

3-14-2022

## March 14 Roundtable Update

Marissa Zanfardino



## **NEW YORK REDISTRICTING ROUNDTABLE UPDATE**

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

Petitioners requested that one of their experts, Claude A. LaVigna, appear and testify remotely, by video due to a pre-existing planned family trip. On March 8, Judge McAllister denied the request expressing a preference for assessing a witness's demeanor and credibility.

On March 9, Justice Stephen K. Lindley of the Appellate Division, Fourth Department granted expedited limited discovery in accordance with the March 3 decision rendered by Judge Patrick McAllister. This was due to the fact that the March 3 decision was merely a "decision" and not a "judgment or order". The Respondents have now appealed the March 9 decision issued by Judge McAllister.

On March 10, Respondents Senate Majority Leader and President Pro Tempore of the Senate Andrea Stewart-Cousins and the New York State Senate Majority's appointees to the New York State Legislative Task Force on Demographic Research and Reapportionment ("LATFOR") provided an answer to the amended petition that included the challenge to the State Senate maps. The Respondents deny the allegations made by the Petitioners. The Respondents also make several counterclaims about the changes in population in New York State and compliance with redistricting law.

The petitioners also submitted a reply by their expert witness further supporting his report that they relied on in their claims. Additionally, the petitioners submitted documents stating that the respondents have no credible basis to contest the proposed amendment to their petition including the State Senate maps and supporting expedited discovery.

A written statement was submitted by Todd Breitbart on March 10, an expert on drafting and evaluating redistricting proposals. He gave an opinion that the 20222 enacted Senate plan adheres to constitutional redistricting criteria. He stated that it appears that the Legislature prioritized drawing districts with equal population and compact communities of interest.

Dr. Kristopher R. Tapp and Dr. Jonathan N. Katz also gave expert opinions that this was not a partisan gerrymander. The Petitioners claim that the Respondents' expert testimony on the Congressional districts should be dismissed because the Respondents already had a chance to respond to these challenges.

Various exhibits were submitted to the court including subpoenas for deposition for those who failed to appear. There were also documents that included questioning intended for the failed appearances by the Petitioners.

On March 13, the Petitioners submitted a document requesting that the court grant their motion to submit supplemental materials on the timing and scope of the remedy that the court can grant under the petition.

The parties will be back in court on March 14 at 9:30 a.m.

## **Center for NYC Law Presentation by Frederick Schaffer, NYC Campaign Finance Board**

On March 11th, Frederick P. Schaffer, Chair of the NYC Campaign Finance Board, spoke at a New York Law School CityLaw Breakfast on “Increasing Voter Turnout in City Elections.” Chair Schaffer discussed the historic patterns and causes of low voter turnout in New York. Since municipal elections are constitutionally required to be on off-cycle years and tend to skew heavily Democratic anyway, fewer people have the incentive to vote. As a result, a turnout of 25 percent in the last primary and 23 percent in the last general election are higher than the normal turnout for New York City, although the turnout can be much higher.

According to Chair Schaffer, outreach and education are key to increasing voter turnout. He discussed the role the Campaign Finance Board has in expanding voter outreach through the NYC Votes branding. Chair Schaffer also discussed larger changes that can be made to improve voter participation, including moving elections to on-cycle years and switching to open primaries.

To watch the breakfast, click [here](#).

## **Monroe County Legislators Take a Second Shot at Redistricting**

Monroe County legislators have established a commission to make another attempt at redrawing their legislative districts. The full Legislature will have to vote on and approve any new district maps before they go into effect. The deadline for lawmakers to act is June 11 and the commission could have its first meeting as soon as next week. For more information, click [here](#).