

HOUSE BILL 1314
CONSTITUTIONAL AMENDMENT

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2002 Regular Session
2lr2650

By: **Delegates Ports, Kach, Boutin, and Redmer**
Introduced and read first time: February 18, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Legislative Districting and Apportionment - Redistricting Commission**

3 FOR the purpose of proposing an amendment to the Constitution of Maryland to alter
4 the process of legislative districting and apportionment in the State by
5 establishing a Redistricting Commission; providing for the membership,
6 qualifications, chairman, and duties of the Commission; providing for the
7 staffing of the Commission; prohibiting the General Assembly from altering the
8 final plan; permitting an individual to appeal the redistricting plan to the Court
9 of Appeals; and submitting this amendment to the qualified voters of the State
10 of Maryland for their adoption or rejection.

11 BY proposing a repeal of the Constitution of Maryland
12 Article III - Legislative Department
13 Section 5

14 BY proposing an addition to the Constitution of Maryland
15 Article III - Legislative Department
16 Section 5

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

20 **Article III - Legislative Department**

21 [5.

22 Following each decennial census of the United States and after public hearings,
23 the Governor shall prepare a plan setting forth the boundaries of the legislative
24 districts for electing of the members of the Senate and the House of Delegates.

25 The Governor shall present the plan to the President of the Senate and Speaker
26 of the House of Delegates who shall introduce the Governor's plan as a joint
27 resolution to the General Assembly, not later than the first day of its regular session
28 in the second year following every census, and the Governor may call a special session

1 for the presentation of his plan prior to the regular session. The plan shall conform to
2 Sections 2, 3 and 4 of this Article. Following each decennial census the General
3 Assembly may by joint resolution adopt a plan setting forth the boundaries of the
4 legislative districts for the election of members of the Senate and the House of
5 Delegates, which plan shall conform to Sections 2, 3 and 4 of this Article. If a plan has
6 been adopted by the General Assembly by the 45th day after the opening of the
7 regular session of the General Assembly in the second year following every census,
8 the plan adopted by the General Assembly shall become law. If no plan has been
9 adopted by the General Assembly for these purposes by the 45th day after the
10 opening of the regular session of the General Assembly in the second year following
11 every census, the Governor's plan presented to the General Assembly shall become
12 law.

13 Upon petition of any registered voter, the Court of Appeals shall have original
14 jurisdiction to review the legislative districting of the State and may grant
15 appropriate relief, if it finds that the districting of the State is not consistent with
16 requirements of either the Constitution of the United States of America, or the
17 Constitution of Maryland.]

18 5.

19 (A) (1) THERE IS A REDISTRICTING COMMISSION THAT, FOLLOWING EACH
20 DECENNIAL CENSUS OF THE UNITED STATES AND AFTER PUBLIC HEARINGS, SHALL
21 PREPARE A PLAN SETTING FORTH THE BOUNDARIES OF THE LEGISLATIVE DISTRICTS
22 FOR ELECTING OF THE MEMBERS OF THE SENATE AND THE HOUSE OF DELEGATES.

23 (2) THE COMMISSION SHALL BE EQUALLY DIVIDED BETWEEN THE
24 POLITICAL PARTIES RECOGNIZED BY THE STATE BOARD OF ELECTIONS AS PROVIDED
25 UNDER § 4-102 OF THE ELECTION CODE AND CONSIST OF ONE MEMBER PER
26 POLITICAL PARTY FROM EACH CONGRESSIONAL DISTRICT IN THE STATE.

27 (3) EACH COMMISSION MEMBER SHALL BE A CITIZEN OF THE UNITED
28 STATES AND HAVE BEEN A REGISTERED VOTER IN THE STATE FOR AT LEAST 3 YEARS
29 IMMEDIATELY PRECEDING APPOINTMENT TO THE COMMISSION.

30 (4) NO CURRENT ELECTED OFFICIAL, APPOINTED STATE EMPLOYEE, OR
31 MEMBER OF THE IMMEDIATE FAMILY OF AN ELECTED OFFICIAL OR APPOINTED
32 STATE EMPLOYEE IS ELIGIBLE TO SERVE ON THE COMMISSION.

33 (5) A MEMBER OF THE COMMISSION MAY NOT RUN FOR ANY STATE OR
34 COUNTY OFFICE FOR ONE ELECTION CYCLE AFTER REDISTRICTING.

35 (6) AN INDIVIDUAL INTERESTED IN SERVING ON THE COMMISSION
36 SHALL SUBMIT A RESUME TO THE CENTRAL COMMITTEE REPRESENTING THE
37 INDIVIDUAL'S POLITICAL PARTY. THE RESPECTIVE CENTRAL COMMITTEE SHALL
38 SELECT ONE MEMBER PER CONGRESSIONAL DISTRICT. ONCE THE COMMISSION IS
39 APPOINTED, THE RESUMES OF THE COMMISSION MEMBERS SHALL BECOME PUBLIC
40 INFORMATION. IF A VACANCY DEVELOPS FOR ANY REASON THE APPROPRIATE
41 CENTRAL COMMITTEE SHALL APPOINT A NEW MEMBER TO REPRESENT THAT
42 CONGRESSIONAL DISTRICT.

1 (B) EACH POLITICAL PARTY SERVING ON THE COMMISSION SHALL SELECT A
2 CO-CHAIRMAN TO SERVE THROUGHOUT THE REDISTRICTING PROCESS. A STAFF
3 MEMBER FROM THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL BE ASSIGNED
4 TO THE COMMISSION IN AN ADVISORY ROLE TO PROVIDE GUIDANCE REGARDING
5 LEGAL AND ETHICAL ISSUES.

6 (C) (1) BEFORE CONVENING TO DEVELOP THE REDISTRICTING PLAN THE
7 COMMISSION SHALL HOLD INPUT MEETINGS IN EACH CONGRESSIONAL DISTRICT TO
8 SOLICIT INPUT FROM COMMUNITY MEMBERS REGARDING COMMUNITY
9 BOUNDARIES. NOTICE FOR THESE MEETINGS SHALL BE PUBLISHED AT LEAST TWO
10 WEEKS PRIOR TO EACH MEETING.

11 (2) WHEN DRAWING DISTRICT LINES:

12 (I) DUE REGARD SHALL BE GIVEN TO COMMUNITY CENTERS SO
13 THAT THE CENTERS ARE NOT DIVIDED INTO MULTIPLE DISTRICTS; AND

14 (II) PRIORITY ATTENTION SHALL BE GIVEN TO JURISDICTIONAL
15 LINES AND THE INPUT PROVIDED BY THE COMMUNITIES IN THE INITIAL INPUT
16 MEETINGS REGARDING JURISDICTIONAL BOUNDARIES AND GEOGRAPHIC
17 BOUNDARIES.

18 (3) THE POPULATION BETWEEN DISTRICTS MAY NOT DEVIATE MORE
19 THAN 2% IN POPULATION BETWEEN DISTRICTS.

20 (D) (1) THE PRELIMINARY REDISTRICTING PLAN SHALL BE COMPLETED BY
21 NOVEMBER 1ST IN THE YEAR THE COMMISSION IS APPOINTED. FINAL APPROVAL OF
22 THE PRELIMINARY REDISTRICTING PLAN SHALL REQUIRE A 2/3 MAJORITY VOTE OF
23 THE COMMISSION.

24 (2) IF THE COMMISSION DOES NOT COME TO AN AGREEMENT
25 REGARDING THE PRELIMINARY REDISTRICTING PLAN BY THAT NOVEMBER 1ST,
26 EACH POLITICAL PARTY, COLLECTIVELY, SHALL DRAFT A PRELIMINARY
27 REDISTRICTING PLAN. THE COMMISSION SHALL HAVE A COIN TOSS AT AN OPEN
28 MEETING IN ORDER TO DECIDE WHICH PRELIMINARY REDISTRICTING PLAN SHALL
29 BE PRESENTED TO THE PUBLIC.

30 (3) (I) ONCE A PRELIMINARY REDISTRICTING PLAN HAS BEEN
31 AGREED UPON BY THE COMMISSION, THE COMMISSION SHALL GIVE 30 DAYS NOTICE
32 PRIOR TO THE DATE OF THE PUBLIC HEARING WHERE THE PRELIMINARY
33 REDISTRICTING PLAN AND A SUPPLEMENTAL REPORT SHALL BE PRESENTED TO THE
34 PUBLIC.

35 (II) THE COMMISSION SHALL PUBLISH NOTICE OF THE PUBLIC
36 HEARING IN THREE CONSECUTIVE ISSUES OF AT LEAST ONE NEWSPAPER OF
37 GENERAL CIRCULATION IN EACH CONGRESSIONAL DISTRICT IN THE STATE. THE
38 NOTICE SHALL STATE THE DATE, TIME, AND PLACE OF THE PUBLIC HEARING.

39 (III) THE HEARING SHALL BE CONDUCTED IN A CENTRAL LOCATION
40 IN THE STATE.

1 (IV) THE PUBLIC MAY SUBMIT WRITTEN TESTIMONY BEFORE THE
2 PUBLIC HEARING AND INTERESTED INDIVIDUALS SHALL BE GIVEN FIVE MINUTES
3 TO SPEAK.

4 (E) (1) BASED ON THE INFORMATION FROM THE FIRST PUBLIC INPUT
5 MEETING THE COMMISSION SHALL AMEND THE PRELIMINARY REDISTRICTING PLAN
6 AND CREATE A FINAL REDISTRICTING PLAN THAT SHALL BE APPROVED BY A 2/3
7 MAJORITY OF THE COMMISSION.

8 (2) THE FINAL REDISTRICTING PLAN SHALL BE COMPLETED BY
9 DECEMBER 1ST IN THE YEAR THE COMMISSION IS APPOINTED.

10 (3) IF THE COMMISSION DOES NOT COME TO AN AGREEMENT
11 REGARDING THE AMENDED PRELIMINARY REDISTRICTING PLAN, EACH POLITICAL
12 PARTY, COLLECTIVELY, SHALL DRAFT A FINAL REDISTRICTING PLAN. THE
13 COMMISSION SHALL HAVE A COIN TOSS AT AN OPEN MEETING IN ORDER TO DECIDE
14 WHICH FINAL REDISTRICTING PLAN SHALL BE PRESENTED TO THE PUBLIC.

15 (4) (I) ONCE A FINAL REDISTRICTING PLAN HAS BEEN AGREED UPON
16 BY THE COMMISSION, THE COMMISSION SHALL GIVE 30 DAYS' NOTICE PRIOR TO THE
17 DATE OF THE PUBLIC HEARING WHERE THE FINAL REDISTRICTING PLAN SHALL BE
18 PRESENTED TO THE PUBLIC.

19 (II) THE COMMISSION SHALL PUBLISH NOTICE OF THE PUBLIC
20 HEARING IN THREE CONSECUTIVE ISSUES OF AT LEAST ONE NEWSPAPER OF
21 GENERAL CIRCULATION IN EACH CONGRESSIONAL DISTRICT IN THE STATE. THE
22 NOTICE SHALL STATE THE DATE AND TIME OF THE PUBLIC HEARING.

23 (III) THE PUBLIC HEARING SHALL BE HELD IN ANNAPOLIS.

24 (IV) THE COMMISSION SHALL RESPOND TO ANY WRITTEN
25 TESTIMONY THAT HAS BEEN PROVIDED DURING PREVIOUS MEETINGS. INDIVIDUALS
26 WISHING TO TESTIFY BEFORE THE COMMISSION ON THE FINAL REDISTRICTING
27 PLAN SHALL HAVE FIVE MINUTES TO SPEAK.

28 (F) THE FINAL PLAN MAY NOT BE CHANGED BY THE GENERAL ASSEMBLY OR
29 VETOED BY THE GOVERNOR.

30 (G) UPON PETITION OF ANY REGISTERED VOTER, THE COURT OF APPEALS
31 SHALL HAVE ORIGINAL JURISDICTION TO REVIEW THE FINAL REDISTRICTING PLAN
32 PRESENTED BY THE COMMISSION AND MAY GRANT APPROPRIATE RELIEF, IF IT
33 FINDS THAT THE DISTRICTING OF THE STATE IS NOT CONSISTENT WITH
34 REQUIREMENTS OF EITHER THE CONSTITUTION OF THE UNITED STATES OF
35 AMERICA, OR THE CONSTITUTION OF MARYLAND.

36 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
37 determines that the amendment to the Constitution of Maryland proposed by this Act
38 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the
39 Constitution concerning local approval of constitutional amendments do not apply.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
2 proposed as an amendment to the Constitution of Maryland shall be submitted to the
3 legal and qualified voters of this State at the next general election to be held in
4 November, 2002 for their adoption or rejection in pursuance of directions contained in
5 Article XIV of the Constitution of this State. At that general election, the vote on this
6 proposed amendment to the Constitution shall be by ballot, and upon each ballot
7 there shall be printed the words "For the Constitutional Amendments" and "Against
8 the Constitutional Amendments," as now provided by law. Immediately after the
9 election, all returns shall be made to the Governor of the vote for and against the
10 proposed amendment, as directed by Article XIV of the Constitution, and further
11 proceedings had in accordance with Article XIV.