

**SB1023/294532/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1023  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “circumstances;” insert “providing that a member may be removed from the commission under certain circumstances and in a certain manner; providing that the commission is subject to certain laws governing open meetings and access to public records; requiring the commission to hold certain hearings to receive public testimony at certain times, in certain places, and in certain geographic areas to accommodate the public and to reflect certain demographics and characteristics of the population of the State;”; in line 18, after “terms;” insert “directing the Secretary of State to send copies of this Act to the presiding officers of both Houses of the legislature of certain states with a request that each of the states join Maryland in the enactment of a certain congressional redistricting process;”; and in line 23, strike “8-6A-06” and substitute “8-6A-09”.

AMENDMENT NO. 2

On page 2, in line 14, after the first “**THE**” insert “ADJUSTED”; strike beginning with “**FROM**” in line 14 down through “**94-171**” in line 15 and substitute “FOR THE STATE FOR THAT CENSUS”; in line 15, after the semicolon insert “AND”; strike in their entirety lines 16 through 18, inclusive; in line 19, strike “**(3)**” and substitute “(2)”; strike beginning with the first “**THE**” in line 20 down through “**SECTION**” in line 21 and substitute “THE DEPARTMENT RECEIVES THE DATA”; in line 24, strike “**FIVE**” and substitute “NINE”; in line 26, strike “**FOUR**” and substitute “EIGHT”; and in line 27, strike “**ONE**” and substitute “TWO”.

On page 3, in lines 1, 3, and 5, in each instance, strike “**ONE**” and substitute “TWO”; in line 9, strike “**THREE**” and substitute “FIVE”; in lines 10 and 11, in each instance, strike “**FIFTH**” and substitute “NINTH”; in line 10, after “**WHO**” insert “:

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**1.**”;

and in the same line, after “CHAIR” insert “**;** **AND**”

**2. MAY NOT BE AFFILIATED WITH EITHER OF THE PRINCIPAL POLITICAL PARTIES IN THE STATE**”;

in lines 12 and 13, strike “, THE CHIEF JUDGE OF THE COURT OF APPEALS SHALL MAKE THE APPOINTMENT” and substitute “:

**1. THE COMMISSION SHALL SUBMIT A LIST OF THREE NAMES FOR THE APPOINTMENT OF THAT MEMBER TO:**

**A. THE CHIEF ADMINISTRATIVE LAW JUDGE OF THE OFFICE OF ADMINISTRATIVE HEARINGS;**

**B. THE CHAIR OF THE STATE ETHICS COMMISSION;**  
**AND**

**C. THE COCHAIRS OF THE JOINT COMMITTEE ON LEGISLATIVE ETHICS; AND**

**2. NO LATER THAN 10 DAYS AFTER RECEIPT OF THE LIST SUBMITTED BY THE COMMISSION TO THE ENTITIES DESIGNATED UNDER ITEM 1 OF THIS SUBPARAGRAPH, THE ENTITIES SHALL SELECT THE NINTH MEMBER AND CHAIR OF THE COMMISSION**”.

**AMENDMENT NO. 3**

On page 3, strike lines 14 through 20, inclusive; after line 20, insert:

“8-6A-04.

(A) EACH MEMBER OF THE COMMISSION:

(1) (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) IN THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF THE INDIVIDUAL’S APPOINTMENT, HAS VOTED IN AT LEAST TWO ELECTIONS; AND

(2) (I) MAY NOT HAVE BEEN A CANDIDATE FOR ELECTION TO OR SERVED AS GOVERNOR, AS A MEMBER OF THE GENERAL ASSEMBLY, OR AS A REPRESENTATIVE OF THE UNITED STATES CONGRESS FROM THIS STATE DURING THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF THE INDIVIDUAL’S APPOINTMENT, OR BE AN IMMEDIATE FAMILY MEMBER ESTABLISHED THROUGH BLOOD OR LEGAL RELATION OF SUCH CANDIDATE OR MEMBER;

(II) MAY NOT BE A REGULATED LOBBYIST IN THIS STATE, AS DESCRIBED IN § 5-702(A) OF THE GENERAL PROVISIONS ARTICLE, REGISTERED AS A LOBBYIST BEFORE A COUNTY OR MUNICIPAL GOVERNMENT IN THE STATE, OR REGISTERED AS A LOBBYIST BEFORE THE FEDERAL GOVERNMENT;

(III) 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,

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THE GOVERNOR, A MEMBER OF THE GENERAL ASSEMBLY, OR A MEMBER OF THE UNITED STATES CONGRESS FROM THIS STATE;

(IV) MAY NOT HOLD AN APPOINTIVE OFFICE IN THE EXECUTIVE BRANCH OR LEGISLATIVE BRANCH OF THE FEDERAL, STATE, OR A LOCAL GOVERNMENT; AND

(V) MAY NOT HAVE MADE A CONTRIBUTION OF \$2,000 OR MORE TO A POLITICAL COMMITTEE FOR ELECTORAL PURPOSES FOR A CONGRESSIONAL, STATE, OR LOCAL GOVERNMENT ELECTION IN THE STATE IN ANY YEAR, WHICH AMOUNT SHALL BE ADJUSTED EVERY 10 YEARS BY THE CUMULATIVE CHANGE IN THE MARYLAND CONSUMER PRICE INDEX OR ITS SUCCESSOR.

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

(C) (1) SEVEN MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM.

(2) EXCEPT AS PROVIDED IN § 8-6A-03(B)(3) OF THIS SUBTITLE, SIX OR MORE AFFIRMATIVE VOTES OF THE COMMISSION SHALL BE REQUIRED FOR ANY OFFICIAL ACTION, INCLUDING ANY FINAL PROPOSED MAPS AND PLANS FOR CONGRESSIONAL DISTRICTS ADOPTED BY THE COMMISSION.

8-6A-05.

(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 THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY 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) A VACANCY, WHETHER CREATED BY REMOVAL, RESIGNATION, OR ABSENCE, IN A COMMISSION POSITION SHALL BE FILLED BY THE APPOINTING AUTHORITY FOR THAT MEMBER WITHIN 30 DAYS AFTER THE VACANCY OCCURS.

8-6A-06.

(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.

(B) (1) THE COMMISSION SHALL ESTABLISH AND IMPLEMENT AN OPEN HEARING PROCESS FOR PUBLIC INPUT AND DELIBERATION THAT IS DESIGNED TO ENCOURAGE CITIZEN OUTREACH AND SOLICIT BROAD PUBLIC PARTICIPATION IN THE REDISTRICTING PUBLIC REVIEW PROCESS.

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

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

(ii) THE COMMISSION SHALL:

1. DISPLAY THE MAPS FOR PUBLIC COMMENT IN A MANNER DESIGNED TO ACHIEVE THE WIDEST PUBLIC ACCESS REASONABLY POSSIBLE; AND

2. TAKE PUBLIC COMMENT FOR AT LEAST 14 DAYS FROM THE DATE OF PUBLIC DISPLAY OF ANY MAP.

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

(2) COMMUNICATION BETWEEN COMMISSION MEMBERS, STAFF, LEGAL COUNSEL, AND CONSULTANTS RETAINED BY THE COMMISSION IS ALLOWED.”;

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in lines 21, 24, and 28, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; in line 27, strike “8-6A-05” and substitute “8-6A-08”; and in line 30, strike “8-6A-04.”.

AMENDMENT NO. 4

On page 4, strike in their entirety lines 1 through 8, inclusive, and substitute:

“8-6A-07.

(A) THE COMMISSION SHALL CONVENE ITS FIRST MEETING ON OR BEFORE MARCH 1 OF THE YEAR FOLLOWING EACH DECENNIAL CENSUS.

(B) (1) AT ITS FIRST MEETING, OR ON OR BEFORE 30 DAYS AFTER THE COMMISSION RECEIVES ADJUSTED CENSUS DATA FROM THE DEPARTMENT, WHICHEVER IS LATER, THE COMMISSION SHALL COMMENCE A SERIES OF PUBLIC HEARINGS TO RECEIVE PUBLIC TESTIMONY CONCERNING A REDISTRICTING PLAN.

(2) (I) ON OR BEFORE JULY 1 OF THE YEAR THAT THE COMMISSION RECEIVES THE ADJUSTED CENSUS DATA FROM THE DEPARTMENT, THE COMMISSION SHALL HOLD AT LEAST SIX HEARINGS THROUGHOUT THE STATE.

(II) THE HEARINGS REQUIRED UNDER THIS PARAGRAPH SHALL BE HELD AT TIMES THAT ARE LIKELY TO MAXIMIZE PUBLIC PARTICIPATION AND IN LOCATIONS THAT ENCOMPASS THE GEOGRAPHIC, RACIAL, AND ETHNIC DIVERSITY OF THE STATE.

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(III) THE COMMISSION SHALL CONDUCT AN OPEN AND TRANSPARENT PROCESS ENABLING FULL PUBLIC CONSIDERATION OF AND COMMENT ON THE DRAWING OF DISTRICT LINES.

(3) FOLLOWING THE CONCLUSION OF THE PUBLIC HEARINGS REQUIRED UNDER SUBPARAGRAPH (2) OF THIS SUBSECTION, BUT NO LATER THAN SEPTEMBER 30 OF THE YEAR THAT THE COMMISSION RECEIVES THE ADJUSTED CENSUS DATA FROM THE DEPARTMENT, THE COMMISSION SHALL PREPARE AND ADOPT A DISTRICTING PLAN AND MAP FOR CONGRESSIONAL DISTRICTS.

(4) ON OR BEFORE OCTOBER 30 OF THE YEAR THAT THE COMMISSION RECEIVES THE ADJUSTED CENSUS DATA FROM THE DEPARTMENT, THE COMMISSION SHALL:

(I) PUBLISH THE PROPOSED FINAL DISTRICTING PLAN AND MAP ON THE WEB SITE OF THE DEPARTMENT OF LEGISLATIVE SERVICES;

(II) ISSUE WITH THE PROPOSED FINAL DISTRICTING PLAN AND MAP A REPORT THAT:

1. EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE THE DECISIONS IN COMPLIANCE WITH THE CRITERIA REQUIRED UNDER THIS SUBTITLE; AND

2. INCLUDES DEFINITIONS OF THE TERMS AND STANDARDS THE COMMISSION USED IN PREPARING THE PROPOSED FINAL DISTRICTING PLAN AND MAP; AND

(III) 1. HOLD AT LEAST ONE PUBLIC HEARING ON THE PROPOSED FINAL DISTRICTING PLAN AND MAP TO RECEIVE PUBLIC TESTIMONY; AND

2. ALLOW THE PUBLIC TO SUBMIT COMMENTS TO THE COMMISSION THROUGH THE WEB SITE OF THE DEPARTMENT OF LEGISLATIVE SERVICES CONCERNING THE PROPOSED FINAL DISTRICTING PLAN AND MAP.

(5) ON OR BEFORE THE SECOND TUESDAY IN NOVEMBER OF THE YEAR THE COMMISSION RECEIVES THE ADJUSTED CENSUS DATA FROM THE DEPARTMENT, THE COMMISSION SHALL PUBLISH A FINAL CONGRESSIONAL DISTRICTING PLAN AND MAP ON THE WEB SITE OF THE DEPARTMENT OF LEGISLATIVE SERVICES.”;

in line 9, strike “(B)” and substitute “(C)”; strike in their entirety lines 11 through 29, inclusive, and substitute:

“(2) EACH CONGRESSIONAL DISTRICT SHALL:

(I) COMPLY WITH THE UNITED STATES CONSTITUTION;

(II) COMPLY WITH THE FEDERAL VOTING RIGHTS ACT;

(III) BE EQUAL IN POPULATION, EXCEPT WHERE DEVIATION IS REQUIRED TO COMPLY WITH THE FEDERAL VOTING RIGHTS ACT (42 U.S.C. SEC. 1971 AND FOLLOWING) OR IS ALLOWABLE BY LAW;

(IV) WITHOUT VIOLATING THE REQUIREMENTS OF THIS SECTION, RESPECT THE GEOGRAPHIC INTEGRITY OF ANY MUNICIPAL CORPORATION OR COUNTY, TO THE EXTENT POSSIBLE;

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(V) BE GEOGRAPHICALLY CONTIGUOUS; AND

(VI) TO THE EXTENT PRACTICABLE, AND IF IT DOES NOT CONFLICT WITH THE CRITERIA SPECIFIED IN ITEMS (I) THROUGH (V) OF THIS PARAGRAPH, BE DRAWN TO ENCOURAGE GEOGRAPHIC COMPACTNESS.

(D) (1) A CONGRESSIONAL DISTRICT MAY NOT BE DRAWN FOR THE PURPOSE OF FAVORING A POLITICAL PARTY, AN ELECTED OFFICIAL, OR ANY OTHER PERSON OR GROUP, OR FOR THE PURPOSE OF AUGMENTING OR DILUTING THE VOTING STRENGTH OF A LANGUAGE OR RACIAL MINORITY GROUP.

(2) IN ESTABLISHING DISTRICTS, NO USE SHALL BE MADE OF ADDRESSES OF ELECTED OFFICIALS, POLITICAL AFFILIATIONS OF REGISTERED VOTERS, POLLING DATA, PROPOSED DISTRICTING MAPS PREPARED BY PERSONS NOT EMPLOYED BY THE DEPARTMENT, AND DEMOGRAPHIC INFORMATION, OTHER THAN POPULATION HEAD COUNTS, EXCEPT AS REQUIRED BY THE CONSTITUTION OR LAWS OF THE UNITED STATES.”;

in line 30, strike “(3)” and substitute “(E)”; and in line 32, strike “(4)” and substitute “(F)”.

AMENDMENT NO. 5

On page 5, in lines 1 and 11, strike “8-6A-05.” and “8-6A-06.”, respectively, and substitute “8-6A-08.” and “8-6A-09.”, respectively; in line 3, strike “§ 8-6A-04” and substitute “§ 8-6A-07”; in line 17, strike “TITLE” and substitute “SUBTITLE AND THE CRITERIA REQUIRED UNDER § 8-6A-07(C), (D), AND (F) OF THIS SUBTITLE”; in line 19, strike “A PROCESS” and substitute “THE DISTRICTING PLAN FOR A STATE”; in line 23, after “COMMISSION” insert “THAT USES A PROCESS AND CRITERIA, AS SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION, TO ESTABLISH”

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CONGRESSIONAL DISTRICTS"; in line 24, after "(2)" insert "(I) THE REDISTRICTING PLAN DEVELOPED AND PROPOSED BY AN INDEPENDENT REDISTRICTING COMMISSION IN THAT STATE BECOMES EFFECTIVE ON THE FILING OF THE PLAN WITH THE CHIEF ELECTION OFFICIAL IN THAT STATE; OR

(II) NOTWITHSTANDING THAT";

in the same line, after "LEGISLATURE" insert "IN THAT STATE"; in line 25, strike "BUT" and substitute "THE LEGISLATURE IN THAT STATE"; in line 32, after the second "and" insert ", after consultation with the Attorney General,"; in line 33, strike "If" and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That if"; and in the same line, after the second "contingency" insert "described under Section 2 of this Act".

On page 6, in lines 2 and 3, strike "shall be null and void without the necessity of further action by the General Assembly" and substitute ":

(a) may not be applied to the districting process for representatives from Maryland in the United States House of Representatives resulting from the 2020 decennial census; and

(b) the districting process for representatives from Maryland in the United States House of Representatives resulting from the 2020 decennial census set forth under the Maryland Constitution and provisions of Maryland law in effect on January 1, 2021, shall apply.

SECTION 4. AND BE IT FURTHER ENACTED, That if the Department of Legislative Services does not receive notice from the Secretary of State on or before December 31, 2032, that the contingency described in Section 2 of this Act is met, this

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Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 5. AND BE IT FURTHER ENACTED, That the Secretary of State is directed to send copies of this Act to the presiding officers of both Houses of the legislature of each of the states of New York, New Jersey, Pennsylvania, Virginia, and North Carolina in the mid-Atlantic region, with the request that it be circulated among leaders in the legislative branches of those state governments; and with the further request that each of the states of New York, New Jersey, Pennsylvania, Virginia, and North Carolina in the mid-Atlantic region join the State of Maryland in the enactment of a nonpartisan districting process for representatives in the United States House of Representatives in the mid-Atlantic region”; in line 4, strike “3.” and substitute “6.”; and in the same line, strike “Section 2” and substitute “Sections 2, 3, and 4”.