

# SENATE BILL 814

P5, G1  
SB 361/13 – EHE

5lr2705

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By: **Senator Pinsky**

Introduced and read first time: February 20, 2015

Assigned to: Rules

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## 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 2014 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.**

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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 APPOINTED BY THE PRESIDENT OF THE SENATE;

24 (II) ONE APPOINTED BY THE MINORITY LEADER OF THE  
25 SENATE;

26 (III) ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF  
27 DELEGATES; AND

1 (IV) ONE APPOINTED BY THE MINORITY LEADER OF THE HOUSE  
2 OF DELEGATES.

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

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

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

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

15 (II) HOLDS A POLITICAL PARTY OFFICE; OR

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

17 (C) MEMBERS OF THE COMMISSION MAY NOT RECEIVE A SALARY BUT ARE  
18 ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE  
19 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

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

24 (E) THE DEPARTMENT SHALL STAFF AND PROVIDE TECHNICAL SUPPORT  
25 FOR THE COMMISSION.

26 8-6A-04.

27 (A) (1) THE COMMISSION SHALL USE THE CENSUS DATA PROVIDED TO  
28 THE COMMISSION BY THE DEPARTMENT UNDER § 8-6A-02 OF THIS SUBTITLE TO  
29 PREPARE AND ADOPT A DISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS WITHIN  
30 90 DAYS AFTER THE COMMISSION MEMBERS ARE APPOINTED OR THE CENSUS DATA  
31 IS RECEIVED BY THE COMMISSION, WHICHEVER IS LATER.

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

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

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

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

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

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

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the  
14 enactment of a nonpartisan districting process by another state that has between six and  
15 ten seats in the United States House of Representatives and both houses of that state's  
16 legislature are controlled by a party other than the party that controls the General  
17 Assembly of Maryland. The Secretary of State shall monitor the enactment of districting  
18 legislation by other states and notify the Department of Legislative Services within 5 days  
19 after the contingency is met. If the notice of the contingency being met is not received by  
20 the Department of Legislative Services on or before December 31, 2022, this Act shall be  
21 null and void without the necessity of further action by the General Assembly.

22           SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this  
23 Act, this Act shall take effect October 1, 2015.