

New York Court Agrees with Team's Argument to Compel Election Commission to Redraw Voting Maps

News

July 13, 2023

New York's Independent Redistricting Commission (IRC) has been ordered to submit a second set of congressional maps to the state legislature in accordance with the constitutional process adopted by New York voters in 2014. The decision of the state's Supreme Court, Appellate Division, Third Judicial Department aligns with arguments of a Jenner team that represented three members of the IRC who agreed with this plan.

The 10-member IRC was established by New York voters in 2014 to usher in "a new era of bipartisanship and transparency" in elections. Constitutionally mandated to draft maps based on the federal census, the IRC's first opportunity to carry out its duties came after the 2020 census. But in January 2022, the state legislature rejected the IRC's submitted maps. The IRC was then obligated to submit a second set. Deadlocked, the IRC never did. The legislature composed its own congressional and senate maps. Litigation immediately followed.

In *Harkenrider v. Hochul*, the Court of Appeals invalidated the legislature's congressional and senate maps, and a special master then drew the maps used in the 2022 elections. Arguing that the special master's congressional map should not remain in place beyond the 2022 election, a group of New York voters sought an order that would compel the IRC to submit a second round of congressional redistricting plans. The trial court dismissed the petition, holding that directing the IRC to do so would be "futile."

In *Hoffmann v. New York State IRC*, the petitioners argued that the Supreme Court's decision should be reversed. Three IRC members, represented by a Jenner team, joined the petitioners.

In her arguments before the Third Department last month, Partner Jessie Amunson said that the Supreme Court's ruling "runs afoul" of the fundamental principle that courts should favor a legislative solution, such as the IRC process, over a map created by a single special master or judge. "Under that principle, a court can, and should, order the IRC to re-submit congressional district lines in the ample time available before the next election cycle," she argued. A process based on public input, she said, is what New York voters envisioned when they created the IRC.

On July 13, the majority of a Third Department panel held that the Court of Appeals did not intend for the special master’s lines resulting from the *Harkenrider* litigation to supplant the IRC process for the remainder of the decade.

“The right to participate in the democratic process is the most essential right in our system of governance,” reads the majority’s opinion. “The procedures governing the redistricting process, all too easily abused by those who would seek to minimize the voters’ voice and entrench themselves in the seats of power, must be guarded as jealously as the right to vote itself; in granting this petition, we return the matter to its constitutional design. Accordingly, we direct the IRC to commence its duties forthwith.”

In addition to Jessie, the team representing the three IRC members included Partners Sam Hirsch and Jake Alderdice, Associate Allison Douglis, Manager of Docketing Services **Na'eem Conway**, and Legal Assistant **Sheree Anyiam**.

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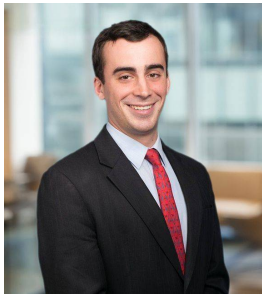


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