

Department of Legislative Services  
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 506 (Senator Jacobs, *et al.*)  
Education, Health, and Environmental Affairs

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General Assembly - Legislative Redistricting - Exclusion of Noncitizens

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This proposed constitutional amendment requires that the population counts used to construct legislative districts include only district residents who are citizens of the United States and of the State.

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Fiscal Summary

**State Effect:** The bill does not directly affect State operations or finances. However, the Department of Legislative Services advises that, should the constitutional amendment be enacted, there are no means to implement its requirements because U.S. Census data used to construct legislative districts does not include citizenship information, and that information is not available from any other source in a form that can be used for the bill's purpose.

**Local Effect:** If approved by the General Assembly, this constitutional amendment will be submitted to the voters at the 2012 general election. It should not result in additional costs for the local boards of elections.

**Small Business Effect:** None.

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Analysis

**Current Law/Background:** The State constitution provides for 47 legislative districts. Each elects one senator and three delegates. A legislative district is required to be contiguous, compact, and of substantially equal population. Due regard is to be given to natural boundaries and the boundaries of political subdivisions. Legislative districts can be subdivided for the purpose of electing delegates from single-member or multi-member subdistricts.

In the second year following the federal decennial census, and after public hearings, the Governor presents a legislative districting plan to the President of the Senate and the Speaker of the House of Delegates. The plan is then introduced as a joint resolution to the General Assembly not later than the first day of the regular session. If the General Assembly does not pass an alternative plan before the forty-fifth day of the session, the Governor's plan becomes law. Any registered voter may petition the Court of Appeals to review the plan for consistency with the federal and State constitutions.

The current legislative districting plan was promulgated and adopted by the Court of Appeals in June 2002 after the court invalidated the plan enacted in the 2002 General Assembly session.

The U.S. Census does not ask respondents about their citizenship status. Another U.S. Census Bureau instrument, the American Community Survey (ACS), does ask about citizenship status. However, ACS is a sample rather than a count, and results are reported in the aggregate, not by census tract. Therefore, its reports of citizen voting age population cannot be used for constructing legislative districts.

**Local Fiscal Effect:** The Maryland Constitution requires that proposed amendments to the constitution be publicized either (1) in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding the general election; or (2) by order of the Governor in a manner provided by law. State law requires local boards of elections to publicize proposed amendments to the constitution either in newspapers or on specimen ballots; local boards of elections are responsible for the costs associated with these requirements. It is anticipated that the budgets of local boards of elections will contain funding for notifying qualified voters about proposed constitutional amendments for the 2012 general election in newspapers or on specimen ballots.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** U.S. Census Bureau, Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2011  
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