



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' -- for the week of December 18, 2023 -- 'Back to gerrymandered business as usual in Albany'

THOMAS F. O'MARA December 18, 2023

| ISSUE: **INDEPENDENT REDISTRICTING COMMISSION; REDISTRICTING**



Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature.

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Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature, as well as on legislative actions, local initiatives, state programs and policies, and more. Stop back every Monday for Senator O'Mara's latest column...

This week, "**Back to gerrymandered business as usual in Albany**"

In 2014, New York State voters overwhelmingly approved a referendum on the ballot to amend the State Constitution and put the once-every-decade legislative redistricting process into the hands of a new "Independent Redistricting Commission" (IRC).

Once every decade, following the Census, New York State redraws the maps for congressional and state legislative districts to reflect population and demographic changes. Following the 2010 Census, this "redistricting" process was highly criticized as an exercise in behind-closed-doors deal-making controlled by state legislative leaders. Consequently, the legislation advancing the 2014 statewide referendum, which I strongly supported and voted for, sought to create a more transparent and accountable redistricting process, one that would diminish the overriding influence of special interests and political leaders.

Voters agreed. The intent, after all, was to put in place a process that was more open and transparent. The overriding goal was to give citizens a fairer and more representative government that best reflects their own communities and the regions where they live, work, and raise their families.

Something dramatically changed between 2014 and 2021, however. The state Legislature fell under the control of all-Democrat supermajorities in the Senate and Assembly. Under the old way of doing things, that would have also given these Democrats complete and total control of the redistricting process and they could have determined congressional and state

legislative districts as they and they alone saw fit -- except that the independent IRC the voters approved in 2014 now stood in their way and took that decisive power away.

So, they set about dismantling it. With the cooperation of Democrat Governor Kathy Hochul, they enacted a new law that effectively ensured that if the IRC could not reach an agreement on its own over new redistricting maps, the process would once again fall into the hands of the Legislature's majorities and their political interests. Then they made sure that the Democrat appointees to the IRC would never agree to new maps.

In other words, the Legislature's power to draw the legislative maps as it and it alone saw fit was restored and the process fell under all-Democrat control -- which was no small thing in an election year when New York State's legislative Democrats were looking to secure one-party control for the next generation and control of the House of Representatives would be decided largely on the outcome of congressional races across New York State.

Once the IRC couldn't reach its own agreement, Albany Democrats set about blatantly and shamelessly drawing gerrymandered legislative districts that, of course, clearly favored the election of Democrat candidates, knowing full well that Republicans would challenge the process in court, which we did. The initial case was heard in Steuben County before Supreme Court Judge Patrick McAllister, who ruled against the Democrat-drawn maps and appointed an outside, independent special master to redraw less gerrymandered maps. Democrats appealed the case to the state's highest court, the Court of Appeals, which, despite an entirely Democrat Governor-appointed majority on the Court, upheld the lower court ruling. The 2022 elections went forward under the maps drawn by the court-appointed special master, which leveled the playing field and resulted in Republican victories that tipped the balance of power in the House of Representatives.

Fast forward to 2023. Albany Democrats weren't about to let that fair result stand. Working in tandem with national Democrat leaders, they have spent the past year laying the groundwork for a challenge to the existing legislative maps with an eye toward redrawing the state's congressional districts for the 2024 elections -- when, by the way, control of the House of Representatives will once again be in the balance and fundamentally important to the future direction of this nation. Earlier this year, the Senate and Assembly Democrat majorities went so far as to hijack the appointment of a new Chief Justice for New York's Court of Appeals and insisted on the appointment of their hand-picked candidate, one whom they expected would rule in their favor this time around on legislative maps -- and that's exactly what happened last week in Albany.

In short, new congressional maps will be drawn for the 2024 elections under a process that could once again be entirely controlled by Democrats and, this time, with a Court of Appeals which has just ruled in their favor giving them another shot at drawing their own districts.

In other words, after blatantly and shamelessly stacking the state's highest court with judges they believed would do their political bidding, the all-Democrat-controlled state Legislature got their wish. The Court of Appeals reopened the door to the outrageously partisan gerrymandering that a previous Court -- and voters statewide -- resoundingly rejected prior to the 2022 elections.

In addition to the consequences for any semblance of an independent, non-partisan redistricting process, it should also be very troubling to all New Yorkers that our once prestigious Court appears more than willing to risk being viewed as a political arm of state and national Democrats at the expense of judicial independence, integrity, and fairness.

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