

2-15-2022

February 15 Roundtable Update

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NEW YORK REDISTRICTING ROUNDTABLE UPDATE

New York State Redistricting Case Update: Harkenrider et al. v. Hochul et al.

This case was filed on February 3, 2022 in Steuben County State Supreme Court and will be heard by Judge Patrick McAllister. 14 state voters (the petitioners) claim that the Democratic Party leaders, who control the New York Legislature and the Governor's office, enacted a congressional map that is politically gerrymandered in their party's favor. The petitioners argue that the map was designed so that Democrats would gain three and eliminate four Republican congressional districts.

The complaint alleges that the Congressional maps were signed into law in violation of both the procedural and substantive protections in the New York State Constitution to seek precisely the type of advantage for their party that the people outlawed in 2014 and reaffirmed in 2021. The petitioners claim that the court should invalidate the unconstitutional congressional map on two separate and independent bases. First, the petitioners claim that the Legislature failed to follow constitutional and statutory procedures for redistricting because the Legislature never received, let alone considered and acted upon, a second redistricting plan from the commission, it never obtained redistricting authority under the exclusive process established by the New York Constitution for introducing maps. Petitioners further claim that, per the first cause of action, rendering the 2022 congressional map unconstitutional and thus invalid, leaving only the 2010 map in place, it does not meet the equal population requirement of the New York Constitution. Lastly, the petitioners claim that there is unlawful and unconstitutional partisan and incumbent-protection gerrymandering.

Petitioners seek a declaratory judgment declaring that the 2022 enacted congressional map violates the New York Constitution. The petitioners ask the court to enjoin the respondents from conducting any elections under the 2022 Congressional map and ask the court to adopt a new, legally compliant Congressional map. Alternatively, and only if the court does not agree with the petitioners' procedural claim, the petitioners ask the court to order the Legislature to attempt to cure the legal and constitutional infirmities in the 2022 congressional map and adopt a lawful congressional map.

On February 8, 2022, the petitioners submitted a memorandum in support of an amended complaint that would add allegations that the respondents' same constitutional violations of the procedural and substantive protections also infected the 2022 state senate map that the legislature enacted and the Governor signed on February 3. Petitioners further claim that the Senate map is now unconstitutionally malapportioned. Petitioners ultimately aim to extend their existing claims to one additional map, without altering their theories of recovery. The petitioners do not yet provide district specific allegations.

On February 9, respondents request that the Court does not take any action on the pending second memorandum that the petitioners submitted on behalf of the Senate maps. They requested that the respondents be given until Friday, February 11 to take a position on that pending Order to Show Cause.

On February 9, 2022, Judge McAllister provided an extension in an Order to Show Cause. Reply briefs by the respondents are due before February 24, 2022. Petitioners are to serve any reply papers by March 1, 2022. The in-person hearing is now set for March 3, 2022.

See the attached for a more detailed summary of the February 3 petition and amended complaint.

APA VOICE Redistricting Task Force Response to NYS Legislature Vote to Approve LATRFOR's Congressional and State Redistricting Maps

APA VOICE Redistricting Task Force responded to the New York State Legislature's vote to approve LATFOR's Congressional and State redistricting maps. The full response is attached.

WCNY's Capital Pressroom Explores Redistricting

WCNY Capitol Pressroom's David Lombardo explored several aspects of state redistricting last week during his daily program.

In the opening segment, CUNY Mapping Service Director Steve Romalewski discusses redistricting geography and mapping issues. Listen here: <https://bit.ly/3rKamrL>

New York Law School's Jeff Wice talks about the legal challenge to the congressional and senate and how this could alter the 2022 election process. Listen here: <https://bit.ly/3Joinsv>
Politico New York's Bill Mahoney provides background on the political impact of the new maps and how the maps reflect with past maps. Listen here: <https://bit.ly/3HIUueO>

IRC member Jack Martins, a former Republican state senator, talks about the

constitutional process and how changes to the constitution could have produced better results. Listen here: <https://bit.ly/3uIOPlr>