

3253

2011-2012 Regular Sessions

I N S E N A T E

February 14, 2011

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the legislative law, in relation to establishing the legislative advisory commission on redistricting and legislative research

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

1 Section 1. Section 83-m of the legislative law, as added by chapter
2 141 of the laws of 1994, subdivision 13 as added by section 2 of part XX
3 of chapter 57 of the laws of 2010, is amended to read as follows:
4 S 83-m. Legislative [task force on demographic research and reapportionment] ADVISORY COMMISSION ON REDISTRICTING AND LEGISLATIVE RESEARCH.
5 1. The legislature hereby finds and declares that: (a) there is a need
6 for intensive and thorough legislative study, research and inquiry into
7 the techniques and methodology to be used by the bureau of the census of
8 the United States commerce department in carrying out the decennial
9 federal census; (b) a technical plan will be needed to meet the requirements of a legislative timetable for a [reapportionment] REDISTRICTING
10 of the senate and assembly districts and the congressional districts of
11 the state based on such census; and (c) the [task force] COMMISSION
12 herein continued is necessary to assist the legislature in the performance of its responsibilities and in the conduct of legislative research projects relating thereto.
13 [2. The legislative task force on demographic research and reapportionment is hereby continued, consisting of six members of whom two shall be appointed by the temporary president of the senate, two by the speaker of the assembly and one each by the minority leader of the senate and the minority leader of the assembly. The appointments shall be of members of the respective houses of the legislature, except that one member appointed by the temporary president of the senate and one

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

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1 member appointed by the speaker of the assembly shall not be members of
2 the legislature. A member of the senate appointed to the task force by
3 the temporary president of the senate and a member of the assembly
4 appointed to the task force by the speaker of the assembly shall be
5 designated by each to serve as the co-chairmen of the task force. Each
6 member of the task force who is not a member of the legislature shall be
7 entitled to receive actual and necessary expenses incurred in the
8 discharge of his duties and shall be entitled to compensation as deter-
9 mined by the co-chairmen within the appropriations available therefor,
10 except that such member, who is serving in such capacity in a transient,
11 occasional and incidental manner, shall not be entitled to receive more
12 than the actual and necessary expenses incurred in the discharge of his
13 duties.

14 3. The task force shall engage in such research studies and other
15 activities as its co-chairmen may deem necessary or appropriate in the
16 preparation and formulation of a reapportionment plan for the next ensu-
17 ing reapportionment of senate and assembly districts and congressional
18 districts of the state and in the utilization of census and other demo-
19 graphic and statistical data for policy analysis, program development
20 and program evaluation purposes for the legislature.

21 4. The co-chairmen of the task force may employ such personnel,
22 experts and consultants as may be necessary for the performance of its
23 work and shall fix their compensation within the amounts appropriated
24 therefor.

25 5. The primary function of the task force shall be to compile and
26 analyze data, conduct research for and make reports and recommendations
27 to the legislature, legislative commissions and other legislative task
28 forces.

29 6. The task force, with the approval of its co-chairmen and subject to
30 guidelines submitted by the co-chairmen and approved by the temporary
31 president of the senate and speaker of the assembly, may sell surveys,
32 data, copies of tabulations and other special statistical compilations
33 and materials to departments, agencies and other entities of federal,
34 state or local government, of foreign countries, and to public benefit
35 corporations, or other public, not-for-profit and private persons and
36 agencies, upon payment of fees at least sufficient to pay the actual or
37 estimated cost of such projects. In furtherance of such sale, the task
38 force, with the approval of its co-chairmen, may execute contracts for
39 such purpose. Any contract executed heretofore by the task force or the
40 advisory task force on reapportionment, without express statutory
41 authorization, of a nature similar in import as the contract for sale
42 herein authorized is hereby validated, ratified and confirmed as an
43 exercise of the inherent power of such task force or such advisory task
44 force to execute such contract. The co-chairmen shall take such action
45 as shall be necessary to assure that any survey, data, tabulation,
46 special statistical compilation or material made available for sale
47 shall not identify the name of any corporation, company, association,
48 firm, partnership, proprietorship, society, joint stock company, indi-
49 vidual, or other organization or entity.

50 7. Moneys heretofore or hereafter received by or on behalf of the
51 legislative task force on demographic research and reapportionment from
52 the sale of surveys, data, copies of tabulations and other special
53 statistical compilations and materials available to such task force
54 shall be deposited to the credit of the legislative computer services
55 fund established by section ninety-seven-uu of the state finance law.
56 The moneys hereby credited to such fund may be made available for the

1 legislative task force on demographic research and reapportionment and
2 shall, when made available, be payable out of the state treasury on the
3 audit and warrant of the comptroller in the manner provided by section
4 ninety-seven-uu of the state finance law.

5 8. The co-chairmen of the task force are hereby authorized and
6 empowered to make and sign any agreements in the name and on behalf of
7 the task force and to do and perform any acts that may be necessary,
8 desirable or proper to carry out the powers, purposes and objectives of
9 the task force and the provisions thereof.

10 9. The task force, with the approval of its co-chairmen, may complete
11 any contract executed and conduct any business undertaken or commenced
12 by the legislature or the advisory task force on reapportionment
13 pertaining to or connected with the reapportionment and readjustment or
14 alteration of senate and assembly and congressional districts prior to
15 the enactment of these provisions into law, and the same shall be
16 completed and conducted in the same manner and under the same terms and
17 conditions and with the same effect as if completed and conducted by the
18 legislature or such advisory task force.

19 10. The task force may hold public and private hearings and otherwise
20 have all of the powers of a legislative committee under this chapter.

21 11. The co-chairmen of the task force may request and receive from
22 any court, department, division, board, bureau, commission or agency of
23 the state or any political subdivision thereof such assistance and data
24 as will enable the task force to properly carry out its powers and
25 duties hereunder.

26 12. Employees of the task force shall be considered to be employees
27 of the legislature for all purposes.

28 13. (a) The task force shall specify the form in which the department
29 of correctional services shall provide such information required to be
30 reported to the task force pursuant to subdivision eight of section
31 seventy-one of the correction law.

32 (b) Upon receipt of such information for each incarcerated person
33 subject to the jurisdiction of the department of correctional services,
34 the task force shall determine the census block corresponding to the
35 street address of each such person's residential address prior to incar-
36 ceration (if any), and the census block corresponding to the street
37 address of the correctional facility in which such person was held
38 subject to the jurisdiction of such department. Until such time as the
39 United States bureau of the census shall implement a policy of reporting
40 each such incarcerated person at such person's residential address prior
41 to incarceration, the task force shall use such data to develop a data-
42 base in which all incarcerated persons shall be, where possible, allo-
43 cated for redistricting purposes, such that each geographic unit
44 reflects incarcerated populations at their respective residential
45 addresses prior to incarceration rather than at the addresses of such
46 correctional facilities. For all incarcerated persons whose residential
47 address prior to incarceration was outside of the state, or for whom the
48 task force cannot identify their prior residential address, and for all
49 persons confined in a federal correctional facility on census day, the
50 task force shall consider those persons to have been counted at an
51 address unknown and persons at such unknown address shall not be
52 included in such data set created pursuant to this paragraph. The task
53 force shall develop and maintain such amended population data set and
54 shall make such amended data set available to local governments, as
55 defined in subdivision eight of section two of the municipal home rule
56 law, and for the drawing of assembly and senate districts. The assembly

1 and senate districts shall be drawn using such amended population data
2 set.

3 (c) Notwithstanding any other provision of law, the information
4 required to be provided pursuant to subdivision eight of section seven-
5 ty-one of the correction law shall be treated as confidential and shall
6 not be disclosed by the task force except as aggregated by census block
7 for purpose specified in this subdivision.]

8 2. ESTABLISHMENT AND ALTERATION OF SENATE, ASSEMBLY AND CONGRESSIONAL
9 DISTRICTS. (A) THERE SHALL BE A LEGISLATIVE ADVISORY COMMISSION ON
10 REDISTRICTING AND DEMOGRAPHIC RESEARCH (THE "COMMISSION") TO DRAW
11 SENATE, ASSEMBLY AND CONGRESSIONAL DISTRICTS, SO THAT ALL THE PEOPLE OF
12 NEW YORK MAY BE FAIRLY REPRESENTED. THE TEMPORARY PRESIDENT OF THE
13 SENATE, MINORITY LEADER OF THE SENATE, SPEAKER OF THE ASSEMBLY, AND
14 MINORITY LEADER OF THE ASSEMBLY SHALL EACH APPOINT TWO LEGISLATOR
15 MEMBERS FROM THEIR PARTY CONFERENCE, WITH ONE APPOINTEE FROM EACH MAJOR-
16 ITY DESIGNATED AS CO-CHAIR. THE EIGHT LEGISLATOR MEMBERS SHALL SELECT
17 AND APPOINT FOUR PUBLIC MEMBERS BY A VOTE OF AT LEAST SIX OF THE EIGHT
18 LEGISLATOR MEMBERS. A MAJORITY VOTE, IF THE LEGISLATORS DIVIDE ALONG
19 PARTY LINES, WOULD THEN REQUIRE AGREEMENT OF AT LEAST THREE OF THE FOUR
20 NON-LEGISLATOR MEMBERS. NO PERSON SHALL BE A NON-LEGISLATOR MEMBER OF
21 THE COMMISSION WHO IS NOT A REGISTERED VOTER IN THE STATE OF NEW YORK,
22 AND WHO HAS NOT BEEN, AT THE TIME OF APPOINTMENT, A RESIDENT OF THE
23 STATE OF NEW YORK FOR FIVE YEARS. NO MEMBER OF THE SENATE OR ASSEMBLY,
24 NO MEMBER OF CONGRESS, AND NO PERSON HOLDING JUDICIAL OFFICE, SHALL BE A
25 NON-LEGISLATOR MEMBER OF THE COMMISSION. VACANCIES SHALL BE FILLED BY
26 THE ORIGINAL APPOINTING LEGISLATIVE AUTHORITY.

27 (B) THE SENATE, ASSEMBLY, AND CONGRESSIONAL DISTRICTS SHALL BE DEVEL-
28 OPED BY A VOTE OF AT LEAST SEVEN MEMBERS OF THE COMMISSION. THE PLANS OF
29 SENATE, ASSEMBLY, AND CONGRESSIONAL DISTRICTS DEVELOPED BY THE COMMIS-
30 SION SHALL BE SUBMITTED TO THE LEGISLATURE FOR ENACTMENT. THE COMMISSION
31 SHALL ESTABLISH THE SENATE AND ASSEMBLY DISTRICTS NO LATER THAN THE LAST
32 DAY OF JANUARY OF THE SECOND YEAR FOLLOWING THE YEAR IN WHICH THE FEDER-
33 AL DECENNIAL CENSUS IS TAKEN. THE COMMISSION SHALL ISSUE A REPORT
34 EXPLAINING HOW THE DISTRICTS COMPLY WITH THE REQUIREMENTS OF SUBDIVISION
35 THREE OF THIS SECTION. CONGRESSIONAL DISTRICTS SHALL BE ENACTED INTO
36 LAW NO LATER THAN THE LAST DAY OF MARCH OF THE SECOND YEAR FOLLOWING THE
37 YEAR IN WHICH THE FEDERAL DECENNIAL CENSUS IS TAKEN. THE COMMISSION
38 SHALL ISSUE A REPORT EXPLAINING HOW THE DISTRICTS COMPLY WITH THE
39 REQUIREMENTS OF SUBDIVISION THREE OF THIS SECTION. MEMBERS OF THE
40 COMMISSION SHALL PROVIDE THE LEGISLATURE WITH REPORTS ON MULTIPLE PLANS
41 IF THE COMMISSION FAILS TO ACHIEVE A MAJORITY VOTE ON EITHER THE SENATE
42 AND ASSEMBLY PLAN OR THE CONGRESSIONAL PLAN. THE COMMISSION SHALL MEET
43 TO MAKE ADJUSTMENTS TO PLANS FOR CONGRESSIONAL, ASSEMBLY AND SENATE
44 DISTRICTS SHOULD THE LEGISLATURE FAIL TO ADOPT THE COMMISSION'S PLAN AND
45 RETURN SUCH RECOMMENDATIONS TO THE LEGISLATURE. THE COMMISSION'S REVISED
46 PLANS SHALL BE SUBMITTED TO THE LEGISLATURE FOR CONSIDERATION. DISTRICT-
47 ING PLANS ENACTED INTO LAW SHALL BECOME EFFECTIVE FOR THE NEXT ENSUING
48 GENERAL ELECTION OF SENATORS, ASSEMBLY MEMBERS, AND MEMBERS OF CONGRESS.
49 THE SENATE, ASSEMBLY AND CONGRESSIONAL DISTRICTS SHALL REMAIN UNALTERED
50 UNTIL AFTER THE SUBSEQUENT FEDERAL DECENNIAL CENSUS, EXCEPT THAT, IF AN
51 ALTERATION OF SUCH DISTRICTS SHALL BE ORDERED BY A COURT OF COMPETENT
52 JURISDICTION, OR IF SUCH DISTRICTS SHALL BE PREVENTED FROM TAKING EFFECT
53 PURSUANT TO THIS SECTION OR TO ANY PROVISION OF THE CONSTITUTION AND
54 LAWS OF THE UNITED STATES, THE COMMISSION SHALL MEET TO RECOMMEND ALTER-
55 ATIONS NECESSARY TO THE LEGISLATURE TO PROVIDE A REMEDY. ALL VOTES OF
56 THE COMMISSION SHALL BE TAKEN AT PUBLIC MEETINGS, AND THE COMMISSION

1 SHALL CAUSE TRANSCRIPTS OF ALL MEETINGS AND HEARINGS, INCLUDING ALL
2 TESTIMONY SUBMITTED IN WRITING, TO BE MADE PUBLICLY AVAILABLE. THE
3 COMMISSION SHALL PROMOTE INFORMED PUBLIC UNDERSTANDING OF, AND PARTIC-
4 IPATION IN, THE PROCESS OF REDISTRICTING, BY SUCH MEANS AS PROVIDING
5 INFORMATION TO THE PUBLIC, HOLDING HEARINGS AND ADEQUATE PUBLIC COMMENT
6 PERIODS BEFORE AND AFTER PLANS ARE FINALIZED, AND ENCOURAGING SUBMISSION
7 OF PROPOSALS.

8 (C) THE LEGISLATURE SHALL MAKE NECESSARY APPROPRIATIONS FOR THE
9 EXPENSES OF THE COMMISSION, PROVIDE FOR COMPENSATION AND REIMBURSEMENT
10 OF EXPENSES FOR THE MEMBERS AND STAFF OF THE COMMISSION, ASSIGN TO THE
11 COMMISSION ANY ADDITIONAL DUTIES THAT THE LEGISLATURE MAY DEEM NECESSARY
12 TO THE PERFORMANCE OF THE DUTIES STIPULATED IN THIS SECTION, AND REQUIRE
13 OTHER AGENCIES AND OFFICIALS OF THE STATE OF NEW YORK AND ITS POLITICAL
14 SUBDIVISIONS TO PROVIDE SUCH INFORMATION AND ASSISTANCE AS THE COMMIS-
15 SION MAY REQUIRE TO PERFORM ITS DUTIES.

16 (D) SUBJECT TO SUCH REASONABLE REGULATIONS AS THE LEGISLATURE SHALL
17 ENACT, THE COMMISSION SHALL, WITH THE APPROVAL OF THE TEMPORARY PRESI-
18 DENT OF THE SENATE, MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE
19 ASSEMBLY AND THE MINORITY LEADER OF THE ASSEMBLY AS MAY BE NECESSARY TO
20 PERFORM ITS DUTIES, HIRE STAFF, ENTER INTO CONTRACTS, CONDUCT RESEARCH,
21 HOLD HEARINGS, AND COMMUNICATE WITH THE PUBLIC; SHALL ASSEMBLE AND MAIN-
22 TAIN SUCH GEOGRAPHIC, DEMOGRAPHIC, ELECTION, AND VOTER REGISTRATION DATA
23 AS MAY BE NECESSARY FOR THE ANALYSIS AND EVALUATION OF PROPOSED AND
24 ESTABLISHED PLANS OF SENATE, ASSEMBLY, AND CONGRESSIONAL DISTRICTS,
25 INCLUDING, BUT NOT LIMITED TO, THE COMPLIANCE OF SUCH PLANS WITH THE
26 PROVISIONS OF THIS SECTION AND WITH THE CONSTITUTION AND LAWS OF THE
27 UNITED STATES; AND SHALL CAUSE ALL SUCH DATA, AND ALL EXPERT REPORTS,
28 RESULTS OF ANY OTHER RESEARCH CONDUCTED UNDER A CONTRACT ENTERED INTO BY
29 THE COMMISSION, AND PROPOSALS FOR DISTRICTS SUBMITTED BY THE PUBLIC, TO
30 BE MADE PUBLICLY AVAILABLE.

31 (E) EACH MEMBER OF THE COMMISSION WHO IS NOT A MEMBER OF THE LEGISLA-
32 TURE SHALL BE ENTITLED TO RECEIVE ACTUAL AND NECESSARY EXPENSES INCURRED
33 IN THE DISCHARGE OF HIS OR HER DUTIES AND SHALL BE ENTITLED TO COMPEN-
34 SATION AS DETERMINED BY THE CO-CHAIRS WITHIN THE APPROPRIATIONS AVAIL-
35 ABLE THEREFOR, EXCEPT THAT SUCH MEMBER, WHO IS SERVING IN SUCH CAPACITY
36 IN A TRANSIENT, OCCASIONAL AND INCIDENTAL MANNER, SHALL NOT BE ENTITLED
37 TO RECEIVE MORE THAN THE ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
38 DISCHARGE OF HIS OR HER DUTIES.

39 (F) THE COMMISSION, WITH THE APPROVAL OF ITS CO-CHAIRS AND SUBJECT TO
40 GUIDELINES SUBMITTED BY THE CO-CHAIRS AND APPROVED BY THE TEMPORARY
41 PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, MAY SELL SURVEYS,
42 DATA, COPIES OF TABULATIONS AND OTHER SPECIAL STATISTICAL COMPILATIONS
43 AND MATERIALS TO DEPARTMENTS, AGENCIES AND OTHER ENTITIES OF FEDERAL,
44 STATE OR LOCAL GOVERNMENT, OF FOREIGN COUNTRIES, AND TO PUBLIC BENEFIT
45 CORPORATIONS, OR OTHER PUBLIC, NOT-FOR-PROFIT AND PRIVATE PERSONS AND
46 AGENCIES, UPON PAYMENT OF FEES AT LEAST SUFFICIENT TO PAY THE ACTUAL OR
47 ESTIMATED COST OF SUCH PROJECTS. IN FURTHERANCE OF SUCH SALE, THE
48 COMMISSION, WITH THE APPROVAL OF ITS CO-CHAIRS, MAY EXECUTE CONTRACTS
49 FOR SUCH PURPOSE. ANY CONTRACT EXECUTED HERETOFORE BY THE COMMISSION,
50 WITHOUT EXPRESS STATUTORY AUTHORIZATION, OF A NATURE SIMILAR IN IMPORT
51 AS THE CONTRACT FOR SALE HEREIN AUTHORIZED IS HEREBY VALIDATED, RATIFIED
52 AND CONFIRMED AS AN EXERCISE OF THE INHERENT POWER OF SUCH COMMISSION TO
53 EXECUTE SUCH CONTRACT. THE CO-CHAIRS SHALL TAKE SUCH ACTION AS SHALL BE
54 NECESSARY TO ASSURE THAT ANY SURVEY, DATA, TABULATION, SPECIAL STATIS-
55 TICAL COMPILATION OR MATERIAL MADE AVAILABLE FOR SALE SHALL NOT IDENTIFY
56 THE NAME OF ANY CORPORATION, COMPANY, ASSOCIATION, FIRM, PARTNERSHIP,

1 PROPRIETORSHIP, SOCIETY, JOINT STOCK COMPANY, INDIVIDUAL, OR OTHER
2 ORGANIZATION OR ENTITY.

3 (G) THE COMMISSION SHALL ENGAGE IN SUCH RESEARCH STUDIES AND OTHER
4 ACTIVITIES AS ITS CO-CHAIRS MAY DEEM NECESSARY OR APPROPRIATE IN THE
5 PREPARATION AND FORMULATION OF A REDISTRICTING PLAN FOR THE NEXT ENSUING
6 REDISTRICTING OF SENATE AND ASSEMBLY DISTRICTS AND CONGRESSIONAL
7 DISTRICTS OF THE STATE AND IN THE UTILIZATION OF CENSUS AND OTHER DEMO-
8 GRAPHIC AND STATISTICAL DATA FOR POLICY ANALYSIS, PROGRAM DEVELOPMENT
9 AND PROGRAM EVALUATION PURPOSES FOR THE LEGISLATURE.

10 (H) MONEYS HERETOFORE OR HEREAFTER RECEIVED BY OR ON BEHALF OF THE
11 COMMISSION FROM THE SALE OF SURVEYS, DATA, COPIES OF TABULATIONS AND
12 OTHER SPECIAL STATISTICAL COMPILATIONS AND MATERIALS AVAILABLE TO SUCH
13 COMMISSION SHALL BE DEPOSITED TO THE CREDIT OF THE LEGISLATIVE COMPUTER
14 SERVICES FUND ESTABLISHED BY SECTION NINETY-SEVEN-UU OF THE STATE
15 FINANCE LAW. THE MONEYS HEREBY CREDITED TO SUCH FUND MAY BE MADE AVAIL-
16 ABLE FOR THE COMMISSION AND SHALL, WHEN MADE AVAILABLE, BE PAYABLE OUT
17 OF THE STATE TREASURY ON THE AUDIT AND WARRANT OF THE COMPTROLLER IN THE
18 MANNER PROVIDED BY SECTION NINETY-SEVEN-UU OF THE STATE FINANCE LAW.

19 (I) THE CO-CHAIRS OF THE COMMISSION ARE HEREBY AUTHORIZED AND
20 EMPOWERED TO MAKE AND SIGN ANY AGREEMENTS IN THE NAME AND ON BEHALF OF
21 THE COMMISSION AND TO DO AND PERFORM ANY ACTS THAT MAY BE NECESSARY,
22 DESIRABLE OR PROPER TO CARRY OUT THE POWERS, PURPOSES AND OBJECTIVES OF
23 THE COMMISSION AND THE PROVISIONS THEREOF.

24 (J) THE COMMISSION, WITH THE APPROVAL OF ITS CO-CHAIRS, MAY COMPLETE
25 ANY CONTRACT EXECUTED AND CONDUCT ANY BUSINESS UNDERTAKEN OR COMMENCED
26 BY THE COMMISSION PERTAINING TO OR CONNECTED WITH THE REDISTRICTING AND
27 READJUSTMENT OR ALTERATION OF SENATE AND ASSEMBLY AND CONGRESSIONAL
28 DISTRICTS PRIOR TO THE ENACTMENT OF THESE PROVISIONS INTO LAW, AND THE
29 SAME SHALL BE COMPLETED AND CONDUCTED IN THE SAME MANNER AND UNDER THE
30 SAME TERMS AND CONDITIONS AND WITH THE SAME EFFECT AS IF COMPLETED AND
31 CONDUCTED BY THE LEGISLATURE OR SUCH COMMISSION.

32 (K) THE COMMISSION MAY HOLD PUBLIC AND PRIVATE HEARINGS AND OTHERWISE
33 HAVE ALL OF THE POWERS OF A LEGISLATIVE COMMITTEE UNDER THIS CHAPTER.

34 (L) THE CO-CHAIRS OF THE COMMISSION MAY REQUEST AND RECEIVE FROM ANY
35 COURT, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION OR AGENCY OF THE
36 STATE OR ANY POLITICAL SUBDIVISION THEREOF SUCH ASSISTANCE AND DATA AS
37 WILL ENABLE THE COMMISSION TO PROPERLY CARRY OUT ITS POWERS AND DUTIES
38 HEREUNDER.

39 (M) EMPLOYEES OF THE COMMISSION SHALL BE CONSIDERED TO BE EMPLOYEES OF
40 THE LEGISLATURE FOR ALL PURPOSES.

41 3. CRITERIA TO BE FOLLOWED. (A) ALL DISTRICTS OF A HOUSE OF THE
42 LEGISLATURE SHALL BE AS NEARLY EQUAL IN POPULATION AS IS PRACTICAL,
43 EXCEPT AS NECESSARY TO SATISFY THE REQUIREMENTS OF PARAGRAPHS (C), (E)
44 AND (F) OF THIS SUBDIVISION, BUT THE DIFFERENCE IN POPULATION BETWEEN
45 THE MOST AND LEAST POPULOUS SENATE DISTRICTS SHALL NOT EXCEED TEN
46 PERCENT OF THE MEAN POPULATION OF ALL SENATE DISTRICTS, AND THE DIFFER-
47 ENCE IN POPULATION BETWEEN THE MOST AND LEAST POPULOUS ASSEMBLY
48 DISTRICTS SHALL NOT EXCEED TEN PERCENT OF THE MEAN POPULATION OF ALL
49 ASSEMBLY DISTRICTS. FOR ANY CONTIGUOUS GROUP OF SENATE OR ASSEMBLY
50 DISTRICTS, THE PERCENTAGE OF THE TOTAL NUMBER OF SUCH DISTRICTS
51 CONTAINED WITHIN SUCH GROUP, AND THE PERCENTAGE OF THE TOTAL POPULATION
52 OF THE STATE CONTAINED WITHIN SUCH GROUP, BOTH EXPRESSED AS TWO-DIGIT
53 NUMBERS FOLLOWED BY TWO-DIGIT DECIMALS, SHALL NOT DIFFER BY AN AMOUNT
54 GREATER THAN 0.50. THE POPULATIONS OF ANY TWO SENATE OR ASSEMBLY
55 DISTRICTS ADJOINING WITHIN A COUNTY SUBDIVISION, OR, IN NEW YORK CITY,

1 WITHIN A COUNTY, SHALL NOT DIFFER BY AN AMOUNT GREATER THAN TWO PERCENT
2 OF THE MEAN POPULATION OF SUCH TWO DISTRICTS.

3 (B) ALL CONGRESSIONAL DISTRICTS SHALL BE AS NEARLY EQUAL IN POPULATION
4 AS IS PRACTICABLE.

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

11 (D) THE WHOLE NUMBER OF PERSONS REPORTED IN THE FEDERAL DECENNIAL
12 CENSUS SHALL BE THE BASIS FOR DETERMINING POPULATIONS FOR THE PURPOSES
13 OF THIS ACT, EXCEPT THAT, FOR THE PURPOSE OF DETERMINING THE POPULATIONS
14 OF SENATE AND ASSEMBLY DISTRICTS, NO PERSON SHALL BE DEEMED TO HAVE
15 GAINED OR LOST A RESIDENCE BY REASON OF CONVICTION AND INCARCERATION IN
16 A FEDERAL OR STATE CORRECTIONAL FACILITY.

17 (E) SENATE, ASSEMBLY, OR CONGRESSIONAL DISTRICTS SHALL NOT BE ESTAB-
18 LISHED THAT RESULT IN A DENIAL TO MEMBERS OF RACIAL AND LINGUISTIC
19 MINORITY GROUPS OF AN EQUAL OPPORTUNITY WITH OTHER CITIZENS TO PARTIC-
20 IPATE IN THE POLITICAL PROCESS AND TO ELECT THE REPRESENTATIVES OF THEIR
21 CHOICE. THE PRINCIPLES STATED IN PARAGRAPH (F) OF THIS SUBDIVISION SHALL
22 BE USED TO CREATE DISTRICTS THAT WILL AFFORD FAIR REPRESENTATION TO THE
23 MEMBERS OF THOSE RACIAL AND LINGUISTIC MINORITY GROUPS WHO ARE SUFFI-
24 CIENTLY NUMEROUS AND WHOSE RESIDENTIAL PATTERNS AFFORD THE OPPORTUNITY
25 OF CREATING DISTRICTS IN WHICH THEY WILL BE ABLE TO ELECT REPRESENTEN-
26 TATIVES OF THEIR CHOICE.

27 (F) SUBJECT AND SUBSIDIARY TO THE REQUIREMENTS OF PARAGRAPHS (A), (B),
28 (C), (D) AND (E) OF THIS SUBDIVISION, THE FOLLOWING PRINCIPLES SHALL BE
29 FOLLOWED IN THE CREATION OF SENATE, ASSEMBLY, AND CONGRESSIONAL
30 DISTRICTS. A PRINCIPLE WITH A LOWER NUMBER SHALL HAVE PRECEDENCE OVER A
31 PRINCIPLE WITH A HIGHER NUMBER.

32 I. TO THE EXTENT POSSIBLE, COUNTIES SHALL NOT BE DIVIDED IN THE FORMA-
33 TION OF DISTRICTS, EXCEPT TO CREATE DISTRICTS WHOLLY WITHIN A COUNTY
34 PURSUANT TO STATE LAW.

35 II. WHERE POSSIBLE, COUNTY SUBDIVISIONS SHALL NOT BE DIVIDED IN THE
36 FORMATION OF DISTRICTS, EXCEPT TO CREATE DISTRICTS WHOLLY WITHIN A COUN-
37 TY SUBDIVISION. FOR THE PURPOSES OF THIS SECTION, A COUNTY SUBDIVISION
38 SHALL BE A CITY (EXCEPT FOR A CITY WITH A POPULATION OF ONE MILLION OR
39 MORE), A TOWN, OR AN INDIAN RESERVATION WHOSE TERRITORY IS EXCLUSIVE OF
40 THE TERRITORY OF ANY CITY OR TOWN. TO THE EXTENT POSSIBLE, COUNTY SUBDI-
41 VISIONS WITH LARGER POPULATIONS SHALL BE DIVIDED IN PREFERENCE TO DIVI-
42 SION OF THOSE WITH SMALLER POPULATIONS.

43 III. IF A TOWN MUST BE DIVIDED, WHERE POSSIBLE, INCORPORATED VILLAGES
44 SHALL NOT BE DIVIDED.

45 IV. SENATE, ASSEMBLY, AND CONGRESSIONAL DISTRICTS SHALL BE AS COMPACT
46 IN FORM AS IS POSSIBLE. PLANS OF SENATE, ASSEMBLY, OR CONGRESSIONAL
47 DISTRICTS SHALL BE COMPARED, USING AVERAGE NUMERICAL MEASURES, FOR EACH
48 SUCH PLAN, OF: (A) GEOGRAPHIC DISPERSION, THE DEGREE TO WHICH THE TERRI-
49 TORY OF DISTRICTS IS EITHER TIGHTLY PACKED OR WIDELY SPREAD OUT; (B) THE
50 RELATION OF THE PERIMETER LENGTHS TO THE AREAS OF DISTRICTS; AND (C) THE
51 DISPERSION OF THE POPULATIONS OF DISTRICTS; BUT NO MEASURE SHALL BE
52 EMPLOYED THAT IS SCALE-SENSITIVE, ACCORDING DIFFERENT WEIGHT TO THE
53 COMPACTNESS OF DISTRICTS IN RURAL, AS COMPARED WITH URBAN AREAS, OR
54 YIELDING DIFFERENT MEASURES FOR IDENTICALLY SHAPED DISTRICTS THAT DIFFER
55 ONLY IN ABSOLUTE SIZE.

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

6 VI. TO THE EXTENT POSSIBLE, THE RESIDENCES OF TWO OR MORE INCUMBENT
7 MEMBERS OF THE SAME BODY SHALL NOT BE PLACED IN THE SAME DISTRICT OF
8 SUCH BODY, AND THE RESIDENCES OF INCUMBENT LEGISLATORS AND MEMBERS OF
9 CONGRESS SHALL BE INCLUDED IN THE DISTRICT WITH THE LARGEST NUMBER OF
10 THEIR EXISTING CONSTITUENTS, BUT THE REQUIREMENTS OF PARAGRAPHS (A),
11 (B), (C), (D) AND (E) OF THIS SUBDIVISION, AND OF SUBPARAGRAPHS I, II,
12 III, IV AND V OF THIS PARAGRAPH, SHALL ALWAYS TAKE PRECEDENCE OVER, AND
13 SHALL NEVER BE SUBORDINATED TO, THE REQUIREMENTS OF THIS SUBPARAGRAPH OR
14 THE PRESERVATION OF THE CORES OF EXISTING DISTRICTS.

15 S 2. This act shall take effect immediately; provided, however, that
16 the amendments to section 83-m of the legislative law made by section
17 one of this act shall not affect the repeal of such section and shall be
18 deemed repealed therewith.