

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 169 (Senator Mooney, *et al.*)
Education, Health, and Environmental Affairs

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. It provides that the “highest” regard must be given to natural boundaries and the boundaries of political subdivisions and the crossing of political boundaries is disfavored. The amendment would be submitted to voters at the 2004 general election for adoption or rejection.

Fiscal Summary

State Effect: Software retooling to accommodate additional legislative districts in the State legislative districting plan of 2012 would result in a small one-time expenditure in FY 2015. Any overtime required to process and certify additional ballot styles for each statewide primary and general election could be handled with the State board’s existing resources. No effect on revenues.

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 2005 budgets of local election boards will contain funding for notifying qualified voters about proposed constitutional amendments for the 2004 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 decennial 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. Creation of legislative boundaries falls 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 the defending parties to the plan. State case law suggests that under the Maryland Constitution, the maximum allowable deviation could be 15%.

Additional Comments: The Attorney General's Office advises that the bill's changes to the Maryland Constitution would require implementation in 2012, the next time that the Governor is required to submit a State legislative districting plan in compliance with the State constitution.

Additional Information

Prior Introductions: An identical bill, SB 675 of 2002 was unfavorably reported from the Senate Education, Health, and Environmental Affairs Committee.

Cross File: None.

Information Source(s): Garrett County, Maryland State Board of Elections, Office of the Attorney General, Department of Legislative Services

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