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August 29 Roundtable Update

Marissa Zanfardino
marissa.zanfardino@law.nyls.edu

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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 25, Judge Laurence Love released an order stating that counsel for the Independent Redistricting Commission will be heard before the Court on September 16 at 10:30 AM in New York County State Supreme Court on whether the Commission should become a party to this case that is considering how to create a map for new Assembly districts for elections beginning in 2024.

Common Cause NY Urges Court to Appoint Special Master for Assembly Maps

Last week, Common Cause NY submitted an amicus letter to the state Supreme Court urging Judge Laurence Love to dismiss the Legislature's position and appoint a special master to draw the new Assembly maps. The group argues that referring the redrawing of the maps to the state Legislature or the redistricting commission would be illegal based on recent court decisions. Additionally, Common Cause NY contends that the Commission would not be able to come to agreement on political lines, repeating the same cycle New Yorkers saw with the Congressional and Senate maps. The court should appoint a special master familiar with New York immediately instead of wasting New Yorkers time and money with a bipartisan commission that defaults to the legislature. They also call for ample public hearing on any proposed Assembly districts so New Yorkers can voice their opinions.

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

Independent Redistricting Commissioners Ross Brady, John Conway III, Lisa Harris, Charles Nesbitt, Willis H. Stephens (the "Moving Respondents") submitted a Memorandum of Law in Support of their Motion to Dismiss and in Opposition to the Petitioners arguments. They state that the Article 78 petition to compel the IRC to act has no valid basis in law as it seems to compel the IRC to act without legal authority and in violation of the New York State Constitution. They argue that action by the IRC was only permitted to take such act on or before February 28, 2022, a date that passed six months ago. There is no provision in the constitution that would allow for a post-hoc reconvening of the IRC to develop redistricting plans. According to the Republican commissioners, despite citing the IRC's non-compliance with a constitutional mandate as the basis for the proceeding, the petitioners' remedy would violate the constitution itself. If necessary, failures in the redistricting process are subject to redress through judicial

intervention and a court-ordered process of preparing redistricting maps and plan. They ask that the petition should be rejected and the proceeding dismissed.

The full memo is attached.

Nassau County Minority Caucus Seeks County Charter Amendment to Preserve Integrity

Nassau County Legislature Minority Leader Kevan M. Abrahams (D-Freeport) and his Minority Caucus colleagues have filed legislation to preserve the integrity of the process that will determine the district lines for the 2023 county legislative elections. Currently, there is a direct conflict between New York State election law and the Nassau County Charter that - if left unresolved - would force candidates to gather petition signatures to qualify for the ballot before final district lines are adopted by the Legislature. To correct this conflict, the Minority Caucus has filed an amendment to the County Charter that would move the Legislature's deadline to adopt district lines two months earlier - to Jan. 9, 2023.

NYC Districting Commission Hearing Summaries

Summaries of recent virtual citywide and Brooklyn NYC Districting Commission hearings are attached.

NYC Bar Association: New York Redistricting: What Happened? What's Next?

Tuesday, September 13, 2022 | 6:00 p.m. - 8:00 p.m.

Program Fee:

Free for Members | \$15 for Non-Member Lawyers | Free for Non-Lawyers
Non-Lawyers please [Click Here](#) or call Customer Relations at 212-382-6663 to register.

Please Note: This event will be in-person with an available webcast of the panel presentation. Select your preference for in-person or virtual attendance before completing your registration below. Virtual attendees will receive a final confirmation containing the Zoom link and Access Code to join the event 2 hours prior to the start of the event.

Description:

Come hear leading election law experts talk about what needs to be done to improve the process of redistricting in New York. Top redistricting experts will discuss: What happened with the recent New York State redistricting process and why. Is the current process any better than methods used in the past? What do we need to do now to improve the process for next time? How is the New York City process different? Is it better at balancing constitutional priorities and what's ahead?

Moderator:

Brigid Bergin, Senior Political Correspondent, WNYC and Gothamist

Panelists:

Martin E. Connor, Law Office of Martin E. Connor; Former Minority Leader, NYS Senate
Lucia Gomez, Political Director, NYC Central Labor Council
John Flateau, Ph.D., Executive Director, New York City Districting Commission; Professor,
Medgar Evers College, CUNY
David Imamura, Chair, New York State Independent Redistricting Commission; Associate
Counsel, Abrams, Fensterman LLC
Susan Lerner, Executive Director, Common Cause New York
Steven Romalewski, Director, CUNY Mapping Service, Center for Urban Research, CUNY
Graduate Center
Jerry Vattamala, Director, Democracy Program, Asian American Legal Defense and Education
Fund
Jeffrey M. Wice, Adjunct Professor and Senior Fellow, New York Census and Redistricting
Institute/New York Law School; Special Counsel, New York City Districting Commission