

Legal Requirements for Redistricting

Federal Requirements

The U.S. Constitution requires Maryland to redraw its congressional and legislative district lines every 10 years following the census to maintain equal population. The Supreme Court ruled in *Wesberry v. Sanders* that Article I, Section 2, of the U.S. Constitution requires congressional districts to be as equal in population as practicable. In *Reynolds v. Sims* the court ruled that the 14th Amendment requires state legislative districts be of substantially equal population. In addition, the requirements of the 14th Amendment and the Voting Rights Act of 1965 regarding race, color, or membership in one of the language minority groups identified in Section 4(f)(2) of the Act must be adhered to when redrawing districts.

State Legal Requirements

In General

[Article III, Section 4](#) of the Maryland Constitution requires legislative districts to consist of adjoining territory and be compact in form and of substantially equal population. Due regard must be given to natural boundaries and the boundaries of political subdivisions.

[Article III, Section 5](#) of the Maryland Constitution requires the Governor to conduct public hearings and present a legislative districting plan to the Presiding Officers of the General Assembly, who are then required to introduce the plan in the form of a joint resolution by the first day of the legislative session in the second year following the decennial census. The General Assembly may adopt its own legislative districting plan, but if a plan has not been adopted before the end of the 45th day of the regular session, the Governor's plan automatically becomes law. For the 2020 redistricting cycle, the Governor's plan must be introduced by January 12, 2022.

The Governor is not legally required to draft a congressional plan; however, the Governor traditionally presents a congressional plan to the General Assembly for consideration. The map is introduced as a regular bill by the Presiding Officers on the Governor's behalf. Because the congressional plan is a bill, any congressional map passed by the legislature is subject to the Governor's veto.

Adjustment of Data for Prison Population

[Chapter 67 of 2010](#) requires that population counts used to create legislative districts for the U.S. Congress, General Assembly, and county and municipal governing bodies exclude incarcerated individuals who were not state residents prior to their incarceration in either state or federal correctional facilities and that incarcerated individuals who were state residents prior to their incarceration be counted as residents at their last known address.

Court Opinions

In the Matter of 2012 Legislative Redistricting of the State (Md. Court of Appeals) (Consolidated cases) – [View PDF](#)

Fletcher v. Lamone (U.S. District Court) – [View PDF](#)

Benisek v. Lamone (U.S. Supreme Court) (consolidated with Rucho v. NC Common Cause) – [View PDF](#)