

Legislative Delegate Districts in Maryland – Single Member or Multi-Member?

Study Background

The Maryland League of Women Voters has a position, adopted in 1993, that supports:

A mix of single and multi-member districts [for the Maryland 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.*

During the course of the regional hearings across the state in 2015 held by the Maryland Redistricting Reform Commission, testimony was given by an “extensive number” of elected officials and members of the public regarding their preference for single-member delegate districts. Based on the League’s work over the past two decades in the area of redistricting, it was determined by the LWVMD Board that adding a study item related to single-member versus multi-member districts to the previously adopted study of the primary system was appropriate.

Our study committee was charged with researching how this array of districts compares with districts in other states, why our state has districts with varying numbers of delegates, and what are the pros and cons of single-member districts versus multi-member districts.

Singles, Doubles, and Triples

All 47 Maryland Senate districts are represented by one senator. While House of Delegate districts are “nested” within a Senate district, delegate representation varies across the state. Article III, Section 3 of the Maryland Constitution presently allows three-member delegations to consist of three delegates elected at large, a single-member district combined with a two-member district, or three districts each with a single member. Currently, of the 141 delegates in Maryland, 24 are elected from single-member districts, 24 are elected from two-member districts, and 93 are elected from three-member districts.

National Comparison

Maryland is one of only ten states that still uses multi-member districts to elect representatives to one house of the state legislature. Maryland, New Hampshire, South Dakota, Vermont, and West Virginia are the only states that mix single member districts in some parts of the state with multi-member districts in other areas. The other five states all have uniform two-member house districts, usually nested inside of a senate district.

Nationwide, the use of multi-member districts has been decreasing for decades. In 1962, 41 state legislatures had house representation that included multi-member districts. The main reason given for this dramatic decrease in the use of multi-member districts is the federal legal protection for minority voters – the need to create districts in which a minority population has a fair chance of electing a minority representative. Clearly this is easier to do in smaller districts, which has led to the break-up of larger multi-member districts into smaller single-member districts.

Potential Reasons for Choosing Single-member Districts Versus Multi-member Districts

- 1) Rural versus urban/suburban differences within a district.
- 2) Population inequities and shifts, particularly in reference to districts that are split between two jurisdictions (example: District 44 includes portions of Baltimore City and Baltimore County; District

44A is a single-member district within Baltimore City and District 44B is a two-member district within Baltimore County, both districts being “nested” within Senate District 44).

- 3) Majority-minority districts created to satisfy federal requirement (example: District 23A in Prince George’s County was created as a Hispanic Majority-Minority district).
- 4) Redistricting politics: single-member districts created to protect/punish incumbents or to “pack/crack” minority party population – that is “pack” minority party voters into one district so they have no influence in others, or “cracking” a minority party area into two or more districts so that their votes are overwhelmed by majority party voters.
- 5) Dividing districts that contain multiple small counties to allow each county the opportunity to elect a representative.

How Legislative Districts in Maryland Have Changed Since the 1970s

At the beginning of the decade, the *Maryland Manual* (1971-72) had a map of the 16 state senatorial districts in place, but the 141 delegates (including only eight women) were listed by political jurisdiction, not by districts. The jurisdictions varied in both the number of districts and delegates:

- Baltimore City, Baltimore County, Montgomery, and Prince George’s had from three to seven individual districts, with the delegation size ranging from two to eight for a total of 16 districts with 95 delegates from these four jurisdictions.
- Anne Arundel had one district, subdivided into three districts with three members each (9 delegates)
- Allegany, Harford, and Washington Counties elected four delegates each, countywide (16 delegates).
- Frederick elected three delegates countywide.
- Carroll, Cecil, Charles, Howard, St. Mary’s, and Wicomico elected two delegates each, also countywide (12 delegates).
- The remaining eight counties elected only 1 delegate countywide (8 delegates).

In 1972, following the 1962 Supreme Court *Baker v. Carr* “one person, one vote” decision and subsequent decisions on the details of implementing that principle, the General Assembly proposed and the voters accepted a new Constitutional description of the legislative districts, to contain one Senator and three Delegates, which allowed subdivision into three single–member delegate districts or one single–member delegate district and one two–member delegate district.

After this Constitutional change and successive redistricting plans following the decennial censuses from 1980 to 2010, Maryland has had five different legislative district configurations that became effective for that decade’s elections. Each configuration had a constant 47 legislative districts (LD) and 141 delegates. However, each decade redistricting brought a different combination of single-, double-, and three-member districts:

NUMBER of DISTRICTS and LEGISLATORS for EACH LEGISLATIVE DISTRICT STYLE:

1MD for single member, 2MD for two-member or 3MD for three-member districts
for each decade’s redistricting plan adopted or court-ordered

1975	10 1MD – 10 members	7 2MD – 14 members	39 3MD – 117 members
1983	14 1MD – 14 members	8 2MD – 16 members	37 3MD – 111 members
1992	19 1MD – 19 members	10 2MD – 20 members	34 3MD – 102 members
2002	21 1MD – 21 members	12 2MD – 24 members	32 3MD – 96 members
2012	12 1MD – 12 members	12 2MD – 24 members	31 3MD – 93 members

Reasons for Deviation from Multi-Member Districts in Maryland

A General Assembly joint resolution added an additional requirement since 1970 for a “resident delegate” when two or more counties are in a single legislative district. The rule prevents the election of more than a single member from a county, and helps small counties to have at least one delegate. Along the western and northern border of Maryland 1MDs and 2MDs allow those counties to have at least one resident delegate from each of the five counties (Garrett, Allegany, Washington, Frederick and Carroll). A similar situation occurs in Southern Maryland (Calvert, Charles, St. Mary’s) by using 1MDs and 2MDs in most decades. However, 3MDS are historically used on the Eastern Shore when most counties’ population, except Kent, might have supported the concept of a resident delegate with 1MDs oriented toward jurisdictions, instead of using the resident delegate rule in three member districts.

The redesign of a 1MD/2MD district 37 on the lower Eastern Shore in the-1990s was based on court-ordered requirement to draw an African-American majority-minority district. However, the resulting 1MD 37A crossed county boundaries (Dorchester and Wicomico), rather than using political boundaries to allow one resident delegate for most of the four counties it covered (additionally Caroline and Talbot). A 1MD/2MD 38 after the 2000 census did give Somerset and Worcester each the majority of the population in the resulting districts.

Generally the more populous jurisdictions (Montgomery, Prince George’s, Anne Arundel, Baltimore County and City) have had several 3MDs in each redistricting, except when a 1MD/2MD gives a neighboring jurisdiction a residential delegate e.g., LD 13 and 14 for Howard with Prince George’s and Montgomery in the 1990s). In the latest redistricting, the 1MD/2MD split of Prince George’s district 47 created a majority Hispanic district for the first time in the state.

Throughout the state, 1MD/2MD districts can also split the more urban, diverse population from the more rural area. Hagerstown has been in a 1MD (2B or 2C) from the mid-’70s and northern Baltimore County is often separate from the more urban Beltway communities (LD 5B, 9A and 42B – but varies whether 1MD or 2MD).

The ideal legislative district population has grown unevenly since the 1980 census:

Census	1MD	3MD	
1980	29,904	89,712	
1990	33,911	101,733	increase of 4,007 constituents per delegate
2000	37,564	112,691	increase of 3,653 constituents per delegate
2010	40,038	122,813	increase of 2,474 constituents per delegate

The 2012 district populations vary considerably from the ideal target population:

1MD: from 39,409 (3B) – 45,179 (38A)	variation of 5,770	from 629 less to 5,141 more
2MD: from 77,786 (44B) – 89,067 (2A)	variation of 11,281	from 2,290 less to 8,991 more
3MD: from 115,380 (45) – 132,253 (32)	variation of 16,873	from 7,433 less to 9,440 more

The 1992 legislative redistricting plan was challenged, but upheld, with a 9.84% deviation from the ideal population. Although federal cases allow deviations below 10%, the Maryland Court of Appeals noted the Maryland legislative history of the constitutional provision mentioned a 15% deviation. (From: *Legislative Redistricting Cases*, 331 Md. 574, 629 A.2d 646). For the 2012 1MDs, the population varied by 14.4% from the most heavily populated (38A: Somerset/Worcester Counties) with 12.8% more people voting for one delegate than the ideal population, while the Frederick 1MD 3B had 1.6% less than the ideal. Allowing deviations of this extent might provide “cover” for partisan or racial advantages

during redistricting, which could grow even greater if the area is increasing in population over the decade until the next redistricting.

Why the Variation in District Types in Maryland

Maryland legislators have introduced legislation in almost every session over the past decade to amend the Maryland Constitution to require that each House of Delegates legislative district contain one delegate instead of three. Such legislation has occasionally passed one house or the other, but never both. Several reasons contribute to the continued use of a variety of districts in Maryland. One is size and geography.

Population shifts in Maryland during recent census cycles led to district changes. While the population in Southern Maryland grew steadily during the 2000s, and Baltimore City continued to lose population, the most recent population gains have been in Montgomery, Prince George's, Anne Arundel, and Baltimore counties. These changes always lead to re-drawn districts in the center of the state. But geographically, it is the far western part of the state and southern Maryland and the Eastern Shore, with their small-population counties, that account for the majority of the single-member districts, as the line drawers attempt to satisfy the desire for residents of small counties to elect their own representatives.

Politics may also play a role in which type of districts are drawn in Maryland. The long-standing Democratic majority in both houses of the Maryland legislature, responsible for approving redistricting plans for the state, certainly allows for manipulation of district size and lines to bolster Democratic representation in the legislature. Additionally, Maryland's unique process for redistricting that allows the governor (with the support of an advisory committee) to draw up the initial district map could be used as a reward or a punishment for a particularly favored or disfavored incumbent.

Electoral Effects of Different District Styles

Some research suggests districts with single member configurations are more likely to elect delegations with gender, racial, and ethnic diversity. In Maryland, women have been elected from all three types of districts since before the major change in the 1970s. Eight (8) women served in the House of Delegates from Baltimore City (3), Charles (1) and 2 each from Montgomery and Prince George's prior to the 1974 change.

Looking at the elections after the redistricting in the three decades since 1990, in the 51 single member or double member configurations, 28 districts have elected women at least once, five of them in single member districts, and the rest in double member districts. Four times both members of 2MDs were women (5A, 37B, 38B in 2002, and 3A in 2012).

Conversely, when the 1MD/2MDs were united as 3MDs in at least one of the three decades, all but one of the 16 districts elected a woman as part of the three member delegation, including four districts that only elected male representation in 1MD/2MDs.

Additionally, all 24 of the 3MDs in these three decades elected females in at least in one cycle, 19 in two of the elections, and 15 of the 24 districts have consistently had at least one female in each decade. The number of women serving in the legislature (both Senate and House) ranges from 55 to 67 for the period from 1997 through 2014.

Black, Asian, and Hispanic representation is also evident in at least 21 of the 31 3MDs in the 2014 post-redistricting elections – six of these 3MDs are majority-white, six have no majority, and nine are majority-black. Five of the nine majority-black districts elected all black delegations. There were five

Asians and six Hispanics elected from six majority-white and five no-majority districts, with the sixth Asian elected from a majority-black district.

For the smaller districts, four of the 21 1MDs and three of the 11 2MDs also elected a single black, Hispanic, or Asian delegate. This anomaly of having lower racial/ethnic representation from smaller districts than research might indicate probably reflects the use in Maryland of the 1MD/2MD delegations in majority white areas. Only seven have black majorities (23A and B, and the single member districts: 27A, 37A, 47A) and one has a Hispanic majority (47B which is a 2 member district).

Legislative Effect of Single-Member Districts versus Multi-Member Districts

In a very thorough article in the *American Journal of Political Science*, replete with formulas and statistics, Greg D. Adams offers the following conclusion:

“The data offer strong support for the notion that parties elected under multi-member districts will look and behave differently than parties elected under single-member districts. All else being held constant, parties under multi-member districts will be more ideologically diverse than those under single-member districts.”

[Note: this assumes the candidate with the most votes wins rather than requiring a majority of votes to win. Proportional voting systems might produce the same result, but the pros and cons of various voting systems is not a topic of this study.]

Pros and Cons of District Types

Single-Member Districts

Supporters cite several advantages of single-member districts, including that single-member districts provide voters with strong constituency representation because they:

- provide each voter with a single, easily identifiable, district representative;
- encourage constituency service by providing voters with an easily identifiable “ombudsman”;
- maximize accountability because a single representative can be held responsible and can be re-elected or defeated in the next election; and
- ensure geographic representation.

In citing disadvantages of single member districts, critics point out that in single member districts:

- proportionately greater changes may be needed to adjust single-member district boundaries following each census (a population change of 10,000 people would require a significant reduction in the size of a single-member district, but might not require boundary changes in a three-member district);
- the boundaries usually create artificial geographic entities whose boundaries do not delineate clearly identifiable communities, and as a consequence, have no particular relevance to citizens; and
- cannot produce representation proportional to party affiliation because of their tendency to over-represent the majority party and under-represent other parties.

Conclusion: The strengths of single-member districts rest in the close ties between representatives and constituents, the accountability of representatives to the voters, and constituency service.

Multi-Member Districts

The most often cited advantages of multi-member districts are that such districts:

- can more easily reflect divisions or communities of interest within the county because there is flexibility with regard to the numbers of representatives per district and, therefore, the size and geographic composition of the district;

- are essential for achieving proportional representation, although not all multimember district systems produce proportional representation for political parties;
- tend to produce more balanced representation by encouraging the nomination of a diverse roster of candidates; and
- enable a constituent to have a legislator-constituent relationship with more than one legislator, providing a choice of legislator to communicate with regard a particular issue, depending on the legislator's view on the issue. Also, with multiple legislators, a constituent has a better chance of being represented by a legislator on a particular committee that may decide the fate of a bill of particular interest to the constituent.

Regarding the balance of representation, there is a good deal of evidence to suggest that women are more likely to be elected from multimember districts. Ethnic, religious, and different language groups also tend to be better represented in multimember districts, because political parties strive for an overall balance when selecting candidates. The consequences of multimember districts are less certain, however, for groups that are concentrated within a given geographic area. In the United States, in particular, blacks and Hispanics are more likely to be elected from single-member districts, in large part because the U.S. Voting Rights Act encourages the creation of districts where these racial or ethnic minorities predominate. For a more detailed discussion of the issue of single-member districts and minority representation in the United States, see *US: Ethnic Minorities and Single-Member Districts*. (see resources in the separate Study Guide)

Another advantage of multi-member districts is the ability of a constituent to have a member-constituent relationship with more than one legislator, which may offer the constituent a choice of selecting one out of two or three legislators in a multi-member district based on the issue. Additionally, in Maryland, the House of Delegates Committee structure is an important part of the legislative process, and the opportunity to have a constituent-member relationship with multiple legislators who may be on different committees is a positive.

The primary disadvantages are that multi-member districts:

- dilute the relationship between representatives and voters; and
- dilute the accountability of individual representatives as voters may think of them as a group rather than evaluating an individual's performance in office.

Conclusion: The strength of multimember districts rests in their ability to generate more balanced representation, both for certain groups traditionally under-represented, such as women and ethnic minorities, and for political parties. The degree to which multimember districts are able to do this, however, depends on both the magnitude of the districts (the number of representatives elected from the district) and the voting rules employed. The larger the number of representatives per district, the more proportional the election outcome is for political parties. Voting rules, however, also matter. Block voting within multimember districts (voters cast as many votes as there are available seats) will actually produce more electoral distortion than plurality winner take all voting in single-member districts. Only multimember districts with large magnitudes and some form of proportional voting will consistently produce proportional election outcomes.

Gerrymandering Is the Problem

Thomas F. Schaller, professor of Political Science at University of Maryland, Baltimore County writes:
As for its state districts, Maryland elects three house members and one senator from each of 47 legislative districts. Most of the 141 House members are elected at-large, three per district. But over the past five decades the Democrat-dominated legislature has increasingly broken up

legislative districts into either three single-member districts, or one two-member and one single-member district, facilitating the capture of isolated Democratic seats in Republican-leaning districts. (In one instance, the carving of these single-member districts was court-ordered to elect a non-white legislator from the Eastern Shore.) State Democrats exploit district magnitude to bolster their House majority — or maybe they don't, given that they hold basically the same share of state's gerrymandered Senate seats. (Larry J. Sabato's *Crystal Ball* blog, University of Virginia Center for Politics, 3/21/2013)

However, as Maryland's congressional district map demonstrates, drawing district lines for partisan advantage is at least as effective as changing the number of delegates to be elected from a district. In either situation, the drawing of the lines determines which voters would be included in the districts and that may well determine the outcome.

Recommendation of Maryland Redistricting Reform Redistricting Commission (2015)

In 2015, Governor Hogan created a Redistricting Reform Commission to hear testimony and study redistricting practices and policies in other states and make recommendations for reforming the process in Maryland. During regional hearings across the state, the Commission:

“heard extensive testimony supporting a uniform practice of single-member districting, along with some testimony finding value in three-member districts to localities or constituents. Little if any testimony supported the current practice in which different methods are arbitrarily imposed on different areas around the state, with the inconsistency of practice creating a strong suspicion that the discretion is being abused for tactical political ends. The Governor and the legislature should examine the benefits of establishing a uniform standard of using three single-member delegate districts in every legislative district. Should triple-member districts be employed in some instances, it should result from the application of clear, objective, and predictable rules. The commission recommends prohibiting the practice of subdividing districts into a two-member and a single-member district, except as needed to meet requirements of federal law.” (*Report of the Maryland Redistrict Reform Commission*, November 3, 2015, at page 32.)

LWVMD's Current Redistricting Position

REDISTRICTING: Action to assure a state redistricting process and standards that promote fair and effective representation in the state legislature and House of Representatives with maximum opportunity for public scrutiny. (2004)

Support for:

1. *A state redistricting process and standards that promote fair and effective representation in the state legislature and House of Representatives with maximum opportunity for public scrutiny.*
2. *An independent commission as the preferred redistricting body. The membership of the redistricting commission should:

 - a. *be appointed by the Governor, the General Assembly and the Court of Appeals;*
 - b. *be bipartisan, geographically representative and not include any current state elected official.**
3. *Standards on which the redistricting plan is based should include:

 - a. *substantially equal population;*
 - b. *geographic contiguity;*
 - c. *geographic compactness.**
4. *Final approval by the General Assembly for the legislative and Congressional redistricting plans.*
5. *An amendment to the Maryland Constitution affirming that the redistricting process for the*
6. *House of Representatives should occur only once each ten years after the census.*

In deciding whether a change to our position on single-member districts and multi-member districts for the Maryland House of Delegates is appropriate, we must consider the current state of the redistricting process in Maryland. If redistricting is considered to be the problem, giving the Governor and General Assembly members the latitude every 10 years to create 141 individual delegate districts might allow even more partisanship to creep into the drawing of the boundaries and the disparity in the population between the districts.

CONSENSUS QUESTIONS

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 Maryland 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.*

NOTE: The current position does not contain the phrase “for the House of Delegates.” The Committee believes that if the current position is re-adopted, the addition of that phrase should be included in the position, to clarify that LWVMD is taking no position on single versus multi-member districts on the local level, i.e. for county council, city council, county commission, etc.

YES _____ NO _____ NO CONSENSUS _____

In the event that we don’t achieve consensus on Question 1, answer YES to **only one** of the following questions:

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

YES _____ NO _____ NO CONSENSUS _____

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

YES _____ NO _____ NO CONSENSUS _____

NOTE: The Committee is not posing the question of whether the Maryland League should support a legislature composed of all/only multi-member districts because the federal Voting Rights Act and judicial precedent require in some instance the creation of a single member district to achieve racial/ethnic equality.