

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

House Bill 295 (Delegate Vitale, *et al.*)  
Rules and Executive Nominations

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Legislative and Congressional Districting Process

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This bill proposes a constitutional amendment to require the Governor to present the legislative redistricting plan to the public, for review and comment, at least 60 days before the first day of the session in which the General Assembly is to consider the plan. The Governor is required to receive public comments for 30 days after the plan's presentation. If the Governor changes the plan after the initial period for public review and comment, the Governor must allow for another period of public review and comment on the revised plan for at least 15 days before the first day of the session in which the General Assembly is to consider the plan. Subject to ratification and adoption of the constitutional amendment, the bill requires the Governor to post the legislative redistricting plan and any subsequent revisions on the State's website at the same time that the plan is presented for public review and comment. Subject to the ratification and adoption of the constitutional amendment relating to legislative redistricting, the bill also requires the same procedures to be followed if the Governor prepares a congressional redistricting plan for consideration by the General Assembly.

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Fiscal Summary

**State Effect:** None. If the constitutional amendment is adopted, State operations and finances relating to the redistricting process will not be materially altered. 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.

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## Analysis

**Current Law/Background:** State legislative district boundaries are required under the Maryland Constitution and federal case law to be redrawn every 10 years after the decennial census to adjust for population changes. The Maryland Constitution provides for 47 legislative districts. Article III, Section 4 requires that State legislative districts consist of adjoining territory, be compact in form and of substantially equal population, and that natural boundaries and the boundaries of political subdivisions be given due regard.

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. Chapter 1 of the 2011 special session enacted the current congressional districting plan.

Article III, Section 5 of the Maryland Constitution requires public hearings to be held before the Governor prepares a legislative redistricting plan. In 2011, the Governor appointed a Redistricting Advisory Committee to conduct public hearings around the State as required by the State Constitution. Consistent with prior practice in previous redistricting phases, the public hearings addressed both legislative and congressional redistricting.

**State Fiscal Effect:** State costs of printing absentee and provisional 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). Any increase in costs, however, is expected to be relatively minimal, and 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.

**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 absentee and provisional ballots. It is assumed, however, that the potential for such increased costs will have been anticipated in local boards of elections' budgets.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Legislative Services, Governor's Office

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