

# HOUSE BILL 458

P3

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CF SB 380

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By: **The Speaker (By Request – Administration) and Delegates Adams, Afzali, Arentz, Aumann, Bromwell, Buckel, Cassilly, Ciliberti, Cluster, Fisher, Flanagan, Folden, Grammer, Hornberger, Impallaria, Jacobs, Kipke, Kittleman, Krebs, Long, Malone, Mautz, McComas, McConkey, McDonough, McKay, McMillan, Metzgar, Miele, W. Miller, Morgan, O'Donnell, Otto, Parrott, Reilly, Rose, Saab, Shoemaker, Simonaire, Szeliga, Vogt, West, B. Wilson, and Wivell**

Introduced and read first time: January 29, 2016

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly and Congressional Legislative Redistricting and**  
3 **Apportionment Commission**

4 FOR the purpose of creating the General Assembly and Congressional Legislative  
5 Redistricting and Apportionment Commission; requiring the Commission to divide  
6 the State to create certain General Assembly legislative districts and congressional  
7 districts; providing for the membership, qualifications, and duties of the  
8 Commission; specifying certain requirements for the adoption of redistricting plans  
9 by the Commission; specifying that the redistricting plans meet certain standards  
10 and requirements; prohibiting the Commission from considering certain factors in  
11 adopting redistricting plans; requiring the Secretary of State to submit the  
12 Commission's final certified map and plan for General Assembly legislative districts  
13 and congressional districts to the presiding officers of the General Assembly;  
14 requiring the presiding officers to introduce separate bills for the General Assembly  
15 legislative districts and congressional districts; specifying that the maps and plans  
16 become law only on adoption by two-thirds of the members of each house of the  
17 General Assembly; providing that the Commission shall submit an alternative map  
18 and plan if the General Assembly fails to adopt a previously submitted map and plan;  
19 requiring the Legislative Auditor to establish and administer an application process  
20 for individuals seeking appointment to the Commission; prohibiting certain  
21 individuals from serving as a member of the Commission; authorizing the Legislative  
22 Auditor to disqualify certain applicants seeking membership on the Commission;  
23 requiring the Legislative Auditor to establish an Applicant Review Panel to identify  
24 and establish certain applicant pools from which certain members of the Commission  
25 are to be selected; requiring the Legislative Auditor to select at random a certain

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 number of names from the applicant pools for membership on the Commission;  
 2 requiring the Commission to elect a chair and establish certain rules and procedures;  
 3 making Commission meetings and records subject to State laws governing open  
 4 meetings and public records; providing that the maps and plans drawn by the  
 5 Commission are final and subject to review by the Court of Appeals; authorizing  
 6 certain persons to petition the Court of Appeals to challenge or to establish General  
 7 Assembly legislative districts or congressional districts under certain circumstances;  
 8 requiring the Court of Appeals to establish the boundaries of General Assembly  
 9 legislative districts or congressional districts or grant other relief under certain  
 10 circumstances; specifying that the Commission shall have certain staff and other  
 11 resources; requiring the Governor to include certain funds for the Commission in the  
 12 State budget; defining certain terms; providing for the effective date of this Act;  
 13 providing for the termination of certain provisions of this Act under certain  
 14 circumstances; submitting this amendment to the qualified voters of the State for  
 15 their adoption or rejection; and generally relating to the General Assembly and  
 16 Congressional Legislative Redistricting and Apportionment Commission.

17 BY proposing a repeal of the Maryland Constitution  
 18 Article III – Legislative Department  
 19 Section 5

20 BY proposing an addition to the Maryland Constitution  
 21 Article III – Legislative Department  
 22 Section 5

23 BY adding to  
 24 Article – Election Law  
 25 Section 8–7A–01 through 8–7A–14 to be under the new subtitle “Subtitle 7A.  
 26 General Assembly and Congressional Legislative Redistricting and  
 27 Apportionment Commission”  
 28 Annotated Code of Maryland  
 29 (2010 Replacement Volume and 2015 Supplement)

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

33 **Article III – Legislative Department**

34 [5.

35 Following each decennial census of the United States and after public hearings, the  
 36 Governor shall prepare a plan setting forth the boundaries of the legislative districts for  
 37 electing of the members of the Senate and the House of Delegates.

38 The Governor shall present the plan to the President of the Senate and Speaker of  
 39 the House of Delegates who shall introduce the Governor’s plan as a joint resolution to the

1 General Assembly, not later than the first day of its regular session in the second year  
2 following every census, and the Governor may call a special session for the presentation of  
3 his plan prior to the regular session. The plan shall conform to Sections 2, 3 and 4 of this  
4 Article. Following each decennial census the General Assembly may by joint resolution  
5 adopt a plan setting forth the boundaries of the legislative districts for the election of  
6 members of the Senate and the House of Delegates, which plan shall conform to Sections  
7 2, 3 and 4 of this Article. If a plan has been adopted by the General Assembly by the 45th  
8 day after the opening of the regular session of the General Assembly in the second year  
9 following every census, the plan adopted by the General Assembly shall become law. If no  
10 plan has been adopted by the General Assembly for these purposes by the 45th day after  
11 the opening of the regular session of the General Assembly in the second year following  
12 every census, the Governor's plan presented to the General Assembly shall become law.

13 Upon petition of any registered voter, the Court of Appeals shall have original  
14 jurisdiction to review the legislative districting of the State and may grant appropriate  
15 relief, if it finds that the districting of the State is not consistent with requirements of either  
16 the Constitution of the United States of America, or the Constitution of Maryland.]

17 **5.**

18 **(A) IN THE YEAR FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED**  
19 **STATES OR WHEN REQUIRED BY THE UNITED STATES OR BY COURT ORDER, A**  
20 **GENERAL ASSEMBLY AND CONGRESSIONAL LEGISLATIVE REDISTRICTING AND**  
21 **APPORTIONMENT COMMISSION SHALL BE APPOINTED:**

22 **(1) TO DIVIDE THE STATE INTO CONSECUTIVELY NUMBERED**  
23 **GENERAL ASSEMBLY LEGISLATIVE DISTRICTS THAT CONFORM TO SECTIONS 2, 3,**  
24 **AND 4 OF THIS ARTICLE; AND**

25 **(2) TO DIVIDE THE STATE TO CREATE AS MANY CONGRESSIONAL**  
26 **DISTRICTS AS THERE ARE REPRESENTATIVES IN CONGRESS APPORTIONED TO THE**  
27 **STATE.**

28 **(B) (1) GENERAL ASSEMBLY LEGISLATIVE DISTRICTS AND**  
29 **CONGRESSIONAL LEGISLATIVE DISTRICTS SHALL BE ESTABLISHED IN ACCORDANCE**  
30 **WITH THE CONSTITUTION OF THE UNITED STATES OF AMERICA AND THIS**  
31 **CONSTITUTION.**

32 **(2) GENERAL ASSEMBLY LEGISLATIVE DISTRICTS SHALL BE AS**  
33 **NEARLY EQUAL IN POPULATION AS PRACTICABLE, BUT MAY NOT DEVIATE MORE**  
34 **THAN 2% IN POPULATION BETWEEN DISTRICTS.**

35 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
36 as follows:

## Article – Election Law

**SUBTITLE 7A. GENERAL ASSEMBLY AND CONGRESSIONAL LEGISLATIVE  
REDISTRICTING AND APPORTIONMENT COMMISSION.****8-7A-01.**

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

(B) “COMMISSION” MEANS THE GENERAL ASSEMBLY AND CONGRESSIONAL REDISTRICTING AND APPORTIONMENT COMMISSION.

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

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

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

**8-7A-02.**

IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NEITHER THE GENERAL ASSEMBLY LEGISLATIVE DISTRICTS NOR THE DISTRICTS FOR THE STATE’S REPRESENTATIVES IN THE UNITED STATES CONGRESS BE DRAWN FOR THE PURPOSE OF FAVORING OR DISCRIMINATING AGAINST AN INCUMBENT OFFICEHOLDER, A CANDIDATE, OR A POLITICAL PARTY.

**8-7A-03.**

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

(1) (I) EACH MEMBER OF THE SENATE OF MARYLAND SHALL BE ELECTED FROM A SINGLE-MEMBER DISTRICT; AND

1                   **(II) A MEMBER OF THE HOUSE OF DELEGATES MAY BE ELECTED**  
2 **FROM A SINGLE-MEMBER DISTRICT OR A THREE-MEMBER DISTRICT;**

3                   **(2) EACH MEMBER OF CONGRESS SHALL BE ELECTED FROM A**  
4 **SINGLE-MEMBER DISTRICT;**

5                   **(3) THE POPULATION OF EACH GENERAL ASSEMBLY LEGISLATIVE**  
6 **DISTRICT SHALL BE REASONABLY EQUAL IN POPULATION, BUT MAY NOT DEVIATE**  
7 **MORE THAN 2% IN POPULATION BETWEEN DISTRICTS;**

8                   **(4) THE POPULATION OF ALL CONGRESSIONAL DISTRICTS SHALL BE**  
9 **EQUAL TO THE GREATEST EXTENT PRACTICABLE; AND**

10                   **(5) GENERAL ASSEMBLY LEGISLATIVE DISTRICTS AND**  
11 **CONGRESSIONAL DISTRICTS SHALL COMPLY WITH THE REQUIREMENTS OF §**  
12 **8-7A-05(A) OF THIS SUBTITLE.**

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

16                   **(2) THE COMMISSION SHALL ISSUE WITH ITS FINAL MAPS A REPORT**  
17 **THAT:**

18                   **(I) EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE**  
19 **THE DECISIONS IN ACHIEVING COMPLIANCE WITH THE CRITERIA; AND**

20                   **(II) INCLUDES DEFINITIONS OF THE TERMS AND STANDARDS**  
21 **USED IN DRAWING THE FINAL MAPS.**

22                   **(C) GENERAL ASSEMBLY LEGISLATIVE DISTRICTS AND CONGRESSIONAL**  
23 **DISTRICTS SHALL BE NUMBERED CONSECUTIVELY COMMENCING AT THE**  
24 **NORTHWESTERN BOUNDARY OF THE STATE AND ENDING AT THE SOUTHEASTERN**  
25 **BOUNDARY.**

26                   **(D) IN DEVELOPING THE MAPS, THE COMMISSION SHALL:**

27                   **(1) HOLD PUBLIC HEARINGS;**

28                   **(2) PROVIDE ACCESS TO REDISTRICTING DATA AND SOFTWARE; AND**

29                   **(3) OTHERWISE ENSURE FULL PUBLIC PARTICIPATION IN THE**  
30 **REDISTRICTING PROCESS.**

1 8-7A-04.

2 (A) THE COMMISSION SHALL:

3 (1) CONDUCT AN OPEN AND TRANSPARENT PROCESS ENABLING FULL  
4 PUBLIC CONSIDERATION OF AND COMMENT ON THE DRAWING OF DISTRICT LINES;

5 (2) DRAW GENERAL ASSEMBLY LEGISLATIVE DISTRICTS AND  
6 CONGRESSIONAL DISTRICT LINES ACCORDING TO THE REDISTRICTING CRITERIA  
7 SPECIFIED IN THIS SUBTITLE; AND

8 (3) CONDUCT ITS BUSINESS WITH INTEGRITY AND FAIRNESS.

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

12 (2) THE COMMISSION SHALL CONSIST OF THE FOLLOWING NINE  
13 MEMBERS:

14 (I) THREE MEMBERS REGISTERED WITH THE POLITICAL PARTY  
15 THAT HAS THE HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE;

16 (II) THREE MEMBERS REGISTERED WITH THE POLITICAL PARTY  
17 THAT HAS THE SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE;  
18 AND

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

22 (3) EACH MEMBER OF THE COMMISSION:

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

28 (II) 1. MAY NOT HAVE BEEN A CANDIDATE FOR ELECTION TO  
29 OR SERVED AS A MEMBER OF THE GENERAL ASSEMBLY OR OF THE UNITED STATES  
30 CONGRESS FROM THIS STATE DURING THE 5 YEARS IMMEDIATELY PRECEDING THE

1 DATE OF THE INDIVIDUAL'S APPOINTMENT, OR AN IMMEDIATE FAMILY MEMBER  
2 ESTABLISHED THROUGH BLOOD OR LEGAL RELATION OF SUCH CANDIDATE OR  
3 MEMBER;

4                   2.     MAY NOT BE A REGULATED LOBBYIST IN THIS STATE;  
5 AND

6                   3.     MAY NOT BE OR HAVE SERVED AS STAFF OR A  
7 CONSULTANT TO A PERSON UNDER A CONTRACT WITH, OR ANY PERSON WITH AN  
8 IMMEDIATE FAMILY RELATIONSHIP THROUGH BLOOD OR LEGAL RELATION TO, THE  
9 GOVERNOR, A MEMBER OF THE GENERAL ASSEMBLY, OR A MEMBER OF CONGRESS  
10 FROM THIS STATE.

11                   (4)    THE TERM OF OFFICE OF EACH MEMBER OF THE COMMISSION  
12 EXPIRES ON THE APPOINTMENT OF THE FIRST MEMBER OF THE SUCCEEDING  
13 COMMISSION.

14                   (5)    (I)    SEVEN MEMBERS OF THE COMMISSION SHALL CONSTITUTE  
15 A QUORUM.

16                                (II)   SIX OR MORE AFFIRMATIVE VOTES OF THE COMMISSION  
17 SHALL BE REQUIRED FOR ANY OFFICIAL ACTION, INCLUDING ANY FINAL PROPOSED  
18 MAPS AND PLANS FOR GENERAL ASSEMBLY LEGISLATIVE DISTRICTS OR  
19 CONGRESSIONAL DISTRICTS ADOPTED BY THE COMMISSION.

20                   (6)    EACH MEMBER OF THE COMMISSION SHALL:

21                                (I)    APPLY THE PROVISIONS OF THIS SUBTITLE IN A MANNER  
22 THAT IS IMPARTIAL AND THAT REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY  
23 OF THE REDISTRICTING PROCESS; AND

24                                (II)   BE INELIGIBLE FOR A PERIOD OF 5 YEARS BEGINNING FROM  
25 THE DATE OF APPOINTMENT:

26                                       1.    TO HOLD APPOINTIVE FEDERAL, STATE, OR LOCAL  
27 PUBLIC OFFICE;

28                                       2.    TO SERVE AS PAID STAFF FOR THE GENERAL  
29 ASSEMBLY OR ANY INDIVIDUAL LEGISLATOR; OR

30                                       3.    TO REGISTER AS A FEDERAL, STATE, COUNTY, OR  
31 MUNICIPAL LOBBYIST IN THE STATE.

1 8-7A-05.

2 (A) (1) EACH GENERAL ASSEMBLY LEGISLATIVE DISTRICT SHALL  
3 COMPLY WITH ARTICLE III, §§ 2, 3, AND 4 OF THE MARYLAND CONSTITUTION.

4 (2) EACH CONGRESSIONAL DISTRICT SHALL:

5 (I) COMPLY WITH THE UNITED STATES CONSTITUTION;

6 (II) COMPLY WITH THE FEDERAL VOTING RIGHTS ACT;

7 (III) BE EQUAL IN POPULATION, EXCEPT WHERE DEVIATION IS  
8 REQUIRED TO COMPLY WITH THE FEDERAL VOTING RIGHTS ACT (42 U.S.C. SEC.  
9 1971 AND FOLLOWING) OR IS ALLOWABLE BY LAW;

10 (IV) WITHOUT VIOLATING THE REQUIREMENTS OF THIS  
11 SECTION, RESPECT THE GEOGRAPHIC INTEGRITY OF ANY MUNICIPAL CORPORATION  
12 OR COUNTY, TO THE EXTENT POSSIBLE;

13 (V) BE GEOGRAPHICALLY CONTIGUOUS; AND

14 (VI) TO THE EXTENT PRACTICABLE, AND IF IT DOES NOT  
15 CONFLICT WITH THE CRITERIA SPECIFIED IN ITEMS (I) THROUGH (V) OF THIS  
16 PARAGRAPH, BE DRAWN TO ENCOURAGE GEOGRAPHIC COMPACTNESS SO THAT  
17 NEARBY AREAS OF POPULATION ARE NOT BYPASSED FOR MORE DISTANT  
18 POPULATION.

19 (B) THE PLACE OF RESIDENCE OF AN INCUMBENT OFFICEHOLDER OR THE  
20 CANDIDATE FOR A POLITICAL PARTY OR OF ANY OTHER PERSON MAY NOT BE  
21 CONSIDERED IN THE CREATION OF A MAP.

22 (C) BY SEPTEMBER 15 OF EACH YEAR ENDING IN THE NUMBER ONE, THE  
23 COMMISSION SHALL APPROVE A FINAL MAP THAT SEPARATELY SETS FORTH THE  
24 DISTRICT BOUNDARY LINES FOR THE MEMBERS OF THE GENERAL ASSEMBLY AND  
25 FOR THE MEMBERS OF THE UNITED STATES CONGRESS OF THIS STATE.

26 (D) (1) THE COMMISSION SHALL ISSUE WITH EACH FINAL MAP A REPORT  
27 THAT:

28 (I) EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE ITS  
29 DECISIONS TO ACHIEVE COMPLIANCE WITH THE CRITERIA SPECIFIED UNDER THIS  
30 SUBTITLE; AND



1                   **(II) INCLUDES DEFINITIONS OF THE TERMS AND STANDARDS**  
2 **USED IN DRAWING EACH FINAL MAP.**

3                   **(2) ON ADOPTION, THE COMMISSION SHALL SUBMIT ITS CERTIFIED**  
4 **FINAL MAPS AND PLANS TO THE SECRETARY OF STATE.**

5 **8-7A-06.**

6           **(A) THE COMMISSION:**

7                   **(1) HAS THE SOLE LEGAL STANDING TO DEFEND ANY ACTION**  
8 **REGARDING A CERTIFIED FINAL MAP AND PLAN; AND**

9                   **(2) SHALL INFORM THE GENERAL ASSEMBLY IF THE COMMISSION**  
10 **DETERMINES THAT FUNDS OR OTHER RESOURCES PROVIDED FOR THE OPERATION**  
11 **OF THE COMMISSION ARE NOT ADEQUATE.**

12           **(B) THE GENERAL ASSEMBLY SHALL PROVIDE ADEQUATE FUNDING TO**  
13 **DEFEND ANY ACTION REGARDING A CERTIFIED FINAL MAP AND PLAN.**

14           **(C) THE COMMISSION HAS SOLE AUTHORITY TO DETERMINE WHETHER THE**  
15 **ATTORNEY GENERAL OR OTHER LEGAL COUNSEL RETAINED BY THE COMMISSION**  
16 **SHALL ASSIST IN THE DEFENSE OF A CERTIFIED FINAL MAP AND PLAN.**

17 **8-7A-07.**

18           **(A) THE SECRETARY OF STATE SHALL FORWARD CERTIFIED FINAL MAPS**  
19 **AND PLANS SUBMITTED BY THE COMMISSION TO THE PRESIDING OFFICERS OF THE**  
20 **GENERAL ASSEMBLY FOR THE INTRODUCTION BY THE PRESIDING OFFICERS OF A**  
21 **SEPARATE BILL CONTAINING:**

22                   **(1) THE GENERAL ASSEMBLY LEGISLATIVE DISTRICT PLAN; AND**

23                   **(2) THE CONGRESSIONAL DISTRICT PLAN.**

24           **(B) (1) A FINAL CERTIFIED MAP AND PLAN INTRODUCED BY THE**  
25 **PRESIDING OFFICERS OF THE GENERAL ASSEMBLY MAY NOT BE AMENDED.**

26                   **(2) A MEMBER OF THE GENERAL ASSEMBLY MAY NOT INTRODUCE A**  
27 **BILL CONTAINING A GENERAL ASSEMBLY LEGISLATIVE DISTRICT OR**  
28 **CONGRESSIONAL DISTRICT PLAN THAT IS DIFFERENT THAN THE CERTIFIED FINAL**  
29 **MAP AND PLANS PROPOSED BY THE COMMISSION AND INTRODUCED BY THE**  
30 **PRESIDING OFFICERS.**

1           **(C) (1) THE GENERAL ASSEMBLY MAY APPROVE OR REJECT A BILL FOR**  
2 **A GENERAL ASSEMBLY LEGISLATIVE DISTRICT OR CONGRESSIONAL DISTRICT MAP**  
3 **AND PLAN AS PROVIDED IN THIS SUBSECTION.**

4                   **(2) (I) 1. TO ADOPT A MAP AND PLAN, EACH HOUSE OF THE**  
5 **GENERAL ASSEMBLY SHALL PASS THE BILL BY A VOTE OF THREE-FIFTHS OF THE**  
6 **MEMBERS OF THAT HOUSE.**

7                               **2. ON PASSAGE BY THE GENERAL ASSEMBLY, THE BILL**  
8 **SHALL BE PRESENTED TO THE GOVERNOR FOR SIGNATURE OR VETO.**

9                                   **(II) 1. IF THE GOVERNOR VETOES THE BILL AND THE**  
10 **GENERAL ASSEMBLY OVERRIDES THE VETO THE BILL SHALL BECOME LAW, IN**  
11 **ACCORDANCE WITH ARTICLE II, § 17 OF THE MARYLAND CONSTITUTION.**

12                                               **2. IF THE GOVERNOR VETOES THE BILL AND THE**  
13 **GENERAL ASSEMBLY FAILS TO OVERRIDE THE VETO, IN ACCORDANCE WITH**  
14 **ARTICLE II, § 17 OF THE MARYLAND CONSTITUTION, THE PRESIDING OFFICERS OF**  
15 **THE GENERAL ASSEMBLY SHALL RETURN THE BILL TOGETHER WITH**  
16 **RECOMMENDATIONS, IF ANY, TO THE COMMISSION AND REQUEST THAT THE**  
17 **COMMISSION PROPOSE AN ALTERNATIVE MAP AND PLAN.**

18                                   **(3) (I) IF THE GENERAL ASSEMBLY FAILS TO PASS THE BILL FOR A**  
19 **MAP AND PLAN ON THE VOTE OF THREE-FIFTHS OF THE MEMBERS OF EITHER OR**  
20 **BOTH HOUSES OF THE GENERAL ASSEMBLY, THE PRESIDING OFFICERS OF THE**  
21 **GENERAL ASSEMBLY SHALL RETURN THE BILL TOGETHER WITH THE**  
22 **RECOMMENDATIONS OF THE GENERAL ASSEMBLY, IF ANY, TO THE COMMISSION**  
23 **AND REQUEST THAT THE COMMISSION PROPOSE AN ALTERNATIVE MAP AND PLAN.**

24                                               **(II) IF THE GENERAL ASSEMBLY FAILS TO PASS BY A**  
25 **THREE-FIFTHS VOTE OF EACH HOUSE THE BILL FOR AN ALTERNATIVE MAP AND**  
26 **PLAN SUBMITTED BY THE COMMISSION, OR IF THE BILL IS VETOED BY THE**  
27 **GOVERNOR AND NOT OVERRIDDEN BY THE GENERAL ASSEMBLY, THE COURT OF**  
28 **APPEALS SHALL ESTABLISH THE MAP AND PLAN FOR THE GENERAL ASSEMBLY**  
29 **LEGISLATIVE DISTRICTS OR CONGRESSIONAL DISTRICTS IN ACCORDANCE WITH §**  
30 **8-7A-08 OF THIS SUBTITLE.**

31 **8-7A-08.**

32                   **(A) THE COURT OF APPEALS HAS ORIGINAL AND EXCLUSIVE JURISDICTION**  
33 **IN ALL PROCEEDINGS IN WHICH A CERTIFIED FINAL MAP AND PLAN IS CHALLENGED.**

1 (B) (1) ON THE ENACTMENT OF A BILL ESTABLISHING GENERAL  
2 ASSEMBLY LEGISLATIVE DISTRICTS OR CONGRESSIONAL DISTRICTS IN  
3 ACCORDANCE WITH § 8-7A-07 OF THIS SUBTITLE, ANY REGISTERED VOTER IN THE  
4 STATE MAY FILE A PETITION FOR A WRIT OF MANDAMUS OR A WRIT OF PROHIBITION  
5 WITH THE COURT OF APPEALS TO BAR THE MAP AND PLAN FROM TAKING EFFECT  
6 ON THE GROUNDS THAT THE MAP AND PLAN VIOLATES THE MARYLAND  
7 CONSTITUTION, THE UNITED STATES CONSTITUTION, OR A FEDERAL OR STATE  
8 STATUTE.

9 (2) IF THE COURT DETERMINES THAT A FINAL MAP AND PLAN IN A  
10 BILL ESTABLISHING GENERAL ASSEMBLY LEGISLATIVE DISTRICTS OR  
11 CONGRESSIONAL DISTRICTS VIOLATES THE MARYLAND CONSTITUTION, THE  
12 UNITED STATES CONSTITUTION, OR A FEDERAL OR STATE STATUTE, THE COURT  
13 SHALL ISSUE THE RELIEF THAT IT DEEMS APPROPRIATE.

14 (C) (1) IF THE GENERAL ASSEMBLY FAILS TO PASS BY A THREE-FIFTHS  
15 VOTE OF EACH HOUSE THE BILL FOR AN ALTERNATIVE MAP AND PLAN SUBMITTED  
16 BY THE COMMISSION TO ESTABLISH GENERAL ASSEMBLY LEGISLATIVE DISTRICTS  
17 OR CONGRESSIONAL DISTRICTS, OR IF THE BILL IS VETOED BY THE GOVERNOR AND  
18 NOT OVERRIDDEN BY THE GENERAL ASSEMBLY, THE COMMISSION SHALL FILE A  
19 PETITION WITH THE COURT OF APPEALS TO REVIEW THE MAP AND PLAN AND  
20 ESTABLISH THE DISTRICTS.

21 (2) ON APPROVAL OF THE COURT OF APPEALS, ANY REGISTERED  
22 VOTER OF THE STATE MAY BECOME A PARTY TO THE PROCEEDING.

23 (D) THE COURT OF APPEALS SHALL GIVE PRIORITY TO RULING ON A  
24 PETITION FILED UNDER THIS SECTION.

25 8-7A-09.

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

28 (1) BY THE SAME VOTE REQUIRED FOR THE ADOPTION OF THE FINAL  
29 SET OF MAPS AND PLANS PROPOSED BY THE COMMISSION UNDER § 8-7A-04(B)(5)  
30 OF THIS TITLE, THE COMMISSION RECOMMENDS AMENDMENTS TO THIS SUBTITLE  
31 TO CARRY OUT THE PURPOSE AND INTENT OF THE COMMISSION;

32 (2) ANY AMENDMENT PROPOSED BY THE COMMISSION IS ENACTED AS  
33 A STATUTE APPROVED BY A TWO-THIRDS VOTE OF EACH HOUSE OF THE GENERAL  
34 ASSEMBLY AND SIGNED BY THE GOVERNOR;

1           **(3) THE BILL CONTAINING ANY AMENDMENTS PROPOSED BY THE**  
2 **COMMISSION IS IN PRINT FOR AT LEAST 10 DAYS BEFORE FINAL PASSAGE BY THE**  
3 **GENERAL ASSEMBLY;**

4           **(4) THE AMENDMENT FURTHERS THE PURPOSES OF THIS SUBTITLE;**  
5 **AND**

6           **(5) THE AMENDMENT IS NOT PASSED BY THE GENERAL ASSEMBLY IN**  
7 **A YEAR ENDING IN THE NUMBER ZERO OR THE NUMBER ONE.**

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

9           **(A) (1) IN EACH YEAR ENDING IN THE NUMBER ZERO, THE LEGISLATIVE**  
10 **AUDITOR SHALL INITIATE AN APPLICATION PROCESS THAT IS OPEN TO ALL**  
11 **REGISTERED VOTERS IN THE STATE IN A MANNER THAT PROMOTES A DIVERSE AND**  
12 **QUALIFIED APPLICANT POOL FOR MEMBERSHIP ON THE COMMISSION.**

13           **(2) THE LEGISLATIVE AUDITOR SHALL REMOVE FROM THE**  
14 **APPLICANT POOL INDIVIDUALS WITH CONFLICTS OF INTEREST, INCLUDING, WITHIN**  
15 **THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION, THE**  
16 **APPLICANT, OR A MEMBER OF THE APPLICANT'S IMMEDIATE FAMILY, WHO HAS**  
17 **DONE ANY OF THE FOLLOWING:**

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

20                   **(II) SERVED AS AN OFFICER, AN EMPLOYEE, OR A PAID**  
21 **CONSULTANT OF A POLITICAL PARTY OR OF THE POLITICAL COMMITTEE OF A**  
22 **CANDIDATE FOR ELECTIVE FEDERAL OR STATE OFFICE;**

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

25                   **(IV) BEEN A REGISTERED LOBBYIST FOR THE FEDERAL, STATE,**  
26 **OR LOCAL GOVERNMENT;**

27                   **(V) SERVED AS PAID CONGRESSIONAL OR GENERAL ASSEMBLY**  
28 **STAFF; OR**

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

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

2                   **(I) ESTABLISH AN APPLICANT REVIEW PANEL CONSISTING OF**  
3 **THREE QUALIFIED INDEPENDENT AUDITORS TO SCREEN APPLICANTS TO SERVE ON**  
4 **THE COMMISSION;**

5                   **(II) RANDOMLY DRAW THE NAMES OF THREE QUALIFIED**  
6 **INDEPENDENT AUDITORS FROM A POOL CONSISTING OF ALL AUDITORS EMPLOYED**  
7 **BY THE STATE AND LICENSED BY THE STATE AT THE TIME OF THE DRAWING; AND**

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

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

12                   **2. ONE WHO IS REGISTERED WITH THE POLITICAL PARTY**  
13 **THAT HAS THE SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE;**  
14 **AND**

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

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

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

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

27                   **(3) NO LATER THAN AUGUST 1 IN EACH YEAR ENDING IN THE**  
28 **NUMBER ZERO AND AFTER REMOVING INDIVIDUALS WITH CONFLICTS OF INTEREST**  
29 **FROM THE APPLICANT POOL, THE LEGISLATIVE AUDITOR SHALL:**

30                   **(I) PUBLICIZE THE NAMES OF THE INDIVIDUALS IN THE**  
31 **APPLICANT POOL FOR MEMBERSHIP ON THE COMMISSION; AND**

1                   **(II) PROVIDE COPIES OF THE APPLICATIONS OF THE NAMES IN**  
2 **THE APPLICANT POOL TO THE PANEL.**

3                   **(4) (I) FROM THE APPLICANT POOL, THE PANEL SHALL SELECT 30**  
4 **OF THE MOST QUALIFIED APPLICANTS, INCLUDING:**

5                               **1. 10 WHO ARE REGISTERED WITH THE POLITICAL**  
6 **PARTY THAT HAS THE HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE;**

7                               **2. 10 WHO ARE REGISTERED WITH THE POLITICAL**  
8 **PARTY THAT HAS THE SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN THE**  
9 **STATE; AND**

10                              **3. 10 WHO ARE NOT REGISTERED WITH EITHER OF THE**  
11 **TWO POLITICAL PARTIES THAT HAVE THE HIGHEST OR SECOND-HIGHEST NUMBER**  
12 **OF REGISTERED VOTERS IN THE STATE.**

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

16                   **(III) THE MEMBERS OF THE PANEL MAY NOT COMMUNICATE**  
17 **WITH ANY MEMBER OF THE GENERAL ASSEMBLY OR THE CONGRESS OR THEIR**  
18 **REPRESENTATIVES ABOUT ANY MATTER RELATED TO THE NOMINATION PROCESS OR**  
19 **APPLICANTS BEFORE THE PRESENTATION BY THE PANEL OF THE POOL OF**  
20 **RECOMMENDED APPLICANTS TO THE SECRETARY OF THE SENATE AND THE CHIEF**  
21 **CLERK OF THE HOUSE.**

22                   **(C) (1) NO LATER THAN NOVEMBER 20 IN EACH YEAR ENDING IN THE**  
23 **NUMBER ZERO, THE LEGISLATIVE AUDITOR SHALL RANDOMLY DRAW NINE NAMES**  
24 **FROM THE REMAINING NAMES IN THE APPLICANT POOL AS FOLLOWS:**

25                               **(I) THREE FROM THE REMAINING SUBPOOL OF APPLICANTS**  
26 **REGISTERED WITH THE POLITICAL PARTY THAT HAS THE HIGHEST NUMBER OF**  
27 **REGISTERED VOTERS IN THE STATE;**

28                               **(II) THREE FROM THE REMAINING SUBPOOL OF APPLICANTS**  
29 **REGISTERED WITH THE POLITICAL PARTY THAT HAS THE SECOND-HIGHEST**  
30 **NUMBER OF REGISTERED VOTERS IN THE STATE; AND**

31                               **(III) THREE FROM THE REMAINING SUBPOOL OF APPLICANTS**  
32 **WHO ARE NOT REGISTERED WITH EITHER OF THE TWO POLITICAL PARTIES THAT**

1 HAVE THE HIGHEST OR SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN THE  
2 STATE.

3 (2) THE NINE INDIVIDUALS SELECTED UNDER PARAGRAPH (1) OF  
4 THIS SUBSECTION SHALL SERVE ON THE COMMISSION.

5 8-7A-11.

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

12 (2) A FINDING OF SUBSTANTIAL NEGLECT OF DUTY OR GROSS  
13 MISCONDUCT IN OFFICE MAY RESULT IN REFERRAL TO THE ATTORNEY GENERAL  
14 FOR CRIMINAL PROSECUTION OR THE APPROPRIATE ADMINISTRATIVE AGENCY FOR  
15 INVESTIGATION.

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

21 (2) IF NONE OF THE REMAINING APPLICANTS UNDER PARAGRAPH (1)  
22 OF THIS SUBSECTION ARE AVAILABLE FOR SERVICE, THE LEGISLATIVE AUDITOR  
23 SHALL FILL THE VACANCY FROM A NEW POOL CREATED FOR THE SAME VOTER  
24 REGISTRATION CATEGORY IN ACCORDANCE WITH § 8-7A-10 OF THIS SUBTITLE.

25 8-7A-12.

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

29 (2) THE COMMISSION SHALL PROVIDE NOT LESS THAN 14 DAYS'  
30 PUBLIC NOTICE FOR EACH MEETING, EXCEPT THAT MEETINGS HELD IN SEPTEMBER  
31 IN THE YEAR ENDING IN THE NUMBER ONE MAY BE HELD WITH 3 DAYS' NOTICE.

32 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
33 COMMISSION MEMBERS AND STAFF MAY NOT COMMUNICATE WITH OR RECEIVE

1 COMMUNICATIONS ABOUT REDISTRICTING MATTERS FROM ANYONE OUTSIDE A  
2 PUBLIC HEARING.

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

5 (C) (1) THE COMMISSION SHALL SELECT ONE OF THE MEMBERS OF THE  
6 COMMISSION TO SERVE AS CHAIR.

7 (2) THE CHAIR SHALL BE ONE OF THE MEMBERS NOT AFFILIATED  
8 WITH EITHER OF THE TWO POLITICAL PARTIES THAT HAVE THE HIGHEST AND  
9 SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE.

10 (D) (1) THE COMMISSION MAY HIRE STAFF, LEGAL COUNSEL, AND  
11 CONSULTANTS AS NEEDED.

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

15 (3) THE COMMISSION SHALL ENSURE THAT AT LEAST ONE OF THE  
16 LEGAL COUNSEL HIRED BY THE COMMISSION HAS DEMONSTRATED EXTENSIVE  
17 EXPERIENCE AND EXPERTISE IN IMPLEMENTATION AND ENFORCEMENT OF THE  
18 FEDERAL VOTING RIGHTS ACT (42 U.S.C. SEC. 1971 AND FOLLOWING).

19 (4) THE COMMISSION SHALL MAKE HIRING, REMOVAL, OR  
20 CONTRACTING DECISIONS ON STAFF, LEGAL COUNSEL, AND CONSULTANTS BY SIX  
21 OR MORE AFFIRMATIVE VOTES.

22 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN EMPLOYER MAY  
23 NOT DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE, COERCE, OR RETALIATE  
24 AGAINST ANY EMPLOYEE BY REASON OF THE EMPLOYEE'S ATTENDANCE OR  
25 SCHEDULED ATTENDANCE AT ANY MEETING OF THE COMMISSION.

26 (F) (1) THE COMMISSION SHALL ESTABLISH AND IMPLEMENT AN OPEN  
27 HEARING PROCESS FOR PUBLIC INPUT AND DELIBERATION THAT IS:

28 (I) SUBJECT TO PUBLIC NOTICE; AND

29 (II) DESIGNED TO ENCOURAGE CITIZEN OUTREACH AND  
30 SOLICIT BROAD PUBLIC PARTICIPATION IN THE REDISTRICTING PUBLIC REVIEW  
31 PROCESS.





1           **(2) THE COMMISSION;**

2           **(3) THE SECRETARY OF STATE; AND**

3           **(4) THE DEPARTMENT OF LEGISLATIVE SERVICES.**

4           **(B) THE GOVERNOR SHALL MAKE ADEQUATE OFFICE SPACE AVAILABLE**  
5 **FOR THE OPERATION OF THE COMMISSION.**

6           **(C) (1) THE GENERAL ASSEMBLY SHALL MAKE THE NECESSARY**  
7 **APPROPRIATION IN THE STATE BUDGET, AND THE APPROPRIATION SHALL BE**  
8 **AVAILABLE DURING THE ENTIRE 3-YEAR PERIOD.**

9           **(2) THE APPROPRIATION SHALL BE EQUAL TO THE GREATER OF**  
10 **\$3,000,000, OR THE AMOUNT EXPENDED UNDER THIS SUBTITLE IN THE**  
11 **IMMEDIATELY PRECEDING REDISTRICTING PROCESS, AS EACH AMOUNT IS**  
12 **ADJUSTED BY THE CUMULATIVE CHANGE IN THE MARYLAND CONSUMER PRICE**  
13 **INDEX OR ITS SUCCESSOR SINCE THE DATE OF THE IMMEDIATELY PRECEDING**  
14 **APPROPRIATION.**

15           **(D) THE COMMISSION, WITH FISCAL OVERSIGHT FROM THE DEPARTMENT**  
16 **OF BUDGET AND MANAGEMENT, SHALL HAVE PROCUREMENT AND CONTRACTING**  
17 **AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS, INCLUDING LEGAL**  
18 **REPRESENTATION.**

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

23           SECTION 4. AND BE IT FURTHER ENACTED, That the amendment to the  
24 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified  
25 voters of the State at the next general election to be held in November 2016 for their  
26 adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general  
27 election, the vote on this proposed amendment to the Constitution shall be by ballot, and  
28 upon each ballot there shall be printed the words "For the Constitutional Amendment" and  
29 "Against the Constitutional Amendment," as now provided by law. Immediately after the  
30 election, all returns shall be made to the Governor of the vote for and against the proposed  
31 amendment, as directed by Article XIV of the Maryland Constitution, and further  
32 proceedings had in accordance with Article XIV.

33           SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take  
34 effect on the taking effect of Section 1 of this Act. If Section 1 of this Act does not take effect,  
35 Section 2 of this Act shall be abrogated and of no further force and effect.

1           SECTION 6. AND BE IT FURTHER ENACTED, That except as provided in Sections  
2 4 and 5 of this Act, this Act shall take effect June 1, 2016.