

**Maryland Citizens Redistricting Commission  
Working Meeting  
September 17, 2021**

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We have the two other laptops, with the desktop version loaded on so those will go out this week.

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On Monday, probably.

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All right, and thanks to you and your team for making sure that we had the laptops available. I know we all appreciate that. You're very welcome.

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We have one hour, and so mindful of the time I just wanted to mention two things that I think we had talked about, every meeting we talked about the criteria.

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But we really haven't spent enough time I think on the criteria and Mary just put together an email that again, I read quickly, but it sounded like she's captured what we value as the criteria.

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So my suggestion is that if Mary you wouldn't mind sharing that with us first and then, according to my notes the second thing we want to talk about today, where senate maps, Baltimore City, Baltimore County, Prince George's and Montgomery, that's what

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we talked about at our last hearing and that was what we came up with. So, is there anything else that we need to discuss today? All right, hearing none. You know me, I'm going to move right along.

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Kristin, can you open and share that email I sent at about 9:30 this morning regarding criteria? It's just a short list, and a paragraph.

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Hold on one second.

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I just need to go back into my emails.

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Hang tight here.

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Mary when it comes up, if you could just walk us through it, that would be great.  
Absolutely.

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And I assume Maria Sofia is going to take care of that chat?

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Item about...

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Okay, thank you, Maria. No problem.

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Um, let me see if I can pull this up here.

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Share.

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All right. Wonderful.

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Alright Mary, go ahead. Thank you.

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Well, I want to start first by saying, I reviewed, what Professor Persily sent us regarding the two view graph, PowerPoints, one principles and criteria for the Maryland redistricting process, and the second was the criteria for redistricting

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for the Maryland Senate. In those criteria he laid out very carefully all of the mandatory requirements, including the federal state law. He also included very pertinent items from the governor's order.

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He also listed the prohibited items for us, and we have been basically operating against all of those baseline criteria and if you, we can, I can re forward those to everyone, but these are the issues about one person, one vote, the Voting Rights Act compliance,

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compliance with the Maryland constitution. And then the governor's order which repeats some of those regarding compactness and respecting natural boundaries.

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Now when he presented those to us, he also presented information about discretionary and permissible additional criteria.

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So I captured some of those in the bullets in that first list.

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So, although there's nothing prescribed by law, we did make a decision that there was no need to preserve the core and the configuration of prior districts.

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And I think there was initial consensus on that all around. We didn't necessarily take votes on these, so I captured the list from the notes I'd taken, but it's certainly up for amendment and review and cleaning up.

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The second was, as we began drawing maps, we were using the voting districts. And that was a recommendation from Professor Persily and it really makes a lot of sense because it does keep intact precinct areas that are the administrative election

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officers need to, or you know care very much about. And it also made a way of building the data. We weren't using any algorithm per se at this point to build the data we were just actually bringing in these voting districts and accumulating them up to

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the numbers that we needed for congressional and legislative district areas.

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The next thing we came to consensus on was that we were respecting county

boundaries, as a very high priority for all of our district, whether it was making congressional or legislative districts, and then we were going to also consider municipal boundaries

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to the extent possible, that came through pretty loud and clear from our first round of public hearings.

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And makes a lot of common sense. In Maryland county local governments have a lot of say, they fund and are responsible for all of our local services from public schools,

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fire, EMT, health service.

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All of those things. We have a very structured local government in place, so when our constituents and citizens said please don't split our county up into a lot of different pieces, you can see where they were coming from.

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And we've tried to respect that, although we didn't really vote on it, but we've been really respecting that. The next and this one is probably really controversial because we didn't take a vote, but our first map did respect the Chesapeake Bay

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as a natural boundary

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to draw the district. Now, that one, once again, we didn't vote on so maybe it really isn't a consensus item.

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And finally, the...

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With regard to the population. Congressional districts must be exact in the population with no deviation, and we have heard at least one citizen recommend doing something else but we've we are following that strictly to the population with no deviation

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as our guidance. So we can talk, we can maybe get this list, the top list right and either vote or once again come to an agreement that that's how we're proceeding, and that the public knows so when we look at the maps that are submitted only talk

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about the maps that we're creating.

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These are the principles, other than, you know, following the law that we're using.

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There were some other discretionary things. One is the population variance for legislative districts, and we know we really can't exceed 5% plus or minus 5% with variants, and that's how we're beginning to build maps.

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But the question we should resolve is, do we have a tighter plus or minus plus or minus margin that we would like to get to?

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Yeah, maybe that's 2%, I'd like to hear, maybe if Walter wanted to step in here because I know he has some very strong opinions on that but as a group,

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we should talk about it. As we begin refining the legislative districts. And finally, the criteria for creating or not creating single member districts will need to be based on something.

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And I don't presume to know how we're going to come to grips with that one but looking at the existing maps, which we said, are not really the basis for our moving forward,

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there were clearly some parts of the state that did use single member districts, more than other parts of the state, and

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some considerations might be the population density of some of the districts. Is there a court order in effect that required the drawing of a particular single member district in Maryland, and are there any other considerations that we should codify as we

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move forward to complete our job in that area?

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So that's just an opening for the discussion, I've been following the reporting and have even listened in on some other state meetings, and most of the other states Commission's that are working on this they are fairly formal about saying here is our

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list. And this is what we're following.

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We have discretion, obviously, but there are guidelines behind it.

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Kate, I'll turn it back over to you and open up for questions. All right, first of all, thank you so much Mary because these are things that we, as you said have come to, and talked about saying are important to us but thank you for putting it

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together and thank you also for having those other items that we need to discuss.

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I'm going to open it up for any questions or comments and I think we're at the point where we need to take a vote on the criteria.

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Just to provide some guidance, I'm mindful that we're not prioritizing them, but these are what we talked about as our guiding principles.

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Because other than that we can keep going back and forth and we do have a lot of work ahead of us. So I'll open it up for discussion now.

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Anybody?

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I was gonna ask a question about...Do we have the same criteria or exactly the same criteria, whether it's the congressional map versus the state legislative map?

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And would criteria maybe criteria three and four or four and five change for the one version versus the other?

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I'll answer that just from what I was thinking when I put the list together. I separated out two items for the legislative districts. First, because the legislative district, we have that plus or minus 5% whereas we don't have that kind of discretion

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in the congressional, and the issue of single members is only in the legislative areas.

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The issue of the Chesapeake Bay, clearly, could be in or out of both or neither.

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Other comments? Speaking of the bay I think on the legislative level and the state level,

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no, we should not cross the bay, I think that makes the most sense because people want their representatives to be much more local. The congressional level, I think that's still something we need to debate, because there is historical precedent

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for it. There's also based on some of the testimony, we've got, there are residents who feel that that should still happen, so I think that we need more discussion at the congressional level on that.

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Just to clarify, Kate when you talk about proceeding to a vote. This is an item-by-item vote, as opposed to a package deal of all seven items being voted on right?

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I think we'll have to do it that way. Well, some of them are still open for discussion.

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And we are, I believe, still missing two of our nine members. Oh wait, I'm sorry I see eight now. Is Judge Williams with us or do we have all nine?. If we're missing Judge Williams, I know he does have a point of view on, you know, at least one or two

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of these issues that it would be important to have him weigh in on because I think he's got some pretty definite views.

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If I could jump into the first item in the bullet list. I think this is carefully worded, I think we have clearly proceeded as if there is no need to preserve course and configurations of prior districts because we have not

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done....

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We have not, in fact, been nodding toward them. I would not be surprised if some members believe that there are some parts of the Senate or Delegate map, in which it would be legitimate to look to that....

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But again, I believe that the phrase, "no need to preserve" does accurately capture the way we've presented it. It's not a prohibition on preserving them, it's that we don't feel a need to. So point one is okay with me on that understanding.

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I wonder if we can talk a little bit about this process.

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We have practically, we have everyone I think except Judge Williams here is that right? Yeah. All right, so we actually have enough folks to proceed with voting.

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And, again, one of the things I think that I heard from Professor Persily is when you establish the criteria there's going to be points where you're going to have to veer from that a bit, but these are general concepts that we want to have in place



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in order to make some decisions so

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if everybody's okay with that and I'm mindful of the judge not being here, but if we move this to Monday, for example, if we have one missing person then we're going to be in the same situation, and we can always hear the...Are you hear judge?

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I'm sorry I thought I heard him.

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All right. So, if people are comfortable with, going through line by line and saying yay or nay, and then we just proceed so anyone else who wants to comment on the first item.

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First bulleted item...

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What do we define as cores?

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I think the idea there is that as much as feasible of a prior district would be carried into a successor district. By the nature of the population shifts you can never count on carrying 100% of the old district with the new but you know try to preserve

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70% or 80% of the territory in a previous district in a new district if you can. That's the principle of what some states follow, and we have not preserved the course and configurations of prior districts. Don't shift people between districts

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any more than you have to. Don't shift voters.

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Any other questions about item number one?

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Okay, I'm just going to ask for a vote and I think it's all in favor. So, all in favor if you would say "I" or raise your hand.

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Any nays?

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Any further discussion?

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Okay, we're going to move on to the second bullet.

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Any discussion before we take a vote, anyone wants to ask any questions about that?

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Alright. Hearing none, I'm going to ask for...I'm sorry, question. I'm sorry I didn't hear you.

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Go ahead.

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Older districts, is that defined the same way as a Census block? No. It's precincts is what it corresponds to, not Census blocks.

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So if I remember correctly, we've been drawing with the professor, based on Census blocks correct? If Professor Persily wants to weigh in.... We've been drawing it on the basis of VTD's, on the basis of precincts.

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We will eventually, particularly on the Congressional map, have to break those up in order to draw a perfect population district. And there are times when, like, particularly

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when a precinct might capture a very strange water area that I might break it up but in general right now in both maps we're just working with precincts, I expect that we will end up breaking up some, some of those precincts because at some point

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the...

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You may find that you want to.... a precinct may break a political subdivision and so you may want to capture a political subdivision

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by breaking it up into census blocks. But right now just at this first stage where we're getting kind of base maps out there, we're just using precincts.

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So that would mean we will be working twice?

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Well, we have to work twice...right now we're just doing the initial stages of the map. Once we refine it, then we're going to get deep down into the, you know, looking at the street level and then we'll, we'll decide if and when we should

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break up a precinct.

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So we're looking at these as guiding principles but as I said before, there's going to be times where you have to veer from it.

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But it just gives us some principles that we can use in our deliberations. Oh good, judge Williams you're here just in time.

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Let me tell you what...

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I'm sorry.

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I was just gonna let Judge Williams know what's happening. Thank you for joining us, Judge Williams. Mary provided a list of criteria based on what we are, deliberations are really turning up as what we value.

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And in order to help us process our future discussions, we are going through this criteria. We just took a vote, and we had concurrence on the first item: no need to preserve the core and configurations of prior districts.

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And now we're having discussion in the second bullet item and William had been asking a question about defining that and Professor Persily was just talking about that as we've been using precincts but eventually, they're going to have to be broken when

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we get down to the things on a more granular level.

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Also just for information, voting districts are an official aspect of this Census data that is provided for the states to use for redistricting. So those precincts initially come from the state of Maryland, but they're used by the Census in the data

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that we get for redistricting.

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All right, Judge Williams, I think you were maybe on mute did you want to say something? Yeah, sorry...

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I was in the UMMS meeting here in Baltimore...No worries, we're glad to have you here today. Yeah, I just got back to the house but the problem I had with the first one, I don't want to disrupt your conversation, but I'm not sure what,

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and Walter and I had this discussion. "No need to preserve cores and configurations of prior districts" and to have a blanket statement, without some clarification, is a problem for me, because, again, we know that we cannot change districts so much that

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it prevents identifiable minorities from getting elected.

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And I don't know what we mean you say you're not going to preserve some aspect of configurations of prior districts, for example, Montgomery County particularly on that southern tip near Prince George's County, and even in Howard County

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and Baltimore County.....

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There are minorities who've been elected. And if changing configurations of both prior districts enhance the opportunity for minorities to get involved,

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I'm having some reservations about that. So that's my only concern and the professor would have to tell me if we're going to not preserve or some configurations, how we going to

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set the district so configured that it's going to again to maximize and not dilute the strength of minorities, Hispanics, African Americans, Asians and that sort of thing.

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So that's what bothered me when I first saw it. I didn't get a chance to discuss that earlier.

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Professor Persily, would you like to...Well what I say is that look we're going to comply with the Voting Rights Act, and in fact, just let me give you some news we ran the congressional map and the, the Senate map through our kind of voting rights act tester and,

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and they both complied , given the number of districts in which minorities will have an equal opportunity of selecting their candidate choice, not just in the aggregate but also African Americans in particular.

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So, so we'll make sure that this does not dilute the minority vote as we talk about Baltimore and Montgomery County. I think you know I want to, we haven't talked explicitly about where we need to be very concerned.

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But, but we can, we will comply with the Voting Rights Act whether the particular incumbents that had been elected from particular districts will be sort of out of sorts, you know, I don't know where anybody

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lives as we're doing these maps and I have not looked at the politics.

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You know this is the tension in the Governor's order which is that you're prohibited from looking at voting patterns and you're prohibited from looking at incumbencies.

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And so when we obey the Voting Rights Act, it's really looking at the areas of, you know, high African American, Latino concentration and making sure that we have enough districts so that those racial groups have an equal opportunity to elect

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their candidate of choice. And let me be very clear, I'm not looking at that, I don't know where anyone lives and I'm not looking at incumbents but I know that there are certain areas in those counties that have elected and sent to

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office minorities. I'm just saying if we are going to configure new districts that are totally different, from what it was, and do not take into consideration the ability to get elected, I have problems with that.

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I will tell you that I have a big problem with that so a blanket statement don't need to preserve cores, like that's fine, but it has to be some reservation. So that's my problem with that. Judge, before you got here, I was

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trying to parse those words in a very similar way which is "no need to" is not a promise not to see that as a positive some place. We've gone through the congressional map, without much attention to course in configurations of

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prior districts, I think this language leaves us lie way to have some of us argue for preserving cores and configurations if it makes sense in a particular local situation. To just say that we shouldn't, that we aren't feeling obliged to pursue that practice

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throughout the state and on both maps, that's all I read this as saying.

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Judge Williams, just so you know, that there was concurrence among the other commissioners, based on Walter's clarification about that need to.

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So, if you're comfortable with that and you are in agreement, based on what Walter just said and also what Professor Persily said there are times where we're going to have to make some adjustments.

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And if you're fine with that we'd like to hear if not...Well I...just record me, I came late, just record me abstaining on that particular item. I have to study that a little more.

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I'll be abstaining on that first set of criteria.

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All right. All right.

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So, let's go on to the second item.

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Are there anymore, any questions about that? Any more points of clarification that we need? Anybody?

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I'll just need people to speak up because I can't see hands on this.

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Alright, not seeing or hearing anything. Can we get a vote of how many folks are in agreement with that? Please raise your hand or say I...

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Aye. aye. Aye.

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Any nays?

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Nay.

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Okay, one nay, any abstentions?

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Alright, so that carries.

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Let's go on to the third bullet item.

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And Mary, do you want to say anything more about this one.

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No, this is...We have used this as a decision maker in a lot of our deliberations to try to respect the county boundaries. As I said, county and local governments mean a lot to Marylanders from what we've heard from citizens.

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So, we have been considering that a priority, less so with the municipal boundaries, but we also believe that that's something we're trying not to break up, counties, or municipal places.

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Alright so consistent with what we have been doing over the past few weeks consistent with what we've been hearing from the public,

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can I get a vote? All in favor say aye or raise your hand or both.

Aye, aye, aye...



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Just a clarification, I agree with what Mary stated and that seems to be what the executive order is requiring, and that's the law.

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Right. We'll consider again boundaries, political boundaries, to the extent possible. I like that line, so I'm comfortable with that. All right, thank you.

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Any nays?

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Any abstentions? Alright, now the fun one.

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Respect the Chesapeake Bay.

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Any discussion on this before we take the vote?

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Are we having a vote of for all maps or are we splitting it between congressional and state level?

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As I have it stated here it is for all districts that would... I can, we can type it in to clarify, but I did not make a distinction

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there.

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**00:29:48.000 --> 00:29:51.000**

I'll put in, if I can.

**00:29:51.000 --> 00:30:05.000**

When this issue came up for congressional districts it did come up at some length. I initially argued the position that we should consider districts that cross the Chesapeake Bay, I think there's a lot of logic to that, I still think there's a lot of logic

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to that.

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I didn't call a vote, I think I was chairing that one, but I did try to encourage every person who favored the idea to step forward and we only got three interested and so I assumed during that process that it consensus had formed in the other direction

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not going across the bay with the congressional district.

**00:30:24.000 --> 00:30:38.000**

I think our base map is based on that idea and it would almost require tearing up most of the map, at least six districts, if we were to change that consensus. I put that out there as a cautionary thing.

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You know I've made clear that on the merits, I do kind of like the idea of crossing, but I worried that we will be disrupting our process by trying to change the base map into a map that is different at this point. So Jonathan's question, do we

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separate the boundary for the congressional district. And, you know, one criteria for congressional, another one for legislative.

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If I'm hearing that right. Is that right Jonathan?

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Yeah, I think we definitely need to

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split it up into two votes. Part of that also is Professor Persily sent out a new map that was aimed at changing mainly Baltimore County, but it also did include crossing the bay and I think we should consider that before we decide for

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sure we want to respect the bay or cross it. I agree we should vote for it separately, along with Jonathan. I agree also.

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Just legally, the 2002 decision from the Maryland Court of Appeals really only applies to the state legislative districts. And so, in terms of what I think, the interpretation of the Maryland constitution would only extend that far.

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There's obviously in the governor's order another criterion of respecting natural boundaries and you can decide whether the Chesapeake is one of those boundaries that you want to respect, and the governor's order applies to both state legislature and

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congressional but I think the Maryland constitutional provisions, and the court does specifically mention the Chesapeake in its 2002 decision, although that was not really the issue that was deciding there, it was more

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about political subdivisions.

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But it does point to, for the state legislative map, that there might be concerns about crossing the Chesapeake.

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That doesn't preclude us from feeling...

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Well, first of all, it sounds like we want to split it, and the vote. Okay, so let's start with that. So do we want to respect the Chesapeake Bay as a natural boundary when drawing congressional maps? Can I get a yay or nay?

**00:33:12.000 --> 00:33:33.000**

What was that? I missed the motion. I'm sorry, yes. We're going to have two votes, one on congressional and then one on the legislative map. So the first question is in favor of respecting the Chesapeake Bay as a natural boundary

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when drawing congressional maps.

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And then the second one will be respect the...

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I'm sorry.

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I'm getting confused now, and in other words we don't cross, the question is, should we for the congressional maps, we do not cross the bay and for the legislative maps,

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we can cross the bay. No.

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The question is..Should we respect the bay as a natural boundary when drawing the congressional districts? Should we respect the bay as a natural boundary

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when drawing the legislative districts?

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Alright, so let's get the vote first in the congressional.

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So, all in favor.

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I want to respect Jonathan's question. Jonathan says he believes that we should at least discuss the latest map submitted by the professor.

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Would you like to see that map before we vote on this then? I'm deferring to Jonathan. I'm prepared to vote but I want to make sure that Jonathan has his opportunity to make his argument.

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Thank you, judge. Yeah, can we bring up that map?

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Or alternatively, we can come back to this question and finish the votes on the rest of these points.

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Happy to bring up the map. This is a congressional map that I put together which tries to do two things based on just questions the Commission had. One is on whether we've bias the map by starting on the outsides and going in and

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so then this is a way of going from the inside out.

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And then also in doing so crossing the Chesapeake, so I'll just share my screen, so you can see this map.

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So,

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My screen just gave...Everybody see it?

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So, now, there are lots of different ways we can do the configuration here.

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This map is different from the map we've been working with in several respects.

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One is, you'll see that the...

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Anne Arundel is kept...my screen is flickering, are people seeing that? No, it looks good. Okay.

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And so, Anne Arundel is kept whole, Baltimore City is kept whole and I pushed Baltimore, the Baltimore City district to the west,

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you could do it to the north, you can do it to the east, there's all kinds of ways you can do it. If you do it to the east, you've got a problem because then the Harford based district would be even more strangely shaped.

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Similarly with this, I think, in the senate map, y'all were attracted to the idea of Southern Harford County being with Baltimore County as opposed to going up around which is what we've been doing

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up till now. So I took eastern Baltimore, northern Baltimore County and joined it with Southern Hartford. Baltimore City goes west; Anne Arundel is kept whole with part of Baltimore, the remainder Baltimore County and then the remainder of Howard.

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I'm calling this southern Maryland but obviously there's a question, an important question about what to do about Charles county. The impact, in my opinion, what ends up happening is that, you know, when you take Calvert and St Mary's out of the district

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that had Calvert, St Mary's, Charles and parts of Prince George's, naturally you're going to end up moving more into Prince George's and that's going to create a much more packed African American district; this district is almost 69% African American.

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And as a result, District Four is now only 31% African American whereas before it was, you know, in the mid-40s. And so, and so this decision here is quite important because, by pushing up into more Prince Georges which is heavily African

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American you're going to end up creating a much more packed district there. Then you've got what to do once you, once this district pushes up into Montgomery County and by the way you can make a different decision here,

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you made a decision; you know obviously five, you can split up Anne Arundel, or we could split up district four going to Howard.

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But once you make this decision, you'll see that there's no full district inside Montgomery County. So in order to minimize the number of splits,

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I moved the part that we had from district one out of Montgomery County, so the rest of Montgomery County is in this district two and now it goes into Howard. So the effect of doing all of these changes is to mean that Howard is now split into three,

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three parts.

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As opposed to keeping, you know, we had one and a little bit of Montgomery County that was, I believe, in the last plan maybe add a little bit into Howard also. But you know this is an example and we can move, like for instance this blue

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area in Baltimore, we could decide where you would want that to be.

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There's all kinds of options there.

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But that's the basic idea and that this does cross the bay in the south. But the most disconcerting thing I think for me is, is how to figure out what you might want to do in terms of the heavily packed African American

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district here. I mean one option is if around Bowie or eastern Prince George's County you decided to go into Anne Arundel, then the Anne Arundel district would come up, the purple district would come down, it would increase its African

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American concentration and then the Montgomery district would retreat into more of Montgomery, and out of Howard. But that this is just another example to put on the table.

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Any comments on this?

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This is a revision to the base congressional map that we had previously discussed. Well, it's a whole new map, just to be clear. Yeah, yeah. And so this is a very different, you know, a different approach here.

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**00:40:27.000 --> 00:40:30.000**

What do you think William now that you see this, what are your thoughts?

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I still have some other ideas for Baltimore City and Baltimore County.

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I don't like how Howard County is split three ways.

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It was mainly, you know, just to see what it looked like. Because

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we've always thought of drawing the maps from the shores, from the western shore to the eastern shore. And I don't think we ever really put on paper...we talked about it, but we never really put on paper a map drawn of Central Maryland on

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how it would look like. So this is basically just as documented what it could potentially look like and that's actually documenting that consideration of drawing from central Maryland on out..

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So, are your thoughts that you prefer this now that you have seen it.?

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I don't know if I necessarily prefer this, but I'm still, I still have other thoughts and ideas for Baltimore City and Baltimore County, but

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if I had to vote on this, I probably wouldn't. A big part of that vote would have to be whether or not we cross the bay right?



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Yes. All right. There's clearly Charles and St Mary's and Calvert across the bay.

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Other comments on this map, based on the request that William had put forward?

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Can I just say, do you think it'd be possible just to table this specific topic, until we have a chance to review the many submissions by the citizens to see...least get a better feel for what is coming into us? Alright.

**00:42:16.000 --> 00:42:26.000**

Well, because I think we probably need a little bit more time Kim, I'm mindful of that and plus we have some homework that we're going to have over the weekend.

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Right? Be ready for Monday.

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So maybe let's, we can pass on this one on the criteria for now.

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I'm just looking at Professor Persily, are there any issues with us for this right now?

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I can draw any number of options like this, it really just depends on how you navigate the tradeoffs. I do want people to really think about the implications for overconcentration of minority areas in Prince George's.

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That can be resolved in different ways, like I said if you took this part you went into inner Anne Arundel but then we're breaking, you know, they were breaking a lot of counties at that point, but we can compensate right?

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So if this goes into Anne Arundel and maybe this, you know, well maybe that will eliminate one crossing from Montgomery, so that would be whole. Yeah.

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And as well, you know I did for Commissioner Thomas's recommendation...I wasn't sure exactly what the right area was to join the Baltimore County. One thing, though, that we should be aware of is that probably, since no matter what you do here, there's going

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to be leftover population and it would seem to make sense that either that left over population would go here or somewhere up here. And so if you take this blue district and you push it to the east then you're going to get a kind

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of "s" like district from district seven and so that's why I put it over here, but maybe the answer is to put in North Baltimore, maybe to Dundalk and those areas. It's really just up to the commission what they are there.

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And of course we can email you with any...as you know William has done, any special request and then bring them back to the group. So what I'm hearing is based on Kim's suggestion and the conversations,

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this is going to take a little bit more thought, so we're going to see if we can go back to the criteria and put a hold on the Chesapeake Bay. I have to tell you I'm getting some heartburn looking at Howard County, but that's a whole other thing.

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All right, so if Kristin if you could go back to the criteria, please. I'll stop sharing my screen. Okay, thank you.

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And just to be mindful of everyone's time we got less than 15 minutes.

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For today, but we do have homework, on the weekend that will keep us busy. So we are not voting on the Chesapeake Bay? Not right now, judge. I think people are asking us to give that a little bit more thought and then we're going to be doing some

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homework over the weekend looking at other maps from the public and discussing them on Monday so we can come back to that. So we're going to put a hold on that particular item.

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And then we'll go back to the criteria.

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Kristin,

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Kristin, are you with me?

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You're on mute.

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I can't hear you.

**00:46:00.000 --> 00:46:04.000**

Kristin?

**00:46:04.000 --> 00:46:09.000**

Kristin said she's locked out for some reason. Oh my.

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I'm trying to unmute her and see...

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All right, I did try that. You should talk.

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Okay. Can you guys hear me? Yeah. I just need you to share your screen again for the criteria if you would please. So for the last couple of meetings, whatever happens when I screen share then someone else, and it comes back to me, my screen goes blank and

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I have no controls, and that's what's happening right now.

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So I don't know...I'll have my laptop looked at next week, but it has happened now, and I am having no ability to share my screen. I can read for everyone that the last bullet point which is "congressional districts must be exact, and population with no deviation."

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Alright, so that's one of the criteria I think we've been sticking with. That's the 772,000 number?

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Right. So, if you forward that document to me, I can screen share.

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Okay, I can't.. let me see if I can do that.

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While that's happening, you can just think about that because we've been adhering to that, with all the work that we've been doing on the congressional maps.

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That's a pretty straightforward one, I think we can vote on that without seeing the screen. Any discussion on that before we take a vote about using the seven....

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I'm saying 772, I'm probably..is that close to the number, whatever that?

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All right, any discussion on that one before we take a vote. All right.

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Well I guess another question would be if we didn't stick to that

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zero deviation what percent deviation, could we all agree too? How far do we really want to explore? The 772 for congressional?

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Yes. I thought we had to adhere to that one actually.

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I thought we did too, I'm just saying that if we didn't, how far up and down would we decide to go? There is no choice legally. Oh, so stick to what we've been doing versus trying to think of something else now for this bullet point.

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I actually think this is probably a bullet point, since we don't have any leeway, it's sort of a given. Right, yeah.

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Here we go.

**00:48:47.000 --> 00:49:01.000**

So that one, congressional districts must be exact in population deviation, that's a given. We can't hear from that so there's, I don't really think we need to vote on that one, unless anyone disagrees.

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All right, now then...

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I'm not hearing anyone disagree, so I'm going to move on to these discretionary ones and let's just see if we can maybe get through the first one, and this is the legislative district, you can go plus or minus 5%.

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Mary wants to talk a little bit more about that one.

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I'll defer to Walter; he's got more expertise on that, but I believe that's what we've been following right now: 5% for the initial cut. For the initial cut

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we're doing plus or minus 5% and the question is whether to tighten it down to closer to true population equality. I've been spending a lot of time

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using the map programs as a sandbox to see what problems you get into if you try to make the population variants too precise and I can say first on the two issues that we already have confronted with the senate map,

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there are two county breaks, one in Montgomery and one in Frederick, that could be avoided if you went to a deviation of plus or minus 2%. So that's the threshold that would let you avoid those two county breaks.

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Other than that, it doesn't matter. I tried to do a map, including delegate districts that were within 1%, and I can say you had to break a precinct almost every time which means 100 or more precinct breaks.

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And the districts look pretty spiky because some of these precincts have 10,000 people in them and the districts themselves only include 40,000 people so you wind up with some pretty odd micro looking districts if you shave it down to 1% or less. So I'm

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going to propose retreating a little bit from my hawk position that we go up to 2% because I think that would let you avoid lots and lots of precinct splits and still get pretty fair population equality.

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But I would argue against the 5%, I think that's unfair to people who are in the districts, which aren't effectively representative because 5% strays so far from one person, one vote, I think 2% is practical if we want to use that

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as a guide.

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Jump in on this just in terms of process? Please do. I think, one way to approach this question is to come up right now with what you, you're going to sort of bind yourself to the mast and say 2% or something like

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that. The other is to try to draw the map with the other principles, taking the lead, and then to try to push it down to as low population deviation, as possible.

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Maybe even under 2% but one thing that I'm finding is that if you take the...if right now, we start saying that every district is going to be under 2% deviation that will have significant effects on the way that you make certain choices even

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at this initial stage.

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You may want to just adopt it as a goal, but I'll give you an example that you can draw the requisite number of majority black districts in Prince George's County, even with the 2% rule but then you will break up...

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You will have non compact districts and you will have, you'll break up some of the municipalities, maybe that's something that you will want to do in the end, and we could sort of deal with that when we get there but I sort of feel

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like, you might want to come up with a senate map that you think is basically in the right direction. And then we'll try to push it down as much as possible in the deviations and then I can highlight for you where I think there are kind of trade

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offs.

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Certainly the map that I've currently circulated there I even, you know, all it takes for me is a half an hour for an hour, you know, to try to equalize these districts.

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But I haven't done that now because I'm worried that I'll end up breaking precincts or something at this stage which we will want to reunite later on.

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And so you can discuss having a goal, like for example, the current maps that I've given you are all under 4% right, I didn't have to use the full 5%.

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And I'm pretty sure I can get them under three without a whole lot of difficulty but once we get from three to two, I think there might be some tradeoffs, which, you know, then maybe the answer is population equality should reign supreme here,

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and that's the value you want to maximize against but in the abstract it's hard to understand what the tradeoffs might be if you do go into the 2% direction.

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All right. Thank you, Professor Persily. Other comments?

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I certainly agree with Professor Persily on that.

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I think we go ahead and draft up some maps right now and then try to go back and refine and try to get somewhere around 2,3,4.

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All right, anybody else?

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So this would be one that we would be voting on later than right?

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I'm happy to go along with what Professor Persily said and examine the question later on when we know more about the particular situations, or we can soften the wording to make it a goal rather than a definite commitment or

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we can put in the language about 2% unless there is good reason in a local situation to go higher. Any of those are okay, I do consider this too early to make a definite decision. Alright.

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It sounds like we want to hold off on this one, so we got we're holding off on this one in the bay so far right?

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All right, anybody else, or is everybody okay with that holding off on these two for right now?

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All right and was there one more?

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Mary, you want to talk about that?



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It's a difficult topic because the guidance was only in the governor's directive. It was not part of the Maryland State law or part of any federal.

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However, there...

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In this case the existing maps, at least one of the Congressional or, excuse me, one of the legislative districts at the house level were drawn as a single member district to be compliant with voting rights.

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So right now the state of Maryland is one of the few that has such a conglomeration of three member districts: two remember and then one member districts.

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It's not consistent across the state.

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And, except for one case, I don't know why the other single member districts were selected to be there, or why some were single versus two...

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At any rate, before we go into breaking this data below district levels or doing this, I think we need to talk a little bit about what's the rationale for creating these, and whether Maryland should be another you know continuous kind of a crazy quilt

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of house districts, or whether we want to try to have any consistency across the state. It's an open one right now but I think it's one of our more difficult challenges.

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Yes, and we heard various things from the public. We heard pros and cons for single versus multi member districts. That was pretty consistent.

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I think this is going to have to be put on hold two, but certainly will be a discussion as we have more work sessions.

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Can I just seed your minds with just something as you think about this, which is the, so ordinarily what we think of a voting rights act restraint on multi member districts, it's to break them up as was true like with Wicomico and Dorchester counties,

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where I showed you that there's a district that you have to draw. There are other situations in which, because of trying to navigate the constraints of the Voting Rights Act and the Constitution,

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you may say, all right, well, instead of breaking up this majority minority district into three majority minority senate districts and three-majority minority districts, you might as well just have them as one giant three-member compact multi-member district.

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And so part of it is to navigate the constraints of compactness with the Voting Rights Act, so that that can be a way through. Now I'm not saying that's what's undergirding the existing map where partisan considerations were

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certainly present.

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But that's something that as we go through and it's hard for me right at this first stage to give you a sense of whether multi member districts will be necessary in order to navigate some of those other legal requirements.

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All right.

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Thank you Professor Persily. Any other comments? We are at the end of our time.

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Before we close, we have a lot to think about.

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And I just want to thank everyone for being here today and as we know we have homework to do over the weekend.

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More maps to take a look at. Anything else before we close for today?

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Alright everyone, have a good weekend and thank you so much for your commitment to this process and good discussion and Mary thanks for driving it with putting things in writing, appreciate that too.

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You're welcome. Thank you.

**00:59:17.000 --> 00:59:18.000**

Thank you.

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Thank you. Thank you.