



## Gerrymandering in Maryland

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Maryland's problem with gerrymandering isn't new, but lately it's been making our state a laughingstock. Last year *The Washington Post* cited the MD-3 congressional district devised for Rep. John Sarbanes as the second most ridiculously shaped in the land; snaking through four counties and Baltimore city, connected at one turn only by water, it has a silhouette that's been compared to that of a praying mantis and the blood spatters at a crime scene.

"Maryland and North Carolina are essentially tied for the honor of most-gerrymandered state," wrote the *Post's* Christopher Ingraham. In Frederick County, the same map loops up to pull the city of Frederick, but not the strongly Republican towns that surround it, into a Sixth District now heavy with Montgomery County voters, a successful ploy to oust longtime Rep. Roscoe Bartlett.

These are the results of a process that is bound up in an inherent conflict of interest: the same lawmakers whose careers are at stake are the ones who draw the lines. Maryland gives more power over redistricting to its governor than do most states, and what power remains is held by the legislature. The courts play only a limited role; Maryland's constitution is largely silent about Congressional districting, which has left our officials free to do their worst. And so instead of a system in which voters pick public officials, we allow public officials to pick their voters.

Fulfilling a promise from his campaign, Gov. Larry Hogan in August signed an executive order creating an 11-member Maryland Redistricting Reform Commission, and charging five Republicans, five Democrats, and an independent with investigating the issue and recommending the outlines of a better system. (Together with the Hon. Alex Williams, I served as co-chair of the commission.)

An October Goucher poll found that 73 percent of Marylanders favor an independent commission, while just 21 percent would rather leave the job with legislators. As we found at our hearings, academic experts, activists, and ordinary citizens broadly agree with the polls. Politically driven redistricting weakens the quality of representative government. And stacking the deck against the minority party is only the start.

Those in charge can reward or punish their own party members by drawing them favorable or unfavorable districts at census time. Ignore the leadership's wishes on key votes, and you may find your home neighborhood assigned to a tough new district or one thrusting you into a primary fight with a popular colleague. That's one method legislative chieftains use to keep a lid on intra-party dissent.

Gerrymandering also tends to magnify the influence of money and big interest groups. When a district sprawls across many far-flung communities it's harder to win by getting to know constituents face to face or achieving a strong record in local government. Instead, you're more likely to have to rely on cultivating allies among statewide political actors and spending for advertising and media, which is all the more expensive a strategy when the district extends over multiple media markets.

Try as it may, the press can't do as good a job at monitoring incumbents' performance when a coherent political community such as a county is divided among three or four Congressional districts. Residents are more likely not even to know who their representative is, which leaves them less likely to keep track of how well that representative is serving their interests and more likely to choose apathy instead of active participation in local politics.

By stuffing minority-party voters into a small number of districts, gerrymanders help polarize politics. When a district is meant to corral members of one party the only meaningful competition will come in the primary, and the chief political pressure on incumbents may be to avoid coming across as too moderate for fear of attracting a primary challenge. For the devisers of a gerrymander, the ideal outcome is one in which there are no true swing seats at all, no real doubt about the outcome of races — and thus fewer representatives with an incentive to listen and engage with sane voices on the other side.

What about solutions?

The consensus among our commission members was for a thoroughly independent citizen commission, adapted to fit the circumstances and institutions of our state. We recommended that it be made up of nine citizen-members in all: three apiece from the two biggest parties plus three from neither party, screened for qualifications but then drawn from a larger pool by lottery. Lawmakers, staffs, and lobbyists should not sit on the panel. It should draw lines of essentially equal population without regard to voters' political leanings or the residence of candidates to form districts that are compact, contiguous, and respect county and municipal lines.

In one respect our recommendations would have Maryland go further than any other state. Under our plan, Maryland would become the only state in the union in which legislative incumbents have no say at all — none — in choosing the line-drawers.

What happens next? Now it's up to Governor Hogan and his administration to consider our recommendations and develop a specific legislative proposal. Whether the Senate and House leadership then chooses to embrace reform or dodge it is yet to be seen.

So now's the time to inform yourself. Read our report and pass it on to public-spirited people you know. It's in our power to launch a reform movement that will make Marylanders proud of our politics again.

*Walter Olson is senior fellow at the Cato Institute and the author of The Litigation Explosion and several other books on law and public policy. He served as co-chair (with the Hon. Alex Williams) of Gov. Hogan's Maryland Redistricting Reform Commission. A longer version of this piece appeared at Envision Frederick County.*