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February 12 Roundtable Update

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**WE ARE NEW YORK'S LAW SCHOOL****N.Y. CENSUS & REDISTRICTING ROUNDTABLE UPDATE****REDISTRICTING****N.Y. Commission To Act on Congressional Map on Thursday**

The NYS Independent Redistricting Commission will meet on Thursday, February 15h at 2:00 PM in the Roosevelt Hearing Room C, Legislative Office Building in Albany. The commission will vote on a final congressional map proposal and to send the map(s) to the state legislature for approval or rejection.

The meeting can be viewed live at www.nyirc.gov The commission must vote on the map(s) without amendment. If the map(s) is rejected, the legislature can then vote on a map of its own. The Governor must approve any final map before it can be used for the 2024 elections.

Meanwhile, a group of GOP and Conservative Party leaders, including Senate Minority Leader Robert Ort, have urged that the 2022 state court-ordered map stay in place through 2030. Senator Ort has two appointees on the IRC.

LITIGATION**New NYVRA Lawsuit: *New York Communities for Change v. County of Nassau***

On February 7, in Nassau County State Supreme Court, non-profit community organization, New York Communities for Change (“NYCC”), and several Nassau County residents filed a challenge to the county’s legislative redistricting map.

NYCC alleges that the new districts violate the protections against racial vote dilution established in the New York Voting Rights Act by discriminating against the county’s Black, Latino, and Asian voters. NYCC contends that the legislature, in adopting this plan, unnecessarily split up (“cracked”) and “packed” communities of color, thereby hindering their ability to exercise political power, and that the legislature did so with discriminatory intent.

NYCC also asserts that the map was adopted with the purpose of favoring Republican candidates (i.e., a partisan gerrymander), and that it violates the rank-ordered redistricting requirements in Section 34 of the Municipal Home Rule Law prohibiting racial vote dilution and partisan gerrymandering.

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As the complaint asserts, Nassau County has a long history of discrimination including racially discriminatory housing practices that “accumulated over time to make Nassau County the most segregated county in its population class in the United States today.” The complaint also contends that the Nassau County government fails to respond to the needs of communities of color at a disproportionate rate.

NYCC argues that the map unjustifiably puts large Black, Latino, and Asian communities in Lakeview, South Valley Stream, Inwood, Freeport, and New Hyde Park into predominantly white districts. This practice is often termed “cracking” as minority communities are “cracked” or split up among majority white districts. In addition, NYCC asserts that the map impermissibly “packs” communities of color into districts 2 and 3.

While the map contains only four districts, out of nineteen, in which Black, Latino, and/or Asian voters constitute a majority, NYCC argues that a lawfully drawn plan would include six such districts. NYCC asks the court to declare the map unlawful, prohibit the county from using the map in elections, and to appoint a special master to recommend a remedial plan.

Lawmakers File Objection to Remove Trump from Presidential Ballot: *Brad Hoylman-Sigal v. New York State Board of Elections and Donald J. Trump*

On February 6, in Albany County State Supreme Court, New York State Senator Brad Hoylman-Sigal, along with New York City Council Member Shekar Krishnan and voter Gertrude Fitelson, filed a petition contesting the designation of Donald J. Trump as a candidate for President of the United States in the New York Republican Presidential Primary Election.

They argue that the Fourteenth Amendment of the U.S. Constitution states, “No person shall...hold any office, civil or military, under the United States...who, having previously taken an oath...as an officer of the United States...to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof...”

They allege that Trump’s involvement in the events of January 6th constituted engagement in insurrection and giving aid and comfort to the enemies of the Constitution, and therefore the Fourteenth Amendment disqualifies Trump from the presidential ballot.

In addition, they allege that Article IV of the Constitution requires New York’s state courts to “give full faith and credit” to the proceedings in Colorado.

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Therefore, they assert, the Board of Elections is required to adopt Colorado Supreme Court's judgment that Trump is ineligible to serve as president.

N.Y. Early Voting Law Challenge: *Stefanik v. Hochul*

On February 5, the Supreme Court, Albany County Judge Christina L. Ryba, denied the Republican plaintiffs' challenge, finding that the plaintiffs failed to meet their burden of proving beyond a reasonable doubt that the Early Mail Voter Act is unconstitutional under the state constitution. On February 6, the plaintiffs appealed the dismissal to the Appellate Division, Third Judicial Department.

AROUND THE NATION

Louisiana: A federal judge has struck down Louisiana's state House and Senate maps for violating Section 2 of the Voting Rights Act. In March 2022, black voters and civil rights groups filed this lawsuit arguing that the state's legislative districts dilute the voting powers of black voters. The court will give Louisiana a "reasonable period of time" to draw maps that remedy the Section 2 violations. Louisiana recently redrew the state's congressional maps to include an additional majority Black district as a result of a separate lawsuit.

Georgia: Georgia's Secretary of State filed a brief in the 11th U.S. Circuit Court of Appeals claiming that voters cannot sue to enforce Section 2 of the Voting Rights Act. The lawsuit was filed in 2021 on behalf of Georgia voters, which challenged the state's new congressional map enacted after the release of 2020 census data. In October, a federal judge ordered the legislature to redraw the map for the 2024 election cycle. The new map was approved. The plaintiffs have appealed the judge's order approving the remedial map to the 11th Circuit.

Michigan: Michigan's Independent Citizens Redistricting Commission (MICRC) has released 10 redistricting maps after being ordered to do so. In December, 13 state House and Senate districts were struck down for violating the Equal Protection Clause of the 14th Amendment by racial gerrymandering. The court imposed a deadline of last Friday to release draft proposals for 9 Detroit state House seats. A final House map must be adopted by March. If the final map is insufficient to address the gerrymandering, a map proposed by a court-appointed expert could be used instead. The court has not set a timeline for the redrawing of the 6 Senate districts.

EVENTS

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People's Redistricting Hearing: New York voting and civil rights groups are hosting a People's Hearing on redistricting on Thursday, February 15 from 6 pm to 8 ppm. Hear from members of the public and organizations representing stakeholder groups across the state on the current state of redistricting, why redistricting is important to them, and how new congressional lines will impact their communities over the next decade.

In addition to the oral testimony from the panelists, written comments from the public will be shared with the IRC and LATFOR, the legislative committee charged with approving or redrawing the commission's map. If you wish to provide written comments (pdf, docx, doc files), please submit them by emailing nyoffice@commoncause.org. The public will be scheduled to testify as time permits. To request time to [provide oral testimony, please sign up here](#).

Here is a registration link for those who wish to attend, but not testify – please share

widely: https://us02web.zoom.us/webinar/register/WN_DXcD4aziSn69Eyz45PitiA#/registration