

UNOFFICIAL COPY OF SENATE BILL 364
CONSTITUTIONAL AMENDMENT

P5
HB 1302/05 - HRU

6lr1817
CF 6lr1369

By: **Senator Brochin**

Introduced and read first time: January 30, 2006

Assigned to: Education, Health, and Environmental Affairs

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:

26 **Article III - Legislative Department**

27 4.

28 (A) Each legislative district shall consist of adjoining territory, be compact in
29 form, and of substantially equal population. [Due] WHERE PRACTICABLE, DUE

1 regard shall be given to natural boundaries and the boundaries of political
2 subdivisions, COMMUNITIES OF INTEREST, AND INFORMATION RECEIVED FROM
3 CITIZENS DURING PUBLIC HEARINGS.

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

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

15 5.

16 (A) Following each decennial census of the United States and after TWO
17 ROUNDS OF public hearings TO BE HELD IN DIFFERENT GEOGRAPHIC REGIONS OF
18 THE STATE, [the Governor] THE STAFF AGENCY OF THE GENERAL ASSEMBLY shall
19 prepare a plan setting forth the boundaries of the legislative districts for electing of
20 the members of the Senate and the House of Delegates.

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

37 (C) THE SENATE AND THE HOUSE OF DELEGATES SHALL CONSIDER THE
38 JOINT RESOLUTION ON SECOND READING AS A COMMITTEE OF THE WHOLE AND
39 BRING THE BILL TO A FINAL VOTE BY THE 22ND DAY OF THE REGULAR SESSION.
40 AFTER A VOTE IN EACH HOUSE, IF THE JOINT RESOLUTION FAILS TO BE APPROVED
41 BY A CONSTITUTIONAL MAJORITY IN EITHER HOUSE, THE SECRETARY OF THE
42 SENATE OR THE CHIEF CLERK OF THE HOUSE, AS THE CASE MAY BE, SHALL
43 IMMEDIATELY PROVIDE THE STAFF AGENCY ANY INFORMATION AS DIRECTED BY

1 THEIR RESPECTIVE CHAMBERS REGARDING THE REASONS WHY THE PLAN WAS NOT
2 APPROVED. THE STAFF AGENCY SHALL IMMEDIATELY PREPARE A JOINT
3 RESOLUTION EMBODYING A SECOND PLAN SETTING FORTH THE BOUNDARIES OF
4 THE LEGISLATIVE DISTRICTS, TAKING INTO ACCOUNT THE REASONS CITED BY THE
5 SENATE OR THE HOUSE OF DELEGATES FOR THE FAILURE OF THE FIRST PLAN
6 INSOFAR AS IT IS PRACTICABLE TO DO SO WITHIN THE REQUIREMENTS OF SECTIONS
7 2, 3 AND 4 OF THIS ARTICLE. THE STAFF AGENCY SHALL PRESENT THE SECOND JOINT
8 RESOLUTION TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE
9 OF DELEGATES WHO SHALL INTRODUCE IT IN THEIR RESPECTIVE CHAMBERS BY THE
10 31ST DAY OF THE REGULAR SESSION.

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

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

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

40 5A.

41 (A) A TEMPORARY REDISTRICTING ADVISORY COMMISSION SHALL BE
42 APPOINTED NOT LATER THAN FEBRUARY 1 OF THE FIRST YEAR FOLLOWING THE
43 DECENNIAL UNITED STATES CENSUS. THE COMMISSION SHALL CONSIST OF NINE
44 MEMBERS.

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

23 (C) THE COMMISSION SHALL:

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

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

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

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

41 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
42 proposed as an amendment to the Maryland Constitution shall be submitted to the
43 legal and qualified voters of this State at the next general election to be held in

1 November, 2006 for their adoption or rejection in pursuance of directions contained in
2 Article XIV of the Maryland Constitution. At that general election, the vote on this
3 proposed amendment to the Constitution shall be by ballot, and upon each ballot
4 there shall be printed the words "For the Constitutional Amendment" and "Against
5 the Constitutional Amendment," as now provided by law. Immediately after the
6 election, all returns shall be made to the Governor of the vote for and against the
7 proposed amendment, as directed by Article XIV of the Maryland Constitution, and
8 further proceedings had in accordance with Article XIV.