

SB1023/643522/1

BY: Senator Jennings

AMENDMENTS TO SENATE BILL 1023, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Education, Health, and Environmental Affairs Committee Amendments (SB1023/294532/1) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, strike lines 2 and 3, inclusive, and substitute:

“Redistricting Reform Act of 2017”;

strike beginning with “requiring” in line 4 down through “compact” in line 20, inclusive, and substitute “creating the Congressional Legislative Redistricting and Apportionment Commission; requiring the Commission to divide the State to create certain congressional districts; establishing exclusive and original jurisdiction for the Court of Appeals to congressional districts under certain circumstances; providing for the membership, qualifications, and duties of the Commission; specifying certain requirements for the adoption of redistricting plans by the Commission; specifying that the redistricting plans meet certain standards and requirements; prohibiting the Commission from considering certain factors in adopting redistricting plans; requiring the Secretary of State to submit the Commission’s final certified map and plan for congressional districts to the presiding officers of the General Assembly; requiring the presiding officers to introduce separate bills for the congressional districts; specifying that the maps and plans become law only on adoption by two-thirds of the members of each house of the General Assembly; providing that the Commission shall submit an alternative map and plan if the General Assembly fails to adopt a previously submitted map and plan; requiring the Legislative Auditor to establish and administer an application process for individuals seeking appointment to the Commission; prohibiting certain individuals from serving as a member of the Commission; authorizing the Legislative Auditor to disqualify certain applicants seeking membership on the

(Over)

Commission; requiring the Legislative Auditor to establish an Applicant Review Panel to identify and establish certain applicant pools from which certain members of the Commission are to be selected; requiring the Legislative Auditor to select at random a certain number of names from the applicant pools for membership on the Commission; requiring the Commission to elect a chair and establish certain rules and procedures; making Commission meetings and records subject to State laws governing open meetings and public records; providing that the maps and plans drawn by the Commission are final and subject to review by the Court of Appeals; authorizing certain persons to petition the Court of Appeals to challenge or to establish congressional districts under certain circumstances; requiring the Court of Appeals to establish the boundaries of congressional districts or grant other relief under certain circumstances; specifying that the Commission shall have certain staff and other resources; requiring the Governor to include certain funds for the Commission in the State budget; defining certain terms; providing for the effective date of this Act; providing for the termination of certain provisions of this Act under certain circumstances; and generally relating to the Congressional Legislative Redistricting and Apportionment Commission”;

in line 23, strike “8-6A-01 through 8-6A-06” and substitute “8-7A-01 through 8-7A-14”; in the same line, strike “6A.” and substitute “7A.”; and in line 24, strike “Congressional Districting Process” and substitute “Congressional Legislative Redistricting and Apportionment Commission”.

AMENDMENT NO. 3

On page 2 of the bill, strike in its entirety line 4 and substitute:

“SUBTITLE 7A. CONGRESSIONAL LEGISLATIVE REDISTRICTING AND APPORTIONMENT COMMISSION.”;

and strike beginning with line 5 on page 2 down through line 3 on page 6, inclusive, and substitute:

“8-7A-01.

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

(B) "COMMISSION" MEANS THE CONGRESSIONAL LEGISLATIVE 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 THE DISTRICTS FOR THE STATE'S REPRESENTATIVES IN THE UNITED STATES CONGRESS MAY NOT BE DRAWN FOR THE PURPOSE OF FAVORING OR DISCRIMINATING AGAINST AN INCUMBENT OFFICEHOLDER, A CANDIDATE, OR A POLITICAL PARTY.

8-7A-03.

(Over)

(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 CONGRESSIONAL DISTRICTS IN CONFORMANCE WITH THE FOLLOWING STANDARDS AND PROCESS:

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

(2) THE POPULATION OF ALL CONGRESSIONAL DISTRICTS SHALL BE EQUAL, TO THE GREATEST EXTENT PRACTICABLE; AND

(3) CONGRESSIONAL DISTRICTS SHALL COMPLY WITH THE REQUIREMENTS OF § 8-7A-05(A) OF THIS SUBTITLE.

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

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

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

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

(C) CONGRESSIONAL DISTRICTS SHALL BE NUMBERED CONSECUTIVELY COMMENCING AT THE NORTHWESTERN BOUNDARY OF THE STATE AND ENDING AT THE SOUTHEASTERN BOUNDARY.

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

(1) HOLD PUBLIC HEARINGS;

(2) PROVIDE ACCESS TO REDISTRICTING DATA AND SOFTWARE;

AND

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

8-7A-04.

(A) THE COMMISSION SHALL:

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

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

(3) CONDUCT ITS BUSINESS WITH INTEGRITY AND FAIRNESS.

(Over)

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

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

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

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

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

(3) EACH MEMBER OF THE COMMISSION:

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

(II) 1. MAY NOT HAVE BEEN A CANDIDATE FOR ELECTION TO OR SERVED AS GOVERNOR, A MEMBER OF THE GENERAL ASSEMBLY OR OF THE UNITED STATES CONGRESS FROM THIS STATE DURING THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF THE INDIVIDUAL'S APPOINTMENT, OR

AN IMMEDIATE FAMILY MEMBER ESTABLISHED THROUGH BLOOD OR LEGAL RELATION OF SUCH CANDIDATE OR MEMBER;

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

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

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

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

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

(6) EACH MEMBER OF THE COMMISSION SHALL:

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

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

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

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

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

8-7A-05.

(A) EACH CONGRESSIONAL DISTRICT SHALL:

(1) COMPLY WITH THE UNITED STATES CONSTITUTION;

(2) COMPLY WITH THE FEDERAL VOTING RIGHTS ACT;

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

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

(5) BE GEOGRAPHICALLY CONTIGUOUS; AND

(6) TO THE EXTENT PRACTICABLE, AND IF IT DOES NOT CONFLICT WITH THE CRITERIA SPECIFIED IN ITEMS (1) THROUGH (5) OF THIS PARAGRAPH, BE DRAWN TO ENCOURAGE GEOGRAPHIC COMPACTNESS SO THAT NEARBY AREAS OF POPULATION ARE NOT BYPASSED FOR MORE DISTANT POPULATION.

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

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

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

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

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

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

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8-7A-06.

(A) THE COMMISSION:

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

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

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

8-7A-07.

(A) THE SECRETARY OF STATE SHALL FORWARD CERTIFIED FINAL MAPS AND PLANS SUBMITTED BY THE COMMISSION TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY FOR THE INTRODUCTION BY THE PRESIDING OFFICERS OF A SEPARATE BILL CONTAINING THE CONGRESSIONAL DISTRICT PLAN.

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

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

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

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

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

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

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

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

(Over)

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

8-7A-08.

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

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

(2) IF THE COURT OF APPEALS DETERMINES THAT A FINAL MAP AND PLAN IN A BILL ESTABLISHING CONGRESSIONAL DISTRICTS VIOLATES THE MARYLAND CONSTITUTION, THE UNITED STATES CONSTITUTION, OR A FEDERAL OR STATE STATUTE, THE COURT OF APPEALS SHALL ISSUE THE RELIEF THAT IT DEEMS APPROPRIATE.

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

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

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

8-7A-09.

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

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

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

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

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

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

8-7A-10.

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

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

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

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

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

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

(V) SERVED AS PAID GUBERNATORIAL, CONGRESSIONAL, OR GENERAL ASSEMBLY STAFF; OR

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

(B) (1) THE LEGISLATIVE AUDITOR SHALL:

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

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

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

(Over)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(III) THE MEMBERS OF THE PANEL MAY NOT COMMUNICATE WITH ANY MEMBER OF THE GENERAL ASSEMBLY OR THE CONGRESS OR THEIR REPRESENTATIVES ABOUT ANY MATTER RELATED TO THE NOMINATION PROCESS OR APPLICANTS BEFORE THE PRESENTATION BY THE PANEL OF THE POOL OF

RECOMMENDED APPLICANTS TO THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE.

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

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

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

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

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

8-7A-11.

(A) (1) IN THE EVENT OF SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE, A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE GOVERNOR WITH THE CONCURRENCE OF TWO-THIRDS OF THE MEMBERS OF THE SENATE AFTER

HAVING BEEN SERVED WRITTEN NOTICE AND PROVIDED WITH AN OPPORTUNITY FOR A RESPONSE.

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

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

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

8-7A-12.

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

(2) THE COMMISSION SHALL PROVIDE NOT LESS THAN 14 DAYS' PUBLIC NOTICE FOR EACH MEETING, EXCEPT THAT MEETINGS HELD IN

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SEPTEMBER IN THE YEAR ENDING IN THE NUMBER ONE MAY BE HELD WITH 3 DAYS' NOTICE.

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

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

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

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

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

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

(3) THE COMMISSION SHALL ENSURE THAT AT LEAST ONE OF THE LEGAL COUNSEL HIRED BY THE COMMISSION HAS DEMONSTRATED EXTENSIVE

EXPERIENCE AND EXPERTISE IN IMPLEMENTATION AND ENFORCEMENT OF THE FEDERAL VOTING RIGHTS ACT (42 U.S.C. SEC. 1971 AND FOLLOWING).

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

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

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

(I) SUBJECT TO PUBLIC NOTICE; AND

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

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

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

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

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

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

8-7A-13.

A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

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

8-7A-14.

(A) IN EACH YEAR ENDING IN THE NUMBER NINE, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET SUBMITTED TO THE GENERAL ASSEMBLY FUNDING IN A MINIMUM AMOUNT OF \$3,000,000 FOR:

- (1) THE LEGISLATIVE AUDITOR;
- (2) THE COMMISSION;
- (3) THE SECRETARY OF STATE; AND
- (4) THE DEPARTMENT OF LEGISLATIVE SERVICES.

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

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

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

(D) THE COMMISSION, WITH FISCAL OVERSIGHT FROM THE DEPARTMENT OF BUDGET AND MANAGEMENT, SHALL HAVE PROCUREMENT AND

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Jennings

**CONTRACTING AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS, INCLUDING
LEGAL REPRESENTATION.**