

# STATE OF NEW YORK

10637

## IN SENATE

June 1, 2026

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,  
and when printed to be committed to the Committee on Rules

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to sections 4 and 5-b of article 3 of the constitution, in relation to the independent redistricting commission

1 Section 1. Resolved (if the Assembly concur), That sections 4 and 5-b  
2 of article 3 of the constitution are amended and a new section 5-c is  
3 added to read as follows:  
4 § 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  
25 purposes, in place of a federal census, when the return of a decennial  
26 federal census is delayed so that it is not available at the beginning  
27 of the regular session of the legislature in the second year after the  
28 year nineteen hundred thirty or after any tenth year therefrom, or if an  
29 apportionment of members of assembly and readjustment or alteration of  
30 senate districts is not made at or before such a session. At the regular

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

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1 session in the year nineteen hundred thirty-two, and at the first regu-  
2 lar session after the year nineteen hundred forty and after each tenth  
3 year therefrom the senate districts shall be readjusted or altered, but  
4 if, in any decade, counting from and including that which begins with  
5 the year nineteen hundred thirty-one, such a readjustment or alteration  
6 is not made at the time above prescribed, it shall be made at a subse-  
7 quent session occurring not later than the sixth year of such decade,  
8 meaning not later than nineteen hundred thirty-six, nineteen hundred  
9 forty-six, nineteen hundred fifty-six, and so on; provided, however,  
10 that if such districts shall have been readjusted or altered by law in  
11 either of the years nineteen hundred thirty or nineteen hundred thirty-  
12 one, they shall remain unaltered until the first regular session after  
13 the year nineteen hundred forty. No town, except a town having more  
14 than a full ratio of apportionment, and no block in a city [~~inclosed~~  
15 enclosed] by streets or public ways, shall be divided in the formation of  
16 senate districts. In the reapportionment of senate districts, no  
17 district shall contain a greater excess in population over an adjoining  
18 district in the same county, than the population of a town or block  
19 therein adjoining such district. Counties, towns or blocks which, from  
20 their location, may be included in either of two districts, shall be so  
21 placed as to make said districts most nearly equal in number of inhabit-  
22 ants, excluding aliens.

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

28 (b) The independent redistricting commission established pursuant to  
29 section five-b of this article shall prepare a redistricting plan to  
30 establish senate, assembly, and congressional districts every ten years  
31 commencing in two thousand [~~twenty-one~~] thirty-one, and shall submit to  
32 the legislature such plan and the implementing legislation therefor on  
33 or before January first or as soon as practicable thereafter but no  
34 later than January fifteenth in the year ending in two beginning in two  
35 thousand [~~twenty-two~~] thirty-two. The redistricting plans for the assem-  
36 bly and the senate shall be contained in and voted upon by the legisla-  
37 ture in a single bill, and the congressional district plan may be  
38 included in the same bill if the legislature chooses to do so. The  
39 implementing legislation shall be voted upon, without amendment, by the  
40 senate or the assembly and if approved by the first house voting upon  
41 it, such legislation shall be delivered to the other house immediately  
42 to be voted upon without amendment. If approved by both houses, such  
43 legislation shall be presented to the governor for action.

44 If either house shall fail to approve the legislation implementing the  
45 [~~first~~] redistricting plan, or the governor shall veto such legislation  
46 and the legislature shall fail to override such veto, or the independent  
47 redistricting commission fails to submit such a plan and implementing  
48 legislation by January fifteenth, [~~each house or the governor if he or~~  
49 ~~she votes it, shall notify the commission that such legislation has~~  
50 ~~been disapproved. Within fifteen days of such notification and in no~~  
51 ~~case later than February twenty eighth, the redistricting commission~~  
52 ~~shall prepare and submit to the legislature a second redistricting plan~~  
53 ~~and the necessary implementing legislation for such plan. Such legis-~~  
54 ~~lation shall be voted upon, without amendment, by the senate or the~~  
55 ~~assembly and, if approved by the first house voting upon it, such legis-~~  
56 ~~lation shall be delivered to the other house immediately to be voted~~

1 ~~upon without amendment. If approved by both houses, such legislation~~  
2 ~~shall be presented to the governor for action.~~

3 ~~If either house shall fail to approve the legislation implementing the~~  
4 ~~second redistricting plan, or the governor shall veto such legislation~~  
5 ~~and the legislature shall fail to override such veto,] each house shall~~  
6 ~~prepare a redistricting plan and~~ introduce [such] implementing legis-  
7 lation [~~with any amendments each house of the legislature deems neces-~~  
8 ~~sary. All such amendments shall comply with the provisions of this~~  
9 ~~article] for such plan. If approved by both houses, such legislation~~  
10 shall be presented to the governor for action.

11 [~~All votes by the senate or assembly on any redistricting plan legis-~~  
12 ~~lation pursuant to this article shall be conducted in accordance with~~  
13 ~~the following rules:~~

14 (1) ~~In the event that the speaker of the assembly and the temporary~~  
15 ~~president of the senate are members of two different political parties,~~  
16 ~~approval of legislation submitted by the independent redistricting~~  
17 ~~commission pursuant to subdivision (f) of section five b of this article~~  
18 ~~shall require the vote in support of its passage by at least a majority~~  
19 ~~of the members elected to each house.~~

20 (2) ~~In the event that the speaker of the assembly and the temporary~~  
21 ~~president of the senate are members of two different political parties,~~  
22 ~~approval of legislation submitted by the independent redistricting~~  
23 ~~commission pursuant to subdivision (g) of section five b of this article~~  
24 ~~shall require the vote in support of its passage by at least sixty~~  
25 ~~percent of the members elected to each house.~~

26 (3) ~~In the event that the speaker of the assembly and the temporary~~  
27 ~~president of the senate are members of the same political party,~~  
28 ~~approval of legislation submitted by the independent redistricting~~  
29 ~~commission pursuant to subdivision (f) or (g) of section five b of this~~  
30 ~~article shall require the vote in support of its passage by at least~~  
31 ~~two-thirds of the members elected to each house.]~~

32 (b-1) At any time after congressional districts are enacted pursuant  
33 to subdivisions (b) or (e) of this section, or otherwise implemented  
34 pursuant to a court order, the legislature shall have the authority on  
35 its own initiative, by law, to make changes to one or more of such  
36 districts, provided, however, any such changes shall comply with the  
37 provisions of this section, except for subdivision (b) of this section,  
38 and shall not remain in force beyond the effective date of a reappor-  
39 tionment plan subsequently enacted based upon the next succeeding feder-  
40 al census.

41 (c) [~~Subject to~~] State senate, state assembly and congressional  
42 districts shall be drawn in compliance with the requirements of the  
43 federal constitution and statutes and [~~in compliance with~~] state consti-  
44 tutional requirements, and with consideration for the following princi-  
45 ples [~~shall be used in the creation of state senate and state assembly~~  
46 ~~districts and congressional districts~~]:

47 (1) [~~When drawing district lines, the commission shall consider wheth-~~  
48 ~~er such lines would result in the denial or abridgement of racial or~~  
49 ~~language minority voting rights, and districts~~] Districts shall not be  
50 drawn to have the purpose of [~~nor shall they result in,~~] the denial or  
51 abridgement of [such] racial or language minority voting rights.  
52 Districts shall be drawn so that, based on the totality of the circum-  
53 stances, racial or [~~minority~~] language minority groups do not have less  
54 opportunity to participate in the political process than other members  
55 of the electorate and to elect representatives of their choice.

1 (2) To the extent practicable, districts shall contain as nearly as  
2 may be an equal number of inhabitants. [~~For each district that deviates~~  
3 ~~from this requirement, the commission shall provide a specific public~~  
4 ~~explanation as to why such deviation exists.~~]

5 (3) Each district shall consist of contiguous territory.

6 (4) [~~Each district shall be as compact in form as practicable.~~

7 ~~(5) Districts shall not be drawn to discourage competition or for the~~  
8 ~~purpose of favoring or disfavoring incumbents or other particular candi-~~  
9 ~~dates or political parties. The commission shall consider the] The main-  
10 tenance [~~of cores of existing districts, of pre-existing political~~  
11 ~~subdivisions, including counties, cities, and towns, and]~~ of communities  
12 of interest.~~

13 [~~(6) In drawing senate districts, towns or blocks which, from their~~  
14 ~~location may be included in either of two districts, shall be so placed~~  
15 ~~as to make said districts most nearly equal in number of inhabitants.~~  
16 ~~The requirements that senate districts not divide counties or towns, as~~  
17 ~~well as the 'block-on-border' and 'town-on-border' rules, shall remain~~  
18 ~~in effect.~~]

19 During the preparation of the redistricting plan, the independent  
20 redistricting commission shall conduct not less than one public hearing  
21 on proposals for the redistricting of congressional and state legisla-  
22 tive districts in each of the following (i) cities: Albany, Buffalo,  
23 Syracuse, Rochester, and White Plains; and (ii) counties: Bronx, Kings,  
24 New York, Queens, Richmond, Nassau, and Suffolk. Notice of all such  
25 hearings shall be widely published using the best available means and  
26 media a reasonable time before every hearing. At least thirty days prior  
27 to the first public hearing and in any event no later than September  
28 fifteenth of the year ending in one or as soon as practicable thereaft-  
29 er, the independent redistricting commission shall make widely available  
30 to the public, in print form and using the best available technology,  
31 its draft redistricting plans, relevant data, and related information.  
32 Such plans, data, and information shall be in a form that allows and  
33 facilitates their use by the public to review, analyze, and comment upon  
34 such plans and to develop alternative redistricting plans for presenta-  
35 tion to the commission at the public hearings. The independent redis-  
36 tricting commission shall report the findings of all such hearings to  
37 the legislature upon submission of a redistricting plan.

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

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

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

violation of this section, section five, or section five-b of this article, and (1) the legislature, after having a full and reasonable opportunity to remedy such violation, has failed to enact redrawn districts to remedy such violation; and (2) such order is the only remaining remedy available to ensure the state's compliance with the federal constitution or statutes or the applicable provisions of this constitution.

A reapportionment plan and the districts contained in such plan shall be in force until the effective date of a plan based upon the subsequent federal decennial census taken in a year ending in zero unless modified pursuant to a court order, or subdivisions (b-1) or (e) of this section.

§ 5-b. (a) On or before February first of each year ending with a zero ~~[and at any other time a court orders that congressional or state legislative districts be amended]~~, an independent redistricting commission shall be established to determine the district lines for congressional and state legislative offices. The independent redistricting commission shall be composed of ten members, appointed as follows:

(1) two members shall be appointed by the temporary president of the senate;

(2) two members shall be appointed by the speaker of the assembly;

(3) two members shall be appointed by the minority leader of the senate;

(4) two members shall be appointed by the minority leader of the assembly;

(5) two members shall be appointed by the eight members appointed pursuant to paragraphs (1) through (4) of this subdivision by a vote of not less than five members in favor of such appointment, and these two members shall not have been enrolled in the preceding five years in either of the two political parties that contain the largest or second largest number of enrolled voters within the state;

(6) one member shall be designated chair of the commission by a majority of the members appointed pursuant to paragraphs (1) through (5) of this subdivision to convene and preside over each meeting of the commission.

(b) The members of the independent redistricting commission shall be registered voters in this state. No member shall within the last three years:

(1) be or have been a member of the New York state legislature or United States Congress or a statewide elected official;

(2) be or have been a state officer or employee or legislative employee as defined in section seventy-three of the public officers law;

(3) be or have been a registered lobbyist in New York state;

(4) be or have been a political party chairman, as defined in paragraph (k) of subdivision one of section seventy-three of the public officers law;

(5) be the spouse of a statewide elected official or of any member of the United States Congress, or of the state legislature.

(c) To the extent practicable, the members of the independent redistricting commission shall reflect the diversity of the residents of this state with regard to race, ethnicity, gender, language, and geographic residence and to the extent practicable the appointing authorities shall consult with organizations devoted to protecting the voting rights of minority and other voters concerning potential appointees to the commission.

(d) Vacancies in the membership of the commission shall be filled within thirty days in the manner provided for in the original appointments.

1 (e) The legislature shall provide by law for the compensation of the  
2 members of the independent redistricting commission, including compen-  
3 sation for actual and necessary expenses incurred in the performance of  
4 their duties.

5 (f) A minimum of five members of the independent redistricting commis-  
6 sion shall constitute a quorum for the transaction of any business or  
7 the exercise of any power of such commission prior to the appointment of  
8 the two commission members appointed pursuant to paragraph (5) of subdivi-  
9 sion (a) of this section, and a minimum of seven members shall consti-  
10 tute a quorum after such members have been appointed, and no exercise of  
11 any power of the independent redistricting commission shall occur with-  
12 out the affirmative vote of at least a majority of the members, provided  
13 that, in order to approve any redistricting plan and implementing legis-  
14 lation, the following rules shall apply:

15 (1) In the event that the speaker of the assembly and the temporary  
16 president of the senate are members of the same political party,  
17 approval of a redistricting plan and implementing legislation by the  
18 commission for submission to the legislature shall require the vote in  
19 support of its approval by at least seven members including at least one  
20 member appointed by each of the legislative leaders.

21 (2) In the event that the speaker of the assembly and the temporary  
22 president of the senate are members of two different political parties,  
23 approval of a redistricting plan by the commission for submission to the  
24 legislature shall require the vote in support of its approval by at  
25 least seven members including at least one member appointed by the  
26 speaker of the assembly and one member appointed by the temporary presi-  
27 dent of the senate.

28 (g) In the event that the commission is unable to obtain seven votes  
29 to approve a redistricting plan on or before January first in the year  
30 ending in two or as soon as practicable thereafter, the commission shall  
31 submit to the legislature that redistricting plan and implementing  
32 legislation that garnered the highest number of votes in support of its  
33 approval by the commission with a record of the votes taken. In the  
34 event that more than one plan received the same number of votes for  
35 approval, and such number was higher than that for any other plan, then  
36 the commission shall submit all plans that obtained such number of  
37 votes. The legislature shall consider and vote upon such implementing  
38 legislation in accordance with ~~[the voting rules set forth in]~~ subdivi-  
39 sion (b) of section four of this article.

40 (h) (1) The independent redistricting commission shall appoint two  
41 co-executive directors by a majority vote of the commission in accord-  
42 ance with the following procedure:

43 (i) In the event that the speaker of the assembly and the temporary  
44 president of the senate are members of two different political parties,  
45 the co-executive directors shall be approved by a majority of the  
46 commission that includes at least one appointee by the speaker of the  
47 assembly and at least one appointee by the temporary president of the  
48 senate.

49 (ii) In the event that the speaker of the assembly and the temporary  
50 president of the senate are members of the same political party, the  
51 co-executive directors shall be approved by a majority of the commission  
52 that includes at least one appointee by each of the legislative leaders.

53 (2) One of the co-executive directors shall be enrolled in the poli-  
54 tical party with the highest number of enrolled members in the state and  
55 one shall be enrolled in the political party with the second highest  
56 number of enrolled members in the state. The co-executive directors

1 shall appoint such staff as are necessary to perform the commission's  
2 duties, except that the commission shall review a staffing plan prepared  
3 and provided by the co-executive directors which shall contain a list of  
4 the various positions and the duties, qualifications, and salaries asso-  
5 ciated with each position.

6 (3) In the event that the commission is unable to appoint one or both  
7 of the co-executive directors within forty-five days of the establish-  
8 ment of a quorum of seven commissioners, the following procedure shall  
9 be followed:

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 within ten days the speaker's appointees on the commission shall appoint  
13 one co-executive director, and the temporary president's appointees on  
14 the commission shall appoint the other co-executive director. Also with-  
15 in ten days the minority leader of the assembly shall select a co-deputy  
16 executive director, and the minority leader of the senate shall select  
17 the other co-deputy executive director.

18 (ii) In the event that the speaker of the assembly and the temporary  
19 president of the senate are members of the same political party, within  
20 ten days the speaker's and temporary president's appointees on the  
21 commission shall together appoint one co-executive director, and the two  
22 minority leaders' appointees on the commission shall together appoint  
23 the other co-executive director.

24 (4) In the event of a vacancy in the offices of co-executive director  
25 or co-deputy executive director, the position shall be filled within ten  
26 days of its occurrence by the same appointing authority or authorities  
27 that appointed [~~his or her~~] their predecessor.

28 (i) The state budget shall include necessary appropriations for the  
29 expenses of the independent redistricting commission, provide for  
30 compensation and reimbursement of expenses for the members and staff of  
31 the commission, assign to the commission any additional duties that the  
32 legislature may deem necessary to the performance of the duties stipu-  
33 lated in this article, and require other agencies and officials of the  
34 state of New York and its political subdivisions to provide such infor-  
35 mation and assistance as the commission may require to perform its  
36 duties.

37 § 5-c. Subject to the requirements of the federal constitution and  
38 statutes, and as otherwise provided in this section, the legislature may  
39 by law make changes to one or more of the congressional districts in the  
40 state. Any such changes enacted pursuant to this section shall be based  
41 upon the federal census taken in two thousand twenty and shall not be  
42 subject to any of the provisions of sections four or five-b of this  
43 article. Provided, further, that the power conferred upon the legisla-  
44 ture in this section, and any districts enacted pursuant to this  
45 section, shall remain in force only until the effective date of a reap-  
46 portionment plan subsequently enacted based upon the federal census  
47 taken in two thousand thirty.

48 In the event that a court invalidates any congressional districts  
49 enacted pursuant to this section, the legislature shall have a full and  
50 reasonable opportunity to remedy any such violations. Provided, however,  
51 that no court shall order the drawing of any congressional districts  
52 unless the legislature has failed to enact redrawn congressional  
53 districts to remedy such violations and such order is the only remaining  
54 remedy available to ensure the state's compliance with the federal  
55 constitution or statutes.

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