

Department of Legislative Services
Maryland General Assembly
2021 Special Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1 (The Speaker)(By Request - Legislative Redistricting
Advisory Commission)

Rules and Executive Nominations Reapportionment and Redistricting

Congressional Districting Plan

This emergency bill establishes eight congressional districts in the State for the election of members to the U.S. House of Representatives. The bill requires that a specified question be submitted to the qualified voters of the State if the bill is petitioned to referendum.

Fiscal Summary

State Effect: The State Board of Elections can make the required changes to its election database and published materials using existing budgeted resources. No effect on revenues.

Local Effect: Local boards of elections will need to adjust precinct boundaries and notify voters of any changes to their congressional districts and voting locations. Because redistricting is a planned event that occurs every 10 years, it is assumed that these activities have been anticipated in the FY 2022 budgets of local election boards. No effect on revenues.

Small Business Effect: None.

Analysis

Current Law: Congressional district boundaries must be redrawn every 10 years following the decennial census to adjust for population changes. Congressional districts must comply with the U.S. Constitution and the federal Voting Rights Act of 1965.

The U.S. Supreme Court has held that congressional districts are subject to a strict population equality standard under Article I, Section 2 of the U.S. Constitution.

Accordingly, the populations of congressional districts must be as close to mathematical equality as practicable.

Chapters 66 and 67 of 2010 require that population counts used to create the State's congressional district plan exclude individuals incarcerated in State or federal correctional facilities, as determined by the decennial census, who were not State residents prior to their incarceration. Individuals incarcerated in State or federal correctional facilities who were residents of the State prior to their incarceration must be counted at their last known residence.

Background: The U.S. Census Bureau has apportioned eight congressional seats to Maryland in accordance with 2020 census figures. Based on adjusted Maryland population counts used for redistricting, the ideal population for each congressional district in the State is 771,925.

In July 2021, the Presiding Officers of the General Assembly appointed the Legislative Redistricting Advisory Commission to conduct virtual and in-person town hall meetings across the State and to prepare congressional and State legislative district plans for consideration by the General Assembly. The bill is based on the work of the commission. Additional information about the commission's work can be found on the commission's [webpage](#).

For additional information on redistricting in Maryland, see [Issue Papers, 2022 Legislative Session](#), Department of Legislative Services, pgs. 219-221 ("Redistricting") (December 2021).

Additional Information

Prior Introductions: None.

Designated Cross File: SB 1 (The President)(By Request - Legislative Redistricting Advisory Commission) - Reapportionment and Redistricting.

Information Source(s): State Board of Elections; Maryland Department of Planning; Judiciary; Governor's Office; Department of Legislative Services

Fiscal Note History: First Reader - December 6, 2021
rh/mcr Third Reader - December 8, 2021

Analysis by: Elizabeth J. Allison

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