

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

House Bill 233 (Delegate McComas, *et al.*)  
Rules and Executive Nominations

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Elections - Study Commission on the Redistricting Process in Maryland

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This bill establishes a Study Commission on the Redistricting Process in Maryland. The Department of Legislative Services and the State Board of Elections are required to provide staff for the commission. The commission must report its findings, recommendations, and any proposed constitutional or statutory changes to the Governor and the General Assembly by December 31, 2014.

The bill takes effect July 1, 2013, and terminates June 30, 2015.

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Fiscal Summary

**State Effect:** The Department of Legislative Services and the State Board of Elections can handle the staffing requirements using existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The commission is required to (1) examine the current redistricting process relating to members of the General Assembly and the State's representatives to Congress; (2) collect and analyze information relating to the manner and methods of state legislative and congressional redistricting in other states; (3) as it considers appropriate, receive testimony from and consult with individuals who are knowledgeable about State and federal constitutional and statutory requirements and other related matters; and

(4) suggest any State constitutional or statutory changes needed to improve the redistricting process in Maryland.

**Current Law/Background:** The Maryland Constitution requires the Governor to present a legislative districting plan to the General Assembly by the first day of session in the second year following the decennial census and after public hearings. If the General Assembly does not pass an alternative plan before the forty-fifth day of session, the Governor's plan becomes law. The Legislative Districting Plan of 2012, contained in Senate Joint Resolution 1 and House Joint Resolution 1, became law on February 24, 2012 without action by the General Assembly.

State legislative district boundaries are required under the Maryland Constitution and federal case law to be redrawn every 10 years after the decennial census to adjust for population changes. The Maryland Constitution provides for 47 legislative districts. Article III, Section 4 requires that State legislative districts consist of adjoining territory, be compact in form and of substantially equal population, and that natural boundaries and the boundaries of political subdivisions be given due regard. Legislative districts can be subdivided for the purpose of electing one or two delegates from a subdistrict. Creation of legislative boundaries falls under the requirements of the U.S. Constitution's fourteenth amendment, which requires districts to be equally populated.

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. Congress has left to the states the task of redrawing congressional boundaries. The Governor has traditionally introduced a congressional map along with the State legislative district plan that is required by the State Constitution. The General Assembly may pass its own congressional plan in lieu of the Governor's, but unlike with the legislative plan, there is no deadline set in statute for this to happen. In order to finalize congressional districts for the 2012 primary election cycle, a special session took place in the fall of 2011.

Chapters 66 and 67 of 2010 (SB 400/HB 496) require that population counts used to create legislative and congressional districts in Maryland exclude incarcerated individuals who were not State residents prior to their incarceration in either State or federal correctional facilities that are located in the State. If incarcerated individuals were State residents prior to their incarceration, Chapters 66 and 67 require that they be counted as residents of their last known address before their incarceration in a State or federal facility.

Article III, Section 5 of the Maryland Constitution requires public hearings to be held before the Governor prepares a legislative redistricting plan. In 2011, the Governor

appointed a Redistricting Advisory Committee to conduct public hearings around the State as required by the State Constitution. Consistent with prior practice in previous redistricting phases, the public hearings addressed both legislative and congressional redistricting.

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### **Additional Information**

**Prior Introductions:** HB 599 of 2012 received a hearing in the House Rules and Executive Nominations Committee, but no further action was taken. HB 180 of 2003 was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Maryland State Board of Elections, Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2013  
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