

STATE OF NEW YORK  
SUPREME COURT      COUNTY OF ONONDAGA

CHRISTOPHER RYAN; DUSTIN CZARNY;  
CHARLES GARLAND; WILLIAM KINNE; MARY  
KUHN; LINDA ERVIN; PEGGY CHASE; HELEN  
HUDSON; MICHAEL GREENE; MARK F. MATT;  
MAX RUCKDESCHEL; MARCIA FERGUSON; and  
CHRISTOPHER J. SHEPHERD

Plaintiffs,

vs.

RYAN MCMAHON; COUNTY OF ONONDAGA;  
ONONDAGA COUNTY LEGISLATURE; and  
ONONDAGA COUNTY BOARD OF ELECTIONS,

Defendants.

**SUMMONS**

Index No.: \_\_\_\_\_

**TO THE ABOVE-NAMED DEFENDANT:**

**YOU AND EACH OF YOU ARE HEREBY SUMMONED** to answer the Complaint of the Plaintiff, a copy of which is herewith served upon each of you, and to serve a copy of your answers upon COTE & VAN DYKE, LLP, within twenty (20) days after the service of this Summons and Complaint, exclusive of the day of service [or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York]; and in case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint. The basis of the venue designated is CPLR §504.

Dated: August 18, 2022

**COTE & VAN DYKE, LLP**

By: Joseph S. Cote

Joseph S. Cote, III, Esq.  
Cote & Van Dyke LLP  
Attorneys for Plaintiffs  
Office & Post Office Address  
214 North State Street  
Syracuse, New York 13203  
Telephone: (315) 478-3074

STATE OF NEW YORK  
SUPREME COURT      COUNTY OF ONONDAGA

CHRISTOPHER RYAN; DUSTIN CZARNY;  
CHARLES GARLAND; WILLIAM KINNE; MARY  
KUHN; LINDA ERVIN; PEGGY CHASE; HELEN  
HUDSON; MICHAEL GREENE; MARK F. MATT;  
MAX RUCKDESCHEL; MARCIA FERGUSON; and  
CHRISTOPHER J. SHEPHERD

Plaintiffs,

vs.

RYAN MCMAHON; COUNTY OF ONONDAGA;  
ONONDAGA COUNTY LEGISLATURE; and  
ONONDAGA COUNTY BOARD OF ELECTIONS,

Defendants.

**COMPLAINT**

Index No.: \_\_\_\_\_

TO: THE SUPREME COURT OF THE STATE OF NEW YORK

As and for a Complaint herein, the Plaintiffs, Christopher Ryan; Dustin Czarny; Charles Garland; William Kinne; Mary Kuhn; Linda Ervin; Peggy Chase; Helen Hudson; Michael Greene; Mark F. Matt; Max Ruckdeschel; Marcia Ferguson; and Christopher J. Shepherd, by their attorney Joseph S. Cote, Esq., respectfully alleges and shows the Court as follows upon information and belief:

**INTRODUCTION**

1.      There were two maps submitted by the Defendants to be enacted as local law, one of which was signed into law by the Defendant County Executive Ryan McMahon. Both of those attempts to change the district lines for the Onondaga County Legislature were defective for numerous reasons outlined as below. The most important of which was that both proposed maps illegally had disparate impact upon African American voters, diminishing the value of their votes, and failing to observe the ‘one person one vote’ rule.

2.      The first map submitted to the Onondaga County Legislature is attached hereto as

**Exhibit A**, which will be referred to as the “LDRC Maps”. The LDRC Maps were prepared by the legislative district revision commission.

3. The Second Maps were prepared by County employee, Travis Glazier, and signed into law by the county executive in December 2021. These Maps are attached hereto as **Exhibit B**, which will be referred to as the “Glazier Maps”.

4. For reasons described below, the LDRC was illegal in that it violated the Home Rule Law and was vetoed for that reason. The Glazier Map was illegal, it too violated Home Rule Law, county charter, and provisions of Constitutional protections.

### **PARTIES**

5. Plaintiff Christopher Ryan is a voter in the County of Onondaga, residing in the Town of Geddes. He is the member of the Onondaga County Legislature (D), but is a plaintiff herein solely in his individual capacity as a citizen of the County of Onondaga. His Affidavit is attached hereto as **Exhibit C**.

6. Plaintiff Dustin Czarny is a voter in the County of Onondaga, residing in the Town of Syracuse. He is the Onondaga County Elections Commissioner (D), but is a plaintiff herein in his individual capacity and as a member of Democratic Caucus for the County of Onondaga. His Affidavit is attached hereto as **Exhibit D** with attachments.

7. Plaintiff Charles Garland is a voter in the County of Onondaga, residing in the Town of Syracuse. He is the member of the Onondaga County Legislature (D), but is a plaintiff herein solely in his individual capacity as a citizen of the County of Onondaga. His Affidavit is attached hereto as **Exhibit E**.

8. Plaintiff William Kinne is a voter in the County of Onondaga, residing in the Town of Syracuse. He is the member of the Onondaga County Legislature (D), but is a plaintiff

herein solely in his individual capacity as a citizen of the County of Onondaga.

9. Plaintiff Mary Kuhn is a voter in the County of Onondaga, residing in the Town of Dewitt. She is the member of the Onondaga County Legislature (D), but is a plaintiff herein solely in her individual capacity as a citizen of the County of Onondaga.

10. Plaintiff Linda Ervin is a voter in the County of Onondaga, residing in the Town of Jamesville. She is the member of the Onondaga County Legislature (D), but is a plaintiff herein solely in her individual capacity as a citizen of the County of Onondaga.

11. Plaintiff Peggy Chase is a voter in the County of Onondaga, residing in the Town of Syracuse. She is the member of the Onondaga County Legislature (D), but is a plaintiff herein solely in his individual capacity as a citizen of the County of Onondaga.

12. Plaintiff Helen Hudson is a voter in the County of Onondaga, residing in the Town of Syracuse. She is the president of the Syracuse Common Council, but is a plaintiff herein solely in his individual capacity as a citizen of the County of Onondaga. Her Affidavit is attached hereto as **Exhibit F**.

13. Plaintiff Michael Greene is a voter in the County of Onondaga, residing in the Town of Syracuse. He is the Councilor-At-Large and president pro-tempore of the Syracuse Common Council, but is a plaintiff herein solely in his individual capacity as a citizen of the County of Onondaga. His Affidavit is attached hereto as **Exhibit G**.

14. Plaintiff Mark F. Matt is a voter in the County of Onondaga, residing in the Town of Manlius. His Affidavit is attached hereto as **Exhibit H**.

15. Plaintiff Max Ruckdeschel is a voter in the County of Onondaga, residing in the Town of Dewitt. His Affidavit is attached hereto as **Exhibit I**.

16. Plaintiff Marcia Ferguson is a voter in the County of Onondaga, residing in the

Town of Geddes. His Affidavit is attached hereto as **Exhibit J**.

17. Plaintiff Christopher J. Shepard is a voter in the County of Onondaga, residing in the Town of Salina. His Affidavit is attached hereto as **Exhibit K**.

18. Respondent Ryan McMahon is the Onondaga County Executive, charged with, among other duties and responsibilities, naming a member to the legislative district revision commission.

19. Respondent County of Onondaga is a County of the State of New York.

20. Respondent Onondaga County Legislature is the legislative body of Onondaga County, made up of elected individuals, charged with, among other duties and responsibilities, to enact changes in district of the County of Onondaga following 2022 federal census.

21. Respondent Onondaga County Board of Election is created pursuant to the provisions of the New York State Election Law and maintains its offices at 1000 Erie Blvd West, in the City of Syracuse, and the said Board is responsible for the administration and enforcement of the laws relating to election in the County of Onondaga.

### **FACTUAL BACKGROUND**

22. On or about October 1, 2021, the Republican Chair of the Onondaga County Legislature informed the Democratic Caucus of that body that the legislature would be voting pursuant to the Charter of the County of Onondaga, Section 207, to appoint a commission to evaluate and change the boundaries of the existing legislative districts in light of the results of the 2020 federal census.

23. The Democratic Caucus was informed that the Legislative District Revision Commission (Hereinafter “LDRC”) was to be appointed and activated at the already scheduled meeting of the Legislature to be held on October 5, 2021.

24. In the normal course of events, a resolution to introduce the conducting of such business would be announced at least 30 days prior to a meeting of the County Legislature.

25. By long custom and practice, notice of new agenda items would first be on the Ways and Means Committee agenda.

26. In this case, Republican Chairman Knapp used a waiver to put this resolution directly on to the October 5, 2021, meeting agenda.

27. When the Legislature convened on October 5, 2021, the Democratic Caucus opposed the introduction of this agenda item, and further opposed the appointment of members and activation of the LDRC until the census data was transmitted to the Democratic members of the County Legislature.

28. This objection was based upon on the grounds that the Charter specifically directed that the appointment of members to the LDRC and activation of that committee, could only occur ‘after the publication of the results of any federal or special population census...’ Onondaga County Charter § 207.

29. In this case, the census data had not yet been ‘published’ to the County Legislature and therefore the formation and activation of the LDRC was, in the view of the Democratic members of the Legislature, both premature and out of order pursuant to County Charter.

30. The term “published” as set forth in the County Charter, is in relation to the sharing of the census data with the County Legislature, therefore any publication to any other County official is insufficient to constitute publication of the census data.

31. Pursuant to section 207 of the County Charter, published of the census data to the Legislature starts a six-month clock in which the LDRC must be activated.

32. In short, the Legislature had no power to initiate the process of forming and activating the LDRC until the census data has been published to the Legislature.

33. Once the census data is published, the Onondaga County Charter Section 207 specifically provides that the Legislature had “six months after the publication of the results of any federal or special population census” within which to activate the LDRC. Onondaga County Charter § 207.

34. Nevertheless, the Republican Majority of the Legislature had, through their Chair, indicated a desire to activate the LDRC, before the census data was properly ‘published’.

35. The timing of the accelerated formation and activation of the LDRC also conflicted with the obligations of two mandatory members of the LDRC, who both served as Board of Elections Commissioners, and who were obligated to administer a General Election scheduled for November 2021.

36. In response to the objection of that the activities of the LDRC would come into conflict with the obligations of the Board of Elections Commissioners, Chairman Knapp stated both in session and in press reports, that the LDRC would do its work after the election; and that therefore there was no obstacle to forming and activating the LDRC at that time.

37. Thereafter, on October 5, 2021, a vote was taken at the regular meeting of the Legislature in which, by a party line vote (11-6), the Legislature formed and activated the LDRC, even though the census data had not yet been ‘published’ to the Legislature, in clear violation of the unambiguous language of the County Charter section 207.

38. Thereafter, on October 13, 2021, at the first meeting of the LDRC, Republican members of the commission presented the Democratic members of the LDRC with a schedule that included 4 meetings and 4 public hearings as well as plan for the adoption of maps and the

analyzing census data; all of which was to be performed before the November General Election in direct contravention to the promise made by the Republican Chair of the Legislature that the work of the of the LDRC would not take place until after the General Election.

39. Prior to the inaugural “organizational” meeting of the LDRC the democratic membership of the LDRC were left uninformed of the exact time and location of the meeting until October 11, 2021, at which time, one of the only two Democratic members of the LDRC informed the Republican Chair of the LDRC, Kevin Hulslander, that he could not attend the initial meeting of the LDRC, thus the first meeting of the LDRC had only one Democratic member in attendance, Board of Elections Commissioner, Dustin Czarny.

40. In a classic case of the cart before the horse, Kevin Hulslander announced a schedule as to when the LDRC would compete the work of studying the census data, before the census data was provided to the members of the LDRC.

41. Thereafter, on October 15, 2021, the members of the LDRC received the first official publication of the census data from the Onondaga County Planning Agency.

42. Meetings of the LDRC then took place on October 19, 2021, and thereafter, the LDRC had two meetings on October 22, 2021.

43. On the evening of October 26, 2021, the Republican members of the LDRC produced and shared with the two Democratic members of the LDRC, proposed revisions to the Onondaga County Legislative District boundary lines, but provided no visual representations as to where those new boundaries would be placed.

44. The Democratic members of the LDRC objected to the proposed changes to the district boundaries and demanded the production of visuals of the map of the proposed districts before the next scheduled meeting of the LDRC scheduled for October 27, 2021, their request was



ignored.

45. The following day, October 27, 2021, the Republican Majority of the LDRC produced maps for review to the Democratic members of the LDRC, but refused to produce excel versions of the maps so as to permit comparisons of the new maps to the old maps so that the members could analyze the data and determine whether the new maps violated New York State's Home Rule law that required "preexisting political subdivisions including cities, villages, and towns, and of communities of interest shall ...be considered...."

46. The Democratic members could not consider the potential impacts of the proposed changes to the Legislative District borders without first being provided the data, in appropriate form, so as to permit a comparison of the newly proposed district borders to the pre-existing district borders.

47. The legislative district maps offered by the Republican majority of the LDRC had been created by the staff of the Onondaga County Legislature; but when the Democratic members asked to employ the services of the Legislative staff in creating competing proposed maps, that request was denied.

48. The cooperation and assistance of the County Legislature's staff in preparing the maps offered by the Republican members of the LDRC, but withheld from the Democratic members of the LDRC reveals the intent of the Republican members of the LDRC in coordination with the Republican Majority of the County Legislature and the Republican County Executive to create maps that set boundaries between the Legislative Districts that favored Republican candidates seeking office on the County Legislature in violation of the State of New York's Home Rule Law that required the districts shall not be "drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or

political parties.”

49. The maps produced by the Republican members of the LDRC also did not comply with the requirement that the plan “be as nearly equal in population as practicable; the difference in population between the most and least populous district shall not exceed five percent of the mean population of all districts.”

50. In fact, the map prepared and eventually adopted by the LDRC on November 3, 2021 and submitted to the County Legislature to be adopted at a local law, over the objections of the Democratic members of the LDRC, exceeded the five percent mean required by law.

51. Hereinafter, the above Map submitted to the legislature to be enacted will be referred to as “LDRC Map.”

52. The following day, on November 4, 2021, at the regularly scheduled Onondaga County Legislature the Republican Chair of the County Legislature called for a special session of the Legislature to take place on November 12, 2021, to consider the proposal of the LDRC.

53. In accordance with the County Charter, the Legislature conducted “a public hearing on the proposed changes” to the borders of the County Legislative Districts.

54. At the meeting all the members of the public who spoke offered their opposition to the adopting of the maps submitted by LDRC.

55. Thereafter, on November 19, 2021, the County Executive Ryan McMahon held a hearing on the redistricting process where all the members of the public who spoke opposed the maps.

56. On November 22, 2021, the County Executive Ryan McMahon issued a veto memo for the GOP maps passed on November 21, 2021, citing they were in violation of the Municipal Home Rule Law Section 34 because the law required that in the drawing of district

boundaries, the final map “shall be as nearly equal in population as is practicable: the difference in population between the most and least populous district shall not exceed five percent of the mean population of all districts.”

57. In the case of the map drawn by the LDRC, and accepted by the Onondaga County Legislature, the least populous district was **District 12**, with a population 26,734 which was a Republican District; and the most populous district was **District 15**, with a population of 29,137, which was a Democratic District.

58. In the LDRC map, the mean population of all districts in the County of Onondaga was 28,030.

59. Five percent of the mean of all districts was 1401.5,

60. However, in the LDRC map, the difference between the most and least populous districts was 2403.

61. Therefore, in the LDRC map, the difference between the most and least populous districts was 8.57%, which was in violation of the Municipal Home Rule Law and this subject to legal challenge.

62. Although the County Executive sought to address this defect in his November 21, 2021, veto, the County Charter granted no authority to the County Legislature nor the County Executive to act in relation to the map drawn by the LDRC.

63. Additionally, the maps submitted by the LDRC suffered from the fact that of the legislative districts, seventeen in all, six of the seven most populous districts were represented by Democratic Legislators, whereas of the remaining ten districts, which were the least populous districts, all ten of them were represented by Republicans.

64. Although the County Executive and his legal staff correctly recognized the illegality of the local law which had been submitted to him for his signature, he had no authority to veto the proposed law.

65. The Legislature's act of submitting the proposed law to the County Executive was not authorized by the County Charter Section 207 which by its very terms required that following the conducting of a public meeting regarding the Change in Districts prepared by the LDRC, the Legislature is required to "enact" the local law and was granted no power to refer the matter to the County Executive.

66. It is alleged the County Legislature violated the clear language of the County Charter by having conducted a vote on the proposed law submitted by the LDRC.

67. It is further alleged the County Executive assumed the power to veto the Change in District which had been enacted pursuant to the County Charter, when the Charter did not grant the Executive the power to act in relation to that proposed local law.

68. Neither County Legislature nor the County Executive had the power to act in relation to the LDRC's Change In Districts other than to hold a public hearing on the proposed changes.

69. Following the public hearing the Change In Districts which had been "submitted to the county legislature in the form of a proposed local law..." was to be enacted.

70. The County Charter is explicit in stating that following the hearing the Legislature "shall the enact a local law setting forth revised district boundaries..."

71. Nowhere in the Charter is there a grant of authority which would permit the Legislature to vote upon the Change In Districts.

72. Rather than voting upon the changes proposed by the LDRC the Legislature had the duty to “enact” the changes pursuant to the charter and then submit the new boundaries to the public in a “permissive referendum” at the next general election.

73. The framers of the County Charter removed many of the political pitfalls that would naturally occur if the elected representatives of the County Legislature and the elected County Executive were given the power and authority on their own to create the new boundaries.

74. Note that the Charter makes no mention that the County Executive has the power or authority to veto the proposed law as would occur in all other cases in which local laws are voted upon by the County Legislature and then enacted into law upon being signed by the Executive.

75. Following the veto of the proposed law there was a meeting with several Democratic County Legislatures and the County Executive.

76. At the meeting the County Executive indicated that the Law department’s position was that since the charter was silent on what happens when a map is vetoed that the new maps will be prepared and voted upon directly by the legislature.

77. It is alleged the County Charter did not grant the Executive or his agents to perform the task granted exclusively to the LDRC to effect a Change In District which was defined in Section 207 of the Charter.

78. Following the veto of the LDRC map the County of Onondaga legislature met on December 7, 2021.

79. At the December 7, meeting the Onondaga County Legislature voted to hold a public hearing regarding once again on waiver bypassing the committee process to hold a public meeting on December 21, 2021. That vote passed on partisan lines 11-6.

80. Upon information and belief, county employees Travis Glazier thereafter prepared a new map of Legislative District boundary lines to address the violation of the Home Rule Law.

81. Mr. Glazier perform this task even though he was not a member of the LDRC and that the LDRC had completed its work when it submitted its Change In Districts to the Legislature

82. Upon information and belief, Mr. Glazier completed the task of preparing his map on or about December 10, 2021, and thereafter, provided a Map to the County Legislature. (Hereinafter, referred to as the “Glazier Map”)

83. Although that Glazier map addressed the five percent defect that had existed in the LDRC map, the Glazier map too contained multiple defects.

84. Each of those defects will be addressed below, but chief among those defects is that fact that of the (17) seventeen legislative districts depicted on the Glazier map, five of the six most populous districts were represented by Democratic Legislators, whereas only one of the six was represented by Republicans.

85. In the Glazier map, of those most populous districts is the 16<sup>th</sup> District, which was also the district with more black citizens than any other district.

86. This defect is in direct conflict with the Onondaga County Charter which requires the change in district boundaries apply the “one-person, one vote” concept and is made even more egregious in that of all the citizens of the County of Onondaga, it is the African American community that has suffered in the Glazier map with the largest decrease in the weight of their votes.

87. On December 21, 2021, a hearing was held.

88. On December 21, 2021, immediately after the hearing the Glazier map passed into law on a vote of 9-8 with all 6 Democrats and 2 GOP voting against the maps.

89. On or about December 29, 2021, the County Executive signed the local law enacting the Glazier Maps as new district boundaries.

90. As pointed out below the Glazier map, like the LDRC map is defective as a matter of law.

**AS AND FOR A FIRST CAUSE OF ACTION:**

**Violation of Onondaga County Charter Code Section 207 and NY Constitution Article III,  
Section 4 – Failure to Comply with Constitutional Procedures for Redistricting County**

**District Maps**

**A. The Map produced by LDRC (LDRC Map) violated the County Charter and  
provisions of the New York State Home Rule Law**

91. Plaintiffs hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

92. The Charter of the County of Onondaga, section 207, requires that within six months after the “publication” of the results of the regular Federal census a commission is to be formed.

93. When that Charter was formed (1963) the framers specifically directed the boundary lines to be observed in the election of members to the County of Onondaga County Legislature. County Charter Section 206.

94. By operation of law, County Charter Law Article 4, Part 1 of the Municipal Home Rule Law enacting in 1959, A County Charter must provide for the election of a legislative body and specify the “manner of election” of officers.

95. No changes to those boundaries are to be permitted except by means of the provisions of the Charter itself which provides for “CHANGE IN DISTRICTS” pursuant to section 207 of the Charter.

96. In response to the 2020 census, County of Onondaga legislative district revision commission (hereinafter LDRC) was formed in October 2021 pursuant to section 207 of the County Charter.

97. The LDRC once activated must prepare a report to be submitted to the county legislature in the form of a proposed law setting forth revised legislative district boundaries.

98. The LDRC shall be composed of (1) the members of the Board of Elections, [In this case the Board of Elections members consisted of one member of the Democratic party and one member of the Republican party.] (2) the Chairperson of the County Legislature, [In this case a member of the Republican party.] (3) an appointee of the County Executive, [In this case a member of the Republican party.] (4) an appointee of the Legislative majority party [In this case a member of the Republican party.] (5) an appointee of the Legislative minority party or parties. [In this instance only a single member of the Democratic party was appointed, and no members of any other minority party were appointed to the LDRC.]

99. In this case the LDRC had 6 members in all, of which only two were members of the Democratic Party, were activated and there were no members appointed on behalf of any other party such as the Working Families Party or Conservative party although there were members.

100. The Charter requires the “commission” shall study the population data and within three months make their recommendations in the form of a proposed local law as to what



changes in the boundaries of Legislative Districts are necessary to achieve “equity and representation in relation to population.”

101. In drafting the proposed law, the LRDC is directed by Section 207 of the Charter to “consider the application of the ‘one person, one-vote’ concept of ...federal court decisions and also compliance with the equal protection clauses of the 14<sup>th</sup> amendment of the United States Constitution and Article I, Section I and II of the New York State constitution” and thus any proposed boundary lines must comply with those constitutional requirements.

102. In this case, it is alleged that neither the procedure nor the equitable product of that procedure, as envisioned in the framers of County of Onondaga Charter, was achieved by the LDRC.

103. The County Legislature and County Executive are ordinarily charged with the duty of producing a proposed law and having that law enacted, however the framers of the County Charter specifically took those power away from the County Legislature and the County Executive; and instead entrusted that power to in relation to Changes in the Boundaries of Legislative Districts to the Legislative District Revision Commission (LDRC) in the first instance.

104. Pursuant to the Charter, once the LDRC produced its proposed law as a “local law” the County Legislature is required to conduct a public hearing regarding the “proposed changes” and then “shall” enact a local law according to the commission report.

105. Nowhere in the Charter is there a grant of authority which would permit the Legislature to vote upon the proposed changes.

106. Rather than voting upon the changes drawn by the LDRC, the Legislature has the duty to “enact” the changes pursuant to the charter and then submit the new boundaries to the public in a “permissive referendum” at the next general election.

107. Thus, the framers of the County Charter removed many of the political pitfalls that would naturally occur if the elected representatives of the County Legislature and the elected County Executive were given the power and authority on their own to create the new boundaries.

108. Note that the Charter makes no mention that the County Executive has the power or authority to veto the proposed law as would occur in all other cases in which local laws are voted upon by the County Legislature and then enacted into law upon being signed by the Executive.

109. The framers of the Charter then directed the new boundaries could be put to the people of the County in a ‘permissive’ referendum in an exercise of direct democracy, in recognition of the fact that the power to impact the voting power of the people ultimately rests with the people themselves.

110. In an exercise of nonpartisan wisdom, the framers of the County Charter sought to place the power to change the district boundaries in the first instance to the LDRC and if the citizens choose to conduct a referendum that power ultimately rests with the people themselves.

111. The framers thus bypassed the exercise of partisan political power that would naturally occur when the boundaries of Legislative Districts are left to the discretion of the very elected officials who would benefit or be burdened by the new boundary lines.

112. In the event the citizens exercised their right to conduct a ‘permissive referendum’ and the citizens rejected the proposed changes in the boundary lines “such local law is defeated

in a [‘permissive’] referendum; the legislative district revision commission shall be “reactivated to study and prepare a new proposed law....”

113. As is set forth in the supporting affidavits the Legislature violated several procedural requirements outlined in the Onondaga County Charter Code Section 207 which governs the procedures that county legislatures and appointed commissioners must follow in the event of change in districts must be made after the publication of the results of the regular federal census. Onondaga County Charter § 207.

114. More specifically, upon information and belief, Defendants violated two procedural requirements: A) Failure to comply with the clear dictates of the County Charter Code B) And by Expediting the redistricting procedures for the purpose of passing into law a Change in Districts that was in violation of an amendment to the Municipal Home Rule Law that was then pending in the New York State Legislature and which would make illegal many of the inequitable provisions of the proposed LDRC maps.

115. Upon information and belief, the Republican majority and the Republican Executive of the County of Onondaga intended from the outset to make a Change in Districts which would be patrician in design and which would illegally impact the African American community of the County of Onondaga in violation of the one-person one-vote concept and favor Republican candidate in the future and that the defendants wrongly believed that if they were successful in expediting the passage of such a Change in Districts before the Governor of the State of New York signed the amendments to the Home Rule Law, that the gerrymandering of the new district boundaries would be valid notwithstanding the inequitable result of those changes.

**B. Glazier Map Violated Procedural Requirements of the County Charter by having been Vetoed by County Executive**

116. Plaintiffs hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

117. It is alleged that upon submission of the LDRC map to the County Legislature the Legislature was required to hold a public hearing and then enact the LDRC map into law.

118. Any action taken by either the County Legislature or the County Executive beyond those acts not permitted by the Charter are a nullity.

119. Upon information and belief, the Executive, without authority pursuant to section 207 of the Charter, vetoed the LDRC map and then directed a county employee Glazier to prepare a map

120. The Home Rule Law provides that in county government it is the legislature not the Executive to draft a proposed law yet in this instance it was an agent of the executive rather than the Legislature that drafted the map that was ultimately adopted by the legislature and signed into law.

121. The Glazier map produced and put into effect by the Defendants, failed to adhere to the Municipal Home Rule Law (Hereinafter “MHRL” or “MHR Law”) Sections 10(1)(ii)(a)(13)(a) and 34(4), as well as New York State Constitution Article III, Section 4.

122. Effective October 27, 2021, the New York State Legislature amended MHR Law Sections 10(1)(ii)(a)(13)(a) and 34(4) requiring “any plan of districting or **redistricting adopted pursuant to a county charter or charter law** relating to the division of any county, except county wholly contained within a city, into districts for the purpose of the apportionment or

reapportionment of members of its local legislative body shall be subject to federal and state constitutional requirements and shall comply with [five (5) standards listed in the statute]”.

123. Here the Glazier map failed to comply with the provisions of the Home Rule Law.

124. Any Court reviewing the Glazier map should follow the guidance noted in Article III, Section 4 of the New York Constitution, and the adoption of such guidance by the Court of Appeals in *Harkenrider v. Hochul*, No. 60, 2022 WL 1236822 (N.Y. Apr. 27, 2022) at 12.

125. On April 27, 2022, the Court of Appeals held in *Harkenrider* that the congressional and senate redistricting maps created by the redistricting legislation were created in violation of both procedural and substantive requirements of the Constitution and that judicially created maps were necessary to remedy the violation. *Id.* at 9-10; NY Const., Art. III, § 4(b), (c)(5), (e).

126. Here the New York State Legislature and the Governor passed into law amendments to the Home Rule that mirror the Constitutional provisions relied upon in *Harkenrider*.

127. Likewise, the violations of the MHRL that existed in *Harkenrider* also exist in the Glazier map.

128. As a result, the Court of Appeals recognized the judiciary to grant that the primary for congressional and senate seats be rescheduled to August, and to remit the matter to the Supreme Court to, with the assistance of a special master and upon other relevant submissions, adopt constitutional maps. *Id.* at 10

129. In this instant matter, upon information and belief, Defendants and drafter of the Glazier map failed to consult with redistricting experts, ignored the comments, all in opposition,

offered by members of the public, and failed and refused to follow the newly enacted statutory requirements, in violation of law, including the Municipal Home Rule Law.

130. Accordingly, pursuant to the analysis and adoption by *Harkenrider* of Article III, Section 4 of the New York Constitution, this Court declare the Maps created and signed into law by the Defendants County Legislatures were created in violation of procedural requirements of the Constitution and MHRL, and with its delegated authority by the Constitution, this Court must adopt new constitutional maps with the assistance of a special master. *Harkenrider v. Hochul*, No. 60, 2022 WL 1236822 (N.Y. Apr. 27, 2022).

**AS AND FOR A SECOND CAUSE OF ACTION:**

**Violation of MHRL Sections 10(1)(ii)(a)(13)(a) and 34(4); and NY Constitution Article III,**

**Section 4 – Failure to Comply with Constitutional Substantive Requirements for**

**Redistricting County District Maps and Unconstitutional Partisan and Gerrymandering**

131. Plaintiffs hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

132. Effective October 27, 2021, the New York State Legislature amended MHR Law Sections 10(1)(ii)(a)(13)(a) and 34(4) requiring a plan of redistricting comply with the five (5) substantive standards outlined.

133. In this instant matter, Defendants, in creating the Glazier Maps, failed to comply with three (3) substantive standards: 1) “Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The maintenance of cores of existing districts, of pre-existing political subdivisions including cities, villages, and towns, and **of communities of interest** shall also be considered...” MHRL §§ 10(1)(ii)(a)(13)(a)(v); 34(4)(e) (Emphasis added); 2) “Districts shall be as compact in

form as practicable” MHRL §§ 10(1)(ii)(a)(13)(a)(iv); 34(4)(d); and 3) “District shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minority groups to participate in the political process or to diminish their ability to elect representatives of their choice” MHRL §§ 10(1)(ii)(a)(13)(a)(ii); 34(4)(b).

134. NY Constitution Article III, Section 4 gives this Court a full discretion to intervene following a violation of the law, and pursuant to the analysis and adoption of Article III, Section 4 of the New York Constitution by the Court in *Harkenrider*, this Court must declare the Maps created and signed into law by the Defendants County Legislatures were created in violation of substantive requirements of the Constitution and MHRL, and with its delegated authority by the Constitution, this Court must adopt new constitutional maps with the assistance of a special master. *Harkenrider v. Hochul*, No. 60, 2022 WL 1236822 (N.Y. Apr. 27, 2022)

**A. The Maps fail to consider the maintenance of cores of communities of interest**

135. Plaintiffs hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

136. The MHR Law requires all counties in the State of New York to follow set standard for fair legislative redistricting, which would keep communities of interest whole, protect minority voting rights and give residents a clear, singular representative to advocate on their behalf.

137. Sections 10(1)(ii)(a)(13)(a) and 34(4) of the MHRL lays out a set of requirements. More specifically, it is noted that “District shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The maintenance of cores of existing districts, of pre-existing political subdivisions including cities, villages, and towns, and **of communities of interest** shall also be considered. To

the extent practicable, no villages, cities or towns except those having more than forty percent of a full ratio for each district shall be divided.” MHRL §§ 10(1)(ii)(a)(13)(a)(v); 34(4)(e) (Emphasis added).

138. Here, the County Legislature accepted the Glazier Map (attached hereto as Exhibit B) despite the fact that that map was designed to “discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties.” MHRL §§ 10(1)(ii)(a)(13)(a)(v); 34(4)(e); See also, N.Y. Const. art. III, § 4(c)(5). These Maps violate the clear prohibitions against partisan and gerrymandering strictly outlined in the MHR Law, which is a direct application of Article III, Section 4(c)(5) of the New York Constitution.

139. In this instant matter, long-term residents of County of Onondaga, as the voices of their residing towns, opined that the Maps created by Defendants entirely neglect considering keeping communities of interest together as the Constitution requires and divided towns for the purpose of favoring the candidates of the Republican party as is set forth in the supporting affidavits of residents of the towns of Geddes, Salina, and Manlius.

140. More specifically, the affidavits of the witnesses establish that the proposed districts are non-compact pairing unrelated communities to each other, thus, diminishing the political and voting power of democratic voters who reside in those proposed districts.

141. The Glazier Maps creates districts that are irregularly shaped, includes numerous unnecessary political subdivisions splits, breaks up geographically compact communities of interests, and failed to create an appropriately redistricted legislative map.

142. Here, upon information and belief, Defendants failed to consult with redistricting experts, ignored the comments, all in opposition, offered by members of the public, and failed



and refused to follow the newly enacted statutory requirements, in violation of law, including the Municipal Home Rule Law.

143. Additionally, the Glazier Maps as they relate to the City of Syracuse were drawn with the intent of “abridging the equal opportunity of racial (African American)...minority groups to participate in the political process or diminish their ability to elect representatives of their Choice...” in that the Syracuse community located in the city’s south side was divided and paired with unrelated communities so as to diminish the ability of the African American minority to elect representatives from the same community of interest to the Onondaga County Legislature.

144. In dividing Syracuse’s African American community as it had existed in the pre-existing 16 Legislative District, the defendants failed to maintain the “cores of existing districts, of pre-existing political subdivisions.

145. Likewise, the defendants failed to maintain the “cores of existing districts, of pre-existing political subdivisions in the Towns of Geddes, Salina and Manlius, as well as the Villages of Solvay, Liverpool, Mattydale, and Lyncourt.

146. Additionally in dividing the neighborhoods and communities of interest in the University area of Syracuse into three differing Legislative districts the citizens of that area living in close proximity to each other find their single community of interest to so divided as to discourage the “orderly and efficient administration of elections” as mandated by the Home Rule Law, such that citizens of that area would be hampered in understanding which of the three County Legislative Districts in which they reside thus hampering their ability to fully participate in elections of their representatives to the Onondaga County Legislature.

147. As a result of the above violation of law by Defendants, the Glazier Map must be held invalid, and accordingly, it is respectfully requested that this Court to strike the Maps as invalid, or in alternative, this Court must retain an independent and neutral expert to redraw the Maps. Likewise, the LDRC map was admitted to have violate the Home Rule Law and likewise must be rejected.

**B. The Maps are not as compact in form as practicable**

148. Plaintiffs hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

149. Sections 10(1)(ii)(a)(13)(a)(iv) and 34(4)(d) of the MHRL mandates that “District shall be as compact in form as practicable.” See also, N.Y. Const. art. III, § 4(c)(4).

150. Here, Plaintiffs’ expert political scientist, Professor David Cottrell, evaluated the Glazier map for compactness of redistricting plans for legislative districts in the County of Onondaga, and using four commonly used and generally accepted as reliable metrics that define a compact district as a perfect circle, concluded that the plans proposed by the Republicans were less compact in shape than the plans proposed by Democrats. (Attached hereto as **Exhibit L – Expert Report**)

151. Most importantly, Plaintiffs’ expert political scientist opined that the study and measurement of proposed Maps reveal that the plans adopted by the Onondaga County Legislature do not meet the criteria laid out in the subdivision 4 of section 34 of the Municipal Home Rule Law of New York, because they are less compact in form than is practicable.

152. In this instant action, however, upon information and belief, Defendants failed to consult with redistricting experts, ignored the comments, all in opposition, offered by members

of the public, and failed and refused to follow the newly enacted statutory requirements, in violation of law, including the Municipal Home Rule Law.

153. As a result of the above violation of law by Defendants, the Glazier Maps must be held invalid, and accordingly, it is respectfully requested that this Court to strike the Maps as invalid, or in alternative, this Court must retain an independent and neutral expert to redraw the Maps; Likewise, the LDRC map was admitted to have violate the Home Rule Law and likewise must be rejected.

**C. The Maps were drawn with the intent or result of denying or abridging the equal opportunity of racial or language minority groups to participate in the political process or to diminish their ability to elect representative of their choice**

154. Plaintiffs hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

155. As set forth above the Glazier map as the relate to the City of Syracuse were drawn with the intent of “abridging the equal opportunity of racial (African American)...minority groups to participate in the political process or diminish their ability to elect representatives of their Choice...” in that Syracuse’s African American community, which is predominantly located in the city’s south side, was divided repeatedly and paired with unrelated communities so as to diminish the ability of the African American minority to elect representatives from the same community of interest to the Onondaga County Legislature.

156. Sections 10(1)(ii)(a)(13)(a)(ii) and 34(4)(b) of the MHRL requires that “Districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minority groups to participate in the political process or to diminish their ability to elect representatives of their choice.” See also, N.Y. Const. art. III, § 4(c)(1)

157. In this instant matter, Helen Hudson, Charles Garland and Michael Greene, long-term residents of the City of Syracuse and County of Onondaga, opined the Maps created by Defendants disregarded protection of a racial minority (African Americans) diminishing the voting power of that community within the County of Onondaga as the County Charter, State Home Rule Law, and State and Federal Constitutions require. See, Affidavits of Helen Hudson and Michael Greene (Exhibit F, G, respectively)

158. The County Charter requires that the defendants shall consider the application of “the equal protection clause of the 14<sup>th</sup> Amendment of the United States Constitution...” and the “New York State Constitution” as they “redesign the legislative districts...”

159. Here the defendants did not comply with those provisions of the County Charter and failed to consider the application of the protections afforded by those sacred documents to Syracuse’s African American community.

160. In dividing the African American community in Syracuse and diminishing the voting power of that community, the defendants simultaneously violated the County of Onondaga Charter, the State of New York Home Rule Lay, the both the State and Federal Constitutional protections of minority groups to be free from racial discrimination.

161. The County Charter Section 207 made specific reference to the 14<sup>th</sup> Amendment’s equal protection clause demonstrating the Charter’s mandate that the that the defendant in redesigning the districts are required to consider and apply the constitutional protections afforded to the African American citizens of the County of Onondaga when performing the task of changing the legislative districts and in this case the defendants violated that mandate in diminishing the voting power of that community.

162. Here the person who actually prepared the map adopted by the County Legislature, Travis Glazier, admitted to Charles Garland that when he prepared the map dividing the African American Community as it existed in the pre-existing district map of the 16<sup>th</sup> Legislative District he did not consider African American Community as separate and distinct from other minority populations and therefore redrew the Legislative map of the 16<sup>th</sup> Legislative District in a manner that reduced the population of African Americans in the 16<sup>th</sup> District and diminishing the voting power of that protected class.

163. Additionally, Defendants failed to consult with redistricting experts, ignored the comments, all in opposition, offered by members of the public, and failed and refused to follow the newly enacted statutory requirements, in violation of law, including the Municipal Home Rule Law.

164. As a result of the above violation of law by Defendants, the Glazier Maps must be held invalid, and accordingly, it is respectfully requested that this Court to strike the Maps as invalid, or in alternative, this Court must retain an independent and neutral expert to redraw the Maps

**AS AND FOR A THIRD CAUSE OF ACTION:**

**Declaratory Judgment Pursuant to CPLR § 3001 – Invalidate Defective Maps**

165. Plaintiffs hereby incorporate each of the foregoing paragraphs as if fully set forth herein.

166. Pursuant to CPLR § 3001, Plaintiffs seek a declaratory judgment from the Court as to the rights and other legal relations of the parties regarding the validity and constitutionality of the both the LDRC and Glazier Maps.

167. Until the validity of the Maps is determined by this Court, both Plaintiffs and the voters of New York will be left with an indisputably invalid and unconstitutional Maps in the upcoming elections.

168. Therefore, pursuant to the analysis and adoption by *Harkenrider* of Article III, Section 4 of the New York Constitution, this Court must declare the Maps created and signed into law by the Defendants County Legislatures were created in violation of both procedural and substantive requirements of the Constitution, MHRL, and Onondaga County Charter Rule, and further, with its delegated authority, this Court must adopt new constitutional maps with the assistance of a special master. *Harkenrider v. Hochul*, No. 60, 2022 WL 1236822 (N.Y. Apr. 27, 2022)

**WHEREFORE**, Plaintiffs respectfully request that this Court direct entry of an Order and Judgment granting the following relief:

A) Declaring that:

- a. The Maps (both the LDRC Maps and Glazier Maps) constitute unconstitutional maps enacted without complying with the mandatory procedural requirements for redistricting pursuant to Section 207 of the Onondaga County Charter Code and Article III of the New York State Constitution.
- b. The Maps constitute an unconstitutional redrawing of Legislative District lines without complying with the mandatory substantive requirements for redistricting pursuant to Sections 10(1)(ii)(a)(13)(a) and 34(4) of the Municipal Home Rule Law and Article III of the New York State Constitution.
- c. The Maps constitute an unconstitutional partisan and gerrymander, in violation of

Sections 10(1)(ii)(a)(13)(a) and 34(4) of the Municipal Home Rule Law and Article III of the New York State Constitution.

- B) Directing Defendants to adopt new maps to be prepared by the Court with the assistance of an independent and neutral expert to redraw the Maps that conforms with all requirements of applicable laws, including the pertinent provisions of the Municipal Home Rule Law, with the final map subject to approval of the Court;
- C) Enjoining the Board of Elections from conducting any elections except in accordance with valid maps approved by the Court as set forth above;
- D) Awarding attorneys' fees and costs; and
- E) Granting such other, further and different relief as the Court may deem just and appropriate, including costs and disbursements.

Dated: August 18, 2022  
Syracuse, New York

Cote & Van Dyke, LLP

*Joseph & Côté*

---

Joseph S. Cote, III, Esq.  
*Attorneys for Plaintiffs*  
214 N. State Street  
Syracuse, New York 13203  
(315) 478-3074