

HB 1260

Department of Legislative Services

Maryland General Assembly

2021 Session

FISCAL AND POLICY NOTE

First Reader

House Bill 1260 (Delegate Malone)
Rules and Executive Nominations

Congressional Districts - Standards (Anti-Gerrymandering of Maryland's Congressional Districts)

This proposed constitutional amendment, if approved by the voters at the next general election, requires each congressional district in the State to consist of adjoining territory, be compact in form, and be of substantially equal population. 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; State legislative districts must consist of adjoining territory, be compact in form, and be of substantially equal population. Additionally, due regard must be given to natural boundaries and the boundaries of political subdivisions. The Maryland Constitution does not explicitly address congressional districting. Chapters 66 and 67 of 2010 require that population counts used to create State congressional districts must (1) exclude incarcerated individuals who were not State residents prior to their incarceration in State or federal correctional facilities and (2) include incarcerated individuals at their last known address, if State residents prior to their incarceration.

Congressional redistricting is subject to the requirements of the U.S. Constitution, the federal Voting Rights Act, and federal case law. Congressional district boundaries must be redrawn after each decennial census to adjust for population changes, and they 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).

Additional Information

Prior Introductions: HB 1491 of 2020 received a hearing in the House Rules and Executive Nominations Committee, but no further action was taken. HB 463 of 2019 received an unfavorable report from the House Rules and Executive Nominations Committee. Its cross file, SB 110, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. HB 1022 of 2018 received an unfavorable report from the House Rules and Executive Nominations Committee.

Designated Cross File: None.

Information Source(s): Maryland Department of Planning; Maryland State Board of Elections; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2021
rh/mcr

Analysis by: Elizabeth J. Allison

Direct Inquiries to:
(410) 946-5510
(301) 970-5510