

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Joint Resolution 2 (The Speaker)(By Request - Legislative Redistricting
Advisory Commission)

Rules and Executive Nominations

Legislative Districting Plan of 2022

This joint resolution establishes the boundaries of legislative districts in the State for the election of members of the Maryland General Assembly. The legislative districts established under the joint resolution are applicable to elections for members of the General Assembly beginning with the primary and general elections of 2022 and, for the purposes of representation, are applicable beginning with the second Wednesday of January 2023. The joint resolution states that, through the adoption of the joint resolution by the forty-fifth day after the opening of the regular session, the General Assembly exercises its authority under Article III, Section 5 of the Maryland Constitution to adopt a legislative districting plan, as specified.

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 legislative 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: The boundaries of the State’s 47 legislative districts must be redrawn every 10 years following the decennial census to adjust for population changes. The current legislative district plan was enacted as Joint Resolution 1 and Joint Resolution 2 of 2012. Legislative districts must comply with the U.S. Constitution, the Maryland Constitution, and the federal Voting Rights Act of 1965. The U.S. Supreme Court has held that the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution requires legislative districts to be “substantially equal” in population.

State Constitutional Requirements for Maryland Legislative Districts

Pursuant to Article III of the Maryland Constitution, there are 47 members of the Maryland Senate and 141 members of the House of Delegates. The State must be divided by law into legislative districts for the election of members of the Senate and the House of Delegates. Each legislative district must contain one senator and three delegates. Any one or more legislative districts may be subdivided into single- and/or multi-member delegate districts. Each legislative district must 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.

Article III, Section 5 of the Maryland Constitution specifies that, following each decennial census and after public hearings, the Governor must prepare a State legislative district plan and present the plan to the Presiding Officers of the General Assembly. The Presiding Officers must introduce the Governor’s plan as a joint resolution by the first day of the regular session in the second year following the census. The Governor may call a special session for the presentation of the plan prior to the regular session.

The General Assembly may adopt a State legislative district plan by joint resolution. If the General Assembly does not adopt a plan by the forty-fifth day after the opening of the regular session, the Governor’s plan becomes law. On petition of any registered voter, the Court of Appeals has original jurisdiction to review the legislative district plan and may grant appropriate relief if it finds that the plan is not consistent with the requirements of either the U.S. Constitution or the Maryland Constitution.

Prisoner Reallocation

Chapters 66 and 67 of 2010 require that population counts used to create the State’s legislative 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.

Districts Containing More Than Two Counties

Pursuant to State statute, a legislative district that contains more than two counties where delegates are to be elected at large by the voters of the entire district, a county, or part of a county, may not have more than one delegate residing in that district. Similarly, where delegates are to be elected by the voters of a multi-member subdistrict which contains more than two counties or parts of more than two counties, a county, or part of a county, may not have more than one delegate residing in that subdistrict.

Background: Based on adjusted Maryland population counts used for redistricting, the ideal population for each senatorial district is 131,391. The ideal populations for single-member and two-member delegate districts are 43,797 and 87,594, respectively.

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 joint resolution 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: SJ 2 (The President)(By Request - Legislative Redistricting Advisory Commission) - Reapportionment and Redistricting.

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

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