

TESTIMONY IN OPPOSITION TO HB 2100 AND SB 2100

Election Districts: General Assembly and Representatives in Congress

Submitted by ZIP Initiative

<https://zipinit.org>

Position: UNFAVORABLE

ZIP Initiative respectfully submits this testimony in opposition to House Bill 2100 and Senate Bill 2100.

ZIP Initiative is a Maryland-based civic project dedicated to improving representational integrity. We examine how electoral boundaries affect the relationship between communities and the people empowered to represent them. Our work begins with a simple principle:

Voters should choose their representatives. Representatives should not choose their voters.

HB 2100 and SB 2100 move Maryland in the wrong direction.

These bills do not establish neutral congressional districting standards. They do not prohibit partisan gerrymandering. They do not require compact districts, contiguous districts, respect for county or municipal boundaries, preservation of recognizable communities, or a transparent mapmaking process.

Instead, the proposed amendment would remove Maryland constitutional protections from congressional redistricting and enlarge the General Assembly's discretion over the drawing of congressional districts.

The most consequential provision is proposed Article III, Section 62(B):

"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."

This language should concern every Maryland voter, regardless of political affiliation.

A constitution exists primarily to restrain the exercise of political power. It should establish durable rules that remain in force even when those rules inconvenience the governing majority. When constitutional protections obstruct partisan objectives, the proper response is not to remove the protections.

Yet that is what HB 2100 and SB 2100 would do.

Maryland Should Not Constitutionalize Legislative Discretion

The amendment's supporters describe the proposal as a clarification. Its actual effect would be far more significant.

Article III, Section 4 of the Maryland Constitution presently requires legislative districts to consist of adjoining territory, be compact in form, have substantially equal populations, and

give due regard to natural boundaries and the boundaries of political subdivisions.

The proposed amendment would expressly limit those requirements to districts for the Maryland Senate and House of Delegates. It would then add a new constitutional provision declaring that no other portion of the Maryland Constitution, including the Declaration of Rights, supplies criteria for congressional district boundaries.

This is not the adoption of a competing set of standards. It is the withdrawal of standards.

The General Assembly would retain broad authority to draw congressional districts, while Maryland citizens would lose the ability to invoke their own state constitution as a meaningful restraint on how that authority is exercised.

The amendment therefore reverses the proper relationship between constitutional law and political power. Instead of subjecting legislators to clear constitutional boundaries, it would protect legislative discretion from constitutional review.

Partisan Retaliation Is Still Partisan Gerrymandering

Maryland's present debate is occurring amid an escalating national conflict over mid-decade redistricting. Political leaders in one state redraw congressional maps to benefit one party. Leaders in another state respond by attempting to benefit the opposing party.

Each side describes its own conduct as defensive and the other side's conduct as an attack on democracy.

But retaliation does not transform gerrymandering into representative government.

A map does not become neutral because it was drawn in response to another partisan map. Manipulating district boundaries to predetermine electoral outcomes remains manipulation, regardless of which party controls the pen.

ZIP Initiative therefore rejects both the existing system of partisan district construction and the argument that Maryland should remove constitutional restraints in order to compete more effectively in a national redistricting struggle.

Maryland should not race other states toward the lowest available standard. It should establish a higher one.

The Problem Is Not Merely an Ugly Map

Gerrymandering is often discussed as though its primary defect were the strange appearance of district boundaries. The deeper problem is the inversion of political accountability.

In a properly functioning representative system, a representative depends upon a recognizable constituency. The representative must remain answerable to that constituency, and voters must be able to understand who represents them and why.

Gerrymandering reverses that relationship.

Political officials select the voters who will be grouped together. Communities are divided, combined, packed, or diluted according to electoral calculations. District boundaries become instruments through which officeholders and political organizations shape the electorate

that will judge them.

The practical result is a breakdown of representational integrity.

A resident may technically have a representative while belonging to a district that does not correspond to any coherent political, geographic, civic, or community identity. The district may exist primarily because a particular combination of voters produces a desired partisan outcome.

That is not representation rooted in community. It is representation manufactured through boundary design.

“Communities of Interest” Are Not an Adequate Constitutional Safeguard

The preamble to HB 2100 and SB 2100 refers to preserving “cohesive communities of interest” connected by shared civic, social, economic, political, and other interests.

That language does not cure the central defect of the bill.

“Community of interest” is an elastic phrase. Without clear, enforceable standards, almost any district can be justified after it has been drawn. Mapmakers can select whichever similarities support the preferred boundary while ignoring the municipal, geographic, historical, or civic divisions that the district crosses.

A standard that can justify nearly any outcome is not a meaningful restraint.

Marylanders deserve rules that can be understood before a map is drawn and objectively evaluated after it is enacted.

Maryland Should Strengthen Districting Standards

ZIP Initiative does not defend Maryland's current redistricting system. The existing process gives political actors too much authority to design electoral constituencies.

Our project advocates a different institutional principle: representation should be rooted in stable, preexisting, publicly recognizable communities rather than boundaries repeatedly designed by political officials.

Our ZIP Apportionment proposal begins with ZIP codes because they are familiar geographic units that exist independently of any particular candidate, election, or political party. They are recognizable to the people who live within them and cannot easily be redrawn whenever political control changes hands.

The precise application of that principle will vary according to the office being apportioned and the constitutional requirement of population equality. But the underlying lesson applies directly to this debate:

The discretion to draw constituencies for partisan advantage should be reduced, not constitutionally protected.

At a minimum, Maryland's Constitution should require congressional districts to be:

- 1 Contiguous;

- 2 Reasonably compact;
- 3 Compliant with federal population-equality requirements;
- 4 Drawn with due regard for county and municipal boundaries;
- 5 Protective of identifiable local communities;
- 6 Created through a transparent process using publicly stated criteria; and
- 7 Prohibited from being designed primarily to favor or disfavor a political party, candidate, or incumbent.

Such standards would not eliminate every disagreement. They would establish a basis upon which the public, the courts, and the General Assembly could evaluate a congressional map.

HB 2100 and SB 2100 do the opposite. They expressly deny that Maryland's Constitution supplies such criteria.

Constitutional Rights Should Not Stop at the Redistricting Room

The proposed amendment specifically names the Maryland Declaration of Rights and declares that it provides no applicable criteria for congressional district boundaries.

That is an extraordinary declaration.

The Declaration of Rights contains foundational limitations on Maryland government. The General Assembly should be extremely reluctant to create an area of state political power in which those protections are declared categorically inapplicable.

The question is larger than the fate of one congressional district or one incumbent.

The question is whether Maryland's governing majority should be permitted to remove constitutional constraints from the process by which that majority determines the composition of the state's congressional constituencies.

Our answer is no.

Conclusion

ZIP Initiative urges an unfavorable report on HB 2100 and SB 2100.

Maryland should reject partisan gerrymandering whether it benefits Democrats, Republicans, incumbents, challengers, or any other political faction.

The state should not amend its Constitution to enlarge legislative control over congressional district boundaries. It should adopt clear, neutral, durable, and enforceable standards that reduce the ability of political officials to construct electorates for their own advantage.

Representation should begin with communities and the people who live within them, not with the strategic objectives of those already holding power.

Voters should choose their representatives.

Representatives should not choose their voters.

For these reasons, ZIP Initiative respectfully requests an unfavorable report on HB 2100 and SB 2100.

Respectfully submitted,

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<https://zipinit.org>

Published versions and public record:

Journal: <https://zipinit.org/journal/testimony-in-opposition-to-hb-2100/>

Nostr: [nostr:note19qjr7tt63guav4len6c56msxlr7dl63qpsawkc04980rc68gwsfe3gw6](https://zipinit.org/journal/testimony-in-opposition-to-hb-2100/)