A BILL ENTITLED

AN ACT concerning

No Representation Without Population Act

FOR the purpose of requiring certain incarcerated individuals to be counted in certain population counts in a certain manner; prohibiting certain incarcerated individuals from being included in certain population counts used for the purpose of creating the legislative districting plan for the General Assembly and certain county legislative districts; and generally relating to population counts of incarcerated individuals and the creation of legislative districts.

BY adding to Article – State Government Section 2–2A–01 to be under the new subtitle “Subtitle 2A. Creation of the Legislative Districting Plan” Annotated Code of Maryland (2009 Replacement Volume)

BY adding to Article 24 – Political Subdivisions – Miscellaneous Provisions Section 1–111 Annotated Code of Maryland (2005 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Government

SUBTITLE 2A. CREATION OF THE LEGISLATIVE DISTRICTING PLAN.

2–2A–01.
THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS FOR THE PURPOSE OF CREATING THE LEGISLATIVE DISTRICTING PLAN FOR THE GENERAL ASSEMBLY:

(1) MAY NOT INCLUDE INDIVIDUALS WHO:

(I) WERE INCARCERATED IN STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS; AND

(II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR INCARCERATION; AND

(2) SHALL COUNT INDIVIDUALS INCARCERATED IN THE STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE INDIVIDUALS WERE RESIDENTS OF THE STATE.

Article 24 – Political Subdivisions – Miscellaneous Provisions

1–111.

THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS FOR THE PURPOSE OF CREATING THE LEGISLATIVE DISTRICTS THAT ARE USED TO ELECT A COUNTY’S GOVERNING BODY:

(1) MAY NOT INCLUDE INDIVIDUALS WHO:

(I) WERE INCARCERATED IN STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS; AND

(II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR INCARCERATION; AND

(2) SHALL COUNT INDIVIDUALS INCARCERATED IN THE STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE INDIVIDUALS WERE RESIDENTS OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.