

# HOUSE BILL 496

P5, L1, G1

0lr0681  
CF SB 400

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By: Delegates Pena–Melnyk, Ali, Anderson, Barnes, Barve, Benson, Bobo, Bohanan, Branch, Braveboy, Bronrott, Burns, Busch, Cane, Carr, Carter, Conaway, Costa, Davis, Dumais, Dwyer, Eckardt, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Griffith, Gutierrez, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kach, Kaiser, Kipke, Kirk, Kramer, Krysiak, Kullen, Lee, Levi, Levy, Manno, McConkey, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Olszewski, Pendergrass, Proctor, Ramirez, Reznik, Rice, Robinson, Rosenberg, Ross, Schuh, Schuler, Simmons, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, and Walker

Introduced and read first time: February 1, 2010

Assigned to: Rules and Executive Nominations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **No Representation Without Population Act**

3 FOR the purpose of requiring certain incarcerated individuals to be counted in certain  
4 population counts in a certain manner; prohibiting certain incarcerated  
5 individuals from being included in certain population counts used for the  
6 purpose of creating a certain congressional districting plan and the legislative  
7 districting plan for the General Assembly and certain county and municipal  
8 corporation legislative districts; and generally relating to population counts of  
9 incarcerated individuals and the creation of legislative and congressional  
10 districts.

11 BY repealing and reenacting, with amendments,

12 Article – Election Law

13 Section 8–701

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
 2 (2003 Volume and 2009 Supplement)

3 BY adding to  
 4 Article – State Government  
 5 Section 2–2A–01 to be under the new subtitle “Subtitle 2A. Creation of the  
 6 Legislative Districting Plan”  
 7 Annotated Code of Maryland  
 8 (2009 Replacement Volume)

9 BY adding to  
 10 Article 24 – Political Subdivisions – Miscellaneous Provisions  
 11 Section 1–111  
 12 Annotated Code of Maryland  
 13 (2005 Replacement Volume and 2009 Supplement)

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

16 Article – Election Law

17 8–701.

18 (a) THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS  
 19 FOR THE PURPOSE OF CREATING THE CONGRESSIONAL DISTRICTING PLAN  
 20 USED TO ELECT THE STATE’S REPRESENTATIVES IN CONGRESS:

21 (1) MAY NOT INCLUDE INDIVIDUALS WHO:

22 (i) WERE INCARCERATED IN STATE OR FEDERAL  
 23 CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS; AND

24 (ii) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR  
 25 INCARCERATION; AND

26 (2) SHALL COUNT INDIVIDUALS INCARCERATED IN THE STATE OR  
 27 FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL  
 28 CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE  
 29 INDIVIDUALS WERE RESIDENTS OF THE STATE.

30 (B) The State is divided into eight districts for the election of the State’s  
 31 Representatives in Congress.

32 [(b)] (C) (1) The descriptions of congressional districts in this subtitle  
 33 include the references indicated.

1           (2)    The references to:

2                    (i)    election districts and wards are to the geographical  
3 boundaries of the election districts and wards as they existed on April 1, 2000; and

4                    (ii)   precincts are to the geographical boundaries of the precincts  
5 as reviewed and certified by the local boards or their designees, before they were  
6 reported to the U.S. Bureau of the Census as part of the 2000 census redistricting data  
7 program and as those precinct lines are specifically indicated in the P.L. 94-171 data  
8 or shown on the P.L. 94-171 census block maps provided by the U.S. Bureau of the  
9 Census and as reviewed and corrected by the Maryland Department of Planning.

10                                   **Article – State Government**

11                    **SUBTITLE 2A. CREATION OF THE LEGISLATIVE DISTRICTING PLAN.**

12    **2-2A-01.**

13            **THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS FOR**  
14 **THE PURPOSE OF CREATING THE LEGISLATIVE DISTRICTING PLAN FOR THE**  
15 **GENERAL ASSEMBLY:**

16                    **(1)    MAY NOT INCLUDE INDIVIDUALS WHO:**

17                                   **(I)    WERE INCARCERATED IN STATE OR FEDERAL**  
18 **CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS; AND**

19                                   **(II)   WERE NOT RESIDENTS OF THE STATE BEFORE THEIR**  
20 **INCARCERATION; AND**

21                                   **(2)   SHALL COUNT INDIVIDUALS INCARCERATED IN THE STATE OR**  
22 **FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL**  
23 **CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE**  
24 **INDIVIDUALS WERE RESIDENTS OF THE STATE.**

25                                   **Article 24 – Political Subdivisions – Miscellaneous Provisions**

26    **1-111.**

27            **THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS FOR**  
28 **THE PURPOSE OF CREATING THE LEGISLATIVE DISTRICTS THAT ARE USED TO**  
29 **ELECT ~~A COUNTY'S~~ THE GOVERNING BODY OF A COUNTY OR A MUNICIPAL**  
30 **CORPORATION:**

31                    **(1)    MAY NOT INCLUDE INDIVIDUALS WHO:**

1 (I) WERE INCARCERATED IN STATE OR FEDERAL  
2 CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS; AND

3 (II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR  
4 INCARCERATION; AND

5 (2) SHALL COUNT INDIVIDUALS INCARCERATED IN THE STATE OR  
6 FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL  
7 CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE  
8 INDIVIDUALS WERE RESIDENTS OF THE STATE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.