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## July 24 Roundtable Update

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## **N.Y. CENSUS & REDISTRICTING ROUNDTABLE UPDATE**

### **LITIGATION**

#### **Congressional- *Hoffmann v. Independent Redistricting Commission***

For the first time since post-2020 redistricting has been underway, there was no activity in any of the federal or state court for the cases we have been following. We will continue to publish this weekly newsletter each week when there is action to be reported.

In the meantime, action is anticipated *in Hoffmann v. Independent Redistricting Commission*, the congressional redistricting case. Since the Appellate Division ruled on July 13<sup>th</sup> and directed the Independent Redistricting Commission get back to work and submit a second congressional map to the state legislature, an appeal has not yet been filed with the State Court of Appeals.

The Court of Appeals is on its Summer recess and does not plan to meet again until September 12<sup>th</sup>.

The losing GOP parties have indicated that they will file an appeal and an expedited review calendar might be possible. If the Court of Appeals reverses the Appellate Division, the map drawn by the Special Master for the state supreme court in Steuben County will be used again. If the Court of Appeals affirms the Appellate Division decision, a new map can be expected.

In the meantime, the Independent Redistricting Commission is expected to announce its plans sometime soon. Commission plans could include a new round of public hearings. The state constitution requires a series of 12 hearings around the state before the commission can submit its first plan to the legislature. Those hearings ended in December 2021 and the Commission may decide to hold new hearings to hear current public comment.

If the Commission is permitted to continue its work by the courts (and as of today, there is no impediment against commission action), it can move forward with hearings and mapping. After hearings are complete, the Commission will need to deliberate and submit one or more maps to the legislature for action. If the legislature accepts the map and the Governor approves it, then the redistricting process ends.

If the Commission's map(s) is rejected by the legislature, the legislature can draw its own map. A legislative map must also be approved by the Governor as a regular chapter amendment.

A new map can also be challenged in state court based on alleged violations of the state constitution. A bill was passed by the state legislature (A5874/S350) that would require any legal challenge to the constitutionality of a provision of the election law to be brought in only four county state supreme courts: New York, Westchester, Albany, and Erie. The bill has not been sent to the Governor for her approval.

Petitioning for the 2024 congressional primary is expected to get underway around March 1<sup>st</sup> so a congressional map should be in place by early February to permit county election boards to prepare.