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By NYSCEF

August 8, 2022

Honorable Laurence L. Love, J.S.C.
Supreme Court of the State of New York, New York County
80 Centre Street
New York, NY 10013

Re: *Nichols, et al. v. Hochul, et al.*, Index No. 154213/2022 (Sup. Ct. N.Y. Cty.)

Dear Justice Love:

This letter is submitted on behalf of Governor Kathy Hochul ("Governor Hochul"), named as a respondent in the above-captioned matter, in response to Your Honor's Order dated June 29, 2022 (NYSCEF No. 98) directing the parties to submit briefs and supporting materials "expressing their views as to the proper means by which to redraw the state assembly map as ordered by the Appellate Division."

Governor Hochul respectfully concurs with the position taken by Assembly Speaker Carl Heastie, also named as a respondent, in his submission (NYSCEF No. 100). Pursuant to Article III of the State Constitution, matters of redistricting are within the province of the Independent Redistricting Commission, subject to the approval of each house of the Legislature and then ultimately the approval or veto of the Governor. N.Y. CONST. art. III, § 5-b (2014). Since the issue before the Court concerns the 2024 elections, there is ample time to permit operation of the process envisioned by the State Constitution.

Accordingly, Governor Hochul respectfully submits that the Court should remand this matter to the Independent Redistricting Commission for further proceedings. The remedies suggested by the Petitioners, such as appointment of a special master, are premature at best and inappropriate under the circumstances.

Thank you for Your Honor's consideration of this matter.

Respectfully submitted,

Seth J. Farber /s/
Seth J. Farber
Special Litigation Counsel

cc: All Counsel of Record (via NYSCEF)