

HOUSE BILL 906

G1

CONSTITUTIONAL AMENDMENT

5lr2120

By: **Delegates Miele, Cassilly, Impallaria, Krebs, McComas, Metzgar, Shoemaker, and West**

Introduced and read first time: February 13, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Legislative and Congressional Districting – Standards and Processes**

3 FOR the purpose of amending certain provisions of and adding a new article to the
4 Maryland Constitution for the purpose of changing the legislative and congressional
5 districting standards and processes; requiring that each Senate legislative district
6 be subdivided into a certain number of House legislative districts each of which must
7 contain a certain number of Delegates; specifying that legislative districts must be
8 concise in form; requiring each legislative district to be drawn in a certain manner;
9 establishing the Nonpartisan Districting Commission; providing for the
10 membership, chair, and staffing of the Commission; requiring the Governor to
11 conduct a certain lottery to select certain members of the Commission; requiring an
12 individual to submit the individual's name to the Governor to be included in a certain
13 lottery; prohibiting certain individuals from being included in a certain lottery;
14 requiring the Governor to select and appoint members of the Commission within a
15 certain time period; providing that certain members of the Commission cannot
16 receive compensation, but are entitled to certain reimbursement; providing for the
17 terms of members of the Commission; requiring the Commission to prepare and
18 adopt certain districting plans; requiring certain plans to conform to certain
19 provisions of law and this Act; requiring the Commission to begin with a certain area
20 of the State when drawing certain lines; providing that a majority vote of the
21 members of the Commission is required to adopt certain plans; providing that a
22 certain plan on which certain members of the Commission agree shall be deemed
23 adopted by the Commission under certain circumstances; requiring that certain
24 plans become law on adoption by the Commission; altering the circumstances under
25 which a legislative districting plan may be petitioned to judicial review; requiring
26 the Court of Appeals to require the Commission to prepare and adopt different
27 legislative and congressional plans under certain circumstances; providing that the
28 petitioning party has a certain burden of proof; requiring congressional districts to
29 meet certain standards and be drawn in a certain way; providing that certain due
30 regard be given in drawing congressional districts; authorizing the Court of Appeals

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 to have original jurisdiction in reviewing a certain districting plan; defining a certain
2 term; and submitting this amendment to the qualified voters of the State for their
3 adoption or rejection.

4 BY proposing an amendment to the Maryland Constitution
5 Article III – Legislative Department
6 Section 3 through 5

7 BY proposing an addition to the Maryland Constitution
8 New Article XX – Congressional Districting
9 Section 1 through 3

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

13 **Article III – Legislative Department**

14 3.

15 The State shall be divided by law into legislative districts for the election of members
16 of the Senate and the House of Delegates. Each **SENATE** legislative district shall contain
17 one (1) Senator and **BE SUBDIVIDED INTO THREE (3) HOUSE LEGISLATIVE DISTRICTS**
18 **EACH OF WHICH SHALL CONTAIN [three (3) Delegates] ONE (1) DELEGATE.** [Nothing
19 herein shall prohibit the subdivision of any one or more of the legislative districts for the
20 purpose of electing members of the House of Delegates into three (3) single-member
21 delegate districts or one (1) single-member delegate district and one (1) multi-member
22 delegate district.]

23 4.

24 **(A)** Each legislative district shall consist of adjoining territory, be compact **AND**
25 **CONCISE** in form, and of substantially equal population. Due regard shall be given to
26 natural boundaries and the boundaries of political subdivisions.

27 **(B) EACH LEGISLATIVE DISTRICT SHALL BE DRAWN, TO THE EXTENT**
28 **PRACTICABLE, IN A MANNER THAT:**

29 **(1) RESULTS IN EACH LEGISLATIVE DISTRICT BEING IN THE SHAPE**
30 **OF A SQUARE; AND**

31 **(2) KEEPS COMMUNITIES OF SIMILAR INTERESTS TOGETHER.**

32 5.

1 (A) IN THIS SECTION, "COMMISSION" MEANS THE NONPARTISAN
2 DISTRICTING COMMISSION.

3 (B) (1) THERE IS A NONPARTISAN DISTRICTING COMMISSION.

4 (2) THE COMMISSION CONSISTS OF FOLLOWING NINE MEMBERS:

5 (I) ONE MEMBER OF THE SENATE WHO IS A DEMOCRAT,
6 APPOINTED BY THE PRESIDENT OF THE SENATE;

7 (II) ONE MEMBER OF THE SENATE WHO IS A REPUBLICAN,
8 APPOINTED BY THE PRESIDENT OF THE SENATE;

9 (III) ONE MEMBER OF THE HOUSE OF DELEGATES WHO IS A
10 DEMOCRAT, APPOINTED BY THE SPEAKER OF THE HOUSE;

11 (IV) ONE MEMBER OF THE HOUSE OF DELEGATES WHO IS A
12 REPUBLICAN, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

13 (V) THE FOLLOWING MEMBERS SELECTED BY THE GOVERNOR
14 THROUGH A LOTTERY CONDUCTED UNDER PARAGRAPH (3) OF THIS SUBSECTION:

15 1. ONE RESIDENT OF THE STATE WHO IS A REGISTERED
16 DEMOCRAT;

17 2. ONE RESIDENT OF THE STATE WHO IS A REGISTERED
18 REPUBLICAN; AND

19 3. THREE RESIDENTS OF THE STATE WHO ARE
20 REGISTERED UNAFFILIATED VOTERS.

21 (3) (I) THE GOVERNOR SHALL CONDUCT A LOTTERY TO SELECT
22 THE MEMBERS OF THE COMMISSION LISTED IN PARAGRAPH (2)(V) OF THIS
23 SUBSECTION.

24 (II) THE LOTTERY CONDUCTED UNDER SUBPARAGRAPH (I) OF
25 THIS PARAGRAPH SHALL BE CONDUCTED IN PUBLIC.

26 (III) TO BE INCLUDED IN A LOTTERY CONDUCTED UNDER
27 SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN INDIVIDUAL:

28 1. SHALL SUBMIT THE INDIVIDUAL'S NAME TO THE
29 GOVERNOR;

1 **2. MAY NOT BE A STATE EMPLOYEE; AND**

2 **3. MAY NOT HAVE CHANGED PARTY REGISTRATION**
3 **WITHIN THE IMMEDIATELY PRECEDING 4 YEARS.**

4 **(4) THE GOVERNOR AND THE PRESIDING OFFICERS OF THE**
5 **GENERAL ASSEMBLY SHALL SELECT AND APPOINT THE MEMBERS OF THE**
6 **COMMISSION WITHIN 90 DAYS AFTER THE DECENNIAL CENSUS DATA BECOMES**
7 **AVAILABLE.**

8 **(5) A MEMBER OF THE COMMISSION LISTED IN PARAGRAPH (2)(V) OF**
9 **THIS SUBSECTION:**

10 **(I) MAY NOT RECEIVE COMPENSATION; BUT**

11 **(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER**
12 **THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
13 **BUDGET.**

14 **(6) THE TERM OF A MEMBER OF THE COMMISSION:**

15 **(I) BEGINS WHEN THE MEMBER IS APPOINTED OR SELECTED;**
16 **AND**

17 **(II) ENDS WHEN THE LEGISLATIVE DISTRICT AND**
18 **CONGRESSIONAL DISTRICT PLANS ARE APPROVED BY THE COMMISSION OR ANY**
19 **APPEALS RELATED TO THE PLANS HAVE BEEN EXHAUSTED, WHICHEVER IS LATER.**

20 **(7) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF**
21 **LEGISLATIVE SERVICES SHALL CHAIR THE COMMISSION AS A NONVOTING, EX**
22 **OFFICIO MEMBER.**

23 **(8) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL STAFF THE**
24 **COMMISSION.**

25 **(C) (1) Following each decennial census of the United States and after public**
26 **hearings, the [Governor] COMMISSION shall prepare AND ADOPT a plan setting forth the**
27 **boundaries of the legislative districts for electing of the members of the Senate and the**
28 **House of Delegates.**

29 [The Governor shall present the plan to the President of the Senate and Speaker of
30 the House of Delegates who shall introduce the Governor's plan as a joint resolution to the
31 General Assembly, not later than the first day of its regular session in the second year

1 following every census, and the Governor may call a special session for the presentation of
2 his plan prior to the regular session.]

3 **(2)** The plan **PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION**
4 shall conform to Sections 2, 3 and 4 of this Article. [Following each decennial census the
5 General Assembly may by joint resolution adopt a plan setting forth the boundaries of the
6 legislative districts for the election of members of the Senate and the House of Delegates,
7 which plan shall conform to Sections 2, 3 and 4 of this Article. If a plan has been adopted
8 by the General Assembly by the 45th day after the opening of the regular session of the
9 General Assembly in the second year following every census, the plan adopted by the
10 General Assembly shall become law. If no plan has been adopted by the General Assembly
11 for these purposes by the 45th day after the opening of the regular session of the General
12 Assembly in the second year following every census, the Governor's plan presented to the
13 General Assembly shall become law.]

14 **(3)** **WHEN DRAWING LEGISLATIVE DISTRICT LINES, THE COMMISSION**
15 **SHALL BEGIN WITH THE SOUTHEASTERNMOST CORNER OF THE STATE.**

16 **(4) (I)** **A MAJORITY VOTE OF THE MEMBERS OF THE COMMISSION**
17 **IS REQUIRED TO ADOPT A LEGISLATIVE DISTRICTING PLAN.**

18 **(II)** **IF A MAJORITY OF THE MEMBERS OF THE COMMISSION**
19 **CANNOT AGREE TO A LEGISLATIVE DISTRICTING PLAN, THE PLAN ON WHICH THE**
20 **MAJORITY OF THE MEMBERS LISTED IN SUBSECTION (B)(2)(V)3 OF THIS SECTION**
21 **AGREE SHALL BE DEEMED TO BE ADOPTED BY THE COMMISSION.**

22 **(5)** **THE LEGISLATIVE DISTRICTING PLAN ADOPTED BY THE**
23 **COMMISSION SHALL BECOME LAW ON ADOPTION BY THE COMMISSION.**

24 **(D) (1)** Upon petition of any registered voter **OR THE GENERAL ASSEMBLY,**
25 the Court of Appeals shall have original jurisdiction to review the legislative districting of
26 the State and [may grant appropriate relief], if it finds that the districting of the State is
27 not consistent with requirements of either the Constitution of the United States of America,
28 or the Constitution of Maryland, **SHALL REQUIRE THE COMMISSION TO PREPARE AND**
29 **ADOPT A DIFFERENT LEGISLATIVE DISTRICTING PLAN.**

30 **(2)** **THE PETITIONING PARTY HAS THE BURDEN OF PROVING THAT**
31 **THE LEGISLATIVE DISTRICTING IS INCONSISTENT WITH THE REQUIREMENTS OF**
32 **EITHER THE CONSTITUTION OF THE UNITED STATES OF AMERICA OR THE**
33 **CONSTITUTION OF MARYLAND.**

34 **ARTICLE XX – CONGRESSIONAL DISTRICTING**

35 1.

1 IN THIS ARTICLE, "COMMISSION" MEANS THE NONPARTISAN DISTRICTING
2 COMMISSION ESTABLISHED UNDER ARTICLE III, SECTION 5 OF THIS
3 CONSTITUTION.

4 **2.**

5 (A) EACH CONGRESSIONAL DISTRICT SHALL:

6 (1) CONSIST OF ADJOINING TERRITORY;

7 (2) BE COMPACT AND CONCISE IN FORM;

8 (3) BE OF SUBSTANTIALLY EQUAL POPULATION; AND

9 (4) BE DRAWN IN A MANNER THAT, TO THE EXTENT PRACTICABLE:

10 (I) RESULTS IN EACH CONGRESSIONAL DISTRICT BEING IN THE
11 SHAPE OF A SQUARE; AND

12 (II) KEEPS COMMUNITIES WITH SIMILAR INTERESTS
13 TOGETHER.

14 (B) DUE REGARD SHALL BE GIVEN TO NATURAL BOUNDARIES AND THE
15 BOUNDARIES OF POLITICAL SUBDIVISIONS.

16 **3.**

17 (A) FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED STATES, THE
18 COMMISSION SHALL PREPARE AND ADOPT A PLAN SETTING FORTH THE
19 BOUNDARIES FOR CONGRESSIONAL DISTRICTS THAT COMPLIES WITH APPLICABLE
20 FEDERAL AND STATE LAW.

21 (B) THE PLAN PREPARED UNDER SUBSECTION (A) OF THIS SECTION SHALL
22 CONFORM TO SECTION 2 OF THIS ARTICLE.

23 (C) WHEN DRAWING CONGRESSIONAL DISTRICT LINES, THE COMMISSION
24 SHALL BEGIN WITH THE SOUTHEASTERNMOST CORNER OF THE STATE.

25 (D) (1) A MAJORITY VOTE OF THE MEMBERS OF THE COMMISSION IS
26 REQUIRED TO ADOPT A CONGRESSIONAL DISTRICTING PLAN.

27 (2) IF A MAJORITY OF THE MEMBERS OF THE COMMISSION CANNOT
28 AGREE TO A CONGRESSIONAL DISTRICTING PLAN, THE PLAN ON WHICH THE

1 MAJORITY OF THE MEMBERS LISTED IN ARTICLE III, SECTION 5(B)(2)(V)3 OF THIS
2 CONSTITUTION AGREE SHALL BE DEEMED TO BE ADOPTED BY THE COMMISSION.

3 (3) THE CONGRESSIONAL DISTRICTING PLAN ADOPTED BY THE
4 COMMISSION SHALL BECOME LAW ON ADOPTION BY THE COMMISSION.

5 (E) (1) UPON PETITION OF ANY REGISTERED VOTER OR THE GENERAL
6 ASSEMBLY, THE COURT OF APPEALS SHALL:

7 (I) HAVE ORIGINAL JURISDICTION TO REVIEW THE
8 CONGRESSIONAL DISTRICTING OF THE STATE; AND

9 (II) IF IT FINDS THAT THE CONGRESSIONAL DISTRICTING OF
10 THE STATE IS NOT CONSISTENT WITH REQUIREMENTS OF EITHER THE
11 CONSTITUTION OF THE UNITED STATES OF AMERICA OR THE CONSTITUTION OF
12 MARYLAND, SHALL REQUIRE THE COMMISSION TO PREPARE AND ADOPT A
13 DIFFERENT CONGRESSIONAL DISTRICTING PLAN.

14 (2) THE PETITIONING PARTY HAS THE BURDEN OF PROVING THAT
15 THE CONGRESSIONAL DISTRICTING IS INCONSISTENT WITH THE REQUIREMENTS OF
16 EITHER THE CONSTITUTION OF THE UNITED STATES OF AMERICA OR THE
17 CONSTITUTION OF MARYLAND.

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

22 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
23 proposed as an amendment to the Maryland Constitution shall be submitted to the
24 qualified voters of the State at the next general election to be held in November 2016 for
25 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that
26 general election, the vote on this proposed amendment to the Constitution shall be by
27 ballot, and upon each ballot there shall be printed the words "For the Constitutional
28 Amendment" and "Against the Constitutional Amendment," as now provided by law.
29 Immediately after the election, all returns shall be made to the Governor of the vote for and
30 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,
31 and further proceedings had in accordance with Article XIV.