STATE OF NEW YORK

435--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

Introduced by M. of A. MAGNARELLI -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state law, in relation to providing for a procedure for review of an apportionment by the legislature or other body which brings any such review to the supreme court of Albany county; and to amend chapter 773 of the laws of 1911 relating to providing for a procedure for the prompt review of an apportionment by the legislature or other body, in relation to requiring that apportionment by the legislature shall be subject to review by the supreme court of Albany county

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 8 of the state law is amended by adding a new title 4 to read as follows:

TITLE IV

ACTIONS OR PROCEEDINGS CHALLENGING APPORTIONMENT

Section 130. Actions or proceedings challenging apportionment.

§ 130. Actions or proceedings challenging apportionment. a. An apportionment by the legislature shall be subject to review by the supreme court of Albany county at the suit of any citizen, upon the petition of any citizen to the supreme court of Albany county and upon such service thereof upon the attorney general, the temporary president of the senate, the speaker of the assembly and the governor, as a justice of the supreme court of Albany county may direct.

b. No limitation of the time for commencing an action shall affect any proceeding hereinbefore mentioned, or any appeal in any existing action or proceeding in which the validity of an apportionment is or may be in issue, if commenced within the period during which such apportionment is

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

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in force may exist; and nothing in this act shall impair any existing remedy by which the validity of an apportionment may be determined.

§ 2. The state law is amended by adding a new section 114 to read as follows:

§ 114. Actions or proceedings challenging apportionment. 1. An apportionment by the legislature shall be subject to review by the supreme court of Albany county at the suit of any citizen, upon the petition of any citizen to the supreme court of Albany county and upon such service thereof upon the attorney general, the temporary president of the senate, the speaker of the assembly and the governor, as a justice of the supreme court of Albany county may direct.

2. No limitation of the time for commencing an action shall affect any proceeding hereinbefore mentioned, or any appeal in any existing action or proceeding in which the validity of an apportionment is or may be in issue, if commenced within the period during which such apportionment is in force may exist; and nothing in this act shall impair any existing remedy by which the validity of an apportionment may be determined.

§ 3. Sections 1 and 5 of chapter 773 of the laws of 1911 relating to providing for a procedure for the prompt review of an apportionment by the legislature or other body, are amended to read as follows:

Section 1. An apportionment by the legislature shall be subject to review by the supreme court of Albany county at the suit of any citizen, upon the petition of any citizen to the supreme court [~~where any such petitioner resides~~] of Albany county and upon such service thereof upon the attorney-general, the temporary president of the senate, the speaker of the assembly and the governor, as a justice of the supreme court of Albany county may direct.

§ 5. No limitation of the time for commencing an action shall affect any proceeding hereinbefore mentioned, or any appeal in any existing action or proceeding in which the validity of an apportionment is or may be in issue, if commenced within the period during which such apportionment is in force may exist; and nothing in this act shall impair any existing remedy by which the validity of an apportionment may be determined.

§ 4. This act shall take effect immediately.