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January 17 Roundtable Update

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NEW YORK REDISTRICTING ROUNDTABLE UPDATE

Onondaga Redistricting Challenge Advances: *Ryan et al v. McMahon et al*

On January 12th, Onondaga County State Supreme Court Judge Joseph Lamendola rejected part of the county's motion to dismiss the case because the map was prepared by an employee of the County and passed by the Legislature (referred to as the Glazier map). The plaintiffs alleged that the county impermissibly delegated the preparation of the map to the executive branch. The court also denied the county's motion to dismiss other parts of the complaint including the defendants' argument that plaintiffs failed to also sue all 17 county legislators. The court "sees no purpose to be achieved in joining all 17 legislators other than creating unnecessary delay." Finally, the court denied the county's motion to dismiss the complaint for failure to state a claim as to the LDRC maps.

The court held that the plaintiffs' substantive challenges must still be examined by the court. In their complaint, plaintiffs argue that the maps were substantively unconstitutional as they failed to comply with requirements set forth in the state's Municipal Home Rule Law and the State Constitution. Plaintiffs allege that the Glazier map (1) "fails to consider the maintenance of cores of communities of interest," "existing districts, and pre-existing political subdivisions;" (2) divides "towns for the purpose of favoring the candidates of the Republican party;" (3) is "not as compact in form as practicable;" and (4) by dividing the African American community in Syracuse, the map was "drawn with the intent or result of denying or abridging the equal opportunity of racial or language minority groups to participate in the political process or to diminish their ability to elect representative of their choice." Finally, Plaintiffs contend that, just as the County Executive reasoned when issuing his veto on the map, the LDRC map also violates the MHRL by not adhering to the five percent deviation rule.

Orleans County: *Lewis et al v. Orleans County Legislature et al*: Democrats Seek New County Legislative Redistricting Map

Democrats in Orleans County have filed a lawsuit in Orleans County State Supreme Court seeking a new county legislative redistricting map to be drawn by a commission. The county is now also looking to redraw the county map on its own. More details will be provided next week.

Rockland County: Court Rejects Redistricting Challenge Argument

State Supreme Court Judge Sherri Eisenpress rejected arguments made by the plaintiff that the court had to decide the case within 60 days, explaining that that the 60 day requirement only applied to challenges against the state legislative and congressional plans.

State Senate Passes Election Law Reforms

For the fifth consecutive year, the State Senate kicked off the session by focusing on voting and election reforms. Last Monday, the Senate passed a package of legislation including bills that would expand ballot drop-off locations, allow portable polling locations for early voting, allow snacks and refreshments to be given to voters in line at the polls, restrict the practice of forum shopping (choosing a favorable court) when filing constitutional challenges to election laws, prohibit voter suppression and deceptive practices, and create a statewide New York State Voting and Elections Database and Institute to maintain voting and election data.

On Tuesday, January 10th, the Senate moved on to Board of Election reforms by passing a set of bills that would require consistent trainings for BOE commissioners, employees, and poll workers; allow the splitting up of day-long shifts for election inspectors and poll clerks; increase compensation for poll workers; prohibit conflicts of interest among BOE employees; reform NYC BOE; prohibit election commissioners from holding a publicly elected office; and more. You can read the Senate's press release here: [Senate Opens Legislative Session with Expanded Election Reforms](#)

The bills include:

Electoral Crime of Voter Suppression: [S.263](#) (Senator Stewart-Cousins), prohibits deceptive practices and the suppression of voters, and increases penalties for violations of the elective franchise.

Portable Polling Locations for Early Voting: [S.242](#) (Senator Rachel May), amends the election law to allow counties the option to establish portable polling places for early voting.

Absentee Ballot Drop-off Box Locations: [S.610](#) (Senator Brad Hoylman), allows local Board of Elections to establish absentee ballot drop-off locations to provide voters with a convenient alternative option to submit their absentee ballots.

New York Voting and Elections Database: [S.657](#) (Senator Zellnor Myrie) establishes the New York voting and elections database and institute to maintain a statewide database of voting and election data.

Refreshments at the polls: [S.616](#) (Senator Zellnor Myrie) allows snacks and non-alcoholic drinks to be given to voters waiting in line at the polls.

Restricts Forum Shopping: [S.350](#) (Senator Robert Jackson) restricts forum shopping for constitutional challenges to election laws.

New York State Independent Redistricting Commission

Summaries of the recent Buffalo and Rochester hearings on redrawing the State Assembly are attached.

Upcoming Hearings

State Assembly: the Appellate Division (First Department) will hold a hearing on the *Nichols et al v. Hochul et al* State Assembly case on Tuesday, January 17th at Noon. The hearing can be viewed here: <https://wowza.nycourts.gov/ad1/ad1.php>

Nassau County: the county legislature will hold a hearing on a new county redistricting map at 11:00 AM on Tuesday, January 17 at 1550 Franklin Ave., Mineola, NY

Updated IRC Hearing Schedule

Syracuse - Tuesday, January 24 5:00pm

Syracuse University College of Law
Melanie Gray Ceremonial Courtroom
Dineen Hall, 950 Irving Avenue
Syracuse, New York 13210

Albany - Wednesday, January 25 5:00pm

University at Albany (SUNY)
Page Hall – Downtown Campus
135 Western Avenue
Albany, New York 12203

White Plains * - Monday, January 30 4:00pm**

Haub School of Law at Pace University
Gerber Glass Moot Courtroom
78 North Broadway
White Plains, New York 10603

Bronx County * - Tuesday, January 31 4:00pm** **(UPDATED LOCATION)**

Hostos Community College
Savoy Multi-Purpose Room - D Building/Savoy Manor Building
120 E. 149th Street 2nd Floor
Bronx, New York 10451

*** Proof of vaccination/negative COVID test within 7 days required.

New York County * Tuesday, February 7 4:00pm**

Hunter College (CUNY)

Kaye Playhouse

695 Park Avenue

(entrance on 68th Street between Park and Lexington Avenues)

New York, New York 10065

*** Proof of vaccination/negative COVID test within 7 days required.

Richmond County - Wednesday, February 8 4:00pm

(UPDATED LOCATION)

Staten Island Borough Hall

Conference Room 125

10 Richmond Terrace

Staten Island, New York 10301

Kings County * - Wednesday, February 15 4:00pm**

(UPDATED LOCATION)

Medgar Evers College (CUNY)

Founders Auditorium

1650 Bedford Avenue

Brooklyn, New York 11225

*** Proof of vaccination/negative COVID test within 7 days required.

Queens County* - Thursday, February 16 4:00pm**

(LOCATION CHANGE)

York College (CUNY)

Faculty Dining Room

94-20 Guy R. Brewer Boulevard

Jamaica, New York 11451

*** Proof of vaccination/negative COVID test within 7 days required.

Nassau County - Tuesday, February 28 5:00pm

Nassau Community College (SUNY)

College Center Building, Rm 252/253

1 Education Drive

Garden City, New York 11530

Suffolk County - Wednesday, March 1 5:00pm

(UPDATED LOCATION)

Suffolk County Community College

Michael J. Grant Campus

Van Nostrand Theatre

Crooked Hill Road

Brentwood, New York 11717

Redistricting Institute Resources

The New York Census and Redistricting Institute has archived many resources for the public to view on our Digital Commons Page.

Our Redistricting Resources page contains resources on the John R. Lewis Voting Rights Act. You can access the page here: https://digitalcommons.nyls.edu/redistricting_resources/

Archived Roundtable Updates can be accessed here: https://digitalcommons.nyls.edu/redistricting_roundtable_updates/

Please share this weekly update with your colleagues. To be added to the mailing list, please contact Jeffrey.wice@nyls.edu

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