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March 6 Roundtable Update

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NEW YORK REDISTRICTING ROUNDTABLE UPDATE

LITIGATION

MacDonald v. County of Monroe- County Legislative Challenge

On March 3, in Monroe County State Supreme Court, Kenneth MacDonald filed a complaint alleging that Monroe County's legislative district map, enacted on January 5, 2023, violates at least three of the redistricting requirements set forth in the state's Municipal Home Rule Law. MacDonald alleges the map violates state law due to political gerrymandering, racial gerrymandering, and lack of compactness.

Pereira v. Town of North Hempstead- Plaintiffs Oppose Dismissal

On March 2, in the federal Eastern District Court, Mineola Mayor Paul Pereira and other plaintiffs filed a memorandum arguing that the case should not be dismissed. First, they reject the Town's argument that the court does not have jurisdiction because their equal protection claim involves partisan gerrymandering. They contend, instead, that the court does have jurisdiction because their "equal protection claim is not a partisan gerrymandering claim," and federal courts are not barred from hearing equal protection challenges to redistricting.

Next, Pereira and other plaintiffs argue that they have pleaded an equal protection violation as the complaint alleges vote dilution and disenfranchisement caused by "the swapping of numerical designations of Districts 4 and 5" which "had nothing to do with achieving equal population" or "redrawing district lines." They contend that this situation differs from "staggered election cases" because this disenfranchisement was not necessary to achieve redistricting goals.

Finally, plaintiffs argue that the NY Municipal Home Rule Law §§ 10 and 34 apply to the Town, and that the redistricting plan violates this state law. They allege that the map (1) is not compact or contiguous; (2) "under the pretext of creating a majority-minority 'Asian' District," "favors one political party over another and one incumbent over another;" (3) by swapping the numbers of Districts 4 and 5, fails to maintain the "cores of existing districts;" (4) was "drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties;" (5) "unnecessarily splits the Village of Mineola" and other areas, such as hamlets and communities of interest; and (6) creates voter confusion affecting the "orderly and efficient administration of elections."

CENSUS

CUNY Graduate Center Releases “Communities of Interest” Report

The CUNY Graduate Center’s Center for Urban Research released a report last week prepared for the NYC Districting Commission on emerging “communities of interest” in New York City. The report examines the evolution of the city’s racial and ethnic communities over the last decade to inform the ways we understand these communities leading up to the 2030 Census and the 2032-3 redistricting process. Scholars from several CUNY institutions contributed to the report. A section on “communities of interest” and the law was provided by New York Law School.

The report tracks demographic changes of broad racial groups (white, Black, Latino, and Asians) and the many national-origin ethnic groups that comprise them, highlighting emerging trends.

Key findings include:

- All the older ethnic groups in the city are declining in numbers, including African Americans and Puerto Ricans, while a host of newer immigrant-descent ethnic groups are growing.
- These dynamics are increasing the diversity of every broad racial group and blurring some of the boundaries between them. For example, while African Americans are decreasing, the overall Black population is growing, contrary to some recent press coverage, through the increase of Afro-Latinos and African immigrants and their children.
- Residential concentrations of these groups are evolving alongside the overall population mix. The classic white ethnic semi-suburban neighborhoods of the outer boroughs are becoming more Asian, Latino, and Black, while they remain middle class residential areas. The inner ring of minority working class neighborhoods, by contrast, have become increasingly white, as younger families in professional occupations make their homes in more affordable neighborhoods than upper middle class areas like the Upper West Side or Park Slope.
- Some older immigrant-origin groups like West Indians, Koreans, and residents of the former Soviet Union seem to be diminishing in the city, along with the older native-born ethnic groups.
- But new immigrant-origin groups, whether large ones like the Chinese or smaller groups like the Bangladeshis or Central Americans, are growing rapidly.

You can access the report at nycoi2023.commonsgc.cuny.edu/nyc-communities-of-interest-report-2023/

How Does OMB Consider Race?

Since the very first census in 1790, the Census Bureau has collected information on the race of the American people. In the past, the Census Bureau gathered information

about race using various methods, including asking respondents about their national origin and physical characteristics. Until 1960, a census enumerator's observation was the most common method of recording a person's race. How does OMB use racial data from the Census? An explainer by New York Law student Jasmine Ramig is attached.

REDISTRICTING

Governor Signs Bill Making Electronic Data Files Available To Public

Governor Hochul approved legislation (A.605.S.852) that requires county election boards to post downloadable digital file formats that can be read by compatible GIS software. This new law is intended to make it easier for the public to have access to maps in more than one digital format. The legislation expands a law enacted last year (Chapter 644, Laws of 2022) and was sponsored by Assemblywoman Amy Paulin and Senator James Skoufis.

Will Assembly Redistricting Delay Public Financing?

According to press reports, legislative leaders are discussing delaying the public financing of election campaigns this year because of the ongoing Assembly redistricting process. New Assembly district lines for the 2024 elections may not be finalized until sometime later this year.

Queens, Nassau, Suffolk, & Assembly Hearing Summaries

The Independent Redistricting Commission has completed its round of public hearings before it releases a revised State Assembly map on or before April 28th. Summaries of the last three hearings are attached.

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/

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