

Department of Legislative Services
Maryland General Assembly
2021 Special Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 2 (The President)(By Request - Administration)
Reapportionment and Redistricting

Congressional Districting Plan

This emergency Administration bill establishes eight congressional districts in the State for the election of members to the U.S. House of Representatives.

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 have 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: The Administration has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

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 January 2021, the Governor established by executive order the Maryland Citizens Redistricting Commission to conduct regional hearings, receive public input, and propose State congressional and legislative district plans that comply with applicable legal requirements and meet other specified criteria. The bill is based on the work of the commission. Additional information about the commission's work can be found on the commission's [website](#).

For more 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: HB 2 (The Speaker)(By Request - Administration) - Rules and Executive Nominations.

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

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Congressional Districting Plan

BILL NUMBER: SB 2

PREPARED BY: Governor's Legislative Office

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS