

Redistricting Maryland

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Introduction

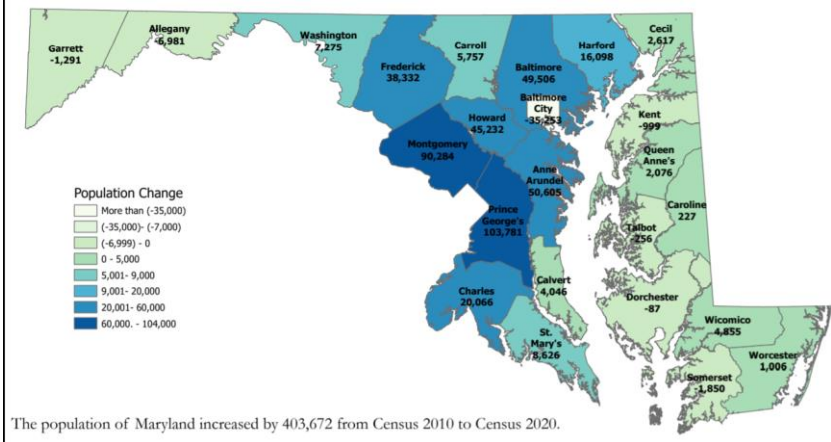
This memorandum details two redistricting plans from Maryland. After months of analyzing the relevant state and federal law, the Stanford Public Interest Redistricting Project drafted two plans (1) a Maryland Least Change Plan, and (2) a Maryland Hybrid Plan (Good Government and Proportional Representation Plan).

Both of these redistricting plans promote traditional redistricting principles, such as compactness and contiguity, while also complying with federal law and respective state law. This report also offers an explanation behind certain redistricting choices and offers a comparison between the drafted plans and the existing plans, as well as a comparison with the plans proposed by the states.

Maryland

Population Changes and the 2020 Apportionment

According to the [U.S Census](#), Maryland's population (6,177,224) increased by 7.0% from 2010 (when Maryland had a population of 5,773,552). While 7.0% growth is significant, this is slightly lower than the [national average](#) of 7.4%, and as such Maryland was apportioned 8 Congressional Districts, which is the same as the number apportioned in 2010. Most of the [growth](#) in population was due to a large increase in the suburbs of D.C., such as in Montgomery County and Prince George's County, and there even was a slight decline in population in Baltimore City.



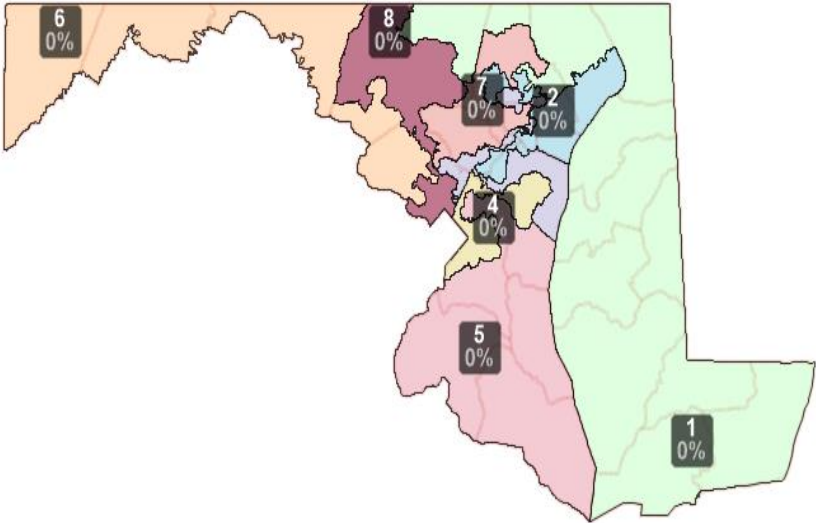
Map of

population growth in Maryland from 2010 to 2020

State Law

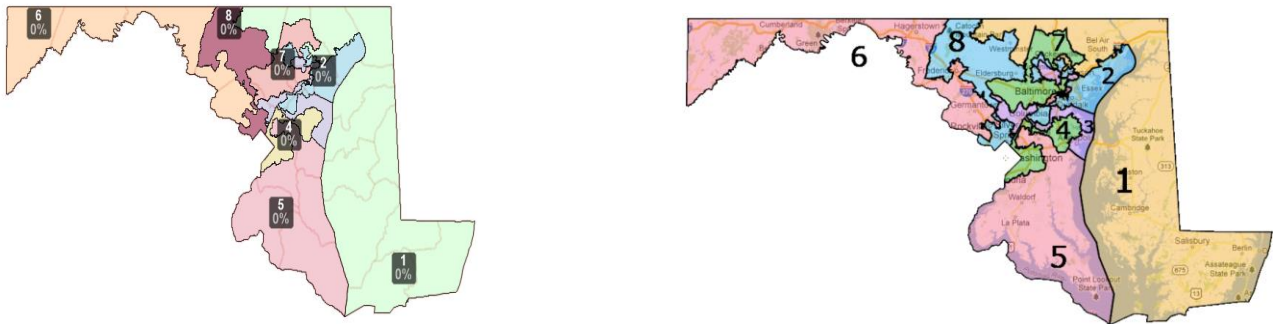
For Congressional Districts, the [Maryland state legislature](#) has the power to draw the districts, subject to a veto from the Governor. In reality, both the [state legislature](#) and the [governor](#) have formed commissions to provide options. While there are not too many statutory or constitutional criteria for the creation of Congressional Districts, [Article III § 4](#) of the Maryland constitution requires that legislative districts be “compact in form, and of substantially equal population.” Governor Hogan, when creating his own redistricting commission, [required](#) the commission to create districts that respected natural boundaries and political subdivisions. For purposes of equal population, Maryland includes [incarcerated persons](#) in their last home before incarceration. This requirement, established through the “No Representation Without Population Act,” was established in 2010. [Article III § 4](#) also requires “due regard” for natural and political boundaries.

Plan 1: Least Change



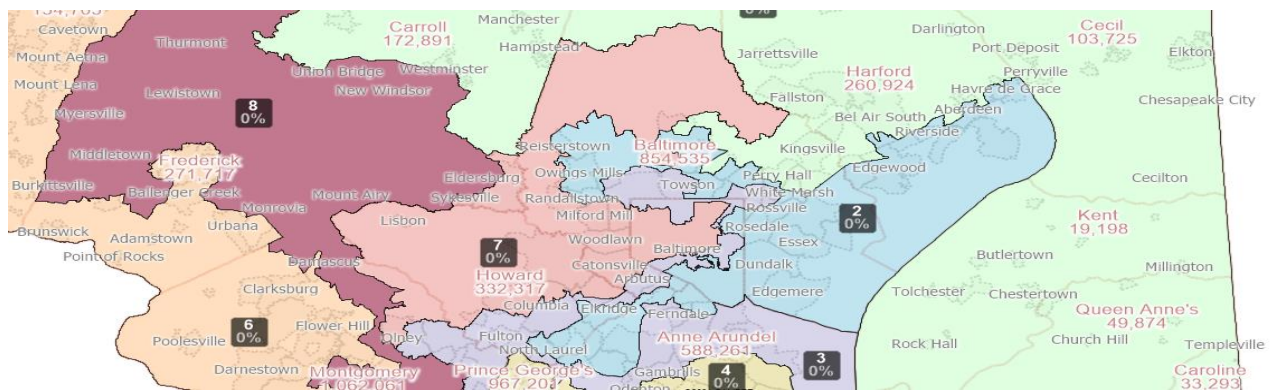
Plan Summary

The Maryland Least Change Plan simply tries to keep the current district boundaries intact while updating for current population.



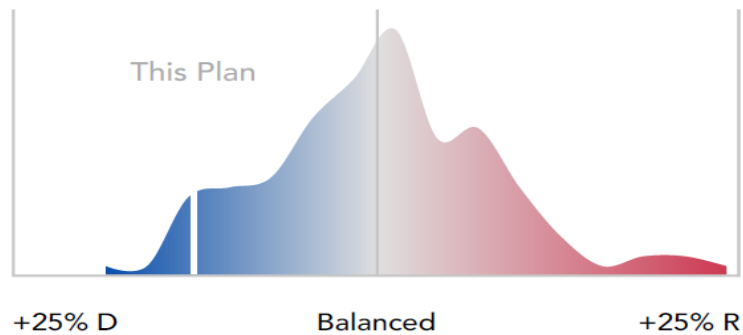
Comparing our Least Change Plan (left) with the enacted Congressional districts from 2010.

This plan is not perfect. The Maryland Least Change Plan splits 10 counties, and 2 of those counties, Anne Arundel County and Baltimore County are split 4 times. This large amount of county splits, which can be seen in the original plan from 2010, creates sprawling district lines that snake along the state.



While partisan data was not considered in the creation of the Maryland Least Change Plan, like its predecessor, the Maryland Least Change Plan also creates an extreme partisan gerrymander. According to PlanScore, this plan has an efficiency gap of 12.6%, and is towards the tail-end of a normal distribution. Similar to its predecessor, this plan will most likely result in 7 Democrats and 1 Republican, in a state that [elected](#) Biden with 65% of the vote.

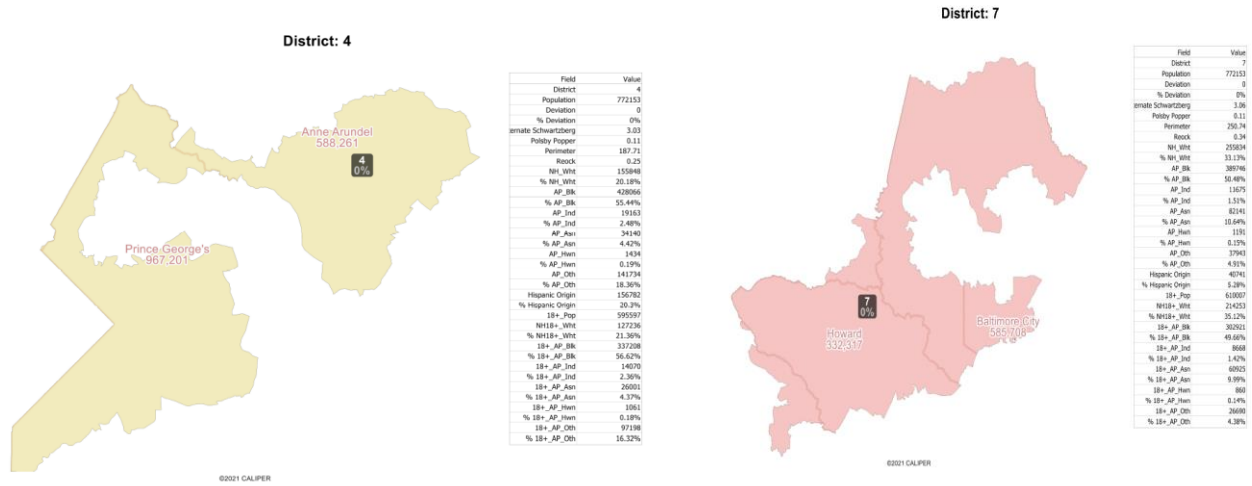
Efficiency Gap: 12.6%



Demographics

According to the [U.S. Census](#), Maryland is 48.7% white, 29.5% Black, 11.8% Hispanic or Latino, and 6.8% Asian. Because no other racial minority group is substantially large enough to require a majority-minority district under the Voting Rights Act, only Districts 4 and 7, with their Black majorities implicate the Voting Rights Act.

District 4 comprises largely of the suburbs of D.C., and District 7 is the district that includes Baltimore. Both of these districts remain largely the same from the enacted Maryland plan to our drafted Least Change Plan.



Legal Compliance

Federal Law

The Maryland Least Change Plan complies with the principle of One Person One Vote. Every district in this plan is no more than 1 person off from perfect population (772153 people with plus or minus 1 person).

The Maryland Least Change Plan also complies with Section 2 of the Voting Rights Act. Under Section 2, as interpreted by the Supreme Court in *Gingles*, one must draw a majority-minority district when: (1) a minority group is large enough to constitute a majority in a potential district, (2) the minority group is politically cohesive, and (3) the majority group sufficiently votes as a block to prevent the majority group from electing their candidate of choice. Based on demographic data,

Maryland is required to have two majority Black districts, which this plan has. Districts 4 (55.44% Black) and 7 (50.48% Black) have a majority Black voter population and would be able to elect their candidate of choice.

This plan does not violate *Shaw* by considering race as a predominant factor while redistricting. While demographic data concerning race was used in the creation of legislative districts, this data was only used to create two majority Black districts in order to comply with the Voting Rights Act. As such, race was not used as a factor beyond necessary considerations to comply with current federal law.

State Law

This plan would most likely survive an attack on state law grounds given the general absence of state law requiring certain redistricting objectives. This plan does respect natural boundaries, such as rivers, but does truly respect political boundaries, as it splits many cities and counties. It is not always compact, as some districts sprawl along Maryland, but the plan is about as compact as the 2010 Maryland plan this Least Change Plan was based on.

The only issue with state law is the compliance with the “No Representation Without Population Act.” This plan did not use population data that was adjusted for incarcerated persons. However, at the time this plan was created, population data that was adjusted for incarcerated persons was unavailable.

District-by-District Breakdown

District 1: This district includes all of Maryland east of Chesapeake Bay, from Worcester up until Cecil, and then heads west Harford and Westminster.

District 2: This district includes the rest of Harford County and goes into Baltimore County and Baltimore City.

District 3: This district snakes through Baltimore City to Baltimore County before cutting into Howard County and Anne Arundel County.

District 4: This district gets most of its voters from the suburbs of D.C., in Prince George's County, while also taking some voters from Anne Arundel County.

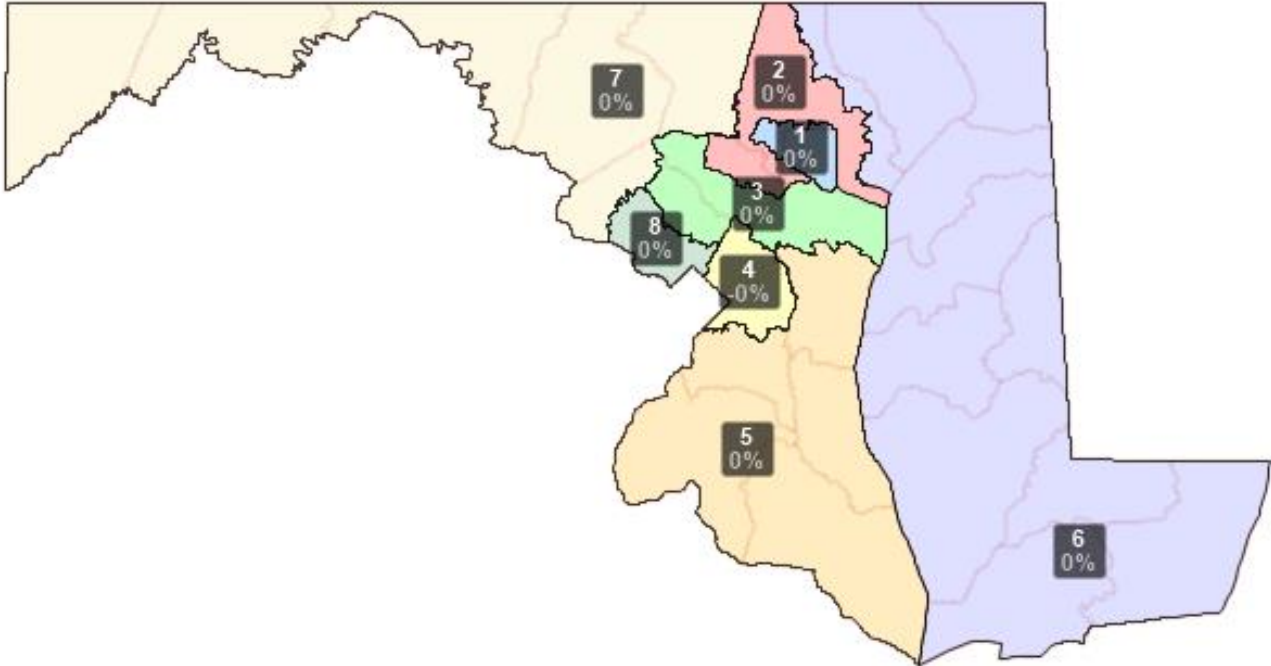
District 5: This district also includes a lot of the D.C. suburbs through Prince George's County while also including counties west of Chesapeake Bay, such as St. Mary's County and Calvert County.

District 6: This district begins in western Maryland, in Garrett County, and continues southeast, following the Maryland border with Virginia, until it reaches Montgomery County and the D.C. suburbs.

District 7: This district includes much of Baltimore County, Baltimore City, and Howard County.

District 8: This district originates in northwest Maryland, in Frederick County and Carroll County before heading south to include some of the D.C. suburbs with Montgomery County.

Plan 2: Hybrid



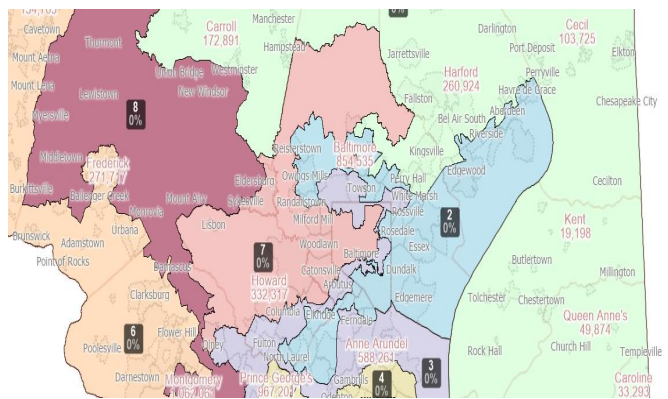
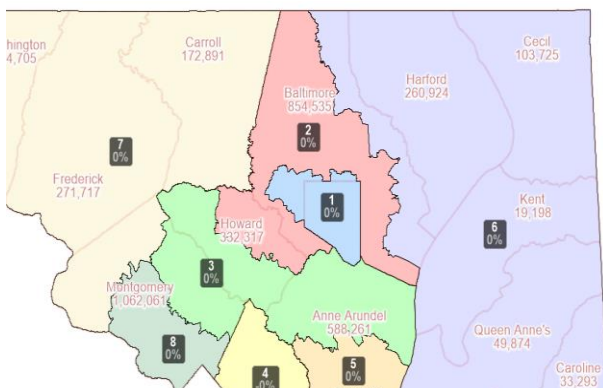
Plan Summary

This plan, the Maryland Hybrid Plan seeks to maximize proportional representation while also abiding by good government principles of splitting as few counties as possible and promoting political subdivision cohesion. This plan achieves both of these objectives by creating 5 solidly Democratic districts, 2 solidly Republican districts, and 1 lean Democratic district in a state that cast 65.8% of the vote for Biden and 32.4% of the vote for Trump, while only splitting 5 counties.

These increases in proportionality and decreases in county splits exhibit a remarkable improvement from the Maryland Least Change Plan. Not only do the districts more accurately reflect statewide partisan preferences, but they split half as many counties. Furthermore, no county is split 4 times in the Maryland Hybrid Plan, something that occurred twice in the Maryland Least Change Plan.

Good Governance Elements





















The Maryland Hybrid Plan sought to correct a lot of problems with the Maryland Least Change Plan by creating more compact districts that sit within as few counties as possible. Only 5 counties, alongside 7 voting districts were split in total. Of the 5 counties split, only 2, Baltimore County and Montgomery County were split 3 times. Similarly, the overwhelming majority of cities and towns were kept intact. The districts are also much more compact. For example, both the Reock and Ehrenburg measures for district compactness show a .1 average increase in compactness.

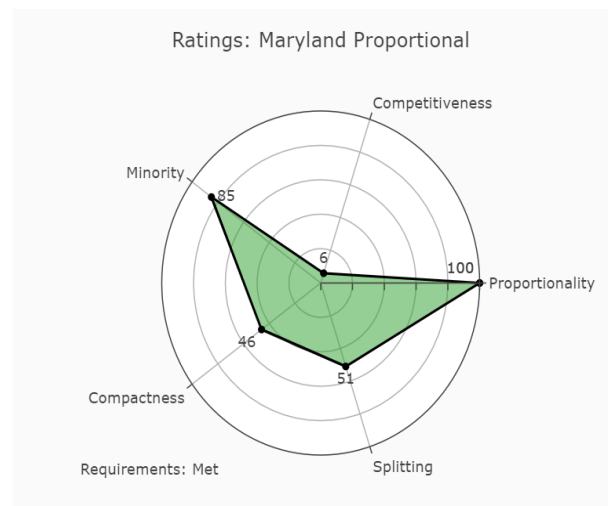


Comparison of Baltimore with the Hybrid Plan (left) and the Least Change Plan (right)

Proportional Representation Elements

Unlike the Maryland Least Change Plan, partisan data was explicitly used to increase proportional representation in the Maryland Hybrid Plan. Because we used partisan data, at least in part, to draw the districts, some fairly large changes were made compared to the Maryland Least Change Plan. The Baltimore County area, for example, is contained within fewer districts. And Baltimore City, which was split between 3 separate counties in the Maryland Least Change Plan, is not split at all in the Maryland Hybrid Plan. Not only does this promote good government practices, by splitting fewer counties, but it also promotes proportionality as it increases the share of the Republican vote in other districts instead of having voters in Baltimore County and Baltimore City be split into more Republican counties and offset the Republican advantage in those districts.

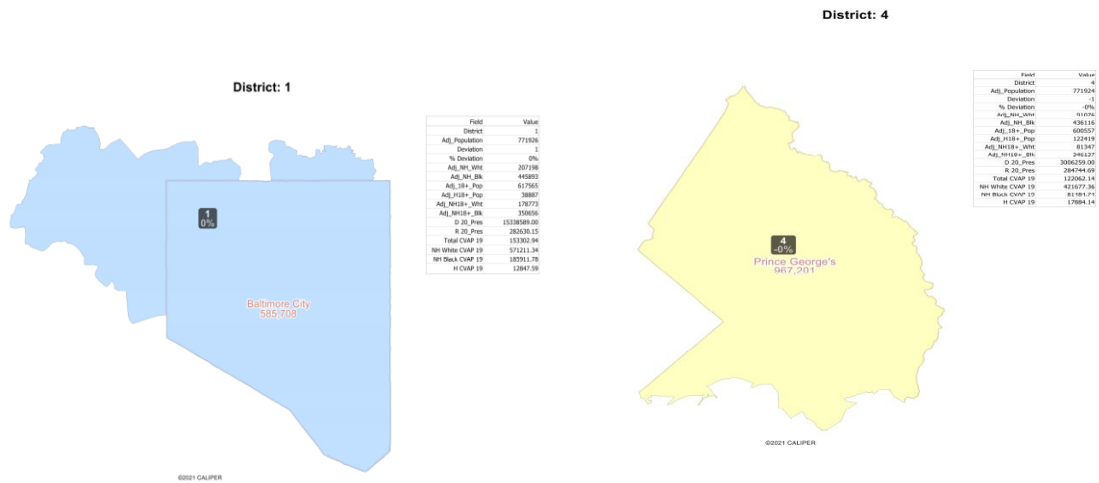
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	Total	+/-			Dem	Rep	Oth
Un	0				0.00%	0.00%	0.00%
"1"	771,926	0.00%			75.69%	21.40%	2.91%
"2"	771,920	0.00%			81.83%	15.16%	3.01%
"3"	771,925	0.00%			53.64%	42.83%	3.52%
"4"	771,926	0.00%			58.51%	38.21%	3.29%
"5"	771,924	0.00%			86.12%	11.59%	2.28%
"6"	771,912	0.00%			59.03%	38.17%	2.80%
"7"	771,925	0.00%			36.79%	60.22%	3.00%
"8"	771,925	0.00%			39.65%	56.97%	3.38%
	771,923	0.00%			60.24%	36.72%	3.04%



Proportional data from Dave's Redistricting. Partisan Composition (left) and Map Scoring (right)

Demographics

Like the Maryland Least Change Plan, the Maryland Hybrid Plan is required to have 2 majority-minority Black districts. District 1 (the equivalent of District 7 in the Maryland Least Change Plan) and District 4 (District 4 of the Maryland Least Change Plan) both have a majority Black voter base (57.76% and 56.5%). No other majority-minority districts are required under the Voting Rights Act based on current Maryland demographic data.



Legal Compliance

Federal Law

The Maryland Hybrid Plan complies with the principle of One Person One Vote. Every district in this plan is no more than 1 person off from perfect population (771925 people with plus or minus 1 person).¹

The Maryland Hybrid Plan also complies with Section 2 of the Voting Rights Act. Under Section 2, as interpreted by the Supreme Court in *Gingles*, one must draw a majority-minority district when: (1) a minority group is large enough to constitute a majority in a potential district, (2) the minority group is politically cohesive, and (3) the majority group sufficiently votes as a block to prevent the majority group from electing their candidate of choice. Based on demographic data, Maryland is required to have two majority Black districts, which this plan has. Districts 1 and 4 have a majority Black voter population and would be able to elect their candidate of choice.

This plan does not violate *Shaw* by considering race as a predominant factor while redistricting. While demographic data concerning race was used in the creation of legislative districts, this data was only used to create two majority Black districts in order to comply with the Voting Rights Act. As such, race was not used as a factor beyond necessary considerations to comply with current federal law.

¹ Writer's Note: the total population value needed to achieve perfect population fell from the Maryland Least Change Plan to the Maryland Hybrid Plan. This is because the Maryland Hybrid Plan is using the adjusted population data to include data of incarcerated persons.

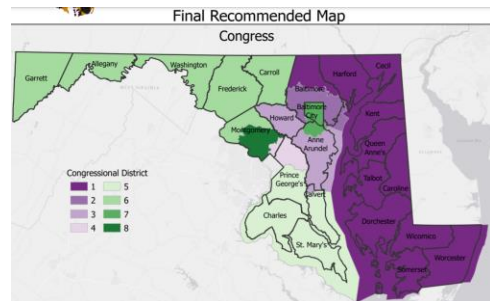
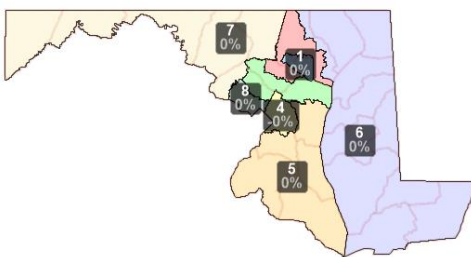
State Law

This plan complies with Maryland state law. Each district is fairly compact and contiguous while also respecting political and natural boundaries. There are very few county splits, most towns are not split among districts, and natural boundaries like the Chesapeake Bay are treated as natural borders between districts.

Unlike the Maryland Least Change Plan, this plan complies with the “No Representation Without Population Act.” The Maryland Hybrid Plan uses the adjusted population data to account for incarcerated persons and so is in line with state law.

Comparison to State Proposed Plans

There have been many plans submitted for approval to the Maryland state legislature, but this section will be devoted to comparing the Maryland Hybrid Plan with the plan submitted to Governor Hogan and the legislature by the Citizens Redistricting Commission (“Commission Plan”), a commission created by Governor Hogan by [executive order](#).



Hybrid Plan (left) compared to the Commission Plan (right)

Both plans are very similar and would be an improvement for Maryland when compared to the original plan, as they both split fewer counties and reduce the number of strange shapes from the original plan from 2010 (as evidenced by the Maryland Least Change Plan), the Maryland Hybrid Plan is better suited for Maryland for three reasons. First, the [Commission Plan](#) and the Maryland Hybrid Plan split fewer counties than the Maryland Least Change Plan. Both new plans only split five counties. Second, both plans do a good job at advancing minority voter interests by creating two majority-minority districts. And third, both plans significantly reduce the amount of oddly shaped districts that was a staple in the Maryland Least Change Plan. Unfortunately for Maryland's voters, the Commission Plan is unlikely to become law. The Maryland state legislature has the final say, and given a veto-proof majority, will most likely pass whatever they want.

District-by-District Breakdown

District 1: This district includes all of Baltimore City and some of Baltimore County.

District 2: This district is the bulk of Baltimore County as well as some of Howard County.

District 3: This district includes the rest of Howard County, some of Anne Arundel County, and some of the suburbs of D.C. with half of Montgomery County.

District 4: This district includes much of the D,C. suburbs by having Prince George's county.

District 5: This district includes the rest of Anne Arundel County, the rest of Prince George's County, and the rest of the area to the west of the Chesapeake Bay.

District 6: This district includes all of Maryland to the east of the Chesapeake Bay, as well as some area from Baltimore County.

District 7: This District includes all of western Maryland as well as some area in northwest Montgomery County.

District 8: This district is just Montgomery County, and simply borders D.C.

Conclusion

Maryland is at a crossroads. In our current political moment of intense polarization, will the state legislatures choose to create partisan maps for political advantage, or will they seek to elevate the voices of the entire state rather than a select few? Maryland appears to be hurtling towards political gamesmanship at the expense of genuine representation. And, based on an overall lack of state redistricting standards, the legislature will have a lot of power and discretion in shaping representation in Washington for the next decade.