

# Exhibit 1

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF STEUBEN

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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.

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**REMEDIAL CONGRESSIONAL MAP REBUTTAL EXPERT REPORT  
OF SEAN P. TRENDE  
May 5, 2022**

## **I. Introduction and Qualifications**

I have been retained by Troutman Pepper Hamilton Sanders LLP on behalf of their clients, Petitioners in the above-titled action, to evaluate Respondents' Proposed Remedial Congressional Map ("Proposed Map" or "Proposed Plan") and determine whether it comports with pertinent requirements of the United States Constitution and New York Constitution. I have been asked to compare it to the 2022 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, ("Legislative Map" or "Legislative Plan"). I have also been asked to compare it to the New York Senate Map for the preceding decade ("Benchmark Map" or "Benchmark Plan").

## **II. Summary of Opinions**

In response to the rulings of three New York Courts that the Legislative Map represented an unacceptable partisan gerrymander, the legislature has responded with more of the same, literally. The Proposed Map keeps intact many of the districts from the initial plan and provides cosmetic window dressing on many of the other districts. It remains an outlier on the gerrymandering index and continues to depress the number of Republican and competitive districts in the state.

## **III. The Proposed Map Retains the Same District Cores as the Legislative Map**

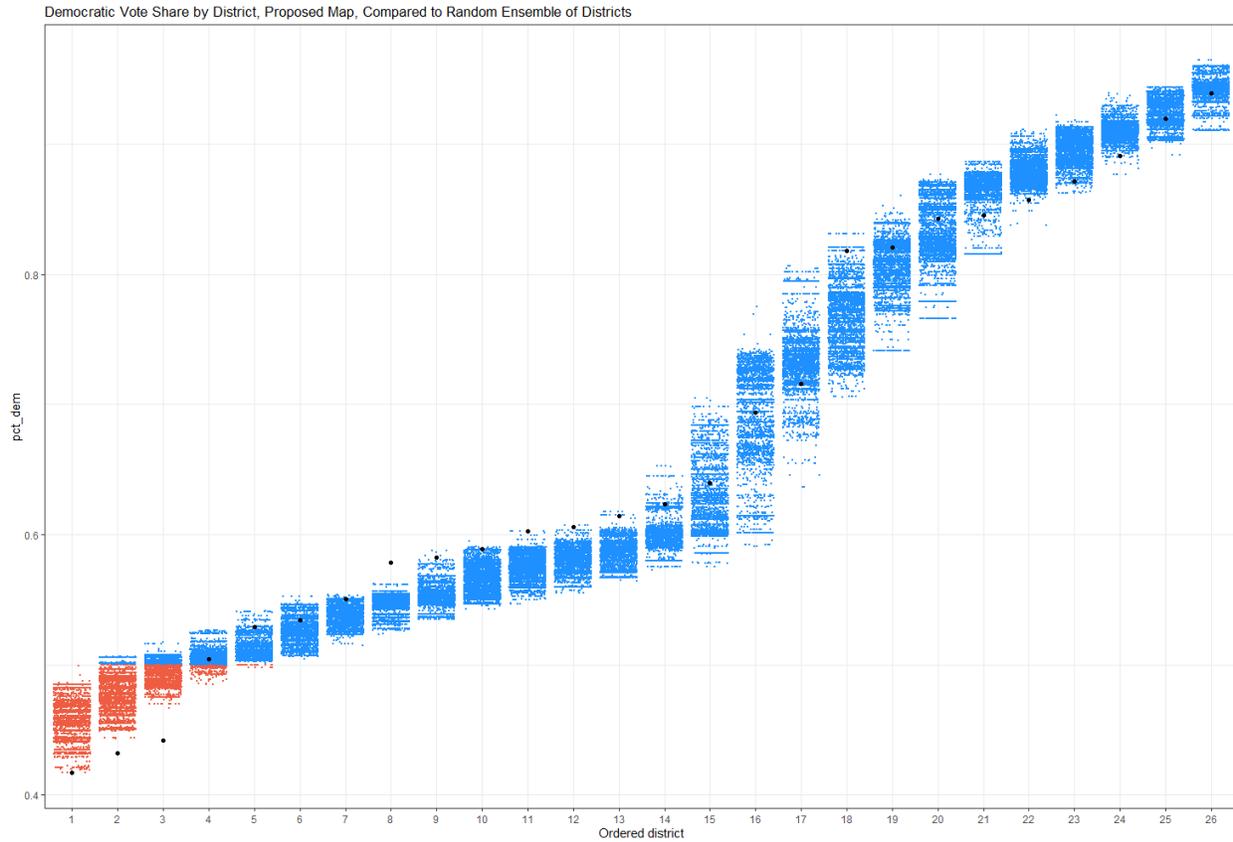
Table 1 shows the fate of the districts from the initial legislative map. Two districts – districts one and two – show significant changes to their boundaries. District 3 to 16 show very little change from their initial proposed shapes. Indeed, the changes to District 16 only make it even more distorted, pushing beyond Yorktown into Putnam County. In addition to soaking up a large number of Republican voters and placing them in a district dominated by Democratic voters in the Bronx and in Westchester County, this causes the district to snake around the home of Vedat Gashi, a primary challenger to Rep. Jamaal Bowman who lives in Yorktown, placing him in a neighboring district. <https://www.westchesterlegislators.com/district-4>. Districts 8 through 11 continue to crack Republican voters in southern Brooklyn, taking an area that can support two districts where Republicans can compete and creating zero. Districts 17 through 26 are a little better, but only one district has less than 80% of its core intact. Overall, 19 of the 26 districts from the previous Legislative Plan retain more than 85% of their cores.

Population Movements by District, Legislative Map and Proposed Map																											
From	To																										
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	
1	48.0%	46.2%	5.8%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2	52.0%	45.1%	0.6%	2.3%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
3	-	8.7%	91.3%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4	-	-	2.3%	97.7%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5	-	-	-	-	100.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6	-	-	-	-	-	100.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7	-	-	-	-	-	-	100.0%	-	-	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8	-	-	-	-	-	-	-	100.0%	-	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9	-	-	-	-	-	-	-	-	100.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
10	-	-	-	-	-	-	-	-	-	100.0%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
11	-	-	-	-	-	-	-	-	-	-	0.0%	100.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
12	-	-	-	-	-	-	-	-	-	-	-	-	100.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
13	-	-	-	-	-	-	-	-	-	-	-	-	-	100.0%	-	-	-	-	-	-	-	-	-	-	-	-	-
14	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100.0%	-	-	-	-	-	-	-	-	-	-	-	-
15	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100.0%	-	-	-	-	-	-	-	-	-	-	-
16	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	91.2%	8.8%	-	-	-	-	-	-	-	-	-
17	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	82.5%	17.5%	-	-	-	-	-	-	-	-
18	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.8%	8.7%	81.7%	0.8%	-	-	-	-	-	-
19	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.8%	77.5%	5.4%	0.1%	16.2%	-	-	-	-
20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6.6%	92.5%	0.8%	-	-	-	-	-
21	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.5%	2.0%	86.3%	-	-	3.2%	-	-
22	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	82.7%	10.8%	6.6%	-	-	-
23	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6.6%	-	-	1.1%	87.7%	4.6%	-	-
24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12.8%	-	1.6%	82.2%	3.4%
25	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3.4%	96.6%	-
26	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100.0%

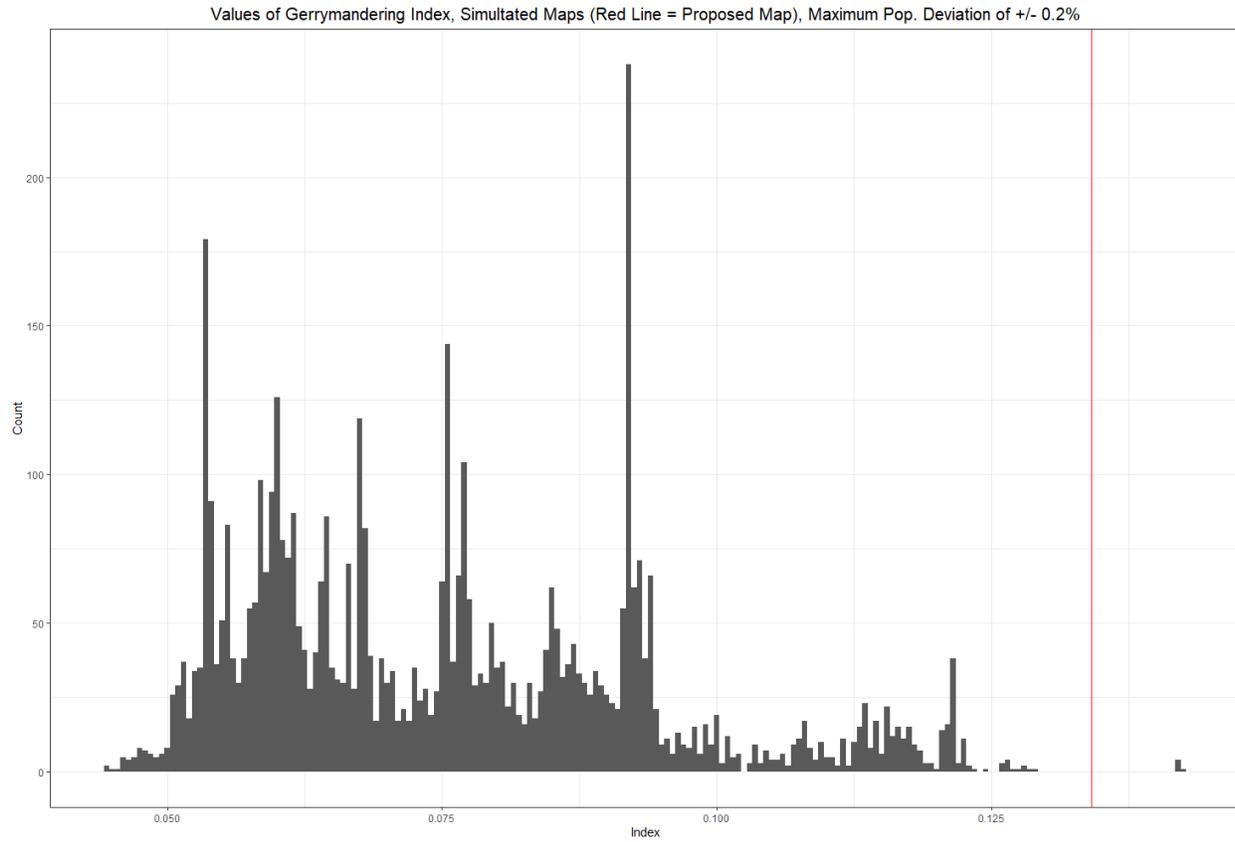
**IV. The Proposed Map Is Still A Partisan Gerrymander**

It should be unsurprising, then, that the proposed map continues to present as a partisan gerrymander. Once again, the first, second, and third most Republican districts on the map are far more Republican than we would expect to see from a map drawn without attention to politics, while the fourth is fully within the district of the ensemble maps. Thus, the map includes the same number of districts where Republicans would be favored to win as the earlier Legislative Map.

But immediately past that point, the maps again begin to move in a pro-Democratic direction, with the seventh-through-thirteenth-most Democratic districts all more Democratic than we would expect from a map drawn without partisan intent, reducing the number of districts where Republicans could be expected to compete. This is the same pattern that existed in the maps that this Court struck down.



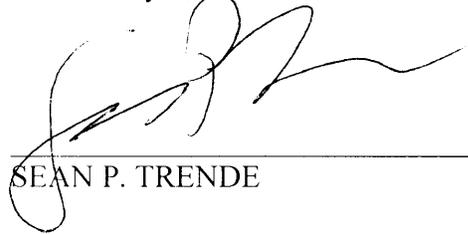
Once again, these maps produce a much larger gerrymandering index than we tend to see in the ensemble. The Proposed Plan’s index of .134 is more than three standard deviations away from the average index of .0753 in the ensemble, and only five maps in the ensemble of 5,000 show larger indices than the Proposed Map.



**Conclusion**

The Proposed Map does nothing more than freshen up the map that this Court struck down. It is still a partisan gerrymander, and does not comply with the requirements of the New York Constitution.

Dated: May 5, 2022



SEAN P. TRENDE