

1-23-2023

## January 23 Roundtable Update

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## **NEW YORK REDISTRICTING ROUNDTABLE UPDATE**

### **State Assembly: Appellate Division Hears *Nichols* Appeal**

In a January 17th Appellate Division hearing, petitioner's attorney Peter Devlin argued that where the IRC and legislature had their chance and failed to abide by the constitutional redistricting process, the constitution, as explained in *Harkenrider*, requires a court ordered remedy for a new redistricting plan. The five appellate justices pushed back, questioning whether Judge Love's decision did just that—ordered a procedure for the adoption of a new redistricting plan (through the IRC process).

In addition, on behalf of petitioner Gavin Wax, Attorney Aaron Foldenauer submitted that while Wax still agrees with the relief sought by the other petitioners, he does not seek to win at all costs and instead wants to ensure the court does the "right thing." Wax asked the court to consider that the IRC has recently agreed on a draft map and that process is still unfolding.

On behalf of respondent Governor Hochul, attorney Andrea Trento rebutted petitioners' interpretation of the state constitution and argued that Article III §4(e) gives the court flexibility when ordering a new map. Furthermore, Trento argued that petitioners' position that the legislature only gets one shot at redistricting is incorrect because §5 states, "the legislature shall have a full and reasonable opportunity to correct the law's legal infirmities."

Furthermore, on behalf of respondent Assembly Speaker Heastie, Attorney Craig Bucki argued that the IRC process is more democratic than having a single, unelected special master redraw the lines because (1) the people voted for the IRC process; (2) the process involves hearing voices from across the state; and (3) the process involves commissioners who know the demographics and characteristics of the state.

Finally, Peter Devlin, another attorney for the petitioners, made the correction that Petitioners are not asking specifically for a special master but that they would like the court to have the final word on the plan instead of the legislature.

A decision is expected soon. Any ruling by the Appellate Division can be appealed to the state Court of Appeals.

### **Nassau County Legislative Maps Sent to County Legislature**

The Nassau County Legislature's Rules Committee voted to approve two maps, one from the Republicans and one by the Democrats, for the county's 19 legislative districts.

The two parties are coming from opposing directions over a new map. Democrats favor a map that extensively remaps the county into districts more in line with racial and demographic trends and that adhere to standards in state law and the federal Voting Rights Act. Republicans claim their map also addresses minority voting concerns and more closely follows the existing map created in 2013.

### **Activists Warn Town of Hempstead Over Remapping Proposal**

Also in Nassau County, the NAACP Legal Defense Fund ("LDF"), attorneys Frederick K. Brewington & Randolph McLaughlin, and LatinoJustice PRLDEF sent a letter to the Town of Hempstead board to share their concerns that the proposed map for the Hempstead Town Council districts presented by the Town of Hempstead Temporary Redistricting Commission last month risks violating the federal Voting Rights Act and the state's John R. Lewis Voting Rights Act. They are concerned that the map cracks the Black and Latino community in Elmont/Valley Stream community, creating a risk that Black and Latino voters are denied an equal opportunity to participate in the political process and elect candidates of their choice. A copy of the letter is attached.

### **Orleans County: *Lewis v. Orleans County Legislature*:**

On December 22, 2022, a group of residents filed a suit in Orleans County State Supreme Court against the county legislature alleging violations of the "one-person, one-vote" requirements of the state and federal constitutions. Petitioners assert that the county has refrained from legislative redistricting for more than 50 years despite significant population shifts. Petitioners contend that there exists a nearly 30% deviation between the Central/West districts and the East district. Petitioners further allege that this has resulted in vote dilution and politically gerrymandered districts favoring one party. They ask the Court to declare the county legislative districts unconstitutional and to direct the county to refer the matter to a commission that will swiftly redraw districts that comply with state and federal law.

### **Webinar: "For the Love of Data: How Census Data Drives Decision-Making" Thursday, February 16<sup>th</sup> from 11:00 am – 12:30 pm**

Baseline statistics that leaders often rely on to make informed decisions – poverty levels, unemployment rates, demographic breakdowns—are possible thanks to the census.

But did you know that:

- 58 percent of the households in Buffalo are renters?
- 1 in 12 NYS Veterans is female?
- Cheektowaga is the fastest-growing town in New York State?

- 54 percent of households in New York City do not own a car?
- Over 1 million households in New York State do not have access to the internet?

These and other important statistics are only possible because of the decennial census and other complementary surveys conducted regularly by the US Census Bureau. The American Community Survey, the nation's largest household survey, is the most well-known. But many other complementary surveys regularly collect data about businesses, schools, and hospitals, affecting services for the communities and constituencies we care about.

### **What will you learn?**

- Innovative ways in which various entities have made use of recently released Census 2020 data to inform funders, advocates, community organizations, service providers, and businesses

### **Who should attend?**

This webinar is for people who aren't using census data in their work but would like to, those that are using census data but are looking to be inspired by other users, as well as experienced census data users interested in learning more. Leaders from nonprofit organizations, philanthropy, and government leaders are invited to attend this cross-sector meeting.

You are encouraged to share this invitation with your colleagues and network as appropriate.

### **How do you sign up?**

[Click here to RSVP](#)

Registration is required by February 15th.

***Registrants will receive the webinar link a day before the meeting.***

The webinar is being offered by Philanthropy New York in partnership with New York State Census Equity Fund and is co-sponsored by New York Law School's Census & Redistricting Institute, New York Funders Alliance, and Engage New York.

## **Updated IRC Hearing Schedule**

### **Syracuse - Tuesday, January 24 5:00pm**

Syracuse University College of Law

**Melanie Gray Ceremonial Courtroom**

Dineen Hall, 950 Irving Avenue

Syracuse, New York 13210

### **Albany - Wednesday, January 25 5:00pm**

University at Albany (SUNY)

**Page Hall – Downtown Campus**

135 Western Avenue

Albany, New York 12203

**White Plains \*\*\* - Monday, January 30 4:00pm**

Haub School of Law at Pace University

**Gerber Glass Moot Courtroom**

78 North Broadway

White Plains, New York 10603

**Bronx County \*\*\* - Tuesday, January 31 4:00pm**

**(UPDATED LOCATION)**

Hostos Community College

**Savoy Multi-Purpose Room - D Building/Savoy Manor Building**

120 E. 149<sup>th</sup> Street 2<sup>nd</sup> Floor

Bronx, New York 10451

**New York County \*\*\* Tuesday, February 7 4:00pm**

Hunter College (CUNY)

**Kaye Playhouse**

695 Park Avenue

(entrance on 68th Street between Park and Lexington Avenues)

New York, New York 10065

\*\*\* Proof of vaccination/negative COVID test within 7 days required.

**Richmond County - Wednesday, February 8 4:00pm**

**(UPDATED LOCATION)**

Staten Island Borough Hall

**Conference Room 125**

10 Richmond Terrace

Staten Island, New York 10301

**Kings County \*\*\* - Wednesday, February 15 4:00pm**

**(UPDATED LOCATION)**

Medgar Evers College (CUNY)

**Founders Auditorium**

1650 Bedford Avenue

Brooklyn, New York 11225

\*\*\* Proof of vaccination/negative COVID test within 7 days required.

**Queens County\*\*\* - Thursday, February 16 4:00pm**

**(LOCATION CHANGE)**

York College (CUNY)

**Faculty Dining Room**

94-20 Guy R. Brewer Boulevard

Jamaica, New York 11451

\*\*\* Proof of vaccination/negative COVID test within 7 days required.

**Nassau County - Tuesday, February 28 5:00pm**

Nassau Community College (SUNY)  
**College Center Building, Rm 252/253**  
1 Education Drive  
Garden City, New York 11530

**Suffolk County - Wednesday, March 1 5:00pm**

**(UPDATED LOCATION)**

Suffolk County Community College  
Michael J. Grant Campus  
**Van Nostrand Theatre**  
Crooked Hill Road  
Brentwood, New York 11717