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February 21 Roundtable Update

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NEW YORK REDISTRICTING ROUNDTABLE UPDATE

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

On February 14, the petitioners challenging the congressional map submitted an amended complaint that includes a detailed set of assertions against the State Senate maps. The amended complaint contains the same procedural and substantive challenges to the Congressional and Senate maps. The amendment document is attached.

The complaint includes new figures from a report completed by Sean Trende, who was recently appointed by the Virginia Supreme Court to serve as a co-special master for its redistricting process. The report compares New York's maps to 5,000 computer-generated maps and according to the petitioners, the enacted maps favored Democratic interests more than any of the 5,000 maps.

In addition to the specific allegations about certain Congressional districts, the amended complaint includes specific allegations about certain Senate districts. The document also included maps. The petitioners claim that:

- Senate District (SD) 2 contains more Republican voters from SD 1, making SD 1 more favorable for a Democratic candidate.
- Republican incumbents who currently represent SD 3 and SD 4 are now in the new SD 4, opening a new seat in SD 3.
- Communities were combined to turn a swing district into a strongly Democratic district in SD 5 and SD 6.
- SD is now more favorable for a Democratic candidate.
- SD 10 combined unrelated districts to dilute the voting power of Republicans.
- SD 22 is awkwardly configured and separates communities of interest between multiple districts.
- SD 40 now removes Republican-leaning districts and swing districts.
- SD 41 moved Democratic-leaning communities in, shifting the district from Republican to Democratic.
- SD 42 was converted from a swing district into a strong Democratic district.
- SD 44 has had Republican communities packed into it.
- SD 46 was converted into a safe Democratic district.
- New SD 48 is now a somewhat strong Democratic district, flipping from a Republican-leaning district.
- SD 51 now lumps two Republican Senators in the same district.
- SD 52 was flipped from Republican to a favoring Democratic district.
- SD 53 now separates counties to favor Democrats.
- SD 56 was made into a strong Democratic district.
- SD 57 was made into a strong Democratic district.

- SD 58 has decreased in competitiveness by packing a large number of Republican voters into it.
- SD 60 is now solidly Democratic.
- SD 62 is now packed with Republicans.
- SD 63 is now overwhelmingly Democratic.

The amended complaint requests that the court send the maps back to the legislature to correct these allegations. The petitioners also request that the court pause election-related 2022 deadlines.

The petitioners are also requesting documents and communications from the Democratic members of the Independent Redistricting Commission. They also requesting other documents and communications concerning the drawing of the 2022 New York Congressional and state Senate districts from the state. They are seeking to depose Respondent Governor Hochul, Lieutenant Governor Brian Benjamin, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Members of the NYS Legislative Task Force of Demographic Research and Reapportionment Kenneth Zebrowski, Michael Gianaris, Eric Katz, and co-executive director Phillip Chonigman. Petitioners subpoenaed David Imamura, Eugene Bengler, Ivelisse Cuevas-Molina, John Flateau, and Elaine Frazier, Democratic members of the NYS IRC, to appear for oral deposition.

An in-court session has been scheduled by Judge Patrick McAllister in Bath, N.Y. on March 3, 2022. The Respondents must serve any responses opposing the Petitioners by February 25, 2022, and the petitioners have until March 2 to file any papers in further support of their arguments.