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August 8 Roundtable Update

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NEW YORK REDISTRICTING ROUNDTABLE UPDATE

Hoffmann et al v. The New York State Independent Redistricting Commission: New Lawsuit to Compel IRC to submit a Second Redistricting Plan

On August 4, the petitioners (Hoffman et al.) submitted an amended petition. The amended petition reiterates the original argument that the redistricting amendments in New York state established a new redistricting process that imposes mandatory obligations on the IRC whereby the IRC is to submit two plans to the legislature. The IRC refused to submit a second set of congressional plans and the necessary implementing legislation “[w]ithin fifteen days of such notification and in no case later than February twenty-eighth,” as required by Article III, Section 4(b) of the New York Constitution.

The amended petition also argues that the redistricting amendments also created a process for remedying legal deficiencies in redistricting plans. The redistricting amendments also provide that “[i]n any judicial proceeding relating to redistricting of congressional or state legislative districts, any law establishing congressional or state legislative districts found to violate the provisions of [Article III] shall be invalid in whole or in part.” *Id.* Furthermore, “[i]n the event that a court finds such a violation, the legislature shall have a full and reasonable opportunity to correct the law’s legal infirmities.” The Court of Appeals invalidated the 2021 Legislation and the Legislature’s plans, explaining that the Legislation was unconstitutional because it was not in compliance with the IRC process, a constitutionally required precondition to the legislature’s enactment of redistricting legislation. Despite widespread objections, the Steuben County Supreme Court adopted a congressional plan, drawn by a court ordered special master and not the legislature, that unnecessarily shifts residents into new districts and divides long-recognized communities of interest.

In short, the petitioners argue that the IRC’s failure to send a second set of maps to the Legislature not only stymied the constitutional procedure enacted by New York voters, but also resulted in a congressional map that does not properly reflect the substantive redistricting criteria contained in the Redistricting Amendments. Again the petitioners’ prayer for relief includes commanding the New York State Independent Redistricting Commission to fulfill their constitutional duty under Article III, Sections 4 and 5 of the New York Constitution by submitting a second round of proposed congressional districting plans for consideration by the legislature.

The Respondents are set to be heard in court on September 9, 2022 at 9:30 am in Albany County Courthouse.

The full amended petition is attached.

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

On August 3, Judge Patrick McAllister released an order stating that any change of party enrollment application received by a board of elections on or after August 12, 2022 shall not be effective immediately, but shall become effective on August 30, 2022, which is seven days after the primary in a like manner as is provided for in Election Law § 5-304(3). This order's purpose is to provide a cutoff for a person desiring to change one's party affiliation before the August primary. The full order is attached.

Upcoming Redistricting Hearings

New York City, August 11, 10-11:30 AM, www.nyc.gov/districting
Sullivan County, August 11, 11:00 AM