

# LWVMD Study: Legislative Delegate Districts in Maryland – Single Member or Multi-Member?

Discussion Guide for the November 2016 LWVMD Discussion Groups

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*(Note, this discussion guide was prepared for use by the Montgomery County League, however, other Leagues might find it useful for their own discussions. **DL** is the discussion leader whose job is to keep the conversation moving. **RP** is the Resource Person whose job is to provide additional background information)*

**DL** - The Maryland League adopted a study on the primary system at the 2015 state convention. That summer the Maryland Redistricting Reform Commission heard testimony at regional hearings about the redistricting issue. There were several people who requested changing the House of Delegates to having all members elected from a single member district, instead of the current combination of districts that elect either one, two or three delegates from one State Senatorial district

With an election process study committee in place and a long LWVMD history on the issue of redistricting, the Board agreed the primary election study committee should expand its scope to include a review of our 1993 position that supports a mix of legislative district styles. We are presenting this part of the state study now, in case the Redistricting Reform Commission report results in legislation on the topic in the 2017 General Assembly session that begins in January.

By reviewing our current position now, a statewide consensus report should be ready in early 2017. This consensus, which may change or confirm our current position, will be known before LWVMD would need to prepare testimony if there is any proposed legislation at the late February or March 2017 hearings.

Several Montgomery County League members are active participants on the state study committee -- Elaine Apter, Jordan Cooper, Mary Lanigan, Judy Morenoff, and Barbara Sanders, along with Ralph Watkins, ex officio member from the state Board. We are continuing to work on the variety of primary election possibilities, and anticipate having a briefing at this spring's state convention, with statewide consensus discussions early in the fall 2017.

Today, we welcome \_\_\_\_\_ as our resource person.

**RP** – First, the committee wants to clarify a little about the timing of any change to legislative districts. Along with the testimony last summer, there have been filed bills on this topic in four legislative sessions this century: in 2016, 2015, 2011, and 2002. None of the bills made it out of the House Rules committee, to the House floor, although sponsored by at least ten legislators. We are not yet aware of any proposals for this coming General Assembly session. We are just being proactive by reviewing our position.

If a bill is proposed again and passed by a 2/3 vote in each chamber of the legislature within the next couple years, it would then go to the Maryland voters as a state constitutional amendment ballot question in the following general election (2018, 2020, etc.). It is highly unlikely any change would take effect until AFTER the 2020 census, and the resulting Congressional reapportionment and statewide redistricting. Thus, the 2022 Gubernatorial election would be the first chance we **might** see a change in the delegates' legislative districts.

**DL** - Are there any initial questions about the study itself, or general information about the fact sheet before we dive into the topic?

If not, \_\_\_\_\_ will begin our discussion today by comparing Maryland's legislative districts to other states, and reviewing the different configurations of our legislative districts over the last half century.

**RP** – As the Fact Sheet explains on pg. 1, each of the 47 State Senatorial districts of the General Assembly are also represented by 3 members in the House of the Delegates. Some of the Senatorial districts are further divided into 3 separate delegate districts, electing one person from each; others are divided into a single member and a two member district, and many have three delegates elected at-large by the population of the whole Senatorial district. In the country, only five states, including Maryland, have both single and multiple member districts; five others have only two-member districts.

For some historical background, legislative representation in Maryland was first based on the county, from 1776 to 1968, with a minimum number of delegates being allotted each county, and more populous counties being assigned more – with a variety of ways they were elected. The Supreme Court’s 1962 decision in *Baker v. Carr* required representation to be based on population -- “one man, one vote.” To retain a single delegate for every county, population estimates suggested the size of the House of Delegates would have required at least 192 members in the 1970s, and 227 in the 1980s.

The 1967-68 Constitutional Convention proposed a legislature with no more than 120 House members, and 40 Senators, with every delegate representing a single district. According to John P. Wheeler, Jr., in the 1969 article, “Constitutional Reform Fails In The Free State: The Maryland Constitutional Convention Of 1967-68,”

**“Without question this [single-member district] issue was the most bitterly divisive one in the legislative article and one of the few that scarred the Convention and the proposed constitution... The nine smallest counties have one delegate each in the House of Delegates. ... Baltimore City and the larger counties are divided into districts varying from two members to eight. ... The single-member district proposal was a product of the liberal reformers who wanted to strike at the heart of political organizations in Baltimore City and in Baltimore County. The politicians rallied to the opposition.** This decision served to alienate further the politicians from the constitutional reform effort and certainly made them lukewarm in support where they did not openly oppose. Even that slight drop in the size of the House, though, promised to eliminate the tradition of county representation, for the smallest counties could no longer justify individual delegates. This reform served to increase the hostility of these areas toward the new document.”

The proposed Constitution was defeated at the polls in 1968, but the politicians in the General Assembly passed two Constitutional amendments ratified in 1970 and 1972 that set the membership of the General Assembly at 47 Senators and 141 Delegates and prescribed that all the legislative districts would have 1 State Senator and 3 Delegates. It further stated the district could be subdivided into 3 single-member delegate districts or 1 single-member and 1 two-member delegate district. It also prescribed the districts should be compact in form, adjoining territory, and of substantially equal population, with regard for natural and political subdivision boundaries. Since the 1970s, each redistricting has had a mixture of one member, two member and three member legislative districts, summarized in the chart at the bottom of page 2.

**DL** – What has been your experience over the several decades, whether you lived in Montgomery County, elsewhere in Maryland or in another state? Did you elect a single member to the lower house of the state legislature, two members, three or even more? Did things change over time after redistricting? Do you know the reason why any changes occurred in the number of legislators elected? Do you see advantages or drawbacks in these changes?

**[ RP: IF discussion needs help, use bottom of pg. 1 of Fact Sheet – lists 5 reasons AND top of pg. 3 how “resident delegate” varies across state – whether have 3 member over 3+ counties or separate subdistricts for jurisdiction and bottom of page 3- top of 4 on disparity in size of population in districts]**

**RP** – Now let's think about if there are other ramifications of electing a legislator from a one-, two- or three-member district. Some of the research the committee found cited greater racial, ethnic and/or gender diversity in the legislators elected from single member districts. However, our cursory study of the legislative composition following the three elections after the most recent redistricting changes (1994, 2002, 2012) shows a substantial amount of diversity in all types of districts. There are some specifics listed in the Fact Sheet on the bottom of page 4 and 5 if you haven't had a chance to read them

**DL** – Let's glance at those examples, and think about our own experiences. Who has represented you in the House of Delegates or the lower house of other state legislatures? Was it a woman, someone of your same ethnic or racial background, or a different one? If you elected a multi-member delegation, did the legislators differ in gender, ethnicity, race? Do you think this diversity is important? Does it play a major or minor part in who you choose to elect - is it equal or more/less important than a candidate's ideological viewpoints? Do you find a difference in the ideologies of your multi-member delegation?

**RP** - Now it's time to think about the advantages and disadvantages of electing legislators from a single member, two-member or a three-member district. The committee has listed the pros and cons we have found in research and in our own experience on pages 5 and 6 of the Fact Sheet. One of the big ones for single member districts is that everyone in the district has the same access to a single legislator – and by representing a smaller group of people (maybe in the same town or suburb) there should be more access and accountability to the constituents. However, what happens if you are of a different political party than the person elected or just have a different ideological bent on issues that are very important to you?

**DL** – Let's look at the pros and cons on page 5 and 6, and share what is most important to you about your state delegate(s). Do you think it is unfair some people in the state have only one delegate, while others have the opportunity to select two or three? Do you think there is a difference in the type or number of candidates that run in single member or multi-member districts? Is it harder to run against an incumbent in a single member district? Do you get a broader diversity of people and viewpoints in multi-member races?

**RP** – Before we start on the consensus questions, we need to circle back to the redistricting issue. As we mentioned at the beginning, the study committee took on this topic because of testimony at hearings around the state before the Maryland Redistricting Reform Commission. The State League has a strong position (page 7) and record of actions supporting a change to an independent Maryland redistricting commission. Changing to all single-member districts will add another level of redistricting creating three nested districts inside a single State Senate district. These additional districts will affect almost half the state's residents that have had three-member delegations elected from the whole State Senate district.

**DL** – What are the issues, if any, with the redistricting required for creating 141 single-member districts nested inside the 47 state senatorial districts? How does the redistricting issue weigh into your thoughts about the best type of delegate district?

**RP** – Before we move to the consensus discussion, I want to recap that the study is posing three alternatives about the way the type of districts are configured for the House of Delegates:

- 1) retaining our current position supporting a combination of single- and multi-member districts or
- 2) moving to all single-member districts or
- 3) not having any position about the legislative districts.

We do not include an alternative for having only multi-member districts because the federal Voting Rights Act and judicial precedent require the creation of a single member district in some instances to achieve racial/ethnic representation.

**DL** – Are there any other questions? If not, let’s review the consensus process. This is a LWVMD study and all of the Montgomery discussion group consensus results will be compiled and then sent to the State League to be combined with the results from other counties. Consequently, we will need to keep track of the total number of people voting, which is \_\_\_\_, as well as those in support or in opposition to each question. Only members are allowed to participate in the vote.

The first question asks:

**Question 1. Should the Maryland League retain its current position relating to single-member and multi-member districts, namely support for:**

**A mix of single and multi-member districts [for the House of Delegates]. The following criteria should be used to determine which districts should be single and which should be multi-member:**

- a. full minority representation;**
- b. geographic integrity;**
- c. preservation of political and community boundaries;**
- d. compactness**

**RP:** A couple more clarifications on the wording of the question:

First, the current position does not contain the phrase “for the House of Delegates.” However, the Committee believes it would need to be added, if this position is retained, to clarify that the State League is taking no position on single versus multi-member districts on the local level, i.e. for county council, city council, county commission, etc.

Second, the preservation of political and community boundaries means not establishing district lines that cross county lines or city lines (as a goal)

Third, compactness refers to geographic compactness – enclosing the smallest distance possible from a central point (as in a circle)

**DL:** Are there any other points to be clarified? Does anyone want to speak to the question?

Are we ready to vote? YES \_\_\_\_\_ NO \_\_\_\_\_ NO CONSENSUS \_\_\_\_\_

OK – that’s **[recap vote and declare as Consensus or NO Consensus]**. Are there any comments to be recorded for the consensus committee?

**DIRECTIONS TO DISCUSSION LEADER:**

**If the response to Question 1 is NO or NO CONSENSUS,**  
provide this guidance to the group:

**The members may only answer YES to ONE of the following two questions, not to BOTH.**

**DL:** The second question asks:

**Question 2. Should the Maryland League support the establishment of all/only single-member districts for the Maryland House of Delegates?**

Are there any points to be clarified? Does anyone want to speak to the question?

Are we ready to vote? YES \_\_\_\_\_ NO \_\_\_\_\_ NO CONSENSUS \_\_\_\_\_

OK – that's **[recap vote and declare as Consensus or NO Consensus]**. Are there any comments to be recorded for the consensus committee?

**DL:** Our last question asks:

**Question 3. Should the Maryland League have NO Position on single-member versus multi-member district for the Maryland House of Delegates?**

Are there any points to clarify? Does anyone want to speak to the question?

Are we ready to vote? YES \_\_\_\_\_ NO \_\_\_\_\_ NO CONSENSUS \_\_\_\_\_

OK – that's **[recap vote and declare as Consensus or NO Consensus]**. Are there any comments to be recorded for the consensus committee?

Do we need to review the responses to all the questions?

Have all our comments have been expressed to the State study and the consensus committees?

Are there any open questions or issues to discuss about the fact sheet, the study or the composition of the General Assembly that should be recorded or answered for the whole group?

Are there any general comments you want expressed on the Montgomery unit recap sheet?

Good job, everyone. Thanks for participating.