

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 2100 (The President)
Education, Energy, and the Environment

Election Districts - General Assembly and Representatives in Congress

This proposed constitutional amendment, if approved by the voters at the next general election, establishes that (1) nothing in the Maryland Constitution, including the Declaration of Rights, provides applicable criteria for the boundaries of a congressional districting plan; (2) specified provisions of the Maryland Constitution regarding legislative districts apply explicitly to the election of members of the Senate and House of Delegates; and (3) the General Assembly must have the power to grant original jurisdiction to the Supreme Court of Maryland to review the congressional districting plan of the State. The bill also specifies language for the ballot question to be submitted to the voters at the November 2026 general election.

Fiscal Summary

State Effect: The proposed constitutional amendment is not anticipated to materially affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Maryland Legislative Districts – Generally

The boundaries of the State’s legislative districts must be redrawn every 10 years following the decennial census to adjust for population changes. Generally, 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.

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. The current legislative district plan was enacted as Joint Resolution 1 of 2022, and the legislative district map can be viewed on the Maryland Department of Planning’s (MDP) [website](#).

On petition of any registered voter, the Supreme Court of Maryland 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.

Maryland Congressional Districts – Generally

The boundaries of the State’s congressional districts 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 (“one person, one vote”) under Article I, Section 2 of the U.S. Constitution.

The Maryland Constitution does not explicitly establish requirements for congressional districts. However, the Circuit Court for Anne Arundel County held in a [memorandum opinion](#) dated March 25, 2022, that standards for legislative districts in the State also apply to congressional districting. The State’s current congressional districting plan was enacted as Chapter 16 of 2022, and those congressional district boundaries can be viewed on MDP’s [website](#).

State law does not grant original jurisdiction to the Supreme Court of Maryland to review the congressional districting plan of the State.

Content, Certification, and Publication of Ballot Questions

Chapter 439 of 2026 (effective June 1, 2026) modified State law requirements governing the content of ballot questions (including those proposing constitutional amendments) to require that a ballot question include:

- a brief title that describes the topic, goal, or outcome of the ballot question;
- a condensed statement describing the change in policy to be adopted in plain and clear language that (1) a voter can easily understand; (2) does not explain the legal mechanism providing for the policy change; and (3) does not contain legal jargon or use double negatives or the passive voice; and
- a brief statement explaining what the practical outcome of each voting choice would be.

Chapter 439 also modified and established certain deadlines relating to the preparation of the text of ballot questions as well as the availability of ballot question text and related information to the public, prior to a general election, including the following:

- The Secretary of State (SOS) must prepare and certify the content of a statewide ballot question to the State Board of Elections (SBE) by the July 1 immediately preceding the general election and SBE must make the content submitted by SOS available to the public for a 15-day comment period.
- SBE and local boards must make widely accessible to the public, for at least 90 days before a general election (August 5, 2026, for the 2026 general election), (1) the complete text of a proposed amendment to the Maryland Constitution that will be a ballot question at the election and (2) a link to the General Assembly webpage for the legislation.

Additional Comments: The Department of Legislative Services notes that the new statutory deadline of July 1 for certification of ballot questions by SOS and SBE has passed. Even so, the bill specifies language for the ballot question. Further, as noted above under Current Law, SBE and local boards of elections must publicly post the text of any proposed constitutional amendment at least 90 days before the general election. The 2026 special session is scheduled to end on August 5, 2026, exactly 90 days before the general election, which is scheduled for November 3, 2026.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years; however, legislation with similar provisions has been proposed. For example, see HB 488 of 2026.

Designated Cross File: HB 2100 (The Speaker) - Government, Labor, and Elections.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland State Board of Elections; Secretary of State; Maryland Department of Planning; Department of Legislative Services

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