

Chapter 881

(House Bill 2100)

AN ACT concerning

Election Districts – General Assembly and Representatives in Congress

FOR the purpose of clarifying that certain requirements apply only to districts for the election of members of the Senate of Maryland and the House of Delegates; authorizing the General Assembly to grant original jurisdiction to the Supreme Court of Maryland to review the congressional districting plan of the State; and providing that nothing in the Maryland Constitution provides applicable criteria for the boundaries of a congressional districting plan.

BY proposing an amendment to the Maryland Constitution
Article III – Legislative Department
Section 4

BY proposing an addition to the Maryland Constitution
Article III – Legislative Department
Section 62

Preamble

WHEREAS, Congressional districting in Maryland remains subject to the U.S. Constitution, federal law, and any Maryland statute expressly governing congressional districts; and

WHEREAS, In *Szeliga v. Lamone* and *Parrott v. Lamone*, the Circuit Court for Anne Arundel County held that Article III, § 4 districting standards apply to congressional districts, relying on Articles 7, 24, and 40 of the Declaration of Rights, though no Maryland constitutional provision expressly addresses congressional districting; and

WHEREAS, This amendment clarifies the long-standing understanding and case law that Article III, § 4 of the Maryland Constitution governs only General Assembly districting plans, not congressional districting plans; and

WHEREAS, Preserving Maryland's cohesive communities of interest connected by shared civic, social, economic, political subdivisions, and other common interests without unnecessary fragmentation is a legitimate, neutral consideration in congressional districting; and

WHEREAS, Nothing in this amendment establishes a demographic target, requires proportional representation, guarantees any electoral outcome, or authorizes discrimination prohibited by federal law; and

WHEREAS, This amendment is not intended to provide new grounds to challenge the plan enacted by Chapter 16 of the Acts of 2022; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

Article III – Legislative Department

4.

Each legislative district **FOR THE ELECTION OF A MEMBER OF THE SENATE AND MEMBERS OF THE HOUSE OF DELEGATES** shall consist of adjoining territory, be compact in form, and of substantially equal population. Due regard shall be given to natural boundaries and the boundaries of political subdivisions.

62.

(A) THE GENERAL ASSEMBLY SHALL HAVE THE POWER TO GRANT ORIGINAL JURISDICTION TO THE SUPREME COURT OF MARYLAND TO REVIEW THE CONGRESSIONAL DISTRICTING PLAN OF THE STATE.

(B) NOTHING IN THIS ARTICLE OR ELSEWHERE IN THIS CONSTITUTION, INCLUDING THE DECLARATION OF RIGHTS, PROVIDES APPLICABLE CRITERIA FOR THE BOUNDARIES OF A CONGRESSIONAL DISTRICTING PLAN.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by Section 1 of this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The amendment to the Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2026 for adoption or rejection in accordance with Article XIV of the Maryland Constitution.

(b) (1) At that general election, the vote on the proposed amendment to the Constitution shall be by ballot, and on each ballot there shall be printed the words “For the Constitutional Amendment” and “Against the Constitutional Amendment”, as now provided by law.

(2) ~~At that general election, a question substantially similar to the following~~ Notwithstanding any other provision of law, at that general election, the following question shall be submitted to the qualified voters of the State:

“Question ___ – Constitutional Amendment

The proposed Constitutional Amendment clarifies that certain standards in the Maryland Constitution apply only to districts used to elect members of the General Assembly; authorizes the General Assembly to grant original jurisdiction to the Supreme Court of Maryland to review the congressional districting plan of the State; and requires the criteria for boundaries of congressional districts to be determined by applicable federal laws.”.

(c) Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings held in accordance with Article XIV.

Approved by the Governor, assigned a chapter number, enactment subject to constitutional referendum, August 5, 2026.