

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

Senate Bill 531 (Senator Stoltzfus)  
Education, Health, and Environmental Affairs

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**Legislative Districting and Apportionment Commission**

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This constitutional amendment establishes a 17-member Legislative Districting and Apportionment Commission to be appointed by June 1 in the year after the decennial census. The commission consists of four members appointed by the President of the Senate and the Speaker of the House, and four members appointed by the minority leader in the House and Senate. The commission is required to: (1) select a seventeenth member and a chairman by an affirmative vote of 11 members; (2) conduct public meetings; (3) create legislative and congressional districts as nearly equal in population as practical, with no more than a 1% deviation between districts; and (4) submit a final legislative and congressional districting plan and report to the Secretary of State within 180 days of its formation. The amendment would be submitted to voters at the 2002 general election for adoption or rejection.

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**Fiscal Summary**

**State Effect:** This constitutional amendment contemplates a commission that will only be formed once every ten years for approximately a six-month duration. Thus, there would be no fiscal impact until FY 2011. Expenditures would increase by \$151,600 in FY 2011 and \$345,500 in FY 2012. The amendment's requirements could be handled within the existing resources of the Administrative Office of the Courts.

**Local Effect:** Local boards of election could handle the publication requirements of the amendment within existing budgeted resources.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The bill requires a member to take an oath affirming that they will not seek elected office in a legislative or congressional district, or receive compensation as a paid registered lobbyist for a four-year period after completing service on the commission. Commission members may not, for the previous two years, have been an elected State or federal official, party officer or employee, a paid registered lobbyist, or legislative or congressional employee. Additionally, the seventeenth member must be a registered voter and, for the previous two years, not have been registered as an elector for any political party represented in the General Assembly.

The Attorney General is required to submit the commission's final plans for review by the Maryland Court of Appeals within 15 days of the submission of the final report to the Secretary of State. The commission would have 20 days to amend the plan if directed to do so by the court. In the event that the commission fails to submit its final plan within the time allotted, or submits an invalid amended plan, the commission will be dissolved and the Court of Appeals shall draw the legislative and/or congressional plan within a 60-day period.

**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. The Maryland constitution does not address congressional districts, although federal case law requires states to redraw congressional boundaries to adjust for population shifts. Without State law to the contrary, State legislatures are required to perform this activity after each census.

**State Fiscal Effect:** While the amendment does not specifically require the Department of Legislative Services to staff the commission, it is presumed that the agency would be responsible for the commission's staffing needs as a practical matter, since members of the commission are appointees of members of the General Assembly. The department would be responsible for the preparatory work involved with the redistricting process, such as retrieving and electronically formatting the census data required for redistricting. The commission is scheduled to be formed near the end of fiscal 2011 and do most of its work in fiscal 2012. Expenditures and salaries related to preliminary work are estimated to be \$151,600, which would occur mostly in fiscal 2011. The bulk of expenditures on salaries, travel, and other operating expenses would occur in fiscal 2012, and are estimated to be \$345,500.

Total general fund expenditures would be \$497,100, mostly occurring in fiscal 2012. This estimate reflects the total decennial cost of staffing the commission; (it is assumed that staff would be required for one calendar year) including hiring six professional, contractual employees to staff the commission and provide technical and legal assistance. It includes salaries, fringe benefits, and other operating expenses.

Salaries and Fringe Benefits	\$330,000
Commercial Printer, Laptops, and Software	69,100
Operating Expenses	<u>98,000</u>
<b>Total State Expenditures</b>	<b>\$497,100</b>

**Local Fiscal 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 fiscal 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.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 11, 2002  
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