

HB2100/423426/1

BY: Delegate M. Morgan

AMENDMENTS TO HOUSE BILL 2100
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 7 down through “plan” in line 8 and substitute “prohibiting the General Assembly from using a certain factor in the drawing of a congressional district except under certain circumstances”; and after line 14, insert:

“BY proposing an addition to the Maryland Constitution
New Article XXI - Criteria for Congressional Districts
Section 1”.

AMENDMENT NO. 2

On page 2, after line 7, insert:

“WHEREAS, In 2026, the U.S. Supreme Court in Louisiana v. Callais held that strict scrutiny applies whenever race is the predominant factor in the drawing of a legislative or congressional district, and that only a narrow, specifically identified compelling interest can justify such use of race; and

WHEREAS, The U.S. Supreme Court held in Callais that a state’s general invocation of compliance with Section 2 of the Voting Rights Act of 1965 does not, standing alone, supply a compelling interest for race–predominant districting, and that race must be disentangled from partisan and other permissible considerations before race–based districting may be sustained; and”;

in line 20, strike “(A)”; strike in their entirety lines 23 through 25, inclusive, and substitute:

“ARTICLE XXI – CRITERIA FOR CONGRESSIONAL DISTRICTS

1.

UNLESS THE USE OF RACE IS NARROWLY TAILORED TO A COMPELLING STATE INTEREST RECOGNIZED UNDER THE U.S. CONSTITUTION, THE GENERAL ASSEMBLY MAY NOT USE RACE AS THE PREDOMINANT FACTOR IN THE DRAWING OF A CONGRESSIONAL DISTRICT.

On page 3, strike beginning with “requires” in line 13 down through “laws” in line 15 and substitute “prohibits the General Assembly from using race as the predominant factor in the drawing of a congressional district unless the use of race is narrowly tailored to a compelling State interest recognized under the U.S. Constitution”.