

TESTIMONY IN OPPOSITION TO HOUSE BILL 2100

Election Districts – General Assembly and Representatives in Congress
Constitutional Amendment

Submitted to the House Government, Labor, and Elections Committee
August 3, 2026

Position: UNFAVORABLE

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Chair, Vice Chair, and Members of the Committee:

I respectfully request an unfavorable report on House Bill 2100.

HB 2100 is not a narrow clarification of existing constitutional language. In fact, as it is written, it would remove **the entire Maryland Constitution**—including Maryland’s **Declaration of Rights**—as a source of judicially enforceable standards governing congressional district boundaries.

It is being advanced through an **extraordinary special session** without **any identified emergency** arising after the 2026 regular session, and on a timetable that deprives legislators and voters of the deliberate consideration that a permanent constitutional amendment requires.

I. THE PROCLAMATION DOES NOT IDENTIFY AN “EXTRAORDINARY OCCASION”

Article II, §16 of the Maryland Constitution provides that the Governor “shall convene the Legislature, or the Senate alone, on extraordinary occasions.”

The Governor’s proclamation invokes this provision, but invoking constitutional authority is not the same as satisfying its limiting condition. The proclamation does not identify:

- A new court decision;
- A change in federal law;
- An invalidation or threatened invalidation of Maryland’s current congressional map;
- An imminent redistricting deadline;
- An election-administration emergency; or
- Any concrete circumstance arising after the General Assembly adjourned in April 2026.

Instead, the proclamation recites generalized national political concerns and announces that the General Assembly is being convened “for the purpose of passing legislation to amend the State Constitution.”

That language suggests a predetermined legislative outcome, not the convening of the General Assembly to consider an unforeseen extraordinary circumstance.

A desire to place a constitutional amendment on the November 2026 ballot is a **political deadline**. **It is not, standing alone, an “extraordinary occasion” within the meaning of Article II, §16.**

II. EVERY LEGAL CIRCUMSTANCE CITED IN THE BILL HAS EXISTED SINCE 2022

The preamble relies primarily upon the 2022 decisions in *Szeliga v. Lamone* and *Parrott v. Lamone*. Those decisions are more than **four years old**.

Since those decisions, the General Assembly has completed four full regular sessions—in 2023, 2024, 2025, and 2026—**without proposing this amendment** to Maryland voters.

The preamble identifies no **new Maryland decision, federal decision, federal enactment, or defect in the present congressional plan** that emerged after the 2026 regular session adjourned, supporting the emergency nature of the session or of the introduction of this bill in Special Session.

Indeed, the bill expressly states that the amendment “**is not intended** to provide new grounds to challenge the plan enacted by Chapter 16 of the Acts of 2022.” The bill therefore does not claim that the existing map must be rescued from a newly discovered legal defect.

If this amendment merely “clarifies” a “long-standing understanding,” as its preamble claims, then its proponents must explain what occurred between the April adjournment and the July proclamation that suddenly made a special legislative session necessary.

The preamble supplies arguments supporting the sponsors’ preferred constitutional rule. It does not establish an extraordinary occasion requiring emergency constitutional action.

III. HB 2100 DOES FAR MORE THAN CLARIFY ARTICLE III, §4

The title and preamble characterize HB 2100 as clarifying that Article III, §4 applies to General Assembly districts rather than congressional districts.

The amendment to §4 does accomplish that limited purpose. But proposed §62(B) goes dramatically further:

“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.”

That provision does not merely clarify the scope of Article III, §4 or of § 62. It categorically **removes every provision of the Maryland Constitution** as a potential source of protections governing congressional district boundaries.

The provision expressly reaches beyond Article III and includes Maryland’s Declaration of Rights. The Declaration of Rights is not an incidental collection of policy preferences. It contains fundamental protections governing popular sovereignty, free elections, equal protection, due process, separation of powers, and the accountability of public officials.

Under HB 2100, even if congressional districts were drawn in a manner that violated one of those state constitutional guarantees, a Maryland court could not use that guarantee as an applicable boundary criterion.

The General Assembly should not eliminate unknown future constitutional claims simply because it disagrees with one judicial decision from 2022. Constitutional rights should not be prospectively disabled for an entire category of government action without extensive study of every protection being removed.

IV. THE BILL WOULD REDUCE MARYLAND VOTERS’ PROTECTION TO THE FEDERAL FLOOR

Maryland’s Constitution is an independent source of rights and limitations on Maryland government. State constitutions may provide protections beyond the minimum required by federal law.

HB 2100 would prevent Maryland voters from invoking their own state Constitution to challenge congressional boundaries, leaving them principally dependent upon federal constitutional and statutory remedies and whatever statutes the General Assembly chooses to enact or preserve.

That is particularly troubling because the Governor’s proclamation claims that the special session is needed to protect voting rights against the weakening of federal protections. If federal voting protections are supposedly being dismantled, the logical response is not to remove independent protections available under Maryland’s own Constitution.

The stated purpose and the operative effect of HB 2100 point in opposite directions.

V. THE PROPOSED BALLOT DESCRIPTION DOES NOT FAIRLY DISCLOSE WHAT THE AMENDMENT WOULD DO

The proposed ballot question says that the amendment:

“requires the criteria for boundaries of congressional districts to be determined by applicable federal laws.”

The operative constitutional language does not affirmatively impose such a requirement. It instead declares that nothing anywhere in the Maryland Constitution provides applicable criteria for congressional district boundaries.

Those are materially different descriptions.

More importantly, the proposed ballot wording never informs voters that the amendment would exclude Maryland’s Declaration of Rights from congressional-redistricting cases. That is arguably the amendment’s most consequential effect.

A voter reading the proposed question could reasonably believe that the amendment merely assigns congressional redistricting to familiar federal standards. The voter would not be told that the amendment affirmatively prevents Maryland courts from applying any provision of Maryland’s Constitution or Declaration of Rights as a boundary criterion.

Maryland voters cannot knowingly approve the surrender of a constitutional protection if the ballot question does not tell them that the protection is being surrendered.

VI. THE ACCELERATED PROCESS APPEARS INCONSISTENT WITH MARYLAND’S NEW BALLOT-QUESTION PROCEDURES

Chapter 439 of the Acts of 2026, signed by Governor Moore on May 12 and effective June 1, substantially revised Maryland’s ballot-question procedures.

Election Law §7-103 now requires the information for statewide ballot questions to be prepared and **certified by July 1 before the general election**. It also requires a 15-day public-comment period, review of the comments, and final submission of the certified plain-language question.

Election Law §7-105 further requires the complete text of an Article XIV constitutional amendment and a link to the legislation to be posted in a widely accessible manner for at least **90 days before the general election**.

HB 2100 was posted on July 29, its stated introduction date is August 3, and its first hearing is scheduled for August 3. The July 1 statutory date had already passed before the bill was made public.

The committee should not advance HB 2100 without obtaining a public, written explanation of:

1. How the July 1 certification requirement can be satisfied;
2. When the required 15-day public-comment period will occur;

3. Whether the public will receive the full 90-day posting period;
4. Who will prepare and certify the final ballot language; and
5. Whether the General Assembly may bypass requirements it enacted and the Governor signed only months ago.

At a minimum, these questions demonstrate why constitutional amendments should proceed through a regular, deliberative legislative process.

VII. THIS PROCESS DOES NOT PROVIDE ADEQUATE TIME FOR CONSTITUTIONAL DELIBERATION

HB 2100 proposes a permanent restriction on the protections available under Maryland's Constitution. Yet the public received only a few days between publication of the bill and its first hearing.

That compressed schedule does not provide adequate time for:

- Constitutional scholars to evaluate its full effect;
- Civil-rights and voting-rights organizations to analyze the removal of state remedies;
- Legislators to consider narrower alternatives;
- Election officials to evaluate compliance with ballot deadlines;
- The public to understand the difference between the bill's preamble, its operative language, and its proposed ballot description; or
- Maryland voters to receive meaningful education before November.

Article II, §16 should not be used to transform an avoidable political deadline into an extraordinary occasion. Nor should the amendment process be used to place broad, permanent constitutional language before voters before its consequences have been fully examined.

CONCLUSION

HB 2100 is not merely a clarification that Article III, §4 applies to legislative districts. It would prevent every part of the Maryland Constitution—including the Declaration of Rights—from supplying enforceable criteria for congressional district boundaries.

No new circumstance arising after the regular session has been identified. The underlying court decision has been known since 2022. The existing congressional map is not alleged to be in immediate jeopardy. The proposed ballot language does not fairly disclose the elimination of state constitutional protections, and the accelerated schedule raises substantial questions under Maryland's newly enacted ballot-question procedures.

For these reasons, I respectfully request that the Committee issue an unfavorable report on HB 2100 and decline to advance this proposed constitutional amendment during the special session.

Respectfully submitted,

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