

## Redistricting: The Latest, and What's Next

New York State is engaged in a new and untried procedure to redraw legislative and congressional districts following the 2020 census. This process could make a big difference in the 2022 elections and beyond. Also, there will be a proposal on the November General Election ballot to make some changes in the process.

**Background:** New York's State Legislature Redistricting Commissions, with the authority to draw state legislative and congressional districts, have long used that power to create districts that give an advantage to a particular political party (the practice known as "gerrymandering").

In 2014, New York took a significant step to at limit this

practice when the voters approved an amendment to the state constitution creating an Independent Redistricting Commission. This amendment left the power to finally approve district maps with the legislature, but it gave the new Commission the authority to draft the initial maps. This procedure will be implemented for the first time in the 2021-2022 legislative and congressional redistricting following the 2020 census.

The Independent Redistricting Commission consists of ten members. The four party leaders in the legislature each appoint two members. The eight members so appointed must then choose two additional members, neither of whom shall have been enrolled in the preceding five years in either of the two major political parties.

**Drawing the Maps.** The initial maps will be prepared by the

Commission. The maps must meet several requirements. The districts should not abridge “racial or language minority voting rights.” They should consist of “contiguous territory” and be as compact “as practicable.” In addition, they may not be drawn to favor or disfavor incumbents, candidates or parties. Finally, the one person, one vote requirement and the rules for senate districts with respect to the inability to split towns and counties remain in effect.

To gather community input, virtual public hearings were held during July and August for residents of New York City and the upstate counties.

Concerned New Yorkers submitted comments regarding the interests of their communities in fair and equitable redistricting. You can watch recordings of these hearings at

<https://www.nyirc.gov/>.

**What's Next.** The Commission must make public by September 15 its “draft redistricting plans, relevant data, and related information.” It must then draft its plans for the congressional, senate and assembly districts with implementing legislation and submit those plans to the legislature by January 15, 2022. Both houses will then vote on the plans, which may not be amended. If approved by both houses, the plans will be submitted to the Governor for approval. Should the proposed legislation fail, the Commission must submit a second plan and implementing legislation for a vote by both houses. If this fails, the legislature is then free to amend the bill and the matter proceeds through the legislative process. Thus, despite all the new procedures, the legislature continues to have final authority.

**Proposal on the November Ballot.** At the General Election on November 2, New Yorkers can vote on a proposed constitutional amendment that would modify certain details regarding the Redistricting Commission and its procedures. These changes, supported by State Senators Robert Jackson, Brad Hoylman, Michael Gianaris, and others, include:

- changing the vote thresholds for adopting redistricting plans when one political party controls both legislative chambers
- requiring that incarcerated persons be counted at the place of their last residence for redistricting
- requiring the state to count residents, including people who are residents but not citizens, should the federal census fail to do so
- capping the number of state senators at 63

However, even if approved,  
these changes may be too late  
to be applied in 2022.