

# HOUSE BILL 367

G1  
HB 467/16 – HRU

CONSTITUTIONAL AMENDMENT

71r0509

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By: ~~Delegates Reznik, Barkley, Ebersole, Krimm, Lierman, Platt, Waldstreicher, and K. Young~~ K. Young, Angel, Brooks, Gibson, Hill, Lam, R. Lewis, A. Miller, Moon, Pena-Melnyk, Proctor, Tarlau, and Wilkins

Introduced and read first time: January 25, 2017  
Assigned to: Rules and Executive Nominations

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Committee Report: Favorable with amendments  
House action: Adopted with floor amendments  
Read second time: March 30, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Legislative and Congressional Districting Standards and Processes~~  
3 Independent Congressional Redistricting Commission – Mid-Atlantic States  
4 Regional Districting Process

5 FOR the purpose of ~~proposing an amendment to the Maryland Constitution to establish the~~  
6 ~~Legislative Districting Commission and the Congressional Districting Commission~~  
7 ~~and establish standards for congressional districting; requiring the Executive~~  
8 ~~Director of the Department of Legislative Services to determine the size and~~  
9 ~~composition of each commission and, on or before a certain date in certain years,~~  
10 ~~select the members of each commission; requiring that the members of each~~  
11 ~~commission include certain professionals; requiring the Executive Director, subject~~  
12 ~~to a certain limitation, to determine the education and experience that an individual~~  
13 ~~is required to have for a certain purpose; requiring that the members of each~~  
14 ~~commission be full-time employees of the Department or, under certain~~  
15 ~~circumstances, certain contractual employees; providing for the terms of the~~  
16 ~~members of each commission; prohibiting members of each commission from being~~  
17 ~~certain officials or a candidate for elected office while serving on the commission;~~  
18 ~~providing that a member of one commission may be a member of the other~~  
19 ~~commission; providing that the members of each commission may be removed only~~  
20 ~~by impeachment under a certain provision of law for certain reasons; prohibiting the~~  
21 ~~Department from terminating the employment of certain members of either~~  
22 ~~commission except under certain circumstances; requiring the Legislative~~  
23 ~~Districting Commission to prepare a certain legislative districting plan and the~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~Congressional Districting Commission to prepare a certain congressional districting plan following a certain census and after public hearings; requiring each commission to present each plan to the President of the Senate and the Speaker of the House of Delegates; requiring the President and the Speaker to introduce each plan as a joint resolution by a certain day of a certain General Assembly session; authorizing the Governor to call a special session for certain purposes; prohibiting the plans from being amended; prohibiting a member of the General Assembly from introducing a certain joint resolution; providing that each plan becomes law on adoption by the General Assembly by a certain vote; requiring that an alternate legislative districting plan and an alternate congressional districting plan be prepared and submitted under certain circumstances; requiring the Court of Appeals to prepare a legislative districting plan and congressional districting plan under certain circumstances; providing that the Court of Appeals has original jurisdiction to review certain districting of the State under certain circumstances; authorizing the Court of Appeals to grant certain relief under certain circumstances; requiring congressional districts to conform to certain standards and that due regard be given to certain boundaries; providing for the application of certain provisions of law and of this Act; defining certain terms; and submitting this amendment to the qualified voters of the State for their adoption or rejection~~ requiring the Department of Legislative Services to obtain certain census data, adjust the census data for certain purposes, and provide the adjusted census data to a temporary redistricting commission within a certain time period; creating a temporary redistricting commission in the State; providing for the membership of the commission and the qualifications of its members; providing that individuals cease to be members of the commission under certain circumstances; providing that a member may be removed from the commission under certain circumstances and in a certain manner; providing that the commission is subject to certain laws governing open meetings and access to public records; requiring the commission to hold certain hearings to receive public testimony at certain times, in certain places, and in certain geographic areas to accommodate the public and to reflect certain demographics and characteristics of the population of the State; requiring the Department to staff and provide certain support for the commission; requiring the commission to use certain census data to prepare and adopt a districting plan for congressional districting within a certain time period; specifying that a certain districting plan is the plan for the State; requiring that a certain districting plan be filed with the Secretary of State within a certain time period; providing for the effectiveness of a certain districting plan; specifying certain criteria for the formation of the districts; providing for the application of this Act; making this Act contingent on the enactment of a similar independent redistricting process by certain states; defining certain terms; directing the Secretary of State to send copies of this Act to the presiding officers of both Houses of the legislature of certain states with a request that each of the states join Maryland in the enactment of a certain congressional redistricting process; and generally relating to the establishment of districts in Maryland for the election of members of Congress and a mid-Atlantic states regional compact.

1 ~~Section 5~~

2 ~~BY proposing an addition to the Maryland Constitution~~

3 ~~Article III—Legislative Department~~

4 ~~Section 5A~~

5 ~~BY proposing an addition to the Maryland Constitution~~

6 ~~New Article XX—Congressional Districting~~

7 ~~Section 1 through 5~~

8 BY adding to

9 Article – Election Law

10 Section 8–6A–01 through 8–6A–09 to be under the new subtitle “Subtitle 6A.

11 Congressional Districting Process”

12 Annotated Code of Maryland

13 (2010 Replacement Volume and 2016 Supplement)

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

17 Article – Election Law

18 SUBTITLE 6A. CONGRESSIONAL DISTRICTING PROCESS.

19 8–6A–01.

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

22 (B) “COMMISSION” MEANS A TEMPORARY REDISTRICTING COMMISSION.

23 (C) “DEPARTMENT” MEANS THE DEPARTMENT OF LEGISLATIVE SERVICES.

24 8–6A–02.

25 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE YEAR  
 26 IMMEDIATELY FOLLOWING THE DECENNIAL UNITED STATES CENSUS, THE  
 27 DEPARTMENT SHALL:

28 (1) OBTAIN THE ADJUSTED CENSUS DATA FOR THE STATE FOR THAT  
 29 CENSUS; AND

30 (2) PROVIDE THE ADJUSTED CENSUS DATA TO THE COMMISSION  
 31 WITHIN 30 DAYS AFTER THE DEPARTMENT RECEIVES THE DATA.

1 8-6A-03.

2 (A) THERE IS A TEMPORARY REDISTRICTING COMMISSION.

3 (B) (1) THE COMMISSION SHALL CONSIST OF NINE MEMBERS.

4 (2) BY FEBRUARY 1 OF THE FIRST YEAR FOLLOWING THE UNITED  
5 STATES CENSUS, EIGHT MEMBERS SHALL BE APPOINTED AS FOLLOWS:

6 (I) TWO APPOINTED BY THE PRESIDENT OF THE SENATE;

7 (II) TWO APPOINTED BY THE MINORITY LEADER OF THE  
8 SENATE;

9 (III) TWO APPOINTED BY THE SPEAKER OF THE HOUSE OF  
10 DELEGATES; AND

11 (IV) TWO APPOINTED BY THE MINORITY LEADER OF THE HOUSE  
12 OF DELEGATES.

13 (3) (I) WITHIN 30 DAYS OF THEIR APPOINTMENTS TO THE  
14 COMMISSION, BUT NOT LATER THAN MARCH 1 OF THAT YEAR, THE COMMISSION  
15 MEMBERS SHALL SELECT, BY VOTE OF AT LEAST FIVE OF THE MEMBERS, THE NINTH  
16 COMMISSION MEMBER, WHO:

17 1. SHALL SERVE AS CHAIR; AND

18 2. MAY NOT BE AFFILIATED WITH EITHER OF THE  
19 PRINCIPAL POLITICAL PARTIES IN THE STATE.

20 (II) IF THE COMMISSION IS UNABLE TO SELECT THE NINTH  
21 MEMBER:

22 1. THE COMMISSION SHALL SUBMIT A LIST OF THREE  
23 NAMES FOR THE APPOINTMENT OF THAT MEMBER TO:

24 A. THE CHIEF ADMINISTRATIVE LAW JUDGE OF THE  
25 OFFICE OF ADMINISTRATIVE HEARINGS;

26 B. THE CHAIR OF THE STATE ETHICS COMMISSION; AND

27 C. THE COCHAIRS OF THE JOINT COMMITTEE ON  
28 LEGISLATIVE ETHICS; AND

1                   **2. NO LATER THAN 10 DAYS AFTER RECEIPT OF THE LIST**  
2 **SUBMITTED BY THE COMMISSION TO THE ENTITIES DESIGNATED UNDER ITEM 1 OF**  
3 **THIS SUBPARAGRAPH, THE ENTITIES SHALL SELECT THE NINTH MEMBER AND**  
4 **CHAIR OF THE COMMISSION.**

5 **8-6A-04.**

6           **(A) EACH MEMBER OF THE COMMISSION:**

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

12                   **(II) IN THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF**  
13 **THE INDIVIDUAL'S APPOINTMENT, HAS VOTED IN AT LEAST TWO ELECTIONS; AND**

14                   **(2) (I) MAY NOT HAVE BEEN A CANDIDATE FOR ELECTION TO OR**  
15 **SERVED AS GOVERNOR, AS A MEMBER OF THE GENERAL ASSEMBLY, OR AS A**  
16 **REPRESENTATIVE OF THE UNITED STATES CONGRESS FROM THIS STATE DURING**  
17 **THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF THE INDIVIDUAL'S**  
18 **APPOINTMENT, OR BE AN IMMEDIATE FAMILY MEMBER ESTABLISHED THROUGH**  
19 **BLOOD OR LEGAL RELATION OF SUCH CANDIDATE OR MEMBER;**

20                   **(II) MAY NOT BE A REGULATED LOBBYIST IN THIS STATE, AS**  
21 **DESCRIBED IN § 5-702(A) OF THE GENERAL PROVISIONS ARTICLE, REGISTERED AS**  
22 **A LOBBYIST BEFORE A COUNTY OR MUNICIPAL GOVERNMENT IN THE STATE, OR**  
23 **REGISTERED AS A LOBBYIST BEFORE THE FEDERAL GOVERNMENT;**

24                   **(III) MAY NOT BE OR HAVE SERVED AS STAFF OR A CONSULTANT**  
25 **TO A PERSON UNDER A CONTRACT WITH, OR ANY PERSON WITH AN IMMEDIATE**  
26 **FAMILY RELATIONSHIP THROUGH BLOOD OR LEGAL RELATION TO, THE GOVERNOR,**  
27 **A MEMBER OF THE GENERAL ASSEMBLY, OR A MEMBER OF THE UNITED STATES**  
28 **CONGRESS FROM THIS STATE;**

29                   **(IV) MAY NOT HOLD AN APPOINTIVE OFFICE IN THE EXECUTIVE**  
30 **BRANCH OR LEGISLATIVE BRANCH OF THE FEDERAL, STATE, OR A LOCAL**  
31 **GOVERNMENT; AND**

32                   **(V) MAY NOT HAVE MADE A CONTRIBUTION OF \$2,000 OR MORE**  
33 **TO A POLITICAL COMMITTEE FOR ELECTORAL PURPOSES FOR A CONGRESSIONAL,**  
34 **STATE, OR LOCAL GOVERNMENT ELECTION IN THE STATE IN ANY YEAR, WHICH**

1 AMOUNT SHALL BE ADJUSTED EVERY 10 YEARS BY THE CUMULATIVE CHANGE IN  
2 THE MARYLAND CONSUMER PRICE INDEX OR ITS SUCCESSOR.

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

5 (C) (1) SEVEN MEMBERS OF THE COMMISSION SHALL CONSTITUTE A  
6 QUORUM.

7 (2) EXCEPT AS PROVIDED IN § 8-6A-03(B)(3) OF THIS SUBTITLE, SIX  
8 OR MORE AFFIRMATIVE VOTES OF THE COMMISSION SHALL BE REQUIRED FOR ANY  
9 OFFICIAL ACTION, INCLUDING ANY FINAL PROPOSED MAPS AND PLANS FOR  
10 CONGRESSIONAL DISTRICTS ADOPTED BY THE COMMISSION.

11 8-6A-05.

12 (A) (1) IN THE EVENT OF SUBSTANTIAL NEGLECT OF DUTY, GROSS  
13 MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE, A  
14 MEMBER OF THE COMMISSION MAY BE REMOVED BY THE GOVERNOR WITH THE  
15 CONCURRENCE OF THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL  
16 ASSEMBLY AFTER HAVING BEEN SERVED WRITTEN NOTICE AND PROVIDED WITH AN  
17 OPPORTUNITY FOR A RESPONSE.

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

22 (B) A VACANCY, WHETHER CREATED BY REMOVAL, RESIGNATION, OR  
23 ABSENCE, IN A COMMISSION POSITION SHALL BE FILLED BY THE APPOINTING  
24 AUTHORITY FOR THAT MEMBER WITHIN 30 DAYS AFTER THE VACANCY OCCURS.

25 8-6A-06.

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.

31 (B) (1) THE COMMISSION SHALL ESTABLISH AND IMPLEMENT AN OPEN  
32 HEARING PROCESS FOR PUBLIC INPUT AND DELIBERATION THAT IS DESIGNED TO

1 ENCOURAGE CITIZEN OUTREACH AND SOLICIT BROAD PUBLIC PARTICIPATION IN  
2 THE REDISTRICTING PUBLIC REVIEW PROCESS.

3 (2) (i) 1. THE HEARING PROCESS SHALL INCLUDE HEARINGS  
4 TO RECEIVE PUBLIC INPUT BEFORE THE COMMISSION DRAWS ANY MAPS AND AT  
5 LEAST ONE HEARING FOLLOWING THE DRAWING AND DISPLAY OF ANY COMMISSION  
6 MAPS.

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

10 (ii) THE COMMISSION SHALL:

11 1. DISPLAY THE MAPS FOR PUBLIC COMMENT IN A  
12 MANNER DESIGNED TO ACHIEVE THE WIDEST PUBLIC ACCESS REASONABLY  
13 POSSIBLE; AND

14 2. TAKE PUBLIC COMMENT FOR AT LEAST 14 DAYS FROM  
15 THE DATE OF PUBLIC DISPLAY OF ANY MAP.

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

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

22 (d) MEMBERS OF THE COMMISSION MAY NOT RECEIVE A SALARY BUT ARE  
23 ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE  
24 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

25 (e) INDIVIDUALS APPOINTED AS MEMBERS OF THE COMMISSION SHALL  
26 CEASE TO BE MEMBERS OF THE COMMISSION ON THE FILING OF THE DISTRICTING  
27 PLAN FOR CONGRESSIONAL DISTRICTS WITH THE SECRETARY OF STATE AS  
28 REQUIRED BY § 8-6A-08 OF THIS SUBTITLE.

29 (f) THE DEPARTMENT SHALL STAFF AND PROVIDE TECHNICAL SUPPORT  
30 FOR THE COMMISSION.

31 8-6A-07.

1       **(A) THE COMMISSION SHALL CONVENE ITS FIRST MEETING ON OR BEFORE**  
2 **MARCH 1 OF THE YEAR FOLLOWING EACH DECENNIAL CENSUS.**

3       **(B) (1) AT ITS FIRST MEETING, OR ON OR BEFORE 30 DAYS AFTER THE**  
4 **COMMISSION RECEIVES ADJUSTED CENSUS DATA FROM THE DEPARTMENT,**  
5 **WHICHEVER IS LATER, THE COMMISSION SHALL COMMENCE A SERIES OF PUBLIC**  
6 **HEARINGS TO RECEIVE PUBLIC TESTIMONY CONCERNING A REDISTRICTING PLAN.**

7               **(2) (I) ON OR BEFORE JULY 1 OF THE YEAR THAT THE**  
8 **COMMISSION RECEIVES THE ADJUSTED CENSUS DATA FROM THE DEPARTMENT,**  
9 **THE COMMISSION SHALL HOLD AT LEAST SIX HEARINGS THROUGHOUT THE STATE.**

10               **(II) THE HEARINGS REQUIRED UNDER THIS PARAGRAPH SHALL**  
11 **BE HELD AT TIMES THAT ARE LIKELY TO MAXIMIZE PUBLIC PARTICIPATION AND IN**  
12 **LOCATIONS THAT ENCOMPASS THE GEOGRAPHIC, RACIAL, AND ETHNIC DIVERSITY**  
13 **OF THE STATE.**

14               **(III) THE COMMISSION SHALL CONDUCT AN OPEN AND**  
15 **TRANSPARENT PROCESS ENABLING FULL PUBLIC CONSIDERATION OF AND**  
16 **COMMENT ON THE DRAWING OF DISTRICT LINES.**

17       **(3) FOLLOWING THE CONCLUSION OF THE PUBLIC HEARINGS**  
18 **REQUIRED UNDER SUBPARAGRAPH (2) OF THIS SUBSECTION, BUT NO LATER THAN**  
19 **SEPTEMBER 30 OF THE YEAR THAT THE COMMISSION RECEIVES THE ADJUSTED**  
20 **CENSUS DATA FROM THE DEPARTMENT, THE COMMISSION SHALL PREPARE AND**  
21 **ADOPT A DISTRICTING PLAN AND MAP FOR CONGRESSIONAL DISTRICTS.**

22       **(4) ON OR BEFORE OCTOBER 30 OF THE YEAR THAT THE COMMISSION**  
23 **RECEIVES THE ADJUSTED CENSUS DATA FROM THE DEPARTMENT, THE**  
24 **COMMISSION SHALL:**

25               **(I) PUBLISH THE PROPOSED FINAL DISTRICTING PLAN AND**  
26 **MAP ON THE WEB SITE OF THE DEPARTMENT OF LEGISLATIVE SERVICES;**

27               **(II) ISSUE WITH THE PROPOSED FINAL DISTRICTING PLAN AND**  
28 **MAP A REPORT THAT:**

29                       **1. EXPLAINS THE BASIS ON WHICH THE COMMISSION**  
30 **MADE THE DECISIONS IN COMPLIANCE WITH THE CRITERIA REQUIRED UNDER THIS**  
31 **SUBTITLE; AND**

32                       **2. INCLUDES DEFINITIONS OF THE TERMS AND**  
33 **STANDARDS THE COMMISSION USED IN PREPARING THE PROPOSED FINAL**  
34 **DISTRICTING PLAN AND MAP; AND**



1                    (III) 1. HOLD AT LEAST ONE PUBLIC HEARING ON THE  
2 PROPOSED FINAL DISTRICTING PLAN AND MAP TO RECEIVE PUBLIC TESTIMONY;  
3 AND

4                    2. ALLOW THE PUBLIC TO SUBMIT COMMENTS TO THE  
5 COMMISSION THROUGH THE WEB SITE OF THE DEPARTMENT OF LEGISLATIVE  
6 SERVICES CONCERNING THE PROPOSED FINAL DISTRICTING PLAN AND MAP.

7                    (5) ON OR BEFORE THE SECOND TUESDAY IN NOVEMBER OF THE  
8 YEAR THE COMMISSION RECEIVES THE ADJUSTED CENSUS DATA FROM THE  
9 DEPARTMENT, THE COMMISSION SHALL PUBLISH A FINAL CONGRESSIONAL  
10 DISTRICTING PLAN AND MAP ON THE WEB SITE OF THE DEPARTMENT OF  
11 LEGISLATIVE SERVICES.

12                    (C) (1) (I) CONGRESSIONAL DISTRICTS SHALL BE ESTABLISHED ON  
13 THE BASIS OF POPULATION.

14                    (2) EACH CONGRESSIONAL DISTRICT SHALL:

15                    (I) COMPLY WITH THE UNITED STATES CONSTITUTION;

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

17                    (III) BE EQUAL IN POPULATION, EXCEPT WHERE DEVIATION IS  
18 REQUIRED TO COMPLY WITH THE FEDERAL VOTING RIGHTS ACT (42 U.S.C. SEC.  
19 1971 AND FOLLOWING) OR IS ALLOWABLE BY LAW;

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

23                    (V) BE GEOGRAPHICALLY CONTIGUOUS; AND

24                    (VI) TO THE EXTENT PRACTICABLE, AND IF IT DOES NOT  
25 CONFLICT WITH THE CRITERIA SPECIFIED IN ITEMS (I) THROUGH (V) OF THIS  
26 PARAGRAPH, BE DRAWN TO ENCOURAGE GEOGRAPHIC COMPACTNESS.

27                    (D) (1) A CONGRESSIONAL DISTRICT MAY NOT BE DRAWN FOR THE  
28 PURPOSE OF FAVORING A POLITICAL PARTY, AN ELECTED OFFICIAL, OR ANY OTHER  
29 PERSON OR GROUP, OR FOR THE PURPOSE OF AUGMENTING OR DILUTING THE  
30 VOTING STRENGTH OF A LANGUAGE OR RACIAL MINORITY GROUP.

1           (2) IN ESTABLISHING DISTRICTS, NO USE SHALL BE MADE OF  
2 ADDRESSES OF ELECTED OFFICIALS, POLITICAL AFFILIATIONS OF REGISTERED  
3 VOTERS, POLLING DATA, PROPOSED DISTRICTING MAPS PREPARED BY PERSONS  
4 NOT EMPLOYED BY THE DEPARTMENT, AND DEMOGRAPHIC INFORMATION, OTHER  
5 THAN POPULATION HEAD COUNTS, EXCEPT AS REQUIRED BY THE CONSTITUTION OR  
6 LAWS OF THE UNITED STATES.

7           (E) THE CHESAPEAKE BAY MAY NOT BE CONSIDERED TO BE A BARRIER TO  
8 CONTIGUITY.

9           (F) AREAS THAT MEET ONLY AT THE POINTS OF ADJOINING CORNERS ARE  
10 NOT CONTIGUOUS.

11 8-6A-08.

12           THE DISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS PREPARED AND  
13 ADOPTED BY THE COMMISSION UNDER § 8-6A-07 OF THIS SUBTITLE SHALL:

14           (1) BE THE DISTRICTING PLAN FOR THE STATE;

15           (2) BE FILED WITH THE SECRETARY OF STATE WITHIN 7 DAYS OF THE  
16 PLAN BEING ADOPTED BY THE COMMISSION;

17           (3) BECOME EFFECTIVE ON THE FILING OF THE PLAN WITH THE  
18 SECRETARY OF STATE; AND

19           (4) REMAIN EFFECTIVE UNTIL THE ADOPTION OF A NEW DISTRICTING  
20 PLAN AFTER THE NEXT DECENNIAL CENSUS.

21 8-6A-09.

22           (A) THIS SUBTITLE APPLIES ONLY IF THE DEPARTMENT, AFTER  
23 CONSULTATION WITH AND ON THE ADVICE OF THE ATTORNEY GENERAL,  
24 DETERMINES THAT EACH OF THE STATES OF NEW YORK, NEW JERSEY,  
25 PENNSYLVANIA, VIRGINIA, AND NORTH CAROLINA IN THE MID-ATLANTIC REGION  
26 ADOPTS A DISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS THAT IS  
27 SUBSTANTIALLY SIMILAR TO THE PROCESS OUTLINED UNDER THIS SUBTITLE AND  
28 THE CRITERIA REQUIRED UNDER § 8-6A-07(C), (D), AND (F) OF THIS SUBTITLE FOR  
29 REDISTRICTING THE MARYLAND CONGRESSIONAL DISTRICTS.

30           (B) THE DISTRICTING PLAN FOR A STATE SHALL BE CONSIDERED  
31 SUBSTANTIALLY SIMILAR FOR THE PURPOSES OF SUBSECTION (A) OF THIS SECTION  
32 ONLY IF:

1           **(1) THE DEPARTMENT DETERMINES THAT THE REDISTRICTING PLAN**  
2 **IN THAT STATE IS DEVELOPED AND PROPOSED BY AN INDEPENDENT DISTRICTING**  
3 **COMMISSION THAT USES A PROCESS AND CRITERIA, AS SPECIFIED UNDER**  
4 **SUBSECTION (A) OF THIS SECTION, TO ESTABLISH CONGRESSIONAL DISTRICTS; AND**

5           **(2) (I) THE REDISTRICTING PLAN DEVELOPED AND PROPOSED BY**  
6 **AN INDEPENDENT REDISTRICTING COMMISSION IN THAT STATE BECOMES**  
7 **EFFECTIVE ON THE FILING OF THE PLAN WITH THE CHIEF ELECTION OFFICIAL IN**  
8 **THAT STATE; OR**

9           **(II) NOTWITHSTANDING THAT THE STATE LEGISLATURE IN**  
10 **THAT STATE IS ALLOWED TO VOTE ON THE REDISTRICTING PLAN PROPOSED BY THE**  
11 **COMMISSION, THE LEGISLATURE IN THAT STATE IS PROHIBITED FROM ALTERING**  
12 **THE PLAN.**

13                                   **~~Article III — Legislative Department~~**

14 ~~5.~~

15           **~~(A) THIS SECTION APPLIES ONLY IF THE CONTINGENCY IN § 5A OF THIS~~**  
16 **~~ARTICLE HAS NOT BEEN MET.~~**

17           **~~(B) Following each decennial census of the United States and after public~~**  
18 **~~hearings, the Governor shall prepare a plan setting forth the boundaries of the legislative~~**  
19 **~~districts for electing of the members of the Senate and the House of Delegates.~~**

20           **~~The Governor shall present the plan to the President of the Senate and Speaker of~~**  
21 **~~the House of Delegates who shall introduce the Governor's plan as a joint resolution to the~~**  
22 **~~General Assembly, not later than the first day of its regular session in the second year~~**  
23 **~~following every census, and the Governor may call a special session for the presentation of~~**  
24 **~~his plan prior to the regular session. The plan shall conform to Sections 2, 3 and 4 of this~~**  
25 **~~Article. Following each decennial census the General Assembly may by joint resolution~~**  
26 **~~adopt a plan setting forth the boundaries of the legislative districts for the election of~~**  
27 **~~members of the Senate and the House of Delegates, which plan shall conform to Sections~~**  
28 **~~2, 3 and 4 of this Article. If a plan has been adopted by the General Assembly by the 45th~~**  
29 **~~day after the opening of the regular session of the General Assembly in the second year~~**  
30 **~~following every census, the plan adopted by the General Assembly shall become law. If no~~**  
31 **~~plan has been adopted by the General Assembly for these purposes by the 45th day after~~**  
32 **~~the opening of the regular session of the General Assembly in the second year following~~**  
33 **~~every census, the Governor's plan presented to the General Assembly shall become law.~~**

34           **~~Upon petition of any registered voter, the Court of Appeals shall have original~~**  
35 **~~jurisdiction to review the legislative districting of the State and may grant appropriate~~**  
36 **~~relief, if it finds that the districting of the State is not consistent with requirements of either~~**  
37 **~~the Constitution of the United States of America, or the Constitution of Maryland.~~**

1 ~~5A.~~

2       ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
3 ~~INDICATED.~~

4               ~~(2) "COMMISSION" MEANS THE LEGISLATIVE DISTRICTING~~  
5 ~~COMMISSION.~~

6               ~~(3) "DEPARTMENT" MEANS THE DEPARTMENT OF LEGISLATIVE~~  
7 ~~SERVICES, OR ITS SUCCESSOR.~~

8               ~~(4) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF~~  
9 ~~THE DEPARTMENT.~~

10              ~~(5) "PLAN" MEANS THE LEGISLATIVE DISTRICTING PLAN PREPARED~~  
11 ~~BY THE COMMISSION UNDER SUBSECTIONS (E) OR (I)(2) OF THIS SECTION.~~

12       ~~(B) (1) THIS SECTION APPLIES ONLY IF THE DEPARTMENT DETERMINES~~  
13 ~~AFTER CONSULTATION WITH AND ON THE ADVICE OF THE ATTORNEY GENERAL~~  
14 ~~THAT VIRGINIA HAS ADOPTED A LEGISLATIVE DISTRICTING PROCESS THAT IS~~  
15 ~~SUBSTANTIALLY SIMILAR TO THE PROCESS IN THIS SECTION.~~

16              ~~(2) A PROCESS SHALL BE CONSIDERED SUBSTANTIALLY SIMILAR FOR~~  
17 ~~THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION ONLY IF:~~

18              ~~(I) A LEGISLATIVE DISTRICTING PLAN IS INITIALLY~~  
19 ~~DEVELOPED AND PROPOSED BY A COMMISSION COMPOSED OF INDIVIDUALS WHO~~  
20 ~~ARE:~~

21                      ~~1. EMPLOYEES OF OR CONTRACTED BY A NONPARTISAN~~  
22 ~~STATE AGENCY THAT PROVIDES NONPARTISAN RESEARCH OR ANALYSIS; AND~~

23                      ~~2. NOT SELECTED BY THE GOVERNOR OF THE STATE,~~  
24 ~~MEMBERS OF THE STATE LEGISLATURE, OR AN INDIVIDUAL SELECTED BY THE~~  
25 ~~GOVERNOR OF THE STATE OR THE STATE LEGISLATURE;~~

26              ~~(II) THE STATE LEGISLATURE IS ALLOWED TO VOTE ON THE~~  
27 ~~LEGISLATIVE DISTRICTING PLAN PROPOSED BY THE COMMISSION BUT IS~~  
28 ~~PROHIBITED FROM ALTERING THE PLAN; AND~~

29              ~~(III) A LEGISLATIVE DISTRICTING PLAN PREPARED BY THE~~  
30 ~~STATE'S HIGHEST COURT BECOMES LAW IF THE STATE LEGISLATURE FAILS TO~~  
31 ~~ADOPT THE LEGISLATIVE DISTRICTING PLAN PROPOSED BY THE COMMISSION.~~

1 ~~(C) THERE IS A LEGISLATIVE DISTRICTING COMMISSION.~~

2 ~~(D) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE~~  
3 ~~EXECUTIVE DIRECTOR SHALL:~~

4 ~~(I) DETERMINE THE SIZE AND COMPOSITION OF THE~~  
5 ~~COMMISSION; AND~~

6 ~~(II) ON OR BEFORE JUNE 1 OF THE YEAR FOLLOWING EACH~~  
7 ~~DECENNIAL CENSUS, SELECT THE MEMBERS OF THE COMMISSION.~~

8 ~~(2) (I) THE MEMBERS OF THE COMMISSION SHALL INCLUDE:~~

9 ~~1. A DEMOGRAPHER;~~

10 ~~2. A CARTOGRAPHER;~~

11 ~~3. AN APPLIED MATHEMATICIAN;~~

12 ~~4. A COMPUTER SCIENTIST; AND~~

13 ~~5. A LAWYER OR LEGAL EXPERT WHO SPECIALIZES IN~~  
14 ~~ELECTION AND REDISTRICTING LAW.~~

15 ~~(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH,~~  
16 ~~THE EXECUTIVE DIRECTOR SHALL DETERMINE THE EDUCATION AND EXPERIENCE~~  
17 ~~THAT AN INDIVIDUAL IS REQUIRED TO HAVE IN ORDER TO BE SELECTED AS ONE OF~~  
18 ~~THE MEMBERS LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

19 ~~(III) IN DETERMINING THE EDUCATION AND EXPERIENCE~~  
20 ~~REQUIRED, THE EXECUTIVE DIRECTOR MAY NOT DEVIATE FROM WHAT IS~~  
21 ~~NORMALLY CONSIDERED TO BE THE MINIMUM QUALIFICATIONS REQUIRED TO BE~~  
22 ~~EMPLOYED AS THE PROFESSIONAL LISTED.~~

23 ~~(3) MEMBERS OF THE COMMISSION SHALL BE:~~

24 ~~(I) FULL-TIME EMPLOYEES OF THE DEPARTMENT; OR~~

25 ~~(II) IF THE EXECUTIVE DIRECTOR DETERMINES THAT THE~~  
26 ~~NEEDS OF THE COMMISSION CANNOT BE MET BY FULL-TIME EMPLOYEES OF THE~~  
27 ~~DEPARTMENT, EMPLOYEES HIRED ON A CONTRACTUAL BASIS FOR THE PURPOSE OF~~  
28 ~~SERVING ON THE COMMISSION.~~

1           ~~(4) THE TERM OF A MEMBER OF THE COMMISSION BEGINS WHEN THE~~  
2 ~~MEMBER IS SELECTED AND ENDS WHEN A LEGISLATIVE DISTRICTING PLAN IS~~  
3 ~~ADOPTED BY THE GENERAL ASSEMBLY UNDER SUBSECTION (I)(1) OF THIS SECTION~~  
4 ~~OR THE COURT OF APPEALS IS REQUIRED TO PREPARE THE LEGISLATIVE~~  
5 ~~DISTRICTING PLAN UNDER SUBSECTION (J)(1) OF THIS SECTION.~~

6           ~~(5) WHILE SERVING ON THE COMMISSION, A MEMBER MAY NOT BE:~~

7                   ~~(I) AN ELECTED OFFICIAL;~~

8                   ~~(II) AN OFFICIAL WHOSE APPOINTMENT IS SUBJECT TO SENATE~~  
9 ~~CONFIRMATION; OR~~

10                   ~~(III) A CANDIDATE FOR ELECTED OFFICE.~~

11           ~~(6) A MEMBER OF THE CONGRESSIONAL DISTRICTING COMMISSION~~  
12 ~~ESTABLISHED BY ARTICLE XX OF THIS CONSTITUTION MAY BE A MEMBER OF THE~~  
13 ~~COMMISSION.~~

14           ~~(7) (I) A MEMBER OF THE COMMISSION MAY BE REMOVED DURING~~  
15 ~~THE MEMBER'S TERM ONLY BY IMPEACHMENT UNDER § 26 OF THIS ARTICLE FOR~~  
16 ~~MALFEASANCE, MISFEASANCE, OR NONFEASANCE.~~

17                   ~~(II) IF A FULL-TIME EMPLOYEE OF THE DEPARTMENT IS~~  
18 ~~REMOVED FROM THE COMMISSION BY IMPEACHMENT UNDER SUBPARAGRAPH (I) OF~~  
19 ~~THIS PARAGRAPH, THE DEPARTMENT MAY NOT TERMINATE THE EMPLOYMENT OF~~  
20 ~~THE EMPLOYEE UNLESS THE MALFEASANCE, MISFEASANCE, OR NONFEASANCE~~  
21 ~~WOULD HAVE BEEN GROUNDS FOR TERMINATION IF COMMITTED BY THE EMPLOYEE~~  
22 ~~IN THE COURSE OF THE EMPLOYEE'S OTHER DUTIES.~~

23           ~~(E) FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED STATES AND~~  
24 ~~AFTER PUBLIC HEARINGS, THE COMMISSION SHALL PREPARE A PLAN~~  
25 ~~ESTABLISHING THE BOUNDARIES OF THE LEGISLATIVE DISTRICTS THAT COMPLIES~~  
26 ~~WITH APPLICABLE FEDERAL AND STATE LAW.~~

27           ~~(F) THE COMMISSION SHALL PRESENT THE PLAN TO THE PRESIDENT OF~~  
28 ~~THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES, WHO SHALL~~  
29 ~~INTRODUCE THE PLAN AS A JOINT RESOLUTION TO THE GENERAL ASSEMBLY NO~~  
30 ~~LATER THAN THE FIRST DAY OF ITS REGULAR SESSION IN THE SECOND YEAR~~  
31 ~~FOLLOWING THE DECENNIAL CENSUS.~~

32           ~~(G) THE GOVERNOR MAY CALL A SPECIAL SESSION FOR THE PRESENTATION~~  
33 ~~OF THE PLAN BEFORE THE REGULAR SESSION.~~

~~(H) (1) THE PLAN MAY NOT BE AMENDED.~~

~~(2) A MEMBER OF THE GENERAL ASSEMBLY MAY NOT INTRODUCE A JOINT RESOLUTION OR A BILL CONTAINING A LEGISLATIVE DISTRICTING PLAN THAT IS DIFFERENT FROM THE PLAN PROPOSED BY THE COMMISSION.~~

~~(I) (1) THE PLAN SHALL BECOME LAW ON ADOPTION BY THE GENERAL ASSEMBLY BY A MAJORITY VOTE OF BOTH HOUSES.~~

~~(2) IF THE GENERAL ASSEMBLY FAILS TO ADOPT THE PLAN BY THE 17TH DAY AFTER THE OPENING OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY IN THE SECOND YEAR FOLLOWING THE DECENNIAL CENSUS, THE COMMISSION SHALL PREPARE AN ALTERNATIVE PLAN AND SUBMIT IT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES, WHO SHALL INTRODUCE THE PLAN AS A JOINT RESOLUTION TO THE GENERAL ASSEMBLY.~~

~~(J) IF AN ALTERNATIVE PLAN INTRODUCED UNDER SUBSECTION (I)(2) OF THIS SECTION FAILS TO RECEIVE A MAJORITY VOTE OF BOTH HOUSES BY THE 52ND DAY AFTER THE OPENING OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY IN THE SECOND YEAR FOLLOWING THE DECENNIAL CENSUS, THE COURT OF APPEALS SHALL PREPARE THE PLAN ESTABLISHING THE BOUNDARIES OF THE LEGISLATIVE DISTRICTS.~~

~~(K) IF THE GENERAL ASSEMBLY ADOPTS A PLAN, ON PETITION OF ANY REGISTERED VOTER, THE COURT OF APPEALS:~~

~~(1) SHALL HAVE ORIGINAL JURISDICTION TO REVIEW THE LEGISLATIVE DISTRICTING OF THE STATE; AND~~

~~(2) MAY GRANT APPROPRIATE RELIEF IF IT FINDS THAT THE LEGISLATIVE DISTRICTING OF THE STATE IS NOT CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAW.~~

## ~~ARTICLE XX CONGRESSIONAL DISTRICTING~~

~~1.~~

~~(A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(B) "COMMISSION" MEANS THE CONGRESSIONAL DISTRICTING COMMISSION.~~

1 ~~(C) "DEPARTMENT" MEANS THE DEPARTMENT OF LEGISLATIVE SERVICES,~~  
2 ~~OR ITS SUCCESSOR.~~

3 ~~(D) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE~~  
4 ~~DEPARTMENT.~~

5 ~~(E) "PLAN" MEANS THE CONGRESSIONAL DISTRICTING PLAN PREPARED BY~~  
6 ~~THE COMMISSION UNDER § 5(A) OR § 5(E)(2) OF THIS ARTICLE.~~

7 ~~2.~~

8 ~~(A) THIS ARTICLE APPLIES ONLY IF THE DEPARTMENT DETERMINES AFTER~~  
9 ~~CONSULTATION WITH AND ON THE ADVICE OF THE ATTORNEY GENERAL THAT~~  
10 ~~VIRGINIA HAS ADOPTED A CONGRESSIONAL DISTRICTING PROCESS THAT IS~~  
11 ~~SUBSTANTIALLY SIMILAR TO THE PROCESS IN THIS ARTICLE.~~

12 ~~(B) A PROCESS SHALL BE CONSIDERED SUBSTANTIALLY SIMILAR FOR THE~~  
13 ~~PURPOSES OF SUBSECTION (A) OF THIS SECTION ONLY IF:~~

14 ~~(1) A CONGRESSIONAL DISTRICTING PLAN IS INITIALLY DEVELOPED~~  
15 ~~AND PROPOSED BY A COMMISSION COMPOSED OF INDIVIDUALS WHO ARE:~~

16 ~~(I) EMPLOYEES OF OR CONTRACTED BY A NONPARTISAN STATE~~  
17 ~~AGENCY THAT PROVIDES NONPARTISAN RESEARCH OR ANALYSIS; AND~~

18 ~~(II) NOT SELECTED BY THE GOVERNOR OF THE STATE,~~  
19 ~~MEMBERS OF THE STATE LEGISLATURE, OR AN INDIVIDUAL SELECTED BY THE~~  
20 ~~GOVERNOR OF THE STATE OR THE STATE LEGISLATURE;~~

21 ~~(2) THE STATE LEGISLATURE IS ALLOWED TO VOTE ON THE~~  
22 ~~CONGRESSIONAL DISTRICTING PLAN PROPOSED BY THE COMMISSION BUT IS~~  
23 ~~PROHIBITED FROM ALTERING THE PLAN; AND~~

24 ~~(3) A CONGRESSIONAL DISTRICTING PLAN PREPARED BY THE~~  
25 ~~STATE'S HIGHEST COURT BECOMES LAW IF THE STATE LEGISLATURE FAILS TO~~  
26 ~~ADOPT THE CONGRESSIONAL DISTRICTING PLAN PROPOSED BY THE COMMISSION.~~

27 ~~3.~~

28 ~~EACH CONGRESSIONAL DISTRICT SHALL CONSIST OF ADJOINING TERRITORY,~~  
29 ~~BE COMPACT IN FORM, AND BE OF SUBSTANTIALLY EQUAL POPULATION. DUE~~  
30 ~~REGARD SHALL BE GIVEN TO NATURAL BOUNDARIES AND THE BOUNDARIES OF~~  
31 ~~POLITICAL SUBDIVISIONS.~~



1 ~~4.~~

2 (A) ~~THERE IS A CONGRESSIONAL DISTRICTING COMMISSION.~~

3 (B) ~~SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION, THE~~  
4 ~~EXECUTIVE DIRECTOR SHALL:~~

5 (1) ~~DETERMINE THE SIZE AND COMPOSITION OF THE COMMISSION;~~  
6 ~~AND~~

7 (2) ~~ON OR BEFORE JUNE 1 OF THE YEAR FOLLOWING THE DECENNIAL~~  
8 ~~CENSUS, SELECT THE MEMBERS OF THE COMMISSION.~~

9 (C) (1) ~~THE MEMBERS OF THE COMMISSION SHALL INCLUDE:~~

10 (i) ~~A DEMOGRAPHER;~~

11 (ii) ~~A CARTOGRAPHER;~~

12 (iii) ~~AN APPLIED MATHEMATICIAN;~~

13 (iv) ~~A COMPUTER SCIENTIST; AND~~

14 (v) ~~A LAWYER OR LEGAL EXPERT WHO SPECIALIZES IN~~  
15 ~~ELECTION AND REDISTRICTING LAW.~~

16 (2) ~~SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE~~  
17 ~~EXECUTIVE DIRECTOR SHALL DETERMINE THE EDUCATION AND EXPERIENCE THAT~~  
18 ~~AN INDIVIDUAL IS REQUIRED TO HAVE IN ORDER TO BE SELECTED AS ONE OF THE~~  
19 ~~MEMBERS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.~~

20 (3) ~~IN DETERMINING THE EDUCATION AND EXPERIENCE REQUIRED,~~  
21 ~~THE EXECUTIVE DIRECTOR MAY NOT DEVIATE FROM WHAT IS NORMALLY~~  
22 ~~CONSIDERED TO BE THE MINIMUM QUALIFICATIONS REQUIRED TO BE EMPLOYED AS~~  
23 ~~THE PROFESSIONAL LISTED.~~

24 (D) ~~MEMBERS OF THE COMMISSION SHALL BE:~~

25 (1) ~~FULL TIME EMPLOYEES OF THE DEPARTMENT; OR~~

26 (2) ~~IF THE EXECUTIVE DIRECTOR DETERMINES THAT THE NEEDS OF~~  
27 ~~THE COMMISSION CANNOT BE MET WITH THE AVAILABLE FULL TIME EMPLOYEES~~  
28 ~~OF THE DEPARTMENT, EMPLOYEES HIRED ON A CONTRACTUAL BASIS FOR THE~~  
29 ~~PURPOSE OF SERVING ON THE COMMISSION.~~

1 ~~(E) THE TERM OF A MEMBER OF THE COMMISSION BEGINS WHEN THE~~  
2 ~~MEMBER IS SELECTED AND ENDS WHEN A CONGRESSIONAL DISTRICTING PLAN IS~~  
3 ~~ADOPTED BY THE GENERAL ASSEMBLY UNDER § 5(E)(1) OF THIS ARTICLE OR THE~~  
4 ~~COURT OF APPEALS IS REQUIRED TO PREPARE THE CONGRESSIONAL DISTRICTING~~  
5 ~~PLAN UNDER § 5(F) OF THIS ARTICLE.~~

6 ~~(F) WHILE SERVING ON THE COMMISSION, A MEMBER MAY NOT BE:~~

7 ~~(1) AN ELECTED OFFICIAL;~~

8 ~~(2) AN OFFICIAL WHOSE APPOINTMENT IS SUBJECT TO SENATE~~  
9 ~~CONFIRMATION; OR~~

10 ~~(3) A CANDIDATE FOR ELECTED OFFICE.~~

11 ~~(G) A MEMBER OF THE LEGISLATIVE DISTRICTING COMMISSION~~  
12 ~~ESTABLISHED BY ARTICLE III, § 5A OF THIS CONSTITUTION MAY BE A MEMBER OF~~  
13 ~~THE COMMISSION.~~

14 ~~(H) (1) A MEMBER OF THE COMMISSION MAY BE REMOVED DURING THE~~  
15 ~~MEMBER'S TERM ONLY BY IMPEACHMENT UNDER ARTICLE III, § 26 OF THIS~~  
16 ~~CONSTITUTION FOR MALFEASANCE, MISFEASANCE, OR NONFEASANCE.~~

17 ~~(2) IF A FULL-TIME EMPLOYEE OF THE DEPARTMENT IS REMOVED~~  
18 ~~FROM THE COMMISSION BY IMPEACHMENT UNDER PARAGRAPH (1) OF THIS~~  
19 ~~SUBSECTION, THE DEPARTMENT MAY NOT TERMINATE THE EMPLOYMENT OF THE~~  
20 ~~EMPLOYEE UNLESS THE MALFEASANCE, MISFEASANCE, OR NONFEASANCE WOULD~~  
21 ~~HAVE BEEN GROUNDS FOR TERMINATION IF COMMITTED BY THE EMPLOYEE IN THE~~  
22 ~~COURSE OF THE EMPLOYEE'S OTHER DUTIES.~~

23 ~~5.~~

24 ~~(A) FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED STATES AND~~  
25 ~~AFTER PUBLIC HEARINGS, THE COMMISSION SHALL PREPARE A PLAN~~  
26 ~~ESTABLISHING THE BOUNDARIES OF THE CONGRESSIONAL DISTRICTS THAT~~  
27 ~~COMPLIES WITH APPLICABLE FEDERAL LAW AND § 3 OF THIS ARTICLE AND ANY~~  
28 ~~OTHER APPLICABLE STATE LAW.~~

29 ~~(B) THE COMMISSION SHALL PRESENT THE PLAN TO THE PRESIDENT OF~~  
30 ~~THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES, WHO SHALL~~  
31 ~~INTRODUCE THE PLAN AS A JOINT RESOLUTION TO THE GENERAL ASSEMBLY NO~~  
32 ~~LATER THAN THE FIRST DAY OF ITS REGULAR SESSION IN THE SECOND YEAR~~  
33 ~~FOLLOWING THE DECENNIAL CENSUS.~~

~~(C) THE GOVERNOR MAY CALL A SPECIAL SESSION FOR THE PRESENTATION OF THE PLAN BEFORE THE REGULAR SESSION.~~

~~(D) (1) THE PLAN MAY NOT BE AMENDED.~~

~~(2) A MEMBER OF THE GENERAL ASSEMBLY MAY NOT INTRODUCE A JOINT RESOLUTION OR A BILL CONTAINING A CONGRESSIONAL DISTRICTING PLAN THAT IS DIFFERENT FROM THE PLAN PROPOSED BY THE COMMISSION.~~

~~(E) (1) THE PLAN SHALL BECOME LAW ON ADOPTION BY THE GENERAL ASSEMBLY BY A MAJORITY VOTE OF BOTH HOUSES.~~

~~(2) IF THE GENERAL ASSEMBLY FAILS TO ADOPT THE PLAN BY THE 17TH DAY AFTER THE OPENING OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY IN THE SECOND YEAR FOLLOWING THE DECENNIAL CENSUS, THE COMMISSION SHALL PREPARE AN ALTERNATIVE PLAN AND SUBMIT IT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES, WHO SHALL INTRODUCE THE PLAN AS A JOINT RESOLUTION TO THE GENERAL ASSEMBLY.~~

~~(F) IF AN ALTERNATIVE PLAN INTRODUCED UNDER SUBSECTION (E)(2) OF THIS SECTION FAILS TO RECEIVE A MAJORITY VOTE OF BOTH HOUSES BY THE 52ND DAY AFTER THE OPENING OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY IN THE SECOND YEAR FOLLOWING THE DECENNIAL CENSUS, THE COURT OF APPEALS SHALL PREPARE THE PLAN ESTABLISHING THE BOUNDARIES OF THE CONGRESSIONAL DISTRICTS.~~

~~(G) IF THE GENERAL ASSEMBLY ADOPTS A PLAN, ON PETITION OF ANY REGISTERED VOTER, THE COURT OF APPEALS:~~

~~(1) SHALL HAVE ORIGINAL JURISDICTION TO REVIEW THE CONGRESSIONAL DISTRICTING OF THE STATE; AND~~

~~(2) MAY GRANT APPROPRIATE RELIEF IF IT FINDS THAT THE CONGRESSIONAL DISTRICTING OF THE STATE IS NOT CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAW.~~

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

~~SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section proposed as an amendment to the Maryland Constitution shall be submitted to the qualified voters of the State at the next general election to be held in November 2018 for~~

~~1 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that  
2 general election, the vote on this proposed amendment to the Constitution shall be by  
3 ballot, and upon each ballot there shall be printed the words "For the Constitutional  
4 Amendment" and "Against the Constitutional Amendment," as now provided by law.  
5 Immediately after the election, all returns shall be made to the Governor of the vote for and  
6 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,  
7 and further proceedings had in accordance with Article XIV.~~

8       SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the  
9 enactment of a nonpartisan districting process for representatives in the United States  
10 House of Representatives in the mid-Atlantic region in each of the states of New York, New  
11 Jersey, Pennsylvania, Virginia, and North Carolina. The Secretary of State shall monitor  
12 the enactment of districting legislation by the states of New York, New Jersey,  
13 Pennsylvania, Virginia, and North Carolina and, after consultation with the Attorney  
14 General, notify the Department of Legislative Services within 5 days after the contingency  
15 is met.

16       SECTION 3. AND BE IT FURTHER ENACTED, That if the notice of the contingency  
17 described under Section 2 of this Act being met is not received by the Department of  
18 Legislative Services on or before December 31, 2020, this Act:

19       (a) may not be applied to the districting process for representatives from  
20 Maryland in the United States House of Representatives resulting from the 2020 decennial  
21 census; and

22       (b) the districting process for representatives from Maryland in the United States  
23 House of Representatives resulting from the 2020 decennial census set forth under the  
24 Maryland Constitution and provisions of Maryland law in effect on January 1, 2021, shall  
25 apply.

26       SECTION 4. AND BE IT FURTHER ENACTED, That if the Department of  
27 Legislative Services does not receive notice from the Secretary of State on or before  
28 December 31, 2032, that the contingency described in Section 2 of this Act is met, this Act  
29 shall be null and void without the necessity of further action by the General Assembly.

30       SECTION 5. AND BE IT FURTHER ENACTED, That the Secretary of State is  
31 directed to send copies of this Act to the presiding officers of both Houses of the legislature  
32 of each of the states of New York, New Jersey, Pennsylvania, Virginia, and North Carolina  
33 in the mid-Atlantic region, with the request that it be circulated among leaders in the  
34 legislative branches of those state governments; and with the further request that each of  
35 the states of New York, New Jersey, Pennsylvania, Virginia, and North Carolina in the  
36 mid-Atlantic region join the State of Maryland in the enactment of a nonpartisan  
37 districting process for representatives in the United States House of Representatives in the  
38 mid-Atlantic region.

39       SECTION 6. AND BE IT FURTHER ENACTED, That, subject to Sections 2, 3, and  
40 4 of this Act, this Act shall take effect October 1, 2017.