

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

RALPH M. MOHR

5622 Broadway Street
Lancaster, New York 14086

Plaintiff

against

Civil Action

File No.: 11-CV-559-S

ERIE COUNTY LEGISLATURE, Barbara
Miller-Williams, Chairperson; Robert M.
Graber, Clerk of the Legislature

**DECLARATION
WITH RESPECT TO PROPOSED
REAPPORTIONMENT PLANS**

CHRISTOPHER C. COLLINS, as County
Executive of the County of Erie

and

COUNTY OF ERIE

Defendants

Plaintiff, Ralph M. Mohr, under penalty of perjury under the laws of the United States of America and pursuant to 28 U.S.C. §1746, declares the following to be true and correct:

1. Affiant is an attorney-at-law duly licensed to practice in this Court and am the plaintiff herein; that I am fully familiar with the facts and circumstances of this litigation.

2. That affiant submits this declaration with respect to the proposed reapportionment plans submitted to the court by Anthony G. Marecki, Assistant County Attorney, o counsel to Jeremy A. Colby, Erie County Attorney, attorney for the defendants Chris Collins and County of Erie.

Factors to be Considered by the Court in Evaluating or Drafting a Reapportionment Plan

3. In considering whether to adopt a special masters plan of reapportionment, the federal courts have evaluated whether the reapportionment plan has achieved population equality with zero deviation and has respected the redistricting principles of compactness, contiguity and pre-existing political subdivisions. *Rodriquez v. Pataki*, 2002 US Dist. LEXIS 9272 (SDNY May 23, 2002). The factors which encompass these principles are many and include considerations involving population equality, political representation, contiguity, compactness, partisan and incumbent considerations, Voting Rights Act considerations, preserving cores of existing districts, political jurisdiction boundaries, communities of interest, incumbency pairings and partisan fairness. See *Rodriquez v. Pataki*, 2002 US Dist LEXIS 11782 (SDNY May 13, 2002).

4. In considering the plans submitted to the court, it is respectfully submitted that only the plan of redistricting submitted by the Erie County Advisory Committee on Reapportionment (Exhibits 4 through 26) and the plan identified as Local Law 3-1 (Exhibits 52 through 75) encompass the criteria referenced above.

5. Said plans preserve the core of the existing legislative districts, pairing against each other the least number of incumbents who have expressed an interest to seek re-election, provides partisan fairness, preserves two minority representative districts, creates districts that are contiguous, compact and contemplate communities of interests.

6. While minor deviations in populations between legislative districts have been upheld by court review of plans, it is respectfully submitted that the constitutional requirements of the Fourteenth Amendment requiring one person one vote, are best achieved by a zero deviation, and that the same, as evidenced by the two aforementioned plans, are able to be achieved herein; that no justification for deviation between legislative districts greater than a census block has been articulated to the court.

7. Further, attached hereto is a map prepared by the City of Buffalo planning department identifying communities of interest within said municipality; that said communities of interest are best preserved by the plan submitted to the court identified as Local Law 3-1 (Exhibits 52 through 75) and, it is respectfully submitted, must be considered by any court imposed plan.

Dated: Buffalo, New York
July 21, 2011

Respectfully submitted,

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**Courtesy Copy of the foregoing provided
this 21st day of July, 2011 to:**

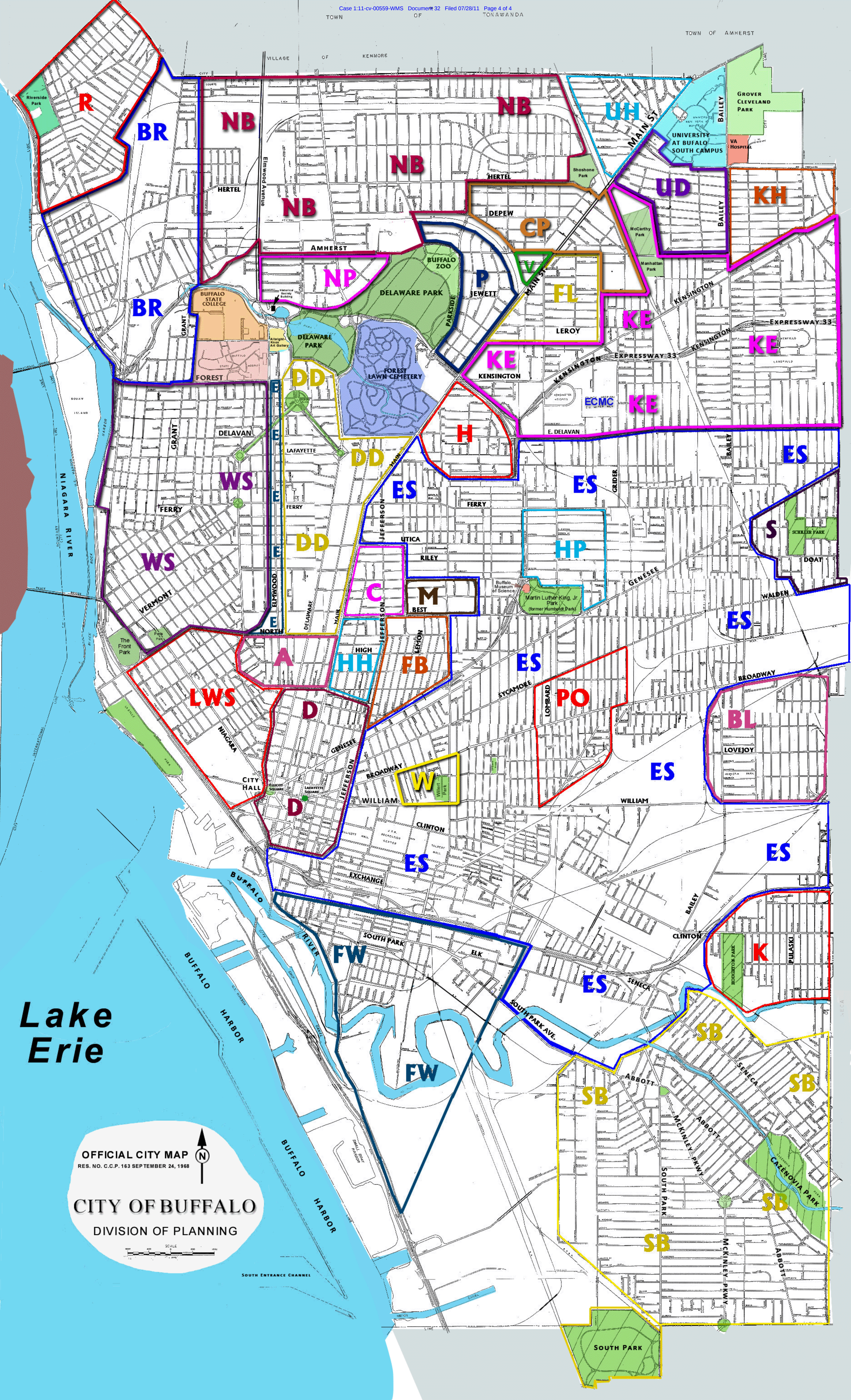
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Lake Erie

OFFICIAL CITY MAP
RES. NO. C.C.P. 163 SEPTEMBER 24, 1968

CITY OF BUFFALO
DIVISION OF PLANNING

SCALE
0 100 200 300 400 500 600 700 800 900 1000
Feet

SOUTH ENTRANCE CHANNEL

SOUTH PARK