No. 21-1271

In the Supreme Court of the United States

TIMOTHY K. MOORE, IN HIS OFFICIAL CAPACITY AS SPEAKER OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES, *et al.*,

Petitioners,

v.

REBECCA HARPER, *et al.*,

Respondents.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF NORTH CAROLINA

BRIEF OF GROUP OF NEW YORK VOTERS AS *AMICI CURIAE* IN SUPPORT OF NEITHER PARTY

MISHA TSEYTLIN
Counsel of Record
KEVIN M. LEROY
EMILY A. O'BRIEN
TROUTMAN PEPPER
HAMILTON SANDERS LLP
227 W. Monroe, Suite 3900
Chicago, IL 60606
(608) 999-1240
misha.tseytlin@troutman.com

Counsel for *Amici Curiae*

QUESTION PRESENTED

Whether a State's judicial branch may nullify the regulations governing the "Manner of holding Elections for Senators and Representatives . . . prescribed . . . by the Legislature thereof," U.S. Const. art. I, § 4, cl. 1, and replace them with regulations of the state courts' own devising, based on vague state constitutional provisions purportedly vesting the state judiciary with power to prescribe whatever rules it deems appropriate to ensure a "fair" or "free" election.

TABLE OF CONTENTS

QUESTION PRESENTED i

INTEREST OF *AMICI CURIAE* 1

INTRODUCTION AND SUMMARY OF ARGUMENT 3

ARGUMENT 5

I. This Court Should Hold That The Elections Clause Requires A State To Speak Clearly Through Its Lawmaking Processes If The State Wishes To Assign Responsibility For Congressional Elections To Any Body Other Than Its Legislature...5

II. Adopting *Amici*'s Proposed Clear-Statement Rule Would Allow This Court To Live Up To The Promise Of *Arizona State Legislature* And *Rucho* By Allowing States Like New York To Choose To Outlaw Partisan Gerrymandering..............................18

A. New York Uses Its Lawmaking Process To Adopt The 2014 Anti-Gerrymandering Amendments, And New York Courts Enforce Those Amendments, Consistent With *Arizona State Legislature* And *Rucho* 18

B. Anti-Gerrymandering Reforms Like New York's 2014 Amendments Satisfy *Amici*'s Proposed Clear-Statement Rule ..28

CONCLUSION...31

TABLE OF AUTHORITIES

Cases

Ala. Ass'n of Realtors v. Dep't of Health & Hum. Servs.,
141 S. Ct. 2485 (2021) (per curiam) 9, 10, 11

Ariz. State Leg. v. Ariz. Indep. Redistricting Comm'n,
576 U.S. 787 (2015)..................................... *passim*

Atascadero State Hosp. v. Scanlon,
473 U.S. 234 (1985)... 9, 11

BFP v. Resol. Tr. Corp.,
511 U.S. 531 (1994)..............................9, 14, 29, 30

Bond v. United States,
572 U.S. 844 (2014)..................................... *passim*

Bouie v. City of Columbia,
378 U.S. 347 (1964)... 13

Bush v. Gore,
531 U.S. 98 (2000) (per curiam) .... *passim*

Colo. Gen. Assembly v. Salazar,
541 U.S. 1093 (2004)... 7

Democratic Nat'l Comm. v. Wis. State Legislature,
141 S. Ct. 28 (2020) 15

Gregory v. Ashcroft,
501 U.S. 452 (1991) .... *passim*

Growe v. Emison,
507 U.S. 25 (1993) 7

Harkenrider v. Hochul,
___ N.E.3d ___,
2022 WL 1236822 (N.Y. Apr. 27, 2022) ...... *passim*

Hawke v. Smith,
253 U.S. 221 (1920) 6

McPherson v. Blacker,
146 U.S. 1 (1892) 5, 6

Moore v. Harper,
142 S. Ct. 1089 (2022) 3, 15

Morrison v. Nat'l Australia Bank Ltd.,
561 U.S. 247 (2010) 9, 10, 13

NAACP v. Alabama ex rel. Patterson,
357 U.S. 449 (1958) 13

Pennhurst State Sch. & Hosp. v. Halderman,
465 U.S. 89 (1984) 9, 14, 28, 30

Rucho v. Common Cause,
139 S. Ct. 2484 (2019) .... *passim*

Smiley v. Holm,
285 U.S. 355 (1932) 6

State of Ohio ex rel. Davis v. Hildebrant,
241 U.S. 565 (1916) 6

United States v. U.S. Gypsum Co.,
438 U.S. 422 (1978) 10

Util. Air Regul. Grp. v. EPA,
573 U.S. 302 (2014) 10

West Virginia v. EPA,
142 S. Ct. 2587 (2022) 10

Constitutional Provisions

Ariz. Const. art. IV, pt. 2, § 1 29

Cal. Const. art. XXI, § 1 29

Cal. Const. art. XXI, § 2 .... 29, 30

Cal. Const. art. XXI, § 3 30

Colo. Const. art. V, § 44 29

Colo. Const. art. V, § 44.3 29

Colo. Const. art. V, § 44.5 30

Conn. Const. art. III, § 6 29

Fla. Const. art. III, § 20 29

Haw. Const. art. IV, § 10 .... 29, 30

Haw. Const. art. IV, § 2 29

Idaho Const. art. III, § 2 29

Iowa Const. art. III, § 36.. 30

Me. Const. art. IV, pt. 3, § 1-A................................ 29

Mich. Const. art. 4, § 6.. 29

Mich. Const. art. 4, §6....................................... 29, 30

Mont. Const. art. V, § 14.. 29

N.J. Const. art. II, § 2 29

N.Y. Const. art. III, § 4 ....*passim*

N.Y. Const. art. III, § 5 ....*passim*

N.Y. Const. art. III, § 5-b 1, 19, 20

U.S. Const. art. I, § 2... 7

U.S. Const. art. I, § 4, cl. 1.............................. i, 5, 12

Va. Const. art. II, § 6-A.. 29

Wash. Const. art. II, § 43... 29

Statutes And Rules

Iowa Code § 42.4 29

Mont. Code Ann. § 5-1-115 30

N.Y. Legis. Law § 93 ....19, 21, 26, 29

N.Y. Legis. Law § 94 .... 19, 26, 29

Or. Rev. Stat. § 188.010 30

Other Authorities

Grace Ashford & Nicholas Fandos, *N.Y. Democrats Could Gain 3 House Seats Under Proposed District Lines*, N.Y. Times (Jan. 30, 2022) 25

Jacob Kaye, *State Legislature Shares Congressional Redistricting Map*, Queens Daily Eagle (Feb. 1, 2022) 26

Katie Glueck & Luis Ferré-Sadurní, *Interview with Kathy Hochul: "I Feel a Heavy Weight of Responsibility,"* N.Y. Times (Aug. 24, 2021)...... 23

Marina Villeneuve, *NYC Would Get More Seats in State Senate Under Proposed Maps*, AP News (Feb. 1, 2022) 26

N.Y. Bd. of Elections, Proposal 1 Election Returns Nov. 4, 2014... 19

Nathaniel Rakich, *New York's Proposed Congressional Map Is Heavily Biased Toward Democrats. Will It Pass?*, FiveThirtyEight (Jan. 31, 2022)... 25

Nick Reisman, *How the Proposed Congressional Lines Could Alter New York's Politics*, Spectrum News 1 (Feb. 1, 2022) 26

Sarah Darmanjian, *NY's Independent Redistricting Commission Clinches $4M Budget*, News10 (Apr. 12, 2021)......................... 23

INTEREST OF *AMICI CURIAE*[1]

Amici are New York voters who successfully challenged the congressional redistricting map that the New York State Legislature purported to adopt for the 2020 redistricting cycle. *Harkenrider v. Hochul*, ___ N.E.3d ___, 2022 WL 1236822 (N.Y. Apr. 27, 2022).[2] In that state-court challenge, *Amici* demonstrated that this congressional map violated both the procedural and the substantive components of the New York Constitution's 2014 anti-partisan-gerrymandering amendments. *Id.* at *1; *see* N.Y. Const. art. III, §§ 4, 5, 5-b (hereinafter "2014 amendments"). Because *Amici* invoked clear constitutional language in their lawsuit, the New

---

[1] Under Rule 37.6, *Amici* affirm that no counsel for a party authored this brief, in whole or in part, and that no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. Other than *Amici* and their counsel, the only entity to have made a monetary contribution to this brief's preparation or submission is Fair Lines America Foundation in New York. Petitioners have consented to the filing of this merits-stage amicus brief in writing, and Respondents have filed letters giving blanket consent to the filing of *amicus* briefs with this Court. Rule 37.3.

[2] *Amici* are 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 Violante.

York Court of Appeals—composed of seven jurists appointed by Governors of a different political party than *Amici*—ruled in *Amici*'s favor by a 5-2 vote. As a remedy, the New York state courts adopted a court-drawn congressional redistricting map to govern New York's congressional elections for the next decade, just as the People of New York specifically provided when they adopted the 2014 anti-gerrymandering amendments, after those amendments were submitted to the People by the New York State Legislature. *Harkenrider* Dkt.670 at 1–2.[3]

Amici file this brief to encourage this Court to give meaning to the Elections Clause, while permitting States like New York to outlaw partisan gerrymandering through the use of their States' "own lawmaking processes." *Ariz. State Leg. v. Ariz. Indep. Redistricting Comm'n*, 576 U.S. 787, 824 (2015).

---

[3] *Amici* cite docket items from *Harkenrider v. Hochul*, Index No. E2022-0116CV (Steuben Cty. Sup. Ct), as "*Harkenrider* Dkt.__". The full docket is available at https://iapps.courts.state.ny.us/nyscef/DocumentList?docketId=kmywkTvfcaoSsQ66zseQsg==&display=all&courtType=Steuben%20County%20Supreme%20Court&resultsPageNum=1 (all websites last visited September 2–3, 2022).

INTRODUCTION AND SUMMARY OF ARGUMENT

Justices of this Court have expressed interest in adopting a measured interpretation of the Elections Clause that recognizes "*some* limit on the authority of state courts to countermand actions taken by state legislatures when they are prescribing rules for the conduct of federal elections," *Moore v. Harper*, 142 S. Ct. 1089, 1091 (2022) (Alito, J., dissenting from the denial of application for a stay), while also staying consistent with this Court's holding in *Arizona State Legislature* and the considered dicta in *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019), that States may take steps to stop their legislatures from engaging in partisan gerrymandering.

Amici propose just such a solution, grounded in the Elections Clause's text, this Court's precedent, and this Court's approach to many constitutional doctrines: a clear-statement rule. Under *Amici*'s proposal, a State may use its "own lawmaking processes," *Ariz. State Leg.*, 576 U.S. at 816–17, 824, to channel federal-election responsibility away from the state legislature and to some other state body, and may choose to prohibit partisan gerrymandering, so long as the State expresses these intentions in unambiguous statutory or constitutional text. This proposed clear-statement rule gives teeth to the Elections Clause, while still allowing States to take meaningful steps to stop partisan gerrymandering through their "own lawmaking processes." *Ariz. State*

Leg., 576 U.S. at 816–17, 824. And *Amici*'s clear-statement rule is eminently administrable because it is grounded in this Court's well-established, clear-statement-rule precedent.

This proposed clear-statement rule would allow States like New York to outlaw partisan gerrymandering, just as this Court promised they could in *Arizona State Legislature* and *Rucho*. New York, for its part, enacted its 2014 amendments to its state constitution to combat partisan gerrymandering, which amendments establish an Independent Redistricting Commission (hereinafter "IRC"), expressly prohibit both the New York State Legislature (hereinafter "Legislature") and the IRC from engaging in partisan gerrymandering, and provide in constitutional text judicial-backstop procedures to remedy any violations. In 2022, *Amici* successfully enforced the 2014 amendments in the New York state courts, securing a judgment that the Legislature's purported congressional redistricting map for the 2020 redistricting cycle violated the 2014 amendments' procedural and substantive anti-gerrymandering guarantees. As a result of that judgment, the New York state courts adopted a nonpartisan, court-drawn redistricting map to govern New York's congressional elections for the next decade, securing the promise of the 2014 amendments for the People of New York. The 2014 amendments would easily satisfy *Amici*'s proposed clear-statement rule for the Elections Clause—as would the clear anti-gerrymandering provisions found in many other

States' constitutions and statutes. So, if this Court adopted *Amici*'s proposal here, all of these state-law provisions would remain intact.

ARGUMENT

I. This Court Should Hold That The Elections Clause Requires A State To Speak Clearly Through Its Lawmaking Processes If The State Wishes To Assign Responsibility For Congressional Elections To Any Body Other Than Its Legislature

A. This Court has taken a measured approach to interpreting the Constitution's Elections Clause. This Court's approach gives due honor to the text of the Elections Clause by recognizing the Clause's identification of "the Legislature" of "each State" as the primary authority to regulate federal elections, U.S. Const. art. I, § 4, cl. 1, while respecting States' decision to use their lawmaking processes to channel their regulation of congressional elections.

This Court's earliest decisions interpreting the Elections Clause recognized the authority of state legislatures to regulate congressional elections, while affording the States freedom to use their lawmaking power to provide for a diversity of approaches to congressional-election regulation. Thus, in *McPherson v. Blacker*, 146 U.S. 1 (1892)—which interpreted Article II's "considerabl[y] similar[ ]" Presidential Electors Clause, *Ariz. State Leg.*, 576 U.S. at 839 (Roberts, C.J., dissenting)—this Court

held that the phrase "the legislature thereof" operates "as a limitation upon the state" in its "attempt[s] to circumscribe" the "plenary" grant of power that "state legislatures" enjoy under the clause, *McPherson*, 146 U.S. at 25, 35; *accord Hawke v. Smith*, 253 U.S. 221, 227 (1920) (holding that the term "Legislature" at the Founding was not "of uncertain meaning," but clearly meant "the representative body which made the laws of the people"). But then, in *State of Ohio ex rel. Davis v. Hildebrant*, 241 U.S. 565 (1916), this Court held that a State may supplement its legislature's plenary power to adopt congressional-redistricting legislation under the Elections Clause with a popular "referendum" on such legislation, which referendum process was part of the State's "legislative power," as defined in the State's constitution. *Id.* at 566, 569; *Ariz. State Leg.*, 576 U.S. at 840 (Roberts, C.J., dissenting) (interpreting *Hildebrant*); *compare Hawke*, 253 U.S. at 228–30 (holding that a State may not subject a state legislature's exercise of its constitutional-amendment-ratification power to approval by "direct action by the people"). And under *Smiley v. Holm*, 285 U.S. 355 (1932), a State may also "subject" its state legislature's exercise of Elections Clause power "to the veto power of the Governor as in other cases of the exercise of the [legislature's] lawmaking power," *id.* at 372–73, where the Governor's veto is part of "the method which the state has prescribed for legislative enactments" within the plain text of its state constitution, *id.* at 367.

This Court's decisions in the 1990s and 2000s, as well as separate writings from individual Justices, carry forward this measured interpretation of the Elections Clause. In *Growe v. Emison*, 507 U.S. 25 (1993), this Court rejected a federal district court's effort to reapportion Minnesota "in the face of Minnesota state-court litigation seeking similar relief," reaffirming that—under the Elections Clause—"[congressional] reapportionment is primarily the duty and responsibility of the State *through its legislature or other body*." *Id.* at 27, 34 (citing U.S. Const. art. I, § 2) (emphasis added). In the following decade, Chief Justice Rehnquist explained that, in order for the Elections Clause to retain any meaning, "there must be some limit on the State's ability" to transfer the state legislature's duties and responsibilities under that Clause to another "body." *Colo. Gen. Assembly v. Salazar*, 541 U.S. 1093, 1095 (2004) (Rehnquist, C.J., dissenting from denial of certiorari). For example, state courts cannot "wholly change" the "legislative scheme" that a state legislature has adopted for congressional elections "by judicial interpretation." *Bush v. Gore*, 531 U.S. 98, 114 (2000) (Rehnquist, C.J., concurring) (interpreting the related Presidential Electors Clause). That is, the Elections Clause prohibits a state court from "distort[ing]" the "election laws" adopted by the state legislature "beyond what a fair reading [would] require[ ]." *Id.* at 115.

This Court's most recent decisions on partisan gerrymandering reflect this measured approach. In

Arizona State Legislature, this Court held that States have the leeway under the Elections Clause "to provide for redistricting by independent commission" in order to "curb partisan gerrymandering," 576 U.S. at 813, 822, where that reform is adopted via a voter-initiative process that is part of the State's "own lawmaking processes," *id.* at 824. This is because "[t]he dominant purpose of the Elections Clause," based on "the historical record," was "not to restrict the way States enact legislation," *id.* at 814–15, or "to diminish a State's authority to determine its own lawmaking processes," *id.* at 824—that is, how the State determines its "own governmental processes" to enact law, in its "autonomy," *id.* at 816–17. Rather, consistent with the States' "role . . . as laboratories for devising solutions to difficult legal problems," *id.* at 817 (citations omitted), the Clause permits States to use "direct democracy" to "curb the practice of gerrymandering" by replacing the state legislature with an independent commission to draw congressional-district lines, *id.* at 823–24. Then, in *Rucho*, 139 S. Ct. 2484, this Court promised that States retain the authority to take meaningful steps to limit partisan gerrymandering, if they so choose, even as this Court recognized Congress' own authority "to do something about partisan gerrymandering in the Elections Clause." *Id.* at 2507–08. So, for example, States have the leeway to adopt state-constitutional amendments or state statutes that explicitly prohibit partisan gerrymandering; that establish "independent commissions" to "draw electoral districts"; or that

"creat[e]" a "new position" of "state demographer" to "draw . . . district lines." *Id.* at 2507; *see infra* Part II.

B. This Court has often adopted clear-statement rules when interpreting federal statutes in order to advance constitutional protections and values.

When this Court adopts clear-statement rules, it "presume[s]" that a statute does not reach certain results, "absent a clear statement from" the legislature in that statute. *Bond v. United States,* 572 U.S. 844, 856–58 (2014) (citations omitted). When clear-statement rules apply, "those charged with the duty of legislating must be *reasonably explicit*" if they intend to reach particular, unusual results. *Id.* at 858 (citations omitted; brackets omitted; emphasis added). This requires courts to "be *certain* of [legislative] intent," as expressed in a statute, before courts will interpret a statute to require the relevant outcome. *Gregory v. Ashcroft*, 501 U.S. 452, 460 (1991) (emphasis added); *see also Ala. Ass'n of Realtors v. Dep't of Health & Hum. Servs.*, 141 S. Ct. 2485, 2489 (2021) (per curiam) ("speak clearly"); *Morrison v. Nat'l Australia Bank Ltd.*, 561 U.S. 247, 255 (2010) ("clearly expressed"); *BFP v. Resol. Tr. Corp.*, 511 U.S. 531, 544 (1994) ("clear and manifest"); *Atascadero State Hosp. v. Scanlon*, 473 U.S. 234, 242 (1985) ("unequivocally express its intention"); *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 99 (1984) ("unequivocal expression of congressional intent"). Clear-statement rules operate as a "background principle[ ] of construction" that are

"[p]art of a fair reading of statutory text." *Bond,* 572 U.S. at 856–58. They are "principle[s]" that create "canon[s] of construction," or "presumption[s] about a statute's meaning," and are "longstanding . . . [in] American law." *Morrison*, 561 U.S. at 255.

This Court has applied clear-statement rules in a variety of contexts, in order to advance constitutional protections and values. For example, this Court has held that Congress must "speak clearly when authorizing an agency to exercise powers of 'vast economic and political significance,'" which guards against an agency's impermissible exercise of legislative power. *Ala. Ass'n of Realtors*, 141 S. Ct. at 2489 (quoting *Util. Air Regul. Grp. v. EPA*, 573 U.S. 302, 324 (2014) (citations omitted)); *see also West Virginia v. EPA*, 142 S. Ct. 2587, 2609 (2022). Similarly, to preserve the principles of federalism embedded in the Tenth Amendment, this Court "insist[s] on a clear indication" from Congress before it will interpret a federal statute "in a way that intrudes on the police power of the States" or on "areas of traditional state responsibility." *Bond*, 572 U.S. at 858–60. In the context of preemption, this Court must "be certain of Congress' intent before finding that federal law overrides" a duly enacted state law. *Gregory*, 501 U.S. at 460. And this Court will only "give a statute extraterritorial effect," *Morrison*, 561 U.S. at 255; construe a criminal law as a "strict-liability offense[ ]," *United States v. U.S. Gypsum Co.*, 438 U.S. 422, 437–38 (1978); or interpret federal law as "abrogat[ing]" the state sovereign

immunity recognized by the Eleventh Amendment, *Atascadero State Hosp.*, 473 U.S. at 243, when confronted with a clear statement from Congress.

Clear-statement rules promote constitutional protections and values. Clear-statement rules may preserve "the usual constitutional balance" of power in our Nation by instructing that vague statutory text from Congress does not purport to "upset" that balance. *Gregory*, 501 U.S. at 460, 464; *see also Bond*, 572 U.S. at 858. They may protect "the historic powers of the States," as recognized "under our constitutional scheme," by presuming that "Congress does not readily interfere" with those powers. *Gregory*, 501 U.S. at 461 (citations omitted); *Ala. Ass'n of Realtors*, 141 S. Ct. at 2489. All of this retains "[t]he fundamental nature of the interests implicated by" the Constitution, *Atascadero*, 473 U.S. at 242; *accord Ala. Ass'n of Realtors*, 141 S. Ct. at 2489, since clear-statement rules "avoid" confrontations with "potential constitutional problem[s]," unless the Court is "absolutely certain that Congress intended" those confrontations to occur, *Gregory*, 501 U.S. at 464. In this way, clear-statement rules "assure[ ]" the courts that "the legislature has in fact faced, and intended to bring into issue, the critical [constitutional] matters involved in the judicial decision" before the court. *Bond*, 572 U.S. at 858 (citations omitted).

C. *Amici* suggest that this Court consider adopting a clear-statement-rule approach to enforce the

Elections Clause, *see supra* Part I.B, thereby operationalizing the measured interpretation of that Clause that this Court's precedents have articulated, *see supra* Part I.A. Under this proposed approach, a State may only assign responsibility for regulating congressional elections to a state body other than the state legislature with "a clear statement," *see Bond*, 572 U.S. at 857, articulated through its "own lawmaking processes," *Ariz. State Leg.*, 576 U.S. at 816–17, 824, that it is taking this constitutionally momentous step.

Applying this clear-statement-rule approach to the Elections Clause would protect the constitutional values that this Clause embodies. The Elections Clause strikes a particular "constitutional balance." *See Gregory*, 501 U.S. at 460. On the one side, state legislatures enjoy the primary authority to regulate federal elections, U.S. Const. art. I, § 4, cl. 1, which ensures orderly election administration by protecting the "coherence" of a "legislative [election] scheme" from "impermissibl[e] distort[ion]" by a state court. *Bush*, 531 U.S. at 114–15 (Rehnquist, C.J., concurring). On the other side, the People of a State retain leeway to use their "own lawmaking processes" to channel authority away from the state legislature and towards some other state body. *Ariz. State Leg.*, 576 U.S. at 816–17, 824. A clear-statement rule for the Elections Clause would respect that balance: it would preserve the state legislature's primary role by presuming that the State has *not* "upset the usual constitutional balance" and displaced the state

legislature via a vague state-law provision. *Gregory*, 501 U.S. at 460; *see also Bond*, 572 U.S. at 858. And it would respect the authority of the People of the States over their State's "own lawmaking processes," *Ariz. State Leg.*, 576 U.S. at 816–17, 824, by allowing them to use those processes to allocate authority away from their state legislature with a "clearly expressed" statutory or constitutional provision, *Morrison*, 561 U.S. at 255 (citations omitted).

Interpreting the Elections Clause to impose a clear-statement rule accords with other decisions from this Court that impose rules of construction on state law, as a matter of federal constitutional law. *See generally Bush*, 531 U.S. at 114–15 (Rehnquist, C.J., concurring). As Chief Justice Rehnquist's concurring decision in *Bush* explained, this Court held in *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958), that the Constitution prevents state courts from adopting such a "novel" interpretation of "prior" state-court procedural "precedent" that a litigant is unfairly precluded from vindicating federal constitutional guarantees before this Court. *Bush*, 531 U.S. at 114–15 (Rehnquist, C.J., concurring). Similarly, *Bouie v. City of Columbia*, 378 U.S. 347 (1964), held that the Due Process Clause requires state courts to adopt a "fair reading" rule of construction for their "state penal statute[s]." *Bush*, 531 U.S. at 115 (Rehnquist, C.J., concurring). Interpreting the Elections Clause to impose a clear-statement rule—a bedrock "canon of construction," *Morrison*, 561 U.S. at 255; *Bond,* 572 U.S. at 856–58—

on state law is "precisely parallel" to *NAACP* and *Bouie*, preserving "a respect for the constitutionally prescribed role of state *legislatures*," *Bush*, 531 U.S. at 114–15 (Rehnquist, C.J., concurring).

Amici's proposed clear-statement approach provides a neutral, administrable rule. To enforce this rule, a court need only ask whether a state-constitutional or statutory provision is "reasonably explicit" in channeling Elections Clause authority to a state body other than the state legislature, *Bond,* 572 U.S. at 858 (citations omitted), applying the same principles of textual interpretation that courts use in other clear-statement-rule contexts, *supra* Part I.B. Under *Amici*'s proposed clear-statement rule, a state court could not, for example, usurp the state legislature's role in congressional redistricting by seizing redistricting authority based solely on vaguely worded state-constitutional or statutory provisions. State-law provisions of that nature are the antithesis of "a clear statement," *Bond*, 572 U.S. at 857; a "clear and manifest" enactment, *BFP*, 511 U.S. at 544 (citations omitted); or an "unequivocal expression" of the State's "intent," *Pennhurst*, 465 U.S. at 99. On the other hand, *Amici*'s proposed clear-statement rule would allow a State to adopt an *explicit* constitutional or statutory provision through its "own lawmaking processes," *Ariz. State Leg.*, 576 U.S. at 816–17, 824, that channels authority to a state body other than the state legislature, or that explicitly outlaws partisan gerrymandering, *see infra* Part II.B.

D. Adopting a clear-statement rule for determining whether a State, through its "own lawmaking processes," *Ariz. State Leg.*, 576 U.S. at 816–17, 824, has assigned Elections Clause duties to a state body other than the state legislature addresses the criticisms that Petitioners and Respondents have launched against each other's respective approaches.

First, Petitioners chiefly accuse Respondents of rendering the Elections Clause meaningless, *see, e.g.*, Pet'rs' Br. 13–17, 21–22 (Aug. 29, 2022) (hereinafter "Pet.Br."), which is consistent with Justice Alito's concerns at the stay-stage of this case, *Moore*, 142 S. Ct. at 1091 (Alito, J., dissenting from the denial of application for a stay) ("And if the language of the Elections Clause is taken seriously, there must be *some* limit on the authority of state courts to countermand actions taken by state legislatures when they are prescribing rules for the conduct of federal elections."), and with Justice Kavanaugh's concurrence in *Democratic National Committee v. Wisconsin State Legislature*, 141 S. Ct. 28, 34 n.1 (2020) (Kavanaugh, J., concurring in denial of application to vacate stay) ("[T]he state courts do not have a blank check to rewrite state election laws for federal elections."). *Amici* believe that the Elections Clause serves important constitutional values—including protecting the "coherence" of a "legislative scheme" for regulating elections from undue state-court interference, *Bush*, 531 U.S. at 114 (Rehnquist, C.J., concurring)—and recommend that this Court

use the well-established tool of a clear-statement rule to advance those protections and values.

Second, Respondents claim that Petitioners' understanding of the Elections Clause leaves state legislatures "unchecked" to regulate federal elections. Resp't Common Cause's Opp'n Br. 26 (May 20, 2022) (hereinafter "Common Cause BIO"). No such concerns are present under *Amici*'s proposed rule, since this rule allows States, through their "own lawmaking processes" of adopting constitutional amendments or state statutes, *Ariz. State Leg.*, 576 U.S. at 816–17, 824, to give state courts authority to invalidate a state legislature's congressional-election regulations. For example, State can authorize state courts through clear constitutional or statutory text to enforce clear delegations of redistricting authority to commissions, or explicit provisions prohibiting partisan gerrymandering, including—if clearly authorized—by adopting remedial maps for violations of such explicit provisions. *See supra* Part I.C.

Third, Petitioners and Respondents plumb the historical record to support competing understandings of the Elections Clause, Pet.Br.14–17, 19–20, 25–39; Common Cause BIO 16–21, 24–26, 28–29, and *Amici*'s proposal is consistent with the historical evidence put forward by both sides. As for Petitioners' historical sources, their primary claim is that "*no* State" in the Founding Era "*adopted* any state-constitutional provision that purported to control congressional districting," Pet.Br.25–26,

while two States rejected proposed state-constitutional provisions that would have governed congressional districts, Pet.Br.26–28. This is consistent with *Amici*'s approach here, as most States during the Founding Era decided not to exercise their "own lawmaking processes," *Ariz. State Leg.*, 576 U.S. at 816–17, 824, and channel Elections Clause authority away from their state legislatures. As for Respondents, they cite a handful of Founding-Era state constitutional provisions that, they claim, regulated congressional elections. *See* Common Cause BIO 19–20; *compare* Pet.Br.29–30, 35–38 (attempting to refute Respondents' historical evidence). These historical examples also accord with *Amici*'s proposed clear-statement rule, as they at most reflect certain States choosing to supplement or limit their legislatures' authority via "reasonably explicit" state constitutional provisions, *Bond,* 572 U.S. at 858 (citations omitted)—which provisions formed part of the States' "own lawmaking processes," *Ariz. State Leg.*, 576 U.S. at 816–17, 824.

Finally, Petitioners and Respondents spar over the correct understanding of this Court's Elections Clause precedent, *compare* Pet.Br.39–42, *with* Common Cause BIO 21–23, but that disagreement does not fully appreciate that this Court's Elections Clause cases take a *measured approach* to this Clause, *supra* Part I.A. As explained above, *Amici*'s proposed clear-statement rule for the Elections Clause embodies this measured interpretation, *supra* Part I.C, consistent with all of this Court's precedents.

II. Adopting *Amici's* Proposed Clear-Statement Rule Would Allow This Court To Live Up To The Promise Of *Arizona State Legislature* And *Rucho* By Allowing States Like New York To Choose To Outlaw Partisan Gerrymandering

A. New York Uses Its Lawmaking Process To Adopt The 2014 Anti-Gerrymandering Amendments, And New York Courts Enforce Those Amendments, Consistent With *Arizona State Legislature* And *Rucho*

1. In *Arizona State Legislature* and *Rucho*, this Court explained that the States could combat partisan gerrymandering by establishing independent redistricting commissions and by adopting anti-gerrymandering provisions enforceable in state courts, without running afoul of the federal Constitution, including the Elections Clause. Thus, *Arizona State Legislature* held that the Elections Clause permits a State to pass an initiative "provid[ing] for redistricting by independent commission" instead of by the state legislature, so as to "curb partisan gerrymandering." 576 U.S. at 813, 822. And *Rucho*, for its part, approvingly discussed in considered dicta state efforts to limit gerrymandering "on a number of fronts," including through state courts and independent commissions. 139 S. Ct. at 2507–08. Many States have relied on this Court's important promise in *Arizona State Legislature* and *Rucho*, adopting and retaining various "state statutes and state constitutions" that

"provide [anti-gerrymandering] standards and guidance" for independent commissions to implement and "for state courts to apply." *Id.* at 2507; *accord Ariz. State Leg.*, 576 U.S. at 813–16.

2. In 2014, New York adopted several of the anti-gerrymandering provisions that *Arizona State Legislature* and *Rucho* thereafter explained were permissible, so far as the United States Constitution is concerned. The New York State Legislature developed and submitted the 2014 amendments for the People of New York's consideration via a ballot measure. *Harkenrider*, 2022 WL 1236822, at *1–2. And the People of New York—having endured decades of partisan-controlled redistricting—overwhelmingly approved this ballot measure, with 57.67% of those voting on the measure favoring these historic redistricting reforms. *Id.*; N.Y. Bd. of Elections, Proposal 1 Election Returns Nov. 4, 2014;[4] *see* N.Y. Const. art. III, §§ 4, 5, 5-b; *see also* N.Y. Legis. Law §§ 93–94 (implementing the same material anti-gerrymandering protections in the 2014 amendments, as a statutory matter).

The resulting state constitutional scheme in the 2014 amendments "significantly altered both *substantive standards* governing the determination of district lines and the redistricting *process* established to achieve those standards," while providing a judicial

---

[4] Available at https://www.elections.ny.gov/NYSBOE/elections/2014/general/2014GeneralElectionProp1.pdf.

backstop for any violations. *Harkenrider*, 2022 WL 1236822, at *2 (emphases added). Thus, with the 2014 amendments, New York's congressional-redistricting process entered into "a new era of bipartisanship and transparency." *Id.*

New York's 2014 amendments substantively combat partisan gerrymandering through unambiguous constitutional text. These amendments explicitly prohibit either the Legislature or the IRC from drawing districts "for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties." N.Y. Const. art. III, § 4(c)(5). With this "novel *substantive* amendment . . . expressly prohibiting partisan gerrymandering," the People of New York will no longer suffer from "the scourge of hyper-partisanship, which [this Court] has recognized as 'incompatible with democratic principles.'" *Harkenrider*, 2022 WL 1236822, at *7 (quoting *Ariz. State Leg.*, 576 U.S. at 791).

As for procedural anti-gerrymandering protections, the 2014 amendments establish multiple required steps for New York to complete the redistricting process, in order to limit the taint of partisanship. *Id.* at *8. The 2014 amendments vest the IRC with the initial responsibility for drawing redistricting maps every decennial. N.Y. Const. art. III, §§ 4, 5-b. The IRC must draw a first set of redistricting maps, which the Legislature must then vote on without amendment. *Id.* § 4(b). If the Legislature fails to adopt that first set—or if the

Governor vetoes the as-adopted maps—then the IRC must draw and submit a second set of maps to the Legislature, with that body again voting on the maps without amendment. *Id.* Finally, only if the Legislature fails to adopt the IRC's second set of maps, or if the Governor vetoes those as-adopted maps, may the Legislature then draw its own maps, *id.*; *see also* N.Y. Legis. Law § 93(1), while still adhering to the substantive anti-gerrymandering prohibitions, N.Y. Const. art. III, § 4(c)(5). And given that the 2014 amendments provide that this process "*shall govern* redistricting in th[e] state," this process is exclusive. N.Y. Const. art. III, §§ 4(b), (e) (emphasis added); *Harkenrider*, 2022 WL 1236822, at *8.

Finally, the 2014 amendments establish a mandatory judicial backstop to remedy any violations of these procedural or substantive requirements. N.Y. Const. art. III, §§ 4(e), 5; *Harkenrider*, 2022 WL 1236822, at *12–13. The 2014 amendments provide that redistricting maps challenged by "any citizen" are "subject to review by the supreme court," which court must "give precedence" to such redistricting challenges "over all other causes and proceedings" and "render its decision within sixty days after a petition is filed." N.Y. Const. art. III, § 5; *Harkenrider*, 2022 WL 1236822, at *12. If the reviewing court determines that a redistricting map "violate[s]" the 2014 amendments, then that map "shall be invalid in whole or in part." N.Y. Const. art. III, § 5; *see Harkenrider*, 2022 WL 1236822, at *12–13. As for remedies, if the court finds a violation

of the 2014 amendments' substantive protections, then the Legislature has "a full and reasonable opportunity to correct the law's legal infirmities." N.Y. Const. art. III, § 5. But if the court finds a procedural violation, then the court must "order the adoption of, or changes to, a redistricting plan as a remedy." *Id.* § 4(e); *Harkenrider*, 2022 WL 1236822, at *1, *12.

3. The 2020 redistricting cycle was the first test of the 2014 amendments, and the New York state courts vindicated these amendments' protections. *Harkenrider*, 2022 WL 1236822, at *1–4, *12–13. Thus, as designed, the 2014 amendments promised a congressional redistricting map that is free from partisan influence to govern congressional elections for the next decade, just as the lawmaking process provided. *Id.* at *7, *13; *accord Ariz. State Leg.*, 576 U.S. at 816–17, 821, 824; *Rucho*, 139 S. Ct. at 2507.

Throughout the 2020 redistricting cycle, New York Democrats sought to undermine the redistricting process under the 2014 amendments, for their own partisan gain. At the beginning of the redistricting cycle, Democrat leaders that control the Legislature hamstrung the IRC, delaying its receipt of state funding for over a year. Sarah Darmanjian, *NY's Independent Redistricting Commission Clinches $4M Budget*, News10 (Apr. 12, 2021).[5] Then, the

[5] Available at https://www.news10.com/news/redistricting-commission/.

Legislature's Democrat supermajority attempted to skew the bipartisan process required by the 2014 amendments. *Harkenrider*, 2022 WL 1236822, at *9. The Legislature first submitted to the People a proposed constitutional amendment that would have given the Legislature a free hand to redistrict in the event of an IRC deadlock, which amendment the People of New York emphatically rejected in 2021. *Id.* Then, remarkably, the Legislature attempted to "*statutorily* amend[ ]" the 2014 constitutional amendments, passing legislation that the Governor signed, which law claimed to accomplish the same reform as the failed 2021 constitutional amendment. *Id.* Democrat Governor Hochul, for her part, openly promised to "use [her] influence to help Democrats expand the House majority through the redistricting process," so as to help the Democratic Party "regain its position that it once had when [she] was growing up." Katie Glueck & Luis Ferré-Sadurní, *Interview with Kathy Hochul: "I Feel a Heavy Weight of Responsibility,"* N.Y. Times (Aug. 24, 2021).[6]

As for the IRC process itself, the Democrat IRC commissioners intentionally derailed the process, for partisan gain, hoping that the Democrat legislative supermajority's new legislation—adopted after the People rejected the analogous 2021 constitutional amendment—would allow the adoption of Democrat-gerrymandered maps after an IRC deadlock. *See*

---

[6] Available at https://www.nytimes.com/2021/08/25/nyregion/kathy-hochul-interview.html.

Harkenrider, 2022 WL 1236822, at *9; *Harkenrider* Dkt.18 at 20–23. So, during the IRC's first-round map-drawing effort, the Democrat commissioners stonewalled, refusing to negotiate with their Republican counterparts on bipartisan maps and instead drafting their own maps behind closed doors. *Harkenrider* Dkt.18 at 20–22. Despite the efforts of Republican commissioners to develop compromise maps, the IRC could not agree upon a single set of first-round maps, opting instead to submit two sets to the Legislature for its vote. *Id.* at 20–23. Then, after the Democrat-dominated Legislature rejected those first-round maps, the IRC failed even to submit any second-round maps to the Legislature, despite the 2014 amendments' plain requirements. *Id.* at 23–26. Incredibly, after the IRC's failure, the Democrat majority in the Legislature quickly drew and enacted its own congressional redistricting map behind closed doors—although it had no authority to do so under the 2014 amendments' mandatory procedures—with the Governor signing that purported map into law days later. *Harkenrider*, 2022 WL 1236822, at *2, *5–7.

The New York State Legislature's congressional redistricting map was an egregious partisan gerrymander, strongly favoring the State's dominant Democratic Party. Political commentators, good-government groups, and politicians on both sides of the aisle condemned as politically biased the Legislature's flawed map-drawing process and the substance of the resulting map itself. For example, nonpartisan national elections expert Dave

Wasserman called the map "an effective gerrymander," intended to ensure that Democrats would "gain three seats and eliminate four Republican seats," creating "probably the biggest shift in the country." Grace Ashford & Nicholas Fandos, *N.Y. Democrats Could Gain 3 House Seats Under Proposed District Lines*, N.Y. Times (Jan. 30, 2022).[7] The non-partisan election-analysis website FiveThirtyEight similarly explained that the map was so "skewed toward Democrats" and "egregious" that it "represent[ed] a failure for [New York's] new redistricting process." Nathaniel Rakich, *New York's Proposed Congressional Map Is Heavily Biased Toward Democrats. Will It Pass?*, FiveThirtyEight (Jan. 31, 2022).[8] And Michael Li of the left-leaning Brennan Center For Justice described the map as "a master class in gerrymandering" that "take[s] out a number of Republican incumbents very strategically" and that "certainly isn't good for democracy." *See* Nick Reisman, *How the Proposed Congressional Lines Could Alter New York's Politics*, Spectrum

[7] Available at https://www.nytimes.com/2022/01/30/nyregion/new-york-redistricting-congressional-map.html.

[8] Available at https://fivethirtyeight.com/features/new-yorks-proposed-congressional-map-is-heavily-biased-toward-democrats-will-it-pass/.

News 1 (Feb. 1, 2022).[9] Other commentators expressed similarly negative views.[10]

3. *Amici* challenged the Legislature's purported congressional map in a New York trial court on the very same day that it was enacted, pursuant to the 2014 amendments' judicial-backstop provision. *See Harkenrider* Dkts.1, 18; N.Y. Const. art. III, §§ 4(e), 5; *see also* N.Y. Legis. Law §§ 93, 94. *Amici* explained that the Legislature's congressional map was both: (a) procedurally invalid, because the Legislature did not follow the 2014 amendments' exclusive process for redistricting, *Harkenrider* Dkt.18 at 73–75; N.Y.

---

[9] Available at https://spectrumlocalnews.com/nys/central-ny/ny-state-of-politics/2022/02/01/how-the-proposed-congressional-lines-could-alter-ny-s-politics.

[10] *See, e.g.*, Marina Villeneuve, *NYC Would Get More Seats in State Senate Under Proposed Maps*, AP News (Feb. 1, 2022), available at https://apnews.com/article/new-york-new-york-city-legislature-redistricting-9d58870a5b1c511928fa96d180ce7e3d (quoting Laura Ladd Bierman, the executive director of the League of Women Voters of New York, as stating that "New Yorkers deserve a transparent and fair redistricting process, and it is shameful that the Legislature has denied them this" and that the congressional map "reflect[s] a Legislature that appears to care more about favoring partisan interests than it does for fair maps"); Jacob Kaye, *State Legislature Shares Congressional Redistricting Map*, Queens Daily Eagle (Feb. 1, 2022), available at https://queenseagle.com/all/state-legislature-shares-version-of-congressional-redistricting-map (quoting Betsy Gotbaum, the executive director of the Citizens Union, who criticized the Legislature's lack of process and noted that "there was no public input").

Const. art. III, §§ 4–5; and (b) substantively invalid, because the map was an unlawful partisan gerrymander, N.Y. Const. art. III, § 4(c)(5); *see Harkenrider* Dkt.18 at 77–78. *Amici* further explained that, under the 2014 amendments' judicial-backstop provision, only the New York state courts could draw a remedial map for the State. *Harkenrider* Dkt.18 at 75, 82. After a three-day trial, the trial court agreed with *Amici* that the Legislature's congressional map was both procedurally and substantively unconstitutional. *Harkenrider* Dkt.243 at 16–17.

On appeal, the New York Court of Appeals—the State's highest appellate court—affirmed the trial court's judgment with respect to the Legislature's purported congressional map, while also holding that a court-drawn map was the only available remedy, as *Amici* had argued. *Harkenrider*, 2022 WL 1236822, at *1, *12. Even though every Judge on the Court of Appeals was appointed by a Democrat Governor, the Court of Appeals followed the clear constitutional text and ruled that the congressional map was unconstitutional by a 5-2 vote. *Harkenrider*, 2022 WL 1236822, at *1; *see id.* at *13 (Troutman, J., dissenting in part); *id.* at *14 (Wilson, J., dissenting); *id.* at *24 (Rivera, J., dissenting). Thus, both the Legislature's "failure to follow the prescribed constitutional procedure" and "the unconstitutional partisan intent" that infected the redistricting map's lines "warrant[ed] invalidation" of that map. *Id.* at *1. Then, the Court of Appeals held that a court-

drawn map was the *only* constitutional remedy under the constitution. *Id.* at *11–13. So, on remand, the trial court adopted a "final enacted [congressional] map[ ]"—free from partisan influence—to govern elections in New York for the next decade, consistent with the 2014 amendments. *Harkenrider* Dkt.696 at 1; *see Harkenrider* Dkt.670.

B. Anti-Gerrymandering Reforms Like New York's 2014 Amendments Satisfy *Amici*'s Proposed Clear-Statement Rule

New York's 2014 amendments plainly comply with the Elections Clause clear-statement rule that *Amici* propose. *Supra* Part I. The New York Constitution contains an "unequivocal expression" of "intent," *Pennhurst State Sch.*, 465 U.S. at 99, from "those charged with the duty of legislating," *Bond,* 572 U.S. at 858, to establish a mandatory, exclusive process to govern redistricting in the State, led by the IRC, with a more limited role for the Legislature. N.Y. Const. art. III, § 4(e); *see Harkenrider*, 2022 WL 1236822, at *8; *Harkenrider* Dkt.243 at 9. The state constitution then "expressly prohibit[s] partisan gerrymandering," *Harkenrider*, 2022 WL 1236822, at *7, with text "explicitly" banning the drawing of districts, *see Bond,* 572 U.S. at 858, "for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties," N.Y. Const. art. III, § 4(c)(5). And, as an additional safeguard against "the scourge of hyper-partisanship," *Harkenrider*, 2022 WL 1236822, at *7, the New York Constitution

"clear[ly] and manifest[ly]," *BFP*, 511 U.S. at 544, provides a judicial remedy for violations of the 2014 amendments, N.Y. Const. art. III, § 4(e). This "plain and precise" language, *Harkenrider*, 2022 WL 1236822, at *6, provides "a clear statement," *see Bond,* 572 U.S. at 856–58. from New York's lawmaking process about how congressional districts will be drawn and, if necessary, redrawn. And the State largely duplicated the provisions of the 2014 amendments in its state statutes, enacted in 2012. *See* N.Y. Legis. Law §§ 93, 94.

Numerous other States have inserted clear redistricting "standards and guidance" into their constitutions or statutes, *Rucho*, 139 S. Ct. at 2507, adopted through each State's "own lawmaking processes," *Ariz. State Leg.*, 576 U.S. at 816–17, 824. Like New York, many States have adopted constitutional provisions creating redistricting commissions. Ariz. Const. art. IV, pt. 2, § 1; Cal. Const. art. XXI, § 1; Colo. Const. art. V, § 44; Conn. Const. art. III, § 6; Haw. Const. art. IV, §§ 2, 10; Idaho Const. art. III, § 2; Me. Const. art. IV, pt. 3, § 1-A; Mich. Const. art. 4, § 6; Mont. Const. art. V, § 14; N.J. Const. art. II, § 2; Va. Const. art. II, § 6-A; Wash. Const. art. II, § 43. Many States have also inserted partisan-gerrymandering prohibitions into their constitutional or statutory texts, as New York has done. Ariz. Const. art. IV, pt. 2, § 1(15); Cal. Const. art. XXI, § 2(e); Colo. Const. art. V, § 44.3(4)(a); Fla. Const. art. III, § 20(a); Mich. Const. art. 4, § 6(13)(d), (e); Wash. Const. art. II, § 43(5); Iowa Code § 42.4(5);

Mont. Code Ann. § 5-1-115(3); Or. Rev. Stat. § 188.010. And, like New York, other States have also put into place mandatory judicial-backstop provisions to remedy violations of their redistricting provisions. *See, e.g.,* Cal. Const. art. XXI, §§ 2(j), 3; Colo. Const. art. V, § 44.5; Haw. Const. art. IV, § 10; Iowa Const. art. III, § 36; Mich. Const. art. 4, § 6(19).

All of these state provisions would satisfy *Amici*'s proposed clear-statement rule for the Elections Clause. *Supra* Part I.C. With each of these state-law reforms, the relevant State has—at least to some extent—assigned responsibility for congressional elections away from the state legislature via "reasonably explicit" constitutional or statutory text, *Bond*, 572 U.S. at 858, through its "own lawmaking processes," *Ariz. State Leg.*, 576 U.S. at 816–17, 824. That is, each of these provisions contains a "clear and manifest" expression, *BFP*, 511 U.S. at 544, of the State's "unequivocal . . . intent," *Pennhurst*, 465 U.S. at 99, to direct some redistricting authority away from the state legislature and to some other state body. So, given that these state-law provisions would comply with the clear-statement rule that *Amici* propose here, these state-law provisions would be entirely unaffected by *Amici*'s proposed rule.

CONCLUSION

This Court should adopt *Amici*'s proposed clear-statement rule for the Elections Clause.

Respectfully submitted,

MISHA TSEYTLIN
Counsel of Record
KEVIN M. LEROY
EMILY A. O'BRIEN
TROUTMAN PEPPER
HAMILTON SANDERS LLP
227 W. Monroe,
Suite 3900
Chicago, IL 60606
(608) 999-1240
misha.tseytlin@
troutman.com

September 2022