

5905--A

2015-2016 Regular Sessions

I N A S S E M B L Y

March 6, 2015

Introduced by M. of A. CROUCH -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to sections 2 and 4 of article 3 of the constitution, in relation to Senate apportionment

1 Section 1. Resolved (if the Senate concur), That section 2 of article
2 3 of the constitution be amended to read as follows:
3 S 2. The senate shall consist of [fifty] SIXTY-TWO members[, except as
4 hereinafter provided]. The senators elected in the year one thousand
5 eight hundred and ninety-five shall hold their offices for three years,
6 and their successors shall be chosen for two years. The assembly shall
7 consist of one hundred and fifty members. The assembly members elected
8 in the year one thousand nine hundred and thirty-eight, and their
9 successors, shall be chosen for two years.
10 S 2. Resolved (if the Senate concur), That section 4 of article 3 of
11 the constitution be amended to read as follows:
12 S 4. (a) Except as herein otherwise provided, the federal census taken
13 in the year nineteen hundred thirty and each federal census taken decen-
14 nially thereafter shall be controlling as to the number of inhabitants
15 in the state or any part thereof for the purposes of the apportionment
16 of members of assembly and readjustment or alteration of [senate and]
17 assembly districts next occurring, in so far as such census and the
18 tabulation thereof purport to give the information necessary therefor.
19 The legislature, by law, shall provide for the making and tabulation by
20 state authorities of an enumeration of the inhabitants of the entire
21 state to be used for such purposes, instead of a federal census, if the
22 taking of a federal census in any tenth year from the year nineteen
23 hundred thirty be omitted or if the federal census fails to show the
24 number of aliens or Indians not taxed. If a federal census, though
25 giving the requisite information as to the state at large, fails to give
26 the information as to any civil or territorial divisions which is

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

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1 required to be known for such purposes, the legislature, by law, shall
2 provide for such an enumeration of the inhabitants of such parts of the
3 state only as may be necessary, which shall supersede in part the feder-
4 al census and be used in connection therewith for such purposes. The
5 legislature, by law, may provide in its discretion for an enumeration by
6 state authorities of the inhabitants of the state, to be used for such
7 purposes, in place of a federal census, when the return of a decennial
8 federal census is delayed so that it is not available at the beginning
9 of the regular session of the legislature in the second year after the
10 year nineteen hundred thirty or after any tenth year therefrom, or if an
11 apportionment of members of assembly [and readjustment or alteration of
12 senate] districts is not made at or before such a session. [At the regu-
13 lar session in the year nineteen hundred thirty-two, and at the first
14 regular session after the year nineteen hundred forty and after each
15 tenth year therefrom the senate districts shall be readjusted or
16 altered, but if, in any decade, counting from and including that which
17 begins with the year nineteen hundred thirty-one, such a readjustment or
18 alteration is not made at the time above prescribed, it shall be made at
19 a subsequent session occurring not later than the sixth year of such
20 decade, meaning not later than nineteen hundred thirty-six, nineteen
21 hundred forty-six, nineteen hundred fifty-six, and so on; provided,
22 however, that if such districts shall have been readjusted or altered by
23 law in either of the years nineteen hundred thirty or nineteen hundred
24 thirty-one, they shall remain unaltered until the first regular session
25 after the year nineteen hundred forty. No town, except a town having
26 more than a full ratio of apportionment, and no block in a city inclosed
27 by streets or public ways, shall be divided in the formation of senate
28 districts. In the reapportionment of senate districts, no district shall
29 contain a greater excess in population over an adjoining district in the
30 same county, than the population of a town or block therein adjoining
31 such district. Counties, towns or blocks which, from their location, may
32 be included in either of two districts, shall be so placed as to make
33 said districts most nearly equal in number of inhabitants, excluding
34 aliens.

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

40 (b) The independent redistricting commission established pursuant to
41 section five-b of this article shall prepare a redistricting plan to
42 establish [senate,] assembly, and congressional districts every ten
43 years commencing in two thousand twenty-one, and shall submit to the
44 legislature such plan and the implementing legislation therefor on or
45 before January first or as soon as practicable thereafter but no later
46 than January fifteenth in the year ending in two beginning in two thou-
47 sand twenty-two. The redistricting plans for the assembly [and the
48 senate] shall be [contained in and] voted upon by the legislature in a
49 single bill, and the congressional district plan may be included in the
50 same bill if the legislature chooses to do so. The implementing legis-
51 lation shall be voted upon, without amendment, by the senate or the
52 assembly and if approved by the first house voting upon it, such legis-
53 lation shall be delivered to the other house immediately to be voted
54 upon without amendment. If approved by both houses, such legislation
55 shall be 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 mainte-
8 nance 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.] ONE SENATOR
50 SHALL BE APPORTIONED TO EACH COUNTY OF THE STATE HERETOFORE ESTABLISHED
51 AND SEPARATELY ORGANIZED.

52 (e) The process for redistricting congressional and state [legisla-
53 tive] ASSEMBLY districts established by this section and sections five
54 and five-b of this article shall govern redistricting in this state
55 except to the extent that a court is required to order the adoption of,
56 or changes to, a redistricting plan as a remedy for a violation of law.

1 A reapportionment plan and the districts contained in such plan shall
2 be in force until the effective date of a plan based upon the subsequent
3 federal decennial census taken in a year ending in zero unless modified
4 pursuant to court order.

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