

# GOVERNOR'S PROGRAM BILL

2011

## MEMORANDUM

AN ACT to amend the legislative law, in relation to redistricting 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

### **Purpose:**

This bill, titled the "Redistricting Reform Act of 2011," would establish an independent redistricting commission that would draw maps for congressional and state legislative district lines every ten years following the U.S. Census.

### **Summary of Provisions:**

Section 1 of the bill would set forth its title as the "Redistricting Reform Act of 2011."

Sections 2 of the bill would amend Legislative Law § 5-a to remove a reference to the Legislative Task Force on Demographic Research and Reapportionment (LATFOR) .

Section 3 of the bill would amend Legislative Law § 12 to replace a reference to LATFOR with the Independent Redistricting Commission (Commission).

Section 4 of the bill would repeal Legislative Law § 93-m, which concerns the formation of LATFOR.

Section 5 of the bill would amend the Legislative Law by adding a new article 6-a, which would create an Independent Redistricting Commission and Independent Redistricting Nominations Committee (Nominations Committee). The Nominations Committee would be composed of eight members, with the temporary president of the senate, speaker of the assembly, minority leader of the senate, and minority leader of the assembly each appointing one member, and the governor appointing four members (two of whom would be registered Republicans, and two Democrats). Members could not serve if they currently are or, in the past four years, have been members of the Legislature or Congress, were registered lobbyists, or held a political party position, or a position as an employee of the Executive Chamber, Congress, or the Legislature.

The Nominations Committee would develop a list of 40 persons known as the "nominations pool" who would be vetted for conflicts of interest (such as those conditions that would bar an individual from serving on the Nominations Committee), and would consist of the following

individuals: 15 persons enrolled as Democrats, 15 persons enrolled as Republicans, and 10 persons not enrolled as Democrats or Republicans. The pool must also reflect the geographic, racial, ethnic, and gender diversity of the State. The Nominations Committee would be required to consult with organizations devoted to protecting the rights of minority and other voters to participate in the political process concerning potential candidates for nomination to the nominations pool.

The Independent Redistricting Commission would be selected from the members of the nominations pool, with each legislative leader (majority and minority) appointing two members, for a total of eight members. The eight members would then appoint three additional members, two of whom would serve as co-chairs of the Commission. No more than four of the eight members appointed by the legislative leaders would be enrolled in the same political party, and members would be selected to represent the diversity of the State as described above. The legislative leaders would be required to consult with organizations devoted to the protection of minority and other voters' rights concerning potential appointments to the Commission.

The Commission would be charged with developing redistricting plans for Congress and the Legislature and would make such plans available to the public both before and in the context of extensive public hearings. The Commission would be required to hold numerous public hearings throughout the State and, prior to its first hearing, would post on its website extensive information concerning the plans under development and the data involved in order to facilitate public review, assessment, and critique of those plans, and the development of alternative plans. In particular, the Commission would be required to post its own assessment of its draft plan's compliance with and service of the requirements and principles set forth below, including the plan's protection of minority voting rights.

All redistricting plans would be drawn according to the following requirements, subject to the requirements of state and federal law:

- all congressional districts shall be as nearly equal in population as practicable;
- districts shall be contiguous;
- districts shall not be established that are intended to or result in a denial or abridgement of minority voting rights including the opportunity of minority voters to participate in the political process, and to elect the candidates of their choice, including but not limited to minority populations with the opportunity to elect the candidates of their choice without comprising a majority of the district; and
- districts shall not be drawn with an intent to favor or oppose any political party, any incumbent, or any previous or presumed candidate for office;

Subject to the requirements above and those of state and federal law, all redistricting plans would be drawn according to the following principles:

- to the extent practicable, the most and least populous senate and assembly districts shall not exceed the mean population of districts for each house by more than one percent;
- districts shall unite communities of interest;
- to the extent practicable, counties and county subdivisions shall not be divided in the formation of districts; and
- to the extent practicable, villages shall not be divided in the formation of districts.

After the public hearings, the Legislature would approve or disapprove the Commission's plans without amendments. If the proposal is rejected, the Commission would submit an amended proposal after hearing the reasons given by the Legislature regarding the first plan's rejection at a public hearing. The second plan would be voted upon by the Legislature again without amendments. If the second proposal is also rejected, the Commission would submit a third plan following further hearings. The third plan would be subject to amendments, except that such amendments must comply with the substantive criteria set forth above and could not affect more than two percent of the population of any district.

Section 5 provides the immediate effective date of this bill.

**Existing Law:**

The existing redistricting process is committed to the Legislature with the assistance of LATFOR, as set forth in section 83-m and other provisions of the Legislative Law.

**Statement in Support:**

The current process for drawing district lines in New York State has been widely criticized as lacking independence from the Legislature, serving partisan interests, and protecting incumbent office-holders rather than the public interest. To restore public faith in our state government, meaningful reform of the redistricting process is necessary and such reform must create a new and permanent process whose hallmarks are independence, transparency, and fair representation.

**Budget Implications:**

This legislation is not expected to have a significant impact on the budget.

**Effective Date:**

This bill would take effect immediately.