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## May 15 Roundtable Update

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## **NEW YORK REDISTRICTING ROUNDTABLE UPDATE**

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

Special Master Jonathan Cervas submitted a congressional map to Judge McAllister today for the state's 26 congressional districts. According to the court's numbers, the new map creates 15 Democratic leaning, 3 Republican leaning, and 8 competitive districts. The court will accept comments on the plan through Wednesday and will finalize the plan on Friday.

The plan can be viewed here: <https://bit.ly/3PmqiKP> or at the CUNY Mapping Services's NY Redistricting And You website (where you can compare the draft map with the 2012 enacted map) here: [www.newyork.redistrictingandyou.org](http://www.newyork.redistrictingandyou.org)

The court's state senate map was not released as of press time for this publication. It will be sent later today.

On **May 11**, Judge Patrick McAllister denied both Gavin Wax and Gary Greenburg's motions to intervene to challenge the Assembly map. Judge McAllister acknowledged that the failure of the legislature to follow the constitutional process rendered the mapping process as unconstitutional. However, the motions were untimely and permitting them to intervene would be extremely burdensome to the court and the existing parties. However, nothing in the decision and order is meant to prevent Wax and Greenberg from pursuing a separate action to challenge the Assembly maps at a later date.

Judge McAllister also addressed the motion to intervene brought by Attorney Ostrowski who represents several other candidate intervenors. They sought input on how the August 23, 2022 primary will be conducted. The court found the motion to be untimely and it was denied.

On **May 9** Republican members of the Assembly submitted affidavits stating that they support the Assembly map and voted for the map because they believed that it was fair.

On **May 11**, Larry Sharpe, Diane Sare, and William Cody Anderson of the N.Y. Libertarian Party submitted a memo in support of their motion to intervene and additional cause of action to modify the election law provisions for independent statewide candidates. The proposed intervenors claim that prejudice to independent statewide candidates is unaddressed by the New York State Board of Election's Proposed Order signed by the court on May 11. The proposed intervenors proposed relief includes an extension of the May 31 petitioning deadline or a reduction in the number of signatures. The proposed intervenors claim that this would not impact the Congressional or State Senate maps.

On **May 16**, Special Master Jonathan Cervas will release draft senate and congressional maps. **May 18** is the deadline for public comment on the Special Master's maps.

On **May 19** at 10:00 am oral arguments will be heard by the above proposed intervenors in Steuben County.

On **May 20**, Judge McAllister is set to approve the final maps.

## ***Nichols et al v. Hochul et al: New Lawsuit Challenges Assembly Map in New York County Supreme Court***

On Sunday, a new lawsuit was filed in New York County Supreme Court that seeks the immediate invalidation of New York State Assembly voting district lines. The petitioners include gubernatorial candidate Paul Nichols, former New York State Senate Candidate Gary Greenberg, and the President of the New York Young Republican Club Gavin Wax. The constitutional challenge to New York State Assembly voting districts was filed by attorneys Jim Walden and Peter Devlin of Walden Macht & Haran, the attorneys for Nichols and Greenberg, and Aaron Foldenauer, the attorney for Wax. The lawsuit rests on the New York State Court of Appeals decision on April 27 that held that “the enactment of the congressional and senate maps by the legislature was procedurally unconstitutional, and the congressional map is also substantively unconstitutional as drawn with impermissible partisan purpose, leaving the state without constitutional district lines for use in the 2022 primary and general elections,” and further held that the Assembly map suffers from the same “procedural infirmity.”

## **New York Eyes Its Own Voting Rights Act After Failure at the Federal Level**

A move to provide new voter protections in New York is picking up momentum among a growing number of advocates and lawmakers, given the failure to enact similar legislation on the federal level. On Wednesday, the state Senate Elections Committee voted to advance the NY VRA. The bill is expected to go to the senate floor for a full vote next week. For more visit [here](#).

## **Citizens Union Provides NYC Redistricting Training**

With the support of the New York Community Trust, Citizens Union Foundation is offering free trainings and resources to community groups all over the city to help New Yorkers engage in the Council redistricting process. The training includes information on the basics of Council redistricting; why engaging in the process is important; the criteria used to draw new lines; how to look at and create your own maps; how to testify before the NYC Districting Commission; and the essential elements of an effective testimony. Trainings take place on Zoom or in person, and range between a short ten-minute overview and a full-length 75-minute workshop. Citizens Union is currently planning its training schedule for June. If you would like to schedule a free training, please contact [dkaminsky@citizensunion.org](mailto:dkaminsky@citizensunion.org). See more information in the attached flyer or on [CitizensUnion.org/NYCRedistricting](https://CitizensUnion.org/NYCRedistricting).

## **Other Upcoming Redistricting Hearings**

Syracuse, May 22, 3:00 pm  
Syracuse, May 23, 5:30 pm  
Syracuse, May 24, 5:30 pm  
Albany County, May 26, 5:00 pm