

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 535 (Delegate Parrott, *et al.*)
Rules and Executive Nominations

House Legislative Districts - Single Member

This proposed constitutional amendment requires that each House of Delegates legislative district contain one delegate instead of three, thereby eliminating multimember delegate districts.

Fiscal Summary

State Effect: None. It is assumed that the potential for increased costs to include any constitutional amendments proposed by the General Assembly on the ballot at the next general election will have been anticipated in the State Board of Elections' budget irrespective of this bill.

Local Effect: None. It is assumed that the potential for increased costs to notify voters of any constitutional amendments proposed by the General Assembly, and to include any proposed constitutional amendments on the ballot at the next general election, will have been anticipated in local boards of elections' budgets irrespective of this bill.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

State Legislative Districts: Under current law, State legislative district boundaries are required by 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, with each district containing one senator and

three delegates. However, districts may be subdivided into two or three subdistricts for the purpose of creating three single-member delegate subdistricts or a single member delegate subdistrict and a multi-member delegate subdistrict. If a legislative district is subdivided into multiple subdistricts, the subdistricts remain “nested” within the district. 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. Creation of legislative boundaries falls under the requirements of the U.S. Constitution’s Fourteenth Amendment, which requires districts to be equally populated.

Under the bill, senate and delegate districts are drawn separately, so the requirement that they be coterminous is eliminated.

Public Hearings: 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. The Governor must 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 the 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 current legislative districting plan was enacted as Joint Resolution 2 of the General Assembly in 2012.

Prisoner Allocation: Chapters 66 and 67 of 2010 require that population counts used to create legislative, congressional, county, and municipal 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.

Background: Of the 47 legislative districts under the current plan, 31 are three-member delegate districts, 12 are divided into two subdistricts (with two and one delegate members, respectively), and 4 are divided into three one-member delegate subdistricts.

State Expenditures: State costs of printing ballots may increase to the extent inclusion of the proposed constitutional amendment on the ballot at the next general election would result in a need for a larger ballot card size or an additional ballot card for a given ballot (the content of ballots varies across the State, depending on the offices, candidates, and questions being voted on). However, it is assumed that the potential for such increased

costs resulting from any proposed constitutional amendments will have been anticipated in the State Board of Elections' budget irrespective of this bill. Pursuant to Chapter 564 of 2001, the State Board of Elections shares the costs of printing paper ballots with the local boards of elections.

Local Expenditures: Local boards of elections' printing and mailing costs may increase to include information on the proposed constitutional amendment with specimen ballots mailed to voters prior to the next general election and to include the proposed amendment on ballots. It is assumed, however, that the potential for such increased costs resulting from any proposed constitutional amendments will have been anticipated in local boards of elections' budgets irrespective of this bill.

Additional Information

Prior Introductions: HB 1270 of 2016 and HB 921 of 2015 both received a hearing in the House Rules and Executive Nominations Committee, but no further action was taken on either bill.

Cross File: None.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2017
mm/mcr

Analysis by: Michelle Davis

Direct Inquiries to:
(410) 946-5510
(301) 970-5510