

SUPREME COURT OF THE STATE OF NEW YORK
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,

Steuben Co. Index
No. E2022-0116CV

Petitioners,

-against-

**AFFIDAVIT IN
SUPPORT**

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.

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

LAURA LADD BIERMAN, being duly sworn deposes and says:

1. I am the Executive Director of the League of Women Voters of New York State (the “League”).

2. I submit this affidavit in support of the League’s motion for leave to file an amicus brief in the instant appeal.

3. In the more than 80 years the League has been in existence, it has stood for fair and equitable representation for the people of our state through redistricting of legislative and congressional districts that are untainted by gerrymandering. Redistricting reform has been and is essential to the transcendent goal of providing all New York residents with their federal and state constitutional rights to fair representation in Congress and the Legislature. The League has long believed and maintained that constitutional reform is imperative so that the people, not political parties, are protected.

4. Since 1966, the League has had a public policy position supporting constitutional standards for drawing state legislative districts and using an impartial commission to draw lines. The League worked over several decades for a constitutional amendment establishing an independent redistricting commission to draw lines free of partisan gerrymandering. The League saw this as a remedy to public discontent over the state of New York’s democracy and the public perception that lawmakers rig the system for their own benefit.

5. During the 2000 and 2010 redistricting cycles, the League testified at Redistricting Task Force Hearings throughout the state. In 2010, in addition to testifying at hearings statewide, the League participated in a broad campaign, ReShapeNY, calling for a better redistricting process for New York that sought pledges for reform from elected legislators. Local Leagues held public meetings highlighting the need for reform using materials provided by the League to inform the public.

6. In 2012, the League called for Governor Cuomo to use his power to veto the redistricting maps drawn by the Legislature to achieve permanent structural reform to the redistricting process. The League supported the successful first passage of a constitutional amendment in 2012 and an accompanying statute, because it created structural reform that limits the redistricting pen of the Legislature and thereby helps provide voters with the power to choose their elective representatives, rather than continuing the undemocratic power of legislators to choose their voters.

7. After second passage in 2013, Citizens Union and the League engaged in a state-wide effort – called Vote Yes for Progress – to get voters to approve the constitutional amendment.

8. In connection with the redistricting cycle following the 2020 Census, the League engaged in an extensive education and lobbying effort to ensure that

the new Independent Redistricting Commission (IRC) received appropriate state funding, held multiple webinars and presentations to educate the public on the redistricting process and to encourage communities of interest to participate, and endeavored to have the IRC faithfully execute the duties assigned to it by the Amendment.

9. The League sent multiple letters and provided testimony during the 2021 Legislative session urging that the State budget provide adequate funding to the IRC. The League's efforts helped insure that \$4 million of state funding was provided to the IRC. The League issued a Statements of Opposition in July 2020 and January 2021 to a proposed Constitutional amendment—later rejected by the voters—that would have undermined the IRC, the redistricting process prescribed by the Amendment, and the very goals of the Amendment.

10. After the IRC began its work, the League sent letters to the IRC commissioners in August, September and October 2021 expressing its displeasure with the lack of transparency and accountability in the redistricting process. In January 2022, the League issued multiple public statements urging the IRC to submit a single set of maps and criticizing the inaction of the IRC in not approving a second set of maps following rejection by the Legislature of its first maps.

11. The League was the most active organization in New York State over the course of decades in seeking to amend the Constitution to reform redistricting,

educate the voters to approve the Amendment, and seeking to hold the Legislature and the IRC accountable for their constitutional responsibilities.

12. By reason of the foregoing, the League respectfully asks this Court to grant its motion, and accept and consider its proposed brief.

Laura Ladd Bierman

Laura Ladd Bierman

Sworn to before me on
This 14th day of April, 2022

Valerie L Nopper
Notary Public

VALERIE L NOPPER
Notary Public, State of New York
No. 01NO6328052
Qualified in Albany County
Commission Expires July 20, 2023