kept whole and no towns or cities were split.

This region consists of 26 districts with all populations within 1.7% of the ideal population.

There are four incumbent pairing. Three resulted from each pair of the incumbents living in the same city. The remaining pairing resulted from geographic and population necessity. Correcting this would have required the splitting of multiple Counties.

Conclusion

I have been following this new Redistricting process since it was created nearly a decade ago and, like the majority of voters in New York State, I believe the intent to minimize undue political influence in redistricting is a worthy goal.

I believe that the plan I am submitting achieves this objective.

I purposely avoided any political metrics while drawing my plan and I constrained myself by requiring Whole Cities and Counties and very low population deviations. When I did apply incumbent addresses, it was only to see if political pairings could be undone without violations these guidelines.

Respectfully submitted,

Daniel J. Hennessy

District	01	02	03	04	05	06	07	08	09	10
Adj_Population	324957	324957	324957	324957	324957	324957	324956	324957	324957	319736
Deviation	4420	4420	4420	4420	4420	4420	4419	4420	4420	-801
% Deviation	1.38%	1.38%	1.38%	1.38%	1.38%	1.38%	1.38%	1.38%	1.38%	-0.25%
Adj_Hispanic Origin	65910	41160	105347	83658	48702	102872	43135	40101	59222	60596
% Adj_Hispanic Origin	20%	13%	32%	26%	15%	32%	13%	12%	18%	19%
Adj_Not Hispanic	259045	283794	219610	241298	276253	222082	281821	284855	265733	259137
% Adj_Not Hispanic	80%	87%	68%	74%	85%	68%	87%	88%	82%	81%
Adj_NH_Wht	222191	236022	176955	174546	224107	106855	187743	241821	177251	50304
% Adj_NH_Wht	68%	73%	54%	54%	69%	33%	58%	74%	55%	16%
Adj_NH_Blk	17662	15535	21616	42565	11250	79372	13241	8634	45999	152765
% Adj_NH_Blk	5%	5%	7%	13%	3%	24%	4%	3%	14%	48%
Adj_NH_Asn	5922	21070	10827	12737	31033	23169	69953	25033	28452	24166
% Adj_NH_Asn	2%	6%	3%	4%	10%	7%	22%	8%	9%	8%
Adj_18+_Pop	260146	261530	256284	255949	257641	255460	253631	259658	255914	249233
Adj_H18+_Pop	45455	29100	75205	58939	33916	74036	30833	28200	43457	44791
% Adj_H18+_Pop	17%	11%	29%	23%	13%	29%	12%	11%	17%	18%
Adj_NH18+_Pop	214689	232427	181079	197009	223723	181421	222798	231457	212455	204439
% Adj_NH18+_Pop	83%	89%	71%	77%	87%	71%	88%	89%	83%	82%
Adj_NH18+_Wht	187715	195319	148740	146758	185562	91262	153219	199174	144290	39678
% Adj_NH18+_Wht	72%	75%	58%	57%	72%	36%	60%	77%	56%	16%
Adj_NH18+_Blk	13508	12743	17244	32788	8935	63280	10808	6881	36370	120778
% Adj_NH18+_Blk	5%	5%	7%	13%	3%	25%	4%	3%	14%	48%
Adj_NH18+_Asn	4830	17109	8552	9850	23338	18111	51914	19571	22210	18906
% Adj_NH18+_Asn	2%	7%	3%	4%	9%	7%	20%	8%	9%	8%

District	11	12	13	14	15	16	17	18	19	20
Adj_Population	319736	319736	319736	319736	319736	319736	319736	319736	319736	319736
Deviation	-801	-801	-801	-801	-801	-801	-801	-801	-801	-801
% Deviation	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%
Adj_Hispanic Origin	75870	99128	198356	43615	91601	54034	61666	135708	38411	37499
% Adj_Hispanic Origin	24%	31%	62%	14%	29%	17%	19%	42%	12%	12%
Adj_Not Hispanic	243862	220606	121376	276116	228134	265700	258064	184027	281323	282231
% Adj_Not Hispanic	76%	69%	38%	86%	71%	83%	81%	58%	88%	88%
Adj_NH_Wht	118912	71681	25825	41984	131344	37693	16362	112972	75793	102728
% Adj_NH_Wht	37%	22%	8%	13%	41%	12%	5%	35%	24%	32%
Adj_NH_BlK	9452	24742	16045	141689	7576	20450	205797	34507	156023	141923
% Adj_NH_BlK	3%	8%	5%	44%	2%	6%	64%	11%	49%	44%
Adj_NH_Asn	105371	84099	71174	67532	77473	193693	15063	20770	27888	14721
% Adj_NH_Asn	33%	26%	22%	21%	24%	61%	5%	6%	9%	5%
Adj_18+_Pop	266287	256061	251601	260463	261802	261485	248125	248852	252940	259528
Adj_H18+_Pop	59841	77173	151799	33327	71529	42050	45646	105909	29028	29593
% Adj_H18+_Pop	22%	30%	60%	13%	27%	16%	18%	43%	11%	11%
Adj_NH18+_Pop	206442	178886	99798	227131	190272	219433	202473	142942	223910	229929
% Adj_NH18+_Pop	78%	70%	40%	87%	73%	84%	82%	57%	89%	89%
Adj_NH18+_Wht	104283	59242	21761	36768	112066	32919	13670	84069	59267	82981
% Adj_NH18+_Wht	39%	23%	9%	14%	43%	13%	6%	34%	23%	32%
Adj_NH18+_Blk	8096	20452	13790	116229	6178	16986	160518	28261	126666	117003
% Adj_NH18+_Blk	3%	8%	5%	45%	2%	6%	65%	11%	50%	45%
Adj_NH18+_Asn	86604	67693	58594	54248	63956	158952	11469	18573	20964	12798
% Adj_NH18+_Asn	33%	26%	23%	21%	24%	61%	5%	7%	8%	5%

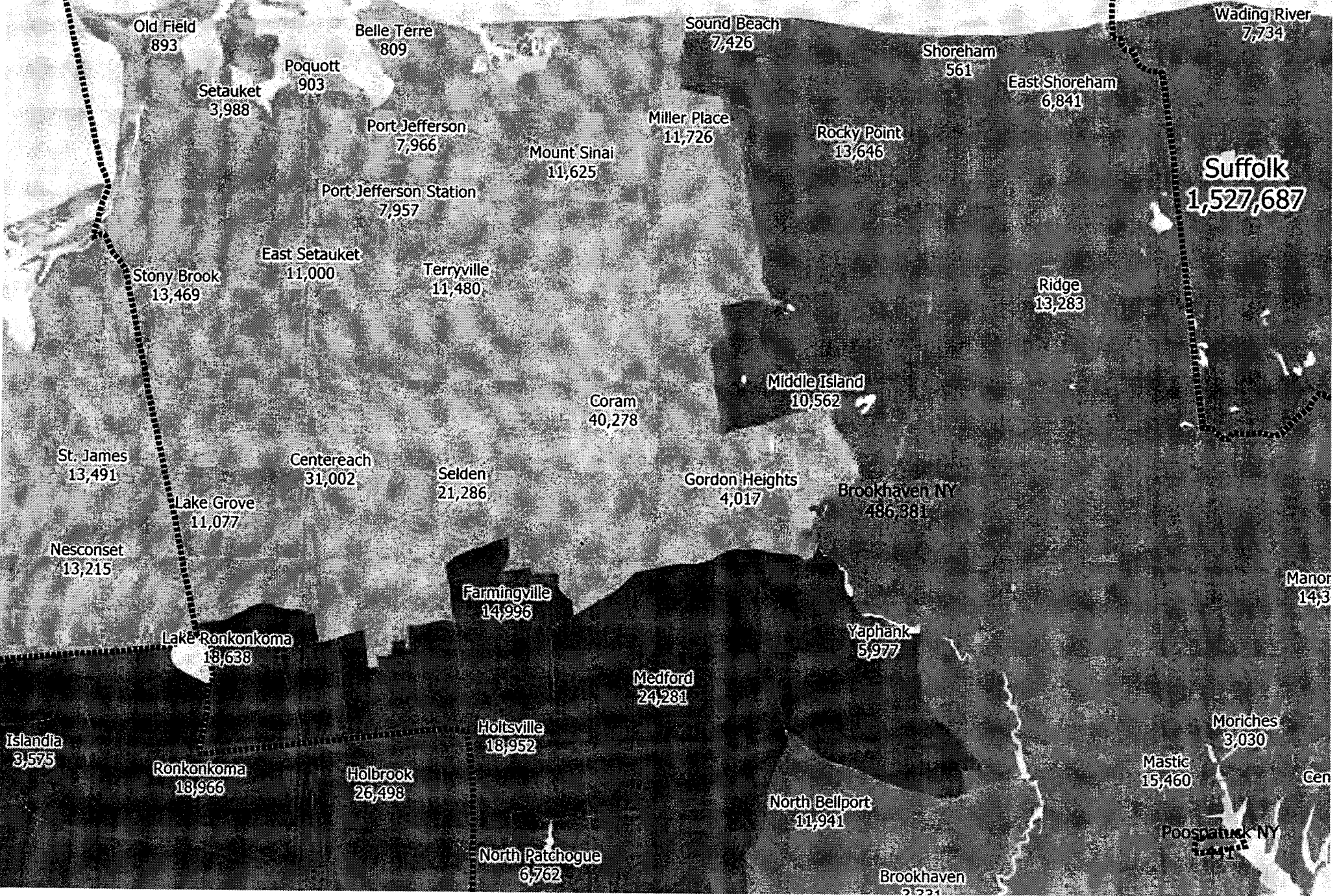
District	21	22	23	24	25	26	27	28	29	30
Adj_Population	319736	319735	319736	319736	319736	319736	319736	319736	319736	319736
Deviation	-801	-802	-801	-801	-801	-801	-801	-801	-801	-801
% Deviation	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%
Adj_Hispanic Origin	48534	31699	76598	40871	62075	82865	51793	55487	26238	44689
% Adj_Hispanic Origin	15%	10%	24%	13%	19%	26%	16%	17%	8%	14%
Adj_Not Hispanic	271200	288035	243136	278863	257655	236871	267941	264247	293498	275046
% Adj_Not Hispanic	85%	90%	76%	87%	81%	74%	84%	83%	92%	86%
Adj_NH_Wht	148057	201140	133110	225851	75395	120471	159296	173665	225713	198205
% Adj_NH_Wht	46%	63%	42%	71%	24%	38%	50%	54%	71%	62%
Adj_NH_BlK	4301	6638	56459	7611	146149	19322	17498	17941	10291	18686
% Adj_NH_BlK	1%	2%	18%	2%	46%	6%	5%	6%	3%	6%
Adj_NH_Asn	108183	63655	40978	36952	16465	82568	75442	55099	43338	41680
% Adj_NH_Asn	34%	20%	13%	12%	5%	26%	24%	17%	14%	13%
Adj_18+_Pop	251695	223917	251670	254598	252951	253245	280725	282843	279521	280298
Adj_H18+_Pop	35084	22801	53930	29189	47068	62839	43182	46328	22363	38198
% Adj_H18+_Pop	14%	10%	21%	11%	19%	25%	15%	16%	8%	14%
Adj_NH18+_Pop	216609	201115	197738	225407	205877	190406	237541	236513	257158	242099
% Adj_NH18+_Pop	86%	90%	79%	89%	81%	75%	85%	84%	92%	86%
Adj_NH18+_Wht	121478	136247	114327	184993	60304	99758	144434	158337	199748	176336
% Adj_NH18+_Wht	48%	61%	45%	73%	24%	39%	51%	56%	71%	63%
Adj_NH18+_Blk	3524	5509	41957	6141	116119	16162	14585	15207	9035	16491
% Adj_NH18+_Blk	1%	2%	17%	2%	46%	6%	5%	5%	3%	6%
Adj_NH18+_Asn	84502	49549	32382	28777	14577	65229	66853	49672	38221	37244
% Adj_NH18+_Asn	34%	22%	13%	11%	6%	26%	24%	18%	14%	13%

District	31	32	33	34	35	36	37	38	39	40
Adj_Population	319736	319736	319736	319735	319735	319735	319735	319736	323781	319735
Deviation	-801	-801	-801	-802	-802	-802	-802	-801	3244	-802
% Deviation	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	-0.25%	1.01%	-0.25%
Adj_Hispanic Origin	101893	174420	203584	213874	187019	86619	146682	109054	63328	72235
% Adj_Hispanic Origin	32%	55%	64%	67%	58%	27%	46%	34%	20%	23%
Adj_Not Hispanic	217833	145309	116144	105857	132715	233114	173052	210679	260452	247498
% Adj_Not Hispanic	68%	45%	36%	33%	42%	73%	54%	66%	80%	77%
Adj_NH_Wht	67408	40956	5721	48143	19694	26746	95437	132524	196465	190206
% Adj_NH_Wht	21%	13%	2%	15%	6%	8%	30%	41%	61%	59%
Adj_NH_Bl	112788	79506	98589	38559	71767	181494	42372	42162	32985	18787
% Adj_NH_Bl	35%	25%	31%	12%	22%	57%	13%	13%	10%	6%
Adj_NH_Asn	21471	15035	3392	9585	29306	9415	23665	23930	19910	25285
% Adj_NH_Asn	7%	5%	1%	3%	9%	3%	7%	7%	6%	8%
Adj_18+_Pop	266703	247835	234462	259586	241798	252874	252556	248990	227948	246904
Adj_H18+_Pop	80521	131526	149362	169476	138893	64968	110018	78535	43584	52751
% Adj_H18+_Pop	30%	53%	64%	65%	57%	26%	44%	32%	19%	21%
Adj_NH18+_Pop	186172	116302	85092	90106	102904	187904	142537	170452	184363	194151
% Adj_NH18+_Pop	70%	47%	36%	35%	43%	74%	56%	68%	81%	79%
Adj_NH18+_Wht	60635	35714	4280	42684	16485	23201	81059	110246	135328	151988
% Adj_NH18+_Wht	23%	14%	2%	16%	7%	9%	32%	44%	59%	62%
Adj_NH18+_Bl	93217	60652	72134	31886	55725	145054	34532	33334	26481	15318
% Adj_NH18+_Bl	35%	24%	31%	12%	23%	57%	14%	13%	12%	6%
Adj_NH18+_Asn	19862	12802	2784	8590	21943	7549	18828	19219	16149	19092
% Adj_NH18+_Asn	7%	5%	1%	3%	9%	3%	7%	8%	7%	8%

District	41	42	43	44	45	46	47	48	49	50
Adj_Population	316163	317506	316788	318549	316092	322840	316543	320819	316057	320346
Deviation	-4374	-3031	-3749	-1988	-4445	2303	-3994	282	-4480	-191
% Deviation	-1.36%	-0.95%	-1.17%	-0.62%	-1.39%	0.72%	-1.25%	0.09%	-1.40%	-0.06%
Adj_Hispanic Origin	66773	53394	46620	67153	12511	25255	20389	7460	16522	13442
% Adj_Hispanic Origin	21%	17%	15%	21%	4%	8%	6%	2%	5%	4%
Adj_Not Hispanic	249406	264117	270182	251409	303576	297580	296163	313394	299543	306906
% Adj_Not Hispanic	79%	83%	85%	79%	96%	92%	94%	98%	95%	96%
Adj_NH_Wht	208482	206250	214801	198298	269210	203568	239909	287746	259740	276346
% Adj_NH_Wht	66%	65%	68%	62%	85%	63%	76%	90%	82%	86%
Adj_NH_Blkl	15918	26597	29013	28135	7398	49113	20519	3687	14581	8865
% Adj_NH_Blkl	5%	8%	9%	9%	2%	15%	6%	1%	5%	3%
Adj_NH_Asn	13254	7457	11128	9162	10760	26262	10605	2528	10927	4030
% Adj_NH_Asn	4%	2%	4%	3%	3%	8%	3%	1%	3%	1%
Adj_18+_Pop	248698	241061	255952	248188	254107	262471	253864	258839	247813	251232
Adj_H18+_Pop	46513	36836	32518	45971	8478	17871	13236	5200	10533	9235
% Adj_H18+_Pop	19%	15%	13%	19%	3%	7%	5%	2%	4%	4%
Adj_NH18+_Pop	202201	204230	223448	202230	245624	244595	240637	253674	237288	241999
% Adj_NH18+_Pop	81%	85%	87%	81%	97%	93%	95%	98%	96%	96%
Adj_NH18+_Wht	171893	164476	181546	162883	221290	175159	200856	234794	210869	219667
% Adj_NH18+_Wht	69%	68%	71%	66%	87%	67%	79%	91%	85%	87%
Adj_NH18+_Blkl	12767	20626	22583	21778	5696	36719	15043	3101	9971	7088
% Adj_NH18+_Blkl	5%	9%	9%	9%	2%	14%	6%	1%	4%	3%
Adj_NH18+_Asn	10446	6089	9187	7457	8082	20621	7992	2076	7430	3331
% Adj_NH18+_Asn	4%	3%	4%	3%	3%	8%	3%	1%	3%	1%

District	51	52	53	54	55	56	57	58	59	60
Adj_Population	317073	318715	318203	319389	317903	320479	325998	325000	319107	321238
Deviation	-3464	-1822	-2334	-1148	-2634	-58	5461	4463	-1430	701
% Deviation	-1.08%	-0.57%	-0.73%	-0.36%	-0.82%	-0.02%	1.70%	1.39%	-0.45%	0.22%
Adj_Hispanic Origin	9565	19626	21673	14925	18524	49647	16112	17971	8706	9823
% Adj_Hispanic Origin	3%	6%	7%	5%	6%	15%	5%	6%	3%	3%
Adj_Not Hispanic	307514	299097	296529	304473	299377	270828	309898	307026	310407	311415
% Adj_Not Hispanic	97%	94%	93%	95%	94%	85%	95%	94%	97%	97%
Adj_NH_Wht	275112	274376	211148	277907	242517	157005	283929	251217	283715	282155
% Adj_NH_Wht	87%	86%	66%	87%	76%	49%	87%	77%	89%	88%
Adj_NH_BlK	8481	5748	50336	7302	22803	88212	4985	16337	6757	13376
% Adj_NH_BlK	3%	2%	16%	2%	7%	28%	2%	5%	2%	4%
Adj_NH_Asn	6985	2967	15074	4412	18983	10387	2025	20077	4066	5376
% Adj_NH_Asn	2%	1%	5%	1%	6%	3%	1%	6%	1%	2%
Adj_18+_Pop	253542	256817	252305	253732	255909	252674	258264	268339	252254	260865
Adj_H18+_Pop	6458	13070	14452	9533	12364	33320	10390	13191	5571	6338
% Adj_H18+_Pop	3%	5%	6%	4%	5%	13%	4%	5%	2%	2%
Adj_NH18+_Pop	247090	243755	237852	244208	243543	219350	247886	255145	246689	254527
% Adj_NH18+_Pop	97%	95%	94%	96%	95%	87%	96%	95%	98%	98%
Adj_NH18+_Wht	224430	225612	177934	225768	201950	136229	229792	212105	228120	233953
% Adj_NH18+_Wht	89%	88%	71%	89%	79%	54%	89%	79%	90%	90%
Adj_NH18+_Blk	6632	4546	35659	5611	17306	64570	4035	12511	5174	9986
% Adj_NH18+_Blk	3%	2%	14%	2%	7%	26%	2%	5%	2%	4%
Adj_NH18+_Asn	5505	2419	11709	3496	15154	8669	1665	17757	3174	4141
% Adj_NH18+_Asn	2%	1%	5%	1%	6%	3%	1%	7%	1%	2%

District	61	62	63
Adj_Population	325131	322010	321442
Deviation	4594	1473	905
% Deviation	1.43%	0.46%	0.28%
Adj_Hispanic Origin	12625	12778	38334
% Adj_Hispanic Origin	4%	4%	12%
Adj_Not Hispanic	312509	309235	283106
% Adj_Not Hispanic	96%	96%	88%
Adj_NH_Wht	265403	268335	142185
% Adj_NH_Wht	82%	83%	44%
Adj_NH_Bl	14818	19553	102923
% Adj_NH_Bl	5%	6%	32%
Adj_NH_Asn	18858	3317	22129
% Adj_NH_Asn	6%	1%	7%
Adj_18+_Pop	263772	258311	248026
Adj_H18+_Pop	8575	8090	25644
% Adj_H18+_Pop	3%	3%	10%
Adj_NH18+_Pop	255200	250224	222380
% Adj_NH18+_Pop	97%	97%	90%
Adj_NH18+_Wht	220077	221937	121591
% Adj_NH18+_Wht	83%	86%	49%
Adj_NH18+_Bl	11375	14642	75738
% Adj_NH18+_Bl	4%	6%	31%
Adj_NH18+_Asn	15494	2659	14955
% Adj_NH18+_Asn	6%	1%	6%



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