

2086

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. SILVER, WEINSTEIN, ENGLEBRIGHT, CUSICK -- Multi-Sponsored by -- M. of A. GALEF, MILLER, MONTESANO, MORELLE, SCHIMEL, WEPRIN, ZEBROWSKI -- 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

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

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

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

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

1 IF EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION IMPLEMENTING THE  
2 FIRST REDISTRICTING PLAN, OR THE GOVERNOR SHALL VETO SUCH LEGISLATION  
3 AND THE LEGISLATURE SHALL FAIL TO OVERRIDE SUCH VETO, EACH HOUSE OR THE  
4 GOVERNOR IF HE OR SHE VETOES IT, SHALL NOTIFY THE COMMISSION THAT SUCH  
5 LEGISLATION HAS BEEN DISAPPROVED. WITHIN FIFTEEN DAYS OF SUCH NOTIFICA-  
6 TION AND IN NO CASE LATER THAN FEBRUARY TWENTY-EIGHTH, THE REDISTRICTING  
7 COMMISSION SHALL PREPARE AND SUBMIT TO THE LEGISLATURE A SECOND REDIS-  
8 TRICTING PLAN AND THE NECESSARY IMPLEMENTING LEGISLATION FOR SUCH PLAN.  
9 SUCH LEGISLATION SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY THE SENATE  
10 OR THE ASSEMBLY AND, IF APPROVED BY THE FIRST HOUSE VOTING UPON IT, SUCH  
11 LEGISLATION SHALL BE DELIVERED TO THE OTHER HOUSE IMMEDIATELY TO BE  
12 VOTED UPON WITHOUT AMENDMENT. IF APPROVED BY BOTH HOUSES, SUCH LEGIS-  
13 LATION SHALL BE PRESENTED TO THE GOVERNOR FOR ACTION.

14 IF EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION IMPLEMENTING THE  
15 SECOND REDISTRICTING PLAN, OR THE GOVERNOR SHALL VETO SUCH LEGISLATION  
16 AND THE LEGISLATURE SHALL FAIL TO OVERRIDE SUCH VETO, EACH HOUSE SHALL  
17 INTRODUCE SUCH IMPLEMENTING LEGISLATION WITH ANY AMENDMENTS EACH HOUSE  
18 OF THE LEGISLATURE DEEMS NECESSARY. ALL SUCH AMENDMENTS SHALL COMPLY  
19 WITH THE PROVISIONS OF THIS ARTICLE. IF APPROVED BY BOTH HOUSES, SUCH  
20 LEGISLATION SHALL BE PRESENTED TO THE GOVERNOR FOR ACTION.

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

24 (1) IN THE EVENT THAT THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY  
25 PRESIDENT OF THE SENATE ARE MEMBERS OF TWO DIFFERENT POLITICAL PARTIES,  
26 APPROVAL OF LEGISLATION SUBMITTED BY THE INDEPENDENT REDISTRICTING  
27 COMMISSION PURSUANT TO SUBDIVISION (F) OF SECTION FIVE-B OF THIS ARTICLE  
28 SHALL REQUIRE THE VOTE IN SUPPORT OF ITS PASSAGE BY AT LEAST A MAJORITY  
29 OF THE MEMBERS ELECTED TO EACH HOUSE.

30 (2) IN THE EVENT THAT THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY  
31 PRESIDENT OF THE SENATE ARE MEMBERS OF TWO DIFFERENT POLITICAL PARTIES,  
32 APPROVAL OF LEGISLATION SUBMITTED BY THE INDEPENDENT REDISTRICTING  
33 COMMISSION PURSUANT TO SUBDIVISION (G) OF SECTION FIVE-B OF THIS ARTICLE  
34 SHALL REQUIRE THE VOTE IN SUPPORT OF ITS PASSAGE BY AT LEAST SIXTY  
35 PERCENT OF THE MEMBERS ELECTED TO EACH HOUSE.

36 (3) IN THE EVENT THAT THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY  
37 PRESIDENT OF THE SENATE ARE MEMBERS OF THE SAME POLITICAL PARTY,  
38 APPROVAL OF LEGISLATION SUBMITTED BY THE INDEPENDENT REDISTRICTING  
39 COMMISSION PURSUANT TO SUBDIVISION (F) OR (G) OF SECTION FIVE-B OF THIS  
40 ARTICLE SHALL REQUIRE THE VOTE IN SUPPORT OF ITS PASSAGE BY AT LEAST  
41 TWO-THIRDS OF THE MEMBERS ELECTED TO EACH HOUSE.

42 (C) SUBJECT TO THE REQUIREMENTS OF THE FEDERAL CONSTITUTION AND STAT-  
43 UTES AND IN COMPLIANCE WITH STATE CONSTITUTIONAL REQUIREMENTS, THE  
44 FOLLOWING PRINCIPLES SHALL BE USED IN THE CREATION OF STATE SENATE AND  
45 STATE ASSEMBLY DISTRICTS AND CONGRESSIONAL DISTRICTS:

46 (1) WHEN DRAWING DISTRICT LINES, THE COMMISSION SHALL CONSIDER WHETHER  
47 SUCH LINES WOULD RESULT IN THE DENIAL OR ABRIDGEMENT OF RACIAL OR  
48 LANGUAGE MINORITY VOTING RIGHTS, AND DISTRICTS SHALL NOT BE DRAWN TO  
49 HAVE THE PURPOSE OF, NOR SHALL THEY RESULT IN, THE DENIAL OR ABRIDGEMENT  
50 OF SUCH RIGHTS. DISTRICTS SHALL BE DRAWN SO THAT, BASED ON THE TOTALITY  
51 OF THE CIRCUMSTANCES, RACIAL OR MINORITY LANGUAGE GROUPS DO NOT HAVE  
52 LESS OPPORTUNITY TO PARTICIPATE IN THE POLITICAL PROCESS THAN OTHER  
53 MEMBERS OF THE ELECTORATE AND TO ELECT REPRESENTATIVES OF THEIR CHOICE.

54 (2) TO THE EXTENT PRACTICABLE, DISTRICTS SHALL CONTAIN AS NEARLY AS  
55 MAY BE AN EQUAL NUMBER OF INHABITANTS. FOR EACH DISTRICT THAT DEVIATES

1 FROM THIS REQUIREMENT, THE COMMISSION SHALL PROVIDE A SPECIFIC PUBLIC  
2 EXPLANATION AS TO WHY SUCH DEVIATION EXISTS.

3 (3) EACH DISTRICT SHALL CONSIST OF CONTIGUOUS TERRITORY.

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

5 (5) DISTRICTS SHALL NOT BE DRAWN TO DISCOURAGE COMPETITION OR FOR THE  
6 PURPOSE OF FAVORING OR DISFAVORING INCUMBENTS OR OTHER PARTICULAR CANDI-  
7 DATES OR POLITICAL PARTIES. THE COMMISSION SHALL CONSIDER THE MAINTENANCE  
8 OF CORES OF EXISTING DISTRICTS, OF PRE-EXISTING POLITICAL SUBDIVI-  
9 SIONS, INCLUDING COUNTIES, CITIES, AND TOWNS, AND OF COMMUNITIES OF  
10 INTEREST.

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

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

36 (D) The ratio for apportioning senators shall always be obtained by  
37 dividing the number of inhabitants, excluding aliens, by fifty, and the  
38 senate shall always be composed of fifty members, except that if any  
39 county having three or more senators at the time of any apportionment  
40 shall be entitled on such ratio to an additional senator or senators,  
41 such additional senator or senators shall be given to such county in  
42 addition to the fifty senators, and the whole number of senators shall  
43 be increased to that extent.

44 The senate districts, including the present ones, as existing imme-  
45 diately before the enactment of a law readjusting or altering the senate  
46 districts, shall continue to be the senate districts of the state until  
47 the expirations of the terms of the senators then in office, except for  
48 the purpose of an election of senators for full terms beginning at such  
49 expirations, and for the formation of assembly districts.

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

55 A REAPPORTIONMENT PLAN AND THE DISTRICTS CONTAINED IN SUCH PLAN SHALL  
56 BE IN FORCE UNTIL THE EFFECTIVE DATE OF A PLAN BASED UPON THE SUBSEQUENT

1 FEDERAL DECENNIAL CENSUS TAKEN IN A YEAR ENDING IN ZERO UNLESS MODIFIED  
2 PURSUANT TO COURT ORDER.

3 S 5. The members of the assembly shall be chosen by single districts  
4 and shall be apportioned [by the legislature] PURSUANT TO THIS SECTION  
5 AND SECTIONS FOUR AND FIVE-B OF THIS ARTICLE at each regular session at  
6 which the senate districts are readjusted or altered, and by the same  
7 law, among the several counties of the state, as nearly as may be  
8 according to the number of their respective inhabitants, excluding  
9 aliens. Every county heretofore established and separately organized,  
10 except the county of Hamilton, shall always be entitled to one member of  
11 assembly, and no county shall hereafter be erected unless its population  
12 shall entitle it to a member. The county of Hamilton shall elect with  
13 the county of Fulton, until the population of the county of Hamilton  
14 shall, according to the ratio, entitle it to a member. But the legisla-  
15 ture may abolish the said county of Hamilton and annex the territory  
16 thereof to some other county or counties.

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

29 The assembly districts, including the present ones, as existing imme-  
30 diately before the enactment of a law making an apportionment of members  
31 of assembly among the counties, shall continue to be the assembly  
32 districts of the state until the expiration of the terms of members then  
33 in office, except for the purpose of an election of members of assembly  
34 for full terms beginning at such expirations.

35 In any county entitled to more than one member, the board of supervi-  
36 sors, and in any city embracing an entire county and having no board of  
37 supervisors, the common council, or if there be none, the body exercis-  
38 ing the powers of a common council, shall assemble at such times as the  
39 legislature making an apportionment shall prescribe, and divide such  
40 counties into assembly districts as nearly equal in number of inhabit-  
41 ants, excluding aliens, as may be, of convenient and contiguous territo-  
42 ry in as compact form as practicable, each of which shall be wholly  
43 within a senate district formed under the same apportionment, equal to  
44 the number of members of assembly to which such county shall be enti-  
45 tled, and shall cause to be filed in the office of the secretary of  
46 state and of the clerk of such county, a description of such districts,  
47 specifying the number of each district and of the inhabitants thereof,  
48 excluding aliens, according to the census or enumeration used as the  
49 population basis for the formation of such districts; and such appor-  
50 tionment and districts shall remain unaltered until after the next reap-  
51 portionment of members of assembly, except that the board of supervisors  
52 of any county containing a town having more than a ratio of apporportion-  
53 ment and one-half over may alter the assembly districts in a senate  
54 district containing such town at any time on or before March first,  
55 nineteen hundred forty-six. In counties having more than one senate  
56 district, the same number of assembly districts shall be put in each

1 senate district, unless the assembly districts cannot be evenly divided  
2 among the senate districts of any county, in which case one more assem-  
3 bly district shall be put in the senate district in such county having  
4 the largest, or one less assembly district shall be put in the senate  
5 district in such county having the smallest number of inhabitants,  
6 excluding aliens, as the case may require. [No town, except a town  
7 having more than a ratio of apportionment and one-half over, and no  
8 block in a city inclosed by streets or public ways, shall be divided in  
9 the formation of assembly districts, nor shall any districts contain a  
10 greater excess in population over an adjoining district in the same  
11 senate district, than the population of a town or block therein adjoin-  
12 ing such assembly district. Towns or blocks which, from their location  
13 may be included in either of two districts, shall be so placed as to  
14 make said districts most nearly equal in number of inhabitants, exclud-  
15 ing aliens.] Nothing in this section shall prevent the division, at any  
16 time, of counties and towns and the erection of new towns by the legis-  
17 lature.

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

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

38 (1) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
39 SENATE;

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

41 (3) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE  
42 SENATE;

43 (4) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE  
44 ASSEMBLY;

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

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

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

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

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

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

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

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

14 (C) TO THE EXTENT PRACTICABLE, THE MEMBERS OF THE INDEPENDENT REDIS-  
15 TRICTING COMMISSION SHALL REFLECT THE DIVERSITY OF THE RESIDENTS OF THIS  
16 STATE WITH REGARD TO RACE, ETHNICITY, GENDER, LANGUAGE, AND GEOGRAPHIC  
17 RESIDENCE AND TO THE EXTENT PRACTICABLE THE APPOINTING AUTHORITIES SHALL  
18 CONSULT WITH ORGANIZATIONS DEVOTED TO PROTECTING THE VOTING RIGHTS OF  
19 MINORITY AND OTHER VOTERS CONCERNING POTENTIAL APPOINTEES TO THE COMMIS-  
20 SION.

21 (D) VACANCIES IN THE MEMBERSHIP OF THE COMMISSION SHALL BE FILLED  
22 WITHIN THIRTY DAYS IN THE MANNER PROVIDED FOR IN THE ORIGINAL APPOINT-  
23 MENTS.

24 (E) THE LEGISLATURE SHALL PROVIDE BY LAW FOR THE COMPENSATION OF THE  
25 MEMBERS OF THE INDEPENDENT REDISTRICTING COMMISSION, INCLUDING COMPEN-  
26 SATION FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF  
27 THEIR DUTIES.

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

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

44 (2) IN THE EVENT THAT THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY  
45 PRESIDENT OF THE SENATE ARE MEMBERS OF TWO DIFFERENT POLITICAL PARTIES,  
46 APPROVAL OF A REDISTRICTING PLAN BY THE COMMISSION FOR SUBMISSION TO THE  
47 LEGISLATURE SHALL REQUIRE THE VOTE IN SUPPORT OF ITS APPROVAL BY AT  
48 LEAST SEVEN MEMBERS INCLUDING AT LEAST ONE MEMBER APPOINTED BY THE  
49 SPEAKER OF THE ASSEMBLY AND ONE MEMBER APPOINTED BY THE TEMPORARY PRESI-  
50 DENT OF THE SENATE.

51 (G) IN THE EVENT THAT THE COMMISSION IS UNABLE TO OBTAIN SEVEN VOTES  
52 TO APPROVE A REDISTRICTING PLAN ON OR BEFORE JANUARY FIRST IN THE YEAR  
53 ENDING IN TWO OR AS SOON AS PRACTICABLE THEREAFTER, THE COMMISSION SHALL  
54 SUBMIT TO THE LEGISLATURE THAT REDISTRICTING PLAN AND IMPLEMENTING  
55 LEGISLATION THAT GARNERED THE HIGHEST NUMBER OF VOTES IN SUPPORT OF ITS  
56 APPROVAL BY THE COMMISSION WITH A RECORD OF THE VOTES TAKEN. IN THE

1 EVENT THAT MORE THAN ONE PLAN RECEIVED THE SAME NUMBER OF VOTES FOR  
2 APPROVAL, AND SUCH NUMBER WAS HIGHER THAN THAT FOR ANY OTHER PLAN, THEN  
3 THE COMMISSION SHALL SUBMIT ALL PLANS THAT OBTAINED SUCH NUMBER OF  
4 VOTES. THE LEGISLATURE SHALL CONSIDER AND VOTE UPON SUCH IMPLEMENTING  
5 LEGISLATION IN ACCORDANCE WITH THE VOTING RULES SET FORTH IN SUBDIVISION  
6 (B) OF SECTION FOUR OF THIS ARTICLE.

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

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

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

20 (2) ONE OF THE CO-EXECUTIVE DIRECTORS SHALL BE ENROLLED IN THE POLI-  
21 TICAL PARTY WITH THE HIGHEST NUMBER OF ENROLLED MEMBERS IN THE STATE AND  
22 ONE SHALL BE ENROLLED IN THE POLITICAL PARTY WITH THE SECOND HIGHEST  
23 NUMBER OF ENROLLED MEMBERS IN THE STATE. THE CO-EXECUTIVE DIRECTORS  
24 SHALL APPOINT SUCH STAFF AS ARE NECESSARY TO PERFORM THE COMMISSION'S  
25 DUTIES, EXCEPT THAT THE COMMISSION SHALL REVIEW A STAFFING PLAN PREPARED  
26 AND PROVIDED BY THE CO-EXECUTIVE DIRECTORS WHICH SHALL CONTAIN A LIST OF  
27 THE VARIOUS POSITIONS AND THE DUTIES, QUALIFICATIONS, AND SALARIES ASSO-  
28 CIATED WITH EACH POSITION.

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

33 (I) 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 WITHIN TEN DAYS THE SPEAKER'S APPOINTEES ON THE COMMISSION SHALL APPOINT  
36 ONE CO-EXECUTIVE DIRECTOR, AND THE TEMPORARY PRESIDENT'S APPOINTEES ON  
37 THE COMMISSION SHALL APPOINT THE OTHER CO-EXECUTIVE DIRECTOR. ALSO WITH-  
38 IN TEN DAYS THE MINORITY LEADER OF THE ASSEMBLY SHALL SELECT A CO-DEPUTY  
39 EXECUTIVE DIRECTOR, AND THE MINORITY LEADER OF THE SENATE SHALL SELECT  
40 THE OTHER CO-DEPUTY EXECUTIVE DIRECTOR.

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

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

51 (I) THE STATE BUDGET SHALL INCLUDE NECESSARY APPROPRIATIONS FOR THE  
52 EXPENSES OF THE INDEPENDENT REDISTRICTING COMMISSION, PROVIDE FOR  
53 COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR THE MEMBERS AND STAFF OF  
54 THE COMMISSION, ASSIGN TO THE COMMISSION ANY ADDITIONAL DUTIES THAT THE  
55 LEGISLATURE MAY DEEM NECESSARY TO THE PERFORMANCE OF THE DUTIES STIPU-  
56 LATED IN THIS ARTICLE, AND REQUIRE OTHER AGENCIES AND OFFICIALS OF THE

1 STATE OF NEW YORK AND ITS POLITICAL SUBDIVISIONS TO PROVIDE SUCH INFOR-  
2 MATION AND ASSISTANCE AS THE COMMISSION MAY REQUIRE TO PERFORM ITS  
3 DUTIES.  
4 S 2. Resolved (if the Senate concur), That the foregoing amendment be  
5 submitted to the people for approval at the general election to be held  
6 in the year 2014 in accordance with the provisions of the election law.