

# HOUSE BILL 427

G1

CONSTITUTIONAL AMENDMENT

5lr1167

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By: **Delegates Flanagan, Bromwell, Carozza, Cluster, S. Howard, Kipke, Kittleman, Krebs, McComas, Metzgar, W. Miller, Shoemaker, Szeliga, West, and B. Wilson**

Introduced and read first time: February 9, 2015

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Voters' Legislative Districting Panel – Establishment**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to establish the  
4 Voters' Legislative Districting Panel; providing for the membership of the Panel;  
5 requiring the State Ethics Commission to conduct a certain lottery to choose the  
6 members of the Panel; specifying the conditions under which the lottery must be  
7 conducted; specifying the qualifications an individual must meet to be entered into  
8 the lottery; providing that a nonaffiliated voter is not required to meet a certain  
9 qualification; specifying that a member of the panel is subject to certain public ethics  
10 laws and entitled to certain reimbursement; providing for the term of a member;  
11 requiring the Panel to adopt rules and procedures to govern its activities; requiring  
12 the Governor to provide funds in the State budget for staff for the Panel; requiring  
13 the Attorney General to provide legal assistance to the Panel and recommend rules  
14 and procedures for adoption by the Panel; requiring the Department of Legislative  
15 Services to assist the Panel; requiring the Panel to prepare a certain legislative  
16 districting plan following a certain census; requiring, after public hearing, the Panel  
17 to submit the plan to the President of the Senate and the Speaker of the House;  
18 requiring the President of the Senate and the Speaker of the House to introduce the  
19 plan as a joint resolution to the General Assembly within a certain time period;  
20 authorizing the Governor to call a special session for the presentation of the plan;  
21 requiring that the plan becomes law on a certain day except under certain  
22 circumstances; providing that, under certain circumstances, the Court of Appeals  
23 has original jurisdiction to review a certain legislative districting plan; requiring the  
24 Court of Appeals to grant appropriate relief under certain circumstances; defining  
25 certain terms; and submitting this amendment to the qualified voters of the State  
26 for their adoption or rejection.

27 BY proposing an amendment to the Maryland Constitution  
28 Article III – Legislative Department

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## 1 Section 5

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

5 **Article III – Legislative Department**

6 5.

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9 (2) “PANEL” MEANS THE VOTERS’ LEGISLATIVE DISTRICTING  
10 PANEL.

11 (3) “PLAN” MEANS THE LEGISLATIVE DISTRICTING PLAN PREPARED  
12 BY THE PANEL UNDER SUBSECTION (C) OF THIS SECTION.

13 (4) “PUBLIC OFFICIAL” INCLUDES A MEMBER OF A PARTY CENTRAL  
14 COMMITTEE.

15 (B) (1) THERE IS A VOTERS’ LEGISLATIVE DISTRICTING PANEL.

16 (2) THE PANEL CONSISTS OF 21 REGULAR MEMBERS AND 7  
17 ALTERNATE MEMBERS WHO ARE CHOSEN BY A LOTTERY CONDUCTED IN  
18 ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.

19 (3) (I) THE STATE ETHICS COMMISSION SHALL CONDUCT A  
20 LOTTERY TO CHOOSE THE MEMBERS OF THE PANEL.

21 (II) A LOTTERY CONDUCTED UNDER SUBPARAGRAPH (I) OF  
22 THIS PARAGRAPH SHALL BE CONDUCTED:

23 1. AS SOON AS PRACTICABLE AFTER THE CENSUS DATA  
24 BECOMES AVAILABLE;

25 2. SUBJECT TO ITEM 1 OF THIS SUBPARAGRAPH, AT A  
26 TIME AND PLACE DETERMINED BY THE GOVERNOR; AND

27 3. IN A MANNER THAT RESULTS IN THE PANEL BEING  
28 COMPOSED OF REGISTERED DEMOCRATS, REGISTERED REPUBLICANS, AND  
29 REGISTERED NONAFFILIATED VOTERS IN THE SAME PROPORTION THAT

1 **DEMOCRATS, REPUBLICANS, AND NONAFFILIATED VOTERS COMPOSE REGISTERED**  
2 **VOTERS IN THE STATE.**

3 **(III) TO BE ENTERED IN A LOTTERY CONDUCTED UNDER**  
4 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN INDIVIDUAL:**

5 **1. SHALL BE A REGISTERED VOTER IN THE STATE;**

6 **2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF**  
7 **THIS PARAGRAPH, SHALL HAVE VOTED IN THE LAST THREE STATEWIDE PRIMARY**  
8 **AND GENERAL ELECTIONS IMMEDIATELY PRECEDING THE LOTTERY;**

9 **3. MAY NOT BE OR HAVE SERVED AS A PUBLIC OFFICIAL**  
10 **IN THE STATE; AND**

11 **4. SHALL MAKE A REQUEST TO BE INCLUDED IN THE**  
12 **LOTTERY TO THE STATE ETHICS COMMISSION.**

13 **(IV) A NONAFFILIATED VOTER IS NOT REQUIRED TO HAVE**  
14 **VOTED IN THE LAST THREE STATEWIDE PRIMARY ELECTIONS IMMEDIATELY**  
15 **PRECEDING THE LOTTERY.**

16 **(4) A MEMBER OF THE PANEL IS:**

17 **(I) SUBJECT TO THE PUBLIC ETHICS LAWS, AS APPLICABLE,**  
18 **THAT APPLY TO A MEMBER OF THE GENERAL ASSEMBLY; AND**

19 **(II) ENTITLED TO REIMBURSEMENT FOR EXPENSES IN THE**  
20 **SAME MANNER THAT A MEMBER OF THE GENERAL ASSEMBLY IS ENTITLED TO**  
21 **REIMBURSEMENT.**

22 **(5) THE TERM OF A MEMBER OF THE PANEL BEGINS WHEN THE**  
23 **MEMBER IS CHOSEN IN THE LOTTERY AND ENDS WHEN A LEGISLATIVE DISTRICTING**  
24 **PLAN IS SUBMITTED TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE**  
25 **HOUSE OF DELEGATES UNDER SUBSECTION (D) OF THIS SECTION.**

26 **(6) THE PANEL SHALL ADOPT RULES AND PROCEDURES TO GOVERN**  
27 **ITS ACTIVITIES.**

28 **(7) THE GOVERNOR SHALL PROVIDE FUNDS IN THE STATE BUDGET**  
29 **FOR STAFF FOR THE PANEL.**

30 **(8) (I) THE ATTORNEY GENERAL SHALL:**

1                   **1. PROVIDE LEGAL ASSISTANCE TO THE PANEL; AND**

2                   **2. RECOMMEND RULES AND PROCEDURES FOR**  
3 **ADOPTION BY THE PANEL.**

4                   **(II) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL**  
5 **ASSIST THE PANEL AS NEEDED.**

6           **(C) (1)** Following each decennial census of the United States and after public  
7 hearings, the [Governor] **PANEL** shall prepare a plan setting forth the boundaries of the  
8 legislative districts for electing of the members of the Senate and the House of Delegates.

9                   **(2) THE PLAN PREPARED UNDER PARAGRAPH (1) OF THIS**  
10 **SUBSECTION SHALL CONFORM TO SECTIONS 2, 3 AND 4 OF THIS ARTICLE.**

11           **(D)** The [Governor] **PANEL** shall present the plan to the President of the Senate  
12 and Speaker of the House of Delegates who shall introduce the [Governor's] **PANEL'S** plan  
13 as a joint resolution to the General Assembly, not later than the first day of its regular  
14 session in the second year following every census, and the Governor may call a special  
15 session for the presentation of [his] **THE PANEL'S** plan prior to the regular session. [The  
16 plan shall conform to Sections 2, 3 and 4 of this Article.] Following each decennial census  
17 the General Assembly may by joint resolution adopt a plan setting forth the boundaries of  
18 the legislative districts for the election of members of the Senate and the House of  
19 Delegates, which plan shall conform to Sections 2, 3 and 4 of this Article. If a plan has been  
20 adopted by the General Assembly by the 45th day after the opening of the regular session  
21 of the General Assembly in the second year following every census, the plan adopted by the  
22 General Assembly shall become law. If no plan has been adopted by the General Assembly  
23 for these purposes by the 45th day after the opening of the regular session of the General  
24 Assembly in the second year following every census, the [Governor's] **PANEL'S** plan  
25 presented to the General Assembly shall become law.

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

30           **SECTION 2. AND BE IT FURTHER ENACTED,** That the General Assembly  
31 determines that the amendment to the Maryland Constitution proposed by this Act affects  
32 multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland  
33 Constitution concerning local approval of constitutional amendments do not apply.

34           **SECTION 3. AND BE IT FURTHER ENACTED,** That the foregoing section  
35 proposed as an amendment to the Maryland Constitution shall be submitted to the  
36 qualified voters of the State at the next general election to be held in November 2016 for

1 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that  
2 general election, the vote on this proposed amendment to the Constitution shall be by  
3 ballot, and upon each ballot there shall be printed the words “For the Constitutional  
4 Amendment” and “Against the Constitutional Amendment,” as now provided by law.  
5 Immediately after the election, all returns shall be made to the Governor of the vote for and  
6 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,  
7 and further proceedings had in accordance with Article XIV.