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

1512

2011-2012 Regular Sessions

I N A S S E M B L Y

January 10, 2011

Introduced by M. of A. TEDISCO, CALHOUN, FINCH -- Multi-Sponsored by -- M. of A. BARCLAY, BURLING, BUTLER, CONTE, CROUCH, FITZPATRICK, McDONOUGH, J. MILLER, OAKS, RAIA, 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

Section 1. RESOLVED (if the Senate concur), That sections 2, 3, 4, 5 and 5-a of article 3 of the constitution are REPEALED and five new sections 2, 3, 4, 5 and 5-a are added to read as follows:

S 2. FOLLOWING THE 2010 CENSUS THE SENATE SHALL CONSIST OF SIXTY-TWO MEMBERS. SUCH MEMBERS SHALL BE ELECTED FOR TWO YEAR TERMS. THE ASSEMBLY SHALL CONSIST OF ONE HUNDRED FIFTY MEMBERS. SUCH MEMBERS SHALL SERVE FOR TWO YEAR TERMS.

S 3. FOLLOWING EACH DECENNIAL FEDERAL CENSUS OR WHENEVER THERE IS REASON TO REAPPORTION THE LEGISLATURE OR TO PROVIDE FOR NEW CONGRESSIONAL DISTRICT BOUNDARIES IN THE STATE, OR BOTH, BECAUSE OF A NEW FEDERAL CENSUS OR BECAUSE OF A DECISION OF A COURT OF COMPETENT JURISDICTION, OR DETERMINATION OF A FEDERAL AGENCY OR DEPARTMENT, A COMMISSION FOR REAPPORTIONMENT SHALL BE FORMED ON ORDER OF THE SECRETARY OF STATE. THE COMMISSION SHALL CONSIST OF NINETEEN MEMBERS TO BE APPOINTED AS FOLLOWS: THREE MEMBERS OF THE COMMISSION SHALL BE APPOINTED BY THE GOVERNOR, ONE BY THE TEMPORARY PRESIDENT OF THE SENATE, ONE BY THE MINORITY LEADER OF THE SENATE, ONE BY THE SPEAKER OF THE ASSEMBLY AND ONE BY THE MINORITY LEADER OF THE ASSEMBLY. THE TWELVE REMAINING MEMBERS SHALL REPRESENT EACH OF THE STATE'S JUDICIAL DISTRICTS AND SHALL BE SELECTED BASED ON ELECTIONS HELD IN EACH OF THE STATE'S JUDICIAL DISTRICTS IN THE ELECTION IMMEDIATELY PRECEDING THE TAKING OF THE FEDERAL CENSUS. NO MEMBER SHALL BE ELIGIBLE TO SERVE AS AN ELECTED REPRESENTATIVE OF A JUDICIAL DISTRICT WHO IS CURRENTLY A MEMBER OF THE STATE SENATE OR ASSEMBLY. IN THE EVENT OF A VACANCY THE RESPECTIVE APPOINTING AUTHORITY SHALL HAVE THE AUTHORI-

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

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TY TO APPOINT NEW MEMBERS; IN THE CASE OF A VACANCY CREATED IN A JUDICIAL DISTRICT THE GOVERNOR SHALL HAVE THE AUTHORITY TO APPOINT REPLACEMENTS.

S 4. USING THE LATEST DATA FROM THE MOST RECENT FEDERAL CENSUS THE COMMISSION FOR REAPPORTIONMENT SHALL HAVE THE RESPONSIBILITY FOR SUBMITTING A PLAN FOR CONGRESSIONAL AND LEGISLATIVE REDISTRICTING CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE. IN ACCORDANCE WITH THE FOLLOWING CRITERIA:

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

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

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

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

S 5. CONSISTENT WITH THE CRITERIA LISTED ABOVE THE COMMISSION FOR REAPPORTIONMENT SHALL BE RESPONSIBLE FOR SUBMITTING FOR LEGISLATIVE APPROVAL A PROPOSED MAP FOR THE REDISTRICTING OF CONGRESSIONAL AND LEGISLATIVE DISTRICT BOUNDARIES NO LATER THAN NINETY DAYS FOLLOWING THE DATE IN WHICH IT IS CONVENED. THE LEGISLATURE SHALL HAVE THIRTY DAYS FROM THE DATE THE PLAN IS SUBMITTED TO APPROVE OR DISAPPROVE THE PLAN. IF THE LEGISLATURE VOTES TO DISAPPROVE THE PLAN OR DOES NOT APPROVE THE PLAN WITHIN THIRTY DAYS OF ITS SUBMISSION THE COMMISSION FOR REAPPORTIONMENT WILL RECONSIDER ITS PLAN MAKING APPROPRIATE AMENDMENTS WHEN NECESSARY. IF THE LEGISLATURE REJECTS THIS RESUBMITTED PLAN A COURT OF COMPETENT JURISDICTION WILL HAVE THE RIGHT TO DEVISE A PLAN THAT COMPLIES WITH STATE AND FEDERAL LAWS AND REGULATIONS. THE COMMISSION FOR REAPPORTIONMENT SHALL HAVE STANDING TO BRING SUCH AN ACTION. NOTHING IN THIS ARTICLE SHALL PROHIBIT THE COMMISSION FOR REAPPORTIONMENT FROM SUBMITTING ADDITIONAL PLANS WHEN THE LEGISLATURE HAS NOT VOTED TO APPROVE ITS PREVIOUS SUBMISSION. IN NO EVENT SHALL A PLAN FOR REDISTRICTING CONGRESSIONAL OR LEGISLATIVE DISTRICTS BE ENACTED BY THE LEGISLATURE UNLESS SUCH PLAN HAS FIRST BEEN APPROVED BY THE COMMISSION FOR REAPPORTIONMENT OR COURT OF COMPETENT JURISDICTION. ALL PLANS CREATED PURSUANT TO THIS ARTICLE SHALL BE THE PLAN SUBMITTED FOR APPROVAL TO THE FEDERAL GOVERNMENT AS REQUIRED UNDER THE FEDERAL VOTING RIGHTS ACT. ALL DATA, INCLUDING ALL DEMOGRAPHIC AND OTHER STATISTICAL INFORMATION USED

BY THE COMMISSION IN DEVELOPING A PLAN SHALL BE MADE AVAILABLE TO THE PUBLIC AT THE SAME TIME ANY PROPOSED PLAN IS SUBMITTED TO THE LEGISLATURE.

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

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