

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 805 (Senator Brinkley, *et al.*)  
Education, Health, and Environmental Affairs

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Maryland Constitution - Congressional Districts - Requirements as to Territory,  
Form, and Boundaries

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This proposed constitutional amendment will establish that with due regard to the requirements of the United States Constitution and federal law, each congressional district must consist of adjoining territory, be compact in form, and ensure that due regard is given to natural boundaries and the boundaries of political subdivisions.

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Fiscal Summary

**State Effect:** None. It is assumed that the potential for increased costs to include any constitutional amendments proposed by the General Assembly on the ballot at the next general election will have been anticipated in the State Board of Elections' budget.

**Local Effect:** None. It is assumed that the potential for increased costs to notify voters of any constitutional amendments proposed by the General Assembly, and to include any proposed constitutional amendments on the ballot at the next general election, will have been anticipated in local boards of elections' budgets.

**Small Business Effect:** None.

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Analysis

**Current Law/Background:** Under federal case law, congressional district boundaries must be redrawn every 10 years after the decennial census to adjust for population changes; they must also conform to the requirements of the Voting Rights Act of 1965 and related case law. The U.S. Census Bureau has apportioned eight congressional seats to Maryland, each of which must have 721,529 residents, according to 2010 census

figures. Because the adjusted State population is not divisible by eight, one district will have one fewer resident than the required number.

Chapters 66 and 67 of 2010 require that population counts used to create congressional districts in Maryland exclude incarcerated individuals who were not State residents prior to their incarceration in either State or federal correctional facilities that are located in the State. If incarcerated individuals were State residents prior to their incarceration, Chapters 66 and 67 require that they be counted as residents of their last known address before their incarceration in a State or federal facility.

Congress has left to the states the task of redrawing congressional boundaries. The Governor has traditionally introduced a congressional map along with the State legislative district plan that is required by the State Constitution. The General Assembly may pass its own congressional plan in lieu of the Governor's, but unlike with the legislative plan, there is no deadline set in statute for this to happen. In order to finalize congressional districts for the 2012 primary election cycle, a special session took place in the fall of 2011. Chapter 1 of the 2011 special session enacted the current congressional districting plan.

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

**State Fiscal Effect:** State costs of printing absentee and provisional ballots may increase to the extent inclusion of the proposed constitutional amendment on the ballot at the next general election would result in a need for a larger ballot card size or an additional ballot card for a given ballot (the content of ballots varies across the State, depending on the offices, candidates, and questions being voted on). Any increase in costs, however, is expected to be relatively minimal, and it is assumed that the potential for such increased costs will have been anticipated in the State Board of Elections' budget. Pursuant to Chapter 564 of 2001, the State Board of Elections shares the costs of printing paper ballots with the local boards of elections.

**Local Fiscal Effect:** Local boards of elections' printing and mailing costs may increase to include information on the proposed constitutional amendment with specimen ballots mailed to voters prior to the next general election and to include the proposed amendment on absentee and provisional ballots. It is assumed, however, that the potential for such increased costs will have been anticipated in local boards of elections' budgets.

## Additional Information

**Prior Introductions:** None.

**Cross File:** Although HB 748 (Delegate Parrott, *et al.* - Rules and Executive Nominations) is designated as a cross file, it is different.

**Information Source(s):** Department of Legislative Services

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ncs/lgc

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