New York Redistricting
Definitions & Numbers

- Reapportionment - by April 30
- Redistricting - data after July 31
- Congressional Districts - 27 districts (717,000 people)
- State Senate - 63 districts (310,000 people)
- State Assembly - 150 districts (130,000 people)
Basic Laws Governing Redistricting

- U.S. Constitution’s “one person/one vote” population equality requirement
- Federal Voting Rights Act
- New York State Constitution
What Are The Tools?

- Block level census data (equivalent to an election district)
- High speed software
- Staff - LATFOR and NY Commission

Who Are The Players?
General Criteria

- Population Equality
- Voting Rights Act Compliance
- Compactness
- Contiguity
- Keep Communities of Interest Intact
- Follow Jurisdictional Boundaries
- Incumbency
NY Independent Redistricting Commission

Democratic Appointees

- 10 members appointed by legislative leaders
- **Assembly Speaker Carl Heastie appointed**
- Elaine Frazier who has worked in the State legislature, Division of Budget and for the State Comptroller
- Eugene Benger, attorney at Debevoise & Plimpton.
- **Senate Temporary President Andrea Stewart Cousins appointed**
- Dr. John Flateau, Professor and Chair of the Department of Business Administration at the School of Business, Medgar Evers College, CUNY
- David Imamura, Attorney at Debevoise & Plimpton).
GOP Appointees

- Senate Minority Leader Robert Ortt appointed
- George H. Winner, Jr., served in the State Assembly and senate for 32 years
- Jack Martins, former Senator
- Assembly Minority Leader William Barclay appointed
- Charles Nesbitt, former Assembly Minority Leader
- Keith Wofford, an attorney and 2018 candidate for State Attorney General.
Independent Members

• Dr. Ivelisse Cuevas-Molina, a political science professor at Fordham University
• Ross Brady, a Brooklyn attorney who is the administrator at Union Temple in Brooklyn
How Will The “New” New York State Process Work In 2021?

• Commission must undertake a robust outreach effort and engage the public
• Commission must follow special criteria
• Can submit up to 2 map plans to state legislature for congressional, state senate and assembly districts
• Legislature can accept maps, reject them and, possibly, develop its own plans
• Governor must approve or veto plans
• New plans will be used in 2022 elections
Supporting The Commission

• The 10 commissioners must select one member to serve as Chair.
• The legislature appropriated $1,000,000 for the Commission to operate through March 31, 2021. More funds can be appropriated next year in the state budget.
• The commission has not received any funds to operate so far.
• The commission has hired 2 co-executive directors: Karen Blatt (D) and Doug Breakell (R)
2021 Timeline

- July 31 or soon after, 2021 Census Bureau delivers redistricting data to the state based on 2021 census results.
- Before plans are approved, the commission must hold 12 hearings throughout the state.
- The Redistricting Commission must make public its draft plans, data and other relevant information public by print at least 30 days before the first public hearing and do this no later than September 15, 2021.
- Maps must be developed, debated, and agreed to by the commission before they can be sent to the legislature for approval.
The Redistricting Commission’s voting system is designed to assure that the minority party’s voice is taken into consideration. Seven of the ten commissioners must approve a proposed district map before it can be sent to the legislature.

At least one appointee from each of the legislative leaders must approve a proposal.

Note - If the legislature is under divided political control, the 7 votes must include at least 1 appointee by the Speaker and one by the Senate Temporary President.

If the Redistricting Commission cannot get seven members to agree on a plan, the plan or plans with the greatest support can be submitted to the legislature along with the recorded vote tally.
The Redistricting Commission must combine the Senate and Assembly plans in one proposed bill and submit it to the legislature by January 1, 2022, but can submit as late as January 15, 2022 if necessary.

The legislature has the option to consider the congressional redistricting plan in the same bill or to consider it separately.

The legislature can approve the first proposed plan without amendments and send it to the governor to be enacted as a chapter amendment to State law or reject the plan.

The governor can veto the plan.
• If the legislature rejects the first plan or the governor vetoes it, the Redistricting Commission must submit a second plan to the legislature no later than February 28, 2022 and, if approved, without amendments, send it to the governor to be enacted as a chapter amendment. The governor can also veto the second plan even if approved by the legislature.

• A PENDING CONSTITUTIONAL AMENDMENT CHANGES THIS DEADLINE TO JANUARY 15

• If the second plan is rejected by the legislature or vetoed by the Governor, the legislature can amend the second plan “as it deems necessary.”

• Gubernatorial vetoes of the first and second plans can be overridden.

• While the legislature must follow the same constitutional criteria as the commission does, the legislature would have more leeway to make accommodations.
• A third plan developed by and agreed to by the senate and assembly is also subject to the governor’s approval and a veto can be overridden.

• Without minority party support, plans cannot be approved by the legislature, a marked change from the past. Different vote requirements apply depending on party control of the assembly and senate.

• At least 2/3 of the members of each chamber must approve the plans.

• But If the chambers had divided partisan control, a majority of the legislators elected to each chamber must vote to approve the plans.

• If the chambers are under divided control and the Redistricting Commission did not approve a plan, at least 60% of the legislators elected to each chamber must vote in favor to approve a plan.

• THESE PROVISIONS MAY BE CHANGED BY A PENDING CONSTITUTIONAL AMENDMENT
After the Legislature Court Challenges

• The amendment provides for State Supreme Court review of an approved redistricting plan when challenged by a citizen. The deadline for a decision by the trial court is 60 days after the petition was filed.

• The legislature is empowered to develop a remedial plan to correct legal issues found in violation of the law.

• While the amendment only addresses the role of the State Supreme Court, it is assumed that appeals can be taken before the appellate division and the court of appeals.
Unfinished Business: Prison Gerrymandering

• 2014 constitutional amendment did not address how the Redistricting Commission was to accommodate the state’s 2010 law requiring that, for state senate and assembly districts, the voting residence for state prisoners be reallocated from their place of incarceration to their permanent home address.

• Prior to 2010, redistricting plans counted prisoners in the communities where the prisons were located, a system that increased the population in those communities housing large numbers of prisoners.

• A PENDING CONSTITUTIONAL AMENDMENT WOULD ADD A BAN ON PRISON GERRYMANDERING TO THE CONSTITUTION
Thank You
And Stay In Touch

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