

9-6-2022

September 6 Roundtable Update

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NEW YORK REDISTRICTING ROUNDTABLE UPDATE

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

On September 1 in Albany County State Supreme Court, Judge Peter Lynch released an order and decision concerning intervention by the petitioners in *Matter of Harkenrider v. Hochul*. The intervenors were attempting to intervene as a matter of right arguing that they were not adequately represented. The court, however, denied intervention on the grounds that respondents, Independent Redistricting Commissioners: Ross Brady, John Conway III, Lisa Harris, Charles Nesbitt, and Willis H. Stephens, filed a motion to dismiss the petition on essentially the same grounds. Thus, the court cannot readily determine whether the Intervenor's interests would not be adequately protected. The court then looked at whether permissive intervention was appropriate. The court determined that permissive intervention should be granted since it would not unduly delay the determination of the action and it will not prejudice any of the parties. The full order is attached.

Nichols v. Hochul: Lawsuit to Invalidate the Assembly Maps

On September 1 in New York County State Supreme Court, Petitioners Paul Nichols and Gary Greenberg informed the court of a submission by a current majority of the IRC in the Hoffman matter. The letter states that these members of the IRC take the same position as the petitioners in this matter concerning the proper remedy for an invalidated district map, namely, that it is unconstitutional for the IRC to reconvene and submit a new map to the Legislature. The letter to the court emphasizes that the submission by members of the IRC, along with the petitioners in the case, takes the position that the appropriate remedy here is for the court to oversee proceedings with a special master to adopt a new Assembly map. A court-ordered map is the only avenue allowed by the plain text of Article III and the Court of Appeals' decision in Harkenrider. The full letter is attached.

An attorney for Speaker Carl Heastie is opposing an effort by Common Cause NY to submit an amicus brief supporting the appointment of a special master to redraw the Assembly map. In a letter to the court, attorney Craig Bucki argues that the public interest organization should petition the court for permission before it can submit a brief. The Court has not ruled on this yet.

A public announcement on replacing a commission member to the IRC is expected at any time by Senate Majority Leader Andrea Stewart Cousins. The commission has had only nine of 10 members in recent months.

Bipartisan Suffolk Panel Deadlocks Over New County Redistricting Maps

As reported by Newsday, the Suffolk County Reapportionment Commission, after four months and about 25 meetings, has deadlocked over two competing voting map proposals available for comment ahead of public hearings later in September. A vote last Monday to adopt both plans as official drafts for public comment ended in a 4-4 tie. Although not formally adopted, both draft proposals are available on the [commission's website](#). If the group cannot come to a consensus by the Sept. 30, the decision then falls to the county's Republican-controlled legislature and County Executive.

Upcoming Redistricting Hearings

Nassau County

The county's temporary redistricting commission has scheduled public hearings to hear public comments about redistricting. All of the meetings begin at 6:00 PM.

Sept. 8 at North Hempstead Town Hall, 220 Plandome Road, Manhasset

Sept. 14 at Glen Cove City Hall, 9 Glen St., Glen Cove

Sept. 21 at Hempstead Town Hall, 1 Washington St., Hempstead

Sept. 28 at Long Beach City Hall, 1 West Chester St., Long Beach

Oct. 3 at Albany Avenue Community Center, 214 North Albany Ave., North Massapequa

At the commission's first meeting last week. Republican commission members rejected Democratic resolutions to provide greater process transparency, bipartisan guidelines for retaining consultants and staff, orderly meetings, and a prohibition on the use of partisan data.