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February 5 Roundtable Update

Jeffrey M. Wice

**WE ARE NEW YORK'S LAW SCHOOL****N.Y. CENSUS & REDISTRICTING ROUNDTABLE UPDATE****REDISTRICTING****Plattsburgh Delays City Redistricting**

Plattsburgh's Common Council was set to vote on new boundaries for the city's ward districts on February 1st. Plattsburgh's city charter mandates the formation of a commission to review and change existing ward districts within 6 months after the publication of the decennial census. This census data was released in 2021 and the city is well behind schedule. The delay has sparked concerns among city leaders about its impact on the upcoming election cycle. The Common Council postponed redistricting until 2025 after receiving approval from Mayor Chris Rosenquest. This request was made due to the tight timeline to pass redistricting plans with a presidential primary coming in April. This decision goes against § C-34 of the city's Charter and could subject the city to a legal challenge.

VOTING RIGHTS**In First NYVRA Lawsuit, The Town of Mount Pleasant Responds by Challenging Constitutionality of NYVRA: *Sergio Serratto et al v. Town of Mount Pleasant et al***

On January 29, the attorneys for the Town of Mount Pleasant responded to Hispanic voters' allegations of vote dilution and presented numerous defenses to the voters' claims. Most notably, the Town asserts that the claims are invalid because the New York Voting Rights Act "violates the Fourteenth and Fifteenth Amendments to the United States Constitution." Additionally, the Town contends that the federal Voting Rights Act preempts, or supersedes, the NYVRA because the state law compels localities to "engage in race-based" action in situations where the federal VRA does not.

Mt. Pleasant has retained the national law firm Baker Hostetler to defend against the lawsuit, signaling that the town may be prepared to make a major challenge against the state's Voting Rights Act .

CENSUS**N.Y.'s Puerto Rican Population Declines**

New York Census and Redistricting Institute

From CUNY: “A new [study](#) conducted by [Center for Latin American, Caribbean and Latino Studies](#) at the [CUNY Graduate Center](#) has unveiled notable changes in the demographics of New York City’s Puerto Rican and Dominican populations that reflect a significant decrease in the Puerto Rican population in New York City, particularly after 2017. This decline is attributed to factors such as migration to surrounding areas and other states, possibly influenced by the COVID-19 pandemic and economic challenges.

“The Puerto Rican population of New York City peaked in 1970 at nearly 900,000 and gradually declined thereafter. A gradual process of suburbanization ensued as Puerto Ricans moved to the northern suburban counties, New Jersey, and Long Island,” said [Professor Laird Bergad](#), the report’s author.

Bergad indicated that the COVID-19 pandemic accelerated both the population decline in the city and the move to the surrounding suburbs. Between 2017 and 2022, the number of Puerto Ricans living in the five boroughs dropped by almost 20% from about 715,000 to 574,000.

The report, based on data from the American Community Survey 1-year sample, shows that the Dominican population of the city had become the largest Latino nationality in about 2015 and continued to expand thereafter. Although there was a slight decline of -0.3% between 2017 and 2022, there were over 745,000 Dominicans living in New York City in 2022. If we examine the entire New York metropolitan region, there were over 1.1 million Puerto Ricans living in the area compared with over 1.2 million Dominicans in 2022.”

EVENTS

New York State Redistricting: On Tuesday, February 6th at 6:00 PM, an update featuring Jeff Wice of New York Law School will be presented by New York City Public Advocate Jumaane Williams. Common Cause NY’s Susan Lerner will update viewers on state election law reform issues. You can pre-register for the event at www.redistricting2024.eventbrite.com or <https://bit.ly/49kmYsl>

APA VOICE held a webinar last Tuesday, January 30th. The New York Independent Redistricting Commission (IRC) has been ordered by the highest court to redraw the congressional lines and to submit the new lines to the State Legislature for approval by February 28th. You can view this webinar on YouTube to learn about APA VOICE’s priorities on why public input and transparency is critical. View it here: <https://www.youtube.com/watch?v=pQFwFiTcBZE>

Hold The Date: a People’s Hearing on the state congressional redistricting process and need for a new map is being planned for Thursday, February 15

New York Census and Redistricting Institute

at 6:00 PM. The event is being organized by several good government groups. More details in next week's update.

AROUND THE NATION

North Carolina: On Wednesday, January 31st, North Carolina voters initiated a lawsuit challenging the state's recently enacted congressional and legislative maps. The redrawing occurred almost 5 months after the NC Supreme Court overturned its prior decisions rejecting maps based on partisan gerrymandering. The most recent ruling prohibited any future partisan gerrymandering challenges to state redistricting maps under the state constitution's Free Elections Clause.

The plaintiffs contend that the North Carolina General Assembly redistricted in a way that created an unfair partisan advantage for GOP candidates, which in turn violates the state constitution's right to "frequent" and "free" elections because this advantage is not "fair," which is arguably guaranteed in frequent and free elections. The lawsuit points to the 6th, 13th, and 14th Congressional Districts, the 7th state Senate District, and the 105th state House District. The plaintiffs ask that the state court prohibit the use of the challenged maps for future elections.

Wisconsin: Dr. Bernard Grofman and Dr. Jonathan Cervas, the redistricting experts hired by the Wisconsin Supreme Court have now evaluated six proposed legislative maps and determined that two Republican-drawn maps are "partisan gerrymanders" and should not be considered. In December, the Wisconsin Supreme Court struck down the state's legislative maps, ruling that they violated the state constitution's new contiguity requirements. Last week, Governor Tony Evers vetoed redistricting maps that the Republican-majority legislature had altered and attempted to push through at the last minute. The state court will now decide on the maps out of the six proposals.

The experts approved of Evers' original maps in their report, along with three others: one from Democratic representatives, one from University of Wisconsin-Milwaukee professors, and one proposed by the petitioners who sued over the original redistricting maps. The experts did not recommend any specific map, leaving that decision to be made solely by the Court. The new maps must be in place by March 15, 2024.