

1866

2011-2012 Regular Sessions

I N S E N A T E

January 13, 2011

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

1 Section 1. Subdivision b of section 127 of the state law, as added by
2 chapter 35 of the laws of 2002, is amended to read as follows:
3 b. It is intended that this article and the districts described herein
4 completely encompass all the area within the state. It is also intended
5 that such districts apportioned on the basis of THE FEDERAL CENSUS TAKEN
6 IN THE YEAR two thousand [population] TEN AND EACH FEDERAL CENSUS TAKEN
7 DECENNIALY THEREAFTER, contain all the inhabitants in this state. It is
8 further intended that [the apportionment and districting provided for in
9 this article result in the creation of districts which are substantially
10 equal in population. It is also intended that] no district shall
11 include any of the area included within the description of any other
12 district. DISTRICTS DESCRIBED WITHIN THIS ARTICLE SHALL BE IN ACCORD-
13 ANCE WITH SECTION TWO OF ARTICLE ONE OF THE UNITED STATES CONSTITUTION,
14 SECTIONS FOUR AND FIVE OF ARTICLE THREE OF THE STATE CONSTITUTION AND IN
15 A MANNER THAT ENSURES THE FAIR AND EFFECTIVE REPRESENTATION FOR ALL
16 RESIDENTS OF THE STATE, INCLUDING RACIAL, ETHNIC AND LANGUAGE MINORITY
17 GROUPS, AND ADHERE TO ALL STANDARDS AND PRACTICES SET FORTH IN THE
18 FEDERAL VOTING RIGHTS ACT (42 U.S.C. SS1971 ET. SEQ.) AND OTHER RELEVANT
19 FEDERAL REGULATIONS. THE STATE LEGISLATIVE DISTRICTS SHALL:
20 (1) BE DRAWN TO KEEP INTACT WITHIN A SINGLE DISTRICT THOSE NEIGHBOR-
21 HOODS AND COMMUNITIES WITH ESTABLISHED TIES OF COMMON INTEREST AND ASSO-
22 CIATION, WHETHER HISTORICAL, RACIAL, ECONOMIC, ETHNIC, RELIGIOUS OR
23 OTHER;

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

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

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

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

16 (5) NOT BE DRAWN WITH AN INTENT TO FAVOR OR OPPOSE ANY POLITICAL
17 PARTY, ANY INCUMBENT FEDERAL OR STATE LEGISLATOR, OR ANY PREVIOUS OR
18 PRESUMED CANDIDATE FOR OFFICE;

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

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

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

28 S 2. This act shall take effect immediately.