

4-24-2023

April 24 Roundtable Update

Jeffrey M. Wice



NEW YORK CENSUS & REDISTRICTING ROUNDTABLE UPDATE

REDISTRICTING

NYS Independent Redistricting Commission Approves Single Bipartisan Assembly Plan

On April 20th, the IRC held a meeting to vote on its newly drawn Assembly plan. With a palpable tone of bipartisanship and cooperation, the commission voted to send its Assembly map to the legislature for approval. On the 9-1 vote to approve the final Assembly proposal, Commissioner Ross Brady explained that he could not vote yes because he felt that in certain areas the map too heavily prioritized consistency with the map enacted by the legislature last year for the November election. Brady noted three specific examples where he believed public testimony did not support adherence to the 2022 lines. These included the Southeast Asian community in Queens, the Lower East Side in Manhattan, and “an abomination of a district that runs from Staten Island to Manhattan.”

CUNY Graduate Center Mapping Service’s Director Steve Romalewski reviewed the new map’s geographic areas as compared to the map enacted by the legislature for the 2022 election (and later found to unconstitutional based on process issues but not for violating any constitutional criteria). He found that 45 of the new districts are exactly the same as those in the map used last year. Another 65 districts include 99 to 100% of the same in geography in last year’s map and 31 districts are the same in 95 to 99% of the districts.

Commission members mentioned that changes were made from December’s draft map after many witnesses informed the Commission that they preferred the 2022 map over the Commission’s December draft proposal.

Maps and data can be viewed here (and scroll down for links to detailed reports):

<https://www.nyirc.gov/assembly-plan-2023>

The CUNY Mapping Center’s mapping tool enabling comparison of the new map with the 2022 map can be viewed here: <https://bit.ly/3H82kQZ>

The State Assembly is scheduled to vote on the new map today (See. A.6586 and S.6454 at www.nyassembly.gov)

Draft Assembly Map Criticized by AALDEF & APA Voices for Dividing Asian American Communities

The Asian American Legal Defense and Education Fund (AALDEF) has criticized the new Assembly map. According to AALDEF, the Commission’s proposal changed Richmond

Hill/South Ozone Park (Queens County) from being included in one district (as in the December draft) and having it divided into several districts in the new proposal. In South Brooklyn, AALDEF criticized the Asian American population split in Sheepshead Bay, resulting in favoring non-Asian populations. Details on AALDEF's objections can be found here: <https://bit.ly/43ZrQI9>

In a press conference this morning, APA Voices urged the State Assembly to reject the proposed commission map. APA Voices argues that IRC's "final proposal maintains the status quo by cracking this community of interest into three Assembly districts. In doing so, the voices of the Indo-Caribbean and South Asian communities of Queens continue to be silenced." You can see the press conference here: <https://www.facebook.com/apavoicenewyork/>

LITIGATION

Nichols v. Hochul: Court of Appeals Rejects State Assembly Appeal

On Thursday, April 20th, The State Court of Appeals released an order in the case that sent the Assembly redistricting mapping back to the Independent Redistricting Commission and the Legislature. According to the court, the "Appeal (was) dismissed without costs, by the Court *sua sponte*, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution."

The order was one of the first released by the court under new Chief Judge Rowan Wilson. Judge Caitlin Halligan did not take part in the decision. The Court noted that its decision was made on the grounds that the Appellate Division's order did not finally determine the constitutionality of the process. With this dismissal, the court-ordered IRC/legislature process for redrawing Assembly lines continues (more on this below).

Hoffmann v. Independent Redistricting Commission (IRC): Congressional Redistricting

On Friday, April 21, the Appellate Division, 3rd Dept. issued an order allowing two amicus briefs to be admitted. Attorneys representing the Harkenrider case Republican intervenors had opposed the briefs from being admitted. These include briefs filed by (1) Governor Hochul and Attorney General James and (2) by New York voters Scottie Coads, Mark Favors, and Mark Weisman, both in support of the Hoffmann Petitioners' position that congressional redistricting should be sent back to the IRC for a new map. The Appellate Division is expected to hear the appeal sometime between May 30th and June 9th.

EVENTS

CLE Webinar on NYS and NYC Redistricting

Tuesday, April 25, 2023; 5:30 PM – 7:15 PM
2 NY Credits: 2 PP; Transitional and Non-transitional; 2 NJ Credits 2 General

Program co-sponsors: New York Census and Redistricting Institute, and Center for New York City Law at New York Law School and New York County Lawyers Association's Justice Center

Program Chairs: Jeffrey M. Wice, Adjunct Professor and Senior Fellow, New York Census and Redistricting Institute/New York Law School; Special Counsel, New York City Districting Commission and Hon. Joan Madden (Ret.), JAMS Mediator and Arbitrator, NYCLA's Justice Center

Moderator: Jeffrey M. Wice, New York Census and Redistricting Institute/New York Law School

Faculty: Richard Briffault, Joseph P. Chamberlain Professor of Legislation, Columbia Law School; Dr. John Flateau, NYS Redistricting Commission Member, Hon. David Imamura, Past NYS Commission Chair, Fulvia Vargas-De Leon, Latino Justice

The New York State Constitution was amended in 2014 to change the process and rules governing the drawing of district lines for the NYS legislature and NY's congressional districts. The post 2020 census redistricting was the first test for the new plan – yet issues and problems with NYS' electoral system remain.

Register Here: <https://bit.ly/3TLK30K>

NYCLA Member/NYLS Alumni: \$25

Non-Member: \$45

Students/NYLS Faculty: FREE

Non-Attorney (No CLE): FREE