

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 448 (Senator Kelley, *et al.*)
Education, Health, and Environmental Affairs

Congressional Districts - Standards and Process

This proposed constitutional amendment requires that each congressional district (1) consist of adjoining territory; (2) be compact in form; and (3) be of substantially equal population. In forming the districts, due regard must be given to natural and political boundaries. The proposed constitutional amendment also establishes a process for the approval of a congressional districting plan.

Fiscal Summary

State Effect: None. It is assumed that the potential for increased costs to include any constitutional amendments proposed by the General Assembly on the ballot at the next general election will have been anticipated in the State Board of Elections' budget.

Local Effect: None. It is assumed that the potential for increased costs to notify voters of any constitutional amendments proposed by the General Assembly, and to include any proposed constitutional amendments on the ballot at the next general election, will have been anticipated in local boards of elections' budgets.

Small Business Effect: None.

Analysis

Bill Summary: Under the proposed constitutional amendment, the Governor must develop a congressional districting plan following each decennial U.S. Census. The plan must comply with applicable federal and State laws and be presented to the Presiding Officers. The Presiding Officers must introduce the plan as a joint resolution of the General Assembly no later than the first day of the regular legislative session in the second year

following the census. The Governor may also call a special session to consider the plan. The General Assembly may, by joint resolution, adopt an alternative congressional districting plan by the forty-fifth day of the appropriate session, which, if approved, supersedes the Governor's plan. If the General Assembly fails to adopt its own plan by the forty-fifth day, the Governor's plan becomes law.

If petitioned by any registered voter, the Court of Appeals has original jurisdiction to review the congressional districting plan and may grant appropriate relief if it finds that the plan is not consistent with federal or State constitutional requirements.

Current Law/Background: Under federal case law, congressional district boundaries must be redrawn every 10 years after the decennial census to adjust for population changes; they must also conform to the requirements of the Voting Rights Act of 1965 and related case law. Congress has left to the states the task of redrawing congressional boundaries. The Governor has traditionally introduced a congressional map along with the State legislative district plan that is required by the State Constitution. The General Assembly may pass its own congressional plan in lieu of the Governor's, but unlike with the legislative plan, there is no deadline set in statute for this to happen. In order to finalize congressional districts for the 2012 primary election cycle, a special session took place in the fall of 2011. The current districts were established under Chapter 1 of the 2011 special session.

The Judiciary advises that disputes or controversies over congressional districting plans are rarely heard in State courts.

State Fiscal Effect: State costs of printing ballots may increase to the extent inclusion of the proposed constitutional amendment on the ballot at the next general election would result in a need for a larger ballot card size or an additional ballot card for a given ballot (the content of ballots varies across the State, depending on the offices, candidates, and questions being voted on). However, it is assumed that the potential for such increased costs will have been anticipated in the State Board of Elections' budget. Pursuant to Chapter 564 of 2001, the State Board of Elections shares the costs of printing paper ballots with the local boards of elections.

The Department of Legislative Services typically budgets about \$200,000 in the year following the decennial U.S. Census to provide analytic support to the General Assembly related to legislative and congressional redistricting efforts. That budgeted amount is not anticipated to be affected if the proposed constitutional amendment is approved by the voters.

Local Fiscal Effect: Local boards of elections' printing and mailing costs may increase to include information on the proposed constitutional amendment with specimen ballots

mailed to voters prior to the next general election and to include the proposed amendment on ballots. It is assumed, however, that the potential for such increased costs will have been anticipated in local boards of elections' budgets.

Additional Information

Prior Introductions: None.

Cross File: HB 850 (Delegate Gutierrez, *et al.*) - Rules and Executive Nominations.

Information Source(s): Governor's Office, Judiciary (Administrative Office of the Courts), Department of Legislative Services,

Fiscal Note History: First Reader - February 26, 2015
md/lgc

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