

5388

2011-2012 Regular Sessions

I N A S S E M B L Y

February 17, 2011

Introduced by M. of A. SILVER -- (at request of the Governor) -- read
once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to redistricting of
congressional, senate and assembly districts; and to repeal section
83-m of such law relating to the legislative task force on demographic
research and reapportionment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "Redis-
2 tracting Reform Act of 2011."
3 S 2. Subdivision 3 of section 5-a of the legislative law, as added by
4 chapter 630 of the laws of 1998, the opening paragraph as amended by
5 section 1 of part QQ of chapter 56 of the laws of 2010, is amended to
6 read as follows:
7 3. Any member of the assembly serving in a special capacity in a posi-
8 tion set forth in the following schedule shall be paid the allowance set
9 forth in such schedule only for the legislative term commencing January
10 first, two thousand eleven and terminating December thirty-first, two
11 thousand twelve:

12 ASSEMBLYMEN SERVING IN SPECIAL CAPACITY

13 Chairman of legislative commission on public management
14 systems 12,500
15 Chairman of legislative commission on science and
16 technology 12,500
17 Co-chairman of the legislative commission on water
18 resource needs of New York state and Long Island no allowance
19 [Co-chairman of the legislative task force on
20 demographic research and reapportionment 15,000]
21 Chairman of the assembly task force on farm,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 food and nutrition 12,500
2 Ranking minority member of the assembly task force
3 on farm, food and nutrition 9,000
4 Chairman of the legislative commission on skills
5 development and career education 12,500
6 Vice-Chairman of the legislative commission on the
7 development of rural resources 12,500

8 S 3. Subdivision 5 of section 12 of the legislative law, as added by
9 chapter 141 of the laws of 1994, is amended to read as follows:

10 5. Notwithstanding any provision of law to the contrary, services and
11 expenses of the legislative health service, legislative library, legis-
12 lative messenger service, legislative ethics committee, [joint oper-
13 ations of the legislative task force on demographic research and reap-
14 portionment] INDEPENDENT REDISTRICTING COMMISSION, and contributions to
15 the national conference of state legislatures shall be payable after
16 audit by and on the warrant of the comptroller upon vouchers certified
17 by the temporary president of the senate or his or her designee and the
18 speaker of the assembly or his or her designee.

19 S 4. Section 83-m of the legislative law is REPEALED.

20 S 5. The legislative law is amended by adding a new article 6-A to
21 read as follows:

22 ARTICLE 6-A
23 REDISTRICTING OF CONGRESSIONAL
24 AND STATE LEGISLATIVE DISTRICTS

25 SECTION 93. LEGISLATIVE FINDINGS AND INTENT.

26 94. INDEPENDENT REDISTRICTING NOMINATIONS COMMITTEE.

27 95. POWERS AND DUTIES OF COMMITTEE.

28 96. INDEPENDENT REDISTRICTING COMMISSION.

29 97. POWERS AND DUTIES OF COMMISSION.

30 98. REDISTRICTING.

31 99. APPLICATION OF ARTICLE.

32 S 93. LEGISLATIVE FINDINGS AND INTENT. THE LEGISLATURE HEREBY FINDS
33 AND DECLARES THAT:

34 1. THERE IS A NEED FOR INTENSIVE AND THOROUGH STUDY, RESEARCH AND
35 INQUIRY INTO THE TECHNIQUES AND METHODOLOGY TO BE USED BY THE BUREAU OF
36 THE CENSUS OF THE UNITED STATES COMMERCE DEPARTMENT IN CARRYING OUT THE
37 DECENNIAL FEDERAL CENSUS;

38 2. A TECHNICAL PLAN WILL BE NEEDED TO MEET THE REQUIREMENTS OF A
39 LEGISLATIVE TIMETABLE FOR A REDISTRICTING OF THE SENATE AND ASSEMBLY
40 DISTRICTS AND THE CONGRESSIONAL DISTRICTS OF THE STATE BASED ON SUCH
41 CENSUS;

42 3. AN INDEPENDENT REDISTRICTING COMMISSION IS NECESSARY TO ASSIST THE
43 LEGISLATURE IN THE PERFORMANCE OF ITS RESPONSIBILITIES AND IN THE
44 CONDUCT OF LEGISLATIVE RESEARCH PROJECTS RELATING THERETO; AND

45 4. SUCH A COMMISSION IS NECESSARY TO PROTECT THE PUBLIC'S INTEREST IN
46 FAIR AND PROPER ELECTIONS, INCLUDING BUT NOT LIMITED TO THE OPPORTU-
47 NITIES FOR MINORITY VOTERS TO PARTICIPATE IN THE POLITICAL PROCESS AND
48 TO ELECT REPRESENTATIVES OF THEIR CHOICE.

49 S 94. INDEPENDENT REDISTRICTING NOMINATIONS COMMITTEE. 1. ON OR BEFORE
50 THE FIRST OF DECEMBER OF EACH YEAR ENDING WITH A NINE, EXCEPT THAT FOR
51 THE DEVELOPMENT OF THE REDISTRICTING PLAN EFFECTIVE FOR TWO THOUSAND
52 TWELVE, THIS DATE SHALL BE NO MORE THAN THIRTY DAYS AFTER THE EFFECTIVE
53 DATE OF THIS ARTICLE, THERE SHALL BE ESTABLISHED AN INDEPENDENT REDIS-
54 TRICTING NOMINATIONS COMMITTEE TO SELECT THOSE PERSONS WHO SHALL BE
55 ELIGIBLE TO BE APPOINTED AS MEMBERS OF THE INDEPENDENT REDISTRICTING
56 COMMISSION CREATED IN SECTION NINETY-SIX OF THIS ARTICLE. EACH SUCH

1 COMMITTEE SHALL REMAIN IN EXISTENCE UNTIL ITS DUTIES PURSUANT TO SECTION
2 NINETY-FIVE OF THIS ARTICLE HAVE BEEN COMPLETED.

3 2. THE INDEPENDENT REDISTRICTING NOMINATIONS COMMITTEE SHALL BE
4 COMPOSED OF EIGHT MEMBERS, APPOINTED AS FOLLOWS:

5 (A) ONE MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE
6 SENATE;

7 (B) ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

8 (C) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
9 SENATE;

10 (D) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-
11 BLY; AND

12 (E) FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, TWO OF WHOM SHALL
13 BE REGISTERED MEMBERS OF THE POLITICAL PARTY WITH THE LARGEST NUMBER OF
14 ENROLLED VOTERS IN NEW YORK STATE AND TWO OF WHOM SHALL BE REGISTERED
15 MEMBERS OF THE POLITICAL PARTY WITH THE SECOND LARGEST NUMBER OF
16 ENROLLED VOTERS IN NEW YORK STATE.

17 3. THE INDEPENDENT REDISTRICTING NOMINATIONS COMMITTEE SHALL DESIGNATE
18 TWO CO-CHAIRS FROM AMONG ITS MEMBERS BY A SIMPLE MAJORITY VOTE OF ALL
19 MEMBERS.

20 4. THE MEMBERS OF THE INDEPENDENT REDISTRICTING NOMINATIONS COMMITTEE
21 SHALL BE REGISTERED VOTERS IN THIS STATE. NO MEMBER OF SUCH COMMITTEE
22 SHALL:

23 (A) HAVE BEEN WITHIN THE PREVIOUS FOUR YEARS A MEMBER OF THE LEGISLA-
24 TURE OR THE UNITED STATES CONGRESS;

25 (B) HOLD OR HAVE HELD WITHIN THE PREVIOUS FOUR YEARS ANY POLITICAL
26 PARTY POSITION;

27 (C) BE EMPLOYED OR HAVE BEEN EMPLOYED WITHIN THE PREVIOUS FOUR YEARS
28 IN ANY OTHER POSITION BY THE UNITED STATES CONGRESS, THE STATE LEGISLA-
29 TURE, OR THE EXECUTIVE CHAMBER;

30 (D) BE OR HAVE BEEN WITHIN THE PREVIOUS FOUR YEARS A REGISTERED LOBBY-
31 IST IN THIS STATE PURSUANT TO ARTICLE ONE-A OF THIS CHAPTER;

32 (E) BE THE SPOUSE OF ANY MEMBER OF THE UNITED STATES CONGRESS, THE
33 STATE LEGISLATURE, OR THE EXECUTIVE CHAMBER;

34 (F) BE RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY TO ANY MEMBER
35 OF THE UNITED STATES CONGRESS, THE STATE LEGISLATURE, OR THE EXECUTIVE
36 CHAMBER.

37 5. THE MEMBERS OF THE INDEPENDENT REDISTRICTING NOMINATIONS COMMITTEE
38 SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED
39 THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
40 DUTIES.

41 6. THE MEMBERS OF THE INDEPENDENT REDISTRICTING NOMINATIONS COMMITTEE
42 SHALL BE APPOINTED AND SERVE FOR THE DURATION OF SUCH COMMITTEE. ALL
43 VACANCIES IN THE MEMBERSHIP OF SUCH COMMITTEE SHALL BE FILLED IN THE
44 MANNER PROVIDED FOR ORIGINAL APPOINTMENTS.

45 S 95. POWERS AND DUTIES OF COMMITTEE. 1. THE INDEPENDENT REDISTRICTING
46 NOMINATIONS COMMITTEE SHALL HAVE THE POWER AND DUTY TO, ON OR BEFORE THE
47 FIRST OF MARCH IN EACH YEAR ENDING WITH A ZERO EXCEPT THAT FOR THE
48 DEVELOPMENT OF THE REDISTRICTING PLAN EFFECTIVE FOR TWO THOUSAND TWELVE,
49 THIS DATE SHALL BE NO MORE THAT SIXTY DAYS AFTER THE EFFECTIVE DATE OF
50 THIS ARTICLE, ESTABLISH A LIST OF FORTY PERSONS WHO SHALL BE ELIGIBLE TO
51 BE APPOINTED AS MEMBERS OF THE INDEPENDENT REDISTRICTING COMMISSION.
52 SUCH LIST SHALL HEREINAFTER BE REFERRED TO IN THIS ARTICLE AS THE "NOMI-
53 NATIONS POOL".

54 2. THE MEMBERS OF THE INDEPENDENT REDISTRICTING NOMINATIONS COMMITTEE
55 SHALL BY MAJORITY VOTE SELECT EACH PERSON TO BE INCLUDED IN THE NOMI-
56 NATIONS POOL. UPON COMPLETION OF SUCH POOL, SUCH COMMITTEE SHALL SUBMIT

1 A COPY OF THE NOMINATIONS POOL TO THE TEMPORARY PRESIDENT OF THE SENATE,
2 THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE
3 MINORITY LEADER OF THE ASSEMBLY.

4 3. THE NOMINATIONS POOL SHALL INCLUDE:

5 (A) FIFTEEN PERSONS WHO ARE ENROLLED AS DEMOCRATS;

6 (B) FIFTEEN PERSONS WHO ARE ENROLLED AS REPUBLICANS; AND

7 (C) TEN PERSONS WHO ARE NOT ENROLLED AS EITHER DEMOCRATS OR REPUBLI-
8 CANS.

9 4. PERSONS SELECTED TO THE NOMINATIONS POOL SHALL BE REGISTERED VOTERS
10 IN THIS STATE. NO SUCH PERSON SHALL:

11 (A) HAVE BEEN WITHIN THE PREVIOUS FOUR YEARS A MEMBER OF THE LEGISLA-
12 TURE;

13 (B) HOLD OR HAVE HELD WITHIN THE PREVIOUS FOUR YEARS ANY POLITICAL
14 PARTY POSITION;

15 (C) BE A MEMBER OF THE INDEPENDENT REDISTRICTING NOMINATIONS COMMITTEE
16 CREATED IN SECTION NINETY-FOUR OF THIS ARTICLE;

17 (D) BE EMPLOYED OR HAVE BEEN EMPLOYED WITHIN THE PREVIOUS FOUR YEARS
18 IN ANY OTHER POSITION BY THE UNITED STATES CONGRESS, THE STATE LEGISLA-
19 TURE, OR THE EXECUTIVE CHAMBER;

20 (E) BE OR HAVE BEEN WITHIN THE PREVIOUS FOUR YEARS A REGISTERED LOBBY-
21 IST IN THIS STATE PURSUANT TO ARTICLE ONE-A OF THIS CHAPTER;

22 (F) BE THE SPOUSE OF ANY MEMBER OF THE UNITED STATES CONGRESS, THE
23 STATE LEGISLATURE, OR THE EXECUTIVE CHAMBER; OR

24 (G) BE RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY TO ANY MEMBER
25 OF THE UNITED STATES CONGRESS, THE STATE LEGISLATURE, OR THE EXECUTIVE
26 CHAMBER.

27 5. (A) THE NOMINATIONS POOL SHALL INCLUDE AT LEAST THREE PERSONS FROM
28 EACH OF THE FOLLOWING REGIONS OF THE STATE, WITH THE REMAINDER TO BE
29 NOMINATED FROM SUCH REGIONS IN PROPORTION TO THE DISTRIBUTION OF THE
30 STATE'S POPULATION IN EACH REGION:

31 (I) LONG ISLAND;

32 (II) NEW YORK CITY;

33 (III) HUDSON VALLEY;

34 (IV) NORTHERN;

35 (V) CENTRAL;

36 (VI) SOUTHERN TIER; AND

37 (VII) WESTERN.

38 (B) FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING REGIONS SHALL
39 BE COMPOSED OF THE FOLLOWING COUNTIES:

40 (I) LONG ISLAND: THE COUNTIES OF NASSAU AND SUFFOLK;

41 (II) NEW YORK CITY: THE COUNTIES OF BRONX, KINGS, NEW YORK, QUEENS AND
42 RICHMOND;

43 (III) HUDSON VALLEY: THE COUNTIES OF WESTCHESTER, ROCKLAND, PUTNAM,
44 ORANGE, DUTCHESS, ULSTER, COLUMBIA, GREENE, RENSSELAER, ALBANY AND SCHE-
45 NECTADY;

46 (IV) NORTHERN: THE COUNTIES OF SARATOGA, WASHINGTON, WARREN, ESSEX,
47 CLINTON, FRANKLIN, ST. LAWRENCE, HAMILTON, FULTON, HERKIMER, LEWIS AND
48 JEFFERSON;

49 (V) CENTRAL: THE COUNTIES OF SCHOHARIE, MONTGOMERY, OTSEGO, CHENANGO,
50 MADISON, ONEIDA, OSWEGO, CORTLAND, ONONDAGA AND CAYUGA;

51 (VI) SOUTHERN TIER: THE COUNTIES OF SULLIVAN, DELAWARE, BROOME, TIOGA,
52 TOMPKINS, SCHUYLER, STEUBEN, ALLEGANY, CATTARAUGUS AND CHAUTAUQUA; AND

53 (VII) WESTERN: THE COUNTIES OF SENECA, YATES, ONTARIO, WAYNE, MONROE,
54 LIVINGSTON, WYOMING, GENESEE, ORLEANS, NIAGARA AND ERIE.

55 6. TO THE EXTENT PRACTICABLE, THE INDEPENDENT REDISTRICTING NOMI-
56 NATIONS COMMITTEE SHALL ENSURE THAT THE NOMINATIONS POOL REFLECTS THE

1 DIVERSITY OF THE RESIDENTS OF THE STATE WITH REGARD TO RACE, ETHNICITY
2 AND GENDER AND SHALL CONSULT WITH ORGANIZATIONS DEVOTED TO PROTECTING
3 THE VOTING RIGHTS OF MINORITY AND OTHER VOTERS CONCERNING POTENTIAL
4 MEMBERS OF THE NOMINATIONS POOL.

5 S 96. INDEPENDENT REDISTRICTING COMMISSION. 1. THERE SHALL BE CREATED
6 AN INDEPENDENT REDISTRICTING COMMISSION TO ASSIST THE LEGISLATURE IN THE
7 REDISTRICTING OF CONGRESSIONAL, SENATE AND ASSEMBLY DISTRICTS BASED ON
8 THE ENSUING FEDERAL CENSUS, PURSUANT TO SECTION TWO OF ARTICLE ONE OF
9 THE UNITED STATES CONSTITUTION AND SECTIONS FOUR AND FIVE OF ARTICLE
10 THREE OF THE STATE CONSTITUTION.

11 2. THE INDEPENDENT REDISTRICTING COMMISSION SHALL BE COMPOSED OF ELEV-
12 EN MEMBERS, APPOINTED FROM THE NOMINATIONS POOL NO LATER THAN FOURTEEN
13 CALENDAR DAYS AFTER THE NOMINATION POOL HAS BEEN SELECTED, AS FOLLOWS:

14 (A) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE
15 SENATE;

16 (B) TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

17 (C) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
18 SENATE;

19 (D) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
20 ASSEMBLY; AND

21 (E) THREE MEMBERS SHALL BE APPOINTED WITHIN THIRTY DAYS OF THE
22 APPOINTMENT OF THE LAST OF THE EIGHT LEGISLATIVE APPOINTEES, AND SHALL
23 BE APPOINTED BY THE EIGHT MEMBERS APPOINTED PURSUANT TO PARAGRAPHS (A)
24 THROUGH (D) OF THIS SUBDIVISION BY A VOTE OF NOT LESS THAN SIX MEMBERS
25 IN FAVOR OF EACH SUCH APPOINTMENT. EACH VACANCY IN ANY POSITION FILLED
26 PURSUANT TO THIS PARAGRAPH SHALL BE DEEMED TO CREATE VACANCIES IN ALL
27 THREE POSITIONS HELD BY THE MEMBERS SO APPOINTED; PROVIDED THAT ANY SUCH
28 MEMBER MAY BE REAPPOINTED PURSUANT TO THIS PARAGRAPH. IN THE EVENT THAT
29 THREE MEMBERS ARE NOT APPOINTED ON OR BEFORE THE THIRTIETH DAY AFTER A
30 VACANCY IN ANY SUCH POSITION OCCURS, THE FOLLOWING SELECTION PROCESS
31 SHALL GOVERN THE FILLING OF THOSE VACANCIES:

32 (I) IF TWO PERSONS ARE APPOINTED WITH THE REQUIRED SIX VOTES AND NO
33 OTHER PERSON RECEIVES SIX VOTES, THE THIRD SUCH MEMBER SHALL BE
34 APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS WITHIN THIRTY DAYS
35 THEREAFTER;

36 (II) IF ONE PERSON IS APPOINTED WITH THE REQUIRED SIX VOTES AND NO TWO
37 OTHER PERSONS RECEIVE SIX VOTES, THE TWO PERSONS RECEIVING THE MOST
38 VOTES SHALL BE APPOINTED AS MEMBERS; AND

39 (III) IF NO THREE PERSONS RECEIVE SIX VOTES, THE TWO PERSONS RECEIVING
40 THE MOST VOTES SHALL BE APPOINTED AS MEMBERS AND THE THIRD MEMBER SHALL
41 BE APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS.

42 (F) THE CHAIR SHALL BE DESIGNATED, FROM AMONG THE THREE MEMBERS
43 APPOINTED PURSUANT TO PARAGRAPH (E) OF THIS SUBDIVISION, BY A SIMPLE
44 MAJORITY VOTE OF ALL MEMBERS OF THE COMMISSION; PROVIDED THAT IF THE
45 COMMISSION FAILS TO DESIGNATE A CHAIR, THE CHAIR SHALL BE DESIGNATED BY
46 THE CHIEF JUDGE OF THE COURT OF APPEALS.

47 3. (A) NO MORE THAN FOUR MEMBERS OF THE EIGHT MEMBERS APPOINTED PURSU-
48 ANT TO PARAGRAPHS (A) THROUGH (D) OF SUBDIVISION TWO OF THIS SECTION
49 SHALL BE ENROLLED IN THE SAME POLITICAL PARTY.

50 (B) TO THE EXTENT PRACTICABLE, THE MEMBERS OF THE INDEPENDENT REDIS-
51 TRICTING COMMISSION SHALL REFLECT THE DIVERSITY OF THE RESIDENTS OF THIS
52 STATE WITH REGARD TO RACE, ETHNICITY, GENDER AND GEOGRAPHIC RESIDENCE
53 AND THE APPOINTING AUTHORITIES SHALL CONSULT WITH ORGANIZATIONS DEVOTED
54 TO PROTECTING THE VOTING RIGHTS OF MINORITY AND OTHER VOTERS CONCERNING
55 POTENTIAL APPOINTEES TO THE COMMISSION.

1 4. THE TERMS OF THE MEMBERS OF THE INDEPENDENT REDISTRICTING COMMIS-
2 SION SHALL EXPIRE UPON THE FILING OF ALL REDISTRICTING PLANS, PURSUANT
3 TO SUBDIVISION FOUR, FIVE AND/OR SIX OF SECTION NINETY-EIGHT OF THIS
4 ARTICLE, THE EXHAUSTION OF ANY JUDICIAL REVIEW OF A REDISTRICTING PLAN
5 AND APPORTIONMENT STATUTE, AND THE IMPLEMENTATION OF A REDISTRICTING
6 STATUTE. VACANCIES IN THE MEMBERSHIP OF THE COMMISSION SHALL BE FILLED
7 WITHIN THIRTY DAYS IN THE MANNER PROVIDED FOR ORIGINAL APPOINTMENTS.

8 5. THE EMPLOYEES OF THE FORMER LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
9 RESEARCH AND REAPPORTIONMENT ESTABLISHED PURSUANT TO SECTION
10 EIGHTY-THREE-M OF THE LEGISLATIVE LAW SHALL BE TRANSFERRED TO THE INDE-
11 PENDENT REDISTRICTING COMMISSION AS EMPLOYEES OF THE STATE OF NEW YORK,
12 SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET. SUCH TRANSFER
13 SHALL NOT IN ANY WAY AFFECT THE CIVIL SERVICE OR PROFESSIONAL STATUS,
14 CONTINUITY OF SERVICE, RETIREMENT PLAN STATUS, COLLECTIVE NEGOTIATING
15 REPRESENTATION, RIGHT TO COMPENSATION, GRADE OR COMPENSATION OR OTHER
16 RIGHTS AND PRIVILEGES OF ANY EMPLOYEE SO TRANSFERRED. FOR PURPOSES OF
17 SECTIONS SEVENTY-THREE, SEVENTY-THREE-A AND SEVENTY-FOUR OF THE PUBLIC
18 OFFICERS LAW AND SECTION NINETY-FOUR OF THE EXECUTIVE LAW, THE INDEPEND-
19 ENT REDISTRICTING COMMISSION IS A STATE AGENCY, ITS MEMBER AND EMPLOYEES
20 OF WHICH ARE SUBJECT TO THE PROVISIONS THEREOF.

21 6. THE MEMBERS OF THE INDEPENDENT REDISTRICTING COMMISSION SHALL
22 RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR
23 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
24 DUTIES PURSUANT TO THIS ARTICLE.

25 7. A MINIMUM OF EIGHT MEMBERS OF THE INDEPENDENT REDISTRICTING COMMIS-
26 SION SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS OR
27 THE EXERCISE OF ANY POWER OF SUCH COMMISSION, PROVIDED THAT NO EXERCISE
28 OF ANY POWER OF THE INDEPENDENT REDISTRICTING COMMISSION SHALL OCCUR
29 WITHOUT THE AFFIRMATIVE VOTE OF SEVEN MEMBERS THEREOF.

30 S 97. POWERS AND DUTIES OF COMMISSION. THE INDEPENDENT REDISTRICTING
31 COMMISSION SHALL HAVE THE POWER AND DUTY TO:

32 1. EMPLOY AND AT PLEASURE REMOVE SUCH PERSONNEL AS IT MAY DEEM NECES-
33 SARY FOR THE PERFORMANCE OF ITS FUNCTIONS AND FIX THEIR COMPENSATION
34 WITHIN THE AMOUNTS MADE AVAILABLE THEREFOR;

35 2. MEET WITHIN THE STATE, HOLD PUBLIC HEARINGS AND HAVE ALL THE POWERS
36 OF A LEGISLATIVE COMMITTEE PURSUANT TO THIS CHAPTER;

37 3. REQUEST, RECEIVE AND UTILIZE SUCH FACILITIES, RESOURCES AND DATA
38 (INCLUDING, BUT NOT LIMITED TO, HISTORICAL VOTING INFORMATION AND
39 PATTERNS) OF ANY DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION OR
40 AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF AS IT MAY
41 REASONABLY REQUEST TO PROPERLY CARRY OUT ITS POWERS AND DUTIES PURSUANT
42 TO THIS ARTICLE;

43 4. ACQUIRE AND UTILIZE ALL MATERIALS AND EQUIPMENT NECESSARY TO ESTAB-
44 LISH REDISTRICTING PLANS PURSUANT TO SECTION NINETY-EIGHT OF THIS ARTI-
45 CLE;

46 5. PREPARE THE NECESSARY DESCRIPTIONS FOR THE GEOGRAPHIC UNITS OF THE
47 STATE FOR USE BY THE FEDERAL CENSUS BUREAU IN REPORTING DECENNIAL FEDER-
48 AL CENSUS DATA;

49 6. ENGAGE IN SUCH RESEARCH STUDIES AND OTHER ACTIVITIES AS NECESSARY
50 OR APPROPRIATE IN THE PREPARATION AND FORMULATION OF A REDISTRICTING
51 PLAN FOR THE NEXT ENSUING REDISTRICTING OF SENATE AND ASSEMBLY DISTRICTS
52 AND CONGRESSIONAL DISTRICTS OF THE STATE AND IN THE UTILIZATION OF
53 CENSUS AND OTHER DEMOGRAPHIC AND STATISTICAL DATA FOR POLICY ANALYSIS,
54 PROGRAM DEVELOPMENT AND PROGRAM EVALUATION PURPOSES FOR THE LEGISLATURE;

55 7. SELL SURVEYS, DATA, COPIES OF TABULATIONS AND OTHER SPECIAL STATIS-
56 TICAL COMPILATIONS AND MATERIALS TO DEPARTMENTS, AGENCIES AND OTHER

ENTITIES OF FEDERAL, STATE OR LOCAL GOVERNMENT, OF FOREIGN COUNTRIES, AND TO PUBLIC BENEFIT CORPORATIONS, OR OTHER PUBLIC, NOT-FOR-PROFIT AND PRIVATE PERSONS AND AGENCIES, UPON PAYMENT OF FEES AT LEAST SUFFICIENT TO PAY THE ACTUAL OR ESTIMATED COST OF SUCH PROJECTS. IN FURTHERANCE OF SUCH SALE, THE INDEPENDENT REDISTRICTING COMMISSION MAY EXECUTE CONTRACTS FOR SUCH PURPOSE;

8. PREPARE MAPS OF CITIES, TOWNS AND COUNTIES OF THE STATE FOR DESCRIBING CONGRESSIONAL, SENATE AND ASSEMBLY DISTRICTS, AND PREPARE REDISTRICTING PLANS AND LEGISLATION; AND

9. MAKE AVAILABLE TO THE PUBLIC IN PRINT FORM AND IN ELECTRONIC FORM ON THE INTERNET, USING THE BEST AVAILABLE TECHNOLOGY, ALL REDISTRICTING PLANS, RELEVANT DATA AND MAPMAKING SOFTWARE USED TO PREPARE SUCH PLANS, INFORMATION ON THE MEMBERS OF THE INDEPENDENT REDISTRICTING COMMISSION AND ALL OTHER RELEVANT INFORMATION DERIVED FROM THE OPERATION OF THIS ARTICLE.

S 98. REDISTRICTING. 1. THE INDEPENDENT REDISTRICTING COMMISSION, SHALL UPON RECEIPT OF THE FEDERAL DECENNIAL CENSUS FOR THE STATE, BEGIN TO ESTABLISH A PLAN FOR THE REDISTRICTING OF CONGRESSIONAL, SENATE AND ASSEMBLY DISTRICTS IN THE STATE.

2. SUBJECT TO THE REQUIREMENTS OF STATE AND FEDERAL LAW, THE FOLLOWING REQUIREMENTS AND PRINCIPLES SHALL BE APPLIED IN ESTABLISHING A PLAN FOR SUCH DISTRICTS:

(A) ALL CONGRESSIONAL DISTRICTS SHALL BE AS NEARLY EQUAL IN POPULATION AS IS PRACTICABLE.

(B) EACH DISTRICT SHALL CONSIST OF CONTIGUOUS TERRITORY; NO DISTRICT SHALL CONSIST OF PARTS ENTIRELY SEPARATED BY THE TERRITORY OF ANOTHER DISTRICT OF THE SAME BODY, WHETHER SUCH TERRITORY BE LAND OR WATER, POPULATED OR UNPOPULATED. A POPULATED CENSUS BLOCK SHALL NOT BE DIVIDED BY A DISTRICT BOUNDARY, UNLESS IT CAN BE DETERMINED THAT THE POPULATED PART OF SUCH BLOCK IS WITHIN A SINGLE DISTRICT.

(C) SENATE, ASSEMBLY, OR CONGRESSIONAL DISTRICTS SHALL NOT BE ESTABLISHED THAT ARE INTENDED TO OR RESULT IN A DENIAL OR ABRIDGEMENT OF MINORITY VOTING RIGHTS INCLUDING THE OPPORTUNITY OF MINORITY VOTERS TO PARTICIPATE IN THE POLITICAL PROCESS, AND TO ELECT THE CANDIDATES OF THEIR CHOICE, INCLUDING BUT NOT LIMITED TO MINORITY POPULATIONS WITH THE OPPORTUNITY TO ELECT THE CANDIDATES OF THEIR CHOICE WITHOUT COMPRISING A MAJORITY OF THE DISTRICT.

(D) SENATE, ASSEMBLY, OR CONGRESSIONAL DISTRICTS SHALL NOT BE DRAWN WITH AN INTENT TO FAVOR OR OPPOSE ANY POLITICAL PARTY, ANY INCUMBENT FEDERAL OR STATE LEGISLATOR, OR ANY PREVIOUS OR PRESUMED CANDIDATE FOR OFFICE IN THE REDISTRICTING PLAN DEVELOPED BY THE COMMISSION.

(E) SUBJECT TO THE REQUIREMENTS OF PARAGRAPHS (A), (B), (C) AND (D) OF THIS SUBDIVISION AND THE REQUIREMENTS OF STATE AND FEDERAL LAW, THE FOLLOWING PRINCIPLES SHALL BE FOLLOWED IN THE CREATION OF SENATE, ASSEMBLY, AND CONGRESSIONAL DISTRICTS. A PRINCIPLE WITH A LOWER NUMBER SHALL HAVE PRECEDENCE OVER A PRINCIPLE WITH A HIGHER NUMBER.

(I) TO THE EXTENT PRACTICABLE, THE MOST AND LEAST POPULOUS SENATE DISTRICTS SHALL NOT EXCEED OR BE LOWER THAN THE MEAN POPULATION OF ALL SENATE DISTRICTS BY MORE THAN ONE PERCENT, AND THE MOST AND LEAST POPULOUS ASSEMBLY DISTRICTS SHALL NOT EXCEED OR BE LOWER THAN THE MEAN POPULATION OF ALL ASSEMBLY DISTRICTS BY MORE THAN ONE PERCENT. IN NO EVENT SHALL THE COMMISSION ADVANTAGE ANY REGION OF THE STATE OVER ANY OTHER BY CREATING MULTIPLE DISTRICTS THEREIN EXCEEDING, OR LOWER THAN, THE MEAN POPULATION BY MORE THAN ONE PERCENT EXCEPT AS MAY BE MANDATED BY THE NEW YORK CONSTITUTION OR FEDERAL LAW.

(II) TO THE EXTENT POSSIBLE, A SENATE, ASSEMBLY, OR CONGRESSIONAL DISTRICT SHALL UNITE COMMUNITIES DEFINED BY ACTUAL SHARED INTERESTS, TAKING ACCOUNT OF GEOGRAPHIC, SOCIAL, ECONOMIC, AND OTHER FACTORS THAT INDICATE COMMONALITY OF INTEREST, AND DISTRICTS SHALL BE FORMED SO AS TO PROMOTE THE ORDERLY AND EFFICIENT ADMINISTRATION OF ELECTIONS.

(III) TO THE EXTENT PRACTICABLE, COUNTIES SHALL NOT BE DIVIDED IN THE FORMATION OF DISTRICTS, EXCEPT TO CREATE DISTRICTS WHOLLY WITHIN A COUNTY. TO THE EXTENT PRACTICABLE, IF ANY ASSEMBLY DISTRICT OR ANY SENATE DISTRICT INCLUDES THE TERRITORY OF TWO COUNTIES, THEN NO OTHER ASSEMBLY DISTRICT OR SENATE DISTRICT SHALL INCLUDE TERRITORY OF BOTH OF THE SAME TWO COUNTIES.

(IV) TO THE EXTENT PRACTICABLE, COUNTY SUBDIVISIONS SHALL NOT BE DIVIDED IN THE FORMATION OF DISTRICTS, EXCEPT TO CREATE DISTRICTS WHOLLY WITHIN A COUNTY SUBDIVISION. FOR THE PURPOSES OF THIS ARTICLE, A COUNTY SUBDIVISION SHALL BE A CITY, EXCEPT THE CITY OF NEW YORK, A TOWN, OR AN INDIAN RESERVATION WHOSE TERRITORY IS EXCLUSIVE OF THE TERRITORY OF ANY CITY OR TOWN. COUNTY SUBDIVISIONS WITH LARGER POPULATIONS SHALL BE DIVIDED IN PREFERENCE TO THE DIVISION OF THOSE WITH SMALLER POPULATIONS.

(V) TO THE EXTENT PRACTICABLE, INCORPORATED VILLAGES SHALL NOT BE DIVIDED IN THE FORMATION OF DISTRICTS.

3. (A) DURING THE PREPARATION OF THE REDISTRICTING PLAN, THE INDEPENDENT REDISTRICTING COMMISSION SHALL CONDUCT NOT LESS THAN ONE PUBLIC HEARING ON PROPOSALS FOR THE REDISTRICTING OF CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS IN EACH OF THE FOLLOWING (I) CITIES: ALBANY, BUFFALO, SYRACUSE, ROCHESTER, AND WHITE PLAINS; AND (II) COUNTIES: BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND. PUBLIC NOTICE OF ALL SUCH HEARINGS SHALL BE WIDELY PUBLISHED IN AVAILABLE MEDIA INCLUDING THE INTERNET BY THE INDEPENDENT REDISTRICTING COMMISSION IN ADVANCE IN ANY EVENT, NO LESS THAN THIRTY DAYS BEFORE EVERY HEARING THROUGH ALL AVAILABLE MEANS. TO THE EXTENT PRACTICABLE, ALL SUCH HEARINGS AND THE PROCEEDINGS OF THE INDEPENDENT REDISTRICTING COMMISSION SHALL BE TELEVISED OR WEBCAST. THE INDEPENDENT REDISTRICTING COMMISSION SHALL REPORT THE FINDINGS OF ALL SUCH HEARINGS TO THE LEGISLATURE UPON SUBMISSION OF THE REDISTRICTING PLAN PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION.

(B) AT LEAST THIRTY DAYS PRIOR TO THE FIRST PUBLIC HEARING AND IN ANY EVENT NO LATER THAN MARCH FIFTEENTH OF THE YEAR ENDING WITH A ONE, EXCEPT THAT FOR THE DEVELOPMENT OF THE REDISTRICTING PLANS EFFECTIVE FOR TWO THOUSAND TWELVE THIS DATE SHALL BE NO LATER THAN SEPTEMBER FIFTEENTH, TWO THOUSAND ELEVEN, THE INDEPENDENT REDISTRICTING COMMISSION SHALL POST ON ITS WEBSITE (I) ITS DRAFT REDISTRICTING PLANS; (II) ALL DATA AND OTHER INFORMATION IN SUCH FORM AS TO ALLOW AND FACILITATE THE USE OF SUCH DATA AND INFORMATION BY THE PUBLIC TO REVIEW, ANALYZE, AND COMMENT UPON SUCH PLANS, AND TO DEVELOP ALTERNATIVE REDISTRICTING PLANS OR SPECIFIC CHANGES TO THE COMMISSION'S PLANS FOR PRESENTATION TO THE COMMISSION AT THE PUBLIC HEARING; AND (III) A STANDARDIZED SCORECARD INDICATING COMPLIANCE WITH EACH OF THE REQUIREMENTS, AND SETTING FORTH EACH REDISTRICTING PLAN'S SCORE ON EACH OF THE PRINCIPLES, SET FORTH IN SUBDIVISION TWO OF THIS SECTION, INCLUDING THE PLAN'S PROTECTION OF MINORITY VOTERS' RIGHTS TO PARTICIPATE IN THE POLITICAL PROCESS AND TO ELECT CANDIDATES OF THEIR CHOICE AND ANY FURTHER DISCUSSION NECESSARY TO EXPLAIN THE PLAN'S FEATURES AND COMPLIANCE WITH THESE REQUIREMENTS AND PRINCIPLES.

4. (A) ON OR BEFORE THE FIFTEENTH OF MAY IN EACH YEAR ENDING WITH A ONE OR WITHIN SIXTY DAYS OF RECEIVING THE FEDERAL DECENNIAL CENSUS FOR THE STATE, WHICHEVER IS LATER, THE INDEPENDENT REDISTRICTING COMMISSION

1 SHALL SUBMIT TO THE LEGISLATURE AND DISSEMINATE TO THE PUBLIC A REDIS-
2 TRICTING PLAN FOR ALL CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS,
3 ALONG WITH THE LEGISLATION NECESSARY TO IMPLEMENT SUCH PLAN EXCEPT THAT
4 FOR THE REDISTRICTING PLANS EFFECTIVE FOR TWO THOUSAND TWELVE SUCH PLAN
5 SHALL BE SUBMITTED AND DISSEMINATED NO LATER THAN OCTOBER FIFTEENTH, TWO
6 THOUSAND ELEVEN. UPON RECEIPT OF SUCH PLAN, THE IMPLEMENTING LEGISLATION
7 THEREFOR SHALL BE INTRODUCED IN BOTH HOUSES OF THE LEGISLATURE WITHOUT
8 ANY AMENDMENTS WITHIN FIVE DAYS.

9 (B) THE LEGISLATION INTRODUCED PURSUANT TO PARAGRAPH (A) OF THIS
10 SUBDIVISION SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY BOTH SUCH HOUSES
11 OF THE LEGISLATURE WITHIN SEVEN DAYS AFTER THE INDEPENDENT REDISTRICTING
12 COMMISSION REPORTS THE FINDINGS OF ITS PUBLIC HEARING TO THE LEGISLA-
13 TURE. IF APPROVED, THE LEGISLATURE SHALL FORWARD SUCH LEGISLATION TO THE
14 GOVERNOR WITHIN FIVE DAYS.

15 5. IF (A) EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION SUBMITTED
16 PURSUANT TO SUBDIVISION FOUR OF THIS SECTION WITHIN TWENTY-ONE DAYS OF
17 ITS SUBMISSION, OR (B) THE GOVERNOR SHALL VETO SUCH LEGISLATION AND THE
18 LEGISLATURE SHALL FAIL TO OVERRIDE SUCH VETO WITHIN FIFTEEN DAYS OF SUCH
19 VETO, THE INDEPENDENT REDISTRICTING COMMISSION SHALL HOLD AN OPEN HEAR-
20 ING WITHIN FIFTEEN DAYS OF SAID FAILURE TO PASS THE LEGISLATION AS IN
21 PARAGRAPH (A) OF THIS SUBDIVISION OR FAILURE TO OVERRIDE THE GOVERNOR'S
22 VETO AS IN PARAGRAPH (B) OF THIS SUBDIVISION AT WHICH THE SPEAKER AND
23 MINORITY LEADER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT AND MINORITY
24 LEADER OF THE SENATE, OR EACH OF THEIR DESIGNEES SHALL TESTIFY AS TO THE
25 REASONS THAT THE LEGISLATION DID NOT BECOME LAW AND ANY OBJECTIONS SUCH
26 LEGISLATIVE LEADERS MAY HAVE TO SUCH LEGISLATION, AND MEMBERS OF THE
27 PUBLIC WILL ALSO BE INVITED TO TESTIFY. WITHIN FIFTEEN DAYS OF SUCH
28 HEARING, THE INDEPENDENT REDISTRICTING COMMISSION SHALL ESTABLISH AND
29 SUBMIT TO THE LEGISLATURE A SECOND REDISTRICTING PLAN AND THE NECESSARY
30 IMPLEMENTING LEGISLATION FOR SUCH PLAN. UPON RECEIPT OF SUCH SECOND
31 PLAN, THE IMPLEMENTING LEGISLATION THEREFOR SHALL BE INTRODUCED IN BOTH
32 HOUSES OF THE LEGISLATURE WITHOUT ANY AMENDMENTS WITHIN FIVE DAYS. SUCH
33 LEGISLATION SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY BOTH SUCH HOUSES
34 WITHIN TWENTY-ONE DAYS, BUT NOT SOONER THAN SEVEN DAYS, AFTER ITS INTRO-
35 Duction. IF APPROVED, THE LEGISLATURE SHALL FORWARD SUCH LEGISLATION TO
36 THE GOVERNOR WITHIN FIVE DAYS.

37 6. IF (A) EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION SUBMITTED
38 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION WITHIN TWENTY-ONE DAYS OF
39 ITS SUBMISSION, OR (B) THE GOVERNOR SHALL VETO SUCH LEGISLATION AND THE
40 LEGISLATURE FAILS TO OVERRIDE SUCH VETO THE INDEPENDENT REDISTRICTING
41 COMMISSION SHALL HOLD AN OPEN HEARING WITHIN FIFTEEN DAYS OF SAID FAIL-
42 URE TO PASS THE LEGISLATION AS IN PARAGRAPH (A) OF THIS SUBDIVISION OR
43 FAILURE TO OVERRIDE THE GOVERNOR'S VETO AS IN PARAGRAPH (B) OF THIS
44 SUBDIVISION AT WHICH THE SPEAKER AND MINORITY LEADER OF THE ASSEMBLY AND
45 THE TEMPORARY PRESIDENT AND MINORITY LEADER OF THE SENATE, OR EACH OF
46 THEIR DESIGNEES SHALL TESTIFY AS TO THE REASONS THAT THE LEGISLATION DID
47 NOT BECOME LAW ANY OBJECTIONS SUCH LEGISLATIVE LEADERS MAY HAVE TO SUCH
48 LEGISLATION, AND MEMBERS OF THE PUBLIC WILL ALSO BE INVITED TO TESTIFY.
49 WITHIN FIFTEEN DAYS OF SUCH HEARING, THE INDEPENDENT REDISTRICTING
50 COMMISSION SHALL ESTABLISH AND SUBMIT TO THE LEGISLATURE A THIRD REDIS-
51 TRICTING PLAN AND THE NECESSARY IMPLEMENTING LEGISLATION FOR SUCH PLAN.
52 UPON RECEIPT OF SUCH THIRD PLAN, THE IMPLEMENTING LEGISLATION WITH ANY
53 AMENDMENTS THE LEGISLATURE SHALL DEEM NECESSARY SHALL BE INTRODUCED IN
54 BOTH HOUSES OF THE LEGISLATURE WITHIN FIVE DAYS. ALL SUCH AMENDMENTS
55 SHALL COMPLY WITH THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION AND
56 SHALL NOT AFFECT MORE THAN TWO PERCENT OF THE POPULATION OF ANY

1 DISTRICT. SUCH LEGISLATION SHALL BE VOTED UPON BY BOTH SUCH HOUSES
2 WITHIN TWENTY-ONE DAYS, BUT NOT SOONER THAN SEVEN DAYS, AFTER ITS INTRO-
3 Duction. IF APPROVED, THE LEGISLATURE SHALL FORWARD SUCH LEGISLATION TO
4 THE GOVERNOR WITHIN FIVE DAYS.

5 S 99. APPLICATION OF ARTICLE. 1. THE PROCESS FOR REDISTRICTING OF
6 CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS ESTABLISHED BY THIS ARTI-
7 cle SHALL BE THE EXCLUSIVE MEANS BY WHICH SUCH REDISTRICTING SHALL BE
8 COMPLETED IN THIS STATE EXCEPT TO THE EXTENT THAT A COURT IS REQUIRED TO
9 ORDER THE ADOPTION OF, OR CHANGES TO, A REDISTRICTING PLAN AS A REMEDY
10 FOR A VIOLATION OF LAW. EVERY REDISTRICTING OF CONGRESSIONAL OR STATE
11 LEGISLATIVE DISTRICTS PERFORMED IN VIOLATION OF THE PROVISIONS OF THIS
12 ARTICLE SHALL BE VOID. IN ANY PROCEEDING RELATING TO REDISTRICTING OF
13 CONGRESSIONAL OR STATE LEGISLATIVE DISTRICTS, THE COURT SHALL IMPLEMENT
14 THE PLAN THAT MOST FAITHFULLY SERVES THE REQUIREMENTS OF SUBDIVISION TWO
15 OF SECTION NINETY-EIGHT OF THIS ARTICLE.

16 2. A REDISTRICTING STATUTE SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL
17 A SUBSEQUENT REDISTRICTING STATUTE, BASED UPON THE SUCCEEDING DECENNIAL
18 FEDERAL CENSUS, TAKES EFFECT, UNLESS MODIFIED PURSUANT TO COURT ORDER.

19 S 6. Terms occurring in laws, contracts and other documents. Except as
20 otherwise provided in this act, whenever the legislative task force on
21 demographic research and reapportionment is referred to or designated in
22 any law, contract, or other document, such reference or designation
23 shall be deemed to refer to the independent redistricting commission
24 created by this act.

25 S 7. This act shall take effect immediately.