

SENATE BILL 90

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CF HB 43

By: **The President (By Request – Administration) and Senators Bailey, Carozza, Cassilly, Eckardt, Edwards, Gallion, Hershey, Hough, Jennings, Ready, Reilly, Salling, Simonaire, and West**

Introduced and read first time: January 11, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Elections – Legislative and Congressional Redistricting and Apportionment –**
3 **Commission and Process**

4 FOR the purpose of establishing the Legislative and Congressional Redistricting and
5 Apportionment Commission as an independent unit of State government; providing
6 for the intent of the General Assembly regarding legislative and congressional
7 redistricting; requiring that the members of the Redistricting Commission be
8 selected by a certain date in certain years in accordance with certain provisions of
9 this Act; providing that the process for selecting members of the Redistricting
10 Commission is designed to produce a certain Redistricting Commission; providing
11 for the composition of the Redistricting Commission; providing for the qualifications,
12 terms, duties, and compensation of members of the Redistricting Commission;
13 requiring the State Ethics Commission to initiate a certain application process in
14 certain years; requiring the Ethics Commission to remove certain applicants from a
15 certain applicant pool; requiring the Ethics Commission to publish the names of
16 certain applicants on or before a certain date of a certain year; providing for the
17 selection and removal of members of the Redistricting Commission; providing for the
18 process by which a certain vacancy is filled under certain circumstances; prohibiting
19 members and employees of the Ethics Commission from communicating with certain
20 elected officials or their employees or agents about certain matters; providing for a
21 quorum and a chair for the Redistricting Commission; authorizing the Redistricting
22 Commission to hire staff, attorneys, and consultants in accordance with the State
23 budget; providing that employees of the Redistricting Commission are independent
24 of the State Personnel Management System; providing that a certain finding may
25 result in referral of a member or employee of the Redistricting Commission to the
26 State Prosecutor; requiring the Redistricting Commission to conduct a certain
27 process, establish certain legislative and congressional districts, and conduct its
28 business in a certain manner; providing that the activities of the Redistricting

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Commission are subject to the Open Meetings Act and the Maryland Public
2 Information Act; requiring the Redistricting Commission to establish and implement
3 a certain hearing process; authorizing the Redistricting Commission to supplement
4 hearings with other activities subject to the discretion of the Redistricting
5 Commission; requiring the Redistricting Commission to ensure certain plans are
6 readily available to the public; requiring the Redistricting Commission to provide a
7 certain public comment period before adopting certain plans; requiring the
8 Redistricting Commission to take all steps necessary to ensure that a certain
9 database is available and that procedures are in place to provide the public certain
10 access to certain data and software for a certain purpose; requiring the Redistricting
11 Commission to adopt certain plans that conform to certain standards; requiring a
12 legislative districts plan to be numbered in a certain manner; requiring the
13 Redistricting Commission to issue certain documents with certain plans; requiring
14 the Redistricting Commission to certify and send certain plans to the presiding
15 officers of the General Assembly; requiring the presiding officers to prepare certain
16 plans for consideration by the General Assembly; requiring certain plans to be
17 treated as a bill by the General Assembly for certain purposes; requiring the
18 Redistricting Commission to petition the Court of Appeals to establish certain plans
19 under certain circumstances; requiring the Redistricting Commission to represent
20 the State in certain judicial proceedings; requiring the Redistricting Commission to
21 intervene in certain cases on behalf of the State; providing that the Court of Appeals
22 has original jurisdiction to establish legislative districts or the congressional districts
23 under certain circumstances; authorizing certain voters to participate in a certain
24 judicial proceeding as an amicus curiae; establishing a certain process for the Court
25 of Appeals on the filing of a certain petition; requiring the Court of Appeals to give
26 priority to ruling on a certain petition; requiring the Governor to include certain
27 funding in the State budget; defining certain terms; making this Act contingent on
28 the passage and ratification of a certain constitutional amendment; and generally
29 relating to legislative and congressional redistricting and apportionment.

30 BY repealing and reenacting, without amendments,

31 Article – Election Law

32 Section 1–101(a), (dd), (hh), (jj), and (kk)

33 Annotated Code of Maryland

34 (2017 Replacement Volume and 2018 Supplement)

35 BY adding to

36 Article – Election Law

37 Section 8–7A–01 through 8–7A–12 to be under the new subtitle “Subtitle 7A. The
38 Legislative and Congressional Redistricting and Apportionment Commission”

39 Annotated Code of Maryland

40 (2017 Replacement Volume and 2018 Supplement)

41 BY repealing and reenacting, without amendments,

42 Article – General Provisions

43 Section 5–202(a)

44 Annotated Code of Maryland

1 (2014 Volume and 2018 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – General Provisions
4 Section 5–205(a)
5 Annotated Code of Maryland
6 (2014 Volume and 2018 Supplement)

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

9 **Article – Election Law**

10 1–101.

11 (a) In this article the following words have the meanings indicated unless a
12 different meaning is clearly intended from the context.

13 (dd) “Majority party” means the political party to which the incumbent Governor
14 belongs, if the incumbent Governor is a member of a principal political party. If the
15 incumbent Governor is not a member of one of the two principal political parties, “majority
16 party” means the principal political party whose candidate for Governor received the
17 highest number of votes of any party candidate at the last preceding general election.

18 (hh) “Political party” means an organized group that is qualified as a political party
19 in accordance with Title 4 of this article.

20 (jj) “Principal minority party” means the principal political party whose candidate
21 for Governor received the second highest number of votes of any party candidate at the last
22 preceding general election.

23 (kk) “Principal political parties” means the majority party and the principal
24 minority party.

25 **SUBTITLE 7A. THE LEGISLATIVE AND CONGRESSIONAL REDISTRICTING AND**
26 **APPORTIONMENT COMMISSION.**

27 **8–7A–01.**

28 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

30 (B) “ETHICS COMMISSION” MEANS THE STATE ETHICS COMMISSION
31 ESTABLISHED UNDER TITLE 5 OF THE GENERAL PROVISIONS ARTICLE.

32 (C) “PLAN” MEANS THE PROPOSED LEGISLATIVE DISTRICTS PLAN OR THE

1 PROPOSED CONGRESSIONAL DISTRICTS PLAN ADOPTED BY THE REDISTRICTING
2 COMMISSION.

3 (D) "REDISTRICTING COMMISSION" MEANS THE LEGISLATIVE AND
4 CONGRESSIONAL REDISTRICTING AND APPORTIONMENT COMMISSION.

5 8-7A-02.

6 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

7 (1) NEITHER THE LEGISLATIVE DISTRICTS OR THE CONGRESSIONAL
8 DISTRICTS BE ESTABLISHED FOR THE PURPOSE OF FAVORING OR DISCRIMINATING
9 AGAINST AN INCUMBENT OFFICEHOLDER, A CANDIDATE FOR OFFICE, OR A
10 POLITICAL PARTY; AND

11 (2) THE PROVISIONS OF THIS SUBTITLE COMPLY WITH AND
12 IMPLEMENT THE PROVISIONS OF ARTICLE II, §§ 2, 3, AND 4, ARTICLE IV, § 14, AND
13 ARTICLE XX, §§ 1 AND 2 OF THE MARYLAND CONSTITUTION.

14 8-7A-03.

15 THERE IS A LEGISLATIVE AND CONGRESSIONAL REDISTRICTING AND
16 APPORTIONMENT COMMISSION AS AN INDEPENDENT UNIT OF STATE GOVERNMENT.

17 8-7A-04.

18 (A) ON OR BEFORE MARCH 1, 2021, AND EACH YEAR ENDING IN THE
19 NUMBER ONE THEREAFTER, A REDISTRICTING COMMISSION SHALL BE SELECTED
20 IN ACCORDANCE WITH § 8-7A-06 OF THIS SUBTITLE.

21 (B) THE PROCESS FOR SELECTING THE MEMBERS OF THE REDISTRICTING
22 COMMISSION IS DESIGNED TO PRODUCE A REDISTRICTING COMMISSION THAT IS:

23 (1) INDEPENDENT FROM LEGISLATIVE INFLUENCE; AND

24 (2) REASONABLY REPRESENTATIVE OF THE STATE'S GEOGRAPHICAL,
25 RACIAL, AND GENDER MAKEUP.

26 8-7A-05.

27 (A) THE REDISTRICTING COMMISSION CONSISTS OF THE FOLLOWING NINE
28 MEMBERS:

1 **(1) THREE MEMBERS REGISTERED WITH THE MAJORITY PARTY;**

2 **(2) THREE MEMBERS REGISTERED WITH THE PRINCIPAL MINORITY**
3 **PARTY; AND**

4 **(3) THREE MEMBERS NOT REGISTERED WITH EITHER OF THE**
5 **PRINCIPAL POLITICAL PARTIES.**

6 **(B) (1) A MEMBER OF A REDISTRICTING COMMISSION SHALL BE A**
7 **REGISTERED VOTER WHO, FOR AT LEAST 3 YEARS IMMEDIATELY PRECEDING THE**
8 **DATE OF SELECTION, HAS BEEN:**

9 **(I) CONTINUOUSLY REGISTERED IN THE STATE WITH THE SAME**
10 **POLITICAL PARTY; OR**

11 **(II) CONTINUOUSLY NOT REGISTERED WITH A PRINCIPAL**
12 **POLITICAL PARTY.**

13 **(2) A MEMBER OF A REDISTRICTING COMMISSION MAY NOT BE:**

14 **(I) A REPRESENTATIVE IN CONGRESS ELECTED FROM THE**
15 **STATE OR A CANDIDATE FOR THAT OFFICE;**

16 **(II) A MEMBER OF THE GENERAL ASSEMBLY OF MARYLAND OR**
17 **A CANDIDATE FOR THAT OFFICE;**

18 **(III) AN OFFICER OR EMPLOYEE OF A POLITICAL PARTY OR**
19 **POLITICAL COMMITTEE;**

20 **(IV) 1. A CONTRACTOR PROVIDING PROFESSIONAL**
21 **SERVICES TO:**

22 **A. THE GOVERNOR OR A CANDIDATE FOR THAT OFFICE;**

23 **B. A MEMBER OF THE GENERAL ASSEMBLY OF**
24 **MARYLAND OR A CANDIDATE FOR THAT OFFICE; OR**

25 **C. A REPRESENTATIVE IN CONGRESS ELECTED FROM**
26 **THE STATE OR A CANDIDATE FOR THAT OFFICE; OR**

27 **2. A CURRENT OR FORMER EMPLOYEE OF OR A**
28 **CONSULTANT TO AN INDIVIDUAL DESCRIBED IN ITEM 1 OF THIS ITEM;**

1 (V) AN IMMEDIATE FAMILY MEMBER OF THE GOVERNOR OR OF
2 AN INDIVIDUAL DESCRIBED IN ITEMS (I), (II), (III), OR (IV) OF THIS PARAGRAPH;

3 (VI) A STAFF MEMBER OF:

4 1. THE GOVERNOR OR A CANDIDATE FOR THAT OFFICE;

5 2. A MEMBER OF THE GENERAL ASSEMBLY OR A
6 CANDIDATE FOR THAT OFFICE; OR

7 3. A REPRESENTATIVE IN CONGRESS ELECTED FROM
8 THE STATE OR A CANDIDATE FOR THAT OFFICE; OR

9 (VII) A CURRENT OR FORMER REGISTERED LOBBYIST.

10 (C) (1) THE TERM OF A MEMBER OF THE REDISTRICTING COMMISSION
11 EXPIRES ON FEBRUARY 28 EACH YEAR ENDING IN THE NUMBER ONE.

12 (2) A MEMBER OF THE REDISTRICTING COMMISSION IS NOT
13 ELIGIBLE FOR REAPPOINTMENT.

14 (D) EACH MEMBER OF THE REDISTRICTING COMMISSION SHALL:

15 (1) APPLY THE PROVISIONS OF THIS SUBTITLE IN A MANNER THAT IS
16 IMPARTIAL AND THAT REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY OF THE
17 REDISTRICTING PROCESS; AND

18 (2) BE INELIGIBLE FOR A PERIOD OF 5 YEARS BEGINNING FROM THE
19 DATE OF SELECTION TO:

20 (I) HOLD APPOINTIVE FEDERAL, STATE, OR LOCAL PUBLIC
21 OFFICE;

22 (II) SERVE AS PAID STAFF FOR THE GENERAL ASSEMBLY OR
23 ANY INDIVIDUAL MEMBER; OR

24 (III) REGISTER AS A STATE, COUNTY, OR MUNICIPAL LOBBYIST
25 IN THE STATE.

26 (E) A MEMBER OF THE REDISTRICTING COMMISSION:

27 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
28 REDISTRICTING COMMISSION; BUT

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

3 **8-7A-06.**

4 **(A) (1) IN EACH YEAR ENDING IN THE NUMBER ZERO, ON OR BEFORE**
5 **DECEMBER 15 THE ETHICS COMMISSION SHALL INITIATE AN APPLICATION**
6 **PROCESS FOR MEMBERSHIP ON THE REDISTRICTING COMMISSION.**

7 **(2) THE APPLICATION PROCESS SHALL:**

8 **(I) BE OPEN TO ALL REGISTERED VOTERS IN THE STATE; AND**

9 **(II) BE CONDUCTED IN A MANNER THAT PROMOTES THE**
10 **RECRUITMENT OF A DIVERSE AND QUALIFIED APPLICANT POOL.**

11 **(B) THE ETHICS COMMISSION SHALL REMOVE FROM THE APPLICANT**
12 **POOL APPLICANTS WHO ARE INELIGIBLE UNDER § 8-7A-05(B)(2) OF THIS SUBTITLE.**

13 **(C) (1) ON OR BEFORE JANUARY 15 EACH YEAR ENDING IN THE NUMBER**
14 **ONE, THE ETHICS COMMISSION SHALL PUBLISH THE NAMES OF ALL THE ELIGIBLE**
15 **APPLICANTS.**

16 **(2) THE ETHICS COMMISSION SHALL:**

17 **(I) DETERMINE THE MOST QUALIFIED APPLICANTS ON THE**
18 **BASIS OF RELEVANT ANALYTICAL SKILLS, ABILITY TO BE IMPARTIAL, AND**
19 **APPRECIATION FOR THE STATE'S DIVERSE DEMOGRAPHICS AND GEOGRAPHY; AND**

20 **(II) SELECT THE 30 MOST QUALIFIED APPLICANTS, AS**
21 **FOLLOWS:**

22 **1. 10 APPLICANTS WHO ARE REGISTERED WITH THE**
23 **MAJORITY PARTY;**

24 **2. 10 APPLICANTS WHO ARE REGISTERED WITH THE**
25 **PRINCIPAL MINORITY PARTY; AND**

26 **3. 10 APPLICANTS WHO ARE NOT REGISTERED WITH**
27 **EITHER OF THE TWO PRINCIPAL POLITICAL PARTIES.**

28 **(3) ON OR BEFORE FEBRUARY 15 EACH YEAR ENDING IN THE**

1 NUMBER ONE, THE ETHICS COMMISSION SHALL RANDOMLY SELECT THE NINE
2 MEMBERS FROM THE 30 APPLICANTS CHOSEN UNDER PARAGRAPH (2) OF THIS
3 SUBSECTION AS FOLLOWS:

4 (I) THREE MEMBERS REGISTERED WITH THE MAJORITY PARTY;

5 (II) THREE MEMBERS REGISTERED WITH THE PRINCIPAL
6 MINORITY PARTY; AND

7 (III) THREE MEMBERS WHO ARE NOT REGISTERED WITH EITHER
8 OF THE TWO PRINCIPAL POLITICAL PARTIES.

9 (D) THE NINE APPLICANTS SELECTED UNDER SUBSECTION (C)(3) OF THIS
10 SECTION SHALL SERVE AS THE MEMBERS OF THE REDISTRICTING COMMISSION
11 BEGINNING ON MARCH 1 EACH YEAR ENDING IN THE NUMBER ONE.

12 (E) (1) IF THERE IS A VACANCY IN THE MEMBERSHIP OF THE
13 REDISTRICTING COMMISSION, THE ETHICS COMMISSION SHALL FILL THE VACANCY
14 WITHIN 30 DAYS AFTER THE VACANCY OCCURS BY RANDOMLY SELECTING ANOTHER
15 MEMBER FROM THE APPLICANTS CHOSEN UNDER SUBSECTION (C)(2)(II) OF THIS
16 SECTION.

17 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF
18 NONE OF THE REMAINING APPLICANTS CHOSEN UNDER PARAGRAPH (1) OF THIS
19 SUBSECTION ARE AVAILABLE FOR SERVICE, THE ETHICS COMMISSION SHALL FILL
20 THE VACANCY FROM A NEW APPLICANT POOL USING THE PROCEDURES
21 ESTABLISHED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION.

22 (II) THE ETHICS COMMISSION MAY LIMIT APPLICATIONS TO
23 VOTERS OF THE SAME VOTER REGISTRATION CATEGORY AS THE VACANT MEMBER.

24 (F) THE MEMBERS AND EMPLOYEES OF THE ETHICS COMMISSION MAY NOT
25 COMMUNICATE WITH THE GOVERNOR, ANY MEMBER OF THE GENERAL ASSEMBLY,
26 ANY REPRESENTATIVE IN CONGRESS ELECTED FROM THE STATE, OR THEIR
27 EMPLOYEES OR AGENTS ABOUT ANY MATTER RELATED TO THE SELECTION OF
28 MEMBERS FOR THE REDISTRICTING COMMISSION.

29 (G) (1) THE ETHICS COMMISSION MAY REMOVE A MEMBER OF THE
30 REDISTRICTING COMMISSION:

31 (I) FOR NEGLIGENCE OF DUTY;

32 (II) FOR MISCONDUCT IN OFFICE;

1 (III) FOR A DISABILITY THAT MAKES THE MEMBER UNABLE TO
2 DISCHARGE THE POWERS AND DUTIES OF OFFICE;

3 (IV) FOR FAILING TO MAINTAIN THE QUALIFICATIONS UNDER §
4 8-7A-05 OF THIS SUBTITLE; OR

5 (V) IF THE MEMBER IS CONVICTED OF OR PLEADS GUILTY OR
6 NOLO CONTENDERE WITH RESPECT TO A FELONY OR CRIME INVOLVING MORAL
7 TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO
8 HAVE THE CONVICTION OR PLEA SET ASIDE.

9 (2) BEFORE REMOVING A MEMBER OF THE REDISTRICTING
10 COMMISSION, THE ETHICS COMMISSION SHALL GIVE THE MEMBER:

11 (I) WRITTEN NOTICE OF THE CHARGES; AND

12 (II) AN OPPORTUNITY TO ANSWER THE CHARGES.

13 (3) AT LEAST FOUR VOTES OF THE ETHICS COMMISSION SHALL BE
14 REQUIRED TO REMOVE A MEMBER OF THE REDISTRICTING COMMISSION UNDER
15 THIS SUBSECTION.

16 8-7A-07.

17 (A) (1) SEVEN MEMBERS OF THE REDISTRICTING COMMISSION IS A
18 QUORUM.

19 (2) SEVEN OR MORE AFFIRMATIVE VOTES OF THE MEMBERS IS
20 REQUIRED FOR ANY OFFICIAL ACTION OF THE REDISTRICTING COMMISSION,
21 INCLUDING APPROVAL OF:

22 (I) ANY PLAN FOR LEGISLATIVE DISTRICTS OR
23 CONGRESSIONAL DISTRICTS ADOPTED BY THE REDISTRICTING COMMISSION; AND

24 (II) ANY CHANGES TO AN APPROVED PLAN.

25 (B) FROM AMONG ITS MEMBERS, THE REDISTRICTING COMMISSION SHALL
26 ELECT ONE MEMBER TO SERVE AS CHAIR.

27 (C) (1) THE REDISTRICTING COMMISSION MAY HIRE STAFF, ATTORNEYS,
28 AND CONSULTANTS IN ACCORDANCE WITH THE STATE BUDGET.

1 **(2) EMPLOYEES OF THE REDISTRICTING COMMISSION SHALL BE**
2 **INDEPENDENT OF THE STATE PERSONNEL MANAGEMENT SYSTEM.**

3 **(D) A FINDING OF A POSSIBLE CRIMINAL VIOLATION BY A MEMBER OR AN**
4 **EMPLOYEE OF THE REDISTRICTING COMMISSION MAY RESULT IN REFERRAL TO THE**
5 **STATE PROSECUTOR FOR CRIMINAL PROSECUTION.**

6 **8-7A-08.**

7 **(A) THE REDISTRICTING COMMISSION SHALL:**

8 **(1) CONDUCT A PROCESS THAT IS OPEN AND TRANSPARENT TO**
9 **ENABLE FULL PUBLIC CONSIDERATION OF AND COMMENT ON THE ESTABLISHMENT**
10 **OF LEGISLATIVE DISTRICTS AND CONGRESSIONAL DISTRICTS;**

11 **(2) ESTABLISH LEGISLATIVE DISTRICTS AND CONGRESSIONAL**
12 **DISTRICTS ACCORDING TO THE REDISTRICTING STANDARDS SET FORTH IN THIS**
13 **SUBTITLE AND ARTICLE II, §§ 3 AND 4 AND ARTICLE XX, § 1 OF THE MARYLAND**
14 **CONSTITUTION; AND**

15 **(3) CONDUCT BUSINESS WITH INTEGRITY AND FAIRNESS.**

16 **(B) THE ACTIVITIES OF THE REDISTRICTING COMMISSION ARE SUBJECT TO**
17 **THE OPEN MEETINGS ACT AND THE MARYLAND PUBLIC INFORMATION ACT.**

18 **(C) (1) THE REDISTRICTING COMMISSION SHALL ESTABLISH AND**
19 **IMPLEMENT A HEARING PROCESS THAT IS OPEN TO THE PUBLIC FOR PUBLIC INPUT**
20 **AND DELIBERATION THAT IS:**

21 **(I) SUBJECT TO PUBLIC NOTICE; AND**

22 **(II) DESIGNED TO ENCOURAGE CITIZEN OUTREACH AND TO**
23 **SOLICIT BROAD PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS.**

24 **(2) (I) THE HEARING PROCESS ESTABLISHED UNDER PARAGRAPH**
25 **(1) OF THIS SUBSECTION SHALL INCLUDE THE SCHEDULING OF HEARINGS:**

26 **1. TO RECEIVE PUBLIC INPUT BEFORE THE**
27 **CONSIDERATION OF ANY PLAN BY THE REDISTRICTING COMMISSION; AND**

28 **2. FOLLOWING THE PROPOSAL OF A PLAN BY THE**
29 **REDISTRICTING COMMISSION.**

1 **(II) HEARINGS MAY BE SUPPLEMENTED WITH OTHER**
2 **ACTIVITIES AS DETERMINED APPROPRIATE BY THE REDISTRICTING COMMISSION**
3 **TO FURTHER INCREASE OPPORTUNITIES FOR THE PUBLIC TO OBSERVE AND**
4 **PARTICIPATE IN THE REDISTRICTING PROCESS.**

5 **(D) (1) THE REDISTRICTING COMMISSION SHALL ENSURE THAT THE**
6 **PROPOSED PLANS ARE READILY ACCESSIBLE TO THE PUBLIC.**

7 **(2) BEFORE ADOPTING A PLAN, THE REDISTRICTING COMMISSION**
8 **SHALL ALLOW 14 DAYS FOR THE PUBLIC TO PROVIDE WRITTEN COMMENT.**

9 **(E) THE REDISTRICTING COMMISSION SHALL TAKE ALL STEPS NECESSARY**
10 **TO ENSURE THAT A COMPLETE AND ACCURATE COMPUTERIZED POPULATION**
11 **DATABASE IS AVAILABLE FOR REDISTRICTING AND THAT PROCEDURES ARE IN**
12 **PLACE TO PROVIDE THE PUBLIC READY ACCESS TO REDISTRICTING DATA AND**
13 **COMPUTER SOFTWARE FOR DRAWING MAPS.**

14 **8-7A-09.**

15 **(A) (1) IN THE YEAR FOLLOWING EACH DECENNIAL CENSUS OF THE**
16 **UNITED STATES, OR WHEN OTHERWISE REQUIRED BY LAW, THE REDISTRICTING**
17 **COMMISSION SHALL ADOPT A PLAN TO ESTABLISH LEGISLATIVE DISTRICTS AND**
18 **CONGRESSIONAL DISTRICTS IN CONFORMANCE WITH THE STANDARDS AND**
19 **PROCESSES SET FORTH IN THIS SUBTITLE AND THE MARYLAND CONSTITUTION.**

20 **(2) ON OR BEFORE OCTOBER 1 EACH YEAR ENDING IN THE NUMBER**
21 **ONE, THE REDISTRICTING COMMISSION SHALL APPROVE TWO PLANS:**

22 **(I) ONE PLAN SHALL DESCRIBE THE DISTRICT BOUNDARY**
23 **LINES FOR THE ELECTION OF MEMBERS OF THE SENATE AND HOUSE OF**
24 **DELEGATES; AND**

25 **(II) ONE PLAN SHALL DESCRIBE THE DISTRICT BOUNDARY**
26 **LINES FOR THE STATE'S REPRESENTATIVES IN CONGRESS.**

27 **(B) LEGISLATIVE DISTRICTS SHALL BE NUMBERED CONSECUTIVELY**
28 **COMMENCING AT THE NORTHWESTERN BOUNDARY OF THE STATE AND ENDING AT**
29 **THE SOUTHEASTERN BOUNDARY OF THE STATE.**

30 **(C) THE REDISTRICTING COMMISSION SHALL ISSUE WITH EACH PLAN:**

31 **(1) MAPS SHOWING THE LEGISLATIVE DISTRICTS AND THE**
32 **CONGRESSIONAL DISTRICTS; AND**

1 **(2) A REPORT THAT:**

2 **(I) EXPLAINS THE BASIS ON WHICH THE REDISTRICTING**
3 **COMMISSION MADE ITS DECISIONS TO ACHIEVE COMPLIANCE WITH THE CRITERIA**
4 **SPECIFIED UNDER THIS SUBTITLE; AND**

5 **(II) INCLUDES DEFINITIONS OF THE TERMS AND STANDARDS**
6 **USED IN DRAWING EACH PLAN.**

7 **(D) ON ADOPTION OF A PLAN, THE REDISTRICTING COMMISSION SHALL:**

8 **(1) CERTIFY THAT THE PLAN IS THE PLAN ADOPTED BY THE**
9 **REDISTRICTING COMMISSION; AND**

10 **(2) SEND THE CERTIFIED PLAN TO THE PRESIDING OFFICERS OF THE**
11 **GENERAL ASSEMBLY.**

12 **(E) ON RECEIPT OF A CERTIFIED PLAN SENT UNDER SUBSECTION (D) OF**
13 **THIS SECTION, THE PRESIDING OFFICERS SHALL PREPARE THE PLAN FOR**
14 **CONSIDERATION BY THE GENERAL ASSEMBLY AS PROVIDED IN ARTICLE XX, § 2 OF**
15 **THE MARYLAND CONSTITUTION.**

16 **(F) EXCEPT AS PROVIDED IN THIS SUBTITLE OR ARTICLE XX, § 2 OF THE**
17 **MARYLAND CONSTITUTION, A PLAN CONSIDERED BY THE GENERAL ASSEMBLY**
18 **SHALL BE TREATED IN THE SAME MANNER AS A BILL FOR PURPOSES OF**
19 **PUBLICATION, CODIFICATION, NOTIFICATION, AND DISTRIBUTION.**

20 **8-7A-10.**

21 **(A) THE REDISTRICTING COMMISSION SHALL PETITION THE COURT OF**
22 **APPEALS TO ESTABLISH LEGISLATIVE DISTRICTS OR CONGRESSIONAL DISTRICTS**
23 **ACCORDING TO THE STANDARDS SET FORTH IN THIS SUBTITLE AND ARTICLE II, §§**
24 **3 AND 4 AND ARTICLE XX OF THE MARYLAND CONSTITUTION IF:**

25 **(1) THE REDISTRICTING COMMISSION FAILS TO ADOPT AND CERTIFY**
26 **A PLAN UNDER THIS SUBTITLE; OR**

27 **(2) A PLAN IS NOT ENACTED IN ACCORDANCE WITH ARTICLE XX, § 2**
28 **OF THE MARYLAND CONSTITUTION.**

29 **(B) THE REDISTRICTING COMMISSION SHALL REPRESENT THE STATE**
30 **REGARDING ANY PETITION SEEKING A REVIEW OF A CERTIFIED PLAN OR A LAW**

1 ENACTED ESTABLISHING LEGISLATIVE DISTRICTS OR CONGRESSIONAL DISTRICTS
2 UNDER ARTICLE XX, § 2 OF THE MARYLAND CONSTITUTION.

3 (C) IN ANY CASE BROUGHT IN A FEDERAL COURT TO REVIEW A PLAN, IF THE
4 REDISTRICTING COMMISSION IS NOT A PARTY TO THE CASE, THE REDISTRICTING
5 COMMISSION SHALL MOVE TO INTERVENE IN THE CASE ON BEHALF OF THE STATE.

6 8-7A-11.

7 (A) THE COURT OF APPEALS SHALL HAVE ORIGINAL JURISDICTION TO
8 ESTABLISH LEGISLATIVE DISTRICTS AND CONGRESSIONAL DISTRICTS ACCORDING
9 TO THE STANDARDS SET FORTH IN THIS SUBTITLE AND ARTICLE II, §§ 3 AND 4 AND
10 ARTICLE XX OF THE MARYLAND CONSTITUTION IF:

11 (1) THE REDISTRICTING COMMISSION FAILS TO APPROVE A PLAN
12 UNDER THIS SUBTITLE;

13 (2) A PLAN IS NOT ENACTED UNDER ARTICLE XX, § 2 OF THE
14 MARYLAND CONSTITUTION; OR

15 (3) A REGISTERED VOTER FILES A PETITION UNDER SUBSECTION (B)
16 OF THIS SECTION.

17 (B) (1) ON THE ENACTMENT OF A LEGISLATIVE DISTRICTS PLAN OR A
18 CONGRESSIONAL DISTRICTS PLAN, ANY REGISTERED VOTER IN THE STATE MAY FILE
19 A PETITION WITH THE COURT OF APPEALS TO BAR THE PLAN FROM TAKING EFFECT
20 ON THE GROUNDS THAT THE PLAN VIOLATES THE MARYLAND CONSTITUTION, THE
21 UNITED STATES CONSTITUTION, OR A FEDERAL OR STATE STATUTE.

22 (2) THE REDISTRICTING COMMISSION SHALL BE THE DEFENDANT IN
23 A PETITION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

24 (C) SUBJECT TO THE MARYLAND RULES, ANY REGISTERED VOTER OF THE
25 STATE MAY PARTICIPATE IN THE PROCEEDING AS AN AMICUS CURIAE.

26 (D) (1) IF A PETITION IS FILED UNDER SUBSECTION (B) OF THIS SECTION,
27 THE COURT OF APPEALS:

28 (I) SHALL SET DEADLINES FOR THE FILING OF PLEADINGS AND
29 AMICUS CURIAE BRIEFS; AND

30 (II) MAY APPOINT A SPECIAL MASTER TO MAKE
31 RECOMMENDATIONS.

1 **(2) A SPECIAL MASTER APPOINTED UNDER PARAGRAPH (1) OF THIS**
2 **SUBSECTION SHALL:**

3 **(I) HOLD A HEARING;**

4 **(II) CONSIDER A PLAN APPROVED BY THE REDISTRICTING**
5 **COMMISSION, IF ANY; AND**

6 **(III) MAKE RECOMMENDATIONS TO THE COURT OF APPEALS.**

7 **(3) WITHIN THE TIME PERIOD ESTABLISHED BY THE COURT OF**
8 **APPEALS UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PARTY MAY FILE**
9 **EXCEPTIONS TO THE RECOMMENDATIONS OF THE SPECIAL MASTER.**

10 **(4) BEFORE ORDERING ANY RELIEF, THE COURT OF APPEALS SHALL:**

11 **(I) HOLD A HEARING;**

12 **(II) CONSIDER A PLAN APPROVED BY THE REDISTRICTING**
13 **COMMISSION, IF ANY; AND**

14 **(III) CONSIDER ANY RECOMMENDATIONS OF A SPECIAL MASTER.**

15 **(E) (1) THE COURT OF APPEALS MAY ORDER ANY RELIEF CONSIDERED**
16 **APPROPRIATE.**

17 **(2) IN ORDERING RELIEF:**

18 **(I) IF THE REDISTRICTING COMMISSION ADOPTED AND**
19 **CERTIFIED A PLAN, THE COURT OF APPEALS MAY APPROVE, MODIFY, OR ADOPT A**
20 **NEW PLAN; OR**

21 **(II) IF THE REDISTRICTING COMMISSION HAS NOT ADOPTED**
22 **AND CERTIFIED A PLAN, THE COURT OF APPEALS SHALL ESTABLISH LEGISLATIVE**
23 **DISTRICTS AND CONGRESSIONAL DISTRICTS ACCORDING TO THE STANDARDS SET**
24 **FORTH IN THIS SUBTITLE AND ARTICLE II, §§ 3 AND 4 AND ARTICLE XX OF THE**
25 **MARYLAND CONSTITUTION.**

26 **(F) THE COURT OF APPEALS SHALL GIVE PRIORITY TO RULING ON A**
27 **PETITION FILED UNDER THIS SECTION.**

1 Subtitle 6 of this title of any omissions or deficiencies; [and]

2 (6) publish and make available to persons subject to this title, and to the
3 public, information that explains the provisions of this title, the duties imposed by it, and
4 the means for enforcing it; AND

5 (7) ADMINISTER THE PROVISIONS OF TITLE 8, SUBTITLE 7A OF THE
6 ELECTION LAW ARTICLE REGARDING THE SELECTION AND REMOVAL OF MEMBERS
7 OF THE LEGISLATIVE AND CONGRESSIONAL REDISTRICTING AND APPORTIONMENT
8 COMMISSION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the
10 passage of Chapter ____ (S.B. ____/H.B. ____) (9lr0143) of the Acts of the General Assembly
11 of 2019, a constitutional amendment, and its ratification by the voters of the State.

12 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of
13 Section 2 of this Act, this Act shall take effect on the proclamation of the Governor that the
14 constitutional amendment, having received a majority of the votes cast at the general
15 election, has been adopted by the people of Maryland.