

STATE OF NEW YORK

8638

IN SENATE

February 23, 2024

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

AN ACT to amend the civil practice law and rules, in relation to designating the venue where proceedings challenging apportionment by the legislature shall be commenced; 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 certain designated courts

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

1 Section 1. Subdivision (b) of section 506 of the civil practice law
2 and rules is amended by adding a new paragraph 5 to read as follows:

3 5. a proceeding challenging apportionment by the legislature shall be
4 commenced in the supreme court in any of the following designated coun-
5 ties in a judicial department where at least one petitioner resides:

6 (i) first judicial department: New York county;

7 (ii) second judicial department: Westchester county;

8 (iii) third judicial department: Albany county; or

9 (iv) fourth judicial department: Erie county.

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

13 Section 1. An apportionment by the legislature shall be subject to
14 review [~~by the supreme court~~] at the suit of any citizen, upon the peti-
15 tion of any citizen to the supreme court in any of the following desig-
16 nated counties in a judicial department where [~~any such~~] at least one
17 petitioner resides:

18 (a) first judicial department: New York county;

19 (b) second judicial department: Westchester county;

20 (c) third judicial department: Albany county; or

21 (d) fourth judicial department: Erie county

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

LBD00349-10-4

1 and upon such service thereof upon the attorney-general, the temporary
2 president of the senate, the speaker of the assembly and the governor,
3 as a justice of the supreme court may direct.

4 § 5. No limitation of the time for commencing an action shall affect
5 any proceeding hereinbefore mentioned, or any appeal in any existing
6 action or proceeding in which the validity of an apportionment is or may
7 be in issue, if commenced within the period during which such apportion-
8 ment is in force may exist; and nothing in this act shall impair any
9 existing remedy by which the validity of an apportionment may be deter-
10 mined.

11 § 3. This act shall take effect immediately.