

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

5819

2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

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

AN ACT to amend the legislative law, in relation to apportionment 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 ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "New York
2 state independent citizens redistricting commission act".
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 CITIZENS REDISTRICTING COMMISSION, and
15 contributions to the national conference of state legislatures shall be
16 payable after audit by and on the warrant of the comptroller upon vouch-
17 ers certified by the temporary president of the senate or his or her
18 designee and the 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:

ARTICLE 6-A

APPORTIONMENT OF CONGRESSIONAL
AND STATE LEGISLATIVE DISTRICTS

SECTION 93. LEGISLATIVE INTENT.

94. THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION.

95. COMMISSION SELECTION PROCESS.

96. APPORTIONMENT.

97. REFERENDUM; LEGISLATION.

98. JUDICIAL REVIEW.

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

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

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

41 3. UNDER CURRENT LAW, NEW YORK LEGISLATORS DRAW THE DISTRICTS FOR
42 CONGRESS AND THE LEGISLATURE. ALLOWING POLITICIANS TO DRAW THESE
43 DISTRICTS, TO MAKE THEM SAFE FOR INCUMBENTS, OR TO TAILOR THE DISTRICTS
44 FOR THE ELECTION OF THEMSELVES OR THEIR FRIENDS, OR TO BAR THE DISTRICTS
45 TO THE ELECTION OF THEIR ADVERSARIES, IS A SERIOUS ABUSE THAT HARMS
46 VOTERS.

47 4. POLITICIANS DRAW DISTRICTS THAT SERVE THEIR INTERESTS, NOT THOSE OF
48 OUR COMMUNITIES. CITIES, COUNTIES, AND COMMUNITIES ARE CURRENTLY SPLIT
49 BETWEEN BIZARRELY JAGGED CONGRESSIONAL DISTRICTS DESIGNED TO MAKE THOSE
50 DISTRICTS SAFE FOR PARTICULAR PARTIES AND PARTICULAR INCUMBENTS. WE NEED
51 REFORM TO KEEP OUR COMMUNITIES TOGETHER SO EVERYONE HAS REPRESENTATION.

52 5. THIS REFORM WILL MAKE THE REDISTRICTING PROCESS OPEN SO IT CANNOT
53 BE CONTROLLED BY WHICHEVER PARTY IS IN POWER. IT WILL GIVE THE POWER OF
54 REDISTRICTING TO THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION. THE
55 MEMBERSHIP OF THE COMMISSION WILL HAVE THREE GROUPS OF MEMBERS: FIVE
56 DEMOCRATS; FIVE REPUBLICANS; AND FOUR MEMBERS REGISTERED WITH NEITHER OF

1 THOSE PARTIES, WHO WILL CARRY THE VOICES OF INDEPENDENT AND MINOR-PARTY
2 VOTERS WHO ARE COMPLETELY SHUT OUT OF THE CURRENT PROCESS. THE NEW
3 DISTRICTS WILL BE FAIR BECAUSE SUPPORT FROM ALL THREE GROUPS IS REQUIRED
4 FOR APPROVAL OF ANY NEW REDISTRICTING PLAN.

5 6. THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION WILL DRAW
6 DISTRICTS BASED ON STRICT, NONPARTISAN RULES DESIGNED TO ENSURE FAIR
7 REPRESENTATION. THIS REFORM TAKES REDISTRICTING OUT OF THE PARTISAN
8 BATTLES OF THE LEGISLATURE AND GUARANTEES REDISTRICTING WILL BE DEBATED
9 IN THE OPEN IN PUBLIC MEETINGS. ALL MINUTES WILL BE POSTED PUBLICLY ON
10 THE INTERNET. EVERY ASPECT OF THIS PROCESS WILL BE OPEN TO SCRUTINY BY
11 THE PUBLIC AND THE PRESS.

12 7. IN THE CURRENT PROCESS, POLITICIANS ARE CHOOSING THE VOTERS INSTEAD
13 OF VOTERS HAVING A REAL CHOICE. THIS REFORM WILL PUT THE VOTERS BACK IN
14 CHARGE.

15 8. ELECTIONS ARE SUPPOSED TO ALLOW VOTERS TO CHOOSE THEIR REPRESENTATIVES,
16 BUT NEW YORKERS HAVE BEEN DENIED TRUE CHOICE BECAUSE ELECTED
17 OFFICIALS HAVE HISTORICALLY BEEN ABLE TO DRAW DISTRICT LINES TO CHOOSE
18 THEIR VOTERS. NEW YORK LEGISLATIVE RACES ARE TYPICALLY NON-COMPETITIVE
19 BECAUSE OF THESE GERRYMANDERED DISTRICTS. IT IS OUR COMMON DESIRE TO
20 IMPROVE NEW YORK STATE GOVERNMENT AND THE DEMOCRATIC PROCESS IN THE
21 STATE BY ENSURING THAT REDISTRICTING PURSUANT TO THE CENSUS BE CONSTITUTIONAL
22 AND FAIR.

23 S 94. THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION. 1. THERE
24 SHALL BE CREATED AN INDEPENDENT CITIZENS REDISTRICTING COMMISSION TO
25 ASSIST THE LEGISLATURE IN THE REAPPORTIONMENT OF CONGRESSIONAL, STATE
26 AND ASSEMBLY DISTRICTS BASED ON THE ENSUING FEDERAL CENSUS, PURSUANT TO
27 SECTION TWO OF ARTICLE ONE OF THE UNITED STATES CONSTITUTION AND
28 SECTIONS FOUR AND FIVE OF ARTICLE THREE OF THE STATE CONSTITUTION.

29 2. THE COMMISSION SHALL BE CREATED NO LATER THAN THE THIRTIETH DAY OF
30 JUNE IN EACH YEAR ENDING WITH A ZERO OR AS SOON AS POSSIBLE AFTER THE
31 EFFECTIVE DATE OF THIS ARTICLE.

32 3. THE COMMISSION SHALL CONSIST OF FOURTEEN MEMBERS, AS FOLLOWS: FIVE
33 WHO ARE REGISTERED WITH THE LARGEST POLITICAL PARTY IN NEW YORK BASED ON
34 REGISTRATION, FIVE WHO ARE REGISTERED WITH THE SECOND LARGEST POLITICAL
35 PARTY IN NEW YORK BASED ON REGISTRATION AND FOUR WHO ARE NOT REGISTERED
36 WITH EITHER OF THE TWO LARGEST POLITICAL PARTIES IN NEW YORK BASED ON
37 REGISTRATION. THE MEMBERS SHALL BE SELECTED PURSUANT TO THE PROCESS SET
38 FORTH IN SECTION NINETY-FIVE OF THIS ARTICLE.

39 4. EACH COMMISSION MEMBER SHALL BE A VOTER WHO HAS BEEN CONTINUOUSLY
40 REGISTERED IN NEW YORK WITH THE SAME POLITICAL PARTY OR UNAFFILIATED
41 WITH A POLITICAL PARTY AND WHO HAS NOT CHANGED POLITICAL PARTY AFFILIATION
42 FOR FIVE OR MORE YEARS IMMEDIATELY PRECEDING THE DATE OF HIS OR
43 HER APPOINTMENT. EACH COMMISSION MEMBER SHALL HAVE VOTED IN TWO OF THE
44 LAST THREE STATEWIDE GENERAL ELECTIONS IMMEDIATELY PRECEDING HIS OR HER
45 APPLICATION.

46 5. THE TERM OF OFFICE OF EACH MEMBER OF THE COMMISSION EXPIRES UPON
47 THE APPOINTMENT OF THE FIRST MEMBER OF THE SUCCEEDING COMMISSION.

48 6. NINE MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM. NINE OR
49 MORE AFFIRMATIVE VOTES SHALL BE REQUIRED FOR ANY OFFICIAL ACTION. THE
50 FOUR FINAL REDISTRICTING MAPS MUST BE APPROVED BY AT LEAST NINE AFFIRMATIVE
51 VOTES WHICH MUST INCLUDE AT LEAST THREE VOTES OF MEMBERS REGISTERED
52 FROM EACH OF THE TWO LARGEST POLITICAL PARTIES IN NEW YORK BASED ON
53 REGISTRATION AND THREE VOTES FROM MEMBERS WHO ARE NOT REGISTERED WITH
54 EITHER OF THESE TWO POLITICAL PARTIES.

1 7. EACH COMMISSION MEMBER SHALL APPLY THIS ARTICLE IN A MANNER THAT IS
2 IMPARTIAL AND THAT REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY OF THE
3 REDISTRICTING PROCESS.

4 8. A COMMISSION MEMBER SHALL BE INELIGIBLE FOR A PERIOD OF TEN YEARS
5 BEGINNING FROM THE DATE OF APPOINTMENT TO HOLD ELECTIVE PUBLIC OFFICE AT
6 THE FEDERAL, STATE, COUNTY, OR LOCAL LEVEL IN THIS STATE. A MEMBER OF
7 THE COMMISSION SHALL BE INELIGIBLE FOR A PERIOD OF FIVE YEARS BEGINNING
8 FROM THE DATE OF APPOINTMENT TO HOLD APPOINTIVE FEDERAL, STATE, OR LOCAL
9 PUBLIC OFFICE, TO SERVE AS PAID STAFF FOR, OR AS A PAID CONSULTANT TO,
10 THE EXECUTIVE BRANCH, THE CONGRESS, THE LEGISLATURE, OR ANY INDIVIDUAL
11 LEGISLATOR, OR TO REGISTER AS A FEDERAL, STATE OR LOCAL LOBBYIST IN THIS
12 STATE.

13 S 95. COMMISSION SELECTION PROCESS. 1. THE COMPTROLLER SHALL INITIATE
14 AN APPLICATION PROCESS, OPEN TO ALL REGISTERED NEW YORK VOTERS IN A
15 MANNER THAT PROMOTES A DIVERSE AND QUALIFIED APPLICANT POOL.

16 2. THE COMPTROLLER SHALL REMOVE FROM THE APPLICANT POOL INDIVIDUALS
17 WHO SHALL BE DISQUALIFIED FROM SERVING ON THE COMMISSION. AN APPLICANT
18 SHALL BE DISQUALIFIED FROM SERVING ON THE COMMISSION IF, WITHIN TEN
19 YEARS OF SUBMISSION OF HIS OR HER APPLICATION, HE OR SHE:

20 (A) HOLDS OR HAS HELD AN ELECTED GOVERNMENTAL OFFICE;

21 (B) HOLDS OR HAS HELD ANY OTHER APPOINTED GOVERNMENTAL OR POLITICAL
22 PARTY POSITION;

23 (C) IS EMPLOYED OR HAS BEEN EMPLOYED IN ANY OTHER POSITION BY THE
24 UNITED STATES CONGRESS, THE STATE LEGISLATURE, THE EXECUTIVE CHAMBER,
25 THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT SYSTEM; OR

26 (D) IS OR HAS BEEN A REGISTERED LOBBYIST IN THIS STATE PURSUANT TO
27 ARTICLE ONE-A OF THIS CHAPTER;

28 (E) IS THE SPOUSE OF ANY MEMBER OF THE UNITED STATES CONGRESS, THE
29 STATE LEGISLATURE, THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR
30 THE FEDERAL COURT SYSTEM;

31 (F) IS RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY TO ANY MEMBER
32 OF THE UNITED STATES CONGRESS, THE STATE LEGISLATURE, THE EXECUTIVE
33 CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT SYSTEM, OR TO THE
34 SPOUSE OF ANY SUCH PERSON; OR

35 (G) CONTRIBUTED TWO THOUSAND DOLLARS OR MORE TO ANY CONGRESSIONAL,
36 STATE, OR LOCAL CANDIDATE FOR ELECTIVE PUBLIC OFFICE IN ANY YEAR, WHICH
37 AMOUNT SHALL BE ADJUSTED EVERY TEN YEARS BY THE CUMULATIVE CHANGE IN THE
38 CONSUMER PRICE INDEX.

39 3. THE COMPTROLLER SHALL ESTABLISH AN APPLICANT REVIEW PANEL, CONSIST-
40 ING OF THREE QUALIFIED INDEPENDENT AUDITORS, TO SCREEN APPLICANTS. THE
41 COMPTROLLER SHALL RANDOMLY DRAW THE NAMES OF THREE QUALIFIED INDEPENDENT
42 AUDITORS FROM A POOL CONSISTING OF ALL AUDITORS EMPLOYED BY THE STATE AT
43 THE TIME OF THE DRAWING. THE COMPTROLLER SHALL DRAW UNTIL THE NAMES OF
44 THREE INDEPENDENT AUDITORS HAVE BEEN DRAWN INCLUDING ONE WHO IS REGIS-
45 TERED WITH THE LARGEST POLITICAL PARTY IN NEW YORK BASED ON PARTY REGIS-
46 TRATION, ONE WHO IS REGISTERED WITH THE SECOND LARGEST POLITICAL PARTY
47 IN NEW YORK BASED ON PARTY REGISTRATION, AND ONE WHO IS NOT REGISTERED
48 WITH EITHER OF THE TWO LARGEST POLITICAL PARTIES IN NEW YORK. AFTER THE
49 DRAWING THE COMPTROLLER SHALL NOTIFY THE THREE QUALIFIED INDEPENDENT
50 AUDITORS WHOSE NAMES HAVE BEEN DRAWN THAT THEY HAVE BEEN SELECTED TO
51 SERVE ON THE PANEL. IF ANY OF THE THREE QUALIFIED INDEPENDENT AUDITORS
52 DECLINE TO SERVE ON THE PANEL, THE COMPTROLLER SHALL RESUME THE RANDOM
53 DRAWING UNTIL THREE QUALIFIED INDEPENDENT AUDITORS WHO MEET THE REQUIRE-
54 MENTS OF THIS SECTION HAVE AGREED TO SERVE ON THE PANEL. A MEMBER OF THE
55 PANEL SHALL BE SUBJECT TO THE DISQUALIFICATION PROVISIONS SET FORTH IN
56 SUBDIVISION TWO OF THIS SECTION.

1 4. HAVING REMOVED DISQUALIFIED INDIVIDUALS FROM THE APPLICANT POOL,
2 THE COMPTROLLER SHALL NOT LATER THAN THE FIRST OF MARCH IN EACH YEAR
3 ENDING WITH A ZERO OR AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF
4 THIS ARTICLE, PUBLICIZE THE NAMES IN THE APPLICANT POOL AND PROVIDE
5 COPIES OF THEIR APPLICATIONS TO THE APPLICANT REVIEW PANEL.

6 5. FROM THE APPLICANT POOL, THE APPLICANT REVIEW PANEL SHALL SELECT
7 SIXTY OF THE MOST QUALIFIED APPLICANTS, INCLUDING TWENTY WHO ARE REGIS-
8 TERED WITH THE LARGEST POLITICAL PARTY IN NEW YORK BASED ON REGISTRA-
9 TION, TWENTY WHO ARE REGISTERED WITH THE SECOND LARGEST POLITICAL PARTY
10 IN NEW YORK BASED ON REGISTRATION, AND TWENTY WHO ARE NOT REGISTERED
11 WITH EITHER OF THE TWO LARGEST POLITICAL PARTIES IN NEW YORK BASED ON
12 REGISTRATION. THESE SUBPOOLS SHALL BE CREATED ON THE BASIS OF RELEVANT
13 ANALYTICAL SKILLS, ABILITY TO BE IMPARTIAL, AND APPRECIATION FOR NEW
14 YORK'S DIVERSE DEMOGRAPHICS AND GEOGRAPHY. THE MEMBERS OF THE PANEL
15 SHALL NOT COMMUNICATE WITH ANY MEMBER OF THE UNITED STATES CONGRESS, THE
16 STATE LEGISLATURE, THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM, OR
17 THE FEDERAL COURT SYSTEM, OR ANY REPRESENTATIVE THEREOF, ABOUT ANY
18 MATTER RELATED TO THE NOMINATION PROCESS OR APPLICANTS PRIOR TO THE
19 PRESENTATION BY THE PANEL OF THE POOL OF RECOMMENDED APPLICANTS TO THE
20 COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF
21 THE ASSEMBLY.

22 6. BY THE FIRST OF MAY IN EACH YEAR ENDING WITH A ZERO OR AS SOON AS
23 POSSIBLE AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE APPLICANT REVIEW
24 PANEL SHALL PRESENT ITS POOL OF RECOMMENDED APPLICANTS TO THE TEMPORARY
25 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY. NO LATER THAN
26 THE FIFTEENTH OF JUNE IN EACH YEAR ENDING WITH A ZERO OR AS SOON AS
27 POSSIBLE AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE TEMPORARY PRESI-
28 DENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF
29 THE ASSEMBLY AND THE MINORITY LEADER OF THE ASSEMBLY MAY EACH STRIKE UP
30 TO TWO APPLICANTS FROM EACH SUBPOOL OF TWENTY FOR A TOTAL OF EIGHT
31 POSSIBLE STRIKES PER SUBPOOL. AFTER ALL OF THE LEGISLATIVE LEADERS HAVE
32 EXERCISED THEIR STRIKES, THE TEMPORARY PRESIDENT OF THE SENATE AND THE
33 SPEAKER OF THE ASSEMBLY SHALL JOINTLY PRESENT THE POOL OF REMAINING
34 NAMES TO THE COMPTROLLER.

35 7. NO LATER THAN THE TWENTIETH OF JUNE IN EACH YEAR ENDING WITH A ZERO
36 OR AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE
37 COMPTROLLER SHALL RANDOMLY DRAW EIGHT NAMES FROM THE REMAINING POOL OF
38 APPLICANTS AS FOLLOWS: THREE FROM THE REMAINING SUBPOOL OF APPLICANTS
39 REGISTERED WITH THE LARGEST POLITICAL PARTY IN NEW YORK BASED UPON
40 REGISTRATION, THREE FROM THE REMAINING SUBPOOL OF APPLICANTS REGISTERED
41 WITH THE SECOND LARGEST POLITICAL PARTY IN NEW YORK BASED UPON REGISTRA-
42 TION, AND TWO FROM THE REMAINING SUBPOOL OF APPLICANTS WHO ARE NOT
43 REGISTERED WITH EITHER OF THE TWO LARGEST POLITICAL PARTIES IN NEW YORK
44 BASED ON REGISTRATION. THESE EIGHT INDIVIDUALS SHALL SERVE ON THE
45 COMMISSION.

46 8. NO LATER THAN THE TWENTY-FIFTH OF JUNE IN EACH YEAR ENDING WITH A
47 ZERO OR AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF THIS ARTICLE,
48 THE EIGHT COMMISSIONERS SHALL REVIEW THE REMAINING NAMES IN THE POOL OF
49 APPLICANTS AND APPOINT SIX APPLICANTS TO THE COMMISSION AS FOLLOWS: TWO
50 FROM THE REMAINING SUBPOOL OF APPLICANTS REGISTERED WITH THE LARGEST
51 POLITICAL PARTY IN NEW YORK BASED ON REGISTRATION, TWO FROM THE REMAIN-
52 ING SUBPOOL OF APPLICANTS REGISTERED WITH THE SECOND LARGEST POLITICAL
53 PARTY IN NEW YORK BASED ON REGISTRATION, AND TWO FROM THE REMAINING
54 SUBPOOL OF APPLICANTS WHO ARE NOT REGISTERED WITH EITHER OF THE TWO
55 LARGEST POLITICAL PARTIES IN NEW YORK BASED ON REGISTRATION. THE SIX
56 APPOINTEES MUST BE APPROVED BY AT LEAST FIVE AFFIRMATIVE VOTES WHICH

1 MUST INCLUDE AT LEAST TWO VOTES OF COMMISSIONERS REGISTERED FROM EACH OF
2 THE TWO LARGEST PARTIES AND ONE VOTE FROM A COMMISSIONER WHO IS NOT
3 AFFILIATED WITH EITHER OF THE TWO LARGEST POLITICAL PARTIES IN NEW YORK.
4 THE SIX APPOINTEES SHALL BE CHOSEN TO ENSURE THE COMMISSION REFLECTS THE
5 STATE'S DIVERSITY, INCLUDING, BUT NOT LIMITED TO, RACIAL, ETHNIC,
6 GEOGRAPHIC, AND GENDER DIVERSITY. HOWEVER, IT IS NOT INTENDED THAT
7 FORMULAS OR SPECIFIC RATIOS BE APPLIED FOR THIS PURPOSE. APPLICANTS
8 SHALL ALSO BE CHOSEN BASED ON RELEVANT ANALYTICAL SKILLS AND ABILITY TO
9 BE IMPARTIAL.

10 S 96. APPORTIONMENT. 1. THE COMMISSION, SHALL, UPON RECEIPT OF THE
11 FEDERAL DECENNIAL CENSUS FOR THE STATE, BEGIN TO ESTABLISH A PLAN FOR
12 THE APPORTIONMENT OF CONGRESSIONAL, SENATE AND ASSEMBLY DISTRICTS IN THE
13 STATE.

14 2. THE FOLLOWING REQUIREMENTS AND PRINCIPLES SHALL BE APPLIED IN
15 ESTABLISHING A PLAN FOR SUCH DISTRICTS, AS SET FORTH IN THE FOLLOWING
16 ORDER OF PRIORITY:

17 (A) DISTRICTS SHALL COMPLY WITH THE UNITED STATES CONSTITUTION.
18 CONGRESSIONAL DISTRICTS SHALL ACHIEVE POPULATION EQUALITY AS NEARLY AS
19 IS PRACTICABLE, AND SENATORIAL AND ASSEMBLY DISTRICTS SHALL HAVE REASON-
20 ABLY EQUAL POPULATION WITH OTHER DISTRICTS FOR THE SAME OFFICE, EXCEPT
21 WHERE DEVIATION IS REQUIRED TO COMPLY WITH THE VOTING RIGHTS ACT (42
22 U.S.C. 1971 ET AL.) OR AS ALLOWABLE BY LAW.

23 (B) DISTRICTS SHALL COMPLY WITH THE VOTING RIGHTS ACT (42 U.S.C. 1971
24 ET AL.).

25 (C) DISTRICTS SHALL BE GEOGRAPHICALLY CONTIGUOUS; NO DISTRICT SHALL
26 CONSIST OF PARTS ENTIRELY SEPARATED BY THE TERRITORY OF ANOTHER DISTRICT
27 OF THE SAME BODY, WHETHER SUCH TERRITORY BE LAND OR WATER, POPULATED OR
28 UNPOPULATED. A POPULATED CENSUS BLOCK SHALL NOT BE DIVIDED BY A DISTRICT
29 BOUNDARY, UNLESS IT CAN BE DETERMINED THAT THE POPULATED PART OF SUCH
30 BLOCK IS WITHIN A SINGLE DISTRICT.

31 (D) THE GEOGRAPHIC INTEGRITY OF ANY CITY, COUNTY, CITY AND COUNTY,
32 LOCAL NEIGHBORHOOD, OR LOCAL COMMUNITY OF INTEREST SHALL BE RESPECTED IN
33 A MANNER THAT MINIMIZES THEIR DIVISION TO THE EXTENT POSSIBLE WITHOUT
34 VIOLATING THE REQUIREMENTS OF ANY OF THE PRECEDING PARAGRAPHS OF THIS
35 SUBDIVISION. A COMMUNITY OF INTEREST IS A CONTIGUOUS POPULATION WHICH
36 SHARES COMMON SOCIAL AND ECONOMIC INTERESTS THAT SHOULD BE INCLUDED
37 WITHIN A SINGLE DISTRICT FOR PURPOSES OF ITS EFFECTIVE AND FAIR REPRESENTATION.
38 EXAMPLES OF SUCH SHARED INTERESTS ARE THOSE COMMON TO AN
39 URBAN AREA, A RURAL AREA, AN INDUSTRIAL AREA, OR AN AGRICULTURAL AREA,
40 AND THOSE COMMON TO AREAS IN WHICH THE PEOPLE SHARE SIMILAR LIVING STANDARDS,
41 USE THE SAME TRANSPORTATION FACILITIES, HAVE SIMILAR WORK OPPORTUNITIES,
42 OR HAVE ACCESS TO THE SAME MEDIA OF COMMUNICATION RELEVANT TO
43 THE ELECTION PROCESS. COMMUNITIES OF INTEREST SHALL NOT INCLUDE
44 RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL CANDIDATES.
45

46 (E) TO THE EXTENT PRACTICABLE, AND WHERE THIS DOES NOT CONFLICT WITH
47 THE PRECEDING PARAGRAPHS OF THIS SUBDIVISION, DISTRICTS SHALL BE DRAWN
48 TO ENCOURAGE GEOGRAPHICAL COMPACTNESS SUCH THAT NEARBY AREAS OF POPULATION
49 ARE NOT BYPASSED FOR MORE DISTANT POPULATION.

50 3. THE PLACE OF RESIDENCE OF ANY INCUMBENT OR POLITICAL CANDIDATE
51 SHALL NOT BE CONSIDERED IN THE CREATION OF A MAP. DISTRICTS SHALL NOT BE
52 DRAWN FOR THE PURPOSE OF FAVORING OR DISCRIMINATING AGAINST AN INCUMBENT,
53 POLITICAL CANDIDATE, OR POLITICAL PARTY.

54 4. DISTRICTS FOR THE CONGRESS, SENATE, AND ASSEMBLY SHALL BE NUMBERED
55 CONSECUTIVELY COMMENCING AT THE SOUTHERN BOUNDARY OF THE STATE AND
56 ENDING AT THE NORTHERN BOUNDARY.

1 5. (A) ON OR BEFORE THE FIFTEENTH OF MAY IN EACH YEAR ENDING WITH A
2 ONE OR WITHIN SIXTY DAYS OF RECEIVING THE FEDERAL DECENNIAL CENSUS FOR
3 THE STATE, WHICHEVER IS LATER, OR AS SOON AS POSSIBLE AFTER THE EFFEC-
4 TIVE DATE OF THIS ARTICLE, THE COMMISSION SHALL APPROVE THREE FINAL MAPS
5 THAT SEPARATELY SET FORTH THE DISTRICT BOUNDARY LINES FOR THE CONGRES-
6 SIONAL, SENATORIAL AND ASSEMBLY DISTRICTS. UPON APPROVAL, THE COMMISSION
7 SHALL CERTIFY THE THREE FINAL MAPS TO THE COMPTROLLER.

8 (B) THE COMMISSION SHALL ISSUE, WITH EACH OF THE THREE FINAL MAPS, A
9 REPORT THAT EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE ITS DECIS-
10 SIONS IN ACHIEVING COMPLIANCE WITH THE CRITERIA LISTED IN SUBDIVISION
11 TWO OF THIS SECTION AND SHALL INCLUDE DEFINITIONS OF THE TERMS AND STAN-
12 DARDS USED IN DRAWING EACH FINAL MAP.

13 S 97. REFERENDUM; LEGISLATION. 1. EACH CERTIFIED FINAL MAP SHALL BE
14 DISTRIBUTED TO THE PUBLIC AND SUBMITTED TO THE PEOPLE FOR APPROVAL AT
15 THE NEXT GENERAL ELECTION THEREAFTER. UPON BEING APPROVED BY THE AFFIR-
16 MATIVE VOTE OF THE MAJORITY OF THE PEOPLE VOTING THEREON AT SUCH
17 ELECTION, THE MAPS SHALL BE SUBMITTED TO THE LEGISLATURE, ALONG WITH
18 LEGISLATION NECESSARY TO IMPLEMENT SUCH MAPS. UPON RECEIPT OF SUCH
19 MAPS, THE IMPLEMENTING LEGISLATION THEREFORE SHALL BE INTRODUCED IN BOTH
20 HOUSES OF THE LEGISLATURE WITHOUT ANY AMENDMENTS WITHIN FIVE DAYS. IF
21 APPROVED, THE LEGISLATURE SHALL FORWARD SUCH LEGISLATION TO THE GOVERNOR
22 WITHIN FIVE DAYS.

23 2. IF (A) THE COMMISSION DOES NOT APPROVE A CERTIFIED FINAL MAP BY AT
24 LEAST THE REQUISITE VOTES, (B) VOTERS DISAPPROVE A CERTIFIED FINAL MAP
25 IN A REFERENDUM, (C) EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION
26 SUBMITTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION WITHIN TWENTY-ONE
27 DAYS OF ITS SUBMISSION, OR (D) THE GOVERNOR SHALL VETO SUCH LEGISLATION
28 AND THE LEGISLATURE SHALL FAIL TO OVERRIDE SUCH VETO WITHIN FIFTEEN DAYS
29 OF SUCH VETO, THE COMMISSION SHALL HOLD AN OPEN HEARING WITHIN FIFTEEN
30 DAYS OF SAID FAILURE TO APPROVE THE MAP OR PASS THE LEGISLATION AT WHICH
31 THE COMMISSIONERS, THE SPEAKER AND MINORITY LEADER OF THE ASSEMBLY AND
32 THE TEMPORARY PRESIDENT AND MINORITY LEADER OF THE SENATE, OR EACH OF
33 THEIR DESIGNEES SHALL TESTIFY AS TO THE REASONS THAT THE MAP OR MAPS
34 FAILED TO BE APPROVED OR THE LEGISLATION DID NOT BECOME LAW, AND MEMBERS
35 OF THE PUBLIC WILL ALSO BE INVITED TO TESTIFY. WITHIN FIFTEEN DAYS OF
36 SUCH HEARING, THE COMMISSION SHALL ESTABLISH AND SUBMIT TO THE LEGISLA-
37 TURE A SECOND APPORTIONMENT MAP OR MAPS AND THE NECESSARY IMPLEMENTING
38 LEGISLATION FOR SUCH MAP OR MAPS. UPON RECEIPT OF SUCH SECOND MAP OR
39 MAPS, THE IMPLEMENTING LEGISLATION THEREFORE SHALL BE INTRODUCED IN BOTH
40 HOUSES OF THE LEGISLATURE WITHOUT ANY AMENDMENTS WITHIN FIVE DAYS. SUCH
41 LEGISLATION SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY BOTH HOUSES WITH-
42 IN TWENTY-ONE DAYS, BUT NOT SOONER THAN SEVEN DAYS, AFTER ITS INTRODUC-
43 TION. IF APPROVED, THE LEGISLATURE SHALL FORWARD SUCH LEGISLATION TO THE
44 GOVERNOR WITHIN FIVE DAYS.

45 3. IF (A) THE COMMISSION DOES NOT APPROVE A SECOND CERTIFIED FINAL MAP
46 BY AT LEAST THE REQUISITE VOTES, (B) VOTERS DISAPPROVE A SECOND CERTI-
47 FIED FINAL MAP IN A REFERENDUM, (C) EITHER HOUSE SHALL FAIL TO APPROVE
48 THE LEGISLATION SUBMITTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION
49 WITHIN TWENTY-ONE DAYS OF ITS SUBMISSION, OR (D) THE GOVERNOR SHALL VETO
50 SUCH LEGISLATION AND THE LEGISLATURE SHALL FAIL TO OVERRIDE SUCH VETO
51 WITHIN FIFTEEN DAYS OF SUCH VETO, THE COMMISSION SHALL HOLD AN OPEN
52 HEARING WITHIN FIFTEEN DAYS OF SAID FAILURE TO APPROVE THE MAP OR PASS
53 THE LEGISLATION AT WHICH THE COMMISSIONERS, THE SPEAKER AND MINORITY
54 LEADER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT AND MINORITY LEADER
55 OF THE SENATE, OR EACH OF THEIR DESIGNEES SHALL TESTIFY AS TO THE
56 REASONS THAT THE MAP OR MAPS FAILED TO BE APPROVED OR THE LEGISLATION

1 DID NOT BECOME LAW, AND MEMBERS OF THE PUBLIC WILL ALSO BE INVITED TO
2 TESTIFY. WITHIN FIFTEEN DAYS OF SUCH HEARING, THE COMMISSION SHALL
3 ESTABLISH AND SUBMIT TO THE LEGISLATURE A THIRD APPORTIONMENT MAP OR
4 MAPS AND THE NECESSARY IMPLEMENTING LEGISLATION FOR SUCH MAP OR MAPS.
5 UPON RECEIPT OF SUCH THIRD MAP OR MAPS, THE IMPLEMENTING LEGISLATION
6 WITH ANY AMENDMENTS THE LEGISLATURE SHALL DEEM NECESSARY SHALL BE INTRO-
7 DUCED IN BOTH HOUSES OF THE LEGISLATURE WITHIN FIVE DAYS. ALL SUCH
8 AMENDMENTS SHALL COMPLY WITH THE PROVISIONS OF SUBDIVISION TWO OF THIS
9 SECTION. SUCH LEGISLATION SHALL BE VOTED UPON BY BOTH HOUSES WITHIN
10 TWENTY-ONE DAYS, BUT NOT SOONER THAN SEVEN DAYS, AFTER ITS INTRODUCTION.
11 IF APPROVED, THE LEGISLATURE SHALL FORWARD SUCH LEGISLATION TO THE
12 GOVERNOR WITHIN FIVE DAYS.

13 S 98. JUDICIAL REVIEW. 1. THE COMMISSION HAS THE SOLE LEGAL STANDING
14 TO DEFEND ANY ACTION REGARDING A CERTIFIED FINAL MAP, AND SHALL INFORM
15 THE LEGISLATURE IF IT DETERMINES THAT FUNDS OR OTHER RESOURCES PROVIDED
16 FOR THE OPERATION OF THE COMMISSION ARE NOT ADEQUATE. THE LEGISLATURE
17 SHALL PROVIDE ADEQUATE FUNDING TO DEFEND ANY ACTION REGARDING A CERTI-
18 FIED MAP. THE COMMISSION HAS SOLE AUTHORITY TO DETERMINE WHETHER THE
19 ATTORNEY GENERAL OR OTHER LEGAL COUNSEL RETAINED BY THE COMMISSION SHALL
20 ASSIST IN THE DEFENSE OF A CERTIFIED FINAL MAP.

21 2. THE COURT OF APPEALS HAS ORIGINAL AND EXCLUSIVE JURISDICTION IN ALL
22 PROCEEDINGS IN WHICH A CERTIFIED FINAL MAP IS CHALLENGED OR IS CLAIMED
23 NOT TO HAVE TAKEN TIMELY EFFECT.

24 3. ANY REGISTERED VOTER IN THIS STATE MAY FILE A SPECIAL PROCEEDING
25 WITHIN FORTY-FIVE DAYS AFTER THE COMMISSION HAS CERTIFIED A FINAL MAP TO
26 THE LEGISLATURE, TO BAR THE LEGISLATURE FROM IMPLEMENTING THE PLAN ON
27 THE GROUNDS THAT THE FILED PLAN VIOLATES THIS CONSTITUTION, THE UNITED
28 STATES CONSTITUTION, OR ANY FEDERAL OR STATE STATUTE. ANY REGISTERED
29 VOTER IN THIS STATE MAY ALSO FILE A SPECIAL PROCEEDING TO SEEK RELIEF
30 WHERE A CERTIFIED FINAL MAP IS SUBJECT TO A REFERENDUM MEASURE THAT IS
31 LIKELY TO QUALIFY AND STAY THE TIMELY IMPLEMENTATION OF THE MAP.

32 4. THE COURT OF APPEALS SHALL GIVE PRIORITY TO RULING ON A SPECIAL
33 PROCEEDING PETITION FOR A WRIT OF MANDATE OR A WRIT OF PROHIBITION FILED
34 PURSUANT TO SUBDIVISION THREE OF THIS SECTION. IF THE COURT DETERMINES
35 THAT A FINAL CERTIFIED MAP VIOLATES THIS CONSTITUTION, THE UNITED STATES
36 CONSTITUTION, OR ANY FEDERAL OR STATE STATUTE, THE COURT SHALL FASHION
37 THE RELIEF THAT IT DEEMS APPROPRIATE.

38 S 6. This act shall take effect immediately.