

HOUSE BILL 1213

G1, P5

4lr2614

By: **Delegates Mizeur, Arora, Carr, Glass, Gutierrez, Jacobs, Kach, Krebs, A. Miller, Otto, Parrott, Smigiel, and Stocksdale**

Introduced and read first time: February 7, 2014

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Congressional Redistricting Commission**

3 FOR the purpose of creating the Maryland 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 to select at
19 random 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
29 that the Commission shall have staff and other resources as provided in the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 State budget; defining certain terms; and generally relating to the Maryland
2 Congressional Redistricting Commission.

3 BY adding to

4 Article – Election Law

5 Section 8–7A–01 through 8–7A–13 to be under the new subtitle “Subtitle 7A.
6 Maryland Congressional Redistricting Commission”

7 Annotated Code of Maryland

8 (2010 Replacement Volume and 2013 Supplement)

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

11 **Article – Election Law**

12 **SUBTITLE 7A. MARYLAND CONGRESSIONAL REDISTRICTING COMMISSION.**

13 **8–7A–01.**

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

15 **(1) UNDER CURRENT LAW, THE GENERAL ASSEMBLY DRAWS THE**
16 **DISTRICTS FOR THE STATE’S REPRESENTATIVES IN CONGRESS;**

17 **(2) ALLOWING POLITICIANS TO DRAW THESE DISTRICTS IS A**
18 **SERIOUS CONFLICT OF INTEREST THAT HARMS VOTERS, AND HAS RESULTED IN**
19 **A LARGE PERCENTAGE OF INCUMBENT POLITICIANS BEING REELECTED IN THE**
20 **DISTRICTS THAT WERE DRAWN BY THEM IN THE RECENT ELECTIONS;**

21 **(3) POLITICIANS OFTEN DRAW DISTRICTS THAT SERVE THEIR**
22 **INTERESTS, NOT THOSE OF THE STATE’S COMMUNITIES, SOMETIMES**
23 **RESULTING IN COMMUNITIES BEING SPLIT INTO AS MANY AS FOUR DIFFERENT**
24 **DISTRICTS TO PROTECT INCUMBENT LEGISLATORS, RATHER THAN KEEPING**
25 **COMMUNITIES TOGETHER SO EVERYONE HAS REPRESENTATION;**

26 **(4) THIS REFORM WILL:**

27 **(I) MAKE THE REDISTRICTING PROCESS OPEN SO THAT IT**
28 **CANNOT BE CONTROLLED BY THE PARTY IN POWER;**

29 **(II) GIVE THE STATE’S CITIZENS AN EQUAL NUMBER OF**
30 **DEMOCRATS AND REPUBLICANS ON THE MARYLAND CONGRESSIONAL**
31 **REDISTRICTING COMMISSION;**

1 **(III) ENSURE FULL PARTICIPATION OF INDEPENDENT**
2 **VOTERS WHOSE VOICES ARE COMPLETELY SHUT OUT OF THE CURRENT**
3 **PROCESS; AND**

4 **(IV) REQUIRE SUPPORT FROM DEMOCRATS, REPUBLICANS,**
5 **AND INDEPENDENTS FOR APPROVAL OF NEW REDISTRICTING PLANS;**

6 **(5) THE MARYLAND CONGRESSIONAL REDISTRICTING**
7 **COMMISSION WILL:**

8 **(I) DRAW DISTRICTS BASED ON STRICT, NONPARTISAN**
9 **RULES DESIGNED TO ENSURE FAIR REPRESENTATION;**

10 **(II) TAKE REDISTRICTING OUT OF THE PARTISAN BATTLES**
11 **OF THE GENERAL ASSEMBLY;**

12 **(III) GUARANTEE THAT REDISTRICTING WILL BE DEBATED IN**
13 **THE OPEN WITH PUBLIC MEETINGS; AND**

14 **(IV) ENSURE THAT ALL MINUTES WILL BE POSTED PUBLICLY**
15 **ON THE INTERNET AND THAT EVERY ASPECT OF THE PROCESS WILL BE OPEN TO**
16 **SCRUTINY BY THE PUBLIC AND THE PRESS; AND**

17 **(6) WHILE IN THE CURRENT PROCESS POLITICIANS ARE**
18 **CHOOSING THEIR VOTERS INSTEAD OF VOTERS HAVING A REAL CHOICE, THIS**
19 **REFORM WILL PUT THE VOTERS BACK IN CHARGE.**

20 **8-7A-02.**

21 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

23 **(B) “COMMISSION” MEANS THE MARYLAND CONGRESSIONAL**
24 **REDISTRICTING COMMISSION.**

25 **(C) “DAY” MEANS A CALENDAR DAY, EXCEPT THAT IF THE FINAL DAY OF**
26 **A PERIOD WITHIN WHICH AN ACT IS TO BE PERFORMED IS A SATURDAY,**
27 **SUNDAY, OR HOLIDAY, THE PERIOD IS EXTENDED TO THE NEXT DAY THAT IS**
28 **NOT A SATURDAY, SUNDAY, OR HOLIDAY.**

29 **(D) “PANEL” MEANS THE APPLICANT REVIEW PANEL.**

30 **(E) “QUALIFIED INDEPENDENT AUDITOR” MEANS AN AUDITOR WHO IS**

1 CURRENTLY LICENSED BY THE STATE AND HAS BEEN A PRACTICING
2 INDEPENDENT AUDITOR FOR AT LEAST 10 YEARS BEFORE APPOINTMENT TO
3 THE APPLICANT REVIEW PANEL.

4 **8-7A-03.**

5 (A) IN THE YEAR FOLLOWING THE YEAR IN WHICH THE NATIONAL
6 CENSUS IS TAKEN UNDER THE DIRECTION OF CONGRESS AT THE BEGINNING OF
7 EACH DECADE, THE GENERAL ASSEMBLY SHALL ADJUST THE BOUNDARY LINES
8 OF CONGRESSIONAL DISTRICTS IN CONFORMANCE WITH THE FOLLOWING
9 STANDARDS AND PROCESS:

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

12 (2) THE POPULATION OF ALL CONGRESSIONAL DISTRICTS SHALL
13 BE EQUAL TO THE GREATEST EXTENT PRACTICABLE.

14 (B) (1) FOLLOWING THE CRITERIA SPECIFIED UNDER SUBSECTION
15 (A) OF THIS SECTION, THE GENERAL ASSEMBLY SHALL ADJUST THE BOUNDARY
16 LINES ACCORDING TO THE CRITERIA SET FORTH AND PRIORITIZED IN THIS
17 SUBTITLE.

18 (2) THE GENERAL ASSEMBLY SHALL ISSUE WITH THE FINAL MAP
19 A REPORT THAT EXPLAINS THE BASIS ON WHICH THE GENERAL ASSEMBLY
20 MADE THE DECISIONS IN ACHIEVING COMPLIANCE WITH THESE CRITERIA AND
21 SHALL INCLUDE DEFINITIONS OF THE TERMS AND STANDARDS USED IN
22 DRAWING THE FINAL MAP.

23 (C) CONGRESSIONAL DISTRICTS SHALL BE NUMBERED CONSECUTIVELY
24 COMMENCING AT THE NORTHERN BOUNDARY OF THE STATE AND ENDING AT
25 THE SOUTHERN BOUNDARY.

26 (D) THE GENERAL ASSEMBLY SHALL COORDINATE WITH THE
27 COMMISSION TO HOLD CONCURRENT HEARINGS, TO PROVIDE ACCESS TO
28 REDISTRICTING DATA AND SOFTWARE, AND OTHERWISE TO ENSURE FULL
29 PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS.

30 **8-7A-04.**

31 (A) THE COMMISSION SHALL:

32 (1) CONDUCT AN OPEN AND TRANSPARENT PROCESS ENABLING

1 FULL PUBLIC CONSIDERATION OF AND COMMENT ON THE DRAWING OF
2 DISTRICT LINES;

3 (2) DRAW DISTRICT LINES ACCORDING TO THE REDISTRICTING
4 CRITERIA SPECIFIED IN THIS SUBTITLE; AND

5 (3) CONDUCT THEMSELVES WITH INTEGRITY AND FAIRNESS.

6 (B) (1) THE SELECTION PROCESS FOR THE COMMISSION IS
7 DESIGNED TO PRODUCE A COMMISSION THAT IS INDEPENDENT FROM
8 LEGISLATIVE INFLUENCE AND REASONABLY REPRESENTATIVE OF THE STATE'S
9 DIVERSITY.

10 (2) THE COMMISSION SHALL CONSIST OF 14 MEMBERS, AS
11 FOLLOWS:

12 (I) FIVE WHO ARE REGISTERED WITH THE POLITICAL
13 PARTY THAT HAS THE HIGHEST NUMBER OF REGISTERED VOTERS IN THE
14 STATE;

15 (II) FIVE WHO ARE REGISTERED WITH THE POLITICAL
16 PARTY THAT HAS THE SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN
17 THE STATE; AND

18 (III) FOUR NOT REGISTERED WITH EITHER OF THE TWO
19 POLITICAL PARTIES THAT HAVE THE HIGHEST AND SECOND-HIGHEST NUMBER
20 OF REGISTERED VOTERS IN THE STATE.

21 (3) EACH MEMBER OF THE COMMISSION SHALL:

22 (I) BE A VOTER WHO HAS BEEN REGISTERED
23 CONTINUOUSLY IN THE STATE WITH THE SAME POLITICAL PARTY OR
24 UNAFFILIATED WITH A POLITICAL PARTY AND WHO HAS NOT CHANGED
25 POLITICAL PARTY AFFILIATION WITHIN THE 5 YEARS IMMEDIATELY PRECEDING
26 THE DATE OF THE INDIVIDUAL'S APPOINTMENT; AND

27 (II) HAVE VOTED IN TWO OF THE LAST THREE STATEWIDE
28 GENERAL ELECTIONS IMMEDIATELY PRECEDING THE INDIVIDUAL'S
29 APPLICATION.

30 (4) THE TERM OF OFFICE OF EACH MEMBER OF THE COMMISSION
31 EXPIRES ON THE APPOINTMENT OF THE FIRST MEMBER OF THE SUCCEEDING
32 COMMISSION.

1 **(5) (I) NINE MEMBERS OF THE COMMISSION SHALL**
2 **CONSTITUTE A QUORUM.**

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

5 **(III) THREE FINAL PROPOSED MAPS ADOPTED BY THE**
6 **COMMISSION SHALL BE APPROVED BY AT LEAST NINE AFFIRMATIVE VOTES,**
7 **WHICH SHALL INCLUDE AT LEAST:**

8 **1. THREE VOTES OF MEMBERS REGISTERED FROM**
9 **EACH OF THE TWO POLITICAL PARTIES THAT HAVE THE HIGHEST AND**
10 **SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE; AND**

11 **2. THREE VOTES FROM MEMBERS WHO ARE NOT**
12 **REGISTERED WITH EITHER OF THE TWO POLITICAL PARTIES DESCRIBED IN**
13 **ITEM 1 OF THIS SUBPARAGRAPH.**

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

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

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

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

26 **8-7A-05.**

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

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

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

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

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

4 **(5) WITHOUT VIOLATING THE REQUIREMENTS OF THIS SECTION,**
5 **RESPECT THE GEOGRAPHIC INTEGRITY OF ANY MUNICIPAL CORPORATION,**
6 **COUNTY, NEIGHBORHOOD, OR COMMUNITY OF INTEREST TO THE EXTENT**
7 **POSSIBLE, BUT COMMUNITIES OF INTEREST MAY NOT INCLUDE RELATIONSHIPS**
8 **WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL CANDIDATES; AND**

9 **(6) TO THE EXTENT PRACTICABLE, AND IF IT DOES NOT CONFLICT**
10 **WITH THE CRITERIA SPECIFIED IN ITEMS (1) THROUGH (5) OF THIS**
11 **SUBSECTION, BE DRAWN TO ENCOURAGE GEOGRAPHICAL COMPACTNESS SO**
12 **THAT NEARBY AREAS OF POPULATION ARE NOT BYPASSED FOR MORE DISTANT**
13 **POPULATION.**

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

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

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

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

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

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

1 **(F) (1) IF THE COMMISSION DOES NOT APPROVE A FINAL MAP BY AT**
2 **LEAST THE REQUISITE VOTES OR IF VOTERS DISAPPROVE A CERTIFIED FINAL**
3 **MAP IN A REFERENDUM, THE SECRETARY OF STATE SHALL IMMEDIATELY**
4 **PETITION THE COURT OF APPEALS FOR AN ORDER DIRECTING THE**
5 **APPOINTMENT OF A SPECIAL MASTER PANEL TO ADJUST THE BOUNDARY LINES**
6 **OF THAT MAP IN ACCORDANCE WITH THE REDISTRICTING CRITERIA AND**
7 **REQUIREMENTS SET FORTH IN THIS SECTION.**

8 **(2) ON THE COURT'S APPROVAL OF THE SPECIAL MASTER PANEL**
9 **MAP, THE COURT SHALL CERTIFY THE RESULTING MAP TO THE SECRETARY OF**
10 **STATE AND THE MAP SHALL CONSTITUTE THE CERTIFIED FINAL MAP FOR THE**
11 **CONGRESSIONAL DISTRICTS.**

12 **8-7A-06.**

13 **(A) THE COMMISSION HAS THE SOLE LEGAL STANDING TO DEFEND ANY**
14 **ACTION REGARDING A CERTIFIED FINAL MAP, AND SHALL INFORM THE**
15 **GENERAL ASSEMBLY IF THE COMMISSION DETERMINES THAT FUNDS OR OTHER**
16 **RESOURCES PROVIDED FOR THE OPERATION OF THE COMMISSION ARE NOT**
17 **ADEQUATE.**

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

20 **(C) THE COMMISSION HAS SOLE AUTHORITY TO DETERMINE WHETHER**
21 **THE ATTORNEY GENERAL OR OTHER LEGAL COUNSEL RETAINED BY THE**
22 **COMMISSION SHALL ASSIST IN THE DEFENSE OF A CERTIFIED FINAL MAP.**

23 **(D) (1) THE COURT OF APPEALS HAS ORIGINAL AND EXCLUSIVE**
24 **JURISDICTION IN ALL PROCEEDINGS IN WHICH A CERTIFIED FINAL MAP IS**
25 **CHALLENGED.**

26 **(2) WITHIN 45 DAYS AFTER THE COMMISSION HAS CERTIFIED A**
27 **FINAL MAP TO THE SECRETARY OF STATE, ANY REGISTERED VOTER IN THE**
28 **STATE MAY FILE A PETITION FOR A WRIT OF MANDAMUS OR WRIT OF**
29 **PROHIBITION TO BAR THE SECRETARY OF STATE FROM IMPLEMENTING THE**
30 **PLAN ON THE GROUNDS THAT THE PLAN VIOLATES THE MARYLAND**
31 **CONSTITUTION, THE UNITED STATES CONSTITUTION, OR A FEDERAL OR STATE**
32 **STATUTE.**

33 **(E) (1) THE COURT OF APPEALS SHALL GIVE PRIORITY TO RULING**
34 **ON A PETITION FOR A WRIT OF MANDAMUS OR A WRIT OF PROHIBITION FILED**
35 **UNDER THIS SECTION.**

1 **(2) IF THE COURT DETERMINES THAT A FINAL CERTIFIED MAP**
2 **VIOLATES THE MARYLAND CONSTITUTION, THE UNITED STATES**
3 **CONSTITUTION, OR A FEDERAL OR STATE STATUTE, THE COURT SHALL GRANT**
4 **THE RELIEF THAT IT DEEMS APPROPRIATE.**

5 **8-7A-07.**

6 **TO AMEND THIS SUBTITLE, THE GENERAL ASSEMBLY SHALL ENSURE**
7 **THAT ALL OF THE FOLLOWING CRITERIA ARE MET:**

8 **(1) THE SAME VOTE REQUIRED FOR THE ADOPTION OF THE FINAL**
9 **SET OF MAPS HAS VOTED TO AMEND THE MAPS AND THE COMMISSION**
10 **RECOMMENDS AMENDMENTS TO THIS SUBTITLE TO CARRY OUT ITS PURPOSE**
11 **AND INTENT;**

12 **(2) THE EXACT LANGUAGE OF THE AMENDMENTS PROVIDED BY**
13 **THE COMMISSION IS ENACTED AS A STATUTE APPROVED BY A TWO-THIRDS**
14 **VOTE OF EACH HOUSE OF THE GENERAL ASSEMBLY AND SIGNED BY THE**
15 **GOVERNOR;**

16 **(3) THE BILL CONTAINING THE AMENDMENTS PROVIDED BY THE**
17 **COMMISSION IS IN PRINT FOR 10 DAYS BEFORE FINAL PASSAGE BY THE**
18 **GENERAL ASSEMBLY;**

19 **(4) THE AMENDMENTS FURTHER THE PURPOSES OF THIS**
20 **SUBTITLE; AND**

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

23 **8-7A-08.**

24 **(A) (1) IN EACH YEAR ENDING IN THE NUMBER ZERO, THE**
25 **LEGISLATIVE AUDITOR SHALL INITIATE AN APPLICATION PROCESS, OPEN TO**
26 **ALL REGISTERED VOTERS IN THE STATE IN A MANNER THAT PROMOTES A**
27 **DIVERSE AND QUALIFIED APPLICANT POOL.**

28 **(2) THE LEGISLATIVE AUDITOR SHALL REMOVE FROM THE**
29 **APPLICANT POOL INDIVIDUALS WITH CONFLICTS OF INTEREST, INCLUDING,**
30 **WITHIN THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION,**
31 **THE APPLICANT OR A MEMBER OF THE APPLICANT'S IMMEDIATE FAMILY WHO**
32 **HAS:**

1 **(I) BEEN APPOINTED TO, BEEN ELECTED TO, OR BEEN A**
2 **CANDIDATE FOR FEDERAL OR STATE OFFICE;**

3 **(II) SERVED AS AN OFFICER, AN EMPLOYEE, OR A PAID**
4 **CONSULTANT OF A POLITICAL PARTY OR OF THE CAMPAIGN COMMITTEE OF A**
5 **CANDIDATE FOR ELECTIVE FEDERAL OR STATE OFFICE;**

6 **(III) SERVED AS AN ELECTED OR APPOINTED MEMBER OF A**
7 **POLITICAL PARTY CENTRAL COMMITTEE;**

8 **(IV) BEEN A REGISTERED FEDERAL, STATE, OR LOCAL**
9 **GOVERNMENT LOBBYIST;**

10 **(V) SERVED AS PAID CONGRESSIONAL OR GENERAL**
11 **ASSEMBLY STAFF; OR**

12 **(VI) CONTRIBUTED \$2,000 OR MORE TO ANY CANDIDATE**
13 **FOR ELECTION TO A CONGRESSIONAL, STATE, OR LOCAL PUBLIC OFFICE IN ANY**
14 **YEAR, WHICH AMOUNT SHALL BE ADJUSTED EVERY 10 YEARS BY THE**
15 **CUMULATIVE CHANGE IN THE MARYLAND CONSUMER PRICE INDEX, OR ITS**
16 **SUCCESSOR.**

17 **(3) (I) IN THIS PARAGRAPH, “IMMEDIATE FAMILY**
18 **RELATIONSHIP” MEANS A RELATIONSHIP ESTABLISHED THROUGH BLOOD OR**
19 **LEGAL RELATION.**

20 **(II) STAFF AND CONSULTANTS TO PERSONS UNDER A**
21 **CONTRACT WITH, OR ANY PERSON WITH AN IMMEDIATE FAMILY RELATIONSHIP**
22 **TO, THE GOVERNOR, A MEMBER OF THE GENERAL ASSEMBLY, OR A MEMBER OF**
23 **CONGRESS MAY NOT SERVE AS A COMMISSION MEMBER.**

24 **(B) (1) THE LEGISLATIVE AUDITOR SHALL:**

25 **(I) ESTABLISH AN APPLICANT REVIEW PANEL,**
26 **CONSISTING OF THREE QUALIFIED INDEPENDENT AUDITORS, TO SCREEN**
27 **APPLICANTS;**

28 **(II) DRAW AT RANDOM THE NAMES OF THREE QUALIFIED**
29 **INDEPENDENT AUDITORS FROM A POOL CONSISTING OF ALL AUDITORS**
30 **EMPLOYED BY THE STATE AND LICENSED BY THE STATE AT THE TIME OF THE**
31 **DRAWING; AND**

1 **(III) DRAW UNTIL THE NAMES OF THREE AUDITORS HAVE**
2 **BEEN DRAWN, INCLUDING:**

3 **1. ONE WHO IS REGISTERED WITH THE POLITICAL**
4 **PARTY THAT HAS THE HIGHEST NUMBER OF REGISTERED VOTERS IN THE**
5 **STATE;**

6 **2. ONE WHO IS REGISTERED WITH THE POLITICAL**
7 **PARTY THAT HAS THE SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN**
8 **THE STATE; AND**

9 **3. ONE WHO IS NOT REGISTERED WITH EITHER OF**
10 **THE TWO POLITICAL PARTIES THAT HAVE THE HIGHEST AND**
11 **SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE.**

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

15 **(II) IF ANY OF THE THREE QUALIFIED INDEPENDENT**
16 **AUDITORS DECLINE TO SERVE ON THE PANEL, THE LEGISLATIVE AUDITOR**
17 **SHALL RESUME THE RANDOM DRAWING UNTIL THREE QUALIFIED**
18 **INDEPENDENT AUDITORS WHO MEET THE REQUIREMENTS OF THIS SUBTITLE**
19 **HAVE AGREED TO SERVE ON THE PANEL.**

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

22 **(3) HAVING REMOVED INDIVIDUALS WITH CONFLICTS OF**
23 **INTEREST FROM THE APPLICANT POOL, THE LEGISLATIVE AUDITOR SHALL**
24 **PUBLICIZE, NOT LATER THAN AUGUST 1 IN EACH YEAR ENDING IN THE NUMBER**
25 **ZERO, THE NAMES IN THE APPLICANT POOL AND PROVIDE COPIES OF THEIR**
26 **APPLICATIONS TO THE APPLICANT REVIEW PANEL.**

27 **(4) (I) FROM THE APPLICANT POOL FOR MEMBERSHIP ON THE**
28 **COMMISSION, THE PANEL SHALL SELECT 60 OF THE MOST QUALIFIED**
29 **APPLICANTS, INCLUDING:**

30 **1. 20 WHO ARE REGISTERED WITH THE POLITICAL**
31 **PARTY THAT HAS THE HIGHEST NUMBER OF REGISTERED VOTERS IN THE**
32 **STATE;**

33 **2. 20 WHO ARE REGISTERED WITH THE POLITICAL**

1 PARTY THAT HAS THE SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN
2 THE STATE; AND

3 3. 20 WHO ARE NOT REGISTERED WITH EITHER OF
4 THE TWO POLITICAL PARTIES THAT HAVE THE HIGHEST OR SECOND-HIGHEST
5 NUMBER OF REGISTERED VOTERS IN THE STATE.

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

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

15 (C) (1) BY OCTOBER 1 IN EACH YEAR ENDING IN THE NUMBER ZERO,
16 THE PANEL SHALL PRESENT ITS POOL OF RECOMMENDED APPLICANTS TO THE
17 SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE.

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

23 (II) AFTER ALL LEGISLATIVE LEADERS HAVE EXERCISED
24 THE STRIKES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE SECRETARY
25 OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE SHALL JOINTLY
26 PRESENT THE POOL OF REMAINING NAMES TO THE LEGISLATIVE AUDITOR.

27 (D) (1) NO LATER THAN NOVEMBER 20 IN EACH YEAR ENDING IN THE
28 NUMBER ZERO, THE LEGISLATIVE AUDITOR SHALL DRAW AT RANDOM EIGHT
29 NAMES FROM THE REMAINING POOL OF APPLICANTS AS FOLLOWS:

30 (I) THREE FROM THE REMAINING SUBPOOL OF
31 APPLICANTS REGISTERED WITH THE POLITICAL PARTY THAT HAS THE HIGHEST
32 NUMBER OF REGISTERED VOTERS IN THE STATE;

33 (II) THREE FROM THE REMAINING SUBPOOL OF
34 APPLICANTS REGISTERED WITH THE POLITICAL PARTY THAT HAS THE

1 SECOND-HIGHEST NUMBER OF REGISTERED VOTERS; AND

2 (III) TWO FROM THE REMAINING SUBPOOL OF APPLICANTS
3 WHO ARE NOT REGISTERED WITH EITHER OF THE TWO POLITICAL PARTIES
4 THAT HAVE THE HIGHEST AND SECOND-HIGHEST NUMBER OF REGISTERED
5 VOTERS IN THE STATE.

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

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

12 (I) TWO FROM THE REMAINING SUBPOOL OF APPLICANTS
13 REGISTERED WITH THE POLITICAL PARTY THAT HAS THE HIGHEST NUMBER OF
14 REGISTERED VOTERS IN THE STATE;

15 (II) TWO FROM THE REMAINING SUBPOOL OF APPLICANTS
16 REGISTERED WITH THE POLITICAL PARTY THAT HAS THE SECOND-HIGHEST
17 NUMBER OF REGISTERED VOTERS IN THE STATE; AND

18 (III) TWO FROM THE REMAINING SUBPOOL OF APPLICANTS
19 WHO ARE NOT REGISTERED WITH EITHER OF THE TWO POLITICAL PARTIES
20 THAT HAVE THE HIGHEST AND SECOND-HIGHEST NUMBER OF REGISTERED
21 VOTERS IN THE STATE.

22 (2) (I) THE SIX APPOINTEES SHALL BE APPROVED BY AT LEAST
23 FIVE AFFIRMATIVE VOTES, WHICH SHALL INCLUDE AT LEAST TWO VOTES OF
24 COMMISSIONERS REGISTERED FROM EACH OF THE TWO POLITICAL PARTIES
25 THAT HAVE THE HIGHEST AND SECOND-HIGHEST NUMBER OF REGISTERED
26 VOTERS IN THE STATE AND ONE VOTE FROM A COMMISSIONER WHO IS NOT
27 AFFILIATED WITH EITHER OF THESE TWO POLITICAL PARTIES IN THE STATE.

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

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

1 **8-7A-09.**

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 AN OPPORTUNITY FOR A
7 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 § 8-7A-08 OF
22 THIS SUBTITLE.

23 **8-7A-10.**

24 (A) (1) THE ACTIVITIES OF THE COMMISSION ARE SUBJECT TO THE
25 APPLICABLE STATE LAW THAT GOVERNS OPEN MEETINGS AND ACCESS TO
26 PUBLIC 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 3
30 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 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.**

13 **(II) THE COMMISSION SHALL ESTABLISH CLEAR CRITERIA**
14 **FOR COMMUNICATION PROTOCOLS AND A CODE OF CONDUCT.**

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

18 **(3) (I) THE COMMISSION SHALL REQUIRE THAT AT LEAST ONE**
19 **OF THE LEGAL COUNSEL HIRED BY THE COMMISSION HAS DEMONSTRATED**
20 **EXTENSIVE EXPERIENCE AND EXPERTISE IN IMPLEMENTATION AND**
21 **ENFORCEMENT OF THE FEDERAL VOTING RIGHTS ACT OF 1965, 42 U.S.C. SEC.**
22 **197, ET. SEQ.**

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

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

1 COMMISSION.

2 (F) (1) THE COMMISSION SHALL ESTABLISH AND IMPLEMENT AN
3 OPEN HEARING PROCESS FOR PUBLIC INPUT AND DELIBERATION THAT SHALL
4 BE SUBJECT TO PUBLIC NOTICE AND PROMOTED THROUGH A THOROUGH
5 OUTREACH PROGRAM TO SOLICIT BROAD PUBLIC PARTICIPATION IN THE
6 REDISTRICTING PUBLIC REVIEW PROCESS.

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

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

14 (II) 1. THE COMMISSION SHALL DISPLAY THE MAPS FOR
15 PUBLIC COMMENT IN A MANNER DESIGNED TO ACHIEVE THE WIDEST PUBLIC
16 ACCESS REASONABLY POSSIBLE.

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

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

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

27 8-7A-11.

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

31 (B) (1) FOR EACH SUCCEEDING COMMISSION, THE RATE OF
32 COMPENSATION SHALL BE ADJUSTED IN EACH YEAR ENDING IN THE NUMBER
33 NINE BY THE CUMULATIVE CHANGE IN THE MARYLAND CONSUMER PRICE

1 INDEX, OR ITS SUCCESSOR.

2 (2) MEMBERS OF THE PANEL AND THE COMMISSION ARE
3 ELIGIBLE FOR REIMBURSEMENT OF PERSONAL EXPENSES INCURRED IN
4 CONNECTION WITH THE PERFORMANCE OF THEIR DUTIES UNDER THIS
5 SUBTITLE IN ACCORDANCE WITH THE STANDARD STATE TRAVEL
6 REGULATIONS.

7 8-7A-12.

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

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

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

22 (2) THE APPROPRIATION MADE UNDER PARAGRAPH (1) OF THIS
23 SUBSECTION SHALL BE EQUAL TO THE GREATER OF \$3,000,000, OR THE
24 AMOUNT EXPENDED UNDER THIS SUBTITLE IN THE IMMEDIATELY PRECEDING
25 REDISTRICTING PROCESS, AS EACH AMOUNT IS ADJUSTED BY THE CUMULATIVE
26 CHANGE IN THE MARYLAND CONSUMER PRICE INDEX, OR ITS SUCCESSOR,
27 SINCE THE DATE OF THE IMMEDIATELY PRECEDING APPROPRIATION.

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

32 8-7A-13.

33 THIS SUBTITLE SHALL BE KNOWN AND MAY BE CITED AS THE VOTERS
34 FIRST ACT.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2014.