

HOUSE BILL 496

P5, L1, G1

0lr0681
CF SB 400

By: **Delegates Pena–Melnik, Ali, Anderson, Barnes, Barve, Benson, Bobo, Bohanan, Branch, Braveboy, Bronrott, Burns, Busch, Cane, Carr, Carter, Conaway, Costa, Davis, Dumais, Dwyer, Eckardt, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Griffith, Gutierrez, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kach, Kaiser, Kipke, Kirk, Kramer, Krysiak, Kullen, Lee, Levi, Levy, Manno, McConkey, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Olszewski, Pendergrass, Proctor, Ramirez, Reznik, Rice, Robinson, Rosenberg, Ross, Schuh, Schuler, Simmons, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, and Walker**

Introduced and read first time: February 1, 2010
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **No Representation Without Population Act**

3 FOR the purpose of requiring certain incarcerated individuals to be counted in certain
4 population counts in a certain manner; prohibiting certain incarcerated
5 individuals from being included in certain population counts used for the
6 purpose of creating the legislative districting plan for the General Assembly and
7 certain county legislative districts; and generally relating to population counts
8 of incarcerated individuals and the creation of legislative districts.

9 BY adding to

10 Article – State Government

11 Section 2–2A–01 to be under the new subtitle “Subtitle 2A. Creation of the
12 Legislative Districting Plan”

13 Annotated Code of Maryland
14 (2009 Replacement Volume)

15 BY adding to

16 Article 24 – Political Subdivisions – Miscellaneous Provisions

17 Section 1–111

18 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2005 Replacement Volume and 2009 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – State Government**

5 **SUBTITLE 2A. CREATION OF THE LEGISLATIVE DISTRICTING PLAN.**

6 **2–2A–01.**

7 **THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS FOR**
8 **THE PURPOSE OF CREATING THE LEGISLATIVE DISTRICTING PLAN FOR THE**
9 **GENERAL ASSEMBLY:**

10 **(1) MAY NOT INCLUDE INDIVIDUALS WHO:**

11 **(I) WERE INCARCERATED IN STATE OR FEDERAL**
12 **CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS; AND**

13 **(II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR**
14 **INCARCERATION; AND**

15 **(2) SHALL COUNT INDIVIDUALS INCARCERATED IN THE STATE OR**
16 **FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL**
17 **CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE**
18 **INDIVIDUALS WERE RESIDENTS OF THE STATE.**

19 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

20 **1–111.**

21 **THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS FOR**
22 **THE PURPOSE OF CREATING THE LEGISLATIVE DISTRICTS THAT ARE USED TO**
23 **ELECT A COUNTY’S GOVERNING BODY:**

24 **(1) MAY NOT INCLUDE INDIVIDUALS WHO:**

25 **(I) WERE INCARCERATED IN STATE OR FEDERAL**
26 **CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS; AND**

27 **(II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR**
28 **INCARCERATION; AND**

1 **(2) SHALL COUNT INDIVIDUALS INCARCERATED IN THE STATE OR**
2 **FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL**
3 **CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE**
4 **INDIVIDUALS WERE RESIDENTS OF THE STATE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2010.