

**Department of Legislative Services**  
Maryland General Assembly  
2026 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 482

(Delegate Buckel, *et al.*)

Rules and Executive Nominations

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**Legislative and Congressional Redistricting and Legislative and Congressional Redistricting and Apportionment Commission (Fair Districts for Maryland Act)**

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This bill proposes a constitutional amendment that establishes the Legislative and Congressional Redistricting and Apportionment Commission and requires each State legislative district and each congressional district boundary to meet specified requirements. The bill further includes implementing legislation contingent on the enactment of the constitutional amendment that (1) specifies the membership, duties, and procedures of the redistricting commission; (2) establishes that the Attorney General does not have the authority to prosecute and defend failed State legislative and congressional district plans, or for petitions seeking review of the legality of a plan; (3) institutes procedures for the review or establishment of a State legislative or congressional districting plan by the Supreme Court of Maryland; and (4) requires the Governor to include funding in the State budget to carry out the bill's provisions. **The bill's statutory provisions take effect only on the ratification of the constitutional amendment.**

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**Fiscal Summary**

**State Effect:** General fund expenditures increase by approximately \$1.75 million in each of FY 2031 and 2032, and every 10 years thereafter. Revenues are not affected.

(\$ in millions)	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	0	0	1.8	1.8
Net Effect	\$0.0	\$0.0	\$0.0	(\$1.8)	(\$1.8)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

### **Bill Summary:**

#### *Legislative and Congressional Redistricting Boundary Requirements*

The proposed constitutional amendment requires that each State legislative district boundary and congressional district boundary (1) must respect natural boundaries and the geographic integrity and continuity of municipal corporations, counties, and other political subdivisions to the extent practicable; (2) must be geographically contiguous and compact and include nearby areas of population to the extent practicable; (3) must reflect communities of common interest; (4) may not account for how individuals are registered to vote, how individuals voted in the past, or the political party to which individuals belong; and (5) may not account for the domicile or residence of any individual, including an incumbent officeholder or potential candidate for office.

The legislative districts must be as nearly equal in population as practicable but may not deviate more than 2% between districts, as specified. The commission must (1) adopt one plan for legislative districts and one plan for congressional districts; (2) certify that each plan is the plan adopted by the commission; and (3) send each certified plan to the presiding officers of the General Assembly.

#### *Legislative Intent*

The bill expresses the intent of the General Assembly that (1) no legislative district or congressional district in the State is established for the purpose of favoring or discriminating against an incumbent officeholder, a candidate for office, or a political party and (2) provisions of the bill comply with and implement specified provisions of the Maryland Constitution.

#### *Legislative and Congressional Redistricting and Apportionment Commission*

*Unit of State Government:* The commission is an independent unit of State government, established by law. In the year following each decennial census of the United States, the commission must (1) divide the State into consecutively numbered legislative districts, as specified under the Maryland Constitution, and (2) divide the State into as many congressional districts as there are representatives in Congress apportioned to the State.

*Membership, Qualifications, and Compensation:* The ten-member commission must consist of (1) two members appointed by the Governor, subject to the unanimous approval of the Senate Executive Nominations Committee and the House Rules and Executive Nominations Committee; (2) four members of the General Assembly, as specified; and

(3) four members appointed by majority and minority leadership of the General Assembly, as specified. At least one of the members appointed by the Governor must be a registered voter who, for at least seven years immediately preceding the date that the commission convenes, has been continuously registered with a political party other than a principal political party or has remained unaffiliated.

A member of the commission must apply the provisions of the bill in a way that is impartial and that reinforces public confidence in the integrity of the redistricting process.

The bill excludes the Governor from appointing certain individuals for membership on the commission, specifically:

- a member of or candidate for election to the U.S. Congress from the State;
- a member of or candidate for election to the General Assembly;
- an elected local government official or a candidate for an elected local government office;
- an officer or employee of a political party or political committee;
- a contractor providing professional services to a specified officeholder or candidate for a specified office;
- a current or former employee of or consultant to a specified contractor;
- an immediate family member of a specified officeholder, candidate for a specified office, or specified contractor;
- a staff member to a specified officeholder or candidate for a specified office; or
- a current or former registered lobbyist.

Furthermore, an individual appointed by the Governor may not be at the time of appointment or have been within the immediately preceding seven years an employee of the Governor's Office, the General Assembly, or an office of State government.

Each member of the commission must apply the provisions established under the bill in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process.

A member of the commission may not receive compensation for his or her service on the commission but is entitled to reimbursement for expenses.

*Duties and Procedures of the Commission:* Seven members of the commission constitute a quorum. Any official action of the commission requires at least seven affirmative votes of the members. The commission must elect a member to serve as chair.

The bill generally charges the commission with (1) conducting an open and transparent process that allows full public participation in the redistricting process; (2) preparing and adopting a State legislative and congressional districting plan in accordance with specified standards; and (3) conducting business with integrity and fairness. In addition, the bill clarifies that the activities of the commission are subject to the Open Meetings Act and the Maryland Public Information Act (PIA).

The commission must conduct public hearings for the purpose of collecting public input before and after the commission proposes a plan. The commission is responsible for developing and implementing a public hearing process that is subject to public notice and that promotes citizen outreach and broad public participation. The commission may supplement hearings with other activities to promote public participation, as specified.

The commission must ensure that a proposed plan is readily accessible to the public and allow a 14-day public-comment period before adopting a proposed plan. Moreover, the commission must ensure the availability of a complete, accurate, computerized population database and public access to redistricting data and map-drawing software.

By October 1 of each year ending in the numeral one, the commission must approve, certify, and send to the Presiding Officers of the General Assembly a State legislative districting plan and a congressional districting plan, as specified. The commission must submit with each plan corresponding maps and an explanatory report, as specified.

Upon receipt of a certified plan from the commission, the Presiding Officers of the General Assembly must prepare the plan for consideration by the General Assembly, as specified. The General Assembly generally must treat the plan as a bill for purposes of publication, codification, notification, and distribution.

In the event that the commission fails to adopt and certify a plan or a plan is not enacted, the commission must petition the Supreme Court of Maryland to establish a plan in accordance with specified standards. The commission represents the State in any petition seeking review of a certified or enacted plan. In any case brought in a federal court to review a plan, if the commission is not a party to the case, the commission must move to intervene in the case on behalf of the State.

The bill authorizes the commission to hire staff, attorneys, and/or consultants in accordance with the State budget. Employees of the commission are independent of the State Personnel Management System. A possible criminal violation by a member or employee of the commission may be referred to the State prosecutor for criminal prosecution.

*Consideration by the General Assembly:* On receipt of the certified plans, the presiding officers must introduce each plan separately for consideration by the General Assembly.

Unless the Governor finds that a special session is not required, the Governor must issue a proclamation convening a special session of the General Assembly to consider the plans. The presiding officers must introduce the certified district plans at the following time: (1) if the Governor does not convene a special session, on the first day of the regular session of the General Assembly in the year ending in the numeral 2, or (2) if the Governor convenes a special session, on the first day of the special session.

Except for the district maps required to be introduced by the presiding officers, a member of the General Assembly may not introduce a bill proposing a plan for legislative or congressional districts.

During a regular session of the General Assembly, each chamber of the General Assembly must pass a legislative district plan and a congressional district plan by a vote of three-fifths of the members elected to that chamber by the 45<sup>th</sup> day after the opening of regular session, and by the 15<sup>th</sup> day after the opening of a special session. The plans must be presented to the Governor for approval within one day after passage.

If the legislative or congressional district plan does not receive a vote within the specified time periods, the plan must be considered as not passed. The Governor must sign or veto legislative and congressional district plans within six days after presentment. If the Governor does not sign or veto a plan, that plan must be a law in like manner as if signed by the Governor.

A legislative district plan or a congressional district plan must become effective (1) on the date the Governor signs the plan; (2) if the Governor does not sign or veto the plan, on the sixth day after presentment; or (3) if there is a proceeding involving either plan in the Supreme Court of Maryland, on the date ordered by the Supreme Court of Maryland.

*Consideration by the Supreme Court of Maryland:* The Supreme Court of Maryland must adopt a legislative district plan or a congressional district plan in a proceeding if (1) the commission fails to approve a legislative or congressional district plan, or (2) the General Assembly does not pass a plan within the time period specified under the bill.

The commission must be representative of the State in a proceeding before the Supreme Court of Maryland, as specified.

#### *Supreme Court of Maryland - Jurisdiction Over Redistricting Proceedings*

Upon enactment of a State legislative or congressional districting plan, a registered voter in the State may petition the Supreme Court of Maryland to bar the plan from taking effect on the grounds that the plan violates the Maryland Constitution, the U.S. Constitution, or federal or State statute. The commission is the defendant in a proceeding pertaining to an enacted legislative or congressional districting plan. Any State registered voter may participate as an *amicus curiae* in a proceeding pertaining to an enacted districting plan.

The bill grants the Supreme Court of Maryland exclusive original jurisdiction to establish State legislative or congressional districts in the event that (1) the commission fails to approve a plan; (2) a plan is not enacted; or (3) a registered voter files a petition, as specified.

Upon the filing of a petition, the Supreme Court of Maryland must establish deadlines for the filing of pleadings and *amicus curiae* briefs. The Supreme Court of Maryland may appoint a special master to (1) hold a hearing; (2) consider a plan approved by the commission, if any; and (3) make recommendations to the Supreme Court of Maryland. A party to the proceeding may file exceptions to the recommendations of the special master, as specified.

The Supreme Court of Maryland may, after (1) holding a hearing; (2) considering a plan approved by the redistricting commission, if any; and (3) considering the recommendations, if any, of a special master, order relief, as specified. In a proceeding pertaining to a plan adopted and certified by the commission, the Supreme Court of Maryland may approve or modify the plan or adopt a new plan. In the case of the commission's failure to adopt and certify a plan, the Supreme Court of Maryland must establish State legislative and congressional districts in accordance with specified standards.

The Supreme Court of Maryland must give priority to ruling on a petition filed under the bill.

#### *Funding for Redistricting Activities and Proceedings*

The Governor must include funds in the State budget to implement the provisions of the bill, including funds to cover the costs of litigation authorized under the bill.

#### **Current Law:**

##### *Legislative and Congressional Redistricting in Maryland*

*Legislative Redistricting:* Article III of the Maryland Constitution sets forth requirements for State legislative districts and procedures for legislative redistricting. The Maryland Constitution and federal case law require that the boundaries of the State's 47 legislative districts are redrawn after each decennial census to adjust for population changes. State legislative districts must (1) consist of adjoining territory; (2) be compact in form; (3) be substantially equal in population; and (4) duly reflect natural and political boundaries. Legislative districts may be subdivided into single-member and/or multi-member districts for the purpose of electing delegates. Chapters 66 and 67 of 2010 address the allocation of the State's prison population among legislative districts.

In the second year following the decennial census, the Governor must, after conducting public hearings, submit a legislative districting plan to the Presiding Officers of the General Assembly on the first day of the legislative session. The Presiding Officers must introduce the plan as a joint resolution to the General Assembly. Unless the General Assembly adopts an alternative plan before the 45th day of the session, the Governor's plan becomes law. The Supreme Court of Maryland has original jurisdiction to review, upon petition by a registered voter, the legislative districting plan and grant relief.

In 2011, in concurrence with recent practice, the Governor established a Redistricting Advisory Committee to conduct public hearings around the State on legislative and congressional districting. The General Assembly adopted the Governor's 2011 legislative districting plan under Joint Resolution 2 of 2012.

State legislative boundaries are governed by the U.S. Constitution, the Voting Rights Act of 1965, and applicable case law. State legislative districts must be "substantially equal in population." *Reynolds v. Sims* 377 U.S. 533 (1964).

*Congressional Redistricting:* Congressional redistricting is governed by the U.S. Constitution, the Voting Rights Act of 1965, and federal case law. Congressional district boundaries must be redrawn after each decennial census to adjust for population changes, and they must be as nearly equal in population as practicable. *Wesberry v. Sanders*, 376 U.S. 1 (1964).

Congress has left to the states the task of redrawing congressional district boundaries. Traditionally, the Governor has submitted a new congressional map to the General Assembly at the same time as a legislative redistricting plan. The General Assembly may adopt an alternative congressional map and is subject to no deadline after which the Governor's plan becomes law. In 2011, the Governor convened a special session to finalize congressional districts for the 2012 primary elections. The General Assembly adopted the current congressional districting plan under Chapter 1 of the 2011 special session.

The Maryland Constitution does not explicitly address congressional districting. Chapters 66 and 67 addressed the allocation of the State's prison population among congressional districts in the State.

#### *Open Meetings Act, Generally*

Under Maryland's Open Meetings Act, with limited exceptions, a public body must (1) meet in open session in places reasonably accessible to potential attendees and (2) provide reasonable advance notice of the time and location of meetings, including, when appropriate, whether any portion of a meeting will be in closed session. A

“public body” is any entity that (1) consists of at least two individuals and (2) is created by the Maryland Constitution; a State statute; a county or municipal charter; a memorandum of understanding or a master agreement to which a majority of the county boards of education and the Maryland State Department of Education are signatories; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from the definition of “public body” include juries, the Governor’s cabinet and Executive Council, judicial nominating commissions, and single-member entities, among others.

### *Maryland’s Public Information Act, Generally*

PIA establishes that all persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. Each governmental unit that maintains public records must identify a representative whom a member of the public may contact to request a public record. The Office of the Attorney General (OAG) must post all such contact information on its website and in any Public Information Act Manual published by OAG.

**State Expenditures:** General fund expenditures increase by an estimated \$1.75 million in each of fiscal 2031 and 2032 (for a total of \$3.5 million) to provide staffing, consulting services, and/or legal services for the commission; software for developing redistricting plans; computer, printing, map plotting, and other equipment; a computerized population database and public access to redistricting data and map-drawing software; office space; public hearings; and the cost of any litigation resulting from the bill’s provisions, as discussed below.

This estimate is based on California’s experience implementing a similar redistricting process. The California Citizens Redistricting Commission, a similar nonpartisan redistricting commission as envisioned under the bill, was appropriated approximately \$20.5 million from fiscal 2020 through 2023. The Department of Legislative Services (DLS) notes that, given the difference in population size between Maryland and California, expenditures are likely to be significantly lower for Maryland than those incurred in California. Based on these considerations, it is estimated that overall expenses related to redistricting work likely total approximately \$3.5 million spread over two years. Additional details about what is included in this estimate are provided below.

*The Commission:* Under the bill, the commission is responsible for developing legislative and congressional districting plans, conducting public hearings, and ensuring the availability of a complete and accurate computerized population database and map-drawing software. In addition, the bill authorizes the commission to hire staff, attorneys, and/or consultants in accordance with the State budget.

The staffing and consulting services required to meet the commission's needs cannot be reliably estimated at this time. However, it is assumed that the commission will rely extensively on contractual staff and/or contractual services, including legal and technical services. Because the activities of the commission are limited to the duration of the redistricting process, it is likely impractical for the commission to hire regular, full-time staff.

Providing online access to redistricting data and map-drawing software requires uploading and maintaining the State's official redistricting data to a software program that allows online map-drawing. The redistricting software vendor used by DLS has historically advised that an online system contemplated in the bill may cost between \$35,000 and \$75,000, depending on the number of anticipated users and the features enabled.

While the bill requires the Governor to include in the annual budget bill an appropriation sufficient to support the commission proposed under the bill, including the costs of any litigation, the bill's language does not meet the requirements necessary to establish a mandated appropriation. Generally, any legislation mandating funding for a program must include either an exact dollar figure or a funding formula that makes it possible to compute the level of funding required.

*Judiciary:* Expenditures may increase to the extent the bill results in increased filings, the appointment of a special master, and/or the development of congressional or legislative district boundaries by the court. As these expenses are contingent on redistricting plans not being adopted and/or petitions being filed to challenge final plans, any such effect cannot be reliably estimated.

**Additional Comments:** The bill requires the commission to complete final maps by October 1 of each year ending in the number one. However, the State receives the required census data in February or as late as March of the same year. Chapters 66 and 67 require that population counts used to create legislative and congressional districts in Maryland exclude certain incarcerated individuals. Implementation of Chapters 66 and 67 includes (1) geocoding tens of thousands of prisoner address files in coordination with the Department of Public Safety and Correctional Services; (2) updating census data; and (3) incorporating the adjusted data into the software used to complete maps. During the previous redistricting cycle, in 2021, this process took nine months. DLS anticipates that this process will likely take at least six months in 2031. Thus, it may not be feasible for the commission to meet the bill's deadline for completing its work.

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## **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 203 of 2025 and HB 182 of 2024.

**Designated Cross File:** None.

**Information Source(s):** Department of Information Technology; Governor's Office; Judiciary (Administrative Office of the Courts); State Prosecutor's Office; Maryland Department of Planning; Department of Legislative Services - Office of Legislative Audits; California Department of Finance; U.S. Census Bureau; Department of Legislative Services

**Fiscal Note History:** First Reader - January 26, 2026

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