

HOUSE BILL 1199

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HB 14/2SS12 – HRU

3lr0935

By: **Delegates Parrott, Afzali, Bates, Boteler, Dwyer, Eckardt, Elliott, Frank, Glass, Haddaway–Riccio, Hogan, Hough, Impallaria, Kipke, Krebs, McComas, McConkey, McDermott, McDonough, McMillan, O’Donnell, Ready, Schuh, Smigiel, Stocksdale, Szeliga, Vitale, and Wood**

Introduced and read first time: February 8, 2013

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Citizens’ Congressional Redistricting Commission**

3 FOR the purpose of creating the Citizens’ Congressional Redistricting Commission;
4 requiring the Commission to divide the State to create certain congressional
5 districts; providing for the membership, qualifications, and duties of the
6 Commission; specifying certain requirements for the adoption of a redistricting
7 plan by the Commission; specifying that the redistricting plan meet certain
8 standards and requirements; prohibiting the Commission from considering
9 certain factors in adopting a redistricting plan; requiring the Legislative
10 Auditor to establish and administer an online application process for
11 individuals seeking appointment to the Commission; prohibiting certain
12 individuals from serving as a member of the Commission; authorizing the
13 Legislative Auditor to disqualify certain applicants seeking membership on the
14 Commission; requiring the Legislative Auditor to establish an Applicant Review
15 Panel to identify and establish certain applicant pools from which certain
16 members of the Commission are to be selected; authorizing the presiding officer
17 and the minority leader in each House of the General Assembly to strike certain
18 names from the applicant pools; requiring the Legislative Auditor randomly to
19 select a certain number of names from the applicant pools for membership on
20 the Commission; requiring certain Commission members to select the
21 remaining members of the Commission from the applicant pools in a certain
22 manner; requiring the Commission to elect a chair and establish certain rules
23 and procedures; making Commission meetings and records subject to State laws
24 governing open meetings and public records; specifying that the Court of
25 Appeals shall appoint a Special Master Panel to draw congressional district
26 lines under certain circumstances; specifying that certain legislation proposed
27 by the Commission and passed by the General Assembly is subject to
28 referendum under certain provisions of the Maryland Constitution; specifying

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 that the Commission shall have staff and other resources as provided in the
 2 State budget; defining certain terms; and generally relating to the Citizens'
 3 Congressional Redistricting Commission.

4 BY repealing and reenacting, with amendments,
 5 Article – Election Law
 6 Section 8–701
 7 Annotated Code of Maryland
 8 (2010 Replacement Volume and 2012 Supplement)

9 BY adding to
 10 Article – Election Law
 11 Section 8–701.1 through 8–701.12
 12 Annotated Code of Maryland
 13 (2010 Replacement Volume and 2012 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Election Law**

17 8–701.

18 (A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE
 19 MEANINGS INDICATED.

20 (2) “COMMISSION” MEANS THE CITIZENS’ CONGRESSIONAL
 21 REDISTRICTING COMMISSION.

22 (3) “DAY” MEANS A CALENDAR DAY, EXCEPT THAT IF THE FINAL
 23 DAY OF A PERIOD WITHIN WHICH AN ACT IS TO BE PERFORMED IS A SATURDAY,
 24 SUNDAY, OR HOLIDAY, THE PERIOD IS EXTENDED TO THE NEXT DAY THAT IS
 25 NOT A SATURDAY, SUNDAY, OR HOLIDAY.

26 (4) “PANEL” MEANS THE APPLICANT REVIEW PANEL.

27 (5) “QUALIFIED INDEPENDENT AUDITOR” MEANS AN AUDITOR
 28 WHO IS CURRENTLY LICENSED BY THE STATE AND HAS BEEN A PRACTICING
 29 INDEPENDENT AUDITOR FOR AT LEAST 10 YEARS BEFORE APPOINTMENT TO
 30 THE APPLICANT REVIEW PANEL.

31 [(a)] (B) The population count used after each decennial census for the
 32 purpose of creating the congressional districting plan used to elect the State’s
 33 Representatives in Congress:

1 (1) may not include individuals who:

2 (i) were incarcerated in State or federal correctional facilities,
3 as determined by the decennial census; and

4 (ii) were not residents of the State before their incarceration;
5 and

6 (2) shall count individuals incarcerated in the State or federal
7 correctional facilities, as determined by the decennial census, at their last known
8 residence before incarceration if the individuals were residents of the State.

9 **[(b)] (C)** The State is divided into eight districts for the election of the
10 State's Representatives in Congress.

11 **[(c)] (D)** (1) The descriptions of congressional districts in this subtitle
12 include the references indicated.

13 (2) (i) The references to:

14 1. election districts and wards are to the geographical
15 boundaries of the election districts and wards as they existed on April 1, 2010; and

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

23 (ii) Where precincts are split between congressional districts,
24 census tract and block numbers, as indicated in P.L. 94-171 data or shown on the P.L.
25 94-171 census block maps provided by the U.S. Bureau of the Census and referred to
26 in this subtitle, are used to define the boundaries of congressional districts.

27 **8-701.1.**

28 **THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:**

29 **(1) UNDER CURRENT LAW, THE GENERAL ASSEMBLY DRAWS THE**
30 **DISTRICTS FOR THE STATE'S REPRESENTATIVES IN CONGRESS;**

31 **(2) ALLOWING POLITICIANS TO DRAW THESE DISTRICTS IS A**
32 **SERIOUS CONFLICT OF INTEREST THAT HARMS VOTERS, AND HAS RESULTED IN**
33 **A LARGE PERCENTAGE OF INCUMBENT POLITICIANS BEING REELECTED IN THE**

1 DISTRICTS THAT WERE DRAWN BY THEM IN THE RECENT ELECTIONS;

2 (3) POLITICIANS OFTEN DRAW DISTRICTS THAT SERVE THEIR
3 INTERESTS, NOT THOSE OF THE STATE'S COMMUNITIES, SOMETIMES
4 RESULTING IN COMMUNITIES BEING SPLIT INTO AS MANY AS FOUR DIFFERENT
5 DISTRICTS TO PROTECT INCUMBENT LEGISLATORS, RATHER THAN KEEPING
6 COMMUNITIES TOGETHER SO EVERYONE HAS REPRESENTATION;

7 (4) THIS REFORM WILL MAKE THE REDISTRICTING PROCESS
8 OPEN SO IT CANNOT BE CONTROLLED BY THE PARTY IN POWER, WILL GIVE THE
9 STATE'S CITIZENS AN EQUAL NUMBER OF DEMOCRATS AND REPUBLICANS ON
10 THE CONGRESSIONAL REDISTRICTING COMMISSION, WILL ENSURE FULL
11 PARTICIPATION OF INDEPENDENT VOTERS WHOSE VOICES ARE COMPLETELY
12 SHUT OUT OF THE CURRENT PROCESS, AND WILL REQUIRE SUPPORT FROM
13 DEMOCRATS, REPUBLICANS, AND INDEPENDENTS FOR APPROVAL OF NEW
14 REDISTRICTING PLANS;

15 (5) THE CITIZENS' CONGRESSIONAL REDISTRICTING
16 COMMISSION WILL DRAW DISTRICTS BASED ON STRICT, NONPARTISAN RULES
17 DESIGNED TO ENSURE FAIR REPRESENTATION, WILL TAKE REDISTRICTING OUT
18 OF THE PARTISAN BATTLES OF THE GENERAL ASSEMBLY, WILL GUARANTEE
19 THAT REDISTRICTING WILL BE DEBATED IN THE OPEN WITH PUBLIC MEETINGS,
20 AND WILL ENSURE THAT ALL MINUTES WILL BE POSTED PUBLICLY ON THE
21 INTERNET AND THAT EVERY ASPECT OF THE PROCESS WILL BE OPEN TO
22 SCRUTINY BY THE PUBLIC AND THE PRESS; AND

23 (6) WHILE IN THE CURRENT PROCESS POLITICIANS ARE
24 CHOOSING THEIR VOTERS INSTEAD OF VOTERS HAVING A REAL CHOICE, THIS
25 REFORM WILL PUT THE VOTERS BACK IN CHARGE.

26 8-701.2.

27 (A) IN THE YEAR FOLLOWING THE YEAR IN WHICH THE NATIONAL
28 CENSUS IS TAKEN UNDER THE DIRECTION OF CONGRESS AT THE BEGINNING OF
29 EACH DECADE, THE GENERAL ASSEMBLY SHALL ADJUST THE BOUNDARY LINES
30 OF CONGRESSIONAL DISTRICTS IN CONFORMANCE WITH THE FOLLOWING
31 STANDARDS AND PROCESS:

32 (1) EACH MEMBER OF CONGRESS SHALL BE ELECTED FROM A
33 SINGLE-MEMBER DISTRICT; AND

34 (2) THE POPULATION OF ALL CONGRESSIONAL DISTRICTS SHALL
35 BE REASONABLY EQUAL.

1 **(B) (1) FOLLOWING THE CRITERIA SPECIFIED UNDER SUBSECTION**
2 **(A) OF THIS SECTION, THE GENERAL ASSEMBLY SHALL ADJUST THE BOUNDARY**
3 **LINES ACCORDING TO THE CRITERIA SET FORTH AND PRIORITIZED IN THIS**
4 **SUBTITLE.**

5 **(2) THE GENERAL ASSEMBLY SHALL ISSUE, WITH THE FINAL**
6 **MAP, A REPORT THAT EXPLAINS THE BASIS ON WHICH THE GENERAL ASSEMBLY**
7 **MADE THE DECISIONS IN ACHIEVING COMPLIANCE WITH THESE CRITERIA AND**
8 **SHALL INCLUDE DEFINITIONS OF THE TERMS AND STANDARDS USED IN**
9 **DRAWING THE FINAL MAP.**

10 **(C) CONGRESSIONAL DISTRICTS SHALL BE NUMBERED CONSECUTIVELY**
11 **COMMENCING AT THE NORTHERN BOUNDARY OF THE STATE AND ENDING AT**
12 **THE SOUTHERN BOUNDARY.**

13 **(D) THE GENERAL ASSEMBLY SHALL COORDINATE WITH THE CITIZENS'**
14 **CONGRESSIONAL REDISTRICTING COMMISSION ESTABLISHED UNDER THIS**
15 **SUBTITLE TO HOLD CONCURRENT HEARINGS, TO PROVIDE ACCESS TO**
16 **REDISTRICTING DATA AND SOFTWARE, AND OTHERWISE TO ENSURE FULL**
17 **PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS.**

18 **8-701.3.**

19 **(A) THE COMMISSION SHALL:**

20 **(1) CONDUCT AN OPEN AND TRANSPARENT PROCESS ENABLING**
21 **FULL PUBLIC CONSIDERATION OF AND COMMENT ON THE DRAWING OF**
22 **DISTRICT LINES;**

23 **(2) DRAW DISTRICT LINES ACCORDING TO THE REDISTRICTING**
24 **CRITERIA SPECIFIED IN THIS SUBTITLE; AND**

25 **(3) CONDUCT THEMSELVES WITH INTEGRITY AND FAIRNESS.**

26 **(B) (1) THE SELECTION PROCESS FOR THE CITIZENS'**
27 **CONGRESSIONAL REDISTRICTING COMMISSION IS DESIGNED TO PRODUCE A**
28 **COMMISSION THAT IS INDEPENDENT FROM LEGISLATIVE INFLUENCE AND**
29 **REASONABLY REPRESENTATIVE OF THE STATE'S DIVERSITY.**

30 **(2) THE COMMISSION SHALL CONSIST OF 14 MEMBERS, AS**
31 **FOLLOWS:**

1 **(I) FIVE WHO ARE REGISTERED WITH THE LARGEST**
2 **POLITICAL PARTY IN THE STATE BASED ON REGISTRATION;**

3 **(II) FIVE WHO ARE REGISTERED WITH THE SECOND**
4 **LARGEST POLITICAL PARTY IN THE STATE BASED ON REGISTRATION; AND**

5 **(III) FOUR WHO ARE NOT REGISTERED WITH EITHER OF THE**
6 **TWO LARGEST POLITICAL PARTIES IN THE STATE BASED ON REGISTRATION.**

7 **(3) EACH MEMBER OF THE COMMISSION SHALL:**

8 **(I) BE A VOTER WHO HAS BEEN REGISTERED**
9 **CONTINUOUSLY IN THE STATE WITH THE SAME POLITICAL PARTY OR**
10 **UNAFFILIATED WITH A POLITICAL PARTY AND WHO HAS NOT CHANGED**
11 **POLITICAL PARTY AFFILIATION WITHIN THE 5 YEARS IMMEDIATELY PRECEDING**
12 **THE DATE OF THE INDIVIDUAL'S APPOINTMENT; AND**

13 **(II) HAVE VOTED IN TWO OF THE LAST THREE STATEWIDE**
14 **GENERAL ELECTIONS IMMEDIATELY PRECEDING THE INDIVIDUAL'S**
15 **APPLICATION.**

16 **(4) THE TERM OF OFFICE OF EACH MEMBER OF THE COMMISSION**
17 **EXPIRES ON THE APPOINTMENT OF THE FIRST MEMBER OF THE SUCCEEDING**
18 **COMMISSION.**

19 **(5) (I) NINE MEMBERS OF THE COMMISSION SHALL**
20 **CONSTITUTE A QUORUM.**

21 **(II) NINE OR MORE AFFIRMATIVE VOTES OF THE**
22 **COMMISSION SHALL BE REQUIRED FOR ANY OFFICIAL ACTION.**

23 **(III) THREE FINAL PROPOSED MAPS ADOPTED BY THE**
24 **COMMISSION MUST BE APPROVED BY AT LEAST NINE AFFIRMATIVE VOTES**
25 **WHICH MUST INCLUDE AT LEAST THREE VOTES OF MEMBERS REGISTERED**
26 **FROM EACH OF THE TWO LARGEST POLITICAL PARTIES IN THE STATE BASED ON**
27 **REGISTRATION AND THREE VOTES FROM MEMBERS WHO ARE NOT REGISTERED**
28 **WITH EITHER OF THESE TWO POLITICAL PARTIES.**

29 **(6) EACH MEMBER OF THE COMMISSION SHALL:**

30 **(I) APPLY THE PROVISIONS OF THIS SUBTITLE IN A**
31 **MANNER THAT IS IMPARTIAL AND THAT REINFORCES PUBLIC CONFIDENCE IN**
32 **THE INTEGRITY OF THE REDISTRICTING PROCESS;**

1 **(II) BE INELIGIBLE FOR A PERIOD OF 5 YEARS BEGINNING**
2 **FROM THE DATE OF APPOINTMENT TO HOLD ELECTIVE PUBLIC OFFICE AT THE**
3 **FEDERAL, STATE, COUNTY, OR CITY LEVEL IN THE STATE; AND**

4 **(III) BE INELIGIBLE FOR A PERIOD OF 5 YEARS BEGINNING**
5 **FROM THE DATE OF APPOINTMENT TO HOLD APPOINTIVE FEDERAL, STATE, OR**
6 **LOCAL PUBLIC OFFICE, TO SERVE AS PAID STAFF FOR THE GENERAL ASSEMBLY**
7 **OR ANY INDIVIDUAL LEGISLATOR, OR TO REGISTER AS A FEDERAL, STATE, OR**
8 **LOCAL LOBBYIST IN THE STATE.**

9 **8-701.4.**

10 **(A) EACH DISTRICT SHALL:**

11 **(1) COMPLY WITH THE UNITED STATES CONSTITUTION;**

12 **(2) BE EQUAL IN POPULATION, EXCEPT WHERE DEVIATION IS**
13 **REQUIRED OR ALLOWABLE BY LAW;**

14 **(3) COMPLY WITH THE FEDERAL VOTING RIGHTS ACT (42 U.S.C.**
15 **SEC. 1971 AND FOLLOWING);**

16 **(4) BE GEOGRAPHICALLY CONTIGUOUS;**

17 **(5) WITHOUT VIOLATING THE REQUIREMENTS OF THIS SECTION,**
18 **RESPECT THE GEOGRAPHIC INTEGRITY OF ANY CITY, COUNTY, NEIGHBORHOOD,**
19 **OR COMMUNITY OF INTEREST TO THE EXTENT POSSIBLE, BUT COMMUNITIES OF**
20 **INTEREST MAY NOT INCLUDE RELATIONSHIPS WITH POLITICAL PARTIES,**
21 **INCUMBENTS, OR POLITICAL CANDIDATES; AND**

22 **(6) TO THE EXTENT PRACTICABLE, AND WHERE THIS DOES NOT**
23 **CONFLICT WITH THE CRITERIA ABOVE, BE DRAWN TO ENCOURAGE**
24 **GEOGRAPHICAL COMPACTNESS SUCH THAT NEARBY AREAS OF POPULATION**
25 **ARE NOT BYPASSED FOR MORE DISTANT POPULATION.**

26 **(B) (1) THE PLACE OF RESIDENCE OF ANY INCUMBENT OR POLITICAL**
27 **CANDIDATE MAY NOT BE CONSIDERED IN THE CREATION OF A MAP.**

28 **(2) A DISTRICT MAY NOT BE DRAWN FOR THE PURPOSE OF**
29 **FAVORING OR DISCRIMINATING AGAINST AN INCUMBENT, POLITICAL**
30 **CANDIDATE, OR POLITICAL PARTY.**

1 **(C) (1) BY SEPTEMBER 15 OF EACH YEAR ENDING IN THE NUMBER**
2 **ONE THEREAFTER, THE COMMISSION SHALL APPROVE THREE FINAL MAPS THAT**
3 **SEPARATELY SET FORTH THE DISTRICT BOUNDARY LINES FOR THE MEMBERS**
4 **OF THE UNITED STATES CONGRESS OF THIS STATE.**

5 **(2) ON APPROVAL, THE COMMISSION SHALL CERTIFY THE THREE**
6 **FINAL MAPS TO THE SECRETARY OF STATE.**

7 **(D) THE COMMISSION SHALL ISSUE, WITH EACH OF THE THREE FINAL**
8 **MAPS, A REPORT THAT EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE**
9 **ITS DECISIONS IN ACHIEVING COMPLIANCE WITH THE CRITERIA SPECIFIED**
10 **UNDER THIS SECTION AND SHALL INCLUDE DEFINITIONS OF THE TERMS AND**
11 **STANDARDS USED IN DRAWING EACH FINAL MAP.**

12 **(E) EACH CERTIFIED FINAL MAP SHALL BE SUBJECT TO REFERENDUM**
13 **IN THE SAME MANNER THAT A STATUTE IS SUBJECT TO REFERENDUM IN**
14 **ACCORDANCE WITH THE MARYLAND CONSTITUTION.**

15 **(F) (1) IF THE COMMISSION DOES NOT APPROVE A FINAL MAP BY AT**
16 **LEAST THE REQUISITE VOTES OR IF VOTERS DISAPPROVE A CERTIFIED FINAL**
17 **MAP IN A REFERENDUM, THE SECRETARY OF STATE SHALL IMMEDIATELY**
18 **PETITION THE COURT OF APPEALS FOR AN ORDER DIRECTING THE**
19 **APPOINTMENT OF SPECIAL MASTERS TO ADJUST THE BOUNDARY LINES OF THAT**
20 **MAP IN ACCORDANCE WITH THE REDISTRICTING CRITERIA AND REQUIREMENTS**
21 **SET FORTH IN THIS SECTION.**

22 **(2) ON THE COURT'S APPROVAL OF THE MASTERS' MAP, THE**
23 **COURT SHALL CERTIFY THE RESULTING MAP TO THE SECRETARY OF STATE,**
24 **WHICH MAP SHALL CONSTITUTE THE CERTIFIED FINAL MAP FOR THE**
25 **CONGRESSIONAL DISTRICTS.**

26 **8-701.5.**

27 **(A) THE COMMISSION HAS THE SOLE LEGAL STANDING TO DEFEND ANY**
28 **ACTION REGARDING A CERTIFIED FINAL MAP, AND SHALL INFORM THE**
29 **GENERAL ASSEMBLY IF THE COMMISSION DETERMINES THAT FUNDS OR OTHER**
30 **RESOURCES PROVIDED FOR THE OPERATION OF THE COMMISSION ARE NOT**
31 **ADEQUATE.**

32 **(B) THE GENERAL ASSEMBLY SHALL PROVIDE ADEQUATE FUNDING TO**
33 **DEFEND ANY ACTION REGARDING A CERTIFIED MAP.**

34 **(C) THE COMMISSION HAS SOLE AUTHORITY TO DETERMINE WHETHER**

1 THE ATTORNEY GENERAL OR OTHER LEGAL COUNSEL RETAINED BY THE
2 COMMISSION SHALL ASSIST IN THE DEFENSE OF A CERTIFIED FINAL MAP.

3 (D) (1) THE COURT OF APPEALS HAS ORIGINAL AND EXCLUSIVE
4 JURISDICTION IN ALL PROCEEDINGS IN WHICH A CERTIFIED FINAL MAP IS
5 CHALLENGED.

6 (2) WITHIN 45 DAYS AFTER THE COMMISSION HAS CERTIFIED A
7 FINAL MAP TO THE SECRETARY OF STATE, ANY REGISTERED VOTER IN THE
8 STATE MAY FILE A PETITION FOR A WRIT OF MANDAMUS OR WRIT OF
9 PROHIBITION TO BAR THE SECRETARY OF STATE FROM IMPLEMENTING THE
10 PLAN ON THE GROUNDS THAT THE FILED PLAN VIOLATES THE MARYLAND
11 CONSTITUTION, THE UNITED STATES CONSTITUTION, OR ANY FEDERAL OR
12 STATE STATUTE.

13 (E) (1) THE COURT OF APPEALS SHALL GIVE PRIORITY TO RULING
14 ON A PETITION FOR A WRIT OF MANDAMUS OR A WRIT OF PROHIBITION FILED
15 UNDER THIS SECTION.

16 (2) IF THE COURT DETERMINES THAT A FINAL CERTIFIED MAP
17 VIOLATES THE MARYLAND CONSTITUTION, THE UNITED STATES
18 CONSTITUTION, OR ANY FEDERAL OR STATE STATUTE, THE COURT SHALL
19 ESTABLISH THE RELIEF THAT IT DEEMS APPROPRIATE.

20 8-701.6.

21 TO AMEND THIS SUBTITLE, THE GENERAL ASSEMBLY SHALL ENSURE
22 THAT ALL OF THE FOLLOWING CRITERIA ARE MET:

23 (1) BY THE SAME VOTE REQUIRED FOR THE ADOPTION OF THE
24 FINAL SET OF MAPS, THE COMMISSION RECOMMENDS AMENDMENTS TO THIS
25 SUBTITLE TO CARRY OUT ITS PURPOSE AND INTENT;

26 (2) THE EXACT LANGUAGE OF THE AMENDMENTS PROVIDED BY
27 THE COMMISSION IS ENACTED AS A STATUTE APPROVED BY A TWO-THIRDS
28 VOTE OF EACH HOUSE OF THE GENERAL ASSEMBLY AND SIGNED BY THE
29 GOVERNOR;

30 (3) THE BILL CONTAINING THE AMENDMENTS PROVIDED BY THE
31 COMMISSION IS IN PRINT FOR 10 DAYS BEFORE FINAL PASSAGE BY THE
32 GENERAL ASSEMBLY;

33 (4) THE AMENDMENTS FURTHER THE PURPOSES OF THIS

1 SUBTITLE; AND

2 (5) THE AMENDMENTS ARE NOT PASSED BY THE GENERAL
3 ASSEMBLY IN A YEAR ENDING IN THE NUMBER ZERO OR THE NUMBER ONE.

4 8-701.7.

5 (A) (1) IN EACH YEAR ENDING IN THE NUMBER ZERO THEREAFTER,
6 THE LEGISLATIVE AUDITOR SHALL INITIATE AN APPLICATION PROCESS, OPEN
7 TO ALL REGISTERED VOTERS IN THE STATE IN A MANNER THAT PROMOTES A
8 DIVERSE AND QUALIFIED APPLICANT POOL.

9 (2) THE LEGISLATIVE AUDITOR SHALL REMOVE FROM THE
10 APPLICANT POOL INDIVIDUALS WITH CONFLICTS OF INTEREST INCLUDING,
11 WITHIN THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION,
12 THE APPLICANT, OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY, WHO HAS
13 DONE ANY OF THE FOLLOWING:

14 (I) BEEN APPOINTED TO, BEEN ELECTED TO, OR BEEN A
15 CANDIDATE FOR FEDERAL OR STATE OFFICE;

16 (II) SERVED AS AN OFFICER, EMPLOYEE, OR PAID
17 CONSULTANT OF A POLITICAL PARTY OR OF THE CAMPAIGN COMMITTEE OF A
18 CANDIDATE FOR ELECTIVE FEDERAL OR STATE OFFICE;

19 (III) SERVED AS AN ELECTED OR APPOINTED MEMBER OF A
20 POLITICAL PARTY CENTRAL COMMITTEE;

21 (IV) BEEN A REGISTERED FEDERAL, STATE, OR LOCAL
22 LOBBYIST;

23 (V) SERVED AS PAID CONGRESSIONAL OR GENERAL
24 ASSEMBLY STAFF; OR

25 (VI) CONTRIBUTED \$2,000 OR MORE TO ANY
26 CONGRESSIONAL, STATE, OR LOCAL CANDIDATE FOR ELECTIVE PUBLIC OFFICE
27 IN ANY YEAR, WHICH AMOUNT SHALL BE ADJUSTED EVERY 10 YEARS BY THE
28 CUMULATIVE CHANGE IN THE MARYLAND CONSUMER PRICE INDEX, OR ITS
29 SUCCESSOR.

30 (3) (I) IN THIS PARAGRAPH, "IMMEDIATE FAMILY
31 RELATIONSHIP" MEANS A RELATIONSHIP ESTABLISHED THROUGH BLOOD OR
32 LEGAL RELATION, INCLUDING PARENTS, CHILDREN, SIBLINGS, AND IN-LAWS.

1 (II) STAFF AND CONSULTANTS TO PERSONS UNDER A
2 CONTRACT WITH, OR ANY PERSON WITH AN IMMEDIATE FAMILY RELATIONSHIP
3 TO, THE GOVERNOR, A MEMBER OF THE GENERAL ASSEMBLY, OR A MEMBER OF
4 CONGRESS MAY NOT SERVE AS A COMMISSION MEMBER.

5 (B) (1) THE LEGISLATIVE AUDITOR SHALL:

6 (I) ESTABLISH AN APPLICANT REVIEW PANEL,
7 CONSISTING OF THREE QUALIFIED INDEPENDENT AUDITORS, TO SCREEN
8 APPLICANTS;

9 (II) RANDOMLY DRAW THE NAMES OF THREE QUALIFIED
10 INDEPENDENT AUDITORS FROM A POOL CONSISTING OF ALL AUDITORS
11 EMPLOYED BY THE STATE AND LICENSED BY THE STATE AT THE TIME OF THE
12 DRAWING; AND

13 (III) DRAW UNTIL THE NAMES OF THREE AUDITORS HAVE
14 BEEN DRAWN INCLUDING ONE WHO IS REGISTERED WITH THE LARGEST
15 POLITICAL PARTY IN THE STATE BASED ON PARTY REGISTRATION, ONE WHO IS
16 REGISTERED WITH THE SECOND LARGEST POLITICAL PARTY IN THE STATE
17 BASED ON PARTY REGISTRATION, AND ONE WHO IS NOT REGISTERED WITH
18 EITHER OF THE TWO LARGEST POLITICAL PARTIES IN THE STATE.

19 (2) (I) AFTER THE DRAWING, THE LEGISLATIVE AUDITOR
20 SHALL NOTIFY THE THREE QUALIFIED INDEPENDENT AUDITORS WHOSE NAMES
21 HAVE BEEN DRAWN THAT THEY HAVE BEEN SELECTED TO SERVE ON THE PANEL.

22 (II) IF ANY OF THE THREE QUALIFIED INDEPENDENT
23 AUDITORS DECLINE TO SERVE ON THE PANEL, THE LEGISLATIVE AUDITOR
24 SHALL RESUME THE RANDOM DRAWING UNTIL THREE QUALIFIED
25 INDEPENDENT AUDITORS WHO MEET THE REQUIREMENTS OF THIS SUBTITLE
26 HAVE AGREED TO SERVE ON THE PANEL.

27 (III) A MEMBER OF THE PANEL SHALL BE SUBJECT TO THE
28 CONFLICT OF INTEREST PROVISIONS SET FORTH IN THIS SECTION.

29 (3) HAVING REMOVED INDIVIDUALS WITH CONFLICTS OF
30 INTEREST FROM THE APPLICANT POOL, THE LEGISLATIVE AUDITOR SHALL
31 PUBLICIZE, NO LATER THAN AUGUST 1 IN EACH YEAR ENDING IN THE NUMBER
32 ZERO, THE NAMES IN THE APPLICANT POOL AND PROVIDE COPIES OF THEIR
33 APPLICATIONS TO THE APPLICANT REVIEW PANEL.

1 **(4) (I) FROM THE APPLICANT POOL, THE APPLICANT REVIEW**
2 **PANEL SHALL SELECT 60 OF THE MOST QUALIFIED APPLICANTS, INCLUDING 20**
3 **WHO ARE REGISTERED WITH THE LARGEST POLITICAL PARTY IN THE STATE**
4 **BASED ON REGISTRATION, 20 WHO ARE REGISTERED WITH THE SECOND**
5 **LARGEST POLITICAL PARTY IN THE STATE BASED ON REGISTRATION, AND 20**
6 **WHO ARE NOT REGISTERED WITH EITHER OF THE TWO LARGEST POLITICAL**
7 **PARTIES IN THE STATE BASED ON REGISTRATION.**

8 **(II) THE SUBPOOLS SHALL BE CREATED ON THE BASIS OF**
9 **RELEVANT ANALYTICAL SKILLS, ABILITY TO BE IMPARTIAL, AND APPRECIATION**
10 **FOR THE STATE'S DIVERSE DEMOGRAPHICS AND GEOGRAPHY.**

11 **(III) THE MEMBERS OF THE PANEL MAY NOT COMMUNICATE**
12 **WITH ANY MEMBER OF THE GENERAL ASSEMBLY OR THE CONGRESS, OR THEIR**
13 **REPRESENTATIVES, ABOUT ANY MATTER RELATED TO THE NOMINATION**
14 **PROCESS OR APPLICANTS BEFORE THE PRESENTATION BY THE PANEL OF THE**
15 **POOL OF RECOMMENDED APPLICANTS TO THE SECRETARY OF THE SENATE AND**
16 **THE CHIEF CLERK OF THE HOUSE.**

17 **(C) (1) BY OCTOBER 1 IN EACH YEAR ENDING IN THE NUMBER ZERO,**
18 **THE APPLICANT REVIEW PANEL SHALL PRESENT ITS POOL OF RECOMMENDED**
19 **APPLICANTS TO THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF**
20 **THE HOUSE.**

21 **(2) (I) NO LATER THAN NOVEMBER 15 IN EACH YEAR ENDING**
22 **IN THE NUMBER ZERO THEREAFTER, THE PRESIDENT PRO TEMPORE OF THE**
23 **SENATE, THE MINORITY FLOOR LEADER OF THE SENATE, THE SPEAKER OF**
24 **THE HOUSE, AND THE MINORITY FLOOR LEADER OF THE HOUSE MAY EACH**
25 **STRIKE UP TO TWO APPLICANTS FROM EACH SUBPOOL OF 20 FOR A TOTAL OF**
26 **EIGHT POSSIBLE STRIKES PER SUBPOOL.**

27 **(II) AFTER ALL LEGISLATIVE LEADERS HAVE EXERCISED**
28 **THEIR STRIKES, THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF**
29 **THE HOUSE SHALL JOINTLY PRESENT THE POOL OF REMAINING NAMES TO THE**
30 **LEGISLATIVE AUDITOR.**

31 **(D) (1) NO LATER THAN NOVEMBER 20 IN EACH YEAR ENDING IN THE**
32 **NUMBER ZERO, THE LEGISLATIVE AUDITOR SHALL RANDOMLY DRAW EIGHT**
33 **NAMES FROM THE REMAINING POOL OF APPLICANTS AS FOLLOWS:**

34 **(I) THREE FROM THE REMAINING SUBPOOL OF**
35 **APPLICANTS REGISTERED WITH THE LARGEST POLITICAL PARTY IN THE STATE**
36 **BASED ON REGISTRATION;**

1 (II) THREE FROM THE REMAINING SUBPOOL OF
2 APPLICANTS REGISTERED WITH THE SECOND LARGEST POLITICAL PARTY IN
3 THE STATE BASED ON REGISTRATION; AND

4 (III) TWO FROM THE REMAINING SUBPOOL OF APPLICANTS
5 WHO ARE NOT REGISTERED WITH EITHER OF THE TWO LARGEST POLITICAL
6 PARTIES IN THE STATE BASED ON REGISTRATION.

7 (2) THE EIGHT INDIVIDUALS SELECTED UNDER PARAGRAPH (1)
8 OF THIS SUBSECTION SHALL SERVE ON THE COMMISSION.

9 (E) (1) NO LATER THAN DECEMBER 31 IN EACH YEAR ENDING IN THE
10 NUMBER ZERO, THE EIGHT COMMISSIONERS SHALL REVIEW THE REMAINING
11 NAMES IN THE POOL OF APPLICANTS AND APPOINT SIX APPLICANTS TO THE
12 COMMISSION AS FOLLOWS:

13 (I) TWO FROM THE REMAINING SUBPOOL OF APPLICANTS
14 REGISTERED WITH THE LARGEST POLITICAL PARTY IN THE STATE BASED ON
15 REGISTRATION;

16 (II) TWO FROM THE REMAINING SUBPOOL OF APPLICANTS
17 REGISTERED WITH THE SECOND LARGEST POLITICAL PARTY IN THE STATE
18 BASED ON REGISTRATION; AND

19 (III) TWO FROM THE REMAINING SUBPOOL OF APPLICANTS
20 WHO ARE NOT REGISTERED WITH EITHER OF THE TWO LARGEST POLITICAL
21 PARTIES IN THE STATE BASED ON REGISTRATION.

22 (2) (I) THE SIX APPOINTEES MUST BE APPROVED BY AT LEAST
23 FIVE AFFIRMATIVE VOTES WHICH MUST INCLUDE AT LEAST TWO VOTES OF
24 COMMISSIONERS REGISTERED FROM EACH OF THE TWO LARGEST PARTIES AND
25 ONE VOTE FROM A COMMISSIONER WHO IS NOT AFFILIATED WITH EITHER OF
26 THE TWO LARGEST POLITICAL PARTIES IN THE STATE.

27 (II) 1. THE SIX APPOINTEES SHALL BE CHOSEN TO
28 ENSURE THE COMMISSION REFLECTS THE STATE'S DIVERSITY, INCLUDING, BUT
29 NOT LIMITED TO, RACIAL, ETHNIC, GEOGRAPHIC, AND GENDER DIVERSITY.
30 HOWEVER, IT IS NOT INTENDED THAT FORMULAS OR SPECIFIC RATIOS BE
31 APPLIED FOR THIS PURPOSE.

32 2. APPLICANTS SHALL ALSO BE CHOSEN BASED ON
33 RELEVANT ANALYTICAL SKILLS AND THE ABILITY TO BE IMPARTIAL.

1 **8-701.8.**

2 (A) (1) IN THE EVENT OF SUBSTANTIAL NEGLECT OF DUTY, GROSS
3 MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE,
4 A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE GOVERNOR WITH
5 THE CONCURRENCE OF TWO-THIRDS OF THE MEMBERS OF THE SENATE AFTER
6 HAVING BEEN SERVED WRITTEN NOTICE AND PROVIDED WITH AN OPPORTUNITY
7 FOR A RESPONSE.

8 (2) A FINDING OF SUBSTANTIAL NEGLECT OF DUTY OR GROSS
9 MISCONDUCT IN OFFICE MAY RESULT IN REFERRAL TO THE ATTORNEY
10 GENERAL FOR CRIMINAL PROSECUTION OR THE APPROPRIATE
11 ADMINISTRATIVE AGENCY FOR INVESTIGATION.

12 (B) (1) A VACANCY, WHETHER CREATED BY REMOVAL, RESIGNATION,
13 OR ABSENCE, IN A COMMISSION POSITION SHALL BE FILLED WITHIN THE 30
14 DAYS AFTER THE VACANCY OCCURS, FROM THE POOL OF APPLICANTS OF THE
15 SAME VOTER REGISTRATION CATEGORY AS THE VACATING NOMINEE THAT WAS
16 REMAINING AS OF NOVEMBER 20 IN THE YEAR IN WHICH THAT POOL WAS
17 ESTABLISHED.

18 (2) IF NONE OF THE REMAINING APPLICANTS UNDER PARAGRAPH
19 (1) OF THIS SUBSECTION ARE AVAILABLE FOR SERVICE, THE LEGISLATIVE
20 AUDITOR SHALL FILL THE VACANCY FROM A NEW POOL CREATED FOR THE
21 SAME VOTER REGISTRATION CATEGORY IN ACCORDANCE WITH § 8-701.7 OF
22 THIS SUBTITLE.

23 **8-701.9.**

24 (A) (1) THE ACTIVITIES OF THE COMMISSION ARE SUBJECT TO
25 APPLICABLE STATE LAW GOVERNING OPEN MEETINGS AND ACCESS TO PUBLIC
26 INFORMATION.

27 (2) THE COMMISSION SHALL PROVIDE NOT LESS THAN 14 DAYS'
28 PUBLIC NOTICE FOR EACH MEETING, EXCEPT THAT MEETINGS HELD IN
29 SEPTEMBER IN THE YEAR ENDING IN THE NUMBER ONE MAY BE HELD WITH
30 THREE DAYS' NOTICE.

31 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
32 SUBSECTION, COMMISSION MEMBERS AND STAFF MAY NOT COMMUNICATE WITH
33 OR RECEIVE COMMUNICATIONS ABOUT REDISTRICTING MATTERS FROM
34 ANYONE OUTSIDE OF A PUBLIC HEARING.

1 **(2) COMMUNICATION BETWEEN COMMISSION MEMBERS, STAFF,**
2 **LEGAL COUNSEL, AND CONSULTANTS RETAINED BY THE COMMISSION IS**
3 **ALLOWED.**

4 **(C) (1) THE COMMISSION SHALL SELECT ONE OF ITS MEMBERS TO**
5 **SERVE AS THE CHAIR AND ONE TO SERVE AS VICE CHAIR.**

6 **(2) THE CHAIR AND VICE CHAIR MAY NOT BE OF THE SAME**
7 **POLITICAL PARTY.**

8 **(D) (1) THE COMMISSION MAY HIRE STAFF, LEGAL COUNSEL, AND**
9 **CONSULTANTS AS NEEDED.**

10 **(2) (I) THE COMMISSION SHALL ESTABLISH CLEAR CRITERIA**
11 **FOR THE HIRING AND REMOVAL OF THE INDIVIDUALS SPECIFIED UNDER**
12 **PARAGRAPH (1) OF THIS SUBSECTION, COMMUNICATION PROTOCOLS, AND A**
13 **CODE OF CONDUCT.**

14 **(II) THE SECRETARY OF STATE SHALL PROVIDE SUPPORT**
15 **FUNCTIONS TO THE COMMISSION UNTIL THE COMMISSION'S STAFF AND OFFICE**
16 **ARE FULLY FUNCTIONAL.**

17 **(3) (I) THE COMMISSION SHALL REQUIRE THAT AT LEAST ONE**
18 **OF THE LEGAL COUNSEL HIRED BY THE COMMISSION HAS DEMONSTRATED**
19 **EXTENSIVE EXPERIENCE AND EXPERTISE IN IMPLEMENTATION AND**
20 **ENFORCEMENT OF THE FEDERAL VOTING RIGHTS ACT OF 1965, 42 U.S.C. SEC.**
21 **197, ET. SEQ.**

22 **(II) THE COMMISSION SHALL MAKE HIRING, REMOVAL, OR**
23 **CONTRACTING DECISIONS ON STAFF, LEGAL COUNSEL, AND CONSULTANTS BY**
24 **NINE OR MORE AFFIRMATIVE VOTES INCLUDING AT LEAST THREE VOTES OF**
25 **MEMBERS REGISTERED FROM EACH OF THE TWO LARGEST PARTIES AND THREE**
26 **VOTES FROM MEMBERS WHO ARE NOT REGISTERED WITH EITHER OF THE TWO**
27 **LARGEST POLITICAL PARTIES IN THE STATE.**

28 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN EMPLOYER**
29 **MAY NOT DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE, COERCE, OR**
30 **RETALIATE AGAINST ANY EMPLOYEE BY REASON OF SUCH EMPLOYEE'S**
31 **ATTENDANCE OR SCHEDULED ATTENDANCE AT ANY MEETING OF THE**
32 **COMMISSION.**

33 **(F) (1) THE COMMISSION SHALL ESTABLISH AND IMPLEMENT AN**

1 OPEN HEARING PROCESS FOR PUBLIC INPUT AND DELIBERATION THAT SHALL
2 BE SUBJECT TO PUBLIC NOTICE AND PROMOTED THROUGH A THOROUGH
3 OUTREACH PROGRAM TO SOLICIT BROAD PUBLIC PARTICIPATION IN THE
4 REDISTRICTING PUBLIC REVIEW PROCESS.

5 (2) (i) 1. THE HEARING PROCESS SHALL INCLUDE
6 HEARINGS TO RECEIVE PUBLIC INPUT BEFORE THE COMMISSION DRAWS ANY
7 MAPS AND HEARINGS FOLLOWING THE DRAWING AND DISPLAY OF ANY
8 COMMISSION MAPS.

9 2. HEARINGS SHALL BE SUPPLEMENTED WITH
10 OTHER ACTIVITIES AS APPROPRIATE TO FURTHER INCREASE OPPORTUNITIES
11 FOR THE PUBLIC TO OBSERVE AND PARTICIPATE IN THE REVIEW PROCESS.

12 (ii) 1. THE COMMISSION SHALL DISPLAY THE MAPS FOR
13 PUBLIC COMMENT IN A MANNER DESIGNED TO ACHIEVE THE WIDEST PUBLIC
14 ACCESS REASONABLY POSSIBLE.

15 2. PUBLIC COMMENT SHALL BE TAKEN FOR AT
16 LEAST 14 DAYS FROM THE DATE OF PUBLIC DISPLAY OF ANY MAP.

17 (g) (1) THE GENERAL ASSEMBLY SHALL TAKE ALL STEPS
18 NECESSARY TO ENSURE THAT A COMPLETE AND ACCURATE COMPUTERIZED
19 DATABASE IS AVAILABLE FOR REDISTRICTING, AND THAT PROCEDURES ARE IN
20 PLACE TO PROVIDE THE PUBLIC READY ACCESS TO REDISTRICTING DATA AND
21 COMPUTER SOFTWARE FOR DRAWING MAPS.

22 (2) ON THE COMMISSION'S FORMATION AND UNTIL ITS
23 DISSOLUTION, THE GENERAL ASSEMBLY SHALL COORDINATE THESE EFFORTS
24 WITH THE COMMISSION.

25 8-701.10.

26 (A) EACH MEMBER OF THE COMMISSION SHALL BE COMPENSATED AT
27 THE RATE OF \$300 FOR EACH DAY THE MEMBER IS ENGAGED IN COMMISSION
28 BUSINESS.

29 (B) (1) FOR EACH SUCCEEDING COMMISSION, THE RATE OF
30 COMPENSATION SHALL BE ADJUSTED IN EACH YEAR ENDING IN THE NUMBER
31 NINE BY THE CUMULATIVE CHANGE IN THE MARYLAND CONSUMER PRICE
32 INDEX, OR ITS SUCCESSOR.

33 (2) MEMBERS OF THE PANEL AND THE COMMISSION ARE

1 ELIGIBLE FOR REIMBURSEMENT OF PERSONAL EXPENSES INCURRED IN
2 CONNECTION WITH THE DUTIES PERFORMED BEFORE THIS ACT IN
3 ACCORDANCE WITH THE STANDARD STATE TRAVEL REGULATIONS.

4 **8-701.11.**

5 (A) IN EACH YEAR ENDING IN THE NUMBER NINE, THE GOVERNOR
6 SHALL INCLUDE IN THE STATE BUDGET SUBMITTED TO THE GENERAL
7 ASSEMBLY FUNDING FOR THE LEGISLATIVE AUDITOR, THE CITIZENS'
8 CONGRESSIONAL REDISTRICTING COMMISSION, AND THE SECRETARY OF
9 STATE THAT IS SUFFICIENT TO MEET THE ESTIMATED EXPENSES OF EACH OF
10 THOSE OFFICERS OR ENTITIES IN IMPLEMENTING THE REDISTRICTING
11 PROCESS REQUIRED BY THIS SUBTITLE FOR A 3-YEAR PERIOD, INCLUDING
12 ADEQUATE FUNDING FOR A STATEWIDE OUTREACH PROGRAM TO SOLICIT
13 BROAD PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS.

14 (B) THE GOVERNOR SHALL ALSO MAKE ADEQUATE OFFICE SPACE
15 AVAILABLE FOR THE OPERATION OF THE COMMISSION.

16 (C) (1) THE GENERAL ASSEMBLY SHALL MAKE THE NECESSARY
17 APPROPRIATION IN THE STATE BUDGET AND THE APPROPRIATION SHALL BE
18 AVAILABLE DURING THE ENTIRE 3-YEAR PERIOD.

19 (2) THE APPROPRIATION MADE SHALL BE EQUAL TO THE
20 GREATER OF \$3,000,000, OR THE AMOUNT EXPENDED UNDER THIS SUBTITLE IN
21 THE IMMEDIATELY PRECEDING REDISTRICTING PROCESS, AS EACH AMOUNT IS
22 ADJUSTED BY THE CUMULATIVE CHANGE IN THE MARYLAND CONSUMER PRICE
23 INDEX, OR ITS SUCCESSOR, SINCE THE DATE OF THE IMMEDIATELY PRECEDING
24 APPROPRIATION.

25 (D) THE COMMISSION, WITH FISCAL OVERSIGHT FROM THE
26 DEPARTMENT OF BUDGET AND MANAGEMENT, SHALL HAVE PROCUREMENT
27 AND CONTRACTING AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS,
28 INCLUDING LEGAL REPRESENTATION.

29 **8-701.12.**

30 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "VOTERS FIRST
31 ACT".

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2013.