

SENATE BILL 146

P5, G1
SB 474/16 – EHE

7lr1571

By: **Senators Pinsky and Smith**

Introduced and read first time: January 16, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Congressional Districting Process**

3 FOR the purpose of requiring the Department of Legislative Services to obtain certain
4 census data, adjust the census data for certain purposes, and provide the adjusted
5 census data to a temporary redistricting commission within a certain time period;
6 creating a temporary redistricting commission; providing for the membership of the
7 commission and the qualifications of its members; providing that individuals cease
8 to be members of the commission under certain circumstances; requiring the
9 Department to staff and provide certain support for the commission; requiring the
10 commission to use certain census data to prepare and adopt a districting plan for
11 congressional districting within a certain time period; specifying that a certain
12 districting plan is the plan for the State; requiring that a certain districting plan be
13 filed with the Secretary of State within a certain time period; providing for the
14 effectiveness of a certain districting plan; making this Act subject to a certain
15 contingency; defining certain terms; and generally relating to the establishment of
16 districts in Maryland for the election of members of Congress.

17 BY adding to
18 Article – Election Law
19 Section 8–6A–01 through 8–6A–04 to be under the new subtitle “Subtitle 6A.
20 Congressional Districting Process”
21 Annotated Code of Maryland
22 (2010 Replacement Volume and 2016 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – Election Law**

26 **SUBTITLE 6A. CONGRESSIONAL DISTRICTING PROCESS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **8-6A-01.**

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

4 **(B) “COMMISSION” MEANS A TEMPORARY REDISTRICTING COMMISSION.**

5 **(C) “DEPARTMENT” MEANS THE DEPARTMENT OF LEGISLATIVE SERVICES.**

6 **8-6A-02.**

7 **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE YEAR**
8 **IMMEDIATELY FOLLOWING THE DECENNIAL UNITED STATES CENSUS, THE**
9 **DEPARTMENT SHALL:**

10 **(1) OBTAIN THE CENSUS DATA FROM THE UNITED STATES BUREAU**
11 **OF THE CENSUS IN ACCORDANCE WITH P.L. 94-171;**

12 **(2) ADJUST THE CENSUS DATA TO MEET THE REQUIREMENTS OF §**
13 **8-701 OF THIS TITLE AND MAKE THE CENSUS DATA USABLE FOR PREPARING A**
14 **DISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS; AND**

15 **(3) PROVIDE THE ADJUSTED CENSUS DATA TO THE COMMISSION**
16 **WITHIN 30 DAYS AFTER THE DEPARTMENT HAS FINISHED ADJUSTING THE CENSUS**
17 **DATA AS REQUIRED BY ITEM (2) OF THIS SECTION.**

18 **8-6A-03.**

19 **(A) THERE IS A TEMPORARY REDISTRICTING COMMISSION.**

20 **(B) (1) THE COMMISSION SHALL CONSIST OF FIVE MEMBERS.**

21 **(2) BY FEBRUARY 1 OF THE FIRST YEAR FOLLOWING THE UNITED**
22 **STATES CENSUS, FOUR MEMBERS SHALL BE APPOINTED AS FOLLOWS:**

23 **(I) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE**
24 **SENATE;**

25 **(II) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF**
26 **THE SENATE;**

1 (III) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE
2 OF DELEGATES; AND

3 (IV) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF
4 THE HOUSE OF DELEGATES.

5 (3) (I) WITHIN 30 DAYS OF THE APPOINTMENTS OF THE MEMBERS
6 TO THE COMMISSION, BUT NOT LATER THAN MARCH 1 OF THAT YEAR, THE
7 COMMISSION MEMBERS SHALL SELECT, BY VOTE OF AT LEAST THREE OF THE
8 MEMBERS, THE FIFTH COMMISSION MEMBER, WHO SHALL SERVE AS CHAIR.

9 (II) IF THE COMMISSION IS UNABLE TO SELECT THE FIFTH
10 MEMBER, THE CHIEF JUDGE OF THE COURT OF APPEALS SHALL MAKE THE
11 APPOINTMENT.

12 (4) AN INDIVIDUAL MAY NOT BE APPOINTED TO OR SERVE ON THE
13 COMMISSION IF THE INDIVIDUAL:

14 (I) HOLDS AN ELECTIVE OR APPOINTIVE OFFICE IN THE
15 EXECUTIVE BRANCH OR LEGISLATIVE BRANCH OF THE FEDERAL OR STATE OR A
16 LOCAL GOVERNMENT;

17 (II) HOLDS A POLITICAL PARTY OFFICE; OR

18 (III) IS NOT A REGISTERED VOTER OF THE STATE.

19 (C) A MEMBER OF THE COMMISSION:

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

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

24 (D) INDIVIDUALS APPOINTED AS MEMBERS OF THE COMMISSION SHALL
25 CEASE TO BE MEMBERS OF THE COMMISSION ON THE FILING OF THE DISTRICTING
26 PLAN FOR CONGRESSIONAL DISTRICTS WITH THE SECRETARY OF STATE AS
27 REQUIRED BY § 8-6A-04 OF THIS SUBTITLE.

28 (E) THE DEPARTMENT SHALL STAFF AND PROVIDE TECHNICAL SUPPORT
29 FOR THE COMMISSION.

30 8-6A-04.

(A) (1) THE COMMISSION SHALL USE THE CENSUS DATA PROVIDED TO THE COMMISSION BY THE DEPARTMENT UNDER § 8-6A-02 OF THIS SUBTITLE TO PREPARE AND ADOPT A DISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS WITHIN 90 DAYS AFTER THE COMMISSION MEMBERS ARE APPOINTED OR THE CENSUS DATA IS RECEIVED BY THE COMMISSION, WHICHEVER IS LATER.

(2) A MAJORITY VOTE OF THE TOTAL NUMBER OF MEMBERS OF THE COMMISSION SHALL BE REQUIRED TO ADOPT A DISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) THE DISTRICTING PLAN PREPARED AND ADOPTED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) BE THE DISTRICTING PLAN FOR THE STATE;

(2) BE FILED WITH THE SECRETARY OF STATE WITHIN 7 DAYS OF THE PLAN BEING ADOPTED BY THE COMMISSION;

(3) BECOME EFFECTIVE ON THE FILING OF THE PLAN WITH THE SECRETARY OF STATE; AND

(4) REMAIN EFFECTIVE UNTIL THE ADOPTION OF A NEW CONGRESSIONAL DISTRICTING PLAN AFTER THE NEXT DECENNIAL CENSUS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the enactment of a nonpartisan districting process by another state that has between six and ten seats in the United States House of Representatives and both houses of that state's legislature are controlled by a party other than the party that controls the General Assembly of Maryland. The Secretary of State shall monitor the enactment of districting legislation by other states and notify the Department of Legislative Services within 5 days after the contingency is met. If the notice of the contingency being met is not received by the Department of Legislative Services on or before December 31, 2023, this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this Act, this Act shall take effect October 1, 2017.