

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: King
Typed by: Don
Stored – 01/25/16
Proofread by _____
Checked by _____

By: **The President (By Request – Administration)**

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;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

20 BY proposing a repeal of the Maryland Constitution
21 Article III – Legislative Department
22 Section 5

23 BY proposing an addition to the Maryland Constitution
24 Article III – Legislative Department
25 Section 5

26 BY adding to
27 Article – Election Law
28 Section 8–7A–01 through 8–7A–14 to be under the new subtitle “Subtitle 7A.
29 General Assembly and Congressional Legislative Redistricting and
30 Apportionment Commission”
31 Annotated Code of Maryland
32 (2010 Replacement Volume and 2015 Supplement)

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

4 **Article III – Legislative Department**

5 [5.

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

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

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

27 5.

28 (A) IN THE YEAR FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED
29 STATES OR WHEN REQUIRED BY THE UNITED STATES OR BY COURT ORDER, A
30 GENERAL ASSEMBLY AND CONGRESSIONAL LEGISLATIVE REDISTRICTING AND
31 APPORTIONMENT COMMISSION SHALL BE APPOINTED:

1 (D) "PANEL" MEANS THE APPLICANT REVIEW PANEL.

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

6 8-7A-02.

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

12 8-7A-03.

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

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

20 (II) A MEMBER OF THE HOUSE OF DELEGATES MAY BE ELECTED
21 FROM A SINGLE-MEMBER DISTRICT OR A THREE-MEMBER DISTRICT;

22 (2) EACH MEMBER OF CONGRESS SHALL BE ELECTED FROM A
23 SINGLE-MEMBER DISTRICT;

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

27 (4) THE POPULATION OF ALL CONGRESSIONAL DISTRICTS SHALL BE

1 EQUAL TO THE GREATEST EXTENT PRACTICABLE; AND

2 (5) GENERAL ASSEMBLY LEGISLATIVE DISTRICTS AND
3 CONGRESSIONAL DISTRICTS SHALL COMPLY WITH THE REQUIREMENTS OF §
4 8-7A-05(A) OF THIS SUBTITLE.

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

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

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

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

14 (C) GENERAL ASSEMBLY LEGISLATIVE DISTRICTS AND CONGRESSIONAL
15 DISTRICTS SHALL BE NUMBERED CONSECUTIVELY COMMENCING AT THE
16 NORTHWESTERN BOUNDARY OF THE STATE AND ENDING AT THE SOUTHEASTERN
17 BOUNDARY.

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

19 (1) HOLD PUBLIC HEARINGS;

20 (2) PROVIDE ACCESS TO REDISTRICTING DATA AND SOFTWARE; AND

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

23 8-7A-04.

24 (A) THE COMMISSION SHALL:

25 (1) CONDUCT AN OPEN AND TRANSPARENT PROCESS ENABLING FULL

1 PUBLIC CONSIDERATION OF AND COMMENT ON THE DRAWING OF DISTRICT LINES;

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

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

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

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

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

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

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

19 (3) EACH MEMBER OF THE COMMISSION:

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

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

1 ESTABLISHED THROUGH BLOOD OR LEGAL RELATION OF SUCH CANDIDATE OR
2 MEMBER;

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

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

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

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

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

19 (6) EACH MEMBER OF THE COMMISSION SHALL:

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

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

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

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

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

3 8-7A-05.

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

6 (2) EACH CONGRESSIONAL DISTRICT SHALL:

7 (I) COMPLY WITH THE UNITED STATES CONSTITUTION;

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

9 (III) BE EQUAL IN POPULATION, EXCEPT WHERE DEVIATION IS
10 REQUIRED TO COMPLY WITH THE FEDERAL VOTING RIGHTS ACT (42 U.S.C. SEC.
11 1971 AND FOLLOWING) OR IS ALLOWABLE BY LAW;

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

15 (V) BE GEOGRAPHICALLY CONTIGUOUS; AND

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

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

24 (C) BY SEPTEMBER 15 OF EACH YEAR ENDING IN THE NUMBER ONE, THE
25 COMMISSION SHALL APPROVE A FINAL MAP THAT SEPARATELY SETS FORTH THE
26 DISTRICT BOUNDARY LINES FOR THE MEMBERS OF THE GENERAL ASSEMBLY AND

1 FOR THE MEMBERS OF THE UNITED STATES CONGRESS OF THIS STATE.

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

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

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

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

11 8-7A-06.

12 (A) THE COMMISSION:

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

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

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

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

23 8-7A-07.

24 (A) THE SECRETARY OF STATE SHALL FORWARD CERTIFIED FINAL MAPS
25 AND PLANS SUBMITTED BY THE COMMISSION TO THE PRESIDING OFFICERS OF THE
26 GENERAL ASSEMBLY FOR THE INTRODUCTION BY THE PRESIDING OFFICERS OF A

1 SEPARATE BILL CONTAINING:

2 (1) THE GENERAL ASSEMBLY LEGISLATIVE DISTRICT PLAN; AND

3 (2) THE CONGRESSIONAL DISTRICT PLAN.

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

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

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

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

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

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

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

28 (3) (I) IF THE GENERAL ASSEMBLY FAILS TO PASS THE BILL FOR A

1 MAP AND PLAN ON THE VOTE OF THREE-FIFTHS OF THE MEMBERS OF EITHER OR
2 BOTH HOUSES OF THE GENERAL ASSEMBLY, THE PRESIDING OFFICERS OF THE
3 GENERAL ASSEMBLY SHALL RETURN THE BILL TOGETHER WITH THE
4 RECOMMENDATIONS OF THE GENERAL ASSEMBLY, IF ANY, TO THE COMMISSION
5 AND REQUEST THAT THE COMMISSION PROPOSE AN ALTERNATIVE MAP AND PLAN.

6 (II) IF THE GENERAL ASSEMBLY FAILS TO PASS BY A
7 THREE-FIFTHS VOTE OF EACH HOUSE THE BILL FOR AN ALTERNATIVE MAP AND
8 PLAN SUBMITTED BY THE COMMISSION, OR IF THE BILL IS VETOED BY THE
9 GOVERNOR AND NOT OVERRIDDEN BY THE GENERAL ASSEMBLY, THE COURT OF
10 APPEALS SHALL ESTABLISH THE MAP AND PLAN FOR THE GENERAL ASSEMBLY
11 LEGISLATIVE DISTRICTS OR CONGRESSIONAL DISTRICTS IN ACCORDANCE WITH §
12 8-7A-08 OF THIS SUBTITLE.

13 8-7A-08.

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

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

24 (2) IF THE COURT DETERMINES THAT A FINAL MAP AND PLAN IN A
25 BILL ESTABLISHING GENERAL ASSEMBLY LEGISLATIVE DISTRICTS OR
26 CONGRESSIONAL DISTRICTS VIOLATES THE MARYLAND CONSTITUTION, THE
27 UNITED STATES CONSTITUTION, OR A FEDERAL OR STATE STATUTE, THE COURT
28 SHALL ISSUE THE RELIEF THAT IT DEEMS APPROPRIATE.

29 (C) (1) IF THE GENERAL ASSEMBLY FAILS TO PASS BY A THREE-FIFTHS
30 VOTE OF EACH HOUSE THE BILL FOR AN ALTERNATIVE MAP AND PLAN SUBMITTED
31 BY THE COMMISSION TO ESTABLISH GENERAL ASSEMBLY LEGISLATIVE DISTRICTS
32 OR CONGRESSIONAL DISTRICTS, OR IF THE BILL IS VETOED BY THE GOVERNOR AND

1 NOT OVERRIDDEN BY THE GENERAL ASSEMBLY, THE COMMISSION SHALL FILE A
2 PETITION WITH THE COURT OF APPEALS TO REVIEW THE MAP AND PLAN AND
3 ESTABLISH THE DISTRICTS.

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

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

8 8-7A-09.

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

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

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

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

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

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

25 8-7A-10.

26 (A) (1) IN EACH YEAR ENDING IN THE NUMBER ZERO, THE LEGISLATIVE
27 AUDITOR SHALL INITIATE AN APPLICATION PROCESS THAT IS OPEN TO ALL

1 REGISTERED VOTERS IN THE STATE IN A MANNER THAT PROMOTES A DIVERSE AND
2 QUALIFIED APPLICANT POOL FOR MEMBERSHIP ON THE COMMISSION.

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

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

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

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

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

17 (V) SERVED AS PAID CONGRESSIONAL OR GENERAL ASSEMBLY
18 STAFF; OR

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

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

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

27 (II) RANDOMLY DRAW THE NAMES OF THREE QUALIFIED
28 INDEPENDENT AUDITORS FROM A POOL CONSISTING OF ALL AUDITORS EMPLOYED

1 BY THE STATE AND LICENSED BY THE STATE AT THE TIME OF THE DRAWING; AND

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

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

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

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

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

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

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

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

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

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

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

3 **1. 10 WHO ARE REGISTERED WITH THE POLITICAL**
4 **PARTY THAT HAS THE HIGHEST NUMBER OF REGISTERED VOTERS IN THE STATE;**

5 **2. 10 WHO ARE REGISTERED WITH THE POLITICAL**
6 **PARTY THAT HAS THE SECOND-HIGHEST NUMBER OF REGISTERED VOTERS IN THE**
7 **STATE; AND**

8 **3. 10 WHO ARE NOT REGISTERED WITH EITHER OF THE**
9 **TWO POLITICAL PARTIES THAT HAVE THE HIGHEST OR SECOND-HIGHEST NUMBER**
10 **OF REGISTERED VOTERS IN THE STATE.**

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

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

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

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

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

29 **(III) THREE FROM THE REMAINING SUBPOOL OF APPLICANTS**

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

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

6 8-7A-11.

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

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

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

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

26 8-7A-12.

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

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

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

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

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

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

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

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

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

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

27 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN EMPLOYER MAY**
28 **NOT DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE, COERCE, OR RETALIATE**
29 **AGAINST ANY EMPLOYEE BY REASON OF THE EMPLOYEE'S ATTENDANCE OR**

1 SCHEDULED ATTENDANCE AT ANY MEETING OF THE COMMISSION.

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

4 (I) SUBJECT TO PUBLIC NOTICE; AND

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

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

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

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

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

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

24 8-7A-13.

25 A MEMBER OF THE COMMISSION:

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

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

3 **8-7A-14.**

4 **(A) IN EACH YEAR ENDING IN THE NUMBER NINE, THE GOVERNOR SHALL**
5 **INCLUDE IN THE STATE BUDGET SUBMITTED TO THE GENERAL ASSEMBLY FUNDING**
6 **THAT IS SUFFICIENT TO MEET THE ESTIMATED EXPENSES OF EACH OF THE**
7 **OFFICERS OR ENTITIES INVOLVED IN IMPLEMENTING THE REDISTRICTING PROCESS**
8 **REQUIRED BY THIS SUBTITLE FOR A 3-YEAR PERIOD, INCLUDING ADEQUATE**
9 **FUNDING FOR A STATEWIDE OUTREACH PROGRAM TO SOLICIT BROAD PUBLIC**
10 **PARTICIPATION IN THE REDISTRICTING PROCESS, FOR:**

11 **(1) THE LEGISLATIVE AUDITOR;**

12 **(2) THE COMMISSION;**

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

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

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

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

20 **(2) THE APPROPRIATION SHALL BE EQUAL TO THE GREATER OF**
21 **\$3,000,000, OR THE AMOUNT EXPENDED UNDER THIS SUBTITLE IN THE**
22 **IMMEDIATELY PRECEDING REDISTRICTING PROCESS, AS EACH AMOUNT IS**
23 **ADJUSTED BY THE CUMULATIVE CHANGE IN THE MARYLAND CONSUMER PRICE**
24 **INDEX OR ITS SUCCESSOR SINCE THE DATE OF THE IMMEDIATELY PRECEDING**
25 **APPROPRIATION.**

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

1 AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS, INCLUDING LEGAL
2 REPRESENTATION.

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

7 SECTION 4. AND BE IT FURTHER ENACTED, That the amendment to the
8 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
9 voters of the State at the next general election to be held in November 2016 for their
10 adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general
11 election, the vote on this proposed amendment to the Constitution shall be by ballot, and
12 upon each ballot there shall be printed the words "For the Constitutional Amendment" and
13 "Against the Constitutional Amendment," as now provided by law. Immediately after the
14 election, all returns shall be made to the Governor of the vote for and against the proposed
15 amendment, as directed by Article XIV of the Maryland Constitution, and further
16 proceedings had in accordance with Article XIV.

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

20 SECTION 6. AND BE IT FURTHER ENACTED, That except as provided in Sections
21 4 and 5 of this Act, this Act shall take effect June 1, 2016.