Written by **Bob Adelmann** on April 28, 2022

New York's Highest Court Rejects Democrats' Redistricting Gerrymander

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The ruling on Wednesday by New York State's highest court, its Court of Appeals, tossing the Democrats' obvious and unconstitutional gerrymander of the state's voting districts dashed the last chance Democrats had to overcome (or at least mitigate) the Republican Party's momentum in the November elections. Democrats were counting on the blatant gerrymander of New York's districts to offset Republican gains from redistricting in Republican states such as Kansas and Florida.

Democrats have a supermajority in both houses of the state's legislature, and the Court of Appeals' seven justices were all appointed by Democrats. What could go wrong?

New York has a tawdry history of political gerrymandering that is so offensive that the state's constitution was amended in 2014 in an attempt to limit, if not eliminate, the ability to stack the deck in favor of the ruling party.

But the high court surprised and disappointed those counting on the gerrymander to give the Democratic Party at least a fighting chance to ward off the coming Republican tsunami in November. From the majority opinion:

> During the first redistricting cycle to follow adoption of the 2014 amendments, the IRC [Independent Redistricting Commission] and the legislature failed to follow the procedure commanded by the State Constitution.
>
> A stalemate within the IRC resulted in a breakdown in the mandatory process for submission of electoral maps to the legislature.
>
> The legislature responded by creating and enacting maps in a nontransparent manner controlled exclusively by the dominant political party — doing exactly what they would have done had the 2014 constitutional reforms never been passed.
>
> On these appeals, the primary questions before us are whether this failure to follow the prescribed constitutional procedure warrants invalidation of the legislature's congressional and state senate maps and whether there is record support for the determination of both courts below that the district lines for congressional races were drawn with an unconstitutional partisan intent.
>
> We answer both questions in the affirmative and therefore declare the congressional and senate maps void.

The left-leaning FiveThirtyEight political analysis website said the ruling "just cost Democrats their big redistricting advantage," adding:

> The decision was a huge blow to Democrats, who until recently looked like they had gained enough seats nationally in redistricting to almost eliminate the Republican bias in the House of Representatives.…
>
> That's because much of Democrats' national redistricting advantage rested on their gerrymander in New York.

Under the map created by the Democrat supermajorities and signed into law by New York's Democrat Governor Kathy Hochul, Democrats were expected to win 22 of New York's 26 House seats. It didn't matter that this is way out of proportion with how New York State voters vote. It was designed to give Democrats three more seats in the House and cost the Republicans four seats – a swing of seven. Since the Democrat margin in the House is just five seats, Democrats were looking to New York's gerrymander to keep the House under Democrat control.

In his revised analysis, Nathanial Rakich, writing for FiveThirtyEight, said:

> Now, however, Republicans clearly have the advantage.… I estimate that redistricting currently positions Republicans for a net gain of around four or five House seats and Democrats for a net loss of about four.

Henry Olsen, a senior fellow at the Ethics and Public Policy Center, has concluded that it's all over for the Democrats in November:

> The overturned New York Congressional map was widely viewed as an aggressive Democratic gerrymander that likely would cost Republicans 4 seats.
>
> At the very least, a marginally fair map would likely return [the House] at least to GOP control. In the current political environment, a partisanly neutral map could give Republicans as many as ten of The Empire State's 26 seats.

Dave Wasserman, who is affiliated with The Cook Political Report, thinks the ruling will have catastrophic consequences for Democrats in November. On Wednesday he Tweeted:

> In a 4-3 ruling, NY's top court has turned Dems' 2022 House outlook from terrible to potentially horrific. A court-appointed special master will draw a remedial map, perhaps costing Dems three NY seats they otherwise would have gained & making R[epublican]s clear redistricting winners.

And all because, in New York State, there are Democrat judges who followed the Constitution. As New York Republican Congresswoman Nicole Malliotakis said:

> Today, New York State's highest court confirmed the decision by two lower courts and the opinion of editorial boards, good government groups, academics, and voters across the state.

I am heartened to see that the judicial system worked and that the will of the people is being preserved.

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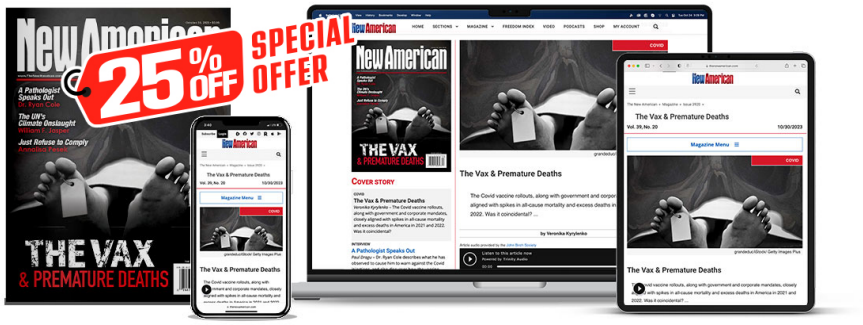

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