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February 21 Roundtable Update

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NEW YORK REDISTRICTING ROUNDTABLE UPDATE

LOCAL REDISTRICTING

Nassau County Litigation Anticipated

Based on statements made at a Nassau County Legislative hearing on February 16th, it looks like the county's county legislative map is headed to a court challenge. The hearing lasted several hours and opened with presentations by counsel for the Republican Majority and experts retained by the Democratic Minority on the county's advisory commission.

Misha Tseytlin, an attorney retained by the legislature's GOP majority, expressed the view that a proposed map developed by the majority members met all legal criteria as analyzed by the Troutman Pepper Hamilton Sanders law firm and their expert, Sean Trende.

In response, SUNY Binghamton University Professor Dr. Daniel Magleby, maintained that the proposed map was an extreme partisan gerrymander and violated a state law prohibition against a plan favoring one political party. Another Democratic expert, Megan Gall, submitted a memorandum where she argued that the plan threatened minority voting rights and did not comply with state legal standards.

Another draft map was released by the GOP majority on Friday, February 17th. A final public hearing and a vote on the final plan are scheduled for Monday, February 27th, one day before the 2023 primary petition period begins.

Hempstead Adopts a New Town Map

Hempstead Township in Nassau County also adopted a new town board map last week. Residents who attended a hearing before the map was approved complained that the new map failed to reflect new population demographics and did not create a second district to afford minority voters the opportunity to elect a preferred candidate of choice. A challenge to the map may be likely.

LITIGATION

Clarkstown Redistricting Challenge: Borelli v. Hoehmann

On February 15th in Rockland County, Clarkstown Councilmembers Frank Borelli and Patrick Carroll along with Co-Chair of the Clarkstown Democratic Party Schenley Vital filed a challenge to the 2023 Town of Clarkstown Ward Boundary Map. They allege that the map violates state law prohibiting districts from being “drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties” (Municipal Home Rule Law §10). They allege that Supervisor Hoehmann drew Borelli and Carroll in the same district “solely in retaliation against their vote in opposition” to repealing a section of town code that sets term limits. They also contend that (1) redistricting was not necessary as the former districts had only a 3.4% population deviation (under 5% requirement); (2) the map splits the African American community of Central Nyack into two districts; and (3) the map splits residents who attend East Ramapo Central School District into two districts.

2022-2023 New York Litigation Tracker

New York State Redistricting Cases		
Court	Case	Status
Albany County Supreme Court	Hoffmann v. N.Y. State Indep. Redistricting Comm'n Congressional	On Appeal (Appellate Division, 3 rd Dept.)
New York County Supreme Court	Nichols v. Hochul Assembly	Affirmed (Appellate Division, 1 st Dept.) On Appeal (Court of Appeals)
Broome County Supreme Court	Tokos v. Cnty. of Broome Broome County Legislature	On Appeal (Appellate Division, 3 rd Dept.)
Onondaga County Supreme Court	Ryan v. McMahon Onondaga County Legislature	Pending
Rockland County Supreme Court	Parietti v. Day Rockland County Legislature	Pending
Rockland County Supreme Court	Borelli v. Hoehmann Clarkstown Town Board	Pending
Orleans County Supreme Court	Lewis v. Orleans Cnty. Legislature Orleans County Legislature	Pending
U.S. District Court Eastern District of New York (Central Islip)	Pereira v. Town of North Hempstead North Hempstead Town Board	Pending
Erie County Supreme Court	Our City Action Buffalo v. Common Council of the City of Buffalo Buffalo Common Council	Dismissed

Ulster County Supreme Court	Kruglinski v. Contreras Ulster County Legislature	Disposed - County redistricting commission developed new plan
U.S. District Court Western District of New York	Goldstein v. Monroe Cnty. Monroe County Legislature	Pending

HEARING CALENDAR

STATE INDEPENDENT REDISTRICTING COMMISSION

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/