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

S. 6736 A. 9557

S E N A T E - A S S E M B L Y

March 15, 2012

IN SENATE -- Introduced by Sens. SKELOS, NOZZOLIO -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. SILVER, ENGLEBRIGHT, WEINSTEIN, McENENY, GALEF -- (at request of the Governor) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to redistricting of congressional, senate and assembly districts

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

Section 1. This act shall be known and may be cited as the "Redistricting Reform Act of 2012."

S 2. The legislative law is amended by adding a new article 6-A to read as follows:

ARTICLE 6-A

REDISTRICTING OF CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS

SECTION 93. REDISTRICTING.

94. INDEPENDENT REDISTRICTING COMMISSION.

S 93. REDISTRICTING. 1. THE INDEPENDENT REDISTRICTING COMMISSION ESTABLISHED PURSUANT TO SECTION NINETY-FOUR OF THIS ARTICLE SHALL PREPARE A REDISTRICTING PLAN TO ESTABLISH SENATE, ASSEMBLY, AND CONGRESSIONAL DISTRICTS EVERY TEN YEARS COMMENCING IN TWO THOUSAND TWENTY-ONE, AND SHALL SUBMIT TO THE LEGISLATURE SUCH PLAN AND THE IMPLEMENTING LEGISLATION THEREFOR ON OR BEFORE JANUARY FIRST OR AS SOON AS PRACTICABLE THEREAFTER BUT NO LATER THAN JANUARY FIFTEENTH IN THE YEAR ENDING IN TWO BEGINNING IN TWO THOUSAND TWENTY-TWO. THE REDISTRICTING PLANS FOR THE ASSEMBLY AND THE SENATE SHALL BE CONTAINED IN AND VOTED UPON BY THE LEGISLATURE IN A SINGLE BILL, AND THE CONGRESSIONAL DISTRICT PLAN MAY BE INCLUDED IN THE SAME BILL IF THE LEGISLATURE CHOOSES TO DO SO. THE IMPLEMENTING LEGISLATION SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY THE SENATE OR THE ASSEMBLY WITHIN TEN DAYS OF THE PLAN'S SUBMISSION OR WITHIN TEN DAYS AFTER JANUARY FIRST IN A YEAR ENDING IN TWO, WHICHEVER IS

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

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LATER. IF APPROVED BY THE FIRST HOUSE VOTING UPON IT, SUCH LEGISLATION SHALL BE DELIVERED TO THE OTHER HOUSE IMMEDIATELY TO BE VOTED UPON, WITHOUT AMENDMENT, WITHIN FIVE DAYS FROM DELIVERY. IF APPROVED BY BOTH HOUSES, SUCH LEGISLATION SHALL BE PRESENTED TO THE GOVERNOR FOR ACTION WITHIN THREE DAYS.

IF EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION IMPLEMENTING THE FIRST REDISTRICTING PLAN, OR THE GOVERNOR SHALL VETO SUCH LEGISLATION AND THE LEGISLATURE SHALL FAIL TO OVERRIDE SUCH VETO WITHIN TEN DAYS OF SUCH VETO, EACH HOUSE OR THE GOVERNOR IF HE OR SHE VETOES IT, SHALL NOTIFY THE COMMISSION THAT SUCH LEGISLATION HAS BEEN DISAPPROVED WITHIN THREE DAYS OF SUCH DISAPPROVAL. WITHIN FIFTEEN DAYS OF SUCH NOTIFICATION AND IN NO CASE LATER THAN FEBRUARY TWENTY-EIGHTH OF A YEAR ENDING IN TWO, THE REDISTRICTING COMMISSION SHALL PREPARE AND SUBMIT TO THE LEGISLATURE A SECOND REDISTRICTING PLAN AND THE NECESSARY IMPLEMENTING LEGISLATION FOR SUCH PLAN. WITHIN TEN DAYS OF ITS SUBMISSION SUCH LEGISLATION SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY THE SENATE OR THE ASSEMBLY AND, IF APPROVED BY THE FIRST HOUSE VOTING UPON IT, SUCH LEGISLATION SHALL BE DELIVERED TO THE OTHER HOUSE IMMEDIATELY TO BE VOTED UPON, WITHOUT AMENDMENT, WITHIN FIVE DAYS FROM DELIVERY. IF APPROVED BY BOTH HOUSES, SUCH LEGISLATION SHALL BE PRESENTED TO THE GOVERNOR FOR ACTION WITHIN THREE DAYS.

IF EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION IMPLEMENTING THE SECOND REDISTRICTING PLAN, OR THE GOVERNOR SHALL VETO SUCH LEGISLATION AND THE LEGISLATURE SHALL FAIL TO OVERRIDE SUCH VETO WITHIN TEN DAYS OF SUCH VETO, EACH HOUSE SHALL INTRODUCE SUCH IMPLEMENTING LEGISLATION WITH ANY AMENDMENTS EACH HOUSE OF THE LEGISLATURE DEEMS NECESSARY. ALL SUCH AMENDMENTS SHALL COMPLY WITH THE PROVISIONS OF THIS ARTICLE. IF APPROVED BY BOTH HOUSES, SUCH LEGISLATION SHALL BE PRESENTED TO THE GOVERNOR FOR ACTION WITHIN THREE DAYS.

ALL VOTES BY THE SENATE OR ASSEMBLY ON ANY REDISTRICTING PLAN LEGISLATION PURSUANT TO THIS ARTICLE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING RULES:

(A) IN THE EVENT THAT THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE ARE MEMBERS OF TWO DIFFERENT POLITICAL PARTIES, APPROVAL OF LEGISLATION DULY APPROVED AND SUBMITTED BY THE INDEPENDENT REDISTRICTING COMMISSION PURSUANT TO SUBDIVISION SIX OF SECTION NINETY-FOUR OF THIS ARTICLE SHALL REQUIRE THE VOTE IN SUPPORT OF ITS PASSAGE BY AT LEAST A MAJORITY OF THE MEMBERS ELECTED TO EACH HOUSE.

(B) IN THE EVENT THAT THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE ARE MEMBERS OF TWO DIFFERENT POLITICAL PARTIES, APPROVAL OF LEGISLATION THAT WAS SUBMITTED BY THE INDEPENDENT REDISTRICTING COMMISSION PURSUANT TO SUBDIVISION SEVEN OF SECTION NINETY-FOUR OF THIS ARTICLE SHALL REQUIRE THE VOTE IN SUPPORT OF ITS PASSAGE BY AT LEAST SIXTY PERCENT OF THE MEMBERS ELECTED TO EACH HOUSE.

(C) IN THE EVENT THAT THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE ARE MEMBERS OF THE SAME POLITICAL PARTY, APPROVAL OF LEGISLATION SUBMITTED BY THE INDEPENDENT REDISTRICTING COMMISSION PURSUANT TO SUBDIVISION SIX OR SEVEN OF SECTION NINETY-FOUR OF THIS ARTICLE SHALL REQUIRE THE VOTE IN SUPPORT OF ITS PASSAGE BY AT LEAST TWO-THIRDS OF THE MEMBERS ELECTED TO EACH HOUSE.

2. SUBJECT TO THE REQUIREMENTS OF THE FEDERAL CONSTITUTION AND STATUTES AND IN COMPLIANCE WITH STATE CONSTITUTIONAL REQUIREMENTS, THE FOLLOWING PRINCIPLES SHALL BE USED IN THE CREATION OF STATE SENATE AND STATE ASSEMBLY DISTRICTS AND CONGRESSIONAL DISTRICTS:

(A) WHEN DRAWING DISTRICT LINES, THE COMMISSION SHALL CONSIDER WHETHER SUCH LINES WOULD RESULT IN THE DENIAL OR ABRIDGEMENT OF RACIAL OR

LANGUAGE MINORITY VOTING RIGHTS, AND DISTRICTS SHALL NOT BE DRAWN TO HAVE THE PURPOSE OF, NOR SHALL THEY RESULT IN, THE DENIAL OR ABRIDGEMENT OF SUCH RIGHTS. DISTRICTS SHALL BE DRAWN SO THAT, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, RACIAL OR MINORITY LANGUAGE GROUPS DO NOT HAVE LESS OPPORTUNITY TO PARTICIPATE IN THE POLITICAL PROCESS THAN OTHER MEMBERS OF THE ELECTORATE AND TO ELECT REPRESENTATIVES OF THEIR CHOICE.

(B) TO THE EXTENT PRACTICABLE, DISTRICTS SHALL CONTAIN AS NEARLY AS MAY BE AN EQUAL NUMBER OF INHABITANTS. FOR EACH DISTRICT THAT DEVIATES FROM THIS REQUIREMENT, THE COMMISSION SHALL PROVIDE A SPECIFIC PUBLIC EXPLANATION AS TO WHY SUCH DEVIATION EXISTS.

(C) EACH DISTRICT SHALL CONSIST OF CONTIGUOUS TERRITORY.

(D) EACH DISTRICT SHALL BE AS COMPACT IN FORM AS PRACTICABLE.

(E) DISTRICTS SHALL NOT BE DRAWN TO DISCOURAGE COMPETITION OR FOR THE PURPOSE OF FAVORING OR DISFAVORING INCUMBENTS OR OTHER PARTICULAR CANDIDATES OR POLITICAL PARTIES. THE COMMISSION SHALL CONSIDER THE MAINTENANCE OF CORES OF EXISTING DISTRICTS, OF PRE-EXISTING POLITICAL SUBDIVISIONS, INCLUDING COUNTIES, CITIES, AND TOWNS, AND OF COMMUNITIES OF INTEREST.

(F) IN DRAWING SENATE DISTRICTS, TOWNS OR BLOCKS WHICH, FROM THEIR LOCATION MAY BE INCLUDED IN EITHER OF TWO DISTRICTS, SHALL BE SO PLACED AS TO MAKE SAID DISTRICTS MOST NEARLY EQUAL IN NUMBER OF INHABITANTS. THE REQUIREMENTS THAT SENATE DISTRICTS NOT DIVIDE COUNTIES OR TOWNS, AS WELL AS THE 'BLOCK-ON-BORDER' AND 'TOWN-ON-BORDER' RULES, SHALL REMAIN IN EFFECT.

DURING THE PREPARATION OF THE REDISTRICTING PLAN, THE INDEPENDENT REDISTRICTING COMMISSION SHALL CONDUCT NOT LESS THAN ONE PUBLIC HEARING ON PROPOSALS FOR THE REDISTRICTING OF CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS IN EACH OF THE FOLLOWING (I) CITIES: ALBANY, BUFFALO, SYRACUSE, ROCHESTER, AND WHITE PLAINS; AND (II) COUNTIES: BRONX, KINGS, NEW YORK, QUEENS, RICHMOND, NASSAU, AND SUFFOLK. NOTICE OF ALL SUCH HEARINGS SHALL BE WIDELY PUBLISHED USING THE BEST AVAILABLE MEANS AND MEDIA A REASONABLE TIME BEFORE EVERY HEARING. AT LEAST THIRTY DAYS PRIOR TO THE FIRST PUBLIC HEARING AND IN ANY EVENT NO LATER THAN SEPTEMBER FIFTEENTH OF THE YEAR ENDING IN ONE OR AS SOON AS PRACTICABLE THEREAFTER, THE INDEPENDENT REDISTRICTING COMMISSION SHALL MAKE WIDELY AVAILABLE TO THE PUBLIC, IN PRINT FORM AND USING THE BEST AVAILABLE TECHNOLOGY, ITS DRAFT REDISTRICTING PLANS, RELEVANT DATA, AND RELATED INFORMATION. SUCH PLANS, DATA, AND INFORMATION SHALL BE IN A FORM THAT ALLOWS AND FACILITATES THEIR USE BY THE PUBLIC TO REVIEW, ANALYZE, AND COMMENT UPON SUCH PLANS AND TO DEVELOP ALTERNATIVE REDISTRICTING PLANS FOR PRESENTATION TO THE COMMISSION AT THE PUBLIC HEARINGS. THE INDEPENDENT REDISTRICTING COMMISSION SHALL REPORT THE FINDINGS OF ALL SUCH HEARINGS TO THE LEGISLATURE UPON SUBMISSION OF A REDISTRICTING PLAN.

3. THE PROCESS FOR REDISTRICTING CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS ESTABLISHED BY THIS ARTICLE SHALL GOVERN REDISTRICTING IN THIS STATE EXCEPT TO THE EXTENT THAT A COURT IS REQUIRED TO ORDER THE ADOPTION OF, OR CHANGES TO, A REDISTRICTING PLAN AS A REMEDY FOR A VIOLATION OF LAW.

A REAPPORTIONMENT PLAN AND THE DISTRICTS CONTAINED IN SUCH PLAN SHALL BE IN FORCE UNTIL THE EFFECTIVE DATE OF A PLAN BASED UPON THE SUBSEQUENT FEDERAL DECENNIAL CENSUS TAKEN IN A YEAR ENDING IN ZERO UNLESS MODIFIED PURSUANT TO COURT ORDER.

4. IN ANY JUDICIAL PROCEEDING RELATING TO REDISTRICTING OF CONGRESSIONAL OR STATE LEGISLATIVE DISTRICTS, ANY LAW ESTABLISHING CONGRESSIONAL OR STATE LEGISLATIVE DISTRICTS FOUND TO VIOLATE THE PROVISIONS OF THIS ARTICLE SHALL BE INVALID IN WHOLE OR IN PART. IN THE EVENT THAT A

COURT FINDS SUCH A VIOLATION, THE LEGISLATURE SHALL HAVE A FULL AND REASONABLE OPPORTUNITY TO CORRECT THE LAW'S LEGAL INFIRMITIES.

S 94. INDEPENDENT REDISTRICTING COMMISSION. 1. ON OR BEFORE FEBRUARY FIRST OF EACH YEAR ENDING WITH A ZERO AND AT ANY OTHER TIME A COURT ORDERS THAT CONGRESSIONAL OR STATE LEGISLATIVE DISTRICTS BE AMENDED, AN INDEPENDENT REDISTRICTING COMMISSION SHALL BE ESTABLISHED TO DETERMINE THE DISTRICT LINES FOR CONGRESSIONAL AND STATE LEGISLATIVE OFFICES. THE INDEPENDENT REDISTRICTING COMMISSION SHALL BE COMPOSED OF TEN MEMBERS, APPOINTED AS FOLLOWS:

(A) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE;

(B) TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

(C) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;

(D) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY;

(E) TWO MEMBERS SHALL BE APPOINTED BY THE EIGHT MEMBERS APPOINTED PURSUANT TO PARAGRAPHS (A) THROUGH (D) OF THIS SUBDIVISION BY A VOTE OF NOT LESS THAN FIVE MEMBERS IN FAVOR OF SUCH APPOINTMENT, AND THESE TWO MEMBERS SHALL NOT HAVE BEEN ENROLLED IN THE PRECEDING FIVE YEARS IN EITHER OF THE TWO POLITICAL PARTIES THAT CONTAIN THE LARGEST OR SECOND LARGEST NUMBER OF ENROLLED VOTERS WITHIN THE STATE;

(F) ONE MEMBER SHALL BE DESIGNATED CHAIR OF THE COMMISSION BY A MAJORITY OF THE MEMBERS APPOINTED PURSUANT TO PARAGRAPHS (A) THROUGH (E) OF THIS SUBDIVISION TO CONVENE AND PRESIDE OVER EACH MEETING OF THE COMMISSION.

2. THE MEMBERS OF THE INDEPENDENT REDISTRICTING COMMISSION SHALL BE REGISTERED VOTERS IN THIS STATE. NO MEMBER SHALL WITHIN THE LAST THREE YEARS:

(A) BE OR HAVE BEEN A MEMBER OF THE NEW YORK STATE LEGISLATURE OR UNITED STATES CONGRESS OR A STATEWIDE ELECTED OFFICIAL;

(B) BE OR HAVE BEEN A STATE OFFICER OR EMPLOYEE OR LEGISLATIVE EMPLOYEE AS DEFINED IN SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW.

(C) BE OR HAVE BEEN A REGISTERED LOBBYIST IN NEW YORK STATE;

(D) BE OR HAVE BEEN A POLITICAL PARTY CHAIRMAN, AS DEFINED IN PARAGRAPH (K) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW;

(E) BE THE SPOUSE OF A STATEWIDE ELECTED OFFICIAL OR OF ANY MEMBER OF THE UNITED STATES CONGRESS, OR OF THE STATE LEGISLATURE.

3. TO THE EXTENT PRACTICABLE, THE MEMBERS OF THE INDEPENDENT REDISTRICTING COMMISSION SHALL REFLECT THE DIVERSITY OF THE RESIDENTS OF THIS STATE WITH REGARD TO RACE, ETHNICITY, GENDER, LANGUAGE, AND GEOGRAPHIC RESIDENCE AND TO THE EXTENT PRACTICABLE THE APPOINTING AUTHORITIES SHALL CONSULT WITH ORGANIZATIONS DEVOTED TO PROTECTING THE VOTING RIGHTS OF MINORITY AND OTHER VOTERS CONCERNING POTENTIAL APPOINTEES TO THE COMMISSION.

4. VACANCIES IN THE MEMBERSHIP OF THE COMMISSION SHALL BE FILLED WITHIN THIRTY DAYS IN THE MANNER PROVIDED FOR IN THE ORIGINAL APPOINTMENTS.

5. THE MEMBERS OF THE INDEPENDENT REDISTRICTING COMMISSION SHALL RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

6. A MINIMUM OF FIVE MEMBERS OF THE INDEPENDENT REDISTRICTING COMMISSION SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS OR THE EXERCISE OF ANY POWER OF SUCH COMMISSION PRIOR TO THE APPOINTMENT OF THE TWO COMMISSION MEMBERS APPOINTED PURSUANT TO PARAGRAPH (E) OF SUBDIVISION ONE OF THIS SECTION, AND A MINIMUM OF SEVEN MEMBERS SHALL CONSTI-

TUTE A QUORUM AFTER SUCH MEMBERS HAVE BEEN APPOINTED, AND NO EXERCISE OF ANY POWER OF THE INDEPENDENT REDISTRICTING COMMISSION SHALL OCCUR WITHOUT THE AFFIRMATIVE VOTE OF AT LEAST A MAJORITY OF THE MEMBERS, PROVIDED THAT, IN ORDER TO APPROVE ANY REDISTRICTING PLAN AND IMPLEMENTING LEGISLATION, THE FOLLOWING RULES SHALL APPLY:

(A) IN THE EVENT THAT THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE ARE MEMBERS OF THE SAME POLITICAL PARTY, APPROVAL OF A REDISTRICTING PLAN AND IMPLEMENTING LEGISLATION BY THE COMMISSION FOR SUBMISSION TO THE LEGISLATURE SHALL REQUIRE THE VOTE IN SUPPORT OF ITS APPROVAL BY AT LEAST SEVEN MEMBERS INCLUDING AT LEAST ONE MEMBER APPOINTED BY EACH OF THE LEGISLATIVE LEADERS.

(B) IN THE EVENT THAT THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE ARE MEMBERS OF TWO DIFFERENT POLITICAL PARTIES, APPROVAL OF A REDISTRICTING PLAN BY THE COMMISSION FOR SUBMISSION TO THE LEGISLATURE SHALL REQUIRE THE VOTE IN SUPPORT OF ITS APPROVAL BY AT LEAST SEVEN MEMBERS INCLUDING AT LEAST ONE MEMBER APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND ONE MEMBER APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE.

7. IN THE EVENT THAT THE COMMISSION IS UNABLE TO OBTAIN SEVEN VOTES TO APPROVE A REDISTRICTING PLAN ON OR BEFORE JANUARY FIRST IN THE YEAR ENDING IN TWO OR AS SOON AS PRACTICABLE THEREAFTER, THE COMMISSION SHALL SUBMIT TO THE LEGISLATURE THAT REDISTRICTING PLAN AND IMPLEMENTING LEGISLATION THAT GARNERED THE HIGHEST NUMBER OF VOTES IN SUPPORT OF ITS APPROVAL BY THE COMMISSION WITH A RECORD OF THE VOTES TAKEN. IN THE EVENT THAT MORE THAN ONE PLAN RECEIVED THE SAME NUMBER OF VOTES FOR APPROVAL, AND SUCH NUMBER WAS HIGHER THAN THAT FOR ANY OTHER PLAN, THEN THE COMMISSION SHALL SUBMIT ALL PLANS THAT OBTAINED SUCH NUMBER OF VOTES. THE LEGISLATURE SHALL CONSIDER AND VOTE UPON SUCH IMPLEMENTING LEGISLATION IN ACCORDANCE WITH THE VOTING RULES SET FORTH IN SECTION NINETY-THREE OF THIS ARTICLE. ANY AMENDMENTS TO SUCH PLANS BY THE LEGISLATURE SHALL COMPLY WITH THE PROVISIONS OF THIS ARTICLE.

8. (A) THE INDEPENDENT REDISTRICTING COMMISSION SHALL APPOINT TWO CO-EXECUTIVE DIRECTORS BY A MAJORITY VOTE OF THE COMMISSION IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

(1) IN THE EVENT THAT THE THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE ARE MEMBERS OF TWO DIFFERENT POLITICAL PARTIES, THE CO-EXECUTIVE DIRECTORS SHALL BE APPROVED BY A MAJORITY OF THE COMMISSION THAT INCLUDES AT LEAST ONE APPOINTEE BY THE SPEAKER OF THE ASSEMBLY AND AT LEAST ONE APPOINTEE BY THE TEMPORARY PRESIDENT OF THE SENATE.

(2) IN THE EVENT THAT THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE ARE MEMBERS OF THE SAME POLITICAL PARTY, THE CO-EXECUTIVE DIRECTORS SHALL BE APPROVED BY A MAJORITY OF THE COMMISSION THAT INCLUDES AT LEAST ONE APPOINTEE BY EACH OF THE LEGISLATIVE LEADERS.

(B) ONE OF THE CO-EXECUTIVE DIRECTORS SHALL BE ENROLLED IN THE POLITICAL PARTY WITH THE HIGHEST NUMBER OF ENROLLED MEMBERS IN THE STATE AND ONE SHALL BE ENROLLED IN THE POLITICAL PARTY WITH THE SECOND HIGHEST NUMBER OF ENROLLED MEMBERS IN THE STATE. THE CO-EXECUTIVE DIRECTORS SHALL APPOINT SUCH STAFF AS ARE NECESSARY TO PERFORM THE COMMISSION'S DUTIES, EXCEPT THAT THE COMMISSION SHALL REVIEW A STAFFING PLAN PREPARED AND PROVIDED BY THE CO-EXECUTIVE DIRECTORS WHICH SHALL CONTAIN A LIST OF THE VARIOUS POSITIONS AND THE DUTIES, QUALIFICATIONS, AND SALARIES ASSOCIATED WITH EACH POSITION.

(C) IN THE EVENT THAT THE COMMISSION IS UNABLE TO APPOINT ONE OR BOTH OF THE CO-EXECUTIVE DIRECTORS WITHIN FORTY-FIVE DAYS OF THE ESTABLISH-

MENT OF A QUORUM OF SEVEN COMMISSIONERS, THE FOLLOWING PROCEDURE SHALL BE FOLLOWED:

(1) IN THE EVENT THAT THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE ARE MEMBERS OF TWO DIFFERENT POLITICAL PARTIES, WITHIN TEN DAYS THE SPEAKER'S APPOINTEES ON THE COMMISSION SHALL APPOINT ONE CO-EXECUTIVE DIRECTOR, AND THE TEMPORARY PRESIDENT'S APPOINTEES ON THE COMMISSION SHALL APPOINT THE OTHER CO-EXECUTIVE DIRECTOR. ALSO WITHIN TEN DAYS THE MINORITY LEADER OF THE ASSEMBLY SHALL SELECT A CO-DEPUTY EXECUTIVE DIRECTOR, AND THE MINORITY LEADER OF THE SENATE SHALL SELECT THE OTHER CO-DEPUTY EXECUTIVE DIRECTOR.

(2) IN THE EVENT THAT THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE ARE MEMBERS OF THE SAME POLITICAL PARTY, WITHIN TEN DAYS THE SPEAKER'S AND TEMPORARY PRESIDENT'S APPOINTEES ON THE COMMISSION SHALL TOGETHER APPOINT ONE CO-EXECUTIVE DIRECTOR, AND THE TWO MINORITY LEADERS' APPOINTEES ON THE COMMISSION SHALL TOGETHER APPOINT THE OTHER CO-EXECUTIVE DIRECTOR.

(D) IN THE EVENT OF A VACANCY IN THE OFFICES OF CO-EXECUTIVE DIRECTOR OR CO-DEPUTY EXECUTIVE DIRECTOR, THE POSITION SHALL BE FILLED WITHIN TEN DAYS OF ITS OCCURRENCE BY THE SAME APPOINTING AUTHORITY OR AUTHORITIES THAT APPOINTED HIS OR HER PREDECESSOR.

9. THE STATE BUDGET SHALL INCLUDE NECESSARY APPROPRIATIONS FOR THE EXPENSES OF THE INDEPENDENT REDISTRICTING COMMISSION, PROVIDE FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR THE MEMBERS AND STAFF OF THE COMMISSION, ASSIGN TO THE COMMISSION ANY ADDITIONAL DUTIES THAT THE LEGISLATURE MAY DEEM NECESSARY TO THE PERFORMANCE OF THE DUTIES STIPULATED IN THIS ARTICLE, AND REQUIRE OTHER AGENCIES AND OFFICIALS OF THE STATE OF NEW YORK AND ITS POLITICAL SUBDIVISIONS TO PROVIDE SUCH INFORMATION AND ASSISTANCE AS THE COMMISSION MAY REQUIRE TO PERFORM ITS DUTIES.

S 3. Any amendments by the senate or assembly to a redistricting plan submitted by the independent redistricting commission, shall not affect more than two percent of the population of any district contained in such plan. If two or more plans for districts in the same legislative house or for congressional districts are submitted by the commission and voted upon by the legislature, such plans shall be considered individually and not combined.

S 4. (a) The independent redistricting commission established pursuant to section 5-b of article 3 of the constitution shall submit to the legislature such plan and the implementing legislation therefore on or before January first or as soon as practicable thereafter but no later than January fifteenth in the year ending in two beginning in two thousand twenty-two. Within ten days of the plan's submission or within ten days after January first in a year ending in two, whichever is later, the implementing legislation shall be voted upon without amendment by the senate or the assembly. If approved by the first house voting upon it, such legislation shall be delivered to the other house immediately to be voted upon, without amendment, within five days from delivery. If approved by both houses such legislation shall be presented to the governor for action within three days.

(b) If either house shall fail to approve the legislation implementing the first redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto within ten days of such veto, each house or the governor, if he or she vetoes it, shall notify the commission that such legislation has been disapproved within three days of such disapproval. Within fifteen days of such notification and in no case later than February twenty-eighth of a year

ending in two, the redistricting commission shall prepare and submit to the legislature a second redistricting plan and the necessary implementing legislation for such plan. Within ten days of its submission such legislation shall be voted upon, without amendment, by the senate or assembly and, if approved by the first house voting upon it, such legislation shall be delivered to the other house immediately to be voted upon without amendment, within five days from delivery. If approved by both houses, such legislation shall be presented to the governor for action within three days.

(c) If either house shall fail to approve the legislation implementing the second redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto within ten days of such veto, each house shall introduce such implementing legislation with any amendments each house deems necessary. If approved by both houses, such legislation shall be presented to the governor for action within three days.

S 5. The house that first approved in 2012 the amendment entitled "Concurrent Resolution of the Senate and Assembly proposing an amendment to article 3 of the constitution, in relation to the establishment of the independent redistricting commission" (hereinafter "the amendment") shall when considering the resolution in 2013 vote upon the amendment first in the next session of the legislature and in any event shall do so no later than January 15, 2013. The house that approved the amendment second in 2012 shall also vote upon the amendment second in the next session and in any event no later than January 30, 2013.

S 6. (a) If the house that first votes upon the amendment in the next session approves such amendment, and the other house approves it thereafter, then the amendment shall be considered for approval by the voters and this act shall not take effect except that sections three and four of this act shall then take effect upon the people approving and ratifying such amendment by a majority of the electors voting thereon. If the house that first votes upon the amendment in the next session approves such amendment, and the other house disapproves it thereafter or fails to vote upon the amendment within fifteen days of the first house's vote or by January 30, 2013, whichever is sooner, then this act shall take effect immediately in its entirety except that wherever in this act the legislative leaders of the house that failed to approve the amendment shall appoint a member of the independent redistricting commission or a staff member of the commission, then the governor shall replace that house's legislative leaders as the appointing authority and shall make such appointments as provided for in this act.

(b) If the house that first votes upon the amendment in the next session disapproves such amendment or fails to vote upon the amendment prior to January 15, 2013, and the other house approves it thereafter, then this act shall take effect immediately except that wherever in this act the legislative leaders of the house that failed to approve the amendment shall appoint a member of the independent redistricting commission or a staff member of the commission, then the governor shall replace such house's legislative leaders as the appointing authority and shall make such appointments as provided for in this act.

(c) If the house that first votes upon the amendment in the next session disapproves such amendment or fails to vote upon the amendment prior to January 15, 2013, and the other house disapproves it thereafter or fails to vote upon the amendment within fifteen days of the first house's vote or by January 30, 2013, whichever is sooner, then this act shall take effect immediately in its entirety except that whenever in

this act the legislative leaders shall appoint a member of the independent redistricting commission or a staff member of the commission, then the governor shall replace each legislative leader as the appointing authority and shall make such appointments as provided for in this act.