

HOUSE BILL 1431

G1

CONSTITUTIONAL AMENDMENT

0lr1924
CF SB 967

By: **Delegates Wilkins, Acevero, D. Barnes, Bartlett, Cardin, Carr, Charkoudian, Cullison, Hill, Kelly, Korman, Lierman, Love, Malone, Moon, Shetty, and Stewart**

Introduced and read first time: February 7, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Legislative and Congressional Districts – Criteria and Open Hearing Process**
3 **(Fair Maps Act)**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to amend the
5 standards to which legislative districts are required to conform; proposing adding a
6 new article to the Maryland Constitution to require that congressional districts
7 conform to certain standards; requiring that due regard be given to certain
8 boundaries; requiring the General Assembly to establish and implement an open
9 hearing process for public input and deliberation; submitting this amendment to the
10 qualified voters of the State for their adoption or rejection; making certain provisions
11 of this Act contingent on the passage and ratification of a certain constitutional
12 amendment; and generally relating to legislative and congressional districts.

13 BY proposing an amendment to the Maryland Constitution
14 Article III – Legislative Department
15 Section 4

16 BY proposing an addition to the Maryland Constitution
17 New Article XX – Congressional Districts
18 Section 1

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

Article III – Legislative Department

22
23 4.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A)** Each legislative district shall consist of adjoining territory, be compact in
2 form, and of substantially equal population. Due regard shall be given to natural
3 boundaries and the boundaries of political subdivisions.

4 **(B) LEGISLATIVE DISTRICTS SHALL COMPLY WITH:**

5 **(1) THE U.S. CONSTITUTION AND THE FEDERAL VOTING RIGHTS**
6 **ACT OR ITS SUCCESSOR LAW; AND**

7 **(2) THE ADDITIONAL FOLLOWING CRITERIA AS SET FORTH IN THE**
8 **FOLLOWING ORDER OF PRIORITY:**

9 **(I) BE OF SUBSTANTIALLY EQUAL POPULATION;**

10 **(II) BE GEOGRAPHICALLY CONTIGUOUS;**

11 **(III) PROVIDE RACIAL, ETHNIC, AND LANGUAGE GROUPS WITH**
12 **AN EQUAL OPPORTUNITY TO PARTICIPATE IN THE POLITICAL PROCESS, AND NOT**
13 **DILUTE OR DIMINISH THEIR ABILITY TO ELECT CANDIDATES OF CHOICE WHETHER**
14 **ALONE OR IN COALITION WITH OTHERS;**

15 **(IV) RESPECT THE INTEGRITY OF AREAS WITH RECOGNIZED**
16 **SIMILARITIES OF INTERESTS, INCLUDING BUT NOT LIMITED TO RACIAL, ETHNIC,**
17 **ECONOMIC, SOCIAL, CULTURAL, GEOGRAPHIC, OR HISTORICAL IDENTITIES, BUT**
18 **NOT BASED ON COMMON RELATIONSHIPS WITH POLITICAL PARTIES OR POLITICAL**
19 **CANDIDATES;**

20 **(V) RESPECT NATURAL BOUNDARIES AND THE BOUNDARIES OF**
21 **POLITICAL SUBDIVISIONS; AND**

22 **(VI) BE COMPACT IN FORM.**

23 **ARTICLE XX – CONGRESSIONAL DISTRICTS**

24 **1.**

25 **(A) EACH CONGRESSIONAL DISTRICT SHALL CONSIST OF ADJOINING**
26 **TERRITORY, BE COMPACT IN FORM, AND BE OF EQUAL POPULATION. DUE REGARD**
27 **SHALL BE GIVEN TO NATURAL BOUNDARIES AND THE BOUNDARIES OF POLITICAL**
28 **SUBDIVISIONS.**

29 **(B) CONGRESSIONAL DISTRICTS SHALL COMPLY WITH:**

30 **(1) THE U.S. CONSTITUTION AND THE FEDERAL VOTING RIGHTS**

1 **ACT OR ITS SUCCESSOR LAW; AND**

2 **(2) THE ADDITIONAL FOLLOWING CRITERIA AS SET FORTH IN THE**
3 **FOLLOWING ORDER OF PRIORITY:**

4 **(I) BE OF EQUAL POPULATION;**

5 **(II) BE GEOGRAPHICALLY CONTIGUOUS;**

6 **(III) PROVIDE RACIAL, ETHNIC, AND LANGUAGE GROUPS WITH**
7 **AN EQUAL OPPORTUNITY TO PARTICIPATE IN THE POLITICAL PROCESS, AND NOT**
8 **DILUTE OR DIMINISH THEIR ABILITY TO ELECT CANDIDATES OF CHOICE WHETHER**
9 **ALONE OR IN COALITION OF OTHERS;**

10 **(IV) RESPECT THE INTEGRITY OF AREAS WITH RECOGNIZED**
11 **SIMILARITIES OF INTERESTS, INCLUDING BUT NOT LIMITED TO RACIAL, ETHNIC,**
12 **ECONOMIC, SOCIAL, CULTURAL, GEOGRAPHIC, OR HISTORICAL IDENTITIES, BUT**
13 **NOT BASED ON COMMON RELATIONSHIPS WITH POLITICAL PARTIES OR POLITICAL**
14 **CANDIDATES;**

15 **(V) RESPECT NATURAL BOUNDARIES AND THE BOUNDARIES OF**
16 **POLITICAL SUBDIVISIONS; AND**

17 **(VI) BE COMPACT IN FORM.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly shall
19 establish and implement an open hearing process for public input and deliberation that
20 shall be subject to public notice and promoted through a thorough outreach program to
21 solicit broad public participation in the redistricting public review process.

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

26 SECTION 4. AND BE IT FURTHER ENACTED, That the amendment to the
27 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
28 voters of the State at the next general election to be held in November 2020 for adoption or
29 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
30 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
31 ballot there shall be printed the words "For the Constitutional Amendment" and "Against
32 the Constitutional Amendment", as now provided by law. Immediately after the election,
33 all returns shall be made to the Governor of the vote for and against the proposed
34 amendment, as directed by Article XIV of the Maryland Constitution, and further
35 proceedings had in accordance with Article XIV.

1 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act is
2 contingent on the passage of Section 1 of this Act, a constitutional amendment, and its
3 ratification by voters of the State.

4 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of
5 Section 5 of this Act, Section 2 of this Act shall take effect on the proclamation of the
6 Governor that the constitutional amendment, having received a majority of the votes cast
7 at the general election, has been adopted by the people of Maryland.