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March 20 Roundtable Update

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NEW YORK REDISTRICTING ROUNDTABLE UPDATE

LITIGATION

Town of North Hempstead: *Pereira v. Town of North Hempstead*

On March 14, federal District Court Judge Hector Gonzalez issued an order allowing the Plaintiffs challenging the Town's new map to amend their complaint, finding that, contrary to the Town's arguments, the amended complaint would not "unduly delay" a final decision nor would it be "any more futile than the original" complaint.

The Court mentioned that the amended complaint reflected that the Town itself made in one of its filings.

The Plaintiffs also added a claim alleging a violation of due process, asserting that the redistricting plan "impairs Plaintiffs' fundamental right to vote...by arbitrarily and impermissibly reassign[ing] district numbers with the effect of disenfranchising thousands of voters...." The Court noted that, while the Plaintiffs have added this new claim, it is based on the same factual allegations as the equal protection claim included in the original complaint.

The Court concluded that it would prefer "to assess the merits of Plaintiffs' arguments with the benefit of an amended complaint." With the adoption of the amended complaint, the Town now has until March 24 to file a letter supplementing their motion to dismiss, and the Plaintiffs may respond by April 5th.

CENSUS

State Legislative District Data: On March 16th, the U.S. Census Bureau released new American Community Survey (ACS) social, economic, housing, and demographic statistics based on new state legislative districts. These data come from the 2017-2021 ACS 5-year estimates. [The data can be found here.](#)

You will be able to access information on:

- **Social profiles.** Data on household type, relationship, marital status, fertility, grandparents, school enrollment, educational attainment, veteran status, disability, residence one year ago, place of birth, citizenship, year of entry, place of birth, language spoken at home, ancestry, and computer and internet use.
- **Economic profiles.** Data on employment status, commuting, occupation, industry, class of worker, income, health insurance coverage and poverty.

- **Housing profiles.** Data on housing occupancy, units in structure, year structure built, rooms, bedrooms, housing ownership, year moved in, vehicles, home heating fuel, housing facilities, occupants per room, value, mortgage, housing costs and rent.
- **Demographic profiles.** Data on sex, age, race, Hispanic origin and citizen voting-age population.

BALLOT ACCESS

New York' ballot Access Law Challenged: The U.S. Supreme Court may consider the case *Libertarian Party of New York, et al. v. New York State Board of Elections, et al.* This case challenges a 2020 state law seen to restrict ballot access in New York as a violation of voters' First and 14th Amendment rights.

In this challenge, the state's Libertarian and Green parties argue that "the threshold for a party to maintain recognized party status and ballot access was increased from 50,000 votes to 130,000 votes or 2% of the vote in the previous gubernatorial or presidential election, whichever is higher." According to the Libertarian Party, four parties that had ballot access in New York have now lost it, including the Libertarian Party, the Green Party, the Independence Party, and the SAM Party. A copy of the appeal (writ of certiorari) can be read here: <https://bit.ly/40hK3HV>

EVENTS

April 25th: **Redistricting CLE:** New York Law School and the New York County Bar Association will hold a virtual CLE session on ongoing New York State and New York City redistricting issues. Hold the date and time (5:30 to 7:15 PM).

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/