

5-24-2022

May 24 Roundtable Update

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NEW YORK REDISTRICTING ROUNDTABLE UPDATE

Court Approves Congressional and Senate Map

On **May 20**, Judge Patrick McAllister certified the final congressional and senate map submitted by Special Master Jonathan Cervas. In a 5 page order, Judge McAllister thanked the many New Yorkers who participated in this process. The court highlighted that all three state courts came to the same conclusion on how to resolve the senate and congressional redistricting situation. The court also emphasized that the maps are not a partisan gerrymander. Judge McAllister noted that no prior maps could be used for this election cycle. The court highlighted Dr. Cervas' credentials and the legal requirements for drawing New York's Congressional and Senate maps. Attached to this update are brief memoranda for both the Senate and Congressional map, the Special Master Report, Judge McAllister's order, and a summary of major comments submitted to the court by region.

***Harkenrider et al. v. Hochul et al.* Intervention Motions**

On **May 20**, Judge Patrick McAllister denied Larry Sharpe, Diane Sare, and William Cody Anderson's motions to intervene to extend the time period for gathering signatures and decreasing the signature requirements.

League of Women Voters v. NYS BOE: New Lawsuit Challenge to Primary Date

On **May 22**, the League of Women Voters of New York State filed a lawsuit in the Southern District of New York against the NYS Board of Elections. The lawsuit claims that there are burdens to candidates obtaining signatures and inabilities for voters to provide signatures. The League argues that valid districts did not exist when the State Board of Elections certified the primary ballots, so they have implemented an electoral regime in which they have expressly waived state-law requirements for certain candidates. Second, the Steuben County state court has lowered the signature-quantity requirement for other offices, including State Senate and Congress, by approximately 15%, it has not done so for independent nominating petitions. The League argues that the state cannot discriminate against voters who wish to support candidates other than those aligned with an existing political party. Plaintiffs request that all candidates submit new designating petitions and request that a reasonable process for additional candidates to New York statewide offices be implemented. The League also seek to direct the Board to extend the time period to no earlier than June 20 for gathering signatures for independent nominating petitions for the general election. For the full complaint, see attached,

On **May 25**, a hearing on the plaintiffs' application for a preliminary injunction will be held at 8:00 am in Courtroom 1305 at the Thurgood Marshall US Courthouse, 40 Centre Street, New York, NY 10007.

LWV v. NYS BOE: New Lawsuit Challenge to Assembly

On **May 20**, in a new challenge filed in Albany County Supreme Court, the League of Women Voters alleges that because there are no constitutional Assembly districts, the Board of Elections' determination to certify the ballot for the June 28th primary election was made in violation of law. The League seeks to have the court enter an order enjoining the Board of Elections to comply with its duties by (1) revoking its certification of the Assembly primary ballot, (2) refrain from taking further actions to facilitate the June 28th Assembly election prior to the implementation of a valid Assembly map, and (iii) direct the BOE to take any other actions the court deems proper. Please see the attached for a full complaint.

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

This lawsuit was filed in New York County Supreme Court and seeks the immediate invalidation of New York State Assembly map. 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. To view the papers see [here](#).

Summary Statistics for New York Congressional and Senate Maps

Dr. Steven Elliot prepared summary statistics for the congressional and senate court ordered maps. The documents contain a demographic and partisan lean summary. It also includes the percentage of new CD population from the current CD and incumbent locations for each district. Please see the attached for both summaries.

New York City Districting Commission May 26th Pre-Plan Open Public Hearing

The New York City Districting Commission will hold a pre-mapping public hearing on Thursday, May 26th from 3 pm - 6 pm at Pace University, 1 Pace Plaza, New York. The public is welcome to speak out on district lines early in this process by participating in the public hearing

To Participate at the public hearing on Thursday, May 26th:

- For remote participation and the Zoom link instructions, please visit the Commission's website for more details: www.nyc.gov/districting. The information is not available at this time, but it will be posted there before the date.
- In person from 3:00 pm - 6:00 pm. Please note that Pace University's COVID policy is strictly enforced.
- Written comments may be submitted to: PublicTestimony@redistricting.nyc.gov.

U.S. Census Bureau Releases 2020 Undercount and Overcount Rates by State

The U.S. Census Bureau released the 2020 Census estimated undercount and overcount rates by state and the District of Columbia from the Post-Enumeration Survey (PES). Also released are estimated coverage rates by census operation. Please see the attached report by New York Law School student Peter Friedrichs for an analysis addressing the New York undercount.

Other Upcoming Redistricting Hearings

Syracuse, May 23, 5:30 pm

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Albany County, May 26, 5:00 pm