

HOUSE BILL 267

G1

CONSTITUTIONAL AMENDMENT

5lr1887

By: **Delegates Afzali, Buckel, Cluster, Ghrist, Hornberger, Krebs, McComas, McConkey, Metzgar, W. Miller, Saab, Simonaire, Vogt, and West**

Introduced and read first time: February 4, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Legislative and Congressional Districting – Standards and Processes**

3 FOR the purpose of amending certain provisions of and adding a new article to the
4 Maryland Constitution for the purpose of changing the legislative and congressional
5 districting standards and processes; altering the number of delegates in each House
6 legislative district; clarifying that due regard must be given to the boundaries of
7 counties under a certain provision of law; establishing the Legislative Districting
8 Committee and the Congressional Districting Committee; providing for the
9 membership and staffing of the committees; prohibiting individuals who serve in
10 certain positions from being selected as members of the committees; providing that
11 an individual is not required to be a member of the General Assembly to be a member
12 of either committee; providing that a member of one of the committees may be a
13 member of the other committee; providing that members of the committees cannot
14 receive compensation, but are entitled to certain reimbursement; providing for the
15 terms of members of the committees; requiring the Legislative Districting
16 Committee, rather than the Governor, to prepare a certain districting plan; requiring
17 the Congressional Districting Committee to prepare a certain plan and submit it to
18 the Governor; making conforming changes; defining certain terms; and submitting
19 this amendment to the qualified voters of the State of Maryland for their adoption
20 or rejection.

21 BY proposing an amendment to the Maryland Constitution

22 Article III – Legislative Department

23 Section 3, 4, and 5

24 BY proposing an addition to the Maryland Constitution

25 Article XX – Congressional Districting

26 Section 1, 2, and 3

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 **Article III – Legislative Department**

5 3.

6 The State shall be divided by law into legislative districts for the election of members
7 of the Senate and the House of Delegates. Each **SENATE** legislative district shall contain
8 one (1) Senator and **EACH HOUSE LEGISLATIVE DISTRICT SHALL CONTAIN [three (3)**
9 **Delegates] ONE (1) DELEGATE.** [Nothing herein shall prohibit the subdivision of any one
10 or more of the legislative districts for the purpose of electing members of the House of
11 Delegates into three (3) single-member delegate districts or one (1) single-member
12 delegate district and one (1) multi-member delegate district.]

13 4.

14 Each legislative district shall consist of adjoining territory, be compact in form, and
15 of substantially equal population. Due regard shall be given to natural boundaries and the
16 boundaries of political subdivisions, **INCLUDING THE BOUNDARIES OF THE COUNTIES.**

17 5.

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

20 **(2) “COMMITTEE” MEANS THE LEGISLATIVE DISTRICTING**
21 **COMMITTEE.**

22 **(3) “PLAN” MEANS THE LEGISLATIVE DISTRICTING PLAN PREPARED**
23 **BY THE COMMITTEE UNDER SUBSECTION (C) OF THIS SECTION.**

24 **(B) (1) THERE IS A LEGISLATIVE DISTRICTING COMMITTEE.**

25 **(2) (I) THE COMMITTEE CONSISTS OF FIVE MEMBERS SELECTED,**
26 **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AS FOLLOWS:**

27 **1. ONE INDIVIDUAL SELECTED BY THE MAJORITY PARTY**
28 **IN THE SENATE;**

29 **2. ONE INDIVIDUAL SELECTED BY THE MINORITY PARTY**
30 **IN THE SENATE;**

1 **3. ONE INDIVIDUAL SELECTED BY THE MAJORITY PARTY**
2 **IN THE HOUSE OF DELEGATES;**

3 **4. ONE INDIVIDUAL SELECTED BY THE MINORITY PARTY**
4 **IN THE HOUSE OF DELEGATES; AND**

5 **5. ONE INDIVIDUAL WHO IS A NONAFFILIATED VOTER**
6 **SELECTED BY MUTUAL AGREEMENT BY THE MAJORITY AND MINORITY PARTIES IN**
7 **THE SENATE OF MARYLAND AND THE HOUSE OF DELEGATES.**

8 **(II) AN INDIVIDUAL WHO HOLDS ONE OF THE FOLLOWING**
9 **POSITIONS IN EITHER THE SENATE OR THE HOUSE OF DELEGATES MAY NOT BE**
10 **SELECTED AS A MEMBER OF THE COMMITTEE:**

11 **1. PRESIDENT OF THE SENATE;**

12 **2. SPEAKER OF THE HOUSE OF DELEGATES;**

13 **3. MAJORITY OR MINORITY LEADER; OR**

14 **4. MAJORITY OR MINORITY WHIP.**

15 **(III) AN INDIVIDUAL IS NOT REQUIRED TO BE A MEMBER OF THE**
16 **GENERAL ASSEMBLY TO BE SELECTED AS A MEMBER OF THE COMMITTEE.**

17 **(3) A MEMBER OF THE CONGRESSIONAL DISTRICTING COMMITTEE**
18 **ESTABLISHED BY ARTICLE XX OF THIS CONSTITUTION MAY BE A MEMBER OF THE**
19 **COMMITTEE.**

20 **(4) A MEMBER OF THE COMMITTEE:**

21 **(I) MAY NOT RECEIVE COMPENSATION; BUT**

22 **(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER**
23 **THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
24 **BUDGET.**

25 **(5) THE TERM OF A MEMBER OF THE COMMITTEE BEGINS WHEN THE**
26 **MEMBER IS SELECTED AND ENDS WHEN A LEGISLATIVE DISTRICT PLAN IS**
27 **SUBMITTED TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE**
28 **OF DELEGATES UNDER SUBSECTION (C) OF THIS SECTION.**

1 **(6) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL STAFF THE**
2 **COMMITTEE.**

3 **(C) (1)** Following each decennial census of the United States and after public
4 hearings, the [Governor] **COMMITTEE** shall prepare a plan setting forth the boundaries of
5 the legislative districts for electing of the members of the Senate and the House of
6 Delegates.

7 **(2) THE PLAN PREPARED UNDER PARAGRAPH (1) OF THIS**
8 **SUBSECTION SHALL CONFORM TO SECTIONS 2, 3, AND 4 OF THIS ARTICLE.**

9 **(D)** The [Governor] **COMMITTEE** shall present the plan to the President of the
10 Senate and Speaker of the House of Delegates who shall introduce the [Governor's]
11 **COMMITTEE'S** plan as a joint resolution to the General Assembly, not later than the first
12 day of its regular session in the second year following every census, and the Governor may
13 call a special session for the presentation of his plan prior to the regular session. [The plan
14 shall conform to Sections 2, 3 and 4 of this Article.] Following each decennial census the
15 General Assembly may by joint resolution adopt a plan setting forth the boundaries of the
16 legislative districts for the election of members of the Senate and the House of Delegates,
17 which plan shall conform to Sections 2, 3 and 4 of this Article. If a plan has been adopted
18 by the General Assembly by the 45th day after the opening of the regular session of the
19 General Assembly in the second year following every census, the plan adopted by the
20 General Assembly shall become law. If no plan has been adopted by the General Assembly
21 for these purposes by the 45th day after the opening of the regular session of the General
22 Assembly in the second year following every census, the [Governor's] **COMMITTEE'S** plan
23 presented to the General Assembly shall become law.

24 **(E)** Upon petition of any registered voter, the Court of Appeals shall have original
25 jurisdiction to review the legislative districting of the State and may grant appropriate
26 relief, if it finds that the districting of the State is not consistent with requirements of either
27 the Constitution of the United States of America, or the Constitution of Maryland.

28 **ARTICLE XX – CONGRESSIONAL DISTRICTING**

29 **1.**

30 **(A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS**
31 **INDICATED.**

32 **(B) “COMMITTEE” MEANS THE CONGRESSIONAL DISTRICTING**
33 **COMMITTEE.**

34 **(C) “PLAN” MEANS THE CONGRESSIONAL DISTRICTING PLAN PREPARED BY**
35 **THE COMMITTEE UNDER § 3 OF THIS ARTICLE.**

1 **2.**

2 (A) **THERE IS A CONGRESSIONAL DISTRICTING COMMITTEE.**

3 (B) **(1) THE COMMITTEE CONSISTS OF FIVE MEMBERS SELECTED,**
4 **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AS FOLLOWS:**

5 (I) **ONE MEMBER SELECTED BY THE MAJORITY PARTY IN THE**
6 **SENATE;**

7 (II) **ONE MEMBER SELECTED BY THE MINORITY PARTY IN THE**
8 **SENATE;**

9 (III) **ONE MEMBER SELECTED BY THE MAJORITY PARTY IN THE**
10 **HOUSE OF DELEGATES;**

11 (IV) **ONE MEMBER SELECTED BY THE MINORITY PARTY IN THE**
12 **HOUSE OF DELEGATES; AND**

13 (V) **ONE MEMBER WHO IS A NONAFFILIATED VOTER SELECTED**
14 **BY MUTUAL AGREEMENT BY THE MAJORITY AND MINORITY PARTIES IN THE SENATE**
15 **OF MARYLAND AND THE HOUSE OF DELEGATES.**

16 (2) **AN INDIVIDUAL WHO HOLDS ONE OF THE FOLLOWING POSITIONS**
17 **IN EITHER THE SENATE OR THE HOUSE OF DELEGATES MAY NOT BE SELECTED AS A**
18 **MEMBER OF THE COMMITTEE:**

19 (I) **PRESIDENT OF THE SENATE;**

20 (II) **SPEAKER OF THE HOUSE OF DELEGATES;**

21 (III) **MAJORITY OR MINORITY LEADER; OR**

22 (IV) **MAJORITY OR MINORITY WHIP.**

23 (3) **AN INDIVIDUAL IS NOT REQUIRED TO BE A MEMBER OF THE**
24 **GENERAL ASSEMBLY TO BE SELECTED AS A MEMBER OF THE COMMITTEE.**

25 (C) **A MEMBER OF THE LEGISLATIVE DISTRICTING COMMITTEE**
26 **ESTABLISHED BY ARTICLE III, § 5 OF THIS CONSTITUTION MAY BE A MEMBER OF**
27 **THE COMMITTEE.**

28 (D) **A MEMBER OF THE COMMITTEE:**

1 **(1) MAY NOT RECEIVE COMPENSATION; BUT**

2 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
3 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

4 **(E) THE TERM OF A MEMBER OF THE COMMITTEE BEGINS WHEN THE**
5 **MEMBER IS SELECTED AND ENDS WHEN A CONGRESSIONAL DISTRICT PLAN IS**
6 **SUBMITTED TO THE GOVERNOR.**

7 **(F) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL STAFF THE**
8 **COMMITTEE.**

9 **3.**

10 **FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED STATES, THE**
11 **COMMITTEE SHALL:**

12 **(1) PREPARE A PLAN SETTING FORTH THE BOUNDARIES FOR**
13 **CONGRESSIONAL DISTRICTS THAT COMPLIES WITH APPLICABLE FEDERAL AND**
14 **STATE LAW; AND**

15 **(2) SUBMIT THE PLAN TO THE GOVERNOR.**

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

20 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
21 proposed as an amendment to the Maryland Constitution shall be submitted to the
22 qualified voters of the State at the next general election to be held in November 2016 for
23 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that
24 general election, the vote on this proposed amendment to the Constitution shall be by
25 ballot, and upon each ballot there shall be printed the words "For the Constitutional
26 Amendment" and "Against the Constitutional Amendment," as now provided by law.
27 Immediately after the election, all returns shall be made to the Governor of the vote for and
28 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,
29 and further proceedings had in accordance with Article XIV.