

1-6-2023

February 6 Roundtable Update

Jeffrey M. Wice



NEW YORK REDISTRICTING ROUNDTABLE UPDATE

LITIGATION WATCH

Onondaga Redistricting Challenge: *Ryan et al v. McMahon et al*

Last year, Onondaga County's legislative redistricting plan was challenged in state court after allegedly violating state law. After the judge recently ordered the trial to proceed, the county filed papers addressing the substantive and procedural allegations regarding the map. The County now defend the plan by arguing that the complaint was filed too late ("laches") resulting in prejudice to the county Board of Elections and voters.

The County argues that the case should be dismissed because the plaintiffs waited an unreasonable amount of time before filing the complaint. The County also maintains that they "properly performed the duties imposed on them by law" and made decisions "in accordance with lawful procedure." An argument is also being made by the county that the complaint failed to consider the various redistricting principles that had to be balanced when drawing the plan, and that the plan was drawn "consistent with the neutral application of a variety of competing redistricting principles and complied with both the Onondaga County Charter and the...Municipal Home Rule Law."

Pereira v. Town of North Hempstead

In the federal Eastern District Court, the Town of North Hempstead asked to have the case against the town's redistricting map dismissed. Mineola Mayor Paul Pereira and other plaintiffs argue that the plan violates the Equal Protection Clause of the U.S. Constitution's Fourteenth Amendment and state law.

In a memorandum filed on February 2nd, the Town argues 1. that the federal court lacks jurisdiction over plaintiffs' equal protection claims because the claims involve *partisan gerrymandering* that the US Supreme Court ruled non-justiciable in the 2019 case *Rucho v. Common Cause*.

The Town also argues that the plaintiffs failed to make a valid "equal protection" claim of vote dilution because the population deviation among districts is "well below the deviation found to be permissible under the Equal Protection Clause" of the Fourteenth Amendment and New York's 5% population deviation limit.

The Town also argues that plaintiffs' equal protection claim involving legislators' staggered terms should be dismissed. According to the town, New York courts have not addressed the issue of redistricting and staggered terms so there are no precedents to guide the court. However, the Town argues that other courts have already considered the impacts of redistricting on voters in staggered election systems (resulting in alleged temporary disenfranchisement) have found that these plans do not violate the Equal Protection Clause.

Lastly, the town maintains that plaintiffs' claims under the state Municipal Home Rule Law are without merit because the district populations are within the 5% deviation rule, and other relevant provisions of the law are not binding on the town.

CENSUS NEWS

Webinar: “For the Love of Data: How Census Data Drives Decision-Making” Thursday, February 16th 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.

What else should you know?

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.

HEARING CALENDAR

February 7- Town of Hempstead: the Town Board will hold a hearing on redistricting plans in the Town Hall, 1 Washington Street, Hempstead at 10:30 AM.

STATE INDEPENDENT REDISTRICTING COMMISSION

Summaries of the Westchester County and Bronx Assembly redistricting hearings are attached.

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

STATE REDISTRICTING & CENSUS LITIGATION TRACKER

Bill Number	Category	Summary
S00657	Census	Establishes a New York voting and elections database; passed Senate.
S00435	Redistricting	Authorizes boards of elections (BOE) in union-free school districts to establish wards for school elections
S00443	Redistricting	Authorizes BOE to establish wards for school elections in Orange County
S03374	Redistricting	Establishes school election wards in the Washingtonville Central School District.
S03394	Redistricting	Establishes school election wards in the Warwick Valley Central School District.
S00479	Reapportionment	Prohibits at-large elections for towns and villages
S01512	Reapportionment	Requires each senate district to be comprised of one county in its entirety
S00444	Reapportionment	Changes the definition of population to provide substantially equal weight for the population of local governments

Redistricting Institute Resources

The New York Census and Redistricting Institute has archived many resources for the public to view on our Digital Commons Page.

Our Redistricting Resources page contains resources on the John R. Lewis Voting Rights Act. You can access the page here: https://digitalcommons.nyls.edu/redistricting_resources/

Archived Roundtable Updates can be accessed
here: https://digitalcommons.nyls.edu/redistricting_roundtable_updates/