

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 870 (Delegate Ports, *et al.*)
Rules and Executive Nominations

Legislative Districting - Single-Member Delegate Districts

This Constitutional amendment requires each delegate in the House of Delegates to be elected from a statewide legislative districting plan comprised entirely of single-member districts with no more than a 2% deviation in population, and that the “highest” regard be given to natural boundaries and political subdivisions. The amendment would be submitted to voters at the 2002 general election for adoption or rejection.

Fiscal Summary

State Effect: The bill would not directly affect State operations or finances.

Local Effect: The Maryland constitution requires that proposed amendments to the constitution be publicized either: (1) in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding the general election; or (2) by order of the Governor in a manner provided by law. State law requires local boards of elections to publicize proposed amendments to the constitution either in newspapers or on specimen ballots; local boards of elections are responsible for the costs associated with these requirements. It is anticipated that the FY 2003 budgets of local election boards will contain funding for notifying qualified voters about proposed constitutional amendments for the 2002 general election in newspapers or on specimen ballots.

Small Business Effect: None.

Analysis

Current Law: The Maryland constitution requires the Governor to present a legislative districting plan to the General Assembly by the first day of session in the second year following the census. If the General Assembly does not pass an alternative plan before the forty-fifth day of session, the Governor's plan becomes law. Legislative districts can be subdivided for the purpose of electing one or two delegates from a subdistrict, and each legislative district is required to be contiguous, compact, and of "substantially equal" population. The drawing of legislative boundaries fall under the requirements of the U.S. Constitution's fourteenth amendment which requires districts to be equally populated. Federal case law on this subject has developed a general rule for allowable population deviations. Statewide plans with an overall deviation (the difference between the largest and smallest district in a plan) greater than 10% shifts the burden of proof onto defenders of the plan. State case law suggests that under the Maryland constitution, the maximum allowable deviation could be 15%.

Additional Information

Prior Introductions: None.

Cross File: SB 675 (Senator Roesser, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Legislative Services

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