

New York Supreme Court

Appellate Division—Fourth Department

TIM HARKENRIDER, GUY C. BROUGHT, LAWRENCE CANNING,
PATRICIA CLARINO, GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ, LAWRENCE GARVEY, ALAN
NEPHEW, SUSAN ROWLEY, JOSEPHINE THOMAS,
and MARIANNE VOLANTE,

Docket No.:
CAE 22-00506

Petitioners-Respondents,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT GOVERNOR AND
PRESIDENT OF THE SENATE BRIAN A. BENJAMIN, SENATE MAJORITY
LEADER AND PRESIDENT PRO TEMPORE OF THE SENATE ANDREA
STEWART-COUSINS, SPEAKER OF THE ASSEMBLY CARL HEASTIE,
and THE NEW YORK STATE LEGISLATIVE TASK FORCE ON
DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT,

Respondents-Appellants,

and

NEW YORK STATE BOARD OF ELECTIONS,

Respondent.

JOINT RECORD ON APPEAL
Volume 1 of 6 (Pages 1 – 460)

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(For Continuation of Appearances See Inside Cover)

Steuben County Clerk's Index No. E2022-0116CV

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VOLANTE,

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PRESIDENT OF THE SENATE BRIAN A. BENJAMIN, SENATE MAJORITY
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and

NEW YORK STATE BOARD OF ELECTIONS,

Respondent.

STATEMENT PURSUANT TO CPLR 5531

1. The index number of the case in the court below is E2022-0116CV.
2. The full names of the parties are as set forth above. There have been no changes.
3. The proceeding was commenced in the Supreme Court of the County of Steuben.
4. The proceeding was commenced by filing and service of a Petition on or about February 3, 2022. Issue was joined by filing and service of an Answer and Counterstatement of Respondents Senate Majority Leader and President Pro Tempore of the Senate Andrea Stewart-Cousins and the New York State Senate Majority's Appointees to the New York State Legislative Task Force

on Demographic Research and Reapportionment on or about February 24, 2022, the Answer of Respondents Governor Kathy Hochul and Lieutenant Governor and President of the Senate Brian A. Benjamin on or about February 24, 2022, and the Answer of Respondents Speaker of the Assembly Carl Heastie and the Assembly Majority on or about February 24, 2022.

5. This is an action to set aside New York's newly enacted Congressional districts and State Senate districts set forth in L.2022, Chapters 13 and 14.
6. The appeal is from the Decision and Order of the Honorable Patrick F. McAllister, dated March 31, 2022.
7. This appeal is on the full reproduced record.

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**NOTICE OF APPEAL BY RESPONDENTS GOVERNOR KATHY HOCHUL AND
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE BRIAN A. BENJAMIN,
DATED APRIL 1, 2022 WITH AFFIDAVIT OF SERVICE [1 - 6]**

FILED: STEUBEN COUNTY CLERK 04/01/2022 01:17 PM

NYSCEF DOC. NO. 247

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 04/01/2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. E2022-0116CV

NOTICE OF APPEAL

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

PLEASE TAKE NOTICE that Respondents Governor Kathy Hochul and Lieutenant Governor Brian A. Benjamin (collectively, “Executive Respondents”) hereby appeal to the Appellate Division, Fourth Department, from the Judgment (denominated “Decision and Order”) of Supreme Court, Steuben County (McAllister, J.), dated March 31, 2022, duly entered in the Office of the Clerk of Steuben County on the same date, *see* NYSCEF Document No. 243, and attached hereto as Exhibit A. This appeal is taken from every part of the Judgment.

FILED: STEUBEN COUNTY CLERK 04/01/2022 01:17 PM

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INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 04/01/2022

DATED: Rochester, New York
April 1, 2022

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Attorney for Executive Respondents

By: /s/ Heather L. McKay
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FILED: STEUBEN COUNTY CLERK 04/01/2022 01:17 PM

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK
STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

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McAllister, J.S.C.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

Heather L. McKay, being duly sworn, deposes and says:

1. I am an attorney duly licensed to practice law in New York State. I am an Assistant Attorney General of Counsel for the New York State Office of the Attorney General, counsel for Executive Respondents. I am not a party to this action, I am over 18 years old, and I reside in New York.

2. On April 1, 2022, I electronically filed a Notice of Appeal (Dkt. No. 247) with the Clerk of the Steuben County Supreme Court using the NYSCEF docketing system, which sent notification to the following people:

- Channing Chill, dchill@graubard.com;
- Joseph Lessem, jlessem@graubard.com;
- Elaine Reich, ereich@graubard.com;
- Bennet Moskowitz, bennet.moskowitz@troutman.com;
- Daniel Gorman, daniel.gorman@troutman.com;
- Misha Tseytlin, misha.tseytlin@troutman.com;
- Alexander Goldenberg, agoldenberg@chwillp.com;
- John Cuti, jcuti@chwillp.com;
- Alice Reiter, areiter@chwillp.com;
- Daniel Mulkoff, dmulkoff@chwillp.com;
- Eric Hecker, ehecker@chwillp.com;
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- Craig Bucki, cbucki@phillipslytle.com;
- Steven Salcedo, ssalcedo@phillipslytle.com;
- Rebecca Valentine, rvalentine@phillipslytle.com;
- Brian Quail, brian.quail@elections.ny.gov;

3. On April 6, 2022, I served the Notice of Appeal (Dkt. No. 247) on the following party by mail – specifically, by enclosing it in a postpaid, properly addressed wrapper and placing it in an official depository under the exclusive care and custody of

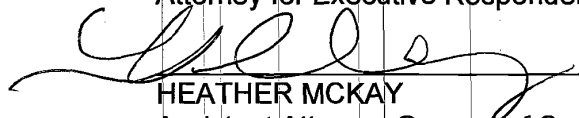
the U.S. Postal Service within New York State:

- The New York State Legislative Task Force on Demographic Research and Reapportionment
198 State Street, Lobby
Albany, New York 12210

4. I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

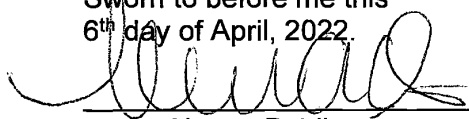
Dated: April 6, 2022
Rochester, New York

LETITIA JAMES
Attorney General of the State of New York
Attorney for Executive Respondents



HEATHER MCKAY
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Sworn to before me this
6th day of April, 2022.



Notary Public

MICHELLE A. ORTIZ
Notary Public - State of New York
No. 01OR6324113
Qualified in Monroe County
My Commission Expires on May 4, 2023

**EXHIBIT A TO NOTICE OF APPEAL -
DECISION AND ORDER OF THE HONORABLE PATRICK F. MCALLISER,
DATED MARCH 31, 2022 [7 - 24]**

FILED: STEUBEN COUNTY CLERK 03/31/2022 04:20 PM
NYSCEF DOC. NO. 243

INDEX NO. E2022-0116CV
RECEIVED NYSCEF: 03/31/2022

STATE OF NEW YORK
SUPREME COURT : COUNTY OF STEUBEN

Index No. E2022-0116CV

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEVEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEWPHEW,
SUSAN ROWLEY, JOSEPHINE THOMAS, and
MARIANNE VOLANTE,

Petitioners,

-against-

DECISION and ORDER

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

PRESENT: Hon. Patrick F. McAllister
Acting Supreme Court Justice

The Petitioners, through their attorneys, are seeking to set aside the newly enacted congressional districts and senate districts. The Petitioners allege that the Respondents did not have the authority under the constitution to create the new congressional and senate districts as they did, and further that the Respondents engaged in prohibited gerrymandering when creating the districts. The Respondents oppose the Petitioners' application. The court heard oral argument on March 3, 2022. The court reserved decision pending further development of the record. The court heard testimony of several experts and final arguments were heard on March 31, 2022.

In making this Decision and Order the court has considered all the submissions made in this matter. To specifically innumerate them would needlessly waste pages of paper and lots of ink. The e-file system has them all enumerated.

FILED: SUFFOLK COUNTY CLERK 03/31/2022 04:20 PM
 NYSCEF DOC. NO. 22437

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Background:

Although it has been quite some time since one party controlled the Senate, the Assembly, and held the governorship, New York State has a long history of gerrymandering when it comes to the creation of new voting districts. Whichever major political party has been in power has used the creation of new voting districts to their own advantage and to the disadvantage of their opposition. The result was that 98% of incumbents were getting reelected before the constitutional amendment in 2014.

The scourge of gerrymandering is not unique to New York. In recent years the courts throughout the country have been called on to invalidate gerrymandered districts and to create new fairer districts. League of Women Voters v. Commonwealth, 178 AD3d 737 (Pa. 2018); League of Women Voters of Fla. v. Detzner, 172 So. 3d 363 (Fla. 2015); Rucho v. Common Cause, 204 L.Ed. 2d 931 (2019). In 2014, New York State took major steps to avoid being plagued by gerrymandering by amending Article III §§4 & 5 of the New York State Constitution. The 2020 census was the first time after the constitutional amendment that led New York to draw new districts. Therefore, this is a case of first impression in many respects.

Under New York's very old rule there was a district seat for each county, except for Hamilton County. The Federal Courts found that unconstitutional because some counties were sparsely populated resulting in the citizens of those counties receiving disproportionate representation as compared to the heavily populated counties. Reynolds v. Sims, 377 U.S. 533 (1964); In re Orans, 15 NY2d 339 (1965). The law was changed to create districts that were roughly equal in population. In doing so other redistricting criteria in the Constitution such as not crossing county lines were given less value. See, Wolpoff v. Cuomo, 80 NY2d 70 (1992).

In the past most redistricting challenges were heard in federal court. However, in Rucho v. Common Cause, 139 S.Ct. 2482 (2019) the court ruled that federal courts do not have the authority to strike down maps based on partisan gerrymandering. Hence, this action is brought in state supreme court.

The courts have recognized that redistricting requires a balancing of sometimes competing Federal and State Constitutional requirements. "The test is whether the Legislature has 'unduly departed' from the State Constitution's requirements regarding contiguity, compactness and integrity of counties (Matter of Schneider v. Rockefeller, 31 NY2d 420, 429) in its compliance with federal mandates. It is not our function to determine whether a plan can be worked out that is superior to that set up by the legislature. Our duty is, rather, to determine whether the legislative plan substantially complies with the Federal and State Constitutions." Wolpoff v. Cuomo, (*supra*. at 78). To again quote Wolpoff "This is no simple endeavor". "Balancing the myriad requirements imposed by both the State and the Federal Constitution is a function entrusted to the Legislature. It is not the role of this, or indeed any, court to second-guess the determinations of the Legislature, the elective representatives of the people in this regard. We are hesitant to substitute our own determination for that of the Legislature even if

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we would have struck a slightly different balance on our own.” ” Wolpoff v. Cuomo, (*supra*. at 79).

Standing:

The Respondents challenge whether or not the Petitioners in this case have standing to bring this action since the various Petitioners live in only a small number of Congressional and State Senate Districts.

It is the law’s policy to only allow an aggrieved person to bring a lawsuit. One not affected by anything a would-be defendant has done or threatened to do ordinarily has no business suing. *New York Practice 6th Ed.* Seigel §136 Pg. 270.

Many of the prior redistricting challenges where the courts have found petitioners do not have standing were cases focused only on a particular district boundary. In those cases if the petitioner did not live in the district he/she did not have standing. The Petitioners in this case are challenging the entire process as being in violation of the Constitutionally prescribed method for redistricting and in particular that the Congressional and State Senate maps were drawn with a political bias that is contrary to the Constitution. In Dairylea Cooperative, Inc. v. Walkey, 38 NY2d 6 (1975) a milk distributor sought to challenge a Commissioner of Agriculture decision which granted a milk dealer license to another entity. The court found there was standing because the Plaintiff was in the “zone of interest.” Further, only when there is a clear lack of injury would standing be denied.

In Society of Plastics Industry, Inc. v. County of Suffolk, 77 NY2d 761 (1991) the court made clear that having an economic interest is not sufficient to find standing if the issue is a non-economic interest. In that case to have standing the Plaintiff needed to show non-economic issues such as environmental or aesthetic reasons to challenge the legislation.

If this court finds the method used in enacting these maps violated the Constitution this would not affect just a handful of districts, but in fact would effect every district in New York. It would be impractical to require someone from every district to serve as a Petitioner. Once one district is invalid it impacts neighboring districts. But if the entire process is invalidated then everyone is impacted. The court finds these Petitioners have standing.

The 2014 Constitutional Amendment:

The 2014 amendment to the New York Constitution includes both a provision to prohibit discrimination against racial or language minority voting groups and a prohibition against creating maps with partisan bias. The prohibition against discriminating against minority voting groups at the least encapsulated the requirements of the Federal Voting Rights Act, and according to many experts expanded their protection. That new provision is not currently being challenged. Therefore, the court will focus on the prohibition against partisan

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bias and the process by which redistricting was to take place.

To tell how important the people considered the issue of partisan bias not only was Article III section 4 amended to add “Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties”, but the Constitutional process for redistricting was also revised to create an Independent Redistricting Committee (IRC), which was to create non-biased bipartisan maps. This provision creating an IRC was intended to take the creation of proposed redistricting maps out of the hands of a one-sided, partisan legislature as much as possible. This IRC committee was to consist of appointees as follows: two members by the temporary president of the senate, two members by the speaker of the assembly, two by the minority leader of the senate and two by the minority leader of the assembly, plus two additional members which were to be appointed, one by the Democratic committee members and one by the Republican committee members. NY Constitution Art. III §5-b. Although the word “compromise” is not used it is clear from reading the constitutional amendment that the people of the State of New York believed that nonpartisan maps agreed upon as a result of a compromise were the best way to avoid gerrymandering when redistricting. At the very least in the event one party controlled both the senate and the assembly the amended constitution required there to be both support from some of the Democrats on the committee and also by some of the Republicans on the committee in order for the redistricting plan to receive the minimum seven votes necessary for the plan to be submitted to the legislature for approval, and to the governor for signature. NY Constitution Art III §5-b(f)(1) reads as follows:

“In the event that the speaker of the assembly and the temporary president of the senate are members of the same political party, approval of a redistricting plan and implementing legislation by the commission for submission to the legislature **shall** require the vote in support of its approval by at least seven members including at least one member appointed by each of the legislative leaders.” (Emphasis added)

In 2022 the Democrats controlled both the senate and the assembly. Nevertheless, the IRC committee failed to come up with any plan that obtained the minimum seven votes. There was no plan that received bipartisan support. That eventuality was anticipated in the constitution and according to Art. III §5-b(g) the plan or plans receiving the highest vote were to be submitted to the legislature. The Democrat committee and the Republican committee each submitted their own plans known as Plan A and Plan B with an equal number of IRC votes, but only from their own respective subcommittees. The court heard limited testimony concerning both Plan A and Plan B and received copies of those plans as exhibits. Even though a few of the proposed districts seemed to be the same in both plans, the IRC was not able to come up with a bipartisan plan that received seven votes. Both Plan A and Plan B were submitted to the legislature and the legislature quickly rejected both plans. According to the amended constitution, the committee was then to submit to the legislature a second set of redistricting plans. NY Constitution Art. III §4(b).

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In 2022 the committee never submitted a second revised redistricting proposal to the legislature. Hence, the legislature went ahead and in a few days drafted and passed their own redistricting maps. A couple of Democrats voted against the legislature's redistricting maps, but otherwise the legislation was passed along party lines. It is these Congressional and Senate redistricting maps that this court must review to determine whether they violate the state and/or federal constitutions.

Before analyzing the specifics of the redistricting plans that were passed, it is important to review what did not happen. The IRC committee never embraced the task of coming up with compromise plans. It was clear from the amended constitution that the people of the State of New York believed the best way to avoid partisan politics in drawing new district lines was for a small group to work together to come up with compromise plans that obtained some bipartisan support. The plans did not have to be unanimously approved by the members of the committee, but at least some members of each subcommittee had to support the plan. The court comes to this conclusion from the following:

1. The Constitution was amended to add Article III §4(c)(5) which now reads as follows:
"Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties." ;
2. The Constitution created an Independent Restricting Committee (IRC);
3. The IRC was constructed in such a way that neither political party would attain the seven votes necessary without bipartisan support;
4. The Constitution specifically reads that the approved plan had to have support from at least one appointee of each of the political leaders that appointed members to the IRC.
5. That even if the IRC plan was rejected it was the IRC and not the legislature that was authorized to draw a second set of revised maps.
6. That even if the second set of IRC maps was rejected, the legislature could only vary the enacted maps slightly from the IRC maps. There could be no more than a 2% deviation in any district according to the Redistricting Reform Act of 2012.
7. The people of the State of New York rejected the 2021 ballot proposal that would have authorized the legislature to draw the maps in the event the IRC was not able to come with maps.

By contrast the important constitutional amendment that protected racial and language minority voting groups from being discriminated against had only one provision. Article III §4(c)(1). There was no new committee appointed to insure that this amendment to the Constitution was carried out. The court can only conclude that the people of the State of New York thought the creation of a non-biased, nonpartisan IRC committee that must work together to arrive at bipartisan redistricting maps was crucial to avoid gerrymandering - and even though the legislature, under certain circumstances, had the power to create their own redistricting maps, the legislature would have been under scrutiny in rejecting two sets of proposed bi-partisan maps before drawing their own maps, a circumstance that would invite the wrath of the electorate. Further, the law only permits slight alterations of the IRC maps by the legislature.

The legislature is not free to ignore the IRC maps and develop their own.

In a democracy it is rare if ever that one party has all the right answers and all the right policies. A democracy works best when every responsible adult has a voice and when by listening to each other a compromise is worked out that incorporates part of everyone's opinion. Unfortunately, in recent years the idea of "compromise" has gotten the reputation as being something distasteful and something to be avoided. Yet compromise is the foundation upon which the United States Constitution, our political system, and our country was established. It is compromise that is the safest way to avoid the plague of partisan gerrymandering. If gerrymandering is allowed to occur then certain groups of voters will be discriminated against and become disenfranchised. Discrimination comes in many forms whether it be against ones race, sex, age, religion, political party or something else. The New York Constitution specifically says, "When drawing district lines, the commission shall consider whether such lines would result in the denial or abridgement of racial or language minority voting rights, and districts shall not be drawn to have the purpose of, nor shall they result in, the denial or abridgment of such rights. Districts shall be drawn so that, based on the totality of the circumstances, racial or minority language groups do not have less opportunity to participate in the political process than other members of the electorate and to elect representatives of their choice." Art. III §4(c)(1).

Gerrymandering discrimination hurts everyone because it tends to silence minority voices. Then none of us receives the benefit from the input of the silenced. Imagine a society where only Democrats are able to work on cancer research or only Republicans could be board certified as heart surgeons. Imagine all the accomplishments and discoveries that would never come to pass because the majority thought it best to eliminate minority positions or views. Lives and the common good are at stake. When we choose to ignore the benefits of compromise we not only hurt others, we hurt ourselves as well.

There is nothing in the constitution that permits the IRC to just throw up their collective hands. Courts are very familiar with juries who say "We can't come to an agreement" during deliberations. However, the more the court keeps requiring them to go back and try again the more likely they are to finally reach a consensus. It is rare for the court to end up with a hung jury. Here the IRC stopped working well before their deadline. What someone should have done was bring an action to compel the members of the IRC to continue their work or for the political sides of the legislatures that appointed 8 of the 10 members of the IRC to remove and replace any IRC member that did not embrace his/her constitutional role. NY Constitution Art III §5-b(a)(1)-(4). Then either the court could have compelled the IRC to work together until they came up with a plan or the IRC new members could develop new bipartisan maps. Instead the IRC was permitted to throw up their hands and the legislature stepped in. Does the Constitution permit the legislature to take over if the IRC fails to do it's job? By the Constitution the IRC's drop dead date for submitting a plan was February 28th. This action was commenced long before that deadline.

FILED: SHERMAN COUNTY CLERK 03/31/2022 04:10 PM

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Under the “new” process that was put in place a committee (IRC) was formed to try to create a fair redistricting map. The committee had 4 Democrats, 4 Republicans and 2 people that could not be Democrats or Republicans. The Democrats chose 1 of the 2 and the Republicans chose the other. This year the committee met and considered a number of plans. The Democrats came up with a plan (Plan A) and the Republicans came up with a different plan (Plan B). The IRC could not come up with a compromise plan so both the Democrat and Republican plans were submitted to the legislature, although neither plan had obtained the required seven votes. Seven votes in favor of a plan were required since the Democrats control both the Senate and the Assembly. Both submitted plans were rejected by the legislature and sent back to the committee. The committee could not agree on anything different. They had a 15 day deadline but the IRC stopped working well before the deadline. So the legislature created it’s own map. The legislature’s plan differed significantly from either Plan A or Plan B submitted by the IRC.

Under the 2014 amendment the districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. Under constitutional criteria the maps must be compact, contiguous, of equal populations, avoid abridgment of racial or language minority voting rights, maintain cores, and not cross the boundary lines of pre-existing subdivisions such as counties, cities, towns and communities of interest and there was to be no partisan gerrymandering. “The anti-gerrymander provision of the State Constitution is found in article III. Section 4 requires that Senate districts ‘be in as compact form as practicable’ and ‘consist of contiguous territory’; and section 5 provides that Assembly districts shall be formed from ‘convenient and contiguous territory in as compact form as practicable. As we recognized in Matter of Orans, (15 NY2d 339, 351, supra), these constitutional requirements remain binding although they must be harmonized with the first principle of substantial equality of population among districts.” Schneider v. Rockefeller, 31 NY2d 420 (1972).

The Failed 2021 Constitutional Amendment and Subsequent 2021 Legislation:

The political powers realized that the redistricting compromise plan envisioned by our 2014 amended constitution had a flaw. The plan lacked a way to handle the contingency of the committee not coming up with a bipartisan plan(s). Thus another constitutional amendment was proposed and put before the voters in November of 2021, under which the legislature could create and the Governor enact its own redistricting plan in the event the IRC committee failed to carry out its constitutionally prescribed duties. This constitutional amendment was voted down by the people of the State of New York - Republicans, Democrats, and Independents alike. Just three (3) weeks later, the legislature enacted legislation signed by the governor giving themselves the power to do exactly what the people of the State of New York had just voted down three (3) weeks earlier. Even though the proposed 2021 Constitutional Amendment contained other new provisions, none were hot button issues. In part this decision will focus on that legislation that was enacted just three (3) weeks after the proposed 2021 Constitutional Amendment was voted down.

Redistricting Reform Act of 2012 (The 2% Rule):

Another key component of the Redistricting Reform Act of 2012 that directly impacts the subsequent 2014 constitutional amendment was that: **“Any amendments by the senate or assembly to a redistricting plan submitted by the independent redistricting commission, shall not affect more than two percent of the population of any district contained in such plan.”** Redistricting Reform Act of 2012 N.Y. Sess, Laws 17 §3. The currently enacted plans vary by more than 2% from either of the plans submitted by the IRC. The Respondents do not allege that the plans they developed adhere to the 2% modification limit of either IRC map that was submitted. The Respondents contend that the “Notwithstanding any other provision” language of the newly enacted 2021 legislation made it so the legislature was not bound by the 2% rule. Obviously, it could not be compared to a final IRC map as such a map was never submitted. The court finds the 2% variance rule was another important procedural check to avoid partisan gerrymandering. These current maps ignore that procedural requirement. In essence, the legislature through the 2021 legislation, freed themselves from the constitutional process and the 2% limitation.

Analysis:

The New York Constitution Article III §§4 & 5 describes the process for the creation of election districts. Unconsolidated Laws §4221 says the supreme court has the jurisdiction to hear a petition brought by any citizen that wishes to challenge the redistricting law. The court is mandated to give this case the highest priority. The court has 60 days in which to render a decision from when the petition was filed. The Petition was filed February 3, 2022 so a decision must be rendered by April 4, 2022. If the court finds the redistricting plans invalid the legislature shall have a reasonable opportunity to correct their deficiency. Art. III §5. The Petitioners contend that this provision should be ignored by the court because the legislature never properly had jurisdiction to create these maps in the first place, since the IRC never submitted a second map to be considered.

The Petitioners seek to have this court find the 2022 Congressional Map and the 2022 Senate Map to be void *ab initio*. The Petitioners allege the legislature lacked the constitutional authority to enact redistricting maps because the Constitution proscribed an exclusive process, which in 2022 was not followed.

Not only must this court interpret the redistricting process under the 2014 amendment to the Constitution, but must also determine whether or not the legislature had the authority to alter the constitutional process by passing the recent 2021 legislation, when granting that same legislative authority was voted down by the people of the State of New York in the 2021 proposed Constitutional Amendment three weeks earlier.

On the November, 2021 ballot there was a proposed constitutional amendment to Article III Section 4(b) of the New York State Constitution that would have added language that

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in the event the IRC redistricting commission fails to vote on a redistricting plan and implementing legislation by the required deadline then each house should introduce a redistricting plan and implementing legislation. When the constitutional amendment was voted down by the People of the State of New York the legislature passed a 2021 amendment to the Redistricting Reform Act of 2012 Section 4 (a) & (c) to provide that if the commission does not vote on any redistricting plan for any reason the legislature shall draft redistricting maps and implementing legislation and submit it to the governor.

In challenging the recently enacted 2021 legislation this court must start with the presumption that the legislation is constitutional. Matter of Moran Towing Corp. v. Urbach, 99 NY2d 443 (2003). Further, facial constitutional challenges like this one are disfavored. Overstock.com, Inc. v. New York State Dept. of Taxation and Fin., 20 NY3d 586 (2013). A challenge to a duly enacted statute requires the challenger to satisfy the substantial burden of demonstrating that in every conceivable application the enacted law suffers wholesale constitutional impairment. Center for Jud. Accountability, Inc. v. Cuomo, 167 AD3d 1406 (Third Dept. 2018); appeal dismissed 33 NY3d 933 (2019). Basically the challenger must establish that there is no set of circumstances under which the legislation could be valid. Overstock.com, Inc. v. New York State Dept. of Taxation and Fin., (*supra*). This court must make every effort to interpret the statute in a manner that otherwise avoids a constitutional conflict. See, People v. Davidson, 27 NY3d 1083 (2016).

The Petitioners contend that the November, 2021 legislation not only amended the Redistricting Reform Act of 2012 but also created a second path for redistricting that is not in the constitution. The constitution envisions the redistricting process to occur through the IRC. Only after the IRC has twice submitted maps that are rejected by the Legislature does the Legislature take up the process. The Constitution uses such words as “the” and “shall” to indicate this was the way and the only way that redistricting maps were to be drawn.

The 2021 legislation purportedly revised the 2012 Redistricting Reform Act so that if the IRC fails for any reason to submit a plan then the legislature shall prepare their own redistricting maps. However, the legislature can not override a constitutional barrier by passing a new law. City of N.Y. v. N. Y. State Div. of Human Rights, 93 NY2d 768 at 774 (1999). Further, this 2021 legislation purportedly negated the 2% variance limitation if the legislature drafted their own maps.

This court finds that by enacting the legislation in November of 2021 the legislature made it substantially less likely that the IRC would ever submit a bipartisan plan when the senate, assembly and governorship are all controlled by the same political party. Since the senate and assembly leaders appoint four of the ten members of the IRC, these four members, and by extension the legislature, would essentially have carte blanche veto power to keep the vote below the seven votes necessary to pass such a bipartisan plan. The intent of the 2014 constitutional amendment is to have bipartisan maps drawn by the IRC commission submitted and passed by the legislature.

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Some might argue that whether the IRC failed to twice submit bipartisan maps or whether they did submit bipartisan maps and the legislature voted them down twice that it doesn't make any difference; that the legislature had the power to step in under either scenario. However, this court sees a difference. In this case the Legislature can say the IRC did not come up with bipartisan maps so we had to act. The IRC was a scapegoat for the legislature. If on the other hand the constitutional process were followed, the legislature would be in the awkward political position of having to vote down two sets of proposed bipartisan redistricting maps before drafting their own maps, at the risk of raising the ire of the voters at the next election. In addition the legislature, in drafting their own maps, would be under pressure and scrutiny to adopt a good portion of the proposed bipartisan maps submitted by the IRC commission, and they would also be limited by the no more than 2% alteration rule. The conclusion is that the currently enacted maps would have been substantially different had the constitutional process been followed.

This court finds that the November, 2021 legislation which purported to authorize the legislature to act in the event the IRC failed to act was not a mere enactment of legislation to help clarify or implement the Constitution, but in fact substantially altered the Constitution. Alteration of the Constitution can only be done by constitutional amendment and as recently as November, 2021 the people rejected the constitutional amendment that would have granted the legislature such authority. Therefore, this court finds the recently enacted Congressional and Senate maps are unconstitutional. Further, the enacted maps are void *ab initio*. Under the currently constructed Constitution when the IRC failed to act and submit a second set of maps there is nothing the Legislature has the power to do. Therefore, the court will need to step in. The court would note that not only are the Congressional District Maps and Senate District Maps void but the Assembly District Maps are void *ab initio* as well. The same faulty process was used for all three maps. Therefore new maps will need to be prepared for the Assembly Districts as well.

The People of the State of New York have spoken clearly. First, in the 2014 Constitutional Amendment not only did the People include language to prevent gerrymandering, but they also set forth a process to attain bipartisan redistricting maps through the IRC. The People of the State of New York again spoke loudly when they soundly voted down the proposed 2021 Constitutional amendment that would have granted authority to the Legislature to bypass the IRC redistricting process.

Although the court has already stricken the enacted redistricting maps as unconstitutional the court will discuss the Petitioners' further argument that the congressional and senate redistricting maps were the result of partisan bias. The standard of proof is beyond a reasonable doubt.

When considering redistricting there are two fundamental federal law principles that apply. There is the Equal Protection Clause of the 14th Amendment and the Voting Rights Act. The Equal Protection clause requires districts to be composed of the same number of residents

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or within acceptable variance thereof. The Voting Rights Act prohibits drawing lines that deny racial or language minorities a fair opportunity to elect a candidate of their choice. In addition to those federal requirements, the New York constitution adds several other factors which must be considered, including the district being contiguous, compact, drawn so as to not favor or disfavor an incumbent or a political party, trying to keep county and town boundaries within the same district, and trying to maintain the cores of prior districts. Because of the need to make districts equal in population it is not always possible to meet all of the other factors to be considered. Article III §4 (c) 1 - 5 list a number of factors which "shall" be considered. "Shall" is a requirement.

What is compactness? "Reapportionment is one area in which appearances do matter." Shaw v. Reno, 509 U.S. 630 at 647 (1993). Compactness has been described in scientific terms as the extent to which a district's geography is dispersed around its center. In practice many courts use the eyeball test. Bush v. Vera, 517 U.S. 952 at 959 (1996). The Petitioners in this case claim districts that look like snakes or are elongated over hundreds of miles violate the Constitutional requirement of compactness. What the courts have found is that "compactness" may vary depending on whether or not the issue is racial gerrymandering or dilution of vote cases. "Dramatically irregular shapes may have sufficient probative force to call for an explanation." Shaw v. Reno, (*supra*. at 647); Karcher v. Daggett, 462 U.S. 725 at 755 (1983).

A contiguous district requires that all parts of the district be connected. This is usually measured by whether it is possible to travel to all parts of the district without ever leaving the district. In this case, some of these proposed districts you would need a boat to go from one section of the district to another, but at least you do not have to cross district lines, just County lines and other political boundaries.

According to the eyeball test there are some districts that don't look like they are compact. They include Congressional Districts 1,2, 3, 7, 8, 10, 17, 18, 19, 22 and 24. However, the eyeball test is not proof beyond a reasonable doubt.

The preservation of the cores of prior districts. At least 11 states, including New York, include this as part of the criteria when drawing new maps. The likely theory behind this is that by maintaining continuity of districts you maintain continuity of the representation for the citizens within that group. Obviously, when the number of districts has to change it is impossible to fully comply with this criteria.

According to *Redistricting Law 2020* by Davis, Strigari, Underhill, Wice & Zamarripa 18 states have now included language prohibiting redistricting to be drawn with the intent of favoring or disfavoring an incumbent or a political party, with 12 other states currently in the process of adopting neither favoring or disfavoring language. This language was the new anti-gerrymandering requirement added by the 2014 New York Constitutional Amendment.

Although the Federal Courts no longer have the authority under the First and/or

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Fourteenth Amendments to invalidate maps based on partisan gerrymandering, numerous states and state courts have been addressing these issues. Rucho v. Common Cause, (*supra.*). States have been addressing this through constitutional amendments, the appointments of independent commissions and by prohibiting the drawing of district lines for partisan advantage. Rucho v. Common Cause, (*supra.*). In recent years both Florida and Pennsylvania courts have found and overturned maps based on partisan gerrymandering. See, League of Women Voters of Pa. v. Commonwealth 644 PA 287 (2018); League of Women Voters of Fla. v. Detzner, 172 So. 3d 363 (2015). In both of these cases the courts interpreted their respective constitutional provision which prohibited redistricting with the intent to favor or disfavor a political party or an incumbent. In the 2014 Constitutional Amendment Art. III §4(c)(5) New York added "Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties." The meaning of this portion of the constitution and how it applies to the recently enacted Congressional and State Senate maps is key. Courts have for a long time struggled with being able to adequately define a standard to apply in such situations. Everyone agrees that politics plays some part in redistricting. In Davis v. Bandemer, 478 U.S. 109 (1986). At what point does permissible partisanship become unfair or unconstitutional? How much is too much? Comm. for a Fair & Balanced Map v. Ill. State Bd. of Elections, No. 11 C 5065 2011 U.S. Dist. LEXIS 117656 (2011).

In this case the Petitioners have presented expert testimony through Shawn Trende indicating that he ran at first 5,000 and then 10,000 potentially unbiased simulated redistricting maps. Respondents' expert Michael Barber testified he ran 50,000 maps attempting to duplicate Trende's maps. Trende and Barber's maps came up with the same results. The result according to Trende's Gerrymandering Index was that the maps adopted by the Legislature and signed by Governor Hochul were the most favorable to Democrats of any of the sample maps. Barber disagreed with Trende's use of a Gerrymandering Index and concluded that the enacted maps actually favored Republicans. Likewise, Respondents other experts came to the conclusion that the enacted maps actually favored Republicans. The court finds it strains credulity that a Democrat Assembly, Democrat Senate, and Democrat Governor would knowingly pass maps favoring Republicans. Petitioners had two experts testify and Respondents had five experts testify. However, it is not the number of experts that is determinative but the quality and credibility of the expert testimony.

The Respondents' expert attempted to discredit Trende's analysis by claiming that a large percentage of Trende's simulated maps are redundant in that the maps essentially show the same boundaries. It is claimed that as many as one half to three/fourths of the simulated maps are duplicative. Therefore, it was argued that Trende should have eliminated the duplicates as he did when addressing Maryland maps. Duplication or redundancy is claimed to be a common problem with this type of simulation. However, Trende ultimately did 10,000 simulated maps which could be reduced to 2,500 simulated maps if three quarters were redundant maps and were eliminated. Even under this analysis the enacted maps are the worst of 2,500 simulated maps, ie the worst of the worst.

What all the experts agreed upon was that the enacted congressional map would likely lead to the Republicans winning four Congressional seats. The Republicans currently hold 8 of the 27 congressional seats. A majority of the 5,000, 10,000 or 50,000 unbiased maps would have the Republicans winning less than four seats if you use 50.01% Democrats in a given district as the standard for which way a given district is likely to elect a Democrat or a Republican. Thus the Partisan Index used by the Respondents experts conclude the enacted maps favors Republicans because they are likely to receive four seats. However, both Trende and Respondents' expert, Jonathan Katz, testified that historically the Republicans win a district up to 52% Democrat and that incumbent Republicans enjoy an additional 3%, which means the districts would have to be at least 55% Democrats for the Democrats to actually win. The enacted maps gives the Democrats at least 55% in every district except the four that are Republican leaning. Obviously actual elections vary but as a general rule that is what the reliable historical data shows. What Trende's report shows is that the first four districts heavily lean toward the Republicans. See Trende's Gerrymandering Index (graphs pgs. 14 & 15 of the Expert Report dated February 14, 2021). However, in the enacted plans congressional seats 5 - 13 not only favor Democrats but show 55% or higher Democrats in those districts making them noncompetitive and virtually impossible for a Republican to win. However, in the "unbiased" sampling by Trende and Barber as few as 2 seats heavily favor Republicans, but in sample districts 3 - 13, while the Democrats were favored in those samples, their advantage was in most cases substantially less than 55% Democrat leaning and in many cases less than 52% Democrat leaning. That would mean these districts would be competitive and if historical data is accurate would likely result in several of those seats going to Republicans.

The Respondents' experts claim that the Gerrymandering Index should not be recognized by the court. The Petitioners cite Szeliga v. Lamone, C-02-CV-21-001816, a recent Maryland case (March 25, 2022) that recognized the Gerrymandering Index as proof that the maps were biased.

What is clear from the testimony of virtually every expert (Trende, Lavigna, Barber, and Katz) is that at least in the congressional redistricting maps the drawers packed Republicans into four districts thus cracking the Republican voters in neighboring districts and virtually guaranteeing Democrats winning 22 seats. In 5,000, 10,000 or 50,000 unbiased computer drawn maps there were several, and perhaps as many as 10 competitive districts. The enacted congressional map shows virtually zero competitive districts. Trende concludes and the court agrees that this shows political bias. Katz and Barber agree with Trende that creating districts with no competitive districts is a potential sign of political bias. However, both Katz and Barber conclude there is no bias since Republicans are likely to win four seats; and that four seats is higher than most of the projected wins assuming the Democrats win every district that is at least 50.01 % Democrat leaning which is what the Partisan Index is designed to depict.

The court finds that Trende's maps, and those drawn by Katz and by Barber, do not include every constitutional consideration. Katz and Barber testified they attempted to duplicate the maps drawn by Trende using the same variables used by Trende. However, none

of Respondents' experts attempted to draw computer generated maps using all the constitutionally required considerations. Katz said to do so would have significantly increased the time it would take to draw the maps. Both Katz and Barber thought that by including every constitutional consideration the maps would have been different, but they could not say how or by how much they would have differed. If they had done so and could thus demonstrate that the additional constitutional factors not considered in Trende's maps cause a representative sample that differed appreciably from Trende's sample then the court could have considered those maps against the enacted map to see whether or not the same political bias was shown. Since no such computer generated maps were provided to the court the court must use the evidence before it.

According to Rucho (*supra*.) the fundamental difficulty in formulating a standard to adjudicate whether or not partisan gerrymandering has occurred is for the court to determine what is "fair". Is fairness formulating a greater number of competitive districts? Whitford v. Gill, 218 F. Supp.3rd 837 (W.D. Wis 2016). Does fairness require as many safe seats for each party as possible? Davis v. Brademer, 478 U.S. 109 (1986). This court concludes that generating a map that significantly reduces the number of competitive seats is a clear sign of bias.

The court finds by clear evidence and beyond a reasonable doubt that the congressional map was unconstitutionally drawn with political bias in violation of Art. III §4(c)(5). One does not reach the worst of 2,500, 5,000, 10,000 or 50,000 maps by chance. Therefore, the court agrees with the Petitioners that the congressional map was unconstitutionally drawn with political bias in violation of Art. III §4(c)(5) of the New York Constitution.

The court will next consider the newly enacted senate map. The Petitioners presented credible evidence that this map also was gerrymandered. However, Todd Breitbart testified in-depth that many of the changes found between the 2012 enacted senate map and the 2022 enacted senate map were attempts by the legislature to correct malapportionment, and other constitutional deficiencies in the 2012 map. The court finds that testimony sufficiently credible. However, the court does not accept Breitbart's premise that the Republicans essentially gerrymandered the 2012 senate map since in 2012 the Assembly and Governorship were controlled by the Democrats and so the Republicans and Democrats had to work together to enact the maps. Therefore Petitioners could not show that the enacted 2022 senate map was drawn with political bias beyond a reasonable doubt. However, since this map was already struck down as void *ab initio* a new map will need to be drawn.

Having declared the recently enacted 2022 maps unconstitutional where do we go from here. It was clear from the testimony that not only is the 2012 congressional map not useable because New York State now only has 26 instead of 27 Congressional districts, but the 2012 senate map is also not useable because as a result of population shifts that map is now constitutionally malapportioned. Therefore, that leaves no maps. At this point in time, the candidates have been collecting signatures for over a month to get on the ballot for districts that

no longer exist. The end of the signature gathering process will occur within a few days. Yet Petitioners urge the court to have the parties quickly submit new maps and create new election time-lines so that the election can proceed on properly drawn redistricting maps that are free of partisan bias. The Respondents contend it is too late in the election cycle to try to draft new maps and then hold elections based on the new maps.

The Respondents point out that the U.S. Supreme Court has long ruled that Congressional elections can proceed even under defective lines. Merrill v. Milligan, 142 S. Ct. 879(2022); Abbott v. Perez, 138 S. Ct. 2305 (2018); Wells v. Rockefeller, 394 U.S. 542 (1969). In Wells v. Rockefeller the court faced a similar time deadline when on March 20, 1968 the primary election was three months away and yet the court permitted the election based on the redistricting maps that were constitutionally infirm, rather than delay the primaries and redraw the redistricting maps. Therefore, the Respondents urge this years election to proceed under the unconstitutional maps.

The Petitioners urge the court to strike down these constitutionally infirm maps and have new maps prepared. This of course will require revision of the election schedule since candidates would not even know what district he/she would run in before most of the current deadlines would have expired. The Petitioners urge moving the primary back to as late as August 23, 2022. The Petitioners cite other states that have recently moved their primaries to a later date because of challenges to the redistricting maps. See, Harper v. Hall, 865 S.E.2d 301, 302 (N.C. 2021); In re 2022 Legislative Districting of the State of Maryland, No. COA-MISC-0025-2021 (Md. Mar. 2022).

This court is well aware that this Decision and Order is only the beginning of the process and not the end of the process. There will likely be appeals to the Appellate Division and the Court of Appeals in addition to what ever time it takes to draw new maps. Then once the maps are drawn the County Boards of Election need time to apply the new redistricting maps to the precincts within their respective borders.

On March 3, 2022 when the court initially denied Petitioners application to stay the election process the court was not at all sure that the Petitioners could overcome the extremely high hurdle of demonstrating the maps violated the constitution. Thus, the court did not see a substantial likelihood for ultimate success by the Petitioners. Therefore the request for a temporary stay was denied. The court was also unaware of the prior courts ruling with regard to not permitting new elections in Congressional races in 2023 even when the maps were found to be unconstitutional. Having now determined that the various redistricting maps are unconstitutional the court is still concerned about the relatively brief time in which everything would need to happen to draw new maps, complete the appellate review process, revise the election process guidelines, and give the county election commissioners time to do their jobs.

However, this court's deadline of April 4, 2022 to make a decision was set by law (60 days to render a decision) in order to allow time for elections under newly drawn maps.

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As the court sees it the drop dead date for sending out overseas military ballots is forty-five days before the November 8, 2022 general election. Thus, the ballots have to be finalized and mailed out no later than September 23, 2022. Between the primary election and that September 23rd date the votes have to be counted, the elections need to be certified, candidates need time to challenge election results, and the ballots need to be prepared. Thus, August 23, 2022 is the last possible date to hold a primary. An earlier August date would be preferred from the stand point of providing sufficient time from the holding of the primary to the completion of the November ballot. However, the same 45 day rule applies with regard to sending out overseas primary ballots. Thus, the primary ballots would have to be sent out no later than July 8, 2022. That only leaves about 100 days from today for the drawing of new maps, the candidates to gather signatures, the preparation of the primary ballots, the appellate review process, etc.

The court is mindful that in the Maryland case decided on March 25, 2022 that court threw out the recently enacted gerrymandered maps and ordered new maps to be drawn. This court finds that although it will be very difficult this court must require new maps to be drawn and the current maps are void and unusable. The court will leave it to the legislature and governor to develop new time frames for gathering signatures, how many signatures will be required to be on the ballot, whether signatures already gathered can be counted toward meeting the quota to appear of the ballot, etc.

N.Y. Constitution Art III §5 states as follows:

“In any judicial proceeding relating to redistricting of congressional or state legislative districts, any law establishing congressional or state legislative districts found to violate the provisions of this article shall be invalid in whole or in part. In the event that a court finds such a violation the legislature **shall** have a full and reasonable opportunity to correct the law’s legal infirmities.” (Emphasis added)

Therefore, the Constitution requires the Legislature to be given another chance to pass maps that do not violate the Constitution. Part of the problem is these maps were void *ab initio* for failure to follow the constitutional process of having bipartisan maps presented by the IRC. The second problem was the Congressional map that was presented was determined to be gerrymandered. The Legislature could correct the gerrymander issue, but they can not correct the constructional failure to have IRC present bipartisan maps for Congressional, State Senate, and State Assembly Districts. Therefore, the court will require any revised maps generated by the Legislature to receive bipartisan support among both Democrats and Republicans in both the senate and the assembly. The maps do not have to be unanimously approved, but they must enjoy a reasonable amount of bipartisan support to insure the constitutional process is protected. This they will need to do quickly. In Maryland the court gave their legislature 5 days in which to submit appropriate new maps for the court to review. The court will give the legislature until April 11, 2022 (which is slightly more time than they took to prepare the

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enacted maps) to enact new bipartisan supported proposed maps that meet the constitutional requirements. This court will review those maps. If the maps do not receive bipartisan support or if no revised maps are submitted, then I will retain an expert at the States expense to draw new maps. Not only would the process be expensive it is possible that New York would not have a Congressional map in place that meets the Constitutional requirements in time for the primaries even with moving the primary date back to August 23, 2022.

NOW, therefore, upon consideration of all papers and proceedings heretofore had herein, and after due deliberation, it is

ORDERED, ADJUDGED, and DECREED the Petitioner are found to be in the zone of interest and therefore having standing to bring this action; and it is further

ORDERED, ADJUDGED, and DECREED that the Governor and Lt. Governor are necessary parties to this action; and it is further

ORDERED, ADJUDGED, and DECREED that the process used to enact the 2022 redistricting maps was unconstitutional and therefore void *ab initio*; and it is further

ORDERED, ADJUDGED, and DECREED that with regard to the enacted 2022 Congressional map the Petitioners were able to prove beyond a reasonable doubt that the map was enacted with political bias and thus in violation of the constitutional prohibition against gerrymandering under Article III Sections 4 and 5 of the Constitution; and it is further

ORDERED, ADJUDGED, and DECREED that the maps enacted by 2021-2022 N.Y. Reg. Sess. Leg. Bills S8196 and A.9039-A (as technically amended by A.9167) be, and are hereby found to be void and not usable; and it is further

ORDERED, ADJUDGED, and DECREED that the maps enacted by 2021-2022 N.Y. Reg. Sess. Leg. Bills S9040-A and A.9168 be, and are hereby found to be void and not usable; and it is further

ORDERED, ADJUDGED, and DECREED that congressional, state senate and state assembly maps that were enacted after the 2010 census are no longer valid due to unconstitutional malapportionment and therefore can not be used; and it is further

ORDERED, ADJUDGED, and DECREED that the legislation enacted in November, 2021 purporting to create a way to bypass the IRC is unconstitutional and in clear violation of the Peoples' express desire to not amend the Constitution to permit the Legislature to act in the event the IRC failed to submit maps; and it is further

ORDERED, ADJUDGED, and DECREED that the enacted legislation L. 2021 c. 633 §1 be and is hereby found to be void and not usable and shall be stricken from the books; and it

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is further

ORDERED, ADJUDGED, and DECREED that the Petitioners and others have been injured as a result of the unconstitutional enacted maps; and it is further

ORDERED, ADJUDGED, and DECREED that in order to grant appropriate relief the court hereby grants to Petitioners a permanent injunction refraining and enjoining the Respondents, their agents, officers, and employees or others from using, applying, administering, enforcing or implementing any of the recently enacted 2022 maps for this or any other election in New York, included but not limited to the 2022 primary and general election for Congress, State Senate and State Assembly; and it is further

ORDERED, ADJUDGED, and DECREED that the Legislature shall have until April 11, 2022 to submit bipartisanly supported maps to this court for review of the Congressional District Maps, Senate District Maps, and Assembly District Maps that meet Constitutional requirements; and it is further

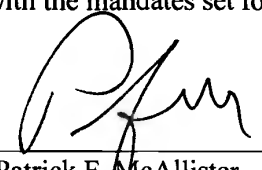
ORDERED, ADJUDGED, and DECREED that in the event the Legislature fails to submit maps that receive sufficient bipartisan support by April 11, 2022 the court will retain a neutral expert at State expense to prepare said maps; and it is further

ORDERED, ADJUDGED, and DECREED that any request for attorneys' fees and costs is denied; and it is further

ORDERED, ADJUDGED, and DECREED that this Court retains jurisdiction to issue any and all further orders which shall be necessary to comply with the mandates set forth herein.

Dated: March 31, 2022

ENTER


 Hon. Patrick F. McAllister
 Acting Supreme Court Justice

**NOTICE OF APPEAL BY RESPONDENTS SENATE MAJORITY LEADER AND
PRESIDENT PRO TEMPORE OF THE SENATE ANDREA STEWART- COUSINS AND
THE NEW YORK STATE SENATE MAJORITY'S APPOINTEES TO THE NEW YORK
STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT, DATED MARCH 31, 2022,
WITH AFFIDAVIT OF SERVICE [25 - 30]**

FILED: STEUBEN COUNTY CLERK 03/31/2022 11:02 PM

NYSCEF DOC. NO. 245

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 03/31/2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

_____x

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. E2022-0116CV

Petitioners,

NOTICE OF APPEAL

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

_____x

PLEASE TAKE NOTICE that Respondents Senate Majority Leader and President *Pro Tempore* of the Senate Andrea Stewart-Cousins and the New York State Senate Majority's appointees to the New York State Legislative Task Force on Demographic Research and Reapportionment (collectively, the "Senate Respondents"), appeal to the Fourth Department of the Supreme Court of the State of New York, from the Judgment of the Hon. Patrick F. McAllister (styled as a Decision and Order), signed in this special proceeding on March 31, 2022, duly entered in the Office of the Clerk of Steuben County on the same date, at NYSCEF

FILED: STEUBEN COUNTY CLERK 03/31/2022 11:02 PM

NYSCEF DOC. NO. 245

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 03/31/2022

Dkt. No. 243, and attached as Exhibit A (the “Judgment”). This appeal is taken from each and every part of the Judgment, as well as from the Judgment in its entirety.

Dated: March 31, 2022
New York, New York

By: /s/ Eric Hecker
Eric Hecker
John R. Cuti
Alexander Goldenberg
Alice G. Reiter
Daniel Mullkoff

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C. Daniel Chill, Esq.
Elaine Reich, Esq.

FILED: STEUBEN COUNTY CLERK 03/31/2022 11:02 PM

NYSCEF DOC. NO. 245

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 03/31/2022

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FILED: STEUBEN COUNTY CLERK 04/04/2022 05:57 PM

NYSCEF DOC. NO. 251

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 04/04/2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

x

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. E2022-0116CV

Justice Patrick F. McAllister

Petitioners,

**AFFIDAVIT OF
SERVICE**

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

x

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

Alexander Goldenberg, being duly sworn, deposes and says:

1. I am an attorney duly licensed to practice law in New York State. I am a partner at Cuti Hecker Wang LLP, counsel for the Senate Majority Leader. I am not a party to this action, I am over 18 years old, and I reside in New York.

2. On March 31, 2022, I electronically filed a Notice of Appeal (Dkt. No. 245) with the Clerk of the Steuben County Supreme Court using the NYSCEF docketing system, which sent notification to the following people:

FILED: STEUBEN COUNTY CLERK 04/04/2022 05:57 PM

NYSCEF DOC. NO. 251

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 04/04/2022

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MISHA TSEYTLIN misha.tseytlin@troutman.com

REBECCA VALENTINE rvalentine@phillipslytle.com

3. On April 4, 2022, I served the Notice of Appeal (Dkt. No. 245) on the following party by mail – specifically, by enclosing it in a postpaid, properly addressed wrapper and placing it in an official depository under the exclusive care and custody of the U.S. Postal

FILED: STEUBEN COUNTY CLERK 04/04/2022 05:57 PM

NYSCEF DOC. NO. 251


INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 04/04/2022

Service within New York State: The New York State Legislative Task Force on Demographic Research and Reapportionment, 198 State Street, Lobby, Albany, New York 12210.

4. I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: April 4, 2022
New York, New York


Alexander Goldenberg

Sworn and subscribed to before
me on the 4th day of April, 2022


Notary Public

JOHN R. CUTI
Notary Public, State of New York
No. 02CU6035446
Qualified in New York County
Commission Expires Feb. 8, 2026

EXHIBIT A TO NOTICE OF APPEAL -
DECISION AND ORDER OF THE HONORABLE PATRICK F. MCALLISER,
DATED MARCH 31, 2022
(REPRODUCED HEREIN AT PP. 7-24)

**NOTICE OF APPEAL BY RESPONDENT SPEAKER OF THE ASSEMBLY CARL HEASTIE,
DATED MARCH 31, 2022 WITH AFFIDAVIT OF SERVICE [32 - 36]**

FILED: STEUBEN COUNTY CLERK 03/31/2022 11:10 PM

NYSCEF DOC. NO. 246

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 03/31/2022

STATE OF NEW YORK
SUPREME COURT : COUNTY OF STEUBEN

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY
LEADER AND PRESIDENT PRO TEMPORE OF
THE SENATE ANDREA STEWART-COUSINS,
SPEAKER OF THE ASSEMBLY CARL HEASTIE,
NEW YORK STATE BOARD OF ELECTIONS, and
THE NEW YORK STATE LEGISLATIVE TASK
FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT,

Respondents.

NOTICE OF APPEAL

Index No.
E2022-0116CV

PLEASE TAKE NOTICE that Respondent Speaker of the Assembly Carl

Heastie appeals to the Appellate Division, Fourth Department, of the Supreme Court of the

State of New York, from the Decision and Order of the Hon. Patrick F. McAllister,

A.J.S.C. (the "Order," attached as **Exhibit A**), duly signed in this special proceeding and

entered and filed in the Steuben County Clerk's Office on March 31, 2022, at NYSCEF Dkt.

No. 243. This appeal is taken from each and every part of the Order, as well as from the
whole thereof.

FILED: STEUBEN COUNTY CLERK 03/31/2022 11:10 PM

NYSCEF DOC. NO. 246

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 03/31/2022

Dated: New York, New York
March 31, 2022

GRAUBARD MILLER

By: /s/ C. Daniel Chill
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Elaine Reich
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Dated: Buffalo, New York
March 31, 2022

PHILLIPS LYTLE LLP

By: Steven B. Salcedo
Craig R. Bucki
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FILED: STEUBEN COUNTY CLERK 03/31/2022 11:10 PM

NYSCEF DOC. NO. 246

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 03/31/2022

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**THE NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT**

198 State Street
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FILED: STEUBEN COUNTY CLERK 04/04/2022 09:16 AM

NYSCEF DOC. NO. 249

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 04/04/2022

STATE OF NEW YORK
SUPREME COURT : COUNTY OF STEUBEN

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY
LEADER AND PRESIDENT PRO TEMPORE OF
THE SENATE ANDREA STEWART-COUSINS,
SPEAKER OF THE ASSEMBLY CARL HEASTIE,
NEW YORK STATE BOARD OF ELECTIONS, and
THE NEW YORK STATE LEGISLATIVE TASK
FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT,

Respondents.

**AFFIDAVIT OF
SERVICE**

Index No.
E2022-0116CV

STATE OF NEW YORK)
) SS:
COUNTY OF ERIE)

Steven B. Salcedo, being duly sworn, deposes and says:

1. I am an employee of Phillips Lytle LLP, attorneys for Respondent Speaker of the Assembly Carl Heastie. I am not a party to this action, I am over 18 years old, and I reside in Buffalo, New York.
2. On March 31, 2022, I electronically filed a Notice of Entry (Dkt. No. 244) and Notice of Appeal (Dkt. No. 246) with the Clerk of the Steuben County Supreme Court using the NYSCEF docketing system, which sent notification to the following people:

FILED: STEUBEN COUNTY CLERK 04/04/2022 09:16 AM

NYSCEF DOC. NO. 249

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 04/04/2022

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George Winner Jr.
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3. On March 31, 2022, I served the Notice of Entry (Dkt. No. 244) on the following person by mail—specifically, by enclosing it in a postpaid, properly addressed wrapper and placing it in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State: The New York State Legislative Task Force on Demographic Research and Reapportionment, 198 State Street, Lobby, Albany, New York 12210.
4. On April 4, 2022, I served the Notice of Appeal (Dkt. No. 246) on the following person by mail—specifically, by enclosing it in a postpaid, properly addressed wrapper and placing it in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State: The New York State Legislative Task Force on Demographic Research and Reapportionment, 198 State Street, Lobby, Albany, New York 12210.

Steven B. Salcedo

Sworn and subscribed to before
me on the 4th day of April, 2022.

Notary Public

Doc #10332343

MICHELLE L. CHRISTOFARO
No. 01CH5049247
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 09/11/2025

- 2 -

EXHIBIT A TO NOTICE OF APPEAL -
DECISION AND ORDER OF THE HONORABLE PATRICK F. MCALLISER,
DATED MARCH 31, 2022
(REPRODUCED HEREIN AT PP. 7-24)

DECISION AND ORDER OF THE HONORABLE PATRICK F. MCALLISER,
DATED MARCH 31, 2022, APPEALED FROM
(REPRODUCED HEREIN AT PP. 7-24)

**DECISION AND ORDER OF THE HONORABLE PATRICK F. MCALLISTER,
DATED MARCH 3, 2022 [38 - 40]**

FILED: STEUBEN COUNTY CLERK 03/03/2022 11:45 AM

NYSCEF DOC. NO. 126

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 03/03/2022

STATE OF NEW YORK
SUPREME COURT : COUNTY OF STEUBEN

Index No. E2022-0116CV

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEVEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEWPHEW,
SUSAN ROWLEY, JOSEPHINE THOMAS, and
MARIANNE VOLANTE,

Petitioners.

-against-

DECISION

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents

PRESENT: Hon. Patrick F. McAllister
Acting Supreme Court Justice

In the Petitioner's third Order to Show Cause in this matter the Petitioners seek expedited discovery. The Respondents oppose this application on multiple grounds including the grounds of legislative privilege, that discovery is not provided for in these types of actions, that the proposed discovery was too broad, and because the discovery process would take too long and delay a timely resolution of this matter.

The Petitioners are seeking expedited discovery. To some extent the governmental defendants enjoy a level of immunity from even discovery. Based on the State and Federal Constitutions the courts have interpreted the Speech and Debate Clause of the constitutions as providing a level of protection for both Federal Congressional leaders as well as state elected representatives. The constitution provides both legislative immunity and legislative privilege. However, Court have found that state legislators do not have an absolute right to claim

legislative privilege. Gillock, 445 U.S. 360 (1980).

In 2003, in the case of Rodriguez v. Pataki, 280 F. Supp. 2d 89 (So. Dist. Of NY 2003) that court laid out a balancing test to determine what information should be disclosed and what needs to be protected because of the chilling effect it would have on the legislature if the information was disclosed. The Rodriguez court adopted the same five factors as was set forth in In re Franklin Nat'l Bank Secs. Litig., 478 F. Supp 583 (E. Dist. New York 1979). The factors to be considered are 1. the relevance of the evidence sought; 2. the availability of other evidence; 3 the seriousness of the issues; 4 the role of the government in the litigation; and 5 the possibility of future government employees being chilled by realizing potential disclosure of the information. Rodriguez v. Pataki, (*supra.*). In Favors v. Cuomo, 285 F.D.R. 187 (Eastern Dist. of NY 2012) the Petitioners sought the identity of the person(s) who drew the challenged map and that that person(s) be produced for deposition(s).

Even though an issue in this case is whether or not the Democrats purposely tailored a map to eliminate districts currently held by Republicans, the courts have been reluctant to require disclosure of statements made by a member of the decision-making body when there is no evidence that the body as a whole has adopted the same discriminatory intent. Comm. For a Fair & Balanced Map v. Ill. State Bd. of Elections, 2011 U.S. Dist. LEXIS 117656. "What motivates one legislator to make a speech about a statute is not necessarily what motivates scores of others to enact it, and the stakes are sufficiently high for us to eschew guesswork." Hunter v. Underwood, 471 U.S. 222 at 229 (Sup Ct. 1985). On the other hand, when the requested information is seeking information about those who (including nonlegislators) were involved in the process and what documents were reviewed in coming up with the plan the courts have been more inclined to grant disclosure. Rodriguez v. Pataki, (*supra.*).

Often what is found to be discoverable are things where the court's find were not legislative in nature or where a privilege could be found to have been waived. Hence public remarks or statements, public testimony, inquires from and responses to the public or the media have all been found to be discoverable. See, Favors v. Cuomo, (*supra.*). On the other hand, documents related to floor speeches, floor debates, committee meetings, drafts and such have been prohibited from disclosure as being to likely to chill future debate and discussion if it was to be released as discoverable.

Members of the IRC and at least two members of LATFOR are not legislators. Therefore, discovery from these individuals is not prohibited under the Federal or State Constitution as these people do not enjoy legislative immunity or legislative privilege. See, Rodrigeuz. Further, this court adopts the ruling in Rodriguez that even these Respondents are not completely exempt from providing discovery. Further, the court adopts the five prong test of Rodriguez. Under the five prong test the court finds the requested discovery is relevant; that the relevant discovery is not otherwise available; that the issue of this case are very serious and that the governments role in this case is huge; further that limited discovery will not have the potential of chilling legitimate legislative actions in the future. Since this court only has until

FILED: STEUBEN COUNTY CLERK 03/03/2022 11:45 AM

NYSCEF DOC. NO. 126

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 03/03/2022

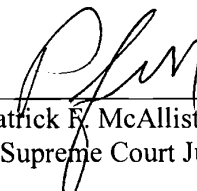
potential of chilling legitimate legislative actions in the future. Since this court only has until April 4, 2022 to decide this matter the court will grant expedited discovery. All persons asked to provide discovery are to give this his/her highest priority and to set aside other matters.

The court will permit discovery of the Respondents as to whether or not the map-drawing process was directed and controlled by one political party or the legislative leaders of one political party. See, League of Women Voters of Ohio, 2022 WL 110261, Householder, 373 F. Supp 3d 1093-96; League of Women Voters of Pa, 178 AD3d 817. This would include whether the Respondents without Republican input directed and/or controlled the map-drawing process.

The court will also permit discovery of the Respondents as to any public remarks or statements made by them, any public testimony he/she gave about the redistricting process and/or maps, and any inquires from and any responses to the public or media about the redistricting process and/or maps. See, Favors v. Cuomo. This would include public comments made by the Respondents about the IRC and the IRC's action or lack of action. This would include any communication between the Respondents and third-parties about advancing a partisan agenda or any efforts to undermine the constitutional process of having the IRC produce a viable map and/or viable second map. This would also include all documents and communications concerning the work of the Commissioners of the Democratic Caucus of the IRC which documents and communications were received from third parties.

NOW, therefore, upon consideration of all papers and proceedings heretofore had herein, and after due deliberation, it is hereby decided that all discovery shall be completed by March 12, 2022.

Dated: March 3, 2022



Hon. Patrick F. McAllister
Acting Supreme Court Justice

ENTER

PROPOSED ORDER TO SHOW CAUSE [41 - 45]

At IAS Part __ of the Supreme Court of the State of New York, held in and for the County of Steuben, at the Courthouse located at 3 East Pulteney Square Bath, NY 14810, on the ____ day of February, 2022.

PRESENT: _____

HON. PATRICK F. McALLISTER, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

-----X

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. _____

ORDER TO SHOW CAUSE

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

-----X

WHEREAS, on February 3, 2022, Petitioner Tim Harkenrider, an elector of the state of New York, residing at 22 Spruce Street, Canisteo, NY 14823, in Steuben County, within Congressional District 23, and the other Petitioners, all of whom are New York residents, by their undersigned counsel, pursuant to Article III, section 5 of the New York Constitution, Unconsolidated Laws § 4221 (L 1911, ch. 773, § 1), and CPLR § 3001, commenced this CPLR Art. 4 special proceeding by filing a Petition to challenge an apportionment; and

WHEREAS, Article III, section 5 of the New York Constitution provides: “An apportionment by the legislature, or other body, shall be subject to review by the supreme court, at the suit of any citizen, under such reasonable regulations as the legislature may prescribe; *and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings*, and if said court be not in session it shall convene promptly for the disposition of the same. *The court shall render its decision within sixty days after a petition is filed.* In any judicial proceeding relating to redistricting of congressional or state legislative districts, any law establishing congressional or state legislative districts found to violate the provisions of this article shall be invalid in whole or in part. In the event that a court finds such a violation, the legislature shall have a full and reasonable opportunity to correct the law’s legal infirmities.” (emphases added); and

WHEREAS, Unconsolidated Laws § 4221 provides: “An apportionment by the legislature shall be subject to review by the supreme court at the suit of any citizen, upon the petition of any citizen to the supreme court where any such petitioner resides and upon such service thereof upon the attorney-general, the president of the senate, the speaker of the assembly and the governor, as a justice of the supreme court may direct”; and

WHEREAS, various New York State political calendar deadlines are forthcoming; and

WHEREAS, pursuant to CPLR § 403(d), “[t]he court may grant an order to show cause to be served, in lieu of a notice of petition at a time and in a manner specified therein.”

UPON reading the Petition dated February 3, 2022, and the Affirmation of Bennet J. Moskowitz dated February 3, 2022, and the exhibits annexed thereto; and all of the pleadings and proceedings heretofore had herein;

LET Respondents or their counsel show cause before this Court, at IAS Part __, Room ____, at the Courthouse located at 3 East Pulteney Square Bath, NY 14810, on the ____th day of _____, 2022, at 9:30 a.m., or as soon thereafter as counsel can be heard, why Judgment should not be made and entered pursuant to CPLR § 411 and CPLR § 3001:

A. Declaring pursuant to CPLR § 3001 that:

i) the 2022 congressional map constitutes an unconstitutional map enacted without complying with the mandatory constitutional procedures for redistricting in Article III, Section 4(b) of the New York Constitution;

ii) the prior congressional map, court-adopted after the 2010 decennial census, is the only validly enacted map currently in existence, but is now unconstitutionally malapportioned, failing to comply with the mandatory constitutional requirements that each district contain an equal number of inhabitants, found in Article III, Section 4(c)(2) of the New York Constitution;

iii) the 2022 congressional map, apart and aside from procedural deficiencies, constitutes an unconstitutional partisan and incumbency-favoring/disfavoring gerrymander, in violation of Article III, Section 4(c)(5) of the New York Constitution and New York Legislative Law § 93(2)(e); and

iv) the 2012 congressional districts are unconstitutional in light of the population shifts identified in the 2020 census.

B. Enjoining Respondents from conducting any elections under the post-2010 congressional map;

C. Enjoining Respondents from conducting any elections under the 2022 congressional map;

D. Adopting a new, legally compliant congressional map;

- E. Alternatively, and only if the Court does not agree with Petitioners' procedural claim, ordering the Legislature to attempt to cure the legal and constitutional infirmities in 2022 congressional map and adopt a lawful congressional map;
- F. Suspending or enjoining the operation of any other state laws that would undermine this Court's ability to offer effective and complete relief to Petitioners for the November 2022 elections and related primaries;
- G. Awarding Petitioners all of their reasonable attorneys' fees and costs; and
- H. Awarding such other and further relief as this Court may deem just and proper.

IT IS HEREBY ORDERED that answering papers, if any, shall be served by NYSCEF upon Petitioners' counsel at least seven days before the time at which the Petition shall be heard; and it is further

ORDERED that reply papers, if any, shall be served by NYSCEF upon Respondents' counsel at least one day before the time at which the Petition shall be heard; and it is further

ORDERED that the parties shall confer within the next seven days on a schedule for expedited fact discovery and expert reports; and it is further

ORDERED that, sufficient cause appearing therefore, service of a copy of this Order and the Petition upon the Respondents and anyone else required to receive service pursuant to Unconsolidated Laws § 4221, in the same manner as a summons, on or before the ____th day of February, 2022, shall be deemed good and sufficient service. Affidavits or other proof of service shall be presented to this Court on or before the return date.

DATED: Bath, New York
February __, 2022

HON. PATRICK F. McALLISTER, J.S.C.

ORDER TO SHOW CAUSE, DATED FEBRUARY 7, 2022 [46 - 50]

FILED: STEUBEN COUNTY CLERK 02/07/2022 09:19 AM

NYSCEF DOC. NO. 11

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 02/07/2022

At IAS Part __ of the Supreme Court of the State of New York, held in and for the County of Steuben, at the Courthouse located at 3 East Pulteney Square Bath, NY 14810, on the 7th day of February, 2022.

PRESENT: _____

HON. PATRICK F. McALLISTER, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

-----X

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. E2022-0116CV**ORDER TO SHOW CAUSE**

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

-----X

FILED: STEUBEN COUNTY CLERK 02/07/2022 09:19 AM

NYSCEF DOC. NO. 11

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 02/07/2022

WHEREAS, on February 3, 2022, Petitioner Tim Harkenrider, an elector of the state of New York, residing at 22 Spruce Street, Canisteo, NY 14823, in Steuben County, within Congressional District 23, and the other Petitioners, all of whom are New York residents, by their undersigned counsel, pursuant to Article III, section 5 of the New York Constitution, Unconsolidated Laws § 4221 (L 1911, ch. 773, § 1), and CPLR § 3001, commenced this CPLR Art. 4 special proceeding by filing a Petition to challenge an apportionment; and

WHEREAS, Article III, section 5 of the New York Constitution provides: “An apportionment by the legislature, or other body, shall be subject to review by the supreme court, at the suit of any citizen, under such reasonable regulations as the legislature may prescribe; *and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings*, and if said court be not in session it shall convene promptly for the disposition of the same. *The court shall render its decision within sixty days after a petition is filed.* In any judicial proceeding relating to redistricting of congressional or state legislative districts, any law establishing congressional or state legislative districts found to violate the provisions of this article shall be invalid in whole or in part. In the event that a court finds such a violation, the legislature shall have a full and reasonable opportunity to correct the law’s legal infirmities.” (emphases added); and

WHEREAS, Unconsolidated Laws § 4221 provides: “An apportionment by the legislature shall be subject to review by the supreme court at the suit of any citizen, upon the petition of any citizen to the supreme court where any such petitioner resides and upon such service thereof upon the attorney-general, the president of the senate, the speaker of the assembly and the governor, as a justice of the supreme court may direct”; and

WHEREAS, various New York State political calendar deadlines are forthcoming; and

FILED: STEUBEN COUNTY CLERK 02/07/2022 09:19 AM

NYSCEF DOC. NO. 11

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 02/07/2022

WHEREAS, pursuant to CPLR § 403(d), “[t]he court may grant an order to show cause to be served, in lieu of a notice of petition at a time and in a manner specified therein.”

UPON reading the Petition dated February 3, 2022, and the Affirmation of Bennet J. Moskowitz dated February 3, 2022, and the exhibits annexed thereto; and all of the pleadings and proceedings heretofore had herein;

LET Respondents or their counsel show cause before this Court, at IAS Part __, Room __, at the Courthouse located at 3 East Pulteney Square Bath, NY 14810, on the 24th day of February, 2022, at 9:30 a.m., or as soon thereafter as counsel can be heard, why Judgment should not be made and entered pursuant to CPLR § 411 and CPLR § 3001:

A. Declaring pursuant to CPLR § 3001 that:

i) the 2022 congressional map constitutes an unconstitutional map enacted without complying with the mandatory constitutional procedures for redistricting in Article III, Section 4(b) of the New York Constitution;

ii) the prior congressional map, court-adopted after the 2010 decennial census, is the only validly enacted map currently in existence, but is now unconstitutionally malapportioned, failing to comply with the mandatory constitutional requirements that each district contain an equal number of inhabitants, found in Article III, Section 4(c)(2) of the New York Constitution;

iii) the 2022 congressional map, apart and aside from procedural deficiencies, constitutes an unconstitutional partisan and incumbency-favoring/disfavoring gerrymander, in violation of Article III, Section 4(c)(5) of the New York Constitution and New York Legislative Law § 93(2)(e); and

iv) the 2012 congressional districts are unconstitutional in light of the population shifts identified in the 2020 census.

B. Enjoining Respondents from conducting any elections under the post-2010 congressional map;

C. Enjoining Respondents from conducting any elections under the 2022 congressional map;

D. Adopting a new, legally compliant congressional map;

FILED: STEUBEN COUNTY CLERK 02/07/2022 09:19 AM

NYSCEF DOC. NO. 11

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 02/07/2022

- E. Alternatively, and only if the Court does not agree with Petitioners' procedural claim, ordering the Legislature to attempt to cure the legal and constitutional infirmities in 2022 congressional map and adopt a lawful congressional map;
- F. Suspending or enjoining the operation of any other state laws that would undermine this Court's ability to offer effective and complete relief to Petitioners for the November 2022 elections and related primaries;
- G. Awarding Petitioners all of their reasonable attorneys' fees and costs; and
- H. Awarding such other and further relief as this Court may deem just and proper.

IT IS HEREBY ORDERED that answering papers, if any, shall be served by NYSCEF upon Petitioners' counsel at least seven days before the time at which the Petition shall be heard; and it is further

ORDERED that reply papers, if any, shall be served by NYSCEF upon Respondents' counsel at least one day before the time at which the Petition shall be heard; and it is further

ORDERED that the parties shall confer within the next seven days on a schedule for expedited fact discovery and expert reports; and it is further

ORDERED that, sufficient cause appearing therefore, service of a copy of this Order and the Petition upon the Respondents and anyone else required to receive service pursuant to Unconsolidated Laws § 4221, in the same manner as a summons, on or before the 10th day of February, 2022, shall be deemed good and sufficient service. Affidavits or other proof of service shall be presented to this Court on or before the return date.

FILED: STEUBEN COUNTY CLERK 02/07/2022 09:19 AM

NYSCEF DOC. NO. 11

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 02/07/2022

DATED: Bath, New York
February 7, 2022



HON. PATRICK F. McALLISTER, J.S.C.

PETITION, DATED FEBRUARY 3, 2022 [51 - 117]

FILED: STEUBEN COUNTY CLERK 02/03/2022 07:31 PM

NYSCEF DOC. NO. 1

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 02/03/2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

-----X

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. _____

PETITION

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

-----X

Petitioners Tim Harkenrider, Guy C. Brought, Lawrence Canning, Patricia Clarino, George Dooher, Jr., Stephen Evans, Linda Fanton, Jerry Fishman, Jay Frantz, Lawrence Garvey, Alan Nephew, Susan Rowley, Josephine Thomas, and Marianne Volante, by their counsel, Keyser Maloney & Winner LLP, and Troutman Pepper Hamilton Sanders LLP, for their Petition against Respondents Governor Kathy Hochul, Lieutenant Governor and President of the Senate Brian A. Benjamin, Senate Majority Leader and President *Pro Tempore* of the Senate Andrea Stewart-Cousins, Speaker of the Assembly Carl E. Heastie, the New York State Board of Elections, and the New York State Legislative Task Force on Demographic Research and Reapportionment, allege as follows:

PRELIMINARY STATEMENT

1. The People of New York in 2014 enshrined in the New York Constitution an exclusive process for enacting replacement congressional and state legislative districts, while also prohibiting partisan and incumbent-protection gerrymandering. Yet, in the very first redistricting cycle after these landmark constitutional amendments, the Democratic Party politicians who control the New York Legislature and Governor's office brazenly enacted a congressional map that is undeniably politically gerrymandered in their party's favor. As Dave Wasserman, a nonpartisan national elections expert correctly noted, these politicians' congressional map is "an effective gerrymander," designed so that Democrats will "gain three seats and eliminate four Republican seats," creating "probably the biggest shift in the country."¹ The non-partisan election analysis website FiveThirtyEight similarly explained that the map is so "skewed toward Democrats" and "egregious" as to "represent[] a failure for [New York's] new redistricting process."² And even a top attorney for the famously left-leaning Brennan Center for Justice opined that the congressional map "isn't good for democracy," because it is "a master class in gerrymandering, . . . tak[ing] out a number of Republican incumbents very strategically."³ Indeed, the congressional map is so obviously biased that it favors Democratic partisan interests more than *any* of 5,000 computer-generated maps, drawn without partisan considerations.

¹ Grace Ashford & Nicholas Fandos, *N.Y. Democrats Could Gain 3 House Seats Under Proposed District Lines*, N.Y. Times (Jan. 30, 2022), available at <https://www.nytimes.com/2022/01/30/nyregion/new-york-redistricting-congressional-map.html> (all websites last visited on Feb. 2, 2022).

² Nathaniel Rakich, *New York's Proposed Congressional Map Is Heavily Biased Toward Democrats. Will It Pass?*, FiveThirtyEight (Jan. 31, 2022), available at <https://fivethirtyeight.com/features/new-yorks-proposed-congressional-map-is-heavily-biased-toward-democrats-will-it-pass/>.

³ Nick Reisman, *How the Proposed Congressional Lines Could Alter New York's Politics*, Spectrum News 1 (Feb. 1 2022), available at <https://spectrumlocalnews.com/nys/central-ny/ny-state-of-politics/2022/02/01/how-the-proposed-congressional-lines-could-alter-ny-s-politics>.

2. The People of New York in 2014 amended Sections 4 and 5 of Article III of the New York Constitution, establishing an *exclusive* process for redistricting that, both as a matter of procedure and substance, prohibits partisan and incumbent-protection gerrymandering. Through the creation of the New York Independent Redistricting Commission (“IRC” or “the Commission”), the requirements for multiple public hearings to receive public comment on proposed maps, and limiting the New York State Legislature’s (“Legislature”) authority to an up or down vote on IRC-proposed maps, these amendments designed a process to preclude gerrymandering. Indeed, these amendments explicitly prohibit drawing maps “for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties.” N.Y. Const. art. III, § 4(c)(5). These amendments thus bar the sorts of gamesmanship and self-interested gerrymandering that plagued the redistricting process in this State for years.

3. The State of New York even bragged about these reforms to its redistricting process before the U.S. Supreme Court, claiming that Article III, Section 4(c)(5) was powerful evidence that States could fight partisan gerrymandering by barring the drawing of district lines for the purpose of favoring or disfavoring a political party.⁴

4. The Democrat-controlled Legislature attempted, but failed, to gut these reforms in 2021 through a proposed constitutional amendment. That amendment would have allowed the Legislature to assume vast redistricting authority if the Commission failed to vote on redistricting plans for the Legislature’s consideration.

⁴ Amicus Br. for States of N.Y., et al. at 18, *Rucho v. Common Cause*, 558 U.S. ____ (2019) (No. 18-422).

5. But the People decisively voted this measure down in 2021, re-confirming the IRC's exclusive redistricting process under New York law.

6. Undeterred, the Democrats who control the Legislature and Governor Kathy Hochul have egregiously violated both the procedural and substantive protections in the New York Constitution to seek precisely the type of advantage for their party that the People outlawed in 2014 and reaffirmed in 2021. Governor Hochul thus lived up to her promise to "use [her] influence to help Democrats expand the House majority through the redistricting process," and help the Democratic Party "regain its position that it once had when [she] was growing up."⁵

7. This Court should invalidate the unconstitutional congressional map on two separate and independent bases.

8. First, the Legislature had no authority to enact the new map because the Legislature did not follow the *exclusive* process for enacting replacement maps that the People enshrined through the 2014 amendments, meaning that the congressional map is entirely void. Accordingly, the only validly enacted or adopted maps are those that the Legislature and courts adopted for New York after the 2010 decennial census. But the congressional map is now unconstitutionally malapportioned after the 2020 census and does not have the correct number of seats. This Court should expeditiously adopt a new map—prior to the impending deadlines for candidates to access the ballot—to cure the malapportionment now affecting the post-2010-census congressional map.

⁵ Katie Glueck & Luis Ferré-Sadurní, *Interview with Kathy Hochul: "I Feel a Heavy Weight of Responsibility"*, N.Y. Times (Aug. 25, 2021), available at <https://www.nytimes.com/2021/08/25/nyregion/kathy-hochul-interview.html>.

9. Second, if this Court holds that the Legislature somehow had the authority to adopt a replacement map notwithstanding these procedural failures, this Court should reject it as a matter of substance, as the map is an obviously unconstitutional partisan and incumbent-protection gerrymander. If this Court takes this approach, it should invalidate the map and then send it back to the Legislature to create a new congressional map, which complies with the law.

THE PARTIES

10. Petitioner Tim Harkenrider is an elector of the state of New York, residing at 22 Spruce Street, Canisteo, NY 14823, in Steuben County, within Congressional District 23.

11. Petitioner Guy C. Brought is an elector of the state of New York, residing at 170 Horton Lane, Apt. 462, Port Ewen, NY 12466, in Ulster County, within Congressional District 19.

12. Petitioner Lawrence Canning is an elector of the state of New York, residing at 2843 Johnny Cake Hill Road, Hamilton, NY 13346, in Madison County, within Congressional District 19.

13. Petitioner Patricia Clarino is an elector of the state of New York, residing at 274 Garden Street, New Windsor, NY 12553, in Orange County, within Congressional District 18.

14. Petitioner George Dooher, Jr. is an elector of the state of New York, residing at 209 Dixon Dr., Syracuse, New York 13219, in Onondaga County, within Congressional District 22.

15. Petitioner Stephen Evans is an elector of the state of New York, residing at 440 West 41st Street, Apt. 4G, New York, NY 10036, in New York County, within Congressional District 10.

16. Petitioner Linda Fanton is an elector of the state of New York, residing at 2347 Fulmer Valley Road, Wellsville, NY 14895, in Allegany County, within Congressional District 23.

17. Petitioner Jerry Fishman is an elector of the state of New York, residing at 8200 Narrows Avenue, Brooklyn, NY 11209, in Kings County, within Congressional District 11.

18. Petitioner Jay Frantz is an elector of the state of New York, residing at 39 Orchard Place, Gowanda, NY 14070, in Cattaraugus County, within Congressional District 23.

19. Petitioner Lawrence Garvey is an elector of the state of New York, residing at 2 Hillman Road, New City, NY 10956, in Rockland County, within Congressional District 17.

20. Petitioner Alan Nephew is an elector of the state of New York, residing at 28 Aldrich Street, Gowanda, NY 14070, in Cattaraugus County, within Congressional District 23.

21. Petitioner Susan Rowley is an elector of the state of New York, residing at 876 Ford Peterson Road, Frewsburg, NY 14738, in Chautauqua County, within Congressional District 23.

22. Petitioner Josephine Thomas is an elector of the state of New York, residing at 322 Wythrop Road, Syracuse, NY 13209, in Onondaga County, within Congressional District 22.

23. Petitioner Marianne Volante is an elector of the state of New York, residing at 170 Loder Road, Yorktown Heights, NY 10598, in Westchester County, within Congressional District 16.

24. Respondent Kathy Hochul is the Governor of the State of New York. She is being sued in her official capacity.

25. Respondent Brian A. Benjamin is the Lieutenant Governor of the State of New York and President of the New York State Senate. He is being sued in his official capacity.

26. Respondent Andrea Stewart-Cousins is the New York State Senate Majority Leader and President *Pro Tempore* of the New York State Senate, representing the 35th Senate District.

Majority Leader Stewart-Cousins has offices in Albany and at 28 Wells Avenue, Building #3, 5th Floor, Yonkers, NY 10701. She is being sued in her official capacity.

27. Respondent Carl E. Heastie is the Speaker of the New York State Assembly, representing the 83rd Assembly District. Speaker Heastie has offices in Albany and at 1446 East Gun Hill Road, Bronx, NY 10469. He is being sued in his official capacity.

28. Respondent New York State Board of Elections was established on June 1, 1974, as an Executive Department agency vested with the authority and responsibility for administration and enforcement of the laws relating to election in the State of New York. It has its principal place of business at 40 North Pearl Street, Suite 5, Albany, NY 12207.

29. Respondent New York State Legislative Task Force on Demographic Research and Reapportionment (“LATFOR”) was established by the Legislature in 1978 pursuant to New York Legislative Law § 83-m, with the principal responsibility—at least before the 2014 constitutional amendments to Article III, Section 4—of preparing and formulating reapportionment plans to the Legislature following each decennial census. LATFOR’s principal place of business is located at 250 Broadway, Suite 2100, New York, NY 10007.

JURISDICTION AND VENUE

30. This Court has jurisdiction over this lawsuit pursuant to Article III, Section 5 of the New York Constitution, CPLR § 3001, and Unconsolidated Laws § 4221, the latter of which grants authority to the “supreme court” to “review” any “petition of any citizen” challenging “[a]n apportionment by the legislature.”

31. Venue is proper in this County under Article III, Section 5 of the New York Constitution, CPLR § 503(a), and Unconsolidated Laws § 4221, the latter of which authorizes the

filing of a petition challenging “[a]n apportionment by the legislature” in “the supreme court where any such petitioner resides.”

FACTUAL BACKGROUND

A. Redistricting in New York

32. Following each federal decennial census, the New York Constitution requires the State of New York to redraw its congressional districts to adjust for population changes. The process of redrawing these district lines is known as redistricting.

33. New York congressional districts must be redrawn so that each district is contiguous; contains, to the extent possible, an equal number of inhabitants; and is in as compact a form as possible, as required by Article III, Section 4 of the New York State Constitution.

34. Redistricting is an extremely time-sensitive requirement, including because candidates must know what their districts are in advance of an election, in order to meet state-ballot-access requirements. Multiple petition and signature-related deadlines are looming for New York congressional candidates. *See generally* N.Y. Election Law § 6-100, *et seq.*

i. The Redistricting Process Before 2014

35. Before 2014, the Legislature maintained primary responsibility for redistricting.

36. To aid the Legislature in its task, LATFOR would prepare proposed redistricting maps for the Legislature’s vote.

37. Established in 1978, LATFOR is a partisan body that has consistently produced partisan maps. It consists of six members, including four legislators and two non-legislators. The Temporary President of the Senate appoints one legislator and one non-legislator. The Speaker of

the Assembly also appoints one legislator and one non-legislator. The Minority Leader of the Assembly appoints one legislator, and the Minority Leader of the Senate appoints one legislator.

38. Under the LATFOR system, “legislators w[ould never] give up their right to draw district lines.” David Freedlander, *Background: How Redistricting Will Reshape New York’s Battle Lines*, Observer (Dec. 27, 2010).⁶ Indeed, legislators could effectively control redistricting under the LATFOR process in a partisan manner, by controlling “who winds up on [LATFOR]—those who make it are likely to be the favorites of [incumbent legislative leaders] and are likely to get exactly the districts that they want.” *Id.*

39. Over time, the Legislature manipulated its role in the redistricting process to protect existing incumbents. Under this pre-2014 system, elections were often predestined, with state legislative incumbents winning reelection more than 98% of the time, “usually overwhelmingly.” *Elections With No Meaning*, N.Y. Times (Feb. 21, 2004), at A14.⁷ The “major reason” for this seemingly insurmountable incumbency advantage was gerrymandering, allowing the party in power to draw districts with “surgical precision” to “exclude the homes of rival candidates” and making favorable districts nearly “impregnable.” *Id.* With incumbents facing little chance of defeat under the then-existing process, elections became uncompetitive, and voters became increasingly disillusioned by the reality that they could not choose their representatives.

40. This system granted political parties significant leeway to gerrymander for partisan and incumbent gain. Only the requirement of “one person, one vote,” and requirements that

⁶Available at <http://observer.com/2010/12/background-how-redistricting-will-reshape-new-yorks-battle-lines/>.

⁷ Available at <https://www.nytimes.com/2004/02/21/opinion/elections-with-no-meaning.html>.

districts “shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the first year of the next decade . . . , and shall at all times consist of contiguous territory,” N.Y. Const. art. III, § 4 (2014), constrained the party leaders responsible for drawing new maps. The New York Constitution required respect for county and city lines, noting that “no county shall be divided in the formation of a senate district except to make two or more senate districts wholly in such county,” and “[n]o town, except a town having more than a full ratio of apportionment, and no block in a city inclosed by streets or public ways, shall be divided in the formation of senate districts,” as well as the “block on border” and “town on border” requirements. *Id.*; *see also* N.Y. Const. art. III, § 4(c)(6) (current version). But even these “requirements” were largely not meaningful constraints. *See Schneider v. Rockefeller*, 31 N.Y.2d 420, 426–27, 293 N.E.2d 67 (1972).

41. Additionally, prior to 2014, some New York Courts had interpreted the then-pertinent constitutional provisions as not providing for a claim of partisan gerrymandering. *Bay Ridge Cmty. Council, Inc. v. Carey*, 479 N.Y.S.2d 746, 749, 103 A.D.2d 280 (2d Dep’t 1984) (*per curiam*), *aff’d* 66 N.Y.2d 657, 486 N.E.2d 830 (1985) (order).

42. Therefore, the pre-2014 system for redistricting and reapportionment gave broad discretion to the politicians in power, and *required* only that all state legislative and congressional districts largely abided by the equal-population principle, creating unfair and undemocratic maps that ensconced powerful parties in the seat of government.

ii. The Redistricting Process After the 2014 Reforms

43. In recent years, however, the People of this State explicitly outlawed partisan gerrymandering and constitutionalized an exclusive, nonpartisan procedure for redistricting.

44. In 2014, New Yorkers enacted a constitutional amendment, amending Article III, Sections 4 and 5 of the New York Constitution, and adding a new Section 5-b to the same Article, voting in favor of the following ballot measure:

The Proposed amendment to sections 4 and 5 and addition of new section 5-b to Article 3 of the State Constitution revises the redistricting procedure for state legislative and congressional districts. The proposed amendment establishes a redistricting commission every 10 years beginning in 2020, with two members appointed by each of the four legislative leaders and two members selected by the eight legislative appointees; prohibits legislators and other elected officials from serving as commissioners; establishes principles to be used in creating districts; requires the commission to hold public hearings on proposed redistricting plans; subjects the commission's redistricting plan to legislative enactment; provides that the legislature may only amend the redistricting plan according to the established principles if the commission's plan is rejected twice by the legislature; provides for expedited court review of a challenged redistricting plan; and provides for funding and bipartisan staff to work for the commission. Shall the proposed amendment be approved?

*2014 N.Y. State Prop. No. 1: An Amendment Revising State's Redistricting Procedure.*⁸

45. Proposition 1 amended the New York Constitution to vest primary redistricting responsibility in the newly created IRC, as well as establishing numerous procedural safeguards against the Legislature's continued gerrymandering practices.

46. One procedural safeguard is the IRC's 10-member composition. Two Commissioners are appointed by the New York State Senate Majority Leader and Temporary President, two are appointed by the New York State Senate Minority Leader, two are appointed by the Speaker of the New York State Assembly, and two are appointed by the New York State Assembly Minority Leader. The final two members are then selected by these eight appointees

⁸ Available at <https://www.elections.cric.gov/Files/Election%20Results/2014/11042014/2014-General.pdf>.

and cannot be enrolled as a Democrat or Republican in the past five years. All Commission members must be registered voters in New York.

47. Article III, Section 4 of the New York Constitution requires the IRC to hold public hearings in cities and counties around the State and release draft plans, data, and related information to facilitate public review of proposed district lines. Draft plans must be made available at least thirty days before the first public hearing and no later than September 15 of the year following the census.

48. Article III, Section 5-b(f) and (g) of the New York Constitution governs IRC voting and the procedure for approving and submitting redistricting maps to the Legislature. Five members of the IRC constitute a quorum. IRC approval of a plan requires seven votes, which must include a member appointed by each of the legislative leaders. In the event no plan gets seven votes, the IRC must submit the plan(s) with the highest vote to the Legislature.

49. Article III, Section 4 of the New York Constitution requires the IRC to submit an initial set of maps and the necessary implementing legislation to the Legislature no later than January 15 of the second year following the census. The Legislature then votes on the maps and implementing legislation without amendment. N.Y. Const. art. III, § 4(b); *see also* N.Y. Legis. Law § 93(1).

50. If the Legislature fails to adopt the first set of maps and implementing legislation, or the Governor vetoes adopted implementing legislation, the redistricting process reverts back to the IRC. The IRC must submit a second set of maps and implementing legislation to the Legislature, subject to the requirements outlined above, within 15 days of being notified of the first rejection and no later than February 28. The Legislature then votes on the second set of

proposed maps and implementing legislation without amendment. N.Y. Const. art. III, § 4(b); *see also* N.Y. Legis. Law § 93(1).

51. If (and only if) the Legislature fails to adopt the IRC's second set of maps and implementing legislation, or the Governor vetoes the second adopted implementing legislation, can the Legislature amend the IRC's proposed redistricting maps and enact its own replacement maps.

52. The 2014 amendments to Article III, Section 4 also changed and added to the *substantive* redistricting requirements. Now, the New York Constitution specifically provides that districts "shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties." N.Y. Const. art. III, § 4(c).

53. The Legislature must follow all of the substantive requirements for redistricting applicable to the IRC. That is, any maps and implementing legislation adopted by the Legislature cannot involve partisan gerrymandering or incumbent-favoring gerrymandering, must be compact and contiguous, and must have equal population between districts, in addition to the already-noted procedural requirement that all maps be enacted via a single mandatory process involving the IRC.

54. The Legislature also established an additional guardrail against partisan gerrymandering with Section 3 of the Redistricting Reform Act of 2012. 2012 N.Y. Sess. Laws 17, § 3. Applicable above and apart from New York Legislative Law §§ 93, 94, Section 3 of the Redistricting Reform Act of 2012 provides, in pertinent part, that "[a]ny amendments by the senate or assembly to a redistricting plan submitted by the independent redistricting commission, shall not affect more than two percent of the population of any district contained in such plan." 2012 N.Y. Sess. Laws 17, § 3.

iii. The Legislative Democrats Fail To Derail These Reforms With A Proposed 2021 Constitutional Amendment

55. In 2021, the Legislature referred a constitutional amendment to New York voters that would have gutted the 2014 constitutional reforms, in favor of the Legislature over the Commission, but the People decisively voted this measure down.

56. The ballot proposal would have amended the New York Constitution in a number of ways, including section 4(b) of Article III, to provide:

If either house shall fail to approve the legislation implementing the second redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto, or the redistricting commission fails to vote on a redistricting plan and implementing legislation by the required deadline and makes a submission to the legislature pursuant to subdivision (g-1) of section five-b of this article, each house shall introduce such implementing legislation with any amendments each house of the legislature deems necessary.

2021 Statewide Ballot Proposals, New York State Board of Elections (amendment underlined).⁹

57. The IRC's exclusive redistricting process, enshrined in Article III, Section 4 of the New York Constitution, can only be altered by a constitutional amendment. Yet, within days of the People voting down the 2021 constitutional amendment, the Legislature referred a bill that purports to achieve largely the same result as the failed amendment would have to the Governor for her signature. The Governor signed this unconstitutional bill on November 24, 2021.

58. This law attempts to avoid the Constitution's limitations by purporting to amend only section 4(c) of the Redistricting Reform Act of 2012, notwithstanding the expressed desires of the People of this State:

If either house shall fail to approve the legislation implementing the second redistricting plan, or the governor shall veto such legislation and the legislature

⁹ Available at <https://www.elections.ny.gov/2021BallotProposals.html>.

shall fail to override such veto within ten days of such veto, or if the commission does not vote on any redistricting plan or plans, for any reason, by the date required for submission of such plan and the commission submitted to the legislature pursuant to subdivision (a) of this section all plans in its possession, both completed and in draft form, and the data upon which such plans are based, each house shall introduce such implementing legislation with any amendments each house deems necessary. If approved by both houses, such legislation shall be presented to the governor for action within three days.

L.2021, c. 633, § 1 (amendment underlined).

B. The Post-2010 Census Map For Congress Is Unconstitutional Under The New York Constitution

59. Following the 2010 Census, the Legislature in 2012 reapportioned New York's state legislative districts, but it could not agree on new congressional districts. As a result, a panel of three federal judges appointed a federal magistrate judge, Roanne Mann, to propose a new congressional map for New York. On March 19, 2012, the judicial panel imposed its congressional map, which was largely the same as the map issued by Judge Mann. *Favors v. Cuomo*, No. 11-CV-5632, 2012 WL 928223 (E.D.N.Y. Mar. 19, 2012); *see also* Thomas Kaplan, *New Congressional Lines Imposed by Federal Court*, N.Y. Times (Mar. 19, 2012).¹⁰

60. After the 2010 census, New York had a population goal of 719,298 residents for each of its 27 congressional districts.

61. In the interim, various population shifts caused congressional districts to become unconstitutionally malapportioned.

62. New York's 26 congressional districts have a population goal of 776,971 residents.

¹⁰ Available at <https://www.nytimes.com/2012/03/20/nyregion/judges-impose-new-congressional-map-for-new-york.html>.

63. The prior congressional map does not comply with this new population target or the constitutional requirements for population equality.

64. In other words, none of the districts complies with the “strict standard of population equality applicable to congressional apportionment,” which require “maximum population equality.” *Schneider v. Rockefeller*, 31 N.Y.2d 420, 427–28, 293 N.E.2d 67 (1972).

65. None of the prior districts matches exactly (or even within 1,000 residents) the population goal of 776,971 residents.

66. For example, in prior Congressional District 23, where Petitioners Tim Harkenrider, Linda Fanton, Jay Frantz, Alan Nephew, and Susan Rowley reside, the current population is 83,462 residents below the population goal (a -10.7% deviation).

67. In prior Congressional District 22, where Petitioner Lawrence Canning resides, the current population is 80,361 residents below the population goal (a -10.3% deviation).

68. In prior Congressional District 19, where Petitioner Guy C. Brought resides, the current population is 78,298 residents below the population goal (a -10.1% deviation).

69. In prior Congressional District 24, where Petitioners George Dooher, Jr. and Josephine Thomas reside, the current population is 59,664 residents below the population goal (a -7.7% deviation).

70. Moreover, the prior congressional map includes 27 congressional districts, and New York only receives 26 congressional seats after the most recent census, so that map is plainly

invalid. U.S. Census Bureau, 2020 Census: Apportionment of the U.S. House of Representatives (April 26, 2021).¹¹

C. The IRC And Legislature Failed To Follow The Constitutional Process For Redistricting To Cure This Malapportionment

i. The Commission's Initial Efforts To Develop Redistricting Maps

71. On April 26, 2021, the U.S. Census Bureau released the population counts from the 2020 Census, showing that New York's resident population increased by more than 4 percent, or 823,147 residents, from 19,378,102 a decade ago, to 20,201,249 in 2020. Because of national population shifts, however, New York lost one of its congressional seats in the United States House of Representatives, leaving the State with a total of 26 such districts.

72. The 2020 Census data further showed, as previously mentioned, that New York's congressional districts are now unconstitutionally malapportioned.

73. Pursuant to the 2014 constitutional amendments, the New York Constitution established an exclusive process for adopting any replacement redistricting maps, granting the IRC and Legislature specifically defined roles.

74. The IRC's current members are David Imamura, serving as Chair, Jack M. Martins, serving as Vice Chair, Eugene Bengier, Ross Brady, John Conway III, Dr. Ivelisse Cuevas-Molina, Dr. John Flateau, Elaine Frazier, Charles H. Nesbitt, and Willis H. Stephens, Jr.

75. Consistent with the procedures established by the 2014 amendments, Democratic leaders in the Legislature appointed the "Democratic Caucus" of the Commission, made up of:

¹¹ Available at <https://www.census.gov/library/visualizations/2021/dec/2020-apportionment-map.html>.

David Imamura, Eugene Bengner, John Flateau, and Elaine Frazier, along with non-party enrollee Ivelisse Cuevas-Molina.

76. Similarly, Republican leaders in the Legislature selected the “Republican Caucus” of the Commission, made up of: Jack Martins, John Conway, Charles Nesbitt, and Willis Stephens, joined by Conservative Party member Ross Brady.

77. From the outset, Democratic legislative leaders attempted to hamstring the new Commission with multiple challenges and delays.

78. The Democrats attempted to impede the Commission by delaying its receipt of state funding from the Legislature. Despite a \$1 million allocation in the 2020 state budget, the funding never materialized, forcing Commission staff to work on a voluntary basis for months. After more than a year, the Legislature finally allocated \$4 million to the Commission’s redistricting efforts in April 2021. Ethan Geringer-Sameth, *New York Redistricting Commission Kicks C of State’s New Map-Drawing Process*, Gotham Gazette (July 20, 2021);¹² Sarah Darmanjian, *NY’s Independent Redistricting Commission Clinches \$4M Budget*, News10 (Apr. 12, 2021).¹³

79. Finally, beginning on June 20, 2021, the IRC held a series of nine public meetings across the State to hear public testimony about the new maps and the redistricting process, as required by the New York Constitution. N.Y. Const. art. III, § 4(c).

80. On September 15, 2021, members of the IRC released initial map drafts, consistent with constitutional requirements. N.Y. Const. art. III, § 4(c).

¹² Available at <https://www.gothamgazette.com/state/10664-new-york-redistricting-commission-set-to-kick-off>.

¹³ Available at <https://www.news10.com/news/redistricting-commission/>.

81. Republican members had hoped to submit a single bipartisan set of draft maps. Speaking to reporters about the two draft plans, Commissioner Martins said the IRC “should end up with the maps being negotiated and presented jointly,” but the Democratic commissioners had not agreed to meet over the weekend before the Commission released the draft maps. *See* Rebecca C. Lewis & Zach Williams, *Takeaways From New York’s (Competing!) Redistricting Draft Maps*, City & State N.Y. (Sept. 15, 2021).¹⁴

82. The Democratic members viewed the competing draft maps differently, with Commissioner Imamura stating that “the fact that we put out two plans does not indicate that the commission will be unable to come to a bipartisan agreement.” *Id.*

83. The IRC held an additional fourteen public hearings across the State, during which residents voiced concerns, desires, and suggestions regarding the draft maps and the redistricting process. The IRC also solicited written comments and draft maps from the public.

84. Democratic members revised their respective maps between the end of November and when the full Commission met to deliberate in December. Testimony of Eugene Banger at 23:44–24:10, Virtual Public Meeting of the NYIRC, Jan. 3, 2022 (“1/3/22 IRC Meeting”).¹⁵

85. The IRC held its last public hearing on December 5, 2021, and the final deadline for public comments and draft maps was December 6, 2021.

¹⁴ Available at <https://www.cityandstateny.com/policy/2021/09/new-yorks-first-draft-2022-redistricting-maps-have-been-released/185374/>.

¹⁵ Available at <https://totalwebcasting.com/view/?func=VOFF&id=nysirc&date=2022-01-03&seq=1>.

86. Following the public comment period, the IRC scheduled meetings to negotiate and finalize a single set of maps to submit to the Legislature. The IRC agreed on a procedure for putting together this set of consensus maps:

- a. First, two third-party redistricting organizations, Redistricting Partners and Redistricting Insight, would prepare a set of maps without IRC input, using the draft maps released by the IRC in September, as well as the public testimony and written comments.
- b. The Commission would then hold a series of meetings, breaking into subgroups, to review the organizations' preliminary maps.
- c. Based on these discussions, the IRC would make changes to the preliminary maps and work to arrive at a single map.

87. All of the members of the Commission initially followed their agreed-upon plan and worked together on a set of consensus maps for over two weeks, moving toward a bipartisan consensus.

88. On December 22, 2021, the full Commission met to discuss the bipartisan maps. By this point, only a small number of issues remained open, and the Commission was close to reaching a consensus. After discussing the open issues for two hours, the Commission broke at 1:00 p.m., agreeing to reconvene at 4:00 p.m. to reach an agreement on the remaining issues. Testimony of Jack Martins at 8:44–9:14, 1/3/22 IRC Meeting, *supra*.

89. When the IRC reconvened at 4:00 p.m. on December 22, Commissioner Imamura read a statement announcing that the Democratic Caucus would no longer negotiate the bipartisan maps, as all members previously agreed to do. Instead, the Democratic Caucus was only willing

to negotiate on the latest iteration of the maps it had released unexpectedly, and without explanation, the day prior. Testimony of Jack Martins at 9:16–9:49, 1/3/22 IRC Meeting, *supra*.

ii. The IRC Submits Two Sets Of Maps To The Legislature

90. On January 3, 2022, the IRC met to vote on maps to send to the Legislature.

91. The Democratic Caucus again refused to negotiate with the full Commission, discuss the bipartisan maps, or make any concessions. Commissioner Martins expressed his disappointment with the impasse, noting that the Republican members had reached an agreement with Democrats on 90 percent of the new district lines before talks broke down.

92. The Commission then voted on two redistricting plans—the Democratic members’ partisan maps presented on December 21 (“Plan A”) and the consensus maps, which were based on the preliminary maps drawn by independent organizations and negotiated by the full Commission throughout December 2021 (“Plan B”).

93. Both plans received five votes each, resulting in both being delivered to the Legislature on January 3.

94. The Legislature rejected both plans out-of-hand, without consideration of the public’s input, the Commission’s negotiations and reflections on the public’s testimony, bipartisan priorities, and the other considerations New Yorkers enshrined in the Constitution.

95. The Assembly set the plans for a party vote, rejecting them all. Before the final vote, Assemblyman Colin Schmitt asked Assemblyman Kenneth Zebrowski, a Democrat representing the 96th District who sponsored Plan A, whether the Assembly would “follow[] all of the currently prescribed State Law and State constitutional process for redistricting” if the Legislature failed to approve any of the IRC’s plans—including taking public input before enacting

new maps. Assemblyman Zebrowski did not give a concrete answer, saying “I don’t—I don’t think that’s germane to—to this debate right now.” Transcript at 12–14, Session, New York State Assembly (Jan. 10, 2022) (Questioning of Assemblyman Zebrowski by Assemblyman Colin Schmitt).¹⁶

96. In the Senate, Plan A’s maps received no votes in favor of enactment. Seventeen senators voted in favor of Plan B’s Senate and Assembly districts, with forty-six voting no, while nineteen senators voted to enact Plan B’s congressional map, with forty-four voting against. Before voting in favor of Plan B, Senator Andrew Lanza commented on the Commission’s lack of real autonomy, saying, “I think it’s been the worst-kept secret in Albany, if not the entire country, that this Independent Redistricting Commission was never going to be allowed to remain independent.” Transcript at 73:14–17, Regular Session, New York State Senate (Jan. 10, 2022) (Testimony of Senator Andrew Lanza).¹⁷

97. On January 10, the Legislature advised the Commission that it had rejected the submitted plans.

98. Following this rejection, the IRC had until January 25 to submit a revised plan under the 2014 amendments to the Constitution.

99. The full Commission met to discuss a single plan for the final submission to the Legislature, as required by Article III, Section 4(b) of the New York Constitution. The Republican members attempted to restart negotiations on the previously negotiated bipartisan maps. Chairman

¹⁶ Available at <https://www.nyasassembly.gov/av/session/>.

¹⁷ Available at <https://legislation.nysenate.gov/pdf/transcripts/2022-01-10T15:51/>.

Imamura stated that the Democratic members wanted to re-submit virtually the same plan that the legislature had rejected. Despite multiple entreaties from the Republican members, the Democratic members refused to meet to discuss bipartisan maps.

100. On January 18, before the IRC's constitutional window for revision expired, Speaker Carl Heastie announced he had appointed Assembly Democrat Kenneth Zebrowski to be the temporary co-chair of LATFOR. Speaker Heastie stated that "the results of reapportionment will determine the path our state and our nation take for the coming decade," and "Assemblymember Zebrowski is the right person for the job." Assembly Speaker Carl E. Heastie, News Release, *Speaker Heastie Announces Assemblymember Zebrowski Appointed Temporary Co-Chair of LATFOR* (Jan. 18, 2022).¹⁸

101. On January 24, 2021, Commissioner Imamura announced that the IRC was at an impasse and would not be submitting a second set of redistricting maps to the Legislature at all.

102. On the same day, Commissioner Martins made a statement on behalf on the Republican members on the Commission, outlining the Democratic members' refusal to engage with anything other than their partisan maps and expressing his disappointment that the Commission failed its constitutional mandate.

103. On January 25, 2022, the 15-day window for the IRC to submit revised maps to the Legislature closed without the IRC submitting new maps, as required by the Constitution.

104. Upon information and belief, the Democratic Caucus of the IRC decided not to submit a compromise congressional map within the constitutional timeframes after receiving

¹⁸ Available at <https://www.nyasembly.gov/Press/?sec=story&story=100542>.

encouragement to undermine the constitutional process from Democratic Party politicians and officials.

iii. Notwithstanding The Failure Of The Constitutional Process, The Legislature Nevertheless Attempted To Enact A Replacement Congressional Map, And The Map It Enacted Is An Unconstitutional Partisan And Incumbent-Protection Gerrymander

105. Despite the failure of the IRC to vote on and present a second set of maps, the Legislature proceeded to craft its own congressional map, turning a blind eye to the mandatory and exclusive constitutional process for redistricting established in Article III, Section 4.

106. In doing so, the Legislature ignored calls from all across the aisle to engage with the public and be more transparent about the choices it was making in drawing district lines. Clifford Michel & Farah Javed, *Albany Democrats Seize Control of Redistricting, With Unclear Role for Public*, The City (Jan. 27, 2022).¹⁹

107. Instead, Democratic leaders crafted and pushed through legislation to enact its own new congressional map over the course of only a few days, releasing the Legislature's proposed map on Sunday evening, January 30, without a single public hearing. Ashford & Fandos, *supra*.

108. This map bears no resemblance to the two maps proposed by the IRC.

109. To underscore how different the Legislature's map is, and to make adoption of this unrecognizable congressional map possible, the Legislature added a "notwithstanding clause" to the enacting legislation, exempting the map from any laws to the contrary, including the 2% rule embodied in 2012 New York Session Laws 17, § 3.

¹⁹ Available at <https://www.thecity.nyc/2022/1/26/22903787/albany-democrats-seize-control-of-redistricting-with-unclear-role-for-public>.

110. The result is an unmistakably gerrymandered map for Congress.

111. The Legislature created a congressional map that, without a doubt, creates “an effective [Democratic] gerrymander, resulting in the Democrats “gain[ing] three seats and eliminat[ing] four Republican seats,” and creating the biggest shift in the country” with “the stroke of a pen.” Ashford & Fandos, *supra*.

112. As noted by Laura Ladd Bierman, the executive director of the League of Women Voters of New York, “New Yorkers deserve a transparent and fair redistricting process, and it is shameful that the Legislature has denied them this.” *NYC Would Get More Seats in State Senate Under Proposed Maps*, N.Y. Daily News Feb. 1, 2022).²⁰ So, even though the New York Constitution prohibits partisan gerrymandering, she noted that the congressional map “reflect[s] a Legislature that appears to care more about favoring partisan interests than it does for fair maps.” *Id.*

113. In fact, the Legislature’s congressional gerrymander was so successful, so biased in favor of Democrats, that the enacted congressional map is more favorable to Democrats than *any* of the 5,000 computer simulated maps, designed specifically to follow New York’s redistricting requirements without focusing on any goal of increasing partisan advantage.

114. The Legislature concocted numerous individual congressional districts with boundaries with no honest explanation except for impermissible partisan and incumbent-favoring gerrymandering. The following examples are illustrative.

²⁰ Available at <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-state-senate-nyc-seats-legislative-redistricting-20220202-2xoyaqnvlfdliax5tosbnuage-story.html>.

115. In Long Island, the Legislature completely changed Congressional Districts 1 and 2, swapping Republican voters for Democratic voters in an egregious gerrymander.

116. In particular, the Legislature placed areas with high concentrations of Republican voters into new Congressional District 2 while moving solidly Democrat communities into Congressional District 1—all of the Republican communities in Brookhaven on the south shore are now in District 2, whereas the heavily Democrat areas in the center of Long Island are now channeled into District 1.

117. This partisan reconfiguration creates several new town splits, and an additional county split, where Congressional District 1 now reaches into Nassau County between Oyster Bay and Huntington. By packing Republicans into Congressional District 2, the Legislature effectively flipped Congressional District 1.

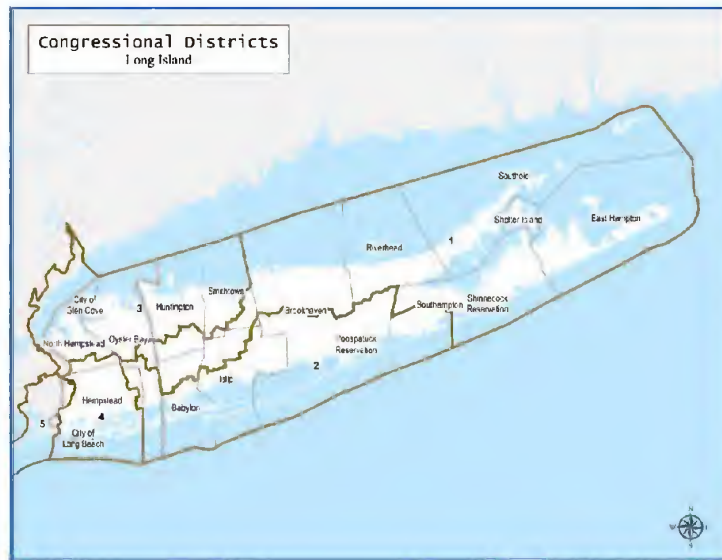
118. The result of this blatant gerrymandering has turned Congressional District 1 from a strong Republican district, solely in Suffolk County, into a lean Democratic district, unnecessarily sprawling across two counties.

119. Similarly, the redrawing shifted District 2 from a safe Republican district into an outright uncompetitive Republican stronghold.

Map of Prior Congressional Districts 1 & 2²¹



Map of New Congressional Districts 1 & 2



²¹ All maps, unless otherwise specified, come from the LATFOR government website, available at <https://www.latfor.state.ny.us/maps/>.

120. The new Congressional District 3 is dramatically different from the old map in order to accomplish the Legislature's partisan goals.

121. The old District 3 bridged Suffolk and Nassau counties, with a slight reach into Queens County. The new map reaches from Suffolk County, through Nassau and Queens counties, and then skips through Bronx County all the way up into Westchester County across the Long Island Sound in a thin strip up to the town of Rye, capturing overwhelmingly Democrat-voting towns along the shore.

122. This combination of Westchester, with a district largely populated on Suffolk and Nassau counties, makes no sense. These communities have no nexus and share no communities of interest.

123. With these stark and otherwise unexplainable changes, the Legislature has decreased competitiveness, shifting Congressional District 3 from a competitive Democratic-leaning district to a strong Democrat district.

Map of Old Congressional District 3



Map of New Congressional District 3



124. The new Congressional Districts 8, 9, 10, and 11 radically break up established communities of interest in Brooklyn to create a partisan advantage for Democrats.

125. The new map divides closely knit, concentrated Orthodox Jewish and Russian communities with strong social and cultural ties, resulting in conservative Republican-leaning voters spread or “cracked” across multiple districts.

126. These new districts are drawn as vertical stripes across the southern two-thirds of Brooklyn, moving large numbers from the Russian Jewish communities in Brooklyn into Congressional District 8 and dividing the Orthodox Jewish communities between Congressional District 9 and Congressional District 10.

127. This partisan gerrymander also split other communities of interest—in Congressional District 10, the Legislature cut across an established Asian community, moving half of it into Congressional District 11.

128. In particular, it cuts Sunset Park off from northern Brooklyn and the Lower East Side of Manhattan, separating the Asian American, Pacific Islander, and Latino communities—which have formed the “backbone” of the district for nearly 30 years, since the 1992 reapportionment process—from its related communities of interest in northern Brooklyn and Manhattan’s Lower East side. Kristyn Brendlen, *Brooklyn Electeds, Community leaders Ask State Gov Officials to Reconsider Redistricting Maps*, Brooklyn Paper (Feb. 1, 2022).²² This new split breaks up these linked communities from the North Brooklyn area, which is especially important given the recent “rise in anti-Asian hate.” *Id.*

²² Available at <https://www.brooklynpaper.com/brooklyn-electeds-community-redistricting/>.

129. Democratic Assemblymember Marcela Mitaynes also decried this inexplicable particular line-drawing, noting that the Legislature had “separate[d]” these “culturally and historically connected” communities for nothing more than “political expediency to ensure a[n] electoral advantage in the near term,” and “fail[ed] to meet the necessary level of transparency, accountability, and public participation that our constituents rightfully deserve from our democratically elected leaders,” before concluding that she would “not dismantle the political voice of [her] constituents by voting to approve the proposed Congressional Districts.” Assemblymember Marcela Mitaynes’ Statement on New York State’s Proposed 2022 Congressional Maps (Feb. 2, 2022).²³

130. The Legislature designed this particular shift with the intent of unseating incumbent Republican Congresswoman Nicole Malliotakis from Congressional District 11. Carl Campanile, *Dems Plan to Topple GOP Rep. Malliotakis in Redistricting Plan*, N.Y. Post (Jan. 27 2022),²⁴ Jeff Coltin, *Rep. Nicole Malliotakis is (Probably) Screwed*, City & State New York (Jan. 31, 2022).²⁵

131. Congressional District 11 shifted from the previous map where it covered Staten Island and adjacent southern portions of Brooklyn, to now covering Staten Island and winding northwestward into the heavily liberal areas of Brooklyn—Sunset Park, Red Hook, Gowanus, Windsor Terrace, and Park Slope, thereby drastically changing the political composition of this district, providing the Democrats a drastically increased chance of flipping the seat.

²³ Available at https://docs.google.com/document/d/16jJFKDH-_U8P5aAsjwEOCQaLZSIXsAkTnaZiW9xaCMs/edit?usp=sharing.

²⁴ Available at <https://nypost.com/2022/01/27/dems-plan-to-topple-gop-rep-nicole-malliotakis-in-redistricting-plan/>.

²⁵ Available at <https://www.cityandstateny.com/politics/2022/01/rep-nicole-malliotakis-probably-screwed/361412/>.

132. As the Asian American Legal Defense Fund noted on Twitter, “[t]he legislature’s map does not keep our [Asian American] communities together”²⁶:



133. These redrawn Brooklyn districts are blatant gerrymanders, with bizarre, roving boundaries crossing multiple bodies of water and snaking between each other for no discernible reason besides partisan advantage.

134. These shifts allowed the Legislature to place additional, safe Democratic voters into District 11, changing that district from a strong Republican district to a Democratic district.

²⁶ Available at <https://twitter.com/aaldef/status/1488223479371599876>.

Map of Old Congressional Districts 8, 9, 10, & 11



Map of New Congressional Districts 8, 9, 10, & 11



Map of Old Congressional District 8



Map of New Congressional District 8



Map of Old Congressional District 9



Map of New Congressional District 9



Map of Old Congressional District 10



Map of New Congressional District 10



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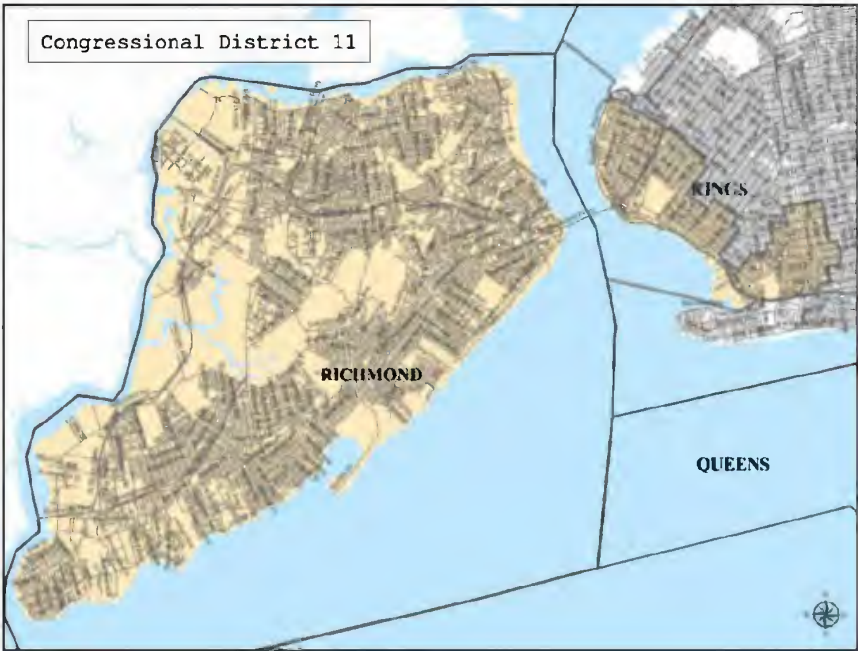
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Overlay of Old Congressional District 10 and New Congressional District 10²⁷

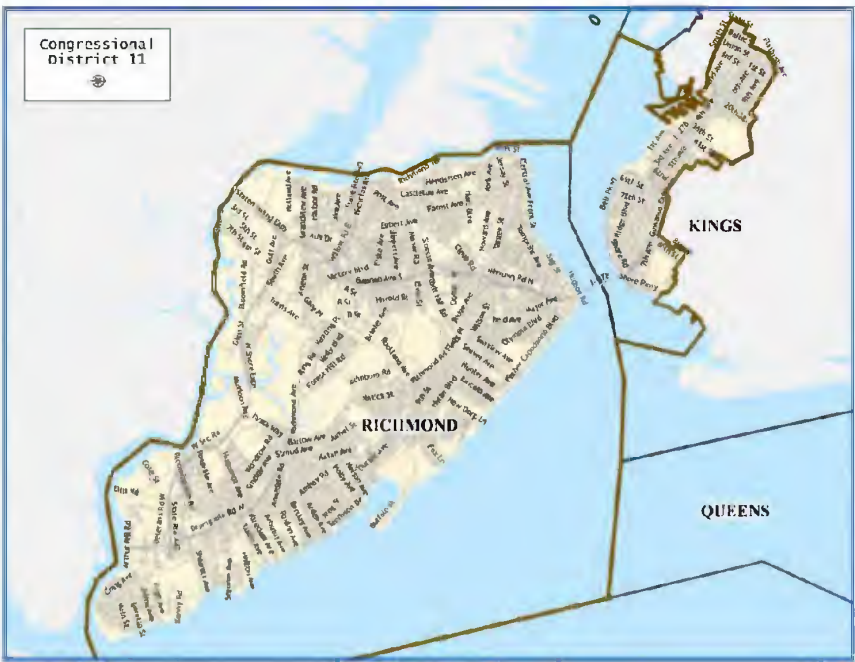


²⁷ Nicholas Fandos, *How N.Y. Democrats Came Up With Their Gerrymandered Districts on Their New Map*, N.Y. Times (Jan. 31, 2022), available at <https://www.nytimes.com/2022/01/31/nyregion/nyc-congressional-district-nadler.html>.

Map of Old Congressional District 11



Map of New Congressional District 11



135. The old Congressional District 16 was almost entirely contained in Westchester County, with only a small section of the Bronx for population purposes, while the new District connects a section of the Bronx to Mount Vernon and Yonkers—Democratic strongholds—then winds in a narrow segment up through Westchester County into Putnam County, grabbing rural and suburban Republican communities, in order to “crack” them out of Congressional District 18.

136. The towns of Putnam Valley, Carmel, Yorktown, and Somers—strongly Republican areas—are awkwardly connected to highly populated Democratic communities, neutralizing these Republican votes. The bisection of Westchester County and added county split into Putnam County creates a district with geographically distanced communities.

137. Furthermore, the gerrymander of Congressional District 16 removes Republican voters from Congressional District 18 into a strong Democratic district, making Congressional District 18 a safer Democratic district, without jeopardizing the Democratic Party’s interests in Congressional District 16.

138. Congressional District 18 is now oddly shaped, like a sitting dog, with a tail that extends into the Ulster County towns of Rochester and Wawarsing, with legs made of Peekskill, Cortlandt, North Salem, Lewisboro, Bedford, and Pound Ridge, and a noticeable space between those legs where the central portions of Putnam and Westchester counties were scooped out for Congressional District 16.

139. The legislative Democrats made these shifts not only to shore up their party’s chances in Congressional District 18, but also to protect incumbent Democratic Congressman Sean Maloney, the newly elected chair of the Democratic Congressional Campaign Committee.

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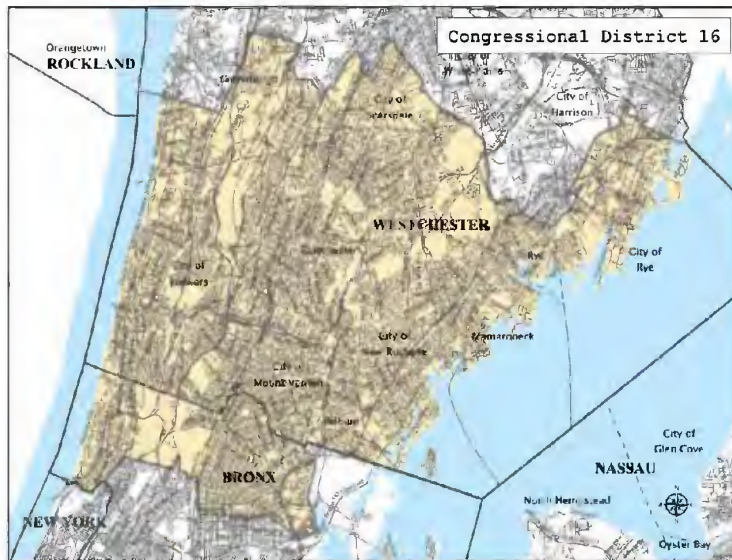
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140. As a result of this gamesmanship, Congressional District 16 moves only somewhat from a very strong Democratic district to a still-strong Democratic one, whereas District 18 shifts from a lean Republican district to a lean Democratic district.

Map of Old Congressional District 16



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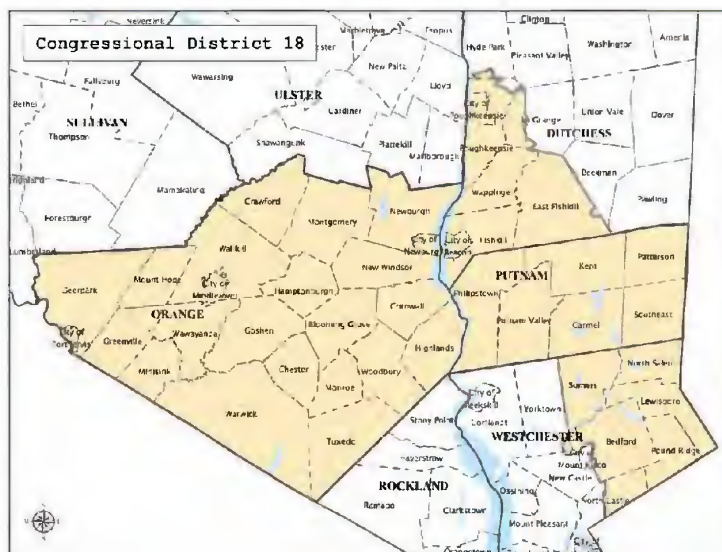
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Map of New Congressional District 16



Map of Old Congressional District 18



Map of New Congressional District 18



141. The new Congressional District 17 is similarly stretched to include strong Democrat-voting communities with rural Republican areas, while splitting the conservative Jewish communities to neutralize their Republican votes.

142. The old Congressional District 17 was compactly located in Rockland and Westchester counties.

143. Now, the District reaches from Sullivan County through Orange County into Rockland County, finally crossing the river to connect with Democrat strongholds in Westchester County, including Greenburgh and Mount Kisco.

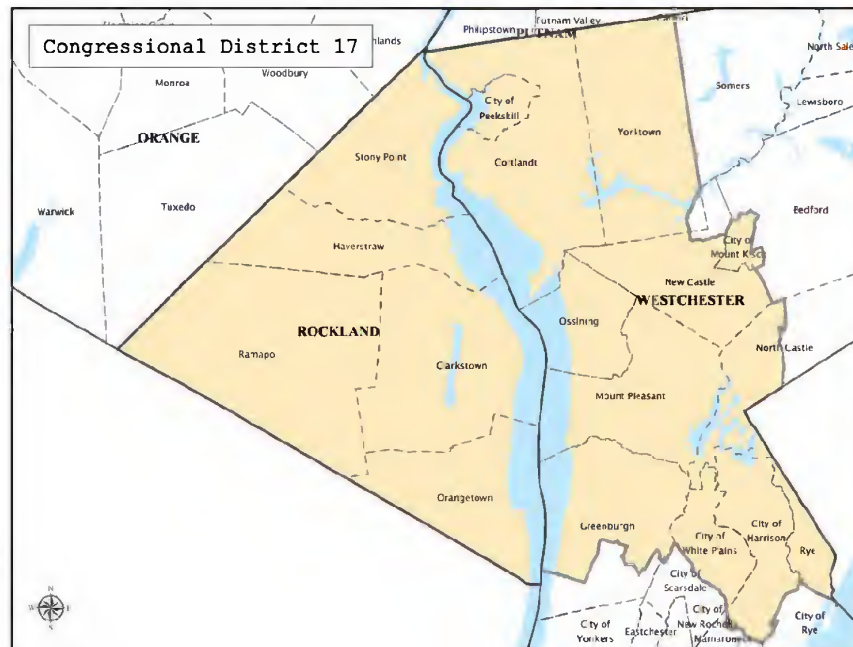
144. The District also includes part of the strongly Democrat city of White Plains.

145. The district combines the Orthodox communities in Sullivan and Rockland counties but excludes the Kiryas Joel Jewish community in Orange County, despite the extensive public testimony and overwhelming evidence in support of keeping these communities together.

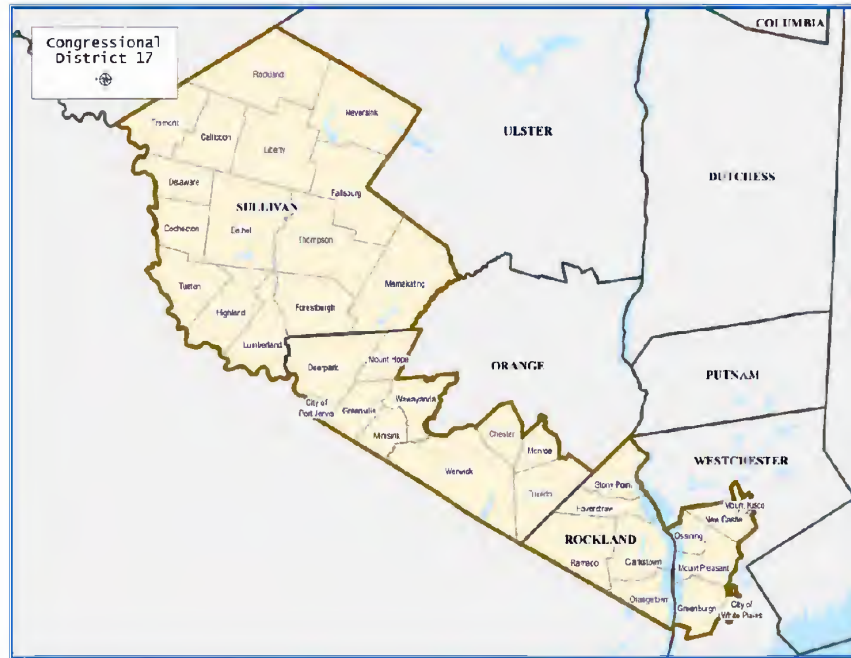
146. The resulting new District cracks those conservative communities, spreading Republican voters among multiple districts to decrease their voting power, without jeopardizing any Democratic districts.

147. Thus, Congressional District 17 shifted only slightly from a Democratic stronghold to a still-reliable but less Democratic district.

Map of Old Congressional District 17



Map of New Congressional District 17



148. Congressional District 19 is similarly drawn for the impermissible purpose of strengthening the Democratic Party's political interests, with the four reaching corners of Congressional District 19 showing how the Legislature shopped for Democratic voters in order to turn the district from Republican-leaning to a Democratic-advantage district.

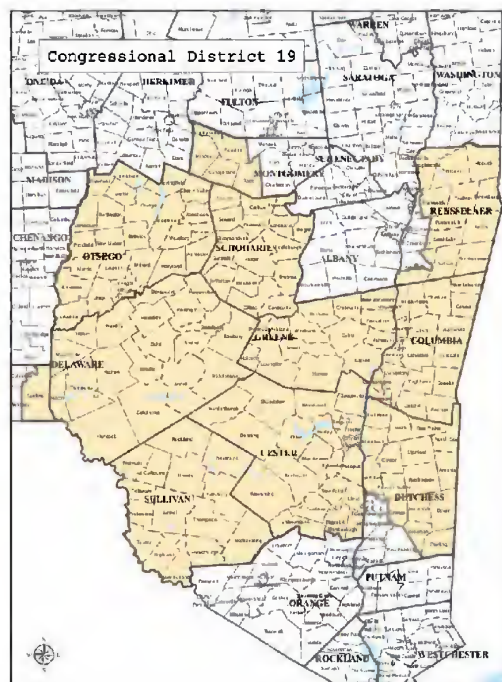
149. The new Congressional District 19 extends through the Republican communities in Columbia and Greene counties to pick up part of Albany County—specifically the Town of Bethlehem—to add Democrat voters and a new county split.

150. In Ulster County, the District picks up Democrats while specifically avoiding communities with large numbers of Republican voters.

151. The new Congressional District 19 then stretches far west to encompass the mostly Democratic city of Binghamton, to pick up additional Democratic voters there.

152. Finally, the District extends northward to pick up the Democrat-voting city of Utica.
153. All of these particular partisan choices flipped this District into a Democratic advantage.

Map of Old Congressional District 19



Map of New Congressional District 19



154. The Legislature also gerrymandered Congressional District 21 to pack it with additional Republican voters.

155. The new Congressional District 21 now extracts Saratoga and Schenectady counties, in addition to splitting off a portion of Warren County, from the surrounding areas, replacing those regions with much of Oneida County and Herkimer County, half of Montgomery County, and all of Schoharie County, thereby packing additional Republican voters into this single district and eliminating their ability to make surrounding districts more competitive for Democratic candidates.

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Map of Old Congressional District 21

Congressional District 21



Map of New Congressional District 21

Congressional District 21



156. In Congressional District 22, the Legislature removed Republican areas and replaced them with Tompkins County, including the city of Ithaca, to flip the district from a competitive Republican district to a strong Democratic one.

157. As a result, Congressional District 22 underwent a massive political swing, changing from a very competitive Republican district to a strong Democratic district.

Map of Old Congressional District 22



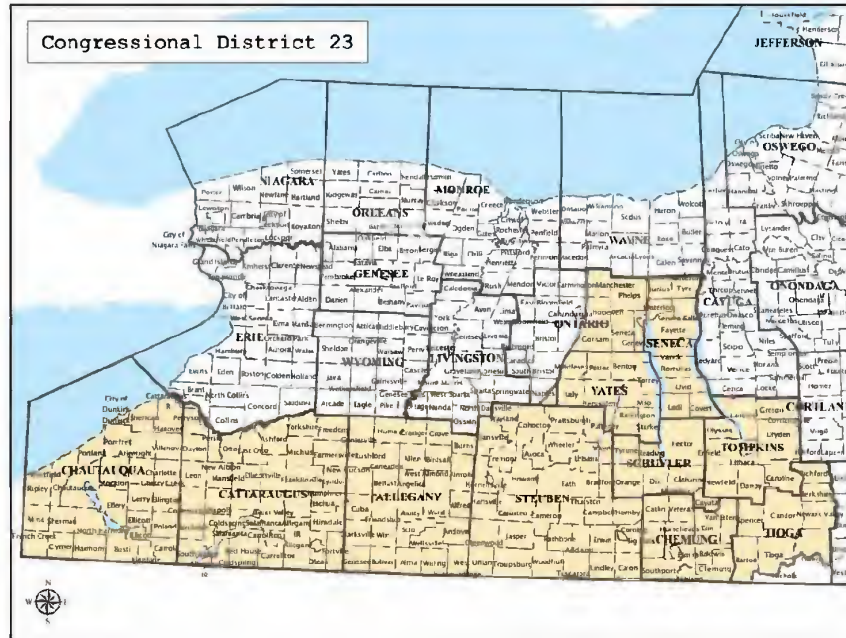
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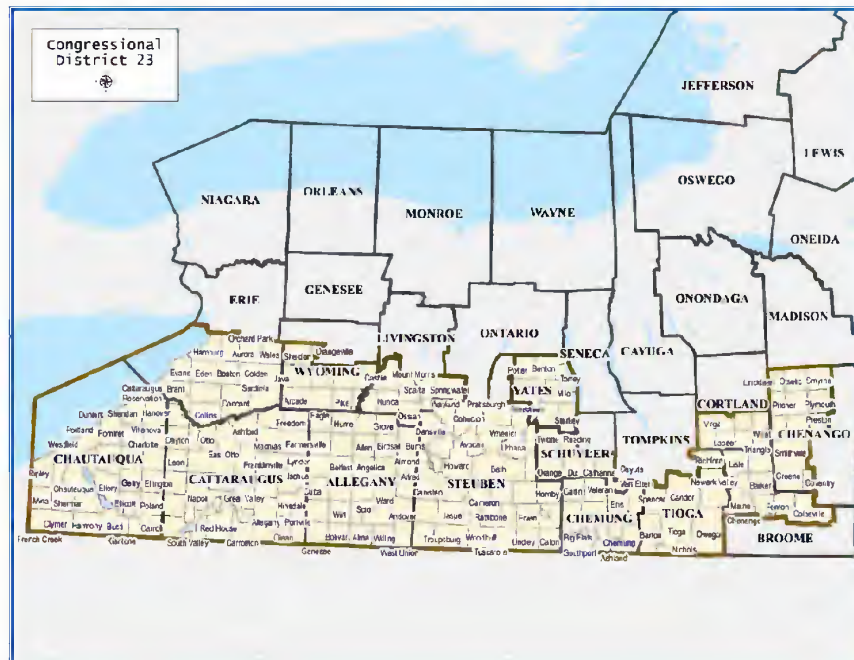
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Map of Old Congressional District 23



Map of New Congressional District 23



162. Previously, District 24 compactly encompassed the bordering counties of Wayne, Cayuga, and Onondaga, as well as part of Oswego County.

163. Now, this District extends from Lewiston, in Niagara County, and various similarly Republican areas in northeast Erie County, traveling all the way eastward and northward to Jefferson County (all the way to the St. Lawrence County line), while notably avoiding certain portions of Monroe and Ontario counties.

164. Indeed, this District now stretches across four media markets, connecting numerous areas, over more than 250 miles, with little or nothing in common.

165. As a result, the Legislature shifted Congressional District 24 from a highly competitive Democratic district into a very strong Republican district, designed to protect numerous surrounding districts from any serious Republican challenge.

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Map of Old Congressional District 24



Map of New Congressional District 24



166. Each of these blatantly gerrymandered districts, both individually and together, have no reasonable explanation except for the Legislative Democrats' specific goal of increasing their political power. These examples are only illustrative of the map's partisan design as a whole.

167. On February 2, 2022, notwithstanding the egregious gerrymander within the Legislature’s map, the Democrats in the Assembly and State Senate adopted the congressional map (with only slight modifications not related to their gerrymandering efforts), despite every Republican in the Assembly and State Senate voting against the map. *See* 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196 and A.9039 (as technically amended by A.9167).

168. In addition to the Republican legislators, all of whom voted against this egregious gerrymander, Democratic Assemblymembers Simcha Eichenstein and Marcela Mitaynes voted against the congressional maps as well.

iv. The Governor Signs The Legislature’s Unfair Congressional Map Into Law Despite Widespread Objection From New Yorkers

169. After the Legislature released its proposed congressional map, there was extensive public outcry over both the process and substance.

170. Members of the public took to the IRC’s public comment page to decry the Legislature’s opaque approach to redrawing the maps. Submissions, New York Independent Redistricting Committee (“IRC Public Submissions”).²⁸ As one comment said, “[t]his is clearly gerrymandering at its worst.” IRC Public Submissions, *supra* (submitted by Anthony on Jan. 31, 2022). Betsy Gotbaum, the executive director of good-government group Citizens Union, described the Legislature’s lack of process succinctly: “There was no public input.” Jacob Kaye, *State Legislature Shares Version of Congressional Redistricting Map*, Queens Daily Eagle (Feb. 1, 2022).²⁹ She also noted that the Legislature’s actions completely deprived the process of an accurate understanding of the public’s desires in a new map: “We don’t really know what groups of people really wanted once the commission couldn’t come to any kind of a conclusion and then the legislators took it over. We don’t know.” *Id.*

171. New Yorkers across the state quickly flagged the new map as a highly partisan gerrymander. “If it looks like gerrymandering and sounds like gerrymandering—it’s most likely

²⁸ Available at <https://nyirc.gov/submissions>.

²⁹ Available at <https://queenseagle.com/all/state-legislature-shares-version-of-congressional-redistricting-map>.

gerrymandering,” said Brian Browne, a political science professor at St. John’s University in New York City. Kaye, *supra*. “This is why people don’t trust politicians,” observed Pat Kiernan, a local morning news anchor on NY1, “[a]nd the Democrats have given up any high ground they had over Republicans on gerrymandering.” Nicholas Fandos, *How N.Y. Democrats Came Up With Gerrymandered Districts on Their New Map*, N.Y. Times (Jan. 31, 2022).³⁰

172. Even Democratic politicians condemned the map. Cynthia Appleton, the Democratic chair for Wyoming County, described the congressional map as “an absolute travesty.” Jerry Zremski, *New Congressional Map Sparks Gerrymandering Outcry*, Buffalo News (Jan. 31, 2022).³¹ Nate McMurray, a former Democratic congressional candidate, offered a similar view on the new map, calling it “nuts.” *Id.* Melanie D’Arrigo, a Democratic candidate running in Congressional District 3, harshly criticized the new map as well: “We cannot stay silent as we watch the state legislature publish a map that extreme gerrymanders our district.” Kaye, *supra*. Describing the redrawn District 3, which now spans five counties, D’Arrigo despaired, “How is this fair to the people who live in any of these counties?” *Id.* She further noted that “[c]onstituent services will be more difficult, more expensive and less efficient: the needs of someone living on the border of Connecticut being wildly different from someone in Huntington,” and “[a]ll of the voters at stake deserve real representation, not to be used as political pawns.” *Id.*

173. On February 3, 2022, Governor Hochul signed the Legislature’s congressional map into law, thereby blessing her fellow Democrats’ blatant gerrymandering efforts.

³⁰ Available at <https://www.nytimes.com/2022/01/31/nyregion/nyc-congressional-district-nadler.html>.

³¹ Available at https://buffalonews.com/news/new-congressional-map-sparks-gerrymandering-outcry/article_0ab6b528-82e6-11ec-8d7b-07d7c0c217b8.html.

D. The Map's Impact On Petitioners

174. The Legislature's blatant gerrymandering has caused grave harm to Petitioners, all of whom want a fair, representative government at both the state and national level, unhindered by partisan interests and egregious gerrymandering.

175. Broadly, this kind of partisan gerrymandering is profoundly undemocratic and cuts deeply into the public's confidence in their representative government. The Legislature's egregious attempt to entrench the majority party's incumbents and political power harms the franchise of all New York voters, Petitioners included.

176. For example, the proposed map treats Petitioners unequally and dilutes their voting power based on their political beliefs. Through this map, Democrats have essentially guaranteed that they will win more congressional districts—and thus more power—than is warranted by the party's popular support. As a result, representatives will subject Petitioners to laws and policies that do not fairly reflect the public will.

177. Moreover, when incumbents choose their voters—rather than voters electing their chosen representatives—the public's faith in the franchise is diminished.

178. Participation in the democratic process will decrease, as voting holds little appeal to those in gerrymandered districts because their votes cannot change the preordained outcomes of elections. New Yorkers made their will clear when they voted to ban partisan gerrymandering.

179. Allowing this map to be enacted deals a crushing blow to the State's representative democracy and the faith of the People in those governing them.

180. More specifically, each of Petitioners suffers directly from this map, including because they lose the opportunity to vote for their preferred congressional candidate, rather than one selected for them by the Legislature's cynical line-drawing.

181. For example, the new Congressional District 16, a strong Democratic district where Petitioner Marianne Volante lives, moved Republican voters from Congressional District 18, where Petitioner Patricia Clarino lives, decreasing competition and turning District 18 into a safe Democratic district, without jeopardizing the Democratic Party's interests in District 16. As a result, Petitioner Clarino's vote is diluted, while Petitioner Volante and other District 16 Republicans' votes will never outweigh the Democratic vote that has been gerrymandered around them.

182. In the new Congressional District 23, where Petitioners Tim Harkenrider, Linda Fanton, Jay Frantz, Alan Nephew, and Susan Rowley reside, the Legislature "packed" as many Republican votes into the district as it could. As a result, the Republican votes of Petitioners and similar voters in the District are far in excess of what their candidates need to win in elections. Rather than fairly spreading Republicans through logically constructed districts, the Legislature has ensured that many of their votes are wasted in District 23.

183. Conversely, in the new Congressional District 10, where Petitioner Stephen Evans resides, and Congressional District 11, where Petitioner Jerry Fishman resides, the Legislature broke up conservative communities of interest, "cracking" and effectively neutralizing Republican voters in these districts. As a result, these Petitioners' votes are diluted, and they are subjected to political policies that do not align with their own views or the will of their communities.

184. Similarly, new Congressional District 17, where Petitioner Lawrence Garvey resides, new Congressional District 19, where Petitioners Guy C. Brought and Lawrence Canning reside, and new Congressional District 22, where Petitioners George Dooher, Jr. and Josephine Thomas reside, each “crack” and neutralize Republican votes by breaking up communities of interest and unnaturally reaching across the state to add Democratic voters to each of these districts. These Petitioners will be forced to endure representatives who do not reflect the communities they represent, enforcing their unwelcome policies.

185. Petitioners regularly vote for Republicans running for Congress and engage in campaign activity for Republicans running for Congress, so the gerrymandering of the congressional map dilutes the power of their votes and political action efforts.

FIRST CAUSE OF ACTION

(N.Y. Const. art. III, § 4(b); N.Y. Legis. Law § 93(1) – Failure To Follow Constitutional And Statutory Procedures For Redistricting)

186. Petitioners hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

187. Article III, Section 4(e) of the New York Constitution provides that “[t]he process for redistricting congressional . . . districts established by this section and sections five and five-b of this article *shall govern* redistricting in this state,” with limited exceptions not relevant here. N.Y. Const. art. III, § 4(e) (emphases added); *see* N.Y. Legis. Law § 93(3) (same).

188. Section 4(b) of Article III requires that, should the Legislature “fail to approve the legislation implementing the first redistricting plan” prepared by the IRC, the IRC then “*shall* prepare and submit to the legislature a second redistricting plan and the necessary implementing

legislation for such plan,” and that “[s]uch legislation *shall* be voted upon, without amendment.”

N.Y. Const. art. III, § 4(b) (emphases added); *see also* N.Y. Legis. Law § 93(1).

189. Only then, after having considered and rejected such a *second* redistricting plan, or, after the Governor vetoes any such second plan after the Legislature approved it, may the Legislature “introduce” its own “implementing legislation” along with “any amendments” that comply with Article III, Section 4. N.Y. Const. art. III, § 4(b); *see also* N.Y. Legis. Law § 93(1).

190. Because the Legislature never received, let alone considered and acted upon, a second redistricting plan from the Commission, it never obtained redistricting authority under the *exclusive* process established by the New York Constitution for introducing redistricting maps.

191. After the Legislature rejected both of the first-round maps introduced by the IRC out of hand, the Commission did not adopt and introduce second-round maps to the Legislature within 15 days, leaving the Legislature with no maps to act on within the scope of its limited constitutional role.

192. As a result, the Legislature did not consider a second map or maps from the IRC, which mandatory consideration was required before the Legislature was constitutionally permitted to adopt its own congressional map. N.Y. Const. art. III, § 4(b).

193. The 2021 legislation enacted by the Legislature and Governor purporting to give the Legislature authority to circumvent the Constitution, to adopt its own maps if the Commission failed to vote on second-round maps, L.2021, c. 633, § 1, is unconstitutional. There is no provision of law that allows the Legislature to sidestep the Constitution’s exclusive process for redistricting in New York via legislative enactment.

194. The Legislature enacted L.2021, c. 633, § 7150 in an effort to avoid the effect of the People voting down a constitutional amendment to provide for what L.2021, c. 633, § 7150(1) purports to do. But, of course, a constitutional amendment is necessary to make the changes to New York's exclusive, constitutionally enshrined redistricting process

195. The Legislature cannot act contrary to the Constitution's restrictions on the respective duties and responsibilities allocated to it and other entities responsible for redistricting. Because the Legislature acted contrary to the Constitution when it enacted L.2021, c. 633, § 7150, the 2022 congressional map is invalid.

196. Since the Legislature had and has no constitutional authority to draw congressional districts given the IRC's failure to follow the exclusive, constitutionally mandated procedures, this Court cannot give the Legislature another opportunity to draw curative districts.

197. Thus, this Court should draw its own map for Congress prior to the upcoming deadlines for candidates to gain access to the ballot, just as happened after the 2010 census.

SECOND CAUSE OF ACTION

(N.Y. Const. art. III, § 4(c)(2); N.Y. Legis. Law § 93(2)(b) – Unconstitutional Malapportionment)

198. Petitioners hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

199. Article III, Section 4(c)(2) provides that “[t]o the extent practicable, districts shall contain as nearly as may be an equal number of inhabitants,” and that “[f]or each district that deviates from this requirement,” the entity responsible for drawing the map “shall provide a specific public explanation as to why such deviation exists.” N.Y. Const. art. III, § 4(c)(2).

200. This constitutional requirement establishes a population-equality standard for congressional districts, absent a “specific” and “public” explanation from the mapdrawer as to why any deviation is necessary. N.Y. Const. art. III, § 4(c)(2).

201. Therefore, following any decennial census, all congressional districts must abide by this equal-population requirement.

202. As explained above, the congressional map enacted by the Legislature following the 2020 decennial census is ultra vires because the Legislature ignored entirely the mandatory, *exclusive* process established by the 2014 constitutional amendments for enacting any such redistricting, as well as applicable substantive requirements for any Legislature-created map. *See supra* First Cause Of Action.

203. That is, the Legislature enacted its congressional map without abiding by the constitutional and statutory requirement that the IRC present a second round of maps following the Legislature’s decision not to approve the first round of maps. N.Y. Const. art. III, § 4(b). Indeed, the Constitution *requires* that the Legislature “vote[] upon” the “second redistricting plan and the necessary implementing legislation” before it may introduce its own plan, and yet the Legislature never complied with these rules. *Id.*; *see also supra* First Cause Of Action.

204. These violations render the 2022 congressional map invalid, leaving only the vestigial map that the court adopted after the 2010 decennial census in place.

205. But the map that the federal court adopted in the wake of the 2010 census is plainly unconstitutional *today*, following the 2020 census, given New York’s inarguable population shifts, because it does not meet the equal-population requirement of the New York Constitution.

206. That is, following the 2022 Census, none of those congressional districts “[t]o the extent practicable” “contain as nearly as may be an equal number of inhabitants.” N.Y. Const. art. III, § 4(c)(2); N.Y. Legis. Law § 93(2)(b).

207. Thus, this Court must now also declare that the court-adopted congressional map—the only validly-adopted map in existence, *supra* First Cause Of Action—is invalid, and adopt a replacement, constitutional congressional map.

THIRD CAUSE OF ACTION

(N.Y. Const. art. III, § 4(c)(5); N.Y. Legis. Law § 93(2)(e) – Unlawful/Unconstitutional Partisan And Incumbent-Protection Gerrymandering)

208. Petitioners hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

209. Article III, Section 4(c)(5) of the New York Constitution provides that “in the creation of . . . congressional districts . . . [d]istricts shall not be to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties.” N.Y. Const. art. III, § 4(c)(5).

210. New York Legislative Law § 93(2)(e) provides that, “in the creation of . . . congressional districts . . . [d]istricts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties.” N.Y. Legis. Law § 93(2)(e).

211. New York Legislative Law § 93(4) also provides that “any law establishing congressional . . . districts found to violate the provisions of this article shall be invalid in whole or in part.” N.Y. Legis. Law § 93(4).

212. The 2022 congressional map violates the clear prohibitions against partisan and incumbent-favoring/disfavoring gerrymandering found in Article II, Section 4(c)(5) of the New York Constitution and New York Legislative Law § 93(2)(e).

213. The Legislature drew the 2022 congressional map “to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties,” N.Y. Const. art. III, § 4(c)(5), as discussed in detail above, *supra* ¶¶ 102–68.

214. Governor Hochul, who signed the congressional map into law, previously acknowledged that it was her intention “to use [her] influence to help Democrats” by way of “the redistricting process,” and claimed that she fully “embrace[d] that” role as Governor. Glueck & Ferré-Sadurní, *supra*.

215. For that reason, the enacted congressional map violates both the New York Constitution and New York Legislative Law § 93, requiring this Court to strike it as “invalid.” N.Y. Legis. Law § 93(4).

FOURTH CAUSE OF ACTION

(CPLR § 3001 – Declaratory Judgment)

216. Petitioners hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

217. Petitioners seek a declaratory judgment from the Court “as to the rights and other legal relations of the parties,” CPLR § 3001, regarding the substantive and procedural requirements for redistricting in this State.

218. It is imperative that the New York Courts properly construe the recent amendments to Article 3, Section 4 of the New York Constitution and New York Legislative Laws § 93.

219. The 2014 amendments to the New York Constitution prohibit the Legislature and Governor from reapportioning seats for Congress in a manner that

- a. disregards the exclusive procedures for redistricting, including the requirement that the IRC submit two rounds of maps for the Legislature's consideration before the Legislature may undertake the redistricting function itself;
- b. creates districts that fail to contain as nearly as possible an equal number of inhabitants, requiring, as practicable, no deviation from perfect population equality;
- c. creates a partisan gerrymander with the intent to favor of any political party; and
- d. creates an incumbent-protection or incumbent-disfavoring gerrymander with the intent of aiding or hurting any incumbent.

Each of these violations, alone and in tandem, requires the Court to invalidate the congressional map.

220. Respondents' actions in violating each of these constitutional requirements come from a determined effort to advance the interests of the Democratic Party by entrenching incumbent Democrats and targeting incumbent Republicans, in direct contravention of the will of the citizens of the State of New York, who voted in favor of ridding such partisan interests from the redistricting process.

221. Further, the 2021 legislation, L.2021, c. 633, § 7150, enacted by the Legislature and Governor in an attempt to give the Legislature authority to circumvent the Constitution and

adopt this unlawful map, is unconstitutional. The Legislature cannot contravene the Constitution's exclusive process for redistricting in New York through legislative enactment.

222. Each of these constitutional violations has harmed Petitioners, who are now subject to a gerrymandered and highly partisan map for their representatives in Congress.

223. This issue is ripe for judicial review.

224. Absent resolution of these constitutional questions, neither Respondents nor the citizens of New York will have adequate guidance regarding the propriety of the enacted map and the prior court-drawn map, in preparation for impending elections.

225. If each of these fundamental issues regarding the redistricting processes in New York is not resolved in short order, it will be too late to do so without threatening the integrity of upcoming elections.

226. Therefore, this Court should enter judgment declaring that the 2022 enacted congressional map violates the New York Constitution, declare that the 2012 congressional map now violates the New York Constitution in light of the population shifts identified in the 2020 Census, strike down the 2021 legislation, L.2021, c. 633, § 7150, as unconstitutional, and itself draw a new congressional map cured of all legal infirmities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully demand that this Court review the constitutionality of the congressional apportionment and enter judgment and order against Respondents as follows:

A. Declaring pursuant to CPLR § 3001 that:

i) the 2022 congressional map constitutes an unconstitutional map enacted without complying with the mandatory constitutional procedures for redistricting in Article III, Section 4(b) of the New York Constitution;

ii) the prior congressional map, court-adopted after the 2010 decennial census, is the only validly enacted map currently in existence, but is now unconstitutionally malapportioned, failing to comply with the mandatory constitutional requirements that each district contain an equal number of inhabitants, found in Article III, Section 4(c)(2) of the New York Constitution;

iii) the 2022 congressional map, apart and aside from procedural deficiencies, constitutes an unconstitutional partisan and incumbency-favoring/disfavoring gerrymander, in violation of Article III, Section 4(c)(5) of the New York Constitution and New York Legislative Law § 93(2)(e); and

iv) the 2012 congressional districts are unconstitutional in light of the population shifts identified in the 2020 census;

B. Enjoining Respondents from conducting any elections under the post-2010 congressional map;

C. Enjoining Respondents from conducting any elections under the 2022 congressional map;

D. Adopting a new, legally compliant congressional map;

E. Alternatively, and only if the Court does not agree with Petitioners' procedural claim, ordering the Legislature to attempt to cure the legal and constitutional infirmities in 2022 congressional map and adopt a lawful congressional map;

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F. Suspending or enjoin the operation of any other state laws that would undermine this Court's ability to offer effective and complete relief to Petitioners for the November 2022 elections and related primaries.

G. Awarding Petitioners all of their reasonable attorneys' fees and costs; and

H. Awarding such other and further relief as this Court may deem just and proper.

Dated: New York, New York

February 3, 2022

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**AFFIRMATION OF BENNET J. MOSKOWITZ, ESQ., FOR PETITIONERS, IN SUPPORT
OF ORDER TO SHOW CAUSE FOR LEAVE TO CONDUCT EXPEDITED DISCOVERY,
DATED FEBRUARY 3, 2022 [118 - 121]**

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

-----X

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. _____

**AFFIRMATION IN
SUPPORT OF
PETITIONERS' ORDER TO
SHOW CAUSE**

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

-----X

BENNET J. MOSKOWITZ, an attorney duly admitted to practice before the Courts of the
State of New York, hereby affirms the following under penalty of perjury:

1. I am a Partner at Troutman Pepper Hamilton Sanders LLP, counsel for Petitioners
in this CPLR Art. 4 special proceeding.

2. Petitioner Tim Harkenrider, an elector of the state of New York, residing at 22
Spruce Street, Canisteo, NY 14823, in Steuben County, within Congressional District 23, and the

other Petitioners, all of whom are New York residents, by their counsel, pursuant to Article III, section 5 of the New York Constitution, Unconsolidated Laws § 4221 (L 1911, ch. 773, § 1), and CPLR § 3001, commenced this CPLR Art. 4 special proceeding by filing a Petition to challenge an apportionment and a proposed Order to Show Cause.*

3. I submit this Affirmation solely to present to the Court information and materials supporting Petitioners' proposed Order to Show Cause submitted herewith, which materials are attached hereto as described below.

4. Attached hereto as Exhibit A is a copy of Article III, section 5 of the New York Constitution, which provides: "An apportionment by the legislature, or other body, shall be subject to review by the supreme court, at the suit of any citizen, under such reasonable regulations as the legislature may prescribe; *and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings*, and if said court be not in session it shall convene promptly for the disposition of the same. *The court shall render its decision within sixty days after a petition is filed.* In any judicial proceeding relating to redistricting of congressional or state legislative districts, any law establishing congressional or state legislative districts found to violate the provisions of this article shall be invalid in whole or in part. In the event that a court finds such a violation, the legislature shall have a full and reasonable opportunity to correct the law's legal infirmities." (emphases added)

5. Attached hereto as Exhibit B is a copy of Unconsolidated Laws § 4221 (L.1911, ch. 773, § 1), which provides: "An apportionment by the legislature shall be subject to review by the supreme court at the suit of any citizen, upon the petition of any citizen to the supreme court where any such petitioner resides and upon such service thereof upon the attorney-general, the

* CPLR § 403(d) provides that "[t]he court may grant an order to show cause to be served, in lieu of a notice of petition at a time and in a manner specified therein."

president of the senate, the speaker of the assembly and the governor, as a justice of the supreme court may direct.”

6. Attached hereto as Exhibit C is a copy of the 2022 Political Calendar downloaded from <https://www.elections.ny.gov/NYSBOE/law/2022PoliticalCalendar.pdf> on the date hereof.

7. Attached hereto as Exhibit D is a copy of New York Assembly Bill A.09039 downloaded from <https://nyassembly.gov/> on the date hereof.

8. Attached hereto as Exhibit E is a copy of New York Assembly Bill A.09167 downloaded from <https://nyassembly.gov/> on the date hereof.

9. Attached hereto as Exhibit F is a copy of New York Senate Bill S.8196 downloaded from <https://www.nysenate.gov/legislation/bills/2021/s8196> on the date hereof.

WHEREFORE, it is respectfully requested that the Court grant Petitioners’ proposed Order to Show Cause, including by directing Respondents or their counsel show cause before this Court on the date set forth therein why Judgment should not be made and entered pursuant to CPLR § 411 and CPLR § 3001:

A. Declaring pursuant to CPLR § 3001 that:

i) the 2022 congressional map constitutes an unconstitutional map enacted without complying with the mandatory constitutional procedures for redistricting in Article III, Section 4(b) of the New York Constitution;

ii) the prior congressional map, court-adopted after the 2010 decennial census, is the only validly enacted map currently in existence, but is now unconstitutionally malapportioned, failing to comply with the mandatory constitutional requirements that each district contain an equal number of inhabitants, found in Article III, Section 4(c)(2) of the New York Constitution;

iii) the 2022 congressional map, apart and aside from procedural deficiencies, constitutes an unconstitutional partisan and incumbency-favoring/disfavoring gerrymander, in violation of Article III, Section 4(c)(5) of the New York Constitution and New York Legislative Law § 93(2)(e); and

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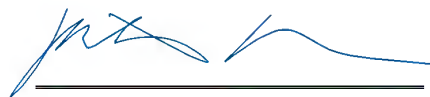
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iv) the 2012 congressional districts are unconstitutional in light of the population shifts identified in the 2020 census.

- B. Enjoining Respondents from conducting any elections under the post-2010 congressional map;
- C. Enjoining Respondents from conducting any elections under the 2022 congressional map;
- D. Adopting a new, legally compliant congressional map;
- E. Alternatively, and only if the Court does not agree with Petitioners' procedural claim, ordering the Legislature to attempt to cure the legal and constitutional infirmities in 2022 congressional map and adopt a lawful congressional map;
- F. Suspending or enjoining the operation of any other state laws that would undermine this Court's ability to offer effective and complete relief to Petitioners for the November 2022 elections and related primaries;
- G. Awarding Petitioners all of their reasonable attorneys' fees and costs; and
- H. Awarding such other and further relief as this Court may deem just and proper.

Dated: New York, New York
February 3, 2022



BENNET J. MOSKOWITZ

EXHIBIT A TO MOSKOWITZ AFFIRMATION -
ARTICLE III, SECTION 5 OF THE NEW YORK CONSTITUTION [122 - 124]

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NY CLS Const Art III, § 5

Current through 2021 General Election

New York Constitution > The Constitution of the State of New York > Article III Legislature

§ 5. [Apportionment of assemblymen; creation of assembly districts]

The members of the assembly shall be chosen by single districts and shall be apportioned pursuant to this section and sections four and five-b of this article at each regular session at which the senate districts are readjusted or altered, and by the same law, among the several counties of the state, as nearly as may be according to the number of their respective inhabitants, excluding aliens. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of assembly, and no county shall hereafter be erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties.

The quotient obtained by dividing the whole number of inhabitants of the state, excluding aliens, by the number of members of assembly, shall be the ratio for apportionment, which shall be made as follows: One member of assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned to the counties having the highest remainders in the order thereof respectively. No county shall have more members of assembly than a county having a greater number of inhabitants, excluding aliens.

The assembly districts, including the present ones, as existing immediately before the enactment of a law making an apportionment of members of assembly among the counties, shall continue to be the assembly districts of the state until the expiration of the

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NY CLS Const Art III, § 5

terms of members then in office, except for the purpose of an election of members of assembly for full terms beginning at such expirations.

In any county entitled to more than one member, the board of supervisors, and in any city embracing an entire county and having no board of supervisors, the common council, or if there be none, the body exercising the powers of a common council, shall assemble at such times as the legislature making an apportionment shall prescribe, and divide such counties into assembly districts as nearly equal in number of inhabitants, excluding aliens, as may be, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a senate district formed under the same apportionment, equal to the number of members of assembly to which such county shall be entitled, and shall cause to be filed in the office of the secretary of state and of the clerk of such county, a description of such districts, specifying the number of each district and of the inhabitants thereof, excluding aliens, according to the census or enumeration used as the population basis for the formation of such districts; and such apportionment and districts shall remain unaltered until after the next reapportionment of members of assembly, except that the board of supervisors of any county containing a town having more than a ratio of apportionment and one-half over may alter the assembly districts in a senate district containing such town at any time on or before March first, nineteen hundred forty-six. In counties having more than one senate district, the same number of assembly districts shall be put in each senate district, unless the assembly districts cannot be evenly divided among the senate districts of any county, in which case one more assembly district shall be put in the senate district in such county having the largest, or one less assembly district shall be put in the senate district in such county having the smallest number of inhabitants, excluding aliens, as the case may require. Nothing in this section shall prevent the division, at any time, of counties and towns and the erection of new towns by the legislature.

An apportionment by the legislature, or other body, shall be subject to review by the supreme court, at the suit of any citizen, under such reasonable regulations as the legislature may prescribe; and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the

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NY CLS Const Art III, § 5

same. The court shall render its decision within sixty days after a petition is filed. In any judicial proceeding relating to redistricting of congressional or state legislative districts, any law establishing congressional or state legislative districts found to violate the provisions of this article shall be invalid in whole or in part. In the event that a court finds such a violation, the legislature shall have a full and reasonable opportunity to correct the law's legal infirmities.

History

Add, 1846; amd, 1874; continued, 1894; amd, 1931; continued, 1938; amd, 1945, eff Jan 1, 1946; amd, 2014.

New York Consolidated Laws Service

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**EXHIBIT B TO MOSKOWITZ AFFIRMATION -
UNCONSOLIDATED LAWS §4221****FILED: STEUBEN COUNTY CLERK 02/03/2022 07:31 PM**

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NYSCEF § 4221. Review of legislative apportionment authorized, NY UNCON LAWS § 4221

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McKinney's Consolidated Laws of New York Annotated
Unconsolidated Laws (Refs & Annos)
Title 13. Judiciary
Chapter 9. Review of Apportionments by Legislature and Other Bodies

McK.Unconsol.Laws § 4221

§ 4221. Review of legislative apportionment authorized

[Currentness](#)

An apportionment by the legislature shall be subject to review by the supreme court at the suit of any citizen, upon the petition of any citizen to the supreme court where any such petitioner resides and upon such service thereof upon the attorney-general, the president of the senate, the speaker of the assembly and the governor, as a justice of the supreme court may direct.

Credits

(L.1911, c. 773, § 1.)

McKinney's Unconsolidated Laws § 4221, NY UNCON LAWS § 4221

Current through L.2021, chapters 1 to 833 and L.2022, chapters 1 to 12. Some statute sections may be more current, see credits for details.

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NYSCOE SIGNATURE REQUIREMENTS FOR INDEPENDENT NOMINATING PETITIONS \$6-142

1% of the total number of votes excluding blank and void cast for the office of governor at the last gubernatorial election in the political unit for any office to be voted for by all the voters of the entire state.....45,000 (with at least 500 or 1% of enrolled voters from each of one-half of the congressional districts)

5% of the total number of votes excluding blank and void cast for the office of governor at the last gubernatorial election in the political unit except that not more than 3,500 signatures shall be required on a petition for an office to be filled in any political subdivision outside the City of New York, and not more than the following for any office to be voted for by all the voters of:

- *Any county or portion thereof outside NYC.....1,500
- *New York City7,500
- *Any county or borough or any two counties or boroughs within New York City4,000
- *Any municipal court district3,000
- *Any city council district within NYC2,700
- *Any congressional district.....3,500
- *Any state senatorial district3,000
- *Any assembly district.....1,500

Any political subdivision contained within another political subdivision, except as herein provided, requirement is not to exceed the number for the larger subdivision.

***NOTE: Section 1057-b of the New York City Charter supersedes New York Election Law signature requirements for Designating and OTB petitions and Independent nominating petitions with respect to certain NY City offices.**

VOTER REGISTRATION FOR PRIMARY	
Feb 21	List of Registered Voters: Such lists shall be published before the twenty-first day of February. \$ 5-604
June 3	Mail Registration for Primary: Last day to postmark application for primary; last day it must be received by board of elections is June 8. \$5-210(3)
June 3	In person registration for Primary: Last day application must be received by board of elections to be eligible to vote in primary election. \$95-210, 5-211, 5-212
June 8	Changes of address for Primary received by this date must be processed. \$5-208(3)

CHANGE OF ENROLLMENT	
Feb 14	A change of enrollment rec'd by the BOE not later than Feb. 14 th or after July 5 th is effective immediately. Any change of enrollment made between Feb 15-July 5 th , shall be effective July 5 th . \$5-304(3)

VOTER REGISTRATION FOR GENERAL	
Oct 14	Mail Registration for General: Last day to postmark application for general election; it must also be received by board of elections by Oct 19. \$5-210(3)
Oct 14	In person registration for General: Last day application must be received by board of elections to be eligible to vote in general election. If honorably discharged from the military or have become a naturalized citizen after October 14 th , you may register in person at the county board of elections office up until October 29 th . \$95-210, 5-211, 5-212
Oct 19	Changes of address for General received by this date must be processed. \$5-208(3)

ABSENTEE VOTING FOR PRIMARY	
June 13	Last day to postmark, email or fax application or letter for primary ballot. \$8-400(2)(c).
June 27	Last day to apply in person for primary ballot. \$8-400(2)(c)
June 28	Last day to postmark primary election ballot. Must be received by the county board no later than July 5 th . \$8-412(1)
June 28	Last day to deliver primary ballot in person to your county board or your poll site, by close of polls. \$8-412(1)

MILITARY/SPECIAL FEDERAL VOTERS FOR PRIMARY	
May 13	Deadline to transmit ballots to eligible Military/Special Federal/UOCAVA Voters. \$10-108(1) & \$11-204(4)
June 3	Last day for a board of elections to receive application for Military/Special Federal/UOCAVA absentee ballot for primary if not previously registered. \$10-106(5) & \$11-202(1)(a)
June 21	Last day for a board of elections to receive application for Military/Special Federal/UOCAVA absentee ballot for primary if already registered. \$10-106(5) & \$11-202(1)(b)
June 27	Last day to apply personally for Military ballot for primary if previously registered. \$10-106(5)
June 28	Last day to postmark Military/Special Federal/UOCAVA ballot for primary. Date by which it must be received by the board of elections is July 5 th . \$10-114(1) & \$11-212

ABSENTEE VOTING FOR GENERAL ELECTION	
Oct 24	Last day to postmark application or letter of application for general election ballot. \$8-400(2)(c)
Nov 7	Last day to apply in person for general election ballot. \$8-400(2)(c)
Nov 8	Last day to postmark general election ballot. Must be received by the county board no later than Nov 15 th . \$8-412(1)
Nov 8	Last day to deliver general election ballot in person to your county board or your poll site, by close of polls on election day. \$8-412(1)

MILITARY/SPECIAL FEDERAL VOTERS FOR GENERAL	
Sept 23	Deadline to transmit ballots to eligible Military/Special Federal/UOCAVA voters. \$10-108(1) & \$11-204(4)
Oct 14	Last day for a board of elections to receive application for Special Federal/UOCAVA absentee ballot for general if not previously registered. \$11-202(1)(a) & \$10-106(5)
Oct 29	Last day for a board of elections to receive application for Military absentee ballot for general if not previously registered. \$10-106(5)
Nov 1	Last day for a board of elections to receive application for Military/Special Federal absentee ballot for general if already registered. \$10-106(5) & \$11-202(1)(b)
Nov 7	Last day to apply personally for a Military absentee ballot for general if previously registered. \$10-106(5)
Nov 8	Last day to postmark Military/Special Federal/UOCAVA ballot for general. Date by which it must be received by the board of elections is Nov. 21 st . \$10-114(1) & \$11-212

VACANCY IN OFFICE	
Aug 8	A vacancy occurring three (3) months before a General Election in any year in any office are authorized to be filed at a General Election. \$6-158(14)

REFERENDUMS/PROPOSITIONS/PROPOSALS	
Aug 8	For any election conducted by a BOE, the clerk of such subdivision shall provide the BOE with a certified text copy of any proposal, proposition, or referendum at least three (3) months before the General Election. \$4-108

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CAMPAIGN FILING	
PRIMARY ELECTION \$14-108(2)	
32 Day Pre-Primary	
11 Day Pre-Primary	
10 Day Post-Primary	
24 Hour Notice \$14-108(2)	

GENERAL ELECTION \$14-108(2)	
32 Day Pre-General	
11 Day Pre-General	
27 Day Post-General	
24 Hour Notice \$14-108(2)	

Periodic Reports \$14-108(2)	
January 18 th	
July 15 th	

Additional Independent Election \$14-107(4)	
24 Hour Notice \$14-107(4) (a) (ii); (b)	
Weekly Notice	

CONTRIBUTION LIMITS	
Apr 15	Last day to calculate contribution and send to the clerk

March 15	Last day to design election district
May 1	Last day to design general election
May 1	Last day to file election with SBOE. 9 NY primaries and special elections
May 13	Last day to design primaries and special elections

Revised: January 12, 2022

**** Please be aware is a re-districting is subject to change. Legislature and SBOE advisedly. ****

**EXHIBIT D TO MOSKOWITZ AFFIRMATION -
NEW YORK ASSEMBLY BILL A.09039 [128 - 206]**

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Bill Search and Legislative Information | New York State Assembly

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A09039 Text:

STATE OF NEW YORK

S. 8172--A

A. 9039--A

SENATE - ASSEMBLY

January 30, 2022

IN SENATE -- Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state law, in relation to creation of congressional districts; and to repeal article 7 of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article 7 of the state law is REPEALED and a new article 7
2 is added to read as follows:

ARTICLE 7

CONGRESSIONAL DISTRICTS

5 Section 110. Present congressional districts.

6 111. New congressional districts.

7 112. Separability of congressional districts.

8 § 110. Present congressional districts. The congressional districts
9 of this state, as existing immediately before the effective date of this
10 article, shall continue to be the congressional districts of the state
11 until the expiration of the terms of the representatives in congress
12 then in office, except for the purpose of an election of representatives
13 in congress for full terms beginning at such expirations.

14 § 111. New congressional districts. Notwithstanding any other
15 provision of law to the contrary, the congressional districts of this
16 state from and after the effective date of this article, shall consist
17 as follows:

18 1. Congressional District 1.

19 Within Suffolk County

20 All of East Hampton town

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[–] is old law to be omitted.

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- 1 All of Riverhead town
- 2 All of Shelter Island town
- 3 All of Shinnecock Reservation
- 4 All of Southold town
- 5 Within Nassau County
- 6 Within Oyster Bay town:
- 7 Tract: 519601
- 8 Tract: 519602
- 9 Tract: 519702
- 10 Tract: 519703
- 11 Tract: 519704
- 12 Tract: 519801
- 13 Tract: 519802
- 14 Tract: 520100
- 15 Within Suffolk County
- 16 Within Babylon town:
- 17 Tract: 122300
- 18 Tract: 122405
- 19 Tract: 122406
- 20 Tract: 122407
- 21 Tract: 122408
- 22 Tract: 122501
- 23 Tract: 122502
- 24 Tract: 122602
- 25 Tract: 122603
- 26 Tract: 122604
- 27 Tract: 122605
- 28 Tract: 122704
- 29 Tract: 122705
- 30 Tract: 122706
- 31 Tract: 122707
- 32 Tract: 122801
- 33 Tract: 122802
- 34 Tract: 122901
- 35 Tract: 123101
- 36 Tract: 123102
- 37 Tract: 123201
- 38 Tract: 123203
- 39 Tract: 123204
- 40 Tract: 123303
- 41 Tract: 123304
- 42 Tract: 123401
- 43 Tract: 123403
- 44 Tract: 123404
- 45 Within Brookhaven town:
- 46 Tract: 158001
- 47 Tract: 158009
- 48 Tract: 158010
- 49 Tract: 158011
- 50 Tract: 158012
- 51 Tract: 158013
- 52 Tract: 158014
- 53 Tract: 158015
- 54 Tract: 158016
- 55 Tract: 158017
- 56 Tract: 158102

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- 1 Tract: 158103
- 2 Tract: 158107
- 3 Tract: 158108
- 4 Tract: 158114
- 5 Tract: 158117
- 6 Tract: 158118
- 7 Tract: 158119
- 8 Tract: 158205
- 9 Tract: 158206
- 10 Tract: 158207
- 11 Tract: 158208
- 12 Tract: 158209
- 13 Tract: 158304
- 14 Tract: 158306
- 15 Tract: 158309
- 16 Tract: 158310
- 17 Tract: 158315
- 18 Tract: 158317
- 19 Tract: 158318
- 20 Tract: 158319
- 21 Tract: 158320
- 22 Tract: 158322
- 23 Tract: 158324
- 24 Tract: 158325
- 25 Tract: 158326
- 26 Tract: 158327
- 27 Tract: 158328
- 28 Tract: 158329
- 29 Tract: 158401
- 30 Tract: 158402
- 31 Tract: 158403
- 32 Tract: 158407
- 33 Tract: 158408
- 34 Tract: 158409
- 35 Tract: 158410
- 36 Tract: 158411
- 37 Tract: 158412
- 38 Tract: 158705
- 39 Tract: 158708
- 40 Tract: 158710
- 41 Tract: 159700
- 42 Within Huntington town:
- 43 Tract: 112102
- 44 Tract: 112104
- 45 Tract: 112204
- 46 Tract: 112211
- 47 Tract: 112212
- 48 Tract: 112213
- 49 Tract: 112215
- 50 Tract: 112216
- 51 Tract: 112217
- 52 Tract: 112218
- 53 Tract: 112219
- 54 Tract: 112220
- 55 Within Islip town:
- 56 Tract: 145601

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1 Tract: 145602
 2 Tract: 145603
 3 Tract: 145604
 4 Tract: 145605
 5 Tract: 145701
 6 Tract: 145702
 7 Tract: 145703
 8 Tract: 145705
 9 Tract: 145706
 10 Tract: 145804
 11 Tract: 145901
 12 Tract: 145904
 13 Tract: 145905
 14 Tract: 146001
 15 Tract: 146002
 16 Tract: 146004
 17 Tract: 146102
 18 Tract: 146105
 19 Tract: 146106
 20 Tract: 146201
 21 Tract: 146202
 22 Tract: 146203
 23 Tract: 146204
 24 Tract: 146300
 25 Tract: 146403
 26 Tract: 146404
 27 Tract: 146703
 28 Tract: 201200
 29 Within Smithtown town:
 30 Tract: 135002
 31 Tract: 135003
 32 Tract: 135005
 33 Tract: 135209
 34 Tract: 135303
 35 Tract: 135305
 36 Tract: 135306
 37 Tract: 135401
 38 Tract: 135402
 39 Within Southampton town:
 40 Tract: 190403
 41 Tract: 190404
 42 Tract: 190405
 43 Tract: 190603
 44 Tract: 190706
 45 Tract: 190708
 46 Tract: 190710
 47 Tract: 190711
 48 Tract: 190712
 49 Tract: 190713
 50 Tract: 190714
 51 Tract: 190801
 52 Tract: 190802
 53 Within Nassau County
 54 Within Oyster Bay town:
 55 Tract: 520002 Block: 1018
 56 Within Suffolk County

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1 Within Babylon town:
 2 Tract: 122902 Blocks: 1000-1016 2000-2014
 3 Tract: 123001 Blocks: 1000-1037 2000-2039 3000-3032
 4 Tract: 123002 Blocks: 1000-1053 2004-2007 2031 3000-3025 3034-3035
 5 3043-3044 3049
 6 Tract: 123500 Blocks: 1000-1013 2000-2030
 7 Tract: 123701 Blocks: 1000-1011 1013-1026 1032 2003-2035 2043-2044
 8 3000-3043
 9 Tract: 123900 Blocks: 2003-2004 2011 3004-3012 3021-3029 3035-3036
 10 3045
 11 Within Brookhaven town:
 12 Tract: 158111 Blocks: 1000-1019 2003-2007 2015
 13 Tract: 158112 Blocks: 1000-1013 1017-1018 2000-2016
 14 Tract: 158116 Blocks: 1000-1016 2000-2018 2020
 15 Tract: 158120 Blocks: 1000-1011 2000-2022
 16 Tract: 158505 Blocks: 1005 1007
 17 Tract: 158511 Blocks: 3000-3001 3005-3006
 18 Tract: 158715 Block: 1003
 19 Tract: 990100 Blocks: 0038-0045 0049
 20 Within Huntington town:
 21 Tract: 111900 Blocks: 3015-3016
 22 Within Islip town:
 23 Tract: 145803 Blocks: 1000-1007 2000-2014 3000-3008 3011-3014
 24 Tract: 145810 Block: 3038
 25 Tract: 145903 Blocks: 1000-1032 2000-2016 2018-2043 3000-3020
 26 4000-4019
 27 Tract: 146005 Blocks: 1000-1040 1043-1045 1047 2000-2026 3000-3026
 28 Tract: 146103 Blocks: 2001-2002 2009-2010 2012-2017 2020-2024
 29 2026-2029 2033-2036
 30 Tract: 146206 Blocks: 1000-1012 2000
 31 Tract: 146402 Block: 1003
 32 Tract: 146706 Blocks: 2017-2033
 33 Tract: 147100 Blocks: 1006-1009 1022-1024
 34 Tract: 147202 Blocks: 1021-1022
 35 Tract: 147301 Blocks: 2001-2003
 36 Within Smithtown town:
 37 Tract: 134909 Blocks: 1019-2025
 38 Tract: 135004 Blocks: 2005-2035
 39 Tract: 145803 Blocks: 3009-3010
 40 Within Southampton town:
 41 Tract: 190402 Block: 1044
 42 Tract: 190604 Blocks: 1000-1023 2000-2027 3000-3018 3022-3027
 43 3030-3032
 44 Tract: 190709 Blocks: 1011-1012 2000-2030 3000-3042
 45 Tract: 990100 Blocks: 0017-0020
 46 2. Congressional District 2.
 47 Within Suffolk County
 48 All of Poospatuck Reservation
 49 Within Nassau County
 50 Within Hempstead town:
 51 Tract: 408600
 52 Tract: 408700
 53 Tract: 408800
 54 Tract: 408900
 55 Tract: 409000
 56 Tract: 409100

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A. 9039--A

- 1 Tract: 409200
- 2 Tract: 409300
- 3 Tract: 409400
- 4 Tract: 409500
- 5 Tract: 409600
- 6 Tract: 409700
- 7 Tract: 415500
- 8 Tract: 416000
- 9 Tract: 416100
- 10 Tract: 522700
- 11 Within Oyster Bay town:
- 12 Tract: 519900
- 13 Tract: 520001
- 14 Tract: 520200
- 15 Tract: 520300
- 16 Tract: 520401
- 17 Tract: 520402
- 18 Tract: 520501
- 19 Tract: 520502
- 20 Tract: 520600
- 21 Tract: 520700
- 22 Tract: 520800
- 23 Tract: 520900
- 24 Tract: 521000
- 25 Tract: 521100
- 26 Tract: 521200
- 27 Tract: 521301
- 28 Tract: 521302
- 29 Tract: 521400
- 30 Tract: 521500
- 31 Tract: 521601
- 32 Tract: 521602
- 33 Tract: 521700
- 34 Tract: 521801
- 35 Tract: 521802
- 36 Tract: 521902
- 37 Tract: 522000
- 38 Tract: 990302
- 39 Within Suffolk County
- 40 Within Babylon town:
- 41 Tract: 123600
- 42 Tract: 123703
- 43 Tract: 123704
- 44 Tract: 123801
- 45 Tract: 123802
- 46 Tract: 124001
- 47 Tract: 124002
- 48 Tract: 124101
- 49 Tract: 124102
- 50 Tract: 124200
- 51 Tract: 124301
- 52 Tract: 124302
- 53 Tract: 124401
- 54 Tract: 124402
- 55 Tract: 124500
- 56 Tract: 124601

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A. 9039--A

- 1 Tract: 124602
- 2 Within Brookhaven town:
- 3 Tract: 158502
- 4 Tract: 158506
- 5 Tract: 158509
- 6 Tract: 158510
- 7 Tract: 158512
- 8 Tract: 158513
- 9 Tract: 158514
- 10 Tract: 158604
- 11 Tract: 158605
- 12 Tract: 158606
- 13 Tract: 158607
- 14 Tract: 158608
- 15 Tract: 158609
- 16 Tract: 158707
- 17 Tract: 158709
- 18 Tract: 158711
- 19 Tract: 158712
- 20 Tract: 158713
- 21 Tract: 158714
- 22 Tract: 158802
- 23 Tract: 158803
- 24 Tract: 158805
- 25 Tract: 158806
- 26 Tract: 158901
- 27 Tract: 158902
- 28 Tract: 159000
- 29 Tract: 159103
- 30 Tract: 159106
- 31 Tract: 159107
- 32 Tract: 159108
- 33 Tract: 159109
- 34 Tract: 159110
- 35 Tract: 159111
- 36 Tract: 159112
- 37 Tract: 159201
- 38 Tract: 159203
- 39 Tract: 159204
- 40 Tract: 159300
- 41 Tract: 159406
- 42 Tract: 159407
- 43 Tract: 159408
- 44 Tract: 159410
- 45 Tract: 159411
- 46 Tract: 159413
- 47 Tract: 159414
- 48 Tract: 159415
- 49 Tract: 159416
- 50 Tract: 159509
- 51 Tract: 159510
- 52 Tract: 159512
- 53 Tract: 159513
- 54 Tract: 159514
- 55 Tract: 159515
- 56 Tract: 159516

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A. 9039--A

- 1 Tract: 159517
- 2 Tract: 159518
- 3 Tract: 159602
- 4 Tract: 159603
- 5 Tract: 159604
- 6 Within Islip town:
- 7 Tract: 145807
- 8 Tract: 145808
- 9 Tract: 145809
- 10 Tract: 146205
- 11 Tract: 146500
- 12 Tract: 146607
- 13 Tract: 146608
- 14 Tract: 146611
- 15 Tract: 146612
- 16 Tract: 146613
- 17 Tract: 146614
- 18 Tract: 146616
- 19 Tract: 146617
- 20 Tract: 146618
- 21 Tract: 146619
- 22 Tract: 146620
- 23 Tract: 146704
- 24 Tract: 146705
- 25 Tract: 146800
- 26 Tract: 146901
- 27 Tract: 146902
- 28 Tract: 147001
- 29 Tract: 147003
- 30 Tract: 147004
- 31 Tract: 147201
- 32 Tract: 147302
- 33 Tract: 147401
- 34 Tract: 147402
- 35 Tract: 147502
- 36 Tract: 147503
- 37 Tract: 147504
- 38 Tract: 147505
- 39 Tract: 147601
- 40 Tract: 147602
- 41 Tract: 147701
- 42 Tract: 147702
- 43 Tract: 147802
- 44 Tract: 147803
- 45 Tract: 147804
- 46 Tract: 147901
- 47 Tract: 147902
- 48 Within Smithtown town:
- 49 Tract: 135403
- 50 Within Southampton town:
- 51 Tract: 190502
- 52 Tract: 190503
- 53 Tract: 190504
- 54 Tract: 190605
- 55 Tract: 190606
- 56 Within Nassau County

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A. 9039--A

1 Within Hempstead town:
 2 Tract: 416900 Blocks: 1003
 3 Within Oyster Bay town:
 4 Tract: 519000 Blocks: 1011-1013 1016-1022 2000-2015 3000-3010
 5 4000-4010 5003-5012 6001-6004 6006-6015
 6 Tract: 519100 Blocks: 1016-1022 2000-2009 3000-3012 4000-4014
 7 5000-5010 6000-6015
 8 Tract: 519200 Blocks: 1011 1013-1018 2003-2011 3000-3013 4000-4015
 9 5000-5014 6000-6011
 10 Tract: 519300 Blocks: 3013-3016 3018-3022 4015 4017-4024
 11 Tract: 520002 Blocks: 1000-1017 1019-1023 2000-2015 3000-3008
 12 4000-4026
 13 Within Suffolk County
 14 Within Babylon town:
 15 Tract: 122902 Blocks: 3000-3011
 16 Tract: 123001 Blocks: 2040-2042
 17 Tract: 123002 Blocks: 2000-2003 2008-2030 2032-2050 3021 3026-3033
 18 3036-3042 3045-3048
 19 Tract: 123500 Blocks: 3000-3013 4000-4012 5000-5024
 20 Tract: 123701 Blocks: 1012 1027-1031 2000-2002 2036-2042 2045
 21 Tract: 123900 Blocks: 1000-1035 2000-2002 2005-2010 2012-2026
 22 3000-3003 3013-3020 3030-3034 3037-3044
 23 Tract: 990100 Block: 0030
 24 Within Brookhaven town:
 25 Tract: 158111 Blocks: 2000-2002 2008-2014 2016-2017
 26 Tract: 158112 Blocks: 1014-2026
 27 Tract: 158116 Block: 2019
 28 Tract: 158120 Blocks: 2023-2024
 29 Tract: 158505 Blocks: 1000-1004 1006 1008 1009-1023 2000-2019
 30 3000-3002
 31 Tract: 158511 Blocks: 1000-1019 2000-2024 3002-3004 3007-3022
 32 Tract: 158715 Blocks: 1000-1002 1004-1012 2000-2012
 33 Tract: 159511 Blocks: 1000-1031 2000-2014 2016 2021-2026 3000-3025
 34 4000-4020
 35 Tract: 990100 Blocks: 0025-0028 0031
 36 Within Islip town:
 37 Tract: 145810 Blocks: 1000-1005 2000-2024 3000-3037
 38 Tract: 145903 Blocks: 2017 4020-4021
 39 Tract: 146005 Blocks: 1041-1042 1046
 40 Tract: 146103 Blocks: 1000-1039 2000 2003-2008 2011 2018-2019 2025
 41 2030-2032 2037-2040
 42 Tract: 146206 Blocks: 2001-2031
 43 Tract: 146402 Blocks: 1000-1002 1004-1034 2000-2008 3000-3012
 44 Tract: 146706 Blocks: 1000-1020 2000-2016 2034
 45 Tract: 147100 Blocks: 1000-1005 1010-1021 1025-1043 2000-2033
 46 3000-3053
 47 Tract: 147202 Blocks: 1000-1020 1023-1033 2000-2012
 48 Tract: 147301 Blocks: 1000-1044 2000 2004-2022
 49 Tract: 990100 Block: 0029
 50 Within Southampton town:
 51 Tract: 190402 Blocks: 1000-1043 1045-1051 2000-2032
 52 Tract: 190604 Blocks: 3019-3021 3028-3029
 53 Tract: 990100 Blocks: 0021-0024
 54 3. Congressional District 3.
 55 Within Nassau County
 56 All of Glen Cove city

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- 1 Within Westchester County
- 2 All of Pelham town
- 3 All of Rye city
- 4 All of Rye town
- 5 Within Bronx County
- 6 Within Bronx Borough:
- 7 Tract: 011800
- 8 Tract: 013800
- 9 Tract: 015800
- 10 Tract: 016000
- 11 Tract: 016200
- 12 Tract: 016400
- 13 Tract: 027401
- 14 Tract: 027402
- 15 Tract: 051601
- 16 Tract: 051602
- 17 Within Nassau County
- 18 Within North Hempstead town:
- 19 Tract: 300100
- 20 Tract: 300300
- 21 Tract: 300400
- 22 Tract: 300500
- 23 Tract: 300600
- 24 Tract: 300700
- 25 Tract: 300800
- 26 Tract: 300902
- 27 Tract: 301000
- 28 Tract: 301101
- 29 Tract: 301102
- 30 Tract: 301200
- 31 Tract: 301300
- 32 Tract: 301400
- 33 Tract: 301500
- 34 Tract: 301600
- 35 Tract: 301700
- 36 Tract: 301800
- 37 Tract: 301900
- 38 Tract: 302000
- 39 Tract: 302101
- 40 Tract: 302102
- 41 Tract: 302200
- 42 Tract: 302502
- 43 Tract: 990100
- 44 Within Oyster Bay town:
- 45 Tract: 517400
- 46 Tract: 517500
- 47 Tract: 517600
- 48 Tract: 517701
- 49 Tract: 517705
- 50 Tract: 517801
- 51 Tract: 517802
- 52 Tract: 517901
- 53 Tract: 517902
- 54 Tract: 518000
- 55 Tract: 518100
- 56 Tract: 518201

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A. 9039--A

1 Tract: 518203
 2 Tract: 518204
 3 Tract: 518300
 4 Tract: 518400
 5 Tract: 518501
 6 Tract: 518502
 7 Tract: 518600
 8 Tract: 518700
 9 Tract: 518800
 10 Tract: 518900
 11 Tract: 519400
 12 Tract: 519500
 13 Tract: 981100
 14 Tract: 982100
 15 Tract: 990301
 16 Within Queens County
 17 Within Queens Borough:
 18 Tract: 099900
 19 Tract: 147900
 20 Tract: 148300
 21 Tract: 150701
 22 Tract: 150702
 23 Tract: 152901
 24 Tract: 152902
 25 Tract: 155101
 26 Tract: 155103
 27 Tract: 155104
 28 Tract: 156700
 29 Tract: 157101
 30 Tract: 157102
 31 Tract: 157901
 32 Tract: 157902
 33 Tract: 157903
 34 Tract: 161700
 35 Tract: 162100
 36 Within Suffolk County
 37 Within Huntington town:
 38 Tract: 110101
 39 Tract: 110103
 40 Tract: 110104
 41 Tract: 110200
 42 Tract: 110300
 43 Tract: 110401
 44 Tract: 110402
 45 Tract: 110501
 46 Tract: 110502
 47 Tract: 110601
 48 Tract: 110602
 49 Tract: 110801
 50 Tract: 110803
 51 Tract: 110901
 52 Tract: 110902
 53 Tract: 111001
 54 Tract: 111002
 55 Tract: 111101
 56 Tract: 111102

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A. 9039--A

1 Tract: 111103
 2 Tract: 111201
 3 Tract: 111202
 4 Tract: 111300
 5 Tract: 111401
 6 Tract: 111402
 7 Tract: 111503
 8 Tract: 111504
 9 Tract: 111506
 10 Tract: 111507
 11 Tract: 111508
 12 Tract: 111601
 13 Tract: 111602
 14 Tract: 111701
 15 Tract: 111703
 16 Tract: 111704
 17 Tract: 111801
 18 Tract: 111802
 19 Tract: 111803
 20 Tract: 111804
 21 Tract: 112001
 22 Tract: 112002
 23 Tract: 112103
 24 Within Smithtown town:
 25 Tract: 134702
 26 Tract: 134703
 27 Tract: 134704
 28 Tract: 134902
 29 Tract: 134906
 30 Tract: 134907
 31 Tract: 134908
 32 Tract: 135101
 33 Tract: 135102
 34 Tract: 135103
 35 Tract: 135104
 36 Tract: 135201
 37 Tract: 135205
 38 Tract: 135208
 39 Tract: 135500
 40 Within Westchester County
 41 Within Mamaroneck town:
 42 Tract: 007000
 43 Tract: 007100
 44 Tract: 007200
 45 Tract: 007300
 46 Tract: 005600
 47 Tract: 005702
 48 Tract: 005703
 49 Tract: 005704
 50 Tract: 005800
 51 Tract: 005901
 52 Tract: 005902
 53 Tract: 006000
 54 Within Bronx County
 55 Within Bronx Borough:
 56 Tract: 013000 Blocks: 1000-1005 1009 3000-3001 3005-3009 4006-4008

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A. 9039--A

1 Tract: 018400 Blocks: 1000-1006 2000-2002 2006-2007 2010
 2 Tract: 026400 Blocks: 1000-1008
 3 Tract: 027600 Blocks: 0002 1000-1004 1015 1020-1021 1023-1027
 4 Tract: 045600 Blocks: 3000-3025
 5 Tract: 050400 Blocks: 0001-0005
 6 Tract: 050400 Blocks: 1000 1005-1009 1011 1013-1014 1017-1020
 7 Within Nassau County
 8 Within North Hempstead town:
 9 Tract: 300901 Blocks: 1000-1016 2000-2015 3000-3013 3018-3024
 10 Tract: 302300 Blocks: 1000-1019 2000-2003 2005-2013 3000-3020
 11 Tract: 302400 Blocks: 1000-1008 1011-1012 2001-2005 3000-3014
 12 4000-4008 4010
 13 Tract: 302501 Blocks: 1000-1004 2000-2009 2018-2022
 14 Tract: 303101 Blocks: 1000-1006 3000-3012
 15 Within Oyster Bay town:
 16 Tract: 519000 Blocks: 1000-1010 1014-1015 5000-5002 6000 6005
 17 Tract: 519100 Blocks: 1000-1015 1023
 18 Tract: 519200 Blocks: 1000-1012 2000-2002
 19 Tract: 519300 Blocks: 1000-1049 2000-2018 3000-3012 3017 3023-3030
 20 4000-4014 4016 5000-5024
 21 Within Queens County
 22 Within Queens Borough:
 23 Tract: 055400 Blocks: 2000-2002 2007
 24 Tract: 056000 Blocks: 1000-1005 1007-1008
 25 Tract: 056200 Blocks: 1000-1011
 26 Tract: 056400 Blocks: 1000-1001 1003 1013
 27 Tract: 098700 Block: 0001
 28 Tract: 099100 Blocks: 0001 1000 2000 3000-3004 3006-3014 3016 4000
 29 4021-4022 5013
 30 Tract: 099703 Blocks: 1000-1008 2000-2003 3000-3004 3006-3007
 31 Tract: 099704 Blocks: 1000-1001 2000-2001 4000
 32 Tract: 099705 Blocks: 0001-0002 1000-1006
 33 Tract: 101700 Blocks: 6000-6005
 34 Tract: 109300 Blocks: 0001 2000 2015 2017
 35 Tract: 111300 Blocks: 0001 1000-1001
 36 Tract: 130100 Blocks: 1000-1009 1011 2000-2003 3000-3010 4000-4005
 37 Tract: 138502 Blocks: 1000-1003 1007-1015 1020-1021 1025
 38 Within Suffolk County
 39 Within Huntington town:
 40 Tract: 111900 Blocks: 1000-1027 2000-2009 3000-3014 3017-3026
 41 4000-4021 5000-5007 6000-6014
 42 Tract: 990100 Blocks: 0048 0053-0055
 43 Within Smithtown town:
 44 Tract: 134909 Blocks: 1000-1018 1020-1023 3000-3017
 45 Tract: 135004 Blocks: 1000-1017 2000-2004
 46 Tract: 990100 Blocks: 0046-0047 0050-0051
 47 Within Westchester County
 48 Within Mamaroneck town:
 49 Tract: 006900 Blocks: 1000-1025 2000-2008 2010-2016 3000-3038
 50 4000-4006 5000-5009
 51 Within New Rochelle city:
 52 Tract: 006100 Blocks: 1000-1009 1011 2000-2011 3011-3012
 53 Tract: 006302 Blocks: 1011 1015-1018 2001-2004
 54 Tract: 006500 Blocks: 3007-3011 3019-3021 4008-4009
 55 4. Congressional District 4.
 56 Within Nassau County

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A. 9039--A

- 1 All of Long Beach city
- 2 Within Hempstead town:
- 3 Tract: 404300
- 4 Tract: 404400
- 5 Tract: 404500
- 6 Tract: 404700
- 7 Tract: 405301
- 8 Tract: 405302
- 9 Tract: 405500
- 10 Tract: 405600
- 11 Tract: 405700
- 12 Tract: 405800
- 13 Tract: 405900
- 14 Tract: 406001
- 15 Tract: 406002
- 16 Tract: 406100
- 17 Tract: 406201
- 18 Tract: 406202
- 19 Tract: 406300
- 20 Tract: 406400
- 21 Tract: 406501
- 22 Tract: 406600
- 23 Tract: 406701
- 24 Tract: 406702
- 25 Tract: 406801
- 26 Tract: 406802
- 27 Tract: 406900
- 28 Tract: 407000
- 29 Tract: 407101
- 30 Tract: 407102
- 31 Tract: 407201
- 32 Tract: 407203
- 33 Tract: 407204
- 34 Tract: 407301
- 35 Tract: 407302
- 36 Tract: 407401
- 37 Tract: 407402
- 38 Tract: 407501
- 39 Tract: 407502
- 40 Tract: 407600
- 41 Tract: 407700
- 42 Tract: 407801
- 43 Tract: 407802
- 44 Tract: 407900
- 45 Tract: 408000
- 46 Tract: 408100
- 47 Tract: 408200
- 48 Tract: 408300
- 49 Tract: 408400
- 50 Tract: 408500
- 51 Tract: 410100
- 52 Tract: 410200
- 53 Tract: 410600
- 54 Tract: 410700
- 55 Tract: 411200
- 56 Tract: 411302

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A. 9039--A

1 Tract: 411400
2 Tract: 411500
3 Tract: 411700
4 Tract: 411800
5 Tract: 411901
6 Tract: 411902
7 Tract: 412000
8 Tract: 412100
9 Tract: 412200
10 Tract: 412301
11 Tract: 412302
12 Tract: 412400
13 Tract: 412500
14 Tract: 412600
15 Tract: 412700
16 Tract: 412800
17 Tract: 412900
18 Tract: 413001
19 Tract: 413002
20 Tract: 413100
21 Tract: 413200
22 Tract: 413300
23 Tract: 413400
24 Tract: 413500
25 Tract: 413600
26 Tract: 413700
27 Tract: 413803
28 Tract: 413804
29 Tract: 413900
30 Tract: 414001
31 Tract: 414002
32 Tract: 414100
33 Tract: 414201
34 Tract: 414202
35 Tract: 414301
36 Tract: 414303
37 Tract: 414304
38 Tract: 414400
39 Tract: 414501
40 Tract: 414502
41 Tract: 414600
42 Tract: 414700
43 Tract: 414800
44 Tract: 414900
45 Tract: 415000
46 Tract: 415101
47 Tract: 415102
48 Tract: 415201
49 Tract: 415202
50 Tract: 415300
51 Tract: 415401
52 Tract: 415402
53 Tract: 415600
54 Tract: 415700
55 Tract: 415802
56 Tract: 416201

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A. 9039--A

1 Tract: 416202
 2 Tract: 416300
 3 Tract: 990400
 4 Tract: 980100
 5 Within Nassau County
 6 Within North Hempstead town:
 7 Tract: 302600
 8 Tract: 302700
 9 Tract: 302800
 10 Tract: 302900
 11 Tract: 303000
 12 Tract: 303102
 13 Tract: 303203
 14 Tract: 303204
 15 Tract: 303301
 16 Tract: 303302
 17 Tract: 303400
 18 Tract: 303500
 19 Tract: 303600
 20 Tract: 303700
 21 Tract: 303800
 22 Tract: 303900
 23 Tract: 304001
 24 Tract: 304002
 25 Tract: 304100
 26 Tract: 304202
 27 Tract: 304203
 28 Tract: 304204
 29 Within Hempstead town:
 30 Tract: 404600 Blocks: 1000-1013 2000-2011 2013-2014 3000-3009
 31 4000-4013
 32 Tract: 404800 Blocks: 1000-1023 1025 2000-2009 2013-2018 3006 3008
 33 Tract: 405200 Blocks: 4003 4015-4016
 34 Tract: 405400 Blocks: 1000-1022 2000-2013 3000-3001 3005 3013-3014
 35 3016 4000-4013 5000-5012 6000-6011
 36 Tract: 409900 Blocks: 2036-2037
 37 Tract: 410000 Blocks: 1000-1008 1013 3000-3030
 38 Tract: 410500 Blocks: 1000-1016 2000-2015 3000-3003 3011-3020
 39 3022-3024 3027-3028 5000-5008 5010-5011 5022
 40 Tract: 410800 Blocks: 1000-1021 2000-2026 3000-3013 4000-4002
 41 4005-4009 4012-4032
 42 Tract: 410900 Blocks: 3000-3010 4000-4019
 43 Tract: 411000 Block: 1000
 44 Tract: 411301 Blocks: 1000-1009 1018-1021 1025-1026 2000-2014
 45 3000-3016
 46 Tract: 411600 Blocks: 1000-1013 2000-2030 3000-3016 3020 3022-3033
 47 4000-4013 5000-5009
 48 Tract: 416900 Blocks: 1000-1002 1004-1117 2000-2032 3000-3026
 49 Within North Hempstead town:
 50 Tract: 300901 Blocks: 3014-3017
 51 Tract: 302300 Blocks: 2004 2014
 52 Tract: 302400 Blocks: 1009-1010 1013-1025 2000 2006-2014 4009
 53 5000-5020
 54 Tract: 302501 Blocks: 1005-1019 2010-2017 2023-2026
 55 Tract: 303101 Blocks: 1007-1014 2000-2013 3013-3025
 56 5. Congressional District 5.

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A. 9039--A

- 1 Within Nassau County
- 2 Within Hempstead town:
- 3 Tract: 404901
- 4 Tract: 404902
- 5 Tract: 405000
- 6 Tract: 405100
- 7 Tract: 409800
- 8 Tract: 410300
- 9 Tract: 410400
- 10 Tract: 411100
- 11 Within Queens County
- 12 Within Queens Borough:
- 13 Tract: 010000
- 14 Tract: 010200
- 15 Tract: 010400
- 16 Tract: 010600
- 17 Tract: 010800
- 18 Tract: 012000
- 19 Tract: 012200
- 20 Tract: 013200
- 21 Tract: 014201
- 22 Tract: 014202
- 23 Tract: 014400
- 24 Tract: 014800
- 25 Tract: 015000
- 26 Tract: 015200
- 27 Tract: 015400
- 28 Tract: 015600
- 29 Tract: 015801
- 30 Tract: 015802
- 31 Tract: 016400
- 32 Tract: 016600
- 33 Tract: 016800
- 34 Tract: 017000
- 35 Tract: 017200
- 36 Tract: 017400
- 37 Tract: 017600
- 38 Tract: 017800
- 39 Tract: 018000
- 40 Tract: 018200
- 41 Tract: 018401
- 42 Tract: 018402
- 43 Tract: 018600
- 44 Tract: 018800
- 45 Tract: 019000
- 46 Tract: 019200
- 47 Tract: 019400
- 48 Tract: 019600
- 49 Tract: 019800
- 50 Tract: 020200
- 51 Tract: 020400
- 52 Tract: 020600
- 53 Tract: 020800
- 54 Tract: 021200
- 55 Tract: 021602
- 56 Tract: 024000

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S. 8172--A

18

A. 9039--A

1 Tract: 024600
2 Tract: 025401
3 Tract: 025402
4 Tract: 025800
5 Tract: 026000
6 Tract: 026200
7 Tract: 026400
8 Tract: 026600
9 Tract: 027000
10 Tract: 027200
11 Tract: 027400
12 Tract: 027600
13 Tract: 027800
14 Tract: 028000
15 Tract: 028200
16 Tract: 028400
17 Tract: 028801
18 Tract: 028802
19 Tract: 028803
20 Tract: 029400
21 Tract: 030600
22 Tract: 032000
23 Tract: 032800
24 Tract: 033000
25 Tract: 033401
26 Tract: 033403
27 Tract: 033404
28 Tract: 033405
29 Tract: 035200
30 Tract: 035800
31 Tract: 036600
32 Tract: 036800
33 Tract: 037600
34 Tract: 038400
35 Tract: 039400
36 Tract: 039800
37 Tract: 040000
38 Tract: 040200
39 Tract: 040400
40 Tract: 041400
41 Tract: 042400
42 Tract: 042600
43 Tract: 043200
44 Tract: 043400
45 Tract: 044000
46 Tract: 044400
47 Tract: 044601
48 Tract: 044602
49 Tract: 046000
50 Tract: 046200
51 Tract: 046400
52 Tract: 046600
53 Tract: 046800
54 Tract: 047000
55 Tract: 047200
56 Tract: 047600

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19

A. 9039--A

1 Tract: 047801
2 Tract: 047802
3 Tract: 048000
4 Tract: 048200
5 Tract: 048400
6 Tract: 049201
7 Tract: 049202
8 Tract: 049600
9 Tract: 050000
10 Tract: 050201
11 Tract: 050202
12 Tract: 050400
13 Tract: 050600
14 Tract: 050800
15 Tract: 051000
16 Tract: 051200
17 Tract: 051600
18 Tract: 051800
19 Tract: 052000
20 Tract: 052200
21 Tract: 052400
22 Tract: 052600
23 Tract: 052800
24 Tract: 053000
25 Tract: 053200
26 Tract: 053401
27 Tract: 053601
28 Tract: 053800
29 Tract: 054000
30 Tract: 054200
31 Tract: 054800
32 Tract: 055600
33 Tract: 055800
34 Tract: 056600
35 Tract: 056800
36 Tract: 058000
37 Tract: 058200
38 Tract: 059000
39 Tract: 059200
40 Tract: 059400
41 Tract: 059600
42 Tract: 059800
43 Tract: 060000
44 Tract: 060600
45 Tract: 060800
46 Tract: 061000
47 Tract: 061200
48 Tract: 061400
49 Tract: 061601
50 Tract: 061602
51 Tract: 061800
52 Tract: 062000
53 Tract: 062200
54 Tract: 062400
55 Tract: 062600
56 Tract: 063000

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20

A. 9039--A

1 Tract: 063200
 2 Tract: 063800
 3 Tract: 064600
 4 Tract: 065000
 5 Tract: 065401
 6 Tract: 065402
 7 Tract: 065600
 8 Tract: 066000
 9 Tract: 066401
 10 Tract: 066402
 11 Tract: 066403
 12 Tract: 066404
 13 Tract: 068000
 14 Tract: 068200
 15 Tract: 069000
 16 Tract: 069400
 17 Tract: 071600
 18 Tract: 078800
 19 Tract: 079000
 20 Tract: 079200
 21 Tract: 081400
 22 Tract: 081800
 23 Tract: 083800
 24 Tract: 084000
 25 Tract: 084601
 26 Tract: 084602
 27 Tract: 089201
 28 Tract: 089202
 29 Tract: 091602
 30 Tract: 091603
 31 Tract: 091604
 32 Tract: 091800
 33 Tract: 092200
 34 Tract: 092800
 35 Tract: 093401
 36 Tract: 093402
 37 Tract: 093800
 38 Tract: 094201
 39 Tract: 094202
 40 Tract: 094203
 41 Tract: 095400
 42 Tract: 096400
 43 Tract: 097202
 44 Tract: 097204
 45 Tract: 097205
 46 Tract: 097206
 47 Tract: 097207
 48 Tract: 099200
 49 Tract: 099801
 50 Tract: 099802
 51 Tract: 100801
 52 Tract: 100803
 53 Tract: 100804
 54 Tract: 101002
 55 Tract: 101003
 56 Tract: 101004

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21

A. 9039--A

1 Tract: 103201
 2 Tract: 103202
 3 Tract: 107201
 4 Tract: 107202
 5 Tract: 127700
 6 Tract: 990100
 7 Within Nassau County
 8 Within Hempstead town:
 9 Tract: 404600 Block: 2012
 10 Tract: 404800 Blocks: 1024 2010-2012 2019-2020 3000-3005 3007
 11 3009-3021 4000-4031
 12 Tract: 405200 Blocks: 1000-1017 2000-2018 3000-3017 4000-4002
 13 4004-4014 4017-4023
 14 Tract: 405400 Blocks: 3002-3004 3006-3012 3015
 15 Tract: 409900 Blocks: 1000-1008 2000-2035 3000-3020 4000-4012
 16 5000-5012 6000-6007
 17 Tract: 410000 Blocks: 1009-1012 2000-2009
 18 Tract: 410500 Blocks: 3004-3010 3021 3025-3026 4000-4018 5009
 19 5012-5021 6000-6015
 20 Tract: 410800 Blocks: 4003-4004 4010-4011
 21 Tract: 410900 Blocks: 1000-1007 2000-2016
 22 Tract: 411000 Blocks: 1001-1019 2000-2007 3000-3014 4000-4016
 23 5000-5021
 24 Tract: 411301 Blocks: 1010-1017 1022-1024
 25 Tract: 411600 Blocks: 3017-3019 3021
 26 Within Queens County
 27 Within Queens Borough:
 28 Tract: 006201 Block: 1010
 29 Tract: 006202 Blocks: 6004 7000 7007-7009
 30 Tract: 009400 Blocks: 1000 1006
 31 Tract: 009600 Blocks: 1000-1005 2000-2003 2005-2008
 32 Tract: 009800 Blocks: 1000-1005 2000-2002
 33 Tract: 011000 Blocks: 2000-2001
 34 Tract: 011800 Blocks: 1000-1002
 35 Tract: 012400 Blocks: 1000-1005 2000 2003-2005
 36 Tract: 013000 Blocks: 1003-1007 2000
 37 Tract: 013400 Blocks: 4000-4002
 38 Tract: 013800 Blocks: 2003-2007
 39 Tract: 014000 Blocks: 1000-1010 2001-2003 2005-2007
 40 Tract: 021400 Blocks: 1001 2000-2001 2007-2011 3000-3017
 41 Tract: 023200 Block: 2002
 42 Tract: 023600 Blocks: 1004 2000-2003
 43 Tract: 023800 Blocks: 1001 2000-2003 3000-3001 4000-4003
 44 Tract: 044800 Blocks: 1005-1006
 45 Tract: 045400 Blocks: 1000-1005
 46 Tract: 045600 Blocks: 1000-1001
 47 Tract: 045800 Blocks: 1000 1009-1010
 48 Tract: 055200 Blocks: 1001-1021 2000-2011
 49 Tract: 055400 Blocks: 1000-1005 2003-2006
 50 Tract: 056000 Blocks: 1006 1009-1011 2000-2008
 51 Tract: 056200 Block: 1012
 52 Tract: 056400 Blocks: 1002 1004-1012
 53 Tract: 086400 Blocks: 1000-1005 2003 2005
 54 Tract: 088400 Blocks: 0001-0003 1005 1007-1010 1012-1021 2000-2011
 55 3000-3012 4000-4012 5000-5012 6000-6011 7000-7008 8000-8010
 56 Tract: 124700 Block: 3010

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22

A. 9039--A

1 Tract: 126700 Blocks: 1000-1002 1004 1008-1009

2 6. Congressional District 6.

3 Within Queens County

4 Within Queens Borough:

5 Tract: 013600

6 Tract: 021601

7 Tract: 021603

8 Tract: 022001

9 Tract: 022002

10 Tract: 023000

11 Tract: 024700

12 Tract: 026502

13 Tract: 026902

14 Tract: 045000

15 Tract: 045200

16 Tract: 045700

17 Tract: 045900

18 Tract: 047100

19 Tract: 047300

20 Tract: 047500

21 Tract: 047900

22 Tract: 048100

23 Tract: 048301

24 Tract: 048302

25 Tract: 048500

26 Tract: 048900

27 Tract: 049301

28 Tract: 049302

29 Tract: 049500

30 Tract: 049700

31 Tract: 049900

32 Tract: 050500

33 Tract: 050700

34 Tract: 051100

35 Tract: 051300

36 Tract: 051500

37 Tract: 051700

38 Tract: 052100

39 Tract: 052500

40 Tract: 053100

41 Tract: 057900

42 Tract: 058100

43 Tract: 058700

44 Tract: 059900

45 Tract: 060100

46 Tract: 060300

47 Tract: 060701

48 Tract: 061301

49 Tract: 061302

50 Tract: 061900

51 Tract: 062100

52 Tract: 062300

53 Tract: 062500

54 Tract: 062700

55 Tract: 063301

56 Tract: 063302

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23

A. 9039--A

1 Tract: 063500
2 Tract: 063700
3 Tract: 063900
4 Tract: 064101
5 Tract: 064500
6 Tract: 065501
7 Tract: 065702
8 Tract: 065703
9 Tract: 065900
10 Tract: 066100
11 Tract: 066301
12 Tract: 066302
13 Tract: 066501
14 Tract: 066701
15 Tract: 066900
16 Tract: 067100
17 Tract: 067700
18 Tract: 067900
19 Tract: 068300
20 Tract: 068700
21 Tract: 069300
22 Tract: 069500
23 Tract: 069701
24 Tract: 069702
25 Tract: 070300
26 Tract: 070700
27 Tract: 070900
28 Tract: 071100
29 Tract: 071303
30 Tract: 071304
31 Tract: 071305
32 Tract: 071306
33 Tract: 071701
34 Tract: 071702
35 Tract: 071900
36 Tract: 072100
37 Tract: 072300
38 Tract: 072900
39 Tract: 073100
40 Tract: 073700
41 Tract: 073900
42 Tract: 074100
43 Tract: 074300
44 Tract: 074500
45 Tract: 074700
46 Tract: 074900
47 Tract: 075701
48 Tract: 075702
49 Tract: 076901
50 Tract: 076902
51 Tract: 077300
52 Tract: 077500
53 Tract: 077902
54 Tract: 077903
55 Tract: 077904
56 Tract: 077905

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S. 8172--A

24

A. 9039--A

1 Tract: 077906
2 Tract: 077907
3 Tract: 077908
4 Tract: 079300
5 Tract: 079701
6 Tract: 079702
7 Tract: 079900
8 Tract: 080301
9 Tract: 080302
10 Tract: 080900
11 Tract: 083700
12 Tract: 084500
13 Tract: 084901
14 Tract: 084902
15 Tract: 085300
16 Tract: 085500
17 Tract: 085700
18 Tract: 085900
19 Tract: 086100
20 Tract: 086300
21 Tract: 086500
22 Tract: 087100
23 Tract: 099701
24 Tract: 104700
25 Tract: 105900
26 Tract: 108500
27 Tract: 109700
28 Tract: 109900
29 Tract: 112300
30 Tract: 112900
31 Tract: 113300
32 Tract: 113900
33 Tract: 114100
34 Tract: 114700
35 Tract: 115100
36 Tract: 115500
37 Tract: 115700
38 Tract: 115900
39 Tract: 116100
40 Tract: 116301
41 Tract: 116302
42 Tract: 116700
43 Tract: 117100
44 Tract: 117500
45 Tract: 118100
46 Tract: 118500
47 Tract: 118700
48 Tract: 118900
49 Tract: 119100
50 Tract: 119300
51 Tract: 119500
52 Tract: 119900
53 Tract: 120100
54 Tract: 120300
55 Tract: 120500
56 Tract: 120701

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25

A. 9039--A

1 Tract: 120702
 2 Tract: 121100
 3 Tract: 121500
 4 Tract: 122300
 5 Tract: 122702
 6 Tract: 122703
 7 Tract: 122704
 8 Tract: 124100
 9 Tract: 125700
 10 Tract: 126500
 11 Tract: 128300
 12 Tract: 129102
 13 Tract: 129103
 14 Tract: 129104
 15 Tract: 133300
 16 Tract: 133900
 17 Tract: 134100
 18 Tract: 134701
 19 Tract: 134702
 20 Tract: 136700
 21 Tract: 137700
 22 Tract: 138501
 23 Tract: 139900
 24 Tract: 140300
 25 Tract: 140901
 26 Tract: 140902
 27 Tract: 141700
 28 Tract: 142900
 29 Tract: 143500
 30 Tract: 144100
 31 Tract: 144700
 32 Tract: 145101
 33 Tract: 145102
 34 Tract: 145900
 35 Tract: 146300
 36 Tract: 146700
 37 Tract: 147100
 38 Tract: 012800 Block: 1000
 39 Tract: 013000 Blocks: 1000-1002
 40 Tract: 013400 Blocks: 1000-1001 2000-2006 3000-3003
 41 Tract: 013800 Blocks: 1000-1003 2000-2002
 42 Tract: 014000 Blocks: 2000 2004
 43 Tract: 021400 Blocks: 1000 2002-2006
 44 Tract: 023200 Blocks: 1000-1001 2000-2001 3000-3008
 45 Tract: 023600 Blocks: 1000-1003
 46 Tract: 023800 Block: 1000
 47 Tract: 024300 Blocks: 1000-1002 1014 3000-3004 3007-3011 4000-4013
 48 Tract: 024500 Blocks: 3000-3001 3005
 49 Tract: 024900 Blocks: 1000-1008 2000-2004 3000-3002 3004-3005
 50 Tract: 025900 Blocks: 2002-2003
 51 Tract: 026100 Blocks: 4004-4007
 52 Tract: 026300 Blocks: 2000-2006 3000-3002
 53 Tract: 026501 Blocks: 1000-1002 2004-2006
 54 Tract: 026700 Blocks: 2000-2005 3004-3007
 55 Tract: 027101 Blocks: 1002 2000 3000
 56 Tract: 038302 Blocks: 1021 1032 1034-1066 1068-1088 1090-1091

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S. 8172--A

26

A. 9039--A

1 Tract: 043701 Block: 2004
 2 Tract: 043702 Block: 1000
 3 Tract: 044800 Blocks: 1000-1004 2000-2003
 4 Tract: 045400 Blocks: 2000-2007
 5 Tract: 045600 Blocks: 1002-1016
 6 Tract: 045800 Blocks: 1001-1008
 7 Tract: 046100 Blocks: 1001-1006 2004
 8 Tract: 046700 Blocks: 4001-4003
 9 Tract: 046901 Blocks: 1000-1001 2000-2001 3001
 10 Tract: 055200 Block: 1000
 11 Tract: 057700 Blocks: 1000-1003 2002-2004
 12 Tract: 058300 Blocks: 1000-1003 2000-2003
 13 Tract: 058500 Blocks: 1000-1003 2000-2004 3000 3002-3004
 14 Tract: 059300 Blocks: 1000-1005 2000-2005
 15 Tract: 059501 Block: 1000
 16 Tract: 059502 Blocks: 1000-1001 1006-1007
 17 Tract: 064102 Blocks: 1000-1011 1014-1018
 18 Tract: 086900 Blocks: 1000-1019 2001-2004 2008-2017
 19 Tract: 088902 Blocks: 1001-1003 2000-2004 3000-3003 4000-4002
 20 Tract: 088903 Blocks: 1000-1001 1004-1014 2000-2001 2004-2005
 21 3000-3002
 22 Tract: 099703 Blocks: 3005 3008-3009
 23 Tract: 099704 Blocks: 1002 3000-3004 5000-5001
 24 Tract: 099705 Blocks: 1007-1018
 25 Tract: 101700 Blocks: 1000-1002 1005-1010 2000-2009 3009-3011
 26 5000-5012
 27 Tract: 103300 Blocks: 2006-2007 3001-3009 4000-4008
 28 Tract: 109300 Blocks: 1000-1015 2001-2014 2016 3000-3013
 29 Tract: 111300 Blocks: 1002-1013 2000-2008 3000-3011
 30 Tract: 124700 Blocks: 1000-1013 2000-2011 3000-3009
 31 Tract: 126700 Blocks: 1003 1005-1007 2000-2005 3000-3007
 32 Tract: 130100 Block: 1010
 33 Tract: 138502 Blocks: 1004-1006 1016-1019 1022-1024 1026-1027
 34 7. Congressional District 7.
 35 Within Kings County
 36 Within Brooklyn Borough:
 37 Tract: 000100
 38 Tract: 000301
 39 Tract: 000501
 40 Tract: 000502
 41 Tract: 000700
 42 Tract: 001300
 43 Tract: 001501
 44 Tract: 002100
 45 Tract: 002300
 46 Tract: 002901
 47 Tract: 003101
 48 Tract: 004500
 49 Tract: 004700
 50 Tract: 004900
 51 Tract: 005100
 52 Tract: 005900
 53 Tract: 006300
 54 Tract: 006700
 55 Tract: 008500
 56 Tract: 018300

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27

A. 9039--A

1 Tract: 018501
2 Tract: 018700
3 Tract: 019100
4 Tract: 019500
5 Tract: 021100
6 Tract: 023500
7 Tract: 025500
8 Tract: 025700
9 Tract: 028501
10 Tract: 038900
11 Tract: 039100
12 Tract: 039300
13 Tract: 039500
14 Tract: 039700
15 Tract: 039900
16 Tract: 040100
17 Tract: 040300
18 Tract: 040500
19 Tract: 040700
20 Tract: 040900
21 Tract: 041100
22 Tract: 041300
23 Tract: 041500
24 Tract: 041700
25 Tract: 041900
26 Tract: 042100
27 Tract: 042300
28 Tract: 042500
29 Tract: 042700
30 Tract: 042900
31 Tract: 043100
32 Tract: 043300
33 Tract: 043500
34 Tract: 043700
35 Tract: 043900
36 Tract: 044100
37 Tract: 044300
38 Tract: 044500
39 Tract: 044700
40 Tract: 044901
41 Tract: 044902
42 Tract: 045300
43 Tract: 047700
44 Tract: 048100
45 Tract: 048500
46 Tract: 048900
47 Tract: 049100
48 Tract: 049301
49 Tract: 049302
50 Tract: 049500
51 Tract: 049700
52 Tract: 049900
53 Tract: 050100
54 Tract: 050300
55 Tract: 050500
56 Tract: 050700

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28

A. 9039--A

1 Tract: 050900
 2 Tract: 051100
 3 Tract: 051300
 4 Tract: 051500
 5 Tract: 051900
 6 Tract: 052300
 7 Tract: 052500
 8 Tract: 052700
 9 Tract: 052900
 10 Tract: 053101
 11 Tract: 053102
 12 Tract: 053300
 13 Tract: 053500
 14 Tract: 053700
 15 Tract: 053900
 16 Tract: 054300
 17 Tract: 054500
 18 Tract: 054700
 19 Tract: 054900
 20 Tract: 055100
 21 Tract: 055300
 22 Tract: 055500
 23 Tract: 059300
 24 Tract: 114201
 25 Tract: 114202
 26 Tract: 114600
 27 Tract: 116800
 28 Tract: 117000
 29 Tract: 117201
 30 Tract: 117202
 31 Tract: 117400
 32 Tract: 117601
 33 Tract: 117602
 34 Tract: 117800
 35 Tract: 118000
 36 Tract: 118201
 37 Tract: 118202
 38 Tract: 118400
 39 Tract: 118600
 40 Tract: 118800
 41 Tract: 119000
 42 Tract: 119800
 43 Tract: 120200
 44 Tract: 123700
 45 Within New York County
 46 Within Manhattan Borough:
 47 Tract: 000201
 48 Tract: 000202
 49 Tract: 001001
 50 Tract: 001002
 51 Tract: 001200
 52 Tract: 001401
 53 Tract: 001402
 54 Tract: 002000
 55 Tract: 002201
 56 Tract: 002202

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29

A. 9039--A

1 Tract: 002400
2 Tract: 002601
3 Tract: 002602
4 Tract: 002800
5 Tract: 003001
6 Tract: 003601
7 Within Queens County
8 Within Queens Borough:
9 Tract: 000200
10 Tract: 000400
11 Tract: 000600
12 Tract: 000800
13 Tract: 001000
14 Tract: 001200
15 Tract: 001400
16 Tract: 001600
17 Tract: 001800
18 Tract: 002000
19 Tract: 002200
20 Tract: 002400
21 Tract: 002600
22 Tract: 002800
23 Tract: 003000
24 Tract: 003200
25 Tract: 003400
26 Tract: 003600
27 Tract: 003800
28 Tract: 004001
29 Tract: 004002
30 Tract: 004200
31 Tract: 004401
32 Tract: 005000
33 Tract: 005200
34 Tract: 005400
35 Tract: 005800
36 Tract: 008600
37 Tract: 008800
38 Tract: 011200
39 Tract: 011400
40 Tract: 011600
41 Tract: 012601
42 Tract: 012602
43 Tract: 053501
44 Tract: 053502
45 Tract: 053901
46 Tract: 053902
47 Tract: 054500
48 Tract: 054700
49 Tract: 054900
50 Tract: 055100
51 Tract: 055300
52 Tract: 055500
53 Tract: 055700
54 Tract: 055900
55 Tract: 056100
56 Tract: 056500

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A. 9039--A

1 Tract: 056700
 2 Tract: 058900
 3 Tract: 059100
 4 Tract: 062900
 5 Within Kings County
 6 Within Brooklyn Borough:
 7 Tract: 000900 Blocks: 1000-1003 1009 2001-2002
 8 Tract: 001100 Blocks: 1000-1003 1007-1010
 9 Tract: 001502 Blocks: 1000-1010 1013-1014 1017-1018
 10 Tract: 003300 Blocks: 2000-2004 2008-2011
 11 Tract: 003500 Blocks: 1001-1002
 12 Tract: 005301 Blocks: 1000-1014 2004 2010-2013 2015
 13 Tract: 005302 Blocks: 2000-2001 3000 3005
 14 Tract: 006500 Blocks: 1000-1001 2000-2001 3001 4001 5001 6001-6002
 15 7001
 16 Tract: 019300 Blocks: 1000-1003 2000-2001 3000-3002
 17 Tract: 024100 Blocks: 1000-1006
 18 Tract: 025300 Blocks: 1000-1001 2000-2001 3000-3001
 19 Tract: 025901 Blocks: 1001-1002
 20 Tract: 026100 Blocks: 4000-4001 5000-5001
 21 Tract: 051700 Blocks: 1001-1004 2001-2004
 22 Tract: 055700 Blocks: 1000-1002 2001-2003 2008-2013
 23 Tract: 058901 Block: 2004
 24 Tract: 058902 Blocks: 1000 1002
 25 Tract: 059100 Blocks: 1000-1001 2000-2001 3000-3004 4002
 26 Tract: 114400 Blocks: 1000 1002 1006
 27 Tract: 119200 Blocks: 1000-1001 3000-3002
 28 Tract: 119600 Blocks: 1000-1002 1009
 29 Tract: 120803 Blocks: 1000-1001 1005-1011
 30 Tract: 122000 Blocks: 1000-1007 1009
 31 Within New York County
 32 Within Manhattan Borough:
 33 Tract: 000500 Blocks: 2000-2003 2007
 34 Tract: 000600 Blocks: 0001-0002 2002 2004-2006 3000-3002 4000-4001
 35 5000-5001 6000-6003
 36 Tract: 000700 Block: 9000
 37 Tract: 000800 Blocks: 0001-0002 6027-6029
 38 Tract: 000900 Blocks: 0002 2000-2001
 39 Tract: 001502 Block: 8000
 40 Tract: 001800 Blocks: 1000 2000-2007 3000-3004 4000-4001 5000-5005
 41 7000-7003
 42 Tract: 003002 Blocks: 1000-1002 2002-2003 5000 6000-6001 7000-7002
 43 Tract: 003400 Block: 1001
 44 Tract: 003400 Blocks: 2000-2001
 45 Tract: 004100 Blocks: 1000-1005 6000 6004-6005
 46 Tract: 004300 Blocks: 1000 2000-2001 3006
 47 Within Queens County
 48 Within Queens Borough:
 49 Tract: 006201 Blocks: 1000-1009 2000 3000-3001
 50 Tract: 006202 Blocks: 1000-1009 2000-2006 3000-3005 4000-4004
 51 5000-5005 6000-6003 7001-7006
 52 Tract: 009400 Blocks: 1001-1005 2000-2004
 53 Tract: 009600 Block: 2004
 54 Tract: 009800 Blocks: 2003-2005
 55 Tract: 011000 Blocks: 1000-1004 2002-2006
 56 Tract: 011800 Blocks: 1003-1004 2000-2004

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A. 9039--A

1 Tract: 012400 Blocks: 2001-2002 2006
 2 Tract: 012800 Blocks: 1001-1005 2000-2003
 3 Tract: 013000 Blocks: 2001-2005
 4 Tract: 021900 Block: 1017
 5 Tract: 057700 Blocks: 2000-2001 2005-2007 3000-3003
 6 Tract: 058300 Blocks: 3000-3003
 7 Tract: 058500 Blocks: 3001 3005-3006
 8 Tract: 059300 Blocks: 1006 2006-2008
 9 Tract: 059501 Blocks: 1001-1005 2000-2005
 10 Tract: 059502 Blocks: 1002-1005 1008-1009 2000-2011
 11 Tract: 064102 Blocks: 1012-1013 2000-2002 2004 2006
 12 Tract: 088400 Blocks: 1000-1004 1006 1011
 13 8. Congressional District 8.
 14 Within Kings County
 15 Within Brooklyn Borough:
 16 Tract: 003102
 17 Tract: 017900
 18 Tract: 018100
 19 Tract: 019700
 20 Tract: 019900
 21 Tract: 020100
 22 Tract: 022700
 23 Tract: 022900
 24 Tract: 023100
 25 Tract: 023300
 26 Tract: 024300
 27 Tract: 024500
 28 Tract: 024700
 29 Tract: 024900
 30 Tract: 025100
 31 Tract: 025902
 32 Tract: 026300
 33 Tract: 026500
 34 Tract: 026700
 35 Tract: 026900
 36 Tract: 027100
 37 Tract: 027300
 38 Tract: 027500
 39 Tract: 027700
 40 Tract: 027900
 41 Tract: 028100
 42 Tract: 028300
 43 Tract: 028502
 44 Tract: 028700
 45 Tract: 028900
 46 Tract: 029100
 47 Tract: 029300
 48 Tract: 029500
 49 Tract: 029700
 50 Tract: 029900
 51 Tract: 030100
 52 Tract: 030300
 53 Tract: 030700
 54 Tract: 030800
 55 Tract: 031402
 56 Tract: 032600

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A. 9039--A

1 Tract: 032800
2 Tract: 033000
3 Tract: 033600
4 Tract: 034000
5 Tract: 034200
6 Tract: 034800
7 Tract: 035000
8 Tract: 035200
9 Tract: 035400
10 Tract: 035601
11 Tract: 035602
12 Tract: 036001
13 Tract: 036002
14 Tract: 036200
15 Tract: 036400
16 Tract: 036501
17 Tract: 036502
18 Tract: 036600
19 Tract: 036700
20 Tract: 036900
21 Tract: 037000
22 Tract: 037100
23 Tract: 037300
24 Tract: 037401
25 Tract: 037402
26 Tract: 037500
27 Tract: 037700
28 Tract: 037900
29 Tract: 038100
30 Tract: 038200
31 Tract: 038300
32 Tract: 038500
33 Tract: 038700
34 Tract: 038800
35 Tract: 039000
36 Tract: 039200
37 Tract: 039400
38 Tract: 056600
39 Tract: 056800
40 Tract: 057000
41 Tract: 057200
42 Tract: 057400
43 Tract: 057600
44 Tract: 057800
45 Tract: 058000
46 Tract: 058200
47 Tract: 058400
48 Tract: 058600
49 Tract: 058800
50 Tract: 059000
51 Tract: 059200
52 Tract: 059402
53 Tract: 059403
54 Tract: 059404
55 Tract: 059600
56 Tract: 059800

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A. 9039--A

1 Tract: 060000
 2 Tract: 060600
 3 Tract: 060800
 4 Tract: 061002
 5 Tract: 061003
 6 Tract: 061004
 7 Tract: 061200
 8 Tract: 061600
 9 Tract: 062000
 10 Tract: 062200
 11 Tract: 062600
 12 Tract: 062800
 13 Tract: 063200
 14 Tract: 065200
 15 Tract: 065400
 16 Tract: 065800
 17 Tract: 066000
 18 Tract: 066200
 19 Tract: 066600
 20 Tract: 067000
 21 Tract: 067200
 22 Tract: 067400
 23 Tract: 067600
 24 Tract: 067800
 25 Tract: 068000
 26 Tract: 068200
 27 Tract: 068600
 28 Tract: 068800
 29 Tract: 069000
 30 Tract: 069200
 31 Tract: 069601
 32 Tract: 069602
 33 Tract: 069800
 34 Tract: 070000
 35 Tract: 070201
 36 Tract: 070202
 37 Tract: 070203
 38 Tract: 070601
 39 Tract: 070602
 40 Tract: 072000
 41 Tract: 072800
 42 Tract: 073000
 43 Tract: 073600
 44 Tract: 090800
 45 Tract: 092200
 46 Tract: 094402
 47 Tract: 095400
 48 Tract: 095600
 49 Tract: 095800
 50 Tract: 096000
 51 Tract: 096200
 52 Tract: 096400
 53 Tract: 096600
 54 Tract: 096800
 55 Tract: 097000
 56 Tract: 097400

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A. 9039--A

1 Tract: 098200
2 Tract: 098400
3 Tract: 098600
4 Tract: 098800
5 Tract: 099000
6 Tract: 099200
7 Tract: 099400
8 Tract: 099600
9 Tract: 099800
10 Tract: 100400
11 Tract: 100600
12 Tract: 100800
13 Tract: 101000
14 Tract: 101200
15 Tract: 101400
16 Tract: 101600
17 Tract: 101800
18 Tract: 102000
19 Tract: 102200
20 Tract: 102400
21 Tract: 102600
22 Tract: 102801
23 Tract: 102802
24 Tract: 103401
25 Tract: 103402
26 Tract: 105801
27 Tract: 105804
28 Tract: 107001
29 Tract: 107002
30 Tract: 107003
31 Tract: 107800
32 Tract: 109800
33 Tract: 110400
34 Tract: 110600
35 Tract: 111000
36 Tract: 111600
37 Tract: 111800
38 Tract: 112000
39 Tract: 112200
40 Tract: 112400
41 Tract: 112600
42 Tract: 112800
43 Tract: 113000
44 Tract: 113200
45 Tract: 113400
46 Tract: 115000
47 Tract: 115200
48 Tract: 115600
49 Tract: 115800
50 Tract: 116000
51 Tract: 116200
52 Tract: 116400
53 Tract: 116600
54 Tract: 119400
55 Tract: 120000
56 Tract: 120801

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A. 9039--A

1 Tract: 120802
 2 Tract: 121000
 3 Tract: 121400
 4 Tract: 003300 Blocks: 1000-1001
 5 Tract: 003500 Blocks: 1000 1003-1004 2000-2002
 6 Tract: 012902 Block: 2000
 7 Tract: 016100 Block: 2000
 8 Tract: 016300 Blocks: 1000 4000-4001
 9 Tract: 020300 Blocks: 1000-1003 2000-2001
 10 Tract: 022100 Blocks: 1000-1003 2000-2002
 11 Tract: 025300 Blocks: 3002-3003
 12 Tract: 025901 Blocks: 1000 1003
 13 Tract: 026100 Blocks: 1000-1001 2000-2002 3000-3001 4002
 14 Tract: 029400 Blocks: 1009-1010
 15 Tract: 030400 Blocks: 0001 1006-1009
 16 Tract: 030500 Blocks: 1000-1003 1006-1007
 17 Tract: 030900 Blocks: 1000-1007 2000
 18 Tract: 031100 Blocks: 1000-1003 3000-3003
 19 Tract: 031300 Blocks: 1000-1003 4000-4003
 20 Tract: 031401 Blocks: 0001 2001-2002 3000-3011 4000
 21 Tract: 031500 Blocks: 1000-1003 4000-4003
 22 Tract: 034700 Block: 1000
 23 Tract: 036300 Blocks: 1000-1003
 24 Tract: 038600 Blocks: 1000-1009 2000-2001 2004-2010
 25 Tract: 039600 Blocks: 1000-1003 2000 2002-2004
 26 Tract: 039800 Blocks: 1000 1009-1011
 27 Tract: 041401 Blocks: 2000-2001
 28 Tract: 041402 Blocks: 1004-1005 2003-2004
 29 Tract: 041600 Blocks: 1003-1004 2000-2002
 30 Tract: 055600 Blocks: 1002-1003 2001 3002-3004
 31 Tract: 055800 Blocks: 1001-1002 2003-2005
 32 Tract: 056000 Blocks: 1001-1003 2001
 33 Tract: 056200 Blocks: 1002-1003 2002-2003
 34 Tract: 063600 Blocks: 1004-1005
 35 Tract: 063800 Blocks: 2001-2003
 36 Tract: 064800 Blocks: 2000-2003
 37 Tract: 065000 Blocks: 1002-1003 2000-2007
 38 Tract: 065600 Blocks: 1000-1002 2000-2003
 39 Tract: 072200 Blocks: 1000-1008 2000-2004
 40 Tract: 072400 Blocks: 1000-1002 2000-2001 2006-2007
 41 Tract: 072600 Block: 1011
 42 Tract: 073200 Blocks: 1000-1001 1005 2000
 43 Tract: 090600 Blocks: 1000-1001 2000-2003 3000
 44 Tract: 091000 Blocks: 4000-4005
 45 Tract: 091600 Blocks: 3002-3003 4003
 46 Tract: 091800 Blocks: 2000 2007
 47 Tract: 092000 Blocks: 1001 2002-2003 3000-3001 3005-3011 4000-4002
 48 Tract: 092800 Blocks: 1001-1003 2002-2005 3000-3001
 49 Tract: 093000 Blocks: 1000-1002 2000-2006
 50 Tract: 093400 Blocks: 2002-2003 2005-2007
 51 Tract: 094401 Blocks: 2002-2005 2007 3002-3003 4000-4001
 52 Tract: 095000 Blocks: 1000-1006 2001-2004
 53 Tract: 114400 Blocks: 1001 1003-1005 1007-1020 2000-2005 3000-3005
 54 4000-4005
 55 Tract: 119200 Blocks: 1002-1003 2000-2004 3003-3005
 56 Tract: 119600 Blocks: 1003-1008 2000-2005 3000-3005 4000-4005

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A. 9039--A

- 1 Tract: 120803 Blocks: 1002-1004 1012-1013
- 2 Tract: 122000 Blocks: 1008 1010-1016 2000-2029
- 3 Tract: 990100 Blocks: 0001-0004
- 4 9. Congressional District 9.
- 5 Within Kings County
- 6 Within Brooklyn Borough:
- 7 Tract: 021300
- 8 Tract: 021500
- 9 Tract: 021700
- 10 Tract: 021900
- 11 Tract: 027000
- 12 Tract: 029800
- 13 Tract: 030600
- 14 Tract: 031701
- 15 Tract: 031702
- 16 Tract: 031900
- 17 Tract: 032100
- 18 Tract: 032300
- 19 Tract: 032500
- 20 Tract: 032700
- 21 Tract: 032900
- 22 Tract: 033100
- 23 Tract: 033300
- 24 Tract: 033500
- 25 Tract: 033701
- 26 Tract: 033702
- 27 Tract: 033900
- 28 Tract: 034100
- 29 Tract: 034300
- 30 Tract: 034500
- 31 Tract: 034901
- 32 Tract: 034902
- 33 Tract: 035101
- 34 Tract: 035102
- 35 Tract: 035301
- 36 Tract: 035302
- 37 Tract: 035500
- 38 Tract: 035701
- 39 Tract: 035702
- 40 Tract: 035900
- 41 Tract: 036100
- 42 Tract: 040000
- 43 Tract: 040200
- 44 Tract: 040400
- 45 Tract: 040600
- 46 Tract: 040800
- 47 Tract: 041000
- 48 Tract: 041200
- 49 Tract: 041800
- 50 Tract: 042000
- 51 Tract: 042200
- 52 Tract: 042400
- 53 Tract: 042600
- 54 Tract: 042800
- 55 Tract: 043000
- 56 Tract: 043200

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A. 9039--A

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2 Tract: 043600
3 Tract: 043800
4 Tract: 044000
5 Tract: 044200
6 Tract: 044400
7 Tract: 044600
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9 Tract: 045000
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11 Tract: 045400
12 Tract: 045600
13 Tract: 045800
14 Tract: 046000
15 Tract: 046201
16 Tract: 046202
17 Tract: 048000
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22 Tract: 049400
23 Tract: 050600
24 Tract: 050801
25 Tract: 050803
26 Tract: 050804
27 Tract: 051001
28 Tract: 051002
29 Tract: 051200
30 Tract: 051400
31 Tract: 051601
32 Tract: 051602
33 Tract: 051800
34 Tract: 052000
35 Tract: 052600
36 Tract: 052800
37 Tract: 053000
38 Tract: 053200
39 Tract: 053400
40 Tract: 053800
41 Tract: 054200
42 Tract: 054400
43 Tract: 054600
44 Tract: 054800
45 Tract: 055000
46 Tract: 055200
47 Tract: 055400
48 Tract: 056400
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52 Tract: 064600
53 Tract: 073400
54 Tract: 073800
55 Tract: 074000
56 Tract: 074200

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A. 9039--A

1 Tract: 074400
2 Tract: 074600
3 Tract: 074800
4 Tract: 075000
5 Tract: 075200
6 Tract: 075400
7 Tract: 075600
8 Tract: 075800
9 Tract: 076000
10 Tract: 076200
11 Tract: 076400
12 Tract: 076600
13 Tract: 076800
14 Tract: 077000
15 Tract: 077200
16 Tract: 077400
17 Tract: 077600
18 Tract: 078000
19 Tract: 078200
20 Tract: 078400
21 Tract: 078601
22 Tract: 078602
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53 Tract: 084000
54 Tract: 084600
55 Tract: 084800
56 Tract: 085000

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A. 9039--A

1 Tract: 085200
 2 Tract: 085400
 3 Tract: 085600
 4 Tract: 085800
 5 Tract: 086000
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 23 Tract: 089400
 24 Tract: 089600
 25 Tract: 089800
 26 Tract: 090000
 27 Tract: 090200
 28 Tract: 091200
 29 Tract: 092400
 30 Tract: 093200
 31 Tract: 093600
 32 Tract: 093800
 33 Tract: 094600
 34 Tract: 152200
 35 Tract: 017700 Block: 1013
 36 Tract: 020500 Blocks: 1000-1001 2000-2001 3000-3001
 37 Tract: 020700 Blocks: 1000-1001
 38 Tract: 022100 Blocks: 1004-1005 2000-2002 3000-3002
 39 Tract: 024600 Blocks: 1000-1002 2001-2002 3000-3002
 40 Tract: 025400 Blocks: 1000-1002 2000-2003 3003
 41 Tract: 025600 Blocks: 1000-1005 2003
 42 Tract: 025800 Blocks: 1000-1002 2000-2002
 43 Tract: 026600 Blocks: 1000-1002 2002
 44 Tract: 026800 Blocks: 1000-1001 2000-2003 4000-4001
 45 Tract: 027200 Blocks: 1000-1001 2000-2001 3000
 46 Tract: 029600 Block: 1000
 47 Tract: 030000 Blocks: 1001 2000-2001 3000-3001 4000-4001 5000-5001
 48 6000
 49 Tract: 030200 Blocks: 1002-1003 2000-2002 3000-3002
 50 Tract: 030400 Blocks: 1000-1005 1010 2001-2004 3000-3008
 51 Tract: 030500 Blocks: 1004-1005 1008 2000-2002 3000-3002 4000-4002
 52 Tract: 030900 Blocks: 2001-2002
 53 Tract: 031100 Blocks: 1004 2000-2002
 54 Tract: 031300 Blocks: 2000-2002 3000-3002
 55 Tract: 031401 Blocks: 1000-1005 2000 5000-5001 6000-6001
 56 Tract: 031500 Blocks: 2000-2001 3000-3001

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A. 9039--A

1 Tract: 034700 Blocks: 1001-1002 2000-2001 3000-3001
 2 Tract: 036300 Blocks: 1004-1006 2000-2003 3000-3004 4000-4001
 3 Tract: 038600 Blocks: 2002-2003
 4 Tract: 039600 Block: 2001
 5 Tract: 039800 Blocks: 1001-1008 2000-2005
 6 Tract: 041401 Blocks: 1000-1003 2002
 7 Tract: 041402 Blocks: 1000-1003 2000-2002
 8 Tract: 041600 Blocks: 1000-1007
 9 Tract: 046800 Blocks: 1002-1005
 10 Tract: 048800 Blocks: 1000 1003 2000 3000-3001
 11 Tract: 049600 Blocks: 1000-1001
 12 Tract: 055600 Blocks: 1000-1001 2000 3000-3001
 13 Tract: 055800 Blocks: 1000 2000-2002
 14 Tract: 056000 Blocks: 1000 2000 3000-3001
 15 Tract: 056200 Blocks: 1000-1001 2000-2001
 16 Tract: 063600 Blocks: 1000-1003
 17 Tract: 063800 Blocks: 1000-1003 2000
 18 Tract: 064800 Blocks: 1000-1004
 19 Tract: 065000 Blocks: 1000-1001
 20 Tract: 065600 Block: 1003
 21 Tract: 072200 Block: 2005
 22 Tract: 072400 Blocks: 2002-2005
 23 Tract: 072600 Blocks: 1000-1010 1012-1018
 24 Tract: 073200 Blocks: 1002-1004 1006 2001-2005
 25 Tract: 090600 Block: 2004
 26 Tract: 091000 Blocks: 1000-1001 2000 3000
 27 Tract: 091600 Blocks: 1000-1002 2000-2003 3000-3001 4000-4002
 28 Tract: 091800 Blocks: 1000-1005 2001-2006
 29 Tract: 092000 Blocks: 1000 2000-2001 3002-3004
 30 Tract: 092800 Blocks: 1000 2000-2001
 31 Tract: 093000 Block: 1003
 32 Tract: 093400 Blocks: 1000-1004 2000-2001 2004
 33 Tract: 094401 Blocks: 1000-1001 2000-2001 2006 3000-3001
 34 Tract: 095000 Block: 2000
 35 10. Congressional District 10.
 36 Within Kings County
 37 Within Brooklyn Borough:
 38 Tract: 003700
 39 Tract: 005303
 40 Tract: 009402
 41 Tract: 010401
 42 Tract: 010402
 43 Tract: 010601
 44 Tract: 010602
 45 Tract: 010801
 46 Tract: 010802
 47 Tract: 011400
 48 Tract: 011600
 49 Tract: 011800
 50 Tract: 012801
 51 Tract: 013200
 52 Tract: 017100
 53 Tract: 017400
 54 Tract: 017600
 55 Tract: 017800
 56 Tract: 018000

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S. 8172--A

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A. 9039--A

1 Tract: 018200
2 Tract: 018400
3 Tract: 018600
4 Tract: 018800
5 Tract: 019000
6 Tract: 019200
7 Tract: 019400
8 Tract: 019600
9 Tract: 019800
10 Tract: 020000
11 Tract: 020200
12 Tract: 020400
13 Tract: 020600
14 Tract: 020800
15 Tract: 021000
16 Tract: 021200
17 Tract: 021400
18 Tract: 021600
19 Tract: 021800
20 Tract: 022000
21 Tract: 022200
22 Tract: 022400
23 Tract: 022600
24 Tract: 022800
25 Tract: 023000
26 Tract: 023200
27 Tract: 023400
28 Tract: 023600
29 Tract: 023800
30 Tract: 024000
31 Tract: 024200
32 Tract: 024400
33 Tract: 024800
34 Tract: 025000
35 Tract: 025200
36 Tract: 026000
37 Tract: 026200
38 Tract: 026400
39 Tract: 027400
40 Tract: 027600
41 Tract: 027800
42 Tract: 028400
43 Tract: 028800
44 Tract: 029000
45 Tract: 047000
46 Tract: 047200
47 Tract: 047400
48 Tract: 047600
49 Tract: 047800
50 Tract: 048600
51 Tract: 049800
52 Tract: 050001
53 Tract: 050002
54 Tract: 050202
55 Tract: 050401
56 Tract: 050402

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42

A. 9039--A

1 Within New York County
 2 Within Manhattan Borough:
 3 Tract: 000100
 4 Tract: 001300
 5 Tract: 001501
 6 Tract: 001600
 7 Tract: 002100
 8 Tract: 002500
 9 Tract: 002700
 10 Tract: 002901
 11 Tract: 002902
 12 Tract: 003900
 13 Tract: 006900
 14 Tract: 007500
 15 Tract: 007900
 16 Tract: 009901
 17 Tract: 009902
 18 Tract: 009903
 19 Tract: 011700
 20 Tract: 012102
 21 Tract: 012901
 22 Tract: 012902
 23 Tract: 013501
 24 Tract: 013502
 25 Tract: 014700
 26 Tract: 015101
 27 Tract: 015102
 28 Tract: 015302
 29 Tract: 015501
 30 Tract: 015502
 31 Tract: 015900
 32 Tract: 016300
 33 Tract: 016700
 34 Tract: 017100
 35 Tract: 017300
 36 Tract: 017500
 37 Tract: 017700
 38 Tract: 017900
 39 Tract: 018100
 40 Tract: 018300
 41 Tract: 018500
 42 Tract: 018700
 43 Tract: 019100
 44 Tract: 019500
 45 Tract: 019900
 46 Tract: 020101
 47 Tract: 020300
 48 Tract: 020500
 49 Tract: 020701
 50 Tract: 031703
 51 Tract: 031704
 52 Tract: 031900
 53 Within Kings County
 54 Within Brooklyn Borough:
 55 Tract: 000900 Blocks: 1004-1008 2000 2003-2004
 56 Tract: 001100 Blocks: 1004-1006 1011

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A. 9039--A

1 Tract: 005102 Blocks: 1011-1012 1015-1016
 2 Tract: 001801 Blocks: 0001-0002
 3 Tract: 001802 Block: 0001
 4 Tract: 003300 Blocks: 2005-2007
 5 Tract: 003900 Blocks: 1000-1003 2000 3000
 6 Tract: 004300 Blocks: 1000 2001 4000-4005
 7 Tract: 005301 Blocks: 0002 2000-2003 2005-2009 2014 2016-2018
 8 Tract: 005302 Blocks: 0002 0004 1000-1013 2002-2013 3001-3004
 9 Tract: 006500 Blocks: 3000 4000 5000 6000 6003 7000 7002-7006
 10 Tract: 006901 Blocks: 2000-2001
 11 Tract: 006902 Blocks: 2000-2002
 12 Tract: 007500 Blocks: 1003 2004 5000-5002
 13 Tract: 007700 Blocks: 3002-3006 3009-3012 4000-4003
 14 Tract: 009002 Block: 1001
 15 Tract: 009202 Blocks: 2000-2001
 16 Tract: 009401 Blocks: 1001 2000-2001
 17 Tract: 009800 Blocks: 3000-3001
 18 Tract: 010000 Blocks: 1000-1001 2000-2001
 19 Tract: 010200 Blocks: 1000-1002 2002
 20 Tract: 011000 Blocks: 1000-1002 1005-1007 2000-2001
 21 Tract: 011200 Blocks: 1001-1006 2000-2001 3000-3001 4001
 22 Tract: 012000 Blocks: 1000-1005 1007-1012
 23 Tract: 012901 Blocks: 1000-1001 2000-2001 4000-4001
 24 Tract: 012902 Blocks: 2001-2006
 25 Tract: 014000 Blocks: 1000-1001
 26 Tract: 014800 Block: 1000
 27 Tract: 015900 Blocks: 5000-5002 5004 6000
 28 Tract: 016100 Blocks: 1000-1003 3000-3001 4000-4001
 29 Tract: 016300 Blocks: 2000-2002 3000-3001 4000
 30 Tract: 016600 Blocks: 1000-1001 2000-2002
 31 Tract: 016800 Blocks: 0001 1002-1005 1007-1009
 32 Tract: 016900 Blocks: 1000-1001
 33 Tract: 017000 Blocks: 1000-1002 2000-2001 3000
 34 Tract: 017200 Blocks: 1000-1007 2000-2002 2004-2005
 35 Tract: 017500 Block: 1001
 36 Tract: 017700 Blocks: 1000-1012 1014
 37 Tract: 020300 Blocks: 1004-1005 2002
 38 Tract: 020500 Blocks: 1002 2002 3002
 39 Tract: 020700 Blocks: 2000-2002 3000-3001
 40 Tract: 024600 Block: 2000
 41 Tract: 025400 Blocks: 3000-3002
 42 Tract: 025600 Blocks: 2000-2002
 43 Tract: 025800 Blocks: 3000-3002
 44 Tract: 026600 Blocks: 2000-2001 3000-3002
 45 Tract: 026800 Blocks: 3000-3003
 46 Tract: 027200 Blocks: 3001-3002
 47 Tract: 028000 Blocks: 1000-1004 2000-2005
 48 Tract: 028200 Blocks: 1000-1005 2000-2003 3000-3001
 49 Tract: 028600 Blocks: 0002 1000-1003 2000 3000 4000-4002 5000-5002
 50 Tract: 029200 Blocks: 1000-1002 2000-2003 3000-3003
 51 Tract: 029400 Blocks: 1000-1008
 52 Tract: 029600 Blocks: 1001-1002 2000-2002 3000-3002 4000-4001
 53 Tract: 030000 Block: 1000
 54 Tract: 030200 Blocks: 1000-1001 2000
 55 Tract: 030400 Block: 2000
 56 Tract: 046400 Blocks: 1000-1002 2000-2002

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A. 9039--A

1 Tract: 046800 Blocks: 1000-1001
 2 Tract: 048800 Blocks: 1001-1002 2001
 3 Tract: 049600 Blocks: 1002-1004 2000-2002 3000-3004
 4 Tract: 150200 Blocks: 1000-1004 2000-2006 3009-3012
 5 Within New York County
 6 Within Manhattan Borough:
 7 Tract: 000500 Blocks: 0001-0004 1000-1031 2004-2006
 8 Tract: 000600 Blocks: 1000-1002 2000-2001 2003
 9 Tract: 000700 Blocks: 0001 1000-1005 2000 3000 4000-4004 5000-5001
 10 6000-6002 7000-7008 8000-8002
 11 Tract: 000800 Blocks: 1000-1001 2000 3000 4000 5000-5003 6000-6026
 12 Tract: 000900 Blocks: 0001 1000-1023
 13 Tract: 001502 Blocks: 0001 1000-1004 2000-2007 3000-3003 4000-4006
 14 5000 6000-6001 7000-7002
 15 Tract: 001800 Blocks: 1001-1004 5006 6000-6001
 16 Tract: 003100 Blocks: 1001-1003 1011-1012 2000-2010
 17 Tract: 003300 Blocks: 1007 1011-1012 2000-2003 2010 2013-2019
 18 3002-3004
 19 Tract: 003700 Blocks: 0001-0004 1000-1018 3009-3010 3014-3015
 20 Tract: 004100 Blocks: 2000-2002 3000-3002 4000-4002 5000 5002-5005
 21 Tract: 004500 Blocks: 1007 1009-1011
 22 Tract: 004700 Block: 2010
 23 Tract: 008300 Blocks: 3000-3003
 24 Tract: 008900 Blocks: 3000-3001 4000-4001
 25 Tract: 009300 Blocks: 3000 4000 5000-5001 6000-6001 7000
 26 Tract: 009700 Blocks: 2000-2002
 27 Tract: 010300 Blocks: 1000-1011
 28 Tract: 011100 Blocks: 2000-2008 3000-3007
 29 Tract: 011500 Blocks: 2000-2008
 30 Tract: 012700 Blocks: 3000-3001 4000-4002
 31 Tract: 013300 Blocks: 3000-3001 4000-4001
 32 Tract: 013900 Blocks: 1000 2000 3000-3001
 33 Tract: 014300 Blocks: 1005-1007 1012-1014
 34 Tract: 014500 Blocks: 1000-1002 2000
 35 Tract: 014900 Blocks: 1000-1003
 36 Tract: 015700 Blocks: 5000 6000 7000-7001 8000-8001
 37 Tract: 016100 Blocks: 1000-1002 5000 6000
 38 Tract: 016500 Blocks: 2000 3000 4000 5000
 39 Tract: 016900 Blocks: 1000 3000-3001 4000-4001
 40 Tract: 019701 Blocks: 1001-1002
 41 11. Congressional District 11.
 42 All of Richmond County
 43 Within Kings County
 44 Within Brooklyn Borough:
 45 Tract: 000200
 46 Tract: 001803
 47 Tract: 001804
 48 Tract: 002000
 49 Tract: 002200
 50 Tract: 003000
 51 Tract: 003400
 52 Tract: 003600
 53 Tract: 003800
 54 Tract: 004100
 55 Tract: 004400
 56 Tract: 004600

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A. 9039--A

1 Tract: 005000
2 Tract: 005201
3 Tract: 005202
4 Tract: 005400
5 Tract: 005601
6 Tract: 005602
7 Tract: 005800
8 Tract: 006000
9 Tract: 006200
10 Tract: 006400
11 Tract: 006600
12 Tract: 006800
13 Tract: 007000
14 Tract: 007100
15 Tract: 007200
16 Tract: 007400
17 Tract: 007600
18 Tract: 007800
19 Tract: 008000
20 Tract: 008200
21 Tract: 008400
22 Tract: 008600
23 Tract: 008800
24 Tract: 009001
25 Tract: 009201
26 Tract: 009600
27 Tract: 010100
28 Tract: 011700
29 Tract: 011901
30 Tract: 011902
31 Tract: 012100
32 Tract: 012200
33 Tract: 012600
34 Tract: 012700
35 Tract: 013000
36 Tract: 013100
37 Tract: 013300
38 Tract: 013400
39 Tract: 013500
40 Tract: 013600
41 Tract: 013700
42 Tract: 013800
43 Tract: 013900
44 Tract: 014101
45 Tract: 014102
46 Tract: 014200
47 Tract: 014300
48 Tract: 014500
49 Tract: 014700
50 Tract: 014901
51 Tract: 014902
52 Tract: 015000
53 Tract: 015100
54 Tract: 015200
55 Tract: 015300
56 Tract: 015400

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A. 9039--A

1 Tract: 015500
 2 Tract: 015700
 3 Tract: 016000
 4 Tract: 016200
 5 Tract: 016400
 6 Tract: 016500
 7 Tract: 016700
 8 Tract: 001801 Blocks: 1000-1010 2000-2003
 9 Tract: 001802 Blocks: 1000-1011
 10 Tract: 003900 Blocks: 2001-2002 3001-3002
 11 Tract: 004300 Blocks: 2000 2002 3000-3003
 12 Tract: 005301 Block: 0001
 13 Tract: 005302 Blocks: 0001 0003
 14 Tract: 006901 Blocks: 1000-1001
 15 Tract: 006902 Blocks: 1000-1003
 16 Tract: 007500 Blocks: 1000-1002 2000-2003 3000-3006 4000-4001
 17 Tract: 007700 Blocks: 1000-1004 2000-2005 3000-3001 3007-3008 3013
 18 Tract: 009002 Blocks: 1000 1002-1003
 19 Tract: 009202 Blocks: 1000-1001
 20 Tract: 009401 Block: 1000
 21 Tract: 009800 Blocks: 1000-1001 2000-2001 4000-4001
 22 Tract: 010000 Blocks: 3000-3001 4000-4001
 23 Tract: 010200 Blocks: 2000-2001 3000-3001
 24 Tract: 011000 Blocks: 1003-1004 2002-2003
 25 Tract: 011200 Blocks: 1000 4000
 26 Tract: 012000 Block: 1006
 27 Tract: 012901 Blocks: 3000-3002
 28 Tract: 012902 Blocks: 1000-1001
 29 Tract: 014000 Blocks: 1002-1003 2000-2007
 30 Tract: 014800 Blocks: 1001-1002 2000-2003
 31 Tract: 015900 Blocks: 1000-1002 2000-2002 3000-3001 4000-4001 5003
 32 6001-6004
 33 Tract: 016100 Blocks: 4002-4004
 34 Tract: 016600 Blocks: 1002-1006 2003-2006
 35 Tract: 016800 Blocks: 1000-1001 1006
 36 Tract: 016900 Blocks: 2000-2001 3000-3003 4000-4001 5000-5001
 37 Tract: 017000 Blocks: 2002-2003 3001-3003
 38 Tract: 017200 Block: 2003
 39 Tract: 017500 Block: 1000
 40 Tract: 028000 Block: 0001
 41 Tract: 028200 Block: 0001
 42 Tract: 028600 Block: 0001
 43 Tract: 029200 Block: 1000
 44 Tract: 029400 Block: 1000
 45 Tract: 030400 Block: 0002
 46 Tract: 150200 Blocks: 3000-3008
 47 Tract: 990100 Blocks: 0005-0008
 48 12. Congressional District 12.
 49 Within Kings County
 50 Within Brooklyn Borough:
 51 Tract: 056100
 52 Tract: 056301
 53 Tract: 056302
 54 Tract: 056500
 55 Tract: 056900
 56 Tract: 057100

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A. 9039--A

1 Tract: 057300
 2 Tract: 057500
 3 Tract: 057901
 4 Tract: 057902
 5 Within New York County
 6 Within Manhattan Borough:
 7 Tract: 003602
 8 Tract: 003800
 9 Tract: 004001
 10 Tract: 004002
 11 Tract: 004200
 12 Tract: 004400
 13 Tract: 004800
 14 Tract: 004900
 15 Tract: 005000
 16 Tract: 005200
 17 Tract: 005400
 18 Tract: 005501
 19 Tract: 005502
 20 Tract: 005600
 21 Tract: 005700
 22 Tract: 005800
 23 Tract: 005900
 24 Tract: 006000
 25 Tract: 006100
 26 Tract: 006200
 27 Tract: 006300
 28 Tract: 006400
 29 Tract: 006500
 30 Tract: 006600
 31 Tract: 006700
 32 Tract: 006800
 33 Tract: 007001
 34 Tract: 007002
 35 Tract: 007100
 36 Tract: 007200
 37 Tract: 007300
 38 Tract: 007400
 39 Tract: 007600
 40 Tract: 007700
 41 Tract: 007800
 42 Tract: 008000
 43 Tract: 008100
 44 Tract: 008200
 45 Tract: 008400
 46 Tract: 008601
 47 Tract: 008602
 48 Tract: 008603
 49 Tract: 008700
 50 Tract: 008800
 51 Tract: 009000
 52 Tract: 009100
 53 Tract: 009200
 54 Tract: 009400
 55 Tract: 009500
 56 Tract: 009600

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S. 8172--A

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A. 9039--A

1 Tract: 009800
2 Tract: 010000
3 Tract: 010100
4 Tract: 010200
5 Tract: 010400
6 Tract: 010601
7 Tract: 010602
8 Tract: 010801
9 Tract: 010802
10 Tract: 010803
11 Tract: 010900
12 Tract: 011000
13 Tract: 011201
14 Tract: 011202
15 Tract: 011203
16 Tract: 011300
17 Tract: 011401
18 Tract: 011402
19 Tract: 011600
20 Tract: 011800
21 Tract: 011900
22 Tract: 012000
23 Tract: 012101
24 Tract: 012200
25 Tract: 012400
26 Tract: 012500
27 Tract: 012601
28 Tract: 012602
29 Tract: 012800
30 Tract: 013000
31 Tract: 013100
32 Tract: 013201
33 Tract: 013202
34 Tract: 013203
35 Tract: 013400
36 Tract: 013601
37 Tract: 013602
38 Tract: 013603
39 Tract: 013604
40 Tract: 013700
41 Tract: 013800
42 Tract: 014000
43 Tract: 014200
44 Tract: 014401
45 Tract: 014402
46 Tract: 014601
47 Tract: 014602
48 Tract: 014801
49 Tract: 014802
50 Tract: 015001
51 Tract: 015002
52 Tract: 015200
53 Tract: 015301
54 Tract: 015401
55 Tract: 015402
56 Tract: 015403

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S. 8172--A

49

A. 9039--A

1 Tract: 015601
 2 Tract: 015602
 3 Tract: 015801
 4 Tract: 015802
 5 Tract: 016001
 6 Tract: 016002
 7 Tract: 023802
 8 Tract: 023803
 9 Tract: 023804
 10 Tract: 024000
 11 Within Queens County
 12 Within Queens Borough:
 13 Tract: 000101
 14 Tract: 000102
 15 Tract: 000103
 16 Tract: 000701
 17 Tract: 000702
 18 Tract: 001901
 19 Tract: 001903
 20 Tract: 002500
 21 Tract: 003302
 22 Tract: 003700
 23 Tract: 003900
 24 Tract: 004300
 25 Tract: 004500
 26 Tract: 004700
 27 Tract: 007500
 28 Tract: 007700
 29 Tract: 008500
 30 Tract: 008700
 31 Within Kings County
 32 Within Brooklyn Borough:
 33 Tract: 051700 Blocks: 1000 2000
 34 Tract: 055700 Blocks: 2000 2004-2007
 35 Tract: 058901 Blocks: 1000-1003 2000-2003
 36 Tract: 058902 Block: 1001
 37 Tract: 059100 Blocks: 4000-4001
 38 Within New York County
 39 Within Manhattan Borough:
 40 Tract: 003002 Blocks: 2000-2001
 41 Tract: 003100 Blocks: 1000 1004-1010
 42 Tract: 003200 Blocks: 1000-1001 2000 3000-3001 4000
 43 Tract: 003300 Blocks: 1000-1006 1008-1010 2004-2009 2011-2012
 44 3000-3001 4000-4005
 45 Tract: 003400 Blocks: 1000 3000-3002 4000-4001
 46 Tract: 003700 Blocks: 2000-2006 3000-3008 3011-3013 3016-3017
 47 Tract: 004100 Blocks: 5001 6001-6003
 48 Tract: 004300 Blocks: 1001-1004 3000-3005
 49 Tract: 004500 Blocks: 1000-1006 1008
 50 Tract: 004700 Blocks: 1000-1003 2000-2009 2011-2014
 51 Tract: 008300 Blocks: 1000-1001 2000-2002
 52 Tract: 008900 Blocks: 1000 2000-2001 5000
 53 Tract: 009300 Blocks: 1000-1002 2000-2001
 54 Tract: 009700 Blocks: 1000-1002 3000 4000
 55 Tract: 010300 Blocks: 1012 2000-2002
 56 Tract: 011100 Blocks: 1000-1004

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A. 9039--A

1 Tract: 011500 Blocks: 1000-1003
 2 Tract: 012700 Blocks: 1000-1001 2000-2001 5000
 3 Tract: 013300 Blocks: 1000 2000-2001 5000-5001
 4 Tract: 013900 Blocks: 4000-4002 5000 6000 7000
 5 Tract: 014300 Blocks: 1010-1011 1015-1033
 6 Tract: 014500 Blocks: 3000-3002 4000-4002 5000-5001
 7 Tract: 014900 Blocks: 1004 2000 3000 4000-4001 5000
 8 Tract: 015700 Blocks: 1000 2000-2001 3000 4000
 9 Tract: 016100 Blocks: 2000-2001 3000 4000
 10 Tract: 016200 Blocks: 0001-0003 5002-5008
 11 Tract: 016400 Blocks: 2000-2002 3000-3002
 12 Tract: 016500 Blocks: 1000-1001
 13 Tract: 016600 Blocks: 3000-3001 6000-6003
 14 Tract: 016900 Blocks: 2000 5000 6000
 15 Tract: 017800 Block: 0001
 16 Tract: 019200 Blocks: 0001-0003
 17 Within Queens County
 18 Within Queens Borough:
 19 Tract: 000104 Blocks: 1000-1030 1032-1037
 20 Tract: 001902 Blocks: 1000-1015
 21 Tract: 003100 Blocks: 1000-1004 2000 2006-2008
 22 Tract: 003301 Blocks: 1000-1002 1004-1014
 23 Tract: 005100 Blocks: 1000-1002 2000-2005
 24 Tract: 005300 Blocks: 1000-1002 2000-2002 3000-3001 4000-4002
 25 Tract: 005700 Block: 2000
 26 Tract: 005900 Block: 3000
 27 Tract: 006100 Block: 1000
 28 Tract: 008100 Blocks: 1002 1007-1008
 29 Tract: 009100 Blocks: 1001-1002
 30 Tract: 017101 Blocks: 1014-1015
 31 Tract: 017902 Blocks: 1010-1011 1026
 32 13. Congressional District 13.
 33 Within Bronx County
 34 Within Bronx Borough:
 35 Tract: 022901
 36 Tract: 022902
 37 Tract: 023100
 38 Tract: 023302
 39 Tract: 023501
 40 Tract: 023502
 41 Tract: 023702
 42 Tract: 023703
 43 Tract: 023704
 44 Tract: 023900
 45 Tract: 024100
 46 Tract: 024501
 47 Tract: 024502
 48 Tract: 024900
 49 Tract: 025100
 50 Tract: 025300
 51 Tract: 025500
 52 Tract: 026100
 53 Tract: 026300
 54 Tract: 026500
 55 Tract: 026701
 56 Tract: 026702

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S. 8172--A

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A. 9039--A

1 Tract: 026900
 2 Tract: 027300
 3 Tract: 027700
 4 Tract: 027900
 5 Tract: 037900
 6 Tract: 038100
 7 Tract: 038301
 8 Tract: 038303
 9 Tract: 038304
 10 Tract: 039901
 11 Tract: 039902
 12 Tract: 040100
 13 Tract: 040302
 14 Tract: 040303
 15 Tract: 040304
 16 Tract: 040501
 17 Tract: 040701
 18 Within New York County
 19 Within Manhattan Borough:
 20 Tract: 016800
 21 Tract: 017000
 22 Tract: 017200
 23 Tract: 017401
 24 Tract: 017402
 25 Tract: 018000
 26 Tract: 018200
 27 Tract: 018400
 28 Tract: 018600
 29 Tract: 018800
 30 Tract: 018900
 31 Tract: 019000
 32 Tract: 019300
 33 Tract: 019400
 34 Tract: 019600
 35 Tract: 019702
 36 Tract: 019800
 37 Tract: 020000
 38 Tract: 020102
 39 Tract: 020600
 40 Tract: 020800
 41 Tract: 020901
 42 Tract: 021000
 43 Tract: 021100
 44 Tract: 021200
 45 Tract: 021303
 46 Tract: 021400
 47 Tract: 021500
 48 Tract: 021600
 49 Tract: 021703
 50 Tract: 021800
 51 Tract: 021900
 52 Tract: 022000
 53 Tract: 022102
 54 Tract: 022200
 55 Tract: 022301
 56 Tract: 022302

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S. 8172--A

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A. 9039--A

1 Tract: 022400
 2 Tract: 022500
 3 Tract: 022600
 4 Tract: 022700
 5 Tract: 022800
 6 Tract: 022900
 7 Tract: 023000
 8 Tract: 023100
 9 Tract: 023200
 10 Tract: 023300
 11 Tract: 023400
 12 Tract: 023501
 13 Tract: 023502
 14 Tract: 023600
 15 Tract: 023700
 16 Tract: 023900
 17 Tract: 024100
 18 Tract: 024200
 19 Tract: 024301
 20 Tract: 024302
 21 Tract: 024500
 22 Tract: 024700
 23 Tract: 024900
 24 Tract: 025100
 25 Tract: 025300
 26 Tract: 025500
 27 Tract: 025700
 28 Tract: 025900
 29 Tract: 026100
 30 Tract: 026300
 31 Tract: 026500
 32 Tract: 026700
 33 Tract: 026900
 34 Tract: 027100
 35 Tract: 027300
 36 Tract: 027500
 37 Tract: 027700
 38 Tract: 027900
 39 Tract: 028100
 40 Tract: 028300
 41 Tract: 028500
 42 Tract: 028700
 43 Tract: 029100
 44 Tract: 029300
 45 Tract: 029500
 46 Tract: 029700
 47 Tract: 029900
 48 Tract: 030300
 49 Tract: 030700
 50 Tract: 030900
 51 Tract: 031100
 52 Within Bronx County
 53 Within Bronx Borough:
 54 Tract: 016500 Blocks: 1001-1006 1010-1015 1019
 55 Tract: 016700 Blocks: 2000-2002 2004-2005
 56 Tract: 016900 Blocks: 1000-1001

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S. 8172--A

53

A. 9039--A

1 Tract: 017100 Block: 1001
 2 Tract: 021501 Blocks: 1000 2000
 3 Tract: 022701 Blocks: 2000-2004 3000 3006-3008
 4 Tract: 022702 Block: 1000
 5 Tract: 022703 Blocks: 1000 1006
 6 Tract: 023301 Blocks: 1001-1002 2000-2003 4000-4001
 7 Tract: 024300 Blocks: 1000-1001 2000 3000 4000
 8 Tract: 024700 Block: 1000
 9 Tract: 025700 Blocks: 1000-1005
 10 Tract: 028100 Blocks: 1000-1001 2000-2001 3001-3002
 11 Tract: 028300 Blocks: 1000-1005 2000 2002-2009
 12 Tract: 028500 Blocks: 4000-4001 4004-4008
 13 Tract: 028700 Blocks: 1001-1004 2000 3000-3001
 14 Tract: 028900 Blocks: 1000-1005 2000 3001-3004 3006 4000-4001
 15 Tract: 037504 Blocks: 1000-1007 2001-2002 3000-3001 3004-3005
 16 Tract: 038500 Blocks: 1000-1009 2000-2002 3001-3006 4000-4006
 17 Tract: 039500 Blocks: 1000-1005 2000-2004 3000-3006 4001-4012
 18 Tract: 040502 Blocks: 1000 2000 5000 6000-6001
 19 Tract: 040702 Blocks: 2000 3000-3003 4000-4002 5000
 20 Tract: 040900 Blocks: 1005-1007 2000-2002
 21 Within New York County
 22 Within Manhattan Borough:
 23 Tract: 014300 Blocks: 1000-1004 1008-1009
 24 Tract: 016200 Blocks: 1000-1002 2000 3000-3001 4000-4001 5000-5001
 25 Tract: 016400 Blocks: 1000-1001 4000
 26 Tract: 016600 Blocks: 1000-1001 2000-2001 4000-4001 5000-5001
 27 Tract: 017800 Blocks: 1000-1001 2000-2002 3000-3008
 28 Tract: 019200 Blocks: 1000-1006 2000 3000
 29 Tract: 019701 Block: 1000
 30 14. Congressional District 14.
 31 Within Bronx County
 32 Within Bronx Borough:
 33 Tract: 006000
 34 Tract: 011000
 35 Tract: 014400
 36 Tract: 015200
 37 Tract: 016600
 38 Tract: 019400
 39 Tract: 020000
 40 Tract: 020200
 41 Tract: 020400
 42 Tract: 020601
 43 Tract: 021001
 44 Tract: 021002
 45 Tract: 021200
 46 Tract: 021601
 47 Tract: 021800
 48 Tract: 022000
 49 Tract: 022200
 50 Tract: 022401
 51 Tract: 022403
 52 Tract: 022404
 53 Tract: 022800
 54 Tract: 023000
 55 Tract: 023200
 56 Tract: 023600

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A. 9039--A

1 Tract: 023800
 2 Tract: 024000
 3 Tract: 024400
 4 Tract: 024600
 5 Tract: 024800
 6 Tract: 025000
 7 Tract: 025200
 8 Tract: 025400
 9 Tract: 025600
 10 Tract: 026601
 11 Tract: 026602
 12 Tract: 028400
 13 Tract: 028600
 14 Tract: 028800
 15 Tract: 029600
 16 Tract: 030000
 17 Tract: 031200
 18 Tract: 036100
 19 Within Queens County
 20 Within Queens Borough:
 21 Tract: 005500
 22 Tract: 006300
 23 Tract: 006501
 24 Tract: 006502
 25 Tract: 006900
 26 Tract: 007100
 27 Tract: 007300
 28 Tract: 007900
 29 Tract: 008300
 30 Tract: 009500
 31 Tract: 009700
 32 Tract: 009900
 33 Tract: 010100
 34 Tract: 010300
 35 Tract: 010500
 36 Tract: 010701
 37 Tract: 011100
 38 Tract: 011300
 39 Tract: 011500
 40 Tract: 011700
 41 Tract: 011900
 42 Tract: 012100
 43 Tract: 012301
 44 Tract: 012500
 45 Tract: 013500
 46 Tract: 013700
 47 Tract: 014100
 48 Tract: 014300
 49 Tract: 014500
 50 Tract: 014700
 51 Tract: 014900
 52 Tract: 015100
 53 Tract: 015300
 54 Tract: 015500
 55 Tract: 015700
 56 Tract: 015900

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S. 8172--A

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A. 9039--A

1 Tract: 016100
2 Tract: 016300
3 Tract: 016900
4 Tract: 017102
5 Tract: 017901
6 Tract: 018101
7 Tract: 018102
8 Tract: 018300
9 Tract: 018501
10 Tract: 018502
11 Tract: 018700
12 Tract: 018900
13 Tract: 019901
14 Tract: 019902
15 Tract: 019903
16 Tract: 020500
17 Tract: 022900
18 Tract: 023501
19 Tract: 023502
20 Tract: 025100
21 Tract: 025301
22 Tract: 025302
23 Tract: 025500
24 Tract: 025700
25 Tract: 026901
26 Tract: 027102
27 Tract: 027301
28 Tract: 027302
29 Tract: 027500
30 Tract: 027701
31 Tract: 027702
32 Tract: 027900
33 Tract: 028100
34 Tract: 028300
35 Tract: 028500
36 Tract: 028700
37 Tract: 028900
38 Tract: 029100
39 Tract: 029300
40 Tract: 029500
41 Tract: 029700
42 Tract: 029900
43 Tract: 030903
44 Tract: 030904
45 Tract: 030905
46 Tract: 030906
47 Tract: 031700
48 Tract: 032700
49 Tract: 032900
50 Tract: 033100
51 Tract: 033700
52 Tract: 033900
53 Tract: 034700
54 Tract: 035100
55 Tract: 035300
56 Tract: 035700

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A. 9039--A

1 Tract: 036100
 2 Tract: 036300
 3 Tract: 036500
 4 Tract: 036700
 5 Tract: 037100
 6 Tract: 037300
 7 Tract: 037501
 8 Tract: 037502
 9 Tract: 037700
 10 Tract: 037900
 11 Tract: 038100
 12 Tract: 038301
 13 Tract: 039901
 14 Tract: 039902
 15 Tract: 040101
 16 Tract: 040102
 17 Tract: 040301
 18 Tract: 040302
 19 Tract: 040501
 20 Tract: 040502
 21 Tract: 040701
 22 Tract: 040702
 23 Tract: 040901
 24 Tract: 040902
 25 Tract: 041100
 26 Tract: 041300
 27 Tract: 041500
 28 Tract: 042700
 29 Tract: 043900
 30 Tract: 044301
 31 Tract: 044302
 32 Tract: 045500
 33 Tract: 046300
 34 Tract: 046500
 35 Tract: 046902
 36 Tract: 090700
 37 Tract: 091900
 38 Tract: 092500
 39 Tract: 092900
 40 Tract: 093900
 41 Tract: 094500
 42 Tract: 094700
 43 Tract: 097300
 44 Tract: 098100
 45 Tract: 102900
 46 Tract: 103900
 47 Within Bronx County
 48 Within Bronx Borough:
 49 Tract: 000100 Blocks: 1000-1003
 50 Tract: 006200 Blocks: 1000-1001 2000 3000 4000-4002
 51 Tract: 007200 Blocks: 3000 3002-3003
 52 Tract: 007600 Blocks: 1000-1001 4000-4001
 53 Tract: 009000 Blocks: 0001 0003 1004-1006 1009 2000-2020
 54 Tract: 009200 Blocks: 1000-1007 2000-2001 3000-3003 3005 4000-4001
 55 5000-5001 5003
 56 Tract: 009600 Blocks: 1000-1005 2000-2007 2009-2016 2020-2025

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57

A. 9039--A

1 Tract: 013000 Blocks: 1006-1008
 2 Tract: 013200 Blocks: 0001 1000-1003 2000-2008 3002-3004
 3 3010-3011 4000-4005 5000-5010
 4 Tract: 016100 Blocks: 1000 1002
 5 Tract: 018400 Blocks: 2003-2005 2008-2009 3000-3007 4000-4009
 6 Tract: 021602 Blocks: 1000-1001 2000 3000-3002 4000-4002 5000-5002
 7 6000
 8 Tract: 026400 Blocks: 2000-2009 3000-3007 4000-4008
 9 Tract: 027600 Blocks: 0001 1005-1014 1016-1019 1022
 10 Tract: 030202 Blocks: 2000-2001
 11 Tract: 031000 Blocks: 1005-1011 2008-2014 3001-3009
 12 Tract: 031400 Blocks: 2000 2006-2007
 13 Tract: 033400 Blocks: 1008-1010 1012-1031
 14 Tract: 035900 Blocks: 1004-1009 1014-1017
 15 Tract: 036300 Blocks: 1001 2000 3002 4004-4005
 16 Tract: 039700 Block: 1001
 17 Tract: 050400 Blocks: 0006 1001-1004 1010 1012 1015-1016
 18 Tract: 000104 Blocks: 1031 1038
 19 Tract: 001902 Block: 1016
 20 Tract: 003100 Blocks: 2001-2005 2009 1003 2009
 21 Tract: 003301 Blocks: 1003 1015-1019
 22 Tract: 005100 Blocks: 1003 2006
 23 Tract: 005300 Block: 4003
 24 Tract: 005700 Blocks: 1000-1006 2001 3000-3004
 25 Tract: 005900 Blocks: 1000-1004 2000-2001 3001
 26 Tract: 006100 Blocks: 1001 2000-2001 3000 4000-4002
 27 Tract: 008100 Blocks: 1000-1001 1003-1006
 28 Tract: 009100 Blocks: 1000 1003 2000-2004
 29 Tract: 017101 Blocks: 1000-1013
 30 Tract: 017902 Blocks: 1000-1009 1012-1025 1027-1032
 31 Tract: 021900 Blocks: 1000-1016 1018-1022
 32 Tract: 024300 Blocks: 1003-1013 2000-2016 3005-3006
 33 Tract: 024500 Blocks: 1000-1005 2000-2004 3002-3006 4000-4006
 34 Tract: 024900 Block: 3003
 35 Tract: 025900 Blocks: 1000-1011 2000-2001
 36 Tract: 026100 Blocks: 1000-1003 2000-2001 3000-3001 4000-4003
 37 Tract: 026300 Blocks: 1000-1009
 38 Tract: 026501 Blocks: 2000-2003 2007
 39 Tract: 026700 Blocks: 1000-1002 3000-3003
 40 Tract: 027101 Blocks: 1000-1001
 41 Tract: 038302 Blocks: 0001 1000-1020 1022-1031 1033 1067 1089
 42 Tract: 043701 Blocks: 1000-1002 2000-2003 2005-2009
 43 Tract: 043702 Blocks: 1001-1005 2000-2003 3000-3003
 44 Tract: 046100 Blocks: 1000 2000-2003
 45 Tract: 046700 Blocks: 1000-1003 2000-2001 3000-3001 4000
 46 Tract: 046901 Block: 3000
 47 Tract: 086900 Blocks: 2000 2005-2007
 48 Tract: 088902 Block: 1000
 49 Tract: 088903 Blocks: 1002-1003 2002-2003 3003
 50 Tract: 098700 Blocks: 1000-1012 2000-2014
 51 Tract: 099100 Blocks: 1001-1004 2001-2002 3005 3015 3017-3019 4001-
 52 4020 4023-4025 5000-5012 5014-5016
 53 Tract: 101700 Blocks: 1003-1004 3000-3008 4000-4002 6006-6009
 54 7000-7004
 55 Tract: 103300 Blocks: 1000-1009 2000-2005 3000
 56 15. Congressional District 15.

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A. 9039--A

1 Within Bronx County
2 Within Bronx Borough:
3 Tract: 000200
4 Tract: 000400
5 Tract: 001600
6 Tract: 001901
7 Tract: 001902
8 Tract: 001903
9 Tract: 001904
10 Tract: 002001
11 Tract: 002002
12 Tract: 002300
13 Tract: 002400
14 Tract: 002500
15 Tract: 002701
16 Tract: 002702
17 Tract: 002800
18 Tract: 003100
19 Tract: 003300
20 Tract: 003500
21 Tract: 003700
22 Tract: 003800
23 Tract: 003900
24 Tract: 004001
25 Tract: 004100
26 Tract: 004200
27 Tract: 004300
28 Tract: 004400
29 Tract: 004600
30 Tract: 004800
31 Tract: 005001
32 Tract: 005002
33 Tract: 005100
34 Tract: 005200
35 Tract: 005300
36 Tract: 005400
37 Tract: 005600
38 Tract: 005902
39 Tract: 006100
40 Tract: 006301
41 Tract: 006302
42 Tract: 006500
43 Tract: 006700
44 Tract: 006800
45 Tract: 006900
46 Tract: 007000
47 Tract: 007100
48 Tract: 007300
49 Tract: 007400
50 Tract: 007500
51 Tract: 007700
52 Tract: 007800
53 Tract: 007900
54 Tract: 008300
55 Tract: 008400
56 Tract: 008500

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59

A. 9039--A

1 Tract: ~~008600~~
2 Tract: ~~008700~~
3 Tract: ~~008900~~
4 Tract: ~~009301~~
5 Tract: ~~009302~~
6 Tract: ~~009800~~
7 Tract: ~~011502~~
8 Tract: ~~011701~~
9 Tract: ~~011702~~
10 Tract: ~~011900~~
11 Tract: ~~012101~~
12 Tract: ~~012102~~
13 Tract: ~~012300~~
14 Tract: ~~012500~~
15 Tract: ~~012701~~
16 Tract: ~~012901~~
17 Tract: ~~013100~~
18 Tract: ~~013300~~
19 Tract: ~~013500~~
20 Tract: ~~014100~~
21 Tract: ~~014300~~
22 Tract: ~~014500~~
23 Tract: ~~014701~~
24 Tract: ~~014702~~
25 Tract: ~~014900~~
26 Tract: ~~015100~~
27 Tract: ~~015300~~
28 Tract: ~~015500~~
29 Tract: ~~015700~~
30 Tract: ~~015900~~
31 Tract: ~~016300~~
32 Tract: ~~017300~~
33 Tract: ~~017500~~
34 Tract: ~~017701~~
35 Tract: ~~017702~~
36 Tract: ~~017901~~
37 Tract: ~~017902~~
38 Tract: ~~018101~~
39 Tract: ~~018102~~
40 Tract: ~~018301~~
41 Tract: ~~018302~~
42 Tract: ~~018501~~
43 Tract: ~~018502~~
44 Tract: ~~018900~~
45 Tract: ~~019300~~
46 Tract: ~~019500~~
47 Tract: ~~019700~~
48 Tract: ~~019900~~
49 Tract: ~~020100~~
50 Tract: ~~020501~~
51 Tract: ~~020502~~
52 Tract: ~~020900~~
53 Tract: ~~021100~~
54 Tract: ~~021301~~
55 Tract: ~~021302~~
56 Tract: ~~021502~~

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60

A. 9039--A

1 Tract: 021700
 2 Tract: 021900
 3 Tract: 022101
 4 Tract: 022102
 5 Tract: 022300
 6 Tract: 022500
 7 Tract: 029301
 8 Tract: 029302
 9 Tract: 029500
 10 Tract: 029700
 11 Tract: 030100
 12 Tract: 030701
 13 Tract: 030900
 14 Tract: 031600
 15 Tract: 031800
 16 Tract: 031900
 17 Tract: 032300
 18 Tract: 032400
 19 Tract: 032600
 20 Tract: 032800
 21 Tract: 033000
 22 Tract: 033201
 23 Tract: 033202
 24 Tract: 033500
 25 Tract: 033601
 26 Tract: 033700
 27 Tract: 034300
 28 Tract: 034500
 29 Tract: 035100
 30 Tract: 036501
 31 Tract: 036502
 32 Tract: 036700
 33 Tract: 036901
 34 Tract: 036902
 35 Tract: 037100
 36 Tract: 037300
 37 Tract: 038700
 38 Tract: 038900
 39 Tract: 039100
 40 Tract: 039300
 41 Tract: 041100
 42 Tract: 041300
 43 Tract: 041500
 44 Tract: 041900
 45 Tract: 042100
 46 Tract: 042300
 47 Tract: 042500
 48 Tract: 042901
 49 Tract: 042902
 50 Tract: 043101
 51 Tract: 043102
 52 Tract: 000100 Blocks: 0001-0002
 53 Tract: 006200 Blocks: 1002-1005 4000 5000-5002
 54 Tract: 006400 Blocks: 1000-1004 2000 3000-3001
 55 Tract: 007200 Blocks: 1000-1003 2000-2002 3001 3004 4000
 56 Tract: 007600 Blocks: 2000-2001 3000-3001 4002-4005 5000-5005

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S. 8172--A

61

A. 9039--A

1 Tract: 009000 Blocks: 0002 1000-1003 1007-1008 1010 3000-3001
 2 ~~4000-4003 5000~~
 3 Tract: 009200 Blocks: 3004 3006 5002 5004
 4 Tract: 009600 Blocks: 1006-1008 2008 2017-2019
 5 Tract: 016100 Blocks: 1001 1003-1010 2000-2002 3000 4000-4001
 6 Tract: 016500 Blocks: 1000 1007-1009 1016-1018 1020-1023
 7 Tract: 016700 Blocks: 1000-1001 2003 2006 2007-2009
 8 Tract: 016900 Blocks: 1002-1006
 9 Tract: 017100 Block: 1000
 10 Tract: 021501 Blocks: 1001 3000-3001
 11 Tract: 021602 Blocks: 3003-3004
 12 Tract: 022701 Blocks: 1000-1001 3001-3005
 13 Tract: 022702 Blocks: 1001-1006
 14 Tract: 022703 Blocks: 1001-1005
 15 Tract: 023301 Blocks: 1000 3000-3001
 16 Tract: 024300 Block: 2001
 17 Tract: 024700 Blocks: 1001 2000-2004
 18 Tract: 025700 Blocks: 1006-1008
 19 Tract: 028100 Block: 3000
 20 Tract: 028300 Block: 2001
 21 Tract: 028500 Blocks: 1000-1001 2000 3000-3002 4002-4003
 22 Tract: 028700 Blocks: 1000 1005
 23 Tract: 028900 Blocks: 3000 3005
 24 Tract: 031400 Blocks: 1000-1005 2001-2005
 25 Tract: 033400 Blocks: 1000-1007 1011 1022 1032
 26 Tract: 033801 Blocks: 1002-1003 2000-2002
 27 Tract: 034000 Blocks: 3000 4000-4003
 28 Tract: 034200 Blocks: 2003-2010
 29 Tract: 034400 Blocks: 1000-1002
 30 Tract: 034800 Blocks: 4000-4005
 31 Tract: 035900 Blocks: 1000-1003 1010-1013
 32 Tract: 036300 Blocks: 1000 3000-3001 4000-4003 4006-4008 5000-5002
 33 ~~6000-6007~~
 34 Tract: 037504 Blocks: 1008 2000 2003 3002-3003
 35 Tract: 038500 Block: 3000
 36 Tract: 039500 Blocks: 4000 4013
 37 Tract: 039700 Blocks: 1000 1002-1016 2000-2002
 38 Tract: 040502 Blocks: 3000-3001 4000-4001
 39 Tract: 040702 Blocks: 1000-1002 2001-2003
 40 Tract: 040900 Blocks: 1000-1004
 41 Tract: 043503 Blocks: 1001-1022
 42 16. Congressional District 16.
 43 Within Putnam County
 44 All of Carmel town
 45 All of Putnam Valley town
 46 Within Westchester County
 47 All of Eastchester town
 48 All of Harrison town
 49 All of Mount Vernon city
 50 All of North Castle town
 51 All of Scarsdale town
 52 All of Somers town
 53 All of Yonkers city
 54 All of Yorktown town
 55 Within Bronx County
 56 Within Bronx Borough:

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S. 8172--A

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A. 9039--A

1 Tract: 030201
2 Tract: 033602
3 Tract: 033802
4 Tract: 035000
5 Tract: 035600
6 Tract: 035800
7 Tract: 036000
8 Tract: 036400
9 Tract: 036800
10 Tract: 037000
11 Tract: 037200
12 Tract: 037400
13 Tract: 037600
14 Tract: 037800
15 Tract: 038000
16 Tract: 038200
17 Tract: 038600
18 Tract: 038800
19 Tract: 039000
20 Tract: 039200
21 Tract: 039400
22 Tract: 039600
23 Tract: 039800
24 Tract: 040400
25 Tract: 040600
26 Tract: 040800
27 Tract: 041400
28 Tract: 041800
29 Tract: 042000
30 Tract: 042200
31 Tract: 042400
32 Tract: 042600
33 Tract: 042800
34 Tract: 043000
35 Tract: 043400
36 Tract: 043501
37 Tract: 043502
38 Tract: 043600
39 Tract: 044200
40 Tract: 044400
41 Tract: 044800
42 Tract: 044901
43 Tract: 044902
44 Tract: 045101
45 Tract: 045102
46 Tract: 045800
47 Tract: 046000
48 Tract: 046203
49 Tract: 046204
50 Tract: 046205
51 Tract: 046206
52 Tract: 046207
53 Tract: 046208
54 Tract: 046209
55 Tract: 048401
56 Tract: 048402

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1 Within Westchester County
 2 Within Bedford town:
 3 Tract: 012803
 4 Tract: 012804
 5 Tract: 983000
 6 Within Greenburgh town:
 7 Tract: 010200
 8 Tract: 010300
 9 Within New Rochelle city:
 10 Tract: 006200
 11 Tract: 006301
 12 Tract: 006400
 13 Tract: 006600
 14 Tract: 006700
 15 Tract: 006802
 16 Within White Plains city:
 17 Tract: 009703
 18 Within Bronx County
 19 Within Bronx Borough:
 20 Tract: 030202 Blocks: 1000 3000-3001 4000-4001
 21 Tract: 031000 Blocks: 1000-1004 2000-2007 3000
 22 Tract: 033801 Blocks: 1000-1001 1004
 23 Tract: 034000 Blocks: 1000-1003 2000-2006
 24 Tract: 034200 Blocks: 1000-1002 2000-2002 2008
 25 Tract: 034400 Blocks: 2000-2008
 26 Tract: 034800 Blocks: 1000-1011 2000 3000-3006
 27 Tract: 043503 Block: 1000
 28 Tract: 045600 Blocks: 1000-1005 2000-2007
 29 Within Westchester County
 30 Within Bedford town:
 31 Tract: 012600 Blocks: 1022-1023 1034 2005-2009 2014-2015 2017-2021
 32 3000-3034 4000-4024 5000-5015
 33 Tract: 012700 Blocks: 2000-2007 2009 2012-2014 3000-3013 4000-4040
 34 Within Westchester County
 35 Within Mamaroneck town:
 36 Tract: 006900 Block: 2009
 37 Within New Rochelle city:
 38 Tract: 006100 Blocks: 1010 3000-3010
 39 Tract: 006302 Blocks: 1000-1010 1012-1014 2000 2005-2010
 40 Tract: 006500 Blocks: 1000-1016 2000-2010 3000-3006 3012-3018
 41 4000-4007 4010-4013
 42 Tract: 006801 Blocks: 1000-1008 2001-2018 3000-3040 4000-4028
 43 Within White Plains city:
 44 Tract: 009600 Blocks: 2001-2002 2012 2014-2016 2020-2025
 45 Tract: 009701 Blocks: 1000-1012 2001-2006 3000-3020
 46 Tract: 009702 Blocks: 2000 2003-2005 2010-2033 3000-3022
 47 17. Congressional District 17.
 48 All of Rockland County
 49 All of Sullivan County
 50 Within Orange County
 51 All of Chester town
 52 Within Orange County
 53 All of Deerpark town
 54 All of Greenville town
 55 All of Minisink town
 56 All of Mount Hope town

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1 All of Port Jervis city
 2 All of Tuxedo town
 3 All of Warwick town
 4 Within Westchester County
 5 All of Mount Kisco town
 6 All of Mount Pleasant town
 7 All of New Castle town
 8 All of Ossining town
 9 Within Orange County
 10 Within Monroe town:
 11 Tract: 014101
 12 Tract: 014201
 13 Tract: 014202
 14 Within Wawayanda town:
 15 Tract: 011801
 16 Tract: 011802
 17 Within Westchester County
 18 Within Greenburgh town:
 19 Tract: 010400
 20 Tract: 010500
 21 Tract: 010600
 22 Tract: 010701
 23 Tract: 010702
 24 Tract: 010801
 25 Tract: 010803
 26 Tract: 010804
 27 Tract: 010901
 28 Tract: 010902
 29 Tract: 010903
 30 Tract: 011000
 31 Tract: 011101
 32 Tract: 011102
 33 Tract: 011200
 34 Tract: 011300
 35 Tract: 011401
 36 Tract: 011402
 37 Tract: 011500
 38 Within White Plains city:
 39 Tract: 008801
 40 Tract: 008802
 41 Tract: 008901
 42 Tract: 008902
 43 Tract: 009000
 44 Tract: 009100
 45 Tract: 009201
 46 Tract: 009202
 47 Tract: 009300
 48 Tract: 009400
 49 Tract: 009500
 50 Within Orange County
 51 Within Monroe town:
 52 Tract: 014102 Blocks: 1000-1008 1013-1014 1017-1021 1038 2000-2013
 53 3000-3014 4000-4005 4009-4031
 54 Tract: 015003 Blocks: 2019-2021
 55 Tract: 015005 Blocks: 1000-1005 1011-1012
 56 Tract: 015007 Block: 1002

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A. 9039--A

- 1 Tract: 015009 Blocks: 2001-2003
- 2 Within Westchester County
- 3 Within White Plains city:
- 4 Tracts: 009600 Blocks: 1000-1010 2000 2003-2011 2013 2017-2019
- 5 3000-3018 4000-4016
- 6 Tracts: 009701 Block: 2000
- 7 Tracts: 009702 Blocks: 1000-1002 2001-2002 2006-2009
- 8 18. Congressional District 18.
- 9 Within Dutchess County
- 10 All of Amenia town
- 11 All of Beacon city
- 12 All of Beekman town
- 13 All of Clinton town
- 14 All of Dover town
- 15 All of East Fishkill town
- 16 All of Fishkill town
- 17 All of LaGrange town
- 18 All of North East town
- 19 All of Pawling town
- 20 All of Pine Plains town
- 21 All of Pleasant Valley town
- 22 All of Poughkeepsie city
- 23 All of Poughkeepsie town
- 24 All of Stanford town
- 25 All of Union Vale town
- 26 All of Wappinger town
- 27 All of Washington town
- 28 Within Orange County
- 29 All of Blooming Grove town
- 30 All of Cornwall town
- 31 All of Crawford town
- 32 All of Goshen town
- 33 All of Hamptonburgh town
- 34 All of Highlands town
- 35 All of Middletown city
- 36 All of Montgomery town
- 37 All of New Windsor town
- 38 All of Newburgh city
- 39 All of Newburgh town
- 40 All of Palm Tree town
- 41 All of Wallkill town
- 42 All of Woodbury town
- 43 Within Putnam County
- 44 All of Kent town
- 45 All of Patterson town
- 46 All of Philipstown town
- 47 All of Southeast town
- 48 Within Ulster County
- 49 All of Lloyd town
- 50 All of Marlborough town
- 51 All of Plattekill town
- 52 All of Rochester town
- 53 All of Shawangunk town
- 54 All of Wawarsing town
- 55 Within Westchester County
- 56 All of Cortlandt town

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A. 9039--A

1 All of Lewisboro town
 2 All of North Salem town
 3 All of Peekskill city
 4 All of Pound Ridge town
 5 Within Dutchess County
 6 Within Hyde Park town:
 7 Tract: 070102
 8 Tract: 070201
 9 Tract: 070301
 10 Tract: 070401
 11 Tract: 070101 Blocks: 1015 1017-1019 1021-1023 1025-1035 2000-2013
 12 3016-3018 3020-3028 3030-3032
 13 Within Orange County
 14 Within Monroe town:
 15 Tract: 015003 Blocks: 2013-2014 2016-2017
 16 Within Wawayanda town:
 17 Tract: 001601 Blocks: 1015 1017 1022-1023
 18 Within Westchester County
 19 Within Bedford town:
 20 Tract: 012600 Blocks: 1000-1021 1024-1033 1035 2000-2004 2010-2013
 21 2016 2022
 22 Tract: 012700 Blocks: 1000-1027 2008 2010 2011
 23 19. Congressional District 19.
 24 All of Columbia County
 25 All of Delaware County
 26 All of Greene County
 27 Within Albany County
 28 All of Bethlehem town
 29 All of Coeymans town
 30 Within Broome County
 31 All of Binghamton city
 32 All of Binghamton town
 33 All of Conklin town
 34 All of Dickinson town
 35 All of Kirkwood town
 36 All of Sanford town
 37 All of Union town
 38 All of Vestal town
 39 All of Windsor town
 40 Within Chenango County
 41 All of Afton town
 42 All of Bainbridge town
 43 All of Columbus town
 44 All of Guilford town
 45 All of New Berlin town
 46 All of North Norwich town
 47 All of Norwich city
 48 All of Norwich town
 49 All of Oxford town
 50 All of Sherburne town
 51 Within Dutchess County
 52 All of Milan town
 53 All of Red Hook town
 54 All of Rhinebeck town
 55 Within Madison County
 56 All of Brookfield town

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A. 9039--A

- 1 All of Eaton town
- 2 All of Hamilton town
- 3 All of Lebanon town
- 4 All of Madison town
- 5 Within Oneida County
- 6 All of Augusta town
- 7 All of Bridgewater town
- 8 All of Kirkland town
- 9 All of Marshall town
- 10 All of New Hartford town
- 11 All of Paris town
- 12 All of Sangerfield town
- 13 All of Utica city
- 14 Within Otsego County
- 15 All of Burlington town
- 16 All of Butternuts town
- 17 All of Decatur town
- 18 All of Edmeston town
- 19 All of Hartwick town
- 20 All of Laurens town
- 21 All of Maryland town
- 22 All of Middlefield town
- 23 All of Milford town
- 24 All of Morris town
- 25 All of New Lisbon town
- 26 All of Oneonta city
- 27 All of Oneonta town
- 28 All of Otego town
- 29 All of Otsego town
- 30 All of Pittsfield town
- 31 All of Roseboom town
- 32 All of Unadilla town
- 33 All of Westford town
- 34 All of Worcester town
- 35 Within Rensselaer County
- 36 All of East Greenbush town
- 37 All of Nassau town
- 38 All of North Greenbush town
- 39 All of Rensselaer city
- 40 All of Sand Lake town
- 41 All of Schodack town
- 42 All of Stephentown town
- 43 Within Ulster County
- 44 All of Denning town
- 45 All of Esopus town
- 46 All of Gardiner town
- 47 All of Hardenburgh town
- 48 All of Hurley town
- 49 All of Kingston city
- 50 All of Kingston town
- 51 All of Marbletown town
- 52 All of New Paltz town
- 53 All of Olive town
- 54 All of Rosendale town
- 55 All of Saugerties town
- 56 All of Shandaken town

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A. 9039--A

1 All of Ulster town
 2 All of Woodstock town
 3 Within Chenango County
 4 Within Coventry town:
 5 Tract: 970801 Blocks: 1057 1059-1060 1066-1070 3014-3015 3021
 6 3023-3026 3030-3032
 7 Tract: 970901 Blocks: 2006-2009 2012-2013 2023 2096-2097
 8 Tract: 970902 Blocks: 1000-1005 1007-1011 1022 1030-1032 1062
 9 2000-2003 2005-2016 2018-2021 2024-2030 2058
 10 Tract: 971000 Block: 1059
 11 Within Dutchess County
 12 Within Hyde Park town:
 13 Tract: 070101 Blocks: 1000-1014 1016 1020 1024 3000-3015 3019 3029
 14 Within Rensselaer County
 15 Within Berlin town:
 16 Tract: 052103 Blocks: 1000-1007 1009-1012 1014-1052 2002 2010
 17 2013-2020 2022-2025 2027
 18 20. Congressional District 20.
 19 All of Schenectady County
 20 Within Albany County
 21 All of Albany city
 22 All of Berne town
 23 All of Cohoes city
 24 All of Colonie town
 25 All of Green Island town
 26 All of Guilderland town
 27 All of Knox town
 28 All of New Scotland town
 29 All of Rensselaerville town
 30 All of Watervliet city
 31 All of Westerlo town
 32 Within Montgomery County
 33 All of Amsterdam city
 34 All of Amsterdam town
 35 All of Charleston town
 36 All of Florida town
 37 All of Glen town
 38 All of Mohawk town
 39 Within Rensselaer County
 40 All of Troy city
 41 Within Saratoga County
 42 All of Ballston town
 43 All of Charlton town
 44 All of Clifton Park town
 45 All of Galway town
 46 All of Greenfield town
 47 All of Halfmoon town
 48 All of Malta town
 49 All of Mechanicville city
 50 All of Milton town
 51 All of Moreau town
 52 All of Northumberland town
 53 All of Providence town
 54 All of Saratoga Springs city
 55 All of Waterford town
 56 All of Wilton town

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A. 9039--A

- 1 Within Warren County
- 2 All of Glens Falls city
- 3 All of Queensbury town
- 4 Within Saratoga County
- 5 Within Stillwater town:
- 6 Tract: 062001
- 7 Tract: 062100
- 8 Tract: 062002 Blocks: 1025-1026 1028 1031 2015 2038-2041 2050 2053
- 9 21. Congressional District 21.
- 10 All of Clinton County
- 11 All of Essex County
- 12 All of Franklin County
- 13 All of Fulton County
- 14 All of Hamilton County
- 15 All of Herkimer County
- 16 All of Lewis County
- 17 All of Schoharie County
- 18 All of St. Lawrence County
- 19 All of Washington County
- 20 Within Jefferson County
- 21 All of Antwerp town
- 22 All of Champion town
- 23 All of Philadelphia town
- 24 All of Rutland town
- 25 All of Wilna town
- 26 Within Montgomery County
- 27 All of Canajoharie town
- 28 All of Minden town
- 29 All of Palatine town
- 30 All of Root town
- 31 All of St. Johnsville town
- 32 Within Oneida County
- 33 All of Annsville town
- 34 All of Ava town
- 35 All of Boonville town
- 36 All of Camden town
- 37 All of Deerfield town
- 38 All of Florence town
- 39 All of Floyd town
- 40 All of Forestport town
- 41 All of Lee town
- 42 All of Marcy town
- 43 All of Remsen town
- 44 All of Rome city
- 45 All of Steuben town
- 46 All of Trenton town
- 47 All of Vernon town
- 48 All of Verona town
- 49 All of Vienna town
- 50 All of Western town
- 51 All of Westmoreland town
- 52 All of Whitestown town
- 53 Within Oswego County
- 54 All of Amboy town
- 55 All of Constantia town
- 56 All of Hastings town

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A. 9039--A

1 All of Parish town
 2 All of West Monroe town
 3 All of Williamstown town
 4 Within Otsego County
 5 All of Cherry Valley town
 6 All of Exeter town
 7 All of Plainfield town
 8 All of Richfield town
 9 All of Springfield town
 10 Within Rensselaer County
 11 All of Brunswick town
 12 All of Grafton town
 13 All of Hoosick town
 14 All of Petersburg town
 15 All of Pittstown town
 16 All of Poestenkill town
 17 All of Schaghticoke town
 18 Within Saratoga County
 19 All of Corinth town
 20 All of Day town
 21 All of Edinburg town
 22 All of Hadley town
 23 All of Saratoga town
 24 Within Warren County
 25 All of Bolton town
 26 All of Chester town
 27 All of Hague town
 28 All of Horicon town
 29 All of Johnsburg town
 30 All of Lake George town
 31 All of Lake Luzerne town
 32 All of Stony Creek town
 33 All of Thurman town
 34 All of Warrensburg town
 35 Within Oswego County
 36 Within Albion town:
 37 Tract: 020501 Blocks: 1006-1009 1013-1095 2007 2009-2012 2014-2054
 38 2057-2058 2061-2063
 39 Tract: 020502 Blocks: 1000-1008 2000-2003
 40 Within Rensselaer County
 41 Within Berlin town:
 42 Tract: 052103 Blocks: 1008 1013 2000-2009 2011-2012 2021 2026
 43 Within Saratoga County
 44 Within Stillwater town:
 45 Tract: 062002 Blocks: 1000-1024 1029-1030 2000-2014 2016-2037
 46 2042-2049 2051-2052
 47 22. Congressional District 22.
 48 All of Onondaga County
 49 All of Tompkins County
 50 Within Cayuga County
 51 All of Auburn city
 52 All of Aurelius town
 53 All of Fleming town
 54 All of Genoa town
 55 All of Ledyard town
 56 All of Locke town

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A. 9039--A

- 1 All of Moravia town
- 2 All of Niles town
- 3 All of Owasco town
- 4 All of Scipio town
- 5 All of Sempronius town
- 6 All of Sennett town
- 7 All of Springport town
- 8 All of Summerhill town
- 9 All of Throop town
- 10 All of Venice town
- 11 Within Cortland County
- 12 All of Cortland city
- 13 All of Cortlandville town
- 14 All of Cuyler town
- 15 All of Homer town
- 16 All of Preble town
- 17 All of Scott town
- 18 All of Solon town
- 19 All of Taylor town
- 20 All of Truxton town
- 21 Within Madison County
- 22 All of Cazenovia town
- 23 All of DeRuyter town
- 24 All of Fenner town
- 25 All of Georgetown town
- 26 All of Lenox town
- 27 All of Lincoln town
- 28 All of Nelson town
- 29 All of Oneida city
- 30 All of Smithfield town
- 31 All of Stockbridge town
- 32 All of Sullivan town
- 33 Within Ontario County
- 34 All of Geneva city
- 35 All of Geneva town
- 36 Within Schuyler County
- 37 All of Hector town
- 38 Within Seneca County
- 39 All of Covert town
- 40 All of Fayette town
- 41 All of Geneva city
- 42 All of Lodi town
- 43 All of Ovid town
- 44 All of Romulus town
- 45 All of Seneca Falls town
- 46 All of Varick town
- 47 Within Cayuga County
- 48 Within Brutus town:
- 49 Tract: 040400 Blocks: 1032-1033 1036-1037 1041-1056 1058-1072
- 50 2031-2033 2035-2040 2047-2055 3000-3007 3009-3043
- 51 23. Congressional District 23.
- 52 All of Allegany County
- 53 All of Cattaraugus County
- 54 All of Chautauqua County
- 55 All of Chemung County
- 56 All of Steuben County

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A. 9039--A

- 1 All of Tioga County
- 2 Within Broome County
- 3 All of Barker town
- 4 All of Chenango town
- 5 All of Colesville town
- 6 All of Fenton town
- 7 All of Lisle town
- 8 All of Maine town
- 9 All of Nanticoke town
- 10 All of Triangle town
- 11 Within Chenango County
- 12 All of German town
- 13 All of Greene town
- 14 All of Lincklaen town
- 15 All of McDonough town
- 16 All of Otselic town
- 17 All of Pharsalia town
- 18 All of Pitcher town
- 19 All of Plymouth town
- 20 All of Preston town
- 21 All of Smithville town
- 22 All of Smyrna town
- 23 Within Cortland County
- 24 All of Cincinnatus town
- 25 All of Freetown town
- 26 All of Harford town
- 27 All of Lapeer town
- 28 All of Marathon town
- 29 All of Virgil town
- 30 All of Willet town
- 31 Within Erie County
- 32 All of Aurora town
- 33 All of Boston town
- 34 All of Brant town
- 35 All of Cattaraugus Reservation
- 36 All of Colden town
- 37 All of Collins town
- 38 All of Concord town
- 39 All of Eden town
- 40 All of Evans town
- 41 All of Hamburg town
- 42 All of Holland town
- 43 All of North Collins town
- 44 All of Orchard Park town
- 45 All of Sardinia town
- 46 All of Wales town
- 47 Within Livingston County
- 48 All of Mount Morris town
- 49 All of North Dansville town
- 50 All of Nunda town
- 51 All of Ossian town
- 52 All of Portage town
- 53 All of Sparta town
- 54 All of Springwater town
- 55 All of West Sparta town
- 56 Within Schuyler County

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A. 9039--A

- 1 All of Catharine town
- 2 All of Cayuta town
- 3 All of Dix town
- 4 All of Montour town
- 5 All of Orange town
- 6 All of Reading town
- 7 All of Tyrone town
- 8 Within Wyoming County
- 9 All of Arcade town
- 10 All of Castile town
- 11 All of Eagle town
- 12 All of Gainesville town
- 13 All of Genesee Falls town
- 14 All of Java town
- 15 All of Pike town
- 16 All of Sheldon town
- 17 All of Wethersfield town
- 18 Within Yates County
- 19 All of Barrington town
- 20 All of Benton town
- 21 All of Jerusalem town
- 22 All of Milo town
- 23 All of Potter town
- 24 All of Starkey town
- 25 All of Torrey town
- 26 Within Chenango County
- 27 Within Coventry town:
- 28 Tract: 970801 Blocks: 3027-3029 3033-3041
- 29 Tract: 970802 Blocks: 1049-1050 1052-1056
- 30 Tract: 970902 Blocks: 1006 1023-1024 1029 2004
- 31 Tract: 971000 Blocks: 1000-1004 1020-1040 1053-1058 1072-1074
- 32 Within Wyoming County
- 33 Within Orangeville town:
- 34 Tract: 970400 Blocks: 1010-1014 1025-1026 1028 3005-3011 3014-3020
- 35 3041-3042 3044-3046
- 36 24. Congressional District 24.
- 37 All of Genesee County
- 38 All of Orleans County
- 39 All of Wayne County
- 40 Within Cayuga County
- 41 All of Cato town
- 42 All of Conquest town
- 43 All of County subdivisions not defined
- 44 All of Ira town
- 45 All of Mentz town
- 46 All of Montezuma town
- 47 All of Sterling town
- 48 All of Victory town
- 49 Within Erie County
- 50 All of Alden town
- 51 All of Clarence town
- 52 All of Elma town
- 53 All of Lancaster town
- 54 All of Marilla town
- 55 All of Newstead town
- 56 All of Tonawanda Reservation

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A. 9039--A

- 1 Within Jefferson County
- 2 All of Adams town
- 3 All of Alexandria town
- 4 All of Brownville town
- 5 All of Cape Vincent town
- 6 All of Clayton town
- 7 All of County subdivisions not defined
- 8 All of Ellisburg town
- 9 All of Henderson town
- 10 All of Hounsfield town
- 11 All of Le Ray town
- 12 All of Lorraine town
- 13 All of Lyme town
- 14 All of Orleans town
- 15 All of Pamela town
- 16 All of Rodman town
- 17 All of Theresa town
- 18 All of Watertown city
- 19 All of Watertown town
- 20 All of Worth town
- 21 Within Livingston County
- 22 All of Avon town
- 23 All of Caledonia town
- 24 All of Conesus town
- 25 All of Geneseo town
- 26 All of Groveland town
- 27 All of Leicester town
- 28 All of Lima town
- 29 All of Livonia town
- 30 All of York town
- 31 Within Monroe County
- 32 All of Clarkson town
- 33 All of Hamlin town
- 34 All of Riga town
- 35 All of Wheatland town
- 36 Within Niagara County
- 37 All of Cambria town
- 38 All of County subdivisions not defined
- 39 All of Hartland town
- 40 All of Lewiston town
- 41 All of Lockport city
- 42 All of Lockport town
- 43 All of Newfane town
- 44 All of Pendleton town
- 45 All of Porter town
- 46 All of Royalton town
- 47 All of Somerset town
- 48 All of Tonawanda Reservation
- 49 All of Tuscarora Nation Reservation
- 50 All of Wilson town
- 51 Within Ontario County
- 52 All of Bristol town
- 53 All of Canadice town
- 54 All of Farmington town
- 55 All of Gorham town
- 56 All of Manchester town

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A. 9039--A

1 All of Naples town
 2 All of Phelps town
 3 All of Richmond town
 4 All of Seneca town
 5 All of South Bristol town
 6 All of West Bloomfield town
 7 Within Oswego County
 8 All of Boylston town
 9 All of County subdivisions not defined
 10 All of Fulton city
 11 All of Granby town
 12 All of Hannibal town
 13 All of Mexico town
 14 All of Minetto town
 15 All of New Haven town
 16 All of Orwell town
 17 All of Oswego city
 18 All of Oswego town
 19 All of Palermo town
 20 All of Redfield town
 21 All of Richland town
 22 All of Sandy Creek town
 23 All of Schroepfel town
 24 All of Scriba town
 25 All of Volney town
 26 Within Seneca County
 27 All of Junius town
 28 All of Tyre town
 29 All of Waterloo town
 30 Within Wyoming County
 31 All of Attica town
 32 All of Bennington town
 33 All of Covington town
 34 All of Middlebury town
 35 All of Perry town
 36 All of Warsaw town
 37 Within Yates County
 38 All of Italy town
 39 All of Middlesex town
 40 Within Cayuga County
 41 Within Brutus town:
 42 Tract: 040400 Blocks: 1000-1031 1034-1035 1038-1040 1057 1073
 43 2000-2030 2034 2041-2046 3008
 44 Within Niagara County
 45 Within Wheatfield town:
 46 Tract: 022716 Blocks: 1001 1003
 47 Tract: 022717 Blocks: 1009-1011 3016-3019
 48 Within Ontario County
 49 Within Hopewell town:
 50 Tract: 051200 Blocks: 1000-1010 1017 1019-1020 1032-1040 1042-1058
 51 3000-3007 3013 3015-3030 3038-3039 3047
 52 Within Oswego County
 53 Within Albion town:
 54 Tract: 020501 Blocks: 1000-1005 1010-1012 1091-1092 2000-2006 2008
 55 2013
 56 Within Wyoming County

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1 Within Orangeville town:
2 Tract: 970400 Blocks: 1000-1009 1024 1027 1029-1033 1036-1039
3 3000-3004 3012-3013 3021-3040 3043 3047-3057
4 25. Congressional District 25.
5 Within Monroe County
6 All of Brighton town
7 All of Chili town
8 All of County subdivisions not defined
9 All of East Rochester town
10 All of Gates town
11 All of Greece town
12 All of Henrietta town
13 All of Irondequoit town
14 All of Mendon town
15 All of Ogden town
16 All of Parma town
17 All of Penfield town
18 All of Perinton town
19 All of Pittsford town
20 All of Rochester city
21 All of Rush town
22 All of Sweden town
23 All of Webster town
24 Within Ontario County
25 All of Canandaigua city
26 All of Canandaigua town
27 All of East Bloomfield town
28 All of Victor town
29 Within Hopewell town:
30 Tract: 051200 Blocks: 1011-1016 1018 1021-1031 1041 2000-2018
31 3008-3012 3014 3031-3037 3040-3046 3048-3052
32 26. Congressional District 26.
33 Within Erie County
34 All of Amherst town
35 All of Buffalo city
36 All of Cheektowaga town
37 All of Grand Island town
38 All of Lackawanna city
39 All of Tonawanda city
40 All of Tonawanda town
41 All of West Seneca town
42 Within Niagara County
43 All of Niagara Falls city
44 All of Niagara town
45 All of North Tonawanda city
46 Within Wheatfield town:
47 Tract: 022713
48 Tract: 022714
49 Tract: 022715
50 Tract: 022716 Blocks: 1000 1002 1004-1022 2000-2022
51 Tract: 022717 Blocks: 1000-1008 2000-2016 3000-3015
52 Tract: 022901 Block: 2003
53 § 112. Separability of congressional districts. Each congressional
54 district created by this article shall be deemed a separate district for
55 the purpose of apportionment of the entire state into congressional
56 districts. If one or more congressional districts created by this arti-

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1 cle are judicially found not to be in compliance with the decisions and
 2 mandates of a court of competent jurisdiction, only the defective
 3 district or districts and those immediately adjacent or contiguous ther-
 4 eto shall be reapportioned. All other districts shall be deemed to to be
 5 properly created.

6 § 2. Construction. a. This act shall be liberally construed to effec-
 7 tuate the purposes thereof and to apportion and district this state in
 8 compliance with constitutional and statutory requirements and shall
 9 supersede any inconsistent provision of law including but not limited to
 10 section 3 of chapter 17 of the laws of 2012.

11 b. It is intended that this act and the congressional districts
 12 described herein completely encompass all the area of the state. It is
 13 also intended that such districts apportioned on the basis of 2020 popu-
 14 lation, contain the whole number of persons in this state. It is
 15 further intended that the apportionment and districting provided for in
 16 this act result in the creation of districts containing equal population
 17 as nearly as practicable. It is also intended that no district shall
 18 include any of the area included within the description of any other
 19 district.

20 § 3. Saving clause. a. If the districts described in the act do not
 21 carry out the purposes thereof, because of unintentional omissions;
 22 duplications; overlapping areas; erroneous nomenclature; lack of
 23 adequate maps or descriptions of political subdivisions, wards, or other
 24 divisions thereof, or of their boundary lines; street closings, changes
 25 in names of streets, or other changes of public places; alteration of
 26 the boundary or courses of waters or waterways, filling in of lands
 27 underwater, accretion or other changes in shorelines or alteration of
 28 courses, rights of way, or lines of public utilities or other condi-
 29 tions, then the state board of elections, at the request of any person
 30 or candidate, aggrieved thereby, shall, by order, correct such omis-
 31 sions, overlappings, erroneous nomenclature, or other defects in the
 32 description of districts so as to accomplish the purposes and objectives
 33 of this act.

34 b. In promulgating such orders, the state board of elections, in addi-
 35 tion to achieving equality in the population of districts and ensuring
 36 that all areas of the state are completely and accurately encompassed in
 37 such districts, shall be guided by the following standards:

38 (1) Gaps in the description of any district shall be completed in a
 39 manner which results in a total description of that district consonant
 40 with the description of adjacent districts and in complete contiguity of
 41 districts.

42 (2) Areas of the state included within the descriptions of more than
 43 one district shall be allocated to the district having the lowest popu-
 44 lation.

45 (3) Areas of the state not included within the descriptions of any
 46 district shall be allocated to the adjacent district having the lowest
 47 population.

48 (4) In the event that the area subject to corrected description or
 49 allocation as provided in paragraph one, two or three of this subdivi-
 50 sion is of such size or contains such population that its inclusion as a
 51 unit in any district would result in substantial disparity in the size,
 52 shape or population of such district, then the state board of elections
 53 may allocate portions of such area to two or more districts.

54 (5) In any allocation of area or correction of descriptions made
 55 pursuant to this section, the state board of elections shall, consistent

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1 with the foregoing standards, preserve the contiguity and compactness of
 2 districts and avoid the unnecessary division of political subdivisions.
 3 c. Copies of such orders shall be filed by the state board of
 4 elections in its own office and in the office of the affected boards of
 5 election. A copy of each such order shall also be filed by the state
 6 board with the legislative bill drafting commission to facilitate it in
 7 performing its functions under section 70-b of the public officers law.
 8 In addition, a copy of such order shall be served upon the person or
 9 candidate, if any, who instituted the application for such an order. The
 10 state board of elections may adopt reasonable rules regulating the
 11 procedure for applications for orders under this section in the manner
 12 of serving and filing any notice or copy of orders relating thereto.

13 d. Upon the filing of such an order, the description of any affected
 14 district shall be deemed to have been corrected in the manner provided
 15 in such order to the full extent as if such correction had been
 16 contained in the original description set forth in this act.

17 e. In furtherance of effectuating the provisions of subdivision d of
 18 this section, the legislative bill drafting commission, upon receipt
 19 from the state board of elections of an order promulgated pursuant to
 20 subdivision b of this section, and upon the approval of the temporary
 21 president of the senate and the speaker of the assembly, shall cause the
 22 description of a congressional district altered pursuant to any such
 23 order to be revised accordingly within its data base of the laws of the
 24 state of New York so that such altered district may be contained in a
 25 publication of the state law and be certified to as a correct transcript
 26 of the text of law relating thereto such district in the manner author-
 27 ized by section 70-b of the public officers law.

28 f. If any part or provision of this act relating to any congressional
 29 district shall be adjudged invalid by a court of competent jurisdiction,
 30 such judgment shall: (1) be confined in its operation to the part or
 31 provision of this act or the district or districts described herein
 32 directly involved in the controversy in which such judgment shall have
 33 been rendered, and (2) not affect or impair the validity of the remain-
 34 ing parts, provisions or districts described in this act or elsewhere.

35 g. The congressional districts of this state, as existing immediately
 36 prior to the effective date of this act, shall continue to be the
 37 congressional districts of the state for the purpose of filling vacan-
 38 cies in the office of representative in congress at any special election
 39 held prior to the general election of the year 2022.

40 h. The congressional districts of this state, from and after the
 41 effective date of this act, shall be the congressional districts of the
 42 state for the purpose of designating and nominating candidates for
 43 representatives in congress, and for electing district delegates and
 44 alternate district delegates to national party conventions.

45 i. In order to provide for an orderly election of members of the
 46 congress from the state of New York and in recognition of the constitu-
 47 tional mandate that congressional districts shall be created by law
 48 subject to judicial review under such reasonable regulations as the
 49 legislature may prescribe, it is hereby determined and declared that no
 50 order of the court invalidating this act or part thereof shall be
 51 entered in a manner which will deprive the legislature of an opportunity
 52 to discharge its constitutional mandate. In any proceeding for judicial
 53 review of the provisions of this act, the determination of the court
 54 shall be embodied in a tentative order which shall become final 30 days
 55 after service of copies thereof upon the parties unless the court shall,
 56 in the interval, on application of any party, resettle its order.

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1 j. If any clause, sentence, paragraph, section or part of this act
2 shall be adjudged by any court of competent jurisdiction to be invalid,
3 such judgment shall not affect, impair or invalidate the remainder ther-
4 eof, but shall be confined in its operation to the clause, sentence,
5 paragraph, section or part thereof directly involved in the controversy
6 in which such judgment shall have been rendered.
7 § 4. Separability. If any clause, sentence, paragraph, section or
8 part of this act shall be adjudged by any court of competent jurisdic-
9 tion to be invalid, such judgment shall not affect, impair or invalidate
10 the remainder thereof, but shall be confined in its operation to the
11 clause, sentence, paragraph, section or part thereof directly involved
12 in the controversy in which such judgment shall have been rendered.
13 § 5. This act shall take effect immediately.

**EXHIBIT E TO MOSKOWITZ AFFIRMATION -
NEW YORK ASSEMBLY BILL A.09167 [207 - 218]**

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A09167 Text:

STATE OF NEW YORK

S. 8196

A. 9167

SENATE - ASSEMBLY

February 1, 2022

IN SENATE -- Introduced by Sen. GIANARIS -- read twice and ordered
printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. ZEBROWSKI -- read once and
referred to the Committee on Governmental Operations

AN ACT to amend the state law, in relation to congressional districts

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

- 1 Section 1. Subdivision 9 of section 111 of the state law, as added by
- 2 a chapter of the laws of 2022 amending the state law relating to
- 3 creation of congressional districts, as proposed in legislative bill
- 4 numbers S. 8172-A and A. 9039-A, is amended to read as follows:
- 5 9. Congressional District 9.
- 6 Within Kings County
- 7 Within Brooklyn Borough:
- 8 Tract: 021300
- 9 Tract: 021500
- 10 Tract: 021700
- 11 Tract: 021900
- 12 Tract: 027000
- 13 Tract: 029800
- 14 Tract: 030600
- 15 Tract: 031701
- 16 Tract: 031702
- 17 Tract: 031900
- 18 Tract: 032100
- 19 Tract: 032300
- 20 Tract: 032500
- 21 Tract: 032700
- 22 Tract: 032900
- 23 Tract: 033100
- 24 Tract: 033300
- 25 Tract: 033500
- 26 Tract: 033701

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 Tract: 033702
2 Tract: 033900
3 Tract: 034100
4 Tract: 034300
5 Tract: 034500
6 Tract: 034901
7 Tract: 034902
8 Tract: 035101
9 Tract: 035102
10 Tract: 035301
11 Tract: 035302
12 Tract: 035500
13 Tract: 035701
14 Tract: 035702
15 Tract: 035900
16 Tract: 036100
17 Tract: 040000
18 Tract: 040200
19 Tract: 040400
20 Tract: 040600
21 Tract: 040800
22 Tract: 041000
23 Tract: 041200
24 Tract: 041800
25 Tract: 042000
26 Tract: 042200
27 Tract: 042400
28 Tract: 042600
29 Tract: 042800
30 Tract: 043000
31 Tract: 043200
32 Tract: 043400
33 Tract: 043600
34 Tract: 043800
35 Tract: 044000
36 Tract: 044200
37 Tract: 044400
38 Tract: 044600
39 Tract: 044800
40 Tract: 045000
41 Tract: 045200
42 Tract: 045400
43 Tract: 045600
44 Tract: 045800
45 Tract: 046000
46 Tract: 046201
47 Tract: 046202
48 Tract: 048000
49 Tract: 048200
50 Tract: 048400
51 Tract: 049000
52 Tract: 049200
53 Tract: 049400
54 Tract: 050600
55 Tract: 050801
56 Tract: 050803

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1 Tract: 050804
2 Tract: 051001
3 Tract: 051002
4 Tract: 051200
5 Tract: 051400
6 Tract: 051601
7 Tract: 051602
8 Tract: 051800
9 Tract: 052000
10 Tract: 052600
11 Tract: 052800
12 Tract: 053000
13 Tract: 053200
14 Tract: 053400
15 Tract: 053800
16 Tract: 054200
17 Tract: 054400
18 Tract: 054600
19 Tract: 054800
20 Tract: 055000
21 Tract: 055200
22 Tract: 055400
23 Tract: 056400
24 Tract: 064000
25 Tract: 064200
26 Tract: 064400
27 Tract: 064600
28 Tract: 073400
29 Tract: 073800
30 Tract: 074000
31 Tract: 074200
32 Tract: 074400
33 Tract: 074600
34 Tract: 074800
35 Tract: 075000
36 Tract: 075200
37 Tract: 075400
38 Tract: 075600
39 Tract: 075800
40 Tract: 076000
41 Tract: 076200
42 Tract: 076400
43 Tract: 076600
44 Tract: 076800
45 Tract: 077000
46 Tract: 077200
47 Tract: 077400
48 Tract: 077600
49 Tract: 078000
50 Tract: 078200
51 Tract: 078400
52 Tract: 078601
53 Tract: 078602
54 Tract: 078801
55 Tract: 078802
56 Tract: 079001

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1 Tract: 079002
2 Tract: 079201
3 Tract: 079202
4 Tract: 079400
5 Tract: 079601
6 Tract: 079602
7 Tract: 079801
8 Tract: 079802
9 Tract: 080000
10 Tract: 080200
11 Tract: 080400
12 Tract: 080600
13 Tract: 080800
14 Tract: 081000
15 Tract: 081400
16 Tract: 081600
17 Tract: 081800
18 Tract: 082000
19 Tract: 082200
20 Tract: 082400
21 Tract: 082600
22 Tract: 082800
23 Tract: 083000
24 Tract: 083200
25 Tract: 083400
26 Tract: 083600
27 Tract: 083800
28 Tract: 084000
29 Tract: 084600
30 Tract: 084800
31 Tract: 085000
32 Tract: 085200
33 Tract: 085400
34 Tract: 085600
35 Tract: 085800
36 Tract: 086000
37 Tract: 086200
38 Tract: 086400
39 Tract: 086600
40 Tract: 086800
41 Tract: 087000
42 Tract: 087200
43 Tract: 087401
44 Tract: 087600
45 Tract: 087800
46 Tract: 088001
47 Tract: 088002
48 Tract: 088200
49 Tract: 088400
50 Tract: 088600
51 Tract: 088800
52 Tract: 089000
53 Tract: 089200
54 Tract: 089400
55 Tract: 089600
56 Tract: 089800

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1 Tract: 090000
 2 Tract: 090200
 3 Tract: 091200
 4 Tract: 092400
 5 Tract: 093200
 6 Tract: 093600
 7 Tract: 093800
 8 Tract: 094600
 9 Tract: 152200
 10 Tract: 017700 [Block] Blocks: 1000 1013
 11 Tract: 020500 Blocks: 1000-1001 2000-2001 3000-3001
 12 Tract: 020700 Blocks: 1000-1001
 13 Tract: 022100 Blocks: 1004-1005 2000-2002 3000-3002
 14 Tract: 024600 Blocks: 1000-1002 2001-2002 3000-3002
 15 Tract: 025400 Blocks: 1000-1002 2000-2003 3003
 16 Tract: 025600 Blocks: 1000-1005 2003
 17 Tract: 025800 Blocks: 1000-1002 2000-2002
 18 Tract: 026600 Blocks: 1000-1002 2002
 19 Tract: 026800 Blocks: 1000-1001 2000-2003 4000-4001
 20 Tract: 027200 Blocks: 1000-1001 2000-2001 3000
 21 Tract: 029600 Block: 1000
 22 Tract: 030000 Blocks: 1001 2000-2001 3000-3001 4000-4001 5000-5001
 23 6000
 24 Tract: 030200 Blocks: 1002-1003 2000-2002 3000-3002
 25 Tract: 030400 Blocks: 1000-1005 1010 2001-2004 3000-3008
 26 Tract: 030500 Blocks: 1004-1005 1008 2000-2002 3000-3002 4000-4002
 27 Tract: 030900 Blocks: 2001-2002
 28 Tract: 031100 Blocks: 1004 2000-2002
 29 Tract: 031300 Blocks: 2000-2002 3000-3002
 30 Tract: 031401 Blocks: 1000-1005 2000 5000-5001 6000-6001
 31 Tract: 031500 Blocks: 2000-2001 3000-3001
 32 Tract: 034700 Blocks: 1001-1002 2000-2001 3000-3001
 33 Tract: 036300 Blocks: 1004-1006 2000-2003 3000-3004 4000-4001
 34 Tract: 038600 Blocks: 2002-2003
 35 Tract: 039600 Block: 2001
 36 Tract: 039800 Blocks: 1001-1008 2000-2005
 37 Tract: 041401 Blocks: 1000-1003 2002
 38 Tract: 041402 Blocks: 1000-1003 2000-2002
 39 Tract: 041600 Blocks: 1000-1007
 40 Tract: 046800 Blocks: 1002-1005
 41 Tract: 048800 Blocks: 1000 1003 2000 3000-3001
 42 Tract: 049600 Blocks: 1000-1001
 43 Tract: 055600 Blocks: 1000-1001 2000 3000-3001
 44 Tract: 055800 Blocks: 1000 2000-2002
 45 Tract: 056000 Blocks: 1000 2000 3000-3001
 46 Tract: 056200 Blocks: 1000-1001 2000-2001
 47 Tract: 063600 Blocks: 1000-1003
 48 Tract: 063800 Blocks: 1000-1003 2000
 49 Tract: 064800 Blocks: 1000-1004
 50 Tract: 065000 Blocks: 1000-1001
 51 Tract: 065600 Block: 1003
 52 Tract: 072200 Block: 2005
 53 Tract: 072400 Blocks: 2002-2005
 54 Tract: 072600 Blocks: 1000-1010 1012-1018
 55 Tract: 073200 Blocks: 1002-1004 1006 2001-2005
 56 Tract: 090600 Block: 2004

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1 Tract: 091000 Blocks: 1000-1001 2000 3000
 2 Tract: 091600 Blocks: 1000-1002 2000-2003 3000-3001 4000-4002
 3 Tract: 091800 Blocks: 1000-1005 2001-2006
 4 Tract: 092000 Blocks: 1000 2000-2001 3002-3004
 5 Tract: 092800 Blocks: 1000 2000-2001
 6 Tract: 093000 Block: 1003
 7 Tract: 093400 Blocks: 1000-1004 2000-2001 2004
 8 Tract: 094401 Blocks: 1000-1001 2000-2001 2006 3000-3001
 9 Tract: 095000 Block: 2000
 10 § 2. Subdivision 10 of section 111 of the state law, as added by a
 11 chapter of the laws of 2022 amending the state law relating to creation
 12 of congressional districts, as proposed in legislative bill numbers S.
 13 8172-A and A. 9039-A, is amended to read as follows:
 14 10. Congressional District 10.
 15 Within Kings County
 16 Within Brooklyn Borough:
 17 Tract: 003700
 18 Tract: 005303
 19 Tract: 009402
 20 Tract: 010401
 21 Tract: 010402
 22 Tract: 010601
 23 Tract: 010602
 24 Tract: 010801
 25 Tract: 010802
 26 Tract: 011400
 27 Tract: 011600
 28 Tract: 011800
 29 Tract: 012801
 30 Tract: 013200
 31 Tract: 017100
 32 Tract: 017400
 33 Tract: 017600
 34 Tract: 017800
 35 Tract: 018000
 36 Tract: 018200
 37 Tract: 018400
 38 Tract: 018600
 39 Tract: 018800
 40 Tract: 019000
 41 Tract: 019200
 42 Tract: 019400
 43 Tract: 019600
 44 Tract: 019800
 45 Tract: 020000
 46 Tract: 020200
 47 Tract: 020400
 48 Tract: 020600
 49 Tract: 020800
 50 Tract: 021000
 51 Tract: 021200
 52 Tract: 021400
 53 Tract: 021600
 54 Tract: 021800
 55 Tract: 022000
 56 Tract: 022200

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- 1 Tract: 022400
- 2 Tract: 022600
- 3 Tract: 022800
- 4 Tract: 023000
- 5 Tract: 023200
- 6 Tract: 023400
- 7 Tract: 023600
- 8 Tract: 023800
- 9 Tract: 024000
- 10 Tract: 024200
- 11 Tract: 024400
- 12 Tract: 024800
- 13 Tract: 025000
- 14 Tract: 025200
- 15 Tract: 026000
- 16 Tract: 026200
- 17 Tract: 026400
- 18 Tract: 027400
- 19 Tract: 027600
- 20 Tract: 027800
- 21 Tract: 028400
- 22 Tract: 028800
- 23 Tract: 029000
- 24 Tract: 047000
- 25 Tract: 047200
- 26 Tract: 047400
- 27 Tract: 047600
- 28 Tract: 047800
- 29 Tract: 048600
- 30 Tract: 049800
- 31 Tract: 050001
- 32 Tract: 050002
- 33 Tract: 050202
- 34 Tract: 050401
- 35 Tract: 050402
- 36 Within New York County
- 37 Within Manhattan Borough:
- 38 Tract: 000100
- 39 Tract: 001300
- 40 Tract: 001501
- 41 Tract: 001600
- 42 Tract: 002100
- 43 Tract: 002500
- 44 Tract: 002700
- 45 Tract: 002901
- 46 Tract: 002902
- 47 Tract: 003900
- 48 Tract: 006900
- 49 Tract: 007500
- 50 Tract: 007900
- 51 Tract: 009901
- 52 Tract: 009902
- 53 Tract: 009903
- 54 Tract: 011700
- 55 Tract: 012102
- 56 Tract: 012901

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1 Tract: 012902
 2 Tract: 013501
 3 Tract: 013502
 4 Tract: 014700
 5 Tract: 015101
 6 Tract: 015102
 7 Tract: 015302
 8 Tract: 015501
 9 Tract: 015502
 10 Tract: 015900
 11 Tract: 016300
 12 Tract: 016700
 13 Tract: 017100
 14 Tract: 017300
 15 Tract: 017500
 16 Tract: 017700
 17 Tract: 017900
 18 Tract: 018100
 19 Tract: 018300
 20 Tract: 018500
 21 Tract: 018700
 22 Tract: 019100
 23 Tract: 019500
 24 Tract: 019900
 25 Tract: 020101
 26 Tract: 020300
 27 Tract: 020500
 28 Tract: 020701
 29 Tract: 031703
 30 Tract: 031704
 31 Tract: 031900
 32 Within Kings County
 33 Within Brooklyn Borough:
 34 Tract: 000900 Blocks: 1004-1008 2000 2003-2004
 35 Tract: 001100 Blocks: 1004-1006 1011
 36 Tract: 005102 Blocks: 1011-1012 1015-1016
 37 Tract: 001801 Blocks: 0001-0002
 38 Tract: 001802 Block: 0001
 39 Tract: 003300 Blocks: 2005-2007
 40 Tract: 003900 Blocks: 1000-1003 2000 3000
 41 Tract: 004300 Blocks: 1000 2001 4000-4005
 42 Tract: 005301 Blocks: 0002 2000-2003 2005-2009 2014 2016-2018
 43 Tract: 005302 Blocks: 0002 0004 1000-1013 2002-2013 3001-3004
 44 Tract: 006500 Blocks: 3000 4000 5000 6000 6003 7000 7002-7006
 45 Tract: 006901 Blocks: 2000-2001
 46 Tract: 006902 Blocks: 2000-2002
 47 Tract: 007500 Blocks: 1003 2004 5000-5002
 48 Tract: 007700 Blocks: 3002-3006 3009-3012 4000-4003
 49 Tract: 009002 Block: 1001
 50 Tract: 009202 Blocks: 2000-2001
 51 Tract: 009401 Blocks: 1001 2000-2001
 52 Tract: 009800 Blocks: 3000-3001
 53 Tract: 010000 Blocks: 1000-1001 2000-2001
 54 Tract: 010200 Blocks: 1000-1002 2002
 55 Tract: 011000 Blocks: 1000-1002 1005-1007 2000-2001
 56 Tract: 011200 Blocks: 1001-1006 2000-2001 3000-3001 4001

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1 Tract: 012000 Blocks: 1000-1005 1007-1012
 2 Tract: 012901 Blocks: 1000-1001 2000-2001 4000-4001
 3 Tract: 012902 Blocks: 2001-2006
 4 Tract: 014000 Blocks: 1000-1001
 5 Tract: 014800 Block: 1000
 6 Tract: 015900 Blocks: [~~5000-5002~~] 5000-5003 5004 6000
 7 Tract: 016100 Blocks: 1000-1003 3000-3001 4000-4001
 8 Tract: 016300 Blocks: 2000-2002 3000-3001 4000
 9 Tract: 016600 Blocks: 1000-1001 2000-2002
 10 Tract: 016800 Blocks: 0001 1002-1005 1007-1009
 11 Tract: 016900 Blocks: 1000-1001
 12 Tract: 017000 Blocks: 1000-1002 2000-2001 3000
 13 Tract: 017200 Blocks: 1000-1007 2000-2002 2004-2005
 14 Tract: 017500 Block: 1001
 15 Tract: 017700 Blocks: [~~1000-1012~~] 1001-1012 1014
 16 Tract: 020300 Blocks: 1004-1005 2002
 17 Tract: 020500 Blocks: 1002 2002 3002
 18 Tract: 020700 Blocks: 2000-2002 3000-3001
 19 Tract: 024600 Block: 2000
 20 Tract: 025400 Blocks: 3000-3002
 21 Tract: 025600 Blocks: 2000-2002
 22 Tract: 025800 Blocks: 3000-3002
 23 Tract: 026600 Blocks: 2000-2001 3000-3002
 24 Tract: 026800 Blocks: 3000-3003
 25 Tract: 027200 Blocks: 3001-3002
 26 Tract: 028000 Blocks: 1000-1004 2000-2005
 27 Tract: 028200 Blocks: 1000-1005 2000-2003 3000-3001
 28 Tract: 028600 Blocks: 0002 1000-1003 2000 3000 4000-4002 5000-5002
 29 Tract: 029200 Blocks: 1000-1002 2000-2003 3000-3003
 30 Tract: 029400 Blocks: 1000-1008
 31 Tract: 029600 Blocks: 1001-1002 2000-2002 3000-3002 4000-4001
 32 Tract: 030000 Block: 1000
 33 Tract: 030200 Blocks: 1000-1001 2000
 34 Tract: 030400 Block: 2000
 35 Tract: 046400 Blocks: 1000-1002 2000-2002
 36 Tract: 046800 Blocks: 1000-1001
 37 Tract: 048800 Blocks: 1001-1002 2001
 38 Tract: 049600 Blocks: 1002-1004 2000-2002 3000-3004
 39 Tract: 150200 Blocks: 1000-1004 2000-2006 3009-3012
 40 Within New York County
 41 Within Manhattan Borough:
 42 Tract: 000500 Blocks: 0001-0004 1000-1031 2004-2006
 43 Tract: 000600 Blocks: 1000-1002 2000-2001 2003
 44 Tract: 000700 Blocks: 0001 1000-1005 2000 3000 4000-4004 5000-5001
 45 6000-6002 7000-7008 8000-8002
 46 Tract: 000800 Blocks: 1000-1001 2000 3000 4000 5000-5003 6000-6026
 47 Tract: 000900 Blocks: 0001 1000-1023
 48 Tract: 001502 Blocks: 0001 1000-1004 2000-2007 3000-3003 4000-4006
 49 5000 6000-6001 7000-7002
 50 Tract: 001800 Blocks: 1001-1004 5006 6000-6001
 51 Tract: 003100 Blocks: 1001-1003 1011-1012 2000-2010
 52 Tract: 003300 Blocks: 1007 1011-1012 2000-2003 2010 2013-2019
 53 3002-3004
 54 Tract: 003700 Blocks: 0001-0004 1000-1018 3009-3010 3014-3015
 55 Tract: 004100 Blocks: 2000-2002 3000-3002 4000-4002 5000 5002-5005
 56 Tract: 004500 Blocks: 1007 1009-1011

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1 Tract: 004700 Block: 2010
 2 Tract: 008300 Blocks: 3000-3003
 3 Tract: 008900 Blocks: 3000-3001 4000-4001
 4 Tract: 009300 Blocks: 3000 4000 5000-5001 6000-6001 7000
 5 Tract: 009700 Blocks: 2000-2002
 6 Tract: 010300 Blocks: 1000-1011
 7 Tract: 011100 Blocks: 2000-2008 3000-3007
 8 Tract: 011500 Blocks: 2000-2008
 9 Tract: 012700 Blocks: 3000-3001 4000-4002
 10 Tract: 013300 Blocks: 3000-3001 4000-4001
 11 Tract: 013900 Blocks: 1000 2000 3000-3001
 12 Tract: 014300 Blocks: 1005-1007 1012-1014
 13 Tract: 014500 Blocks: 1000-1002 2000
 14 Tract: 014900 Blocks: 1000-1003
 15 Tract: 015700 Blocks: 5000 6000 7000-7001 8000-8001
 16 Tract: 016100 Blocks: 1000-1002 5000 6000
 17 Tract: 016500 Blocks: 2000 3000 4000 5000
 18 Tract: 016900 Blocks: 1000 3000-3001 4000-4001
 19 Tract: 019701 Blocks: 1001-1002
 20 § 3. Subdivision 11 of section 111 of the state law, as added by a
 21 chapter of the laws of 2022 amending the state law relating to creation
 22 of congressional districts, as proposed in legislative bill numbers S.
 23 8172-A and A. 9039-A, is amended to read as follows:
 24 11. Congressional District 11.
 25 All of Richmond County
 26 Within Kings County
 27 Within Brooklyn Borough:
 28 Tract: 000200
 29 Tract: 001803
 30 Tract: 001804
 31 Tract: 002000
 32 Tract: 002200
 33 Tract: 003000
 34 Tract: 003400
 35 Tract: 003600
 36 Tract: 003800
 37 Tract: 004100
 38 Tract: 004400
 39 Tract: 004600
 40 Tract: 005000
 41 Tract: 005201
 42 Tract: 005202
 43 Tract: 005400
 44 Tract: 005601
 45 Tract: 005602
 46 Tract: 005800
 47 Tract: 006000
 48 Tract: 006200
 49 Tract: 006400
 50 Tract: 006600
 51 Tract: 006800
 52 Tract: 007000
 53 Tract: 007100
 54 Tract: 007200
 55 Tract: 007400
 56 Tract: 007600

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A. 9167

1 Tract: 007800
 2 Tract: 008000
 3 Tract: 008200
 4 Tract: 008400
 5 Tract: 008600
 6 Tract: 008800
 7 Tract: 009001
 8 Tract: 009201
 9 Tract: 009600
 10 Tract: 010100
 11 Tract: 011700
 12 Tract: 011901
 13 Tract: 011902
 14 Tract: 012100
 15 Tract: 012200
 16 Tract: 012600
 17 Tract: 012700
 18 Tract: 013000
 19 Tract: 013100
 20 Tract: 013300
 21 Tract: 013400
 22 Tract: 013500
 23 Tract: 013600
 24 Tract: 013700
 25 Tract: 013800
 26 Tract: 013900
 27 Tract: 014101
 28 Tract: 014102
 29 Tract: 014200
 30 Tract: 014300
 31 Tract: 014500
 32 Tract: 014700
 33 Tract: 014901
 34 Tract: 014902
 35 Tract: 015000
 36 Tract: 015100
 37 Tract: 015200
 38 Tract: 015300
 39 Tract: 015400
 40 Tract: 015500
 41 Tract: 015700
 42 Tract: 016000
 43 Tract: 016200
 44 Tract: 016400
 45 Tract: 016500
 46 Tract: 016700
 47 Tract: 001801 Blocks: 1000-1010 2000-2003
 48 Tract: 001802 Blocks: 1000-1011
 49 Tract: 003900 Blocks: 2001-2002 3001-3002
 50 Tract: 004300 Blocks: 2000 2002 3000-3003
 51 Tract: 005301 Block: 0001
 52 Tract: 005302 Blocks: 0001 0003
 53 Tract: 006901 Blocks: 1000-1001
 54 Tract: 006902 Blocks: 1000-1003
 55 Tract: 007500 Blocks: 1000-1002 2000-2003 3000-3006 4000-4001
 56 Tract: 007700 Blocks: 1000-1004 2000-2005 3000-3001 3007-3008 3013

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1 Tract: 009002 Blocks: 1000 1002-1003
 2 Tract: 009202 Blocks: 1000-1001
 3 Tract: 009401 Block: 1000
 4 Tract: 009800 Blocks: 1000-1001 2000-2001 4000-4001
 5 Tract: 010000 Blocks: 3000-3001 4000-4001
 6 Tract: 010200 Blocks: 2000-2001 3000-3001
 7 Tract: 011000 Blocks: 1003-1004 2002-2003
 8 Tract: 011200 Blocks: 1000 4000
 9 Tract: 012000 Block: 1006
 10 Tract: 012901 Blocks: 3000-3002
 11 Tract: 012902 Blocks: 1000-1001
 12 Tract: 014000 Blocks: 1002-1003 2000-2007
 13 Tract: 014800 Blocks: 1001-1002 2000-2003
 14 Tract: 015900 Blocks: 1000-1002 2000-2002 3000-3001 4000-4001 [~~5003~~]
 15 6001-6004
 16 Tract: 016100 Blocks: 4002-4004
 17 Tract: 016600 Blocks: 1002-1006 2003-2006
 18 Tract: 016800 Blocks: 1000-1001 1006
 19 Tract: 016900 Blocks: 2000-2001 3000-3003 4000-4001 5000-5001
 20 Tract: 017000 Blocks: 2002-2003 3001-3003
 21 Tract: 017200 Block: 2003
 22 Tract: 017500 Block: 1000
 23 Tract: 028000 Block: 0001
 24 Tract: 028200 Block: 0001
 25 Tract: 028600 Block: 0001
 26 Tract: 029200 Block: 1000
 27 Tract: 029400 Block: 1000
 28 Tract: 030400 Block: 0002
 29 Tract: 150200 Blocks: 3000-3008
 30 Tract: 990100 Blocks: 0005-0008
 31 § 4. This act shall take effect on the same date and in the same
 32 manner as a chapter of the laws of 2022 amending the state law relating
 33 to creation of congressional districts, as proposed in legislative bill
 34 numbers S. 8172-A and A. 9039-A, takes effect.

EXHIBIT F TO MOSKOWITZ AFFIRMATION - NEW YORK SENATE BILL S.8196 [219 - 230]

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2/3/22, 2:06 PM
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S08196 Text:

STATE OF NEW YORK

S. 8196

A. 9167

SENATE - ASSEMBLY

February 1, 2022

IN SENATE -- Introduced by Sen. GIANARIS -- read twice and ordered
printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. ZEBROWSKI -- read once and
referred to the Committee on Governmental Operations

AN ACT to amend the state law, in relation to congressional districts

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

- 1 Section 1. Subdivision 9 of section 111 of the state law, as added by
- 2 a chapter of the laws of 2022 amending the state law relating to
- 3 creation of congressional districts, as proposed in legislative bill
- 4 numbers S. 8172-A and A. 9039-A, is amended to read as follows:
- 5 9. Congressional District 9.
- 6 Within Kings County
- 7 Within Brooklyn Borough:
- 8 Tract: 021300
- 9 Tract: 021500
- 10 Tract: 021700
- 11 Tract: 021900
- 12 Tract: 027000
- 13 Tract: 029800
- 14 Tract: 030600
- 15 Tract: 031701
- 16 Tract: 031702
- 17 Tract: 031900
- 18 Tract: 032100
- 19 Tract: 032300
- 20 Tract: 032500
- 21 Tract: 032700
- 22 Tract: 032900
- 23 Tract: 033100
- 24 Tract: 033300
- 25 Tract: 033500
- 26 Tract: 033701

EXPLANATION--Matter in italics (underscoring) is new; matter in brackets
[] is old law to be omitted.

LBD14150-05-2

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1 Tract: 033702
2 Tract: 033900
3 Tract: 034100
4 Tract: 034300
5 Tract: 034500
6 Tract: 034901
7 Tract: 034902
8 Tract: 035101
9 Tract: 035102
10 Tract: 035301
11 Tract: 035302
12 Tract: 035500
13 Tract: 035701
14 Tract: 035702
15 Tract: 035900
16 Tract: 036100
17 Tract: 040000
18 Tract: 040200
19 Tract: 040400
20 Tract: 040600
21 Tract: 040800
22 Tract: 041000
23 Tract: 041200
24 Tract: 041800
25 Tract: 042000
26 Tract: 042200
27 Tract: 042400
28 Tract: 042600
29 Tract: 042800
30 Tract: 043000
31 Tract: 043200
32 Tract: 043400
33 Tract: 043600
34 Tract: 043800
35 Tract: 044000
36 Tract: 044200
37 Tract: 044400
38 Tract: 044600
39 Tract: 044800
40 Tract: 045000
41 Tract: 045200
42 Tract: 045400
43 Tract: 045600
44 Tract: 045800
45 Tract: 046000
46 Tract: 046201
47 Tract: 046202
48 Tract: 048000
49 Tract: 048200
50 Tract: 048400
51 Tract: 049000
52 Tract: 049200
53 Tract: 049400
54 Tract: 050600
55 Tract: 050801
56 Tract: 050803

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1 Tract: 050804
2 Tract: 051001
3 Tract: 051002
4 Tract: 051200
5 Tract: 051400
6 Tract: 051601
7 Tract: 051602
8 Tract: 051800
9 Tract: 052000
10 Tract: 052600
11 Tract: 052800
12 Tract: 053000
13 Tract: 053200
14 Tract: 053400
15 Tract: 053800
16 Tract: 054200
17 Tract: 054400
18 Tract: 054600
19 Tract: 054800
20 Tract: 055000
21 Tract: 055200
22 Tract: 055400
23 Tract: 056400
24 Tract: 064000
25 Tract: 064200
26 Tract: 064400
27 Tract: 064600
28 Tract: 073400
29 Tract: 073800
30 Tract: 074000
31 Tract: 074200
32 Tract: 074400
33 Tract: 074600
34 Tract: 074800
35 Tract: 075000
36 Tract: 075200
37 Tract: 075400
38 Tract: 075600
39 Tract: 075800
40 Tract: 076000
41 Tract: 076200
42 Tract: 076400
43 Tract: 076600
44 Tract: 076800
45 Tract: 077000
46 Tract: 077200
47 Tract: 077400
48 Tract: 077600
49 Tract: 078000
50 Tract: 078200
51 Tract: 078400
52 Tract: 078601
53 Tract: 078602
54 Tract: 078801
55 Tract: 078802
56 Tract: 079001

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1 Tract: 079002
2 Tract: 079201
3 Tract: 079202
4 Tract: 079400
5 Tract: 079601
6 Tract: 079602
7 Tract: 079801
8 Tract: 079802
9 Tract: 080000
10 Tract: 080200
11 Tract: 080400
12 Tract: 080600
13 Tract: 080800
14 Tract: 081000
15 Tract: 081400
16 Tract: 081600
17 Tract: 081800
18 Tract: 082000
19 Tract: 082200
20 Tract: 082400
21 Tract: 082600
22 Tract: 082800
23 Tract: 083000
24 Tract: 083200
25 Tract: 083400
26 Tract: 083600
27 Tract: 083800
28 Tract: 084000
29 Tract: 084600
30 Tract: 084800
31 Tract: 085000
32 Tract: 085200
33 Tract: 085400
34 Tract: 085600
35 Tract: 085800
36 Tract: 086000
37 Tract: 086200
38 Tract: 086400
39 Tract: 086600
40 Tract: 086800
41 Tract: 087000
42 Tract: 087200
43 Tract: 087401
44 Tract: 087600
45 Tract: 087800
46 Tract: 088001
47 Tract: 088002
48 Tract: 088200
49 Tract: 088400
50 Tract: 088600
51 Tract: 088800
52 Tract: 089000
53 Tract: 089200
54 Tract: 089400
55 Tract: 089600
56 Tract: 089800

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1 Tract: 090000
 2 Tract: 090200
 3 Tract: 091200
 4 Tract: 092400
 5 Tract: 093200
 6 Tract: 093600
 7 Tract: 093800
 8 Tract: 094600
 9 Tract: 152200
 10 Tract: 017700 [Block] Blocks: 1000 1013
 11 Tract: 020500 Blocks: 1000-1001 2000-2001 3000-3001
 12 Tract: 020700 Blocks: 1000-1001
 13 Tract: 022100 Blocks: 1004-1005 2000-2002 3000-3002
 14 Tract: 024600 Blocks: 1000-1002 2001-2002 3000-3002
 15 Tract: 025400 Blocks: 1000-1002 2000-2003 3003
 16 Tract: 025600 Blocks: 1000-1005 2003
 17 Tract: 025800 Blocks: 1000-1002 2000-2002
 18 Tract: 026600 Blocks: 1000-1002 2002
 19 Tract: 026800 Blocks: 1000-1001 2000-2003 4000-4001
 20 Tract: 027200 Blocks: 1000-1001 2000-2001 3000
 21 Tract: 029600 Block: 1000
 22 Tract: 030000 Blocks: 1001 2000-2001 3000-3001 4000-4001 5000-5001
 23 6000
 24 Tract: 030200 Blocks: 1002-1003 2000-2002 3000-3002
 25 Tract: 030400 Blocks: 1000-1005 1010 2001-2004 3000-3008
 26 Tract: 030500 Blocks: 1004-1005 1008 2000-2002 3000-3002 4000-4002
 27 Tract: 030900 Blocks: 2001-2002
 28 Tract: 031100 Blocks: 1004 2000-2002
 29 Tract: 031300 Blocks: 2000-2002 3000-3002
 30 Tract: 031401 Blocks: 1000-1005 2000 5000-5001 6000-6001
 31 Tract: 031500 Blocks: 2000-2001 3000-3001
 32 Tract: 034700 Blocks: 1001-1002 2000-2001 3000-3001
 33 Tract: 036300 Blocks: 1004-1006 2000-2003 3000-3004 4000-4001
 34 Tract: 038600 Blocks: 2002-2003
 35 Tract: 039600 Block: 2001
 36 Tract: 039800 Blocks: 1001-1008 2000-2005
 37 Tract: 041401 Blocks: 1000-1003 2002
 38 Tract: 041402 Blocks: 1000-1003 2000-2002
 39 Tract: 041600 Blocks: 1000-1007
 40 Tract: 046800 Blocks: 1002-1005
 41 Tract: 048800 Blocks: 1000 1003 2000 3000-3001
 42 Tract: 049600 Blocks: 1000-1001
 43 Tract: 055600 Blocks: 1000-1001 2000 3000-3001
 44 Tract: 055800 Blocks: 1000 2000-2002
 45 Tract: 056000 Blocks: 1000 2000 3000-3001
 46 Tract: 056200 Blocks: 1000-1001 2000-2001
 47 Tract: 063600 Blocks: 1000-1003
 48 Tract: 063800 Blocks: 1000-1003 2000
 49 Tract: 064800 Blocks: 1000-1004
 50 Tract: 065000 Blocks: 1000-1001
 51 Tract: 065600 Block: 1003
 52 Tract: 072200 Block: 2005
 53 Tract: 072400 Blocks: 2002-2005
 54 Tract: 072600 Blocks: 1000-1010 1012-1018
 55 Tract: 073200 Blocks: 1002-1004 1006 2001-2005
 56 Tract: 090600 Block: 2004

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1 Tract: 091000 Blocks: 1000-1001 2000 3000
 2 Tract: 091600 Blocks: 1000-1002 2000-2003 3000-3001 4000-4002
 3 Tract: 091800 Blocks: 1000-1005 2001-2006
 4 Tract: 092000 Blocks: 1000 2000-2001 3002-3004
 5 Tract: 092800 Blocks: 1000 2000-2001
 6 Tract: 093000 Block: 1003
 7 Tract: 093400 Blocks: 1000-1004 2000-2001 2004
 8 Tract: 094401 Blocks: 1000-1001 2000-2001 2006 3000-3001
 9 Tract: 095000 Block: 2000
 10 § 2. Subdivision 10 of section 111 of the state law, as added by a
 11 chapter of the laws of 2022 amending the state law relating to creation
 12 of congressional districts, as proposed in legislative bill numbers S.
 13 8172-A and A. 9039-A, is amended to read as follows:
 14 10. Congressional District 10.
 15 Within Kings County
 16 Within Brooklyn Borough:
 17 Tract: 003700
 18 Tract: 005303
 19 Tract: 009402
 20 Tract: 010401
 21 Tract: 010402
 22 Tract: 010601
 23 Tract: 010602
 24 Tract: 010801
 25 Tract: 010802
 26 Tract: 011400
 27 Tract: 011600
 28 Tract: 011800
 29 Tract: 012801
 30 Tract: 013200
 31 Tract: 017100
 32 Tract: 017400
 33 Tract: 017600
 34 Tract: 017800
 35 Tract: 018000
 36 Tract: 018200
 37 Tract: 018400
 38 Tract: 018600
 39 Tract: 018800
 40 Tract: 019000
 41 Tract: 019200
 42 Tract: 019400
 43 Tract: 019600
 44 Tract: 019800
 45 Tract: 020000
 46 Tract: 020200
 47 Tract: 020400
 48 Tract: 020600
 49 Tract: 020800
 50 Tract: 021000
 51 Tract: 021200
 52 Tract: 021400
 53 Tract: 021600
 54 Tract: 021800
 55 Tract: 022000
 56 Tract: 022200

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A. 9167

1 Tract: 022400
 2 Tract: 022600
 3 Tract: 022800
 4 Tract: 023000
 5 Tract: 023200
 6 Tract: 023400
 7 Tract: 023600
 8 Tract: 023800
 9 Tract: 024000
 10 Tract: 024200
 11 Tract: 024400
 12 Tract: 024800
 13 Tract: 025000
 14 Tract: 025200
 15 Tract: 026000
 16 Tract: 026200
 17 Tract: 026400
 18 Tract: 027400
 19 Tract: 027600
 20 Tract: 027800
 21 Tract: 028400
 22 Tract: 028800
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 24 Tract: 047000
 25 Tract: 047200
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 27 Tract: 047600
 28 Tract: 047800
 29 Tract: 048600
 30 Tract: 049800
 31 Tract: 050001
 32 Tract: 050002
 33 Tract: 050202
 34 Tract: 050401
 35 Tract: 050402
 36 Within New York County
 37 Within Manhattan Borough:
 38 Tract: 000100
 39 Tract: 001300
 40 Tract: 001501
 41 Tract: 001600
 42 Tract: 002100
 43 Tract: 002500
 44 Tract: 002700
 45 Tract: 002901
 46 Tract: 002902
 47 Tract: 003900
 48 Tract: 006900
 49 Tract: 007500
 50 Tract: 007900
 51 Tract: 009901
 52 Tract: 009902
 53 Tract: 009903
 54 Tract: 011700
 55 Tract: 012102
 56 Tract: 012901

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8

A. 9167

1 Tract: 012902
 2 Tract: 013501
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 4 Tract: 014700
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 11 Tract: 016300
 12 Tract: 016700
 13 Tract: 017100
 14 Tract: 017300
 15 Tract: 017500
 16 Tract: 017700
 17 Tract: 017900
 18 Tract: 018100
 19 Tract: 018300
 20 Tract: 018500
 21 Tract: 018700
 22 Tract: 019100
 23 Tract: 019500
 24 Tract: 019900
 25 Tract: 020101
 26 Tract: 020300
 27 Tract: 020500
 28 Tract: 020701
 29 Tract: 031703
 30 Tract: 031704
 31 Tract: 031900
 32 Within Kings County
 33 Within Brooklyn Borough:
 34 Tract: 000900 Blocks: 1004-1008 2000 2003-2004
 35 Tract: 001100 Blocks: 1004-1006 1011
 36 Tract: 005102 Blocks: 1011-1012 1015-1016
 37 Tract: 001801 Blocks: 0001-0002
 38 Tract: 001802 Block: 0001
 39 Tract: 003300 Blocks: 2005-2007
 40 Tract: 003900 Blocks: 1000-1003 2000 3000
 41 Tract: 004300 Blocks: 1000 2001 4000-4005
 42 Tract: 005301 Blocks: 0002 2000-2003 2005-2009 2014 2016-2018
 43 Tract: 005302 Blocks: 0002 0004 1000-1013 2002-2013 3001-3004
 44 Tract: 006500 Blocks: 3000 4000 5000 6000 6003 7000 7002-7006
 45 Tract: 006901 Blocks: 2000-2001
 46 Tract: 006902 Blocks: 2000-2002
 47 Tract: 007500 Blocks: 1003 2004 5000-5002
 48 Tract: 007700 Blocks: 3002-3006 3009-3012 4000-4003
 49 Tract: 009002 Block: 1001
 50 Tract: 009202 Blocks: 2000-2001
 51 Tract: 009401 Blocks: 1001 2000-2001
 52 Tract: 009800 Blocks: 3000-3001
 53 Tract: 010000 Blocks: 1000-1001 2000-2001
 54 Tract: 010200 Blocks: 1000-1002 2002
 55 Tract: 011000 Blocks: 1000-1002 1005-1007 2000-2001
 56 Tract: 011200 Blocks: 1001-1006 2000-2001 3000-3001 4001

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 5 Tract: 014800 Block: 1000
 6 Tract: 015900 Blocks: [~~5000-5002~~] 5000-5003 5004 6000
 7 Tract: 016100 Blocks: 1000-1003 3000-3001 4000-4001
 8 Tract: 016300 Blocks: 2000-2002 3000-3001 4000
 9 Tract: 016600 Blocks: 1000-1001 2000-2002
 10 Tract: 016800 Blocks: 0001 1002-1005 1007-1009
 11 Tract: 016900 Blocks: 1000-1001
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 13 Tract: 017200 Blocks: 1000-1007 2000-2002 2004-2005
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 22 Tract: 025800 Blocks: 3000-3002
 23 Tract: 026600 Blocks: 2000-2001 3000-3002
 24 Tract: 026800 Blocks: 3000-3003
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 27 Tract: 028200 Blocks: 1000-1005 2000-2003 3000-3001
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 32 Tract: 030000 Block: 1000
 33 Tract: 030200 Blocks: 1000-1001 2000
 34 Tract: 030400 Block: 2000
 35 Tract: 046400 Blocks: 1000-1002 2000-2002
 36 Tract: 046800 Blocks: 1000-1001
 37 Tract: 048800 Blocks: 1001-1002 2001
 38 Tract: 049600 Blocks: 1002-1004 2000-2002 3000-3004
 39 Tract: 150200 Blocks: 1000-1004 2000-2006 3009-3012
 40 Within New York County
 41 Within Manhattan Borough:
 42 Tract: 000500 Blocks: 0001-0004 1000-1031 2004-2006
 43 Tract: 000600 Blocks: 1000-1002 2000-2001 2003
 44 Tract: 000700 Blocks: 0001 1000-1005 2000 3000 4000-4004 5000-5001
 45 6000-6002 7000-7008 8000-8002
 46 Tract: 000800 Blocks: 1000-1001 2000 3000 4000 5000-5003 6000-6026
 47 Tract: 000900 Blocks: 0001 1000-1023
 48 Tract: 001502 Blocks: 0001 1000-1004 2000-2007 3000-3003 4000-4006
 49 5000 6000-6001 7000-7002
 50 Tract: 001800 Blocks: 1001-1004 5006 6000-6001
 51 Tract: 003100 Blocks: 1001-1003 1011-1012 2000-2010
 52 Tract: 003300 Blocks: 1007 1011-1012 2000-2003 2010 2013-2019
 53 3002-3004
 54 Tract: 003700 Blocks: 0001-0004 1000-1018 3009-3010 3014-3015
 55 Tract: 004100 Blocks: 2000-2002 3000-3002 4000-4002 5000 5002-5005
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A. 9167

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 2 Tract: 008300 Blocks: 3000-3003
 3 Tract: 008900 Blocks: 3000-3001 4000-4001
 4 Tract: 009300 Blocks: 3000 4000 5000-5001 6000-6001 7000
 5 Tract: 009700 Blocks: 2000-2002
 6 Tract: 010300 Blocks: 1000-1011
 7 Tract: 011100 Blocks: 2000-2008 3000-3007
 8 Tract: 011500 Blocks: 2000-2008
 9 Tract: 012700 Blocks: 3000-3001 4000-4002
 10 Tract: 013300 Blocks: 3000-3001 4000-4001
 11 Tract: 013900 Blocks: 1000 2000 3000-3001
 12 Tract: 014300 Blocks: 1005-1007 1012-1014
 13 Tract: 014500 Blocks: 1000-1002 2000
 14 Tract: 014900 Blocks: 1000-1003
 15 Tract: 015700 Blocks: 5000 6000 7000-7001 8000-8001
 16 Tract: 016100 Blocks: 1000-1002 5000 6000
 17 Tract: 016500 Blocks: 2000 3000 4000 5000
 18 Tract: 016900 Blocks: 1000 3000-3001 4000-4001
 19 Tract: 019701 Blocks: 1001-1002
 20 § 3. Subdivision 11 of section 111 of the state law, as added by a
 21 chapter of the laws of 2022 amending the state law relating to creation
 22 of congressional districts, as proposed in legislative bill numbers S.
 23 8172-A and A. 9039-A, is amended to read as follows:
 24 11. Congressional District 11.
 25 All of Richmond County
 26 Within Kings County
 27 Within Brooklyn Borough:
 28 Tract: 000200
 29 Tract: 001803
 30 Tract: 001804
 31 Tract: 002000
 32 Tract: 002200
 33 Tract: 003000
 34 Tract: 003400
 35 Tract: 003600
 36 Tract: 003800
 37 Tract: 004100
 38 Tract: 004400
 39 Tract: 004600
 40 Tract: 005000
 41 Tract: 005201
 42 Tract: 005202
 43 Tract: 005400
 44 Tract: 005601
 45 Tract: 005602
 46 Tract: 005800
 47 Tract: 006000
 48 Tract: 006200
 49 Tract: 006400
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 53 Tract: 007100
 54 Tract: 007200
 55 Tract: 007400
 56 Tract: 007600

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 10 Tract: 010100
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 16 Tract: 012600
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 43 Tract: 016200
 44 Tract: 016400
 45 Tract: 016500
 46 Tract: 016700
 47 Tract: 001801 Blocks: 1000-1010 2000-2003
 48 Tract: 001802 Blocks: 1000-1011
 49 Tract: 003900 Blocks: 2001-2002 3001-3002
 50 Tract: 004300 Blocks: 2000 2002 3000-3003
 51 Tract: 005301 Block: 0001
 52 Tract: 005302 Blocks: 0001 0003
 53 Tract: 006901 Blocks: 1000-1001
 54 Tract: 006902 Blocks: 1000-1003
 55 Tract: 007500 Blocks: 1000-1002 2000-2003 3000-3006 4000-4001
 56 Tract: 007700 Blocks: 1000-1004 2000-2005 3000-3001 3007-3008 3013

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1 Tract: 009002 Blocks: 1000 1002-1003
 2 Tract: 009202 Blocks: 1000-1001
 3 Tract: 009401 Block: 1000
 4 Tract: 009800 Blocks: 1000-1001 2000-2001 4000-4001
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 6 Tract: 010200 Blocks: 2000-2001 3000-3001
 7 Tract: 011000 Blocks: 1003-1004 2002-2003
 8 Tract: 011200 Blocks: 1000 4000
 9 Tract: 012000 Block: 1006
 10 Tract: 012901 Blocks: 3000-3002
 11 Tract: 012902 Blocks: 1000-1001
 12 Tract: 014000 Blocks: 1002-1003 2000-2007
 13 Tract: 014800 Blocks: 1001-1002 2000-2003
 14 Tract: 015900 Blocks: 1000-1002 2000-2002 3000-3001 4000-4001 [~~5003~~]
 15 6001-6004
 16 Tract: 016100 Blocks: 4002-4004
 17 Tract: 016600 Blocks: 1002-1006 2003-2006
 18 Tract: 016800 Blocks: 1000-1001 1006
 19 Tract: 016900 Blocks: 2000-2001 3000-3003 4000-4001 5000-5001
 20 Tract: 017000 Blocks: 2002-2003 3001-3003
 21 Tract: 017200 Block: 2003
 22 Tract: 017500 Block: 1000
 23 Tract: 028000 Block: 0001
 24 Tract: 028200 Block: 0001
 25 Tract: 028600 Block: 0001
 26 Tract: 029200 Block: 1000
 27 Tract: 029400 Block: 1000
 28 Tract: 030400 Block: 0002
 29 Tract: 150200 Blocks: 3000-3008
 30 Tract: 990100 Blocks: 0005-0008
 31 § 4. This act shall take effect on the same date and in the same
 32 manner as a chapter of the laws of 2022 amending the state law relating
 33 to creation of congressional districts, as proposed in legislative bill
 34 numbers S. 8172-A and A. 9039-A, takes effect.

EXPERT REPORT OF SEAN P. TRENDE, DATED FEBRUARY 14, 2021 [231 - 264]

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

-----X

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. E2022-0116CV

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

-----X

**EXPERT REPORT
OF SEAN P. TRENDE
FEBRUARY 14, 2021**

Expert Report of Sean P. Trende**I. Qualifications*****Professional Experience:***

I joined RealClearPolitics in January of 2009 after practicing law for eight years. I assumed a full-time position with RealClearPolitics in March of 2010. My title is Senior Elections Analyst. RealClearPolitics is a company of around 50 employees, with offices in Washington D.C. It produces one of the most heavily trafficked political websites in the world, which serves as a one-stop shop for political analysis from all sides of the political spectrum and is recognized as a pioneer in the field of poll aggregation. It produces original content, including both data analysis and traditional reporting. It is routinely cited by the most influential voices in politics, including David Brooks of *The New York Times*, Brit Hume of *Fox News*, Michael Barone of *The Almanac of American Politics*, Paul Gigot of *The Wall Street Journal*, and Peter Beinart of *The Atlantic*.

My main responsibilities with RealClearPolitics consist of tracking, analyzing, and writing about elections. I collaborate in rating the competitiveness of Presidential, Senate, House, and gubernatorial races. As a part of carrying out these responsibilities, I have studied and written extensively about demographic trends in the country, exit poll data at the state and federal level, public opinion polling, and voter turnout and voting behavior. In particular, understanding the way that districts are drawn and how geography and demographics interact is crucial to predicting United States House of Representatives races, so much of my time is dedicated to that task.

Publications and Speaking Engagements:

I am currently a Visiting Scholar at the American Enterprise Institute, where my publications focus on the demographic and coalitional aspects of American Politics. There, I have written on the efficiency gap, a metric for measuring the fairness of redistricting plans.

I am the author of *The Lost Majority: Why the Future of Government Is Up for Grabs and Who Will Take It*. In this book, I explore realignment theory. It argues that realignments are a poor concept that should be abandoned. As part of this analysis, I conducted a thorough analysis of demographic and political trends beginning in the 1920s and continuing through the modern times, noting the fluidity and fragility of the coalitions built by the major political parties and their candidates.

I co-authored the 2014 *Almanac of American Politics*. The Almanac is considered the foundational text for understanding congressional districts and the representatives of those

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districts, as well as the dynamics in play behind the elections. PBS's Judy Woodruff described the book as "the oxygen of the political world," while NBC's Chuck Todd noted that "[r]eal political junkies get two *Almanacs*: one for the home and one for the office." My focus was researching the history of and writing descriptions for many of the newly-drawn districts, including tracing the history of how and why they were drawn the way that they were drawn.

I have spoken on these subjects before audiences from across the political spectrum, including at the Heritage Foundation, the American Enterprise Institute, the CATO Institute, the Bipartisan Policy Center, and the Brookings Institution. In 2012, I was invited to Brussels to speak about American elections to the European External Action Service, which is the European Union's diplomatic corps. I was selected by the United States Embassy in Sweden to discuss the 2016 elections to a series of audiences there, and was selected by the United States Embassy in Spain to fulfil a similar mission in 2018. I was invited to present by the United States Embassy in Italy, but was unable to do so because of my teaching schedule.

In the winter of 2018, I taught American Politics and the Mass Media at Ohio Wesleyan University. I taught Introduction to American Politics at The Ohio State University for three semesters from Fall of 2018 to Fall of 2019, and again in Fall of 2021. In the Springs of 2020 and 2021, I taught Political Participation and Voting Behavior at The Ohio State University. This course spent several weeks covering all facets of redistricting: how maps are drawn, debates over what constitutes a fair map, measures of redistricting quality, and similar topics. I am teaching this course this semester as well.

It is my policy to appear on any major news outlet that invites me, barring scheduling conflicts. I have appeared on both Fox News and MSNBC to discuss electoral and demographic trends. I have been cited in major news publications, including *The New York Times*, *The Washington Post*, *The Los Angeles Times*, *The Wall Street Journal*, and *USA Today*.

I sit on the advisory panel for the "States of Change: Demographics and Democracy" project. This project is sponsored by the Hewlett Foundation and involves three premier think tanks: the Brookings Institution, the Bipartisan Policy Center, and the Center for American Progress. The group takes a detailed look at trends among eligible voters and the overall population, both nationally and in key states, to explain the impact of these changes on American politics, and to create population projections, which the Census Bureau abandoned in 1995. In 2018, I authored one of the lead papers for the project: "In the Long Run, We're All Wrong,"

available at <https://bipartisanpolicy.org/wp-content/uploads/2018/04/BPC-Democracy-States-of-Change-Demographics-April-2018.pdf>.

Education:

I received a Master's in Applied Statistics as part of my coursework. My coursework for my Ph.D. and M.A.S. included, among other things, classes on G.I.S. systems, spatial statistics, issues in contemporary redistricting, machine learning, non-parametric hypothesis tests and probability theory. I have completed my coursework and have passed comprehensive examinations in both methods and American Politics. I expect to receive my Ph.D. in May of 2022, and have filed my application to graduate. My dissertation focuses on applications of spatial statistics to political questions, including an article on redistricting simulations and the effect of communities of interest on partisan bias. I am currently a doctoral candidate in political science at The Ohio State University.

Prior Engagements as an Expert:

In 2021, I served as one of two special masters appointed by the Supreme Court of Virginia to redraw the districts that will elect the commonwealth's representatives to the House of Delegates, Senate of Virginia, and U.S. Congress in the following decades. The Supreme Court of Virginia accepted those maps and were praised by observers from across the political spectrum. "New Voting Maps, and a New Day, for Virginia," *The Washington Post* (Jan. 2, 2022), available at <https://www.washingtonpost.com/opinions/2022/01/02/virginia-redistricting-voting-maps-gerrymander/>; Henry Olsen, "Maryland Shows How to do Redistricting Wrong. Virginia Shows How to Do it Right," *The Washington Post* (Dec. 9, 2021), available at <https://www.washingtonpost.com/opinions/2021/12/09/maryland-virginia-redistricting/>; Richard Pildes, "Has VA Created a New Model for a Reasonably Non-Partisan Redistricting Process," *Election Law Blog* (Dec. 9, 2021), available at <https://electionlawblog.org/?p=126216>.

I previously authored an expert report in *Dickson v. Rucho*, No. 11-CVS-16896 (N.C. Super Ct., Wake County), which involved North Carolina's 2012 General Assembly and Senate maps. Although I was not called to testify, it is my understanding that my expert report was accepted without objection. I also authored an expert report in *Covington v. North Carolina*, Case No. 1:15-CV-00399 (M.D.N.C.), which involved almost identical challenges in a different forum. Due to what I understand to be a procedural quirk, where my largely identical report from *Dickson*

had been inadvertently accepted by the plaintiffs into the record when they incorporated parts of the *Dickson* record into the case, I was not called to testify.

I authored two expert reports in *NAACP v. McCrory*, No. 1:13CV658 (M.D.N.C.), which involved challenges to multiple changes to North Carolina's voter laws, including the elimination of a law allowing for the counting of ballots cast in the wrong precinct. I was admitted as an expert witness and testified at trial. My testimony discussed the "effect" prong of the Voting Rights Act claim. I did not examine the issues relating to intent.

I authored reports in *NAACP v. Husted*, No. 2:14-cv-404 (S.D. Ohio), and *Ohio Democratic Party v. Husted*, Case 15-cv-01802 (S.D. Ohio), which dealt with challenges to various Ohio voting laws. I was admitted and testified at trial in the latter case (the former case settled). The judge in the latter case ultimately refused to consider one opinion, where I used an internet map-drawing tool to show precinct locations in the state. Though no challenge to the accuracy of the data was raised, the judge believed I should have done more work to check that the data behind the application was accurate.

I served as a consulting expert in *Lee v. Virginia Board of Elections*, No. 3:15-cv-357 (E.D. Va. 2016), a voter identification case. Although I would not normally disclose consulting expert work, I was asked by defense counsel to sit in the courtroom during the case and review testimony. I would therefore consider my work *de facto* disclosed.

I filed an expert report in *Mecinas v. Hobbs*, No. CV-19-05547-PHX-DJH (D. Ariz. 2020). That case involved a challenge to Arizona's ballot order statute. Although the judge ultimately did not rule on a motion in limine in rendering her decision, I was allowed to testify at the hearing.

I authored two expert reports in *Feldman v. Arizona*, No. CV-16-1065-PHX-DLR (D. Ariz.). Plaintiffs in that case challenged an Arizona law prohibiting the collection of voted ballots by third parties that were not family members or caregivers and the practice of most of the state's counties to require voters to vote in their assigned precinct. My reports and testimony were admitted. Part of my trial testimony was struck in that case for reasons unrelated to the merits of the opinion; counsel for the state elicited it while I was on the witness stand and it was struck after Plaintiffs were not able to provide a rebuttal to the new evidence.

I authored expert reports in *A. Philip Randolph Institute v. Smith*, No. 1:18-cv-00357-TSB (S.D. Ohio), *Whiford v. Nichol*, No. 15-cv-421-bbc (W.D. Wisc.), and *Common Cause v. Rucho*,

NO. 1:16-CV-1026-WO-JEP (M.D.N.C.), which were efficiency gap-based redistricting cases filed in Ohio, Wisconsin and North Carolina.

I also authored an expert report in the cases of *Ohio Organizing Collaborative, et al v. Ohio Redistricting Commission, et al* (No. 2021-1210); *League of Women Voters of Ohio, et al v. Ohio Redistricting Commission, et al* (No. 2021-1192); *Bria Bennett, et al v. Ohio Redistricting Commission, et al* (No. 2021-1198). These cases were consolidated and are presently pending in original action before the Supreme Court of Ohio.¹

In 2019, I was appointed as the court's expert by the Supreme Court of Belize. In that case I was asked to identify international standards of democracy as they relate to malapportionment claims, to determine whether Belize's electoral divisions (similar to our congressional districts) conformed with those standards, and to draw alternative maps that would remedy any existing malapportionment.

I currently serve as the voting rights act expert to counsel for the Arizona Independent Redistricting Commission.

II. Scope of Engagement

I have been retained by Troutman Pepper Hamilton Sanders LLP on behalf of their clients, Petitioners in the above-titled action, to evaluate the 2022 state Senate and Congressional maps, 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168, enacted by the New York State Legislature and signed by Governor Kathy Hochul. I have been retained and am being compensated at a rate of \$400.00 per hour to provide my expert analysis of incumbent protection and partisan gerrymandering factors in the state Senate and Congressional maps and to determine if the maps violate the prohibitions against partisan and incumbent-favoring/disfavoring gerrymandering found in Article III, Section 4(c)(5) of the New York Constitution and New York Legislative Law § 93(2)(e). Using computerized simulations, I analyzed whether the 2022 Congressional and state Senate maps (respectively, “Enacted Congressional Map” and “Enacted Senate Map,” or collectively, “Enacted Maps”) were drawn with partisan intent. My analysis is based on my review of the Enacted Maps in light of New York's political geography.

¹ I have only been excluded as an expert once, in *Fair Fight v. Rafensperger*, 1:18-CV-5391-SCJ (N.D. Ga.). The judge concluded that I lacked sufficient credentials to testify as an expert in election administration, and that case did not deal with redistricting.

III. Summary of Opinions

Based on the work performed as addressed in the following sections of the report, I hold to the following opinions to a reasonable degree of professional certainty:

- The Enacted Congressional Map was clearly drawn to discourage competition and for the purpose of favoring the Democratic Party and disfavoring the Republican Party.
- The Enacted Senate Map was clearly drawn to discourage competition and for the purpose of favoring the Democratic Party and disfavoring the Republican Party.

IV. Exhibits

- Exhibit 1: Map of New York's 2022 Legislature-Enacted Congressional Districts
- Exhibit 2: Map of New York's 2022 Legislature-Enacted State Senate Districts
- Exhibit 3: *Curriculum vitae* of Sean P. Trende

V. Method

For this litigation, I have conducted a simulation analysis of the Enacted Maps. Simulation analysis is widespread in political science and is the subject of one of my dissertation papers. The simulation approach to redistricting has been accepted in multiple courts, including state courts in Ohio, North Carolina and Pennsylvania. *See League of Women Voters of Ohio v. Ohio Redistricting Commission* (2021); *Harper v. Hall* (2021); *Common Cause v. Lewis* (2019); *Harper v. Lewis* (2019); *League of Women Voters of Pennsylvania v. Com.* (2018). For this report, I have employed a broadly accepted “package” in R called “redist,” which generates a representative sample of districts. *See, e.g., Benjamin Fifeld, et. al, “Automated Redistricting Simulation using Markov Chain Monte Carlo,” 29 Jnl. Computational and Graphical Statistics 715 (2020).*

There are a variety of proposed simulation techniques, but they all proceed from the same basic principle: precincts are aggregated together in a random fashion, potentially subject to a variety of parameters, to form districts in hundreds or thousands of maps. This creates an “ensemble” of maps that reflect what we would expect in a state if maps were drawn without respect to partisan criteria. If the map is drawn without partisan intent, its partisan features should match those that appear in the ensemble. The more the map deviates from what we observed in the ensemble, the more likely it becomes that partisan considerations played a heavy role.

To better understand how this works, imagine the following cluster of seven hexagons as a cluster of precincts, with each hexagon representing an individual precinct. The precincts are

connected when they share adjacent sides. Those adjacencies are reflected in the image below by the lines that connect the hexagons. The top precinct therefore shares a border with the center, top right, and top left precincts; the top left hexagon shares a border with the top, center, and bottom left precincts; and so forth.

It is possible, however, to “break” adjacencies, using the computer, by removing one of these lines. One can continue to do so until there is only one path from any precinct to any other precinct. This is called a “spanning tree,” *e.g.*, Kruskal, J.B., “On the Shortest Spanning Tree of a Graph and the Traveling Salesman Problem,” 7 *Proc. Amer. Math Soc.* 48 (1956), and it lies at the heart of the redistricting algorithm.

For any set of more than two precincts, there will be multiple spanning trees, but the number of such trees is finite. I have illustrated two such trees for our cluster of seven hexagons.



Once you have reduced the number of connections between precincts to a minimum, removing one additional connection will create two distinct clusters of precincts. This is exactly what a district is: a collection of contiguous (adjacent) precincts that is separated from other precincts on the map. In the following illustration I have removed the connection between the center hexagon and the lower right hexagon, and then illustrated the two districts this creates in the right panel.



This, then, is a microcosm of the approach that the redist package takes. To simplify greatly, by sampling spanning trees of New York’s precincts and then removing 25 connections, the software produces 26 randomly drawn districts. While the math is quite complicated, this approach produces a random sample of maps that mirrors the overall distribution of maps, much as a high-quality poll will produce a random sample of respondents that reflects the overall population. While the process is complicated, it can be run on a laptop computer. Indeed, these simulations were run at home on a Dell XPS 17 computer with an i9 processor and 64G of RAM, using a free, widely employed computer programming language (R version 4.1.2).

Importantly, these maps are drawn without providing the software with any political information. In other words, these maps help inform an analyst what maps would tend to look like in New York if they were drawn without respect politics.

Of course, other features, such as respect for county lines, compactness, or respect for geographic features could play a role in the drawing of district lines as well; these traditional redistricting criteria are almost always viewed as valid considerations by courts. To account for this, when removing the connections that create districts, the algorithm can be instructed to favor the removal of connections that will result in districts that remain within specified parameters when deciding which connections to remove. It can be instructed to remove connections in such a way that equally populated districts will be created, or to prefer breaks that will create compact districts, or will respect county boundaries, or any number of other factors.

Here, the simulation was instructed to follow federal and state law by drawing districts that will be largely equipopulous. The simulation allows a population tolerance of +/- 1%. This is because the simulations cannot split precincts, and because New York City in particular has

heavily populated precincts (the mean population of a precinct in New York County is 1,354 residents). Orange County has two precincts with populations in excess of 20,000 residents. This is a reasonable allowance not because we assume a court would accept this deviation, but rather because reducing the population deviations in these districts by splitting precincts at the block level can almost always be achieved, but cannot alter the political orientation of these districts substantially. In fact, in my experience drawing redistricting maps, this is exactly how mapmakers proceed: the general layout of the maps is agreed upon first, while the time-consuming process of ‘zeroing-out’ districts is saved until later. See Bernard Grofman, Ph.D. & Sean Trende, *Memorandum re Redistricting Maps*, Dec. 27, 2021, at 8, available at https://www.vacourts.gov/courts/scv/districting/2021_virginia_redistricting_memo.pdf. Political scientists have generally accepted this concept to the simulated approach as well. See Jowei Chen & Jonathan Rodden, *Unintentional Gerrymandering: Political Geography & Electoral Bias in Legislatures*, 8 *Quar. J. Pol. Sci.* 239, (2013) (accepting 5% deviations). Finally, courts have accepted this limitation in the simulations. See Expert Report of Kosuke Imai, Dec. 9, 2021, *League of Women Voters of Ohio v. Ohio Redistricting Commission*, No. 2021-1449 (Ohio 2021) (“For all simulations, I ensure districts fall within a 0.5% deviation from population parity. Although this deviation is greater than the population deviation used in the enacted plan, it only accounts for less than 4,000 people and hence has no impact on the conclusions of my analysis.”); Wesley Pegden, “Pennsylvania’s Congressional Districting is an Outlier: Expert Report,” Nov. 27, 2017, *League of Women Voters of Pennsylvania v. Wolf*, at 3-4 (Pa. 2018) (employing a 2% threshold and explaining that a 1% would be sufficient to replicate what we might expect from a 0% threshold).

The simulation was also instructed to draw reasonably compact districts and to avoid county splits, pursuant to the commands of the New York Constitution.

VI. Analysis of the 2022 Congressional Map

Gov. Kathy Hochul signed the drafted congressional maps into law on Feb. 3, 2022. The reaction was swift, negative, and largely focused on the partisan nature of the lines:

- After the Assembly passed the map, David Wasserman, U.S. House editor of the Cook Political Report, and one of the premier elections analysts in the country, called it a “[f]irst step towards NY Dems passing their 22D-4R gerrymander.” <https://twitter.com/Redistrict/status/1488940238177288195>. Upon its signature into law, he observed “New York becomes the 30th state to adopt a new

congressional map, and Dems' gerrymander could lead to the single biggest seat shift in the country (19D-8R to 22D-4R)." *See also* Grace Ashford & Nicholas Fandos, "N.Y. Democrats Could Gain 3 House Seats Under Proposed District Lines," N.Y. Times (Jan. 30, 2022), available at <https://www.nytimes.com/2022/01/30/nyregion/new-york-redistricting-congressional-map.html> (all websites last visited on Feb. 8, 2022).

- Nathaniel Rakich, Senior Elections Analyst at the nonpartisan elections analysis company FiveThirtyEight, called the map "skewed toward Democrats," "egregious," and "representing a failure for the new redistricting process." Nathaniel Rakich, *New York's Proposed Congressional Map Is Heavily Biased Toward Democrats. Will It Pass?*, FiveThirtyEight (Jan. 31, 2022), available at <https://fivethirtyeight.com/features/new-yorks-proposed-congressional-map-is-heavily-biased-toward-democrats-will-it-pass/>.
- Nick Reisman, an attorney for the Brennan Center for Justice, called the map "a master class in gerrymandering, . . . tak[ing] out a number of Republican incumbents very strategically." Nick Reisman, *How the Proposed Congressional Lines Could Alter New York's Politics*, Spectrum News 1 (Feb. 1 2022), available at <https://spectrumlocalnews.com/nys/central-ny/ny-state-of-politics/2022/02/01/how-the-proposed-congressional-lines-could-alter-ny-s-politics>.
- Duncan Hosie, an attorney for the American Civil Liberties Union who wants Democrats to win "as many seats as possible," called the maps "dangerous," and asked "what is a worse sin than weaponizing the machinery of government against political opponents?" Duncan Hosie, "New York's Gerrymander is an Affront to Democratic Principles," *The Wall Street Journal* (Feb. 6, 2022), available at <https://www.wsj.com/articles/new-yorks-gerrymander-is-an-affront-to-democratic-principles-republican-votes-disctricts-maps-hypocrisy-11644176113>.
- *The Washington Post* titled its lead article on the maps "New York Lawmakers Draw Redistricting Map that Boosts Democrats." Colby Itkowitz & Adrian Blanco, available at <https://www.washingtonpost.com/politics/2022/01/30/redistricting-new-york/>.

It is not difficult to see why this was the reaction. The New York maps carefully take Republican voters and press them into a few Republican-leaning districts, while spreading Democratic voters as efficiently as possible.

To conduct the simulations, I gathered and joined publicly available data with political and demographic data at the census block and precinct levels. After unifying the data at the precinct level, I instructed the simulation to create 5,000 sets of 26 reasonably compact districts, which

respect county subdivisions. I was then able to compare the partisanship of the enacted districts to the ensemble of maps.²

We can think of this approach as answering the questions, “What would happen if we selected 5,000 individuals, gave them basic instructions to keep districts modestly compact and to keep populations equal, withheld political information from them, and then sent them out to draw maps? What sorts of maps would they produce?”

Once the simulation creates our 5,000 maps, it calculates the racial demography, compactness, and partisan lean of the districts. We can then compare the simulated districts to the Enacted Congressional Map to ensure that they perform comparably well on traditional redistricting criteria. That is to say, we ensure that the Legislature would not have to sacrifice traditional redistricting criteria in order to achieve more balanced maps.

To best illustrate the degree to which the Enacted Congressional Map reflects outliers when compared to maps drawn without partisan information, I employed the “gerrymandering index,” proposed by Bangia et al (2017) and endorsed by McCartan & Imai in their paper setting forth the algorithm used to generate the districts in this report. *See* Cory McCartan & Kosuke Imai, “Sequential Monte Carlo for Sampling Balanced and Compact Redistricting Plans,” at 25, available at <https://arxiv.org/pdf/2008.06131.pdf>.

It is conceptually similar to the idea of root mean squared error (used throughout statistics). To calculate the index, we take each of the 5,000 simulated maps and rank the districts from most heavily Democratic to least heavily Democratic. We then average Democratic vote shares across ranks. This tells us, generally speaking, what percentage Democratic vote share we would expect the most heavily Democratic district to have in a map drawn without respect to politics, what we would expect the second-most heavily District to have, and so forth.

Of course, some areas might be conducive to a wide range of partisan outcomes depending how the map is drawn. Other areas, like Manhattan, are so heavily Democratic that the districts that are drawn there are likely to vary very little from that average. Put differently, we might be very surprised, due to simple geography, if a map’s most Democratic district varies from that

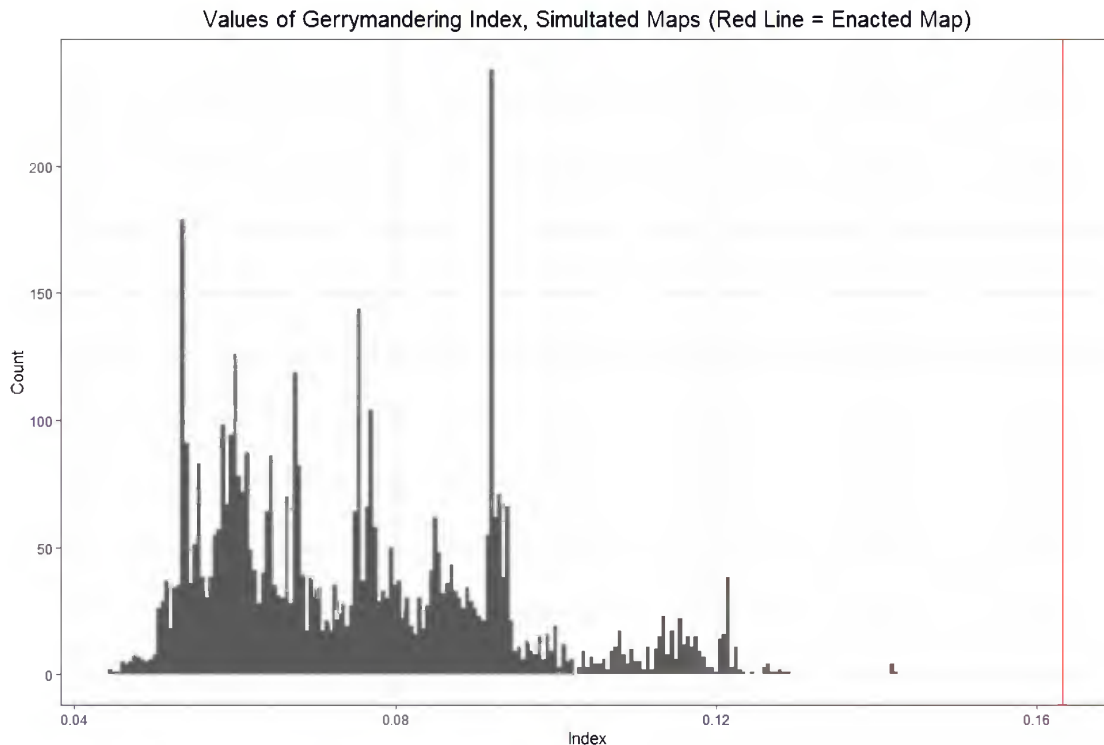
² There are any number of ways to calculate partisanship. The simulation approach tends not to be as sensitive to the choice of elections as other metrics, unless political coalitions in a state vary radically from election-to-election. Regardless, to remove my discretion, I have simply used the calculation of partisanship contained in the dataset that I downloaded from the ALARM project, which is an average of the performance in a precinct across the 2016 presidential election in New York, the 2016 New York senate election, the 2018 New York governor election, the 2018 New York attorney general election, and the 2020 presidential election in New York.

average by more than a few points; we might be less surprised if some districts in the middle of the distribution exhibited more variability.

To help account for this, we then calculate the deviations in each map in the ensemble from the mean for each “bin.” To make this less abstract: the most heavily Democratic district in the ensemble, on average, gives the Democrats 93.9% of the vote. A district in the ensemble whose most heavily Democratic district was 92% Democratic would have a deviation of 1.9% for that rank, while one whose most heavily Democratic district was 97% Democratic would have a deviation of 3.1%. The second most heavily Democratic district in maps in the ensemble is, on average, 92.2% Democratic. A map whose second most heavily Democratic district has a Democratic vote share of 87% would have a deviation of 5.2%, and so forth. To emphasize large deviations (and to make them all positively signed) these values are then squared and added together to give us a sense of how far maps drawn without respect to political data will tend to naturally vary from expectations.

In simplified terms, this gives us the total deviation from the ensemble for all the districts in the maps, while giving more weight to particularly large misses. The square root is then taken, which effectively puts everything back on a percentage scale. We then engage in the same exercise for the Enacted Congressional Map and compare these scores to those in the ensemble.

The utility of this exercise is that it looks at maps as a whole, rather than in isolation. The results here are particularly striking:



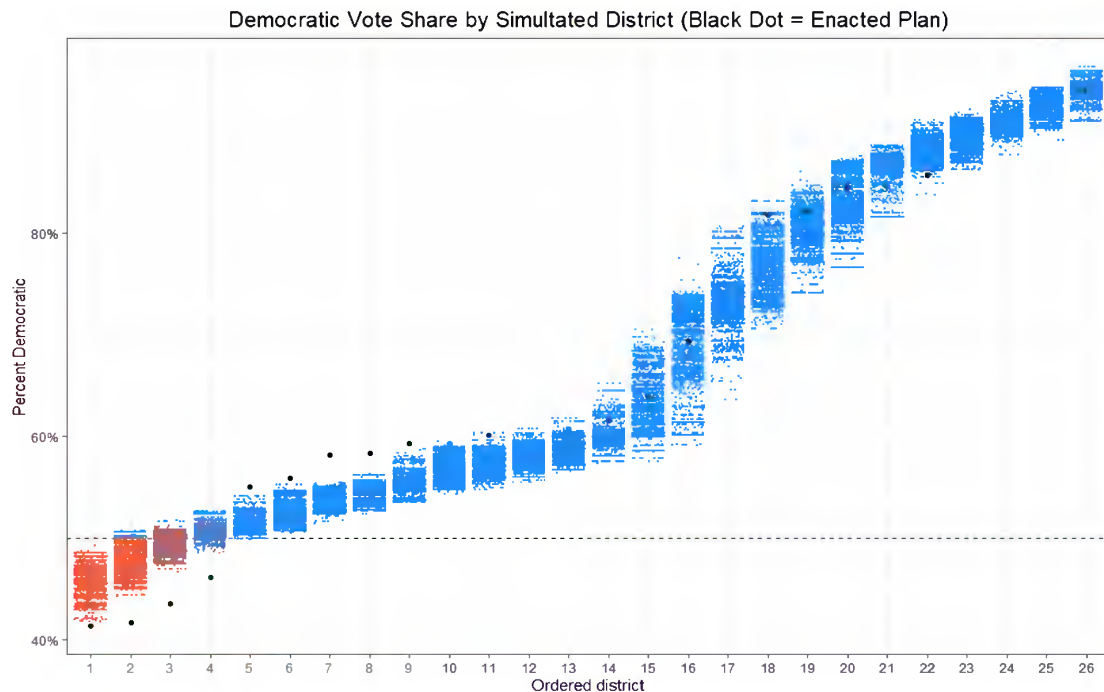
The ensemble maps have, on average, a Gerrymandering Index of around 7.5%. The Enacted Congressional Map, on the other hand, has a Gerrymandering Index of 17%, almost six standard deviations from the mean. The probability that the Enacted Congressional Map would be drawn by map drawers who cared only about the constitutional mandates for compactness and avoiding undue partisan influence is vanishingly small. Put simply, it is implausible, if not impossible, that this map was drawn without a heavy reliance upon political data and was likely drawn to favor or disfavor a political party. All of this means that the Enacted Congressional Map is obviously partisan gerrymandered, and that it favors Democratic interests more than any of these 5,000 computer-generated maps, all drawn without partisan considerations.

Interrogating the maps from a different angle makes clear that the party that the Legislature intended to favor was the Democratic Party, and the one that it intended to disfavor was the Republican Party. Moreover, the Legislature did so in a way to discourage the creation of what would otherwise be competitive districts.

To see this, consider the following dotplot. In this plot, all 26 districts in each of the 5,000 simulated maps were sorted from most Democratic to least Democratic. Each of these districts then received a dot in the plot. At the far right, above the number 26, you will notice a large cluster

of blue dots spread between 90% and 97%. That means in every plan, the most heavily Democratic district fell somewhere between 90% and 97% Democratic.

The next cluster to the left, hovering above the number 25, consists of blue dots ranging between 90% and 95%, with a few dots below 90%. This means that in all of the 5,000 simulated maps, the second-most Democratic district typically fell between 90% and 95% Democratic, although a handful of maps produced districts that fell below 90% Democratic.



If Democrats received less than 50% of the vote in a simulated district, I coded the dot as red. As you can see, in some areas there is quite a bit of variation in what the maps draw. In the 16th most Democratic district, for example, Democratic performance ranges from just below 60% to just below 80% Democratic. Other districts have a much tighter range; district 11 falls between around 55% to just above 60% Democratic. I have overlaid these dots from the simulated maps with dots from the Enacted Congressional Map. This allows us to compare the partisanship of the Enacted Congressional Map directly to that of the simulations. If the Enacted Congressional Map was not drawn to favor or disfavor a political party, or did so only moderately, it should hew closely to the results produced by the simulated maps (which were, of course, drawn blind to partisanship). On the other hand, if map drawers relied heavily upon politics when drawing the lines, we should expect significant deviations.

In fact, the pattern with which districts deviate from expectations plainly reveals how the Legislature disfavored Republicans and competitive districts here. The only place where the Enacted Congressional Map falls within expectations is in safely Democratic districts—those where Democrats would win over 60% of the vote. This 60% threshold, however, is significant, as political scientists and elections analysts will begin to classify elections as competitive below that threshold. *See* Gary C. Jacobson, "The Marginals Never Vanished: Incumbency & Competition in Elections to the U.S. House of Representatives," 31 *Am. J. Poli Sci.* 126 (1987). As is apparent from the chart, around district number 13, the simulation expects to see multiple districts that fall into the potentially competitive range. This is also the exact point at which the values of the Enacted Maps begin to fall outside of the expected ranges.

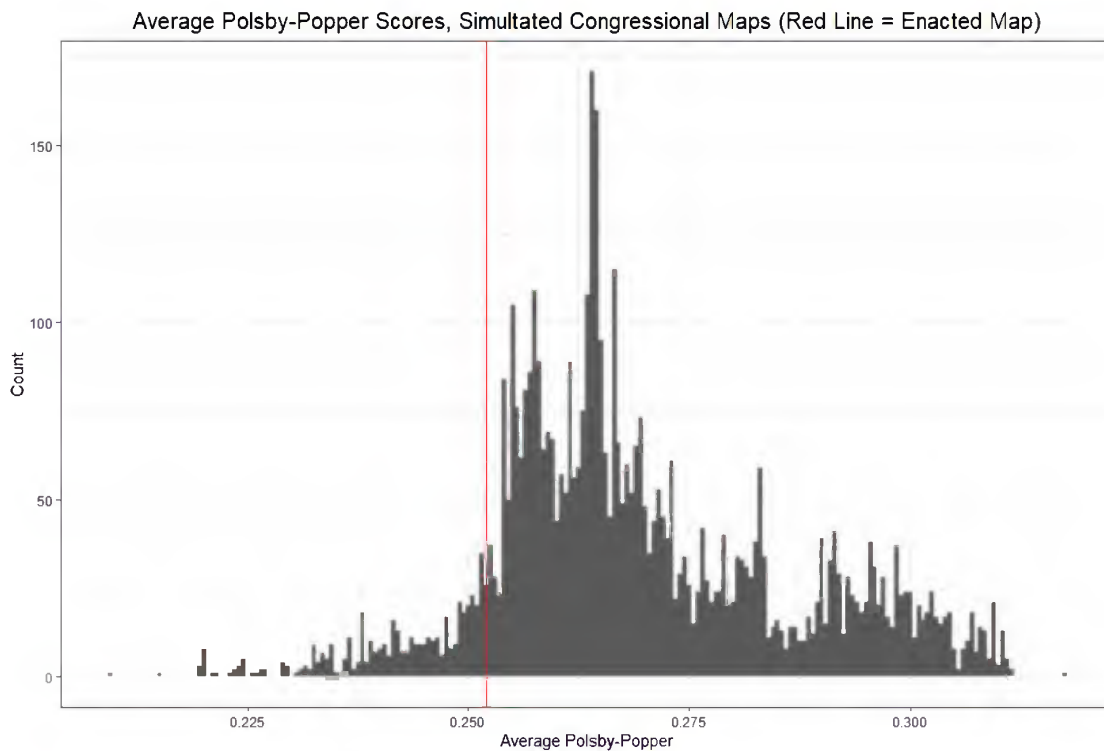
Around district number 11, the districts in the Enacted Congressional Map quickly begin to appear as outliers as the Enacted Congressional Map attempts to keep districts as close to the uncompetitive range as they possibly can. The 5th to the 9th most Republican districts are districts with higher Democratic vote shares than in *any* of the 5,000 simulated maps, often by substantial margins.

On the other hand, the first through fourth most heavily Republican districts are all drawn much more heavily Republican than we would expect from the simulations. The second and third most heavily Republican districts in particular are far more heavily Republican than we would expect to see from a politically naïve map drawing.

Overall, the most heavily Republican district in the Enacted Congressional Map is more heavily Republican than that found in any of the 5,000 simulated maps by about 0.4%. This is also true of the second (by 2.6%), third (by 3.1%) and fourth (by 2.4%) most Republican districts in the Enacted Congressional Map. At the same time, the 5th most Republican district in the Enacted Congressional Map is more heavily *Democratic* than the 5th most Republican district in any of the ensemble maps (by 0.8%). The same is true of the 6th (by 0.6%), 7th (by 2.7%), 8th (by 2.1%) and 9th (by 0.5%) most Republican districts in the Enacted Congressional Map versus their respective sets of ensemble districts.

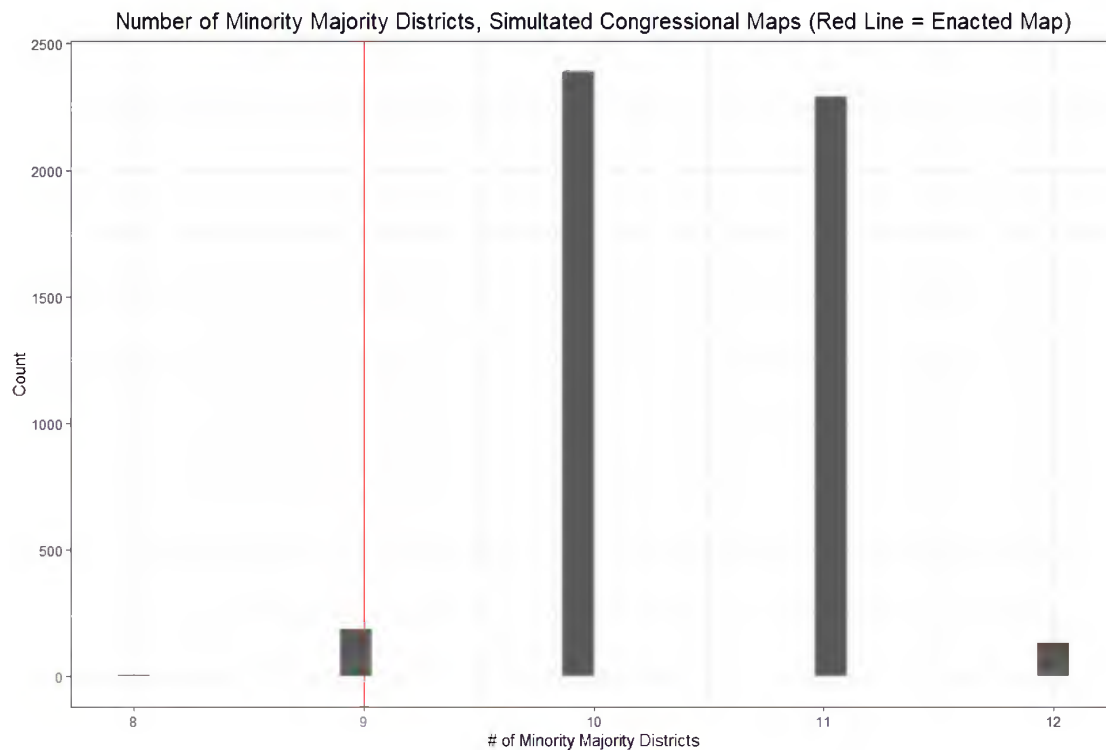
This is the DNA of a gerrymander: mapmakers pack votes from one party into as few districts as possible, and then spread the remainder of these voters over as many districts as possible to reduce their political effectiveness.

We can also check to make certain that the maps do not sacrifice traditional redistricting criteria. The following histogram examines the compactness of the 5,000 simulated maps, and compares the compactness of those maps to that of the Enacted Congressional Map. For measuring compactness, I have opted to examine the Polsby-Popper score. This score looks at the ratio of the area of a district to the area of a circle that has the same perimeter as the district. Daniel D. Polsby & Robert D. Popper, “The Third Criterion: Compactness as a Procedural Safeguard Against Partisan Gerrymandering,” 9 *Yale L. & Pol. Rev.* 301 (1991). To understand the motivation behind Polsby-Popper, sketch out a circle. Then erase some of the edge of the circle, and have a narrow tendril snake into the district toward the center. Other common redistricting metrics that are based on area, such as the Reock score would not change much. The Polsby-Popper score, however, would fall significantly, since the perimeter of the district would be greatly increased. A “perfect” Polsby-Popper score is 1, while a theoretical perfectly non-compact district would score a zero.

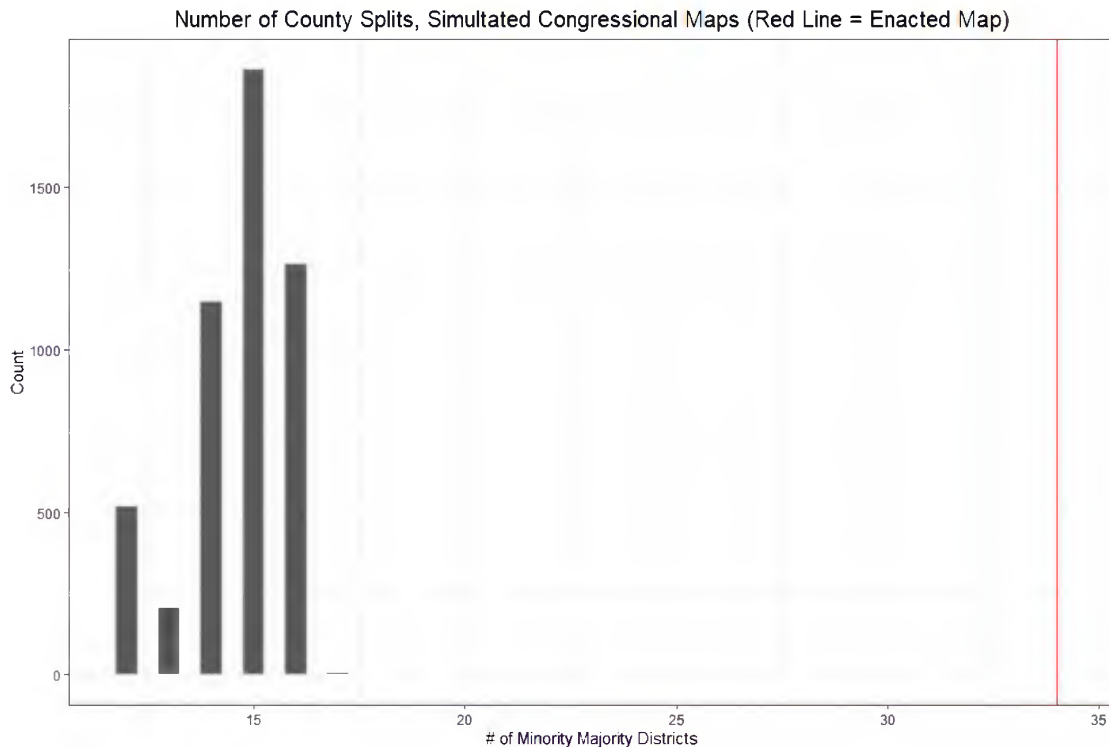


As you can see, the Polsby-Popper score for the simulated maps ranges between 0.2095 and 0.3177, with the largest cluster falling between 0.2579 and 0.2799. This is comparable to the Enacted Congressional Map, which has a Polsby-Popper score of 0.252.

Next, I ensured that the simulated maps did not eliminate minority-majority districts that are potentially protected by the Voting Rights Act. The Enacted Congressional Map has 9 such districts. The simulated maps range from 8 such districts to 12, with most boasting 10 or 11 minority-majority districts. To be clear, these simulated maps are not drawn with any racial data available to the simulation; these districts are naturally occurring minority-majority districts.



I then compared the number of county splits in the Enacted Congressional Map to the number of county splits in our ensemble. The Enacted Congressional Map features 34 split counties. The simulated maps split between 12 and 16 counties. In other words, it is implausible to claim the Enacted Congressional Map was drawn in a way that disfavors Republicans and competitive districts by chance, or out of a desire to respect county lines or other redistricting criteria. New York's geography does not demand such a tradeoff.



VII. Analysis of the 2022 State Senate Map

I was also asked to evaluate the Enacted Senate Map for New York. I engaged in a similar exercise: simulation software drew 5,000 maps with reasonably compact senate districts without reference to partisanship. These simulated maps were then compared to the Enacted Senate Map to help evaluate whether partisan aims dominated over the Enacted Senate Map.

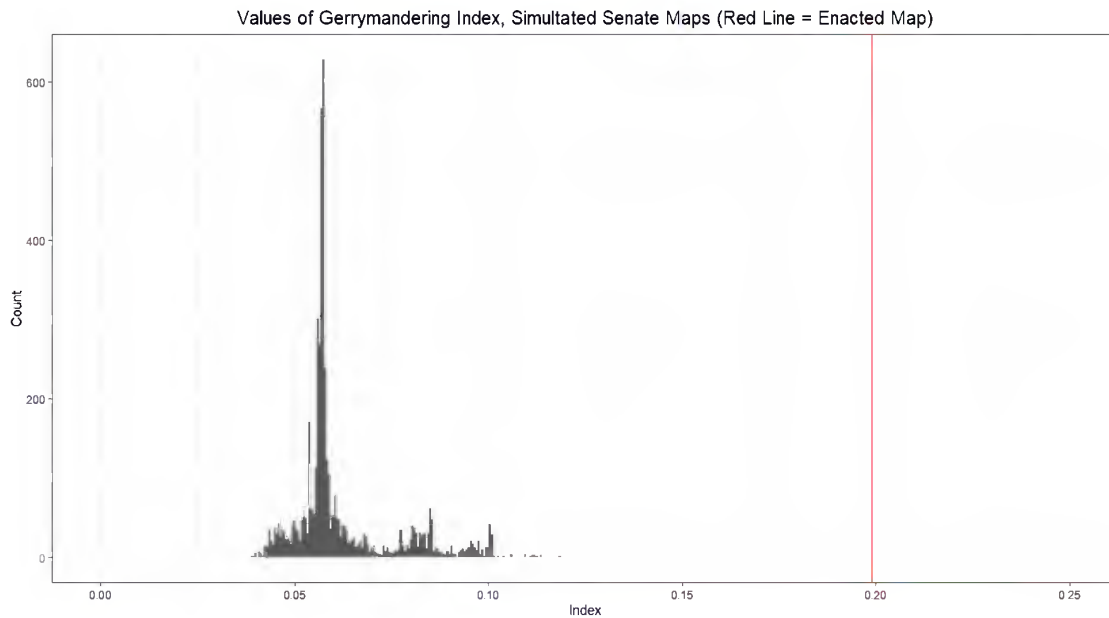
The Enacted Senate Map is an extreme outlier when compared to what we would expect from a map drawn without respect to politics. Once again, it is implausible, if not impossible, that this map was drawn without a heavy reliance upon political data and was likely drawn to favor or disfavor a political party. Thus, here too, the Enacted Senate Map is obviously partisan gerrymandered, and it too favors Democratic interests more than any of these 5,000 computer-generated maps, all drawn without partisan considerations.

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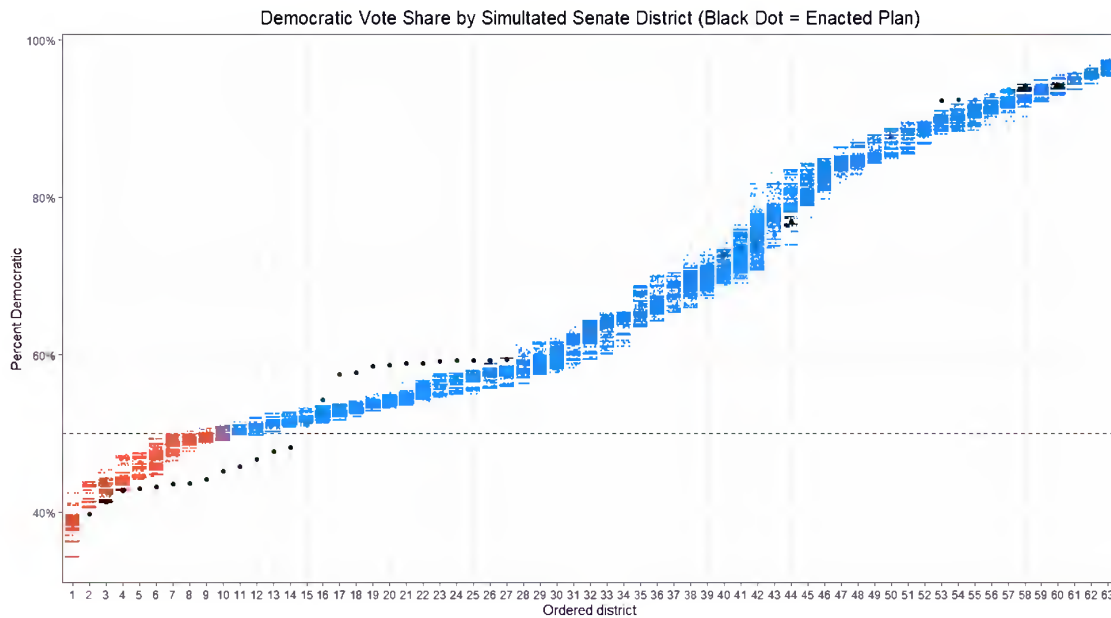
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When we examine districts individually, we once again see the same pattern we saw with the Enacted Congressional Map. The districts track the simulations closely in heavily Democratic districts where partisanship is not as important. Where the map drawers could afford to avoid partisanship, they did. However, once we approach the 60% threshold, map drawers once again sought to ensure that Democratic performance in the districts remained as close to that threshold as possible. Democrats draw 42 districts up against that threshold. Perhaps not coincidentally, that is exactly two-thirds of the districts.



Democratic vote share begins to decline there, although a handful of districts still appear well above expectations. Democratic performance then drops precipitously, as districts become substantially more Republican than we see in the ensemble. The DNA of a gerrymander is very much alive in this map.

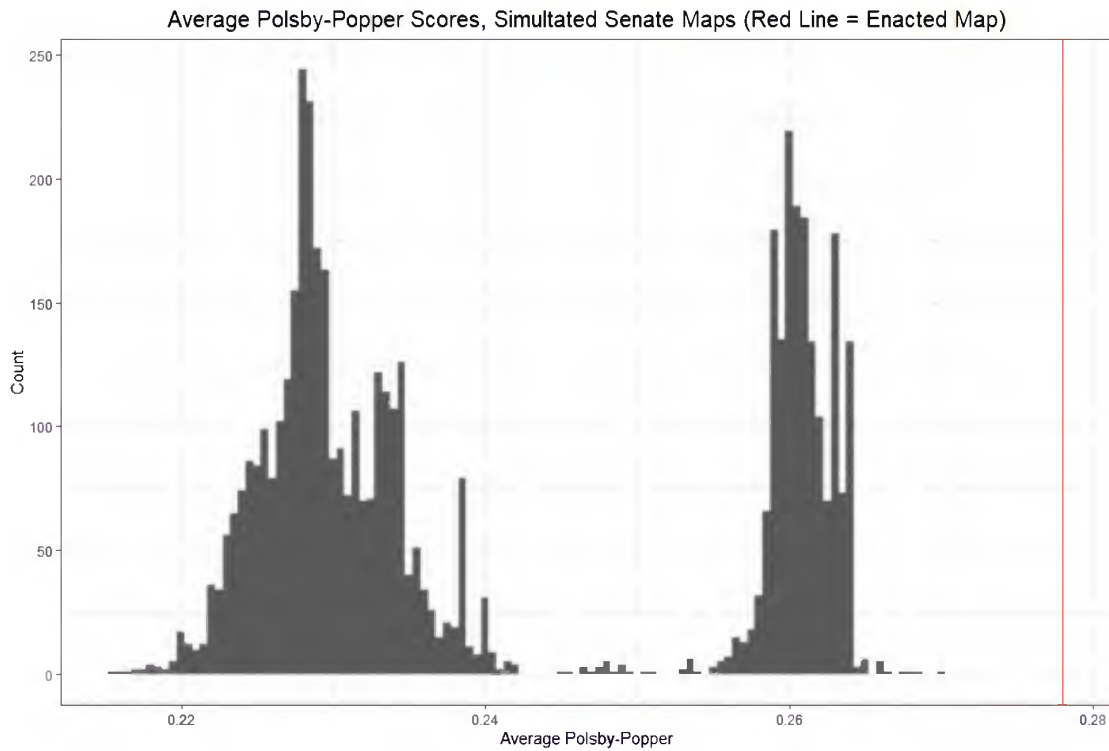
Once again, we can run a few diagnostics. The Polsby-Popper scores of the simulated maps are comparable to those of the Enacted Senate Map.

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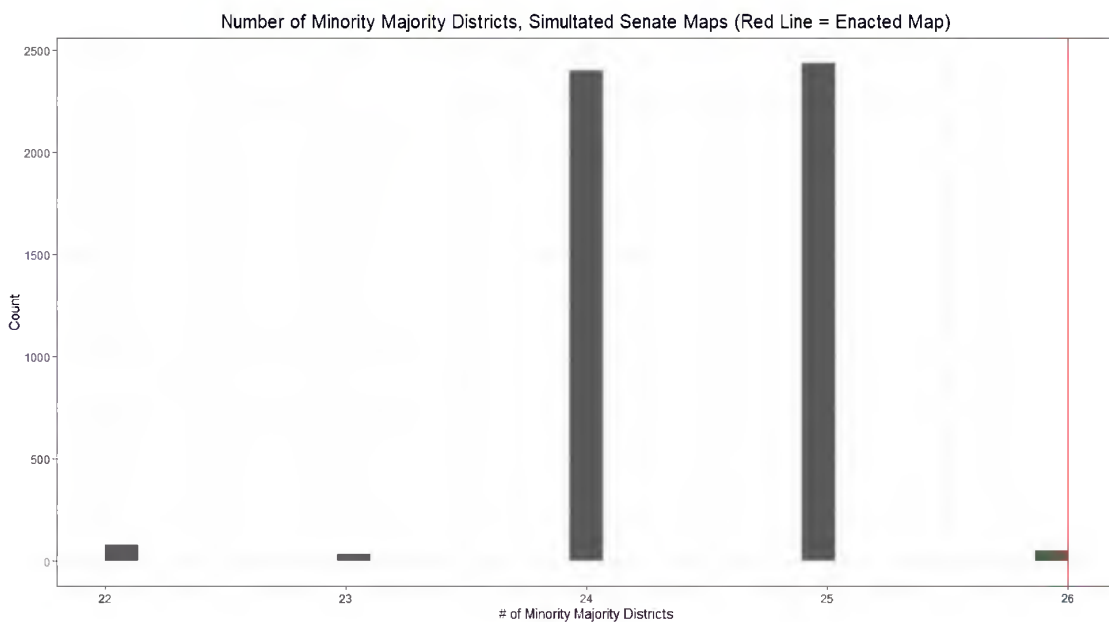
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Similarly, the simulated maps involve approximately as many minority-majority districts as the Enacted Senate Map.



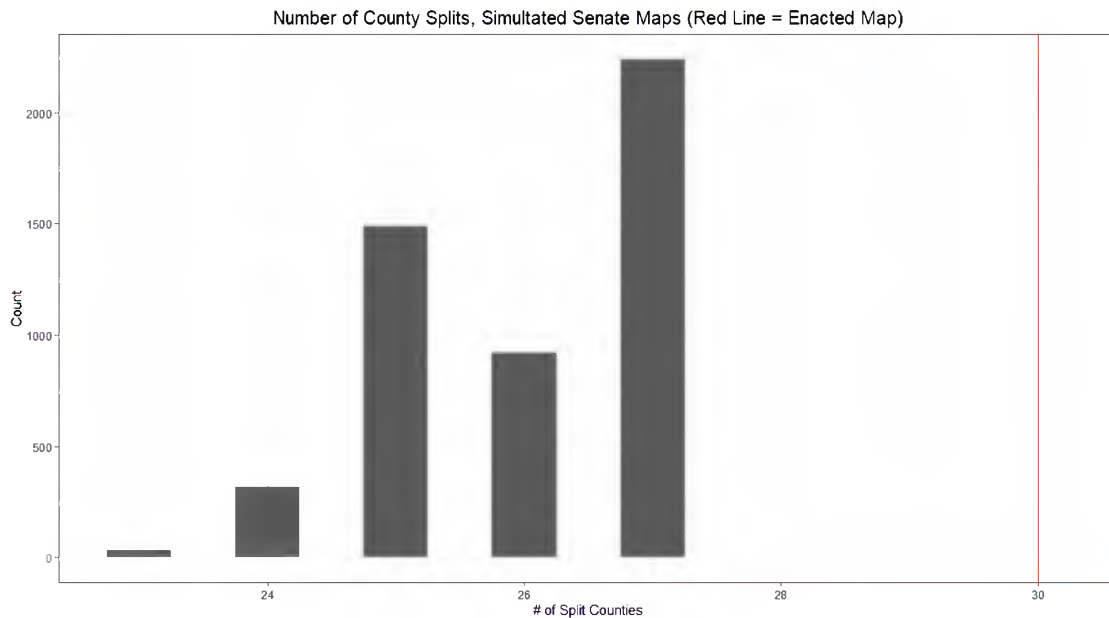
It has a similar number of county splits as well.

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VIII. Analysis of Population Deviations in the Existing Maps

Finally, I was asked by counsel to review the 2012 maps and evaluate their population deviations. This information is directly available for Congress at the Redistricting Data Hub. *See* Redistricting Data Hub, New York, available at <https://redistrictingdatahub.org/state/new-york>. For the State Senate, the shapefiles are available at the same source and can be quickly aggregated in R. *See id.*

The 2012 Congressional districts have substantial population deviations today, with some of them entering double-digit percentages.

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DISTRICT	DEVIATION	PERCENT DEV.	DISTRICT	DEVIATION	PERCENT DEV.
1	-36,652	-4.7%	15	-9,636	-1.2%
2	-48,815	-6.3%	16	-6,570	-0.8%
3	-37,774	-4.9%	17	-13,220	-1.7%
4	-25,539	-3.3%	18	-28,529	-3.7%
5	1,809	0.2%	19	-78,298	-10.1%
6	-7,724	-1.0%	20	-30,681	-3.9%
7	-14,138	-1.8%	21	-71,930	-9.3%
8	27,429	3.5%	22	-80,361	-10.3%
9	-21,129	-2.7%	23	-83,462	-10.7%
10	26,832	3.5%	24	-59,664	-7.7%
11	-10,735	-1.4%	25	-43,930	-5.7%
12	34,717	4.5%	26	-34,520	-4.4%
13	-40,623	-5.2%	27	-56,879	-7.3%
14	-26,946	-3.5%			

Likewise, the 2012 Senate districts are badly malapportioned:

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DISTRICT	DEVIATION	PERCENT DEV.	DISTRICT	DEVIATION	PERCENT DEV.
1	20,446	6.4%	33	10,083	3.1%
2	-7,520	-2.3%	34	18,408	5.7%
3	-5,230	-1.6%	35	8,434	2.6%
4	-1,959	-0.6%	36	17,407	5.4%
5	325	0.1%	37	5,257	1.6%
6	5,354	1.7%	38	3,849	1.2%
7	10,405	3.2%	39	-2,703	-0.8%
8	369	0.1%	40	-13,027	-4.1%
9	13,316	4.2%	41	-12,273	-3.8%
10	25,843	8.1%	42	-17,519	-5.5%
11	22,373	7.0%	43	-19,162	-6.0%
12	34,507	10.8%	44	-19,150	-6.0%
13	10,550	3.3%	45	-26,298	-8.2%
14	23,347	7.3%	46	-23,825	-7.4%
15	22,584	7.0%	47	-28,658	-8.9%
16	21,901	6.8%	48	-30,068	-9.4%
17	23,494	7.3%	49	-22,321	-7.0%
18	20,243	6.3%	50	-20,041	-6.3%
19	26,105	8.1%	51	-45,131	-14.1%
20	13,845	4.3%	52	-36,425	-11.4%
21	4,278	1.3%	53	-33,969	-10.6%
22	20,749	6.5%	54	-26,059	-8.1%
23	19,369	6.0%	55	-24,816	-7.7%
24	13,222	4.1%	56	-24,900	-7.8%
25	57,419	17.9%	57	-42,639	-13.3%
26	41,625	13.0%	58	-32,482	-10.1%
27	38,992	12.2%	59	-16,188	-5.0%
28	21,707	6.8%	60	-21,573	-6.7%
29	13,718	4.3%	61	-20,402	-6.4%
30	17,170	5.4%	62	-34,132	-10.6%
31	-7,109	-2.2%	63	-13,725	-4.3%
32	22,594	7.0%			

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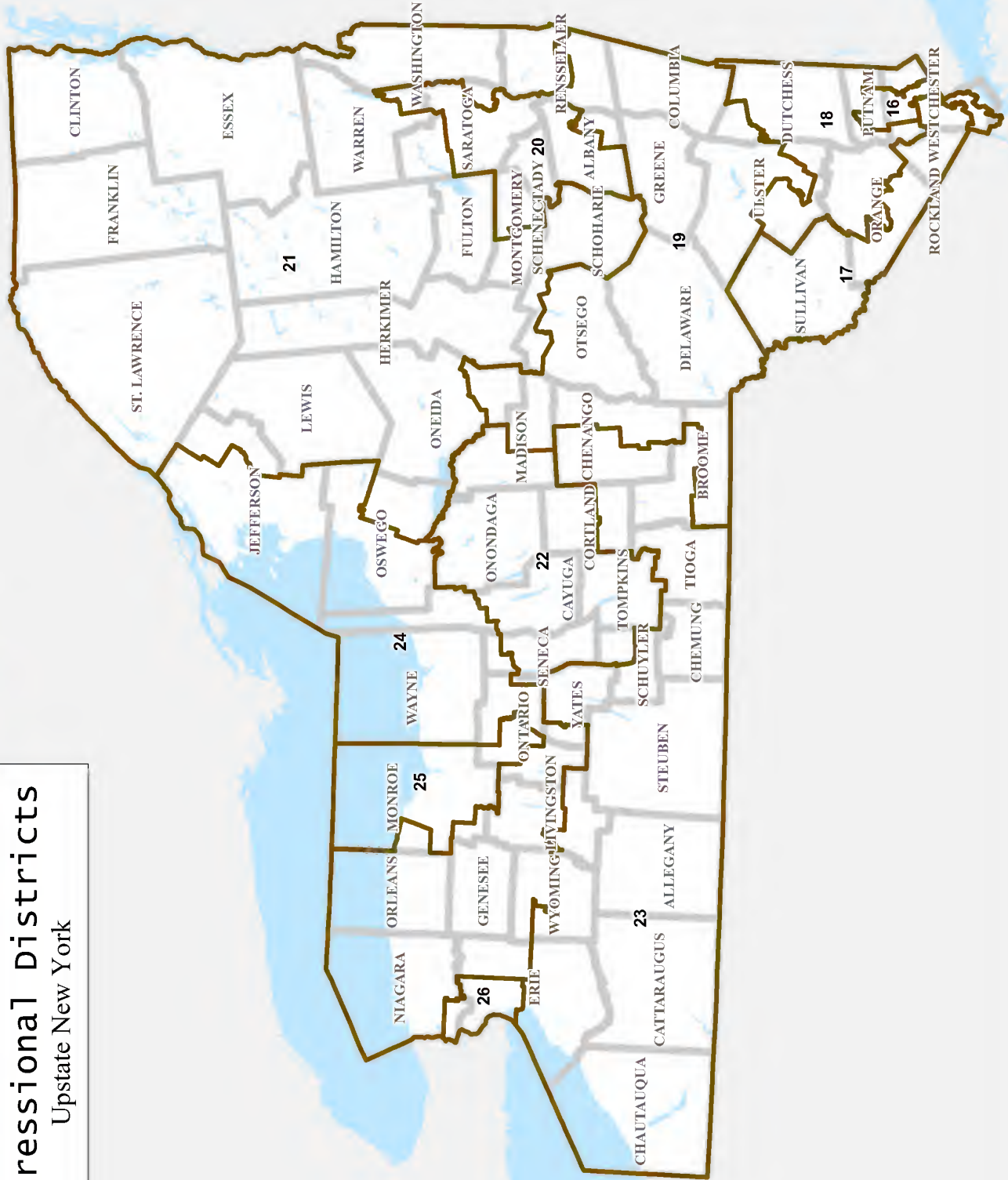
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Exhibit 1

Congressional Districts

Upstate New York



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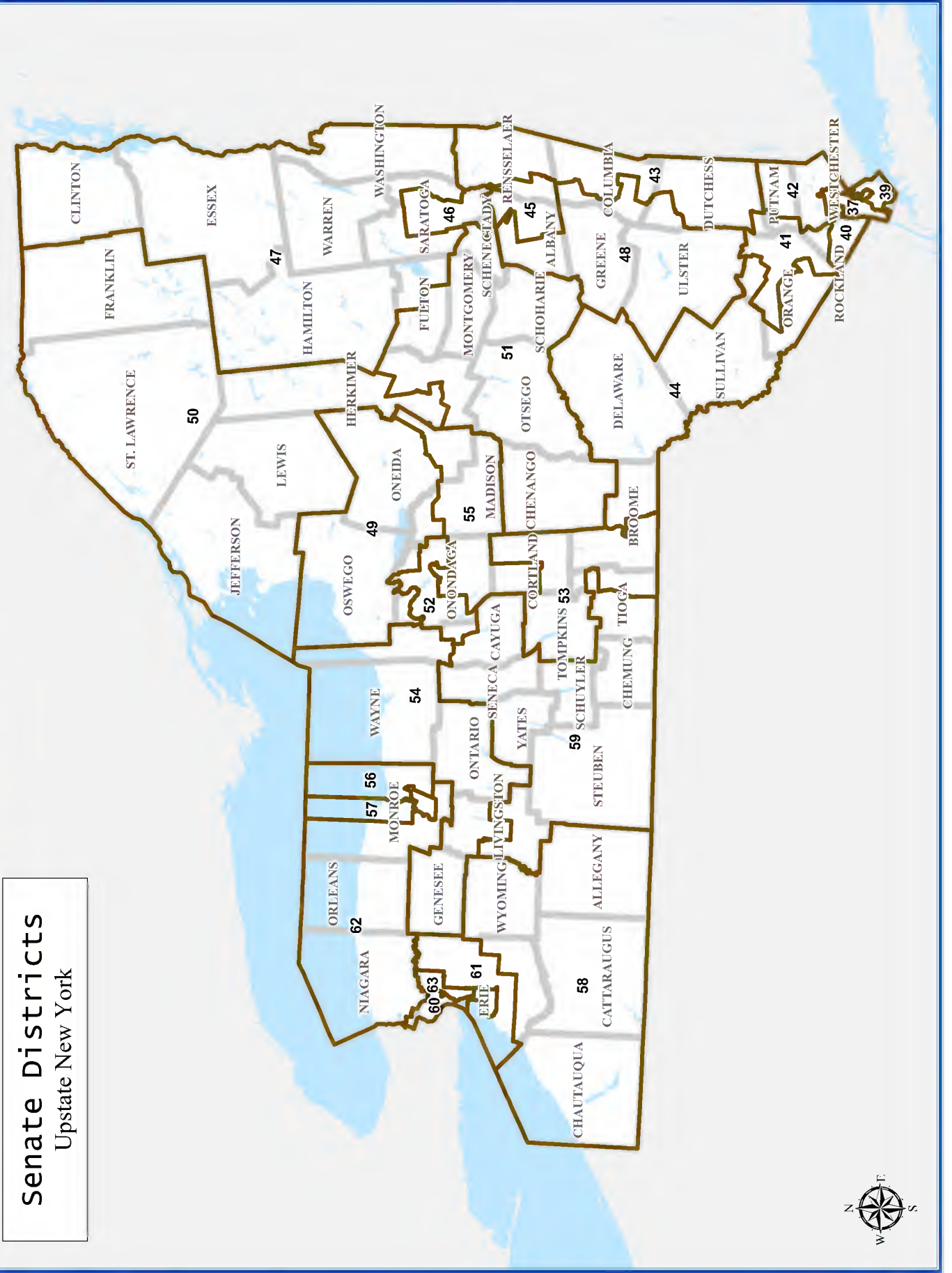
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Exhibit 2

Senate Districts

Upstate New York



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SEAN P. TRENDE
 1146 Elderberry Loop
 Delaware, OH 43015
 strende@realclearpolitics.com

EDUCATION

Ph.D., The Ohio State University, Political Science, expected 2022.

M.A.S. (Master of Applied Statistics), The Ohio State University, 2019.

J.D., Duke University School of Law, *cum laude*, 2001; Duke Law Journal, Research Editor.

M.A., Duke University, *cum laude*, Political Science, 2001. Thesis titled *The Making of an Ideological Court: Application of Non-parametric Scaling Techniques to Explain Supreme Court Voting Patterns from 1900-1941*, June 2001.

B.A., Yale University, with distinction, History and Political Science, 1995.

PROFESSIONAL EXPERIENCE

Law Clerk, Hon. Deanell R. Tacha, U.S. Court of Appeals for the Tenth Circuit, 2001-02.

Associate, Kirkland & Ellis, LLP, Washington, DC, 2002-05.

Associate, Hunton & Williams, LLP, Richmond, Virginia, 2005-09.

Associate, David, Kamp & Frank, P.C., Newport News, Virginia, 2009-10.

Senior Elections Analyst, RealClearPolitics, 2009-present.

Columnist, Center for Politics Crystal Ball, 2014-17.

Gerald R. Ford Visiting Scholar, American Enterprise Institute, 2018-present.

BOOKS

Larry J. Sabato, ed., *The Blue Wave*, Ch. 14 (2019).

Larry J. Sabato, ed., *Trumped: The 2016 Election that Broke all the Rules* (2017).

Larry J. Sabato, ed., *The Surge: 2014's Big GOP Win and What It Means for the Next Presidential Election*, Ch. 12 (2015).

Larry J. Sabato, ed., *Barack Obama and the New America*, Ch. 12 (2013).

Barone, Kraushaar, McCutcheon & Trende, *The Almanac of American Politics 2014* (2013).

The Lost Majority: Why the Future of Government is up for Grabs – And Who Will Take It (2012).

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PREVIOUS EXPERT TESTIMONY*Dickson v. Rucho*, No. 11-CVS-16896 (N.C. Super. Ct., Wake County) (racial gerrymandering).*Covington v. North Carolina*, No. 1:15-CV-00399 (M.D.N.C.) (racial gerrymandering).*NAACP v. McCrory*, No. 1:13CV658 (M.D.N.C.) (early voting).*NAACP v. Husted*, No. 2:14-cv-404 (S.D. Ohio) (early voting).*Ohio Democratic Party v. Husted*, Case 15-cv-01802 (S.D. Ohio) (early voting).*Lee v. Virginia Bd. of Elections*, No. 3:15-cv-357 (E.D. Va.) (early voting).*Feldman v. Arizona*, No. CV-16-1065-PHX-DLR (D. Ariz.) (absentee voting).*A. Philip Randolph Institute v. Smith*, No. 1:18-cv-00357-TSB (S.D. Ohio) (political gerrymandering).*Whiford v. Nichol*, No. 15-cv-421-bbc (W.D. Wisc.) (political gerrymandering).*Common Cause v. Rucho*, No. 1:16-CV-1026-WO-JEP (M.D.N.C.) (political gerrymandering).*Mecinas v. Hobbs*, No. CV-19-05547-PHX-DJH (D. Ariz.) (ballot order effect).*Fair Fight Action v. Raffensperger*, No. 1:18-cv-05391-SCJ (N.D. Ga.) (statistical analysis).*Pascua Yaqui Tribe v. Rodriguez*, No. 4:20-CV-00432-TUC-JAS (D. Ariz.) (early voting).*Ohio Organizing Collaborative, et al v. Ohio Redistricting Commission, et al* (No. 2021-1210) (Ohio) (political gerrymandering)*NCLCV v. Hall*, (No. 21-CVS-15426) (N.C. Sup. Ct.)**COURT APPOINTMENTS**

Appointed as Voting Rights Act expert by Arizona Independent Redistricting Commission (2020)

Appointed special Master by the Supreme Court of Virginia to redraw maps for the Virginia House of Delegates, the Senate of Virginia, and for Virginia's delegation to the United States Congress for the 2022 election cycle.

Appointed redistricting expert by the Supreme Court of Belize in *Smith v. Perrera*, No. 55 of 2019 (one-person-one-vote).

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INTERNATIONAL PRESENTATIONS AND EXPERIENCE

Panel Discussion, European External Action Service, Brussels, Belgium, *Likely Outcomes of 2012 American Elections*.

Selected by U.S. Embassies in Sweden, Spain, and Italy to discuss 2016 and 2018 elections to think tanks and universities in area (declined Italy due to teaching responsibilities).

Selected by EEAS to discuss 2018 elections in private session with European Ambassadors.

TEACHING

American Democracy and Mass Media, Ohio Wesleyan University, Spring 2018.

Introduction to American Politics, The Ohio State University, Autumn 2018, 2019, 2020, Spring 2018.

Political Participation and Voting Behavior, Spring 2020, Spring 2021.

REAL CLEAR POLITICS COLUMNS

Full archives available at http://www.realclearpolitics.com/authors/sean_trende/

**EXPERT REPORT OF CLAUDE A. LAVIGNA,
DATED FEBRUARY 14, 2021 [265 - 286]**

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

-----X

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. E2022-0116CV

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

-----X

**EXPERT REPORT
OF CLAUDE A. LAVIGNA
FEBRUARY 14, 2021**

Expert Report of Claude A. LaVigna**I. Professional Experience**

I am a political research and campaign strategist with over 30 years of experience and expertise. I am a national pollster who has conducted survey research for leading elected officials, corporations and public affairs initiatives for decades. I provide strategic guidance on political trends and have deep understanding of partisan influence in redistricting efforts and political campaigns. Through my experience as a political strategist, I have developed a deep understanding of New York's geographical and political landscape. My knowledge includes an understanding of New York's diverse local towns and communities, as well as the state's larger regions and media markets. I have a Bachelor of Arts degree from the State University of New York at Albany.

II. Scope of Engagement

I have been retained by Troutman Pepper Hamilton Sanders LLP on behalf of their clients, Petitioners in the above-titled action, to evaluate the 2022 state Senate and Congressional maps, 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168, enacted by the New York State Legislature and signed by Governor Kathy Hochul. I have been retained and am being compensated at \$300 per hour to provide my expert analysis of incumbent-protection and partisan-gerrymandering factors in the state Senate and Congressional maps and to determine if the maps violate the clear prohibitions against partisan and incumbent-favoring/disfavoring gerrymandering found in Article III, Section 4(c)(5) of the New York Constitution and New York Legislative Law § 93(2)(e). Specifically, I analyzed whether there is any coherent explanation for the new Congressional and state Senate district lines except for seeking partisan and incumbent-protection advantage, including by reducing competitiveness. My analysis is based on my review of the enacted 2022 Congressional and state Senate Maps in light of New York's political geography. I also compared the 2022 maps against the 2012 maps. 2011–2012 N.Y. Reg. Sess. Leg. Bills S.6696 and A.9525 (as technically amended by S.6755 and A.9584); *Favors v. Cuomo*, No. 11-CV-5632, 2012 WL 928223 (E.D.N.Y. Mar. 19, 2012).

III. Summary of Opinions

Based on the work performed as addressed in the following sections of the report, I hold the following opinions to a reasonable degree of professional certainty:

- Both the 2022 Congressional and state Senate Maps reveal clear evidence of districting with the purpose of seeking partisan and incumbent-protection advantage, including by reducing competitiveness.
- The 2022 Congressional Map splits up towns, counties, and communities of interest with no rational explanation apart from incumbent-protection and partisan gerrymandering.
- The 2022 state Senate Map similar splits up towns, counties, and communities of interest with no rational explanation apart from incumbent-protection and partisan gerrymandering.

IV. Exhibits

- Exhibit 1: Map of New York's 2012 Court-Drawn Congressional Districts
- Exhibit 2: Map of New York's 2012 Legislature-Enacted State Senate Districts
- Exhibit 3: Map of New York's 2022 Legislature Enacted Congressional Districts
- Exhibit 4: Map of New York's 2022 Legislature-Enacted State Senate Districts
- Exhibit 5: Resume of Claude A. LaVigna

V. Analysis of the 2022 Congressional Map

The 2022 Congressional map creates a partisan gerrymander with no coherent explanation except for seeking partisan and incumbent-protection advantage for the Democratic Party, including by reducing competitiveness. This includes “cracking” Republican communities by splitting them into multiple districts to dilute their political power and “packing” Republican voters into the same district, resulting in oddly shaped, stretched-out districts that waste Republican votes and strengthen Democrats’ power in the surrounding areas.

The following examples illustrate the Legislature’s intent to favor the Democratic party and protect Democratic incumbents and candidates, while disfavoring Republican incumbents and candidates and reducing competitiveness:

The Legislature entirely rearranged Congressional Districts 1 and 2 in the 2022 map, exchanging Republican voters for Democratic voters with no coherent explanation except for seeking partisan and incumbent protection advantage, including by reducing competitiveness. The new map moves areas with high populations of Republican voters into new Congressional District 2 while moving heavily Democratic communities into Congressional District 1. The Republican communities in Brookhaven on Long Island’s South Shore are now in District 2, whereas the strongly Democratic areas in the center of Long Island are now in District 1. This partisan revision

creates multiple new town splits and adds an additional county split where Congressional District 1 now extends into Nassau County between Oyster Bay and Huntington. The Legislature effectively shifted Congressional District 1 from a strong Republican district into a Democrat-leaning district by packing Republicans into Congressional District 2. In addition, this redrawing turned District 2 from a sure Republican district into an overwhelmingly Republican stronghold.

The Legislature completely transformed Congressional District 3 with no coherent explanation except for Democratic partisan and incumbent-protection advantage, including by reducing competitiveness. District 3 in the 2012 court-drawn map connected Suffolk and Nassau counties, with a slight reach into Queens County. The new District 3 extends from Suffolk County, through Nassau, Queens, and Bronx counties, all the way into Westchester County. It reaches across the Long Island Sound to capture Democrat strongholds along the shore, stretching in a thin strip up to the Town of Rye. The new District 3 can only be explained by seeking partisan and incumbent-protection advantage because this combination of counties and communities have no nexus and share no communities of interest. In drawing the Congressional District 3 in this way, the Legislature decreased competitiveness, transforming Congressional District 3 from a competitive district to a Democrat stronghold.

The new Congressional Districts 8, 9, 10, and 11 illustrate how the Legislature “cracked” established Republican-leaning communities of interest in Brooklyn to create a partisan advantage for Democrats. By breaking up concentrated Orthodox Jewish and Russian communities with strong social and cultural ties, the new map spreads conservative Republican-leaning voters across multiple districts. These new districts move large numbers from the Russian Jewish communities in Brooklyn into Congressional District 8 and divide the Orthodox Jewish communities between Congressional District 9 and Congressional District 10. The Legislature also divided an established Asian community in District 10 by moving half of it to District 11. Previously a Republican-leaning district covering Staten Island and adjacent communities in southern Brooklyn, the new District 11 combines Staten Island with unrelated and heavily liberal areas in Brooklyn—Sunset Park, Red Hook, Gowanus, Windsor Terrace, and Park Slope—which fundamentally alters the political composition of this district. These redrawn Brooklyn districts have no coherent explanation except seeking partisan and incumbent-protection advantage, with bizarre boundaries that break up communities of interest and combine unrelated communities for no logical reason.

Similarly, the new Congressional District 16 “cracks” Republican voters out of Congressional District 18 by connecting a section of the Bronx all the way up to Putnam County. This removes Republican voters from rural and suburban communities in Westchester County and combines them with the Democratic strongholds of Mount Vernon and Yonkers. District 16 in the 2012 map almost entirely consisted of parts of Westchester County, along with a small section of Bronx County for population purposes. The new District 16 has no coherent explanation except seeking Democratic partisan and incumbent-protection advantage, as it connects the heavily Republican towns of Putnam Valley, Carmel, Yorktown, and Somers to densely populated Democratic communities and neutralizes these Republican voters. District 16 is now comprised of geographically distant communities that have few to no commonalities.

The new Congressional District 18 has no coherent explanation except for seeking partisan and incumbent -protection advantage, including by reducing competitiveness. The packing of Republican voters into Congressional District 16 makes Congressional District 18 a safer Democratic district. The new District 18 is bizarrely shaped, extending into the Ulster County towns of Rochester and Wawarsing and reaching around into Peekskill, Cortlandt, North Salem, Lewisboro, Bedford, and Pound Ridge, with central portions of Putnam and Westchester counties carved out into Congressional District 16. As a result of this maneuvering, Congressional District 16 remains a safe Democratic district, while District 18 shifts from a Republican-leaning district to a Democratic district.

The new Congressional District 17 has no coherent explanation except for seeking partisan and incumbent-protection advantage, including by reducing competitiveness. It is contorted to combine strong Democratic areas with unrelated, rural Republican communities. Just as with the Legislature’s reconfiguration of Brooklyn, District 17 “cracks” conservative Jewish communities to neutralize their Republican votes. Congressional District 17 in the 2012 court-drawn map was compact and confined to just Rockland and Westchester counties. The new District 17 stretches from Sullivan County across Orange and Rockland counties into Westchester County, picking up strong Democrat communities including Greenburgh, Mount Kisco, and White Plains. The District separates Orthodox communities, incorporating communities in Sullivan and Rockland counties while excluding the Kiryas Joel Jewish community in Orange County. As a result, Congressional District 17 remains a reliable Democratic district.

The new Congressional District 19 has no coherent explanation except for seeking partisan and incumbent protection advantage, including by reducing competitiveness. It is drawn with each of its four corners reaching into the strongly Democratic areas. The new District 19 extends through Republican communities in Columbia and Greene counties to pick up the Democratic stronghold of Bethlehem in Albany County, adding a new county split. The District similarly reaches into Ulster County, targeting Democrat communities but circumventing areas with large numbers of Republican voters. The District stretches to pick up the Democratic-leaning city of Binghamton to the west. Finally, the District reaches up to encompass the Democratic city of Utica to the north. As a result of these targeted adjustment to the district lines, Congressional District 19 shifts from a Republican district to a Democrat-leaning district.

The new Congressional District 21 has no coherent explanation except for seeking partisan and incumbent protection advantage, including by reducing competitiveness. District 21 through “packs” Republican voters, adding Republican voters from large portions of Oneida County and Herkimer County, half of Montgomery County, and all of Schoharie County, increasing the concentration of Republican voters in the district and thus diminishing competitiveness in the surrounding districts.

The new Congressional District 22 has no coherent explanation except for seeking partisan and incumbent protection advantage, including by reducing competitiveness. The Legislature “cracked” Congressional District 22 by removing Republican areas and adding Tompkins County, including the heavily Democratic city of Ithaca. As a result, the new District 22 shifts from a competitive Republican district in the 2012 court-drawn map to a safe Democratic district in the new map.

The new Congressional District 23 has no coherent explanation except for seeking partisan and incumbent protection advantage, including by reducing competitiveness. The Legislature “packed” Republican voters into Congressional District 23. The new District 23 connects the suburbs of Buffalo and other towns in southern Erie County to distant rural areas around Binghamton. As a result, Congressional District 23 is now much less competitive and has become an overwhelmingly Republican district.

The new Congressional District 24 has no coherent explanation except for seeking partisan and incumbent protection advantage, including by reducing competitiveness. The Legislature similarly “packed” Republican voters into Congressional District 24. Previously, District 24 was

compact and encompassed related communities in Wayne, Cayuga, and Onondaga counties, as well as part of Oswego County. The new District stretches across four media markets, connecting numerous areas over more than 250 miles with little in common, extending all the way from Lewiston, in Niagara County eastward and northward into Jefferson County (all the way to the St. Lawrence County line), targeting Republican voters. As a result, Congressional District 24 is now overwhelmingly Republican.

VI. Analysis of the 2022 State Senate Map

My analysis of the 2022 state Senate map revealed a similar partisan design. Just as with the 2022 congressional districts, the state Senate map is drawn with the purpose of seeking partisan and incumbent protection advantage. The following examples illustrate the Legislature's intent to favor the Democratic party and protect Democratic incumbents and candidates, while disfavoring Republican incumbents or candidates and reducing competitiveness:

The new Senate Districts on Long Island have no coherent explanation except for seeking partisan and incumbent-protection advantage. Republican voters are "packed" into two districts, and the remaining seven districts are now much more favorable for Democratic candidates. Long Island's new Senate District 2 is overwhelmingly Republican, "packing" in Republican voters that were previously in Senate District 1. As a result, the new Senate District 1 is more favorable for a Democratic candidate than the 2012 legislature-enacted state Senate map. The Legislature similarly packed Senate District 4 with Republican voters, adding the Republican areas of Bayport, Oakdale, and east Islip, which were previously in state Senate District 3. In short, the Legislature combined the heavily Republican areas of Suffolk and Nassau counties into state Senate District 4.

Long Island's new state Senate Districts 5 and 6 have no coherent explanation except for seeking partisan and incumbent-protection advantage, including by reducing competitiveness. The Legislature reconfigured these former swing districts into strong Democratic districts by combining geographically distant and unrelated communities. In state Senate District 5, the Legislature removed the Town of Oyster Bay and added the Town of Babylon, picking up heavily Democratic communities to make the district more favorable to Democratic candidates. The Legislature placed Oyster Bay in new Senate District 6, adding Democratic strongholds in Uniondale and the Village of Hempstead to make District 6 a strong Democratic district.

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The new state Senate Districts 7 and 9 have no coherent explanation except for seeking partisan and incumbent-protection advantage, including by reducing competitiveness. In the new Senate District 9, the Legislature removed the Five Towns, a conservative Orthodox Jewish community of interest, moving it to Senate District 10, a heavily Democratic district in Queens. The move adds a new county split along the Nassau-Queens border with no purpose except favoring of Democratic party and protecting Democratic incumbents and candidates, while disfavoring Republican incumbents and candidates.

The new state Senate District 22 has no coherent explanation except for seeking partisan and incumbent-protection advantage. Here, the Legislature redrew the district boundaries to remove portions of Republican communities in southern Brooklyn. The new District 22 also bizarrely extends into Democratic communities in northern Brooklyn. These new additions to District 22 have nothing in common with the remaining southern communities and neutralize their Republican votes. Further, the new district lines divide Brooklyn's Russian and Orthodox Jewish communities of interest between multiple state Senate districts.

The state Senate Districts north of New York City are similarly drawn with no purpose except favoring the Democratic party and protecting Democratic incumbents and candidates, while disfavoring Republican incumbents and candidates. The Legislature removed Republican communities in Dutchess County and politically competitive towns in Westchester County from what was Senate District 40 in the 2012 map to create a bizarrely shaped new Senate District 42. The new District 42 stretches in a thin finger to unite unrelated communities with no coherent explanation except for seeking partisan and incumbent protection advantage, combining the city of White Plains with rural and suburban areas in Putnam and Westchester counties. While District 40 in the 2012 map was competitive and consistently elected Republicans, the new District 42 is emphatically Democratic. This shift required the Legislature to split Putnam County between state Senate District 42 and state Senate District 41. Putnam County is now combined with Orange County, rather than with Dutchess County, with which it shares an established community of interest.

Further, the Legislature moved Philipstown in Putnam County and the communities of Beacon and Fishkill in Dutchess County from what was formerly Senate District 41 (located centrally in Dutchess and Putnam counties) to the new Senate District 41, which is primarily located in Orange County. Philipstown, Beacon, and Fishkill are Democratic-leaning

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communities. By moving these communities to new District 41, the Legislature transformed the district from Republican to safely Democratic, with no coherent explanation except for seeking partisan and incumbent-protection advantage.

In order to accomplish this partisan-advantage-seeking shift in District 41, the Legislature moved the Republican-leaning towns of Montgomery, Crawford, Chester, and Monroe to the new Senate District 44. The Legislature drew the new state Senate District 44 with the purpose of disfavoring Republican incumbents and candidates and reducing competitiveness, by packing it with Republican voters from Orange, Delaware, and Broome counties, and removing Democratic-voting parts of Ulster County.

The Legislature also transformed the new state Senate District 48, which was previously Senate District 46, into a Democratic district from a Republican-leaning district with changes that have no coherent explanation except for seeking partisan and incumbent-protection advantage, including reducing competitiveness. The new Senate District 48 excludes the northern Republican-voting areas in Montgomery and Schenectady County, replacing them with Democratic-leaning areas in Ulster, Dutchess, and Columbia counties.

The Legislature drew the new state Senate District 46 with the purpose of favoring the Democratic party, while disfavoring Republican incumbents and candidates, by disconnecting the City of Albany and the Albany County river cities across the Hudson River to protect Democratic candidates and reduce competitiveness. The new District adds Republican areas in Saratoga County that have nothing in common with the rest of the District, creating a strong Democratic district.

The new state Senate District 51 is a large, central New York district. This new district is drawn to lump together two Senators, Republican James Tedisco of the 2012 Senate District 49 and Republican Peter Oberacker of the 2012 Senate District 51, into the same district. It appears highly likely that the Democratic leaders in the Legislature drew this district specifically to disfavor or remove one of these two incumbent Republican Senators.

The new state Senate District 52, which resembles state Senate District 50 in the 2012 Senate map, has no coherent explanation except for seeking partisan and incumbent-protection advantage. The Legislature transformed the district from a consistently Republican district to a Democratic district by adding more of the City of Syracuse to completely unrelated suburbs in Onondaga County.

The new state Senate District 53 has no coherent explanation except for seeking partisan and incumbent-protection advantage, including reducing competitiveness. Here, the Legislature created a strong Democratic district by combining Tompkins County with parts of Cortland, Tioga, and Broome counties, disconnecting communities in Tompkins County from surrounding areas with which they have historical connections.

The Legislature drew new state Senate District 54 with the purpose of reducing competitiveness. Here, the Legislature “packed” the district with Republican voters, adding Wayne County to other strongly Republican-performing areas in Genesee, Livingston, Ontario, and Cayuga counties. The new District 54 is overwhelmingly Republican and decreases competition in the surrounding districts.

The new state Senate Districts 56, 57, and 58 have no coherent explanation except favoring the Democratic party and protecting Democratic incumbents and candidates, while disfavoring Republican incumbents and candidates. In new state Senate District 56, which resembles Senate District 55 in the 2012 map, the Legislature added a large portion of the heavily Democratic City of Rochester, creating a safe Democratic district and reducing competitiveness. Similarly, the Legislature increased Democratic candidate protection in the new state Senate District 57, which also incorporates a substantial portion of the Democratic City of Rochester. In new state Senate District 58, the Legislature increased the number of Republican voters, neutralizing their voting power by removing them from surrounding districts and decreasing competitiveness in the other districts while enabling the Legislature to create the new Democratic district in Tompkins and Broome counties.

The Legislature drew the new state Senate District 60 with the purpose of favoring of Democratic party, while disfavoring Republican incumbents and candidates. The Legislature reduced competitiveness in the District by splitting the Erie-Niagara County border and adding the City of Niagara Falls. The Legislature also removed the towns of Orchard Park, Evans, and Brant from new District 60. District 60 in the 2012 map was a competitive swing district, but the Legislature transformed the District into a strong Democratic district by reaching into a new county and adding Niagara Falls. The Legislature achieved this by removing Niagara Falls from new state Senate District 62, which is now packed with Republicans due to the addition of reliably Republican towns to the east, which thereby removes all competition.

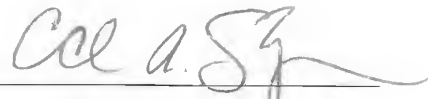
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The Legislature also drew Senate District 63 with the purpose of favoring the Democratic party, while disfavoring Republican incumbents and candidates. Here, the Legislature reduced competitiveness in the District by combining several geographically distant and unrelated areas: the suburban swing Town of Amherst, the east side of Buffalo, and part of Lackawanna County. As a result, new state Senate District 63 is overwhelmingly Democratic, with no real risk of the Democrats losing that Senate seat.



CLAUDE A. LAVIGNA

Dated: 60210621, New York

February 14, 2022

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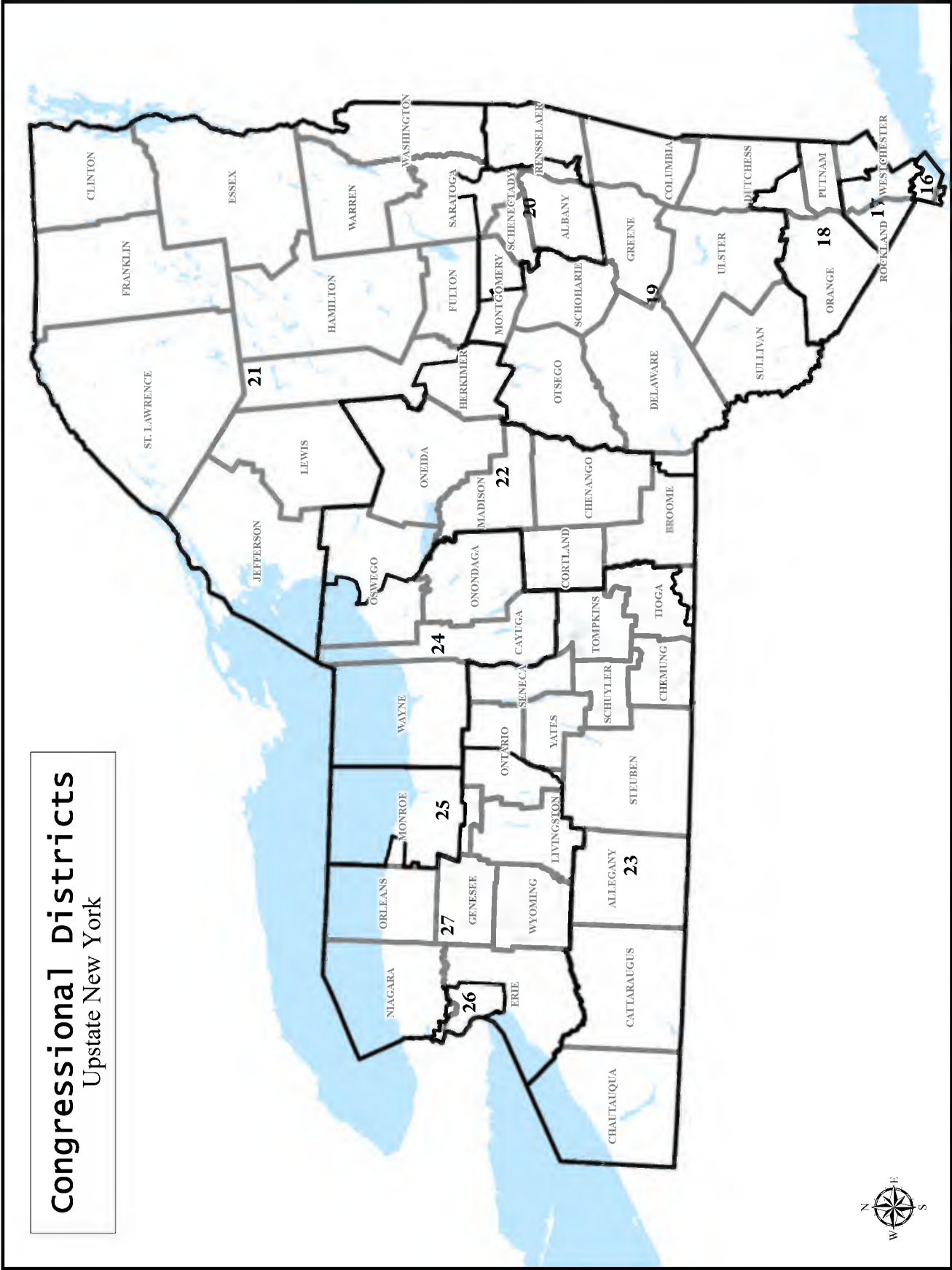
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Exhibit 1

Congressional Districts
Upstate New York



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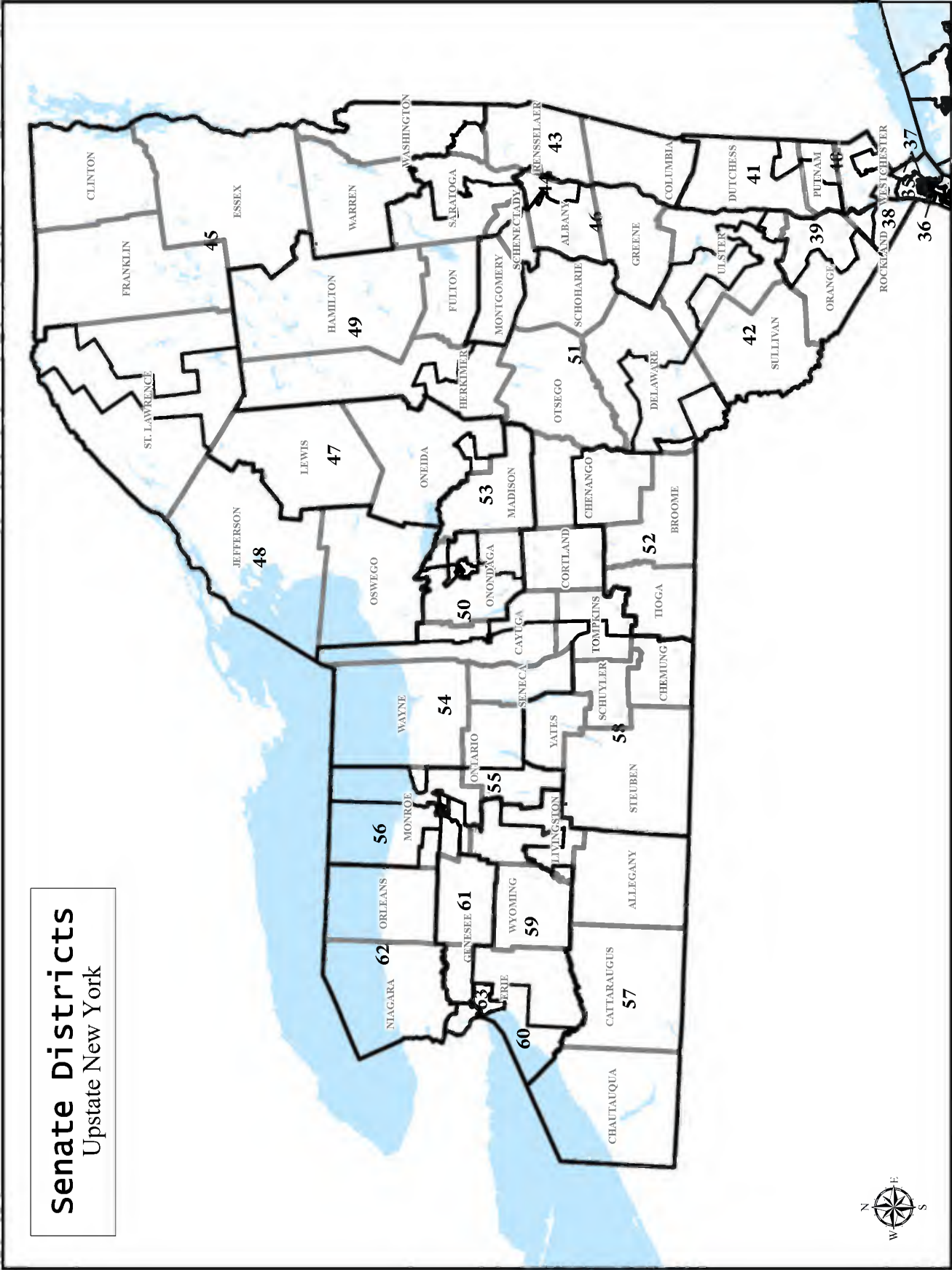
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Senate Districts
Upstate New York



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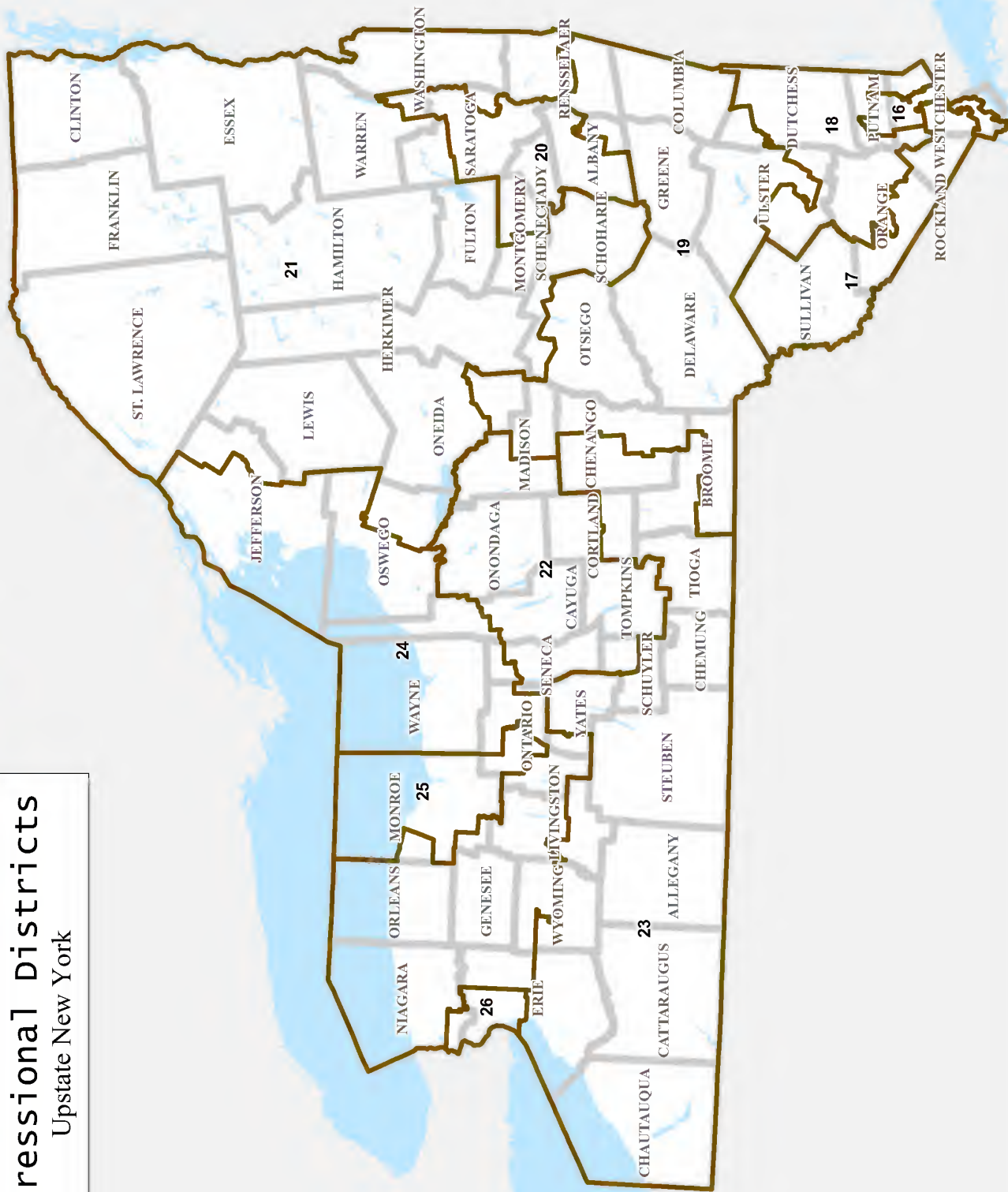
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Exhibit 3

Congressional Districts

Upstate New York



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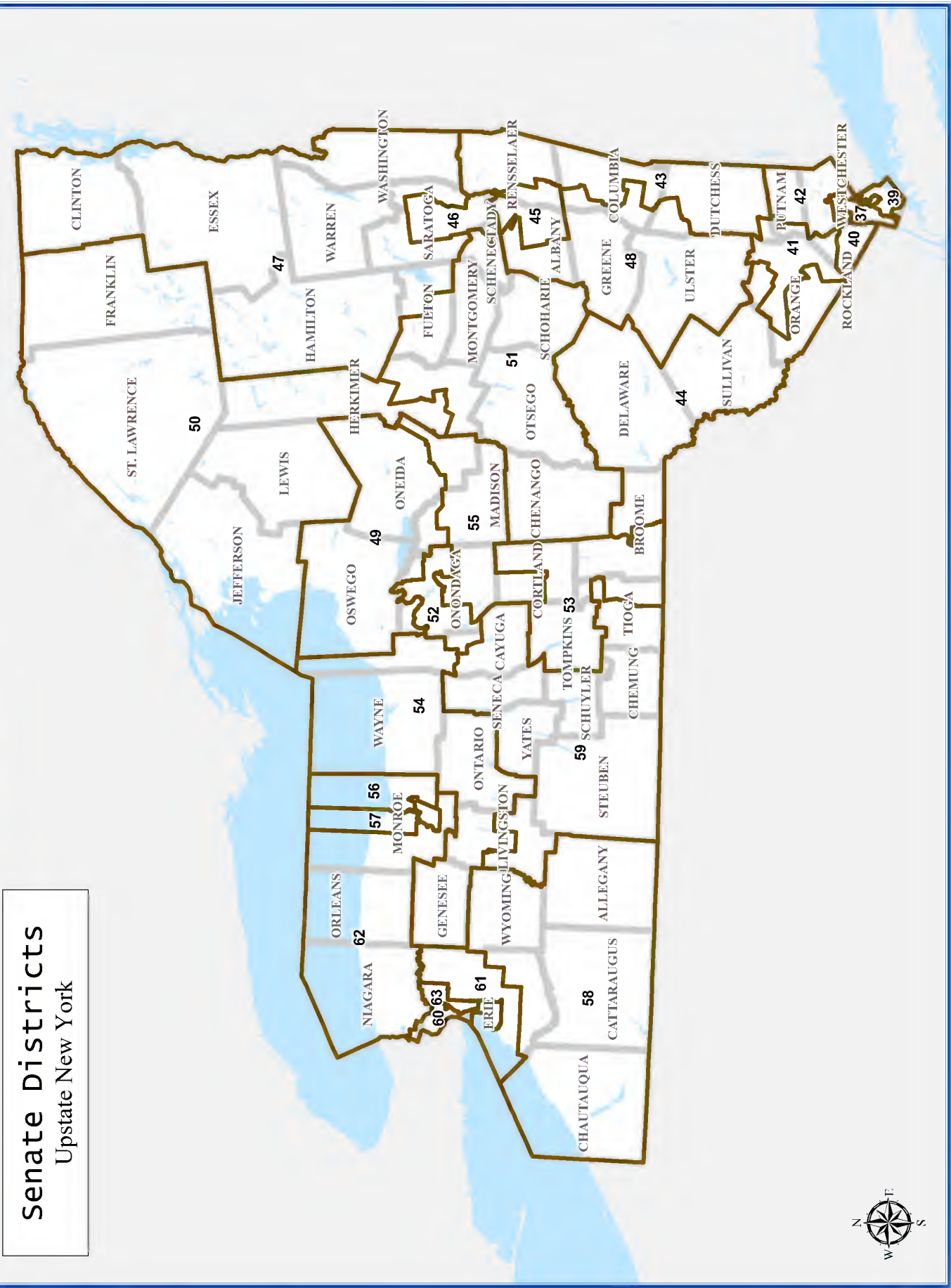
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Exhibit 4

Senate Districts

Upstate New York



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Exhibit 5

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Claude A. LaVigna

E-Mail: claude@eaglepointstrategies.com165 Kennewyck Circle
Slingerlands, NY 12159

Phone: (518) 281-3684

EXECUTIVE SUMMARY

A national pollster who has conducted survey research for leading elected officials, corporations and public affairs initiatives for nearly 30 years. He provides strategic guidance and knows how to work with clients to effectively persuade an electorate and sway public opinion. He also has a deep understanding and respect for how to integrate the grassroots, news media and other outside influencers into a political or corporate campaign.

PROFESSIONAL EXPERIENCE

- | | |
|--------------------------|--|
| May 2021 to Present | Vice President, Research and Analytics. Co/efficient, Kansas City, MO.
Co/efficient is a leading, nationwide survey research and analytics firm specializing in political, non-profit and corporate campaigns. |
| January 2014 to Present | Director. Balance New York.
Balance New York is an independent expenditure committee established in November 2013 and was responsible for executing successful efforts to keep the Republican Majority in the State Senate over the past two election cycles. Responsibilities included working with compliance counsel, filing all New York State Board of Elections periodic reports and developing and coordinating messaging between print, media and digital vendors. |
| May 2008 to Present | Owner and President. Eagle Point Strategies, Albany, NY
Eagle Point Strategies is a full service New York based public opinion survey and market research company, specializing in issue advocacy campaigns and candidates running for public office at all levels of government. |
| February 1989 – May 2008 | Deputy Director. New York State Senate Republican Campaign Committee, Albany, NY
Database - Responsible for building first PC based standardized statewide voter data file. Oversaw 40 terminal volunteer phone bank. Produced targeted walk and |

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phone lists for all State Senate campaigns. Spearheaded direct mail fund raising campaigns. Survey Research - Conducted over 500 surveys for State Senate campaigns. Designed questionnaires, drew stratified random samples from voter file, and produced cross-tabulation results. Office Operations - Supervised staff of up to 10 people including setting office and campaign prioritization in a fast paced and ever changing environment.

January 1988 - January
1989

Production Manager. New York State Senate Republican Campaign Committee, Albany, NY
Coordinated and managed all campaign mailings on behalf of State Senate candidates and Senators. Served as the liaison between campaign field staff and central production facility. Managed over 7 million pieces of mail throughout New York State.

June 1985 - December 1987

Legislative Assistant. Civil Service Employees Association, Albany, NY
Legislative responsibilities included issue research, tracking legislation in the State Senate and State Assembly and assisting with the union's contracted lobbyist. Political Action responsibilities included union member political action training throughout New York State, developing comprehensive organizing plans for regular lobby days for union members coming to Albany. Campaign activities involved directly working on political campaigns throughout New York State on CSEA endorsed candidates. These activities included managing phone bank operations, door to door canvassing efforts and other direct voter contact.

EDUCATION

September 1977 - June 1981 Harrison High School, Harrison, New York
September 1981 - June 1983 Ohio University, Athens, Ohio
September 1983 - May 1985 State University of New York at Albany
B.A. - Communication

RELEVANT SKILLS

Professional Associations: American Association of Public Opinion Research (AAPOR)

REFERENCES

Available upon request

**AFFIDAVIT OF SENATOR ROBERT G. ORTT, IN SUPPORT OF PETITION,
SWORN TO FEBRUARY 14, 2022 [287 - 289]**

FILED: STEUBEN COUNTY CLERK 02/14/2022 10:56 PM

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RECEIVED NYSCEF: 02/14/2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

-----X

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. E2022-0116CV

**AFFIDAVIT OF SENATOR
ROBERT G. ORTT IN
SUPPORT OF PETITION**

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

-----X

ROBERT G. ORTT, being duly sworn, says under penalty of perjury as follows:

1. I am a member of the New York State Senate elected to represent District 62.
2. I make this declaration based on my personal knowledge, and if called upon to testify, I could and would testify to the following facts.
3. I have served as Senate Minority Leader since June 19, 2020.

4. Given my position as Senate Minority Leader, I have a leadership role within the Republican caucus in the New York State Senate on issues relating to redistricting, including playing a key role in determining the approach that Senate Republicans will follow.

5. In 2014, New Yorkers voted to implement a new, nonpartisan redistricting process and banned partisan gerrymandering.

6. On January 3, 2022, the New York Independent Redistricting Commission (IRC) sent two sets of redistricting maps (Plan A and Plan B) to the New York State Legislature ("Legislature"). The Democratic IRC members developed Plan A without input from the Republican members, while the full IRC worked on Plan B until negotiations broke down.

7. On January 10, 2022, the Senate voted on Plan A and Plan B without amendment. Both plans failed to pass. Plan A received no votes in favor of enactment. Seventeen senators voted in favor of Plan B's Senate and Assembly maps, and forty-six voted against. Nineteen senators voted in favor of Plan B's congressional map, with forty-four voting against. On the same day, the New York State Assembly voted against both plans.

8. Senate Republicans expected the IRC to send a revised redistricting plan to the Legislature for another round of voting without amendment by January 25, 2022.

9. However, on January 24, 2022, the IRC announced that it would not be submitting a new plan.

10. Instead, Democrats in Legislature, unilaterally, secretly, and without any public input, drafted new maps, in spite of the mandatory redistricting process in Article III, Section 4 of the New York State Constitution.

11. Democrats in the Senate and Assembly completed new maps in a matter of days, releasing the congressional map on January 30 and the state Senate map on February 1.

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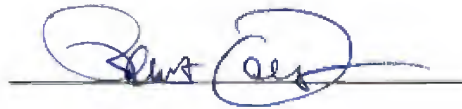
12. Legislative Democrats drafted the maps behind closed doors, without a single public hearing or any bipartisan cooperation.

13. In violation of the New York Constitution, the Legislature adopted the Democrats' partisan and incumbent favoring maps with all Senate Republicans voting against them. The congressional map passed on a vote of 103–45 in the Assembly and 43–20 in the Senate. The Senate map passed on a vote of 118–29 in the Assembly and 43–20 in the Senate.

14. Senate Republicans were not given any input or involvement in the drafting or creating of the congressional or state Senate maps that the Legislature adopted.

15. On February 3, 2022, Governor Hochul signed into law the Legislature's congressional and state Senate maps. 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168.

DATED: 2/14, 2022



Sworn to before me this the
14 day of February, 2022

Kristin L. Frank

Notary Public – State of New York

KRISTIN L. FRANK
Notary Public, State of New York
Reg. No. 02FR6362761
Qualified in Albany County
Commission Expires 11/27/2025

**AFFIDAVIT OF LAWRENCE GARVEY, PETITIONER, IN SUPPORT OF PETITIONER,
SWORN TO FEBRUARY 14, 2022 [290 - 291]**

FILED: STEUBEN COUNTY CLERK 02/14/2022 10:56 PM

NYSCEF DOC. NO. 29

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 02/14/2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

-----X
TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. E2022-0116CV

**AFFIDAVIT OF
LAWRENCE GARVEY IN
SUPPORT OF PETITION**

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

-----X
LAWRENCE GARVEY, being duly sworn, says under penalty of perjury as follows:

1. I am a Petitioner in the above-titled action and a citizen of the State of New York,
residing at 2 Hillman Road, New City, NY 10956, in Rockland County.
2. I make this affidavit based on my personal knowledge, and if called upon to testify,
I could and would testify to the following facts.
3. I am registered to vote in the State of New York.

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4. I regularly vote for Republican candidates in local, state, and federal elections, and engage in campaign activity for Republicans running for Congress and state legislative office.

5. The Legislature's partisan and incumbent-favoring 2022 congressional and state Senate maps have harmed me, as explained below.

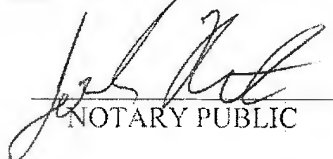
6. The Legislature's partisan and incumbent-favoring gerrymanders of the 2022 state Senate and congressional maps dilute the power of my vote based on my political beliefs and diminish the effect of my political action efforts. These new maps undermine efforts throughout New York to elect Republican candidates for state Senate and Congress in the State.



LAWRENCE GARVEY

JOSEPH REITER
NOTARY PUBLIC-STATE OF NEW YORK
No 02RE6035108
Qualified in Rockland County
My Commission Expires 10-24-2022

Sworn before me
on this 14 day of February, 2022


NOTARY PUBLIC

**ORDER TO SHOW CAUSE FOR LEAVE TO FILE AMENDED PETITION,
DATED FEBRUARY 9, 2022 [292 - 294]**

FILED: STEUBEN COUNTY CLERK 02/09/2022 04:12 PM

NYSCEF DOC. NO. 24

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 02/09/2022

At IAS Part __ of the Supreme Court of the State of New York, held in and for the County of Steuben, at the Courthouse located at 3 East Pulteney Square Bath, NY 14810, on the 9th day of February, 2022.

PRESENT: _____

HON. PATRICK F. McALLISTER, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

-----X

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. E2022-0116CV

**ORDER TO SHOW CAUSE
FOR LEAVE TO FILE
AMENDED PETITION**

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

-----X

FILED: STEUBEN COUNTY CLERK 02/09/2022 04:12 PM

NYSCEF DOC. NO. 24

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 02/09/2022

UPON reading of the Affirmation of Bennet J. Moskowitz dated February 8, 2022, and the exhibits annexed thereto, and Petitioners' Memorandum of Law in support of their Motion for Leave to Amend; and all of the pleadings and proceedings heretofore had herein, it is hereby:

ORDERED that Respondents or their counsel appear and show cause before this Court, at IAS Part __, Room ____, at the Courthouse located at 3 East Pulteney Square Bath, NY 14810, on the 3rd day of ~~February~~ ^{March}, 2022, at 9:30 a.m., or as soon thereafter as counsel can be heard, why an Order should not be issued granting Petitioners leave to file their proposed Amended Petition; and it is

FURTHER ORDERED that Petitioners shall serve a copy of this Order and all papers in support thereof upon counsel for Respondents who have not yet appeared in this special proceeding by NYSCEF as of the time of entry hereof, and upon the New York Attorney General as required by CPLR 2214(d), by personal delivery on or before the 17 day of February, 2022; and it is

FURTHER ORDERED that Respondents shall serve any papers in opposition to Petitioners' Motion for Leave to Amend by NYSCEF no later than the 24 day of February, 2022; and it is

FURTHER ORDERED that Petitioners shall serve any reply papers in further support of their Motion for Leave to Amend by NYSCEF no later than the 1st day of ~~February~~ ^{March}, 2022; and it is

FURTHER ORDERED that if Petitioners are granted leave to file their proposed Amended Petition, Petitioners shall file it along with a proposed Order to Show Cause that ~~maintains the February 24, 2022 return date, February 17, 2022 deadline for Respondents to file any answering papers, February 23, 2022 deadline for Petitioners to file any reply papers, and~~ ^{Adjoined, March 3, 2022 return date, February 24, 2022 deadline for Respondents to file any answering papers, March 1, 2022 deadline for Petitioners to file any reply papers, and}

FILED: STEUBEN COUNTY CLERK 02/09/2022 04:12 PM

NYSCEF DOC. NO. 24

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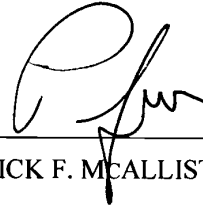
RECEIVED NYSCEF: 02/09/2022

~~February 14, 2022 discovery meet-and-confer deadline, which are already set forth in the February 7, 2022 Order to Show Cause (NYSCEF Doc. #11).~~

DATED: Bath, New York

February 9, 2022

ENTER:



HON. PATRICK F. MCALLISTER, J.S.C.

**AFFIRMATION OF BENNET J. MOSKOWITZ, ESQ., FOR PETITIONERS, IN SUPPORT
OF ORDER TO SHOW CAUSE FOR LEAVE TO CONDUCT EXPEDITED DISCOVERY,
DATED FEBRUARY 8, 2022 [295 - 297]**

FILED: STEUBEN COUNTY CLERK 02/08/2022 06:53 PM

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RECEIVED NYSCEF: 02/08/2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

-----X

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. E2022-0116CV

**AFFIRMATION IN
SUPPORT OF
PETITIONERS' ORDER TO
SHOW CAUSE**

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

-----X

BENNET J. MOSKOWITZ, an attorney duly admitted to practice before the Courts of the
State of New York, hereby affirms the following under penalty of perjury:

1. I am a Partner at Troutman Pepper Hamilton Sanders LLP, counsel for Petitioners
in this CPLR Art. 4 special proceeding.

2. I submit this Affirmation solely to present to the Court information and materials supporting Petitioners' proposed Order to Show Cause submitted herewith, which materials are attached hereto as described below.

3. Attached hereto as Exhibit A is a copy of the original Petition filed in this action on February 3, 2022 (NYSCEF Doc. # 1.)

4. Attached hereto as Exhibit B is a copy of the affirmation of Bennet J. Moskowitz filed in this action on February 3, 2022 (NYSCEF Doc. # 3.)

5. Attached hereto as Exhibit C is a copy of the Order to Show Cause signed by the Hon. Patrick F. McAllister on, and entered by the Steuben County Clerk on, February 7, 2022.

6. Attached hereto as Exhibit D is a copy of Petitioners' proposed Amended Petition.

7. Attached hereto as Exhibit E is a comparison of Petitioners' proposed Amended Petition to their original Petition.

8. Attached hereto as Exhibit F is a copy of 2021-2022 N.Y. Reg. Sess. Leg. Bills S.8185-A and A.9040-A.

9. Attached hereto as Exhibit G is a copy of 2021-2022 N.Y. Reg. Sess. Leg. Bills S.8197 and A.9168.

10. Petitioners commenced this special proceeding: (1) challenging Respondents and the New York State Legislature's ("Legislature") failure to follow the exclusive process for redistricting embodied in Article III, Section 4 of the New York Constitution, (2) claiming that the only validly enacted map for Congress was the 2012 federal-court-adopted map that is now unconstitutionally malapportioned given subsequent population changes, and therefore invalid, (3) arguing that the Respondents' and the Legislature's 2022 congressional map is clearly gerrymandered to favor the Democratic Party and Democratic incumbents, contrary to Article III,

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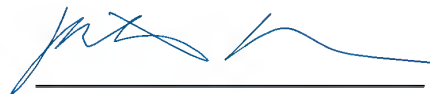
Section 4 of the New York Constitution, and (4) seeking a declaratory judgment on all of those issues, all arising out of the 2022 redistricting process following the 2020 decennial census, as well as seeking other related relief, such as invalidating 2021 legislation, L.2021, c. 633, § 7150, as unconstitutional and suspending any other state laws necessary for the Court to provide effective and complete relief.

11. Petitioners seek leave to amend the Petition to extend their existing claims—against the same Respondents—to one additional map, without altering Petitioners’ theories of recovery.

12. Specifically, Petitioners seek leave to file their proposed Amended Petition to add allegations that Respondents’ same constitutional violations of the procedural and substantive protections enacted by voters in the 2014 amendments to Article III, Section 4, also infected the 2022 state Senate map that the Legislature enacted and the Governor signed on February 3, 2022, and that the 2012 state Senate map is also now unconstitutionally malapportioned, while also making wording changes and adding certain additional citations that do not impact or alter any of their claims or theories.

WHEREFORE, it is respectfully requested that the Court grant Petitioners’ proposed Order to Show Cause, granting Petitioners leave to file their Proposed Amended Petition.

Dated: New York, New York
February 8, 2022



BENNET J. MOSKOWITZ

EXHIBIT A TO MOSKOWITZ AFFIRMATION -
PETITION, DATED FEBRUARY 3, 2022
(REPRODUCED HEREIN AT PP. 51-117)

EXHIBIT B TO MOSKOWITZ AFFIRMATION -
AFFIRMATION OF BENNET J. MOSKOWITZ, DATED FEBRUARY 3, 2022
(REPRODUCED HEREIN AT PP. 118-121)

EXHIBIT A TO MOSKOWITZ FEBRUARY 3, 2022 AFFIRMATION -
ARTICLE III, SECTION 5 OF THE NEW YORK CONSTITUTION
(REPRODUCED HEREIN AT PP. 122-124)

EXHIBIT B TO MOSKOWITZ FEBRUARY 3, 2022 AFFIRMATION -
UNCONSOLIDATED LAWS 4221
(REPRODUCED HEREIN AT P. 125)

EXHIBIT C TO MOSKOWITZ FEBRUARY 3, 2022 AFFIRMATION -
2022 POLITICAL CALENDAR
(REPRODUCED HEREIN AT PP. 126-127)

EXHIBIT D TO MOSKOWITZ FEBRUARY 3, 2022 AFFIRMATION -
NEW YORK ASSEMBLY BILL A.09039
(REPRODUCED HEREIN AT PP. 128-206)

EXHIBIT E TO MOSKOWITZ FEBRUARY 3, 2022 AFFIRMATION -
NEW YORK ASSEMBLY BILL A.09167
(REPRODUCED HEREIN AT PP. 207-218)

EXHIBIT F TO MOSKOWITZ FEBRUARY 3, 2022 AFFIRMATION -
NEW YORK SENATE BILL S.8196
(REPRODUCED HEREIN AT PP. 219-230)

EXHIBIT C TO MOSKOWITZ AFFIRMATION -
ORDER TO SHOW CAUSE, DATED FEBRUARY 7, 2022
(REPRODUCED HEREIN AT PP. 46-50)

**EXHIBIT D TO MOSKOWITZ AFFIRMATION -
AMENDED PETITION, DATED FEBRUARY 8, 2022 [299 - 381]**

FILED: STEUBEN COUNTY CLERK 02/08/2022 06:53 PM

NYSCEF DOC. NO. 18

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RECEIVED NYSCEF: 02/08/2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

-----X

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Index No. E2022-0116CV

AMENDED PETITION

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

-----X

Petitioners Tim Harkenrider, Guy C. Brought, Lawrence Canning, Patricia Clarino, George Dooher, Jr., Stephen Evans, Linda Fanton, Jerry Fishman, Jay Frantz, Lawrence Garvey, Alan Nephew, Susan Rowley, Josephine Thomas, and Marianne Volante, by their counsel, Keyser Maloney & Winner LLP, and Troutman Pepper Hamilton Sanders LLP, for their Petition against Respondents Governor Kathy Hochul, Lieutenant Governor and President of the Senate Brian A. Benjamin, Senate Majority Leader and President *Pro Tempore* of the Senate Andrea Stewart-Cousins, Speaker of the Assembly Carl E. Heastie, the New York State Board of Elections, and the New York State Legislative Task Force on Demographic Research and Reapportionment, allege as follows:

PRELIMINARY STATEMENT

1. The People of New York in 2014 enshrined in the New York Constitution an exclusive process for enacting replacement congressional and state legislative districts, while also prohibiting partisan and incumbent-protection gerrymandering. Yet, in the very first redistricting cycle after these landmark constitutional amendments, the Democratic Party politicians who control the New York Legislature and Governor's office violated these constitutional provisions.

2. These politicians brazenly enacted a congressional map ("2022 congressional map") that is undeniably politically gerrymandered in their party's favor. Dave Wasserman, a nonpartisan national elections expert, correctly noted that these politicians' congressional map is "an effective gerrymander," designed so that Democrats will "gain three seats and eliminate four Republican seats," creating "probably the biggest shift in the country."¹ The non-partisan election analysis website FiveThirtyEight similarly explained that the map is so "skewed toward Democrats" and "egregious" as to "represent[] a failure for [New York's] new redistricting process."² And even a top attorney for the famously left-leaning Brennan Center for Justice opined that the congressional map "isn't good for democracy," because it is "a master class in gerrymandering, . . . tak[ing] out a number of Republican incumbents very strategically."³ Indeed,

¹ Grace Ashford & Nicholas Fandos, *N.Y. Democrats Could Gain 3 House Seats Under Proposed District Lines*, N.Y. Times (Jan. 30, 2022), available at <https://www.nytimes.com/2022/01/30/nyregion/new-york-redistricting-congressional-map.html> (all websites last visited on Feb. 8, 2022).

² Nathaniel Rakich, *New York's Proposed Congressional Map Is Heavily Biased Toward Democrats. Will It Pass?*, FiveThirtyEight (Jan. 31, 2022), available at <https://fivethirtyeight.com/features/new-yorks-proposed-congressional-map-is-heavily-biased-toward-democrats-will-it-pass/>.

³ Nick Reisman, *How the Proposed Congressional Lines Could Alter New York's Politics*, Spectrum News 1 (Feb. 1 2022), available at <https://spectrumlocalnews.com/nys/central-ny/ny-state-of-politics/2022/02/01/how-the-proposed-congressional-lines-could-alter-ny-s-politics>.

the congressional map is so obviously biased that it favors Democratic partisan interests more than *any* of 5,000 computer-generated maps drawn without partisan considerations.

3. While the 2022 congressional map received the great bulk of media attention, the Legislature's new state Senate map ("2022 state Senate map") is likewise politically gerrymandered to favor the Democratic Party and Democratic Party incumbent politicians. Yet again, when the Legislature's state Senate map was compared to any of 5,000 computer-generated maps designed to create state Senate districts consistent with New York law but without partisan considerations, it is the most favorable to the Democratic Party.

4. In 2014, the People of New York amended Sections 4 and 5 of Article III of the New York Constitution, establishing an *exclusive* process for redistricting that, both as a matter of procedure and substance, prohibits partisan and incumbent-protection gerrymandering. Through the creation of the New York Independent Redistricting Commission ("IRC" or "the Commission"), the requirements for multiple public hearings to receive public comment on proposed maps, and limiting the New York State Legislature's ("Legislature") authority to an up-or-down vote on IRC-proposed maps, these amendments designed a process to preclude gerrymandering. Indeed, these amendments explicitly prohibit drawing maps "for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties." N.Y. Const. art. III, § 4(c)(5). Thus, the amendments bar the sorts of gamesmanship and self-interested gerrymandering that have plagued the redistricting process in this State for years.

5. The State of New York even bragged about these reforms to its redistricting process before the U.S. Supreme Court, claiming that Article III, Section 4(c)(5) was powerful evidence

that States could fight partisan gerrymandering by barring the drawing of district lines for the purpose of favoring or disfavoring a political party.⁴

6. The Democrat-controlled Legislature attempted, but failed, to gut these reforms in 2021 through a proposed constitutional amendment. That amendment would have allowed the Legislature to assume vast redistricting authority if the Commission failed to vote on redistricting plans for the Legislature's consideration.

7. But the People decisively voted this measure down in 2021, reconfirming the IRC's exclusive redistricting process under New York law.

8. Undeterred, the Democrats who control the Legislature and Governor Kathy Hochul have egregiously violated both the procedural and substantive protections in the New York Constitution to seek precisely the type of advantage for their party that the People outlawed in 2014 and reaffirmed in 2021. Governor Hochul thus lived up to her promise to "use [her] influence to help Democrats expand the House majority through the redistricting process," and help the Democratic Party "regain its position that it once had when [she] was growing up."⁵

9. This Court should invalidate both the unconstitutional 2022 congressional map and unconstitutional 2022 state Senate map on two separate and independent bases.

10. First, the Legislature had no authority to enact the new maps because the Legislature did not follow the *exclusive* process for enacting replacement maps that the People enshrined through the 2014 amendments, meaning that the Senate map and congressional map are

⁴ Amicus Br. for States of N.Y., et al. at 18, *Rucho v. Common Cause*, 558 U.S. ____ (2019) (No. 18-422).

⁵ Katie Glueck & Luis Ferré-Sadurní, *Interview with Kathy Hochul: "I Feel a Heavy Weight of Responsibility"*, N.Y. Times (Aug. 25, 2021), available at <https://www.nytimes.com/2021/08/25/nyregion/kathy-hochul-interview.html>.

entirely void.⁶ Accordingly, the only validly enacted or adopted maps are those that the Legislature and courts adopted for New York after the 2010 decennial census. But the prior congressional map (“2012 congressional map”) is now unconstitutionally malapportioned after the 2020 census and does not have the correct number of seats. And the prior state Senate map (“2012 state Senate map”) is similarly malapportioned, given changes in New York’s population. This Court should expeditiously adopt new maps—prior to the impending deadlines for candidates to access the ballot—to cure the malapportionment now affecting the 2012 congressional and state Senate maps.⁷

11. Second, if this Court holds that the Legislature somehow had the authority to adopt replacement maps notwithstanding these procedural failures, this Court should reject the new 2022 congressional map and 2022 state Senate map as a matter of substance, as those maps are obviously unconstitutional partisan and incumbent-protection gerrymanders. If this Court takes this approach, it should invalidate the 2022 congressional map and 2022 state Senate map and then send them back to the Legislature to create new maps that comply with the law.

THE PARTIES

12. Petitioner Tim Harkenrider is an elector of the state of New York, residing at 22 Spruce Street, Canisteo, NY 14823, in Steuben County, within Congressional District 23 and state Senate District 59.

⁶ To be sure, this same procedural basis for invalidation applies equally to the state Assembly map. However, the Petitioners do not challenge that map in this lawsuit. Of course, any other elector, N.Y. Const. art. III, § 5; Unconsolidated Laws § 4221, can challenge the Assembly map if that elector chooses.

⁷ Although this failure applies equally to the state Assembly map enacted by the Legislature, Petitioners do not challenge that map or ask for its invalidation. Therefore, the Court need not consider any procedural failures related to enactment of the 2022 state Assembly map.

13. Petitioner Guy C. Brought is an elector of the state of New York, residing at 170 Horton Lane, Apt. 462, Port Ewen, NY 12466, in Ulster County, within Congressional District 19 and state Senate District 48.

14. Petitioner Lawrence Canning is an elector of the state of New York, residing at 2843 Johnny Cake Hill Road, Hamilton, NY 13346, in Madison County, within Congressional District 19 and state Senate District 55.

15. Petitioner Patricia Clarino is an elector of the state of New York, residing at 274 Garden Street, New Windsor, NY 12553, in Orange County, within Congressional District 18 and state Senate District 41.

16. Petitioner George Dooher, Jr. is an elector of the state of New York, residing at 209 Dixon Dr., Syracuse, New York 13219, in Onondaga County, within Congressional District 22 and state Senate District 52.

17. Petitioner Stephen Evans is an elector of the state of New York, residing at 440 West 41st Street, Apt. 4G, New York, NY 10036, in New York County, within Congressional District 10 and state Senate District 30.

18. Petitioner Linda Fanton is an elector of the state of New York, residing at 2347 Fulmer Valley Road, Wellsville, NY 14895, in Allegany County, within Congressional District 23 and state Senate District 58.

19. Petitioner Jerry Fishman is an elector of the state of New York, residing at 8200 Narrows Avenue, Brooklyn, NY 11209, in Kings County, within Congressional District 11 and state Senate District 22.

FILED: STEUBEN COUNTY CLERK 02/08/2022 06:53 PM

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20. Petitioner Jay Frantz is an elector of the state of New York, residing at 39 Orchard Place, Gowanda, NY 14070, in Cattaraugus County, within Congressional District 23 and state Senate District 58.

21. Petitioner Lawrence Garvey is an elector of the state of New York, residing at 2 Hillman Road, New City, NY 10956, in Rockland County, within Congressional District 17 and state Senate District 40.

22. Petitioner Alan Nephew is an elector of the state of New York, residing at 28 Aldrich Street, Gowanda, NY 14070, in Cattaraugus County, within Congressional District 23 and state Senate District 58.

23. Petitioner Susan Rowley is an elector of the state of New York, residing at 876 Ford Peterson Road, Frewsburg, NY 14738, in Chautauqua County, within Congressional District 23 and state Senate District 58.

24. Petitioner Josephine Thomas is an elector of the state of New York, residing at 322 Wyntthrop Road, Syracuse, NY 13209, in Onondaga County, within Congressional District 22 and state Senate District 52.

25. Petitioner Marianne Volante is an elector of the state of New York, residing at 170 Loder Road, Yorktown Heights, NY 10598, in Westchester County, within Congressional District 16 and state Senate District 42.

26. Respondent Kathy Hochul is the Governor of the State of New York. She is being sued in her official capacity.

27. Respondent Brian A. Benjamin is the Lieutenant Governor of the State of New York and President of the New York State Senate. He is being sued in his official capacity.

28. Respondent Andrea Stewart-Cousins is the New York State Senate Majority Leader and President *Pro Tempore* of the New York State Senate, representing the 35th Senate District. Majority Leader Stewart-Cousins has offices in Albany and at 28 Wells Avenue, Building #3, 5th Floor, Yonkers, NY 10701. She is being sued in her official capacity.

29. Respondent Carl E. Heastie is the Speaker of the New York State Assembly, representing the 83rd Assembly District. Speaker Heastie has offices in Albany and at 1446 East Gun Hill Road, Bronx, NY 10469. He is being sued in his official capacity.

30. Respondent New York State Board of Elections was established on June 1, 1974, as an Executive Department agency vested with the authority and responsibility for administration and enforcement of the laws relating to election in the State of New York. It has its principal place of business at 40 North Pearl Street, Suite 5, Albany, NY 12207.

31. Respondent New York State Legislative Task Force on Demographic Research and Reapportionment (“LATFOR”) was established by the Legislature in 1978 pursuant to New York Legislative Law § 83-m, with the principal responsibility—at least before the 2014 constitutional amendments to Article III, Section 4—of preparing and formulating reapportionment plans to the Legislature following each decennial census. LATFOR’s principal place of business is located at 250 Broadway, Suite 2100, New York, NY 10007.

JURISDICTION AND VENUE

32. This Court has jurisdiction over this lawsuit pursuant to Article III, Section 5 of the New York Constitution, CPLR § 3001, and Unconsolidated Laws § 4221, the latter of which grants authority to the “supreme court” to “review” any “petition of any citizen” challenging “[a]n apportionment by the legislature.”

33. Venue is proper in this County under Article III, Section 5 of the New York Constitution, CPLR § 503(a), and Unconsolidated Laws § 4221, the latter of which authorizes the filing of a petition challenging “[a]n apportionment by the legislature” in “the supreme court where any such petitioner resides.”

FACTUAL BACKGROUND

A. Redistricting in New York

34. Following each federal decennial census, the New York Constitution requires the State of New York to redraw its state Senate, state Assembly, and congressional districts to adjust for population changes. The process of redrawing these district lines is known as redistricting.

35. New York congressional and state Senate districts must be redrawn so that each district is contiguous; contains, to the extent possible, an equal number of inhabitants; and is in as compact a form as possible, as required by Article III, Sections 4 and 5 of the New York State Constitution.

36. Redistricting is an extremely time-sensitive requirement, including because candidates must know what their districts are in advance of an election, in order to meet state-ballot-access requirements. Multiple petition and signature-related deadlines are looming for New York congressional candidates. *See generally* N.Y. Election Law § 6-100, *et seq.*

i. The Redistricting Process Before 2014

37. Before 2014, the Legislature maintained primary responsibility for redistricting.

38. To aid the Legislature in its task, LATFOR would prepare proposed redistricting maps for the Legislature’s vote.

39. Established in 1978, LATFOR is a partisan body that has consistently produced partisan maps. It consists of six members, including four legislators and two non-legislators. The Temporary President of the Senate appoints one legislator and one non-legislator. The Speaker of the Assembly also appoints one legislator and one non-legislator. The Minority Leader of the Assembly appoints one legislator, and the Minority Leader of the Senate appoints one legislator.

40. Under the LATFOR system, “legislators w[ould never] give up their right to draw district lines.” David Freedlander, *Background: How Redistricting Will Reshape New York’s Battle Lines*, Observer (Dec. 27, 2010).⁸ Indeed, legislators could effectively control redistricting under the LATFOR process in a partisan manner, by controlling “who winds up on [LATFOR]—those who make it are likely to be the favorites of [incumbent legislative leaders] and are likely to get exactly the districts that they want.” *Id.*

41. Over time, the Legislature manipulated its role in the redistricting process to protect existing incumbents. Under this pre-2014 system, elections were often predestined, with state legislative incumbents winning reelection more than 98% of the time, “usually overwhelmingly.” *Elections With No Meaning*, N.Y. Times (Feb. 21, 2004), at A14.⁹ The “major reason” for this seemingly insurmountable incumbency advantage was gerrymandering, allowing the party in power to draw districts with “surgical precision” to “exclude the homes of rival candidates” and making favorable districts nearly “impregnable.” *Id.* With incumbents facing little chance of

⁸Available at <http://observer.com/2010/12/background-how-redistricting-will-reshape-new-yorks-battle-lines/>.

⁹ Available at <https://www.nytimes.com/2004/02/21/opinion/elections-with-no-meaning.html>.

defeat under the then-existing process, elections became uncompetitive, and voters became increasingly disillusioned by the reality that they could not choose their representatives.

42. This system granted political parties significant leeway to gerrymander for partisan and incumbent gain. Only the requirement of “one person, one vote,” and requirements that districts “shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the first year of the next decade . . . , and shall at all times consist of contiguous territory,” N.Y. Const. art. III, § 4 (2014), constrained the party leaders responsible for drawing new maps. The New York Constitution required respect for county and city lines, noting that “no county shall be divided in the formation of a senate district except to make two or more senate districts wholly in such county,” and “[n]o town, except a town having more than a full ratio of apportionment, and no block in a city inclosed by streets or public ways, shall be divided in the formation of senate districts,” as well as the “block on border” and “town on border” requirements. *Id.*; *see also* N.Y. Const. art. III, § 4(c)(6) (current version). But even these “requirements” were largely meaningless constraints. *See Schneider v. Rockefeller*, 31 N.Y.2d 420, 426–27, 293 N.E.2d 67 (1972).

43. Additionally, prior to 2014, some New York Courts interpreted the then-pertinent constitutional provisions as not providing for a claim of partisan gerrymandering. *Bay Ridge Cmty. Council, Inc. v. Carey*, 479 N.Y.S.2d 746, 749, 103 A.D.2d 280 (2d Dep’t 1984) (per curiam), *aff’d* 66 N.Y.2d 657, 486 N.E.2d 830 (1985) (order).

44. Therefore, the pre-2014 system for redistricting and reapportionment gave broad discretion to the politicians in power and *required* only that all state legislative and congressional districts largely abide by the equal-population principle, creating unfair and undemocratic maps that ensconced powerful parties in the seat of government.

ii. The Redistricting Process After the 2014 Reforms

45. In recent years, however, the People of this State explicitly outlawed partisan gerrymandering and constitutionalized an exclusive, nonpartisan redistricting procedure.

46. In 2014, New Yorkers amended Article III, Sections 4 and 5 of the New York Constitution, and added a new Section 5-b to the same Article, enacting the following ballot measure:

The Proposed amendment to sections 4 and 5 and addition of new section 5-b to Article 3 of the State Constitution revises the redistricting procedure for state legislative and congressional districts. The proposed amendment establishes a redistricting commission every 10 years beginning in 2020, with two members appointed by each of the four legislative leaders and two members selected by the eight legislative appointees; prohibits legislators and other elected officials from serving as commissioners; establishes principles to be used in creating districts; requires the commission to hold public hearings on proposed redistricting plans; subjects the commission's redistricting plan to legislative enactment; provides that the legislature may only amend the redistricting plan according to the established principles if the commission's plan is rejected twice by the legislature; provides for expedited court review of a challenged redistricting plan; and provides for funding and bipartisan staff to work for the commission. Shall the proposed amendment be approved?

*2014 N.Y. State Prop. No. 1: An Amendment Revising State's Redistricting Procedure.*¹⁰

47. Proposition 1 amended the New York Constitution to vest primary redistricting responsibility in the newly created IRC and established numerous procedural safeguards against the Legislature's continued gerrymandering practices.

48. One such procedural safeguard is the IRC's 10-member composition. Two Commissioners are appointed by the New York State Senate Majority Leader and Temporary President, two are appointed by the New York State Senate Minority Leader, two are appointed

¹⁰ Available at <https://www.elections.erie.gov/Files/Election%20Results/2014/11042014/2014-General.pdf>.

by the Speaker of the New York State Assembly, and two are appointed by the New York State Assembly Minority Leader. The final two members are then selected by these eight appointees and cannot have enrolled as a Democrat or Republican in the past five years. All Commission members must be registered voters in New York.

49. Article III, Section 4 of the New York Constitution requires the IRC to hold public hearings in cities and counties around the State and release draft plans, data, and related information to facilitate public review of proposed district lines. Draft plans must be made available at least thirty days before the first public hearing and no later than September 15 of the year following the census.

50. Article III, Section 5-b(f) and (g) of the New York Constitution governs IRC voting and the procedure for approving and submitting redistricting maps to the Legislature. Five members of the IRC constitute a quorum. IRC approval of a plan requires seven votes, which must include a member appointed by each of the legislative leaders. If no plan gets seven votes, the IRC must submit the plan(s) with the highest vote to the Legislature.

51. Article III, Section 4 of the New York Constitution requires the IRC to submit an initial set of maps and the necessary implementing legislation to the Legislature no later than January 15 of the second year following the census. The Legislature then votes on the maps and implementing legislation without amendment. N.Y. Const. art. III, § 4(b); *see also* N.Y. Legis. Law § 93(1).

52. If the Legislature fails to adopt the first set of maps and implementing legislation or if the Governor vetoes adopted implementing legislation, then the redistricting process reverts back to the IRC. The IRC must submit a second set of maps and implementing legislation to the

Legislature, subject to the requirements outlined above, within 15 days of notification of the first rejection and no later than February 28. The Legislature then votes on the second set of proposed maps and implementing legislation without amendment. N.Y. Const. art. III, § 4(b); *see also* N.Y. Legis. Law § 93(1).

53. If (and only if) the Legislature fails to adopt the IRC's second set of maps and implementing legislation, or if the Governor vetoes the second adopted implementing legislation, can the Legislature amend the IRC's proposed redistricting maps and enact its own replacement maps.

54. The 2014 amendments to Article III, Section 4 also changed and added to the *substantive* redistricting requirements. Now, the New York Constitution specifically provides that districts "shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties." N.Y. Const. art. III, § 4(c).

55. The Legislature must follow all of the substantive requirements for redistricting applicable to the IRC. That is, any maps and implementing legislation adopted by the Legislature cannot involve partisan gerrymandering or incumbent-favoring gerrymandering, must be compact and contiguous, and must have equal population between districts, in addition to the already-noted procedural requirement that all maps be enacted via a single mandatory process involving the IRC.

56. The Legislature also established an additional guardrail against partisan gerrymandering with Section 3 of the Redistricting Reform Act of 2012. 2012 N.Y. Sess. Laws 17, § 3. Applicable above and apart from New York Legislative Law §§ 93, 94, Section 3 of the Redistricting Reform Act of 2012 provides that "[a]ny amendments by the senate or assembly to a redistricting plan submitted by the independent redistricting commission, shall not affect more

than two percent of the population of any district contained in such plan.” 2012 N.Y. Sess. Laws 17, § 3.

iii. The Legislative Democrats Fail To Derail These Reforms With A Proposed 2021 Constitutional Amendment

57. In 2021, the Legislature referred a constitutional amendment to New York voters that would have gutted the 2014 constitutional reforms in favor of the Legislature over the Commission, but the People decisively voted this measure down.

58. The ballot proposal would have amended the New York Constitution in a number of ways, including section 4(b) of Article III, to provide:

If either house shall fail to approve the legislation implementing the second redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto, or the redistricting commission fails to vote on a redistricting plan and implementing legislation by the required deadline and makes a submission to the legislature pursuant to subdivision (g-1) of section five-b of this article, each house shall introduce such implementing legislation with any amendments each house of the legislature deems necessary.

2021 Statewide Ballot Proposals, New York State Board of Elections (amendment underlined).¹¹

59. The IRC’s exclusive redistricting process, enshrined in Article III, Section 4 of the New York Constitution, can only be altered by a constitutional amendment. Yet, within days of the People’s rejection of the 2021 constitutional amendment, the Legislature referred a bill that purports to achieve largely the same result as the failed amendment to the Governor for her signature. The Governor signed this unconstitutional bill on November 24, 2021.

¹¹ Available at <https://www.elections.ny.gov/2021BallotProposals.html>.

60. This law attempts to avoid the Constitution's limitations by purporting to amend only section 4(c) of the Redistricting Reform Act of 2012, notwithstanding the expressed desires of the People of this State:

If either house shall fail to approve the legislation implementing the second redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto within ten days of such veto, or if the commission does not vote on any redistricting plan or plans, for any reason, by the date required for submission of such plan and the commission submitted to the legislature pursuant to subdivision (a) of this section all plans in its possession, both completed and in draft form, and the data upon which such plans are based, each house shall introduce such implementing legislation with any amendments each house deems necessary. If approved by both houses, such legislation shall be presented to the governor for action within three days.

L.2021, c. 633, § 1 (amendment underlined).

B. The 2012 Congressional Map and 2012 State Senate Map Are Unconstitutional Under The New York Constitution

61. Following the 2010 Census, the Legislature in 2012 reapportioned New York's state legislative districts, 2011–2012 N.Y. Reg. Sess. Leg. Bills S.6696 and A.9525 (as technically amended by S.6755 and A.9584), but could not agree on new congressional districts. As a result, a panel of three federal judges appointed a federal magistrate judge, Roanne Mann, to propose a new congressional map for New York. On March 19, 2012, the judicial panel imposed its congressional map, which was largely the same as the map issued by Judge Mann. *Favors v. Cuomo*, No. 11-CV-5632, 2012 WL 928223 (E.D.N.Y. Mar. 19, 2012); *see also* Thomas Kaplan, *New Congressional Lines Imposed by Federal Court*, N.Y. Times (Mar. 19, 2012).¹²

¹² Available at <https://www.nytimes.com/2012/03/20/nyregion/judges-impose-new-congressional-map-for-new-york.html>.

62. After the 2010 census, New York had a population goal of 719,298 residents for each of its 27 congressional districts, and 313,242 residents for each of its state Senate districts.

63. In the interim, various population shifts caused state Senate and congressional districts to become unconstitutionally malapportioned.

64. New York's 26 congressional districts now have a population goal of 776,971 residents, whereas the state Senate districts have a population goal of 320,537.

65. The 2012 congressional map does not comply with this new population target or the constitutional requirements for population equality.

66. In other words, none of the districts complies with the "strict standard of population equality applicable to congressional apportionment," which requires "maximum population equality." *Schneider v. Rockefeller*, 31 N.Y.2d 420, 427–28, 293 N.E.2d 67 (1972).

67. None of the prior districts matches exactly (or even within 1,000 residents) the population goal of 776,971 residents.

68. For example, in 2012 Congressional District 23, where Petitioners Tim Harkenrider, Linda Fanton, Jay Frantz, Alan Nephew, and Susan Rowley reside, the current population is 83,462 residents below the population goal (a -10.7% deviation).

69. In 2012 Congressional District 22, where Petitioner Lawrence Canning resides, the current population is 80,361 residents below the population goal (a -10.3% deviation).

70. In 2012 Congressional District 19, where Petitioner Guy C. Brought resides, the current population is 78,298 residents below the population goal (a -10.1% deviation).

71. In 2012 Congressional District 24, where Petitioners George Dooher, Jr. and Josephine Thomas reside, the current population is 59,664 residents below the population goal (a -7.7% deviation).

72. In 2012 Congressional District 10, where Petitioner Stephen Evans resides, the current population is 26,832 residents above the population goal (a 3.5% deviation).

73. Moreover, the 2012 congressional map includes 27 congressional districts, and New York only receives 26 congressional seats after the most recent census, so that map is plainly invalid. U.S. Census Bureau, 2020 Census: Apportionment of the U.S. House of Representatives (April 26, 2021).¹³

74. The 2012 state Senate map is no better. Even allowing for some deviation between state Senate districts as presumptively valid, *Schneider*, 31 N.Y.2d at 428–29, many of the 2012 state Senate districts vary wildly in population without any valid explanation for their continued use.

75. 2012 state Senate District 27—where Petitioner Stephen Evans resides—now has a population 12.2% above the goal.

76. 2012 state Senate District 53—where Petitioner Lawrence Canning resides—now has a population 10.6% below the goal.

77. 2012 state Senate District 57—where Petitioners Linda Fanton, Jay Frantz, Alan Nephew, and Susan Rowley reside—now has a population 13.3% below the goal.

¹³ Available at <https://www.census.gov/library/visualizations/2021/dec/2020-apportionment-map.html>.

78. 2012 state Senate District 58—where Petitioner Tim Harkenrider resides—now has a population 10.1% below the goal.

79. Many more 2012 state Senate districts have similarly large population deviations.

C. The IRC And Legislature Failed To Follow The Constitutional Process For Redistricting To Cure This Malapportionment

i. The Commission's Initial Efforts To Develop Redistricting Maps

80. On April 26, 2021, the U.S. Census Bureau released the population counts from the 2020 Census, showing that New York's resident population increased by more than 4 percent, or 823,147 residents, from 19,378,102 a decade ago to 20,201,249 in 2020. Because of national population shifts, however, New York lost one of its congressional seats in the United States House of Representatives, leaving the State with 26 congressional districts.

81. The 2020 Census data further showed, as previously mentioned, that New York's congressional and state Senate districts are now unconstitutionally malapportioned.

82. Pursuant to the 2014 constitutional amendments, the New York Constitution established an exclusive process for adopting any replacement redistricting maps, granting the IRC and Legislature specifically defined roles.

83. The IRC's current members are David Imamura, serving as Chair, Jack M. Martins, serving as Vice Chair, Eugene Bengier, Ross Brady, John Conway III, Dr. Ivelisse Cuevas-Molina, Dr. John Flateau, Elaine Frazier, Charles H. Nesbitt, and Willis H. Stephens, Jr.

84. Consistent with the procedures established by the 2014 amendments, Democratic leaders in the Legislature appointed the "Democratic Caucus" of the Commission, made up of: David Imamura, Eugene Bengier, John Flateau, and Elaine Frazier, along with non-party enrollee Ivelisse Cuevas-Molina.

85. Similarly, Republican leaders in the Legislature selected the “Republican Caucus” of the Commission, made up of: Jack Martins, John Conway, Charles Nesbitt, and Willis Stephens, joined by Conservative Party member Ross Brady.

86. From the outset, Democratic legislative leaders attempted to hamstring the new Commission with multiple challenges and delays.

87. The Democrats attempted to impede the Commission by delaying its receipt of state funding from the Legislature. Despite a \$1 million allocation in the 2020 state budget, the funding never materialized, forcing Commission staff to work on a voluntary basis for months. After more than a year, the Legislature finally allocated \$4 million to the Commission’s redistricting efforts in April 2021. Ethan Geringer-Sameth, *New York Redistricting Commission Kicks C, f State’s New Map-Drawing Process*, Gotham Gazette (July 20, 2021);¹⁴ Sarah Darmanjian, *NY’s Independent Redistricting Commission Clinches \$4M Budget*, News10 (Apr. 12, 2021).¹⁵

88. Finally, beginning on June 20, 2021, the IRC held a series of nine public meetings across the State to hear public testimony about the new maps and the redistricting process, as required by the New York Constitution. N.Y. Const. art. III, § 4(c).

89. On September 15, 2021, members of the IRC released initial map drafts, consistent with constitutional requirements. N.Y. Const. art. III, § 4(c).

90. Republican members had hoped to submit a single bipartisan set of draft maps. Speaking to reporters about the two draft plans, Commissioner Martins said the IRC “should end

¹⁴ Available at <https://www.gothamgazette.com/state/10664-new-york-redistricting-commission-set-to-kick-off>.

¹⁵ Available at <https://www.news10.com/news/redistricting-commission/>.

up with the maps being negotiated and presented jointly,” but the Democratic commissioners had not agreed to meet over the weekend before the Commission released the draft maps. *See* Rebecca C. Lewis & Zach Williams, *Takeaways From New York’s (Competing!) Redistricting Draft Maps*, City & State N.Y. (Sept. 15, 2021).¹⁶

91. The Democratic members viewed the competing draft maps differently, with Commissioner Imamura stating that “the fact that we put out two plans does not indicate that the commission will be unable to come to a bipartisan agreement.” *Id.*

92. The IRC held an additional fourteen public hearings across the State, during which residents voiced concerns, desires, and suggestions regarding the draft maps and the redistricting process. The IRC also solicited written comments and draft maps from the public.

93. Democratic members revised their respective maps between the end of November and when the full Commission met to deliberate in December. Testimony of Eugene Banger at 23:44–24:10, Virtual Public Meeting of the NYIRC, Jan. 3, 2022 (“1/3/22 IRC Meeting”).¹⁷

94. The IRC held its last public hearing on December 5, 2021, and the final deadline for public comments and draft maps was December 6, 2021.

95. Following the public comment period, the IRC scheduled meetings to negotiate and finalize a single set of maps to submit to the Legislature. The IRC agreed on a procedure for putting together this set of consensus maps:

¹⁶ Available at <https://www.cityandstateny.com/policy/2021/09/new-yorks-first-draft-2022-redistricting-maps-have-been-released/185374/>.

¹⁷ Available at <https://totalwebcasting.com/view/?func=VOFF&id=nysirc&date=2022-01-03&seq=1>.

- a. First, two third-party redistricting organizations, Redistricting Partners and Redistricting Insight, would prepare a set of maps without IRC input, using the draft maps released by the IRC in September, as well as the public testimony and written comments.
- b. The Commission would then hold a series of meetings, breaking into subgroups, to review the organizations' preliminary maps.
- c. Based on these discussions, the IRC would make changes to the preliminary maps and work to arrive at a single map.

96. All Commission members initially followed their agreed-upon plan and worked together on a set of consensus maps for over two weeks, moving toward a bipartisan consensus.

97. On December 22, 2021, the full Commission met to discuss the bipartisan maps. By this point, only a small number of issues remained open, and the Commission was close to reaching a consensus. After discussing the open issues for two hours, the Commission broke at 1:00 p.m., agreeing to reconvene at 4:00 p.m. to reach an agreement on the remaining issues. Testimony of Jack Martins at 8:44–9:14, 1/3/22 IRC Meeting, *supra*.

98. When the IRC reconvened at 4:00 p.m. on December 22, Commissioner Imamura read a statement announcing that the Democratic Caucus would no longer negotiate the bipartisan maps, as all members previously agreed to do. Instead, the Democratic Caucus was only willing to negotiate on the latest iteration of the maps it had released unexpectedly, and without explanation, the day prior. Testimony of Jack Martins at 9:16–9:49, 1/3/22 IRC Meeting, *supra*.

ii. The IRC Submits Two Sets Of Maps To The Legislature

99. On January 3, 2022, the IRC met to vote on maps to send to the Legislature.

100. The Democratic Caucus again refused to negotiate with the full Commission, discuss the bipartisan maps, or make any concessions. Commissioner Martins expressed his disappointment with the impasse, noting that the Republican members had reached an agreement with Democrats on 90 percent of the new district lines before talks broke down.

101. The Commission then voted on two redistricting plans—the Democratic members’ partisan maps presented on December 21 (“Plan A”) and the consensus maps, which were based on the preliminary maps drawn by independent organizations and negotiated by the full Commission throughout December 2021 (“Plan B”).

102. Both plans received five votes each, resulting in both being delivered to the Legislature on January 3.

103. The Legislature rejected both plans out-of-hand, without consideration of the public’s input, the Commission’s negotiations and reflections on the public’s testimony, bipartisan priorities, and the other considerations New Yorkers enshrined in the Constitution.

104. The Assembly set the plans for a party vote, rejecting them all. Before the final vote, Assemblyman Colin Schmitt asked Assemblyman Kenneth Zebrowski, a Democrat representing the 96th District who sponsored Plan A, whether the Assembly would “follow[] all of the currently prescribed State Law and State constitutional process for redistricting” if the Legislature failed to approve any of the IRC’s plans—including taking public input before enacting new maps. Assemblyman Zebrowski did not give a concrete answer, saying “I don’t—I don’t think that’s germane to—to this debate right now.” Transcript at 12–14, Session, New York State

Assembly (Jan. 10, 2022) (Questioning of Assemblyman Zebrowski by Assemblyman Colin Schmitt).¹⁸

105. In the Senate, Plan A's maps received no votes in favor of enactment. Seventeen senators voted in favor of Plan B's Senate and Assembly districts, with forty-six voting no, while nineteen senators voted to enact Plan B's congressional map, with forty-four voting against. Before voting in favor of Plan B, Senator Andrew Lanza commented on the Commission's lack of real autonomy, saying, "I think it's been the worst-kept secret in Albany, if not the entire country, that this Independent Redistricting Commission was never going to be allowed to remain independent." Transcript at 73:14–17, Regular Session, New York State Senate (Jan. 10, 2022) (Testimony of Senator Andrew Lanza).¹⁹

106. On January 10, the Legislature advised the Commission that it had rejected the submitted plans.

107. Following this rejection, the IRC had until January 25 to submit a revised plan under the 2014 amendments to the Constitution.

108. The full Commission met to discuss a single plan for the final submission to the Legislature, as required by Article III, Section 4(b) of the New York Constitution. The Republican members attempted to restart negotiations on the previously negotiated bipartisan maps. Chairman Imamura stated that the Democratic members wanted to re-submit virtually the same plan that the

¹⁸ Available at <https://www.nyasembly.gov/av/session/>.

¹⁹ Available at <https://legislation.nysenate.gov/pdf/transcripts/2022-01-10T15:51/>.

legislature had rejected. Despite multiple entreaties from the Republican members, the Democratic members refused to meet to discuss bipartisan maps.

109. On January 18, before the IRC's constitutional window for revision expired, Speaker Carl Heastie announced he had appointed Assembly Democrat Kenneth Zebrowski to be the temporary co-chair of LATFOR. Speaker Heastie stated that "the results of reapportionment will determine the path our state and our nation take for the coming decade," and "Assemblymember Zebrowski is the right person for the job." Assembly Speaker Carl E. Heastie, News Release, *Speaker Heastie Announces Assemblymember Zebrowski Appointed Temporary Co-Chair of LATFOR* (Jan. 18, 2022).²⁰

110. On January 24, 2021, Commissioner Imamura announced that the IRC was at an impasse and would not be submitting a second set of redistricting maps to the Legislature at all.

111. On the same day, Commissioner Martins made a statement on behalf on the Republican members on the Commission, outlining the Democratic members' refusal to engage with anything other than their partisan maps and expressing his disappointment that the Commission failed its constitutional mandate.

112. On January 25, 2022, the 15-day window for the IRC to submit revised maps to the Legislature closed without the IRC submitting new maps, as required by the Constitution.

113. Upon information and belief, the Democratic Caucus of the IRC decided not to submit a compromise congressional map within the constitutional timeframes after receiving

²⁰ Available at <https://www.nyasembly.gov/Press/?sec=story&story=100542>.

encouragement to undermine the constitutional process from Democratic Party politicians and officials.

iii. Notwithstanding The Failure Of The Constitutional Process, The Legislature Nevertheless Attempted To Enact Replacement Congressional And State Senate Maps, And The Maps It Enacted Are An Unconstitutional Partisan And Incumbent-Protection Gerrymanders

114. Despite the failure of the IRC to vote on and present a second set of maps, the Legislature proceeded to craft its own congressional map, turning a blind eye to the mandatory and exclusive constitutional process for redistricting established in Article III, Section 4.

115. In doing so, the Legislature ignored calls from all across the aisle to engage with the public and be more transparent about the choices it was making in drawing district lines. Clifford Michel & Farah Javed, *Albany Democrats Seize Control of Redistricting, With Unclear Role for Public*, The City (Jan. 27, 2022).²¹

116. Instead, Democratic leaders crafted and pushed through legislation to enact their own new congressional map over the course of only a few days, releasing the Legislature's proposed map on Sunday evening, January 30, without a single public hearing. Ashford & Fandos, *supra*.

117. This map bears no resemblance to the two maps proposed by the IRC.

118. To underscore how different the Legislature's map is, and to make adoption of this unrecognizable congressional map possible, the Legislature added a "notwithstanding clause" to

²¹ Available at <https://www.thecity.nyc/2022/1/26/22903787/albany-democrats-seize-control-of-redistricting-with-unclear-role-for-public>.

the enacting legislation, exempting the map from any laws to the contrary, including the 2% rule embodied in 2012 New York Session Laws 17, § 3.

119. The Democratic leaders also crafted and hurriedly pushed through legislation to enact their own state Senate districts, releasing this map two days later, on February 1, 2022. Bill Mahoney, *New State Senate Maps Shift Two Seats from Upstate to NYC. Here's Where.*, Politico.com (Feb. 1, 2022).²²

120. The result is unmistakably gerrymandered maps for Congress and state Senate.²³

a. Gerrymandered Congressional Districts

121. The Legislature created a congressional map that, without a doubt, creates “an effective [Democratic] gerrymander, resulting in the Democrats “gain[ing] three seats and eliminat[ing] four Republican seats,” and creating the biggest shift in the country” with “the stroke of a pen.” Ashford & Fandos, *supra*.

122. As noted by Laura Ladd Bierman, the executive director of the League of Women Voters of New York, “New Yorkers deserve a transparent and fair redistricting process, and it is shameful that the Legislature has denied them this.” *NYC Would Get More Seats in State Senate Under Proposed Maps*, N.Y. Daily News Feb. 1, 2022).²⁴ So, even though the New York Constitution prohibits partisan gerrymandering, she noted that the congressional map “reflect[s] a

²² Available at <https://www.politico.com/news/2022/02/01/new-state-senate-maps-shift-two-seats-from-upstate-to-nyc-heres-where-pro-00004173>.

²³ This failure applies equally to the Legislature’s enactment of the state Assembly map. But, again, Petitioners do not challenge that map, and so the Court need not consider it.

²⁴ Available at <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-state-senate-nyc-seats-legislative-redistricting-20220202-2xoyaqnvlfdliax5tosbnuage-story.html>.

Legislature that appears to care more about favoring partisan interests than it does for fair maps.”

Id.

123. In fact, the Legislature’s congressional gerrymander was so successful and so biased in favor of Democrats, that the enacted congressional map is more favorable to Democrats than *any* of the 5,000 computer simulated maps designed specifically to follow New York’s redistricting requirements without aiming to increase partisan advantage.

124. The Legislature concocted numerous individual congressional districts with boundaries with no honest explanation except for impermissible partisan and incumbent-favoring gerrymandering. The following examples are illustrative.

125. In Long Island, the Legislature completely changed Congressional Districts 1 and 2, swapping Republican voters for Democratic voters in an egregious gerrymander.

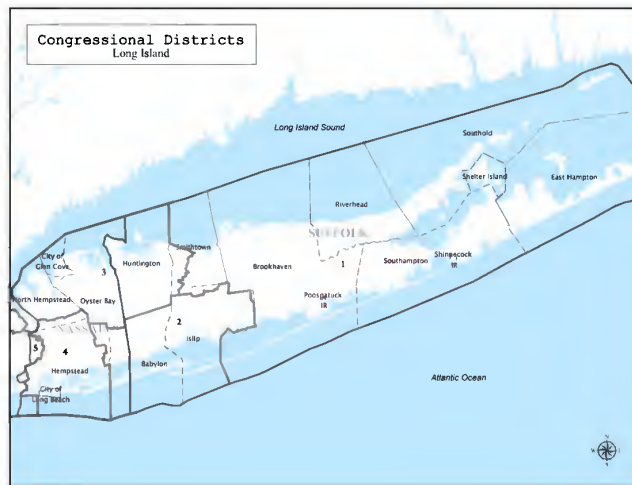
126. In particular, the Legislature placed areas with high concentrations of Republican voters into new Congressional District 2 while moving solidly Democrat communities into Congressional District 1—all the Republican communities in Brookhaven on the south shore are now in District 2, whereas the heavily Democrat areas in the center of Long Island are now channeled into District 1.

127. This partisan reconfiguration creates several new town splits and an additional county split where Congressional District 1 now reaches into Nassau County between Oyster Bay and Huntington. By packing Republicans into Congressional District 2, the Legislature effectively flipped Congressional District 1.

128. The result of this blatant gerrymandering has turned Congressional District 1 from a strong Republican district, solely in Suffolk County, into a lean Democratic district, unnecessarily sprawling across two counties.

129. Similarly, the redrawing shifted District 2 from a safe Republican district into an outright uncompetitive Republican stronghold.

Map of Prior Congressional Districts 1 & 2²⁵



²⁵ All maps, unless otherwise specified, come from the LATFOR government website, available at <https://www.latfor.state.ny.us/maps/>.

Map of New Congressional Districts 1 & 2



130. The new Congressional District 3 is dramatically different from the old map in order to accomplish the Legislature's partisan goals.

131. The old District 3 bridged Suffolk and Nassau counties, with a slight reach into Queens County. The new map reaches from Suffolk County, through Nassau and Queens counties, and then skips through Bronx County all the way up into Westchester County across the Long Island Sound in a thin strip up to the Town of Rye, capturing overwhelmingly Democrat-voting towns along the shore.

132. This combination of Westchester, with a district largely populated on Suffolk and Nassau counties, makes no sense. These communities have no nexus and share no communities of interest.

133. With these stark and otherwise unexplainable changes, the Legislature has decreased competitiveness, shifting Congressional District 3 from a competitive Democratic-leaning district to a strong Democrat district.

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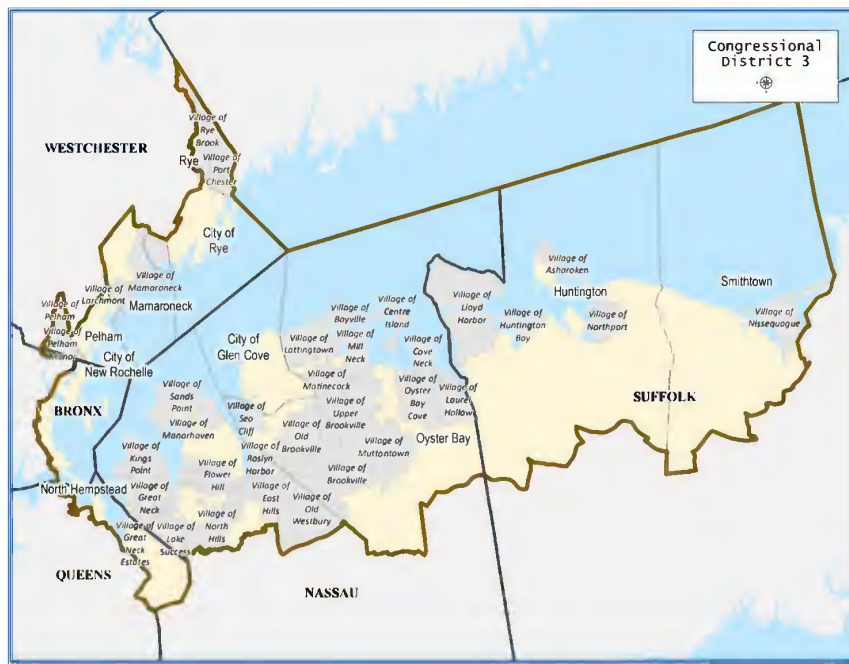
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Map of Old Congressional District 3



Map of New Congressional District 3



134. The new Congressional Districts 8, 9, 10, and 11 radically break up established communities of interest in Brooklyn to create a partisan advantage for Democrats.

135. The new map divides closely knit, concentrated Orthodox Jewish and Russian communities with strong social and cultural ties, resulting in conservative Republican-leaning voters spread or “cracked” across multiple districts.

136. These new districts are drawn as vertical stripes across the southern two-thirds of Brooklyn, moving large numbers from the Russian Jewish communities in Brooklyn into Congressional District 8 and dividing the Orthodox Jewish communities between Congressional District 9 and Congressional District 10.

137. This partisan gerrymander also split other communities of interest—in Congressional District 10, the Legislature cut across an established Asian community, moving half of it into Congressional District 11.

138. In particular, it cuts Sunset Park off from northern Brooklyn and the Lower East Side of Manhattan, separating the Asian American, Pacific Islander, and Latino communities—which have formed the “backbone” of the district for nearly 30 years, since the 1992 reapportionment process—from its related communities of interest in northern Brooklyn and Manhattan’s Lower East side. Kristyn Brendlen, *Brooklyn Electeds, Community leaders Ask State Gov Officials to Reconsider Redistricting Maps*, Brooklyn Paper (Feb. 1, 2022).²⁶ This new split breaks up these linked communities from the North Brooklyn area, which is especially important given the recent “rise in anti-Asian hate.” *Id.*

²⁶ Available at <https://www.brooklynpaper.com/brooklyn-electeds-community-redistricting/>.

139. Democratic Assemblymember Marcela Mitaynes also decried this inexplicable particular line-drawing, noting that the Legislature had “separate[d]” these “culturally and historically connected” communities for nothing more than “political expediency to ensure a[n] electoral advantage in the near term,” and “fail[ed] to meet the necessary level of transparency, accountability, and public participation that our constituents rightfully deserve from our democratically elected leaders,” before concluding that she would “not dismantle the political voice of [her] constituents by voting to approve the proposed Congressional Districts.” Assemblymember Marcela Mitaynes’ Statement on New York State’s Proposed 2022 Congressional Maps (Feb. 2, 2022).²⁷

140. The Legislature designed this particular shift to unseat incumbent Republican Congresswoman Nicole Malliotakis from Congressional District 11. Carl Campanile, *Dems Plan to Topple GOP Rep. Malliotakis in Redistricting Plan*, N.Y.Post (Jan. 27 2022),²⁸ Jeff Coltin, *Rep. Nicole Malliotakis is (Probably) Screwed*, City & State New York (Jan. 31, 2022).²⁹

141. Congressional District 11 shifted from the previous map, where it covered Staten Island and adjacent southern portions of Brooklyn, to now covering Staten Island and winding northwestward into the heavily liberal areas of Brooklyn—Sunset Park, Red Hook, Gowanus, Windsor Terrace, and Park Slope, thereby drastically changing the political composition of this district and providing the Democrats a drastically increased chance of flipping the seat.

²⁷ Available at https://docs.google.com/document/d/16jJFKDH-_U8P5aAsjwEOCQaLZSIXsAkTnaZiW9xaCMs/edit?usp=sharing.

²⁸ Available at <https://nypost.com/2022/01/27/dems-plan-to-topple-gop-rep-nicole-malliotakis-in-redistricting-plan/>.

²⁹ Available at <https://www.cityandstateny.com/politics/2022/01/rep-nicole-malliotakis-probably-screwed/361412/>.

142. As the Asian American Legal Defense Fund noted on Twitter, “[t]he legislature’s map does not keep our [Asian American] communities together”³⁰:



143. These redrawn Brooklyn districts are blatant gerrymanders, with bizarre, roving boundaries crossing multiple bodies of water and snaking between each other for no discernible reason besides partisan advantage.

144. These shifts allowed the Legislature to place additional, safe Democratic voters into District 11, changing that district from a strong Republican district to a Democratic district.

³⁰ Available at <https://twitter.com/aaldef/status/1488223479371599876>.

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Map of Old Congressional Districts 8, 9, 10, & 11**Map of New Congressional Districts 8, 9, 10, & 11**

Map of Old Congressional District 8



Map of New Congressional District 8



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Map of Old Congressional District 9**Map of New Congressional District 9**

Map of Old Congressional District 10



Map of New Congressional District 10



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Overlay of Old Congressional District 10 and New Congressional District 10³¹

³¹ Nicholas Fandos, *How N.Y. Democrats Came Up With Their Gerrymandered Districts on Their New Map*, N.Y. Times (Jan. 31, 2022), available at <https://www.nytimes.com/2022/01/31/nyregion/nyc-congressional-district-nadler.html>.

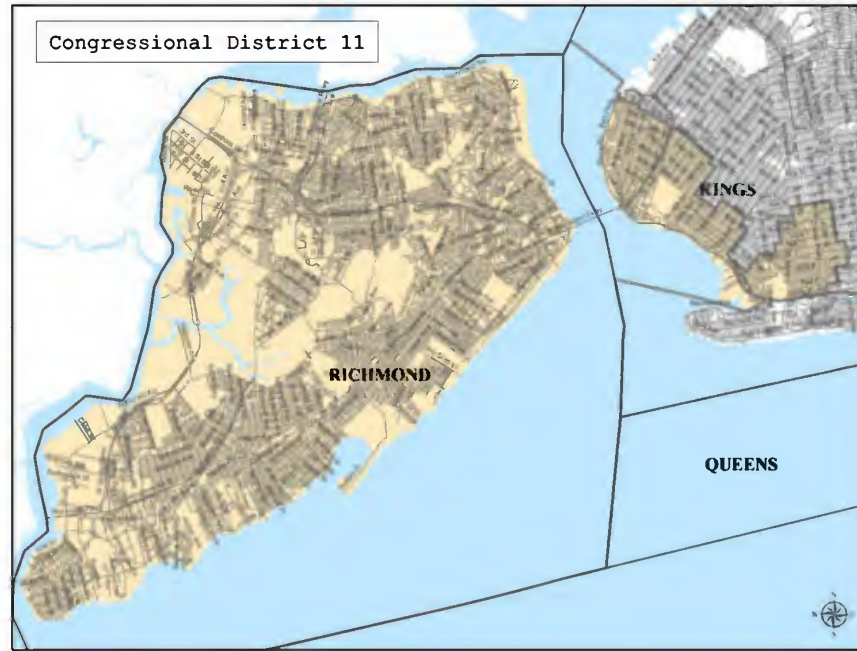
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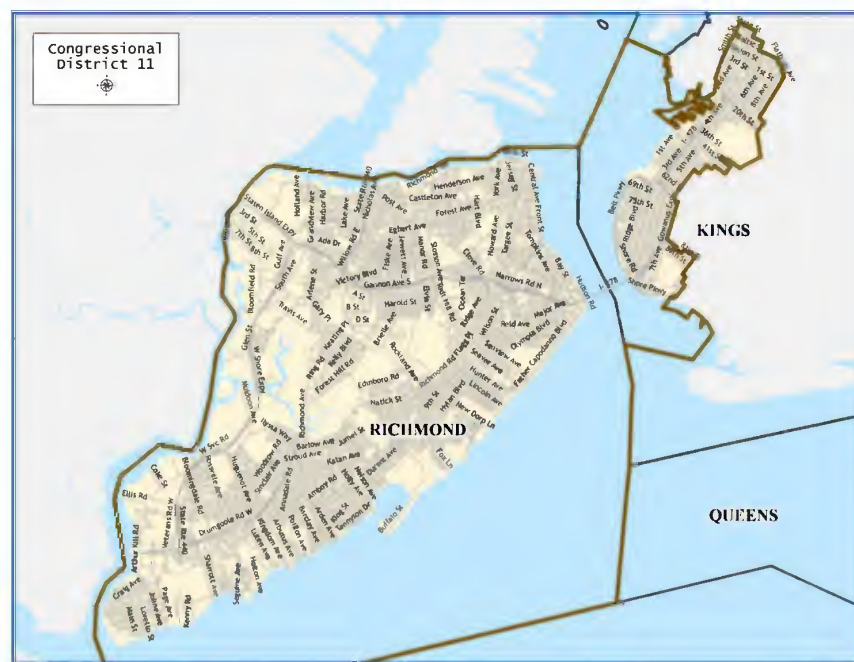
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Map of Old Congressional District 11



Map of New Congressional District 11



145. The old Congressional District 16 was almost entirely contained in Westchester County, with only a small section of the Bronx for population purposes, while the new District connects a section of the Bronx to Mount Vernon and Yonkers—Democratic strongholds—then winds in a narrow segment up through Westchester County into Putnam County, grabbing rural and suburban Republican communities to “crack” them out of Congressional District 18.

146. The towns of Putnam Valley, Carmel, Yorktown, and Somers—strongly Republican areas—are awkwardly connected to highly populated Democratic communities, neutralizing these Republican votes. The bisection of Westchester County and added county split into Putnam County creates a district with geographically distanced communities.

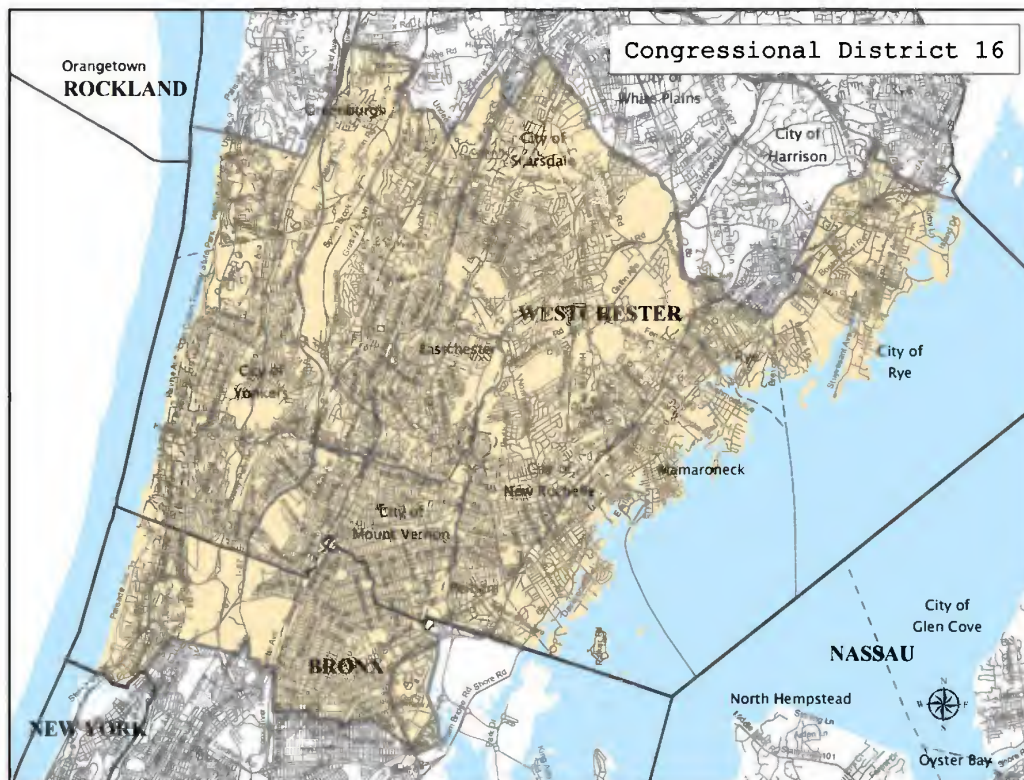
147. Furthermore, the gerrymander of Congressional District 16 removes Republican voters from Congressional District 18 and places them into a strong Democratic district, making Congressional District 18 a safer Democratic district without jeopardizing the Democratic Party’s interests in Congressional District 16.

148. Congressional District 18 is now oddly shaped, like a sitting dog, with a tail that extends into the Ulster County towns of Rochester and Wawarsing, with legs made of Peekskill, Cortlandt, North Salem, Lewisboro, Bedford, and Pound Ridge, and a noticeable space between those legs where the central portions of Putnam and Westchester counties were scooped out for Congressional District 16.

149. The legislative Democrats made these shifts not only to shore up their party’s chances in Congressional District 18, but also to protect incumbent Democratic Congressman Sean Maloney, the newly elected chair of the Democratic Congressional Campaign Committee.

150. As a result of this gamesmanship, Congressional District 16 moves only somewhat from a very strong Democratic district to a still-strong Democratic one, whereas District 18 shifts from a lean Republican district to a lean Democratic district.

Map of Old Congressional District 16



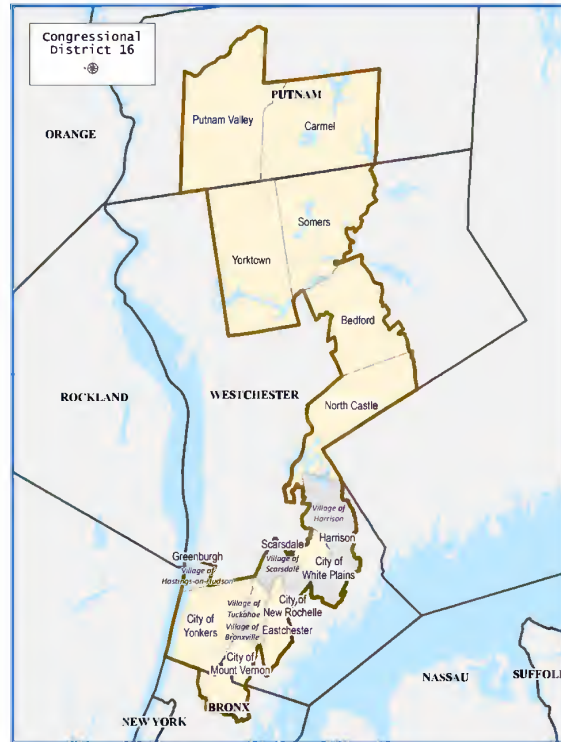
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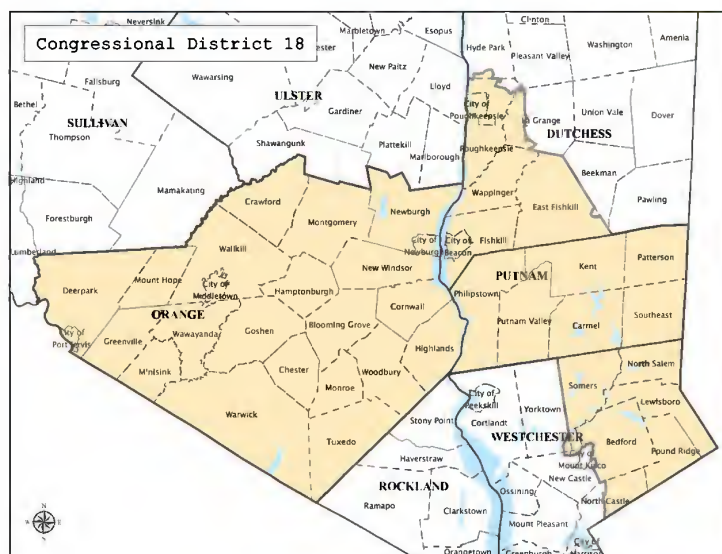
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Map of New Congressional District 16



Map of Old Congressional District 18



Map of New Congressional District 18



151. The new Congressional District 17 is similarly stretched to include strong Democrat-voting communities with rural Republican areas, while splitting the conservative Jewish communities to neutralize their Republican votes.

152. The old Congressional District 17 was compactly located in Rockland and Westchester counties.

153. Now, the District reaches from Sullivan County through Orange County into Rockland County, finally crossing the river to connect with Democrat strongholds in Westchester County, including Greenburgh and Mount Kisco.

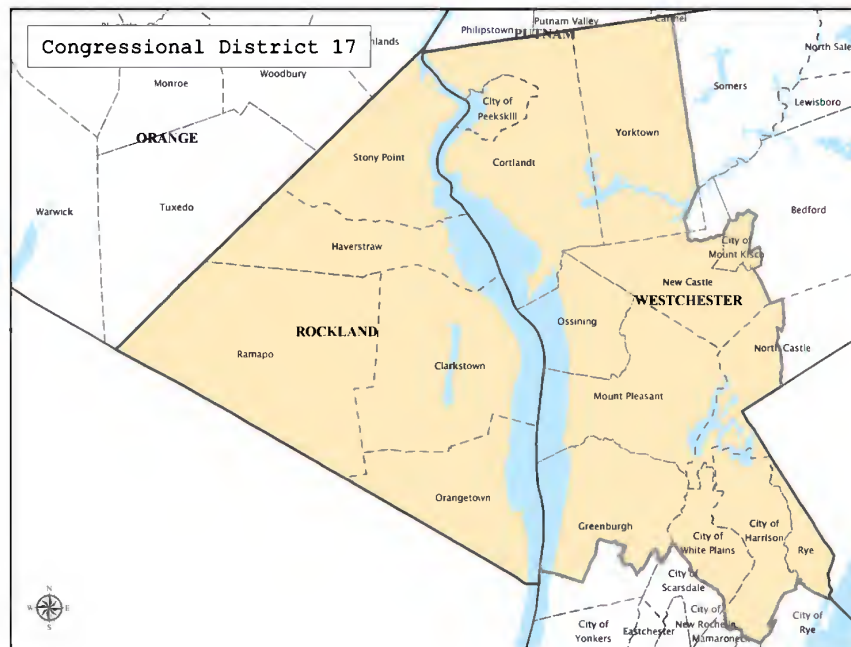
154. The District also includes part of the strongly Democrat city of White Plains.

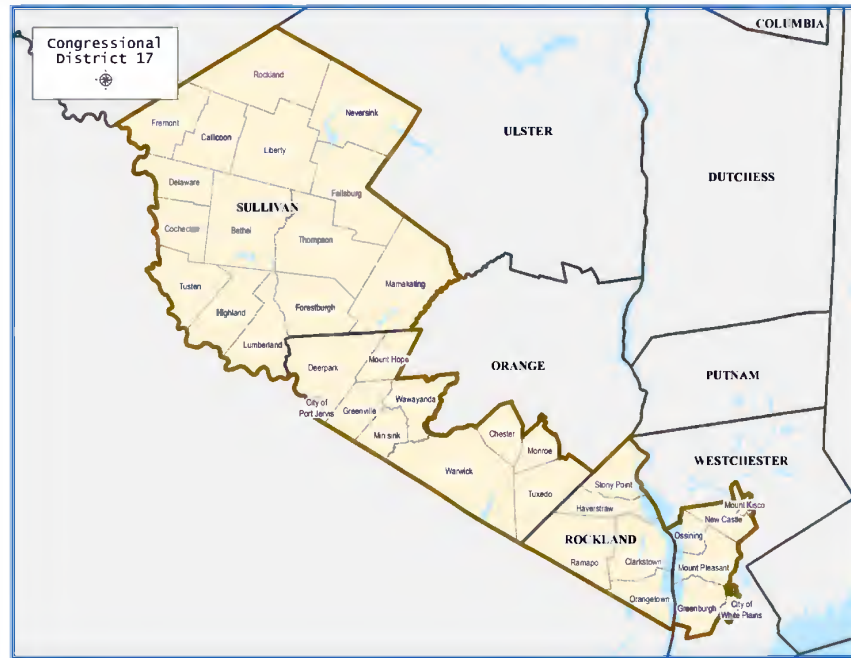
155. The district combines the Orthodox communities in Sullivan and Rockland counties but excludes the Kiryas Joel Jewish community in Orange County, despite the extensive public testimony and overwhelming evidence in support of keeping these communities together.

156. The resulting new District cracks those conservative communities, spreading Republican voters among multiple districts to decrease their voting power without jeopardizing any Democratic districts.

157. Thus, Congressional District 17 shifted only slightly from a Democratic stronghold to a still-reliable but less Democratic district.

Map of Old Congressional District 17



Map of New Congressional District 17

158. Congressional District 19 is similarly drawn for the impermissible purpose of strengthening the Democratic Party's political interests, with the four reaching corners of Congressional District 19 showing how the Legislature shopped for Democratic voters to turn the district from Republican-leaning to a Democratic-advantage district.

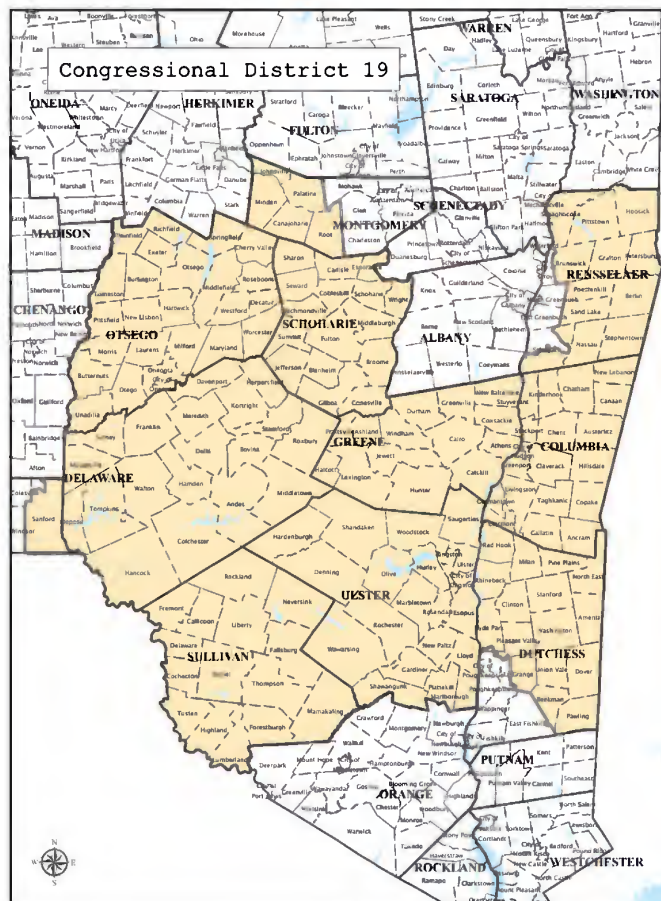
159. The new Congressional District 19 extends through the Republican communities in Columbia and Greene counties to pick up part of Albany County—specifically the Town of Bethlehem—to add Democrat voters and a new county split.

160. In Ulster County, the District picks up Democrats while specifically avoiding communities with large numbers of Republican voters.

161. The new Congressional District 19 then stretches far west to encompass the mostly Democratic city of Binghamton, to pick up additional Democratic voters there.

162. Finally, the District extends northward to pick up the Democrat-voting city of Utica.
163. All these particular partisan choices flipped this District into a Democratic-advantage district.

Map of Old Congressional District 19



Map of New Congressional District 19



164. The Legislature also gerrymandered Congressional District 21 by packing it with additional Republican voters.

165. The new Congressional District 21 now extracts Saratoga and Schenectady counties, in addition to splitting off a portion of Warren County, from the surrounding areas, replacing those regions with much of Oneida County and Herkimer County, half of Montgomery County, and all of Schoharie County, thereby packing additional Republican voters into this single district and eliminating their ability to make surrounding districts more competitive for Democratic candidates.

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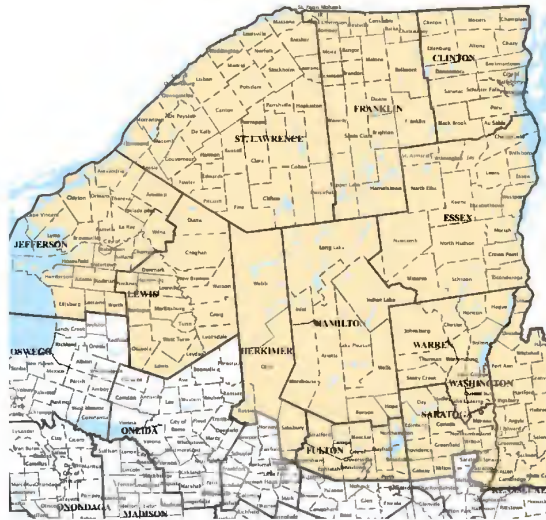
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Map of Old Congressional District 21

Congressional District 21



Map of New Congressional District 21

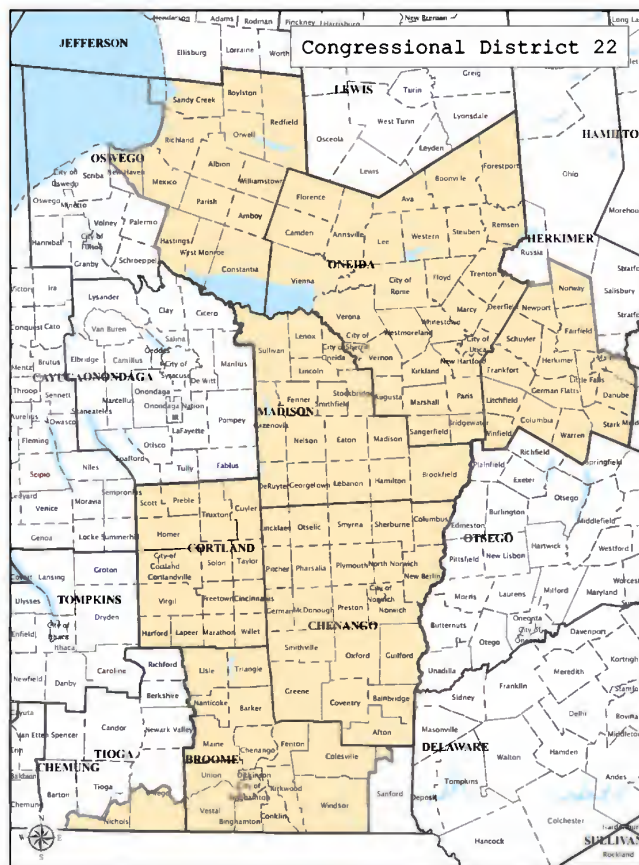
Congressional District 21



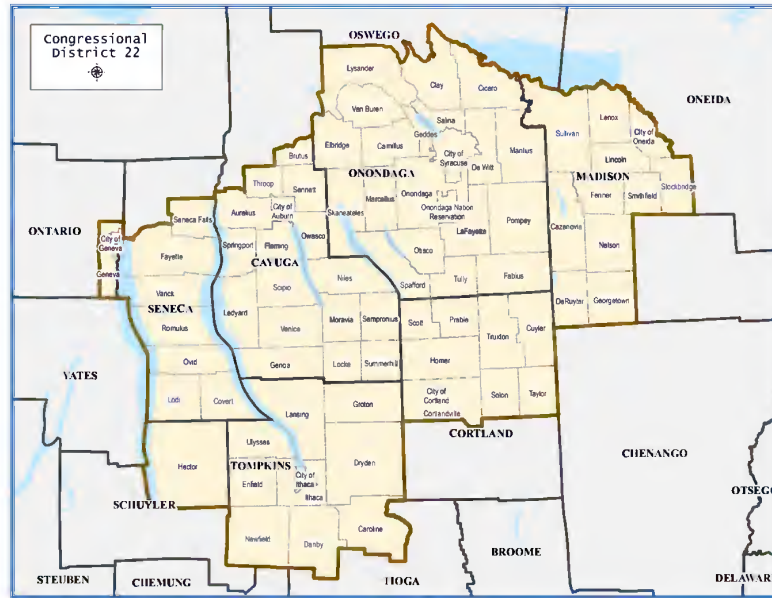
166. In Congressional District 22, the Legislature removed Republican areas and replaced them with Tompkins County, including the city of Ithaca, to flip the district from a competitive Republican district to a strong Democratic one.

167. As a result, Congressional District 22 underwent a massive political swing, changing from a very competitive Republican district to a strong Democratic district.

Map of Old Congressional District 22



Map of New Congressional District 22



168. The Legislature gerrymandered Congressional District 23 by “packing” as many Republican votes into this district as it could, again for partisan gain.

169. The new district now includes southern Erie County towns—first-ring suburbs to the city of Buffalo—connecting them with far away and rural areas around Binghamton.

170. The old district also included some heavily Democratic areas in Tompkins County, but the Legislature removed those areas, as noted above, placing them in Congressional District 22 to flip that district.

171. As a result, Congressional District 23 became less competitive and shifted from a very strong Republican district to an uncontestable Republican district.

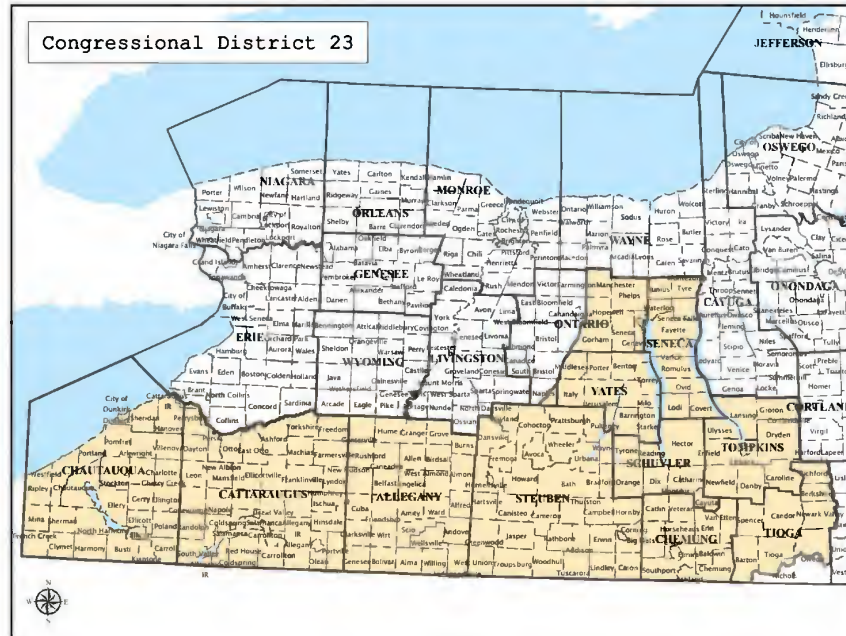
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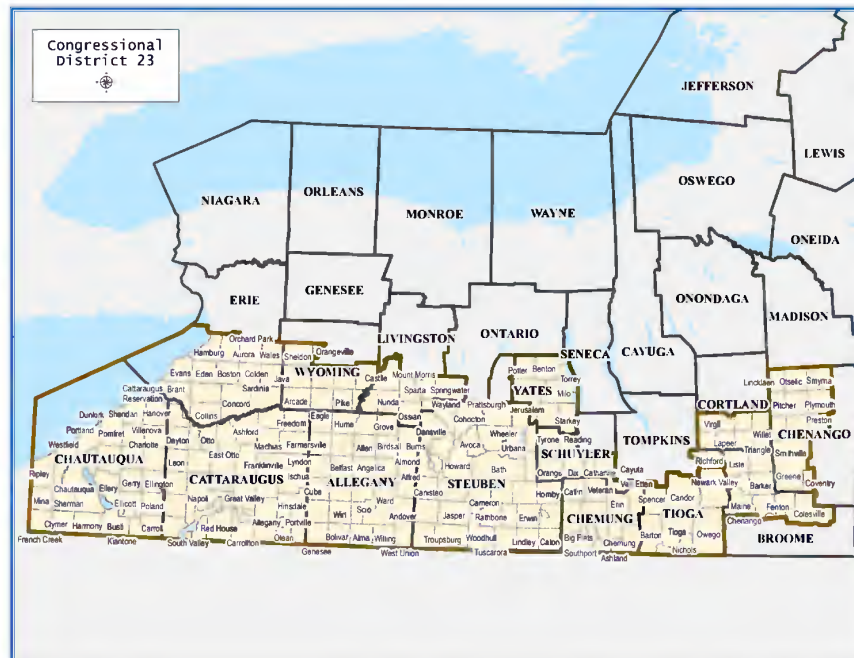
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Map of Old Congressional District 23



Map of New Congressional District 23



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172. Previously, District 24 compactly encompassed the bordering counties of Wayne, Cayuga, and Onondaga, as well as part of Oswego County.

173. Now, this District extends from Lewiston, in Niagara County, and various similarly Republican areas in northeast Erie County, all the way eastward and northward to Jefferson County (all the way to the St. Lawrence County line), while notably avoiding certain portions of Monroe and Ontario counties.

174. Indeed, this District now stretches across four media markets, connecting numerous areas over more than 250 miles with little or nothing in common.

175. As a result, the Legislature shifted Congressional District 24 from a highly competitive Democratic district into a very strong Republican district, designed to protect numerous surrounding districts from any serious Republican challenge.

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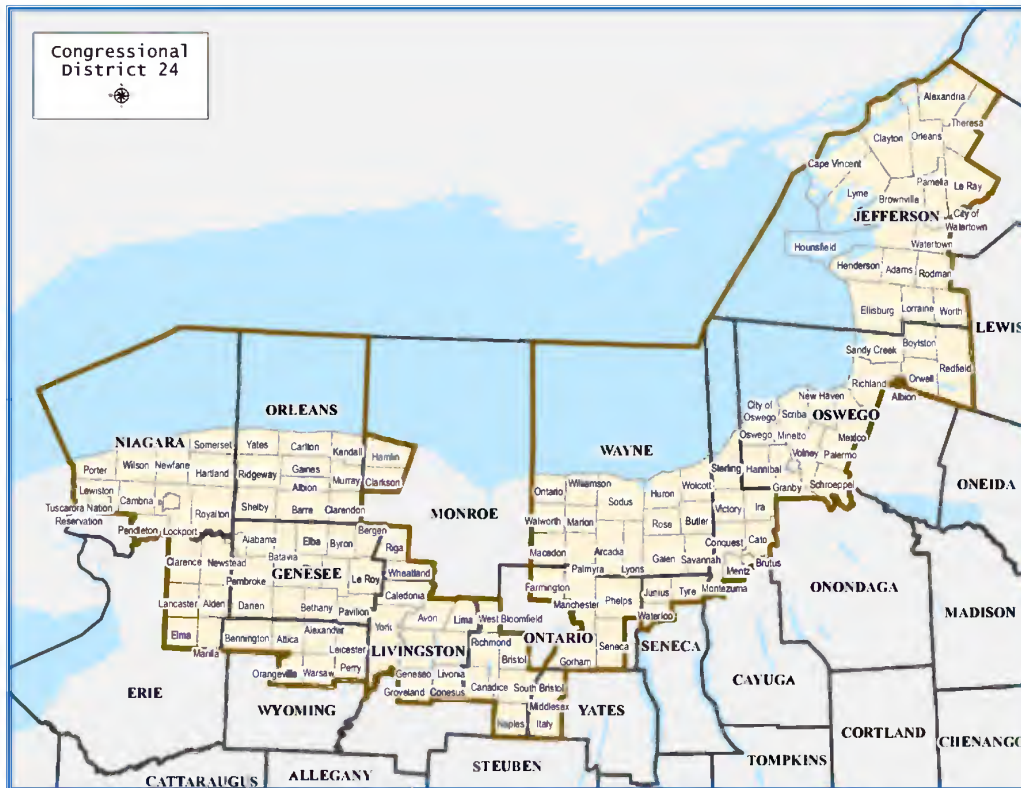
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Map of Old Congressional District 24



Map of New Congressional District 24



176. Each of these blatantly gerrymandered districts, both individually and collectively, has no reasonable explanation except the Legislative Democrats' specific goal of increasing their political power. These examples are only illustrative of the map's partisan design as a whole.

177. On February 2, 2022, notwithstanding the egregious gerrymander within the Legislature’s map, the Democrats in the Assembly and State Senate adopted the congressional map (with only slight modifications unrelated to their gerrymandering efforts), despite every Republican in the Assembly and State Senate voting against the map. *See* 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196 and A.9039 (as technically amended by A.9167).

178. In addition to the Republican legislators, all of whom voted against this egregious gerrymander, Democratic Assemblymembers Simcha Eichenstein and Marcela Mitaynes voted against the congressional maps.

b. Gerrymandered State Senate Districts

179. The 2022 state Senate map is no better. Just as the Legislature gerrymandered the congressional districts, it concocted numerous state Senate districts with no viable explanation but impermissible partisan and incumbent-favoring plotting. *See Mahoney, supra.*

180. On Long Island, the Legislature sought to pack Republican voters into two strongly Republican districts and make each of the other seven districts more favorable for Democratic candidates.

181. For example, in state Senate District 2, the new map packs Republican voters who had been in Senate District 1 in the 2012 state Senate map, thereby making new Senate District 1 more favorable for a Democratic candidate.

182. The Legislature similarly packed Long Island's state Senate District 4 with Republican voters. The already somewhat-reliable Republican Senate District 4 now encompasses Bayport, Oakdale, and east Islip, areas that previously made state Senate District 3 competitive.

183. And the Legislature combined the Republican incumbents who currently represent state Senate Districts 3 and 4 into new Senate District 4, while creating an open seat in new Senate District 3.

184. In short, the Legislature connected and consolidated some of the most Republican areas of Suffolk and Nassau counties in state Senate District 4, ensuring that Republican voters

who previously resided in multiple districts that had been represented by Republican state Senators for the majority of the last decade would now be represented by only one Republican state Senator.

185. In new state Senate Districts 5 and 6, the Legislature combined areas that had been in different state Senate districts for decades, and which are not communities of interest, to turn previously swing districts into strongly Democrat-favoring districts.

186. In state Senate District 5, the Legislature removed the half of the district that had been in the Town of Oyster Bay and ran the district southward into the Town of Babylon, picking up very Democratic regions to make the district more favorable for Democratic candidates.

187. The Legislature then took Oyster Bay from old Senate District 5 and placed it in new Senate District 6, running that district southward to add strong Democrat areas from Uniondale and the Village of Hempstead to make that district much more favorable for Democratic candidates.

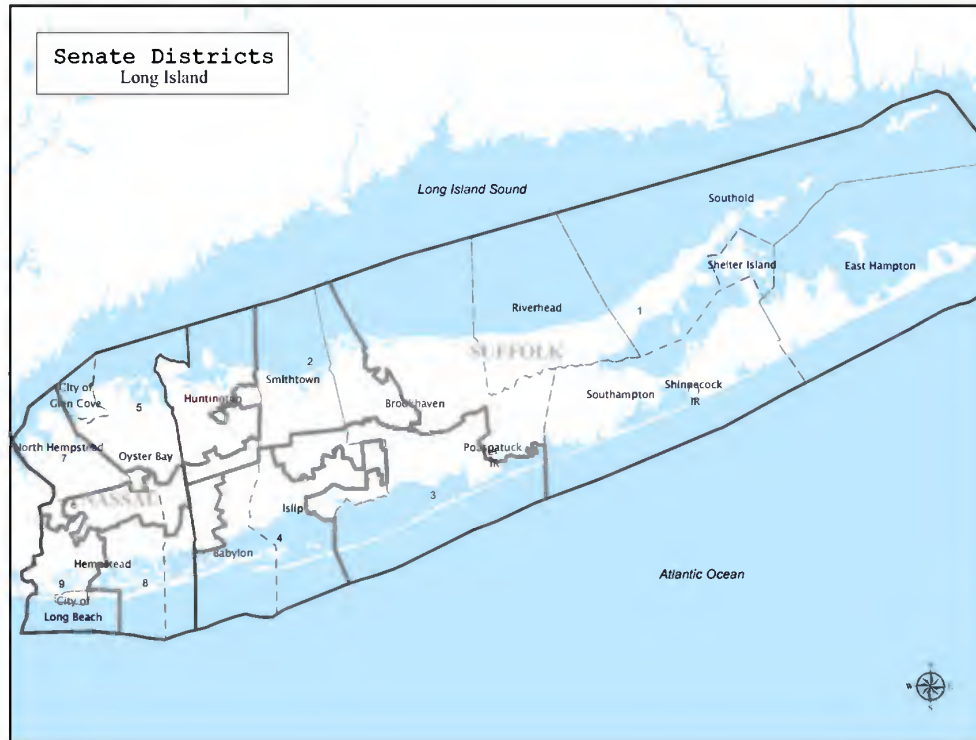
188. The Legislature also increased the Democratic Party's advantage in state Senate District 7, and in state Senate District 9, the Legislature removed the heavily Orthodox Jewish communities known as the Five Towns, which have a history of voting strongly Republican, from the district and then moved them to a heavily Democratic district in Queens, thus making Senate District 9 more favorable for a Democratic candidate. Unlike the 2012 state Senate map, the 2022 state Senate map now breaks the Nassau-Queens border.

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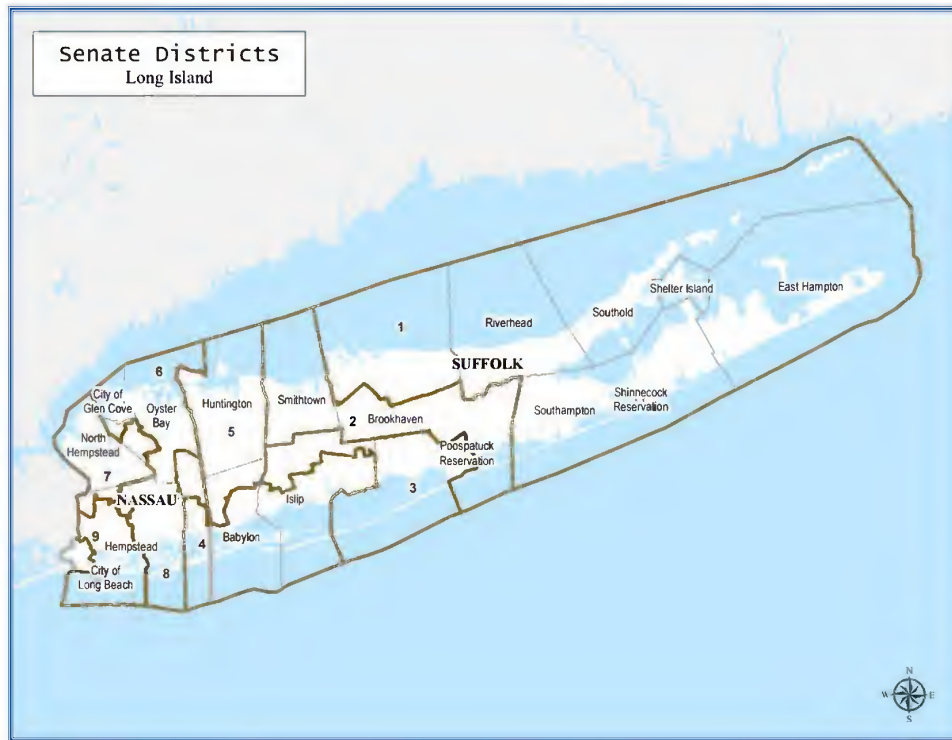
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Map of Old State Senate Districts on Long Island

Map of New State Senate Districts on Long Island



189. The Legislature's partisan gerrymander of Senate District 9 also impacts Senate District 10. The Legislature removed heavily Orthodox Jewish and Republican leaning areas known as the Five Towns from state Senate District 9 in Nassau County and placed them into Senate District 10, an already heavily Democratic district in Queens, combining two unrelated communities, and thereby diluting the voting power of Republicans in the new district without at all risking that seat for Democrats.

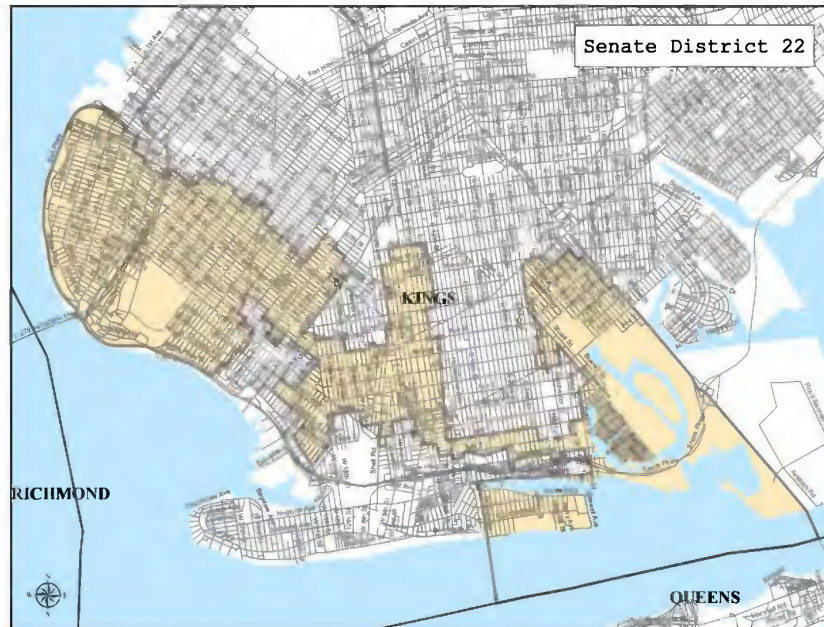
190. Moreover, the Legislature failed to respect the longstanding division of Nassau County from New York City by breaking the Nassau County-Queens County border, where there had been no prior cross-border state Senate districts breaching that line. By moving the Five Towns to a Queens-based Senate district, the Legislature targets a religious community of interest

and separates it from other suburban areas with similar government, school district, and community institutions to join it with New York City.

191. In state Senate District 22, the Legislature specifically drew the boundaries to remove Republican votes in southern Brooklyn by awkwardly extending a long arm northeastward into communities in northern Brooklyn that share little in common, using those heavily Democratic voting areas to negate the Republicans at the southwestern ends of the District.

192. By doing so, the Legislature divided Brooklyn's Russian and Orthodox Jewish community of interest between multiple state Senate districts.

Map of Old State Senate District 22



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Map of New State Senate District 22

193. North of New York City, the Legislature continued its gerrymander. Republican leaning towns in Dutchess County and swing northern Westchester towns were removed from what had been Senate District 40, and in the new Senate District 42, a thin finger stretches southward to include the city of White Plains—which has nothing in common with the more rural/suburban towns in Putnam and norther Westchester counties. This converted a swing district that had been represented by Republicans for most of the last decade into a strong Democratic district.

Map of New State Senate District 42



194. Putnam County is now split between state Senate District 42 and state Senate District 41 and is now connected with Orange County, instead of Dutchess County, with which it shares a natural community of interest.

195. The Legislature moved the Putnam County Town of Philipstown and the Dutchess County communities of Beacon and Fishkill from what had been Senate District 41 (Dutchess and Putnam counties) to the new, Orange County-based Senate District 41. The Legislature did so because these three communities are Democrat-leaning and, by moving them to the new state

Senate District 41, they shifted the district from Republican to Democratic, making it a safe seat for the Democratic incumbent. The Legislature accomplished this shift by removing the Republican-performing Orange County towns of Montgomery, Crawford, Chester, and Monroe from the previous Senate District 39 in its new incarnation as Senate District 41, and placed them in new Senate District 44.

196. The Legislature likewise gerrymandered state Senate District 44, by packing it with Republican voters, removing parts of Ulster County that generally vote Democrat from the district, and adding parts of Orange County that generally vote Republican, as well as similar areas in Delaware and Broome counties.

197. New state Senate District 48 (which most closely approximates state Senate District 46 in the 2012 state Senate map), is now a somewhat strong Democratic district, flipping from a lean Republican district. The Legislature accomplished this gerrymandered flip by lopping off Republican-performing areas in the northern reaches of the previous district—Montgomery County and portions of Schenectady County—and replacing them with more Democratic areas in Ulster, Dutchess, and Columbia counties.

198. In state Senate District 46, the Legislature disconnected the City of Albany and the Albany County river cities that face it across the Hudson River and combined it with Republican areas in Saratoga County with which it has little in common, to create a safe Democratic district.

199. The Legislature's drawing of new state Senate District 51 lumps both Republican Senator James Tedisco and Republican Senator Peter Oberacker into the same district. The Democratic leaders in the Legislature drew this district specifically to disfavor or remove one of these two incumbent Republican Senators.

200. The Legislature flipped new state Senate District 52 (which somewhat approximates state Senate District 50 in the 2012 state Senate map) from a district that had elected a Republican for the majority of the last decade into a district favoring Democratic candidates by adding a larger portion of the City of Syracuse into a district based in Onondaga County suburbs.

Map of Old State Senate District 50



Map of New State Senate District 52



201. In new state Senate District 53, the Legislature cynically disconnected Tompkins County, a portion of Cortland County, and portions of Tioga and Broome counties from surrounding areas with which they had been historically connected to create a new district that strongly favors a Democrat candidate.

202. In new state Senate District 54, the Legislature packed Republicans by adding Wayne County to other strongly Republican-performing areas in Genesee, Livingston, Ontario, and Cayuga counties.

203. The Legislature's specific choices here made this district noticeably less competitive, creating a very strong Republican district, and also extracted these strong Republican areas from their previous districts, which also included swing areas, thereby decreasing protection in neighboring districts.

204. In new state Senate District 56 (which most closely resembles District 55 in the 2012 state Senate map), the Legislature added a large portion of the City of Rochester, and its heavily Democratic voting citizens to flip this district from one that had been represented by a Republican state senator until his recent retirement into a strong Democratic district. The situation is virtually identical in new state Senate District 57.

205. In new state Senate District 58, the Legislature packed a large number of Republicans to remove them from surrounding districts and decrease competitiveness, enabling the Legislature to create the new Democratic district in Tompkins and Broome counties.

206. In creating new state Senate District 60, the Legislature broke the Erie-Niagara County border and added the City of Niagara Falls to what had been state Senate District 60 under the 2012 state Senate map and removed the towns of Orchard Park, Evans, and Brant. Previously, State Senate District 60 had been a competitive swing district represented by both Republicans and Democrats over the last decade. By adding the heavily Democratic City of Niagara Falls, which is in a different county than the rest of the district, the district changed from one that leaned Democratic to one that is now solidly Democratic, reducing realistic competition there.

207. Relatedly, the Legislature gerrymandered new state Senate District 62 by packing it with Republicans. The Legislature removed from this district the City of Niagara Falls, while

adding the reliably Republican towns to the east, to make this a heavily Republican district with little to no competitiveness.

208. The Legislature also gerrymandered state Senate District 63 by cobbling together from several disparate areas: the suburban swing Town of Amherst, the east side of Buffalo, and part of Lackawanna County. The Town of Amherst is much more closely aligned with the other suburban towns to the north of the City of Buffalo and these three areas are not communities of interest by any reasonable metric and lack commonalities with one another.

209. As a result, new state Senate District 63 is overwhelmingly Democratic, with no real risk of the Democrats losing that Senate seat.

210. All in all, the 2022 state Senate map largely guarantees the Democratic Party in New York an outsized number of state Senate seats compared to their political support in this State.

211. In fact, the Legislature's state Senate gerrymander was so successful and so biased in favor of Democrats, that the enacted state Senate map is more favorable to Democrats than *any* of the 5,000 computer simulated maps designed specifically to follow New York's redistricting requirements without partisan considerations.

212. Despite these and other gerrymandered districts within the new 2022 state Senate map, the Legislature enacted that map on a vote of 118–29 in the Assembly and 43–20 (a straight party line) in the Senate on February 3, 2022. *See* 2021–2022 N.Y. Reg. Sess. Leg. Bills A.9040-A and A.9168.

iv. The Governor Signs The Legislature's Unfair Congressional And State Senate Maps Into Law Despite Widespread Objection From New Yorkers

213. After the Legislature released its proposed maps, there was extensive public outcry over both the process and substance.

214. Members of the public took to the IRC's public comment page to decry the Legislature's opaque approach to redrawing the maps. Submissions, New York Independent Redistricting Committee ("IRC Public Submissions").³² As one comment said, "[t]his is clearly gerrymandering at its worst." IRC Public Submissions, *supra* (submitted by Anthony on Jan. 31, 2022). Betsy Gotbaum, the executive director of good-government group Citizens Union, described the Legislature's lack of process succinctly: "There was no public input." Jacob Kaye, *State Legislature Shares Version of Congressional Redistricting Map*, Queens Daily Eagle (Feb. 1, 2022).³³ She also noted that the Legislature's actions completely deprived the process of an accurate understanding of the public's desires in new maps: "We don't really know what groups of people really wanted once the commission couldn't come to any kind of a conclusion and then the legislators took it over. We don't know." *Id.*

215. New Yorkers across the state quickly flagged the new maps as highly partisan gerrymanders. "If it looks like gerrymandering and sounds like gerrymandering—it's most likely gerrymandering," said Brian Browne, a political science professor at St. John's University in New York City. Kaye, *supra*. "This is why people don't trust politicians," observed Pat Kiernan, a local morning news anchor on NY1, "[a]nd the Democrats have given up any high ground they had over Republicans on gerrymandering." Nicholas Fandos, *How N.Y. Democrats Came Up With Gerrymandered Districts on Their New Map*, N.Y. Times (Jan. 31, 2022).³⁴

³² Available at <https://nyirc.gov/submissions>.

³³ Available at <https://queenseagle.com/all/state-legislature-shares-version-of-congressional-redistricting-map>.

³⁴ Available at <https://www.nytimes.com/2022/01/31/nyregion/nyc-congressional-district-nadler.html>.

216. Even Democratic politicians condemned the maps. Cynthia Appleton, the Democratic chair for Wyoming County, described the congressional map as “an absolute travesty.” Jerry Zremski, *New Congressional Map Sparks Gerrymandering Outcry*, Buffalo News (Jan. 31, 2022).³⁵ Nate McMurray, a former Democratic congressional candidate, offered a similar view on the new map, calling it “nuts.” *Id.* Melanie D’Arrigo, a Democratic candidate running in Congressional District 3, harshly criticized the new map as well: “We cannot stay silent as we watch the state legislature publish a map that extreme gerrymanders our district.” Kaye, *supra*. Describing the redrawn Congressional District 3, which now spans five counties, D’Arrigo despaired, “How is this fair to the people who live in any of these counties?” *Id.* She further noted that “[c]onstituent services will be more difficult, more expensive and less efficient: the needs of someone living on the border of Connecticut being wildly different from someone in Huntington,” and “[a]ll of the voters at stake deserve real representation, not to be used as political pawns.” *Id.*

217. On February 3, 2022, Governor Hochul signed the Legislature’s congressional and state Senate maps, 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168, into law, thereby blessing her fellow Democrats’ blatant gerrymandering efforts. Patrick Ryan, *Gov. Hochul Signs New State and Congressional Redistricting Maps into Law* WIVB.com (Feb. 3, 2022) (providing signed bills).³⁶

³⁵ Available at https://buffalonews.com/news/new-congressional-map-sparks-gerrymandering-outcry/article_0ab6b528-82e6-11ec-8d7b-07d7c0c217b8.html.

³⁶ Available at <https://www.wivb.com/news/new-york/gov-hochul-signs-new-state-and-congressional-redistricting-maps-into-law/>.

D. The 2022 Maps' Impact On Petitioners

218. The Legislature's blatant gerrymandering has caused grave harm to Petitioners, all of whom want a fair, representative government at both the state and national level, unhindered by partisan interests and egregious gerrymandering.

219. Broadly, this kind of partisan gerrymandering is profoundly undemocratic and cuts deeply into the public's confidence in their representative government. The Legislature's egregious attempt to entrench the majority party's incumbents and political power harms the franchise of all New York voters, Petitioners included.

220. For example, the adopted 2022 congressional and state Senate maps treat Petitioners unequally and dilutes their voting power based on their political beliefs. Through this map, Democrats have essentially guaranteed that they will win more congressional and state Senate districts—and thus more power—than is warranted by the party's popular support. As a result, political representatives will subject Petitioners to laws and policies that do not fairly reflect the public will.

221. Moreover, when incumbents choose their voters—rather than voters electing their chosen representatives—the public's faith in the franchise is diminished.

222. Participation in the democratic process will decrease, as voting holds little appeal to those in gerrymandered districts because their votes cannot change the preordained outcomes of elections. New Yorkers made their will clear when they voted to ban partisan gerrymandering.

223. Enacting these maps deals a crushing blow to the State's representative democracy and the faith of the People in those governing them.

224. More specifically, each of Petitioners suffers directly from these maps, including because they lose the opportunity to vote for their preferred congressional and state Senate candidates, rather than ones selected for them by the Legislature's cynical line-drawing.

225. For example, the new Congressional District 16, a strong Democratic district where Petitioner Marianne Volante lives, moved Republican voters from Congressional District 18, where Petitioner Patricia Clarino lives, decreasing competition and turning District 18 into a safe Democratic district, without jeopardizing the Democratic Party's interests in District 16. As a result, Petitioner Clarino's vote is diluted, while Petitioner Volante and other Congressional District 16 Republicans' votes will never outweigh the Democratic vote that has been gerrymandered around them.

226. In the new Congressional District 23, where Petitioners Tim Harkenrider, Linda Fanton, Jay Frantz, Alan Nephew, and Susan Rowley reside, the Legislature "packed" as many Republican votes into the district as it could. As a result, the Republican votes of Petitioners and similar voters in the District far exceed the amount their candidates need to win in elections. Rather than fairly spreading Republicans through logically constructed districts, the Legislature has ensured that many of their votes are wasted in Congressional District 23.

227. Conversely, in the new Congressional District 10, where Petitioner Stephen Evans resides, and Congressional District 11, where Petitioner Jerry Fishman resides, the Legislature broke up conservative communities of interest, "cracking" and effectively neutralizing Republican voters in these districts. As a result, these Petitioners' votes are diluted, and they are subjected to political policies that do not align with their own views or the will of their communities.

228. Similarly, new Congressional District 17, where Petitioner Lawrence Garvey resides, new Congressional District 19, where Petitioners Guy C. Brought and Lawrence Canning reside, and new Congressional District 22, where Petitioners George Dooher, Jr. and Josephine Thomas reside, each “crack” and neutralize Republican votes by breaking up communities of interest and unnaturally reaching across the state to add Democratic voters to each of these districts. These Petitioners will be forced to endure representatives who do not reflect the communities they represent, enforcing their unwelcome policies.

229. Petitioners face similar harms from the gerrymandered 2022 state Senate map. In state Senate District 41—where Petitioner Patricia Clarino resides—the Legislature gerrymandered the district to lean Democratic, depriving Petitioner Clarino of the representation of her choice.

230. Similarly, in state Senate District 42—where Petitioner Marianne Volante resides—the Legislature drew the boundaries to stretch down into White Plains and create a safely Democratic district, depriving Petitioner Volante of the representation of her choice.

231. In state Senate District 48—where Petitioner Guy C. Brought resides—the Legislature removed more-conservative-voting areas in Montgomery County and Schenectady County, replacing them with more liberal areas in Dutchess and Columbia counties, thereby flipping this district into a somewhat strong Democratic district, thereby forcing upon Petitioner Brought a likely Democratic state Senator whose political policies will not align with his own.

232. In state Senate District 58—where Petitioners Linda Fanton, Jay Frantz, Alan Nephew, and Susan Rowley all reside—and state Senate District 59—where Petitioner Tim Harkenrider resides—the Legislature “packed” Republican voters into these districts, so the

Republican votes of Petitioners and similar voters in the District far exceed the amount their candidates need to win in elections. By doing so, the Legislature has ensured that Petitioners' votes will be wasted in these state Senate Districts.

233. Petitioners regularly vote for Republicans running for Congress and state legislative office and engage in campaign activity for Republicans running for Congress and state legislative office. Thus, the gerrymandering of the 2022 state Senate and congressional maps dilutes the power of their votes and political action efforts.

FIRST CAUSE OF ACTION

(N.Y. Const. art. III, § 4(b); N.Y. Legis. Law § 93(1) – Failure To Follow Constitutional And Statutory Procedures For Redistricting)

234. Petitioners hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

235. Article III, Section 4(e) of the New York Constitution provides that “[t]he process for redistricting congressional and state legislative districts established by this section and sections five and five-b of this article *shall govern* redistricting in this state,” with limited exceptions not relevant here. N.Y. Const. art. III, § 4(e) (emphases added); *see* N.Y. Legis. Law § 93(3) (same).

236. Section 4(b) of Article III requires that, should the Legislature “fail to approve the legislation implementing the first redistricting plan” prepared by the IRC, the IRC then “*shall* prepare and submit to the legislature a second redistricting plan and the necessary implementing legislation for such plan,” and that “[s]uch legislation *shall* be voted upon, without amendment.” N.Y. Const. art. III, § 4(b) (emphases added); *see also* N.Y. Legis. Law § 93(1).

237. Only then, after having considered and rejected such a *second* redistricting plan, or, after the Governor vetoes any such second plan after the Legislature approved it, may the Legislature “introduce” its own “implementing legislation” along with “any amendments” that comply with Article III, Section 4. N.Y. Const. art. III, § 4(b); *see also* N.Y. Legis. Law § 93(1).

238. Because the Legislature never received, let alone considered and acted upon, a second redistricting plan from the Commission, it never obtained redistricting authority under the *exclusive* process established by the New York Constitution for introducing and adopting its own redistricting maps. *See* 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168.

239. After the Legislature rejected the first-round maps introduced by the IRC out of hand, the Commission did not adopt and introduce second-round maps to the Legislature within 15 days, leaving the Legislature with no maps to act on within the scope of its limited constitutional role.

240. As a result, the Legislature did not consider a second map or maps from the IRC, which mandatory consideration was required before the Legislature was constitutionally permitted to adopt its own congressional map. N.Y. Const. art. III, § 4(b).

241. The 2021 legislation enacted by the Legislature and Governor purporting to give the Legislature authority to circumvent the Constitution, to adopt its own maps if the Commission failed to vote on second-round maps, L.2021, c. 633, § 1, is unconstitutional. There is no provision of law that allows the Legislature to sidestep the Constitution’s exclusive process for redistricting in New York via legislative enactment.

242. The Legislature enacted L.2021, c. 633, § 7150 in an effort to avoid the effect of the People voting down a constitutional amendment to provide for what L.2021, c. 633, § 7150(1) purports to do. But, of course, a constitutional amendment is necessary to make the changes to New York's exclusive, constitutionally enshrined redistricting process

243. The Legislature cannot act contrary to the Constitution's restrictions on the respective duties and responsibilities allocated to it and other entities responsible for redistricting. Because the Legislature acted contrary to the Constitution when it enacted L.2021, c. 633, § 7150, the 2022 congressional and state Senate maps are invalid.

244. Since the Legislature had and has no constitutional authority to draw congressional or state Senate districts given the IRC's failure to follow the exclusive, constitutionally mandated procedures, this Court cannot give the Legislature another opportunity to draw curative districts.

245. Thus, this Court should draw its own maps for Congress and state Senate prior to the upcoming deadlines for candidates to gain access to the ballot, just as happened regarding the 2012 congressional map.

SECOND CAUSE OF ACTION

(N.Y. Const. art. III, § 4(c)(2); N.Y. Legis. Law § 93(2)(b) – Unconstitutional Malapportionment)

246. Petitioners hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

247. Article III, Section 4(c)(2) provides that "[t]o the extent practicable, districts shall contain as nearly as may be an equal number of inhabitants," and that "[f]or each district that

deviates from this requirement,” the entity responsible for drawing the map “shall provide a specific public explanation as to why such deviation exists.” N.Y. Const. art. III, § 4(c)(2).

248. This constitutional requirement establishes a population-equality standard for congressional and state Senate districts, absent a “specific” and “public” explanation from the mapdrawer as to why any deviation is necessary. N.Y. Const. art. III, § 4(c)(2).

249. Therefore, following any decennial census, all congressional and state Senate districts must abide by this equal-population requirement.

250. As explained above, the 2022 congressional and state Senate maps are ultra vires because the Legislature ignored entirely the mandatory, *exclusive* process established by the 2014 constitutional amendments for enacting any such redistricting, as well as applicable substantive requirements for any Legislature-created map. *See supra* First Cause Of Action.

251. That is, the Legislature enacted its congressional and state Senate maps without abiding by the constitutional and statutory requirement that the IRC present a second round of maps following the Legislature’s decision not to approve the first round of maps. N.Y. Const. art. III, § 4(b). Indeed, the Constitution *requires* that the Legislature “vote[] upon” the “second redistricting plan and the necessary implementing legislation” before it may introduce its own plan, and yet the Legislature never complied with these rules. *Id.*; *see also supra* First Cause Of Action.

252. These violations render the 2022 congressional and state Senate maps invalid, leaving only the vestigial maps that the Legislature enacted or the court adopted after the 2010 decennial census. *See* 2011–2012 N.Y. Reg. Sess. Leg. Bills S.6696 and A.9525 (as technically amended by S.6755 and A.9584); *Favors v. Cuomo*, No. 11-CV-5632, 2012 WL 928223 (E.D.N.Y. Mar. 19, 2012).

253. But the 2012 congressional map and 2012 state Senate map, *see id.*, are plainly unconstitutional *today*, following the 2020 census, given New York’s inarguable population shifts, because they do not meet the New York Constitution’s equal-population requirement.

254. That is, following the 2022 Census, none of the previous congressional and state Senate districts “[t]o the extent practicable” “contain as nearly as may be an equal number of inhabitants.” N.Y. Const. art. III, § 4(c)(2); N.Y. Legis. Law § 93(2)(b); *see supra* ¶¶ 61–79.

255. Thus, this Court must now also declare that the Legislature-enacted 2012 state Senate map, and court-adopted 2012 congressional map—the only validly-adopted map in existence, *supra* First Cause Of Action—are invalid, and adopt replacement, constitutional congressional and state Senate maps.

THIRD CAUSE OF ACTION

(N.Y. Const. art. III, § 4(c)(5); N.Y. Legis. Law § 93(2)(e) – Unlawful/Unconstitutional Partisan And Incumbent-Protection Gerrymandering)

256. Petitioners hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

257. Article III, Section 4(c)(5) of the New York Constitution provides that “in the creation of state senate and . . . congressional districts . . . [d]istricts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties.” N.Y. Const. art. III, § 4(c)(5).

258. New York Legislative Law § 93(2)(e) provides that, “in the creation of state senate and . . . congressional districts . . . [d]istricts shall not be drawn to discourage competition or for

the purpose of favoring or disfavoring incumbents or other particular candidates or political parties.” N.Y. Legis. Law § 93(2)(e).

259. New York Legislative Law § 93(4) also provides that “any law establishing congressional or state legislative districts found to violate the provisions of this article shall be invalid in whole or in part.” N.Y. Legis. Law § 93(4).

260. The 2022 congressional and state Senate maps, 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168, violate the clear prohibitions against partisan and incumbent-favoring/disfavoring gerrymandering found in Article II, Section 4(c)(5) of the New York Constitution and New York Legislative Law § 93(2)(e).

261. The Legislature drew the 2022 congressional and state Senate maps “to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties,” N.Y. Const. art. III, § 4(c)(5), as discussed in detail above, *supra* ¶¶ 114–212.

262. Governor Hochul, who signed the maps into law, previously acknowledged that it was her intention “to use [her] influence to help Democrats” by way of “the redistricting process,” and claimed that she fully “embrace[d] that” role as Governor. Glueck & Ferré-Sadurní, *supra*.

263. For that reason, the enacted congressional and state Senate maps violate both the New York Constitution and New York Legislative Law § 93, requiring this Court to strike them as “invalid.” N.Y. Legis. Law § 93(4).

FOURTH CAUSE OF ACTION

(CPLR § 3001 – Declaratory Judgment)

264. Petitioners hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

265. Petitioners seek a declaratory judgment from the Court “as to the rights and other legal relations of the parties,” CPLR § 3001, regarding the substantive and procedural requirements for redistricting in this State.

266. It is imperative that the New York Courts properly construe the recent amendments to Article 3, Section 4 of the New York Constitution and New York Legislative Laws § 93.

267. The 2014 amendments to the New York Constitution prohibit the Legislature and Governor from reapportioning seats for Congress and state Senate in a manner that

- a. disregards the exclusive procedures for redistricting, including the requirement that the IRC submit two rounds of maps for the Legislature’s consideration before the Legislature may undertake the redistricting function itself;
- b. creates districts that fail to contain as nearly as possible an equal number of inhabitants, requiring, as practicable, no deviation from perfect population equality;
- c. creates a partisan gerrymander with the intent to favor of any political party; and
- d. creates an incumbent-protection or incumbent-disfavoring gerrymander with the intent of aiding or hurting any incumbent or candidate.

Each of these violations, alone and in tandem, requires the Court to invalidate the congressional and state Senate maps.

268. Respondents’ actions in violating each of these constitutional requirements come from a determined effort to advance the interests of the Democratic Party by entrenching incumbent Democrats and targeting incumbent Republicans, in direct contravention of the will of

the citizens of the State of New York, who voted in favor of ridding such partisan interests from the redistricting process.

269. Further, the 2021 legislation, L.2021, c. 633, § 7150, enacted by the Legislature and Governor in an attempt to give the Legislature authority to circumvent the Constitution and adopt these unlawful maps, is unconstitutional. The Legislature cannot contravene the Constitution's exclusive process for redistricting in New York through legislative enactment.

270. Each of these constitutional violations has harmed Petitioners, who are now subject to gerrymandered and highly partisan maps for their representatives in Congress and state Senate.

271. This issue is ripe for judicial review.

272. Absent resolution of these constitutional questions, neither Respondents nor the citizens of New York will have adequate guidance regarding the propriety of the enacted maps and the prior legislature-enacted and court-drawn maps, in preparation for impending elections.

273. If each of these fundamental issues regarding the redistricting processes in New York is not resolved in short order, it will be too late to do so without threatening the integrity of upcoming elections.

274. Therefore, this Court should enter judgment declaring that the 2022 congressional and state Senate maps, *see* 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168, violate the New York Constitution, declare that the 2012 congressional and state Senate maps, *see* 2011–2012 N.Y. Reg. Sess. Leg. Bills S.6696 and A.9525 (as technically amended by S.6755 and A.9584); *Favors v. Cuomo*, No. 11-CV-5632, 2012 WL 928223 (E.D.N.Y. Mar. 19, 2012), now violate the New York Constitution in light of the population shifts

identified in the 2020 Census, strike down the 2021 legislation, L.2021, c. 633, § 7150, as unconstitutional, and itself draw a new congressional map cured of all legal infirmities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully demand that this Court review the constitutionality of the congressional apportionment and enter judgment and order against Respondents as follows:

A. Declaring pursuant to CPLR § 3001 that:

i) the 2022 congressional map and 2022 state Senate map, *see* 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168, both constitute unconstitutional maps enacted without complying with the mandatory constitutional procedures for redistricting in Article III, Section 4(b) of the New York Constitution;

ii) the 2012 congressional map, court-adopted after the 2010 decennial census, *Favors v. Cuomo*, No. 11-CV-5632, 2012 WL 928223 (E.D.N.Y. Mar. 19, 2012), and the 2012 state Senate map, legislatively enacted after the 2010 decennial census, 2011–2012 N.Y. Reg. Sess. Leg. Bills S.6696 and A.9525 (as technically amended by S.6755 and A.9584), are the only validly enacted maps currently in existence, but are now unconstitutionally malapportioned, failing to comply with the mandatory constitutional requirements that each district contain an equal number of inhabitants, found in Article III, Section 4(c)(2) of the New York Constitution;

iii) the 2022 congressional map and 2022 state Senate map, apart and aside from procedural deficiencies, constitute unconstitutional partisan and incumbency-favoring/disfavoring gerrymanders, in violation of Article III, Section 4(c)(5) of the New York Constitution and New York Legislative Law § 93(2)(e);

iv) the 2012 congressional map and 2012 state Senate map are unconstitutional in light of the population shifts identified in the 2020 census; and

v) the 2021 legislation, L.2021, c. 633, § 7150, enacted by the Legislature and Governor in an attempt to give the Legislature authority to circumvent the Constitution and adopt these unlawful maps, is unconstitutional.

B. Enjoining Respondents from conducting any elections under the 2012 congressional map and 2012 state Senate map;

C. Enjoining Respondents from conducting any elections under the 2022 congressional map and 2022 state Senate map;

D. Adopting new, legally compliant congressional and state Senate maps;

E. Alternatively, and only if the Court does not agree with Petitioners' procedural claim, ordering the Legislature to attempt to cure the legal and constitutional infirmities in the 2022 congressional map and 2022 state Senate map and adopt lawful maps for each;

F. Suspending or enjoining the operation of any other state laws that would undermine this Court's ability to offer effective and complete relief to Petitioners for the November 2022 elections and related primaries, including, if this Court deems necessary, § 3(i) of 2021–2022 S.8172-A and A.9039-A, and § 2 of 2021–2022 S.8185-A and A.9040-A;

G. Awarding Petitioners all of their reasonable attorneys' fees and costs; and

H. Awarding such other and further relief as this Court may deem just and proper.

FILED: STEUBEN COUNTY CLERK 02/08/2022 06:53 PM

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RECEIVED NYSCEF: 02/08/2022

Dated: New York, New York

February 8, 2022

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**EXHIBIT E TO MOSKOWITZ AFFIRMATION -
COMPARISON OF PETITIONERS' PROPOSED AMENDED
PETITION TO THEIR ORIGINAL PETITION [382 - 460]**

FILED: STEUBEN COUNTY CLERK 02/08/2022 06:53 PM

NYSCEF DOC. NO. 19

INDEX NO. E2022-0116CV

RECEIVED NYSCEF: 02/08/2022

<p>SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF STEUBEN_X</p> <p>TIM HARKENRIDER, GUY C. BROUGHT, LAWRENCE CANNING, PATRICIA CLARINO, GEORGE DOOHER, JR., STEPHEN EVANS, LINDA FANTON, JERRY FISHMAN, JAY FRANTZ, LAWRENCE GARVEY, ALAN NEPHEW, SUSAN ROWLEY, JOSEPHINE THOMAS, and MARIANNE VOLANTE,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">-against-</p> <p>GOVERNOR KATHY HOCHUL, LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE BRIAN A. BENJAMIN, SENATE MAJORITY LEADER AND PRESIDENT PRO TEMPORE OF THE SENATE ANDREA STEWART-COUSINS, SPEAKER OF THE ASSEMBLY CARL HEASTIE, NEW YORK STATE BOARD OF ELECTIONS, and THE NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT,</p> <p style="text-align: center;">Respondents.</p> <p style="text-align: right;">_____X</p>	<p>Index No. E2022-0116CV</p> <p><u>AMENDED</u> PETITION</p>
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Petitioners Tim Harkenrider, Guy C. Brought, Lawrence Canning, Patricia Clarino, George Dooher, Jr., Stephen Evans, Linda Fanton, Jerry Fishman, Jay Frantz, Lawrence Garvey, Alan Nephew, Susan Rowley, Josephine Thomas, and Marianne Volante, by their counsel, Keyser Maloney & Winner LLP, and Troutman Pepper Hamilton Sanders LLP, for their Petition against Respondents Governor Kathy Hochul, Lieutenant Governor and President of the Senate Brian A. Benjamin, Senate Majority Leader and President *Pro Tempore* of the Senate Andrea Stewart- Cousins, Speaker of the Assembly Carl E. Heastie, the New York State Board of Elections, and the New York State Legislative Task Force on Demographic Research and Reapportionment, allege as follows:

PRELIMINARY STATEMENT

1. The People of New York in 2014 enshrined in the New York Constitution an exclusive process for enacting replacement congressional and state legislative districts, while also prohibiting partisan and incumbent-protection gerrymandering. Yet, in the very first redistricting cycle after these landmark constitutional amendments, the Democratic Party politicians who control the New York Legislature and Governor's office violated these constitutional provisions.

2. These politicians brazenly enacted a congressional map ("2022 congressional map") that is undeniably politically gerrymandered in their party's favor. ~~As~~ Dave Wasserman, a nonpartisan national elections expert, correctly noted, that these politicians' congressional map is "an effective gerrymander," designed so that Democrats will "gain three seats and eliminate four Republican seats," creating "probably the biggest shift in the country."¹ The non-partisan election analysis website FiveThirtyEight similarly explained that the map is so "skewed toward Democrats" and "egregious" as to "represent[] a failure for [New York's] new redistricting process."² And even a top attorney for the famously left-leaning Brennan Center for Justice opined that the congressional map "isn't good for democracy," because it is "a master class in gerrymandering, . . . tak[ing] out a number of Republican incumbents very strategically."³ Indeed,

¹ Grace Ashford & Nicholas Fandos, *N.Y. Democrats Could Gain 3 House Seats Under Proposed District Lines*, N.Y. Times (Jan. 30, 2022), available at <https://www.nytimes.com/2022/01/30/nyregion/new-york-redistricting-congressional-map.html> (all websites last visited on Feb. 28, 2022).

² Nathaniel Rakich, *New York's Proposed Congressional Map Is Heavily Biased Toward Democrats. Will It Pass?*, FiveThirtyEight (Jan. 31, 2022), available at <https://fivethirtyeight.com/features/new-yorks-proposed-congressional-map-is-heavily-biased-toward-democrats-will-it-pass/>.

³ Nick Reisman, *How the Proposed Congressional Lines Could Alter New York's Politics*, Spectrum News 1 (Feb. 1 2022), available at <https://spectrumlocalnews.com/nys/central-ny/ny-state-of-politics/2022/02/01/how-the-proposed-congressional-lines-could-alter-ny-s-politics>.

the congressional map is so obviously biased that it favors Democratic partisan interests more than any of 5,000 computer-generated maps; drawn without partisan considerations.

3. While the 2022 congressional map received the great bulk of media attention, the Legislature's new state Senate map ("2022 state Senate map") is likewise politically gerrymandered to favor the Democratic Party and Democratic Party incumbent politicians. Yet again, when the Legislature's state Senate map was compared to any of 5,000 computer-generated maps designed to create state Senate districts consistent with New York law but without partisan considerations, it is the most favorable to the Democratic Party.

4. ~~2.~~TheIn 2014, the People of New York ~~in 2014~~ amended Sections 4 and 5 of Article III of the New York Constitution, establishing an *exclusive* process for redistricting that, both as a matter of procedure and substance, prohibits partisan and incumbent-protection gerrymandering. Through the creation of the New York Independent Redistricting Commission ("IRC" or "the Commission"), the requirements for multiple public hearings to receive public comment on proposed maps, and limiting the New York State Legislature's ("Legislature") authority to an up- or -down vote on IRC-proposed maps, these amendments designed a process to preclude gerrymandering. Indeed, these amendments explicitly prohibit drawing maps "for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties." N.Y. Const. art. III, § 4(c)(5). ~~These~~Thus, the amendments ~~thus~~ bar the sorts of gamesmanship and self-interested gerrymandering that have plagued the redistricting process in this State for years.

5. ~~3.~~The State of New York even bragged about these reforms to its redistricting process before the U.S. Supreme Court, claiming that Article III, Section 4(c)(5) was powerful evidence

that States could fight partisan gerrymandering by barring the drawing of district lines for the purpose of favoring or disfavoring a political party.⁴

6. ~~4.~~The Democrat-controlled Legislature attempted, but failed, to gut these reforms in 2021 through a proposed constitutional amendment. That amendment would have allowed the Legislature to assume vast redistricting authority if the Commission failed to vote on redistricting plans for the Legislature's consideration.

7. ~~5.~~But the People decisively voted this measure down in 2021, re-confirming the IRC's exclusive redistricting process under New York law.

8. ~~6.~~Undeterred, the Democrats who control the Legislature and Governor Kathy Hochul have egregiously violated both the procedural and substantive protections in the New York Constitution to seek precisely the type of advantage for their party that the People outlawed in 2014 and reaffirmed in 2021. Governor Hochul thus lived up to her promise to "use [her] influence to help Democrats expand the House majority through the redistricting process," and help the Democratic Party "regain its position that it once had when [she] was growing up."⁵

9. ~~7.~~This Court should invalidate both the unconstitutional 2022 congressional map and unconstitutional 2022 state Senate map on two separate and independent bases.

10. ~~8.~~First, the Legislature had no authority to enact the new ~~map~~maps because the Legislature did not follow the *exclusive* process for enacting replacement maps that the People enshrined through the 2014 amendments, meaning that the Senate map and congressional map ~~is~~ are

⁴ Amicus Br. for States of N.Y., et al. at 18, *Rucho v. Common Cause*, 558 U.S.__(2019) (No. 18-422).

⁵ Katie Glueck & Luis Ferré-Sadurni, *Interview with Kathy Hochul: "I Feel a Heavy Weight of Responsibility"*, N.Y. Times (Aug. 25, 2021), available at <https://www.nytimes.com/2021/08/25/nyregion/kathy-hochul-interview.html>.

entirely void.⁶ Accordingly, the only validly enacted or adopted maps are those that the Legislature and courts adopted for New York after the 2010 decennial census. But the prior congressional map (“2012 congressional map”) is now unconstitutionally malapportioned after the 2020 census and does not have the correct number of seats. And the prior state Senate map (“2012 state Senate map”) is similarly malapportioned, given changes in New York’s population. This Court should expeditiously adopt ~~a new map~~maps—prior to the impending deadlines for candidates to access the ballot—to cure the malapportionment now affecting the ~~post 2010 census~~2012 congressional map and state Senate maps.⁷

11. ~~9~~Second, if this Court holds that the Legislature somehow had the authority to adopt ~~a replacement map~~maps notwithstanding these procedural failures, this Court should reject ~~it~~the new 2022 congressional map and 2022 state Senate map as a matter of substance, as ~~the map is an~~those maps are obviously unconstitutional partisan and incumbent-protection ~~gerrymander~~gerrymanders. If this Court takes this approach, it should invalidate the 2022 congressional map and 2022 state Senate map and then send ~~it~~them back to the Legislature to create ~~a new congressional map, which complies~~maps that comply with the law.

THE PARTIES

12. ~~10~~Petitioner Tim Harkenrider is an elector of the state of New York, residing at 22 Spruce Street, Canisteo, NY 14823, in Steuben County, within Congressional District 23 and state Senate District 59.

⁶To be sure, this same procedural basis for invalidation applies equally to the state Assembly map. However, the Petitioners do not challenge that map in this lawsuit. Of course, any other elector, N.Y. Const. art. III, § 5; Unconsolidated Laws § 4221, can challenge the Assembly map if that elector chooses.

⁷Although this failure applies equally to the state Assembly map enacted by the Legislature, Petitioners do not challenge that map or ask for its invalidation. Therefore, the Court need not consider any procedural failures related to enactment of the 2022 state Assembly map.

13. ~~41~~Petitioner Guy C. Brought is an elector of the state of New York, residing at 170 Horton Lane, Apt. 462, Port Ewen, NY 12466, in Ulster County, within Congressional District 19 and state Senate District 48.

14. ~~42~~Petitioner Lawrence Canning is an elector of the state of New York, residing at 2843 Johnny Cake Hill Road, Hamilton, NY 13346, in Madison County, within Congressional District 19 and state Senate District 55.

15. ~~43~~Petitioner Patricia Clarino is an elector of the state of New York, residing at 274 Garden Street, New Windsor, NY 12553, in Orange County, within Congressional District 18 and state Senate District 41.

16. ~~44~~Petitioner George Dooher, Jr. is an elector of the state of New York, residing at 209 Dixon Dr., Syracuse, New York 13219, in Onondaga County, within Congressional District 22 and state Senate District 52.

17. ~~45~~Petitioner Stephen Evans is an elector of the state of New York, residing at 440 West 41st Street, Apt. 4G, New York, NY 10036, in New York County, within Congressional District 10 and state Senate District 30.

18. ~~46~~Petitioner Linda Fanton is an elector of the state of New York, residing at 2347 Fulmer Valley Road, Wellsville, NY 14895, in Allegany County, within Congressional District 23 and state Senate District 58.

19. ~~47~~Petitioner Jerry Fishman is an elector of the state of New York, residing at 8200 Narrows Avenue, Brooklyn, NY 11209, in Kings County, within Congressional District 11 and

[state Senate District 22.](#)

[20.](#) ~~18.~~ Petitioner Jay Frantz is an elector of the state of New York, residing at 39 Orchard Place, Gowanda, NY 14070, in Cattaraugus County, within Congressional District 23. [and state Senate District 58.](#)

[21.](#) ~~19.~~ Petitioner Lawrence Garvey is an elector of the state of New York, residing at 2 Hillman Road, New City, NY 10956, in Rockland County, within Congressional District 17. [and state Senate District 40.](#)

[22.](#) ~~20.~~ Petitioner Alan Nephew is an elector of the state of New York, residing at 28 Aldrich Street, Gowanda, NY 14070, in Cattaraugus County, within Congressional District 23. [and state Senate District 58.](#)

[23.](#) ~~21.~~ Petitioner Susan Rowley is an elector of the state of New York, residing at 876 Ford Peterson Road, Frewsburg, NY 14738, in Chautauqua County, within Congressional District 23 [and state Senate District 58.](#)

[24.](#) ~~22.~~ Petitioner Josephine Thomas is an elector of the state of New York, residing at 322 Wynthrop Road, Syracuse, NY 13209, in Onondaga County, within Congressional District 22 [and state Senate District 52.](#)

[25.](#) ~~23.~~ Petitioner Marianne Volante is an elector of the state of New York, residing at 170 Loder Road, Yorktown Heights, NY 10598, in Westchester County, within Congressional District 16 [and state Senate District 42.](#)

[26.](#) ~~24.~~ Respondent Kathy Hochul is the Governor of the State of New York. She is being sued in her official capacity.

[27.](#) ~~25.~~ Respondent Brian A. Benjamin is the Lieutenant Governor of the State of New

York and President of the New York State Senate. He is being sued in his official capacity.

28. ~~26.~~ Respondent Andrea Stewart-Cousins is the New York State Senate Majority Leader and President *Pro Tempore* of the New York State Senate, representing the 35th Senate District. Majority Leader Stewart-Cousins has offices in Albany and at 28 Wells Avenue, Building #3, 5th Floor, Yonkers, NY 10701. She is being sued in her official capacity.

29. ~~27.~~ Respondent Carl E. Heastie is the Speaker of the New York State Assembly, representing the 83rd Assembly District. Speaker Heastie has offices in Albany and at 1446 East Gun Hill Road, Bronx, NY 10469. He is being sued in his official capacity.

30. ~~28.~~ Respondent New York State Board of Elections was established on June 1, 1974, as an Executive Department agency vested with the authority and responsibility for administration and enforcement of the laws relating to election in the State of New York. It has its principal place of business at 40 North Pearl Street, Suite 5, Albany, NY 12207.

31. ~~29.~~ Respondent New York State Legislative Task Force on Demographic Research and Reapportionment (“LATFOR”) was established by the Legislature in 1978 pursuant to New York Legislative Law § 83-m, with the principal responsibility—at least before the 2014 constitutional amendments to Article III, Section 4—of preparing and formulating reapportionment plans to the Legislature following each decennial census. LATFOR’s principal place of business is located at 250 Broadway, Suite 2100, New York, NY 10007.

JURISDICTION AND VENUE

32. ~~30.~~ This Court has jurisdiction over this lawsuit pursuant to Article III, Section 5 of the New York Constitution, CPLR § 3001, and Unconsolidated Laws § 4221, the latter of which grants authority to the “supreme court” to “review” any “petition of any citizen” challenging “[a]n apportionment by the legislature.”

33. ~~34.~~ Venue is proper in this County under Article III, Section 5 of the New York Constitution, CPLR § 503(a), and Unconsolidated Laws § 4221, the latter of which authorizes the filing of a petition challenging “[a]n apportionment by the legislature” in “the supreme court where any such petitioner resides.”

FACTUAL BACKGROUND

A. Redistricting in New York

34. ~~32.~~ Following each federal decennial census, the New York Constitution requires the State of New York to redraw its state Senate, state Assembly, and congressional districts to adjust for population changes. The process of redrawing these district lines is known as redistricting.

35. ~~33.~~ New York congressional and state Senate districts must be redrawn so that each district is contiguous; contains, to the extent possible, an equal number of inhabitants; and is in as compact a form as possible, as required by Article III, ~~Section~~ Sections 4 and 5 of the New York State Constitution.

36. ~~34.~~ Redistricting is an extremely time-sensitive requirement, including because candidates must know what their districts are in advance of an election, in order to meet state-ballot-access requirements. Multiple petition and signature-related deadlines are looming for New York congressional candidates. *See generally* N.Y. Election Law § 6-100, *et seq.*

i. The Redistricting Process Before 2014

37. ~~35.~~ Before 2014, the Legislature maintained primary responsibility for redistricting.

38. ~~36.~~ To aid the Legislature in its task, LATFOR would prepare proposed redistricting maps for the Legislature’s vote.

^{39.} ~~37~~ Established in 1978, LATFOR is a partisan body that has consistently produced partisan maps. It consists of six members, including four legislators and two non-legislators. The Temporary President of the Senate appoints one legislator and one non-legislator. The Speaker of the Assembly also appoints one legislator and one non-legislator. The Minority Leader of the Assembly appoints one legislator, and the Minority Leader of the Senate appoints one legislator.

^{40.} ~~38~~ Under the LATFOR system, “legislators w[ould never] give up their right to draw district lines.” David Freedlander, *Backgrounder: How Redistricting Will Reshape New York’s Battle Lines*, Observer (Dec. 27, 2010).⁶⁸ Indeed, legislators could effectively control redistricting under the LATFOR process in a partisan manner, by controlling “who winds up on [LATFOR]—those who make it are likely to be the favorites of [incumbent legislative leaders] and are likely to get exactly the districts that they want.” *Id.*

^{41.} ~~39~~ Over time, the Legislature manipulated its role in the redistricting process to protect existing incumbents. Under this pre-2014 system, elections were often predestined, with state legislative incumbents winning reelection more than 98% of the time, “usually overwhelmingly.” *Elections With No Meaning*, N.Y. Times (Feb. 21, 2004), at A14.⁷⁹ The “major reason” for this seemingly insurmountable incumbency advantage was gerrymandering, allowing the party in power to draw districts with “surgical precision” to “exclude the homes of rival candidates” and making favorable districts nearly “impregnable.” *Id.* With incumbents facing little chance of

⁶⁸ Available at <http://observer.com/2010/12/backgrounder-how-redistricting-will-reshape-new-yorks-battle-lines/>.

⁷⁹ Available at <https://www.nytimes.com/2004/02/21/opinion/elections-with-no-meaning.html>.

defeat under the then-existing process, elections became uncompetitive, and voters became increasingly disillusioned by the reality that they could not choose their representatives.

42. ~~40.~~ This system granted political parties significant leeway to gerrymander for partisan and incumbent gain. Only the requirement of “one person, one vote,” and requirements that districts “shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the first year of the next decade . . . , and shall at all times consist of contiguous territory,” N.Y. Const. art. III, § 4 (2014), constrained the party leaders responsible for drawing new maps. The New York Constitution required respect for county and city lines, noting that “no county shall be divided in the formation of a senate district except to make two or more senate districts wholly in such county,” and “[n]o town, except a town having more than a full ratio of apportionment, and no block in a city inclosed by streets or public ways, shall be divided in the formation of senate districts,” as well as the “block on border” and “town on border” requirements. *Id.*; *see also* N.Y. Const. art. III, § 4(c)(6) (current version). But even these “requirements” were largely ~~not~~ ~~meaningful~~ meaningless constraints. *See Schneider v. Rockefeller*, 31 N.Y.2d 420, 426–27, 293 N.E.2d 67 (1972).

43. ~~41.~~ Additionally, prior to 2014, some New York Courts ~~had~~ interpreted the then-pertinent constitutional provisions as not providing for a claim of partisan gerrymandering. *Bay Ridge Cmty. Council, Inc. v. Carey*, 479 N.Y.S.2d 746, 749, 103 A.D.2d 280 (2d Dep’t 1984) (per curiam), *aff’d* 66 N.Y.2d 657, 486 N.E.2d 830 (1985) (order).

44. ~~42.~~ Therefore, the pre-2014 system for redistricting and reapportionment gave broad discretion to the politicians in power; and *required* only that all state legislative and

congressional districts largely ~~abided~~abide by the equal-population principle, creating unfair and undemocratic maps that ensconced powerful parties in the seat of government.

ii. The Redistricting Process After the 2014 Reforms

45. ~~43.~~In recent years, however, the People of this State explicitly outlawed partisan gerrymandering and constitutionalized an exclusive, nonpartisan ~~procedure for~~ redistricting procedure.

46. ~~44.~~In 2014, New Yorkers ~~enacted a constitutional amendment, amending~~amended Article III, Sections 4 and 5 of the New York Constitution, and ~~adding~~added a new Section 5-b to the same Article, ~~voting in favor of~~enacting the following ballot measure:

The Proposed amendment to sections 4 and 5 and addition of new section 5-b to Article 3 of the State Constitution revises the redistricting procedure for state legislative and congressional districts. The proposed amendment establishes a redistricting commission every 10 years beginning in 2020, with two members appointed by each of the four legislative leaders and two members selected by the eight legislative appointees; prohibits legislators and other elected officials from serving as commissioners; establishes principles to be used in creating districts; requires the commission to hold public hearings on proposed redistricting plans; subjects the commission's redistricting plan to legislative enactment; provides that the legislature may only amend the redistricting plan according to the established principles if the commission's plan is rejected twice by the legislature; provides for expedited court review of a challenged redistricting plan; and provides for funding and bipartisan staff to work for the commission. Shall the proposed amendment be approved?

*2014 N.Y. State Prcp. No. 1: An Amendment Revising State's Redistricting Procedure.*⁸¹⁰

47. ~~45.~~Proposition 1 amended the New York Constitution to vest primary redistricting responsibility in the newly created IRC, ~~as well as establishing and established~~ numerous procedural safeguards against the Legislature's continued gerrymandering practices.

48. ~~46.~~One such procedural safeguard is the IRC's 10-member composition. Two Commissioners are appointed by the New York State Senate Majority Leader and Temporary

⁸¹⁰ Available at <https://www.elections.cric.gov/Files/Election%20Results/2014/11042014/2014-General.pdf>.

President, two are appointed by the New York State Senate Minority Leader, two are appointed

by the Speaker of the New York State Assembly, and two are appointed by the New York State Assembly Minority Leader. The final two members are then selected by these eight appointees and cannot ~~be~~have enrolled as a Democrat or Republican in the past five years. All Commission members must be registered voters in New York.

49. ~~47.~~ Article III, Section 4 of the New York Constitution requires the IRC to hold public hearings in cities and counties around the State and release draft plans, data, and related information to facilitate public review of proposed district lines. Draft plans must be made available at least thirty days before the first public hearing and no later than September 15 of the year following the census.

50. ~~48.~~ Article III, Section 5-b(f) and (g) of the New York Constitution governs IRC voting and the procedure for approving and submitting redistricting maps to the Legislature. Five members of the IRC constitute a quorum. IRC approval of a plan requires seven votes, which must include a member appointed by each of the legislative leaders. ~~In the event~~If no plan gets seven votes, the IRC must submit the plan(s) with the highest vote to the Legislature.

51. ~~49.~~ Article III, Section 4 of the New York Constitution requires the IRC to submit an initial set of maps and the necessary implementing legislation to the Legislature no later than January 15 of the second year following the census. The Legislature then votes on the maps and implementing legislation without amendment. N.Y. Const. art. III, § 4(b); *see also* N.Y. Legis. Law § 93(1).

52. ~~50.~~ If the Legislature fails to adopt the first set of maps and implementing

legislation, or if the Governor vetoes adopted implementing legislation, then the redistricting process reverts back to the IRC. The IRC must submit a second set of maps and implementing legislation to the

Legislature, subject to the requirements outlined above, within 15 days of ~~being-~~ notification of the first rejection and no later than February 28. The Legislature then votes on the second set of proposed maps and implementing legislation without amendment. N.Y. Const. art. III, § 4(b); *see also* N.Y. Legis. Law § 93(1).

53. ~~51.~~ If (and only if) the Legislature fails to adopt the IRC's second set of maps and implementing legislation, or if the Governor vetoes the second adopted implementing legislation, can the Legislature amend the IRC's proposed redistricting maps and enact its own replacement maps.

54. ~~52.~~ The 2014 amendments to Article III, Section 4 also changed and added to the *substantive* redistricting requirements. Now, the New York Constitution specifically provides that districts "shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties." N.Y. Const. art. III, § 4(c).

55. ~~53.~~ The Legislature must follow all of the substantive requirements for redistricting applicable to the IRC. That is, any maps and implementing legislation adopted by the Legislature cannot involve partisan gerrymandering or incumbent-favoring gerrymandering, must be compact and contiguous, and must have equal population between districts, in addition to the already-noted procedural requirement that all maps be enacted via a single mandatory process involving the IRC.

56. ~~54.~~ The Legislature also established an additional guardrail against partisan

gerrymandering with Section 3 of the Redistricting Reform Act of 2012. 2012 N.Y. Sess. Laws 17, § 3. Applicable above and apart from New York Legislative Law §§ 93, 94, Section 3 of the Redistricting Reform Act of 2012 provides, ~~in pertinent part~~, that “[a]ny amendments by the senate or assembly to a redistricting plan submitted by the independent redistricting commission, shall not affect more than two percent of the population of any district contained in such plan.” 2012 N.Y. Sess. Laws 17, § 3.

iii. The Legislative Democrats Fail To Derail These Reforms With A Proposed 2021 Constitutional Amendment

57. ~~55.~~ In 2021, the Legislature referred a constitutional amendment to New York voters that would have gutted the 2014 constitutional reforms, ~~in favor of the Legislature over the Commission~~, but the People decisively voted this measure down.

58. ~~56.~~ The ballot proposal would have amended the New York Constitution in a number of ways, including section 4(b) of Article III, to provide:

If either house shall fail to approve the legislation implementing the second redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto, or the redistricting commission fails to vote on a redistricting plan and implementing legislation by the required deadline and makes a submission to the legislature pursuant to subdivision (g-1) of section five-b of this article, each house shall introduce such implementing legislation with any amendments each house of the legislature deems necessary.

2021 Statewide Ballot Proposals, New York State Board of Elections (amendment underlined). ⁹¹¹

59. ~~57.~~ The IRC’s exclusive redistricting process, enshrined in Article III, Section 4 of the New York Constitution, can only be altered by a constitutional amendment. Yet, within days of the People ~~voting down’s rejection of~~ the 2021 constitutional amendment, the Legislature referred a bill that purports to achieve largely the same result as the failed amendment ~~would~~

⁹¹¹ Available at <https://www.elections.ny.gov/2021BallotProposals.html>.

~~have~~ to the Governor for her signature. The Governor signed this unconstitutional bill on November 24, 2021.

~~60.~~ ~~58.~~ This law attempts to avoid the Constitution's limitations by purporting to amend only section 4(c) of the Redistricting Reform Act of 2012, notwithstanding the expressed desires of the People of this State:

If either house shall fail to approve the legislation implementing the second redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto within ten days of such veto, or if the commission does not vote on any redistricting plan or plans, for any reason, by the date required for submission of such plan and the commission submitted to the legislature pursuant to subdivision (a) of this section all plans in its possession, both completed and in draft form, and the data upon which such plans are based, each house shall introduce such implementing legislation with any amendments each house deems necessary. If approved by both houses, such legislation shall be presented to the governor for action within three days.

L.2021, c. 633, § 1 (amendment underlined).

B. The ~~Post-2010 Census~~ 2012 Congressional Map For Congress Is and 2012 State Senate Map Are Unconstitutional Under The New York Constitution

~~61.~~ ~~59.~~ Following the 2010 Census, the Legislature in 2012 reapportioned New York's state legislative districts, 2011-2012 N.Y. Reg. Sess. Leg. Bills S.6696 and A.9525 (as technically amended by S.6755 and A.9584), but ~~it~~ could not agree on new congressional districts. As a result, a panel of three federal judges appointed a federal magistrate judge, Roanne Mann, to propose a new congressional map for New York. On March 19, 2012, the judicial panel imposed its congressional map, which was largely the same as the map issued by Judge Mann. *Favors v. Cuomo*, No. 11- CV-5632, 2012 WL 928223 (E.D.N.Y. Mar. 19, 2012); *see also*

Thomas Kaplan, *New Congressional Lines Imposed by Federal Court*, N.Y. Times (Mar. 19, 2012).⁴⁹¹²

^{62.} ~~60.~~ After the 2010 census, New York had a population goal of 719,298 residents for each of its 27 congressional districts, and 313,242 residents for each of its state Senate districts.

^{63.} ~~61.~~ In the interim, various population shifts caused state Senate and congressional districts to become unconstitutionally malapportioned.

^{64.} ~~62.~~ New York's 26 congressional districts now have a population goal of 776,971 residents, whereas the state Senate districts have a population goal of 320,537.

^{65.} ~~63.~~ The ~~prior~~²⁰¹² congressional map does not comply with this new population target or the constitutional requirements for population equality.

^{66.} ~~64.~~ In other words, none of the districts complies with the "strict standard of population equality applicable to congressional apportionment," which ~~require~~^{requires} "maximum population equality." *Schneider v. Rockefeller*, 31 N.Y.2d 420, 427–28, 293 N.E.2d 67 (1972).

^{67.} ~~65.~~ None of the prior districts matches exactly (or even within 1,000 residents) the population goal of 776,971 residents.

^{68.} ~~66.~~ For example, in ~~prior~~²⁰¹² Congressional District 23, where Petitioners Tim

⁴⁹¹² Available at <https://www.nytimes.com/2012/03/20/nyregion/judges-impose-new-congressional-map-for-new-york.html>.

Harkenrider, Linda Fanton, Jay Frantz, Alan Nephew, and Susan Rowley reside, the current population is 83,462 residents below the population goal (a -10.7% deviation).

69. ~~67~~In ~~prior~~2012 Congressional District 22, where Petitioner Lawrence Canning resides, the current population is 80,361 residents below the population goal (a -10.3% deviation).

70. ~~68~~In ~~prior~~2012 Congressional District 19, where Petitioner Guy C. Brought resides, the current population is 78,298 residents below the population goal (a -10.1% deviation).

71. ~~69~~In ~~prior~~2012 Congressional District 24, where Petitioners George Dooher, Jr. and Josephine Thomas reside, the current population is 59,664 residents below the population goal (a -7.7% deviation).

72. In 2012 Congressional District 10, where Petitioner Stephen Evans resides, the current population is 26,832 residents above the population goal (a 3.5% deviation).

73. ~~70~~Moreover, the ~~prior~~2012 congressional map includes 27 congressional districts, and New York only receives 26 congressional seats after the most recent census, so that map is plainly invalid. U.S. Census Bureau, 2020 Census: Apportionment of the U.S. House of Representatives (April 26, 2021).⁺⁺¹³ —

74. The 2012 state Senate map is no better. Even allowing for some deviation between state Senate districts as presumptively valid, *Schneider*, 31 N.Y.2d at 428–29, many of the 2012 state Senate districts vary wildly in population without any valid explanation for their continued use.

⁺⁺¹³ Available at <https://www.census.gov/library/visualizations/2021/dec/2020-apportionment-map.html>.

75. 2012 state Senate District 27—where Petitioner Stephen Evans resides—now has a population 12.2% above the goal.

76. 2012 state Senate District 53—where Petitioner Lawrence Canning resides—now has a population 10.6% below the goal.

77. 2012 state Senate District 57—where Petitioners Linda Fanton, Jay Frantz, Alan Nephew, and Susan Rowley reside—now has a population 13.3% below the goal.

78. 2012 state Senate District 58—where Petitioner Tim Harkenrider resides—now has a population 10.1% below the goal.

79. Many more 2012 state Senate districts have similarly large population deviations.

C. The IRC And Legislature Failed To Follow The Constitutional Process For Redistricting To Cure This Malapportionment

i. The Commission's Initial Efforts To Develop Redistricting Maps

80. ~~74~~On April 26, 2021, the U.S. Census Bureau released the population counts from the 2020 Census, showing that New York's resident population increased by more than 4 percent, or 823,147 residents, from 19,378,102 a decade ago~~7~~ to 20,201,249 in 2020. Because of national population shifts, however, New York lost one of its congressional seats in the United States House of Representatives, leaving the State with ~~a total of 26 such~~congressional districts.

81. ~~72~~The 2020 Census data further showed, as previously mentioned, that New York's congressional and state Senate districts are now unconstitutionally malapportioned.

82. ~~73~~Pursuant to the 2014 constitutional amendments, the New York Constitution

established an exclusive process for adopting any replacement redistricting maps, granting the IRC and Legislature specifically defined roles.

83. ~~74~~The IRC's current members are David Imamura, serving as Chair, Jack M. Martins, serving as Vice Chair, Eugene Benger, Ross Brady, John Conway III, Dr. Ivelisse Cuevas-Molina, Dr. John Fleteau, Elaine Frazier, Charles H. Nesbitt, and Willis H. Stephens, Jr.

84. ~~75~~Consistent with the procedures established by the 2014 amendments, Democratic leaders in the Legislature appointed the "Democratic Caucus" of the Commission, made up of: David Imamura, Eugene Benger, John Fleteau, and Elaine Frazier, along with non-party enrollee Ivelisse Cuevas-Molina.

85. ~~76~~Similarly, Republican leaders in the Legislature selected the "Republican Caucus" of the Commission, made up of: Jack Martins, John Conway, Charles Nesbitt, and Willis Stephens, joined by Conservative Party member Ross Brady.

86. ~~77~~From the outset, Democratic legislative leaders attempted to hamstring the new Commission with multiple challenges and delays.

87. ~~78~~The Democrats attempted to impede the Commission by delaying its receipt of state funding from the Legislature. Despite a \$1 million allocation in the 2020 state budget, the funding never materialized, forcing Commission staff to work on a voluntary basis for months. After more than a year, the Legislature finally allocated \$4 million to the Commission's redistricting efforts in April 2021. Ethan Geringer-Sameth, *New York Redistricting Commission Kicks Off State's New Map-Drawing Process*, Gotham Gazette (July 20, 2021),¹⁴ Sarah Darmanjian, *NY's Independent Redistricting Commission Clinches \$4M Budget*, News10 (Apr.

¹⁴ Available at <https://www.gothamgazette.com/state/10664-new-york-redistricting-commission-set-to-kick-off>.

12, 2021).⁴³¹⁵

^{88.} ~~79.~~ Finally, beginning on June 20, 2021, the IRC held a series of nine public meetings across the State to hear public testimony about the new maps and the redistricting process, as required by the New York Constitution. N.Y. Const. art. III, § 4(c).

^{89.} ~~80.~~ On September 15, 2021, members of the IRC released initial map drafts, consistent with constitutional requirements. N.Y. Const. art. III, § 4(c).

^{90.} ~~81.~~ Republican members had hoped to submit a single bipartisan set of draft maps. Speaking to reporters about the two draft plans, Commissioner Martins said the IRC “should end

up with the maps being negotiated and presented jointly,” but the Democratic commissioners had not agreed to meet over the weekend before the Commission released the draft maps. *See* Rebecca

C. Lewis & Zach Williams, *Takeaways From New York’s (Competing!) Redistricting Draft Maps*, City & State N.Y. (Sept. 15, 2021).⁴⁴¹⁶

^{91.} ~~82.~~ The Democratic members viewed the competing draft maps differently, with Commissioner Imamura stating that “the fact that we put out two plans does not indicate that the commission will be unable to come to a bipartisan agreement.” *Id.*

^{92.} ~~83.~~ The IRC held an additional fourteen public hearings across the State, during which residents voiced concerns, desires, and suggestions regarding the draft maps and the redistricting process. The IRC also solicited written comments and draft maps from the public.

⁴³¹⁵ Available at <https://www.news10.com/news/redistricting-commission/>.

⁴⁴¹⁶ Available at <https://www.cityandstateny.com/policy/2021/09/new-yorks-first-draft-2022-redistricting-maps-have-been-released/185374/>.

^{93.} ~~84.~~ Democratic members revised their respective maps between the end of November and when the full Commission met to deliberate in December. Testimony of Eugene Banger at 23:44–24:10, Virtual Public Meeting of the NYIRC, Jan. 3, 2022 (“1/3/22 IRC Meeting”).⁴⁵¹⁷

^{94.} ~~85.~~ The IRC held its last public hearing on December 5, 2021, and the final deadline for public comments and draft maps was December 6, 2021.

^{95.} ~~86.~~ Following the public comment period, the IRC scheduled meetings to negotiate and finalize a single set of maps to submit to the Legislature. The IRC agreed on a procedure for putting together this set of consensus maps:

- a. First, two third-party redistricting organizations, Redistricting Partners and Redistricting Insight, would prepare a set of maps without IRC input, using the draft maps released by the IRC in September, as well as the public testimony and written comments.
- b. The Commission would then hold a series of meetings, breaking into subgroups, to review the organizations’ preliminary maps.
- c. Based on these discussions, the IRC would make changes to the preliminary maps and work to arrive at a single map.

^{96.} ~~87.~~ All ~~of the members of the~~ Commission members initially followed their agreed-upon plan and worked together on a set of consensus maps for over two weeks, moving

⁴⁵¹⁷ Available at <https://totalwebcasting.com/view/?func=VOFF&id=nysirc&date=2022-01-03&seq=1>.

toward a bipartisan consensus.

97. ~~88.~~ On December 22, 2021, the full Commission met to discuss the bipartisan maps. By this point, only a small number of issues remained open, and the Commission was close to reaching a consensus. After discussing the open issues for two hours, the Commission broke at 1:00 p.m., agreeing to reconvene at 4:00 p.m. to reach an agreement on the remaining issues. Testimony of Jack Martins at 8:44–9:14, 1/3/22 IRC Meeting, *supra*.

98. ~~89.~~ When the IRC reconvened at 4:00 p.m. on December 22, Commissioner Imamura read a statement announcing that the Democratic Caucus would no longer negotiate the bipartisan maps, as all members previously agreed to do. Instead, the Democratic Caucus was only willing to negotiate on the latest iteration of the maps it had released unexpectedly, and without explanation, the day prior. Testimony of Jack Martins at 9:16–9:49, 1/3/22 IRC Meeting, *supra*.

ii. The IRC Submits Two Sets Of Maps To The Legislature

99. ~~90.~~ On January 3, 2022, the IRC met to vote on maps to send to the Legislature.

100. ~~91.~~ The Democratic Caucus again refused to negotiate with the full Commission, discuss the bipartisan maps, or make any concessions. Commissioner Martins expressed his disappointment with the impasse, noting that the Republican members had reached an agreement with Democrats on 90 percent of the new district lines before talks broke down.

101. ~~92.~~ The Commission then voted on two redistricting plans—the Democratic members’ partisan maps presented on December 21 (“Plan A”) and the consensus maps, which were based on the preliminary maps drawn by independent organizations and negotiated by the full Commission throughout December 2021 (“Plan B”).

102. ~~93.~~ Both plans received five votes each, resulting in both being delivered to the

Legislature on January 3.

103. ~~94.~~ The Legislature rejected both plans out-of-hand, without consideration of the public's input, the Commission's negotiations and reflections on the public's testimony, bipartisan priorities, and the other considerations New Yorkers enshrined in the Constitution.

104. ~~95.~~ The Assembly set the plans for a party vote, rejecting them all. Before the final vote, Assemblyman Colin Schmitt asked Assemblyman Kenneth Zebrowski, a Democrat representing the 96th District who sponsored Plan A, whether the Assembly would "follow[] all of the currently prescribed State Law and State constitutional process for redistricting" if the Legislature failed to approve any of the IRC's plans—including taking public input before enacting new maps. Assemblyman Zebrowski did not give a concrete answer, saying "I don't—I don't think that's germane to—to this debate right now." Transcript at 12–14, Session, New York State

Assembly (Jan. 10, 2022) (Questioning of Assemblyman Zebrowski by Assemblyman Colin Schmitt). ⁺⁶¹⁸18

105. ~~96.~~ In the Senate, Plan A's maps received no votes in favor of enactment. Seventeen senators voted in favor of Plan B's Senate and Assembly districts, with forty-six voting no, while nineteen senators voted to enact Plan B's congressional map, with forty-four voting against. Before voting in favor of Plan B, Senator Andrew Lanza commented on the Commission's lack of real autonomy, saying, "I think it's been the worst-kept secret in Albany, if not the entire country, that this Independent Redistricting Commission was never going to be allowed to remain independent." Transcript at 73:14–17, Regular Session, New York State Senate (Jan. 10,

⁺⁶¹⁸18 Available at <https://www.nyasembly.gov/av/session/>.

2022) (Testimony of Senator Andrew Lanza).⁴⁷¹⁹

106. ~~97.~~ On January 10, the Legislature advised the Commission that it had rejected the submitted plans.

107. ~~98.~~ Following this rejection, the IRC had until January 25 to submit a revised plan under the 2014 amendments to the Constitution.

108. ~~99.~~ The full Commission met to discuss a single plan for the final submission to the Legislature, as required by Article III, Section 4(b) of the New York Constitution. The Republican members attempted to restart negotiations on the previously negotiated bipartisan maps. Chairman Imamura stated that the Democratic members wanted to re-submit virtually the same plan that the

legislature had rejected. Despite multiple entreaties from the Republican members, the Democratic members refused to meet to discuss bipartisan maps.

109. ~~100.~~ On January 18, before the IRC's constitutional window for revision expired, Speaker Carl Heastie announced he had appointed Assembly Democrat Kenneth Zebrowski to be the temporary co-chair of LATFOR. Speaker Heastie stated that "the results of reapportionment will determine the path our state and our nation take for the coming decade," and "Assemblymember Zebrowski is the right person for the job." Assembly Speaker Carl E. Heastie, News Release, *Speaker Heastie Announces Assemblymember Zebrowski Appointed Temporary*

⁴⁷¹⁹ Available at <https://legislation.nysenate.gov/pdf/transcripts/2022-01-10T15:51/>.

Co-Chair of LATFOR (Jan. 18, 2022).⁺⁸²⁰

110. ~~401~~ On January 24, 2021, Commissioner Imamura announced that the IRC was at an impasse and would not be submitting a second set of redistricting maps to the Legislature at all.

111. ~~402~~ On the same day, Commissioner Martins made a statement on behalf on the Republican members on the Commission, outlining the Democratic members' refusal to engage with anything other than their partisan maps and expressing his disappointment that the Commission failed its constitutional mandate.

112. ~~403~~ On January 25, 2022, the 15-day window for the IRC to submit revised maps to the Legislature closed without the IRC submitting new maps, as required by the Constitution.

113. ~~404~~ Upon information and belief, the Democratic Caucus of the IRC decided not to submit a compromise congressional map within the constitutional timeframes after receiving

encouragement to undermine the constitutional process from Democratic Party politicians and officials.

iii. Notwithstanding The Failure Of The Constitutional Process, The Legislature Nevertheless Attempted To Enact ~~A~~ Replacement Congressional ~~Map~~ And State Senate Maps, And The ~~Map~~ Maps It Enacted ~~Is~~ Are An Unconstitutional Partisan And Incumbent-Protection ~~Gerrymander~~ Gerrymanders

114. ~~405~~ Despite the failure of the IRC to vote on and present a second set of maps, the Legislature proceeded to craft its own congressional map, turning a blind eye to the mandatory

⁺⁸²⁰ Available at <https://www.nyasembly.gov/Press/?sec=story&story=100542>.

and exclusive constitutional process for redistricting established in Article III, Section 4.

^{115.} ~~106.~~In doing so, the Legislature ignored calls from all across the aisle to engage with the public and be more transparent about the choices it was making in drawing district lines. Clifford Michel & Farah Javed, *Albany Democrats Seize Control of Redistricting, With Unclear Role for Public*, The City (Jan. 27, 2022).⁺⁹²¹

^{116.} ~~107.~~Instead, Democratic leaders crafted and pushed through legislation to enact ~~its~~^{their} own new congressional map over the course of only a few days, releasing the Legislature's proposed map on Sunday evening, January 30, without a single public hearing. Ashford & Fandos, *supra*.

^{117.} ~~108.~~This map bears no resemblance to the two maps proposed by the IRC.

^{118.} ~~109.~~To underscore how different the Legislature's map is, and to make adoption of this unrecognizable congressional map possible, the Legislature added a "notwithstanding clause" to

the enacting legislation, exempting the map from any laws to the contrary, including the 2% rule embodied in 2012 New York Session Laws 17, § 3.

^{119.} The Democratic leaders also crafted and hurriedly pushed through legislation to enact their own state Senate districts, releasing this map two days later, on February 1, 2022. Bill

⁺⁹²¹ Available at <https://www.thecitywww.thecity.nyc/2022/1/26/22903787/albany-democrats-seize-control-of-redistricting-with-unclear-role-for-public>.

[Mahoney, New State Senate Maps Shift Two Seats from Upstate to NYC. Here's Where.,](#)

[Politico.com \(Feb. 1, 2022\).](#)²²

120. ~~110.~~ The result is an unmistakably gerrymandered ~~map~~ maps for Congress and state Senate.²³

a. Gerrymandered Congressional Districts

121. ~~111.~~ The Legislature created a congressional map that, without a doubt, creates “an effective [Democratic] gerrymander, resulting in the Democrats “gain[ing] three seats and eliminat[ing] four Republican seats,” and creating the biggest shift in the country” with “the stroke of a pen.” Ashford & Fandos, *supra*.

122. ~~112.~~ As noted by Laura Ladd Bierman, the executive director of the League of Women Voters of New York, “New Yorkers deserve a transparent and fair redistricting process, and it is shameful that the Legislature has denied them this.” *NYC Would Get More Seats in State Senate Under Proposed Maps*, N.Y. Daily News Feb. 1, 2022).²⁴ So, even though the New York Constitution prohibits partisan gerrymandering, she noted that the congressional map “reflect[s] a

Legislature that appears to care more about favoring partisan interests than it does for fair maps.”

Id.

123. ~~113.~~ In fact, the Legislature’s congressional gerrymander was so successful, and so

²² Available at <https://www.politico.com/news/2022/02/01/new-state-senate-maps-shift-two-seats-from-upstate-to-nyc-heres-where-pro-00004173>.

²³ This failure applies equally to the Legislature’s enactment of the state Assembly map. But, again, Petitioners do not challenge that map, and so the Court need not consider it.

²⁴ Available at <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-state-senate-nyc-seats-legislative-redistricting-20220202-2xoyaqnvlfdliax5tosbnuage-story.html>.

biased in favor of Democrats, that the enacted congressional map is more favorable to Democrats than *any* of the 5,000 computer simulated maps, designed specifically to follow New York's redistricting requirements without ~~focusing on any goal of increasing~~ aiming to increase partisan advantage.

124. ~~114.~~ The Legislature concocted numerous individual congressional districts with boundaries with no honest explanation except for impermissible partisan and incumbent-favoring gerrymandering. The following examples are illustrative.

125. ~~115.~~ In Long Island, the Legislature completely changed Congressional Districts 1 and 2, swapping Republican voters for Democratic voters in an egregious gerrymander.

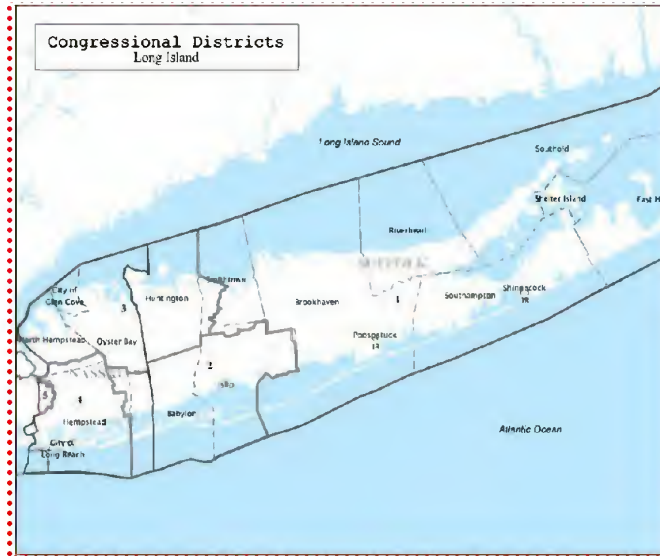
126. ~~116.~~ In particular, the Legislature placed areas with high concentrations of Republican voters into new Congressional District 2 while moving solidly Democrat communities into Congressional District 1—all ~~of~~ the Republican communities in Brookhaven on the south shore are now in District 2, whereas the heavily Democrat areas in the center of Long Island are now channeled into District 1.

127. ~~117.~~ This partisan reconfiguration creates several new town splits, and an additional county split, where Congressional District 1 now reaches into Nassau County between Oyster Bay and Huntington. By packing Republicans into Congressional District 2, the Legislature effectively flipped Congressional District 1.

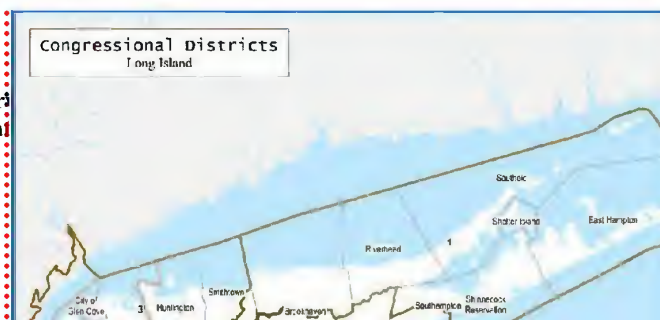
128. ~~118.~~ The result of this blatant gerrymandering has turned Congressional District 1 from a strong Republican district, solely in Suffolk County, into a lean Democratic district, unnecessarily sprawling across two counties.

129. ~~449.~~ Similarly, the redrawing shifted District 2 from a safe Republican district into an outright uncompetitive Republican stronghold.

Map of Prior Congressional Districts 1 & 2²⁴²⁵



Map of New Congressional Districts 1 & 2



²⁴²⁵ All maps, unless otherwise stated, are available at <https://www.latfor.state.ny.us/>

ilable at

130. ~~129.~~ The new Congressional District 3 is dramatically different from the old map in order to accomplish the Legislature's partisan goals.

131. ~~124.~~ The old District 3 bridged Suffolk and Nassau counties, with a slight reach into Queens County. The new map reaches from Suffolk County, through Nassau and Queens counties, and then skips through Bronx County all the way up into Westchester County across the Long Island Sound in a thin strip up to the ~~town~~ Town of Rye, capturing overwhelmingly Democrat-voting towns along the shore.

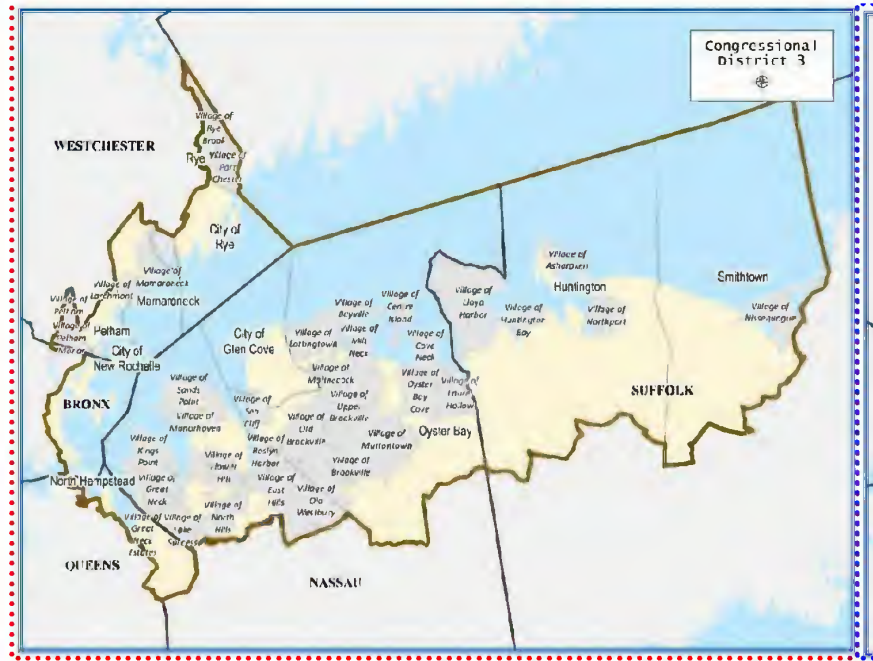
132. ~~122.~~ This combination of Westchester, with a district largely populated on Suffolk and Nassau counties, makes no sense. These communities have no nexus and share no communities of interest.

133. ~~123.~~ With these stark and otherwise unexplainable changes, the Legislature has decreased competitiveness, shifting Congressional District 3 from a competitive Democratic-leaning district to a strong Democrat district.

Map of Old Congressional District 3



Map of New Congressional District 3



[134.](#) ~~124.~~The new Congressional Districts 8, 9, 10, and 11 radically break up established communities of interest in Brooklyn to create a partisan advantage for Democrats.

[135.](#) ~~125.~~The new map divides closely knit, concentrated Orthodox Jewish and Russian communities with strong social and cultural ties, resulting in conservative Republican-leaning voters spread or “cracked” across multiple districts.

[136.](#) ~~126.~~These new districts are drawn as vertical stripes across the southern two-thirds of Brooklyn, moving large numbers from the Russian Jewish communities in Brooklyn into Congressional District 8 and dividing the Orthodox Jewish communities between Congressional District 9 and Congressional District 10.

[137.](#) ~~127.~~This partisan gerrymander also split other communities of interest—in Congressional District 10, the Legislature cut across an established Asian community, moving

half of it into Congressional District 11.

^{138.} ~~128.~~ In particular, it cuts Sunset Park off from northern Brooklyn and the Lower East Side of Manhattan, separating the Asian American, Pacific Islander, and Latino communities—which have formed the “backbone” of the district for nearly 30 years, since the 1992 reapportionment process—from its related communities of interest in northern Brooklyn and Manhattan’s Lower East side. Kristyn Brendlen, *Brooklyn Electeds, Community leaders Ask State Gov Officials to Reconsider Redistricting Maps*, Brooklyn Paper (Feb. 1, 2022).²²⁶ This new split breaks up these linked communities from the North Brooklyn area, which is especially important given the recent “rise in anti-Asian hate.” *Id.*

^{139.} ~~129.~~ Democratic Assemblymember Marcela Mitaynes also decried this inexplicable particular line-drawing, noting that the Legislature had “separate[d]” these “culturally and historically connected” communities for nothing more than “political expediency to ensure a[n] electoral advantage in the near term,” and “fail[ed] to meet the necessary level of transparency, accountability, and public participation that our constituents rightfully deserve from our democratically elected leaders,” before concluding that she would “not dismantle the political voice of [her] constituents by voting to approve the proposed Congressional Districts.” Assemblymember Marcela Mitaynes’ Statement on New York State’s Proposed 2022 Congressional Maps (Feb. 2, 2022).²²⁷

^{140.} ~~130.~~ The Legislature designed this particular shift ~~with the intent of unseating~~ to unseat incumbent Republican Congresswoman Nicole Malliotakis from Congressional District

²²⁶ Available at <https://www.brooklynpaper.com/brooklyn-electeds-community-redistricting/>.

²²⁷ Available at https://docs.google.com/document/d/16jFKDH-_U8P5aAsjwEOCQaLZSIXsAkTnaZiW9xaCMs/edit?usp=sharing.

11. Carl Campanile, *Dems Plan to Topple GOP Rep. Malliotakis in Redistricting Plan*, N.Y. Post (Jan. 27 2022),²⁴²⁸ Jeff Coltin, *Rep. Nicole Malliotakis is (Probably) Screwed*, City & State New York (Jan. 31, 2022),²⁵²⁹

141. ~~131.~~ Congressional District 11 shifted from the previous map, where it covered Staten Island and adjacent southern portions of Brooklyn, to now covering Staten Island and winding northwestward into the heavily liberal areas of Brooklyn—Sunset Park, Red Hook, Gowanus, Windsor Terrace, and Park Slope, thereby drastically changing the political composition of this district, and providing the Democrats a drastically increased chance of flipping the seat.

142. ~~132.~~ As the Asian American Legal Defense Fund noted on Twitter, “[t]he



²⁴²⁸ Available at <https://nypos>

²⁵²⁹ Available at <https://www>

-in-redistricting-plan/.
oly-screwed/361412/.

legislature's map does not keep our [Asian American] communities together"²⁶³⁰:

^{143.} ~~133.~~ These redrawn Brooklyn districts are blatant gerrymanders, with bizarre, roving boundaries crossing multiple bodies of water and snaking between each other for no discernible reason besides partisan advantage.

^{144.} ~~134.~~ These shifts allowed the Legislature to place additional, safe Democratic voters into District 11, changing that district from a strong Republican district to a Democratic district.

Map of Old Congressional Districts 8, 9, 10, & 11



²⁶³⁰ Available at <https://twitter.com/nytimes>

Map of New Congressional Districts 8, 9, 10, & 11**Map of Old Congressional District 8****Map of New Congressional District 8**

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Map of Old Congressional District 9



Map of New Congressional District 9

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Map of Old Congressional District 10



Map of New Congressional District 10

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Overlay of Old Congressional District 10 and New Congressional District 10²⁷³¹



²⁷³¹ Nicholas Fandos, *How N.Y. Times* (Jan. 31, 2022), available at [nadler.html](https://www.nytimes.com/2022/01/31/us/politics/congressional-districts-map.html).

on Their New Map, N.Y. Times (Jan. 31, 2022), available at <https://www.nytimes.com/2022/01/31/us/politics/congressional-districts-map.html>.

Map of Old Congressional District 11



Map of New Congressional District 11



145. ~~135.~~ The old Congressional District 16 was almost entirely contained in Westchester County, with only a small section of the Bronx for population purposes, while the new District connects a section of the Bronx to Mount Vernon and Yonkers—Democratic strongholds—then winds in a narrow segment up through Westchester County into Putnam County, grabbing rural and suburban Republican communities, ~~in order~~ to “crack” them out of Congressional District 18.

146. ~~136.~~ The towns of Putnam Valley, Carmel, Yorktown, and Somers—strongly Republican areas—are awkwardly connected to highly populated Democratic communities, neutralizing these Republican votes. The bisection of Westchester County and added county split into Putnam County creates a district with geographically distanced communities.

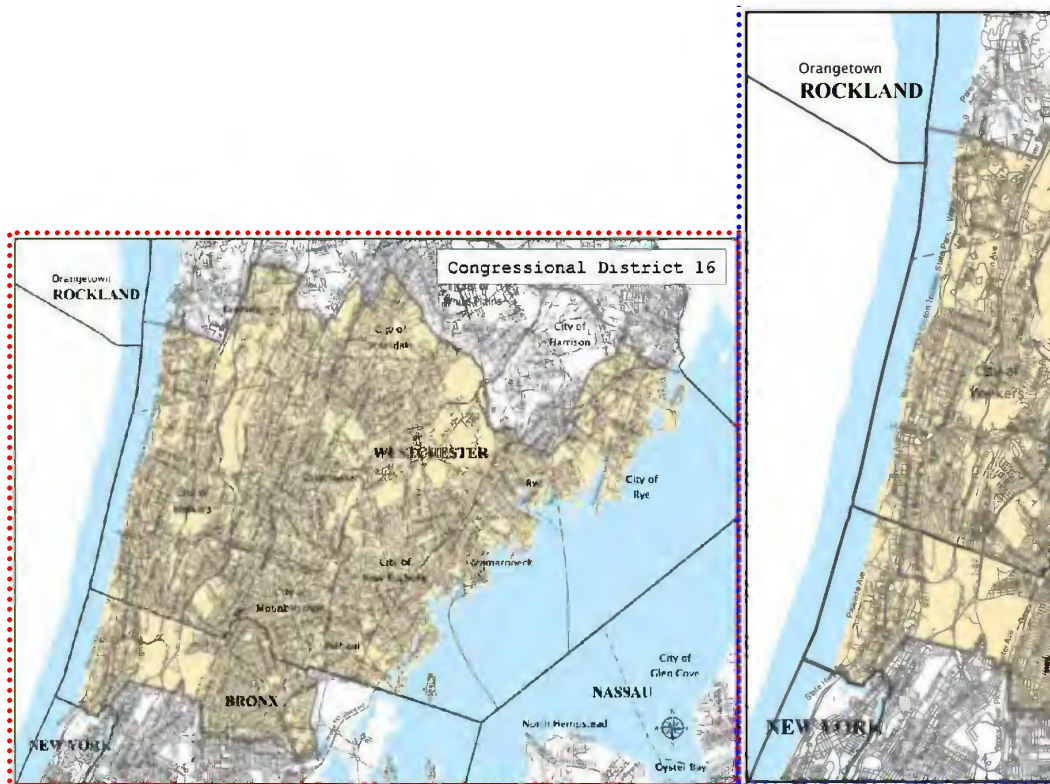
147. ~~137.~~ Furthermore, the gerrymander of Congressional District 16 removes Republican voters from Congressional District 18 and places them into a strong Democratic district, making Congressional District 18 a safer Democratic district, without jeopardizing the Democratic Party’s interests in Congressional District 16.

148. ~~138.~~ Congressional District 18 is now oddly shaped, like a sitting dog, with a tail that extends into the Ulster County towns of Rochester and Wawarsing, with legs made of Peekskill, Cortlandt, North Salem, Lewisboro, Bedford, and Pound Ridge, and a noticeable space between those legs where the central portions of Putnam and Westchester counties were scooped out for Congressional District 16.

149. ~~139.~~ The legislative Democrats made these shifts not only to shore up their party’s chances in Congressional District 18, but also to protect incumbent Democratic Congressman Sean Maloney, the newly elected chair of the Democratic Congressional Campaign Committee.

[150.](#) ~~140.~~As a result of this gamesmanship, Congressional District 16 moves only somewhat from a very strong Democratic district to a still-strong Democratic one, whereas District 18 shifts from a lean Republican district to a lean Democratic district.

Map of Old Congressional District 16



Map of New Congressional District 16



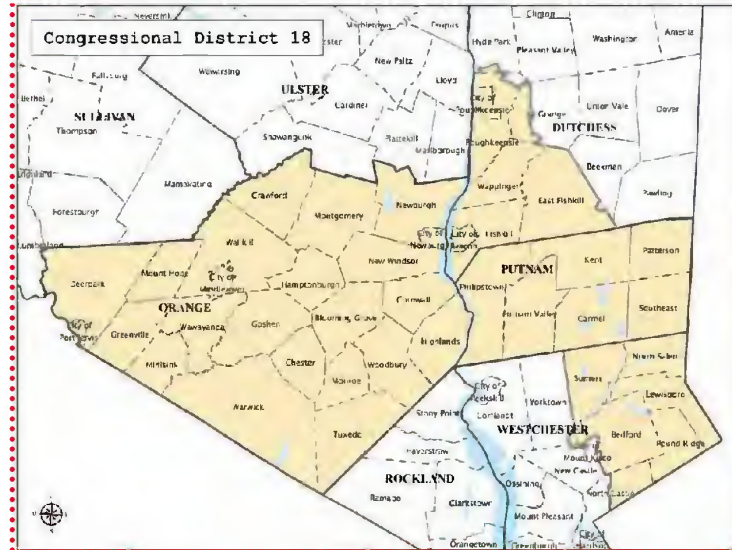
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Map of Old Congressional District 18



Map of New Congressional District 18



151. ~~141.~~ The new Congressional District 17 is similarly stretched to include strong Democrat-voting communities with rural Republican areas, while splitting the conservative Jewish communities to neutralize their Republican votes.

152. ~~142.~~ The old Congressional District 17 was compactly located in Rockland and Westchester counties.

153. ~~143.~~ Now, the District reaches from Sullivan County through Orange County into Rockland County, finally crossing the river to connect with Democrat strongholds in Westchester County, including Greenburgh and Mount Kisco.

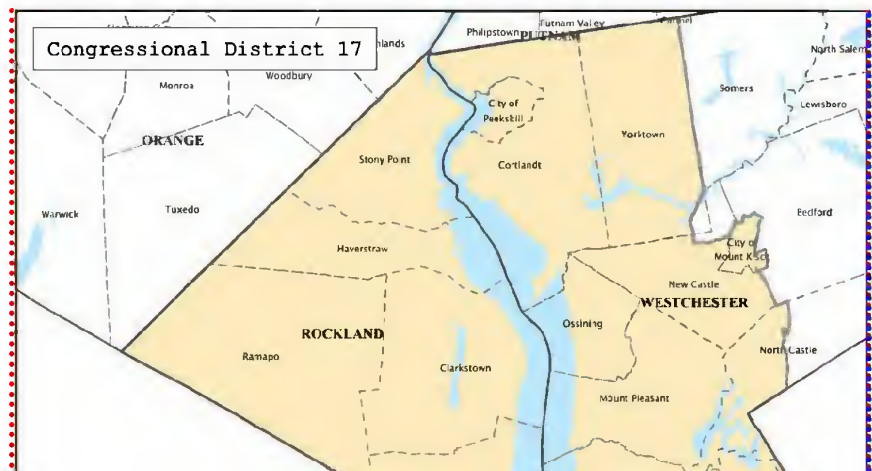
154. ~~144.~~ The District also includes part of the strongly Democrat city of White Plains.

155. ~~145.~~ The district combines the Orthodox communities in Sullivan and Rockland counties but excludes the Kiryas Joel Jewish community in Orange County, despite the extensive public testimony and overwhelming evidence in support of keeping these communities together.

156. ~~146.~~ The resulting new District cracks those conservative communities, spreading Republican voters among multiple districts to decrease their voting power, without jeopardizing any Democratic districts.

157. ~~147.~~ Thus, Congressional District 17 shifted only slightly from a Democratic stronghold to a still-reliable but less Democratic district.

Map of Old Congressional District 17



Map of New Congressional District 17



[158.](#) ~~148.~~ Congressional District 19 is similarly drawn for the impermissible purpose of strengthening the Democratic Party's political interests, with the four reaching corners of Congressional District 19 showing how the Legislature shopped for Democratic voters ~~in order~~ to turn the district from Republican-leaning to a Democratic-advantage district.

[159.](#) ~~149.~~ The new Congressional District 19 extends through the Republican communities in Columbia and Greene counties to pick up part of Albany County—specifically the Town of Bethlehem—to add Democrat voters and a new county split.

[160.](#) ~~150.~~ In Ulster County, the District picks up Democrats while specifically avoiding communities with large numbers of Republican voters.

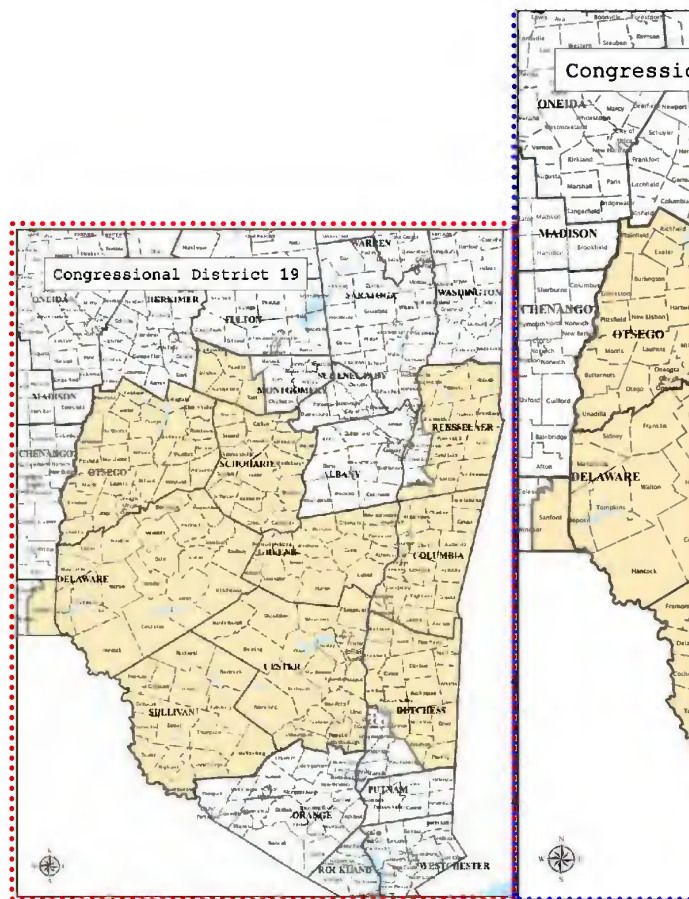
[161.](#) ~~151.~~ The new Congressional District 19 then stretches far west to encompass the mostly

Democratic city of Binghamton, to pick up additional Democratic voters there.

162. 452. Finally, the District extends northward to pick up the Democrat-voting city of Utica.

163. 453. All of these particular partisan choices flipped this District into a Democratic-
 advantage district.

Map of Old Congressional District 19



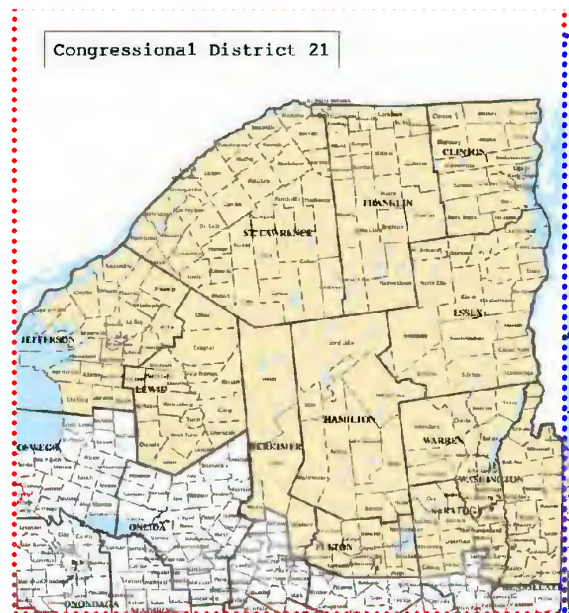
Map of New Congressional District 19



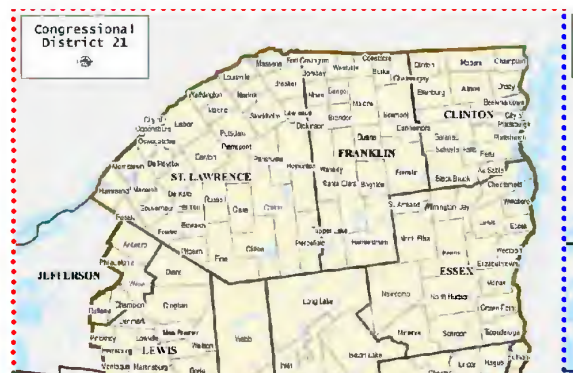
164. ~~154.~~ The Legislature also gerrymandered Congressional District 21 ~~to pack~~by
packing it with additional Republican voters.

165. ~~155.~~ The new Congressional District 21 now extracts Saratoga and Schenectady counties, in addition to splitting off a portion of Warren County, from the surrounding areas, replacing those regions with much of Oneida County and Herkimer County, half of Montgomery County, and all of Schoharie County, thereby packing additional Republican voters into this single district and eliminating their ability to make surrounding districts more competitive for Democratic candidates.

Map of Old Congressional District 21



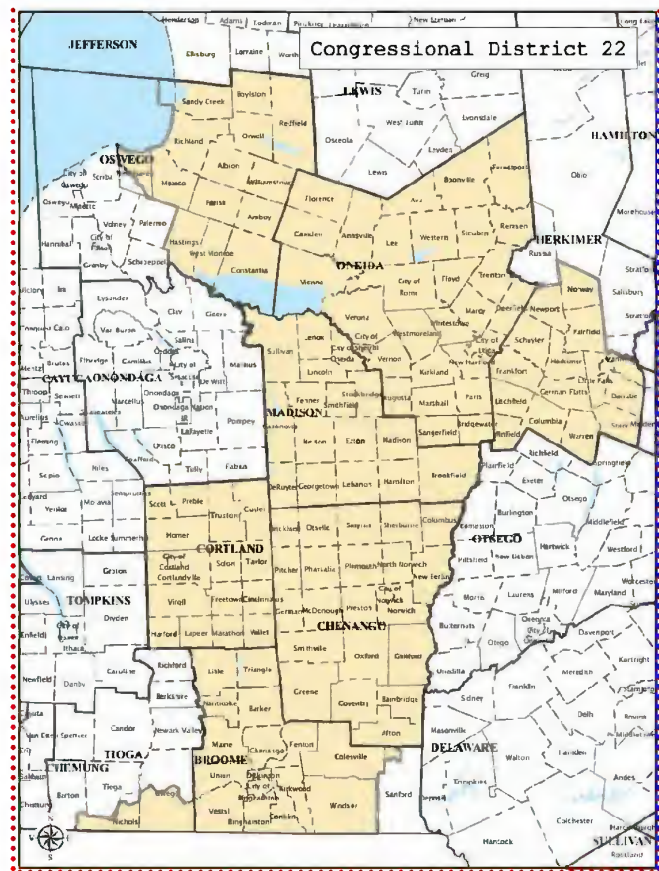
Map of New Congressional District 21



166. ~~156.~~In Congressional District 22, the Legislature removed Republican areas and replaced them with Tompkins County, including the city of Ithaca, to flip the district from a competitive Republican district to a strong Democratic one.

167. ~~157.~~As a result, Congressional District 22 underwent a massive political swing, changing from a very competitive Republican district to a strong Democratic district.

Map of Old Congressional District 22



Map of New Congressional District 22



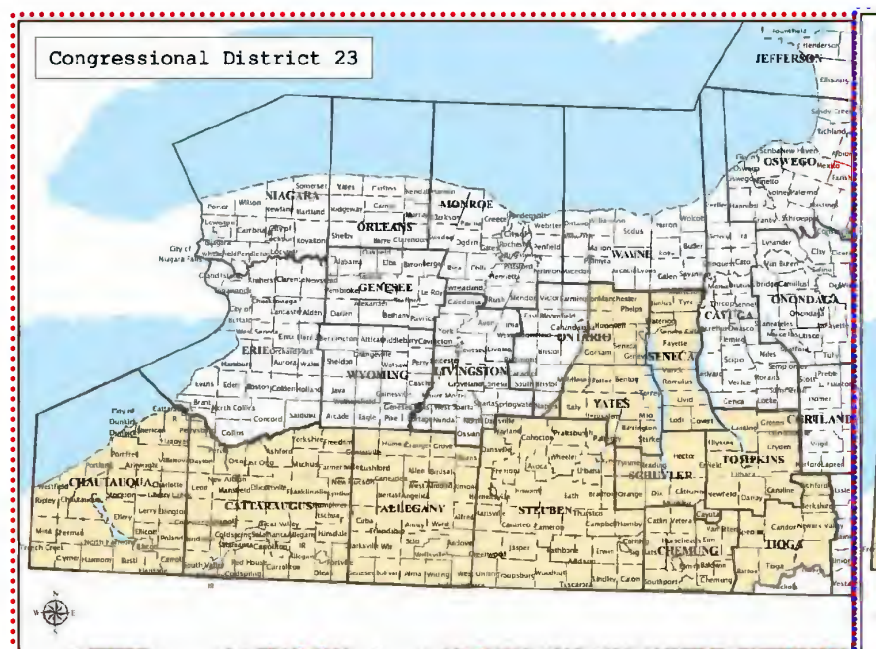
168. ~~458.~~The Legislature gerrymandered Congressional District 23 by “packing” as many Republican votes into this district as it could, again for partisan gain.

169. ~~459.~~The new ~~District~~district now includes southern Erie County towns—first-ring suburbs to the city of Buffalo—connecting them with far away and rural areas around Binghamton.

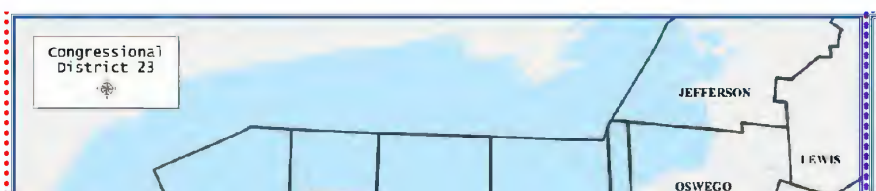
170. ~~460.~~The old district also included some heavily Democratic areas in Tompkins County, but the Legislature removed those areas, as noted above, placing them in Congressional District 22,~~in order~~ to flip that district.

171. ~~461.~~As a result, Congressional District 23 became less competitive and shifted from a very strong Republican district to an uncontestable Republican district.

Map of Old Congressional District 23



Map of New Congressional District 23



172. ~~162.~~ Previously, District 24 compactly encompassed the bordering counties of Wayne, Cayuga, and Onondaga, as well as part of Oswego County.

173. ~~163.~~ Now, this District extends from Lewiston, in Niagara County, and various similarly Republican areas in northeast Erie County, ~~traveling~~ all the way eastward and northward to Jefferson County (all the way to the St. Lawrence County line), while notably avoiding certain portions of Monroe and Ontario counties.

174. ~~164.~~ Indeed, this District now stretches across four media markets, connecting numerous areas; over more than 250 miles; with little or nothing in common.

175. ~~165.~~ As a result, the Legislature shifted Congressional District 24 from a highly competitive Democratic district into a very strong Republican district, designed to protect numerous surrounding districts from any serious Republican challenge.

Map of Old Congressional District 24



Map of New Congressional District 24



176. ~~166~~ Each of these blatantly gerrymandered districts, both individually and ~~together~~collectively, ~~have~~has no reasonable explanation except ~~for~~ the Legislative Democrats' specific goal of increasing their political power. These examples are only illustrative of the map's partisan design as a whole.

^{177.} ~~167.~~ On February 2, 2022, notwithstanding the egregious gerrymander within the Legislature’s map, the Democrats in the Assembly and State Senate adopted the congressional map (with only slight modifications ~~not-related~~unrelated to their gerrymandering efforts), despite every Republican in the Assembly and State Senate voting against the map. *See* 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196 and A.9039 (as technically amended by A.9167).

178. ~~168.~~ In addition to the Republican legislators, all of whom voted against this egregious gerrymander, Democratic Assemblymembers Simcha Eichenstein and Marcela Mitaynes voted against the congressional maps ~~as well.~~

b. Gerrymandered State Senate Districts

179. The 2022 state Senate map is no better. Just as the Legislature gerrymandered the congressional districts, it concocted numerous state Senate districts with no viable explanation but impermissible partisan and incumbent-favoring plotting. See Mahoney, *supra*.

180. On Long Island, the Legislature sought to pack Republican voters into two strongly Republican districts and make each of the other seven districts more favorable for Democratic candidates.

181. For example, in state Senate District 2, the new map packs Republican voters who had been in Senate District 1 in the 2012 state Senate map, thereby making new Senate District 1 more favorable for a Democratic candidate.

182. The Legislature similarly packed Long Island's state Senate District 4 with Republican voters. The already somewhat-reliable Republican Senate District 4 now encompasses Bayport, Oakdale, and east Islip, areas that previously made state Senate District 3 competitive.

183. And the Legislature combined the Republican incumbents who currently represent state Senate Districts 3 and 4 into new Senate District 4, while creating an open seat in new Senate District 3.

184. In short, the Legislature connected and consolidated some of the most Republican areas of Suffolk and Nassau counties in state Senate District 4, ensuring that Republican voters

who previously resided in multiple districts that had been represented by Republican state Senators for the majority of the last decade would now be represented by only one Republican state Senator.

185. In new state Senate Districts 5 and 6, the Legislature combined areas that had been in different state Senate districts for decades, and which are not communities of interest, to turn previously swing districts into strongly Democrat-favoring districts.

186. In state Senate District 5, the Legislature removed the half of the district that had been in the Town of Oyster Bay and ran the district southward into the Town of Babylon, picking up very Democratic regions to make the district more favorable for Democratic candidates.

187. The Legislature then took Oyster Bay from old Senate District 5 and placed it in new Senate District 6, running that district southward to add strong Democrat areas from Uniondale and the Village of Hempstead to make that district much more favorable for Democratic candidates.

188. The Legislature also increased the Democratic Party's advantage in state Senate District 7, and in state Senate District 9, the Legislature removed the heavily Orthodox Jewish communities known as the Five Towns, which have a history of voting strongly Republican, from the district and then moved them to a heavily Democratic district in Queens, thus making Senate District 9 more favorable for a Democratic candidate. Unlike the 2012 state Senate map, the 2022 state Senate map now breaks the Nassau-Queens border.

Map of Old State Senate Districts on Long Island



Map of New State Senate Districts on Long Island



189. The Legislature's partisan gerrymander of Senate District 9 also impacts Senate District 10. The Legislature removed heavily Orthodox Jewish and Republican leaning areas known as the Five Towns from state Senate District 9 in Nassau County and placed them into Senate District 10, an already heavily Democratic district in Queens, combining two unrelated communities, and thereby diluting the voting power of Republicans in the new district without at all risking that seat for Democrats.

190. Moreover, the Legislature failed to respect the longstanding division of Nassau County from New York City by breaking the Nassau County-Queens County border, where there had been no prior cross-border state Senate districts breaching that line. By moving the Five Towns to a Queens-based Senate district, the Legislature targets a religious community of

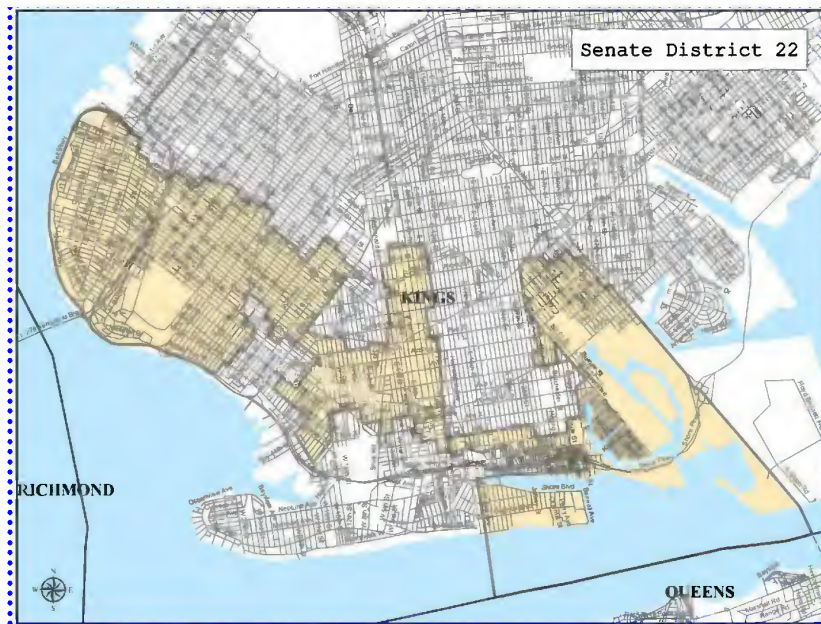
interest

and separates it from other suburban areas with similar government, school district, and community institutions to join it with New York City.

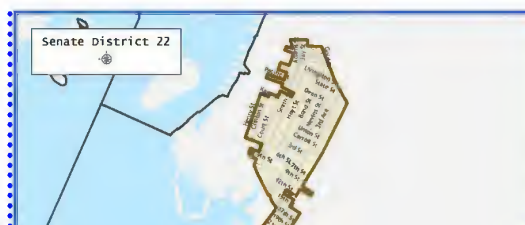
191. In state Senate District 22, the Legislature specifically drew the boundaries to remove Republican votes in southern Brooklyn by awkwardly extending a long arm northeastward into communities in northern Brooklyn that share little in common, using those heavily Democratic voting areas to negate the Republicans at the southwestern ends of the District.

192. By doing so, the Legislature divided Brooklyn's Russian and Orthodox Jewish community of interest between multiple state Senate districts.

Map of Old State Senate District 22



Map of New State Senate District 22



193. North of New York City, the Legislature continued its gerrymander. Republican leaning towns in Dutchess County and swing northern Westchester towns were removed from what had been Senate District 40, and in the new Senate District 42, a thin finger stretches southward to include the city of White Plains—which has nothing in common with the more rural/suburban towns in Putnam and norther Westchester counties. This converted a swing district that had been represented by Republicans for most of the last decade into a strong Democratic district.

Map of New State Senate District 42



194. Putnam County is now split between state Senate District 42 and state Senate District 41 and is now connected with Orange County, instead of Dutchess County, with which it shares a natural community of interest.

195. The Legislature moved the Putnam County Town of Philipstown and the Dutchess County communities of Beacon and Fishkill from what had been Senate District 41 (Dutchess and Putnam counties) to the new, Orange County-based Senate District 41. The Legislature did so because these three communities are Democrat-leaning and, by moving them to the new state Senate District 41, they shifted the district from Republican to Democratic, making it a safe seat for the Democratic incumbent. The Legislature accomplished this shift by removing the Republican-performing Orange County towns of Montgomery, Crawford, Chester, and Monroe from the previous Senate District 39 in its new incarnation as Senate District 41, and placed them in new Senate District 44.

196. The Legislature likewise gerrymandered state Senate District 44, by packing it with Republican voters, removing parts of Ulster County that generally vote Democrat from the district, and adding parts of Orange County that generally vote Republican, as well as similar areas in Delaware and Broome counties.

197. New state Senate District 48 (which most closely approximates state Senate District 46 in the 2012 state Senate map), is now a somewhat strong Democratic district, flipping from a lean Republican district. The Legislature accomplished this gerrymandered flip by lopping off Republican-performing areas in the northern reaches of the previous district—Montgomery County and portions of Schenectady County—and replacing them with more Democratic areas in Ulster, Dutchess, and Columbia counties.

198. In state Senate District 46, the Legislature disconnected the City of Albany and

the Albany County river cities that face it across the Hudson River and combined it with Republican areas in Saratoga County with which it has little in common, to create a safe Democratic district.

199. The Legislature's drawing of new state Senate District 51 lumps both Republican Senator James Tedisco and Republican Senator Peter Oberacker into the same district. The Democratic leaders in the Legislature drew this district specifically to disfavor or remove one of these two incumbent Republican Senators.

200. The Legislature flipped new state Senate District 52 (which somewhat approximates state Senate District 50 in the 2012 state Senate map) from a district that had elected a Republican for the majority of the last decade into a district favoring Democratic candidates by adding a larger portion of the City of Syracuse into a district based in Onondaga County suburbs.

Map of Old State Senate District 50



Map of New State Senate District 52

201. In new state Senate District 53, the Legislature cynically disconnected Tompkins County, a portion of Cortland County, and portions of Tioga and Broome counties from surrounding areas with which they had been historically connected to create a new district that strongly favors a Democrat candidate.

202. In new state Senate District 54, the Legislature packed Republicans by adding Wayne County to other strongly Republican-performing areas in Genesee, Livingston, Ontario, and Cayuga counties.

203. The Legislature's specific choices here made this district noticeably less competitive, creating a very strong Republican district, and also extracted these strong

Republican areas from their previous districts, which also included swing areas, thereby decreasing protection in neighboring districts.

204. In new state Senate District 56 (which most closely resembles District 55 in the 2012 state Senate map), the Legislature added a large portion of the City of Rochester, and its heavily Democratic voting citizens to flip this district from one that had been represented by a Republican state senator until his recent retirement into a strong Democratic district. The situation is virtually identical in new state Senate District 57.

205. In new state Senate District 58, the Legislature packed a large number of Republicans to remove them from surrounding districts and decrease competitiveness, enabling the Legislature to create the new Democratic district in Tompkins and Broome counties.

206. In creating new state Senate District 60, the Legislature broke the Erie-Niagara County border and added the City of Niagara Falls to what had been state Senate District 60 under the 2012 state Senate map and removed the towns of Orchard Park, Evans, and Brant. Previously, State Senate District 60 had been a competitive swing district represented by both Republicans and Democrats over the last decade. By adding the heavily Democratic City of Niagara Falls, which is in a different county than the rest of the district, the district changed from one that leaned Democratic to one that is now solidly Democratic, reducing realistic competition there.

207. Relatedly, the Legislature gerrymandered new state Senate District 62 by packing it with Republicans. The Legislature removed from this district the City of Niagara Falls, while adding the reliably Republican towns to the east, to make this a heavily Republican district with little to no competitiveness.

208. The Legislature also gerrymandered state Senate District 63 by cobbling together from several disparate areas: the suburban swing Town of Amherst, the east side of Buffalo, and part of Lackawanna County. The Town of Amherst is much more closely aligned with the other suburban towns to the north of the City of Buffalo and these three areas are not communities of interest by any reasonable metric and lack commonalities with one another.

209. As a result, new state Senate District 63 is overwhelmingly Democratic, with no real risk of the Democrats losing that Senate seat.

210. All in all, the 2022 state Senate map largely guarantees the Democratic Party in New York an outsized number of state Senate seats compared to their political support in this State.

211. In fact, the Legislature's state Senate gerrymander was so successful and so biased in favor of Democrats, that the enacted state Senate map is more favorable to Democrats than *any* of the 5,000 computer simulated maps designed specifically to follow New York's redistricting requirements without partisan considerations.

212. Despite these and other gerrymandered districts within the new 2022 state Senate map, the Legislature enacted that map on a vote of 118–29 in the Assembly and 43–20 (a straight party line) in the Senate on February 3, 2022. See 2021–2022 N.Y. Reg. Sess. Leg. Bills A.9040-A and A.9168.

iv. The Governor Signs The Legislature's Unfair Congressional ~~Map~~ And State Senate Maps Into Law Despite Widespread Objection From New Yorkers

213. ~~169.~~After the Legislature released its proposed ~~congressional map~~maps, there was extensive public outcry over both the process and substance.

214. ~~170.~~Members of the public took to the IRC's public comment page to decry the

Legislature's opaque approach to redrawing the maps. Submissions, New York Independent Redistricting Committee ("IRC Public Submissions").²⁸³² As one comment said, "[t]his is clearly gerrymandering at its worst." IRC Public Submissions, *supra* (submitted by Anthony on Jan. 31, 2022). Betsy Gotbaum, the executive director of good-government group Citizens Union, described the Legislature's lack of process succinctly: "There was no public input." Jacob Kaye, *State Legislature Shares Version of Congressional Redistricting Map*, Queens Daily Eagle (Feb. 1, 2022).²⁹³³ She also noted that the Legislature's actions completely deprived the process of an accurate understanding of the public's desires in a new ~~map~~maps: "We don't really know what groups of people really wanted once the commission couldn't come to any kind of a conclusion and then the legislators took it over. We don't know." *Id.*

215. ~~171~~New Yorkers across the state quickly flagged the new ~~map~~maps as a highly partisan ~~gerrymander~~gerrymanders. "If it looks like gerrymandering and sounds like gerrymandering—it's most likely gerrymandering," said Brian Browne, a political science professor at St. John's University in New York City. Kaye, *supra*. "This is why people don't trust politicians," observed Pat Kiernan, a local morning news anchor on NY1, "[a]nd the Democrats have given up any high ground they had over Republicans on gerrymandering." Nicholas Fandos, *How N.Y. Democrats Came Up With Gerrymandered Districts on Their New Map*, N.Y. Times (Jan. 31, 2022).³⁰³⁴

216. ~~172~~Even Democratic politicians condemned the ~~map~~maps. Cynthia Appleton, the

²⁸³² Available at <https://nyirc.gov/submissions>.

²⁹³³ Available at <https://queenseagle.com/all/state-legislature-shares-version-of-congressional-redistricting-map>.

³⁰³⁴ Available at <https://www.nytimes.com/2022/01/31/nyregion/nyc-congressional-district-nadler.html>.

Democratic chair for Wyoming County, described the congressional map as “an absolute travesty.” Jerry Zremski, *New Congressional Map Sparks Gerrymandering Outcry*, Buffalo News (Jan. 31, 2022).³⁴³⁵ Nate McMurray, a former Democratic congressional candidate, offered a similar view on the new map, calling it “nuts.” *Id.* Melanie D’Arrigo, a Democratic candidate running in Congressional District 3, harshly criticized the new map as well: “We cannot stay silent as we watch the state legislature publish a map that extreme gerrymanders our district.” Kaye, *supra*. Describing the redrawn Congressional District 3, which now spans five counties, D’Arrigo despaired, “How is this fair to the people who live in any of these counties?” *Id.* She further noted that “[c]onstituent services will be more difficult, more expensive and less efficient: the needs of someone living on the border of Connecticut being wildly different from someone in Huntington,” and “[a]ll of the voters at stake deserve real representation, not to be used as political pawns.” *Id.*

217. ~~173.~~ On February 3, 2022, Governor Hochul signed the Legislature’s congressional ~~map~~ and state Senate maps. 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168, into law, thereby blessing her fellow Democrats’ blatant gerrymandering efforts. Patrick Ryan, Gov. Hochul Signs New State and Congressional Redistricting Maps into Law WIVB.com (Feb. 3, 2022) (providing signed bills).³⁶

³⁴³⁵ Available at [https://buffalonews.com/news/new-congressional-map-sparks-gerrymandering-outcry/article_](https://buffalonews.com/news/new-congressional-map-sparks-gerrymandering-outcry/article_0ab6b528-82e6-11ec-8d7b-07d7c0c217b8.html)

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³⁶ Available at <https://www.wivb.com/news/new-york/gov-hochul-signs-new-state-and-congressional-redistricting-maps-into-law/>.

D. The ~~Map~~2022 Maps's Impact On Petitioners

218. ~~174.~~ The Legislature's blatant gerrymandering has caused grave harm to Petitioners, all of whom want a fair, representative government at both the state and national level, unhindered by partisan interests and egregious gerrymandering.

219. ~~175.~~ Broadly, this kind of partisan gerrymandering is profoundly undemocratic and cuts deeply into the public's confidence in their representative government. The Legislature's egregious attempt to entrench the majority party's incumbents and political power harms the franchise of all New York voters, Petitioners included.

220. ~~176.~~ For example, the ~~proposed map treats~~ adopted 2022 congressional and state Senate maps treat Petitioners unequally and dilutes their voting power based on their political beliefs. Through this map, Democrats have essentially guaranteed that they will win more congressional and state Senate districts—and thus more power—than is warranted by the party's popular support. As a result, political representatives will subject Petitioners to laws and policies that do not fairly reflect the public will.

221. ~~177.~~ Moreover, when incumbents choose their voters—rather than voters electing their chosen representatives—the public's faith in the franchise is diminished.

222. ~~178.~~ Participation in the democratic process will decrease, as voting holds little appeal to those in gerrymandered districts because their votes cannot change the preordained outcomes of elections. New Yorkers made their will clear when they voted to ban partisan gerrymandering.

223. ~~179.~~ ~~Allowing this map to be enacted~~ Enacting these maps deals a crushing blow to

the State's representative democracy and the faith of the People in those governing them.

224. ~~180.~~ More specifically, each of Petitioners suffers directly from ~~this map~~ these maps, including because they lose the opportunity to vote for their preferred congressional ~~candidate~~ and state Senate candidates, rather than ~~one~~ ones selected for them by the Legislature's cynical line-drawing.

225. ~~181.~~ For example, the new Congressional District 16, a strong Democratic district where Petitioner Marianne Volante lives, moved Republican voters from Congressional District 18, where Petitioner Patricia Clarino lives, decreasing competition and turning District 18 into a safe Democratic district, without jeopardizing the Democratic Party's interests in District 16. As a result, Petitioner Clarino's vote is diluted, while Petitioner Volante and other Congressional District 16 Republicans' votes will never outweigh the Democratic vote that has been gerrymandered around them.

226. ~~182.~~ In the new Congressional District 23, where Petitioners Tim Harkenrider, Linda Fanton, Jay Frantz, Alan Nephew, and Susan Rowley reside, the Legislature "packed" as many Republican votes into the district as it could. As a result, the Republican votes of Petitioners and similar voters in the District ~~are far in excess of what~~ exceed the amount their candidates need to win in elections. Rather than fairly spreading Republicans through logically constructed districts, the Legislature has ensured that many of their votes are wasted in Congressional District 23.

227. ~~183.~~ Conversely, in the new Congressional District 10, where Petitioner Stephen Evans resides, and Congressional District 11, where Petitioner Jerry Fishman resides, the Legislature broke up conservative communities of interest, "cracking" and effectively neutralizing Republican voters in these districts. As a result, these Petitioners' votes are diluted, and they are

subjected to political policies that do not align with their own views or the will of their communities.

228. ~~184.~~ Similarly, new Congressional District 17, where Petitioner Lawrence Garvey resides, new Congressional District 19, where Petitioners Guy C. Brought and Lawrence Canning reside, and new Congressional District 22, where Petitioners George Dooher, Jr. and Josephine Thomas reside, each “crack” and neutralize Republican votes by breaking up communities of interest and unnaturally reaching across the state to add Democratic voters to each of these districts. These Petitioners will be forced to endure representatives who do not reflect the communities they represent, enforcing their unwelcome policies.

229. ~~185.~~ Petitioners face similar harms from the gerrymandered 2022 state Senate map. In state Senate District 41—where Petitioner Patricia Clarino resides—the Legislature gerrymandered the district to lean Democratic, depriving Petitioner Clarino of the representation of her choice.

230. Similarly, in state Senate District 42—where Petitioner Marianne Volante resides—the Legislature drew the boundaries to stretch down into White Plains and create a safely Democratic district, depriving Petitioner Volante of the representation of her choice.

231. In state Senate District 48—where Petitioner Guy C. Brought resides—the Legislature removed more-conservative-voting areas in Montgomery County and Schenectady County, replacing them with more liberal areas in Dutchess and Columbia counties, thereby flipping this district into a somewhat strong Democratic district, thereby forcing upon Petitioner Brought a likely Democratic state Senator whose political policies will not align with his own.

232. In state Senate District 58—where Petitioners Linda Fanton, Jay Frantz, Alan Nephew, and Susan Rowley all reside—and state Senate District 59—where Petitioner Tim

Harkenrider resides—the Legislature “packed” Republican voters into these districts, so the Republican votes of Petitioners and similar voters in the District far exceed the amount their candidates need to win in elections. By doing so, the Legislature has ensured that Petitioners’ votes will be wasted in these state Senate Districts.

233. Petitioners regularly vote for Republicans running for Congress and state legislative office and engage in campaign activity for Republicans running for Congress, ~~so~~ and state legislative office. Thus, the gerrymandering of the 2022 state Senate and congressional ~~map~~ maps dilutes the power of their votes and political action efforts.

FIRST CAUSE OF ACTION

(N.Y. Const. art. III, § 4(b); N.Y. Legis. Law § 93(1) – Failure To Follow Constitutional And Statutory Procedures For Redistricting)

234. ~~186.~~ Petitioners hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

235. ~~187.~~ Article III, Section 4(e) of the New York Constitution provides that “[i]he *process* for redistricting congressional ~~and~~ and state legislative districts established by this section and sections five and five-b of this article *shall govern* redistricting in this state,” with limited exceptions not relevant here. N.Y. Const. art. III, § 4(e) (emphases added); *see* N.Y. Legis. Law § 93(3) (same).

236. ~~188.~~ Section 4(b) of Article III requires that, should the Legislature “fail to approve the legislation implementing the first redistricting plan” prepared by the IRC, the IRC then “*shall* prepare and submit to the legislature a second redistricting plan and the necessary implementing legislation for such plan,” and that “[s]uch legislation *shall* be voted upon, without amendment.”

N.Y. Const. art. III, § 4(b) (emphases added); *see also* N.Y. Legis. Law § 93(1).

237. ~~189.~~ Only then, after having considered and rejected such a *second* redistricting plan, or, after the Governor vetoes any such second plan after the Legislature approved it, may the Legislature “introduce” its own “implementing legislation” along with “any amendments” that comply with Article III, Section 4. N.Y. Const. art. III, § 4(b); *see also* N.Y. Legis. Law § 93(1).

238. ~~190.~~ Because the Legislature never received, let alone considered and acted upon, a second redistricting plan from the Commission, it never obtained redistricting authority under the *exclusive* process established by the New York Constitution for introducing and adopting its own redistricting maps. See 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168.

239. ~~191.~~ After the Legislature rejected ~~both of~~ the first-round maps introduced by the IRC out of hand, the Commission did not adopt and introduce second-round maps to the Legislature within 15 days, leaving the Legislature with no maps to act on within the scope of its limited constitutional role.

240. ~~192.~~ As a result, the Legislature did not consider a second map or maps from the IRC, which mandatory consideration was required before the Legislature was constitutionally permitted to adopt its own congressional map. N.Y. Const. art. III, § 4(b).

241. ~~193.~~ The 2021 legislation enacted by the Legislature and Governor purporting to give the Legislature authority to circumvent the Constitution, to adopt its own maps if the Commission failed to vote on second-round maps, L.2021, c. 633, § 1, is unconstitutional. There is no provision of law that allows the Legislature to sidestep the Constitution’s exclusive process for redistricting in New York via legislative enactment.

242. ~~194.~~ The Legislature enacted L.2021, c. 633, § 7150 in an effort to avoid the effect of

the People voting down a constitutional amendment to provide for what L2021, c. 633, § 7150(1) purports to do. But, of course, a constitutional amendment is necessary to make the changes to New York's exclusive, constitutionally enshrined redistricting process

243. ~~195.~~The Legislature cannot act contrary to the Constitution's restrictions on the respective duties and responsibilities allocated to it and other entities responsible for redistricting. Because the Legislature acted contrary to the Constitution when it enacted L2021, c. 633, § 7150, the 2022 congressional ~~map is~~ and state Senate maps are invalid.

244. ~~196.~~Since the Legislature had and has no constitutional authority to draw congressional or state Senate districts given the IRC's failure to follow the exclusive, constitutionally mandated procedures, this Court cannot give the Legislature another opportunity to draw curative districts.

245. ~~197.~~Thus, this Court should draw its own ~~map~~ maps for Congress and state Senate prior to the upcoming deadlines for candidates to gain access to the ballot, just as happened ~~after~~ regarding the ~~2010 census~~ 2012 congressional map.

SECOND CAUSE OF ACTION

(N.Y. Const. art. III, § 4(c)(2); N.Y. Legis. Law § 93(2)(b) – Unconstitutional Malapportionment)

246. ~~198.~~Petitioners hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

247. ~~199.~~Article III, Section 4(c)(2) provides that "[t]o the extent practicable, districts shall contain as nearly as may be an equal number of inhabitants," and that "[f]or each district that deviates from this requirement," the entity responsible for drawing the map "shall provide a

specific public explanation as to why such deviation exists.” N.Y. Const. art. III, § 4(c)(2).

248. ~~200.~~ This constitutional requirement establishes a population-equality standard for congressional and state Senate districts, absent a “specific” and “public” explanation from the mapdrawer as to why any deviation is necessary. N.Y. Const. art. III, § 4(c)(2).

249. ~~201.~~ Therefore, following any decennial census, all congressional and state Senate districts must abide by this equal-population requirement.

250. ~~202.~~ As explained above, the 2022 congressional ~~map enacted by the Legislature following the 2020 decennial census is~~ and state Senate maps are ultra vires because the Legislature ignored entirely the mandatory, *exclusive* process established by the 2014 constitutional amendments for enacting any such redistricting, as well as applicable substantive requirements for any Legislature-created map. *See supra* First Cause Of Action.

251. ~~203.~~ That is, the Legislature enacted its congressional ~~map~~ and state Senate maps without abiding by the constitutional and statutory requirement that the IRC present a second round of maps following the Legislature’s decision not to approve the first round of maps. N.Y. Const. art. III, § 4(b). Indeed, the Constitution *requires* that the Legislature “vote[] upon” the “second redistricting plan and the necessary implementing legislation” before it may introduce its own plan, and yet the Legislature never complied with these rules. *Id.*; *see also supra* First Cause Of Action.

252. ~~204.~~ These violations render the 2022 congressional ~~map~~ and state Senate maps invalid, leaving only the vestigial ~~map~~ maps that the Legislature enacted or the court adopted after the 2010 decennial census ~~in place.~~ See 2011–2012 N.Y. Reg. Sess. Leg. Bills S.6696 and A.9525 (as technically amended by S.6755 and A.9584); Favors v. Cuomo, No. 11-CV-5632.

[2012 WL 928223 \(E.D.N.Y. Mar. 19, 2012\).](#)

253. ~~205.~~ But the [2012 congressional](#) map ~~that the federal court adopted in the wake of the 2010 census is~~ and [2012 state Senate map, see id.,](#) are plainly unconstitutional *today*, following the 2020 census, given New York’s inarguable population shifts, because ~~it does~~ [they do](#) not meet the [New York Constitution’s](#) equal-population requirement ~~of the New York Constitution.~~

254. ~~206.~~ That is, following the 2022 Census, none of ~~those~~ [the previous](#) congressional [and state Senate](#) districts “[t]o the extent practicable” “contain as nearly as may be an equal number of inhabitants.” N.Y. Const. art. III, § 4(c)(2); N.Y. Legis. Law § 93(2)(b); [see supra ¶¶ 61–79.](#)

255. ~~207.~~ Thus, this Court must now also declare that the [Legislature-enacted 2012 state Senate map, and](#) court-adopted [2012 congressional](#) map— the only validly-adopted map in existence, *supra* First Cause Of Action—~~is~~ [are](#) invalid, and adopt ~~a~~-replacement, constitutional congressional ~~map~~ [and state Senate maps.](#)

THIRD CAUSE OF ACTION

(N.Y. Const. art. III, § 4(c)(5); N.Y. Legis. Law § 93(2)(e) – Unlawful/Unconstitutional Partisan And Incumbent-Protection Gerrymandering)

256. ~~208.~~ Petitioners hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

257. ~~209.~~ Article III, Section 4(c)(5) of the New York Constitution provides that “in the creation of [state senate and](#) . . . congressional districts . . . [d]istricts shall not be [drawn](#) to discourage competition or for the purpose of favoring or disfavoring incumbents or other

particular candidates or political parties.” N.Y. Const. art. III, § 4(c)(5).

258. ~~240.~~ New York Legislative Law § 93(2)(e) provides that, “in the creation of state senate and . . . congressional districts . . . [d]istricts shall not be drawn to discourage competition or for

the purpose of favoring or disfavoring incumbents or other particular candidates or political parties.” N.Y. Legis. Law § 93(2)(e).

259. ~~241.~~ New York Legislative Law § 93(4) also provides that “any law establishing congressional ~~or~~ or state legislative districts found to violate the provisions of this article shall be invalid in whole or in part.” N.Y. Legis. Law § 93(4).

260. ~~242.~~ The 2022 congressional ~~map violates~~ and state Senate maps, 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168, violate the clear prohibitions against partisan and incumbent-favoring/disfavoring gerrymandering found in Article II, Section 4(c)(5) of the New York Constitution and New York Legislative Law § 93(2)(e).

261. ~~243.~~ The Legislature drew the 2022 congressional ~~map~~ and state Senate maps “to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties,” N.Y. Const. art. III, § 4(c)(5), as discussed in detail above, *supra* ¶¶ ~~102–68~~ 114–212.

262. ~~244.~~ Governor Hochul, who signed the ~~congressional map~~ maps into law, previously acknowledged that it was her intention “to use [her] influence to help Democrats” by way of “the redistricting process,” and claimed that she fully “embrace[d] that” role as Governor. Glueck & Ferré-Sadurní, *supra*.

263. ~~245.~~ For that reason, the enacted congressional ~~map violates~~ and state Senate maps.

violate both the New York Constitution and New York Legislative Law § 93, requiring this Court to strike ~~it~~them as “invalid.” N.Y. Legis. Law § 93(4).

FOURTH CAUSE OF ACTION
(CPLR § 3001 – Declaratory Judgment)

264. ~~246.~~ Petitioners hereby incorporate each of the foregoing paragraphs as if fully set forth

herein.

265. ~~247.~~ Petitioners seek a declaratory judgment from the Court “as to the rights and other legal relations of the parties,” CPLR § 3001, regarding the substantive and procedural requirements for redistricting in this State.

266. ~~248.~~ It is imperative that the New York Courts properly construe the recent amendments to Article 3, Section 4 of the New York Constitution and New York Legislative Laws § 93.

267. ~~249.~~ The 2014 amendments to the New York Constitution prohibit the Legislature and Governor from reapportioning seats for Congress and state Senate in a manner that

- a. disregards the exclusive procedures for redistricting, including the requirement that the IRC submit two rounds of maps for the Legislature’s consideration before the Legislature may undertake the redistricting function itself;
 - b. creates districts that fail to contain as nearly as possible an equal number of inhabitants, requiring, as practicable, no deviation from perfect population equality;
 - c. creates a partisan gerrymander with the intent to favor of any political party;
- and

- d. creates an incumbent-protection or incumbent-disfavoring gerrymander with the intent of aiding or hurting any incumbent or candidate.

Each of these violations, alone and in tandem, requires the Court to invalidate the congressional ~~map~~ and state Senate maps.

268. ~~220.~~ Respondents' actions in violating each of these constitutional requirements come from a determined effort to advance the interests of the Democratic Party by entrenching incumbent Democrats and targeting incumbent Republicans, in direct contravention of the will of the citizens of the State of New York, who voted in favor of ridding such partisan interests from the redistricting process.

269. ~~221.~~ Further, the 2021 legislation, L.2021, c. 633, § 7150, enacted by the Legislature and Governor in an attempt to give the Legislature authority to circumvent the Constitution and adopt ~~this~~ these unlawful ~~map~~ maps, is unconstitutional. The Legislature cannot contravene the Constitution's exclusive process for redistricting in New York through legislative enactment.

270. ~~222.~~ Each of these constitutional violations has harmed Petitioners, who are now subject to ~~a~~-gerrymandered and highly partisan ~~map~~ maps for their representatives in Congress. and state Senate.

271. ~~223.~~ This issue is ripe for judicial review.

272. ~~224.~~ Absent resolution of these constitutional questions, neither Respondents nor the citizens of New York will have adequate guidance regarding the propriety of the enacted ~~map~~ maps and the prior legislature-enacted and court-drawn ~~map~~ maps, in preparation for impending elections.

273. ~~225.~~ If each of these fundamental issues regarding the redistricting processes in New York is not resolved in short order, it will be too late to do so without threatening the integrity of upcoming elections.

274. ~~226.~~ Therefore, this Court should enter judgment declaring that the 2022 ~~enacted~~ congressional ~~map violates~~ and state Senate maps, see 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168, violate the New York Constitution, declare that the 2012 congressional ~~map~~ and state Senate maps, see 2011–2012 N.Y. Reg. Sess. Leg. Bills S.6696 and A.9525 (as technically amended by S.6755 and A.9584); *Favors v. Cuomo*, No. 11-CV-5632, 2012 WL 928223 (E.D.N.Y. Mar. 19, 2012), now ~~violates~~ violate the New York Constitution in light of the population shifts identified in the 2020 Census, strike down the 2021 legislation, L.2021, c. 633, § 7150, as unconstitutional, and itself draw a new congressional map cured of all legal infirmities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully demand that this Court review the constitutionality of the congressional apportionment and enter judgment and order against Respondents as follows:

A. Declaring pursuant to CPLR § 3001 that:

- i) the 2022 congressional map ~~constitutes an~~ and 2022 state Senate map, see 2021–2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168, both constitute unconstitutional ~~map~~ maps enacted without complying with the mandatory constitutional procedures for redistricting in Article III, Section 4(b) of the New York Constitution;
- ii) the ~~prior~~ 2012 congressional map, court-adopted after the 2010 decennial census, ~~is~~ *Favors v. Cuomo*, No. 11-CV-5632, 2012 WL 928223 (E.D.N.Y. Mar. 19, 2012), and the 2012 state Senate map, legislatively enacted after the 2010 decennial census, 2011– 2012 N.Y. Reg. Sess. Leg. Bills S.6696 and A.9525 (as technically

amended by S.6755 and A.9584), ~~are~~ the only validly enacted ~~map~~maps currently in existence, but ~~is~~are now unconstitutionally malapportioned, failing to comply with the mandatory constitutional requirements that each district contain an equal number of inhabitants, found in Article III, Section 4(c)(2) of the New York Constitution;

iii) the 2022 congressional map and 2022 state Senate map, apart and aside from procedural deficiencies, ~~constitutes an~~constitute unconstitutional partisan and incumbency- favoring/disfavoring ~~gerrymander~~gerrymanders, in violation of Article III, Section 4(c)(5) of the New York Constitution and New York Legislative Law § 93(2)(e);-
~~and~~

iv) the 2012 congressional ~~districts~~map and 2012 state Senate map are unconstitutional in light of the population shifts identified in the 2020 census; and

v) the 2021 legislation, L.2021, c. 633, § 7150, enacted by the Legislature and Governor in an attempt to give the Legislature authority to circumvent the Constitution and adopt these unlawful maps, is unconstitutional.

B. Enjoining Respondents from conducting any elections under the-
~~post-2010~~ 2012 congressional map and 2012 state Senate map;

C. Enjoining Respondents from conducting any elections under the
2022 congressional map and 2022 state Senate map;

D. Adopting ~~a~~-new, legally compliant congressional ~~map~~and state Senate maps;

E. Alternatively, and only if the Court does not agree with Petitioners' procedural claim, ordering the Legislature to attempt to cure the legal and constitutional infirmities in the 2022 congressional map and 2022 state Senate map and adopt ~~a~~-lawful

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~~congressional map~~ maps for each;

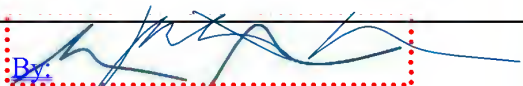
F. Suspending or ~~enjoin~~enjoining the operation of any other state laws that would undermine this Court's ability to offer effective and complete relief to Petitioners for the November 2022 elections and related primaries ~~including, if this Court deems necessary,~~ § 3(i) of 2021-2022 S.8172-A and A.9039-A, and § 2 of 2021-2022 S.8185-A and A.9040-A;

G. Awarding Petitioners all of their reasonable attorneys' fees and costs; and

H. Awarding such other and further relief as this Court may deem just and proper.

Dated: New York, New York

February 3~~8~~, 2022

<p>TROUTMAN PEPPER HAMILTON SANDERS LLP</p>	<p>KEYSER MALONEY & WINNER LLP</p>
<p>By: </p>	<p>By: s/ George H. Winner, Jr.</p>
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