

HOUSE BILL 295

P5, G1

CONSTITUTIONAL AMENDMENT

2lr0846

By: **Delegates Vitale, Afzali, Dwyer, Eckardt, George, Kipke, McDermott,
Norman, Schuh, Schulz, and Smigiel**

Introduced and read first time: January 27, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Legislative and Congressional Districting Process**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to require
4 the Governor to present a certain legislative districting plan to the public a
5 certain number of days before the first day of the session in which the General
6 Assembly is to consider the plan, to receive comments from the public
7 concerning the legislative districting plan, and to allow an additional period for
8 public comment if the legislative districting plan is revised; submitting an
9 amendment to the qualified voters of the State for their adoption or rejection;
10 requiring the Governor to present a certain congressional districting plan to the
11 public a certain number of days before the first day of the session in which the
12 General Assembly is to consider the plan, to receive comments from the public
13 concerning the congressional districting plan, and to allow an additional period
14 for public comment if the congressional districting plan is revised; requiring the
15 Governor to post certain districting plans on the State's Web site at a certain
16 time; making certain provisions of this Act contingent on the passage and
17 ratification of a certain constitutional amendment; and generally relating to the
18 process for establishing General Assembly legislative districts and United
19 States congressional districts.

20 BY proposing an amendment to the Maryland Constitution

21 Article III – Legislative Department

22 Section 5

23 BY repealing and reenacting, with amendments,

24 Article – Election Law

25 Section 8–701

26 Annotated Code of Maryland

27 (2010 Replacement Volume and 2011 Supplement)

28 (As enacted by Chapter 1 of the General Assembly of the 2011 Special Session)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – State Government
3 Section 2–2A–02
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2011 Supplement)

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

9 **Article III – Legislative Department**

10 5.

11 (A) Following each decennial census of the United States and after public
12 hearings, the Governor shall prepare a plan setting forth the boundaries of the
13 legislative districts for electing of the members of the Senate and the House of
14 Delegates.

15 (B) (1) **THE GOVERNOR SHALL:**

16 (i) **PRESENT THE GOVERNOR’S PLAN TO THE PUBLIC FOR**
17 **REVIEW AND COMMENT AT LEAST 60 DAYS BEFORE THE FIRST DAY OF THE**
18 **SESSION IN WHICH THE GENERAL ASSEMBLY IS TO CONSIDER THE PLAN; AND**

19 (ii) **RECEIVE COMMENTS FROM THE PUBLIC ON THE PLAN**
20 **FOR 30 DAYS AFTER ITS PRESENTATION.**

21 (2) **IF THE GOVERNOR MAKES CHANGES TO THE GOVERNOR’S**
22 **PLAN AFTER THE INITIAL PERIOD FOR PUBLIC REVIEW AND COMMENT**
23 **SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNOR**
24 **SHALL ALLOW FOR ANOTHER PERIOD OF PUBLIC REVIEW AND COMMENT ON**
25 **THE REVISED PLAN FOR NOT FEWER THAN 15 DAYS BEFORE THE FIRST DAY OF**
26 **THE SESSION IN WHICH THE GENERAL ASSEMBLY IS TO CONSIDER THE PLAN.**

27 (C) The Governor shall present the plan to the President of the Senate and
28 Speaker of the House of Delegates who shall introduce the Governor’s plan as a joint
29 resolution to the General Assembly, not later than the first day of its regular session
30 in the second year following every census, and the Governor may call a special session
31 for the 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

1 2. precincts are to the geographical boundaries of the
2 precincts as reviewed and certified by the local boards or their designees, before they
3 were reported to the U.S. Bureau of the Census as part of the 2010 census
4 redistricting data program and as those precinct lines are specifically indicated in the
5 P.L. 94-171 data or shown on the P.L. 94-171 census block maps provided by the U.S.
6 Bureau of the Census and as reviewed and corrected by the Maryland Department of
7 Planning.

8 (ii) Where precincts are split between congressional districts,
9 census tract and block numbers, as indicated in P.L. 94-171 data or shown on the P.L.
10 94-171 census block maps provided by the U.S. Bureau of the Census and referred to
11 in this subtitle, are used to define the boundaries of congressional districts.

12 **(D) (1) IF THE GOVERNOR PREPARES A CONGRESSIONAL**
13 **DISTRICTING PLAN FOLLOWING A DECENNIAL CENSUS FOR CONSIDERATION BY**
14 **THE GENERAL ASSEMBLY, THE GOVERNOR SHALL:**

15 **(I) PRESENT THE PLAN TO THE PUBLIC FOR REVIEW AND**
16 **COMMENT AT LEAST 60 DAYS BEFORE THE FIRST DAY OF THE SESSION IN WHICH**
17 **THE GENERAL ASSEMBLY IS TO CONSIDER THE PLAN; AND**

18 **(II) RECEIVE AND CONSIDER COMMENTS ON THE PLAN**
19 **FROM THE PUBLIC FOR 30 DAYS AFTER ITS PRESENTATION.**

20 **(2) IF THE GOVERNOR MAKES CHANGES TO THE CONGRESSIONAL**
21 **DISTRICTING PLAN AFTER THE INITIAL PERIOD FOR PUBLIC REVIEW AND**
22 **COMMENT SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**
23 **GOVERNOR SHALL ALLOW FOR ANOTHER PERIOD OF PUBLIC REVIEW AND**
24 **COMMENT ON THE REVISED PLAN FOR NOT FEWER THAN 15 DAYS BEFORE THE**
25 **FIRST DAY OF THE SESSION IN WHICH THE GENERAL ASSEMBLY IS TO**
26 **CONSIDER THE PLAN.**

27 **(3) THE GOVERNOR SHALL POST THE CONGRESSIONAL**
28 **DISTRICTING PLAN AND ANY SUBSEQUENT REVISION THAT THE GOVERNOR**
29 **PROPOSES TO THE PLAN ON THE STATE'S WEB SITE AT THE SAME TIME THAT**
30 **THE PLAN IS PRESENTED FOR PUBLIC REVIEW AND COMMENT.**

31 **Article – State Government**

32 **2-2A-02.**

33 **THE GOVERNOR SHALL POST THE GOVERNOR'S LEGISLATIVE**
34 **DISTRICTING PLAN AND ANY SUBSEQUENT REVISION THAT THE GOVERNOR**

1 PROPOSES TO THE PLAN ON THE STATE'S WEB SITE AT THE SAME TIME THAT
2 THE PLAN IS PRESENTED FOR PUBLIC REVIEW AND COMMENT.

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

8 SECTION 4. AND BE IT FURTHER ENACTED, That the amendment to the
9 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the
10 qualified voters of the State at the next general election to be held in November, 2012
11 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
12 At that general election, the vote on this proposed amendment to the Constitution
13 shall be by ballot, and upon each ballot there shall be printed the words "For the
14 Constitutional Amendment" and "Against the Constitutional Amendment," as now
15 provided by law. Immediately after the election, all returns shall be made to the
16 Governor of the vote for and against the proposed amendment, as directed by Article
17 XIV of the Maryland Constitution, and further proceedings had in accordance with
18 Article XIV.

19 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act is
20 contingent on the ratification by the voters of the State of the constitutional
21 amendment proposed by Section 1 of this Act.

22 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
23 of Section 5 of this Act, Section 2 of this Act shall take effect on the proclamation of the
24 Governor that the constitutional amendment proposed by Section 1 of this Act, having
25 received a majority of the votes cast at the general election, has been adopted by the
26 people of Maryland.