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## August 14 Roundtable Update

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## **NEW YORK REDISTRICTING ROUNDTABLE UPDATE**

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

On August 8, Respondent, Speaker of the Assembly Carl Heastie, submitted a memorandum on the proper means by which to redraw the state Assembly map as ordered by the Appellate Division. The memorandum argues that in order to effectuate "the proper means for redrawing the state assembly in accordance with NY Const., art. III, § 5-b," as ordered by the Appellate Division, the court should: (a) order that the IRC initiate the constitutional process for amending the state Assembly map based on the 2020 census date; and (b) further order that the procedures set forth in Article III, §§ 4 and 5-b be followed with respect to the adoption of such amended state Assembly map. The memo states that the court does not have to establish an IRC as it is still constituted and in effect, currently with nine of the required ten members. The memo highlights jurisprudence and the New York Constitution to demonstrate a preference for legislative correction action instead of a court appointed special master.

Petitioners Paul Nichols, Gavin Wax, and Gary Greenberg also submitted a memorandum concerning the appropriate process to redraw the Assembly map. Their memo argues that a judicial remedy is the only option available. They state that neither the Legislature nor the IRC get a second chance at fixing procedural violations when constitutionally fixed deadlines have passed. They also argue that this is especially so because the 2022 Assembly map violated the Constitution in a second way by drawing the now-voided map to eliminate competition and favor incumbents, which the Constitution forbids. Their argument states that as *Harkenrider* holds, the Constitution requires a judicial remedy when there has been a constitutional violation that the Legislature is incapable of curing. Article III sets forth the exclusive process for redistricting with one exception: court intervention following a violation of the law. The reconvening of the IRC process is not an option as the constitutional timetable for the IRC to carry out the redistricting process has lapsed. Thus, the Court should appoint a special master to draw the Assembly map. Petitioners state the Dr. Jonathan Cervas is highly qualified and familiar with the process and could be retained.

### **Chemung County Legislature Overrides Redistricting Veto by County Executive**

On July 19th, County Executive Moss vetoed the redistricting plan the legislature proposed and adopted, citing a lack of diversity on the committee and the failure of the committee to review whether the number of legislative districts in Chemung County was too much for the declining population. On August 8, the Chemung County Legislature voted to override the County Executive's veto for the county's fifteen legislative districts. The redistricting plan will now appear on the ballot in November. You can view the full article [here](#).

## Upcoming Redistricting Hearings

### New York City

- Tuesday August 16, 2022 @ 5:30pm to 9pm: Museum of the Moving Image, Sumner Redstone Theater, 36-01 35 Ave Astoria, Queens 1110
- Wednesday August 17, 2022 @ 5:30pm to 9pm: Lehman College (CUNY), Gillet Auditorium, 250 Bedford Park Blvd West, The Bronx 10468
- Thursday August 18, 2022 @ 5:30pm to 9pm: Staten Island Borough Hall, 10 Richmond Terrace Rm 12
- Sunday August 21, 2022 @ 3:30pm to 7pm: Medgar Evers College (CUNY), School of Science Health & Technology, Dining Hall, 1638 Bedford Ave, Brooklyn 1122
- Monday August 22, 2022 @ 5:30pm to 9pm: Schomburg Center for Research in Black Culture, 515 Malcolm X Blvd., Harlem, Manhattan, 10037

The hearings can all be viewed in person or remotely. You can register [here](#).