S T A T E O F N E W Y O R K

10858

I N A S S E M B L Y

April 26, 2010

Introduced by M. of A. ESPAILLAT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state law, in relation to apportionment of senate and assembly districts in the state

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

Section 1. Subdivision b of section 127 of the state law, as added by chapter 35 of the laws of 2002, is amended to read as follows:

b. It is intended that this article and the districts described herein completely encompass all the area within the state. It is also intended that such districts apportioned on the basis of THE FEDERAL CENSUS TAKEN IN THE YEAR two thousand [population] TEN AND EACH FEDERAL CENSUS TAKEN DECENNIALLY THEREAFTER, contain all the inhabitants in this state. It is further intended that [the apportionment and districting provided for in this article result in the creation of districts which are substantially equal in population. It is also intended that] no district shall include any of the area included within the description of any other district. DISTRICTS DESCRIBED WITHIN THIS ARTICLE SHALL BE IN ACCORDANCE WITH SECTION TWO OF ARTICLE ONE OF THE UNITED STATES CONSTITUTION, SECTIONS FOUR AND FIVE OF ARTICLE THREE OF THE STATE CONSTITUTION AND IN A MANNER THAT ENSURES THE FAIR AND EFFECTIVE REPRESENTATION FOR ALL RESIDENTS OF THE STATE, INCLUDING RACIAL, ETHNIC AND LANGUAGE MINORITY GROUPS, AND ADHERE TO ALL STANDARDS AND PRACTICES SET FORTH IN THE FEDERAL VOTING RIGHTS ACT (42 U.S.C. SS1971 ET. SEQ.) AND OTHER RELEVANT FEDERAL REGULATIONS. THE STATE LEGISLATIVE DISTRICTS SHALL:

(1) BE DRAWN TO KEEP INTACT WITHIN A SINGLE DISTRICT THOSE NEIGHBORHOODS AND COMMUNITIES WITH ESTABLISHED TIES OF COMMON INTEREST AND ASSOCIATION, WHETHER HISTORICAL, RACIAL, ECONOMIC, ETHNIC, RELIGIOUS OR OTHER;

(2) BE OF SUBSTANTIAL EQUALITY OF POPULATION WITH OTHER CONGRESSIONAL, SENATE AND ASSEMBLY DISTRICTS, PROVIDED THAT, FOR SENATE AND ASSEMBLY DISTRICTS, NO SUCH DEVIATION SHALL EXCEED ONE PERCENT OF THE AVERAGE POPULATION OF ALL SENATE OR ASSEMBLY DISTRICTS;

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

LBD16725-02-0

(3) BE COMPOSED OF COMPACT AND CONTIGUOUS TERRITORY, PROVIDED THAT LAND AREAS SEPARATED BY A WATERWAY SHALL NOT BE INCLUDED WITHIN THE SAME DISTRICT UNLESS SUCH WATERWAY IS TRAVERSED BY A HIGHWAY BRIDGE OR TUNNEL WHICH BEGINS AND TERMINATES WITHIN THE SAME SUCH DISTRICT, EXCEPT THAT, POPULATION PERMITTING, ISLANDS NOT CONNECTED TO THE MAINLAND OR ANOTHER ISLAND BY A HIGHWAY BRIDGE OR TUNNEL SHALL BE IN THE SAME DISTRICT AS THE NEAREST LAND AREA WITHIN THE SAME POLITICAL SUBDIVISION;

(4) BE DRAWN SUCH THAT THE NUMBER OF COUNTIES WHOSE TERRITORY IS DIVIDED AMONG MORE THAN ONE DISTRICT SHALL BE AS SMALL AS POSSIBLE AND, WITHIN COUNTIES SO DIVIDED, THE NUMBER OF TOWNS AND CITIES DIVIDED AMONG MORE THAN ONE DISTRICT SHALL BE AS SMALL AS POSSIBLE;

(5) 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;

(6) TO THE EXTENT PRACTICABLE, COINCIDE WITH CITY, TOWN AND COUNTY BOUNDARIES;

(7) TO THE EXTENT PRACTICABLE, EACH ASSEMBLY DISTRICT SHALL BE ENTIRELY WITHIN A SINGLE SENATE DISTRICT, AND TO THE EXTENT CONSISTENT WITH THE PROVISIONS OF PARAGRAPH FOUR OF THIS SUBDIVISION, NO ASSEMBLY DISTRICT SHALL BE WITHIN MORE THAN TWO SENATE DISTRICTS; AND

(8) TO THE EXTENT CONSISTENT WITH THE PROVISIONS OF PARAGRAPH FOUR OF THIS SUBDIVISION, NO SENATE DISTRICT SHALL INCLUDE MORE THAN THREE ASSEMBLY DISTRICTS.

S 2. This act shall take effect immediately.