

6721

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. TEDISCO, CALHOUN, FINCH, QUINN -- Multi-Sponsored
by -- M. of A. BACALLES, BARCLAY, BURLING, BUTLER, CONTE, CROUCH,
ERRIGO, FITZPATRICK, McDONOUGH, MILLER, OAKS, O'MARA, RAIA, SAYWARD,
THIELE -- read once and referred to the Committee on Governmental
Operations

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to article 3 of the constitution, in relation to
the composition of the legislature; and to repeal certain provisions
of such article

1 Section 1. Resolved (if the Senate concur), That sections 2, 3, 4, 5
2 and 5-a of article 3 of the constitution are REPEALED and five new
3 sections 2, 3, 4, 5 and 5-a are added to read as follows:
4 S 2. FOLLOWING THE 2010 CENSUS THE SENATE SHALL CONSIST OF SIXTY-TWO
5 MEMBERS. SUCH MEMBERS SHALL BE ELECTED FOR TWO YEAR TERMS. THE ASSEMBLY
6 SHALL CONSIST OF ONE HUNDRED FIFTY MEMBERS. SUCH MEMBERS SHALL SERVE FOR
7 TWO YEAR TERMS.
8 S 3. FOLLOWING EACH DECENNIAL FEDERAL CENSUS OR WHENEVER THERE IS
9 REASON TO REAPPORTION THE LEGISLATURE OR TO PROVIDE FOR NEW CONGRESSION-
10 AL DISTRICT BOUNDARIES IN THE STATE, OR BOTH, BECAUSE OF A NEW FEDERAL
11 CENSUS OR BECAUSE OF A DECISION OF A COURT OF COMPETENT JURISDICTION, OR
12 DETERMINATION OF A FEDERAL AGENCY OR DEPARTMENT, A COMMISSION FOR REAP-
13 PORTIONMENT SHALL BE FORMED ON ORDER OF THE SECRETARY OF STATE. THE
14 COMMISSION SHALL CONSIST OF NINETEEN MEMBERS TO BE APPOINTED AS FOLLOWS:
15 THREE MEMBERS OF THE COMMISSION SHALL BE APPOINTED BY THE GOVERNOR, ONE
16 BY THE TEMPORARY PRESIDENT OF THE SENATE, ONE BY THE MINORITY LEADER OF
17 THE SENATE, ONE BY THE SPEAKER OF THE ASSEMBLY AND ONE BY THE MINORITY
18 LEADER OF THE ASSEMBLY. THE TWELVE REMAINING MEMBERS SHALL REPRESENT
19 EACH OF THE STATE'S JUDICIAL DISTRICTS AND SHALL BE SELECTED BASED ON
20 ELECTIONS HELD IN EACH OF THE STATE'S JUDICIAL DISTRICTS IN THE ELECTION
21 IMMEDIATELY PRECEDING THE TAKING OF THE FEDERAL CENSUS. NO MEMBER SHALL
22 BE ELIGIBLE TO SERVE AS AN ELECTED REPRESENTATIVE OF A JUDICIAL DISTRICT
23 WHO IS CURRENTLY A MEMBER OF THE STATE SENATE OR ASSEMBLY. IN THE EVENT

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

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1 OF A VACANCY THE RESPECTIVE APPOINTING AUTHORITY SHALL HAVE THE AUTHORI-
2 TY TO APPOINT NEW MEMBERS; IN THE CASE OF A VACANCY CREATED IN A JUDI-
3 CIAL DISTRICT THE GOVERNOR SHALL HAVE THE AUTHORITY TO APPOINT REPLACE-
4 MENTS.

5 S 4. USING THE LATEST DATA FROM THE MOST RECENT FEDERAL CENSUS THE
6 COMMISSION FOR REAPPORTIONMENT SHALL HAVE THE RESPONSIBILITY FOR SUBMIT-
7 TING A PLAN FOR CONGRESSIONAL AND LEGISLATIVE REDISTRICTING CONSISTENT
8 WITH THE PROVISIONS OF THIS ARTICLE. IN ACCORDANCE WITH THE FOLLOWING
9 CRITERIA:

10 1. DISTRICTS SHALL CONTAIN AS NEARLY AS PRACTICABLE AN EQUAL NUMBER OF
11 INHABITANTS AND IN NO EVENT SHALL THERE BE MORE THAN A FIVE PERCENT
12 DEVIATION BETWEEN THE MOST POPULOUS AND LEAST POPULOUS DISTRICTS IN THE
13 STATE.

14 2. COMMUNITIES OF INTEREST: DISTRICTS SHALL BE BASED ON CONSIDERATION
15 OF THE VARIED FACTORS THAT CAN BE CREATED OR CONTRIBUTE TO COMMUNITIES
16 OF INTEREST. THESE FACTORS MAY INCLUDE ECONOMIC FACTORS, SOCIAL FACTORS,
17 CULTURAL FACTORS, GEOGRAPHIC FACTORS, GOVERNMENTAL JURISDICTION AND
18 SERVICE DELIVERY AREAS. POLITICAL BELIEFS, VOTING TRENDS AND INCUMBENCY
19 CONSIDERATIONS ARE SECONDARY IN DETERMINING COMMUNITIES OF INTEREST.

20 3. CONTIGUITY AND COMPACTNESS: DISTRICTS SHALL AT ALL TIMES CONSIST OF
21 CONTIGUOUS TERRITORY, AND BE IN AS COMPACT FORM AS PRACTICABLE. NO TOWN,
22 EXCEPT A TOWN HAVING MORE THAN A FULL RATIO OF APPORTIONMENT, AND NO
23 BLOCK IN A CITY ENCLOSED BY STREETS OR PUBLIC WAYS, SHALL BE DIVIDED IN
24 THE FORMATION OF A DISTRICT.

25 4. CONFLICT OF CRITERIA: ALL OF THE FOREGOING CRITERIA SHALL BE
26 CONSIDERED IN THE REDISTRICTING PROCESS, BUT POPULATION EQUALITY AMONG
27 DISTRICTS SHALL BE GIVEN FIRST PRIORITY AND PRESERVATION OF COMMUNITIES
28 OF INTEREST SHALL BE GIVEN SECOND PRIORITY IN THE EVENT OF CONFLICT
29 AMONG THE CRITERIA. IN DEVELOPING A PROPOSED MAP THE COMMISSION FOR
30 REAPPORTIONMENT SHALL HOLD MEETINGS ACROSS THE STATE TO RECEIVE INPUT
31 FROM INTERESTED CITIZENS. ALL MEETINGS OF THE COMMISSION FOR REAPPOR-
32 TIONMENT SHALL BE SUBJECT TO THE PROVISIONS OF THE OPEN MEETINGS LAW.
33 ALL PLANS APPROVED BY THE COMMISSION FOR REAPPORTIONMENT SHALL BE BASED
34 ON THE APPROVAL OF A MAJORITY OF ITS MEMBERS AS REFLECTED IN A VOTE OF
35 THE COMMISSION FOR REAPPORTIONMENT AS A REGULARLY SCHEDULED MEETING.

36 S 5. CONSISTENT WITH THE CRITERIA LISTED ABOVE THE COMMISSION FOR
37 REAPPORTIONMENT SHALL BE RESPONSIBLE FOR SUBMITTING FOR LEGISLATIVE
38 APPROVAL A PROPOSED MAP FOR THE REDISTRICTING OF CONGRESSIONAL AND
39 LEGISLATIVE DISTRICT BOUNDARIES NO LATER THAN NINETY DAYS FOLLOWING THE
40 DATE IN WHICH IT IS CONVENED. THE LEGISLATURE SHALL HAVE THIRTY DAYS
41 FROM THE DATE THE PLAN IS SUBMITTED TO APPROVE OR DISAPPROVE THE PLAN.
42 IF THE LEGISLATURE VOTES TO DISAPPROVE THE PLAN OR DOES NOT APPROVE THE
43 PLAN WITHIN THIRTY DAYS OF ITS SUBMISSION THE COMMISSION FOR REAPPOR-
44 TIONMENT WILL RECONSIDER ITS PLAN MAKING APPROPRIATE AMENDMENTS WHEN
45 NECESSARY. IF THE LEGISLATURE REJECTS THIS RESUBMITTED PLAN A COURT OF
46 COMPETENT JURISDICTION WILL HAVE THE RIGHT TO DEVISE A PLAN THAT
47 COMPLIES WITH STATE AND FEDERAL LAWS AND REGULATIONS. THE COMMISSION FOR
48 REAPPORTIONMENT SHALL HAVE STANDING TO BRING SUCH AN ACTION. NOTHING IN
49 THIS ARTICLE SHALL PROHIBIT THE COMMISSION FOR REAPPORTIONMENT FROM
50 SUBMITTING ADDITIONAL PLANS WHEN THE LEGISLATURE HAS NOT VOTED TO
51 APPROVE ITS PREVIOUS SUBMISSION. IN NO EVENT SHALL A PLAN FOR REDIS-
52 TRICTING CONGRESSIONAL OR LEGISLATIVE DISTRICTS BE ENACTED BY THE LEGIS-
53 LATURE UNLESS SUCH PLAN HAS FIRST BEEN APPROVED BY THE COMMISSION FOR
54 REAPPORTIONMENT OR COURT OF COMPETENT JURISDICTION. ALL PLANS CREATED
55 PURSUANT TO THIS ARTICLE SHALL BE THE PLAN SUBMITTED FOR APPROVAL TO THE
56 FEDERAL GOVERNMENT AS REQUIRED UNDER THE FEDERAL VOTING RIGHTS ACT. ALL

1 DATA, INCLUDING ALL DEMOGRAPHIC AND OTHER STATISTICAL INFORMATION USED
2 BY THE COMMISSION IN DEVELOPING A PLAN SHALL BE MADE AVAILABLE TO THE
3 PUBLIC AT THE SAME TIME ANY PROPOSED PLAN IS SUBMITTED TO THE LEGISLA-
4 TURE.

5 S 5-A. ALL PLANS CREATED PURSUANT TO THE PROVISIONS OF THIS ARTICLE
6 SHALL BE FINALIZED IN TIME FOR PERSONS TO BE QUALIFIED AS CANDIDATES IN
7 THE DISTRICTS CREATED PURSUANT TO THIS ARTICLE IN THE ELECTIONS IMME-
8 DIATELY SUCCEEDING THE CREATING OF THE COMMISSION FOR REAPPORTIONMENT.

9 S 2. Resolved (if the Senate concur), That the foregoing amendment be
10 referred to the first regular legislative session convening after the
11 next general election of members of the assembly, and, in conformity
12 with section 1 of article 19 of the constitution, be published for 3
13 months previous to the time of such election.