

UNOFFICIAL COPY OF HOUSE BILL 743
CONSTITUTIONAL AMENDMENT

P5
HB 1302/05 - HRU

6lr1369
CF 6lr1817

By: **Delegates Trueschler, Aumann, Conroy, Frank, Kach, Krebs, Leopold,
McMillan, Shewell, and Sossi**

Introduced and read first time: February 6, 2006

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 staff agency of the General Assembly to prepare certain
7 legislative districting plans at certain times; directing that public hearings be
8 held at certain times for certain purposes; directing the staff agency to hold
9 certain hearings; establishing the process by which the General Assembly shall
10 consider and act on legislative districting legislation; providing for the creation
11 of a temporary redistricting advisory commission; providing for the membership
12 of the commission and the qualifications of its members; providing for the
13 functions of the temporary redistricting advisory commission; generally relating
14 to the establishment of districts for the election of members of the Maryland
15 General Assembly; and submitting this amendment to the qualified voters of the
16 State of Maryland for their adoption or rejection.

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

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

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
25 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 STAFF AGENCY OF THE GENERAL ASSEMBLY shall
23 prepare a plan setting forth the boundaries of the legislative districts for electing of
24 the members of the Senate and the House of Delegates.

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

41 (C) THE SENATE AND THE HOUSE OF DELEGATES SHALL CONSIDER THE
42 JOINT RESOLUTION ON SECOND READING AS A COMMITTEE OF THE WHOLE AND

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

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

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

40 (F) Upon petition of any registered voter, the Court of Appeals shall have
41 original jurisdiction to review the legislative districting of the State and may grant
42 appropriate relief, if it finds that the districting of the State is not consistent with
43 requirements of either the Constitution of the United States of America, or the
44 Constitution of Maryland.

1 5A.

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

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

28 (C) THE COMMISSION SHALL:

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

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

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

41 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
42 determines that the amendment to the Maryland Constitution proposed by this Act

1 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
2 Maryland Constitution concerning local approval of constitutional amendments do
3 not apply.

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