

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

Re-referred to: Education, Health, and Environmental Affairs, February 15, 2017

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2017

CHAPTER _____

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 providing that a member may be removed from the commission under certain
11 circumstances and in a certain manner; providing that the commission is subject to
12 certain laws governing open meetings and access to public records; requiring the
13 commission to hold certain hearings to receive public testimony at certain times, in
14 certain places, and in certain geographic areas to accommodate the public and to
15 reflect certain demographics and characteristics of the population of the State;
16 requiring the Department to staff and provide certain support for the commission;
17 requiring the commission to use certain census data to prepare and adopt a
18 districting plan for congressional districting within a certain time period; specifying
19 that a certain districting plan is the plan for the State; requiring that a certain
20 districting plan be filed with the Secretary of State within a certain time period;
21 providing for the effectiveness of a certain districting plan; specifying certain criteria

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



for the formation of the districts; providing for the application of this Act; making this Act contingent on the enactment of a similar independent redistricting process by certain states; defining certain terms; directing the Secretary of State to send copies of this Act to the presiding officers of both Houses of the legislature of certain states with a request that each of the states join Maryland in the enactment of a certain congressional redistricting process; and generally relating to the establishment of districts in Maryland for the election of members of Congress and a mid-Atlantic states regional compact.

BY adding to

Article – Election Law

Section 8-6A-01 through ~~8-6A-06~~ 8-6A-09 to be under the new subtitle “Subtitle 6A. Congressional Districting Process”

Annotated Code of Maryland

(2010 Replacement Volume and 2016 Supplement)

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 ADJUSTED CENSUS DATA ~~FROM THE UNITED STATES BUREAU OF THE CENSUS IN ACCORDANCE WITH P.L. 94-171~~ FOR THE STATE FOR THAT CENSUS; AND

~~(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~~

1 ~~(3)~~ (2) PROVIDE THE ADJUSTED CENSUS DATA TO THE
2 COMMISSION WITHIN 30 DAYS AFTER ~~THE DEPARTMENT HAS FINISHED ADJUSTING~~
3 ~~THE CENSUS DATA AS REQUIRED BY ITEM (2) OF THIS SECTION~~ THE DEPARTMENT
4 RECEIVES THE DATA.

5 8-6A-03.

6 (A) THERE IS A TEMPORARY REDISTRICTING COMMISSION.

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

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

10 (I) ~~ONE~~ TWO APPOINTED BY THE PRESIDENT OF THE SENATE;

11 (II) ~~ONE~~ TWO APPOINTED BY THE MINORITY LEADER OF THE
12 SENATE;

13 (III) ~~ONE~~ TWO APPOINTED BY THE SPEAKER OF THE HOUSE OF
14 DELEGATES; AND

15 (IV) ~~ONE~~ TWO APPOINTED BY THE MINORITY LEADER OF THE
16 HOUSE OF DELEGATES.

17 (3) (I) WITHIN 30 DAYS OF THEIR APPOINTMENTS TO THE
18 COMMISSION, BUT NOT LATER THAN MARCH 1 OF THAT YEAR, THE COMMISSION
19 MEMBERS SHALL SELECT, BY VOTE OF AT LEAST ~~THREE~~ FIVE OF THE MEMBERS, THE
20 ~~FIFTH~~ NINTH COMMISSION MEMBER, WHO:

21 1. SHALL SERVE AS CHAIR; AND

22 2. MAY NOT BE AFFILIATED WITH EITHER OF THE
23 PRINCIPAL POLITICAL PARTIES IN THE STATE.

24 (II) IF THE COMMISSION IS UNABLE TO SELECT THE ~~FIFTH~~
25 NINTH MEMBER, ~~THE CHIEF JUDGE OF THE COURT OF APPEALS SHALL MAKE THE~~
26 ~~APPOINTMENT;~~

27 1. THE COMMISSION SHALL SUBMIT A LIST OF THREE
28 NAMES FOR THE APPOINTMENT OF THAT MEMBER TO:

29 A. THE CHIEF ADMINISTRATIVE LAW JUDGE OF THE
30 OFFICE OF ADMINISTRATIVE HEARINGS;

1 B. THE CHAIR OF THE STATE ETHICS COMMISSION; AND

2 C. THE COCHAIRS OF THE JOINT COMMITTEE ON
3 LEGISLATIVE ETHICS; AND

4 2. NO LATER THAN 10 DAYS AFTER RECEIPT OF THE LIST
5 SUBMITTED BY THE COMMISSION TO THE ENTITIES DESIGNATED UNDER ITEM 1 OF
6 THIS SUBPARAGRAPH, THE ENTITIES SHALL SELECT THE NINTH MEMBER AND
7 CHAIR OF THE COMMISSION.

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

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

13 ~~(II) HOLDS A POLITICAL PARTY OFFICE; OR~~

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

15 8-6A-04.

16 (A) EACH MEMBER OF THE COMMISSION:

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

22 (II) IN THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF
23 THE INDIVIDUAL'S APPOINTMENT, HAS VOTED IN AT LEAST TWO ELECTIONS; AND

24 (2) (I) MAY NOT HAVE BEEN A CANDIDATE FOR ELECTION TO OR
25 SERVED AS GOVERNOR, AS A MEMBER OF THE GENERAL ASSEMBLY, OR AS A
26 REPRESENTATIVE OF THE UNITED STATES CONGRESS FROM THIS STATE DURING
27 THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF THE INDIVIDUAL'S
28 APPOINTMENT, OR BE AN IMMEDIATE FAMILY MEMBER ESTABLISHED THROUGH
29 BLOOD OR LEGAL RELATION OF SUCH CANDIDATE OR MEMBER;

30 (II) MAY NOT BE A REGULATED LOBBYIST IN THIS STATE, AS
31 DESCRIBED IN § 5-702(A) OF THE GENERAL PROVISIONS ARTICLE, REGISTERED AS

A LOBBYIST BEFORE A COUNTY OR MUNICIPAL GOVERNMENT IN THE STATE, OR
REGISTERED AS A LOBBYIST BEFORE THE FEDERAL GOVERNMENT;

(III) MAY NOT BE OR HAVE SERVED AS STAFF OR A CONSULTANT
TO A PERSON UNDER A CONTRACT WITH, OR ANY PERSON WITH AN IMMEDIATE
FAMILY RELATIONSHIP THROUGH BLOOD OR LEGAL RELATION TO, THE GOVERNOR,
A MEMBER OF THE GENERAL ASSEMBLY, OR A MEMBER OF THE UNITED STATES
CONGRESS FROM THIS STATE;

(IV) MAY NOT HOLD AN APPOINTIVE OFFICE IN THE EXECUTIVE
BRANCH OR LEGISLATIVE BRANCH OF THE FEDERAL, STATE, OR A LOCAL
GOVERNMENT; AND

(V) MAY NOT HAVE MADE A CONTRIBUTION OF \$2,000 OR MORE
TO A POLITICAL COMMITTEE FOR ELECTORAL PURPOSES FOR A CONGRESSIONAL,
STATE, OR LOCAL GOVERNMENT ELECTION IN THE STATE IN ANY YEAR, WHICH
AMOUNT SHALL BE ADJUSTED EVERY 10 YEARS BY THE CUMULATIVE CHANGE IN
THE MARYLAND CONSUMER PRICE INDEX OR ITS SUCCESSOR.

(B) THE TERM OF OFFICE OF EACH MEMBER OF THE COMMISSION EXPIRES
ON THE APPOINTMENT OF THE FIRST MEMBER OF THE SUCCEEDING COMMISSION.

(C) (1) SEVEN MEMBERS OF THE COMMISSION SHALL CONSTITUTE A
QUORUM.

(2) EXCEPT AS PROVIDED IN § 8-6A-03(B)(3) OF THIS SUBTITLE, SIX
OR MORE AFFIRMATIVE VOTES OF THE COMMISSION SHALL BE REQUIRED FOR ANY
OFFICIAL ACTION, INCLUDING ANY FINAL PROPOSED MAPS AND PLANS FOR
CONGRESSIONAL DISTRICTS ADOPTED BY THE COMMISSION.

8-6A-05.

(A) (1) IN THE EVENT OF SUBSTANTIAL NEGLECT OF DUTY, GROSS
MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE, A
MEMBER OF THE COMMISSION MAY BE REMOVED BY THE GOVERNOR WITH THE
CONCURRENCE OF THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL
ASSEMBLY AFTER HAVING BEEN SERVED WRITTEN NOTICE AND PROVIDED WITH AN
OPPORTUNITY FOR A RESPONSE.

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

(B) A VACANCY, WHETHER CREATED BY REMOVAL, RESIGNATION, OR ABSENCE, IN A COMMISSION POSITION SHALL BE FILLED BY THE APPOINTING AUTHORITY FOR THAT MEMBER WITHIN 30 DAYS AFTER THE VACANCY OCCURS.

8-6A-06.

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

(2) THE COMMISSION SHALL PROVIDE NOT LESS THAN 14 DAYS' PUBLIC NOTICE FOR EACH MEETING.

(B) (1) THE COMMISSION SHALL ESTABLISH AND IMPLEMENT AN OPEN HEARING PROCESS FOR PUBLIC INPUT AND DELIBERATION THAT IS DESIGNED TO ENCOURAGE CITIZEN OUTREACH AND SOLICIT BROAD PUBLIC PARTICIPATION IN THE REDISTRICTING PUBLIC REVIEW PROCESS.

(2) (i) 1. THE HEARING PROCESS SHALL INCLUDE HEARINGS TO RECEIVE PUBLIC INPUT BEFORE THE COMMISSION DRAWS ANY MAPS AND AT LEAST ONE HEARING FOLLOWING THE DRAWING AND DISPLAY OF ANY COMMISSION MAPS.

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

(ii) THE COMMISSION SHALL:

1. DISPLAY THE MAPS FOR PUBLIC COMMENT IN A MANNER DESIGNED TO ACHIEVE THE WIDEST PUBLIC ACCESS REASONABLY POSSIBLE; AND

2. TAKE PUBLIC COMMENT FOR AT LEAST 14 DAYS FROM THE DATE OF PUBLIC DISPLAY OF ANY MAP.

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

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

~~(C)~~ (D) 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)~~ (E) 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~~ § 8-6A-08 OF THIS SUBTITLE.

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

~~§ 8-6A-04.~~

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

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

8-6A-07.

(A) THE COMMISSION SHALL CONVENE ITS FIRST MEETING ON OR BEFORE MARCH 1 OF THE YEAR FOLLOWING EACH DECENNIAL CENSUS.

(B) (1) AT ITS FIRST MEETING, OR ON OR BEFORE 30 DAYS AFTER THE COMMISSION RECEIVES ADJUSTED CENSUS DATA FROM THE DEPARTMENT, WHICHEVER IS LATER, THE COMMISSION SHALL COMMENCE A SERIES OF PUBLIC HEARINGS TO RECEIVE PUBLIC TESTIMONY CONCERNING A REDISTRICTING PLAN.

(2) (I) ON OR BEFORE JULY 1 OF THE YEAR THAT THE COMMISSION RECEIVES THE ADJUSTED CENSUS DATA FROM THE DEPARTMENT, THE COMMISSION SHALL HOLD AT LEAST SIX HEARINGS THROUGHOUT THE STATE.

(II) THE HEARINGS REQUIRED UNDER THIS PARAGRAPH SHALL BE HELD AT TIMES THAT ARE LIKELY TO MAXIMIZE PUBLIC PARTICIPATION AND IN LOCATIONS THAT ENCOMPASS THE GEOGRAPHIC, RACIAL, AND ETHNIC DIVERSITY OF THE STATE.

(III) THE COMMISSION SHALL CONDUCT AN OPEN AND TRANSPARENT PROCESS ENABLING FULL PUBLIC CONSIDERATION OF AND COMMENT ON THE DRAWING OF DISTRICT LINES.

(3) FOLLOWING THE CONCLUSION OF THE PUBLIC HEARINGS REQUIRED UNDER SUBPARAGRAPH (2) OF THIS SUBSECTION, BUT NO LATER THAN SEPTEMBER 30 OF THE YEAR THAT THE COMMISSION RECEIVES THE ADJUSTED CENSUS DATA FROM THE DEPARTMENT, THE COMMISSION SHALL PREPARE AND ADOPT A DISTRICTING PLAN AND MAP FOR CONGRESSIONAL DISTRICTS.

(4) ON OR BEFORE OCTOBER 30 OF THE YEAR THAT THE COMMISSION RECEIVES THE ADJUSTED CENSUS DATA FROM THE DEPARTMENT, THE COMMISSION SHALL:

(I) PUBLISH THE PROPOSED FINAL DISTRICTING PLAN AND MAP ON THE WEB SITE OF THE DEPARTMENT OF LEGISLATIVE SERVICES;

(II) ISSUE WITH THE PROPOSED FINAL DISTRICTING PLAN AND MAP A REPORT THAT:

1. EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE THE DECISIONS IN COMPLIANCE WITH THE CRITERIA REQUIRED UNDER THIS SUBTITLE; AND

2. INCLUDES DEFINITIONS OF THE TERMS AND STANDARDS THE COMMISSION USED IN PREPARING THE PROPOSED FINAL DISTRICTING PLAN AND MAP; AND

(III) 1. HOLD AT LEAST ONE PUBLIC HEARING ON THE PROPOSED FINAL DISTRICTING PLAN AND MAP TO RECEIVE PUBLIC TESTIMONY; AND

2. ALLOW THE PUBLIC TO SUBMIT COMMENTS TO THE COMMISSION THROUGH THE WEB SITE OF THE DEPARTMENT OF LEGISLATIVE SERVICES CONCERNING THE PROPOSED FINAL DISTRICTING PLAN AND MAP.

(5) ON OR BEFORE THE SECOND TUESDAY IN NOVEMBER OF THE YEAR THE COMMISSION RECEIVES THE ADJUSTED CENSUS DATA FROM THE DEPARTMENT, THE COMMISSION SHALL PUBLISH A FINAL CONGRESSIONAL DISTRICTING PLAN AND MAP ON THE WEB SITE OF THE DEPARTMENT OF LEGISLATIVE SERVICES.

~~(B)~~ (C) (1) (I) CONGRESSIONAL DISTRICTS SHALL BE ESTABLISHED ON THE BASIS OF POPULATION.

~~(H) EACH DISTRICT SHALL HAVE A POPULATION AS NEARLY
EQUAL AS PRACTICABLE TO THE IDEAL DISTRICT POPULATION, DERIVED BY
DIVIDING THE POPULATION OF THE STATE AS DETERMINED BY THE UNITED STATES
CENSUS BY THE NUMBER OF DISTRICTS IN THE STATE AS APPORTIONED BY THE
UNITED STATES CONGRESS.~~

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

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

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

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

(2) EACH CONGRESSIONAL DISTRICT SHALL:

(I) COMPLY WITH THE UNITED STATES CONSTITUTION;

(II) COMPLY WITH THE FEDERAL VOTING RIGHTS ACT;

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

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

(V) BE GEOGRAPHICALLY CONTIGUOUS; AND

(VI) TO THE EXTENT PRACTICABLE, AND IF IT DOES NOT
CONFLICT WITH THE CRITERIA SPECIFIED IN ITEMS (I) THROUGH (V) OF THIS
PARAGRAPH, BE DRAWN TO ENCOURAGE GEOGRAPHIC COMPACTNESS.

(D) (1) A CONGRESSIONAL DISTRICT MAY NOT BE DRAWN FOR THE PURPOSE OF FAVORING A POLITICAL PARTY, AN ELECTED OFFICIAL, OR ANY OTHER PERSON OR GROUP, OR FOR THE PURPOSE OF AUGMENTING OR DILUTING THE VOTING STRENGTH OF A LANGUAGE OR RACIAL MINORITY GROUP.

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

~~(3)~~ (E) THE CHESAPEAKE BAY MAY NOT BE CONSIDERED TO BE A BARRIER TO CONTIGUITY.

~~(4)~~ (F) AREAS THAT MEET ONLY AT THE POINTS OF ADJOINING CORNERS ARE NOT CONTIGUOUS.

~~§ 6A-05. § 6A-08.~~

THE DISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS PREPARED AND ADOPTED BY THE COMMISSION UNDER ~~§ 8-6A-04~~ § 8-6A-07 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.

~~§ 6A-06. § 6A-09.~~

(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~~ SUBTITLE

1 AND THE CRITERIA REQUIRED UNDER § 8-6A-07(C), (D), AND (F) OF THIS SUBTITLE
2 FOR REDISTRICTING THE MARYLAND CONGRESSIONAL DISTRICTS.

3 (B) ~~A PROCESS~~ THE DISTRICTING PLAN FOR A STATE SHALL BE
4 CONSIDERED SUBSTANTIALLY SIMILAR FOR THE PURPOSES OF SUBSECTION (A) OF
5 THIS SECTION ONLY IF:

6 (1) THE DEPARTMENT DETERMINES THAT THE REDISTRICTING PLAN
7 IN THAT STATE IS DEVELOPED AND PROPOSED BY AN INDEPENDENT DISTRICTING
8 COMMISSION THAT USES A PROCESS AND CRITERIA, AS SPECIFIED UNDER
9 SUBSECTION (A) OF THIS SECTION, TO ESTABLISH CONGRESSIONAL DISTRICTS; AND

10 (2) (I) THE REDISTRICTING PLAN DEVELOPED AND PROPOSED BY
11 AN INDEPENDENT REDISTRICTING COMMISSION IN THAT STATE BECOMES
12 EFFECTIVE ON THE FILING OF THE PLAN WITH THE CHIEF ELECTION OFFICIAL IN
13 THAT STATE; OR

14 (II) NOTWITHSTANDING THAT THE STATE LEGISLATURE IN
15 THAT STATE IS ALLOWED TO VOTE ON THE REDISTRICTING PLAN PROPOSED BY THE
16 COMMISSION, BUT THE LEGISLATURE IN THAT STATE IS PROHIBITED FROM
17 ALTERING THE PLAN.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the
19 enactment of a nonpartisan districting process for representatives in the United States
20 House of Representatives in the mid-Atlantic region in each of the states of New York, New
21 Jersey, Pennsylvania, Virginia, and North Carolina. The Secretary of State shall monitor
22 the enactment of districting legislation by the states of New York, New Jersey,
23 Pennsylvania, Virginia, and North Carolina and, after consultation with the Attorney
24 General, notify the Department of Legislative Services within 5 days after the contingency
25 is met. ~~If~~

26 SECTION 3. AND BE IT FURTHER ENACTED, That if the notice of the contingency
27 described under Section 2 of this Act being met is not received by the Department of
28 Legislative Services on or before December 31, 2020, this Act shall be null and void without
29 the necessity of further action by the General Assembly;

30 (a) may not be applied to the districting process for representatives from
31 Maryland in the United States House of Representatives resulting from the 2020 decennial
32 census; and

33 (b) the districting process for representatives from Maryland in the United States
34 House of Representatives resulting from the 2020 decennial census set forth under the
35 Maryland Constitution and provisions of Maryland law in effect on January 1, 2021, shall
36 apply.

1 SECTION 4. AND BE IT FURTHER ENACTED, That if the Department of
2 Legislative Services does not receive notice from the Secretary of State on or before
3 December 31, 2032, that the contingency described in Section 2 of this Act is met, this Act
4 shall be null and void without the necessity of further action by the General Assembly.

5 SECTION 5. AND BE IT FURTHER ENACTED, That the Secretary of State is
6 directed to send copies of this Act to the presiding officers of both Houses of the legislature
7 of each of the states of New York, New Jersey, Pennsylvania, Virginia, and North Carolina
8 in the mid-Atlantic region, with the request that it be circulated among leaders in the
9 legislative branches of those state governments; and with the further request that each of
10 the states of New York, New Jersey, Pennsylvania, Virginia, and North Carolina in the
11 mid-Atlantic region join the State of Maryland in the enactment of a nonpartisan
12 districting process for representatives in the United States House of Representatives in the
13 mid-Atlantic region.

14 SECTION ~~3~~ 6. AND BE IT FURTHER ENACTED, That, subject to ~~Section 2~~
15 Sections 2, 3, and 4 of this Act, this Act shall take effect October 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.