

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 156 (Senator Colburn)
Education, Health, and Environmental Affairs

Legislative Districting - Resident Delegate for Each County

This bill requires that an advisory committee established by the Governor to formulate a legislative districting plan following a decennial census must, to the greatest extent practicable, draw district lines so that each county in the State has at least one resident delegate.

The bill takes effect June 1, 2011.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: None.

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. There is no constitutional or statutory requirement that the Governor appoint an advisory committee to assist in the process, but five-member advisory committees have been established by governors for each of the last three redistricting efforts (1981-1982, 1991-1992, and 2001-2002). The Governor's 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.

Maryland first established a resident delegate requirement in the 1970s, which was upheld by the Court of Appeals. In its present form, it requires that a county in a legislative district or subdistrict that encompasses more than two counties or parts of more than two counties cannot have more than one delegate residing in the district or subdistrict. Originally, the three districts on the Eastern Shore each encompassed three counties, so each county was required to have a delegate. However, population patterns and constitutional requirements have made that system unworkable, making the 36th and 37th legislative districts the only two districts in the State that each encompasses all or parts of more than three counties (including parts of Caroline County). The result has been that Caroline County is the only county in the State that does not currently have a resident delegate in the House of Delegates.

Additional Information

Prior Introductions: None.

Cross File: HB 50 (Delegate Haddaway-Riccio, *et al.*) - Rules and Executive Nominations.

Information Source(s): Governor's Office, Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2011
mc/lgc

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