

STATE OF NEW YORK

8790

IN SENATE

July 16, 2020

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 4 of article 3 of the constitution, in relation to the redistricting commission and incarcerated individuals

1 Section 1. Resolved (if the Assembly concur), That subdivision (a) of
2 section 4 of article 3 of the constitution be amended to read as
3 follows:
4 (a) Except as herein otherwise provided, the federal census taken in
5 the year nineteen hundred thirty and each federal census taken decenni-
6 ally thereafter shall be controlling as to the number of inhabitants in
7 the state or any part thereof for the purposes of the apportionment of
8 members of assembly and readjustment or alteration of senate and assem-
9 bly districts next occurring, in so far as such census and the tabu-
10 lation thereof purport to give the information necessary therefor. The
11 legislature, by law, shall provide for the making and tabulation by
12 state authorities of an enumeration of the inhabitants of the entire
13 state to be used for such purposes, instead of a federal census, if the
14 taking of a federal census in any tenth year from the year nineteen
15 hundred thirty be omitted or if the federal census fails to show the
16 number of aliens or Indians not taxed. If a federal census, though
17 giving the requisite information as to the state at large, fails to give
18 the information as to any civil or territorial divisions which is
19 required to be known for such purposes, the legislature, by law, shall
20 provide for such an enumeration of the inhabitants of such parts of the
21 state only as may be necessary, which shall supersede in part the feder-
22 al census and be used in connection therewith for such purposes. The
23 legislature, by law, may provide in its discretion for an enumeration by
24 state authorities of the inhabitants of the state, to be used for such
25 purposes, in place of a federal census, when the return of a decennial
26 federal census is delayed so that it is not available at the beginning
27 of the regular session of the legislature in the second year after the
28 year nineteen hundred thirty or after any tenth year therefrom, or if an
29 apportionment of members of assembly and readjustment or alteration of
30 senate districts is not made at or before such a session. At the regular

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

LBD89174-02-0

1 session in the year nineteen hundred thirty-two, and at the first regu-
2 lar session after the year nineteen hundred forty and after each tenth
3 year therefrom the senate districts shall be readjusted or altered, but
4 if, in any decade, counting from and including that which begins with
5 the year nineteen hundred thirty-one, such a readjustment or alteration
6 is not made at the time above prescribed, it shall be made at a subse-
7 quent session occurring not later than the sixth year of such decade,
8 meaning not later than nineteen hundred thirty-six, nineteen hundred
9 forty-six, nineteen hundred fifty-six, and so on; provided, however,
10 that if such districts shall have been readjusted or altered by law in
11 either of the years nineteen hundred thirty or nineteen hundred thirty-
12 one, they shall remain unaltered until the first regular session after
13 the year nineteen hundred forty. No town, except a town having more
14 than a full ratio of apportionment, and no block in a city inclosed by
15 streets or public ways, shall be divided in the formation of senate
16 districts. In the reapportionment of senate districts, no district shall
17 contain a greater excess in population over an adjoining district in the
18 same county, than the population of a town or block therein adjoining
19 such district. Counties, towns or blocks which, from their location, may
20 be included in either of two districts, shall be so placed as to make
21 said districts most nearly equal in number of inhabitants, excluding
22 aliens.

23 No county shall have four or more senators unless it shall have a full
24 ratio for each senator. No county shall have more than one-third of all
25 the senators; and no two counties or the territory thereof as now organ-
26 ized, which are adjoining counties, or which are separated only by
27 public waters, shall have more than one-half of all the senators.

28 Data re-enumerating persons who are incarcerated to their permanent
29 home addresses shall be provided to the redistricting commission no
30 later than September first of any year ending in one.

31 § 2. Resolved (if the Assembly concur), That subdivision (c) of
32 section 4 of article 3 of the constitution be amended by adding a new
33 paragraph 7 to read as follows:

34 (7) In drawing districts, prison populations shall be subtracted from
35 the places of incarceration and incarcerated individuals shall be re-al-
36 located, where possible, to such incarcerated individual's permanent
37 home address.

38 § 3. Resolved (if the Assembly concur), That the foregoing amendment
39 be referred to the first regular legislative session convening after the
40 next succeeding general election of members of the assembly, and, in
41 conformity with section 1 of article 19 of the constitution, be
42 published for 3 months previous to the time of such election.