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July 15 Elections, Census & Redistricting Update

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**WE ARE NEW YORK'S LAW SCHOOL****N.Y. ELECTIONS, CENSUS & REDISTRICTING UPDATE****VOTING RIGHTS****Mt. Pleasant: Town Board Challengers Ask For Court Conference**

Attorneys for the voters challenging Westchester County's town board over vote dilution issues under the state's voting rights act have asked Judge David Everett of Westchester County State Supreme Court to schedule a conference to resolve a dispute between the challengers and the town's Industrial Development Agency. The challengers argue that the agency needs to provide more information on how the agency's actions may have impacted minority residents in matters relating to affordable housing.

ELECTIONS**RFK Jr. Expected to Appear on NY's Presidential Ballot**

Independent presidential candidate Robert F. Kennedy Jr. is expected to appear on the New York ballot as a candidate for president under the "We The People" ballot line. His campaign was able to file more than the minimum 45,000 signatures required to become a valid candidate in the state. Other candidates expected to appear on the ballot include Cornell West, under the "Justice for All" party line, Shiva Ayyadurai, under the "Dr. Shiva" party line and Chase Oliver as the Libertarian Party candidate. Green Party candidate Jill Stein's petitions may not have met the qualifying standards.

U.S. Voters Support No-Excuse Early or Absentee Voting, According to New Poll

According to a new [Pew Research Center survey](#), which polled 8,600 Americans between May 13 and 19, about 6-in-10 Americans agree that any U.S. voter should have the option to "vote early or absentee without having to document a reason." However, the survey uncovered wide partisan divides in the answers to this question.

For Democrats and Democratic-leaning independents, 82% stated that early or absentee voting should be available to all voters without needing an excuse. In comparison, 62% of Republicans and "Republican learners" stated that these methods should only be available to voters who have a documented reason for not voting in-person on Election Day.

In 2018, the Pew Research Center noted that the majority of Republicans and Republican-leaning voters had agreed that voters should not have to document a

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reason. This belief has now widely switched. According to this report, 63% of Republicans believe elections would be less secure if it was easier for voters to cast their ballots. In contrast, 58% of Americans do not believe that changing the rules to allow for easier early and absentee voting will make elections less secure.

The report also indicated that race, age, and levels of education played a role. For example, people with college and postgraduate degrees, individuals younger than 30 years old, and Black adults were more likely to favor no-excuse early and absentee voting.

CENSUS/POPULATION DATA**IRS Migration Data Reveals Slowing Trend for New Yorkers**

According to [new migration data](#) from the Internal Revenue Service (IRS), the outflow of New York taxpayers to other states decreased during the second tax-filing period after March 2020. To compile this data, the IRS compared the mailing addresses listed on Form 1040 income tax returns for the same individuals and joint-filing couples. The dataset includes all returns that were filed between late January and late September in 2021 and 2022.

The IRS data revealed that over 91% of New York State's net taxpayer outflow (to other states) was from New York City, Long Island, and four lower Hudson Valley counties: Dutchess, Orange, Rockland, and Westchester. For New York filers moving to other states, the average adjusted gross income in 2021 was \$126,665. However, the average 2021 incomes that were reported by tax filers moving into New York in 2021-22 increased by 38% (\$124,391) from 2020-21. This substantial increase could be related to a "post-pandemic rebound" by mostly upper-income New Yorkers.

Filers in the "\$200,000 or more" category, the highest of 7 income categories included in the IRS migration data, accounted for 10.5% (31,485) of all outbound New York taxpayers. Only 4 states had larger outflows of high-earning taxpayers: California (12.3%), New Jersey (12.1%), Connecticut (11.4%), and Washington (11%). The average 2021 income for the highest-earning households leaving New York State was \$713,310.

476,051 New York filers (and their dependents) moved out of state between 2021 and 2022, a decrease of 2% in comparison to 2020-21. In comparison, the number of individuals who moved into New York State increased by almost 13% from 2020-21 to 2021-22. In total, 253,349 filers and dependents moved into New York between 2021 and 2022. The state's net loss to other states amounted to 222,702 filers and their dependents, which decreased by 10% from the year prior.

New Yorkers moved to Florida at the highest rates, which amounted to 28% of New York's total net outflow (60,210 net residents). New Yorkers also commonly moved to New Jersey (43,274), Pennsylvania (18,570), Connecticut (16,971), and North Carolina (16,925).

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Thank you to E.J. McMahon, founder and senior fellow of Empire Center, for a [detailed analysis](#) of this data.

VOTING RIGHTS

SAVE Act Passes the U.S. House of Representatives

The U.S. House has passed a national proof of citizenship bill, titled the Safeguard American Voter Eligibility (SAVE) Act, with a 221-198 vote. President Joe Biden has stated he will veto the bill if it is delivered to his desk, so the bill could not become law before the 2024 elections.

The SAVE Act would amend the National Voter Registration Act and require people who register to vote in federal elections to provide proof of citizenship. Accepted documents include a birth certificate, passport, military ID card, naturalization certificate, or a government-issued photo ID card. The bill would also require states to “purge” noncitizens from their current voter rolls. If an individual is unlawfully registered to vote, the Secretary of Homeland Security would determine whether to “initiate removal proceedings.”

According to the Biden administration, this bill will only “make it much harder for all eligible Americans to register to vote” and increase the likelihood that eligible voters will be “purged from voter rolls.”

A [survey](#) from Center for Democracy and Civic Engagement, conducted from September to October 2023, determined that 1 in 10 eligible voters cannot “easily access” proof-of-citizenship documents (e.g., passports).

According to a [2022 report](#) from the Movement Advancement Project, between 15 and 18 million U.S. adults do not have access to these documents, which disproportionately affects members of minority groups.

AROUND THE NATION

MISSISSIPPI: Last week, Mississippi’s state legislative maps were struck down by a federal 3-judge panel for diluting Black voting power in certain districts. The panel found that three additional majority-Black districts (proposed by the plaintiffs) could be drawn under Voting Rights Act/Section two precedents. Last Wednesday, the Mississippi Board of Election Commissioners filed arguments in response, arguing that it is impossible to both redraw the state’s legislative districts and prepare ballots in time for November’s election.

In the 119-page court order, the three-judge panel indicated that new districts should be drawn before the next regular legislative session begins in January. Since Mississippi held state House and Senate elections in 2023, redrawing some districts would require the use of special elections to fill the seats for the remainder of the 4-year terms. The Election Commission argues that in order to meet other deadlines

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for special elections to be held on Election Day in November, legislators would need to be called into special session and new districts adopted by August 2.

The Election Commission argues that drawing these new boundaries “is not realistically achievable” by the August 2 deadline. The court has not yet responded.

UTAH: The Utah Supreme Court has “revived a claim” from voters and organizations including the League of Women Voters that alleged the Utah Legislature violated its state constitution when it repealed a 2018 voter-approved anti-gerrymandering initiative. The lawsuit involved Salt Lake County, which leaned Democratic until it was divided into four separate congressional districts, resulting in electing only Republicans by “wide margins.” State officials had also ignored the map drawn by the state’s redistricting commission, which prompted the filing of this suit.

The contested map in the lawsuit was approved by the state legislature after stripping power from an independent redistricting commission that had been established by Utah voters to ensure that congressional boundaries were drawn without involving which party would benefit from each decision. Voters in Utah established the commission by approving the “Better Boundaries” ballot initiative in 2018.

Ballot initiatives passed by Utah voters are equal to laws passed by the Legislature. The Utah Supreme Court ruled that lawmakers cannot change laws that have been approved through state ballot initiatives unless the lawmakers are reinforcing or otherwise not impairing them, or “to advance a compelling government interest.” The U.S. Supreme Court also ruled in 2023 that state lawmakers do not have absolute power to draw congressional boundaries.

The Court’s ruling will not affect the 2024 elections, as the Court sent the case back down to the lower court to revisit the state’s process for redrawing congressional maps. For now, the current boundaries will remain.

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