

QUESTION 5: REFERENDUM BY PETITION

Statutory Enactment Petitioned to Statewide Referendum – Congressional Districting Plan

Chapter 1 of the Special Session of 2011 (Senate Bill 1)

Summary

This Act establishes a new congressional districting plan for the election of Maryland's eight representatives in the U.S. House of Representatives based on new census figures, as required by law.

The U.S. Constitution requires each state to redraw its congressional district boundaries every 10 years after a census of the United States is taken by the federal government. Several legal requirements govern the process of drawing district lines. First, federal law requires that district boundaries be drawn so that the populations in each district are equal. Second, under federal law, district boundaries must be drawn so that minorities have an equal opportunity to participate in the electoral process and elect a representative of their choice. Finally, Maryland law requires that prisoners be counted at their last known address if they were Maryland residents before their incarceration. Prisoners who were not residents of Maryland before being incarcerated must be excluded from the census data that is used to establish the districts.

In the fall of 2011, the State of Maryland enacted a new congressional districting plan based on census data collected in 2010. The plan subsequently was challenged in federal court, but in December 2011 a three-judge panel of the U.S. District Court for the District of Maryland ruled that the plan was legal and constitutional. On June 25, 2012, the U.S. Supreme Court affirmed the district court ruling.

The State's plan provides that the 1st Congressional District consists of the entire Eastern Shore (Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties) and parts of Baltimore, Carroll, and Harford counties; the 2nd Congressional District consists of parts of Anne Arundel, Baltimore, Harford, and Howard counties and parts of Baltimore City; the 3rd Congressional District consists of parts of Anne Arundel, Baltimore, Howard, and Montgomery counties and parts of Baltimore City; the 4th Congressional District consists of parts of Anne Arundel and Prince George's counties; the 5th Congressional District consists of the entire Southern Maryland counties of Calvert, Charles, and St. Mary's and parts of Anne Arundel and Prince George's counties; the 6th Congressional District consists of the entire Western Maryland counties of Allegany, Garrett, and Washington and parts of Frederick and Montgomery counties; the 7th Congressional District consists of parts of Baltimore and Howard counties and parts of Baltimore City; and the 8th Congressional District consists of parts of Carroll, Frederick, and Montgomery counties.

If this question receives a majority of votes at the 2012 general election, the State's plan will remain in force. If, however, the question does not receive a majority of votes, the plan will be repealed 30 days after the official canvass of votes and a different plan will be enacted. Regardless of the outcome of the vote on the question at the 2012 general election, however, the congressional districting plan enacted under Chapter 1 will remain in effect for the duration of the two-year term of the U.S. Congress that begins in January 2013, and any member elected to the U.S. Congress at the November 2012 general election from those districts will remain in office until the end of that two-year term.