

PROGRAM BILL # 31

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal

Table listing senators and their names: s20 Adams, s44 Farley, s58 Kennedy, s54 Nozzolio, s28 Serrano, s15 Addabbo, s02 Flanagan, s34 Klein, s53 O'Mara, s51 Seward, s55 Alesi, s08 Fuschillo, s26 Krueger, s37 Oppenheimer, s09 Skelos, s11 Avella, s59 Gallivan, s24 Lanza, s21 Parker, s14 Smith, s40 Ball, s12 Gianaris, s39 Larkin, s13 Peralta, s25 Squadron, s42 Bonacic, s22 Golden, s01 LaValle, s30 Perkins, s16 Stavisky, s46 Breslin, s47 Griffo, s52 Libous, s61 Ranzenhofner, s35 Stewart-Cousins, s38 Carlucci, s60 Grisanti, s45 Little, s48 Ritchie, s49 Valesky, s50 DeFrancisco, s06 Hannon, s05 Marcellino, s33 Rivera, s32 Diaz, s36 Hassell, s07 Martins, s56 Robach, s57 Young, s17 Dilan, Thompson, s62 Maziarz, s41 Saland, s03 Zeldin, s29 Duane, s10 Huntley, s43 McDonald, s19 Sampson, s27, s31 Espaillat, s04 Johnson, s18 Montgomery, s23 Savino

S. Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed, and when printed to be committed to the Committee on

A. Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the Committee on

\*LEGILA\* (Enacts the Redistricting Reform Act of 2012)

Leg. independent redistrict comm

AN ACT

to amend the legislative law, in relation to redistricting of congressional, senate and assembly districts

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

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

Table listing assembly members and their names: a049 Abbate, a107 Crouch, a095 Jaffee, a052 Millman, a012 Saladino, a092 Abinanti, a014 Curran, a057 Jeffries, a015 Montesano, a113 Sayward, a105 Amedora, a063 Cusick, a135 Johns, a132 Morelle, a029 Scarborough, a084 Arroyo, a045 Cymbrowitz, a112 Jordan, a039 Moya, a016 Schimel, a035 Aubry, a034 DenDekker, a099 Katz, a003 Murray, a140 Schimminger, a124 Barclay, a081 Dinowitz, a074 Kavanagh, a037 Nolan, a064 Silver, a040 Barron, a114 Duprey, a065 Kellner, a128 Oaks, a027 Simanowitz, a082 Benedetto, a004 Englebright, a129 Kolb, a069 O'Donnell, a036 Simotas, a122 Blankenbush, a054 Espinal, a025 Lancman, a051 Ortiz, a146 Smardz, a055 Boyland, a071 Farrell, a091 Latimer, a136 Palmesano, a079 Stevenson, a008 Boyle, a123 Finch, a013 Lavine, a088 Paulin, a011 Sweeney, a026 Braunstein, a007 Fitzpatrick, a050 Lentol, a141 Peoples-Stokes, a110 Tedisco, a044 Brennan, a137 Friend, a125 Lifton, a058 Perry, a002 Thiele, a116 Brindisi, a143 Gabryszak, a072 Linares, a087 Pretlow, a061 Titone, a131 Bronson, a090 Galef, a127 Lopez, P., a073 Quart, a031 Titus, a046 Brook-Krasny, a133 Gantt, a053 Lopez, V., a021 Ra, a062 Tobacco, a147 Burling, a077 Gibson, a001 Losquadro, a097 Rabbitt, a148 Walter, a117 Butler, a149 Giglio, a126 Lupardo, a009 Raia, a041 Weinstein, a101 Cahill, a066 Glick, a111 Magee, a006 Ramos, a020 Weisenberg, a096 Calhoun, a023 Goldfeder, a120 Magnarelli, a134 Reilich, a024 Weprin, a043 Camara, a150 Goodell, a059 Maisel, a109 Reilly, a070 Wright, a106 Canestrari, a075 Gottfried, a060 Malliotakis, a178 Rivera, J., a094 Zebrowski, a089 Castelli, a005 Graf, a030 Markey, a080 Rivera, N., a093, a086 Castro, a098 Gunther, a019 McDonough, a076 Rivera, P., a100, a138 Ceretto, a130 Hanna, a104 McEneny, a119 Roberts, a103, a033 Clark, a139 Hawley, a017 McKeivitt, a056 Robinson, a145, a047 Colton, a083 Heastie, a108 McLaughlin, a068 Rodriguez, a010 Conte, a028 Revesi, a022 Meng, a067 Rosenthal, a032 Cook, a048 Hikind, a121 Miller, D., a118 Russell, a142 Corwin, a018 Hooper, a102 Miller, J., a144 Ryan, a085 Crespo, a042 Jacobs, a038 Miller, M.

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and 4 copies of memorandum in support (single house); or 4 signed copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. This act shall be known and may be cited as the "Redis-  
2 tricting Reform Act of 2012."

3 § 2. The legislative law is amended by adding a new article 6-A to  
4 read as follows:

5 ARTICLE 6-A

6 REDISTRICTING OF CONGRESSIONAL

7 AND STATE LEGISLATIVE DISTRICTS

8 Section 93. Redistricting.

9 94. Independent redistricting commission.

10 § 93. Redistricting. 1. The independent redistricting commission  
11 established pursuant to section ninety-four of this article shall  
12 prepare a redistricting plan to establish senate, assembly, and congres-  
13 sional districts every ten years commencing in two thousand twenty-one,  
14 and shall submit to the legislature such plan and the implementing  
15 legislation therefor on or before January first or as soon as practica-  
16 ble thereafter but no later than January fifteenth in the year ending in  
17 two beginning in two thousand twenty-two. The redistricting plans for  
18 the assembly and the senate shall be contained in and voted upon by the  
19 legislature in a single bill, and the congressional district plan may be  
20 included in the same bill if the legislature chooses to do so. The  
21 implementing legislation shall be voted upon, without amendment, by the  
22 senate or the assembly within ten days of the plan's submission or with-  
23 in ten days after January first in a year ending in two, whichever is  
24 later. If approved by the first house voting upon it, such legislation  
25 shall be delivered to the other house immediately to be voted upon,  
26 without amendment, within five days from delivery. If approved by both  
27 houses, such legislation shall be presented to the governor for action  
28 within three days.

1 If either house shall fail to approve the legislation implementing the  
2 first redistricting plan, or the governor shall veto such legislation  
3 and the legislature shall fail to override such veto within ten days of  
4 such veto, each house or the governor if he or she vetoes it, shall  
5 notify the commission that such legislation has been disapproved within  
6 three days of such disapproval. Within fifteen days of such notifica-  
7 tion and in no case later than February twenty-eighth of a year ending  
8 in two, the redistricting commission shall prepare and submit to the  
9 legislature a second redistricting plan and the necessary implementing  
10 legislation for such plan. Within ten days of its submission such  
11 legislation shall be voted upon, without amendment, by the senate or the  
12 assembly and, if approved by the first house voting upon it, such legis-  
13 lation shall be delivered to the other house immediately to be voted  
14 upon, without amendment, within five days from delivery. If approved by  
15 both houses, such legislation shall be presented to the governor for  
16 action within three days.

17 If either house shall fail to approve the legislation implementing the  
18 second redistricting plan, or the governor shall veto such legislation  
19 and the legislature shall fail to override such veto within ten days of  
20 such veto, each house shall introduce such implementing legislation with  
21 any amendments each house of the legislature deems necessary. All such  
22 amendments shall comply with the provisions of this article. If approved  
23 by both houses, such legislation shall be presented to the governor for  
24 action within three days.

25 All votes by the senate or assembly on any redistricting plan legis-  
26 lation pursuant to this article shall be conducted in accordance with  
27 the following rules:

1     (a) In the event that the speaker of the assembly and the temporary  
2 president of the senate are members of two different political parties,  
3 approval of legislation duly approved and submitted by the independent  
4 redistricting commission pursuant to subdivision six of section ninety-  
5 four of this article shall require the vote in support of its passage by  
6 at least a majority of the members elected to each house.

7     (b) In the event that the speaker of the assembly and the temporary  
8 president of the senate are members of two different political parties,  
9 approval of legislation that was submitted by the independent redis-  
10 tricting commission pursuant to subdivision seven of section ninety-four  
11 of this article shall require the vote in support of its passage by at  
12 least sixty percent of the members elected to each house.

13     (c) In the event that the speaker of the assembly and the temporary  
14 president of the senate are members of the same political party,  
15 approval of legislation submitted by the independent redistricting  
16 commission pursuant to subdivision six or seven of section ninety-four  
17 of this article shall require the vote in support of its passage by at  
18 least two-thirds of the members elected to each house.

19     2. Subject to the requirements of the federal constitution and stat-  
20 utes and in compliance with state constitutional requirements, the  
21 following principles shall be used in the creation of state senate and  
22 state assembly districts and congressional districts:

23     (a) When drawing district lines, the commission shall consider whether  
24 such lines would result in the denial or abridgement of racial or  
25 language minority voting rights, and districts shall not be drawn to  
26 have the purpose of, nor shall they result in, the denial or abridgement  
27 of such rights. Districts shall be drawn so that, based on the totality  
28 of the circumstances, racial or minority language groups do not have

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

3 (b) 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 (c) Each district shall consist of contiguous territory.

8 (d) Each district shall be as compact in form as practicable.

9 (e) 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 mainte-  
12 nance of cores of existing districts, of pre-existing political subdivi-  
13 sions, including counties, cities, and towns, and of communities of  
14 interest.

15 (f) 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

1 to the first public hearing and in any event no later than September  
2 fifteenth of the year ending in one or as soon as practicable thereaft-  
3 er, the independent redistricting commission shall make widely available  
4 to the public, in print form and using the best available technology,  
5 its draft redistricting plans, relevant data, and related information.  
6 Such plans, data, and information shall be in a form that allows and  
7 facilitates their use by the public to review, analyze, and comment upon  
8 such plans and to develop alternative redistricting plans for presenta-  
9 tion to the commission at the public hearings. The independent redis-  
10 tricting commission shall report the findings of all such hearings to  
11 the legislature upon submission of a redistricting plan.

12 3. The process for redistricting congressional and state legislative  
13 districts established by this article shall govern redistricting in this  
14 state except to the extent that a court is required to order the  
15 adoption of, or changes to, a redistricting plan as a remedy for a  
16 violation of law.

17 A reapportionment plan and the districts contained in such plan shall  
18 be in force until the effective date of a plan based upon the subsequent  
19 federal decennial census taken in a year ending in zero unless modified  
20 pursuant to court order.

21 4. In any judicial proceeding relating to redistricting of congress-  
22 sional or state legislative districts, any law establishing congression-  
23 al or state legislative districts found to violate the provisions of  
24 this article shall be invalid in whole or in part. In the event that a  
25 court finds such a violation, the legislature shall have a full and  
26 reasonable opportunity to correct the law's legal infirmities.

27 § 94. Independent redistricting commission. 1. On or before February  
28 first of each year ending with a zero and at any other time a court

1 orders that congressional or state legislative districts be amended, an  
2 independent redistricting commission shall be established to determine  
3 the district lines for congressional and state legislative offices. The  
4 independent redistricting commission shall be composed of ten members,  
5 appointed as follows:

6 (a) two members shall be appointed by the temporary president of the  
7 senate;

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

9 (c) two members shall be appointed by the minority leader of the  
10 senate;

11 (d) two members shall be appointed by the minority leader of the  
12 assembly;

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

19 (f) one member shall be designated chair of the commission by a major-  
20 ity of the members appointed pursuant to paragraphs (a) through (e) of  
21 this subdivision to convene and preside over each meeting of the commis-  
22 sion.

23 2. The members of the independent redistricting commission shall be  
24 registered voters in this state. No member shall within the last three  
25 years:

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

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

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

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

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

9 3. To the extent practicable, the members of the independent redis-  
10 tricting commission shall reflect the diversity of the residents of this  
11 state with regard to race, ethnicity, gender, language, and geographic  
12 residence and to the extent practicable the appointing authorities shall  
13 consult with organizations devoted to protecting the voting rights of  
14 minority and other voters concerning potential appointees to the commis-  
15 sion.

16 4. Vacancies in the membership of the commission shall be filled with-  
17 in thirty days in the manner provided for in the original appointments.

18 5. The members of the independent redistricting commission shall  
19 receive reimbursement for actual and necessary expenses incurred in the  
20 performance of their duties.

21 6. A minimum of five members of the independent redistricting commis-  
22 sion shall constitute a quorum for the transaction of any business or  
23 the exercise of any power of such commission prior to the appointment of  
24 the two commission members appointed pursuant to paragraph (e) of subdivi-  
25 vision one of this section, and a minimum of seven members shall consti-  
26 tute a quorum after such members have been appointed, and no exercise of  
27 any power of the independent redistricting commission shall occur with-  
28 out the affirmative vote of at least a majority of the members, provided

1 that, in order to approve any redistricting plan and implementing legis-  
2 lation, the following rules shall apply:

3 (a) In the event that the speaker of the assembly and the temporary  
4 president of the senate are members of the same political party,  
5 approval of a redistricting plan and implementing legislation by the  
6 commission for submission to the legislature shall require the vote in  
7 support of its approval by at least seven members including at least one  
8 member appointed by each of the legislative leaders.

9 (b) In the event that the speaker of the assembly and the temporary  
10 president of the senate are members of two different political parties,  
11 approval of a redistricting plan by the commission for submission to the  
12 legislature shall require the vote in support of its approval by at  
13 least seven members including at least one member appointed by the  
14 speaker of the assembly and one member appointed by the temporary presi-  
15 dent of the senate.

16 7. In the event that the commission is unable to obtain seven votes to  
17 approve a redistricting plan on or before January first in the year  
18 ending in two or as soon as practicable thereafter, the commission shall  
19 submit to the legislature that redistricting plan and implementing  
20 legislation that garnered the highest number of votes in support of its  
21 approval by the commission with a record of the votes taken. In the  
22 event that more than one plan received the same number of votes for  
23 approval, and such number was higher than that for any other plan, then  
24 the commission shall submit all plans that obtained such number of  
25 votes. The legislature shall consider and vote upon such implementing  
26 legislation in accordance with the voting rules set forth in section  
27 ninety-three of this article. Any amendments to such plans by the legis-  
28 lature shall comply with the provisions of this article.

1 8. (a) The independent redistricting commission shall appoint two  
2 co-executive directors by a majority vote of the commission in accord-  
3 ance with the following procedure:

4 (1) In the event that the the speaker of the assembly and the tempo-  
5 rary president of the senate are members of two different political  
6 parties, the co-executive directors shall be approved by a majority of  
7 the commission that includes at least one appointee by the speaker of  
8 the assembly and at least one appointee by the temporary president of  
9 the senate.

10 (2) In the event that the speaker of the assembly and the temporary  
11 president of the senate are members of the same political party, the  
12 co-executive directors shall be approved by a majority of the commission  
13 that includes at least one appointee by each of the legislative leaders.

14 (b) One of the co-executive directors shall be enrolled in the poli-  
15 tical party with the highest number of enrolled members in the state and  
16 one shall be enrolled in the political party with the second highest  
17 number of enrolled members in the state. The co-executive directors  
18 shall appoint such staff as are necessary to perform the commission's  
19 duties, except that the commission shall review a staffing plan prepared  
20 and provided by the co-executive directors which shall contain a list of  
21 the various positions and the duties, qualifications, and salaries asso-  
22 ciated with each position.

23 (c) In the event that the commission is unable to appoint one or both  
24 of the co-executive directors within forty-five days of the establish-  
25 ment of a quorum of seven commissioners, the following procedure shall  
26 be followed:

27 (1) In the event that the speaker of the assembly and the temporary  
28 president of the senate are members of two different political parties,

1 within ten days the speaker's appointees on the commission shall appoint  
2 one co-executive director, and the temporary president's appointees on  
3 the commission shall appoint the other co-executive director. Also with-  
4 in ten days the minority leader of the assembly shall select a co-deputy  
5 executive director, and the minority leader of the senate shall select  
6 the other co-deputy executive director.

7 (2) In the event that the speaker of the assembly and the temporary  
8 president of the senate are members of the same political party, within  
9 ten days the speaker's and temporary president's appointees on the  
10 commission shall together appoint one co-executive director, and the two  
11 minority leaders' appointees on the commission shall together appoint  
12 the other co-executive director.

13 (d) In the event of a vacancy in the offices of co-executive director  
14 or co-deputy executive director, the position shall be filled within ten  
15 days of its occurrence by the same appointing authority or authorities  
16 that appointed his or her predecessor.

17 9. The state budget shall include necessary appropriations for the  
18 expenses of the independent redistricting commission, provide for  
19 compensation and reimbursement of expenses for the members and staff of  
20 the commission, assign to the commission any additional duties that the  
21 legislature may deem necessary to the performance of the duties stipu-  
22 lated in this article, and require other agencies and officials of the  
23 state of New York and its political subdivisions to provide such infor-  
24 mation and assistance as the commission may require to perform its  
25 duties.

26 § 3. Any amendments by the senate or assembly to a redistricting plan  
27 submitted by the independent redistricting commission, shall not affect  
28 more than two percent of the population of any district contained in

1 such plan. If two or more plans for districts in the same legislative  
2 house or for congressional districts are submitted by the commission and  
3 voted upon by the legislature, such plans shall be considered individ-  
4 ually and not combined.

5 § 4. (a) The independent redistricting commission established pursuant  
6 to section 5-b of article 3 of the constitution shall submit to the  
7 legislature such plan and the implementing legislation therefore on or  
8 before January first or as soon as practicable thereafter but no later  
9 than January fifteenth in the year ending in two beginning in two thou-  
10 sand twenty-two. Within ten days of the plan's submission or within ten  
11 days after January first in a year ending in two, whichever is later,  
12 the implementing legislation shall be voted upon without amendment by  
13 the senate or the assembly. If approved by the first house voting upon  
14 it, such legislation shall be delivered to the other house immediately  
15 to be voted upon, without amendment, within five days from delivery. If  
16 approved by both houses such legislation shall be presented to the  
17 governor for action within three days.

18 (b) If either house shall fail to approve the legislation implementing  
19 the first redistricting plan, or the governor shall veto such legis-  
20 lation and the legislature shall fail to override such veto within ten  
21 days of such veto, each house or the governor, if he or she vetoes it,  
22 shall notify the commission that such legislation has been disapproved  
23 within three days of such disapproval. Within fifteen days of such  
24 notification and in no case later than February twenty-eighth of a year  
25 ending in two, the redistricting commission shall prepare and submit to  
26 the legislature a second redistricting plan and the necessary implement-  
27 ing legislation for such plan. Within ten days of its submission such  
28 legislation shall be voted upon, without amendment, by the senate or

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, within five days from delivery. If approved by  
4 both houses, such legislation shall be presented to the governor for  
5 action within three days.

6 (c) If either house shall fail to approve the legislation implementing  
7 the second redistricting plan, or the governor shall veto such legis-  
8 lation and the legislature shall fail to override such veto within ten  
9 days of such veto, each house shall introduce such implementing legis-  
10 lation with any amendments each house deems necessary. If approved by  
11 both houses, such legislation shall be presented to the governor for  
12 action within three days.

13 § 5. The house that first approved in 2012 the amendment entitled  
14 "Concurrent Resolution of the Senate and Assembly proposing an amendment  
15 to article 3 of the constitution, in relation to the establishment of  
16 the independent redistricting commission" (hereinafter "the amendment")  
17 shall when considering the resolution in 2013 vote upon the amendment  
18 first in the next session of the legislature and in any event shall do  
19 so no later than January 15, 2013. The house that approved the amendment  
20 second in 2012 shall also vote upon the amendment second in the next  
21 session and in any event no later than January 30, 2013.

22 § 6. (a) If the house that first votes upon the amendment in the next  
23 session approves such amendment, and the other house approves it there-  
24 after, then the amendment shall be considered for approval by the voters  
25 and this act shall not take effect except that sections three and four  
26 of this act shall then take effect upon the people approving and ratify-  
27 ing such amendment by a majority of the electors voting thereon. If the  
28 house that first votes upon the amendment in the next session approves

1 such amendment, and the other house disapproves it thereafter or fails  
2 to vote upon the amendment within fifteen days of the first house's vote  
3 or by January 30, 2013, whichever is sooner, then this act shall take  
4 effect immediately in its entirety except that wherever in this act the  
5 legislative leaders of the house that failed to approve the amendment  
6 shall appoint a member of the independent redistricting commission or a  
7 staff member of the commission, then the governor shall replace that  
8 house's legislative leaders as the appointing authority and shall make  
9 such appointments as provided for in this act.

10 (b) If the house that first votes upon the amendment in the next  
11 session disapproves such amendment or fails to vote upon the amendment  
12 prior to January 15, 2013, and the other house approves it thereafter,  
13 then this act shall take effect immediately except that wherever in this  
14 act the legislative leaders of the house that failed to approve the  
15 amendment shall appoint a member of the independent redistricting  
16 commission or a staff member of the commission, then the governor shall  
17 replace such house's legislative leaders as the appointing authority and  
18 shall make such appointments as provided for in this act.

19 (c) If the house that first votes upon the amendment in the next  
20 session disapproves such amendment or fails to vote upon the amendment  
21 prior to January 15, 2013, and the other house disapproves it thereafter  
22 or fails to vote upon the amendment within fifteen days of the first  
23 house's vote or by January 30, 2013, whichever is sooner, then this act  
24 shall take effect immediately in its entirety except that whenever in  
25 this act the legislative leaders shall appoint a member of the independ-  
26 ent redistricting commission or a staff member of the commission, then  
27 the governor shall replace each legislative leader as the appointing  
28 authority and shall make such appointments as provided for in this act.