

UNOFFICIAL COPY OF HOUSE BILL 1302
CONSTITUTIONAL AMENDMENT

P5

5lr2270

By: **Delegates Trueschler, Kach, and Leopold**
Introduced and read first time: February 11, 2005
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly - Legislative Districting**

3 FOR the purpose of amending the Maryland Constitution to provide a process for the
4 establishment of legislative districts for the electing of members of the Maryland
5 General Assembly; establishing criteria to be used in creating legislative
6 districts; directing the Department of Legislative Services of the General
7 Assembly to prepare certain legislative districting plans at certain times;
8 directing that public hearings be held at certain times for certain purposes;
9 directing the Department of Legislative Services to hold certain hearings;
10 establishing the process by which the General Assembly shall consider and act
11 on legislative districting legislation; providing for the creation of a temporary
12 redistricting advisory commission; providing for the membership of the
13 commission and the qualifications of its members; providing for the functions of
14 the temporary redistricting advisory commission; generally relating to the
15 establishment of districts for the election of members of the Maryland General
16 Assembly; and submitting this amendment to the qualified voters of the State of
17 Maryland for their adoption or rejection.

18 BY proposing an amendment to the Maryland Constitution
19 Article III - Legislative Department
20 Section 4 and 5

21 BY proposing an addition to the Maryland Constitution
22 Article III - Legislative Department
23 Section 5A

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

1

Article III - Legislative Department

2 4.

3 (A) Each legislative district shall consist of adjoining territory, be compact in
4 form, and of substantially equal population. [Due] WHERE PRACTICABLE, DUE
5 regard shall be given to natural boundaries and the boundaries of political
6 subdivisions, COMMUNITIES OF INTEREST, AND INFORMATION RECEIVED FROM
7 CITIZENS DURING PUBLIC HEARINGS.

8 (B) NO LEGISLATIVE DISTRICT SHALL BE DRAWN FOR THE PURPOSE OF
9 FAVORING A POLITICAL PARTY, INCUMBENT LEGISLATOR OR MEMBER OF CONGRESS,
10 OR OTHER PERSON OR GROUP, OR FOR THE PURPOSE OF AUGMENTING OR DILUTING
11 THE VOTING STRENGTH OF A LANGUAGE OR RACIAL MINORITY GROUP. IN
12 ESTABLISHING DISTRICTS, NO USE SHALL BE MADE OF ADDRESSES OF INCUMBENT
13 LEGISLATORS, POLITICAL AFFILIATIONS OF REGISTERED VOTERS, PREVIOUS
14 ELECTION RESULTS, AND DEMOGRAPHIC INFORMATION, OTHER THAN POPULATION
15 HEAD COUNTS, EXCEPT AS REQUIRED BY THE CONSTITUTION OR LAWS OF THE
16 UNITED STATES.

17 (C) AREAS THAT MEET ONLY AT THE POINTS OF ADJOINING CORNERS MAY
18 NOT BE CONSIDERED TO BE ADJOINING TERRITORY.

19 5.

20 (A) Following each decennial census of the United States and after TWO
21 ROUNDS OF public hearings TO BE HELD IN DIFFERENT GEOGRAPHIC REGIONS OF
22 THE STATE, [the Governor] THE DEPARTMENT OF LEGISLATIVE SERVICES OF THE
23 GENERAL ASSEMBLY shall prepare a plan setting forth the boundaries of the
24 legislative districts for electing of the members of the Senate and the House of
25 Delegates.

26 (B) [The Governor] THE DEPARTMENT OF LEGISLATIVE SERVICES shall
27 present the plan to the President of the Senate and Speaker of the House of Delegates
28 who shall introduce the [Governor's] plan as a joint resolution to the General
29 Assembly, not later than the first day of its regular session in the second year
30 following every census[, and the Governor may call a special session for the
31 presentation of his plan prior to the regular session]. The plan shall conform to
32 Sections 2, 3 and 4 of this Article. [Following each decennial census the General
33 Assembly may by joint resolution adopt a plan setting forth the boundaries of the
34 legislative districts for the election of members of the Senate and the House of
35 Delegates, which plan shall conform to Sections 2, 3 and 4 of this Article. If a plan has
36 been adopted by the General Assembly by the 45th day after the opening of the
37 regular session of the General Assembly in the second year following every census,
38 the plan adopted by the General Assembly shall become law. If no plan has been
39 adopted by the General Assembly for these purposes by the 45th day after the
40 opening of the regular session of the General Assembly in the second year following
41 every census, the Governor's plan presented to the General Assembly shall become
42 law.]

1 (C) THE SENATE AND THE HOUSE OF DELEGATES SHALL CONSIDER THE
2 JOINT RESOLUTION ON SECOND READING AS A COMMITTEE OF THE WHOLE AND
3 BRING THE BILL TO A FINAL VOTE BY THE 22ND DAY OF THE REGULAR SESSION.
4 AFTER A VOTE IN EACH HOUSE, IF THE JOINT RESOLUTION FAILS TO BE APPROVED
5 BY A CONSTITUTIONAL MAJORITY IN EITHER HOUSE, THE SECRETARY OF THE
6 SENATE OR THE CHIEF CLERK OF THE HOUSE, AS THE CASE MAY BE, SHALL
7 IMMEDIATELY PROVIDE THE DEPARTMENT OF LEGISLATIVE SERVICES ANY
8 INFORMATION AS DIRECTED BY THEIR RESPECTIVE CHAMBERS REGARDING THE
9 REASONS WHY THE PLAN WAS NOT APPROVED. THE DEPARTMENT OF LEGISLATIVE
10 SERVICES SHALL IMMEDIATELY PREPARE A JOINT RESOLUTION EMBODYING A
11 SECOND PLAN SETTING FORTH THE BOUNDARIES OF THE LEGISLATIVE DISTRICTS,
12 TAKING INTO ACCOUNT THE REASONS CITED BY THE SENATE OR THE HOUSE OF
13 DELEGATES FOR THE FAILURE OF THE FIRST PLAN INSOFAR AS IT IS PRACTICABLE
14 TO DO SO WITHIN THE REQUIREMENTS OF SECTIONS 2, 3, AND 4 OF THIS ARTICLE.
15 THE DEPARTMENT SHALL PRESENT THE SECOND JOINT RESOLUTION TO THE
16 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES WHO
17 SHALL INTRODUCE IT IN THEIR RESPECTIVE CHAMBERS BY THE 31ST DAY OF THE
18 REGULAR SESSION.

19 (D) THE SENATE AND HOUSE OF DELEGATES EACH SHALL CONSIDER THE
20 SECOND JOINT RESOLUTION ON SECOND READING AS A COMMITTEE OF THE WHOLE
21 AND BRING THE BILL TO A FINAL VOTE BY THE 45TH DAY OF THE REGULAR SESSION.
22 AFTER A VOTE IN EACH HOUSE, IF THE SECOND JOINT RESOLUTION FAILS TO BE
23 APPROVED BY A CONSTITUTIONAL MAJORITY IN EITHER HOUSE, THE SECRETARY OF
24 THE SENATE OR THE CLERK OF THE HOUSE, AS THE CASE MAY BE, SHALL
25 IMMEDIATELY PROVIDE THE DEPARTMENT OF LEGISLATIVE SERVICES ANY
26 INFORMATION AS DIRECTED BY THEIR RESPECTIVE CHAMBERS REGARDING THE
27 REASONS WHY THE PLAN WAS NOT APPROVED. THE DEPARTMENT OF LEGISLATIVE
28 SERVICES SHALL IMMEDIATELY PREPARE A JOINT RESOLUTION EMBODYING A
29 THIRD PLAN SETTING FORTH THE BOUNDARIES OF THE LEGISLATIVE DISTRICTS,
30 TAKING INTO ACCOUNT THE REASONS CITED BY THE SENATE OR THE HOUSE OF
31 DELEGATES FOR THE FAILURE OF THE SECOND JOINT RESOLUTION INSOFAR AS IT IS
32 PRACTICABLE TO DO SO WITHIN THE REQUIREMENTS OF SECTIONS 2, 3, AND 4 OF
33 THIS ARTICLE. THE THIRD JOINT RESOLUTION SHALL BE PRESENTED TO THE
34 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES WHO
35 SHALL INTRODUCE IT IN THEIR RESPECTIVE CHAMBERS BY THE 50TH DAY OF THE
36 REGULAR SESSION. THE THIRD JOINT RESOLUTION MAY BE SUBJECT TO
37 AMENDMENT; HOWEVER, THE AMENDMENTS SHALL CONFORM TO THE
38 REQUIREMENTS OF SECTION 4 OF THIS ARTICLE AND TO ANY DIRECTION PROVIDED
39 BY THE TEMPORARY REDISTRICTING ADVISORY COMMISSION.

40 (E) IF THE GENERAL ASSEMBLY FAILS TO PASS THE THIRD JOINT
41 RESOLUTION BY THE 66TH DAY OF THE REGULAR SESSION, THE THIRD JOINT
42 RESOLUTION AS PRESENTED TO THE PRESIDENT OF THE SENATE AND THE SPEAKER
43 OF THE HOUSE OF DELEGATES SHALL TAKE EFFECT.

44 (f) Upon petition of any registered voter, the Court of Appeals shall have
45 original jurisdiction to review the legislative districting of the State and may grant
46 appropriate relief, if it finds that the districting of the State is not consistent with

1 requirements of either the Constitution of the United States of America, or the
2 Constitution of Maryland.

3 5A.

4 (A) A TEMPORARY REDISTRICTING ADVISORY COMMISSION SHALL BE
5 APPOINTED NOT LATER THAN FEBRUARY 1 OF THE FIRST YEAR FOLLOWING THE
6 DECENNIAL UNITED STATES CENSUS. THE COMMISSION SHALL CONSIST OF NINE
7 MEMBERS.

8 (B) THE GOVERNOR SHALL APPOINT FOUR PERSONS, AND THE PRESIDENT OF
9 THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES SHALL EACH
10 APPOINT TWO PERSONS TO SERVE ON THE COMMISSION. COMMISSION MEMBERSHIP
11 SHALL REFLECT THE GEOGRAPHICAL, GENDER, AND ETHNIC DIVERSITY OF THE
12 MARYLAND POPULATION, AND AT LEAST THREE MEMBERS OF THE COMMISSION
13 SHALL BE MEMBERS OF THE DOMINATE MINORITY PARTY. THE NINTH MEMBER OF
14 THE COMMISSION SHALL BE APPOINTED NOT LATER THAN MARCH 1 OF THE FIRST
15 YEAR FOLLOWING THE DECENNIAL UNITED STATES CENSUS BY A VOTE OF NOT LESS
16 THAN FIVE OF THE EIGHT APPOINTED COMMISSIONERS AND SHALL SERVE AS
17 CHAIRMAN OF THE COMMISSION. IN THE EVENT THE COMMISSION IS UNABLE TO
18 SELECT THE NINTH MEMBER, THE GOVERNOR SHALL MAKE THE APPOINTMENT. A
19 PERSON MAY NOT BE APPOINTED TO, NOR SERVE ON, THE COMMISSION IF HE OR SHE
20 HOLDS AN ELECTIVE OR APPOINTIVE OFFICE IN THE EXECUTIVE OR LEGISLATIVE
21 BRANCH OF A FEDERAL, STATE, OR LOCAL GOVERNMENT, OR A POLITICAL PARTY
22 OFFICE, OR IS A REGISTERED LOBBYIST, OR IS A RELATIVE, BY BLOOD OR MARRIAGE,
23 OF OR IS EMPLOYED BY A PERSON WHO HOLDS AN ELECTIVE OR APPOINTIVE OFFICE
24 IN THE EXECUTIVE OR LEGISLATIVE BRANCH OF A FEDERAL, STATE, OR LOCAL
25 GOVERNMENT, OR A POLITICAL PARTY OFFICE, OR A REGISTERED LOBBYIST. A
26 MEMBER OF THE COMMISSION, OR A RELATIVE OF A MEMBER OF THE COMMISSION,
27 MAY NOT HOLD A STATE OR FEDERAL ELECTIVE OR APPOINTED OFFICE, OR BE A
28 REGISTERED LOBBYIST, FOR A PERIOD OF 3 YEARS AFTER SERVING ON THE
29 COMMISSION.

30 (C) THE COMMISSION SHALL:

31 (1) DETERMINE THE LOCATION OF PUBLIC HEARINGS TO BE
32 CONDUCTED BY THE COMMISSION TO RECEIVE PUBLIC INPUT FOR PREPARING A
33 PLAN SETTING FORTH THE BOUNDARIES OF THE LEGISLATIVE DISTRICTS FOR
34 ELECTING OF THE MEMBERS OF THE SENATE AND THE HOUSE OF DELEGATES AND
35 TO RECEIVE COMMENTS ON A PRELIMINARY DISTRICTING PLAN DEVELOPED BY THE
36 DEPARTMENT OF LEGISLATIVE SERVICES; AND

37 (2) ON RECEIVING A WRITTEN REQUEST FROM THE DEPARTMENT OF
38 LEGISLATIVE SERVICES, PROVIDE DIRECTION TO THE DEPARTMENT ON ANY ISSUE
39 FOR WHICH THERE IS NO CLEAR APPLICABLE GUIDELINE FOR THE REQUIREMENTS
40 OF A DISTRICTING PLAN AS PROVIDED IN SECTIONS 2, 3, AND 4 OF THIS ARTICLE.

41 (D) ON THE TAKING EFFECT OF A LEGISLATIVE DISTRICTING PLAN, THE
42 TEMPORARY REDISTRICTING ADVISORY COMMISSION SHALL BE TERMINATED.

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

6 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
7 proposed as an amendment to the Maryland Constitution shall be submitted to the
8 legal and qualified voters of this State at the next general election to be held in
9 November, 2006 for their adoption or rejection in pursuance of directions contained in
10 Article XIV of the Maryland Constitution. At that general election, the vote on this
11 proposed amendment to the Constitution shall be by ballot, and upon each ballot
12 there shall be printed the words "For the Constitutional Amendment" and "Against
13 the Constitutional Amendment," as now provided by law. Immediately after the
14 election, all returns shall be made to the Governor of the vote for and against the
15 proposed amendment, as directed by Article XIV of the Maryland Constitution, and
16 further proceedings had in accordance with Article XIV.