

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:

1 Section 1. This act shall be known and may be cited as the "Redis-  
2 tricting Reform Act of 2012."

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

5 ARTICLE 6-A

6 REDISTRICTING OF CONGRESSIONAL  
7 AND STATE LEGISLATIVE DISTRICTS

8 SECTION 93. REDISTRICTING.

9 94. INDEPENDENT REDISTRICTING COMMISSION.

10 S 93. REDISTRICTING. 1. THE INDEPENDENT REDISTRICTING COMMISSION  
11 ESTABLISHED PURSUANT TO SECTION NINETY-FOUR OF THIS ARTICLE SHALL  
12 PREPARE A REDISTRICTING PLAN TO ESTABLISH SENATE, ASSEMBLY, AND CONGRES-  
13 SIONAL DISTRICTS EVERY TEN YEARS COMMENCING IN TWO THOUSAND TWENTY-ONE,  
14 AND SHALL SUBMIT TO THE LEGISLATURE SUCH PLAN AND THE IMPLEMENTING  
15 LEGISLATION THEREFOR ON OR BEFORE JANUARY FIRST OR AS SOON AS PRACTICA-  
16 BLE THEREAFTER BUT NO LATER THAN JANUARY FIFTEENTH IN THE YEAR ENDING IN  
17 TWO BEGINNING IN TWO THOUSAND TWENTY-TWO. THE REDISTRICTING PLANS FOR  
18 THE ASSEMBLY AND THE SENATE SHALL BE CONTAINED IN AND VOTED UPON BY THE  
19 LEGISLATURE IN A SINGLE BILL, AND THE CONGRESSIONAL DISTRICT PLAN MAY BE  
20 INCLUDED IN THE SAME BILL IF THE LEGISLATURE CHOOSES TO DO SO. THE  
21 IMPLEMENTING LEGISLATION SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY THE  
22 SENATE OR THE ASSEMBLY WITHIN TEN DAYS OF THE PLAN'S SUBMISSION OR WITH-  
23 IN 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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1 LATER. IF APPROVED BY THE FIRST HOUSE VOTING UPON IT, SUCH LEGISLATION  
2 SHALL BE DELIVERED TO THE OTHER HOUSE IMMEDIATELY TO BE VOTED UPON,  
3 WITHOUT AMENDMENT, WITHIN FIVE DAYS FROM DELIVERY. IF APPROVED BY BOTH  
4 HOUSES, SUCH LEGISLATION SHALL BE PRESENTED TO THE GOVERNOR FOR ACTION  
5 WITHIN THREE DAYS.

6 IF EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION IMPLEMENTING THE  
7 FIRST REDISTRICTING PLAN, OR THE GOVERNOR SHALL VETO SUCH LEGISLATION  
8 AND THE LEGISLATURE SHALL FAIL TO OVERRIDE SUCH VETO WITHIN TEN DAYS OF  
9 SUCH VETO, EACH HOUSE OR THE GOVERNOR IF HE OR SHE VETOES IT, SHALL  
10 NOTIFY THE COMMISSION THAT SUCH LEGISLATION HAS BEEN DISAPPROVED WITHIN  
11 THREE DAYS OF SUCH DISAPPROVAL. WITHIN FIFTEEN DAYS OF SUCH NOTIFICA-  
12 TION AND IN NO CASE LATER THAN FEBRUARY TWENTY-EIGHTH OF A YEAR ENDING  
13 IN TWO, THE REDISTRICTING COMMISSION SHALL PREPARE AND SUBMIT TO THE  
14 LEGISLATURE A SECOND REDISTRICTING PLAN AND THE NECESSARY IMPLEMENTING  
15 LEGISLATION FOR SUCH PLAN. WITHIN TEN DAYS OF ITS SUBMISSION SUCH  
16 LEGISLATION SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY THE SENATE OR THE  
17 ASSEMBLY AND, IF APPROVED BY THE FIRST HOUSE VOTING UPON IT, SUCH LEGIS-  
18 LATION SHALL BE DELIVERED TO THE OTHER HOUSE IMMEDIATELY TO BE VOTED  
19 UPON, WITHOUT AMENDMENT, WITHIN FIVE DAYS FROM DELIVERY. IF APPROVED BY  
20 BOTH HOUSES, SUCH LEGISLATION SHALL BE PRESENTED TO THE GOVERNOR FOR  
21 ACTION WITHIN THREE DAYS.

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

30 ALL VOTES BY THE SENATE OR ASSEMBLY ON ANY REDISTRICTING PLAN LEGIS-  
31 LATION PURSUANT TO THIS ARTICLE SHALL BE CONDUCTED IN ACCORDANCE WITH  
32 THE FOLLOWING RULES:

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

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

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

51 2. SUBJECT TO THE REQUIREMENTS OF THE FEDERAL CONSTITUTION AND STAT-  
52 UTES AND IN COMPLIANCE WITH STATE CONSTITUTIONAL REQUIREMENTS, THE  
53 FOLLOWING PRINCIPLES SHALL BE USED IN THE CREATION OF STATE SENATE AND  
54 STATE ASSEMBLY DISTRICTS AND CONGRESSIONAL DISTRICTS:

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

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

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

11 (C) EACH DISTRICT SHALL CONSIST OF CONTIGUOUS TERRITORY.

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

13 (E) DISTRICTS SHALL NOT BE DRAWN TO DISCOURAGE COMPETITION OR FOR THE  
14 PURPOSE OF FAVORING OR DISFAVORING INCUMBENTS OR OTHER PARTICULAR CANDI-  
15 DATES OR POLITICAL PARTIES. THE COMMISSION SHALL CONSIDER THE MAINTENANCE  
16 OF CORES OF EXISTING DISTRICTS, OF PRE-EXISTING POLITICAL SUBDIVI-  
17 SIONS, INCLUDING COUNTIES, CITIES, AND TOWNS, AND OF COMMUNITIES OF  
18 INTEREST.

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

25 DURING THE PREPARATION OF THE REDISTRICTING PLAN, THE INDEPENDENT  
26 REDISTRICTING COMMISSION SHALL CONDUCT NOT LESS THAN ONE PUBLIC HEARING  
27 ON PROPOSALS FOR THE REDISTRICTING OF CONGRESSIONAL AND STATE LEGISLA-  
28 TIVE DISTRICTS IN EACH OF THE FOLLOWING (I) CITIES: ALBANY, BUFFALO,  
29 SYRACUSE, ROCHESTER, AND WHITE PLAINS; AND (II) COUNTIES: BRONX, KINGS,  
30 NEW YORK, QUEENS, RICHMOND, NASSAU, AND SUFFOLK. NOTICE OF ALL SUCH  
31 HEARINGS SHALL BE WIDELY PUBLISHED USING THE BEST AVAILABLE MEANS AND  
32 MEDIA A REASONABLE TIME BEFORE EVERY HEARING. AT LEAST THIRTY DAYS PRIOR  
33 TO THE FIRST PUBLIC HEARING AND IN ANY EVENT NO LATER THAN SEPTEMBER  
34 FIFTEENTH OF THE YEAR ENDING IN ONE OR AS SOON AS PRACTICABLE THEREAFT-  
35 ER, THE INDEPENDENT REDISTRICTING COMMISSION SHALL MAKE WIDELY AVAILABLE  
36 TO THE PUBLIC, IN PRINT FORM AND USING THE BEST AVAILABLE TECHNOLOGY,  
37 ITS DRAFT REDISTRICTING PLANS, RELEVANT DATA, AND RELATED INFORMATION.  
38 SUCH PLANS, DATA, AND INFORMATION SHALL BE IN A FORM THAT ALLOWS AND  
39 FACILITATES THEIR USE BY THE PUBLIC TO REVIEW, ANALYZE, AND COMMENT UPON  
40 SUCH PLANS AND TO DEVELOP ALTERNATIVE REDISTRICTING PLANS FOR PRESENTA-  
41 TION TO THE COMMISSION AT THE PUBLIC HEARINGS. THE INDEPENDENT REDIS-  
42 TRICTING COMMISSION SHALL REPORT THE FINDINGS OF ALL SUCH HEARINGS TO  
43 THE LEGISLATURE UPON SUBMISSION OF A REDISTRICTING PLAN.

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

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

53 4. IN ANY JUDICIAL PROCEEDING RELATING TO REDISTRICTING OF CONGRES-  
54 SIONAL OR STATE LEGISLATIVE DISTRICTS, ANY LAW ESTABLISHING CONGRESSIO-  
55 NAL OR STATE LEGISLATIVE DISTRICTS FOUND TO VIOLATE THE PROVISIONS OF  
56 THIS ARTICLE SHALL BE INVALID IN WHOLE OR IN PART. IN THE EVENT THAT A

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

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

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

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

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

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

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

23 (F) ONE MEMBER SHALL BE DESIGNATED CHAIR OF THE COMMISSION BY A MAJOR-  
24 ITY OF THE MEMBERS APPOINTED PURSUANT TO PARAGRAPHS (A) THROUGH (E) OF  
25 THIS SUBDIVISION TO CONVENE AND PRESIDE OVER EACH MEETING OF THE COMMIS-  
26 SION.

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

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

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

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

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

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

40 3. TO THE EXTENT PRACTICABLE, THE MEMBERS OF THE INDEPENDENT REDIS-  
41 TRICTING COMMISSION SHALL REFLECT THE DIVERSITY OF THE RESIDENTS OF THIS  
42 STATE WITH REGARD TO RACE, ETHNICITY, GENDER, LANGUAGE, AND GEOGRAPHIC  
43 RESIDENCE AND TO THE EXTENT PRACTICABLE THE APPOINTING AUTHORITIES SHALL  
44 CONSULT WITH ORGANIZATIONS DEVOTED TO PROTECTING THE VOTING RIGHTS OF  
45 MINORITY AND OTHER VOTERS CONCERNING POTENTIAL APPOINTEES TO THE COMMIS-  
46 SION.

47 4. VACANCIES IN THE MEMBERSHIP OF THE COMMISSION SHALL BE FILLED WITH-  
48 IN THIRTY DAYS IN THE MANNER PROVIDED FOR IN THE ORIGINAL APPOINTMENTS.

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

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

1 TUTE A QUORUM AFTER SUCH MEMBERS HAVE BEEN APPOINTED, AND NO EXERCISE OF  
2 ANY POWER OF THE INDEPENDENT REDISTRICTING COMMISSION SHALL OCCUR WITH-  
3 OUT THE AFFIRMATIVE VOTE OF AT LEAST A MAJORITY OF THE MEMBERS, PROVIDED  
4 THAT, IN ORDER TO APPROVE ANY REDISTRICTING PLAN AND IMPLEMENTING LEGIS-  
5 LATION, THE FOLLOWING RULES SHALL APPLY:

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

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

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

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

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

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

45 (B) ONE OF THE CO-EXECUTIVE DIRECTORS SHALL BE ENROLLED IN THE POLI-  
46 TICAL PARTY WITH THE HIGHEST NUMBER OF ENROLLED MEMBERS IN THE STATE AND  
47 ONE SHALL BE ENROLLED IN THE POLITICAL PARTY WITH THE SECOND HIGHEST  
48 NUMBER OF ENROLLED MEMBERS IN THE STATE. THE CO-EXECUTIVE DIRECTORS  
49 SHALL APPOINT SUCH STAFF AS ARE NECESSARY TO PERFORM THE COMMISSION'S  
50 DUTIES, EXCEPT THAT THE COMMISSION SHALL REVIEW A STAFFING PLAN PREPARED  
51 AND PROVIDED BY THE CO-EXECUTIVE DIRECTORS WHICH SHALL CONTAIN A LIST OF  
52 THE VARIOUS POSITIONS AND THE DUTIES, QUALIFICATIONS, AND SALARIES ASSO-  
53 CIATED WITH EACH POSITION.

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

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

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

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

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

21 9. THE STATE BUDGET SHALL INCLUDE NECESSARY APPROPRIATIONS FOR THE  
22 EXPENSES OF THE INDEPENDENT REDISTRICTING COMMISSION, PROVIDE FOR  
23 COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR THE MEMBERS AND STAFF OF  
24 THE COMMISSION, ASSIGN TO THE COMMISSION ANY ADDITIONAL DUTIES THAT THE  
25 LEGISLATURE MAY DEEM NECESSARY TO THE PERFORMANCE OF THE DUTIES STIPU-  
26 LATED IN THIS ARTICLE, AND REQUIRE OTHER AGENCIES AND OFFICIALS OF THE  
27 STATE OF NEW YORK AND ITS POLITICAL SUBDIVISIONS TO PROVIDE SUCH INFOR-  
28 MATION AND ASSISTANCE AS THE COMMISSION MAY REQUIRE TO PERFORM ITS  
29 DUTIES.

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

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

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

1 ending in two, the redistricting commission shall prepare and submit to  
2 the legislature a second redistricting plan and the necessary implement-  
3 ing legislation for such plan. Within ten days of its submission such  
4 legislation shall be voted upon, without amendment, by the senate or  
5 assembly and, if approved by the first house voting upon it, such legis-  
6 lation shall be delivered to the other house immediately to be voted  
7 upon without amendment, within five days from delivery. If approved by  
8 both houses, such legislation shall be presented to the governor for  
9 action within three days.

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

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

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

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

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

1 this act the legislative leaders shall appoint a member of the independ-  
2 ent redistricting commission or a staff member of the commission, then  
3 the governor shall replace each legislative leader as the appointing  
4 authority and shall make such appointments as provided for in this act.