

717

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to the constitution, in relation to the establishment of state legislative and congressional districts and repealing sections 3, 4, 5 and 5-a of article 3 of the constitution relating thereto

1     Section 1. RESOLVED (if the Assembly concur), That sections 3, 4, 5  
2 and 5-a of article 3 of the constitution be REPEALED and four new  
3 sections 3, 4, 4-a and 5 are added to read as follows:  
4     S 3. A. THERE SHALL BE A DISTRICTING COMMISSION TO DRAW SENATE, ASSEM-  
5 BLY AND CONGRESSIONAL DISTRICTS, SO THAT ALL THE PEOPLE OF NEW YORK MAY  
6 BE FAIRLY REPRESENTED. THE DISTRICTING COMMISSION SHALL CONSIST OF FIVE  
7 MEMBERS. EACH MEMBER OF THE DISTRICTING COMMISSION SHALL BE A REGISTERED  
8 VOTER IN THE STATE OF NEW YORK, AND, AT THE TIME OF APPOINTMENT, SHALL  
9 HAVE BEEN A RESIDENT OF THE STATE OF NEW YORK FOR FIVE YEARS. NO MEMBER  
10 OF THE DISTRICTING COMMISSION SHALL BE, OR SHALL HAVE BEEN (1) IN THE  
11 TWO YEARS PRIOR TO APPOINTMENT, A MEMBER OR EMPLOYEE OF CONGRESS, THE  
12 SENATE OR ASSEMBLY OR A POLITICAL PARTY CHAIR; (2) A HOLDER OF PARTISAN  
13 PUBLIC OFFICE OR POLITICAL PUBLIC OFFICE; (3) A RELATIVE OF ANY PERSON  
14 SET FORTH IN CLAUSE (1) OR (2) TO THE THIRD DEGREE OF CONSANGUINITY; OR  
15 (4) A SPOUSE OF ANY PERSON SET FORTH IN CLAUSE (1), (2) OR (3). NO  
16 MEMBER OF THE DISTRICTING COMMISSION SHALL BE A LOBBYIST AT THE TIME OF  
17 HIS OR HER MEMBERSHIP. THE TEMPORARY PRESIDENT OF THE SENATE, THE  
18 MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE  
19 MINORITY LEADER OF THE ASSEMBLY SHALL EACH APPOINT ONE MEMBER OF THE  
20 DISTRICTING COMMISSION AND THE FOUR NEWLY APPOINTED MEMBERS SHALL  
21 APPOINT A FIFTH MEMBER TO BE THE CHAIRMAN OF THE COMMISSION, AND MUST  
22 HAVE THE USE OF THREE OUT OF FOUR MEMBERS. IF A SEAT ON THE COMMISSION  
23 SHALL FALL VACANT, A REPLACEMENT SHALL BE SELECTED IN THE SAME MANNER BY  
24 WHICH THE MEMBER WHO PREVIOUSLY FILLED THE SEAT WAS SELECTED. APPOINT-

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

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1 ING AUTHORITIES SHALL GIVE DUE CONSIDERATION TO REFLECTING THE GEOGRAPH-  
2 IC, ETHNIC, AND RACIAL DIVERSITY OF THE STATE IN APPOINTMENTS TO THE  
3 COMMISSION. INITIAL APPOINTMENTS TO THE COMMISSION SHALL BE MADE AS SOON  
4 AS PRACTICABLE FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION. EACH  
5 MEMBER OF THE COMMISSION SHALL HAVE A TERM OF TEN YEARS EXCEPT THAT THE  
6 TERMS OF ALL MEMBERS SHALL TERMINATE ON THE FIRST DAY OF APRIL OF THE  
7 YEAR PRECEDING THE YEAR IN WHICH THE FEDERAL DECENNIAL CENSUS IS TAKEN.  
8 THE MEMBERS SHALL BE REMOVABLE ONLY FOR CAUSE, INCLUDING CRIMINAL  
9 CONVICTION OR SERIOUS MISCONDUCT RELATED TO HIS OR HER OFFICIAL DUTIES,  
10 IN AN ACTION BROUGHT BY THE ATTORNEY GENERAL, OVER WHICH THE COURT OF  
11 APPEALS SHALL HAVE SOLE AND EXCLUSIVE JURISDICTION.

12 B. SENATE AND ASSEMBLY DISTRICTS SHALL BE ESTABLISHED ON THE BASIS OF  
13 POPULATION. SENATE AND ASSEMBLY DISTRICTS, RESPECTIVELY, SHALL EACH  
14 HAVE A POPULATION AS NEARLY EQUAL AS PRACTICABLE TO THE IDEAL POPULATION  
15 FOR SUCH DISTRICTS, DETERMINED BY DIVIDING THE NUMBER OF DISTRICTS TO BE  
16 ESTABLISHED INTO THE POPULATION OF THE STATE REPORTED IN THE FEDERAL  
17 DECENNIAL CENSUS. SENATE DISTRICTS AND ASSEMBLY DISTRICTS SHALL NOT VARY  
18 IN POPULATION FROM THE RESPECTIVE IDEAL DISTRICT POPULATIONS EXCEPT AS  
19 NECESSARY TO COMPLY WITH ONE OF THE OTHER STANDARDS ENUMERATED IN THIS  
20 SECTION. IN NO CASE SHALL THE QUOTIENT, OBTAINED BY DIVIDING THE TOTAL  
21 OF THE ABSOLUTE VALUES OF THE DEVIATIONS OF ALL DISTRICT POPULATIONS  
22 FROM THE APPLICABLE IDEAL DISTRICT POPULATION BY THE NUMBER OF DISTRICTS  
23 ESTABLISHED, EXCEED ONE PERCENT OF THE APPLICABLE IDEAL DISTRICT POPU-  
24 LATION. NO SENATE DISTRICT SHALL HAVE A POPULATION WHICH EXCEEDS THAT OF  
25 ANY OTHER SENATE DISTRICT BY MORE THAN FIVE PERCENT, AND NO ASSEMBLY  
26 DISTRICT SHALL HAVE A POPULATION WHICH EXCEEDS THAT OF ANY OTHER ASSEM-  
27 BLY DISTRICT BY MORE THAN FIVE PERCENT.

28 C. TO THE EXTENT CONSISTENT WITH SUBDIVISION B OF THIS SECTION,  
29 DISTRICT BOUNDARIES SHALL COINCIDE WITH THE BOUNDARIES OF POLITICAL  
30 SUBDIVISIONS OF THE STATE. THE NUMBER OF COUNTIES AND CITIES DIVIDED  
31 AMONG MORE THAN ONE DISTRICT SHALL BE AS SMALL AS POSSIBLE. WHEN THERE  
32 IS A CHOICE BETWEEN DIVIDING LOCAL POLITICAL SUBDIVISIONS, THE MORE  
33 POPULOUS SUBDIVISIONS SHALL BE DIVIDED BEFORE THE LESS POPULOUS, BUT  
34 THIS STATEMENT DOES NOT APPLY TO A SENATE OR ASSEMBLY DISTRICT BOUNDARY  
35 DRAWN ALONG A COUNTY LINE WHICH PASSES THROUGH A CITY THAT LIES IN MORE  
36 THAN ONE COUNTY.

37 D. DISTRICTS SHALL BE COMPOSED OF CONVENIENT CONTIGUOUS TERRITORY.  
38 AREAS WHICH MEET ONLY AT THE POINTS OF ADJOINING CORNERS ARE NOT CONTIG-  
39 UOUS.

40 E. DISTRICTS SHALL BE REASONABLY COMPACT IN FORM, TO THE EXTENT  
41 CONSISTENT WITH THE STANDARDS ESTABLISHED BY SUBDIVISIONS B, C, AND D OF  
42 THIS SECTION. IN GENERAL, REASONABLY COMPACT DISTRICTS ARE THOSE WHICH  
43 ARE SQUARE, RECTANGULAR, OR HEXAGONAL IN SHAPE, AND NOT IRREGULARLY  
44 SHAPED, TO THE EXTENT PERMITTED BY NATURAL OR POLITICAL BOUNDARIES. IF  
45 IT IS NECESSARY TO COMPARE THE RELATIVE COMPACTNESS OF TWO OR MORE  
46 DISTRICTS, OR OF TWO OR MORE ALTERNATIVE DISTRICTING PLANS, THE TESTS  
47 PRESCRIBED BY THIS SUBDIVISION AND SECTION FIVE OF THIS ARTICLE SHALL BE  
48 USED.

49 1. LENGTH-WIDTH COMPACTNESS. THE COMPACTNESS OF A DISTRICT IS GREATEST  
50 WHEN THE LENGTH OF THE DISTRICT AND THE WIDTH OF THE DISTRICT ARE EQUAL.  
51 THE MEASURE OF A DISTRICT'S COMPACTNESS IS THE ABSOLUTE VALUE OF THE  
52 DIFFERENCE BETWEEN THE LENGTH AND THE WIDTH OF THE DISTRICT. IN GENERAL,  
53 THE LENGTH-WIDTH COMPACTNESS OF A DISTRICT IS CALCULATED BY MEASURING  
54 THE DISTANCE FROM THE NORTHERNMOST POINT OR PORTION OF THE BOUNDARY OF A  
55 DISTRICT TO THE SOUTHERNMOST POINT OR PORTION OF THE BOUNDARY OF THE  
56 SAME DISTRICT AND THE DISTANCE FROM THE WESTERNMOST POINT OR PORTION OF

1 THE BOUNDARY OF THE DISTRICT TO THE EASTERNMOST POINT OR PORTION OF THE  
2 BOUNDARY OF THE SAME DISTRICT. THE ABSOLUTE VALUES COMPUTED FOR INDIVID-  
3 UAL DISTRICTS UNDER THIS PARAGRAPH MAY BE CUMULATED FOR ALL DISTRICTS IN  
4 A PLAN IN ORDER TO COMPARE THE OVERALL COMPACTNESS OF TWO OR MORE ALTER-  
5 NATIVE DISTRICTING PLANS FOR THE STATE, OR FOR A PORTION OF THE STATE.

6 2. PERIMETER COMPACTNESS. THE COMPACTNESS OF A DISTRICT IS GREATEST  
7 WHEN THE DISTANCE NEEDED TO TRAVERSE THE PERIMETER BOUNDARY OF A  
8 DISTRICT IS AS SHORT AS POSSIBLE. THE TOTAL PERIMETER DISTANCE COMPUTED  
9 FOR INDIVIDUAL DISTRICTS UNDER THIS PARAGRAPH MAY BE CUMULATED FOR ALL  
10 DISTRICTS IN A PLAN IN ORDER TO COMPARE THE OVERALL COMPACTNESS OF TWO  
11 OR MORE ALTERNATIVE DISTRICTING PLANS FOR THE STATE, OR FOR A PORTION OF  
12 THE STATE.

13 F. NO DISTRICT SHALL BE DRAWN FOR THE PURPOSE OF FAVORING A POLITICAL  
14 PARTY, INCUMBENT LEGISLATOR OR MEMBER OF CONGRESS, OR OTHER PERSON OR  
15 GROUP, OR FOR THE PURPOSE OF AUGMENTING OR DILUTING THE VOTING STRENGTH  
16 OF A LANGUAGE OR RACIAL MINORITY GROUP. IN ESTABLISHING DISTRICTS, NO  
17 USE SHALL BE MADE OF ANY OF THE FOLLOWING DATA:

18 1. ADDRESSES OF INCUMBENT LEGISLATORS OR MEMBERS OF CONGRESS.

19 2. POLITICAL AFFILIATIONS OF REGISTERED VOTERS.

20 3. PREVIOUS ELECTION RESULTS.

21 4. DEMOGRAPHIC INFORMATION, OTHER THAN POPULATION HEAD COUNTS, EXCEPT  
22 AS REQUIRED BY THE CONSTITUTION AND THE LAWS OF THE UNITED STATES.

23 G. IN ORDER TO MINIMIZE ELECTORAL CONFUSION AND TO FACILITATE COMMUNI-  
24 CATION WITHIN STATE SENATE AND ASSEMBLY DISTRICTS, EACH PLAN DRAWN UNDER  
25 THIS SECTION SHALL PROVIDE THAT EACH ASSEMBLY DISTRICT IS WHOLLY  
26 INCLUDED WITHIN A SINGLE SENATE DISTRICT AND THAT, SO FAR AS POSSIBLE,  
27 EACH ASSEMBLY AND EACH SENATE DISTRICT SHALL BE INCLUDED WITHIN A SINGLE  
28 CONGRESSIONAL DISTRICT. HOWEVER, THE STANDARDS ESTABLISHED BY SUBDIVI-  
29 SIONS B THROUGH F OF THIS SECTION SHALL TAKE PRECEDENCE WHERE A CONFLICT  
30 ARISES BETWEEN THESE STANDARDS AND THE REQUIREMENT, SO FAR AS POSSIBLE,  
31 OF INCLUDING A SENATE OR ASSEMBLY DISTRICT WITHIN A SINGLE CONGRESSIONAL  
32 DISTRICT.

33 H. EACH BILL EMBODYING A PLAN DRAWN UNDER THIS SECTION SHALL PROVIDE  
34 THAT ANY VACANCY IN THE SENATE OR ASSEMBLY WHICH TAKES OFFICE IN THE  
35 YEAR ENDING IN ONE, OCCURRING AT A TIME WHICH MAKES IT NECESSARY TO FILL  
36 THE VACANCY AT A SPECIAL ELECTION, SHALL BE FILLED FROM THE SAME  
37 DISTRICT WHICH ELECTED THE SENATOR OR MEMBER OF ASSEMBLY WHOSE SEAT IS  
38 VACANT.

39 S 4. THE SENATE, ASSEMBLY AND CONGRESSIONAL DISTRICTS SHALL, AT THE  
40 SUIT OF ANY CITIZEN, BE SUBJECT TO REVIEW BY THE COURT OF APPEALS, WHICH  
41 SHALL HAVE ORIGINAL AND EXCLUSIVE JURISDICTION OVER ANY SUCH SUIT; AND  
42 SAID COURT SHALL GIVE PRECEDENCE THERETO OVER ALL OTHER CAUSES AND  
43 PROCEEDINGS, AND IF SAID COURT BE NOT IN SESSION IT SHALL CONVENE  
44 PROMPTLY FOR THE DISPOSITION OF THE SAME. THE COURT OF APPEALS SHALL  
45 HAVE AUTHORITY TO APPOINT REFEREES, TO ENGAGE THE ASSISTANCE OF EXPERTS,  
46 AND TO COMPEL THE ASSISTANCE OF THE DISTRICTING COMMISSION AND ITS  
47 STAFF, AS IT MAY DEEM NECESSARY TO THE DISPOSITION OF A SUIT BROUGHT  
48 UNDER THIS SECTION. IF THE DISTRICTING COMMISSION SHALL FAIL TO ESTAB-  
49 LISH SENATE, ASSEMBLY OR CONGRESSIONAL DISTRICTS BY THE LAST DAY OF  
50 JANUARY OF THE SECOND YEAR FOLLOWING THE YEAR IN WHICH THE FEDERAL  
51 DECENNIAL CENSUS IS TAKEN, OR IF THE COURT OF APPEALS FINDS THE ESTAB-  
52 LISHMENT OR ALTERATION OF ANY SUCH DISTRICTS TO VIOLATE ANY PROVISION OF  
53 THIS ARTICLE, OR OF THE CONSTITUTION AND LAWS OF THE UNITED STATES, THE  
54 COURT SHALL ORDER THE COMMISSION TO ESTABLISH SUCH DISTRICTS OR MAKE  
55 SUCH ALTERATIONS AS NECESSARY TO PROVIDE A REMEDY, WITHIN SUCH TIME AS

1 THE COURT MAY REQUIRE, OR SHALL ITSELF ESTABLISH SUCH DISTRICTS OR MAKE  
2 SUCH ALTERATIONS AS THE COURT DEEMS NECESSARY.

3 S 4-A. A. (1) NOT LATER THAN APRIL FIRST OF EACH YEAR ENDING IN ONE,  
4 THE LEGISLATIVE SERVICES AGENCY SHALL DELIVER TO THE TEMPORARY PRESIDENT  
5 OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY IDENTICAL BILLS EMBODYING  
6 A PLAN OF SENATE AND ASSEMBLY AND CONGRESSIONAL DISTRICTING PREPARED IN  
7 ACCORDANCE WITH SECTION THREE OF THIS ARTICLE. IT IS THE INTENT OF THIS  
8 SECTION THAT THE LEGISLATURE SHALL BRING THE BILL TO A VOTE IN EITHER  
9 THE SENATE OR THE ASSEMBLY EXPEDITIOUSLY, BUT NOT LESS THAN THREE DAYS  
10 AFTER THE REPORT OF THE COMMISSION REQUIRED BY SECTION THREE OF THIS  
11 ARTICLE IS RECEIVED AND MADE AVAILABLE TO THE MEMBERS OF THE SENATE AND  
12 ASSEMBLY, UNDER A PROCEDURE OR RULE PERMITTING NO AMENDMENTS EXCEPT  
13 THOSE OF A PURELY CORRECTIVE NATURE. IT IS FURTHER THE INTENT OF THIS  
14 SECTION THAT IF THE BILL IS APPROVED BY THE FIRST HOUSE IN WHICH IT IS  
15 CONSIDERED, IT SHALL EXPEDITIOUSLY BE BROUGHT TO A VOTE IN THE SECOND  
16 HOUSE UNDER A SIMILAR PROCEDURE OR RULE. IF THE BILL EMBODYING THE PLAN  
17 SUBMITTED BY THE NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
18 RESEARCH AND REAPPORTIONMENT UNDER THIS SECTION FAILS TO BE APPROVED BY  
19 A CONSTITUTIONAL MAJORITY IN EITHER THE SENATE OR THE ASSEMBLY, THE  
20 TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, AS THE  
21 CASE MAY BE, SHALL AT ONCE, BUT IN NO EVENT LATER THAN SEVEN DAYS AFTER  
22 THE DATE THE BILL FAILED TO BE APPROVED, TRANSMIT TO THE NEW YORK STATE  
23 TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT INFORMATION WHICH  
24 THE SENATE OR ASSEMBLY MAY DIRECT BY RESOLUTION REGARDING REASONS WHY  
25 THE PLAN WAS NOT APPROVED.

26 (2) HOWEVER, IF THE POPULATION DATA FOR LEGISLATIVE DISTRICTING WHICH  
27 THE UNITED STATES CENSUS BUREAU IS REQUIRED TO PROVIDE THIS STATE UNDER  
28 PUB. L. NO. 94-171 AND, IF USED BY THE NEW YORK STATE LEGISLATIVE TASK  
29 FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT, THE CORRESPONDING  
30 TOPOLOGICALLY INTEGRATED GEOGRAPHIC ENCODING AND REFERENCING DATA FILE  
31 FOR THAT POPULATION DATA ARE NOT AVAILABLE TO THE NEW YORK STATE LEGIS-  
32 LATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT ON OR  
33 BEFORE FEBRUARY FIFTEENTH OF THE YEAR ENDING IN ONE, THE DATES SET FORTH  
34 IN THIS SECTION SHALL BE EXTENDED BY A NUMBER OF DAYS EQUAL TO THE  
35 NUMBER OF DAYS AFTER FEBRUARY FIFTEENTH OF THE YEAR ENDING IN ONE THAT  
36 THE FEDERAL CENSUS POPULATION DATA AND THE TOPOLOGICALLY INTEGRATED  
37 GEOGRAPHIC ENCODING AND REFERENCING DATA FILE FOR LEGISLATIVE DISTRICT-  
38 ING BECOME AVAILABLE.

39 B. IF THE BILL EMBODYING THE PLAN SUBMITTED BY THE NEW YORK STATE  
40 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT UNDER  
41 PARAGRAPH ONE OF SUBDIVISION A OF THIS SECTION FAILS TO BE ENACTED, THE  
42 NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAP-  
43 PORTIONMENT SHALL PREPARE A BILL EMBODYING A SECOND PLAN OF SENATE,  
44 ASSEMBLY AND CONGRESSIONAL DISTRICTING. THE BILL SHALL BE PREPARED IN  
45 ACCORDANCE WITH SECTION THREE OF THIS ARTICLE, AND, INsofar AS IT IS  
46 POSSIBLE TO DO SO WITHIN THE REQUIREMENTS OF SUCH SECTION THREE, WITH  
47 THE REASONS CITED BY THE SENATE OR ASSEMBLY BY RESOLUTION, OR THE GOVER-  
48 NOR BY VETO MESSAGE, FOR THE FAILURE TO APPROVE THE PLAN. IF A SECOND  
49 PLAN IS REQUIRED UNDER THIS SUBDIVISION, THE BILL EMBODYING IT SHALL BE  
50 DELIVERED TO THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF  
51 THE ASSEMBLY NOT LATER THAN THIRTY-FIVE DAYS AFTER THE DATE OF THE VOTE  
52 BY WHICH THE SENATE OR THE ASSEMBLY FAILS TO APPROVE THE BILL SUBMITTED  
53 UNDER SUBDIVISION A OF THIS SECTION, OR THE DATE THE GOVERNOR VETOES OR  
54 FAILS TO APPROVE THE BILL. IF IT IS NECESSARY TO SUBMIT A BILL UNDER  
55 THIS SUBDIVISION, THE BILL SHALL BE BROUGHT TO A VOTE NOT LESS THAN  
56 SEVEN DAYS AFTER THE BILL IS SUBMITTED AND MADE AVAILABLE TO THE MEMBERS

1 OF THE SENATE AND ASSEMBLY, UNDER A PROCEDURE OR RULE PERMITTING NO  
2 AMENDMENTS EXCEPT THOSE OF A PURELY CORRECTIVE NATURE. IT IS FURTHER THE  
3 INTENT OF THIS SECTION THAT IF THE BILL IS APPROVED BY THE FIRST HOUSE  
4 IN WHICH IT IS CONSIDERED, IT SHALL EXPEDITIOUSLY BE BROUGHT TO A VOTE  
5 IN THE SECOND HOUSE UNDER A SIMILAR PROCEDURE OR RULE. IF THE BILL  
6 EMBODYING THE PLAN SUBMITTED BY THE NEW YORK STATE LEGISLATIVE TASK  
7 FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT UNDER THIS SUBDIVISION  
8 FAILS TO BE APPROVED BY A CONSTITUTIONAL MAJORITY IN EITHER THE SENATE  
9 OR THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE OR SPEAKER OF THE  
10 ASSEMBLY, AS THE CASE MAY BE, SHALL TRANSMIT TO THE NEW YORK STATE  
11 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT  
12 INFORMATION WHICH THE SENATE OR ASSEMBLY MAY DIRECT BY RESOLUTION  
13 REGARDING REASONS WHY THE PLAN WAS NOT APPROVED IN THE SAME MANNER AS  
14 DESCRIBED IN SUBDIVISION A OF THIS SECTION.

15 C. IF THE BILL EMBODYING THE PLAN SUBMITTED BY THE NEW YORK STATE  
16 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT UNDER  
17 SUBDIVISION B OF THIS SECTION FAILS TO BE ENACTED, THE SAME PROCEDURE AS  
18 PRESCRIBED BY SUBDIVISION B OF THIS SECTION SHALL BE FOLLOWED. IF A  
19 THIRD PLAN IS REQUIRED UNDER THIS SUBDIVISION, THE BILL EMBODYING IT  
20 SHALL BE DELIVERED TO THE TEMPORARY PRESIDENT OF THE SENATE AND THE  
21 SPEAKER OF THE ASSEMBLY NOT LATER THAN THIRTY-FIVE DAYS AFTER THE DATE  
22 OF THE VOTE BY WHICH THE SENATE OR ASSEMBLY FAILS TO APPROVE THE BILL  
23 SUBMITTED UNDER SUBDIVISION B OF THIS SECTION, OR THE DATE THE GOVERNOR  
24 VETOES OR FAILS TO APPROVE THE BILL. THE NEW YORK STATE LEGISLATIVE TASK  
25 FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT SHALL SUBMIT A BILL  
26 UNDER THIS SUBDIVISION SUFFICIENTLY IN ADVANCE OF SEPTEMBER FIRST OF THE  
27 YEAR ENDING IN ONE TO PERMIT THE SENATE AND ASSEMBLY TO CONSIDER THE  
28 PLAN PRIOR TO THAT DATE. IF IT IS NECESSARY TO SUBMIT A BILL UNDER THIS  
29 SUBDIVISION, THE BILL SHALL BE BROUGHT TO A VOTE WITHIN THE SAME TIME  
30 PERIOD AFTER ITS DELIVERY TO THE TEMPORARY PRESIDENT OF THE SENATE AND  
31 THE SPEAKER OF THE ASSEMBLY AS IS PRESCRIBED FOR THE BILL SUBMITTED  
32 UNDER SUBDIVISION B OF THIS SECTION BUT SHALL BE SUBJECT TO AMENDMENT IN  
33 THE SAME MANNER AS OTHER BILLS.

34 S 5. CONGRESSIONAL DISTRICTS SHALL BE ESTABLISHED ON THE BASIS OF  
35 POPULATION. A. ALL CONGRESSIONAL DISTRICTS SHALL BE AS NEARLY EQUAL IN  
36 POPULATION AS IS PRACTICABLE TO THE IDEAL DISTRICT POPULATION, DERIVED  
37 IN SUBDIVISION B OF SECTION THREE OF THIS ARTICLE.

38 B. NO CONGRESSIONAL DISTRICT SHALL HAVE A POPULATION WHICH VARIES BY  
39 MORE THAN ONE PERCENT FROM THE APPLICABLE IDEAL DISTRICT POPULATION.

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