Department of Legislative Services
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 16 (Senator Colburn)

Education, Health, and Environmental Affairs

Legislative Districting - Resident Delegates by County

This proposed constitutional amendment requires that due regard be given, to the greatest extent practicable, to having a resident delegate for every county represented in a legislative district.

Fiscal Summary

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

Local Effect: If approved by the General Assembly, this constitutional amendment will be submitted to the voters at the 2010 general election. It should not result in additional costs for the local boards of elections.

Small Business Effect: None.

Analysis

Current Law/Background: The State constitution provides for 47 legislative districts. Each elects one senator and three delegates. A legislative district is required to be contiguous, compact, and of substantially equal population. Due regard is to be given to natural boundaries and the boundaries of political subdivisions. Legislative districts can be subdivided for the purpose of electing delegates from single-member or multi-member subdistricts. Of the 47 legislative districts, 14 include portions of two or more counties. Of those, 11 are divided into subdistricts.

In the second year following the federal decennial census, and after public hearings, the Governor presents a legislative districting plan to the President of the Senate and the Speaker of the House of Delegates. The plan is then introduced as a joint resolution to

the General Assembly not later than the first day of the regular session. If the General Assembly does not pass an alternative plan before the forty-fifth day of the session, the Governor's plan becomes law. Any registered voter may petition the Court of Appeals to review the plan for consistency with the federal and State constitutions.

The current legislative districting plan was promulgated and adopted by the Court of Appeals in June 2002 after the court invalidated the plan enacted in the 2002 General Assembly session.

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 budgets of local boards of elections will contain funding for notifying qualified voters about proposed constitutional amendments for the 2010 general election in newspapers or on specimen ballots.

Additional Information

Prior Introductions: SB 17 of 2009 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HB 889 of 2009, was withdrawn. In addition, similar bills were introduced in the 2003, 2004, and 2006 sessions.

Cross File: HB 47 (Delegate Haddaway, *et al.*) - Rules and Executive Nominations.

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

Fiscal Note History: First Reader - January 12, 2010
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Analysis by: Michael C. Rubenstein

Direct Inquiries to:
(410) 946-5510
(301) 970-5510