

Redistricting In Maryland – 2018
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Introduction

There are 2 paths to redistricting in Maryland that impact future elections:

1. MD-6 Congressional District court case and required revision of that district in 2019, and
2. 2020 Census and redistricting in 2022.

This paper provides background information on Maryland redistricting and various opinions expressed by several groups or news media about what should or should not happen.

MD-6 Congressional District Court Case

After the 2010 Census, Maryland Democrats controlled the Governor and both houses of the state legislature. At the time, there were 2 districts represented by Republicans: MD-6 in the western part of the state and MD-1 in the eastern part of the state. The Governor proposed and the legislature approved a 2012 redistricting plan that significantly altered the boundaries of MD-6 to remove Republican voters and replace them with Democratic voters. In the 2014 election, a Democratic candidate won and replaced a Republican incumbent. In the 2016 election, another Democratic candidate won the seat.

A group of Republican voters in the district filed suit to revise the “gerrymandered” boundaries. In a judgement by the US District Court of Maryland, the ruling judge described the boundaries of the new MD-6 as a “broken-winged pterodactyl” and ordered new boundaries be drawn by March 2019. The US District Court ruling was appealed in 2018 by MD Attorney General Brian Frosh, and on January 4, 2019 the Supreme Court agreed to hear the appeal.

Writing for the Washington Post on January 5, 2019, journalist Robert Barnes wrote: “While the Supreme Court regularly scrutinizes electoral districts for racial gerrymandering, the justices have never found a state’s redistricting map so infected with politics that it violated the Constitution. Such a decision would mark a dramatic change for how the nation’s political maps are drawn.” Proponents of non-partisan redistricting are hoping that the Supreme Court will rule in such a way as to cause all 50 states to redistrict in a non-partisan manner.

Actions by MD Governor Hogan on Redistricting

In August of 2015, Governor Hogan appointed a bi-partisan commission to study redistricting and make recommendations on how to redistrict on a non-partisan basis. Their charge was to:

1. Conduct a comprehensive examination of ideas that could enhance the integrity of Maryland's congressional and legislative redistricting process;
2. Review approaches of other states that have established independent, nonpartisan redistricting commissions;
3. Conduct regional summits in various parts of the State, including the Eastern Shore, Southern Maryland, Western Maryland and Central Maryland to allow citizens to offer their ideas and input on redistricting reform;
4. Provide an electronic portal for citizens to submit their comments to the Commission;
5. Develop a recommendation for a constitutional amendment on congressional and legislative redistricting; and
6. Promote redistricting reform publicly across the State as an essential component of ensuring fair elected representation and election integrity in Maryland.

The Maryland Redistricting Reform Commission Report was published in November 2015 and recommended that an independent commission be appointed after each US Census to redistrict, and that the following criteria be used:

1. Districts must be of substantially equal population as required by the U.S. Constitution and federal law.
2. Districts must comply with the Voting Rights Act and other applicable federal law. Having satisfied the preceding two criteria, redistricting plans must meet the following conditions.
3. Congruence: district lines must pay due regard to county and municipal boundaries;
4. Contiguity: districts must be of adjoining territory conveniently connected for purposes of travel and communication;
5. Compactness: districts must be compact in form.

The full report may be accessed via the following website:

<https://governor.maryland.gov/wp-content/uploads/2015/11/Final-Redistricting.pdf>

Despite the appeal of the US District Court ruling to the Supreme Court, Governor Hogan issued an Executive Order on Emergency Redistricting Commission for 2019 on November 26, 2018. The Order provides for establishing a 9-member Commission of 3 Republicans, 3 Democrats, and 3 Unaffiliated voters to propose a new district map for MD-6 and adjacent districts by April 2, 2019 using the following criteria:

1. Comply with the US Constitution;
2. Comply with federal law, including the Voting Rights Act;
3. Comply with all applicable judicial direction, rulings, judgements or orders;
4. Respect natural boundaries and the geographic integrity and continuity of any municipal corporation, county or other political subdivision to the extent practicable;
5. Be geographically compact and include nearby areas of population, to the extent practicable;
6. Not account for how people are registered to vote, how they have voted in the past, or what political party they belong to; and

7. Not account for the domicile or residence of any individual, including an incumbent officeholder or a potential candidate for office.

The full text of the Executive Order may be accessed via the following website:
https://governor.maryland.gov/wp-content/uploads/2018/11/0289_001-1.pdf

Impact of Redistricting

Several community service groups, including the League of Women Voters and Common Cause, are advocating for impartial redistricting in Maryland. Depending on how the map is drawn, one or more of Maryland's seven current Congressional seats may flip from Democrat to Republican. Presently six are held by Democrats and one is held by a Republican. A website maintained by ABC News provides an interactive method for varying several criteria for redistricting which then displays a map showing new district boundaries for Maryland's Congressional seats:

<https://projects.fivethirtyeight.com/redistricting-maps/maryland/>

A Baltimore Sun Article on March 27, 2017 explains the Democrat-controlled MD legislature's proposal for a regional pact:

"Democratic leaders have rebuffed Hogan's attempt to change the way the state draws congressional boundaries, calling for instead a national shift where states dominated by Republicans and Democrats each changed how they drew boundaries. They have likened changing Maryland's system alone to unilateral disarmament. Senate President [Thomas V. Mike Miller](#) and House Speaker [Michael E. Busch](#) issued a joint statement promising to pass what they called the Mid-Atlantic Regional Compact. If New York, New Jersey, Pennsylvania, Maryland, Virginia, and North Carolina all pass the same deal, the states would each draw congressional districts using an independent commission."

Source: <https://www.baltimoresun.com/news/maryland/politics/bs-md-hogan-redistricting-killed-20170320-story.html>

2020 Census and Redistricting in 2022

The next census will be conducted during 2020, with results available in 2021. States will follow their legal requirements to achieve redistricting in time for the November 2022 elections. The total number of Congressional seats allocated to Maryland is not expected to change, however population distribution may drive changes in current district boundaries regardless of the outcome of the Supreme Court case or the Governor's approach to redistricting.

Additional Sources of Information

1. Capital Gazette: Brian Griffiths: Hogan's redistricting commission could force Democrats' hand, Dec. 7, 2018; argues that the Hogan appointed commission of 3 Dems, 3 Reps, and 3 unaffiliateds could show what fair looks like.

<https://www.capitalgazette.com/opinion/ac-ce-column-griffiths-20181207-story.html>

2. League of Women Voters (MD) – LWVMD Applauds Significant Redistricting Reform Progress in Maryland and Nationally - POSTED BY LWVMD ADMINISTRATOR ON NOVEMBER 13, 2018

https://www.lwvmd.org/lwvmd_applauds_significant_redistricting_reform_progress_in_maryland_and_nationally

3. Common Cause MD position on Maryland Redistricting:

<https://www.commoncause.org/maryland/our-work/gerrymandering-representation/tame-the-gerrymander/>

4. Frank DeFilippo: Get Ready for Larrymandering by Frank A. DeFilippo, December 2, 2018

<https://www.marylandmatters.org/2018/12/02/frank-defilippo-get-ready-for-larrymandering/>