

HOUSE BILL 966

P3, G1

CONSTITUTIONAL AMENDMENT

7lr1157

By: **Delegates Hill, Krimm, Brooks, Carr, Lierman, Morales, and P. Young**

Introduced and read first time: February 6, 2017

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Legislative and Congressional Districting**

3 FOR the purpose of creating the General Assembly Legislative Redistricting and
4 Apportionment Commission; requiring the Commission to divide the State to create
5 certain General Assembly legislative districts; providing for the membership,
6 qualifications, and duties of the Commission; specifying certain requirements for the
7 adoption of the redistricting plan by the Commission; specifying that the
8 redistricting plan meet certain standards and requirements; prohibiting the
9 Commission from considering certain factors in adopting redistricting plans;
10 requiring the Secretary of State to submit the Commission's final certified map and
11 plan for General Assembly legislative districts to the presiding officers of the General
12 Assembly; requiring the presiding officers to introduce separate bills for the General
13 Assembly legislative districts; specifying that the map and plan become law only on
14 adoption by two-thirds of the members of each house of the General Assembly;
15 providing that the Commission shall submit an alternative map and plan if the
16 General Assembly fails to adopt a previously submitted map and plan; requiring the
17 Legislative Auditor to establish and administer an application process for
18 individuals seeking appointment to the Commission; prohibiting certain individuals
19 from serving as a member of the Commission; authorizing the Legislative Auditor to
20 disqualify certain applicants seeking membership on the Commission; requiring the
21 Legislative Auditor to establish an Applicant Review Panel to identify and establish
22 certain applicant pools from which certain members of the Commission are to be
23 selected; requiring the Legislative Auditor to select at random a certain number of
24 names from the applicant pools for membership on the Commission; requiring the
25 Commission to elect a chair and establish certain rules and procedures; making
26 Commission meetings and records subject to State laws governing open meetings
27 and public records; providing that the map and plan drawn by the Commission are
28 final and subject to review by the Court of Appeals; authorizing certain persons to
29 petition the Court of Appeals to challenge or to establish General Assembly
30 legislative districts under certain circumstances; requiring the Court of Appeals to
31 establish the boundaries of General Assembly legislative districts or grant other

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



relief under certain circumstances; specifying that the Commission shall have certain staff and other resources; requiring the Governor to include certain funds for the Commission in the State budget; defining certain terms; establishing the Commission to Study Congressional Districting; providing for the composition, chair, and staffing of the Commission to Study Congressional Districting; prohibiting a member of the Commission to Study Congressional Districting from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to Study Congressional Districting to study and make recommendations regarding congressional districting; requiring the Commission to Study Congressional Districting to report its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Delegates, and the chairs of certain committees of the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act under certain circumstances; submitting this amendment to the qualified voters of the State for their adoption or rejection; and generally relating to legislative and congressional redistricting.

BY proposing a repeal of the Maryland Constitution
Article III – Legislative Department
Section 5

BY proposing an addition to the Maryland Constitution
Article III – Legislative Department
Section 5

BY adding to
Article – Election Law
Section 8–7A–01 through 8–7A–14 to be under the new subtitle “Subtitle 7A.
General Assembly Legislative Redistricting and Apportionment Commission”
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
(Three-fifths of all the members elected to each of the two Houses concurring), That it be
proposed that the Maryland Constitution read as follows:

Article III – Legislative Department

[5.

Following each decennial census of the United States and after public hearings, the Governor shall prepare a plan setting forth the boundaries of the legislative districts for electing of the members of the Senate and the House of Delegates.

The Governor shall present the plan to the President of the Senate and Speaker of the House of Delegates who shall introduce the Governor’s plan as a joint resolution to the

General Assembly, not later than the first day of its regular session in the second year following every census, and the Governor may call a special session for the presentation of his plan prior to the regular session. The plan shall conform to Sections 2, 3 and 4 of this Article. Following each decennial census the General Assembly may by joint resolution adopt a plan setting forth the boundaries of the legislative districts for the election of members of the Senate and the House of Delegates, which plan shall conform to Sections 2, 3 and 4 of this Article. If a plan has been adopted by the General Assembly by the 45th day after the opening of the regular session of the General Assembly in the second year following every census, the plan adopted by the General Assembly shall become law. If no plan has been adopted by the General Assembly for these purposes by the 45th day after the opening of the regular session of the General Assembly in the second year following every census, the Governor's plan presented to the General Assembly shall become law.

Upon petition of any registered voter, the Court of Appeals shall have original jurisdiction to review the legislative districting of the State and may grant appropriate relief, if it finds that the districting of the State is not consistent with requirements of either the Constitution of the United States of America, or the Constitution of Maryland.]

5.

(A) IN THE YEAR FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED STATES OR WHEN REQUIRED BY THE UNITED STATES OR BY COURT ORDER, A GENERAL ASSEMBLY LEGISLATIVE REDISTRICTING AND APPORTIONMENT COMMISSION SHALL BE APPOINTED TO DIVIDE THE STATE INTO CONSECUTIVELY NUMBERED GENERAL ASSEMBLY LEGISLATIVE DISTRICTS THAT CONFORM TO SECTIONS 2, 3, AND 4 OF THIS ARTICLE.

(B) (1) GENERAL ASSEMBLY LEGISLATIVE DISTRICTS SHALL BE ESTABLISHED IN ACCORDANCE WITH THE CONSTITUTION OF THE UNITED STATES OF AMERICA AND THIS CONSTITUTION.

(2) GENERAL ASSEMBLY LEGISLATIVE DISTRICTS SHALL BE AS NEARLY EQUAL IN POPULATION AS PRACTICABLE, BUT MAY NOT DEVIATE MORE THAN 2% IN POPULATION BETWEEN DISTRICTS.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Election Law

SUBTITLE 7A. GENERAL ASSEMBLY LEGISLATIVE REDISTRICTING AND APPORTIONMENT COMMISSION.

8-7A-01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "COMMISSION" MEANS THE GENERAL ASSEMBLY REDISTRICTING AND APPORTIONMENT COMMISSION.

(C) "DAY" MEANS A CALENDAR DAY, EXCEPT THAT IF THE FINAL DAY OF A PERIOD WITHIN WHICH AN ACT IS TO BE PERFORMED IS A SATURDAY, SUNDAY, OR HOLIDAY, THE PERIOD IS EXTENDED TO THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR HOLIDAY.

(D) "PANEL" MEANS THE APPLICANT REVIEW PANEL.

(E) "QUALIFIED INDEPENDENT AUDITOR" MEANS AN AUDITOR WHO IS CURRENTLY LICENSED BY THE STATE AND HAS BEEN A PRACTICING INDEPENDENT AUDITOR FOR AT LEAST 10 YEARS BEFORE APPOINTMENT TO THE APPLICANT REVIEW PANEL.

8-7A-02.

IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE GENERAL ASSEMBLY LEGISLATIVE DISTRICTS NOT BE DRAWN FOR THE PURPOSE OF FAVORING OR DISCRIMINATING AGAINST AN INCUMBENT OFFICEHOLDER, A CANDIDATE, OR A POLITICAL PARTY.

8-7A-03.

(A) IN THE YEAR FOLLOWING THE YEAR IN WHICH THE NATIONAL CENSUS IS TAKEN UNDER THE DIRECTION OF CONGRESS AT THE BEGINNING OF EACH DECADE, THE COMMISSION SHALL ADJUST THE BOUNDARY LINES OF GENERAL ASSEMBLY LEGISLATIVE DISTRICTS IN CONFORMANCE WITH THE FOLLOWING STANDARDS AND PROCESS:

(1) (I) EACH MEMBER OF THE SENATE OF MARYLAND SHALL BE ELECTED FROM A SINGLE-MEMBER DISTRICT; AND

(II) 1. A MEMBER OF THE HOUSE OF DELEGATES MAY BE ELECTED FROM A SINGLE-MEMBER DISTRICT OR A THREE-MEMBER DISTRICT; AND

2. A THREE-MEMBER DISTRICT MAY BE DIVIDED INTO SUBDISTRICTS IN WHICH ONE MEMBER IS ELECTED FROM A SINGLE-MEMBER SUBDISTRICT AND TWO MEMBERS ARE ELECTED FROM A TWO-MEMBER SUBDISTRICT OR THREE MEMBERS ARE ELECTED FROM THREE SINGLE-MEMBER

SUBDISTRICTS, WITH EACH SUBDISTRICT HAVING A PROPORTIONAL POPULATION;

(2) THE POPULATION OF EACH GENERAL ASSEMBLY LEGISLATIVE DISTRICT SHALL BE REASONABLY EQUAL IN POPULATION, BUT MAY NOT DEVIATE MORE THAN 2% IN POPULATION BETWEEN DISTRICTS; AND

(3) GENERAL ASSEMBLY LEGISLATIVE DISTRICTS SHALL COMPLY WITH THE REQUIREMENTS OF § 8-7A-05(A) OF THIS SUBTITLE.

(B) (1) FOLLOWING THE CRITERIA SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION SHALL ADJUST THE BOUNDARY LINES ACCORDING TO THE CRITERIA SET FORTH AND PRIORITIZED IN THIS SUBTITLE.

(2) THE COMMISSION SHALL ISSUE WITH ITS FINAL MAPS A REPORT THAT:

(I) EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE THE DECISIONS IN ACHIEVING COMPLIANCE WITH THE CRITERIA; AND

(II) INCLUDES DEFINITIONS OF THE TERMS AND STANDARDS USED IN DRAWING THE FINAL MAPS.

(C) GENERAL ASSEMBLY LEGISLATIVE DISTRICTS SHALL BE NUMBERED CONSECUTIVELY COMMENCING AT THE NORTHWESTERN BOUNDARY OF THE STATE AND ENDING AT THE SOUTHEASTERN BOUNDARY.

(D) IN DEVELOPING THE MAPS, THE COMMISSION SHALL:

(1) HOLD PUBLIC HEARINGS;

(2) ACCEPT PUBLIC COMMENTS BEFORE MAKING DECISIONS;

(3) PROVIDE ACCESS TO REDISTRICTING DATA AND SOFTWARE; AND

(4) OTHERWISE ENSURE FULL PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS.

8-7A-04.

(A) THE COMMISSION SHALL:

(1) CONDUCT AN OPEN AND TRANSPARENT PROCESS ENABLING FULL PUBLIC CONSIDERATION OF AND COMMENT ON THE DRAWING OF DISTRICT LINES;

**(2) DRAW GENERAL ASSEMBLY LEGISLATIVE DISTRICT LINES
ACCORDING TO THE REDISTRICTING CRITERIA SPECIFIED IN THIS SUBTITLE; AND**

(3) CONDUCT ITS BUSINESS WITH INTEGRITY AND FAIRNESS.

**(B) (1) THE SELECTION PROCESS FOR THE COMMISSION IS DESIGNED TO
PRODUCE A COMMISSION THAT IS INDEPENDENT FROM LEGISLATIVE INFLUENCE
AND REASONABLY REPRESENTATIVE OF THE STATE'S DIVERSITY.**

(2) THE COMMISSION SHALL CONSIST OF THE FOLLOWING MEMBERS:

**(I) THREE MEMBERS REGISTERED WITH THE POLITICAL PARTY
THAT HAS THE HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE;**

**(II) THREE MEMBERS REGISTERED WITH THE POLITICAL PARTY
THAT HAS THE SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE;
AND**

**(III) THREE MEMBERS NOT REGISTERED WITH EITHER OF THE
TWO POLITICAL PARTIES THAT HAVE THE HIGHEST AND SECOND-HIGHEST NUMBER
OF REGISTERED VOTERS IN THE STATE.**

(3) EACH MEMBER OF THE COMMISSION:

**(I) SHALL BE A VOTER WHO, FOR 5 OR MORE YEARS
IMMEDIATELY PRECEDING THE DATE OF THE INDIVIDUAL'S APPOINTMENT, HAS
BEEN REGISTERED CONTINUOUSLY IN THE STATE WITH THE SAME POLITICAL PARTY
OR HAS BEEN UNAFFILIATED WITH A POLITICAL PARTY AND HAS NOT CHANGED
POLITICAL PARTY AFFILIATION; AND**

**(II) 1. MAY NOT HAVE BEEN A CANDIDATE FOR ELECTION TO
OR SERVED AS A MEMBER OF THE GENERAL ASSEMBLY OR OF THE UNITED STATES
CONGRESS FROM THE STATE DURING THE 5 YEARS IMMEDIATELY PRECEDING THE
DATE OF THE INDIVIDUAL'S APPOINTMENT, OR AN IMMEDIATE FAMILY MEMBER
ESTABLISHED THROUGH BLOOD OR LEGAL RELATION OF SUCH CANDIDATE OR
MEMBER;**

**2. MAY NOT BE A REGULATED LOBBYIST IN THE STATE;
AND**

**3. MAY NOT BE OR HAVE SERVED AS STAFF OR A
CONSULTANT TO A PERSON UNDER A CONTRACT WITH, OR ANY PERSON WITH AN
IMMEDIATE FAMILY RELATIONSHIP THROUGH BLOOD OR LEGAL RELATION TO, THE**

GOVERNOR, A MEMBER OF THE GENERAL ASSEMBLY, OR A MEMBER OF CONGRESS FROM THE STATE.

(4) THE TERM OF OFFICE OF EACH MEMBER OF THE COMMISSION EXPIRES ON THE APPOINTMENT OF THE FIRST MEMBER OF THE SUCCEEDING COMMISSION.

(5) (I) SEVEN MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM.

(II) SIX OR MORE AFFIRMATIVE VOTES OF THE COMMISSION SHALL BE REQUIRED FOR ANY OFFICIAL ACTION, INCLUDING ANY FINAL PROPOSED MAPS AND PLANS FOR GENERAL ASSEMBLY LEGISLATIVE DISTRICTS ADOPTED BY THE COMMISSION.

(6) EACH MEMBER OF THE COMMISSION SHALL:

(I) APPLY THE PROVISIONS OF THIS SUBTITLE IN A MANNER THAT IS IMPARTIAL AND THAT REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY OF THE REDISTRICTING PROCESS; AND

(II) BE INELIGIBLE FOR A PERIOD OF 5 YEARS BEGINNING FROM THE DATE OF APPOINTMENT:

1. TO HOLD APPOINTIVE FEDERAL, STATE, OR LOCAL PUBLIC OFFICE;

2. TO SERVE AS PAID STAFF FOR THE GENERAL ASSEMBLY OR ANY INDIVIDUAL LEGISLATOR; OR

3. TO REGISTER AS A FEDERAL, STATE, COUNTY, OR MUNICIPAL LOBBYIST IN THE STATE.

8-7A-05.

(A) EACH GENERAL ASSEMBLY LEGISLATIVE DISTRICT SHALL COMPLY WITH ARTICLE III, §§ 2, 3, AND 4 OF THE MARYLAND CONSTITUTION.

(B) THE PLACE OF RESIDENCE OF AN INCUMBENT OFFICEHOLDER OR THE CANDIDATE FOR A POLITICAL PARTY OR OF ANY OTHER PERSON MAY NOT BE CONSIDERED IN THE CREATION OF A MAP.

(C) BY SEPTEMBER 15 OF EACH YEAR ENDING IN THE NUMBER ONE, THE

COMMISSION SHALL APPROVE A FINAL MAP THAT SEPARATELY SETS FORTH THE DISTRICT BOUNDARY LINES FOR THE MEMBERS OF THE GENERAL ASSEMBLY.

(D) (1) THE COMMISSION SHALL ISSUE WITH THE FINAL MAP A REPORT THAT:

(I) EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE ITS DECISIONS TO ACHIEVE COMPLIANCE WITH THE CRITERIA SPECIFIED UNDER THIS SUBTITLE; AND

(II) INCLUDES DEFINITIONS OF THE TERMS AND STANDARDS USED IN DRAWING THE FINAL MAP.

(2) ON ADOPTION, THE COMMISSION SHALL SUBMIT ITS CERTIFIED FINAL MAP AND PLAN TO THE SECRETARY OF STATE.

8-7A-06.

(A) THE COMMISSION:

(1) HAS THE SOLE LEGAL STANDING TO DEFEND ANY ACTION REGARDING A CERTIFIED FINAL MAP AND PLAN; AND

(2) SHALL INFORM THE GENERAL ASSEMBLY IF THE COMMISSION DETERMINES THAT FUNDS OR OTHER RESOURCES PROVIDED FOR THE OPERATION OF THE COMMISSION ARE NOT ADEQUATE.

(B) THE GENERAL ASSEMBLY SHALL PROVIDE ADEQUATE FUNDING TO DEFEND ANY ACTION REGARDING A CERTIFIED FINAL MAP AND PLAN.

(C) THE COMMISSION HAS SOLE AUTHORITY TO DETERMINE WHETHER THE ATTORNEY GENERAL OR OTHER LEGAL COUNSEL RETAINED BY THE COMMISSION SHALL ASSIST IN THE DEFENSE OF A CERTIFIED FINAL MAP AND PLAN.

8-7A-07.

(A) THE SECRETARY OF STATE SHALL FORWARD THE CERTIFIED FINAL MAP AND PLAN SUBMITTED BY THE COMMISSION TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY FOR THE INTRODUCTION BY THE PRESIDING OFFICERS OF A BILL CONTAINING THE GENERAL ASSEMBLY LEGISLATIVE DISTRICT PLAN.

(B) (1) A FINAL CERTIFIED MAP AND PLAN INTRODUCED BY THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY MAY NOT BE AMENDED.

(2) A MEMBER OF THE GENERAL ASSEMBLY MAY NOT INTRODUCE A BILL CONTAINING A GENERAL ASSEMBLY LEGISLATIVE DISTRICT PLAN THAT IS DIFFERENT THAN THE CERTIFIED FINAL MAP AND PLAN PROPOSED BY THE COMMISSION AND INTRODUCED BY THE PRESIDING OFFICERS.

(C) (1) THE GENERAL ASSEMBLY MAY APPROVE OR REJECT A BILL FOR A GENERAL ASSEMBLY LEGISLATIVE DISTRICT MAP AND PLAN AS PROVIDED IN THIS SUBSECTION.

(2) (I) 1. TO ADOPT A MAP AND PLAN, EACH HOUSE OF THE GENERAL ASSEMBLY SHALL PASS THE BILL BY A VOTE OF THREE-FIFTHS OF THE MEMBERS OF THAT HOUSE.

2. ON PASSAGE BY THE GENERAL ASSEMBLY, THE BILL SHALL BE PRESENTED TO THE GOVERNOR FOR SIGNATURE OR VETO.

(II) 1. IF THE GOVERNOR VETOES THE BILL AND THE GENERAL ASSEMBLY OVERRIDES THE VETO, THE BILL SHALL BECOME LAW IN ACCORDANCE WITH ARTICLE II, § 17 OF THE MARYLAND CONSTITUTION.

2. IF THE GOVERNOR VETOES THE BILL AND THE GENERAL ASSEMBLY FAILS TO OVERRIDE THE VETO, IN ACCORDANCE WITH ARTICLE II, § 17 OF THE MARYLAND CONSTITUTION, THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY SHALL RETURN THE BILL TOGETHER WITH RECOMMENDATIONS, IF ANY, TO THE COMMISSION AND REQUEST THAT THE COMMISSION PROPOSE AN ALTERNATIVE MAP AND PLAN.

(3) (I) IF THE GENERAL ASSEMBLY FAILS TO PASS THE BILL FOR A MAP AND PLAN ON THE VOTE OF THREE-FIFTHS OF THE MEMBERS OF EITHER OR BOTH HOUSES OF THE GENERAL ASSEMBLY, THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY SHALL RETURN THE BILL TOGETHER WITH THE RECOMMENDATIONS OF THE GENERAL ASSEMBLY, IF ANY, TO THE COMMISSION AND REQUEST THAT THE COMMISSION PROPOSE AN ALTERNATIVE MAP AND PLAN.

(II) IF THE GENERAL ASSEMBLY FAILS TO PASS BY A THREE-FIFTHS VOTE OF EACH HOUSE THE BILL FOR AN ALTERNATIVE MAP AND PLAN SUBMITTED BY THE COMMISSION, OR IF THE BILL IS VETOED BY THE GOVERNOR AND NOT OVERRIDDEN BY THE GENERAL ASSEMBLY, THE COURT OF APPEALS SHALL ESTABLISH THE MAP AND PLAN FOR THE GENERAL ASSEMBLY LEGISLATIVE DISTRICTS IN ACCORDANCE WITH § 8-7A-08 OF THIS SUBTITLE.

8-7A-08.

1 (A) THE COURT OF APPEALS HAS ORIGINAL AND EXCLUSIVE JURISDICTION
2 IN ALL PROCEEDINGS IN WHICH A CERTIFIED FINAL MAP AND PLAN IS CHALLENGED.

3 (B) (1) ON THE ENACTMENT OF A BILL ESTABLISHING GENERAL
4 ASSEMBLY LEGISLATIVE DISTRICTS IN ACCORDANCE WITH § 8-7A-07 OF THIS
5 SUBTITLE, ANY REGISTERED VOTER IN THE STATE MAY FILE A PETITION FOR A WRIT
6 OF MANDAMUS OR A WRIT OF PROHIBITION WITH THE COURT OF APPEALS TO BAR
7 THE MAP AND PLAN FROM TAKING EFFECT ON THE GROUNDS THAT THE MAP AND
8 PLAN VIOLATES THE MARYLAND CONSTITUTION, THE UNITED STATES
9 CONSTITUTION, OR A FEDERAL OR STATE STATUTE.

10 (2) IF THE COURT OF APPEALS DETERMINES THAT A FINAL MAP AND
11 PLAN IN A BILL ESTABLISHING GENERAL ASSEMBLY LEGISLATIVE DISTRICTS
12 VIOLATES THE MARYLAND CONSTITUTION, THE UNITED STATES CONSTITUTION,
13 OR A FEDERAL OR STATE STATUTE, THE COURT OF APPEALS SHALL ISSUE THE
14 RELIEF THAT IT DEEMS APPROPRIATE.

15 (C) (1) IF THE GENERAL ASSEMBLY FAILS TO PASS BY A THREE-FIFTHS
16 VOTE OF EACH HOUSE THE BILL FOR AN ALTERNATIVE MAP AND PLAN SUBMITTED
17 BY THE COMMISSION TO ESTABLISH GENERAL ASSEMBLY LEGISLATIVE DISTRICTS,
18 OR IF THE BILL IS VETOED BY THE GOVERNOR AND NOT OVERRIDDEN BY THE
19 GENERAL ASSEMBLY, THE COMMISSION SHALL FILE A PETITION WITH THE COURT
20 OF APPEALS TO REVIEW THE MAP AND PLAN AND ESTABLISH THE DISTRICTS.

21 (2) ON APPROVAL OF THE COURT OF APPEALS, ANY REGISTERED
22 VOTER OF THE STATE MAY BECOME A PARTY TO THE PROCEEDING.

23 (D) THE COURT OF APPEALS SHALL GIVE PRIORITY TO RULING ON A
24 PETITION FILED UNDER THIS SECTION.

25 8-7A-09.

26 TO AMEND THIS SUBTITLE, THE GENERAL ASSEMBLY SHALL ENSURE THAT
27 ALL OF THE FOLLOWING CRITERIA ARE MET:

28 (1) BY THE SAME VOTE REQUIRED FOR THE ADOPTION OF THE FINAL
29 SET OF MAPS AND PLANS PROPOSED BY THE COMMISSION UNDER § 8-7A-04(B)(5)
30 OF THIS SUBTITLE, THE COMMISSION RECOMMENDS AMENDMENTS TO THIS
31 SUBTITLE TO CARRY OUT THE PURPOSE AND INTENT OF THE COMMISSION;

32 (2) ANY AMENDMENT PROPOSED BY THE COMMISSION IS ENACTED AS
33 A STATUTE APPROVED BY A TWO-THIRDS VOTE OF EACH HOUSE OF THE GENERAL

1 ASSEMBLY AND SIGNED BY THE GOVERNOR;

2 (3) THE BILL CONTAINING ANY AMENDMENTS PROPOSED BY THE
3 COMMISSION IS IN PRINT FOR AT LEAST 10 DAYS BEFORE FINAL PASSAGE BY THE
4 GENERAL ASSEMBLY;

5 (4) THE AMENDMENT FURTHERS THE PURPOSES OF THIS SUBTITLE;
6 AND

7 (5) THE AMENDMENT IS NOT PASSED BY THE GENERAL ASSEMBLY IN
8 A YEAR ENDING IN THE NUMBER ZERO OR THE NUMBER ONE.

9 8-7A-10.

10 (A) (1) IN EACH YEAR ENDING IN THE NUMBER ZERO, THE LEGISLATIVE
11 AUDITOR SHALL INITIATE AN APPLICATION PROCESS THAT IS OPEN TO ALL
12 REGISTERED VOTERS IN THE STATE IN A MANNER THAT PROMOTES A DIVERSE AND
13 QUALIFIED APPLICANT POOL FOR MEMBERSHIP ON THE COMMISSION.

14 (2) THE LEGISLATIVE AUDITOR SHALL REMOVE FROM THE
15 APPLICANT POOL INDIVIDUALS WITH CONFLICTS OF INTEREST, INCLUDING, WITHIN
16 THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION, THE
17 APPLICANT, OR A MEMBER OF THE APPLICANT'S IMMEDIATE FAMILY, WHO HAS
18 DONE ANY OF THE FOLLOWING:

19 (I) BEEN APPOINTED TO, BEEN ELECTED TO, OR BEEN A
20 CANDIDATE FOR FEDERAL OR STATE OFFICE;

21 (II) SERVED AS AN OFFICER, AN EMPLOYEE, OR A PAID
22 CONSULTANT OF A POLITICAL PARTY OR OF THE POLITICAL COMMITTEE OF A
23 CANDIDATE FOR ELECTIVE FEDERAL OR STATE OFFICE;

24 (III) SERVED AS AN ELECTED OR APPOINTED MEMBER OF A
25 POLITICAL PARTY CENTRAL COMMITTEE;

26 (IV) BEEN A REGISTERED LOBBYIST FOR THE FEDERAL, STATE,
27 OR LOCAL GOVERNMENT;

28 (V) SERVED AS PAID CONGRESSIONAL OR GENERAL ASSEMBLY
29 STAFF; OR

30 (VI) CONTRIBUTED \$2,000 OR MORE TO ANY CANDIDATE FOR
31 ELECTION TO A CONGRESSIONAL, STATE, OR LOCAL PUBLIC OFFICE IN ANY YEAR,

1 WHICH AMOUNT SHALL BE ADJUSTED EVERY 10 YEARS BY THE CUMULATIVE
2 CHANGE IN THE MARYLAND CONSUMER PRICE INDEX OR ITS SUCCESSOR.

3 (B) (1) THE LEGISLATIVE AUDITOR SHALL:

4 (I) ESTABLISH AN APPLICANT REVIEW PANEL CONSISTING OF
5 THREE QUALIFIED INDEPENDENT AUDITORS TO SCREEN APPLICANTS TO SERVE ON
6 THE COMMISSION;

7 (II) RANDOMLY DRAW THE NAMES OF THREE QUALIFIED
8 INDEPENDENT AUDITORS FROM A POOL CONSISTING OF ALL AUDITORS EMPLOYED
9 BY THE STATE AND LICENSED BY THE STATE AT THE TIME OF THE DRAWING; AND

10 (III) DRAW UNTIL THE NAMES OF THREE AUDITORS HAVE BEEN
11 DRAWN, INCLUDING:

12 1. ONE WHO IS REGISTERED WITH THE POLITICAL PARTY
13 THAT HAS THE HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE;

14 2. ONE WHO IS REGISTERED WITH THE POLITICAL PARTY
15 THAT HAS THE SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE;
16 AND

17 3. ONE WHO IS NOT REGISTERED WITH EITHER OF THE
18 TWO POLITICAL PARTIES THAT HAVE THE HIGHEST AND SECOND-HIGHEST NUMBER
19 OF REGISTERED VOTERS IN THE STATE.

20 (2) (I) AFTER THE DRAWING, THE LEGISLATIVE AUDITOR SHALL
21 NOTIFY THE THREE QUALIFIED INDEPENDENT AUDITORS WHOSE NAMES HAVE BEEN
22 DRAWN THAT THEY HAVE BEEN SELECTED TO SERVE ON THE PANEL.

23 (II) IF ANY OF THE THREE QUALIFIED INDEPENDENT AUDITORS
24 DECLINE TO SERVE ON THE PANEL, THE LEGISLATIVE AUDITOR SHALL RESUME THE
25 RANDOM DRAWING UNTIL THREE QUALIFIED INDEPENDENT AUDITORS WHO MEET
26 THE REQUIREMENTS OF THIS SUBTITLE HAVE AGREED TO SERVE ON THE PANEL.

27 (III) A MEMBER OF THE PANEL SHALL BE SUBJECT TO THE
28 CONFLICT OF INTEREST PROVISIONS SET FORTH IN THIS SECTION.

29 (3) NO LATER THAN AUGUST 1 IN EACH YEAR ENDING IN THE
30 NUMBER ZERO AND AFTER REMOVING INDIVIDUALS WITH CONFLICTS OF INTEREST
31 FROM THE APPLICANT POOL, THE LEGISLATIVE AUDITOR SHALL:

1 **(I) PUBLICIZE THE NAMES OF THE INDIVIDUALS IN THE**
2 **APPLICANT POOL FOR MEMBERSHIP ON THE COMMISSION; AND**

3 **(II) PROVIDE COPIES OF THE APPLICATIONS OF THE NAMES IN**
4 **THE APPLICANT POOL TO THE PANEL.**

5 **(4) (I) FROM THE APPLICANT POOL, THE PANEL SHALL SELECT 30**
6 **OF THE MOST QUALIFIED APPLICANTS, INCLUDING:**

7 **1. 10 WHO ARE REGISTERED WITH THE POLITICAL**
8 **PARTY THAT HAS THE HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE;**

9 **2. 10 WHO ARE REGISTERED WITH THE POLITICAL**
10 **PARTY THAT HAS THE SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN THE**
11 **STATE; AND**

12 **3. 10 WHO ARE NOT REGISTERED WITH EITHER OF THE**
13 **TWO POLITICAL PARTIES THAT HAVE THE HIGHEST OR SECOND-HIGHEST NUMBER**
14 **OF REGISTERED VOTERS IN THE STATE.**

15 **(II) THE SUBPOOLS SHALL BE CREATED ON THE BASIS OF**
16 **RELEVANT ANALYTICAL SKILLS, ABILITY TO BE IMPARTIAL, AND APPRECIATION FOR**
17 **THE STATE'S DIVERSE DEMOGRAPHICS AND GEOGRAPHY.**

18 **(III) THE MEMBERS OF THE PANEL MAY NOT COMMUNICATE**
19 **WITH ANY MEMBER OF THE GENERAL ASSEMBLY OR THEIR REPRESENTATIVES**
20 **ABOUT ANY MATTER RELATED TO THE NOMINATION PROCESS OR APPLICANTS**
21 **BEFORE THE PRESENTATION BY THE PANEL OF THE POOL OF RECOMMENDED**
22 **APPLICANTS TO THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE**
23 **HOUSE.**

24 **(C) (1) NO LATER THAN NOVEMBER 20 IN EACH YEAR ENDING IN THE**
25 **NUMBER ZERO, THE LEGISLATIVE AUDITOR SHALL RANDOMLY DRAW NAMES FROM**
26 **THE REMAINING NAMES IN THE APPLICANT POOL AS FOLLOWS:**

27 **(I) THREE FROM THE REMAINING SUBPOOL OF APPLICANTS**
28 **REGISTERED WITH THE POLITICAL PARTY THAT HAS THE HIGHEST NUMBER OF**
29 **REGISTERED VOTERS IN THE STATE;**

30 **(II) THREE FROM THE REMAINING SUBPOOL OF APPLICANTS**
31 **REGISTERED WITH THE POLITICAL PARTY THAT HAS THE SECOND-HIGHEST**
32 **NUMBER OF REGISTERED VOTERS IN THE STATE; AND**

(III) THREE FROM THE REMAINING SUBPOOL OF APPLICANTS WHO ARE NOT REGISTERED WITH EITHER OF THE TWO POLITICAL PARTIES THAT HAVE THE HIGHEST OR SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE.

(2) THE INDIVIDUALS SELECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL SERVE ON THE COMMISSION.

8-7A-11.

(A) (1) IN THE EVENT OF SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE, A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE GOVERNOR WITH THE CONCURRENCE OF TWO-THIRDS OF THE MEMBERS OF THE SENATE AFTER HAVING BEEN SERVED WRITTEN NOTICE AND PROVIDED WITH AN OPPORTUNITY FOR A RESPONSE.

(2) A FINDING OF SUBSTANTIAL NEGLECT OF DUTY OR GROSS MISCONDUCT IN OFFICE MAY RESULT IN REFERRAL TO THE ATTORNEY GENERAL FOR CRIMINAL PROSECUTION OR THE APPROPRIATE ADMINISTRATIVE AGENCY FOR INVESTIGATION.

(B) (1) A VACANCY, WHETHER CREATED BY REMOVAL, RESIGNATION, OR ABSENCE, IN A COMMISSION POSITION SHALL BE FILLED WITHIN 30 DAYS AFTER THE VACANCY OCCURS FROM THE POOL OF APPLICANTS OF THE SAME VOTER REGISTRATION CATEGORY AS THE VACATING NOMINEE THAT WAS REMAINING AS OF NOVEMBER 20 IN THE YEAR IN WHICH THAT POOL WAS ESTABLISHED.

(2) IF NONE OF THE REMAINING APPLICANTS UNDER PARAGRAPH (1) OF THIS SUBSECTION ARE AVAILABLE FOR SERVICE, THE LEGISLATIVE AUDITOR SHALL FILL THE VACANCY FROM A NEW POOL CREATED FOR THE SAME VOTER REGISTRATION CATEGORY IN ACCORDANCE WITH § 8-7A-10 OF THIS SUBTITLE.

8-7A-12.

(A) (1) THE ACTIVITIES OF THE COMMISSION ARE SUBJECT TO APPLICABLE STATE LAW GOVERNING OPEN MEETINGS AND ACCESS TO PUBLIC INFORMATION.

(2) THE COMMISSION SHALL PROVIDE NOT LESS THAN 14 DAYS' PUBLIC NOTICE FOR EACH MEETING, EXCEPT THAT MEETINGS HELD IN SEPTEMBER IN THE YEAR ENDING IN THE NUMBER ONE MAY BE HELD WITH 3 DAYS' NOTICE.

1 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
2 **COMMISSION MEMBERS AND STAFF MAY NOT COMMUNICATE WITH OR RECEIVE**
3 **COMMUNICATIONS ABOUT REDISTRICTING MATTERS FROM ANYONE OUTSIDE A**
4 **PUBLIC HEARING.**

5 **(2) COMMUNICATION BETWEEN COMMISSION MEMBERS, STAFF,**
6 **LEGAL COUNSEL, AND CONSULTANTS RETAINED BY THE COMMISSION IS ALLOWED.**

7 **(C) (1) THE COMMISSION SHALL SELECT ONE OF THE MEMBERS OF THE**
8 **COMMISSION TO SERVE AS CHAIR.**

9 **(2) THE CHAIR SHALL BE ONE OF THE MEMBERS NOT AFFILIATED**
10 **WITH EITHER OF THE TWO POLITICAL PARTIES THAT HAVE THE HIGHEST AND**
11 **SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE.**

12 **(D) (1) THE COMMISSION MAY HIRE STAFF, LEGAL COUNSEL, AND**
13 **CONSULTANTS AS NEEDED.**

14 **(2) THE COMMISSION SHALL ESTABLISH CLEAR CRITERIA FOR THE**
15 **HIRING AND REMOVAL OF THE INDIVIDUALS SPECIFIED UNDER PARAGRAPH (1) OF**
16 **THIS SUBSECTION, COMMUNICATION PROTOCOLS, AND A CODE OF CONDUCT.**

17 **(3) THE COMMISSION SHALL ENSURE THAT AT LEAST ONE OF THE**
18 **LEGAL COUNSEL HIRED BY THE COMMISSION HAS DEMONSTRATED EXTENSIVE**
19 **EXPERIENCE AND EXPERTISE IN IMPLEMENTATION AND ENFORCEMENT OF THE**
20 **FEDERAL VOTING RIGHTS ACT (42 U.S.C. SEC. 1971 AND FOLLOWING).**

21 **(4) THE COMMISSION SHALL MAKE HIRING, REMOVAL, OR**
22 **CONTRACTING DECISIONS ON STAFF, LEGAL COUNSEL, AND CONSULTANTS BY SIX**
23 **OR MORE AFFIRMATIVE VOTES.**

24 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN EMPLOYER MAY**
25 **NOT DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE, COERCE, OR RETALIATE**
26 **AGAINST ANY EMPLOYEE BY REASON OF THE EMPLOYEE'S ATTENDANCE OR**
27 **SCHEDULED ATTENDANCE AT ANY MEETING OF THE COMMISSION.**

28 **(F) (1) THE COMMISSION SHALL ESTABLISH AND IMPLEMENT AN OPEN**
29 **HEARING PROCESS FOR PUBLIC INPUT AND DELIBERATION THAT IS:**

30 **(I) SUBJECT TO PUBLIC NOTICE; AND**

31 **(II) DESIGNED TO ENCOURAGE CITIZEN OUTREACH AND**
32 **SOLICIT BROAD PUBLIC PARTICIPATION IN THE REDISTRICTING PUBLIC REVIEW**

1 PROCESS.

2 (2) (i) 1. THE HEARING PROCESS SHALL INCLUDE HEARINGS
3 TO RECEIVE PUBLIC INPUT BEFORE THE COMMISSION DRAWS ANY MAPS AND
4 HEARINGS FOLLOWING THE DRAWING AND DISPLAY OF ANY COMMISSION MAPS.

5 2. HEARINGS SHALL BE SUPPLEMENTED WITH OTHER
6 ACTIVITIES AS APPROPRIATE TO FURTHER INCREASE OPPORTUNITIES FOR THE
7 PUBLIC TO OBSERVE AND PARTICIPATE IN THE REVIEW PROCESS.

8 (ii) 1. THE COMMISSION SHALL DISPLAY THE MAPS FOR
9 PUBLIC COMMENT IN A MANNER DESIGNED TO ACHIEVE THE WIDEST PUBLIC
10 ACCESS REASONABLY POSSIBLE.

11 2. PUBLIC COMMENT SHALL BE TAKEN FOR AT LEAST 14
12 DAYS FROM THE DATE OF PUBLIC DISPLAY OF ANY MAP.

13 (g) THE GENERAL ASSEMBLY SHALL TAKE ALL STEPS NECESSARY TO
14 ENSURE THAT A COMPLETE AND ACCURATE COMPUTERIZED DATABASE IS
15 AVAILABLE FOR REDISTRICTING AND THAT PROCEDURES ARE IN PLACE TO PROVIDE
16 THE PUBLIC READY ACCESS TO REDISTRICTING DATA AND COMPUTER SOFTWARE
17 FOR DRAWING MAPS.

18 8-7A-13.

19 A MEMBER OF THE COMMISSION:

20 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
21 COMMISSION; BUT

22 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
23 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

24 8-7A-14.

25 (A) IN EACH YEAR ENDING IN THE NUMBER NINE, THE GOVERNOR SHALL
26 INCLUDE IN THE STATE BUDGET SUBMITTED TO THE GENERAL ASSEMBLY FUNDING
27 THAT IS SUFFICIENT TO MEET THE ESTIMATED EXPENSES OF EACH OF THE
28 OFFICERS OR ENTITIES INVOLVED IN IMPLEMENTING THE REDISTRICTING PROCESS
29 REQUIRED BY THIS SUBTITLE FOR A 3-YEAR PERIOD, INCLUDING ADEQUATE
30 FUNDING FOR A STATEWIDE OUTREACH PROGRAM TO SOLICIT BROAD PUBLIC
31 PARTICIPATION IN THE REDISTRICTING PROCESS, FOR:

1 **(1) THE LEGISLATIVE AUDITOR;**

2 **(2) THE COMMISSION;**

3 **(3) THE SECRETARY OF STATE; AND**

4 **(4) THE DEPARTMENT OF LEGISLATIVE SERVICES.**

5 **(B) THE GOVERNOR SHALL MAKE ADEQUATE OFFICE SPACE AVAILABLE**
6 **FOR THE OPERATION OF THE COMMISSION.**

7 **(C) (1) THE GENERAL ASSEMBLY SHALL MAKE THE NECESSARY**
8 **APPROPRIATION IN THE STATE BUDGET, AND THE APPROPRIATION SHALL BE**
9 **AVAILABLE DURING THE ENTIRE 3-YEAR PERIOD.**

10 **(2) THE APPROPRIATION SHALL BE EQUAL TO THE GREATER OF**
11 **\$3,000,000 OR THE AMOUNT EXPENDED UNDER THIS SUBTITLE IN THE**
12 **IMMEDIATELY PRECEDING REDISTRICTING PROCESS, AS EACH AMOUNT IS**
13 **ADJUSTED BY THE CUMULATIVE CHANGE IN THE MARYLAND CONSUMER PRICE**
14 **INDEX OR ITS SUCCESSOR SINCE THE DATE OF THE IMMEDIATELY PRECEDING**
15 **APPROPRIATION.**

16 **(D) THE COMMISSION, WITH FISCAL OVERSIGHT FROM THE DEPARTMENT**
17 **OF BUDGET AND MANAGEMENT, SHALL HAVE PROCUREMENT AND CONTRACTING**
18 **AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS, INCLUDING LEGAL**
19 **REPRESENTATION.**

20 SECTION 3. AND BE IT FURTHER ENACTED, That:

21 (a) There is a Commission to Study Congressional Districting.

22 (b) The Commission consists of the following members:

23 (1) two members of the Senate of Maryland, appointed by the President of
24 the Senate, one of whom the President of the Senate shall appoint as a cochair of the
25 Commission;

26 (2) two members of the House of Delegates, appointed by the Speaker of
27 the House, one of whom the Speaker of the House shall appoint as a cochair of the
28 Commission;

29 (3) the Secretary of Planning, or the Secretary's designee;

30 (4) the Attorney General, or the Attorney General's designee;

(5) the State Administrator of Elections, or the State Administrator's designee; and

(6) two representatives of the Maryland League of Women Voters, appointed by the Governor from a list submitted by the Maryland League of Women Voters.

(c) The Department of Legislative Services shall provide staff for the Commission.

(d) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(e) The Commission shall:

(1) study the State's congressional redistricting processes; and

(2) make recommendations regarding:

(i) criteria that should be used to draw congressional districts and how each criterion should be weighed;

(ii) the entity that should draw the congressional district maps;

(iii) ways to make the congressional districting processes nonpartisan;

(iv) ways to partner with other states to make congressional districting nonpartisan throughout the country; and

(v) specific states with congressional districts that are drawn to favor the opposite majority party than the Maryland congressional districts currently are drawn to favor and with whom the State may partner with the goal of drawing congressional districts on a nonpartisan basis.

(f) On or before December 31, 2017, the Commission shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the President of the Senate, the Speaker of the House of Delegates, the Chair of the Education, Health, and Environmental Affairs Committee, and the Chair of the Committee on Ways and Means.

SECTION 4. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by this Act affects

1 multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
2 Constitution concerning local approval of constitutional amendments do not apply.

3 SECTION 5. AND BE IT FURTHER ENACTED, That the amendment to the
4 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
5 voters of the State at the next general election to be held in November 2018 for their
6 adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general
7 election, the vote on this proposed amendment to the Constitution shall be by ballot, and
8 upon each ballot there shall be printed the words “For the Constitutional Amendment” and
9 “Against the Constitutional Amendment,” as now provided by law. Immediately after the
10 election, all returns shall be made to the Governor of the vote for and against the proposed
11 amendment, as directed by Article XIV of the Maryland Constitution, and further
12 proceedings had in accordance with Article XIV.

13 SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
14 effect on the taking effect of Section 1 of this Act, a constitutional amendment. If Section 1
15 of this Act does not take effect, Section 2 of this Act shall be abrogated and of no further
16 force and effect.

17 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in
18 Sections 5 and 6 of this Act, this Act shall take effect June 1, 2017. Section 3 of this Act
19 shall remain effective for a period of 1 year and, at the end of June 30, 2018, with no further
20 action required by the General Assembly, Section 3 of this Act shall be abrogated and of no
21 further force and effect.