

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1362 (Delegate Parrott, *et al.*)  
Rules and Executive Nominations

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House Legislative Districts - Single Member

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This proposed constitutional amendment requires that each House of Delegates legislative district contain one delegate instead of three, thereby eliminating multimember delegate districts.

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Fiscal Summary

**State Effect:** None. The proposed constitutional amendment, if approved by the voters, increases the number of ballot styles used, but the State Board of Elections can handle the bill's changes with existing resources.

**Local Effect:** None. The proposed constitutional amendment, if approved by the voters, increases the number of ballot styles used, but the local boards of election can handle the bill's changes with existing resources.

**Small Business Effect:** None.

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Analysis

**Bill Summary/Current Law:** The Maryland Constitution requires the membership of the Senate to consist of 47 senators and the membership of the House of Delegates to consist of 141 delegates. It further requires 47 legislative districts, with each district containing one senator and three delegates. However, districts may be subdivided into two or three subdistricts for the purpose of creating three single-member delegate subdistricts or a single-member delegate subdistrict and a multi-member delegate subdistrict. If a legislative district is subdivided into multiple subdistricts, the subdistricts remain "nested" within the district. The proposed constitutional amendment maintains the 141 total

delegates, but (1) requires each delegate to be elected from a single-member delegate district and (2) repeals the requirement that delegate districts be “nested” within or coterminous with a Senatorial district.

*State Legislative Districts, Generally:* Under current law, State legislative district boundaries are required by the Maryland Constitution and federal case law to be redrawn every 10 years after the decennial census to adjust for population changes. 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. Creation of legislative boundaries falls under the requirements of the U.S. Constitution’s Fourteenth Amendment, which requires districts to be equally populated.

*Public Hearings:* Article III, Section 5 of the Maryland Constitution requires public hearings to be held before the Governor prepares a legislative redistricting plan. In 2011, the Governor appointed a Redistricting Advisory Committee to conduct public hearings around the State as required by the State Constitution. Consistent with prior practice in previous redistricting phases, the public hearings addressed both legislative and congressional redistricting. The Governor must present a legislative districting plan to the General Assembly by the first day of session in the second year following the decennial census and after the public hearings. If the General Assembly does not pass an alternative plan before the forty-fifth day of session, the Governor’s plan becomes law. The current legislative districting plan was enacted as Joint Resolution 2 of the General Assembly in 2012.

*Prisoner Allocation:* Chapters 66 and 67 of 2010 require that population counts used to create legislative, congressional, county, and municipal 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.

**Background:** Of the 47 legislative districts under the current plan, 31 are three-member delegate districts, 12 are divided into two subdistricts (with two and one delegate members, respectively), and 4 are divided into three single-member delegate subdistricts.

According to the National Conference of State Legislatures, 10 states, including Maryland, use multimember districts to elect members in at least one chamber of their state legislatures.

## **Additional Information**

**Prior Introductions:** HB 535 of 2017, received a hearing in the House Rules and Executive Nominations Committee, but no further action was taken. HB 1270 of 2016 and HB 921 of 2015 both received a hearing in the House Rules and Executive Nominations Committee, but no further action was taken on either bill.

**Cross File:** None.

**Information Source(s):** Maryland State Board of Elections; National Conference of State Legislatures; Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2018  
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