

HOUSE BILL 346

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CF SB 284

By: **The Speaker (By Request – Administration) and Delegates Adams, Anderton, Arentz, Arian, Buckel, Chisholm, Ciliberti, Clark, Corderman, Cox, M. Fisher, Ghrist, Grammer, Griffith, Hartman, Howard, Jacobs, Kipke, Kittleman, Krebs, Long, Malone, Mangione, McComas, Metzgar, Morgan, Otto, Parrott, Pippy, Reilly, Rose, Saab, Shoemaker, and Szeliga**

Introduced and read first time: January 20, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Redistricting Reform Act of 2020**

3 FOR the purpose of establishing the Legislative and Congressional Redistricting and
4 Apportionment Commission as an independent unit of State government; providing
5 for the intent of the General Assembly regarding legislative and congressional
6 redistricting; requiring that the members of the Redistricting Commission be
7 selected by a certain date in certain years in accordance with certain provisions of
8 this Act; providing that the process for selecting members of the Redistricting
9 Commission is designed to produce a certain Redistricting Commission; providing
10 for the composition of the Redistricting Commission; providing for the qualifications,
11 terms, duties, and compensation of members of the Redistricting Commission;
12 requiring the State Ethics Commission to initiate a certain application process in
13 certain years; requiring the Ethics Commission to remove certain applicants from a
14 certain applicant pool; requiring the Ethics Commission to publish the names of
15 certain applicants on or before a certain date of a certain year; providing for the
16 selection and removal of members of the Redistricting Commission; providing for the
17 process by which a certain vacancy is filled under certain circumstances; prohibiting
18 members and employees of the Ethics Commission from communicating with certain
19 elected officials or their employees or agents about certain matters; providing for a
20 quorum and a chair for the Redistricting Commission; authorizing the Redistricting
21 Commission to hire staff, attorneys, and consultants in accordance with the State
22 budget; providing that employees of the Redistricting Commission are independent
23 of the State Personnel Management System; providing that a certain finding may
24 result in referral of a member or employee of the Redistricting Commission to the
25 State Prosecutor; requiring the Redistricting Commission to conduct a certain
26 process, establish certain legislative and congressional districts, and conduct its
27 business in a certain manner; providing that the activities of the Redistricting

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Commission are subject to the Open Meetings Act and the Maryland Public Information Act; requiring the Redistricting Commission to establish and implement a certain hearing process; authorizing the Redistricting Commission to supplement hearings with other activities subject to the discretion of the Redistricting Commission; requiring the Redistricting Commission to ensure certain plans are readily available to the public; requiring the Redistricting Commission to provide a certain public comment period before adopting certain plans; requiring the Redistricting Commission to take all steps necessary to ensure that a certain database is available and that procedures are in place to provide the public certain access to certain data and software for a certain purpose; requiring the Redistricting Commission to adopt certain plans that conform to certain standards; requiring a legislative district plan to be numbered in a certain manner; requiring the Redistricting Commission to issue certain documents with certain plans; requiring the Redistricting Commission to certify and send certain plans to the presiding officers of the General Assembly; requiring the presiding officers to prepare certain plans for consideration by the General Assembly; requiring certain plans to be treated as a bill by the General Assembly for certain purposes; requiring the Redistricting Commission to petition the Court of Appeals to establish certain plans under certain circumstances; requiring the Redistricting Commission to represent the State in certain judicial proceedings; requiring the Redistricting Commission to intervene in certain cases on behalf of the State; providing that the Court of Appeals has original jurisdiction to establish legislative districts or congressional districts under certain circumstances; authorizing certain voters to participate in a certain judicial proceeding as an amicus curiae; establishing a certain process for the Court of Appeals on the filing of a certain petition; requiring the Court of Appeals to give priority to ruling on a certain petition; requiring the Governor to include certain funding in the State budget; defining certain terms; making this Act contingent on the passage and ratification of a certain constitutional amendment; and generally relating to legislative and congressional redistricting and apportionment.

BY repealing and reenacting, without amendments,

Article – Election Law

Section 1–101(a), (dd), (hh), (jj), and (kk)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY adding to

Article – Election Law

Section 8–7A–01 through 8–7A–12 to be under the new subtitle “Subtitle 7A. The Legislative and Congressional Redistricting and Apportionment Commission”

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – General Provisions

Section 5–202(a)

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–205(a)
Annotated Code of Maryland
(2019 Replacement Volume)

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

Article – Election Law

1–101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

(dd) “Majority party” means the political party to which the incumbent Governor belongs, if the incumbent Governor is a member of a principal political party. If the incumbent Governor is not a member of one of the two principal political parties, “majority party” means the principal political party whose candidate for Governor received the highest number of votes of any party candidate at the last preceding general election.

(hh) “Political party” means an organized group that is qualified as a political party in accordance with Title 4 of this article.

(jj) “Principal minority party” means the principal political party whose candidate for Governor received the second highest number of votes of any party candidate at the last preceding general election.

(kk) “Principal political parties” means the majority party and the principal minority party.

**SUBTITLE 7A. THE LEGISLATIVE AND CONGRESSIONAL REDISTRICTING AND
APPORTIONMENT COMMISSION.**

8–7A–01.

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

(B) “ETHICS COMMISSION” MEANS THE STATE ETHICS COMMISSION ESTABLISHED UNDER TITLE 5 OF THE GENERAL PROVISIONS ARTICLE.

(C) “PLAN” MEANS THE PROPOSED LEGISLATIVE DISTRICT PLAN OR THE

1 PROPOSED CONGRESSIONAL DISTRICT PLAN ADOPTED BY THE REDISTRICTING
2 COMMISSION.

3 (D) "REDISTRICTING COMMISSION" MEANS THE LEGISLATIVE AND
4 CONGRESSIONAL REDISTRICTING AND APPORTIONMENT COMMISSION.

5 8-7A-02.

6 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

7 (1) NEITHER THE LEGISLATIVE DISTRICTS NOR THE CONGRESSIONAL
8 DISTRICTS BE ESTABLISHED FOR THE PURPOSE OF FAVORING OR DISCRIMINATING
9 AGAINST AN INCUMBENT OFFICEHOLDER, A CANDIDATE FOR OFFICE, OR A
10 POLITICAL PARTY; AND

11 (2) THE PROVISIONS OF THIS SUBTITLE COMPLY WITH AND
12 IMPLEMENT THE PROVISIONS OF ARTICLE III, §§ 2, 3, AND 4, ARTICLE IV, § 14, AND
13 ARTICLE XX, §§ 1 AND 2 OF THE MARYLAND CONSTITUTION.

14 8-7A-03.

15 THERE IS A LEGISLATIVE AND CONGRESSIONAL REDISTRICTING AND
16 APPORTIONMENT COMMISSION AS AN INDEPENDENT UNIT OF STATE GOVERNMENT.

17 8-7A-04.

18 (A) ON OR BEFORE MARCH 1, 2021, AND EACH YEAR ENDING IN THE
19 NUMERAL 1 THEREAFTER, A REDISTRICTING COMMISSION SHALL BE SELECTED IN
20 ACCORDANCE WITH § 8-7A-06 OF THIS SUBTITLE.

21 (B) THE PROCESS FOR SELECTING THE MEMBERS OF THE REDISTRICTING
22 COMMISSION IS DESIGNED TO PRODUCE A REDISTRICTING COMMISSION THAT IS:

23 (1) INDEPENDENT FROM LEGISLATIVE INFLUENCE; AND

24 (2) REASONABLY REPRESENTATIVE OF THE STATE'S GEOGRAPHICAL,
25 RACIAL, AND GENDER MAKEUP.

26 8-7A-05.

27 (A) THE REDISTRICTING COMMISSION CONSISTS OF THE FOLLOWING NINE
28 MEMBERS:

1 (1) THREE MEMBERS REGISTERED WITH THE MAJORITY PARTY;

2 (2) THREE MEMBERS REGISTERED WITH THE PRINCIPAL MINORITY
3 PARTY; AND

4 (3) THREE MEMBERS NOT REGISTERED WITH EITHER OF THE
5 PRINCIPAL POLITICAL PARTIES.

6 (B) (1) A MEMBER OF A REDISTRICTING COMMISSION SHALL BE A
7 REGISTERED VOTER WHO, FOR AT LEAST 3 YEARS IMMEDIATELY PRECEDING THE
8 DATE OF SELECTION, HAS BEEN:

9 (I) CONTINUOUSLY REGISTERED IN THE STATE WITH THE SAME
10 POLITICAL PARTY; OR

11 (II) CONTINUOUSLY NOT REGISTERED WITH A PRINCIPAL
12 POLITICAL PARTY.

13 (2) A MEMBER OF A REDISTRICTING COMMISSION MAY NOT BE:

14 (I) A REPRESENTATIVE IN CONGRESS ELECTED FROM THE
15 STATE OR A CANDIDATE FOR THAT OFFICE;

16 (II) A MEMBER OF THE GENERAL ASSEMBLY OF MARYLAND OR
17 A CANDIDATE FOR THAT OFFICE;

18 (III) AN ELECTED LOCAL GOVERNMENT OFFICIAL OR A
19 CANDIDATE FOR AN ELECTED LOCAL GOVERNMENT OFFICE;

20 (IV) AN OFFICER OR EMPLOYEE OF A POLITICAL PARTY OR
21 POLITICAL COMMITTEE;

22 (V) 1. A CONTRACTOR PROVIDING PROFESSIONAL
23 SERVICES TO:

24 A. THE GOVERNOR OR A CANDIDATE FOR THAT OFFICE;

25 B. A MEMBER OF THE GENERAL ASSEMBLY OF
26 MARYLAND OR A CANDIDATE FOR THAT OFFICE; OR

27 C. A REPRESENTATIVE IN CONGRESS ELECTED FROM
28 THE STATE OR A CANDIDATE FOR THAT OFFICE; OR

1 **2. A CURRENT OR FORMER EMPLOYEE OF OR A**
2 **CONSULTANT TO AN INDIVIDUAL DESCRIBED IN ITEM 1 OF THIS ITEM;**

3 **(VI) AN IMMEDIATE FAMILY MEMBER OF THE GOVERNOR OR OF**
4 **AN INDIVIDUAL DESCRIBED IN ITEM (I), (II), (III), OR (IV) OF THIS PARAGRAPH;**

5 **(VII) A STAFF MEMBER OF:**

6 **1. THE GOVERNOR OR A CANDIDATE FOR THAT OFFICE;**

7 **2. A MEMBER OF THE GENERAL ASSEMBLY OR A**
8 **CANDIDATE FOR THAT OFFICE;**

9 **3. A REPRESENTATIVE IN CONGRESS ELECTED FROM**
10 **THE STATE OR A CANDIDATE FOR THAT OFFICE; OR**

11 **4. AN ELECTED LOCAL GOVERNMENT OFFICIAL OR A**
12 **CANDIDATE FOR AN ELECTED LOCAL GOVERNMENT OFFICE; OR**

13 **(VIII) A CURRENT OR FORMER REGISTERED LOBBYIST.**

14 **(C) (1) THE TERM OF A MEMBER OF THE REDISTRICTING COMMISSION**
15 **EXPIRES ON FEBRUARY 28 EACH YEAR ENDING IN THE NUMERAL 1.**

16 **(2) A MEMBER OF THE REDISTRICTING COMMISSION IS NOT**
17 **ELIGIBLE FOR REAPPOINTMENT.**

18 **(D) EACH MEMBER OF THE REDISTRICTING COMMISSION SHALL:**

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

22 **(2) BE INELIGIBLE FOR A PERIOD OF 5 YEARS BEGINNING FROM THE**
23 **DATE OF SELECTION TO:**

24 **(I) HOLD APPOINTIVE FEDERAL, STATE, OR LOCAL PUBLIC**
25 **OFFICE;**

26 **(II) SERVE AS PAID STAFF FOR THE GENERAL ASSEMBLY OR**
27 **ANY INDIVIDUAL MEMBER; OR**

28 **(III) REGISTER AS A STATE, COUNTY, OR MUNICIPAL LOBBYIST**

1 IN THE STATE.

2 (E) A MEMBER OF THE REDISTRICTING COMMISSION:

3 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
4 REDISTRICTING COMMISSION; BUT

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

7 8-7A-06.

8 (A) (1) IN EACH YEAR ENDING IN THE NUMERAL 0, ON OR BEFORE
9 DECEMBER 15 THE ETHICS COMMISSION SHALL INITIATE AN APPLICATION
10 PROCESS FOR MEMBERSHIP ON THE REDISTRICTING COMMISSION.

11 (2) THE APPLICATION PROCESS SHALL:

12 (I) BE OPEN TO ALL REGISTERED VOTERS IN THE STATE; AND

13 (II) BE CONDUCTED IN A MANNER THAT PROMOTES THE
14 RECRUITMENT OF A DIVERSE AND QUALIFIED APPLICANT POOL.

15 (B) THE ETHICS COMMISSION SHALL REMOVE FROM THE APPLICANT POOL
16 APPLICANTS WHO ARE INELIGIBLE UNDER § 8-7A-05(B)(2) OF THIS SUBTITLE.

17 (C) (1) ON OR BEFORE JANUARY 15 EACH YEAR ENDING IN THE NUMERAL
18 1, THE ETHICS COMMISSION SHALL PUBLISH THE NAMES OF ALL THE ELIGIBLE
19 APPLICANTS.

20 (2) THE ETHICS COMMISSION SHALL:

21 (I) DETERMINE THE MOST QUALIFIED APPLICANTS ON THE
22 BASIS OF RELEVANT ANALYTICAL SKILLS, ABILITY TO BE IMPARTIAL, AND
23 APPRECIATION FOR THE STATE'S DIVERSE DEMOGRAPHICS AND GEOGRAPHY; AND

24 (II) SELECT THE 30 MOST QUALIFIED APPLICANTS, AS
25 FOLLOWS:

26 1. 10 APPLICANTS WHO ARE REGISTERED WITH THE
27 MAJORITY PARTY;

28 2. 10 APPLICANTS WHO ARE REGISTERED WITH THE

1 PRINCIPAL MINORITY PARTY; AND

2 3. 10 APPLICANTS WHO ARE NOT REGISTERED WITH
3 EITHER OF THE TWO PRINCIPAL POLITICAL PARTIES.

4 (3) ON OR BEFORE FEBRUARY 15 EACH YEAR ENDING IN THE
5 NUMERAL 1, THE ETHICS COMMISSION SHALL RANDOMLY SELECT THE NINE
6 MEMBERS FROM THE 30 APPLICANTS CHOSEN UNDER PARAGRAPH (2) OF THIS
7 SUBSECTION AS FOLLOWS:

8 (I) THREE MEMBERS REGISTERED WITH THE MAJORITY PARTY;

9 (II) THREE MEMBERS REGISTERED WITH THE PRINCIPAL
10 MINORITY PARTY; AND

11 (III) THREE MEMBERS WHO ARE NOT REGISTERED WITH EITHER
12 OF THE TWO PRINCIPAL POLITICAL PARTIES.

13 (D) THE NINE APPLICANTS SELECTED UNDER SUBSECTION (C)(3) OF THIS
14 SECTION SHALL SERVE AS THE MEMBERS OF THE REDISTRICTING COMMISSION
15 BEGINNING ON MARCH 1 EACH YEAR ENDING IN THE NUMERAL 1.

16 (E) (1) IF THERE IS A VACANCY IN THE MEMBERSHIP OF THE
17 REDISTRICTING COMMISSION, THE ETHICS COMMISSION SHALL FILL THE VACANCY
18 WITHIN 30 DAYS AFTER THE VACANCY OCCURS BY RANDOMLY SELECTING ANOTHER
19 MEMBER FROM THE APPLICANTS CHOSEN UNDER SUBSECTION (C)(2)(II) OF THIS
20 SECTION.

21 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF
22 NONE OF THE REMAINING APPLICANTS CHOSEN UNDER PARAGRAPH (1) OF THIS
23 SUBSECTION ARE AVAILABLE FOR SERVICE, THE ETHICS COMMISSION SHALL FILL
24 THE VACANCY FROM A NEW APPLICANT POOL USING THE PROCEDURES
25 ESTABLISHED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION.

26 (II) THE ETHICS COMMISSION MAY LIMIT APPLICATIONS TO
27 VOTERS OF THE SAME VOTER REGISTRATION CATEGORY AS THE VACANT MEMBER.

28 (F) THE MEMBERS AND EMPLOYEES OF THE ETHICS COMMISSION MAY NOT
29 COMMUNICATE WITH THE GOVERNOR, ANY MEMBER OF THE GENERAL ASSEMBLY,
30 ANY REPRESENTATIVE IN CONGRESS ELECTED FROM THE STATE, OR THEIR
31 EMPLOYEES OR AGENTS ABOUT ANY MATTER RELATED TO THE SELECTION OF
32 MEMBERS FOR THE REDISTRICTING COMMISSION.

(G) (1) THE ETHICS COMMISSION MAY REMOVE A MEMBER OF THE REDISTRICTING COMMISSION:

(I) FOR NEGLECT OF DUTY;

(II) FOR MISCONDUCT IN OFFICE;

(III) FOR A DISABILITY THAT MAKES THE MEMBER UNABLE TO DISCHARGE THE POWERS AND DUTIES OF OFFICE;

(IV) FOR FAILING TO MAINTAIN THE QUALIFICATIONS UNDER § 8-7A-05 OF THIS SUBTITLE; OR

(V) IF THE MEMBER IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A FELONY OR CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.

(2) BEFORE REMOVING A MEMBER OF THE REDISTRICTING COMMISSION, THE ETHICS COMMISSION SHALL GIVE THE MEMBER:

(I) WRITTEN NOTICE OF THE CHARGES; AND

(II) AN OPPORTUNITY TO ANSWER THE CHARGES.

(3) AT LEAST FOUR VOTES OF THE ETHICS COMMISSION SHALL BE REQUIRED TO REMOVE A MEMBER OF THE REDISTRICTING COMMISSION UNDER THIS SUBSECTION.

8-7A-07.

(A) (1) SEVEN MEMBERS OF THE REDISTRICTING COMMISSION ARE A QUORUM.

(2) SEVEN OR MORE AFFIRMATIVE VOTES OF THE MEMBERS ARE REQUIRED FOR ANY OFFICIAL ACTION OF THE REDISTRICTING COMMISSION, INCLUDING APPROVAL OF:

(I) ANY PLAN FOR LEGISLATIVE DISTRICTS OR CONGRESSIONAL DISTRICTS ADOPTED BY THE REDISTRICTING COMMISSION; AND

(II) ANY CHANGES TO AN APPROVED PLAN.

1 **(B) FROM AMONG ITS MEMBERS, THE REDISTRICTING COMMISSION SHALL**
2 **ELECT ONE MEMBER TO SERVE AS CHAIR.**

3 **(C) (1) THE REDISTRICTING COMMISSION MAY HIRE STAFF, ATTORNEYS,**
4 **AND CONSULTANTS IN ACCORDANCE WITH THE STATE BUDGET.**

5 **(2) EMPLOYEES OF THE REDISTRICTING COMMISSION SHALL BE**
6 **INDEPENDENT OF THE STATE PERSONNEL MANAGEMENT SYSTEM.**

7 **(D) A FINDING OF A POSSIBLE CRIMINAL VIOLATION BY A MEMBER OR AN**
8 **EMPLOYEE OF THE REDISTRICTING COMMISSION MAY RESULT IN REFERRAL TO THE**
9 **STATE PROSECUTOR FOR CRIMINAL PROSECUTION.**

10 **8-7A-08.**

11 **(A) THE REDISTRICTING COMMISSION SHALL:**

12 **(1) CONDUCT A PROCESS THAT IS OPEN AND TRANSPARENT TO**
13 **ENABLE FULL PUBLIC CONSIDERATION OF AND COMMENT ON THE ESTABLISHMENT**
14 **OF LEGISLATIVE DISTRICTS AND CONGRESSIONAL DISTRICTS;**

15 **(2) ESTABLISH LEGISLATIVE DISTRICTS AND CONGRESSIONAL**
16 **DISTRICTS ACCORDING TO THE REDISTRICTING STANDARDS SET FORTH IN THIS**
17 **SUBTITLE AND ARTICLE III, §§ 3 AND 4 AND ARTICLE XX, § 1 OF THE MARYLAND**
18 **CONSTITUTION; AND**

19 **(3) CONDUCT BUSINESS WITH INTEGRITY AND FAIRNESS.**

20 **(B) THE ACTIVITIES OF THE REDISTRICTING COMMISSION ARE SUBJECT TO**
21 **THE OPEN MEETINGS ACT AND THE MARYLAND PUBLIC INFORMATION ACT.**

22 **(C) (1) THE REDISTRICTING COMMISSION SHALL ESTABLISH AND**
23 **IMPLEMENT A HEARING PROCESS THAT IS OPEN TO THE PUBLIC FOR PUBLIC INPUT**
24 **AND DELIBERATION THAT IS:**

25 **(I) SUBJECT TO PUBLIC NOTICE; AND**

26 **(II) DESIGNED TO ENCOURAGE CITIZEN OUTREACH AND TO**
27 **SOLICIT BROAD PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS.**

28 **(2) (I) THE HEARING PROCESS ESTABLISHED UNDER PARAGRAPH**
29 **(1) OF THIS SUBSECTION SHALL INCLUDE THE SCHEDULING OF HEARINGS:**

1 1. TO RECEIVE PUBLIC INPUT BEFORE THE
2 CONSIDERATION OF ANY PLAN BY THE REDISTRICTING COMMISSION; AND

3 2. FOLLOWING THE PROPOSAL OF A PLAN BY THE
4 REDISTRICTING COMMISSION.

5 (II) HEARINGS MAY BE SUPPLEMENTED WITH OTHER
6 ACTIVITIES AS DETERMINED APPROPRIATE BY THE REDISTRICTING COMMISSION
7 TO FURTHER INCREASE OPPORTUNITIES FOR THE PUBLIC TO OBSERVE AND
8 PARTICIPATE IN THE REDISTRICTING PROCESS.

9 (D) (1) THE REDISTRICTING COMMISSION SHALL ENSURE THAT THE
10 PROPOSED PLANS ARE READILY ACCESSIBLE TO THE PUBLIC.

11 (2) BEFORE ADOPTING A PLAN, THE REDISTRICTING COMMISSION
12 SHALL ALLOW 14 DAYS FOR THE PUBLIC TO PROVIDE WRITTEN COMMENT.

13 (E) THE REDISTRICTING COMMISSION SHALL TAKE ALL STEPS NECESSARY
14 TO ENSURE THAT A COMPLETE AND ACCURATE COMPUTERIZED POPULATION
15 DATABASE IS AVAILABLE FOR REDISTRICTING AND THAT PROCEDURES ARE IN
16 PLACE TO PROVIDE THE PUBLIC READY ACCESS TO REDISTRICTING DATA AND
17 COMPUTER SOFTWARE FOR DRAWING MAPS.

18 8-7A-09.

19 (A) (1) IN THE YEAR FOLLOWING EACH DECENNIAL CENSUS OF THE
20 UNITED STATES, OR WHEN OTHERWISE REQUIRED BY LAW, THE REDISTRICTING
21 COMMISSION SHALL ADOPT A PLAN TO ESTABLISH LEGISLATIVE DISTRICTS AND
22 CONGRESSIONAL DISTRICTS IN CONFORMANCE WITH THE STANDARDS AND
23 PROCESSES SET FORTH IN THIS SUBTITLE AND THE MARYLAND CONSTITUTION.

24 (2) ON OR BEFORE OCTOBER 1 EACH YEAR ENDING IN THE NUMERAL
25 1, THE REDISTRICTING COMMISSION SHALL APPROVE TWO PLANS:

26 (I) ONE PLAN SHALL DESCRIBE THE DISTRICT BOUNDARY
27 LINES FOR THE ELECTION OF MEMBERS OF THE SENATE AND HOUSE OF
28 DELEGATES; AND

29 (II) ONE PLAN SHALL DESCRIBE THE DISTRICT BOUNDARY
30 LINES FOR THE STATE'S REPRESENTATIVES IN CONGRESS.

31 (B) LEGISLATIVE DISTRICTS SHALL BE NUMBERED CONSECUTIVELY
32 COMMENCING AT THE NORTHWESTERN BOUNDARY OF THE STATE AND ENDING AT

1 THE SOUTHEASTERN BOUNDARY OF THE STATE.

2 (C) THE REDISTRICTING COMMISSION SHALL ISSUE WITH EACH PLAN:

3 (1) MAPS SHOWING THE LEGISLATIVE DISTRICTS AND THE
4 CONGRESSIONAL DISTRICTS; AND

5 (2) A REPORT THAT:

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

9 (II) INCLUDES DEFINITIONS OF THE TERMS AND STANDARDS
10 USED IN DRAWING EACH PLAN.

11 (D) ON ADOPTION OF A PLAN, THE REDISTRICTING COMMISSION SHALL:

12 (1) CERTIFY THAT THE PLAN IS THE PLAN ADOPTED BY THE
13 REDISTRICTING COMMISSION; AND

14 (2) SEND THE CERTIFIED PLAN TO THE PRESIDING OFFICERS OF THE
15 GENERAL ASSEMBLY.

16 (E) ON RECEIPT OF A CERTIFIED PLAN SENT UNDER SUBSECTION (D) OF
17 THIS SECTION, THE PRESIDING OFFICERS SHALL PREPARE THE PLAN FOR
18 CONSIDERATION BY THE GENERAL ASSEMBLY AS PROVIDED IN ARTICLE XX, § 2 OF
19 THE MARYLAND CONSTITUTION.

20 (F) EXCEPT AS PROVIDED IN THIS SUBTITLE OR ARTICLE XX, § 2 OF THE
21 MARYLAND CONSTITUTION, A PLAN CONSIDERED BY THE GENERAL ASSEMBLY
22 SHALL BE TREATED IN THE SAME MANNER AS A BILL FOR PURPOSES OF
23 PUBLICATION, CODIFICATION, NOTIFICATION, AND DISTRIBUTION.

24 8-7A-10.

25 (A) THE REDISTRICTING COMMISSION SHALL PETITION THE COURT OF
26 APPEALS TO ESTABLISH LEGISLATIVE DISTRICTS OR CONGRESSIONAL DISTRICTS
27 ACCORDING TO THE STANDARDS SET FORTH IN THIS SUBTITLE AND ARTICLE III, §§
28 3 AND 4 AND ARTICLE XX OF THE MARYLAND CONSTITUTION IF:

29 (1) THE REDISTRICTING COMMISSION FAILS TO ADOPT AND CERTIFY
30 A PLAN UNDER THIS SUBTITLE; OR

1 **(2) A PLAN IS NOT ENACTED IN ACCORDANCE WITH ARTICLE XX, § 2**
2 **OF THE MARYLAND CONSTITUTION.**

3 **(B) THE REDISTRICTING COMMISSION SHALL REPRESENT THE STATE**
4 **REGARDING ANY PETITION SEEKING A REVIEW OF A CERTIFIED PLAN OR A LAW**
5 **ENACTED ESTABLISHING LEGISLATIVE DISTRICTS OR CONGRESSIONAL DISTRICTS**
6 **UNDER ARTICLE XX, § 2 OF THE MARYLAND CONSTITUTION.**

7 **(C) IN ANY CASE BROUGHT IN A FEDERAL COURT TO REVIEW A PLAN, IF THE**
8 **REDISTRICTING COMMISSION IS NOT A PARTY TO THE CASE, THE REDISTRICTING**
9 **COMMISSION SHALL MOVE TO INTERVENE IN THE CASE ON BEHALF OF THE STATE.**

10 **8-7A-11.**

11 **(A) THE COURT OF APPEALS SHALL HAVE ORIGINAL JURISDICTION TO**
12 **ESTABLISH LEGISLATIVE DISTRICTS AND CONGRESSIONAL DISTRICTS ACCORDING**
13 **TO THE STANDARDS SET FORTH IN THIS SUBTITLE AND ARTICLE III, §§ 3 AND 4 AND**
14 **ARTICLE XX OF THE MARYLAND CONSTITUTION IF:**

15 **(1) THE REDISTRICTING COMMISSION FAILS TO APPROVE A PLAN**
16 **UNDER THIS SUBTITLE;**

17 **(2) A PLAN IS NOT ENACTED UNDER ARTICLE XX, § 2 OF THE**
18 **MARYLAND CONSTITUTION; OR**

19 **(3) A REGISTERED VOTER FILES A PETITION UNDER SUBSECTION (B)**
20 **OF THIS SECTION.**

21 **(B) (1) ON THE ENACTMENT OF A LEGISLATIVE DISTRICT PLAN OR A**
22 **CONGRESSIONAL DISTRICT PLAN, ANY REGISTERED VOTER IN THE STATE MAY FILE**
23 **A PETITION WITH THE COURT OF APPEALS TO BAR THE PLAN FROM TAKING EFFECT**
24 **ON THE GROUNDS THAT THE PLAN VIOLATES THE MARYLAND CONSTITUTION, THE**
25 **UNITED STATES CONSTITUTION, OR A FEDERAL OR STATE STATUTE.**

26 **(2) THE REDISTRICTING COMMISSION SHALL BE THE DEFENDANT IN**
27 **A PETITION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

28 **(C) SUBJECT TO THE MARYLAND RULES, ANY REGISTERED VOTER OF THE**
29 **STATE MAY PARTICIPATE IN THE PROCEEDING AS AN AMICUS CURIAE.**

30 **(D) (1) IF A PETITION IS FILED UNDER SUBSECTION (B) OF THIS SECTION,**
31 **THE COURT OF APPEALS:**

(I) SHALL SET DEADLINES FOR THE FILING OF PLEADINGS AND AMICUS CURIAE BRIEFS; AND

(II) MAY APPOINT A SPECIAL MASTER TO MAKE RECOMMENDATIONS.

(2) A SPECIAL MASTER APPOINTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) HOLD A HEARING;

(II) CONSIDER A PLAN APPROVED BY THE REDISTRICTING COMMISSION, IF ANY; AND

(III) MAKE RECOMMENDATIONS TO THE COURT OF APPEALS.

(3) WITHIN THE TIME PERIOD ESTABLISHED BY THE COURT OF APPEALS UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PARTY MAY FILE EXCEPTIONS TO THE RECOMMENDATIONS OF THE SPECIAL MASTER.

(4) BEFORE ORDERING ANY RELIEF, THE COURT OF APPEALS SHALL:

(I) HOLD A HEARING;

(II) CONSIDER A PLAN APPROVED BY THE REDISTRICTING COMMISSION, IF ANY; AND

(III) CONSIDER ANY RECOMMENDATIONS OF A SPECIAL MASTER.

(E) (1) THE COURT OF APPEALS MAY ORDER ANY RELIEF CONSIDERED APPROPRIATE.

(2) IN ORDERING RELIEF:

(I) IF THE REDISTRICTING COMMISSION ADOPTED AND CERTIFIED A PLAN, THE COURT OF APPEALS MAY APPROVE, MODIFY, OR ADOPT A NEW PLAN; OR

(II) IF THE REDISTRICTING COMMISSION HAS NOT ADOPTED AND CERTIFIED A PLAN, THE COURT OF APPEALS SHALL ESTABLISH LEGISLATIVE DISTRICTS AND CONGRESSIONAL DISTRICTS ACCORDING TO THE STANDARDS SET FORTH IN THIS SUBTITLE AND ARTICLE III, §§ 3 AND 4 AND ARTICLE XX OF THE

1 **MARYLAND CONSTITUTION.**

2 **(F) THE COURT OF APPEALS SHALL GIVE PRIORITY TO RULING ON A**
3 **PETITION FILED UNDER THIS SECTION.**

4 **8-7A-12.**

5 **THE GOVERNOR SHALL INCLUDE FUNDS IN THE STATE BUDGET TO CARRY**
6 **OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING THE COSTS OF ANY**
7 **LITIGATION.**

8 **Article – General Provisions**

9 **5-202.**

10 (a) (1) The Ethics Commission consists of five members.

11 (2) The Governor shall appoint:

12 (i) with the advice and consent of the Senate, three members, at
13 least one of whom shall be a member of the principal political party of which the Governor
14 is not a member;

15 (ii) one member nominated by the President of the Senate; and

16 (iii) one member nominated by the Speaker of the House.

17 (3) The Governor may reject a nominee of the President or of the Speaker
18 only for cause.

19 (4) If the Governor rejects a nominee under paragraph (3) of this
20 subsection, the appropriate presiding officer shall nominate another individual.

21 (5) A vacancy shall be filled in a manner consistent with this subsection.

22 **5-205.**

23 (a) The Ethics Commission shall:

24 (1) administer the provisions of this title, except as otherwise expressly
25 provided in this title;

26 (2) create and provide forms for each document required by this title;

27 (3) retain as a public record each document filed with the Commission for
28 at least 4 years after receipt;

(4) review periodically the adequacy of public ethics laws;

(5) (i) review each statement and report filed in accordance with Subtitle 6 or Subtitle 7 of this title; and

(ii) notify officials and employees submitting documents under Subtitle 6 of this title of any omissions or deficiencies; [and]

(6) publish and make available to persons subject to this title, and to the public, information that explains the provisions of this title, the duties imposed by it, and the means for enforcing it; AND

(7) ADMINISTER THE PROVISIONS OF TITLE 8, SUBTITLE 7A OF THE ELECTION LAW ARTICLE REGARDING THE SELECTION AND REMOVAL OF MEMBERS OF THE LEGISLATIVE AND CONGRESSIONAL REDISTRICTING AND APPORTIONMENT COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the passage of Chapter ____ (S.B. ____/H.B. ____) (0lr0152) of the Acts of the General Assembly of 2020, a constitutional amendment, and its ratification by the voters of the State.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act, this Act shall take effect on the proclamation of the Governor that the constitutional amendment, having received a majority of the votes cast at the general election, has been adopted by the people of Maryland.