
LEGISLATIVE ELECTION DISTRICTS

In Maryland, a legislative election district, commonly called a legislative district, is a geographic area from which voters elect their representatives to the General Assembly. The State Constitution delineates the procedure by which these districts are determined (Art. III, secs. 3, 4, 5).

Procedure for Establishing Legislative Districts. The Constitution requires the Governor to initiate the legislative reapportionment process. After each U.S. decennial census and after public hearings, the Governor prepares a plan setting forth legislative district boundaries. This plan must conform to requirements of the Maryland Constitution (Art. III, secs. 2, 3, 4). The Governor presents the plan to the Senate President and the House Speaker. They, in turn, introduce the plan as a joint resolution to the General Assembly by the first day of the regular legislative session in the second year following every census. Prior to the regular session, the Governor may call a special legislative session in which to present the plan.

The General Assembly, following each decennial census, may adopt by joint resolution a legislative district boundary plan. The plan must conform to Constitutional requirements (Art. III, secs. 2, 3, 4). If the General Assembly adopts such a plan by the 45th day after the opening of the regular legislative session (in the second year following every census), that plan becomes law. If no plan has been adopted by the 45th day after the opening of the regular session, the Governor's legislative district plan becomes law.

The Constitution also provides for judicial review. Upon petition of any registered voter, the Court of Appeals may review the legislative districting of the State and may grant appropriate relief, if it finds that State districting does not conform to requirements of the federal or Maryland constitutions.

Division of Each County and Baltimore City into Legislative Districts. Legislative districts first were used for elections in 1800. From 1777 to 1799, voters found only one polling place in each county and in Baltimore City. This proved a hardship to those who lived far away. Since it was considered "... desirable that the full, free and fair voice of the people should be expressed in their choice of the functionaries of government," for the 1800 election, each county and Baltimore City were divided into several election districts to allow citizens a polling site nearer their place of residence (Chapter 115, Acts of 1798). The newly formed election districts were contained within the boundaries of a county or Baltimore City. Indeed, subsequent redistricting was confined to these borders until 1965, when election districts first crossed county boundary lines.

Representation by Place. Prior to statewide apportionment, legislative districts were local geographic areas. They were defined within the boundaries of individual counties or Baltimore City - Maryland's units of local government. Geographic representation gave each county, rural or suburban,

an equal vote regardless of population. Place, for the most part, determined representation, certainly in the Senate. From the first popular election for senators in 1838, each county was allotted one senator. Baltimore City was granted one senator for each of its legislative districts.

Representation by Population. With the exception of Baltimore City, population had no bearing on the number of senators until 1965. Apportionment for electing delegates, however, was influenced by population, and population was to become the basis of representation. Yet, dividing each county and Baltimore City into legislative districts did not produce districts of equal population.

Division of State into Legislative Districts. To attain legislative districts of comparable population size, it became necessary to apportion not by individual counties and Baltimore City but across the entire State. In 1965, when "senatorial districts" were drawn to bring Maryland closer to the principle of "one man, one vote," some legislative districts for the first time encompassed two or more counties' voters.

Not until 1974 did voters elect all members of the General Assembly - both delegates and senators - on the basis of equal representation by population. Legislative districts reflecting this change were formed by a statewide apportionment, instituted by a 1972 Constitutional amendment that allowed districts to encompass part of a county, parts of adjoining counties, an entire county, or more than one county. Ratified by the voters on November 7, 1972, this amendment divided Maryland into 47 districts for the election of the 47 senators and 141 delegates who constitute the 188 members of the General Assembly (Chapter 363, Acts of 1972). This first statewide apportionment for the election of both houses of the General Assembly set standards which remain today. Each district must consist of adjoining territory, be compact in form, and of equal population.

Voters in each legislative election district choose one senator to represent them in the Senate; the number of delegates representing them in the House of Delegates varies from one to two to three, depending upon how their district was subdivided. Each district may be divided into three delegate subdistricts or one multi-member delegate subdistrict (Const., Art. III, secs. 1-4). In legislative election districts that are not subdivided, voters elect three delegates to represent them in the House of Delegates. Those voters who reside in subdistricts elect either one or two delegates, depending upon how the subdistricting was done. In districts that contain more than two counties or parts of more than two counties and where the delegates are elected at large by the voters of the entire district, no county or part of a county is allowed to have more than one resident delegate.

The Governor presented the Legislative Reapportionment Plan of 1982 to the General Assembly on January 13, 1982, pursuant to Article III, section 5, of the Constitution. The