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Recent Redistricting Rulings Show How Our Laws Allow Partisan Gerrymandering and Why Permanent Reform Was Needed

Two recent legal decisions – yesterday’s New York State Court of Appeals unanimous ruling rejecting the claim that the partisan decision of the majority in the senate to add a 63rd state senate seat violates the state constitution, and last week’s decision by the U.S. Department of Justice pre-clearing the senate’s legislative lines under section five of the federal Voting Rights Act – illustrate how our laws provide broad discretion to our politicians to manipulate the redistricting process for their own partisan purpose.

These decisions demonstrate more clearly than ever before that we could not have relied on the courts or the Justice Department to correct our fatally flawed redistricting process. That is why the process of drawing legislative lines needed permanent structural reform, and why the recently passed New York State constitutional amendment and statute were essential to reforming this broken process. Had an independent redistricting commission been in place, with appointees balanced among the four legislative leaders in drawing up new lines, we may not have seen the partisan action of the state senate increasing its size to sixty-three seats.

The solution that was reached on March 15 for future redistricting cycles is not perfect, but these two decisions make at least one thing clear: Breaking the decades-long cycle of inaction on redistricting reform with a permanent result was far better than preserving the status quo where legislators draw their own gerrymandered district lines driven by self-interest while our laws permit them to do so — to the detriment of all New Yorkers.

Though other voting rights-based legal challenges remain that could change the 2012 lines, these actions by the Court of Appeals and the Department of Justice further underscore the need for the legislature to pass redistricting reform again next year so that our constitution can be amended and redistricting finally taken out of the hands of the legislature.



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