



**Testimony for the House Rules and Executive Nominations  
Committee and Senate Reapportionment and Redistricting  
Committee**

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**Joint Hearing December 6, 2021**

**HB 1 — Legislative Redistricting Advisory Commission  
Congressional Redistricting Plan**

AMERICAN CIVIL  
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**HB 2 — Executive Administration Congressional Redistricting Plan**

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The ACLU of Maryland writes to provide informational testimony to guide the General Assembly as they reach their final map recommendations. The General Assembly must ensure that the final iteration of Congressional map that will govern Maryland for the next decade, fully recognize the diversity of the state and complies with requirements of Section 2 of the Voting Rights Act (VRA)<sup>1</sup> of 1965 guaranteeing voters in racial minorities the opportunity to participate in the political process and elect representatives of their choice.

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In Maryland, the population has grown by 7% since the 2010 U.S. Census to 6.2 million residents<sup>2</sup>. Within Maryland, the jurisdictions experiencing the largest population growth in that time span were Frederick County at 16.4%, Howard County at 15.8%, and Charles County at 13.7%, followed by Prince George's County at 12% and Anne Arundel County at 9.4%<sup>3</sup>. The counties experiencing the largest decline were Allegany County at -9.3%, Somerset County at -7%, and Baltimore City at -5.7%<sup>4</sup>. Maryland has also strengthened its position as a racially diverse state with growth in BIPOC residents. Individuals identifying as Black/African American grew 7.1%, American Indian and Alaska Native grew 56%, Asian grew 32%, Latinx grew 55.1% and multi-racial grew 192.6%<sup>5</sup>.

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<sup>1</sup> In *Gingles*, 478 U.S. at 50-1, the Supreme Court held that to establish a violation of the "results" standard of Section 2, plaintiffs must show: (1) the minority group is sufficiently large and geographically compact to constitute a majority in one or more single member districts; (2) the minority is politically cohesive, i.e., tends to vote as a bloc; and, (3) the majority also votes as a bloc "usually to defeat the minority's preferred candidate."

<sup>2</sup> <https://www.census.gov/library/stories/state-bystate/maryland-population-change-between-census-decade.html>

<sup>3</sup> <https://planning.maryland.gov/MSDC/Documents/Census/Census2020/Redistricting/tables/Pop2020.pdf>

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

Within the current eight congressional districts, there are increases in the diversity for several different groups, according to a report from the Redistricting Data Hub in collaboration with HaystaqDNA<sup>6</sup>. The Latinx population saw increases across all current districts, with the highest growth in Districts 2, 5, and 7. The Black population increased in Districts 2, 3, and 6. Asian population growth occurred most in Districts 5 and 6. And other multi-racial groups grew mostly in Districts 1, 2, and 5. Share of white population decreased in all congressional districts. Maryland has seen Black population growth in the northwest, northeast, and southeast sections of Baltimore County as well as areas in Charles County. The Latinx population saw its greatest growth in Baltimore, Frederick and Montgomery counties.

Importantly for present purposes, these demographic changes also bring with them corresponding responsibilities under the federal Voting Rights Act, in order to ensure that the State's redistricting process and election system are racially fair, affording all voters – old and new, Black, Brown and white – realistic opportunities to fully participate in the electoral process and to elect candidates of their choice. To achieve racial fairness and comply with the Voting Rights Act, the redistricting plan proposed for the State should – to the greatest extent possible – be one that reflects the overall diversity of the State, and that gives residents opportunities to elect their chosen candidates roughly proportionate to their numbers in the population.

The Congressional map should include three majority Black population Congressional districts, based on current population numbers; and in compliance with the Voting Rights Act, should ensure that Black and minority voters are not packed into districts that would dilute their vote.

The ACLU of Maryland requests that the General Assembly advance a Congressional map that embraces the full diversity and engagement of voters in the state.

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<sup>6</sup> HaystaqDNA. (2021). Maryland Redistricting Report. Washington, D.C.

