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For the lack of 89 people, New York will lose 1 House seat



New York City, meanwhile, would fall from 11.4 to 11.1 seats. The number of districts north of New York City would fall from 11.7 to 11.1. | Spencer Platt/Getty Images

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ALBANY — New York came 89 people short of maintaining its House delegation at 27 members, according to numbers released by the Census Bureau on Monday. Instead, it will lose one House seat at the start of 2023.

That's the best result for New York since Franklin Roosevelt was in the White House. The state peaked at 45 House seats in the 1930s and 1940s, but had lost at least two members in each of the subsequent decades as its population has grown at a slower rate than the rest of the country.

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New York's population grew by 4.2 percent in the most recent decade, which was close enough to break even. But in raw numbers, it fell just short.

The loss leaves New York with the smallest share of Congress that it has ever had. The state had the country's largest delegation from the 1810s until

California passed it after the 1970 Census. Texas surpassed the state in 2000, and in 2010, Florida and New York both wound up with 27 members. Florida will gain a seat, meaning New York will have the country's fourth-largest number of House members.

The loss of a seat led to immediate political recriminations. Republicans and business groups dusted off long-standing attacks against the state's business climate. And the left assailed Gov. Andrew Cuomo for not doing enough to help drive up the count.

"What's abundantly clear is that Gov. Cuomo bears substantial responsibility for New York losing a congressional seat," said Daniel Altschuler of progressive advocacy group Make the Road New York.

The state spent the run-up to the census missing countless deadlines for figuring out how to increase its response rate. One report that was legally required to be completed by Jan. 2019 wasn't finished until that October. At the start of March 2020, the state still hadn't started what Cuomo had promised would be a \$70 million outreach effort.

"What we saw was a failure to allocate enough resources, delays in having any real plan, and whatever money was ultimately dispersed was done so extremely late, and I think by many peoples' accounts, too late to make an appreciable difference in increasing the count," Altschuler said.

Others also blamed Albany officials, but for different reasons.

"New York's tax burden continues to be the worst in the nation, and I have no doubt that's a contributing factor to our sluggish growth," said Justin Wilcox of Upstate United, the business group formerly known as Unshackle Upstate.

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What this means for the state's maps: Those big-picture figures are the only numbers available so far. The more detailed numbers that will be used to draw the new lines are due to be released in August and September.

But the estimates released by the Census Bureau in recent years suggest the biggest change could involve one upstate seat being broken up and absorbed into its neighbors.

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On Long Island, for example, there are currently 3.9 districts. That includes the entirety of the seats held by Reps. Lee Zeldin, Andrew Garbarino and Kathleen Rice, most of the seat held by Rep. Tom Suozzi, and a sliver of the seat held by Rep. Gregory Meeks. Zeldin and Garbarino are Republicans and the rest are Democrats.

If the estimates released by the Census Bureau in 2019 were correct, then the number of seats on Long Island would fall to 3.8. That's not a big enough shift to require a wholesale redesign — moving the portion of Meeks' district that's in Nassau County to Rice's district would come pretty close to doing the trick.

New York City, meanwhile, would fall from 11.4 to 11.1 seats. The number of districts north of New York City would fall from 11.7 to 11.1.

The simplest way to address these changes would involve shifting some of the seats near the Bronx-Westchester border a little bit farther north. The Southern Tier district held by outgoing Republican Rep. Tom Reed could be broken up and added to four or five nearby districts, and every other district could undergo relatively minor shifts.

What's next: The big question remains how much can Democrats control the process and gerrymander the lines to their own advantage.

There are certainly ways of creating maps that could benefit the party that controls both houses of the state Legislature. Republican Reps. Claudia Tenney and Elise Stefanik, for example, could be placed in the same district, one that would be made the only area seat that Republicans have a decent chance of winning. The Garbarino and Zeldin districts on Long Island, both of which have elected Republicans in the past four elections, could be blended to create a solid Republican seat and a solid Democratic one.

A constitutional amendment authored by Cuomo nearly a decade ago made such a scenario more difficult. When Republicans control the state Senate, they're able to approve lines with a simple majority of 32 of the chamber's 63 members. Democrats would have needed a supermajority of 42 members, and since such a threshold seemed unrealistic when the amendment was authored in 2012, the widespread assumption was that future lines would need to be balanced enough to have some support from both parties.

Senate Democrats, however, had two of their best election performances in history in 2018 and 2020, and now have 43 members.

But it's not yet guaranteed that this supermajority will stay intact until lines are voted on next winter. Sen. Luis Sepulveda (D-Bronx) is awaiting trial on domestic violence charges, while Sens. Brad Hoylman of Manhattan, Brian Benjamin of Manhattan and Kevin Parker of Brooklyn are all running for local

offices this year. And there's always a chance that a member or two could be unsatisfied with the changes made to their own districts and vote against the maps for reasons of self-preservation.

Democrats have been working on a contingency plan that could let them dominate the process even if they lose a couple of members. A new amendment that will be voted on as a referendum this November would let a Democratic-controlled Senate approve new lines with 38 votes.

There has yet to be any public polling or campaigning on the question. But given that most of this year's high-profile races will be for mayoral posts in Democratic strongholds like New York City, Buffalo and Albany, the odds of its passage are pretty decent even if Republicans succeed in characterizing it as a Democratic power-grab.

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