

HOUSE BILL 428

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By: **Delegates Flanagan, Bromwell, Carozza, Carr, Cluster, S. Howard, Kipke, Kittleman, Krebs, McComas, Metzgar, W. Miller, Otto, Shoemaker, Szeliga, West, and B. Wilson**

Introduced and read first time: February 9, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Voters' Congressional Districting Panel – Establishment**

3 FOR the purpose of establishing the Voters' Congressional Districting Panel; providing for
4 the membership of the Panel; requiring the State Ethics Commission to conduct a
5 certain lottery to choose the members of the Panel; specifying the conditions under
6 which the lottery must be conducted; specifying the qualifications an individual must
7 meet to be entered into the lottery; providing that a nonaffiliated voter is not
8 required to meet a certain qualification; specifying that a member of the panel is
9 subject to certain public ethics laws and entitled to certain reimbursement; providing
10 for the term of a member; requiring the Panel to adopt rules and procedures to govern
11 its activities; requiring the Governor to provide funds in the State budget for staff
12 for the Panel; requiring the Attorney General to provide legal assistance to the Panel
13 and recommend rules and procedures for adoption by the Panel; requiring the
14 Department of Legislative Services to assist the Panel; requiring the Panel to
15 prepare a certain congressional districting plan following a certain census; requiring,
16 after public hearing, the Panel to submit the plan to the President of the Senate and
17 the Speaker of the House; requiring the President of the Senate and the Speaker of
18 the House to introduce the plan as a joint resolution to the General Assembly within
19 a certain time period; authorizing the Governor to call a special session for the
20 presentation of the plan; requiring that the plan becomes law on a certain day except
21 under certain circumstances; providing that, under certain circumstances, the Court
22 of Appeals has original jurisdiction to review a certain congressional districting plan;
23 requiring the Court of Appeals to grant appropriate relief under certain
24 circumstances; defining certain terms; and generally relating to the Voters'
25 Congressional Districting Panel.

26 BY adding to
27 Article – Election Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 8–6A–01 through 8–6A–03 to be under the new Subtitle “Subtitle 6A. Voters’
2 Congressional Districting Panel”
3 Annotated Code of Maryland
4 (2010 Replacement Volume and 2014 Supplement)

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

7 **Article – Election Law**

8 **SUBTITLE 6A. VOTERS’ CONGRESSIONAL DISTRICTING PANEL.**

9 **8–6A–01.**

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) “PANEL” MEANS THE VOTERS’ CONGRESSIONAL DISTRICTING PANEL.

13 (C) “PLAN” MEANS THE CONGRESSIONAL DISTRICTING PLAN PREPARED BY
14 THE PANEL UNDER § 8–6A–03(A) OF THIS SUBTITLE.

15 (D) “PUBLIC OFFICIAL” INCLUDES A MEMBER OF A PARTY CENTRAL
16 COMMITTEE.

17 **8–6A–02.**

18 (A) THERE IS A VOTERS’ CONGRESSIONAL DISTRICTING PANEL.

19 (B) THE PANEL CONSISTS OF 21 REGULAR MEMBERS AND 7 ALTERNATE
20 MEMBERS WHO ARE CHOSEN BY A LOTTERY CONDUCTED IN ACCORDANCE WITH
21 SUBSECTION (C) OF THIS SECTION.

22 (C) (1) THE STATE ETHICS COMMISSION SHALL CONDUCT A LOTTERY TO
23 CHOOSE THE MEMBERS OF THE PANEL.

24 (2) A LOTTERY CONDUCTED UNDER PARAGRAPH (1) OF THIS
25 SUBSECTION SHALL BE CONDUCTED:

26 (I) AS SOON AS PRACTICABLE AFTER THE CENSUS DATA
27 BECOMES AVAILABLE;

28 (II) SUBJECT TO ITEM (I) OF THIS PARAGRAPH, AT A TIME AND
29 PLACE DETERMINED BY THE GOVERNOR; AND

1 (III) IN A MANNER THAT RESULTS IN THE PANEL BEING
2 COMPOSED OF REGISTERED DEMOCRATS, REGISTERED REPUBLICANS, AND
3 REGISTERED NONAFFILIATED VOTERS IN THE SAME PROPORTION THAT
4 DEMOCRATS, REPUBLICANS, AND NONAFFILIATED VOTERS COMPOSE REGISTERED
5 VOTERS IN THE STATE.

6 (3) TO BE ENTERED IN A LOTTERY CONDUCTED UNDER PARAGRAPH
7 (1) OF THIS SUBSECTION, AN INDIVIDUAL:

8 (I) SHALL BE A REGISTERED VOTER IN THE STATE;

9 (II) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS
10 SUBSECTION, SHALL HAVE VOTED IN THE LAST THREE STATEWIDE PRIMARY AND
11 GENERAL ELECTIONS IMMEDIATELY PRECEDING THE LOTTERY;

12 (III) MAY NOT BE OR HAVE SERVED AS A PUBLIC OFFICIAL IN THE
13 STATE; AND

14 (IV) SHALL MAKE A REQUEST TO BE INCLUDED IN THE LOTTERY
15 TO THE STATE ETHICS COMMISSION.

16 (4) A NONAFFILIATED VOTER IS NOT REQUIRED TO HAVE VOTED IN
17 THE LAST THREE STATEWIDE PRIMARY ELECTIONS IMMEDIATELY PRECEDING THE
18 LOTTERY.

19 (D) A MEMBER OF THE PANEL IS:

20 (1) SUBJECT TO THE PUBLIC ETHICS LAWS, AS APPLICABLE, THAT
21 APPLY TO A MEMBER OF THE GENERAL ASSEMBLY; AND

22 (2) ENTITLED TO REIMBURSEMENT FOR EXPENSES IN THE SAME
23 MANNER THAT A MEMBER OF THE GENERAL ASSEMBLY IS ENTITLED TO
24 REIMBURSEMENT.

25 (E) THE TERM OF A MEMBER OF THE PANEL BEGINS WHEN THE MEMBER IS
26 CHOSEN IN THE LOTTERY AND ENDS WHEN A CONGRESSIONAL DISTRICTING PLAN IS
27 SUBMITTED TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE
28 OF DELEGATES UNDER § 8-6A-03(B) OF THIS SUBTITLE.

29 (F) THE PANEL SHALL ADOPT RULES AND PROCEDURES TO GOVERN ITS
30 ACTIVITIES.

1 (G) THE GOVERNOR SHALL PROVIDE FUNDS IN THE STATE BUDGET FOR
2 STAFF FOR THE PANEL.

3 (H) (1) THE ATTORNEY GENERAL SHALL:

4 (I) PROVIDE LEGAL ASSISTANCE TO THE PANEL; AND

5 (II) RECOMMEND RULES AND PROCEDURES FOR ADOPTION BY
6 THE PANEL.

7 (2) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL ASSIST THE
8 PANEL AS NEEDED.

9 8-6A-03.

10 (A) FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED STATES, THE
11 PANEL SHALL PREPARE A PLAN SETTING FORTH THE BOUNDARIES FOR THE
12 CONGRESSIONAL DISTRICTS THAT COMPLIES WITH APPLICABLE FEDERAL AND
13 STATE LAW.

14 (B) (1) AFTER PUBLIC HEARING, THE PANEL SHALL SUBMIT THE PLAN
15 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
16 DELEGATES.

17 (2) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
18 HOUSE OF DELEGATES SHALL INTRODUCE THE PLAN AS A JOINT RESOLUTION TO
19 THE GENERAL ASSEMBLY NO LATER THAN THE FIRST DAY OF THE REGULAR
20 SESSION OF THE GENERAL ASSEMBLY THAT IS HELD IN THE SECOND YEAR
21 FOLLOWING THE DECENNIAL CENSUS.

22 (C) THE GOVERNOR MAY CALL A SPECIAL SESSION FOR THE PRESENTATION
23 OF THE PLAN.

24 (D) UNLESS THE GENERAL ASSEMBLY BY A TWO-THIRDS VOTE OF EACH
25 CHAMBER ADOPTS BY JOINT RESOLUTION AN ALTERNATE CONGRESSIONAL
26 DISTRICTING PLAN, THE PLAN SHALL BECOME LAW ON THE 45TH DAY AFTER THE
27 OPENING OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY THAT IS HELD IN
28 THE SECOND YEAR FOLLOWING THE DECENNIAL CENSUS.

29 (E) ON PETITION OF ANY REGISTERED VOTER, THE COURT OF APPEALS
30 SHALL:

1 **(1) HAVE ORIGINAL JURISDICTION TO REVIEW THE CONGRESSIONAL**
2 **DISTRICTING PLAN THAT BECOMES LAW UNDER THIS SECTION; AND**

3 **(2) IF THE COURT OF APPEALS FINDS THAT THE CONGRESSIONAL**
4 **DISTRICTING PLAN IS NOT CONSISTENT WITH APPLICABLE LEGAL REQUIREMENTS,**
5 **GRANT APPROPRIATE RELIEF.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2015.