



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

2011 Special Session

October 17-20, 2011

On Wednesday, October 12, 2011, under Article II, Section 16 of the Maryland Constitution, Governor Martin O'Malley issued Executive Order 01.01.2011.19 convening a special session of the General Assembly to begin on Monday, October 17, 2011, "for the purpose of passing legislation to establish the State of Maryland's congressional districts." Under federal case law, congressional district boundaries must be redrawn every 10 years after the decennial census to adjust for population changes; they must also conform to the requirements of the Voting Rights Act of 1965 and related case law.

The U.S. Census Bureau has apportioned eight congressional seats to Maryland, each of which must have 721,529 residents, according to 2010 census figures. Because the adjusted State population is not divisible by eight, one district will have one fewer resident than the required number.

Additionally, the passage of the 2009 Military and Overseas Voter Empowerment (MOVE) Act by Congress establishes certain deadlines for states to transmit absentee ballots for federal elections to service members covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Therefore, Maryland must have a congressional redistricting plan prior to the beginning of the 2012 session of the General Assembly in order to conduct the Presidential Primary on April 3, 2012. Early voting centers in the State will open on March 24, 2012.

On October 17, both chambers convened floor sessions for organizational purposes and for the introduction of legislation. One of the first orders of business was the consideration of the gubernatorial vetoes of passed legislation from the 2011 regular session. Vetoes are returned to the chamber of origin immediately after that chamber has organized at the next regular or special session of the General Assembly. The General Assembly may override a gubernatorial veto with a vote of three-fifths of each chamber. However, in this case all of the 2011 regular session vetoes were sustained by both chambers.

BILL INTRODUCTIONS

During the special session, bill introductions in the Senate numbered 32, and in the House 23 bills were introduced. Of those, the following crossfiled emergency bills addressed congressional redistricting:

- **SB 1/HB 1** – Congressional Districting Plan (By Request – Administration);
- **SB 4/HB 4** – Congressional Redistricting Plan of 2011 (Senate/House Minority Leaders);
- **SB 5/HB 5** – Congressional Redistricting Plan (Senator Pipkin/Delegate Hough); and
- **SB 6/HB 22** – Congressional Redistricting Plan of 2011 (Senator Getty/Delegate Smigiel).

Additional crossfiled emergency legislation from each chamber addressed redistricting for the school boards of Montgomery County and Prince George's County. The Montgomery County Board of Education and the Prince George's County Board of Education are 2 of 18 elected school boards in Maryland, and 2 of 4 school boards for which some or all board members are elected from local school board districts. Introduced legislation included:

- **SB 2/HB 2** Montgomery County – Board of Education Residence Districts – Redistricting Plan (Montgomery County Senators/Montgomery County Delegation); and
- **SB 3/HB 3** – Prince George's County School Board – Redistricting (Prince George's County Senators/Prince George's County Delegation).

COMMITTEE AND FLOOR ACTIONS

Following the Monday morning floor session, the Senate and House committees that were designated to consider the redistricting legislation met jointly for four hours and heard testimony on all of the redistricting bills. The Senate Committee on Reapportionment and Redistricting, established for redistricting, was chaired by Senator James N. Robey with Senators Nancy J. King and Catherine E. Pugh as Vice Chairs. Membership included Senators Benson, Colburn, Conway, DeGrange, Edwards, Frosh, Getty, Jacobs, Kasemeyer, McFadden,

Middleton, and Ramirez. The House Rules and Executive Nominations Committee, a continuing standing committee, is chaired by Delegate Hattie N. Harrison with Delegate Rudolph C. Cane as Vice Chair. Membership includes Delegates Bobo, Branch, Conway, Davis, Dumais, Feldman, Haddaway-Riccio, Hammen, Hixson, Howard, Jones, Kach, Malone, McIntosh, Myers, O'Donnell, Pendergrass, Proctor, Rosenberg, Rudolph, Stocksdale, and Vallario.

Over the next several days of the special session, both the Senate and House were occupied with floor deliberations on the merits of [SB 1](#), the Governor's proposal, as opposed to other redistricting plans. Ultimately, [SB 1](#) passed both chambers intact, except for several technical amendments that did not alter the legislation. The final vote in the Senate was 32-13, and the final House vote was 91-46. Without dissent, the Senate and House also agreed to the passage of [SB 2](#) and [SB 3](#), which address the redistricting for the Montgomery County and Prince George's County school boards, respectively. Each of the three passed bills were emergency measures and as such required for passage in each chamber three-fifths of the elected membership to vote in the affirmative. Emergency bills take effect immediately upon approval by the Governor.

ENACTED LEGISLATION

On Thursday, October 20, the 2011 Special Session was adjourned *sine die*; and at the following bill signing ceremony Governor O'Malley signed the passed legislation into law:

Congressional Districting Plan: This law ([SB 1](#), Chapter 1, Acts of 2011 Special Session, effective October 20, 2011) establishes the composition of the eight districts in the State of Maryland for the election of members to the United States House of Representatives, specifying ward, election district, and precinct boundaries.

Montgomery County – Board of Education Residence Districts – Redistricting Plan: This law ([SB 2](#), Chapter 2, Acts of 2011 Special Session, effective October 20, 2011) redistricts the five Montgomery County Board of Education districts from which five school board members are elected. The bill also repeals a requirement regarding the date when reapportioned districts become effective.

Prince George's County School Board Redistricting: This law ([SB 3](#), Chapter 3, Acts of 2011 Special Session, effective October 20, 2011) redistricts the nine Prince George's County Board of Education districts from which nine school board members are elected. The

Prince George's County Board of Education is 1 of 18 elected school boards in Maryland, and 1 of 4 school boards for which some or all board members are elected from local school board districts.

SPECIAL SESSION FACTS

Maryland senators and delegates, all elected to four-year terms, primarily exercise their lawmaking powers during the annual regular session that begins on the second Wednesday in January and ends 90 calendar days later. Since the Revolutionary War only 58 special sessions have been held outside the regular timeframe. There were four special sessions in the 1990s and four in the 1980s. Then, in 2004 and in 2006, the General Assembly met in special sessions to address the costs of medical malpractice insurance and electric rate relief, respectively. Subsequently, the legislature met in a special session in 2007 to address Maryland's structural deficit.

The structure and procedures governing a Maryland special session are determined by the Maryland Constitution, each chamber's rules, Maryland statutes, and court decisions. A special session may convene in two ways. It may be called by the Governor or, if a majority of the members elected to the Senate and to the House petition the Governor to call a special session at a date specified in the petition, such as in 2006, the Governor must issue a proclamation calling a special session.

A special session is limited to 30 days and may not be extended. If more time is needed, another special session must be called. The powers of the legislature in a special session are as broad as in a regular session, and the legislative process is exactly the same as for a regular session.

Once the Governor has called a special session, he may not adjourn it nor may he force members to attend. As well, the Governor's proclamation of a special session for a particular reason may not limit the subject matter of legislation. Thus, legislation may be introduced on any topic. Once introduced, the presiding officers may refer some of the legislation to the Senate Rules or House Rules committees, as appropriate, to ensure that the focus remains on the legislation that deals with the core issues for which the special session was called.

Maryland law prohibits fund-raising during a regular session, but does not speak to a special session. The legislature's Ethics Counsel has, however, advised legislators not to schedule fund-raisers during a special session "for the express purpose of coinciding with a special session."