

9526

I N A S S E M B L Y

March 11, 2012

Introduced by M. of A. SILVER, WEINSTEIN, ENGLEBRIGHT, MCENENY, CUSICK
-- read once and referred to the Committee on Governmental Operations

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

1 Section 1. Resolved (if the Senate concur), That sections 4 and 5 of
2 article 3 of the constitution be amended, and a new section 5-b be added
3 to read as follows:
4 S 4. (A) Except as herein otherwise provided, the federal census taken
5 in the year nineteen hundred thirty and each federal census taken decen-
6 nially thereafter shall be controlling as to the number of inhabitants
7 in the state or any part thereof for the purposes of the apportionment
8 of members of assembly and readjustment or alteration of senate and
9 assembly districts next occurring, in so far as such census and the
10 tabulation thereof purport to give the information necessary therefor.
11 The legislature, by law, shall provide for the making and tabulation by
12 state authorities of an enumeration of the inhabitants of the entire
13 state to be used for such purposes, instead of a federal census, if the
14 taking of a federal census in any tenth year from the year nineteen
15 hundred thirty be omitted or if the federal census fails to show the
16 number of aliens or Indians not taxed. If a federal census, though
17 giving the requisite information as to the state at large, fails to give
18 the information as to any civil or territorial divisions which is
19 required to be known for such purposes, the legislature, by law, shall
20 provide for such an enumeration of the inhabitants of such parts of the
21 state only as may be necessary, which shall supersede in part the feder-
22 al census and be used in connection therewith for such purposes. The
23 legislature, by law, may provide in its discretion for an enumeration by
24 state authorities of the inhabitants of the state, to be used for such
25 purposes, in place of a federal census, when the return of a decennial
26 federal census is delayed so that it is not available at the beginning
27 of the regular session of the legislature in the second year after the
28 year nineteen hundred thirty or after any tenth year therefrom, or if an
29 apportionment of members of assembly and readjustment or alteration of
30 senate districts is not made at or before such a session. At the regular

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

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1 session in the year nineteen hundred thirty-two, and at the first regu-
2 lar session after the year nineteen hundred forty and after each tenth
3 year therefrom the senate districts shall be readjusted or altered, but
4 if, in any decade, counting from and including that which begins with
5 the year nineteen hundred thirty-one, such a readjustment or alteration
6 is not made at the time above prescribed, it shall be made at a subse-
7 quent session occurring not later than the sixth year of such decade,
8 meaning not later than nineteen hundred thirty-six, nineteen hundred
9 forty-six, nineteen hundred fifty-six, and so on; provided, however,
10 that if such districts shall have been readjusted or altered by law in
11 either of the years nineteen hundred thirty or nineteen hundred thirty-
12 one, they shall remain unaltered until the first regular session after
13 the year nineteen hundred forty. [Such districts shall be so readjusted
14 or altered that each senate district shall contain as nearly as may be
15 an equal number of inhabitants, excluding aliens, and be in as compact
16 form as practicable, and shall remain unaltered until the first year of
17 the next decade as above defined, and shall at all times consist of
18 contiguous territory, and no county shall be divided in the formation of
19 a senate district except to make two or more senate districts wholly in
20 such county.] No town, except a town having more than a full ratio of
21 apportionment, and no block in a city inclosed by streets or public
22 ways, shall be divided in the formation of senate districts[; nor shall
23 any]. IN THE REAPPORTIONMENT OF SENATE DISTRICTS, NO district SHALL
24 contain a greater excess in population over an adjoining district in the
25 same county, than the population of a town or block therein adjoining
26 such district. Counties, towns or blocks which, from their location, may
27 be included in either of two districts, shall be so placed as to make
28 said districts most nearly equal in number of inhabitants, excluding
29 aliens.

30 No county shall have four or more senators unless it shall have a full
31 ratio for each senator. No county shall have more than one-third of all
32 the senators; and no two counties or the territory thereof as now organ-
33 ized, which are adjoining counties, or which are separated only by
34 public waters, shall have more than one-half of all the senators.

35 (B) THE INDEPENDENT REDISTRICTING COMMISSION ESTABLISHED PURSUANT TO
36 SECTION FIVE-B OF THIS ARTICLE SHALL PREPARE A REDISTRICTING PLAN TO
37 ESTABLISH SENATE, ASSEMBLY, AND CONGRESSIONAL DISTRICTS EVERY TEN YEARS
38 COMMENCING IN TWO THOUSAND TWENTY-ONE, AND SHALL SUBMIT TO THE LEGISLA-
39 TURE SUCH PLAN AND THE IMPLEMENTING LEGISLATION THEREFOR ON OR BEFORE
40 JANUARY FIRST OR AS SOON AS PRACTICABLE THEREAFTER BUT NO LATER THAN
41 JANUARY FIFTEENTH IN THE YEAR ENDING IN TWO BEGINNING IN TWO THOUSAND
42 TWENTY-TWO. THE REDISTRICTING PLANS FOR THE ASSEMBLY AND THE SENATE
43 SHALL BE CONTAINED IN AND VOTED UPON BY THE LEGISLATURE IN A SINGLE
44 BILL, AND THE CONGRESSIONAL DISTRICT PLAN MAY BE INCLUDED IN THE SAME
45 BILL IF THE LEGISLATURE CHOOSES TO DO SO. THE IMPLEMENTING LEGISLATION
46 SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY THE SENATE OR THE ASSEMBLY
47 AND IF APPROVED BY THE FIRST HOUSE VOTING UPON IT, SUCH LEGISLATION
48 SHALL BE DELIVERED TO THE OTHER HOUSE IMMEDIATELY TO BE VOTED UPON WITH-
49 OUT AMENDMENT. IF APPROVED BY BOTH HOUSES, SUCH LEGISLATION SHALL BE
50 PRESENTED TO THE GOVERNOR FOR ACTION.

51 IF EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION IMPLEMENTING THE
52 FIRST REDISTRICTING PLAN, OR THE GOVERNOR SHALL VETO SUCH LEGISLATION
53 AND THE LEGISLATURE SHALL FAIL TO OVERRIDE SUCH VETO, EACH HOUSE OR THE
54 GOVERNOR IF HE OR SHE VETOES IT, SHALL NOTIFY THE COMMISSION THAT SUCH
55 LEGISLATION HAS BEEN DISAPPROVED. WITHIN FIFTEEN DAYS OF SUCH NOTIFICA-
56 TION AND IN NO CASE LATER THAN FEBRUARY TWENTY-EIGHTH, THE REDISTRICTING

COMMISSION SHALL PREPARE AND SUBMIT TO THE LEGISLATURE A SECOND REDISTRICTING PLAN AND THE NECESSARY IMPLEMENTING LEGISLATION FOR SUCH PLAN. 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. IF APPROVED BY BOTH HOUSES, SUCH LEGISLATION SHALL BE PRESENTED TO THE GOVERNOR FOR ACTION.

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, 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.

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:

(1) 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 SUBMITTED BY THE INDEPENDENT REDISTRICTING COMMISSION PURSUANT TO SUBDIVISION (F) OF SECTION FIVE-B OF THIS ARTICLE SHALL REQUIRE THE VOTE IN SUPPORT OF ITS PASSAGE BY AT LEAST A MAJORITY OF THE MEMBERS ELECTED TO EACH HOUSE.

(2) 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 SUBMITTED BY THE INDEPENDENT REDISTRICTING COMMISSION PURSUANT TO SUBDIVISION (G) OF SECTION FIVE-B OF THIS ARTICLE SHALL REQUIRE THE VOTE IN SUPPORT OF ITS PASSAGE BY AT LEAST SIXTY PERCENT OF THE MEMBERS ELECTED TO EACH HOUSE.

(3) 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 (F) OR (G) OF SECTION FIVE-B OF THIS ARTICLE SHALL REQUIRE THE VOTE IN SUPPORT OF ITS PASSAGE BY AT LEAST TWO-THIRDS OF THE MEMBERS ELECTED TO EACH HOUSE.

(C) 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:

(1) 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.

(2) 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.

(3) EACH DISTRICT SHALL CONSIST OF CONTIGUOUS TERRITORY.

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

(5) 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

1 NANCE OF CORES OF EXISTING DISTRICTS, OF PRE-EXISTING POLITICAL SUBDIVI-
2 SIONS, INCLUDING COUNTIES, CITIES, AND TOWNS, AND OF COMMUNITIES OF
3 INTEREST.

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

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

29 (D) The ratio for apportioning senators shall always be obtained by
30 dividing the number of inhabitants, excluding aliens, by fifty, and the
31 senate shall always be composed of fifty members, except that if any
32 county having three or more senators at the time of any apportionment
33 shall be entitled on such ratio to an additional senator or senators,
34 such additional senator or senators shall be given to such county in
35 addition to the fifty senators, and the whole number of senators shall
36 be increased to that extent.

37 The senate districts, including the present ones, as existing imme-
38 diately before the enactment of a law readjusting or altering the senate
39 districts, shall continue to be the senate districts of the state until
40 the expirations of the terms of the senators then in office, except for
41 the purpose of an election of senators for full terms beginning at such
42 expirations, and for the formation of assembly districts.

43 (E) THE PROCESS FOR REDISTRICTING CONGRESSIONAL AND STATE LEGISLATIVE
44 DISTRICTS ESTABLISHED BY THIS SECTION AND SECTIONS FIVE AND FIVE-B OF
45 THIS ARTICLE SHALL GOVERN REDISTRICTING IN THIS STATE EXCEPT TO THE
46 EXTENT THAT A COURT IS REQUIRED TO ORDER THE ADOPTION OF, OR CHANGES TO,
47 A REDISTRICTING PLAN AS A REMEDY FOR A VIOLATION OF LAW.

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

52 S 5. The members of the assembly shall be chosen by single districts
53 and shall be apportioned [by the legislature] PURSUANT TO THIS SECTION
54 AND SECTIONS FOUR AND FIVE-B OF THIS ARTICLE at each regular session at
55 which the senate districts are readjusted or altered, and by the same
56 law, among the several counties of the state, as nearly as may be

1 according to the number of their respective inhabitants, excluding
2 aliens. Every county heretofore established and separately organized,
3 except the county of Hamilton, shall always be entitled to one member of
4 assembly, and no county shall hereafter be erected unless its population
5 shall entitle it to a member. The county of Hamilton shall elect with
6 the county of Fulton, until the population of the county of Hamilton
7 shall, according to the ratio, entitle it to a member. But the legisla-
8 ture may abolish the said county of Hamilton and annex the territory
9 thereof to some other county or counties.

10 The quotient obtained by dividing the whole number of inhabitants of
11 the state, excluding aliens, by the number of members of assembly, shall
12 be the ratio for apportionment, which shall be made as follows: One
13 member of assembly shall be apportioned to every county, including
14 Fulton and Hamilton as one county, containing less than the ratio and
15 one-half over. Two members shall be apportioned to every other county.
16 The remaining members of assembly shall be apportioned to the counties
17 having more than two ratios according to the number of inhabitants,
18 excluding aliens. Members apportioned on remainders shall be apportioned
19 to the counties having the highest remainders in the order thereof
20 respectively. No county shall have more members of assembly than a coun-
21 ty having a greater number of inhabitants, excluding aliens.

22 The assembly districts, including the present ones, as existing imme-
23 diately before the enactment of a law making an apportionment of members
24 of assembly among the counties, shall continue to be the assembly
25 districts of the state until the expiration of the terms of members then
26 in office, except for the purpose of an election of members of assembly
27 for full terms beginning at such expirations.

28 In any county entitled to more than one member, the board of supervi-
29 sors, and in any city embracing an entire county and having no board of
30 supervisors, the common council, or if there be none, the body exercis-
31 ing the powers of a common council, shall assemble at such times as the
32 legislature making an apportionment shall prescribe, and divide such
33 counties into assembly districts as nearly equal in number of inhabit-
34 ants, excluding aliens, as may be, of convenient and contiguous territo-
35 ry in as compact form as practicable, each of which shall be wholly
36 within a senate district formed under the same apportionment, equal to
37 the number of members of assembly to which such county shall be enti-
38 tled, and shall cause to be filed in the office of the secretary of
39 state and of the clerk of such county, a description of such districts,
40 specifying the number of each district and of the inhabitants thereof,
41 excluding aliens, according to the census or enumeration used as the
42 population basis for the formation of such districts; and such appor-
43 tionment and districts shall remain unaltered until after the next reap-
44 portionment of members of assembly, except that the board of supervisors
45 of any county containing a town having more than a ratio of apporportion-
46 ment and one-half over may alter the assembly districts in a senate
47 district containing such town at any time on or before March first,
48 nineteen hundred forty-six. In counties having more than one senate
49 district, the same number of assembly districts shall be put in each
50 senate district, unless the assembly districts cannot be evenly divided
51 among the senate districts of any county, in which case one more assem-
52 bly district shall be put in the senate district in such county having
53 the largest, or one less assembly district shall be put in the senate
54 district in such county having the smallest number of inhabitants,
55 excluding aliens, as the case may require. [No town, except a town
56 having more than a ratio of apportionment and one-half over, and no

1 block in a city inclosed by streets or public ways, shall be divided in
2 the formation of assembly districts, nor shall any districts contain a
3 greater excess in population over an adjoining district in the same
4 senate district, than the population of a town or block therein adjoin-
5 ing such assembly district. Towns or blocks which, from their location
6 may be included in either of two districts, shall be so placed as to
7 make said districts most nearly equal in number of inhabitants, exclud-
8 ing aliens.] Nothing in this section shall prevent the division, at any
9 time, of counties and towns and the erection of new towns by the legis-
10 lature.

11 An apportionment by the legislature, or other body, shall be subject
12 to review by the supreme court, at the suit of any citizen, under such
13 reasonable regulations as the legislature may prescribe; and any court
14 before which a cause may be pending involving an apportionment, shall
15 give precedence thereto over all other causes and proceedings, and if
16 said court be not in session it shall convene promptly for the disposi-
17 tion of the same. THE COURT SHALL RENDER ITS DECISION WITHIN SIXTY DAYS
18 AFTER A PETITION IS FILED. IN ANY JUDICIAL PROCEEDING RELATING TO REDIS-
19 TRICTING OF CONGRESSIONAL OR STATE LEGISLATIVE DISTRICTS, ANY LAW ESTAB-
20 LISHING CONGRESSIONAL OR STATE LEGISLATIVE DISTRICTS FOUND TO VIOLATE
21 THE PROVISIONS OF THIS ARTICLE SHALL BE INVALID IN WHOLE OR IN PART. IN
22 THE EVENT THAT A COURT FINDS SUCH A VIOLATION, THE LEGISLATURE SHALL
23 HAVE A FULL AND REASONABLE OPPORTUNITY TO CORRECT THE LAW'S LEGAL
24 INFIRMITIES.

25 S 5-B. (A) ON OR BEFORE FEBRUARY FIRST OF EACH YEAR ENDING WITH A ZERO
26 AND AT ANY OTHER TIME A COURT ORDERS THAT CONGRESSIONAL OR STATE LEGIS-
27 LATIVE DISTRICTS BE AMENDED, AN INDEPENDENT REDISTRICTING COMMISSION
28 SHALL BE ESTABLISHED TO DETERMINE THE DISTRICT LINES FOR CONGRESSIONAL
29 AND STATE LEGISLATIVE OFFICES. THE INDEPENDENT REDISTRICTING COMMISSION
30 SHALL BE COMPOSED OF TEN MEMBERS, APPOINTED AS FOLLOWS:

31 (1) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE
32 SENATE;

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

34 (3) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
35 SENATE;

36 (4) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
37 ASSEMBLY;

38 (5) TWO MEMBERS SHALL BE APPOINTED BY THE EIGHT MEMBERS APPOINTED
39 PURSUANT TO PARAGRAPHS (1) THROUGH (4) OF THIS SUBDIVISION BY A VOTE OF
40 NOT LESS THAN FIVE MEMBERS IN FAVOR OF SUCH APPOINTMENT, AND THESE TWO
41 MEMBERS SHALL NOT HAVE BEEN ENROLLED IN THE PRECEDING FIVE YEARS IN
42 EITHER OF THE TWO POLITICAL PARTIES THAT CONTAIN THE LARGEST OR SECOND
43 LARGEST NUMBER OF ENROLLED VOTERS WITHIN THE STATE;

44 (6) ONE MEMBER SHALL BE DESIGNATED CHAIR OF THE COMMISSION BY A MAJOR-
45 ITY OF THE MEMBERS APPOINTED PURSUANT TO PARAGRAPHS (1) THROUGH (5) OF
46 THIS SUBDIVISION TO CONVENE AND PRESIDE OVER EACH MEETING OF THE COMMIS-
47 SION.

48 (B) THE MEMBERS OF THE INDEPENDENT REDISTRICTING COMMISSION SHALL BE
49 REGISTERED VOTERS IN THIS STATE. NO MEMBER SHALL WITHIN THE LAST THREE
50 YEARS:

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

53 (2) BE OR HAVE BEEN A STATE OFFICER OR EMPLOYEE OR LEGISLATIVE EMPLOY-
54 EE AS DEFINED IN SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW;

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

1 (4) BE OR HAVE BEEN A POLITICAL PARTY CHAIRMAN, AS DEFINED IN PARA-
2 GRAPH (K) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC
3 OFFICERS LAW;

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

6 (C) TO THE EXTENT PRACTICABLE, THE MEMBERS OF THE INDEPENDENT REDIS-
7 TRICTING COMMISSION SHALL REFLECT THE DIVERSITY OF THE RESIDENTS OF THIS
8 STATE WITH REGARD TO RACE, ETHNICITY, GENDER, LANGUAGE, AND GEOGRAPHIC
9 RESIDENCE AND TO THE EXTENT PRACTICABLE THE APPOINTING AUTHORITIES SHALL
10 CONSULT WITH ORGANIZATIONS DEVOTED TO PROTECTING THE VOTING RIGHTS OF
11 MINORITY AND OTHER VOTERS CONCERNING POTENTIAL APPOINTEES TO THE COMMIS-
12 SION.

13 (D) VACANCIES IN THE MEMBERSHIP OF THE COMMISSION SHALL BE FILLED
14 WITHIN THIRTY DAYS IN THE MANNER PROVIDED FOR IN THE ORIGINAL APPOINT-
15 MENTS.

16 (E) THE LEGISLATURE SHALL PROVIDE BY LAW FOR THE COMPENSATION OF THE
17 MEMBERS OF THE INDEPENDENT REDISTRICTING COMMISSION, INCLUDING COMPEN-
18 SATION FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF
19 THEIR DUTIES.

20 (F) A MINIMUM OF FIVE MEMBERS OF THE INDEPENDENT REDISTRICTING COMMIS-
21 SION SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS OR
22 THE EXERCISE OF ANY POWER OF SUCH COMMISSION PRIOR TO THE APPOINTMENT OF
23 THE TWO COMMISSION MEMBERS APPOINTED PURSUANT TO PARAGRAPH (5) OF SUBDI-
24 VISION (A) OF THIS SECTION, AND A MINIMUM OF SEVEN MEMBERS SHALL CONSTI-
25 TUTE A QUORUM AFTER SUCH MEMBERS HAVE BEEN APPOINTED, AND NO EXERCISE OF
26 ANY POWER OF THE INDEPENDENT REDISTRICTING COMMISSION SHALL OCCUR WITH-
27 OUT THE AFFIRMATIVE VOTE OF AT LEAST A MAJORITY OF THE MEMBERS, PROVIDED
28 THAT, IN ORDER TO APPROVE ANY REDISTRICTING PLAN AND IMPLEMENTING LEGIS-
29 LATION, THE FOLLOWING RULES SHALL APPLY:

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

36 (2) IN THE EVENT THAT THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY
37 PRESIDENT OF THE SENATE ARE MEMBERS OF TWO DIFFERENT POLITICAL PARTIES,
38 APPROVAL OF A REDISTRICTING PLAN BY THE COMMISSION FOR SUBMISSION TO THE
39 LEGISLATURE SHALL REQUIRE THE VOTE IN SUPPORT OF ITS APPROVAL BY AT
40 LEAST SEVEN MEMBERS INCLUDING AT LEAST ONE MEMBER APPOINTED BY THE
41 SPEAKER OF THE ASSEMBLY AND ONE MEMBER APPOINTED BY THE TEMPORARY PRESI-
42 DENT OF THE SENATE.

43 (G) IN THE EVENT THAT THE COMMISSION IS UNABLE TO OBTAIN SEVEN VOTES
44 TO APPROVE A REDISTRICTING PLAN ON OR BEFORE JANUARY FIRST IN THE YEAR
45 ENDING IN TWO OR AS SOON AS PRACTICABLE THEREAFTER, THE COMMISSION SHALL
46 SUBMIT TO THE LEGISLATURE THAT REDISTRICTING PLAN AND IMPLEMENTING
47 LEGISLATION THAT GARNERED THE HIGHEST NUMBER OF VOTES IN SUPPORT OF ITS
48 APPROVAL BY THE COMMISSION WITH A RECORD OF THE VOTES TAKEN. IN THE
49 EVENT THAT MORE THAN ONE PLAN RECEIVED THE SAME NUMBER OF VOTES FOR
50 APPROVAL, AND SUCH NUMBER WAS HIGHER THAN THAT FOR ANY OTHER PLAN, THEN
51 THE COMMISSION SHALL SUBMIT ALL PLANS THAT OBTAINED SUCH NUMBER OF
52 VOTES. THE LEGISLATURE SHALL CONSIDER AND VOTE UPON SUCH IMPLEMENTING
53 LEGISLATION IN ACCORDANCE WITH THE VOTING RULES SET FORTH IN SUBDIVISION
54 (B) OF SECTION FOUR OF THIS ARTICLE.

(H) (1) THE INDEPENDENT REDISTRICTING COMMISSION SHALL APPOINT TWO CO-EXECUTIVE DIRECTORS BY A MAJORITY VOTE OF THE COMMISSION IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

(I) IN THE EVENT THAT 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.

(II) 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.

(2) 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.

(3) IN THE EVENT THAT THE COMMISSION IS UNABLE TO APPOINT ONE OR BOTH OF THE CO-EXECUTIVE DIRECTORS WITHIN FORTY-FIVE DAYS OF THE ESTABLISHMENT OF A QUORUM OF SEVEN COMMISSIONERS, THE FOLLOWING PROCEDURE SHALL BE FOLLOWED:

(I) 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.

(II) 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.

(4) 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.

(I) 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 2. Resolved (if the Senate concur), That the foregoing amendments be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in

1 conformity with section 1 of article 19 of the constitution, be
2 published for 3 months previous to the time of such election.