

A03432 Summary:

BILL NO A03432

SAME AS Same as Uni. S 2543

SPONSOR Jeffries (MS)

COSPNSR Paulin, Bing, Galef, Ramos, Hoyt, Hevesi, Schroeder, Camara, Kavanagh, Kellner, Morelle, Rosenthal, Gottfried, Cusick, Meng, Rivera P, Maisel, Brook-Krasny, Simotas, Jaffee

MLTSPNSR Boyland, Brennan, Cahill, Clark, Colton, Dinowitz, Gunther, Lancman, Latimer, Lavine, Lupardo, Mayersohn, Millman, Pheffer, Reilly, Schimminger, Sweeney, Tobacco, Zebrowski

Amd SS5-a & 12, rpld S83-m, add Art 6-A SS93 - 99, Leg L

Establishes an apportionment commission to create apportionment plans for congressional and state legislative districts based on decennial federal census, which shall be considered by and voted upon by the state legislature; eliminates the legislative task force on demographic research and reapportionment.

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A03432 Actions:

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01/25/2011 referred to governmental operations

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A03432 Votes:

There are no votes for this bill in the current legislative session.

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A03432 Memo:

Memo not available

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A03432 Text:

S T A T E O F N E W Y O R K

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

January 25, 2011

IN SENATE -- Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

IN ASSEMBLY -- Introduced by M. of A. JEFFRIES, PAULIN, BING, GALEF, RAMOS, HOYT, HEVESI, SCHROEDER, CAMARA, KAVANAGH, KELLNER, MORELLE, ROSENTHAL, GOTTFRIED, CUSICK, MENG, P. RIVERA, MAISEL, BROOK-KRASNY, SIMOTAS, JAFFEE -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, CAHILL, CLARK, COLTON, DINOWITZ, GUNTHER, LANCMAN, LATIMER, LAVINE, LUPARDO, MAYERSOHN, MILLMAN, PHEFFER, REILLY, SCHIMMINGER, SWEENEY, TOBACCO, ZEBROWSKI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to apportionment of congressional, senate and assembly districts; and to repeal section 83-m of such law relating to the legislative task force on demographic research and reapportionment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 3 of section 5-a of the legislative law, as
2 added by chapter 630 of the laws of 1998, the opening paragraph as
3 amended by section 1 of part QQ of chapter 56 of the laws of 2010, is
4 amended to read as follows:

5 3. Any member of the assembly serving in a special capacity in a posi-
6 tion set forth in the following schedule shall be paid the allowance set
7 forth in such schedule only for the legislative term commencing January
8 first, two thousand eleven and terminating December thirty-first, two
9 thousand twelve:

10 ASSEMBLYMEN SERVING IN SPECIAL CAPACITY

11 Chairman of legislative commission on public management

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

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1	systems	12,500
2	Chairman of legislative commission on science and	
3	technology	12,500
4	Co-chairman of the legislative commission on water	
5	resource needs of New York state and Long Island	no allowance
6	[Co-chairman of the legislative task force on	
7	demographic research and reapportionment	15,000]
8	Chairman of the assembly task force on farm,	
9	food and nutrition	12,500

10 Ranking minority member of the assembly task force
11 on farm, food and nutrition 9,000
12 Chairman of the legislative commission on skills
13 development and career education 12,500
14 Vice-Chairman of the legislative commission on the
15 development of rural resources 12,500

16 S 2. Subdivision 5 of section 12 of the legislative law, as added by
17 chapter 141 of the laws of 1994, is amended to read as follows:

18 5. Notwithstanding any provision of law to the contrary, services and
19 expenses of the legislative health service, legislative library, legis-
20 lative messenger service, legislative ethics committee, [joint oper-
21 ations of the legislative task force on demographic research and reap-
22 portionment] APPORTIONMENT COMMISSION, and contributions to the national
23 conference of state legislatures shall be payable after audit by and on
24 the warrant of the comptroller upon vouchers certified by the temporary
25 president of the senate or his or her designee and the speaker of the
26 assembly or his or her designee.

27 S 3. Section 83-m of the legislative law is REPEALED.

28 S 4. The legislative law is amended by adding a new article 6-A to
29 read as follows:

30 ARTICLE 6-A

31 APPORTIONMENT OF CONGRESSIONAL
32 AND STATE LEGISLATIVE DISTRICTS

33 SECTION 93. LEGISLATIVE INTENT.

34 94. APPORTIONMENT NOMINATIONS COMMITTEE.

35 95. POWERS AND DUTIES OF COMMITTEE.

36 96. APPORTIONMENT COMMISSION.

37 97. POWERS AND DUTIES OF COMMISSION.

38 98. APPORTIONMENT.

39 99. APPLICATION OF ARTICLE.

40 S 93. LEGISLATIVE INTENT. THE LEGISLATURE HEREBY FINDS AND DECLARES
41 THAT:

42 1. THERE IS A NEED FOR INTENSIVE AND THOROUGH STUDY, RESEARCH AND
43 INQUIRY INTO THE TECHNIQUES AND METHODOLOGY TO BE USED BY THE BUREAU OF
44 THE CENSUS OF THE UNITED STATES COMMERCE DEPARTMENT IN CARRYING OUT THE
45 DECENNIAL FEDERAL CENSUS;

46 2. A TECHNICAL PLAN WILL BE NEEDED TO MEET THE REQUIREMENTS OF A
47 LEGISLATIVE TIMETABLE FOR A REAPPORTIONMENT OF THE SENATE AND ASSEMBLY
48 DISTRICTS AND THE CONGRESSIONAL DISTRICTS OF THE STATE BASED ON SUCH
49 CENSUS; AND

50 3. THE APPORTIONMENT COMMISSION IS NECESSARY TO ASSIST THE LEGISLATURE
51 IN THE PERFORMANCE OF ITS RESPONSIBILITIES AND IN THE CONDUCT OF LEGIS-
52 LATIVE RESEARCH PROJECTS RELATING THERETO.

53 S 94. APPORTIONMENT NOMINATIONS COMMITTEE. 1. ON OR BEFORE THE FIRST
54 OF DECEMBER OF EACH YEAR ENDING WITH A NINE OR AS SOON AS POSSIBLE AFTER
55 THE EFFECTIVE DATE OF THIS ARTICLE, THERE SHALL BE ESTABLISHED AN APPOR-
56 TIONMENT NOMINATIONS COMMITTEE TO SELECT THOSE PERSONS WHO SHALL BE
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1 ELIGIBLE TO BE APPOINTED AS MEMBERS OF THE APPORTIONMENT COMMISSION
2 CREATED IN SECTION NINETY-SIX OF THIS ARTICLE. EACH SUCH COMMITTEE SHALL
3 REMAIN IN EXISTENCE UNTIL ITS DUTIES PURSUANT TO SECTION NINETY-FIVE OF
4 THIS ARTICLE HAVE BEEN COMPLETED.

5 2. THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL BE COMPOSED OF EIGHT
6 MEMBERS, APPOINTED AS FOLLOWS:

7 (A) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE
8 SENATE;

9 (B) TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;
10 (C) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
11 SENATE; AND

12 (D) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
13 ASSEMBLY.

14 3. THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL DESIGNATE TWO
15 CO-CHAIRS FROM AMONG ITS MEMBERS BY A SIMPLE MAJORITY VOTE OF ALL
16 MEMBERS.

17 4. THE MEMBERS OF THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL BE
18 REGISTERED VOTERS IN THIS STATE. NO MEMBER OF SUCH COMMITTEE SHALL:

19 (A) HOLD OR HAVE HELD WITHIN THE PREVIOUS TWO YEARS AN ELECTED GOVERN-
20 MENTAL OFFICE;

21 (B) HOLD OR HAVE HELD WITHIN THE PREVIOUS TWO YEARS ANY OTHER
22 APPOINTED GOVERNMENTAL OR POLITICAL PARTY POSITION;

23 (C) BE EMPLOYED OR HAVE BEEN EMPLOYED WITHIN THE PREVIOUS TWO YEARS IN
24 ANY OTHER POSITION BY THE UNITED STATES CONGRESS, THE STATE LEGISLATURE,
25 THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT
26 SYSTEM;

27 (D) BE OR HAVE BEEN WITHIN THE PREVIOUS TWO YEARS A REGISTERED LOBBY-
28 IST IN THIS STATE PURSUANT TO ARTICLE ONE-A OF THIS CHAPTER;

29 (E) BE THE SPOUSE OF ANY MEMBER OF THE UNITED STATES CONGRESS, THE
30 STATE LEGISLATURE, THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR
31 THE FEDERAL COURT SYSTEM; OR

32 (F) BE RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY TO ANY MEMBER
33 OF THE UNITED STATES CONGRESS, THE STATE LEGISLATURE, THE EXECUTIVE
34 CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT SYSTEM, OR TO THE
35 SPOUSE OF ANY SUCH PERSON.

36 5. THE MEMBERS OF THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL
37 RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR
38 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
39 DUTIES.

40 6. THE MEMBERS OF THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL BE
41 APPOINTED AND SERVE FOR THE DURATION OF SUCH COMMITTEE. ALL VACANCIES IN
42 THE MEMBERSHIP OF SUCH COMMITTEE SHALL BE FILLED IN THE MANNER PROVIDED
43 FOR ORIGINAL APPOINTMENTS.

44 S 95. POWERS AND DUTIES OF COMMITTEE. 1. THE APPORTIONMENT NOMINATIONS
45 COMMITTEE SHALL HAVE THE POWER AND DUTY TO, ON OR BEFORE THE FIRST OF
46 MARCH IN EACH YEAR ENDING WITH A ZERO OR AS SOON AS POSSIBLE AFTER THE
47 EFFECTIVE DATE OF THIS ARTICLE, ESTABLISH A LIST OF FORTY PERSONS WHO
48 SHALL BE ELIGIBLE TO BE APPOINTED AS MEMBERS OF THE APPORTIONMENT
49 COMMISSION. SUCH LIST SHALL HEREINAFTER BE REFERRED TO IN THIS ARTICLE
50 AS THE "NOMINATIONS POOL".

51 2. THE MEMBERS OF THE APPORTIONMENT NOMINATIONS COMMITTEE SHALL BY
52 MAJORITY VOTE SELECT EACH PERSON TO BE INCLUDED IN THE NOMINATIONS POOL.
53 UPON COMPLETION OF SUCH POOL, SUCH COMMITTEE SHALL SUBMIT A COPY OF THE
54 NOMINATIONS POOL TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER
55 OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY
56 LEADER OF THE ASSEMBLY.

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1 3. THE NOMINATIONS POOL SHALL INCLUDE:

2 (A) FIFTEEN PERSONS WHO ARE ENROLLED AS DEMOCRATS;

3 (B) FIFTEEN PERSONS WHO ARE ENROLLED AS REPUBLICANS; AND

4 (C) TEN PERSONS WHO ARE NOT ENROLLED AS EITHER DEMOCRATS OR REPUBLI-
5 CANS.

6 4. PERSONS SELECTED TO THE NOMINATIONS POOL SHALL BE REGISTERED VOTERS
7 IN THIS STATE. NO SUCH PERSON SHALL:

8 (A) HOLD OR HAVE HELD WITHIN THE PREVIOUS TWO YEARS AN ELECTED GOVERN-
9 MENTAL OFFICE;

10 (B) HOLD OR HAVE HELD WITHIN THE PREVIOUS TWO YEARS ANY OTHER
11 APPOINTED GOVERNMENTAL OR POLITICAL PARTY POSITION;

12 (C) BE A MEMBER OF THE APPORTIONMENT NOMINATIONS COMMITTEE CREATED IN
13 SECTION NINETY-FOUR OF THIS ARTICLE;

14 (D) BE EMPLOYED OR HAVE BEEN EMPLOYED WITHIN THE PREVIOUS TWO YEARS IN
15 ANY OTHER POSITION BY THE UNITED STATES CONGRESS, THE STATE LEGISLATURE,
16 THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT
17 SYSTEM;

18 (E) BE OR HAVE BEEN WITHIN THE PREVIOUS TWO YEARS A REGISTERED LOBBY-
19 IST IN THIS STATE PURSUANT TO ARTICLE ONE-A OF THIS CHAPTER;

20 (F) BE THE SPOUSE OF ANY MEMBER OF THE UNITED STATES CONGRESS, THE
21 STATE LEGISLATURE, THE EXECUTIVE CHAMBER, THE UNIFIED COURT SYSTEM OR
22 THE FEDERAL COURT SYSTEM; OR

23 (G) BE RELATED WITHIN THE THIRD DEGREE OF CONSANGUINITY TO ANY MEMBER
24 OF THE UNITED STATES CONGRESS, THE STATE LEGISLATURE, THE EXECUTIVE
25 CHAMBER, THE UNIFIED COURT SYSTEM OR THE FEDERAL COURT SYSTEM, OR TO THE
26 SPOUSE OF ANY SUCH PERSON.

27 5. (A) THE NOMINATIONS POOL SHALL INCLUDE AT LEAST THREE PERSONS FROM
28 EACH OF THE FOLLOWING REGIONS OF THE STATE, WITH THE REMAINDER TO BE
29 NOMINATED FROM SUCH REGIONS IN PROPORTION TO THE DISTRIBUTION OF THE
30 STATE'S POPULATION IN EACH REGION:

31 (I) LONG ISLAND;

32 (II) NEW YORK CITY;

33 (III) HUDSON VALLEY;

34 (IV) NORTHERN;

35 (V) CENTRAL;

36 (VI) SOUTHERN TIER; AND

37 (VII) WESTERN.

38 (B) FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING REGIONS SHALL
39 BE COMPOSED OF THE FOLLOWING COUNTIES;

40 (I) LONG ISLAND: THE COUNTIES OF NASSAU AND SUFFOLK;

41 (II) NEW YORK CITY: THE COUNTIES OF BRONX, KINGS, NEW YORK, QUEENS AND
42 RICHMOND;

43 (III) HUDSON VALLEY: THE COUNTIES OF WESTCHESTER, ROCKLAND, PUTNAM,
44 ORANGE, DUTCHESS, ULSTER, COLUMBIA, GREENE, RENSSELAER, ALBANY AND SCHE-
45 NECTADY;

46 (IV) NORTHERN: THE COUNTIES OF SARATOGA, WASHINGTON, WARREN, ESSEX,
47 CLINTON, FRANKLIN, ST. LAWRENCE, HAMILTON, FULTON, HERKIMER, LEWIS AND
48 JEFFERSON;

49 (V) CENTRAL: THE COUNTIES OF SCHOHARIE, MONTGOMERY, OTSEGO, CHENANGO,
50 MADISON, ONEIDA, OSWEGO, CORTLAND, ONONDAGA AND CAYUGA;

51 (VI) SOUTHERN TIER: THE COUNTIES OF SULLIVAN, DELAWARE, BROOME, TIOGA,
52 TOMPKINS, SCHUYLER, STEUBEN, ALLEGANY, CATTARAUGUS AND CHAUTAUQUA; AND

53 (VII) WESTERN: THE COUNTIES OF SENECA, YATES, ONTARIO, WAYNE, MONROE,
54 LIVINGSTON, WYOMING, GENESEE, ORLEANS, NIAGARA AND ERIE.

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1 6. TO THE EXTENT PRACTICABLE, THE APPORTIONMENT NOMINATIONS COMMITTEE
2 SHALL ENSURE THAT THE NOMINATIONS POOL REFLECTS THE DIVERSITY OF THE
3 RESIDENTS OF THE STATE WITH REGARD TO RACE, ETHNICITY AND GENDER.

4 S 96. APPORTIONMENT COMMISSION. 1. THERE SHALL BE CREATED AN APPOR-
5 TIONMENT COMMISSION TO ASSIST THE LEGISLATURE IN THE REAPPORTIONMENT OF
6 CONGRESSIONAL, SENATE AND ASSEMBLY DISTRICTS BASED ON THE ENSUING FEDER-
7 AL CENSUS, PURSUANT TO SECTION TWO OF ARTICLE ONE OF THE UNITED STATES
8 CONSTITUTION AND SECTIONS FOUR AND FIVE OF ARTICLE THREE OF THE STATE

9 CONSTITUTION.

10 2. THE APPORTIONMENT COMMISSION SHALL BE COMPOSED OF ELEVEN MEMBERS,
11 APPOINTED FROM THE NOMINATIONS POOL AS FOLLOWS:

12 (A) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE
13 SENATE;

14 (B) TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

15 (C) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
16 SENATE;

17 (D) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
18 ASSEMBLY; AND

19 (E) THREE MEMBERS SHALL BE APPOINTED, ON OR BEFORE THE THIRTIETH DAY
20 AFTER A VACANCY IN ANY SUCH POSITION OCCURS, BY THE EIGHT MEMBERS
21 APPOINTED PURSUANT TO PARAGRAPHS (A) THROUGH (D) OF THIS SUBDIVISION BY
22 A VOTE OF NOT LESS THAN SIX MEMBERS IN FAVOR OF EACH SUCH APPOINTMENT,
23 AND EACH VACANCY IN ANY POSITION FILLED PURSUANT TO THIS PARAGRAPH SHALL
24 BE DEEMED TO CREATE VACANCIES IN ALL THREE POSITIONS HELD BY THE MEMBERS
25 SO APPOINTED; PROVIDED THAT ANY SUCH MEMBER MAY BE REAPPOINTED PURSUANT
26 TO THIS PARAGRAPH. IN THE EVENT THAT THREE MEMBERS ARE NOT APPOINTED ON
27 OR BEFORE THE THIRTIETH DAY AFTER A VACANCY IN ANY SUCH POSITION OCCURS
28 IF:

29 (I) TWO PERSONS ARE APPOINTED WITH THE REQUIRED SIX VOTES AND NO OTHER
30 PERSON RECEIVES SIX VOTES, THE THIRD SUCH MEMBER SHALL BE APPOINTED BY
31 THE CHIEF JUDGE OF THE COURT OF APPEALS WITHIN THIRTY DAYS THEREAFTER;

32 (II) ONE PERSON IS APPOINTED WITH THE REQUIRED SIX VOTES AND NO TWO
33 OTHER PERSONS RECEIVE SIX VOTES, THE TWO PERSONS RECEIVING THE MOST
34 VOTES SHALL BE APPOINTED AS MEMBERS; AND

35 (III) NO THREE PERSONS RECEIVE SIX VOTES, THE TWO PERSONS RECEIVING
36 THE MOST VOTES SHALL BE APPOINTED AS MEMBERS AND THE THIRD MEMBER SHALL
37 BE APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS.

38 (F) THE CHAIR SHALL BE DESIGNATED, FROM AMONG THE THREE MEMBERS
39 APPOINTED PURSUANT TO PARAGRAPH (E) OF THIS SUBDIVISION, BY A SIMPLE
40 MAJORITY VOTE OF ALL MEMBERS OF THE COMMISSION; PROVIDED THAT IF THE
41 COMMISSION FAILS TO DESIGNATE A CHAIR, THE CHAIR SHALL BE DESIGNATED BY
42 THE CHIEF JUDGE OF THE COURT OF APPEALS.

43 3. (A) NO MORE THAN FOUR MEMBERS OF THE APPORTIONMENT COMMISSION SHALL
44 BE ENROLLED IN THE SAME POLITICAL PARTY.

45 (B) TO THE EXTENT PRACTICABLE, THE MEMBERS OF THE APPORTIONMENT
46 COMMISSION SHALL REFLECT THE DIVERSITY OF THE RESIDENTS OF THIS STATE
47 WITH REGARD TO RACE, ETHNICITY, GENDER AND GEOGRAPHIC RESIDENCE.

48 4. THE TERMS OF THE MEMBERS OF THE APPORTIONMENT COMMISSION SHALL
49 EXPIRE UPON THE FILING OF ALL APPORTIONMENT PLANS, PURSUANT TO SUBDIVI-
50 SION FOUR, FIVE AND/OR SIX OF SECTION NINETY-EIGHT OF THIS ARTICLE, THE
51 EXHAUSTION OF ANY JUDICIAL REVIEW OF AN APPORTIONMENT PLAN AND APPOR-
52 TIONMENT STATUTE, AND THE IMPLEMENTATION OF AN APPORTIONMENT STATUTE.
53 VACANCIES IN THE MEMBERSHIP OF THE COMMISSION SHALL BE FILLED IN THE
54 MANNER PROVIDED FOR ORIGINAL APPOINTMENTS.

55 5. THE MEMBERS OF THE APPORTIONMENT COMMISSION AND ALL EMPLOYEES THER-
56 EOF SHALL BE DEEMED TO BE LEGISLATIVE EMPLOYEES.

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1 6. THE MEMBERS OF THE APPORTIONMENT COMMISSION SHALL RECEIVE NO
2 COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND
3 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT
4 TO THIS ARTICLE.

5 7. A MINIMUM OF EIGHT MEMBERS OF THE APPORTIONMENT COMMISSION SHALL
6 CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS OR THE EXERCISE
7 OF ANY POWER OF SUCH COMMISSION, PROVIDED THAT NO EXERCISE OF ANY POWER

8 OF THE APPORTIONMENT COMMISSION SHALL OCCUR WITHOUT THE AFFIRMATIVE VOTE
9 OF SEVEN MEMBERS THEREOF.

10 S 97. POWERS AND DUTIES OF COMMISSION. THE APPORTIONMENT COMMISSION
11 SHALL HAVE THE POWER AND DUTY TO:

12 1. EMPLOY AND AT PLEASURE REMOVE SUCH PERSONNEL AS IT MAY DEEM NECES-
13 SARY FOR THE PERFORMANCE OF ITS FUNCTIONS AND FIX THEIR COMPENSATION
14 WITHIN THE AMOUNTS MADE AVAILABLE THEREFOR;

15 2. MEET WITHIN AND WITHOUT THE STATE, HOLD PUBLIC HEARINGS AND HAVE
16 ALL THE POWERS OF A LEGISLATIVE COMMITTEE PURSUANT TO THIS CHAPTER;

17 3. REQUEST, RECEIVE AND UTILIZE SUCH FACILITIES, RESOURCES AND DATA
18 (INCLUDING, BUT NOT LIMITED TO, HISTORICAL VOTING INFORMATION AND
19 PATTERNS) OF ANY DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION OR
20 AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF AS IT MAY
21 REASONABLY REQUEST TO PROPERLY CARRY OUT ITS POWERS AND DUTIES PURSUANT
22 TO THIS ARTICLE;

23 4. ACQUIRE AND UTILIZE ALL MATERIALS AND EQUIPMENT NECESSARY TO ESTAB-
24 LISH APPORTIONMENT PLANS PURSUANT TO SECTION NINETY-EIGHT OF THIS ARTI-
25 CLE;

26 5. PREPARE THE NECESSARY DESCRIPTIONS FOR THE GEOGRAPHIC UNITS OF THE
27 STATE FOR USE BY THE FEDERAL CENSUS BUREAU IN REPORTING DECENNIAL FEDER-
28 AL CENSUS DATA;

29 6. ENGAGE IN SUCH RESEARCH STUDIES AND OTHER ACTIVITIES AS NECESSARY
30 OR APPROPRIATE IN THE PREPARATION AND FORMULATION OF A REAPPORTIONMENT
31 PLAN FOR THE NEXT ENSUING REAPPORTIONMENT OF SENATE AND ASSEMBLY
32 DISTRICTS AND CONGRESSIONAL DISTRICTS OF THE STATE AND IN THE UTILIZA-
33 TION OF CENSUS AND OTHER DEMOGRAPHIC AND STATISTICAL DATA FOR POLICY
34 ANALYSIS, PROGRAM DEVELOPMENT AND PROGRAM EVALUATION PURPOSES FOR THE
35 LEGISLATURE;

36 7. SELL SURVEYS, DATA, COPIES OF TABULATIONS AND OTHER SPECIAL STATIS-
37 TICAL COMPILATIONS AND MATERIALS TO DEPARTMENTS, AGENCIES AND OTHER
38 ENTITIES OF FEDERAL, STATE OR LOCAL GOVERNMENT, OF FOREIGN COUNTRIES,
39 AND TO PUBLIC BENEFIT CORPORATIONS, OR OTHER PUBLIC, NOT-FOR-PROFIT AND
40 PRIVATE PERSONS AND AGENCIES, UPON PAYMENT OF FEES AT LEAST SUFFICIENT
41 TO PAY THE ACTUAL OR ESTIMATED COST OF SUCH PROJECTS. IN FURTHERANCE OF
42 SUCH SALE, THE APPORTIONMENT COMMISSION MAY EXECUTE CONTRACTS FOR SUCH
43 PURPOSE;

44 8. PREPARE MAPS OF CITIES, TOWNS AND COUNTIES OF THE STATE FOR
45 DESCRIBING CONGRESSIONAL, SENATE AND ASSEMBLY DISTRICTS, AND PREPARE
46 APPORTIONMENT PLANS AND LEGISLATION; AND

47 9. MAKE AVAILABLE TO THE PUBLIC IN PRINT FORM AND IN ELECTRONIC FORM
48 ON THE INTERNET, USING THE BEST AVAILABLE TECHNOLOGY, ALL APPORTIONMENT
49 PLANS, RELEVANT DATA AND MAPMAKING SOFTWARE USED TO PREPARE SUCH PLANS,
50 INFORMATION ON THE MEMBERS OF THE APPORTIONMENT COMMISSION AND ALL OTHER
51 RELEVANT INFORMATION DERIVED FROM THE OPERATION OF THIS ARTICLE.

52 S 98. APPORTIONMENT. 1. THE APPORTIONMENT COMMISSION SHALL, UPON
53 RECEIPT OF THE FEDERAL DECENNIAL CENSUS FOR THE STATE, BEGIN TO ESTAB-
54 LISH A PLAN FOR THE APPORTIONMENT OF CONGRESSIONAL, SENATE AND ASSEMBLY
55 DISTRICTS IN THE STATE.

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1 2. THE FOLLOWING REQUIREMENTS AND PRINCIPLES SHALL BE APPLIED IN
2 ESTABLISHING A PLAN FOR SUCH DISTRICTS:

3 (A) ALL CONGRESSIONAL DISTRICTS SHALL BE AS NEARLY EQUAL IN POPULATION
4 AS IS PRACTICABLE.

5 (B) EACH DISTRICT SHALL CONSIST OF CONTIGUOUS TERRITORY; NO DISTRICT
6 SHALL CONSIST OF PARTS ENTIRELY SEPARATED BY THE TERRITORY OF ANOTHER
7 DISTRICT OF THE SAME BODY, WHETHER SUCH TERRITORY BE LAND OR WATER,

8 POPULATED OR UNPOPULATED. A POPULATED CENSUS BLOCK SHALL NOT BE DIVIDED
9 BY A DISTRICT BOUNDARY, UNLESS IT CAN BE DETERMINED THAT THE POPULATED
10 PART OF SUCH BLOCK IS WITHIN A SINGLE DISTRICT.

11 (C) SENATE, ASSEMBLY, OR CONGRESSIONAL DISTRICTS SHALL NOT BE ESTAB-
12 LISHED THAT ARE INTENDED TO OR RESULT IN A DENIAL OR ABRIDGEMENT OF
13 MINORITY VOTING RIGHTS INCLUDING THE OPPORTUNITY OF MINORITY VOTERS TO
14 PARTICIPATE IN THE POLITICAL PROCESS, AND TO ELECT THE CANDIDATES OF
15 THEIR CHOICE.

16 (D) SENATE, ASSEMBLY, OR CONGRESSIONAL DISTRICTS SHALL NOT BE DRAWN
17 WITH AN INTENT TO FAVOR OR OPPOSE ANY POLITICAL PARTY, ANY INCUMBENT
18 FEDERAL OR STATE LEGISLATOR, OR ANY PREVIOUS OR PRESUMED CANDIDATE FOR
19 OFFICE.

20 (E) SUBJECT TO THE REQUIREMENTS OF PARAGRAPHS (A), (B), (C) AND (D) OF
21 THIS SUBDIVISION, THE FOLLOWING PRINCIPLES SHALL BE FOLLOWED IN THE
22 CREATION OF SENATE, ASSEMBLY, AND CONGRESSIONAL DISTRICTS TO THE EXTENT
23 PRACTICABLE. A PRINCIPLE WITH A LOWER NUMBER SHALL HAVE PRECEDENCE OVER
24 A PRINCIPLE WITH A HIGHER NUMBER.

25 (I) THE MOST AND LEAST POPULOUS SENATE DISTRICTS SHALL NOT EXCEED OR
26 BE LOWER THAN THE MEAN POPULATION OF ALL SENATE DISTRICTS BY MORE THAN
27 ONE PERCENT, AND THE MOST AND LEAST POPULOUS ASSEMBLY DISTRICTS SHALL
28 NOT EXCEED OR BE LOWER THAN THE MEAN POPULATION OF ALL ASSEMBLY
29 DISTRICTS BY MORE THAN ONE PERCENT. IN NO EVENT SHALL THE COMMISSION
30 ADVANTAGE ANY REGION OF THE STATE OVER ANY OTHER BY CREATING MULTIPLE
31 DISTRICTS THEREIN EXCEEDING, OR LOWER THAN, THE MEAN POPULATION BY MORE
32 THAN ONE PERCENT.

33 (II) COUNTIES SHALL NOT BE DIVIDED IN THE FORMATION OF DISTRICTS,
34 EXCEPT TO CREATE DISTRICTS WHOLLY WITHIN A COUNTY. WHERE SUCH DIVISION
35 OF COUNTIES IS UNAVOIDABLE, MORE POPULOUS COUNTIES SHALL BE DIVIDED IN
36 PREFERENCE TO THE DIVISION OF LESS POPULOUS COUNTIES.

37 (III) COUNTY SUBDIVISIONS SHALL NOT BE DIVIDED IN THE FORMATION OF
38 DISTRICTS, EXCEPT TO CREATE DISTRICTS WHOLLY WITHIN A COUNTY SUBDIVI-
39 SION. FOR THE PURPOSES OF THIS ARTICLE, A COUNTY SUBDIVISION SHALL BE A
40 CITY, EXCEPT THE CITY OF NEW YORK, A TOWN, OR AN INDIAN RESERVATION
41 WHOSE TERRITORY IS EXCLUSIVE OF THE TERRITORY OF ANY CITY OR TOWN. COUN-
42 TY SUBDIVISIONS WITH LARGER POPULATIONS SHALL BE DIVIDED IN PREFERENCE
43 TO THE DIVISION OF THOSE WITH SMALLER POPULATIONS.

44 (IV) INCORPORATED VILLAGES SHALL NOT BE DIVIDED IN THE FORMATION OF
45 DISTRICTS.

46 (V) THE SENATE, ASSEMBLY, AND CONGRESSIONAL DISTRICTS SHALL BE AS
47 COMPACT IN FORM AS POSSIBLE.

48 (VI) A SENATE, ASSEMBLY, OR CONGRESSIONAL DISTRICT SHALL UNITE COMMU-
49 NITIES DEFINED BY ACTUAL SHARED INTERESTS, TAKING ACCOUNT OF GEOGRAPHIC,
50 SOCIAL, ECONOMIC, AND OTHER FACTORS THAT INDICATE COMMONALITY OF INTER-
51 EST, AND DISTRICTS SHALL BE FORMED SO AS TO PROMOTE THE ORDERLY AND
52 EFFICIENT ADMINISTRATION OF ELECTIONS.

53 3. DURING THE PREPARATION OF THE APPORTIONMENT PLAN, THE APPORTIONMENT
54 COMMISSION SHALL CONDUCT NOT LESS THAN ONE PUBLIC HEARING ON PROPOSALS
55 FOR THE APPORTIONMENT OF CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS
56 IN EACH OF THE FOLLOWING (A) CITIES: ALBANY, BUFFALO, SYRACUSE, ROCHE-
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1 TER, GLEN COVE, AND WHITE PLAINS; AND (B) COUNTIES: BRONX, KINGS, NEW
2 YORK, QUEENS AND RICHMOND. PUBLIC NOTICE OF ALL SUCH HEARINGS SHALL BE
3 WIDELY PUBLISHED BY THE APPORTIONMENT COMMISSION IN ADVANCE THROUGH ALL
4 AVAILABLE MEANS. TO THE EXTENT PRACTICABLE, ALL SUCH HEARINGS AND THE
5 PROCEEDINGS OF THE APPORTIONMENT COMMISSION SHALL BE TELEVISED. THE
6 APPORTIONMENT COMMISSION SHALL REPORT THE FINDINGS OF ALL SUCH HEARINGS

7 TO THE LEGISLATURE UPON SUBMISSION OF THE APPORTIONMENT PLAN PURSUANT TO
8 PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION.

9 4. (A) ON OR BEFORE THE THIRTIETH OF MAY IN EACH YEAR ENDING WITH A
10 ONE OR WITHIN SIXTY DAYS OF RECEIVING THE FEDERAL DECENNIAL CENSUS FOR
11 THE STATE, WHICHEVER IS LATER, THE APPORTIONMENT COMMISSION SHALL SUBMIT
12 TO THE LEGISLATURE AND DISSEMINATE TO THE PUBLIC AN APPORTIONMENT PLAN
13 FOR ALL CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS, ALONG WITH THE
14 LEGISLATION NECESSARY TO IMPLEMENT SUCH PLAN. UPON RECEIPT OF SUCH PLAN,
15 THE IMPLEMENTING LEGISLATION THEREFOR SHALL BE INTRODUCED IN BOTH HOUSES
16 OF THE LEGISLATURE WITHOUT ANY AMENDMENTS WITHIN FIVE DAYS.

17 (B) ON OR BEFORE THE FIFTEENTH OF JUNE FOLLOWING THE DISSEMINATION OF
18 THE APPORTIONMENT PLAN TO THE PUBLIC, THE APPORTIONMENT COMMISSION SHALL
19 CONDUCT NOT LESS THAN ONE PUBLIC HEARING ON SUCH APPORTIONMENT PLAN IN
20 EACH OF THE CITIES AND COUNTIES DELINEATED IN PARAGRAPHS (A) AND (B) OF
21 SUBDIVISION THREE OF THIS SECTION, AND SHALL REPORT THE FINDINGS OF ALL
22 SUCH HEARINGS TO THE LEGISLATURE.

23 (C) THE LEGISLATION INTRODUCED PURSUANT TO PARAGRAPH (A) OF THIS
24 SUBDIVISION SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY BOTH SUCH HOUSES
25 OF THE LEGISLATURE WITHIN SEVEN DAYS AFTER THE APPORTIONMENT COMMISSION
26 REPORTS THE FINDINGS OF ITS PUBLIC HEARING TO THE LEGISLATURE. IF
27 APPROVED, THE LEGISLATURE SHALL FORWARD SUCH LEGISLATION TO THE GOVERNOR
28 WITHIN FIVE DAYS.

29 5. IF (A) EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION SUBMITTED
30 PURSUANT TO SUBDIVISION FOUR OF THIS SECTION WITHIN TWENTY-ONE DAYS OF
31 ITS SUBMISSION, OR (B) THE GOVERNOR SHALL VETO SUCH LEGISLATION AND THE
32 LEGISLATURE SHALL FAIL TO OVERRIDE SUCH VETO WITHIN FIFTEEN DAYS OF SUCH
33 VETO, THE APPORTIONMENT COMMISSION SHALL HOLD AN OPEN HEARING WITHIN
34 FIFTEEN DAYS OF SAID FAILURE TO PASS THE LEGISLATION AS IN PARAGRAPH (A)
35 OF THIS SUBDIVISION OR FAILURE TO OVERRIDE THE GOVERNOR'S VETO AS IN
36 PARAGRAPH (B) OF THIS SUBDIVISION AT WHICH THE SPEAKER AND MINORITY
37 LEADER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT AND MINORITY LEADER
38 OF THE SENATE, OR EACH OF THEIR DESIGNEES SHALL TESTIFY AS TO THE
39 REASONS THAT THE LEGISLATION DID NOT BECOME LAW, AND MEMBERS OF THE
40 PUBLIC WILL ALSO BE INVITED TO TESTIFY. WITHIN FIFTEEN DAYS OF SUCH
41 HEARING, THE APPORTIONMENT COMMISSION SHALL ESTABLISH AND SUBMIT TO THE
42 LEGISLATURE A SECOND APPORTIONMENT PLAN AND THE NECESSARY IMPLEMENTING
43 LEGISLATION FOR SUCH PLAN. UPON RECEIPT OF SUCH SECOND PLAN, THE IMPE-
44 MENTING LEGISLATION THEREFOR SHALL BE INTRODUCED IN BOTH HOUSES OF THE
45 LEGISLATURE WITHOUT ANY AMENDMENTS WITHIN FIVE DAYS. SUCH LEGISLATION
46 SHALL BE VOTED UPON, WITHOUT AMENDMENT, BY BOTH SUCH HOUSES WITHIN TWEN-
47 TY-ONE DAYS, BUT NOT SOONER THAN SEVEN DAYS, AFTER ITS INTRODUCTION. IF
48 APPROVED, THE LEGISLATURE SHALL FORWARD SUCH LEGISLATION TO THE GOVERNOR
49 WITHIN FIVE DAYS.

50 6. IF (A) EITHER HOUSE SHALL FAIL TO APPROVE THE LEGISLATION SUBMITTED
51 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION WITHIN TWENTY-ONE DAYS OF
52 ITS SUBMISSION, OR (B) THE GOVERNOR SHALL VETO SUCH LEGISLATION AND THE
53 LEGISLATURE FAILS TO OVERRIDE SUCH VETO THE APPORTIONMENT COMMISSION
54 SHALL HOLD AN OPEN HEARING WITHIN FIFTEEN DAYS OF SAID FAILURE TO PASS
55 THE LEGISLATION AS IN PARAGRAPH (A) OF THIS SUBDIVISION OR FAILURE TO
56 OVERRIDE THE GOVERNOR'S VETO AS IN PARAGRAPH (B) OF THIS SUBDIVISION AT
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1 WHICH THE SPEAKER AND MINORITY LEADER OF THE ASSEMBLY AND THE TEMPORARY
2 PRESIDENT AND MINORITY LEADER OF THE SENATE, OR EACH OF THEIR DESIGNEES
3 SHALL TESTIFY AS TO THE REASONS THAT THE LEGISLATION DID NOT BECOME LAW,
4 AND MEMBERS OF THE PUBLIC WILL ALSO BE INVITED TO TESTIFY. WITHIN
5 FIFTEEN DAYS OF SUCH HEARING, THE APPORTIONMENT COMMISSION SHALL ESTAB-

6 LISH AND SUBMIT TO THE LEGISLATURE A THIRD APPORTIONMENT PLAN AND THE
7 NECESSARY IMPLEMENTING LEGISLATION FOR SUCH PLAN. UPON RECEIPT OF SUCH
8 THIRD PLAN, THE IMPLEMENTING LEGISLATION WITH ANY AMENDMENTS THE LEGIS-
9 LATURE SHALL DEEM NECESSARY SHALL BE INTRODUCED IN BOTH HOUSES OF THE
10 LEGISLATURE WITHIN FIVE DAYS. ALL SUCH AMENDMENTS SHALL COMPLY WITH THE
11 PROVISIONS OF SUBDIVISION TWO OF THIS SECTION. SUCH LEGISLATION SHALL BE
12 VOTED UPON BY BOTH SUCH HOUSES WITHIN TWENTY-ONE DAYS, BUT NOT SOONER
13 THAN SEVEN DAYS, AFTER ITS INTRODUCTION. IF APPROVED, THE LEGISLATURE
14 SHALL FORWARD SUCH LEGISLATION TO THE GOVERNOR WITHIN FIVE DAYS.

15 S 99. APPLICATION OF ARTICLE. 1. THE PROCESS FOR APPORTIONMENT OF
16 CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS ESTABLISHED BY THIS ARTI-
17 CLE SHALL BE THE EXCLUSIVE MEANS BY WHICH SUCH APPORTIONMENT SHALL BE
18 COMPLETED IN THIS STATE. EVERY APPORTIONMENT OF CONGRESSIONAL OR STATE
19 LEGISLATIVE DISTRICTS PERFORMED IN VIOLATION OF THE PROVISIONS OF THIS
20 ARTICLE SHALL BE VOID. IN ANY PROCEEDING RELATING TO APPORTIONMENT OF
21 CONGRESSIONAL OR STATE LEGISLATIVE DISTRICTS, THE COURT SHALL IMPLEMENT
22 THE PLAN THAT BEST SERVES THE REQUIREMENTS OF SUBDIVISION TWO OF SECTION
23 NINETY-EIGHT OF THIS ARTICLE.

24 2. AN APPORTIONMENT STATUTE SHALL REMAIN IN FULL FORCE AND EFFECT
25 UNTIL A SUBSEQUENT APPORTIONMENT STATUTE, BASED UPON THE SUCCEEDING
26 DECENNIAL FEDERAL CENSUS, TAKES EFFECT, UNLESS MODIFIED PURSUANT TO
27 COURT ORDER.

28 S 5. This act shall take effect immediately.

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