

STATE OF NEW YORK

10637--A

IN SENATE

June 1, 2026

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

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

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

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

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

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

1 ~~assembly and, if approved by the first house voting upon it, such legis-~~
2 ~~lation shall be delivered to the other house immediately to be voted~~
3 ~~upon without amendment. If approved by both houses, such legislation~~
4 ~~shall be presented to the governor for action.~~

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

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

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

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

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

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

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

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

1 opportunity to participate in the political process than other members
2 of the electorate and to elect representatives of their choice.

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

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

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

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

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

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

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

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

54 (e) The process for redistricting congressional and state legislative
55 districts established by this section and sections five and five-b of
56 this article shall govern redistricting in this state except to the

1 extent that a court is required to order the adoption of, or changes to,
2 a redistricting plan [~~as a remedy for a violation of law~~] enacted in
3 violation of this section, section five, or section five-b of this arti-
4 cle, and (1) the legislature, after having a full and reasonable oppor-
5 portunity to remedy such violation, has failed to enact redrawn districts
6 to remedy such violation; and (2) such order is the only remaining reme-
7 dy available to ensure the state's compliance with the federal constitu-
8 tion or statutes or the applicable provisions of this constitution.

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

13 § 5-b. (a) On or before February first of each year ending with a zero
14 [~~and at any other time a court orders that congressional or state legis-~~
15 ~~lative districts be amended~~], an independent redistricting commission
16 shall be established to determine the district lines for congressional
17 and state legislative offices. The independent redistricting commission
18 shall be composed of ten members, appointed as follows:

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

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

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

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

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

32 (6) one member shall be designated chair of the commission by a major-
33 ity of the members appointed pursuant to paragraphs (1) through (5) of
34 this subdivision to convene and preside over each meeting of the commis-
35 sion.

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

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

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

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

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

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

49 (c) To the extent practicable, the members of the independent redis-
50 tricting commission shall reflect the diversity of the residents of this
51 state with regard to race, ethnicity, gender, language, and geographic
52 residence and to the extent practicable the appointing authorities shall
53 consult with organizations devoted to protecting the voting rights of
54 minority and other voters concerning potential appointees to the commis-
55 sion.

1 (d) Vacancies in the membership of the commission shall be filled
2 within thirty days in the manner provided for in the original appoint-
3 ments.

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

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

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

24 (2) 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 a redistricting plan by the commission for submission to the
27 legislature shall require the vote in support of its approval by at
28 least seven members including at least one member appointed by the
29 speaker of the assembly and one member appointed by the temporary presi-
30 dent of the senate.

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

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

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

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

1 (2) One of the co-executive directors shall be enrolled in the poli-
2 tical party with the highest number of enrolled members in the state and
3 one shall be enrolled in the political party with the second highest
4 number of enrolled members in the state. The co-executive directors
5 shall appoint such staff as are necessary to perform the commission's
6 duties, except that the commission shall review a staffing plan prepared
7 and provided by the co-executive directors which shall contain a list of
8 the various positions and the duties, qualifications, and salaries asso-
9 ciated with each position.

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

14 (i) 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 within ten days the speaker's appointees on the commission shall appoint
17 one co-executive director, and the temporary president's appointees on
18 the commission shall appoint the other co-executive director. Also with-
19 in ten days the minority leader of the assembly shall select a co-deputy
20 executive director, and the minority leader of the senate shall select
21 the other co-deputy executive director.

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

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

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

41 (j) During the preparation of the redistricting plan, the inde-
42 pendent redistricting commission shall conduct not less than one public
43 hearing on proposals for the redistricting of congressional and state
44 legislative districts in each of the following (i) cities: Albany,
45 Buffalo, Syracuse, Rochester, and White Plains; and (ii) counties:
46 Bronx, Kings, New York, Queens, Richmond, Nassau, and Suffolk.
47 Notice of all such hearings shall be widely published using the best
48 available means and media a reasonable time before every hearing. At
49 least thirty days prior to the first public hearing and in any event
50 no later than September fifteenth of the year ending in one or as soon
51 as practicable thereafter, the independent redistricting commission
52 shall make widely available to the public, in print form and using
53 the best available technology, its draft redistricting plans, relevant
54 data, and related information. Such plans, data, and information
55 shall be in a form that allows and facilitates their use by the public
56 to review, analyze, and comment upon such plans and to develop alterna-

1 tive redistricting plans for presentation to the commission at the
2 public hearings. The independent redistricting commission shall report
3 the findings of all such hearings to the legislature upon submission
4 of a redistricting plan.

5 § 5-c. Subject to the requirements of the federal constitution and
6 statutes, and as otherwise provided in this section, the legislature may
7 by law make changes to one or more of the congressional districts in the
8 state. Any such changes enacted pursuant to this section shall be based
9 upon the federal census taken in two thousand twenty and shall not be
10 subject to any of the provisions of sections four or five-b of this
11 article. Provided, further, that the power conferred upon the legisla-
12 ture in this section, and any districts enacted pursuant to this
13 section, shall remain in force only until the effective date of a reap-
14 portionment plan subsequently enacted based upon the federal census
15 taken in two thousand thirty.

16 In the event that a court invalidates any congressional districts
17 enacted pursuant to this section, the legislature shall have a full and
18 reasonable opportunity to remedy any such violations. Provided, however,
19 that no court shall order the drawing of any congressional districts
20 unless the legislature has failed to enact redrawn congressional
21 districts to remedy such violations and such order is the only remaining
22 remedy available to ensure the state's compliance with the federal
23 constitution or statutes.

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