

HOUSE BILL 818

P5, L1, G1

0lr1208

By: **Delegates Wilkins, Acevero, Carr, Ebersole, W. Fisher, Healey, Hill, Lierman, Lopez, Moon, Mosby, Palakovich Carr, Pena–Melnik, Qi, Queen, Shetty, Smith, Solomon, Stewart, and Washington**

Introduced and read first time: February 3, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Redistricting and Apportionment – Population Count – Citizenship Status**

3 FOR the purpose of prohibiting the exclusion of individuals based on citizenship status
4 from certain population counts used for redistricting congressional districts and
5 certain legislative districts; and generally relating to population counts and the
6 creation of legislative and congressional districts.

7 BY repealing and reenacting, with amendments,
8 Article – Election Law
9 Section 8–701
10 Annotated Code of Maryland
11 (2017 Replacement Volume and 2019 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Local Government
14 Section 1–1307
15 Annotated Code of Maryland
16 (2013 Volume and 2019 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – State Government
19 Section 2–2A–01
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2019 Supplement)

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

24 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-701.

2 (a) The population count used after each decennial census for the purpose of
3 creating the congressional districting plan used to elect the State's Representatives in
4 Congress:

5 (1) (I) may not include individuals who:

6 [(i)] 1. were incarcerated in State or federal correctional facilities,
7 as determined by the decennial census; and

8 [(ii)] 2. were not residents of the State before their incarceration;
9 and

10 [(2)] (II) shall count individuals incarcerated in the State or federal
11 correctional facilities, as determined by the decennial census, at their last known residence
12 before incarceration if the individuals were residents of the State; AND

13 (2) MAY NOT EXCLUDE INDIVIDUALS BASED ON CITIZENSHIP STATUS.

14 (b) The State is divided into eight districts for the election of the State's
15 Representatives in Congress.

16 (c) (1) The descriptions of congressional districts in this subtitle include the
17 references indicated.

18 (2) (i) The references to:

19 1. election districts and wards are to the geographical
20 boundaries of the election districts and wards as they existed on April 1, 2010; and

21 2. precincts are to the geographical boundaries of the
22 precincts as reviewed and certified by the local boards or their designees, before they were
23 reported to the U.S. Bureau of the Census as part of the 2010 census redistricting data
24 program and as those precinct lines are specifically indicated in the P.L. 94-171 data or
25 shown on the P.L. 94-171 census block maps provided by the U.S. Bureau of the Census
26 and as reviewed and corrected by the Maryland Department of Planning.

27 (ii) Where precincts are split between congressional districts, census
28 tract and block numbers, as indicated in P.L. 94-171 data or shown on the P.L. 94-171
29 census block maps provided by the U.S. Bureau of the Census and referred to in this
30 subtitle, are used to define the boundaries of congressional districts.

31 **Article – Local Government**

1 1-1307.

2 The population count used after each decennial census to create the legislative
3 districts that are used to elect the governing body of a county or a municipality:

4 (1) (I) may not include individuals who:

5 [(i)] 1. were incarcerated in State or federal correctional facilities,
6 as determined by the decennial census; and

7 [(ii)] 2. were not residents of the State before their incarceration;
8 and

9 [(2)] (II) shall include individuals incarcerated in State or federal
10 correctional facilities, as determined by the decennial census, at their last known residence
11 before incarceration if the individuals were residents of the State; AND

12 (2) MAY NOT EXCLUDE INDIVIDUALS BASED ON CITIZENSHIP STATUS.

13 **Article – State Government**

14 2-2A-01.

15 The population count used after each decennial census for the purpose of creating
16 the legislative districting plan for the General Assembly:

17 (1) (I) may not include individuals who:

18 [(i)] 1. were incarcerated in State or federal correctional facilities,
19 as determined by the decennial census; and

20 [(ii)] 2. were not residents of the State before their incarceration;
21 and

22 [(2)] (II) shall count individuals incarcerated in the State or federal
23 correctional facilities, as determined by the decennial census, at their last known residence
24 before incarceration if the individuals were residents of the State; AND

25 (2) MAY NOT EXCLUDE INDIVIDUALS BASED ON CITIZENSHIP STATUS.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2020.