**§ 128. Saving clause.** a. If the districts described in this article do not carry out the purposes thereof, because of unintentional omission; duplications; overlapping areas; erroneous nomenclature; lack of adequate maps or descriptions of political subdivisions, wards, or other divisions thereof, or of their boundary line; street closings, changes in names of streets, or other changes of public places; alteration of the boundary or courses of waters or waterways, filling in or lands under water, accretion or other changes in shorelines; or alteration of courses, rights of way, or lines of public utilities or other conditions, then the state board of elections, at the request of any person aggrieved thereby, or any candidate affected thereby shall, by order, correct such omissions, overlaps, erroneous nomenclature, or other defects in the description of districts so as to accomplish the purposes and objectives of this article.

b. In promulgating such orders, the state board of elections, in addition to achieving equality in the population of districts and insuring that all areas of the state are completely and accurately encompassed in such districts, shall be guided by the following standards:

(1) Gaps in the description of any district shall be completed in a manner which results in a total description of that district consonant with the description of adjacent districts and in complete contiguity of districts.

(2) Areas of the state included within the descriptions of more than one district shall be allocated to the district having the lowest population.

(3) Areas of the state not included within the descriptions of any district shall be allocated to the adjacent district having the lowest population.

(4) In the event that the area subject to corrected description or allocation as provided in paragraph one, two or three of this subdivision is of such size or contains such population that its inclusion as a unit in any district would result in substantial disparity in the size, shape or population of such district, then the state board of elections may allocate portions of such area to two or more districts.

(5) In any allocation of area or correction of descriptions made pursuant to this section, the state board of elections shall, consistent with the foregoing standards, preserve the contiguity and compactness of districts and avoid the unnecessary division of political subdivisions.

c. Copies of such orders shall be filed by the state board of elections in its own office and in the office of the affected boards of election. A copy of each such order shall also be filed by the state board with the legislative bill drafting commission to facilitate it in performing its functions under section seventy-b of the public officers law. In addition, a copy of such order shall be served upon the person or candidate, if any, who instituted the application for such an order. The state board of elections may adopt reasonable rules regulating the procedure for applications for orders under this section in the manner of serving and filing any notice or copy of orders relating thereto.

d. Upon the filing of such an order, the description of any affected district shall be deemed to have been corrected in the manner provided in such order to the full extent as if such correction had been contained in the original description set forth in this article.

e. In furtherance of effectuating the provisions of subdivision d of this section, the legislative bill drafting commission, upon receipt from the state board of elections of an order promulgated pursuant to subdivision b of this section, and upon the approval of the temporary president of the senate and the speaker of the assembly, shall cause the description of a senate district or assembly district altered pursuant to any such order to be revised accordingly within its data base of the laws of the state of New York so that such altered district may be contained in a publication of the state law and be certified to as a correct transcript of the text of law relating thereto such district in the manner authorized by section seventy-b of the public officers law.