

# SENATE BILL 1023

P5, G1

7lr2937  
CF 7lr3364

---

By: **Senators Zucker, Conway, Astle, Benson, Currie, DeGrange, Feldman, Ferguson, Guzzone, Kagan, King, Lee, Madaleno, Manno, Mathias, McFadden, Middleton, Miller, Nathan–Pulliam, Peters, Pinsky, Ramirez, Robinson, Smith, Young, and Zirkin**

Introduced and read first time: February 8, 2017

Assigned to: Rules

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Independent Congressional Redistricting Commission – Mid–Atlantic States**  
3 **Regional Districting Process**

4 FOR the purpose of requiring the Department of Legislative Services to obtain certain  
5 census data, adjust the census data for certain purposes, and provide the adjusted  
6 census data to a temporary redistricting commission within a certain time period;  
7 creating a temporary redistricting commission in the State; providing for the  
8 membership of the commission and the qualifications of its members; providing that  
9 individuals cease to be members of the commission under certain circumstances;  
10 requiring the Department to staff and provide certain support for the commission;  
11 requiring the commission to use certain census data to prepare and adopt a  
12 districting plan for congressional districting within a certain time period; specifying  
13 that a certain districting plan is the plan for the State; requiring that a certain  
14 districting plan be filed with the Secretary of State within a certain time period;  
15 providing for the effectiveness of a certain districting plan; specifying certain criteria  
16 for the formation of the districts; providing for the application of this Act; making  
17 this Act contingent on the enactment of a similar independent redistricting process  
18 by certain states; defining certain terms; and generally relating to the establishment  
19 of districts in Maryland for the election of members of Congress and a mid–Atlantic  
20 states regional compact.

21 BY adding to  
22 Article – Election Law  
23 Section 8–6A–01 through 8–6A–06 to be under the new subtitle “Subtitle 6A.  
24 Congressional Districting Process”  
25 Annotated Code of Maryland  
26 (2010 Replacement Volume and 2016 Supplement)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Election Law**

**SUBTITLE 6A. CONGRESSIONAL DISTRICTING PROCESS.**

**8–6A–01.**

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

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

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

**8–6A–02.**

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

(1) OBTAIN THE CENSUS DATA FROM THE UNITED STATES BUREAU  
OF THE CENSUS IN ACCORDANCE WITH P.L. 94–171;

(2) ADJUST THE CENSUS DATA TO MEET THE REQUIREMENTS OF §  
8–701 OF THIS TITLE AND MAKE THE CENSUS DATA USABLE FOR PREPARING A  
DISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS; AND

(3) PROVIDE THE ADJUSTED CENSUS DATA TO THE COMMISSION  
WITHIN 30 DAYS AFTER THE DEPARTMENT HAS FINISHED ADJUSTING THE CENSUS  
DATA AS REQUIRED BY ITEM (2) OF THIS SECTION.

**8–6A–03.**

(A) THERE IS A TEMPORARY REDISTRICTING COMMISSION.

(B) (1) THE COMMISSION SHALL CONSIST OF FIVE MEMBERS.

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

(I) ONE APPOINTED BY THE PRESIDENT OF THE SENATE;

(II) ONE APPOINTED BY THE MINORITY LEADER OF THE SENATE;

(III) ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES; AND

(IV) ONE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF DELEGATES.

(3) (I) WITHIN 30 DAYS OF THEIR APPOINTMENTS TO THE COMMISSION, BUT NOT LATER THAN MARCH 1 OF THAT YEAR, THE COMMISSION MEMBERS SHALL SELECT, BY VOTE OF AT LEAST THREE OF THE MEMBERS, THE FIFTH COMMISSION MEMBER, WHO SHALL SERVE AS CHAIR.

(II) IF THE COMMISSION IS UNABLE TO SELECT THE FIFTH MEMBER, THE CHIEF JUDGE OF THE COURT OF APPEALS SHALL MAKE THE APPOINTMENT.

(4) AN INDIVIDUAL MAY NOT BE APPOINTED TO OR SERVE ON THE COMMISSION IF THE INDIVIDUAL:

(I) HOLDS AN ELECTIVE OR APPOINTIVE OFFICE IN THE EXECUTIVE BRANCH OR LEGISLATIVE BRANCH OF THE FEDERAL, STATE, OR A LOCAL GOVERNMENT;

(II) HOLDS A POLITICAL PARTY OFFICE; OR

(III) IS NOT A REGISTERED VOTER OF THE STATE.

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

(D) INDIVIDUALS APPOINTED AS MEMBERS OF THE COMMISSION SHALL CEASE TO BE MEMBERS OF THE COMMISSION ON THE FILING OF THE DISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS WITH THE SECRETARY OF STATE AS REQUIRED BY § 8-6A-05 OF THIS SUBTITLE.

(E) THE DEPARTMENT SHALL STAFF AND PROVIDE TECHNICAL SUPPORT FOR THE COMMISSION.

8-6A-04.

1           **(A) (1) THE COMMISSION SHALL USE THE CENSUS DATA PROVIDED TO**  
2 **THE COMMISSION BY THE DEPARTMENT UNDER § 8-6A-02 OF THIS SUBTITLE TO**  
3 **PREPARE AND ADOPT A DISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS WITHIN**  
4 **90 DAYS AFTER THE COMMISSION MEMBERS ARE APPOINTED OR THE CENSUS DATA**  
5 **IS RECEIVED BY THE COMMISSION, WHICHEVER IS LATER.**

6           **(2) A MAJORITY VOTE OF THE TOTAL NUMBER OF MEMBERS OF THE**  
7 **COMMISSION SHALL BE REQUIRED TO ADOPT A DISTRICTING PLAN FOR**  
8 **CONGRESSIONAL DISTRICTS UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

9           **(B) (1) (I) CONGRESSIONAL DISTRICTS SHALL BE ESTABLISHED ON**  
10 **THE BASIS OF POPULATION.**

11                   **(II) EACH DISTRICT SHALL HAVE A POPULATION AS NEARLY**  
12 **EQUAL AS PRACTICABLE TO THE IDEAL DISTRICT POPULATION, DERIVED BY**  
13 **DIVIDING THE POPULATION OF THE STATE AS DETERMINED BY THE UNITED STATES**  
14 **CENSUS BY THE NUMBER OF DISTRICTS IN THE STATE AS APPORTIONED BY THE**  
15 **UNITED STATES CONGRESS.**

16           **(2) (I) A CONGRESSIONAL DISTRICT MAY NOT BE DRAWN FOR THE**  
17 **PURPOSE OF FAVORING A POLITICAL PARTY, AN ELECTED OFFICIAL, OR ANY OTHER**  
18 **PERSON OR GROUP, OR FOR THE PURPOSE OF AUGMENTING OR DILUTING THE**  
19 **VOTING STRENGTH OF A LANGUAGE OR RACIAL MINORITY GROUP.**

20                   **(II) IN ESTABLISHING DISTRICTS, NO USE SHALL BE MADE OF**  
21 **ADDRESSES OF ELECTED OFFICIALS, POLITICAL AFFILIATIONS OF REGISTERED**  
22 **VOTERS, POLLING DATA, PROPOSED DISTRICTING MAPS PREPARED BY PERSONS**  
23 **NOT EMPLOYED BY THE DEPARTMENT, AND DEMOGRAPHIC INFORMATION, OTHER**  
24 **THAN POPULATION HEAD COUNTS, EXCEPT AS REQUIRED BY THE CONSTITUTION OR**  
25 **LAWS OF THE UNITED STATES.**

26           **(C) (1) CONGRESSIONAL DISTRICTS SHALL CONSIST OF ADJOINING**  
27 **TERRITORY AND BE COMPACT IN FORM.**

28           **(2) WHERE PRACTICABLE, DUE REGARD SHALL BE GIVEN TO**  
29 **NATURAL BOUNDARIES AND THE BOUNDARIES OF POLITICAL SUBDIVISIONS.**

30           **(3) THE CHESAPEAKE BAY MAY NOT BE CONSIDERED TO BE A**  
31 **BARRIER TO CONTIGUITY.**

32           **(4) AREAS THAT MEET ONLY AT THE POINTS OF ADJOINING CORNERS**  
33 **ARE NOT CONTIGUOUS.**

**8-6A-05.**

**THE DISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS PREPARED AND ADOPTED BY THE COMMISSION UNDER § 8-6A-04 OF THIS SUBTITLE SHALL:**

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

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

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

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

**8-6A-06.**

**(A) THIS SUBTITLE APPLIES ONLY IF THE DEPARTMENT, AFTER CONSULTATION WITH AND ON THE ADVICE OF THE ATTORNEY GENERAL, DETERMINES THAT EACH OF THE STATES OF NEW YORK, NEW JERSEY, PENNSYLVANIA, VIRGINIA, AND NORTH CAROLINA IN THE MID-ATLANTIC REGION ADOPTS A DISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS THAT IS SUBSTANTIALLY SIMILAR TO THE PROCESS OUTLINED UNDER THIS TITLE FOR REDISTRICTING THE MARYLAND CONGRESSIONAL DISTRICTS.**

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

**(1) THE DEPARTMENT DETERMINES THAT THE REDISTRICTING PLAN IN THAT STATE IS DEVELOPED AND PROPOSED BY AN INDEPENDENT DISTRICTING COMMISSION; AND**

**(2) THE STATE LEGISLATURE IS ALLOWED TO VOTE ON THE REDISTRICTING PLAN PROPOSED BY THE COMMISSION, BUT IS PROHIBITED FROM ALTERING THE PLAN.**

**SECTION 2. AND BE IT FURTHER ENACTED,** That this Act is contingent on the enactment of a nonpartisan districting process for representatives in the United States House of Representatives in the mid-Atlantic region in each of the states of New York, New Jersey, Pennsylvania, Virginia, and North Carolina. The Secretary of State shall monitor the enactment of districting legislation by the states of New York, New Jersey, Pennsylvania, Virginia, and North Carolina and notify the Department of Legislative Services within 5 days after the contingency is met. If the notice of the contingency being

1 met is not received by the Department of Legislative Services on or before December 31,  
2 2020, this Act shall be null and void without the necessity of further action by the General  
3 Assembly.

4 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this  
5 Act, this Act shall take effect October 1, 2017.