

## **Testimony Against HB2100**

Honorable Delegates

Please enter an unfavorable report on HB2100.

I am against proposing an amendment to Article III, Section 4 of the Maryland Constitution and proposing an addition to Article III of the Maryland Constitution (Article 62) that would result in:

- “Clarifying” that certain requirements in Article III, Section 4 of the Maryland Constitution apply only to districts for the election of members of the Senate of Maryland and the House of Delegates;
- Authorizing the General Assembly to grant original jurisdiction to the Supreme Court of Maryland to review the congressional districting plan of the State; and,
- Providing that nothing in the Maryland Constitution provides applicable criteria for the boundaries of a congressional districting plan.

Section 4 of Article III states that “Each legislative district shall consist of adjoining territory, be compact in form, and of substantially equal population. Due regard shall be given to natural boundaries and the boundaries of political subdivisions” (*amended by Chapter 432, Acts of 1900, ratified Nov. 5, 1901; Chapter 20, Acts of 1922, ratified Nov. 7, 1922; Chapter 99, Acts of 1956, ratified Nov. 6, 1956; Chapter 785, Acts of 1969, ratified Nov. 3, 1970; Chapter 363, Acts of 1972, ratified Nov. 7, 1972*). Based on these citations, Section 4 has governed both the congressional district and state district boundaries since 1900. As recently as 2022 in *Szeliga v. Lamone*, Section 4 was cited as the basis for rejecting a congressional redistricting plan.

On March 25, 2022, the Anne Arundel County Circuit Court struck down the proposed congressional plan as an unconstitutional partisan gerrymander. The court held the state constitution’s legislative redistricting criteria provided a standard for evaluating the constitutionality of a congressional redistricting plan, and those criteria were violated in favor of “extreme” partisan considerations. It also held the plan discriminated against voters and candidates based on their political affiliations in violation of the Maryland Declaration of Rights’ Free Elections, Equal Protection, and Free Speech provisions.

Rather than complying with the constitution, those that wanted the redistricting that was defeated in 2022, now want to amend the constitution so Section 4 would no longer apply.

Compact districts and respect for county, municipal, and natural boundaries help preserve recognizable communities and make elected officials more accountable to the people they represent. HB 2100 would not establish stronger, fairer, or more transparent standards for congressional redistricting. Instead, it would remove potential state constitutional standards before Marylanders are shown any proposed replacement map.

The bill itself does not draw new congressional districts. If the amendment passes, the General Assembly could return later with separate legislation changing the map. Voters should be able to evaluate the proposed boundaries and the rules governing them at the same time, not be asked to surrender existing protections before seeing what will replace them.

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The existing rules established for creating or changing State Senate and House of Delegates should be the same for establishing congressional districts, no matter which political party controls state government. These existing rules are clear, consistent, and designed to restrain political power.

Article 7 of the Maryland declaration of Rights states in part, “That the right of the People to participate in the Legislature is the best security of liberty and the foundation of all free Government;”. In its rush to get these proposed amendments on the November ballot, the General Assembly leadership is violating the spirit of this right. By holding such a brief hearing where only 50 people will be allowed to testify and where the Committee Chair chooses which applicants will be allowed to speak, indicates that opposing views are not welcome or will not be considered.

Please prove me wrong and oppose this tyrannical power grab and enter an unfavorable report on HB2100.

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