

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Joint Resolution 3 (Delegate Parrott, *et al.*)
Rules and Executive Nominations

Redistricting - Congressional Districts - Standards

This joint resolution expresses that, based on the Pennsylvania Supreme Court's ruling in *League of Women Voters of Pennsylvania v. Commonwealth of Pennsylvania*, standards for State legislative districts in the Maryland Constitution should also apply to congressional districts.

Fiscal Summary

State Effect: The joint resolution does not directly affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Congressional districts are not specifically addressed in the Maryland Constitution. Article III of the Maryland Constitution sets forth requirements for State legislative districts, which must (1) consist of adjoining territory; (2) be compact in form; (3) be substantially equal in population; and (4) duly reflect natural and political boundaries.

Congressional districting is governed by the U.S. Constitution, federal statute, including the Voting Rights Act of 1965, and applicable case law. Under federal case law, congressional district boundaries must be redrawn after each decennial census to adjust for population changes, and they must be as closely equal in population as practicable (*Wesberry v. Sanders*, 376 U.S. 1 (1964)).

Background: In February 2018, the Supreme Court of Pennsylvania ruled in *League of Women Voters v. Commonwealth of Pennsylvania* that, while the Pennsylvania Constitution does not set explicit standards for congressional districts, the Pennsylvania Congressional Redistricting Act of 2011 violated the Pennsylvania Constitution's Free and Equal Elections Clause. In June 2018, Pennsylvania legislative leaders filed a petition for *writ of certiorari* with the U.S. Supreme Court. In October 2018, the petition was denied.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Planning; Maryland State Board of Elections; Brennan Center for Justice (New York University School of Law); Department of Legislative Services

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