

SENATE BILL 400

P5, L1, G1

0lr0682
CF HB 496

By: **Senators Pugh, Raskin, Conway, Currie, Forehand, Harrington, Jones, Kelley, Madaleno, McFadden, Miller, Muse, and Peters**

Introduced and read first time: January 29, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2010

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

14 Annotated Code of Maryland

15 (2003 Volume and 2009 Supplement)

16 BY adding to

17 Article – State Government

18 Section 2–2A–01 to be under the new subtitle “Subtitle 2A. Creation of the
19 Legislative Districting Plan”

20 Annotated Code of Maryland

21 (2009 Replacement Volume)

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 BY adding to
 2 Article 24 – Political Subdivisions – Miscellaneous Provisions
 3 Section 1–111
 4 Annotated Code of Maryland
 5 (2005 Replacement Volume and 2009 Supplement)

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

8 Article – Election Law

9 8–701.

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

13 (1) MAY NOT INCLUDE INDIVIDUALS WHO:

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

16 (II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR
 17 INCARCERATION; AND

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

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

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

26 (2) The references to:

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

29 (ii) precincts are to the geographical boundaries of the precincts
 30 as reviewed and certified by the local boards or their designees, before they were
 31 reported to the U.S. Bureau of the Census as part of the 2000 census redistricting data
 32 program and as those precinct lines are specifically indicated in the P.L. 94–171 data

1 or shown on the P.L. 94-171 census block maps provided by the U.S. Bureau of the
2 Census and as reviewed and corrected by the Maryland Department of Planning.

3 **Article – State Government**

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

5 **2-2A-01.**

6 **THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS FOR**
7 **THE PURPOSE OF CREATING THE LEGISLATIVE DISTRICTING PLAN FOR THE**
8 **GENERAL ASSEMBLY:**

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

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

12 **(II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR**
13 **INCARCERATION; AND**

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

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

19 **1-111.**

20 **THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS FOR**
21 **THE PURPOSE OF CREATING THE LEGISLATIVE DISTRICTS THAT ARE USED TO**
22 **ELECT ~~A COUNTY'S~~ THE GOVERNING BODY OF A COUNTY OR A MUNICIPAL**
23 **CORPORATION:**

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

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

27 **(II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR**
28 **INCARCERATION; AND**

29 **(2) SHALL COUNT INDIVIDUALS INCARCERATED IN THE STATE OR**
30 **FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL**

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1 CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE
2 INDIVIDUALS WERE RESIDENTS OF THE STATE.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.