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## March 11 Roundtable Update

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**WE ARE NEW YORK'S LAW SCHOOL****N.Y. CENSUS & REDISTRICTING ROUNDTABLE UPDATE****REDISTRICTING**

**Plattsburgh Common Council:** Plattsburgh's Common Council met in a special session last week to discuss the city's long-delayed redistricting process. Nearly every town, city, and county in New York have completed redistricting, but proposed maps drawn by the Plattsburgh Redistricting Commission have not been brought to a vote. While redistricting should take place after the census and before the next election cycle, Plattsburgh has declined to act.

During the meeting, the Council met with Professor Jeff Wice of New York Law School who explained that the city needs to move forward in order to provide residents with fair representation in the city's government. Wice mentioned that the city could leave itself open to a court challenge for failing to redraw district boundaries.

**Redistricting and You:** The CUNY Center for Urban Research's Graduate Center Mapping Service has produced comparative maps for the state's new congressional districts. At the website, viewers can compare the new map against earlier versions. You can access the maps here: <https://newyork.redistrictingandyou.org/>

**LITIGATION****N.Y. Early Voting Law Challenge: *Stefanik v. Hochul***

On February 9<sup>th</sup>, in the Appellate Division, Third Department, the Republican plaintiffs (Elise Stefanik, et al) asked the court to expedite the appeal in the challenge to the state's Early Mail Voter Act. They argued that each additional election where the law is in effect (where they assert is unconstitutional), inflicts further injury on the plaintiffs and the New York voters.

On February 29<sup>th</sup>, the court granted this motion and scheduled the appeal for the April 2024 term. The respondents' (Governor Hochul, et al) briefs are due March 18<sup>th</sup>, and any reply briefs are due before March 25<sup>th</sup>.

**Note:** Because the trial court issued its final decision dismissing the challenge on February 5<sup>th</sup>, the plaintiffs' appeal from the preliminary injunction denial is no longer relevant and has therefore been dismissed.

**CENSUS**

## New York Census and Redistricting Institute

**Comptroller DiNapoli Warns About Population Losses:** In [a New York Daily News op-ed](#) column, State Comptroller Tom DiNapoli warns that the state's population losses could harm the state's financial picture. The column was co-authored by Heather Mulligan, president of the state's Business Council.

According to DiNapoli and Mulligan, "Between July 2020 and July 2023, New York's population declined by more than 533,000 people — about as many people as in the city of Sacramento. Much of this decline happened between 2020 and 2021, as New York was impacted severely in the early days of the COVID pandemic. However, population losses have continued, with New York's population shrinking by more than 101,000 between 2022 and 2023, the largest decline in the nation."

**AROUND THE NATION**

**Mississippi:** Closing arguments have concluded in *Mississippi State Conference of the NAACP v. the State Board of Election Commissioners*, a 2022 case that challenged the state House and Senate maps for diluting the voting power of Mississippi's black population. The plaintiffs allege that the black population could support at least 4 additional Black-majority Senate districts and at least 3 additional Black-majority House districts.

The closing arguments were made in a district court in front of a 3-judge panel and the trial officially concluded on Friday. If the panel ruled in favor of the NAACP's complaint, the state could have to redraw the districts in order to equitably represent the populations in the affected areas.

**South Carolina:** State officials have asked the U.S. Supreme Court if South Carolina can use the current congressional map for this year's elections. The map was struck down as a racial gerrymander, but no remedial map will be drawn while the Supreme Court reviews the decision this term. The justices heard oral arguments in October, but have yet to deliver an opinion despite a request to rule by January 1.

With the opening of candidate filing beginning on March 15, the commencement of absentee voting on April 27, and a primary election on June 11, the lawmakers argue that the original map must be reimplemented. The lawmakers cite the Supreme Court's Purcell Doctrine, which states that courts should not change election rules too close to an election. The state argues that this principle mandates that the original map be put back into place, no matter the outcome in the Supreme Court decision.

**Washington:** A district court in Washington held an evidentiary hearing to review a remedial legislative map that was proposed by pro-voting groups.

**New York Census and Redistricting Institute**

This hearing is the latest chapter in a 2022 lawsuit that successfully challenged Washington's redistricting map, where the court ruled that the map diluted the Latino vote in Yakima Valley. Five map proposals were presented to the court; all five were submitted by the plaintiffs.

The hearing focused on preserving a portion of the Yakama Indian Reservation in District 14 to avoid diluting the Indigenous vote. In a letter sent to the State Attorney General's Office, the Confederated Tribes of the Yakama Nation stated that "none of the remedial maps represent the Yakama Nation's interests to the same degree as the current... district."