

4. The March 2004 primary election was compromised by abuses in the absentee balloting process by, among others, Jamie Gilkey¹, Tyler Trice,² and Dyann Parker.³ Joyce Love⁴ and Alexander McHugh⁵ were also named as defendants. After an evidentiary hearing, approximately 160 absentee ballots were rejected and a new special primary election was ordered to be held for one of the affected districts—the district in which I was a candidate.

5. I was party to a federal lawsuit filed against, among others, the Defendants, under Section 11 of the Voting Rights Act in connection with the same events referenced in ¶ 4. Ultimately, the Defendants entered into a consent decree to establish policies, procedures, monitoring and oversight as relief for the “systemic and unlawful activity discovered in connection with absentee ballots.” Attached hereto as Exhibit 1 is a true and correct copy of that consent decree.

6. Every two years the Albany City Democratic Committee is required to have an organizational meeting. In the Fall of 2010, when I planned to run for chairwoman of the City Committee, both the outgoing Chairman of the Albany City Committee and the Albany County Chairman of the Democratic Party allowed the time to lapse during which one needed to call for

¹ Mr. Gilkey was an employee of the Albany Housing Authority, a Democratic Party ward leader and the campaign manager for two candidates for the Albany County Legislature in the special election. Mr. Gilkey is now chief of staff to Vanessa Gibson, the representative to the New York State Assembly for the 77th District.

² Mr. Trice was also an employee of the Albany Housing Authority.

³ Ms. Parker was a Democratic Party committee person under Mr. Gilkey’s leadership and is still working for the Housing Authority.

⁴ Joyce Love was an employee of the New York State Department of Taxation and is still a committeeperson in the Third Ward.

⁵ Alexander McHugh was a candidate for the 25th District of the Albany County Legislature and is now a committeeperson in the Third Ward.

the organizational meeting, resulting in the discontinuation of the City Committee. Because the County's minority population is concentrated in the City of Albany, the City Committee is a critical vehicle for minorities to exert influence on County Democratic politics, particularly in the redistricting process. I believe the City Committee was not continued because of the growing minority population in the city and the desire to prevent the minority community from organizing. Attached hereto as Exhibit 2 is a true and correct copy of Jordan Carleo-Evangelist, *Push on to Revive Dormant Party Committee*, THE TIMES UNION, Nov. 26, 2010, at C3.

7. The redistricting plan adopted by the Albany County Legislature changed the boundaries of what is now District 2 such that a candidate who would have been Virginia Maffia-Tobler's opponent in District 4 is now in my district, District 2. I believe this change was made in order to increase Ms. Maffia-Tobler, a white candidate's, chances of success in the new District 4, and to decrease my chances of success, because I am a minority candidate.

8. The redistricting plan adopted by the Albany County Legislature split the former First District into other districts. A large number of blacks resided in the former First District. I repeatedly inquired of John Merrill and Shawn Morse regarding how the blacks in the former First District were distributed in the new redistricting plan. I never received a response.

9. Public meetings of the Redistricting Commission were poorly advertised, making it unlikely that members of the public knew of their existence. Some, but not all, of the meetings were advertised on the County website. However, one would likely only check the website if one already knew of a meeting's existence.

10. Public meetings of the Redistricting Commission were held at inconvenient times and places, making it difficult to attend even if known about. One meeting was planned for a day when many city streets were closed, making it difficult to attend. A meeting was held on

April 23, 2011, which this year was the day between Good Friday and Easter Sunday, making it unlikely that some members of the public would attend.

11. No public meetings of the Redistricting Commission were held in minority communities.

12. On or around April 29, 2011, I visited the office of the Redistricting Commission and viewed the then draft of the new District 2, my district. At that time I told John Merrill that the new district separated long-established neighborhoods in my district, and I requested that the lines be changed.

13. The first proposed redistricting maps to be made available at a public hearing of the Redistricting Commission was on or around May 9, 2011. On that day, two maps were available, one changing the boundaries of the new District 2, as I had requested, and the other that did not change the boundaries relative to how they were on or around April 29, 2011. After that meeting, the adjusted boundaries were set aside and the new District 2 stayed as it was on or around April 29, 2011. The concerns I raised were thereafter not addressed.

14. Several members of the public, including Aaron Mair and Anne Pope, spoke at public meetings of the Redistricting Commission on May 17, 2011 and May 23, 2011 to express their opinion that there should be five majority-minority districts and that the proposed plan did not respect established communities.

15. Members of the public from the County's less urban outer districts spoke at the public meeting on May 17, 2011 and May 19, 2011 to complain about the proposed plan, saying it disrupted their communities. Changes were made to the proposed plan in response to these concerns.

16. No changes were made to the proposed plan in response to concerns raised by members of the minority community. On May 19, 2011, I asked Shawn Morse, the Chairman of the Redistricting Commission, to explain why changes were made for some people but not others. He replied, "I am not changing the Black lines."

17. On or around May 23, 2011, I inquired of Daniel McCoy, the Chairman of the Albany County Legislature, why there were only four Majority-Minority Districts in the proposed plan. I reminded him that over 40% of Albany City's residents are minorities, and that with 13 districts in the City, there should be more than four majority-minority districts. Mr. McCoy said there were attempts to create five majority-minority districts. I asked to see those plans. Mr. McCoy responded that there was not enough time to make changes and that the plan needed to be passed immediately.

18. On or around May 23, 2011, I asked Mr. McCoy his impression of the plan provided by Aaron Mair, and his associated maps. Mr. McCoy replied that "the extra district did not make sense." Mr. McCoy also informed me of his impression that there were not enough minorities to make up a fifth majority-minority district. I suggested to the body in the caucus on that day that the retained mapping expert attempt to work with Mr. Mair's plan. I received no response to this suggestion. To my knowledge, the mapping expert did not experiment with Mr. Mair's plan.

19. On or around May 23, 2011, I asked Mr. Morse his impression of the plan provided by Aaron Mair, and his associated maps. Mr. Morse responded by commenting on Mr. Mair's character, saying that he felt that Mr. Mair's "remarks were disingenuous."

20. In early December 2010, I proposed that more minorities be hired in the Chairman's office. Daniel McCoy responded, "You already have one," referring to Gloria

DiLella, the First Deputy Clerk, who is black. Mr. McCoy ultimately filled several empty positions with white candidates.

21. In a caucus discussing the new items put into the 2011 budget for the Majority Legislative Office, in late December or early January 2011, I raised concerns regarding the underrepresentation of minorities in County government positions generally. Mr. Morse responded that I needed to send him “qualified” candidates, implying that minority candidates would not be “qualified.”

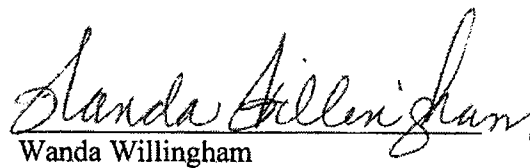
22. In or around November of 2010, I proposed a Minority Affairs Committee to Daniel McCoy among others when he was running for Chairman of the Legislature. My suggestion never received consideration.

23. On November 16, 2010, Brian Scavo, the Legislator from District 7, left the following comment on the Albany Times Union blog below a post about my efforts to change the direction of the City of Albany Democratic Committee: “Don’t mess with Dan MC coy he will you slap down. back of the bus sister, so sayest king MC coy, let us bow before master MC coy.” Attached hereto as Exhibit 3 is a true and correct copy of Jordan Carleo-Evangelist, *Blog Comment Spurs Calls to Resign*, THE TIMES UNION, Nov. 21, 2010, at 1.

24. I am on the Legislature’s Health Committee. I dedicated significant time to programming designed to increase the number of black children receiving services associated with our early intervention programs, a number which is very low. Despite my efforts, very little is being done to address the health issues facing minorities in the County.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 15, 2011


Wanda Willingham