

SENATE BILL 160

P5
SB 363/06 – EHE

2lr0630

By: **Senators Brochin, Colburn, Kittleman, and Raskin**

Introduced and read first time: January 19, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Legislative Districting – Process**

3 FOR the purpose of providing a process for establishing legislative districts for the
4 election of members of the Maryland General Assembly; directing a certain
5 commission to hold certain public meetings at certain times for a certain
6 purpose; providing for public notice of the meetings, the time periods within
7 which the meetings must be held, and the general procedures to be used in
8 conducting the public meetings; providing that certain districting maps must be
9 made available to the public in certain ways and at certain times; directing the
10 Executive Director of the Department of Legislative Services to oversee the
11 districting process; providing for certain duties of the Executive Director;
12 providing that employees of the Department may not discuss certain
13 information about any redistricting plans with certain persons; defining certain
14 terms; making this Act contingent on the passage and ratification of a certain
15 constitutional amendment; and generally relating to a process for establishing
16 legislative districts in Maryland.

17 BY adding to

18 Article – State Government

19 Section 2–2B–01 through 2–2B–03 to be under the new subtitle “Subtitle 2B.
20 Legislative Districting Process”

21 Annotated Code of Maryland

22 (2009 Replacement Volume and 2011 Supplement)

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

25 **Article – State Government**

26 **SUBTITLE 2B. LEGISLATIVE DISTRICTING PROCESS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **2-2B-01.**

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

4 (B) "COMMISSION" MEANS A TEMPORARY REDISTRICTING ADVISORY
5 COMMISSION ESTABLISHED UNDER ARTICLE III, § 5A OF THE MARYLAND
6 CONSTITUTION.

7 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF LEGISLATIVE
8 SERVICES.

9 (D) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
10 THE DEPARTMENT.

11 **2-2B-02.**

12 (A) THE COMMISSION SHALL HOLD TWO SERIES OF PUBLIC MEETINGS
13 TO OBTAIN CITIZEN INPUT FOR THE GENERAL ASSEMBLY LEGISLATIVE
14 DISTRICTING PROCESS.

15 (B) (1) PRIOR TO BEGINNING WORK ON NEW DISTRICT MAPS,
16 BETWEEN APRIL 16 AND MAY 31 OF THE FIRST YEAR FOLLOWING THE U.S.
17 CENSUS, 12 PUBLIC MEETINGS SHALL BE HELD IN DIFFERENT GEOGRAPHIC
18 REGIONS ACROSS THE STATE TO RECEIVE INFORMATION FROM CITIZENS
19 REGARDING THE ADVANTAGES AND DISADVANTAGES OF EXISTING DISTRICT
20 LINES AND ANY OTHER INFORMATION CITIZENS BELIEVE USEFUL IN
21 DEVELOPING NEW DISTRICT MAPS.

22 (2) AFTER DEVELOPING PRELIMINARY DISTRICT MAPS, BETWEEN
23 SEPTEMBER 16 AND OCTOBER 31 OF THE FIRST YEAR FOLLOWING THE U.S.
24 CENSUS, 12 PUBLIC MEETINGS SHALL BE HELD IN DIFFERENT GEOGRAPHIC
25 REGIONS ACROSS THE STATE TO RECEIVE COMMENTS FROM CITIZENS
26 REGARDING THE PRELIMINARY DISTRICTING MAPS.

27 (C) PUBLIC MEETINGS SHALL BE CONDUCTED BY THE COMMISSION IN
28 ACCORDANCE WITH TITLE 10, SUBTITLE 5 OF THIS ARTICLE.

29 (D) (1) (I) THE DEPARTMENT SHALL PROVIDE PUBLIC NOTICE OF
30 THE MEETING.

31 (II) THE PUBLIC NOTICE SHALL INCLUDE:

1 1. THE PURPOSE, LOCATION, DATE, AND TIME OF
2 THE MEETING;

3 2. THE TERMS AND CONDITIONS FOR SPEAKING AT
4 THE MEETING AND PROVIDING WRITTEN COMMENT; AND

5 3. INFORMATION ON HOW TO OBTAIN AND INSPECT
6 COPIES OF THE DISTRICT MAPS.

7 (2) NOTICE OF THE MEETINGS SHALL BE PROVIDED:

8 (I) AT LEAST 7 DAYS BEFORE EACH PUBLIC MEETING ON
9 THE GENERAL ASSEMBLY WEB SITE;

10 (II) WITHIN 7 TO 10 DAYS BEFORE EACH PUBLIC MEETING
11 AND THE DAY BEFORE EACH PUBLIC MEETING, BY ADVERTISEMENT IN A MAJOR
12 NEWSPAPER OF GENERAL CIRCULATION SERVING THE GEOGRAPHIC REGION
13 WHERE THE MEETING WILL BE HELD; AND

14 (III) WITHIN 7 TO 10 DAYS BEFORE EACH PUBLIC MEETING,
15 BY DELIVERY TO THE NEWS MEDIA SERVING THE GEOGRAPHIC REGION WHERE
16 THE MEETING WILL BE HELD.

17 (E) (1) MAPS OF THE EXISTING LEGISLATIVE DISTRICTS SHALL BE
18 MADE AVAILABLE TO THE PUBLIC FOR THE FIRST SERIES OF PUBLIC MEETINGS
19 REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION.

20 (2) MAPS SHOWING PRELIMINARY PROPOSED DISTRICTS SHALL
21 BE MADE AVAILABLE TO THE PUBLIC FOR THE SECOND SERIES OF PUBLIC
22 MEETINGS REQUIRED BY SUBSECTION (B)(2) OF THIS SECTION.

23 (3) MAPS SHALL BE:

24 (I) POSTED ON THE GENERAL ASSEMBLY WEB SITE;

25 (II) PROVIDED TO EACH PUBLIC LIBRARY IN THE STATE
26 AND RETAINED BY EACH LIBRARY AS REFERENCE MATERIALS; AND

27 (III) AVAILABLE FOR PUBLIC INSPECTION AT EACH PUBLIC
28 MEETING.

29 (F) PUBLIC MEETINGS SHALL BE:

1 (1) HELD AT FACILITIES THAT ARE FULLY ACCESSIBLE AND
2 COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT AND THAT HAVE A
3 SEATING CAPACITY OF AT LEAST 500 PEOPLE;

4 (2) HELD ON TUESDAY, WEDNESDAY, OR THURSDAY EVENING;
5 AND

6 (3) WHEN PRACTICABLE, SCHEDULED TO AVOID CONFLICT WITH
7 RELIGIOUS HOLIDAYS.

8 (G) (1) INDIVIDUALS WHO WISH TO SPEAK AT A PUBLIC MEETING
9 MUST RECORD THEIR NAME AND ADDRESS ON A SPEAKER SIGN-UP LIST
10 PROVIDED BY THE DEPARTMENT.

11 (2) INDIVIDUALS WHO HAVE RECORDED THEIR NAMES ON THE
12 SPEAKER SIGN-UP LIST SHALL BE GIVEN AN OPPORTUNITY TO SPEAK IN THE
13 ORDER IN WHICH THEY ARE LISTED.

14 (3) INDIVIDUALS WHO HAVE RECORDED THEIR NAMES ON THE
15 SPEAKER SIGN-UP LIST SHALL HAVE THE RIGHT TO SPEAK FOR A MINIMUM OF 2
16 MINUTES, AND NO SPEAKER SHALL BE GIVEN MORE THAN 3 MINUTES TO SPEAK
17 WITHOUT THE CONSENT OF THE MAJORITY OF THE COMMISSION MEMBERS WHO
18 ARE PRESENT.

19 (H) (1) THE DEPARTMENT SHALL KEEP A RECORD OF EACH PUBLIC
20 MEETING. THE RECORD SHALL INCLUDE THE SPEAKER SIGN-UP LIST, WRITTEN
21 COMMENTS RECEIVED FROM THE PUBLIC, AND A SUMMARY OR TRANSCRIPT OF
22 THE ORAL TESTIMONY.

23 (2) THE DEPARTMENT SHALL DELETE ANY INFORMATION
24 PROHIBITED BY ARTICLE III, § 4 OF THE MARYLAND CONSTITUTION FROM THE
25 WRITTEN COMMENTS RECEIVED FROM THE PUBLIC AND THE SUMMARY OR
26 TRANSCRIPT OF ORAL TESTIMONY.

27 (3) (I) AT THE CONCLUSION OF EACH SERIES OF PUBLIC
28 MEETINGS, THE DEPARTMENT SHALL PUBLISH A COMPILATION OF THE
29 WRITTEN RECORDS AND ORAL TESTIMONY IN ACCORDANCE WITH THE
30 REQUIREMENTS OF PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

31 (II) COPIES OF THE COMPILATION SHALL BE MADE
32 AVAILABLE TO PUBLIC LIBRARIES ACROSS THE STATE AND ON THE GENERAL
33 ASSEMBLY WEB SITE NOT LATER THAN AUGUST 1 AFTER THE FIRST SERIES OF

1 PUBLIC MEETINGS AND NOT LATER THAN JANUARY 1 AFTER THE SECOND
2 SERIES OF PUBLIC MEETINGS.

3 **2-2B-03.**

4 (A) THE EXECUTIVE DIRECTOR SHALL:

5 (1) PROVIDE OVERSIGHT OF THE REDISTRICTING PROCESS;

6 (2) HANDLE ALL COMMUNICATIONS BETWEEN THE DEPARTMENT
7 AND THE COMMISSION, THE MEDIA, AND THE PUBLIC; AND

8 (3) ESTABLISH PROCEDURES TO COMPLETE THE REDISTRICTING
9 WORK OF THE DEPARTMENT AS REQUIRED BY THIS SUBTITLE.

10 (B) (1) THE EXECUTIVE DIRECTOR SHALL CREATE A PUBLIC
11 MEETING WORKGROUP AND A PLAN DEVELOPMENT WORKGROUP.

12 (2) THE PUBLIC MEETING WORKGROUP SHALL:

13 (I) MAKE ALL NECESSARY ARRANGEMENTS;

14 (II) PUBLISH NOTICES;

15 (III) ASSIST WITH CONDUCTING THE PUBLIC MEETINGS;

16 (IV) KEEP ALL RECORDS OF THE PUBLIC MEETINGS; AND

17 (V) SUMMARIZE ORAL TESTIMONY, AS REQUIRED BY §
18 **2-2B-02** OF THIS SUBTITLE.

19 (3) THE PLAN DEVELOPMENT WORKGROUP SHALL:

20 (I) COMPILE AND ANALYZE POPULATION DATA;

21 (II) REVIEW AND INCORPORATE PUBLIC INPUT AS
22 CONTAINED IN THE REDACTED COMPILATION PREPARED BY THE PUBLIC
23 MEETING WORKGROUP; AND

24 (III) DRAFT AND PUBLISH DISTRICTING MAPS AS REQUIRED
25 BY THIS SUBTITLE.

1 **(C) EXCEPT FOR THE EXECUTIVE DIRECTOR, NO PERSON MAY BE**
2 **INVOLVED IN THE WORK OF BOTH WORKGROUPS.**

3 **(D) EMPLOYEES OF THE DEPARTMENT MAY NOT PROVIDE OR**
4 **COMMUNICATE ANY INFORMATION ABOUT THE DETAILS OF ANY LEGISLATIVE**
5 **DISTRICTING PLAN TO ANY PERSON EXCEPT THE EXECUTIVE DIRECTOR OR**
6 **MEMBERS OF THE WORKGROUP TO WHICH THEY ARE ASSIGNED.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on
8 the passage of Chapter ____ (S.B. ____/H.B. ____) (2lr0636) of the Acts of the General
9 Assembly of 2012, a constitutional amendment, and its ratification by the voters of the
10 State.

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