

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1328 (Delegate Miele, *et al.*)  
Rules and Executive Nominations

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**General Assembly - Establishment of House Districts (Maryland Fair Representation Act)**

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This proposed constitutional amendment prohibits two-member delegate districts for electing members of the House of Delegates. Legislative districts must consist of either three single-member delegate districts or one three-member delegate district.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**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.

State legislative district boundaries are required under 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.

**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.

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### **Additional Information**

**Prior Introductions:** None.

**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  
nb/mcr

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