

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1022 (Delegate Malone, *et al.*)
Rules and Executive Nominations

Congressional Districts - Standards

This proposed constitutional amendment, if approved by voters at the next general election, requires each congressional district in the State to consist of adjoining territory, be compact in form, and be substantially equal in population. In addition, due regard must be given to natural boundaries and the boundaries of political subdivisions.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Article III, Section 4 of the Maryland Constitution sets forth requirements for the State’s legislative districts that are identical to those that the bill establishes for congressional districts. However, congressional districts are not specifically addressed in the Maryland Constitution.

Under federal case law, congressional district boundaries must be redrawn every 10 years after the decennial census to adjust for population changes, and must be as nearly equal in population as practicable (*Wesberry v. Sanders, 376 U.S. 1 (1964)*). This standard is stricter than the standard the U.S. Supreme Court has set for state legislative districts, which must be “substantially equal in population.” (*Reynolds v. Sims, 377 U.S. 533 (1964)*)

Congressional districts must also conform to the requirements of the Voting Rights Act of 1965 and related federal constitutional requirements. 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 fall 2011. The current districts were established under Chapter 1 of the 2011 special session.

Background: Following the 2010 Census, the U.S. Census Bureau apportioned eight congressional seats to Maryland, each of which had to consist of 721,529 residents, according to 2010 Census figures. Because the adjusted State population was not divisible by eight, one district had one fewer resident than the required number.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Planning; Department of Legislative Services

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