

SENATE BILL 361

P5, G1

3lr0786

By: **Senators Pinsky, Colburn, Ferguson, Kittleman, Montgomery, and Raskin**
Introduced and read first time: January 25, 2013
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
5 adjusted census data to a temporary redistricting commission within a certain
6 time period; creating a temporary redistricting commission; providing for the
7 membership of the commission and the qualifications of its members; providing
8 that individuals cease to be members of the commission under certain
9 circumstances; requiring the Department to staff and provide certain support
10 for the commission; requiring the commission to use certain census data to
11 prepare and adopt a districting plan for congressional districting within a
12 certain time period; specifying that a certain districting plan is the plan for the
13 State; requiring that a certain districting plan be filed with the Secretary of
14 State within a certain time period; providing for the effectiveness of a certain
15 districting plan; making this Act subject to a certain contingency; defining
16 certain terms; and generally relating to the establishment of districts in
17 Maryland for the election of members of Congress.

18 BY adding to

19 Article – Election Law
20 Section 8–6A–01 through 8–6A–04 to be under the new subtitle “Subtitle 6A.
21 Congressional Districting Process”
22 Annotated Code of Maryland
23 (2010 Replacement Volume and 2012 Supplement)

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

26 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 **8-6A-01.**

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

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

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

9 **8-6A-02.**

10 **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE YEAR**
11 **IMMEDIATELY FOLLOWING THE DECENNIAL UNITED STATES CENSUS, THE**
12 **DEPARTMENT SHALL:**

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

15 **(2) ADJUST THE CENSUS DATA TO MEET THE REQUIREMENTS OF §**
16 **8-701 OF THIS TITLE AND MAKE THE CENSUS DATA USABLE FOR PREPARING A**
17 **DISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS; AND**

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

21 **8-6A-03.**

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

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

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

26 **(I) ONE APPOINTED BY THE PRESIDENT OF THE SENATE;**

27 **(II) ONE APPOINTED BY THE MINORITY LEADER OF THE**
28 **SENATE;**

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

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

5 (3) (I) WITHIN 30 DAYS OF THEIR APPOINTMENTS TO THE
6 COMMISSION, BUT NOT LATER THAN MARCH 1 OF THAT YEAR, THE COMMISSION
7 MEMBERS SHALL SELECT, BY VOTE OF AT LEAST THREE OF THE MEMBERS, THE
8 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, 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) MEMBERS OF THE COMMISSION MAY NOT RECEIVE A SALARY BUT
20 ARE ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD
21 STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

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

26 (E) THE DEPARTMENT SHALL STAFF AND PROVIDE TECHNICAL
27 SUPPORT FOR THE COMMISSION.

28 8-6A-04.

29 (A) (1) THE COMMISSION SHALL USE THE CENSUS DATA PROVIDED
30 TO THE COMMISSION BY THE DEPARTMENT UNDER § 8-6A-02 OF THIS

1 **SUBTITLE TO PREPARE AND ADOPT A DISTRICTING PLAN FOR CONGRESSIONAL**
2 **DISTRICTS WITHIN 90 DAYS AFTER THE COMMISSION MEMBERS ARE APPOINTED**
3 **OR THE CENSUS DATA IS RECEIVED BY THE COMMISSION, WHICHEVER IS LATER.**

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

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

9 **(1) BE THE DISTRICTING PLAN FOR THE STATE;**

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

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on
17 the enactment of a nonpartisan districting process by another state that has between
18 six and ten seats in the United States House of Representatives and both houses of
19 that state's legislature are controlled by a party other than the party that controls the
20 General Assembly of Maryland. The Secretary of State shall monitor the enactment of
21 districting legislation by other states and notify the Department of Legislative
22 Services within 5 days after the contingency is met. If the notice of the contingency
23 being met is not received by the Department of Legislative Services on or before
24 December 31, 2020, this Act shall be null and void without the necessity of further
25 action by the General Assembly.

26 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of
27 this Act, this Act shall take effect October 1, 2013.