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## Bills, lawsuit aim to undo gerrymandering in Maryland

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ANNAPOLIS — Just how much bending and tweaking lawmakers should do when creating voting districts is up for debate in Annapolis — and many lawmakers have said they know the best approach.

Six bills addressing reapportionment for congressional districts were filed in Annapolis this year, even as federal lawsuits challenging Maryland's 2012 maps remain pending in federal court.

The state's map cleaved Republican portions of Frederick County, and split Anne Arundel County into four districts, one of shaped like a "broken-winged pterodactyl, lying prostrate across the center of the state," as a federal judge described it. It has earned Maryland the dubious distinction of being one of the most gerrymandered state in the union, if not the most.

"We are number one. And we are number one in something where we should not want to be," said Walter Olson, a senior fellow at the Cato Institute's Center for Constitutional Studies, who lives in Frederick County. Olson was co-chairman of Gov. Larry Hogan's bipartisan Redistricting Reform Commission.

The Republican Hogan told the Democratic majority General Assembly during his State of the State address in February that it was time to change the way the lines are drawn — just weeks after Democratic President Barack Obama urged Congress to act on redistricting reform during his State of the Union address.

Several Maryland redistricting proposals were aired in hearings last week in Annapolis, showing just how lawmakers do and don't see eye to eye on the issue.

In the last round of redistricting, which took effect in 2012, Frederick County's congressional districts changed dramatically.

Frederick County was split as part of a shift that made the 6th District more Democratic. The Democratic-oriented city of Frederick is part of the reworked 6th District, which also picked up

part of heavily Democratic Montgomery County. Other parts of Frederick County were moved to the 8th District.

### **Proposed bills**

After each decennial U.S. Census, Maryland redraws both the congressional and legislative voting district lines. Under current law, the governor creates the maps, which must then be changed or accepted by the General Assembly.

Hogan has proposed a bill to overhaul that process by establishing a board to create the maps and allowing the public to introduce their own versions. Through the process, the district boundaries would focus on factors such as compactness and respect for political subdivisions, such as counties and municipalities.

Hogan's proposed reform would amend the state constitution, creating an uphill battle in which the bill must pass with a three-fifths vote of the General Assembly, followed by majority approval of Maryland voters.

Seven other states — Arizona, California, Hawaii, Idaho, Montana, New Jersey, and Washington — give full authority for congressional redistricting to such commissions.

The bill has support from Republican lawmakers in the General Assembly and from groups including Common Cause Maryland and the League of Women Voters.

But some lawmakers questioned the proposal last week.

Sen. Joan Carter Conway, a Democrat from Baltimore who chairs the Senate committee considering the redistricting proposals, was a member of the summer commission. She said the group never heard testimony in some of the state's biggest jurisdictions and the pool of voters who came to testify was not racially diverse.

Other Democratic lawmakers, including Senate President Thomas V. Mike Miller Jr., have said Maryland should instead look to become part of a national or regional redistricting effort because other states have tipped the balance away from Democrats.

Sen. Paul G. Pinsky, D-Prince George's County, has introduced a bill to have Maryland use an independent commission and take redistricting out of legislative hands on the condition that a similarly sized state controlled by Republicans agrees to do the same thing.

"We know it's being abused around the country," Pinsky said.

Sen. Jamie Raskin, D-Montgomery, a candidate for the 6th Congressional District, introduced a bill called the "Potomac Compact." It would create one independent commission to redraw congressional districts in both Maryland and Virginia and move to a "ranked choice" form of voting. Under "ranked choice," voters can choose multiple candidates, in order of preference.

Delegate Kirill Reznik, also a Democrat from Montgomery County, introduced a “mid-Atlantic compact” that would involve Maryland, Virginia and Pennsylvania.

Redistricting reform bills have been introduced in 2012, 2013, and 2014. None was passed by the General Assembly.

### **Lawsuit tests limits**

Charles Eyler, who lives outside Thurmont, hopes a solution is reached soon.

Last month, he joined a federal lawsuit challenging the 2012 redistricting, along with two other Frederick County residents. All are registered Republican voters who once lived in the 6th District, but now live in the 8th.

The lawsuit is the latest in a string of cases to test the constitutionality of redistricting maps based on partisan, rather than racial, gerrymandering.

The Supreme Court, in a 2004 opinion written by the late Justice Antonin Scalia, declared that the court should no longer hear cases alleging political gerrymandering. Also in that case, Justice Anthony Kennedy said the opinion should apply only then and not foreclose a future case in which the issue could be decided.

The death of Scalia last month could mean a different outcome for cases now.

“This is a constitutional right that you have, and I think that’s being overlooked. This is taking away our ability to actually vote for candidates that we think will represent us,” Eyler said. “It’s a simple thing in a way, and it’s just been made very confusing.”