

**Department of Legislative Services**  
 Maryland General Assembly  
 2013 Session

**FISCAL AND POLICY NOTE**

Senate Bill 361 (Senator Pinsky, *et al.*)  
 Education, Health, and Environmental Affairs

**Congressional Districting Process**

This bill establishes a process for the creation of congressional districts for electing members of Congress after each decennial census. The provisions are contingent on the enactment of a nonpartisan districting process by another state (1) that has between 6 and 10 seats in the U.S. House of Representatives and (2) in which both houses of the State’s legislature are controlled by a party other than the party that controls the General Assembly of Maryland. The Secretary of State must monitor the enactment of districting legislation by other states and notify the Department of Legislative Services (DLS) within five days if the contingency is met. If the notice of the contingency is not received by DLS by December 31, 2020, the bill terminates.

**Fiscal Summary**

**State Effect:** If the contingency provision is met, general fund expenditures for DLS increase by a minimum of \$200,000 in FY 2021 only for the equipment and software needed to provide technical support for the commission and adjust the census data. This estimate assumes that the 2020 census data is provided in time for the commission to complete its work by June 30, 2021. Otherwise, while the estimated overall expenditures remain the same, a portion may be carried into the next fiscal year. The bill’s impact on total State expenditures is partially offset to the extent that the bill diverts existing responsibilities of the Executive Branch to DLS.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	200,000	0	0	0	0
Net Effect	(\$200,000)	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** None.

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## **Analysis**

**Bill Summary:** In the year following the U.S. Census, DLS must (1) obtain the census data from the U.S. Census Bureau; (2) adjust the census data to meet statutory requirements and make the data usable for preparing a congressional districting plan; and (3) provide the adjusted census data to a newly established Temporary Redistricting Commission within 30 days after the data has been adjusted.

The bill establishes a Temporary Redistricting Commission, which consists of five members. The President of the Senate, the Speaker of the House of Delegates, and the minority leaders of the Senate and the House of Delegates must each appoint one member by February 1 of the first year following the census. By March 1, commission members must select a fifth member, who will serve as chair, by vote of at least three of the members. If the commission is unable to select the fifth member, the Chief Judge of the Court of Appeals must make the appointment.

The following individuals may not be appointed to or serve on the commission:

- an elected or appointed official in the Executive or Legislative Branch of a federal, State, or local government;
- an officer of a political party;
- a nonregistered voter of the State.

Commission members are entitled to reimbursement for expenses in accordance with the standard State travel regulations but may not receive a salary. DLS must staff and provide technical support for the commission.

The commission must use the census data to prepare and adopt a districting plan for congressional districts within 90 days after the commission members are appointed or the census data is received by the commission, whichever is later. A majority vote of the total number of commission members is required to adopt a congressional districting plan.

The districting plan prepared and adopted by the commission (1) must be the districting plan for the State; (2) must be filed with the Secretary of State within seven days of the plan's adoption; (3) becomes effective on the filing of the plan with the Secretary of State; and (4) remains effective until the adoption of a new congressional districting plan after the next census.

**Current Law:** 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.

Chapters 66 and 67 of 2010 (SB 400/HB 496) require that population counts used to create 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.

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. Chapter 1 of the 2011 special session (SB 1) enacted the current congressional districting plan.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 832 (Delegate Norman, *et al.*) - Rules and Executive Nominations.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 12, 2013  
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