

ELECTRONIC TESTIMONY

BILL: Senate Bill 2100 / House Bill 2100 – Constitutional Amendment: Election Districts – General Assembly and Representatives in Congress

COMMITTEE: Joint Hearing of the Senate Education, Energy, and the Environment Committee and the House Government, Labor, and Elections Committee

HEARING DATE: August 3, 2026

POSITION: UNFAVORABLE

TO: Chairs, Vice-Chairs, and Members of the Joint Committee

FROM: Michael G. Leahy, Attorney at Law

I am writing to express my strong opposition to **Senate Bill 2100 / House Bill 2100**. SB 2100 proposes a constitutional amendment that would carve out federal congressional districts from long-standing state constitutional requirements that election boundaries remain compact, contiguous, and respectful of natural and political subdivisions.

This measure represents an attempt to bypass traditional districting safeguards to enable partisan engineering, which is a move directly contrary to the interest of Maryland voters and the integrity of our representative democracy.

1. Undermining Communities of Interest and Political Subdivisions

The foundational purpose of requiring districts to be compact, contiguous, and aligned with municipal and county lines is to protect communitarian representation. Shared local governance, regional infrastructure, public school systems, and economic hubs define communities of interest.

When a legislature strips away constitutional requirements for compactness and contiguity, it grants itself broad latitude to engage in "**packing and cracking**":

- **Packing:** Concentrating voters of one political philosophy into a single, oddly shaped district to dilute their influence across surrounding areas.
- **Cracking:** Splitting cohesive local communities, municipalities, or counties across multiple sprawling districts so that local voices are silenced by distant political populations.

Drawing congressional boundaries without regard for geographical cohesion treats voters as numbers in a partisan calculus rather than members of distinct geographic communities with shared policy needs.

2. Lessons from *League of Women Voters v. Commonwealth* (2018)

The structural flaw in SB 2100 mirrors the dynamic addressed by the Supreme Court of Pennsylvania in *League of Women Voters v. Commonwealth*, 178 A.3d 737 (Pa. 2018). In that landmark ruling, the court struck down a congressional district map where the state legislature had subordinated traditional redistricting criteria, such as compactness,

contiguity, and maintaining political subdivisions, to achieve a predetermined partisan advantage.

The Pennsylvania court recognized that when a legislative body prioritizes partisan proportionality over geographic cohesion, it places its own political interests above the constitutional mandate for free and equal elections.

By proposing to explicitly exempt congressional maps from state constitutional standards, the Maryland General Assembly is attempting to pre-emptively insulate future maps from the exact judicial scrutiny that restored fair representation in Pennsylvania. Protecting political majorities at the expense of clear, objective mapping rules is bad governance, regardless of which party holds power.

3. Public Opinion: Marylanders and Americans Reject Partisan Gerrymandering

SB 2100 runs directly counter to public opinion, both nationally and within Maryland.

- **National Sentiment:** Bipartisan polling consistently demonstrates that roughly 80% of Americans, spanning Democratic, Republican, and Independent voters, oppose partisan gerrymandering and favor drawing districts through transparent rules that emphasize compactness and community preservation.
- **Maryland Sentiment:** Polling conducted over recent redistricting cycles consistently reveals that a clear majority of Marylanders support independent redistricting commissions and objective mapping standards over map-drawing by elected politicians. Maryland voters want districts where representatives are accountable to cohesive communities, not custom-drawn maps designed to protect incumbents or maximize national party seat counts.

4. "Good for the Goose, Good for the Gander": The Inherent Contradiction

The logic behind SB 2100 contains an undeniable internal contradiction. If the General Assembly maintains that compactness, contiguity, and respecting political subdivisions are essential safeguards for state legislative district elections under Article III, Section 4 of the Maryland Constitution, on what principled ground are those safeguards discarded for federal congressional district elections?

What is good for the goose is good for the gander. If compact, contiguous districts that preserve local communities foster accountable government at the state level in Annapolis, those exact same democratic principles must apply to Maryland's representation in Washington, D.C.

To argue that federal elections require a separate standard where geographic safeguards no longer apply admits that the objective is not good governance, but political maneuvering.

Conclusion

SB 2100 seeks to codify the authority to place partisan objectives above the geographic and civic integrity of Maryland's communities. Rather than retreating from constitutional protections, the General Assembly should uphold uniform, fair, and objective mapping criteria across all election districts in our state.

For these reasons, I urge an **UNFAVORABLE** report on **SB 2100**.

Respectfully submitted,

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