

HB 12

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

## FISCAL AND POLICY NOTE

House Bill 12 (Delegate Leopold, *et al.*)  
Rules and Executive Nominations

Elections - Study Commission on the Redistricting Process in Maryland

This bill establishes a 13-member Study Commission on the Redistricting Process in Maryland. The Department of Legislative Services and the State Board of Elections are required to provide staffing for the commission. The commission is required to report its findings, recommendations, and any proposed constitutional or statutory changes to the Governor and the General Assembly by December 31, 2005.

The bill is effective July 1, 2004 and terminates June 30, 2006.

## Fiscal Summary

**State Effect:** Any staffing requirements and expense reimbursements for commission members could be handled with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** The commission is required to: (1) examine the current redistricting process relating to members of the General Assembly and the State's representatives to Congress; (2) collect and analyze information relating to the manner and methods of state legislative and congressional redistricting in other states; (3) receive testimony from knowledgeable individuals regarding State and federal statutory requirements and other

matters; and (4) suggest any State constitutional or statutory changes needed to improve the redistricting process in Maryland.

**Current Law:** Article III of the Maryland Constitution requires the Governor to submit a joint resolution outlining new State legislative districts in the second year following each census. The plan becomes effective on the forty-fifth day of session unless the General Assembly passes an alternative plan before that time.

**Background:** State legislative district boundaries are required under 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. Article III, Section 4 requires that State legislative districts consist of adjoining territory, be compact in form and of substantially equal population, and natural boundaries and the boundaries of political subdivisions be given due regard.

The Governor's Legislative Districting Plan (Chapter 276) became effective on February 22, 2002, but was invalidated by the Maryland Court of Appeals. The court found that the plan violated Article III of the Maryland Constitution primarily because of districts that crossed the boundary between Baltimore County and Baltimore City. The court's redrawn districts became effective on June 21, 2002.

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## Additional Information

**Prior Introductions:** HB 180 of 2003 was introduced in the House, but no action was taken.

**Cross File:** None.

**Information Source(s):** Maryland State Board of Elections, Department of Legislative Services

**Fiscal Note History:** First Reader - February 26, 2004  
lc/mdr

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