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February 27 Roundtable Update

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**WE ARE NEW YORK'S LAW SCHOOL****N.Y. CENSUS & REDISTRICTING ROUNDTABLE UPDATE****REDISTRICTING****Legislature Rejects Commission Map & Draws Its Own**

On Monday, February 26th, the legislature rejected the Independent Redistricting Commission's congressional map. It will now be up to the legislature to enact a new map of its own.

In the Senate, 40 members voted to reject the map while 17 voted in favor of the IRC proposal. All Democrats voted to reject the map (with the exception of state Sens. Simcha Felder and Andrew Gounardes. In the Assembly, the map was rejected by a 47-99 vote.

Both chambers are expected to vote on a new map that makes several changes to the IRC's version. After the vote, Democrats in the Assembly and Senate released a new map (S. 8653A/A.9310A) that made changes to a number of districts,

According to an analysis by Steve Romalewski at CUNY's Graduate Center for Urban Research:

District 1 lost 48,136 people from the IRC configuration to proposed District 3 under the legislature's plan. This is **6.2% of District 1's population**.

District 2 lost 48,188 people to District 1. This is **6.2% of District 2's population**.

District 3 lost 48,136 people to District 2. This is **6.2% of District 3's population**.

District 14 lost 44,210 people to District 16. This is **5.69% of District 14's population**.

District 15 lost 44,557 people to District 14. This is **5.73% of District 15's population**.

District 16 lost 45,683 people to District 15. This is **5.88% of District 16's population**.

District 18 lost 30,015 people to District 19. This is **3.86% of District 18's population**.

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District 19 lost 30,015 people to District 18 and lost 29,714 people to District 21. Combined, this represents **7.69% of District 19's population**.

District 20 lost 27,960 people to District 21. This is **3.6% of District 20's population**.

District 21 lost 29,714 people to District 19 and lost 27,960 people to District 20. Combined, this is **7.42% of District 21's population**.

Source: Analysis of census data by Center for Urban Research, CUNY Graduate Center

The legislature is expected to vote on the new map by Wednesday (although it could vote earlier if the Governor issues a message of necessity).

Legislature Limits Redistricting Challenges to Four Counties

The legislature is expected to approve legislation this week that limits redistricting challenges to four county state supreme courts in New York City, Westchester, Albany, and Erie counties.

According to bill sponsor Senator Zellnor Myrie, the bill would require redistricting challenges to be brought in counties where at least one plaintiff lives in order to modernize the procedures for bringing redistricting challenges and allow these courts to develop an expertise in redistricting litigation.

The legislation would also end the situation where challenges brought against the same map could be heard by several state courts at the same time.

The bill cleared the Senate on February 26th and is expected to be considered by the Assembly Government Operations Committee on February 28th.

People's Hearing on NYS Redistricting

On February 20, several New York organizations, including League of Women Voters of NY and Common Cause NY, held a "People's Hearing" event to discuss the state's redistricting process and gather community feedback on the IRC's proposed Congressional plan. A summary of the hearing testimony is attached.

ELECTION LAW

NYC Noncitizen Voting Law

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A state appeals court has ruled that a New York City law, which would allow non-citizens to vote in local elections, is unconstitutional. The law authorized green card holders and other residents with federal work authorization to vote in local elections. This law would have applied to 800,000 new eligible voters.

In a 3-1 decision, the court ruled that the law violated the New York State Constitution and Municipal Home Rule Law. Article IX provides that elected officials of “local governments” shall be elected by “the people,” which incorporates by reference the eligibility requirements for voting under Article II, section 1, applying exclusively to “citizens.” Judge Wooten wrote that if noncitizens are allowed to vote, it stands to reason they could also run for mayor. He also stated that such a dramatic change should have been placed on the ballot for voters to decide.

AROUND THE NATION

Congressional Legislation: U.S. Senators Amy Klobuchar (D-MN) and Laphonza Butler (D-CA) have introduced the Redistricting Reform Act of 2024. The bill establishes specific criteria that states must follow for congressional redistricting, including that states must ensure that districts comply with the U.S. Constitution and Voting Rights Act of 1965, are drawn to represent communities that share common interests, and are not drawn to disfavor or favor political parties.

The bill prevents states from engaging in redistricting processes until after the next U.S. Census and bans mid-decade redistricting. It requires the development and adoption of a redistricting plan that takes public comments into consideration. The bill also creates judicial remedies for when a state fails to enact a final congressional redistricting plan

Wisconsin: Governor Tony Evers has signed legislation for new redistricting maps in Wisconsin. In December, the Wisconsin Supreme Court struck down the state’s maps and blocked them from use in future elections. The approved maps were proposed by Evers in January. Although there were statewide concerns about a provision in the bill that delays the implementation of the maps until November, the Legislative Reference Bureau has stated this provision was standard practice. The maps are expected to be implemented before the 2024 general election.

Louisiana: Louisiana’s Republican Secretary of State and Attorney General have appealed a decision striking down the state’s legislative districts to the “notoriously conservative” 5th U.S. Circuit Court of Appeals. The federal court judge had originally ruled that Louisiana’s state House and Senate maps violated Section 2 of the Voting Rights Act. The court gave Louisiana a “reasonable period of time” to draw maps that remedy the violations in time

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for the 2024 elections. State officials are now arguing that voters cannot sue to enforce Section 2.