



# The State of Maryland

## Executive Department

EXECUTIVE ORDER  
01.01.2018.29

### Emergency Commission on Sixth Congressional District Gerrymandering

- WHEREAS, The United States District Court for the District of Maryland (the "U.S. District Court") in *Benisek v. Lamone*, Case No. 1:13-cv-03233-JKB, found that the State's 2011 congressional redistricting plan violated Maryland citizens' rights established by the First Amendment to the United States Constitution;
- WHEREAS, The U.S. District Court permanently enjoined the State from conducting any further elections for members of the U.S. House of Representatives from Maryland under the 2011 congressional redistricting plan;
- WHEREAS, The U.S. District Court ordered the State to redraw Maryland's Sixth Congressional District boundaries on the basis of compactness and geographic contiguity, and with regard for natural boundaries, boundaries of political subdivisions, and geographic and other communities of interest, and without considering how citizens are registered to vote or have voted in the past or to what political party they belong;
- WHEREAS, The U.S. District Court further ordered that the State submit a constitutional redistricting plan to the U.S. District Court;
- WHEREAS, The U.S. District Court's order is currently stayed until no later than July 1, 2019;
- WHEREAS, The threat of federal judicial intervention in the drawing of the Sixth Congressional District necessitates proactive State measures to remedy the unconstitutional boundaries;
- WHEREAS, Correcting this serious constitutional injury with new lawful maps will enable a large number of Maryland voters to more fully participate in congressional elections;

WHEREAS, The integrity of the redistricting process is essential to the success of democracy;

WHEREAS, Fairness in the redistricting process is what the citizens of Maryland expect and deserve; and

WHEREAS, The process of redistricting should be fully transparent and subject to public input and scrutiny;

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There is an Emergency Commission on Sixth Congressional District Gerrymandering (the "Commission").
- B. Membership.
  1. The Commission consists of the following members appointed by the Governor:
    - a. One registered with the Democratic Party;
    - b. One registered with the Republican Party;
    - c. One not registered with either the Democratic Party or the Republican Party; and
    - d. Six selected from a public application process, apportioned as follows:
      - i. Two registered with the Democratic Party;
      - ii. Two registered with the Republican Party; and
      - iii. Two not registered with either the Democratic Party or the Republican Party.
  2. Each appointee shall be a voter who, for at least three years immediately preceding the date of appointment, has been registered in the State continuously with the same political party or continuously with neither the Democratic Party nor the Republican Party.

3. No appointee may be:
  - a. A representative or candidate for representative in the U.S. Congress;
  - b. An officer or employee of a political party or political committee;
  - c. A member of staff of the Governor, Maryland General Assembly, or U.S. Congress; or
  - d. A current or former registered lobbyist.
4. The selection of members shall be intended to produce a Commission that is independent from legislative influence and reasonably representative of the State's diversity and geography.
5. The Governor shall appoint one or more members to chair the Commission.
6. A vacancy shall be filled in the same manner that the initial appointments are made.

C. Duties.

1. The Commission shall prepare a plan adjusting the boundary lines of the Sixth Congressional District, and any other districts for Maryland's representatives in the U.S. Congress (the "congressional districts") as it may deem necessary or appropriate to address the constitutional violations with regard to that district, in conformance with the following standards:
  - a. Each member of Congress shall be elected from a single-member district;
  - b. The population of all congressional districts shall be equal to the extent practicable; and
  - c. Adjusted congressional districts shall:
    - i. Comply with the U.S. Constitution;
    - ii. Comply with federal law, including the Voting Rights Act;

- iii. Comply with all applicable judicial direction, rulings, judgments, or orders;
  - iv. Respect natural boundaries and the geographic integrity and continuity of any municipal corporation, county, or other political subdivision to the extent practicable;
  - v. Be geographically compact and include nearby areas of population, to the extent practicable;
  - vi. Not account for how citizens are registered to vote, how they have voted in the past, or what political party they belong to; and
  - vii. Not account for the domicile or residence of any individual, including an incumbent officeholder or a potential candidate for office.
2. The Commission shall exercise judgment that is impartial and that reinforces public confidence in the integrity of the redistricting process.

D. Procedures.

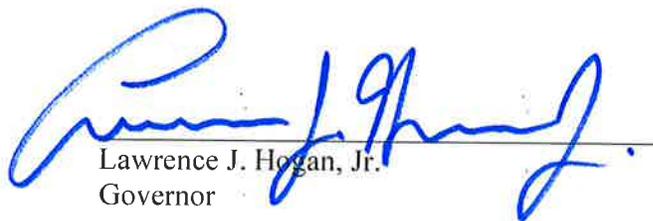
1. A majority of the members of the Commission shall constitute a quorum for the transaction of any business.
2. The Commission shall hold meetings at such times and such places as it deems necessary, provided that public notice is given at least three days in advance. The meetings shall be accessible to the general public in accordance with the Maryland Open Meetings Act or other applicable law.
3. Public participation. The Commission shall:
  - a. With at least seven days' public notice, conduct regional summits — including at least one in the Sixth Congressional District — to allow citizens to offer comment on the boundaries of the congressional districts to be adjusted;
  - b. Provide an electronic portal for citizens to review redistricting data and submit their comments about redistricting; and
  - c. Undertake any other activities it deems appropriate to solicit public input in the redistricting process.

4. The Commission may adopt such other procedures as may be necessary to ensure the orderly transaction of business, including the creation of committees.
5. The Commission may designate additional individuals, including interested citizens, elected officials, educators, or specialists with relevant expertise, but excluding the individuals identified in Section B(3), to serve on any committee.
6. The Commission may consult with units of State government and outside experts to obtain such technical assistance and advice as it deems necessary to complete its duties.
7. By March 4, 2019, the Commission shall:
  - a. With at least seven affirmative votes of the members, approve and certify a proposed redistricting plan that separately sets forth adjusted district boundary lines for the Sixth Congressional District and other congressional districts as it may deem necessary or appropriate to address the constitutional violations with regard to that district;
  - b. Approve and certify a proposed map that corresponds to the redistricting plan; and
  - c. Publicize the proposed plan and map in a manner reasonably designed to achieve broad public availability and access.
8. Until March 26, 2019, the Commission shall accept and review public comments about the proposed plan and map.
9. By April 2, 2019, the Commission shall:
  - a. With at least seven affirmative votes of the members, approve and certify a final redistricting plan that separately sets forth adjusted district boundary lines for the Sixth Congressional District and other congressional districts as it may deem necessary or appropriate to address the constitutional violations with regard to that district;
  - b. Approve and certify a final map that corresponds to the redistricting plan;

- c. Submit the final plan and map to the Legislative Office of the Office of the Governor; and
  - d. Issue a report that explains the basis for the Commission's decisions, including the standards used and applied.
10. The Commission may issue additional reports as directed by the Governor.
- E. The Office of the Governor shall prepare and transmit the final, certified redistricting plan and map for introduction in the General Assembly as emergency legislation in its session commencing on January 9, 2019.
  - F. Membership on the Commission shall not be compensated, but members are entitled to reimbursement for expenses as provided by law.
  - G. The Commission shall terminate on July 1, 2019, unless the Governor declares before that date that the Commission shall remain in operation.
  - H. The Office of the Governor shall provide the Commission with staff and consultants as necessary and feasible.
  - I. All units of State government subject to the supervision and direction of the Governor shall cooperate with and assist the Commission in carrying out its responsibilities.

Given Under my Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 26th Day of November, 2018.



  
Lawrence J. Hogan, Jr.  
Governor

ATTEST:

  
John C. Wobensmith  
Secretary of State