

12-5-2022

December 5 Roundtable Update

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NEW YORK REDISTRICTING ROUNDTABLE UPDATE

Independent Redistricting Commission Releases New Assembly Map

On Thursday, December 1st, the N.Y.S. Independent Redistricting Commission reconvened to begin its court mandated process of drawing Assembly districts. During this meeting, the commission elected Ken Jenkins and Charles Nesbitt as chairman and vice chairman respectively; amended the commission's bylaws to comply with state law on videoconferencing; and voted to release its single draft Assembly plan ahead of forthcoming public hearings.

Commissioner Ross Brady noted that he views the draft as one that was done in "excellent spirit," was created with input from the previous public hearings, and "takes into account the criteria [the commission] set forth at the beginning of this process...including communities of interest and the VRA lines." Vice Chair Charles Nesbitt added that this is the first time the commission has been able to compromise on a single plan, and he characterized this as "a significant moment, maybe even a historic one...that...signals an era of cooperation."

The first public hearing will be Monday, January 9, at 5:00pm in Buffalo. The full hearing schedule follows below.

The draft maps (in a statewide atlas that includes individual district maps and a statewide map with ZOOM capabilities can be viewed here: <https://www.nyirc.gov/assembly-plan>

The CUNY Graduate Center's Mapping Service website "Redistricting & You" provides a map comparison tool so you can compare the Assembly map used from 2012 to 2020 with the new proposal. It can be viewed here: <https://bit.ly/3P0mG16>

Scorecard: What Happens Next?

Following the release of a new draft Assembly map by the IRC, questions abound over what will happen next. The proposed map pairs several members of the Assembly, including Majority Leader Crystal People Stokes in Buffalo and others on Long Island, Brooklyn, Albany, Syracuse, Queens, Manhattan, and elsewhere.

It's important to keep in mind that scores (and perhaps hundreds) of New Yorkers will be testifying, when the IRC goes on the road to hear from the public at hearings that start in January and go through early March. The IRC can be expected to modify its

map and to release another draft before its April 28th deadline to submit a map to the legislature for approval. If the legislature (or Governor) rejects the map, the IRC goes back to produce a second draft map (and this is where the commission failed last winter). A formal legislative second map rejection could let the Assembly draw its own map.

In the meantime, an appeal of Judge Love's decision ordering the IRC to go back to work will be heard in the New York County Appellate Division sometime in January. The Appellate Division's ruling can be expected to go to the Court of Appeals, most likely after a new Chief Judge will be presiding (and possibly a Chief Judge who might not agree with former Chief Judge Janet DiFiore's views on redistricting. Judge DiFiore cast the deciding vote and wrote the opinion in the *Harkenrider* case that threw out the Senate and congressional map).

Another appellate court in Albany will hear an appeal over the congressional map, where plaintiffs are still seeking to reopen congressional redistricting. Nothing has been scheduled in that case yet.

On Wednesday, the U.S. Supreme Court will hear arguments in *Moore v. Harper*, where North Carolina Republicans are trying to prevent state courts from intervening in congressional redistricting decisions through the "independent legislature theory," seeking to limit that task to state legislatures alone. A favorable ruling for the GOP could open the door to another round of congressional redistricting in New York more favorable to Democrats.

It's still too early to predict when this will all end. But is safe to say that 2024 congressional and Assembly elections will take place, with maps expected to be in place before late February or early March 2024 when the next election cycle gets underway.

The IRC's New Map May Look Familiar

The IRC's proposed map looks very similar to the map proposed by IRC GOP members last winter. Commission members have indicated that the proposed map combines parts of the previous GOP and Democratic maps rejected by the legislature.

The CUNY Mapping Service has produced a map that compares the rejected GOP plan with the new proposal supported by the entire commission. A copy of the map comparison is attached.

Census Bureau To Release New ACS Data

The US Census Bureau will release its latest 5-year American Communities Survey (ACS) estimates by 10:00 AM on Thursday, December 8th at www.data.census.gov. The five-year estimates have greater coverage (areas less than 65,000 people) and a larger sample size and smaller margin of error than one-year estimates. Additional data, such as occupation by race, may only be available in 5-year estimates.

Albany County Redistricting Commission Approves Map

On December 3rd, the Albany County Redistricting Commission approved a revised 39 district map to send to the county legislature for approval. Because the revised map needs to be further adjusted by the commission's mappers, a final vote will take place on Saturday, December 10th.

IRC Hearing Schedule

Monday, January 9, 2023

5:00 PM

Buffalo Public Hearing

Location: *Buffalo State College (SUNY)*

Burchfield Penney Art Center 1300 Elmwood Avenue Buffalo, New York 14222

Tuesday, January 10, 2023

5:00 PM

Rochester Public Hearing

Location: *Rochester EOC (SUNY UCAWD)*

Multi-Purpose Room 161 Chestnut Street Rochester, New York 14604

Tuesday, January 24, 2023

5:00 PM

Syracuse Public Hearing

Location: *Syracuse University College of Law*

Melanie Gray Ceremonial Courtroom Dineen Hall, 950 Irving Avenue Syracuse, New York 13210

Wednesday, January 25, 2023

5:00 PM

Albany Public Hearing

Location: *University at Albany (SUNY)*

Page Hall - Downtown Campus 135 Western Avenue Albany, New York 12203

Please Note:

Monday, January 30, 2023

4:00 PM

White Plains Public Hearing

Location: *Haub School of Law at Pace University*

Gerber Glass Moot Courtroom 78 North Broadway White Plains, New York 10603

Tuesday, January 31, 2023

4:00 PM

Bronx County Public Hearing

Location: *TBD*

Tuesday, February 7, 2023

4:00 PM

New York County Public Hearing

Location: *Hunter College (CUNY)*

*Kaye Playhouse (entrance between 68th Street between Park and Lexington Avenues)
New York, New York 10065*

Wednesday, February 8, 2023

4:00 PM

Richmond County Public Hearing

Location: *TBD*

Wednesday, February 15, 2023

4:00 PM

Kings County Public Hearing

Location: *Medgar Evers College (CUNY)*

Room TBD Brooklyn, New York 11225

Thursday, February 16, 2023

4:00 PM

Queens County Public Hearing

Location: *Queens Borough Hall*

*Helen Marshall Cultural Center 120-55 Queens Boulevard Kew Gardens, New York
11424*

Upcoming Redistricting Hearings

Albany County, Saturday December 10 at 11 am