MEMORANDUM

September 30, 2011

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney

SUBJECT: Presentation - Redistricting Commission Report
                Introduction - Bill 31-11, Council Districts – Boundaries

On October 4, the Redistricting Commission will have the opportunity to present its report to Council. The report includes a summary of redistricting law, demographic data, a proposed redistricting map, a description of each proposed Council District's boundaries, and a minority statement.   All Commissioners were invited to attend the presentation.   The Council will hold a public hearing concerning the Commission's plan on November 1, 2011.

Bill 31-11, Council Districts – Boundaries

The Charter gives the Commission's plan a unique status; if the Council takes no action within 90 days from receipt of the report, the Commission's districts become law.[1] The Commission report is what it is. The Council cannot change the report, but it can affirmatively approve their proposed district boundaries or amend the Commission's boundaries by a bill. Bill 31-11 is scheduled to be introduced on October 4 for either of those purposes. As introduced, it affirms the Commission's plan. The Council's November 1, 2011 public hearing will be on both the Commission redistricting plan and Bill 31-11.

Charter Requirements

The Charter requires the 5 Council Districts to be compact, contiguous, and substantially equal in population.[2]   Staff believes that the Commission proposed redistricts meet those standards.   This conclusion should not be taken to mean that the Commission's plan is the only way to meet Charter

---

[1] Charter §104: ... If within ninety days after presentation of the Commission's plan no other law reestablishing the boundaries of the Council districts has been enacted, then the plan, as submitted, shall become law.

[2] Charter § 103: Montgomery County shall be divided into five Council districts for the purpose of nominating and electing five members of the Council. Each district shall be compact in form and be composed of adjoining territory. Populations of the Council districts shall be substantially equal.

standards. The Council can approve different district boundaries that also are compact, contiguous, and substantially equal in population.

Compactness for the purpose of redistricting is a judgment that Federal Courts have left to legislatures. It is not a mathematical standard. Mathematically, the most compact district would be a perfect circle. The least compact district would be a district one street wide for its entire length. The Commission used 2010 precincts to construct their proposed districts. That decision ensured that proposed districts are never narrower than the width of a precinct at any point.

Commission Decision-Making

The Commissioners considered 2 very different redistricting maps. The public forum on those maps included testimony in favor of each map and for amending the maps. Both restricting plans considered and rejected the request from the Greater Olney Civic Association to keep Olney split into multiple Council districts. The League of Women Voters recommended the map proposed by Commissioner Don Spence. The Spence Map became the recommendation of the Commission by a vote of 5 to 4. This vote was taken only after the Commission did not approve the map recommended by Vice Chair Henry Kahwaty by a vote of 5 to 4. The vote in each case was split along political party lines.[3] The Commission did not amend the Spence Map.

District Boundary Descriptions

Six pages of the report are devoted to describing the proposed district boundaries by streets, streams, rivers, municipalities, counties, and sometimes individual properties.[4] As tedious as it may be, it is the written description of the boundaries that directs the Board of Elections in preparing ballots. The Commission tried to ease the work of the Board by using 2010 precincts, and the descriptions are faithful to precinct lines. In the area south of Norbeck Road, west of Bailey's Lane and bounded by Leisure World, the precinct boundary used by the Board of elections puts the residents in precinct 13-54. That is different than the maps used by the Commission that had all of the property fronting on Norbeck Road in precinct 13-49. The written description conforms to the Board of Election's line. If the Council wishes to change that, it can do so.[5]

Acknowledgements

All Redistricting Commissioners gave their time, attention, and talents to their tasks without compensation. The authors of the 2 plans considered by the Commission, Commissioner Spence and

---

[3] As required by the Charter, Commissioners were selected from nomination lists prepared by the Democratic and Republican Central Committees. The Commission included 5 Democrats and 4 Republicans. Although one would have hoped for a more bipartisan result, the fact that the Commission was split along party lines is shocking in the same way that the Captain found the presence of gambling shocking in the movie Casablanca:
Captain Renault: "I'm shocked, shocked to find that gambling is going on in here."
Croupier to Captain Renault: "Your winnings, sir."
Captain Renault: "Oh, thank you very much."
[4] It makes for riveting reading only when compared to a cover-to-cover reading of a phone book.
[5] There are two other instances where the mapped boundaries used by the Commission were slightly different than official precinct boundaries. Neither of those areas concerned any resident population.

Vice Chair Kahwaty, were particularly devoted to their assignments. The Chair, Commissioner Tai, got a plan approved by the Commission in the timeframe requested by the Council.

Assistant County Attorney Erin Ashbarry educated the Commission on aspects of election law that affect redistricting and authored the memorandum in the Report's appendix. The Commission's work was supported by Sara Harris from the Board of Elections. She produced the word description of the proposed Council Boundaries. Jay Mukherjee, a Geographic Information Systems (GIS) expert on the Planning Staff, provided the mapping software needs of the Commissioners and assisted the Commission in looking at map alternatives. Pam Zorich, a Planning Staff demographer, explained the changes in the County over the past 10 years and produced the demographic tables in the Commission's Report. There have only been 3 Redistricting Commissions in the history of the County; Ms. Zorich has served all of them. Council staff member Susan Mabie prepared Commission minutes, maintained the Redistricting Commission's website, and helped with the logistics of each Commission meeting.

This packet includes	© page
Redistricting Commission Report	
Bill 31-11	1 – 21
Legislative Request Report	22

G:\MISC\Redistricting_Commission_2011\Redistricting Commission Cover Memo.doc

Montgomery County Redistricting Commission Report

October 2011

GARDEZ BIEN

REPORT OF THE MONTGOMERY COUNTY COMMISSION ON REDISTRICTNG 2011

Table of Contents

2011 Redistricting Commission Membership

Name	District	Party Affiliation
J. Lee Annis, Jr	District 4	Republican
Cherri Branson	District 5	Democrat
Henry J. Kahwaty (Vice Chair)	District 2	Republican
Carmen Ortiz Larsen	District 1	Democrat
Jacqueline L. Phillips	District 1	Republican
Jonathan S. Shurberg	District 5	Democrat
Don Spence	District 2	Democrat
Jason Tai (Chair)	District 3	Democrat
Patti Jo Witham	District 3	Republican

Compliance with Charter Requirements

Only the Republican and Democratic parties polled enough votes to qualify for appointment to the Commission. The Council appointed members from lists provided by the central committee of each party. Each Council district was represented on the Commission. Each district had no more than 2 representatives. The Council appointed the Commissioners by Resolution Number 17-20 on January 18, 2011.

The first meeting of the Commission was on February 17, 2011. Jason Tai was elected Chair and Henry Kahwaty was elected Vice Chair.

Compliance with Open Meetings Law

All Commission meetings were subject to the state open meetings law (required by Montgomery Code §2-149). All of the Commission's business was conducted in public. The parliamentary procedures of Robert's Rules of Order governed when it was necessary to take formal action or decide controversial matters. Absentee voting by Commissioners was not permitted. The public was given notice of all meetings, and the meetings themselves were open to the public. The Commission provided an opportunity for public comment at the end of each of its meetings. The approved minutes of the meetings were available to the public. Audio recordings of Commission meetings were archived.

From the very onset of the redistricting process, the public was welcomed, indeed encouraged, to get involved and participate. The Commission sought public participation in every way possible. Press releases were issued to give notice of the Commission's meetings. Attendance and participation at the meetings afforded one level of participation, while letters and testimony at the public forums presented yet another opportunity to express concerns. The Commission used a website and a separate email address to solicit comments. All citizens associations and homeowners associations were given email notice of the Commission's two public forums.

Redistricting Law

Assistant County Attorney Erin Ashbarry educated the Commission on aspects of election law that affect redistricting. Her March 24, 2011 memorandum to the Commission is attached to this report. The County Charter requires the Commission to present a redistricting plan for the County that divides the County into five Council districts for the purpose of nominating and electing five members of the Council. Each district must be compact in form and be composed of adjoining territory. Populations of the Council districts must be substantially equal.

The Commission was made aware that Council districts must comply with federal laws of equality in voting, as mandated by the 14th and 15th Amendments to the U.S. Constitution and the 1965 Voting Rights Act. The 14th Amendment mandates that districts be of nearly equal population. The Equal Protection Clause of the 14th Amendment also prohibits using race as the predominant factor in districting. The intentional segregation of voters based on race in a manner that lessens the weight of their vote is illegal. The 15th Amendment prohibits abridging the right to vote based on race. The Voting Rights Act enforces the 15th Amendment and prohibits the denial of equal opportunity to participate in the political process and elect candidates of the voter's choice. The Commission was instructed that the difference between the district with the fewest people and the district with the most people may not exceed 10% of the ideal district's population without triggering strict scrutiny by a reviewing court.

The "No Representation Without Population Act" became Maryland law in 2010 (SB 400). Under that act, the population used for redistricting must be adjusted by counting prisoners at their last known residences before incarceration, not at the locations of their prisons.

The Commission reviewed 2010 census data as it related to 2001 Council districts. The following material was published in the Planning Department's January 2011 "Trend Sheet", which is also attached to this report.

Demographics[1] – Total Population

In the last decade, Montgomery County's population grew by 11.3 percent, gaining almost 100,000 people since 2000. As reported by the U.S. Census Bureau, the County's population was 971,777 in 2010. In 2000, the population was 873,341.

---

[1] The Commission was assisted by Montgomery County Planning Department Staff, Pamela Zorich, and Jay Mukherjee. The Commission could not have done its demographic and mapping work without their able assistance.

COUNCIL DISTRICT POPULATION CHANGE[1]
Total Population 2000-2010

Council Districts	2000	% of total	2010	% of total	Gain	% change
District 1	174,556	20.0%	185,462	19.1%	10,906	6.2%
District 2	177,846	20.4%	214,315	22.1%	36,469	20.5%
District 3	172,870	19.8%	197,661	20.3%	24,791	14.3%
District 4	173,601	19.9%	189,652	19.5%	16,051	9.2%
District 5	174,468	20.0%	184,687	19.0%	10,219	5.9%
Total	873,341	100.0%	971,777	100.0%	98,436	11.3%

[1] District boundaries established 2001

Source: Census 2010 Redistricting Data (Public Law 94-171), U.S. Census Bureau; prepared by Montgomery County Planning Department, M-NCPPC.

The County's population grew more diverse over the last decade, becoming a majority minority county for the first time. Some 50.7 percent of the population was either non-white or Hispanic. Hispanics were the largest minority group, comprising 17.0 percent of the population. African Americans, comprising 16.6 percent of the population, were the second largest minority.

All Council districts gained population between 2000 and 2010; however, the amount of population growth in each Council district was different. Council District 2 had the greatest increase (20.5 percent), gaining 36,469 people between 2000 and 2010. Germantown and Clarksburg, two of the County's fastest-growing communities, accounted for 86 percent of the population increase in District 2. Council Districts 1 and 5 each grew by about 6 percent. District 1 added 10,906 people, to total 185,462; District 5, the County's least populated district at 184,687, gained 10,219 people.

Demographics – Race and Ethnicity

The five Council districts reflect the increasing diversity that characterizes Montgomery County in 2010. Except for District 1, all Council districts are majority minority districts when white Hispanic populations are included as a minority population. The highest concentration of minorities, at 61.4 percent, was in District 5. Hispanic populations make up more than 25 percent of the population in District 5. The highest concentration of African-Americans was in District 4, where that population accounted for more than 25 percent of the District's population. The total minority population in District 4 was 60.4 percent. District 3 had the highest concentration of Asians and Pacific Islanders – 20.7 percent.

2000 Council Districts with 2010 Population

	Total Population	Hispanic or Latino	Black	Asian & Pacific Islander	Other Race	Total Minority	Non-Hispanic White
District 1	185,462	13,869	7,887	22,339	5,319	49,414	136,048
District 2	214,315	33,525	36,422	31,572	7,176	108,695	105,620
District 3	197,661	35,775	23,757	40,972	6,509	107,013	90,648
District 4	189,652	35,152	48,342	25,084	5,998	114,576	75,076
District 5	184,687	47,077	45,281	15,137	5,819	113,314	71,373
Total All	971,777	165,161	161,689	135,104	30,821	493,012	478,765

	Total Population %	Hispanic or Latino %	Black %	Asian & Pacific Islander %	Other Race %	Total Minority %	Non-Hispanic White %
District 1	100.0	7.5	4.3	12.0	2.9	26.6	73.4
District 2	100.0	15.6	17.0	14.7	3.3	50.7	49.3
District 3	100.0	18.1	12.0	20.7	3.3	54.1	45.9
District 4	100.0	18.5	25.5	13.2	3.2	60.4	39.6
District 5	100.0	25.5	24.5	8.2	3.2	61.4	38.6
Total All	100.0	17.0	16.6	13.9	3.2	50.7	49.3

* District boundaries established 2001

Source: Census 2010 Redistricting Data (Public Law 94-171), U.S. Census Bureau; prepared by Montgomery County Planning Department, M-NCPPC.

Demographics – Adjustments for Prison Populations

State law (SB 400, enacted in 2010) requires redistricting in Maryland to use population numbers that allocate prisoners to their last residences before incarceration. People incarcerated from out-of-state were excluded from the adjusted population numbers. That adjustment increased the County's population by 561 people; which amounted to .06 percent of the population. All Council districts gained population by that adjustment. The adjustment did not change individual Council district populations by more than 151 people. The target population for new Council districts is 194,468. This is equal to the County's total adjusted population divided by 5.

4

Council District[1]	Total Population 2000	2000 %	2010	2010 Adjusted[2]	2010 Adjusted[2] %	Difference from Target	% Variation from Target
District 1	174,556	20.0	185,462	185,474	19.1	-8,994	-4.6
District 2	177,846	20.4	214,315	214,466	22.1	19,998	10.3
District 3	172,870	19.8	197,661	197,789	20.3	3,321	1.7
District 4	173,601	19.9	189,652	189,774	19.5	-4,694	-2.4
District 5	174,468	20.0	184,687	184,835	19.0	-9,633	-5.0
County Total	873,341	100.0	971,777	972,338	100.0		

Target District (adjusted)	194,468
Maximum % Variation	15.2%
Average % Variation	4.8%

Source: Adjusted 2010 Redistricting Data, Maryland Dept. of Planning; Redistricting Data (PL 94-171) 2000 & 2010 Census, U.S. Census Bureau; Center for Research & Information Systems, prepared by Montgomery County Department of Planning. M-NCPPC (3/23/11).

[1] Current Council Districts adopted in 2001.

[2] For the purposes of Congressional, State, and local redistricting, the U.S. Census Redistricting data must be adjusted by the State of Maryland pursuant to the Maryland law passed in 2010, the "No Representation Without Population Act" (SB 400, HB 496). Generally, the law requires that the census data must be adjusted to reassign Maryland residents in correctional institutions to their last known address and to exclude out-of-state residents in correctional institutions from redistricting. The adjusted counts used for redistricting were certified by the Secretaries of the Maryland Department of Planning and the Department of Public Safety and Correctional Services, and the Executive Director of the Department of Legislative Services, on March 22, 2011.

Matching Demographics and Election Law

Council district boundaries must change. The 2010 population of District 2 is 10.3 % over the "target" district population of 194,468. Council District 5's 2010 population was 5.0% below the target population. The total difference between the district with the most population and the district with the least population was more than 15% of the target population; any difference larger than 10 percent is too far from the principle of one man, one vote to be sustained.

Commission-Recommended Redistricting Plan

The following map depicts the Redistricting Plan recommended by the Commission.

2011 Redistricting Plan
Submitted by the Redistricting Commission
Approved by the Commission
September 9, 2011

Council Districts	Total Adjusted Population	Adjusted Population Deviation	Adjusted Population % Deviation
1	196,230	1,762	0.91
2	192,438	-2,060	-1.06
3	194,406	62	0.03
4	194,841	373	0.19
5	194,453	-15	-0.01

Target population: 194,468
Maximum % Variation: 1.97

6
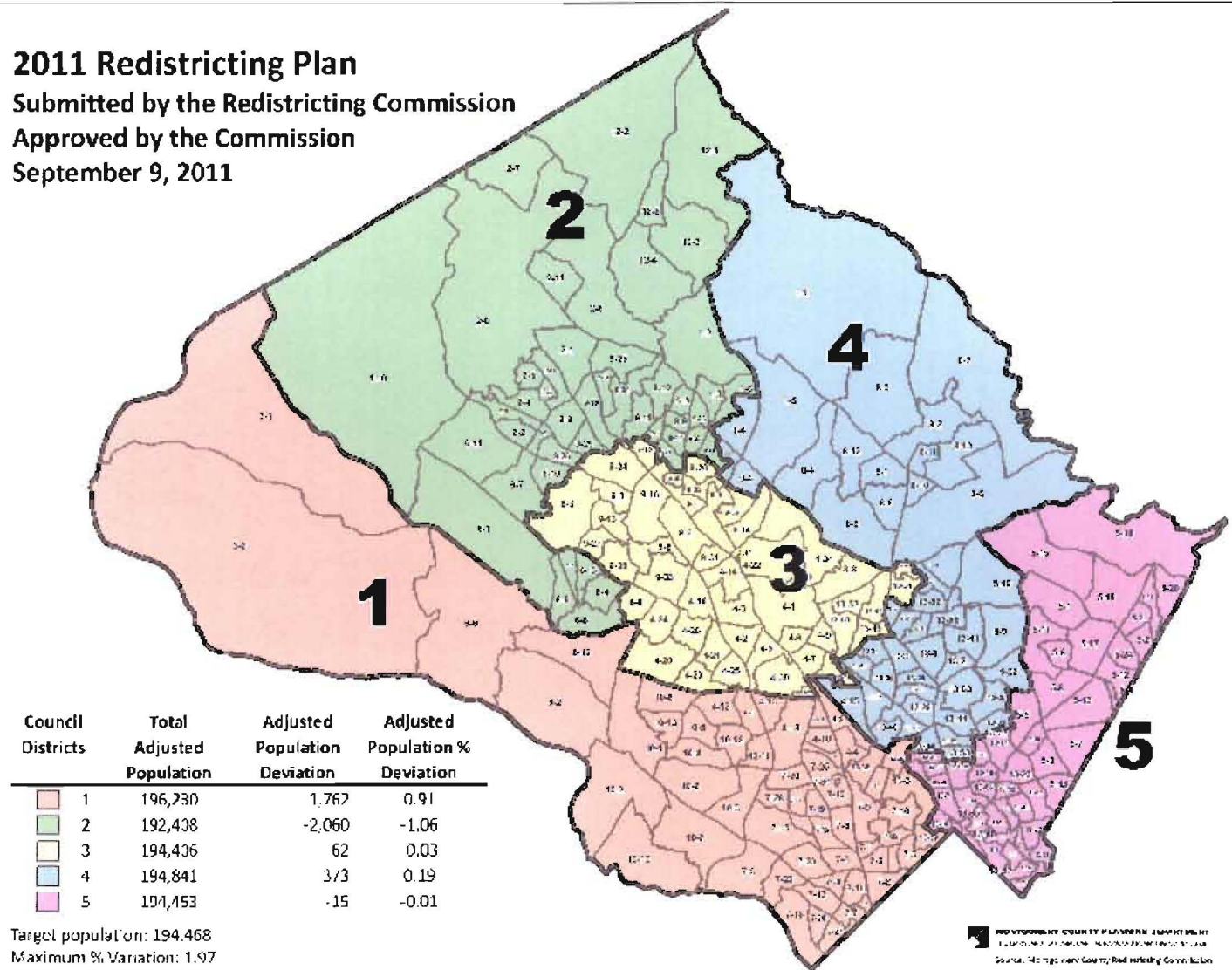
Rationale

The Commission's Redistricting Plan is based on the following:

1) The districts are substantially equal in population, using census data as adjusted for the original residents of prison population.
2) The districts are compact.
3) The districts are contiguous.
4) The Plan keeps all municipalities in single districts.
5) The Plan puts the unincorporated areas of Germantown, Clarksburg, Montgomery Village, Olney, Wheaton, Four Corners, Burtonsville, White Oak, Fairland, and Potomac in single districts.
6) The Plan puts residents along River Road and Route 29 into single districts.
7) The Plan uses 2010 precincts as its building blocks to districts.

The Commission's Plan was supported in public testimony by the League of Woman voters. The Commission Plan equalized population to a greater degree than an alternative plan considered by the Commission (the Kahwaty Plan) and created more compact districts.

The Commission's Plan keeps Germantown in a single district whereas the Kahwaty Plan would have split Germantown north and south of Route 118.

Both the Commission's plan and the Kahwaty plan rejected the testimony of the Greater Olney Civic Association to keep Olney split between Council Districts.

Proposed District Demographics – Total Adjusted Population

Population in Proposed Districts (adjusted population)

Council District	2011 Proposed Districts[1]		Difference from Target	% Variation from Target
	Adjusted[2]	%		
District 1	196,230	20.2%	1,762	0.91%
District 2	192,408	19.8%	-2,060	-1.06%
District 3	194,406	20.0%	-62	-0.03%
District 4	194,841	20.0%	373	0.19%
District 5	194,453	20.0%	-15	-0.01%
County Total	972,338	100.0%		
Target District Population[3]		194,468		
Maximum % Variation[4]		1.97%		
Average % Variation[6]		0.44%		

Source: Montgomery County Commission on Council Redistricting; Adjusted 2010 Redistricting Data, Maryland Dept. of Planning; Redistricting Data (PL 94-171) 2000 U.S. Census, U.S. Census Bureau; Center for Research & Information Systems, Montgomery County Department of Planning. M-NCPPC (9/12/11).

[1] Proposed 2011 County Council Redistricting Plan approved by the Redistricting Commission on September 9, 2011.

[2] For the purposes of Congressional, State, and local redistricting, the U.S. Census Redistricting data must be adjusted by the State of Maryland pursuant to the Maryland law passed in 2010, the "No Representation Without Population Act" (SB 400, HB 496). Generally, the law requires that the census data must be adjusted to reassign Maryland residents in correctional institutions to their last known address and to exclude out-of-state residents in correctional institutions from redistricting. The adjusted counts used for redistricting were certified by the Secretaries of the Maryland Department of Planning and the Department of Public Safety and Correctional Services, and the Executive Director of the Department of Legislative Services, on March 22, 2011.

[3] **Target district population** is the total prisoner-adjusted County population, divided equally among the five Council districts. Under this formula, each district has a target population of 194,468.

[4] **Maximum percentage variation** is the sum of the absolute values of percentage variation of the two districts which are most over-represented and most under-represented. In this case, the district with the largest population, District 1, exceeds the ideal by .91%, and the district with the smallest population, District 2, differs by -1.06%. Summing the absolute values equals 1.97%, which is the maximum percentage variation.

[5] **Average percentage variation** is the sum of the absolute values of each district's percentage variation from the ideal divided by the number of districts.

Proposed District Demographics – Race and Ethnicity

For purposes of description and not as the primary consideration in proposing new district boundaries, the Redistricting Commission provides the following information on race and ethnicity for its submitted Redistricting Plan. The highest concentration of minority populations, at 65 percent, will be in District 5. African American populations make up almost 32 percent of the population in the District. That will be the highest concentration of African Americans. The highest concentration of Hispanic populations will be in District 4, where those populations will account for 25 percent of the District's population. The total minority population in District 4 will be 58.6 percent. District 3 will have the highest concentration of Asians and Pacific Islanders – 18.9 percent. District 1 will continue to have the highest non-Hispanic white population – 147,701 people, comprising 75 percent of the District.

Proposed 2011 Council District[1]	Adjusted 2010 Population	2010 Population	Hispanic (not Adjusted)	% of district
District 1	196,230	196,214	13,143	6.7%
District 2	192,408	192,264	32,515	16.9%
District 3	194,406	194,290	33,385	17.2%
District 4	194,841	194,703	48,590	25.0%
District 5	194,453	194,306	37,765	19.4%
Total	972,338	971,777	165,398	17.0%

Proposed 2011 Council District	Non – Hispanic (not adjusted)							
	White	% of district	Black or African American	% of district	Asian & Pacific Islander	% of district	Other Race	% of district
District 1	147,701	75.3%	8,429	4.3%	21,373	10.9%	5,568	2.8%
District 2	85,980	44.7%	34,173	17.8%	32,843	17.1%	6,753	3.5%
District 3	96,419	49.6%	21,753	11.2%	36,671	18.9%	6,062	3.1%
District 4	80,548	41.4%	35,799	18.4%	23,780	12.2%	5,986	3.1%
District 5	68,117	35.1%	61,535	31.7%	20,437	10.5%	6,452	3.3%
Total	478,765	49.3%	161,689	16.6%	135,104	13.9%	30,821	3.2%

Source: Montgomery County Commission on Council Redistricting; Adjusted 2010 Redistricting Data, Maryland Dept. of Planning; Redistricting Data (PL 94-171) 2000 U.S. Census, U.S. Census Bureau; Center for Research & Information Systems, Montgomery County Department of Planning. M-NCPPC (9/12/11).

Proposed Districts by 2010 Precincts

The list of 2010 precincts in each proposed Council district is as follows:

2011 Redistricting Plan Proposed by Montgomery County's Commission on Redistricting*
Adjusted 2010 Precinct Population by Proposed Council Districts: Montgomery County, MD

Proposed 2011 Council Districts									
1		2		3		4		5	
Precinct	Population	Precinct	Population	Precinct	Population	Precinct	Population	Precinct	Population
3-1	3,495	1-2	4,769	4-1	6,544	1-1	3,284	5-1	4,947
3-2	2,805	1-3	4,185	4-2	4,168	1-4	3,340	5-2	5,287
4-4	4,082	1-6	2,579	4-3	5,787	1-5	3,925	5-3	2,752
4-8	4,128	2-1	6,876	4-5	5,358	4-15	7,039	5-4	1,529
4-10	3,782	2-2	4,993	4-6	3,810	5-9	4,903	5-5	3,067
4-12	4,522	2-3	3,792	4-7	4,442	5-16	4,229	5-6	5,968
4-13	2,695	2-4	5,541	4-9	2,413	5-22	1,922	5-7	1,366
4-17	2,814	2-5	4,668	4-14	6,549	8-1	4,499	5-8	2,604
4-18	4,316	2-6	3,097	4-16	3,740	8-2	5,218	5-10	4,024
4-31	4,393	2-7	520	4-19	2,949	8-4	1,716	5-11	4,949
4-32	1,847	2-8	5,025	4-20	3,834	8-5	3,378	5-12	5,384
6-2	3,036	2-9	2,187	4-21	3,561	8-6	5,069	5-13	9,948
6-9	2,597	2-10	2,359	4-22	-	8-7	2,386	5-14	8,114
6-12	2,935	2-11	7,119	4-23	3,456	8-8	3,662	5-15	4,559
7-1	2,623	6-1	2,916	4-24	4,679	8-9	4,616	5-17	4,968
7-2	2,487	6-4	3,021	4-25	2,984	8-10	2,854	5-18	2,235
7-3	3,773	6-5	2,778	4-26	2,604	8-11	3,983	5-19	4,362
7-4	5,461	6-6	4,243	4-27	2,022	8-12	3,850	5-20	3,860
7-5	2,678	6-7	5,199	4-28	2,405	8-13	2,531	5-21	7,196
7-6	2,836	6-10	5,349	4-30	6,083	9-4	5,155	5-23	3,222
7-7	2,605	6-11	7,338	4-34	2,378	9-37	3,473	5-24	3,623
7-8	4,340	6-13	2,523	6-3	3,305	13-1	3,443	13-4	3,097
7-9	3,705	6-14	2,231	6-8	5,064	13-2	4,392	13-5	3,853
7-10	4,279	9-5	2,740	8-3	3,591	13-20	2,614	13-6	3,168
7-11	4,556	9-7	7,948	9-1	3,707	13-25	6,649	13-7	3,246
7-12	3,712	9-8	8,692	9-2	5,737	13-27	4,548	13-8	3,793
7-13	4,614	9-9	3,332	9-3	4,734	13-28	3,686	13-9	2,644
7-15	4,465	9-11	3,983	9-6	6,701	13-29	5,373	13-10	2,531
7-16	2,626	9-12	4,213	9-10	2,688	13-30	6,204	13-11	4,423
7-17	2,627	9-17	1,493	9-13	4,833	13-32	5,406	13-12	1,826
7-18	3,224	9-18	5,485	9-14	3,284	13-33	2,776	13-13	4,819
7-19	3,124	9-19	3,952	9-15	4,267	13-35	5,084	13-14	2,577
7-20	3,436	9-21	3,695	9-16	7,924	13-36	5,575	13-15	5,727
7-21	1,536	9-22	3,512	9-20	3,581	13-37	4,104	13-16	4,437
7-22	2,927	9-23	2,464	9-24	3,418	13-40	3,376	13-17	2,264
7-23	4,308	9-25	3,510	9-27	4,867	13-41	2,165	13-18	4,464
7-24	3,256	9-26	4,813	9-28	1,313	13-43	3,666	13-19	3,026
7-25	3,086	9-29	4,052	9-31	4,319	13-44	6,192	13-21	4,007
7-26	5,734	9-30	4,348	9-32	8,037	13-48	3,781	13-22	8,341
7-27	2,361	9-34	5,913	9-33	3,797	13-49	4,256	13-23	3,362
7-28	2,474	9-38	2,738	9-35	6,283	13-53	2,579	13-24	2,959
7-30	1,232	11-0	2,258	9-36	2,930	13-55	4,769	13-31	2,498
7-31	1,411	12-1	3,033	13-45	3,025	13-56	2,382	13-42	2,069
7-32	1,685	12-2	3,414	13-46	3,016	13-57	2,024	13-47	5,298
10-1	1,996	12-3	5,099	13-51	4,123	13-59	2,410	13-50	3,043

2011 Redistricting Plan Proposed by Montgomery County's Commission on Redistricting*

Adjusted 2010 Precinct Population by Proposed Council Districts: Montgomery County, MD

Proposed 2011 Council Districts									
1		**2**		**3**		**4**		**5**	
10-2	3,525	12-4	3,209	13-52	2,900	13-61	3,180	13-58	3,498
10-3	3,097	12-5	5,204	13-54	4,245	13-62	2,707	13-65	3,165
10-4	1,982			13-69	2,951	13-63	3,045	13-66	985
10-5	3,080					13-64	7,423	13-67	2,310
10-6	3,137							13-68	3,059
10-7	3,755								
10-9	3,546								
10-10	3,652								
10-11	2,722								
10-12	4,069								
10-13	2,282								
13-3	2,678								
13-26	1,784								
13-34	3,367								
13-38	3,836								
13-39	3,094								
Total	**196,230**		**192,408**		**194,406**		**194,841**		**194,453**
% of County	**20.2%**		**19.8%**		**20.0%**		**20.0%**		**20.0%**

* Proposed 2011 County Council Redistricting Plan approved by the Montgomery County's Commission on Redistricting Sept 9, 2011.

Proposed District Descriptions

The boundaries of the five (5) Council districts required under Section 16 of the County Charter are as follows.

District 1: The southern boundary of District 1 begins at the junction of the boundary lines of Montgomery County, Maryland, the District of Columbia and Fairfax County, Virginia; then northwesterly, meandering along the west bank of the Potomac River, the boundary line of Montgomery County and Fairfax County; then continuing northwesterly, meandering along the Potomac River, to the boundary line of Montgomery County, Maryland and Loudoun County (Virginia); then continuing northwesterly and northeasterly along the western boundary of the Potomac River to its junction with the boundary of Montgomery County, Maryland and Frederick County, Maryland; then northeasterly along said boundary line to its junction with the center line of Dickerson Road (MD Route 28); then southeasterly and southwesterly along the center line of said road, continuing as Darnestown Road (MD Route 28); then continuing southeasterly along the center line of said road to its intersection with the center line of Turkey Foot Road; then southeasterly along the center line of said road to its junction with the center line of Travilah Road; then easterly and northeasterly along the center line of said road to its junction with center line of Piney Meetinghouse Road; then southerly along the center line of said road to its intersection with the Potomac Electric Power Company right-of-way; then southeasterly along said right-of-way to its intersection with the center line of Falls Road (MD Route 189); then easterly to its junction with the center line of Montrose Road; then easterly along the center line of said road and a straight line of prolongation to its junction with the center line of Rockville Pike (MD Route 355); then northwesterly along the center line of said road to its intersection with the center line of Halpine Road and a line of prolongation to the center line of the CSX Railroad right-of-way; then southeast along the center line of said right-of-way to its intersection with the municipal boundary of the Town of Kensington; then northeasterly and east along said municipal boundary line to the center line of Connecticut Avenue (MD Route 185); then north along the center line of said road to its junction with the center line of Lawrence Avenue; then east along the center line of said road to its junction with the center line of University Boulevard West (MD Route 193); then northeasterly along the center line of said road to its intersection with the center line of Drumm Avenue; then southwesterly along the center line of said road and continuing south along a line of prolongation to its junction with the center line of Meredith Avenue (at Oberon Street); then south along the center line of Meredith Avenue to its intersection with the center line of Edgewood Road; then westerly along the center line of said road and a line of prolongation to the center line of the CSX Railroad right-of-way; then continuing southeasterly along said right-of-way to its intersection with the center line of Brookville Road; then southwesterly along the center line of said road to its junction with the center line of Lyttonsville Place; then southeasterly along the center line of said road to its intersection with the center line of the Georgetown Branch Trail; then southwesterly along the center line of said trail to its junction with Brookville Access Road; then southwest along the center line of Brookville Access Road to its junction with the center line of Grubb Road; then southeasterly along the center line of said road to its intersection with the center line of East West Highway (MD Route 410); then northeasterly, easterly and northeasterly along the center line of said road to its junction with the center line of Rosemary Hills Drive; then southeasterly along a line of prolongation from the center line of said road to its intersection with the boundary

line of Montgomery County, Maryland and the District of Columbia; then southwesterly along said boundary line to the boundary line of Montgomery County, Maryland, the District of Columbia and Fairfax County, Virginia, the point of beginning.

District 2: The southern boundary of District 2 begins at the junction of the center line of Lake Winds Way and the center line of Travilah Road; then westerly along the center line of said road to its junction with the center line of Turkey Foot Road; then northwesterly along the center line of said road to its junction with the center line of Darnestown Road (MD Route 28); then southwesterly and northwesterly along the center line of said road, continuing northeasterly and northwesterly as Dickerson Road (MD Route 28) to the boundary line of Montgomery County, Maryland and Frederick County, Maryland; then northeasterly along said county boundary line to the point at Parrs Spring where the boundary lines of Montgomery County, Maryland, Frederick County, Maryland, and Howard County, Maryland converge; then southwesterly and southeasterly along the boundary line of Montgomery County, Maryland and Howard County, Maryland following the center line of the Patuxent River to its intersection with the center line of Mullinix Mill Road; then southwesterly along the center line of said road to its junction with the center line of Damascus Road (MD Route 108); then southeasterly along the center line of said road to its junction with the center line of Jarl Drive; then southwesterly along the center line of said road and a line of prolongation to its junction with the center line of Great Seneca Creek; then meandering southeasterly and southwesterly along the center line of said creek to its intersection with the center line of Woodfield Road (MD Route 124); then southwesterly along the center line of said road to its junction with the center line of the north end of Hadley Farms Drive; then westerly, southerly and southeasterly along a line encompassing all of the streets connected to Hadley Farms Drive to the junction of said line with the center line of Cabin Branch Tributary at a point east and south of Boxberry Terrace; then meandering southwesterly along the center line of said tributary to its intersection with the center line of Snouffer School Road; then southeasterly along said road to its intersection with the center line of Flower Hill Way; then southerly and southeasterly along the center line of said road to its junction with the center line of Woodfield Road (MD Route 124); then southwesterly along the center line of said road to its intersection with the center line of Emory Grove Road; then northwesterly along said road to its intersection with the center line of Goshen Road; then south along the center line of said road to its intersection with the center line of Odend'hal Avenue; then west along the center line of said road to its intersection with the center line of Lost Knife Road; then northwest along the center line of said road to its junction with Montgomery Village Avenue (MD Route 124); then southwest along said road to the municipal boundary of the City of Gaithersburg to the center line of Watkins Mill Road; then southwest along said road to the municipal boundary and its junction at the center line of Whetstone Run; then meandering southwesterly and northerly along the center line of said run to its intersection with the municipal boundary line of the City of Gaithersburg; then northwesterly and southwest along said municipal boundary line and intersecting with the Potomac Electric Power Company right-of-way to its junction with the center line of Old Game Preserve Road; then northwesterly along the center line of said road to its junction with the center line of Arrowsmith Court; then northwesterly along the center line of said road to its junction with the center line of Game Preserve Road; then southwesterly along the center line of said road to its intersection with the center line of North Frederick Avenue (MD Route 355); then northerly along the center line of said road to its intersection with the

center line of Great Seneca Creek; then meandering westerly and southerly along the center line of said creek to its intersection with the center line of the Potomac Electric Power Company right-of-way; then southeasterly along the center line of said right-of-way to its intersection with the center line of Darnestown Road (MD Route 28); then easterly along the center line of said road to its intersection with the center line of Dufief Mill Road; then southwesterly along the center line of said road to its junction with the center line of Lake Winds Way; then southerly along the center line of said road to its junction with the center line of Travilah Road, the point of beginning.

District 3: The southwestern boundary of District 3 begins at the center line of the Potomac Electric Power Company right-of-way and the center line of Piney Meetinghouse Road; then northeasterly and northerly along the center line of said road to its junction with the center line of Travilah Road; then southwesterly along the center line of said road to its junction with the center line of Lake Winds Way; then northwesterly along the center line of said road to its junction with the center line of Dufief Mill Road; then northeasterly along the center line of said road to its junction with the center line of Darnestown Road (MD Route 28); then northwesterly along the center line of said road to its junction with the center line of the Potomac Electric Power Company right-of-way; then northwesterly along the center line of said right-of-way to its intersection with the center line of Great Seneca Creek; then meandering northeasterly along the center line of said creek to its intersection with the center line of Frederick Road (MD Route 355); then southeasterly along the center line of said road to its intersection with the center line of Game Preserve Road; then northeast along the center line of said road to its junction with the center line of Arrowsmith Court; then southeasterly along the center line of said road to its junction with the center line of Old Game Preserve Road; then southeasterly along the center line of said road to its junction with the northwestern municipal boundary line of the City of Gaithersburg and the Potomac Electric Power Company right-of-way; then north and easterly along said municipal boundary line to its intersection with the center line of Watkins Mill Road; then southwesterly along the center line of said road to its junction with the municipal boundary (south of Whetstone Run); then southeasterly and south along said municipal boundary line to its intersection with the center line of Montgomery Village Avenue (MD Route 124); then northeasterly along the center line of said road to its junction with the center line of Lost Knife Road; then southeasterly along the center line of said road to its junction with Odend'hal Avenue; then east along the center line of Odend'hal Avenue to its junction with the center line of Goshen Road; then north along the center line of said road to its intersection with the center line of Emory Grove Road; then southeasterly along the center line of said road to its intersection with the center line of Woodfield Road (MD Route 124); then southwesterly along the center line of said road to its junction with the center line of Midcounty Highway; then southeasterly along the center line of said road to its junction with the center line of Shady Grove Road; then northeasterly along the center line of said road to its junction with the center line of Muncaster Mill Road (Md. Route 115); then southeasterly along the center line of said road to its junction with the center line of Norbeck Road (MD Route 28); then east along the center line of said road to its junction with a line of prolongation to the northeastern boundary of Leisure World of Maryland (Corporate Mutual 16); then southeasterly, southwesterly and westerly along said corporate boundary line to its junction with the center line of Georgia Avenue (MD Route 97);

then southeasterly along the center line of said road to its junction with the center line of Aspen Hill Road; then west and southwesterly along the center line of said road to its junction with Veirs Mill Road (MD Route 586); then northwest along the center line of said road to its intersection with the center line of Rock Creek; then southeasterly meandering along the center line of said creek to its junction with the southern boundary line of Rock Creek Park; then west, north and west along said park boundary line to its junction with the southeast corner of the boundary line of Parklawn Memorial Park Cemetery; then westerly and northerly along said cemetery boundary to its junction with the center line of an unnamed creek; then northwesterly meandering along said creek to a line of prolongation to the center line of Fishers Lane; then west along the center line of said road and a line of prolongation to the center line of Halpine Road; then southwest along the center line of said road to its intersection with the center line of Rockville Pike (MD Route 355); then southeasterly along the center line said road to its junction with a line of prolongation to the center line of Montrose Road; then westerly along the center line of said road to its junction with the center line of Falls Road (MD Route 189); then southwesterly along the center line of said road to its junction with the center line of the Potomac Electric Power Company right-of-way; then northwesterly along the center line of said right-of-way to the center line of Piney Meetinghouse Road, the point of beginning.

District 4: The southeastern boundary of District 4 begins at the junction of the center line of Ednor Road and the center line of the Patuxent River, the boundary line of Montgomery County, Maryland and Howard County, Maryland; then northwesterly meandering along said county boundary line to its intersection with the center line of Mullinix Mill Road; then southwesterly along the center line of said road to its junction with the center line of Damascus Road (MD Route 108); then southeasterly along the center line of said road to its junction with the center line of Jarl Road; then southwesterly along the center line of said road to its junction with the center line of Great Seneca Creek; then east and southwesterly meandering along the center line of said creek to its intersection with the center line of Woodfield Road (MD Route 124); then southeasterly along the center line of said road to its north junction with the center line of Hadley Farms Drive; then westerly, southerly and southeasterly along a line encompassing all streets connected to Hadley Farms Drive to a junction with the center line of Cabin Branch Tributary at a point south of Boxberry Terrace; then meandering southwesterly along the center line of said tributary to its intersection with the center line of Snouffer School Road; then southeasterly along the center line of said road to its intersection with the center line of Flower Hill Way; then southwesterly and southeasterly along the center line of said road to its intersection with the center line of Woodfield Road (MD Route 124); then southwest along the center line of said road to its junction with the center line of Midcounty Highway; then southeasterly along the center line of said road to its junction with the center line of Shady Grove Road; then northeasterly along the center line of said road to its junction with the center line of Muncaster Mill Road (MD Route 115); then southeasterly along the center line of said road to its intersection with the center line of Norbeck Road (MD Route 28); then east along the center line of said road to its junction with a line of prolongation to the northeastern boundary of Leisure World of Maryland (Corporate Mutual 16); then southeasterly, southwesterly and westerly along said corporate boundary line to its junction with the center line of Georgia Avenue (MD Route 97); then southeasterly along the center line of said road to its junction with the center line of Aspen Hill Road; then west and southwesterly along the center line of said road to its junction with the

center line of Veirs Mill Road (MD Route 586); then northwest along the center line of said road to its intersection with the center line of Rock Creek; then meandering southeasterly along the center line of said creek to its junction with the southern boundary line of Rock Creek Park; then west, north and south along said park boundary line to its junction with Parklawn Memorial Park Cemetery continuing west along said cemetery boundary line; then southwest, northwest and north along said cemetery boundary line to its junction with the center line of an unnamed creek; then meandering west along the center line of said creek to the center line of Fishers Lane; then west along the center line of said road and a line of prolongation to the center line of the CSX Railroad right-of-way; then continuing southeasterly along the center line of said right-of-way to its junction with the center line of Summit Avenue; then northeast along the center line of said road to its junction with the municipal boundary of the Town of Kensington; then northeast and east along said municipal boundary line to its intersection with Connecticut Avenue (MD Route 185); then north along the center line of said road to its intersection with the center line of Lawrence Avenue; then east along the center line of said road to its junction with the center line of University Boulevard West (MD Route 193); then northeasterly along the center line of said road to its junction with the center line of Drumm Avenue; then southwesterly along the center line of said road and a line of prolongation to the center line of Drumm Avenue to its intersection with the center line of Plyers Mill Road; then east along the center line of said road to its intersection with the center line of Georgia Avenue (MD Route 97); then southeast along the center line of said road to its intersection with the center line of Dennis Avenue; then easterly along the center line of said road to the center line of Sligo Creek; then northerly meandering along the center line of said creek to its junction with the center line of University Boulevard West (MD Route 193); then southeasterly along the center line of said road to its junction with a line of extended prolongation (at Arcola Avenue) following said line northeasterly and southeasterly to its junction with the center line of Northwest Branch; then northerly meandering along the center line of said branch to a line of prolongation and its convergence with the center line of Springbrook Drive; then southeasterly along the center line of said road to its junction with the center line of Warrenton Drive; then northeasterly along the center line of said road to its junction with New Hampshire Avenue (MD Route 650); then north along the center line of said road to its junction with the center line of Norwood Road; then northwesterly along the center line of said road to its junction with the center line of Ednor Road; then northeasterly along the center line of said road to its junction with the center line of the Patuxent River, the boundary line of Montgomery County, Maryland and Howard County, Maryland, the point of beginning.

District 5: The southwestern boundary of District 5 begins at the boundary line of Montgomery County, Maryland and the District of Columbia (at Rosemary Hills Drive); then continuing northwest along a line of prolongation to its junction with the center line of East West Highway (MD Route 410); then west along the center line of said road to its intersection with the center line of Grubb Road; then northwest along the center line of said road to its junction with the center line of Brookville Access Road; then north along the center line of Brookville Access Road to its junction with the center line of Georgetown Branch Trail; then northeasterly along the center line of said trail to its intersection with the center line of Lyttonsville Place; then northwesterly along the center line of said road to its junction with the center line of Brookville Road; then northeasterly along the center line of said road to its intersection with the center line

of the CSX Railroad right-of-way; then northwesterly along the center line of said right-of-way and a line of prolongation east to the center line of Edgewood Road; then east along the center line of said road to its intersection with the center line of Meredith Avenue; then north along the center line of said road and a line of prolongation (at Oberon Street) to the center line of Drumm Avenue; then northwesterly along the center line of said road to its intersection with the center line of Plyers Mill Road; then east along the center line of said road to its intersection with the center line of Georgia Avenue (MD Route 97); then southeasterly along the center line of said road to its intersection with the center line of Dennis Avenue; then easterly along the center line of said road to the center line of Sligo Creek; then northerly meandering along the center line of said creek to its junction with the center line of University Boulevard West (MD Route 193); then southeasterly along the center line of said road to its junction with a line of prolongation (at Arcola Avenue); then northeasterly along the center line of said line of prolongation extending northeasterly to its junction with the center line of Northwest Branch; then northerly meandering along the center line of said branch to a line of prolongation easterly to the center line of Springbrook Drive; then easterly along the center line of said road to its junction with the center line of Warrenton Drive; then northeasterly along the center line of said road to its junction with the center line of New Hampshire Avenue (MD Route 650); then north along the center line of said road to its junction with the center line of Norwood Road; then northwesterly along the center line of said road to its junction with the center line of Ednor Road; then northeasterly along the center line of said road to its junction with the center line of the Patuxent River, the boundary line of Montgomery County, Maryland and Howard County, Maryland; then southeasterly meandering along said river, the county boundary line, to its junction with the boundary line of Montgomery County, Maryland and Prince George's County, Maryland; then southwesterly along said county boundary line, continuing as said county boundary to its junction with the boundary line of Montgomery County, Maryland and the District of Columbia (Eastern Avenue); then northwest and southwest along said county boundary line to a point of prolongation from East West Highway (at Rosemary Hills Drive), the point of beginning.

Minority Statement

The Montgomery County Redistricting Commission (the "Commission") recommended a redistricting map to County Council based on a 5-4 vote. There were two proposed maps before the Commission, one proposed by Don Spence and the other by Henry Kahwaty. Commissioner Spence's proposed map was approved by the 5-4 vote, and Commissioner Kahwaty's proposed map was rejected on an identical 5-4 vote. Mr. Spence's proposed redistricting map was approved by the Democratic Commissioners, and Dr. Kahwaty's proposed map was approved by Republican Commissioners.

The Commission had great, but unrealized, potential to develop a map that best represents the interests of Montgomery County's citizens. Instead of working in a collaborative process and carefully considering public input, the Commission made no adjustments to Mr. Spence's initial proposal based on ideas from other Commissioners or the community. In fact, the Commission did not even consider making any adjustments to Mr. Spence's map based on comments from the public. As a result, the Commission's process was little more than a mask for a plan developed behind closed doors by one or several members of the Democratic majority. The Commission gave a veneer of public input and deliberative process to what was essentially a plan devised out of public view and without any public input. Furthermore, the map approved by the Commission combined areas together that lack common local interests, which weakens the ability of Montgomery County citizens to have their interests represented before County government.

The Commission's Public Hearings
The Commission held two public hearings to solicit comments on redistricting. One session was held before proposed maps were released. This meeting was intended to gather public input on map design and strategy. A second hearing was held after the two proposed maps were released. The stated purpose of this second hearing was to gather comments on the specific maps proposed. The Commission's final map did not reflect any of the public comments received, and indeed the Commission never discussed or otherwise considered the public comments received at the second hearing. In particular, no revisions to the map were made based on substantive public comments, and no revisions were even considered or discussed. We conclude that the public hearing process had no purpose and was actually more of a show than a serious effort to gather input from Montgomery County residents.

The Spence Map Adopted by the Commission
Mr. Spence characterized his map as a way to group together "communities of interest" in Montgomery County. Interestingly, he only adopted this language after Dr. Kahwaty used this term to describe his proposed redistricting map.

Mr. Spence proposed, and the Commission adopted, a map that creates a district in the western part of the County. Mr. Spence described this as a "community of interest" along the Potomac. It is hard to see, however, how combining Poolesville and Bethesda into one district creates a "community of interest". Do these very different areas face the same local concerns? If so, what are these concerns?

18

Mr. Spence also proposed, and the Commission adopted, a district starting with Wheaton and running to the north through Olney and Brookeville. This district's common feature was apparently Georgia Avenue, a road and not a river as with the Bethesda/Poolesville district. Mr. Spence indicated that this was another community of interest. We fail to see, however, the local concerns that bind these areas together as a "community of interest". There are many local issues that are of concern to Montgomery County residents, such as traffic, public safety, and school quality. No reasoned analysis of local public safety or other local concerns has been offered to justify combining Wheaton and Olney as a "community of interest". As such, we conclude that this description is really nothing more than window dressing.

The Kahwaty Map Rejected by the Commission
Dr. Kahwaty proposed a more dramatic restructuring of County Council districts. His proposed districts are defined around true communities of interest. His proposed "Inside the Beltway" district combined older communities with common traffic concerns into one district. He recommended a district centered on Rockville, and a second centered on Gaithersburg. The most dramatic feature of his proposed map, however, was his proposal to combine together areas like Poolesville to the west, Damascus to the north, and Brookeville and Brinklow to the east. This district has been described as something that surrounds much of the rest of the county, which is correct. This is exactly what it did. Even so, this district represented a true community of interest.

It has been Montgomery County policy for many years to concentrate development in the center core of the County and to surround the County with less developed areas, including the Agricultural Reserve. Thus, Montgomery County policy created disbursed areas around the County's perimeter that are less densely populated. Not surprisingly, these areas have common needs and interests that are separate and distinct from those in Bethesda, downtown Silver Spring, and the center of Rockville. Simply put, we feel that areas like Laytonsville have more in common with places like Poolesville than with Glenmont and Wheaton, and we believe it is appropriate to recognize this in redistricting so that these common interests have a voice in Montgomery County government.

One criticism levied against Dr. Kahwaty's recommendation for this perimeter district was that it was too dispersed to be served adequately by a member County Council. This cannot be considered a serious argument: if a member of Council cannot serve 20% of the Montgomery County population in this perimeter district, how can any at-large member of Council serve the whole County? This is not a criticism of Dr. Kahwaty's proposed map but instead is a criticism of the four at-large seats on Council.

Recommendation
We recommend the County Council closely scrutinize the map approved by the Redistricting Commission, hold a true public hearing, adequately consider public comments, and determine how the interests of Montgomery County citizens can be best represented before our local government. The political characteristics of different regions of the County may not be the same. In a democracy, these distinctions should not be squelched but rather should be given a voice in our political institutions.

Appendix A: Commission meeting dates

February 17, 2011

March 31, 2011

April 28, 2011

May 26, 2011 – Public Forum

August 11, 2011

September 1, 2011 – Public Forum

September 9, 2011

Appendix B: Charter Provisions Concerning Redistricting

Sec. 103. Council Districts.

Montgomery County shall be divided into five Council districts for the purpose of nominating and electing five members of the Council. Each district shall be compact in form and be composed of adjoining territory. Populations of the Council districts shall be substantially equal.

Sec. 104. Redistricting Procedure.

The boundaries of Council districts shall be reviewed in 1972 and every tenth year thereafter. Whenever district boundaries are to be reviewed, the Council shall appoint, not later than February 1 of the year before the year in which redistricting is to take effect, a commission on redistricting. The Commission shall be composed of four members from each political party chosen from a list of eight individuals submitted by the central committee of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the last preceding regular election. Each list shall include at least one individual who resides in each Council district. The Council shall appoint one additional member of the Commission. The Commission shall include at least one member who resides in each Council district, and the number of members of the Commission who reside in the same Council district shall not exceed the number of political parties which submitted a list to the Council. The Commission shall, at its first meeting, select one of its members to serve as its chair. No person who holds any elected office shall be eligible for appointment to the Commission.

By November 15 of the year before the year in which redistricting is to take effect, the Commission shall present a plan of Council districts, together with a report explaining it, to the Council. Within thirty days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within ninety days after presentation of the Commission's plan no other law reestablishing the boundaries of the Council districts has been enacted, then the plan, as submitted, shall become law.
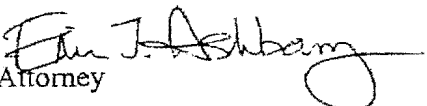
Isiah Leggett
County Executive

Marc P. Hansen
County Attorney

OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM

TO: Redistricting Commission Members

FROM: Erin J. Ashbarry
             Assistant County Attorney

DATE: March 24, 2011

RE: **Legal Issues in Redistricting:**
             1.   **Traditional Districting Criteria**
             2.   **Substantially Equal Population: One Person, One Vote**
             3.   **The Voting Rights Act of 1965**
             4.   **Equal Protection Clause and Racial Gerrymandering**
             5.   **Equal Protection Clause and Political Gerrymandering**

This memo's purpose is to provide the Commission with a legal road map of its duties.[1] The County Charter's requirements for Council districts are terse: the Commission must create five districts that are (or review the present districts to assure they remain): (1) compact in form, (2) composed of adjoining territory, and (3) substantially equal in population.[2]

Council districts the Commission creates must also comply with federal laws mandating equality in voting: the 14th and 15th Amendments to the U.S. Constitution and the Voting Rights Act. The 14th Amendment's Equal Protection Clause mandates that electoral districts be of nearly equal population so that each person's vote has equal weight in the election of their representative.[3] The Equal Protection Clause also prohibits using race as the predominant factor

---

[1] This memorandum is an update to one prepared by Edward Lattner, Associate County Attorney, for the Redistricting Commission in 2001.

[2] Section 103 of the Montgomery County Charter states: "Montgomery County shall be divided into five Council districts for the purpose of nominating and electing five members of the Council. Each district shall be compact in form and be composed of adjoining territory. Populations of the council districts shall be substantially equal."

[3] The Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution states, "no State shall . . . deny to any person within its jurisdiction the equal protection of the laws." *See also Voinovich v. Quilter*, 507 U.S. 146, 160-61 (1993).

101 Monroe Street, Third Floor, Rockville, Maryland 20850-2580
(240) 777-2983 • TTD (240) 777-2545 • FAX (240) 777-6705 • erin.ashbarry@montgomerycountymd.gov

C-1

in districting to intentionally segregate voters based upon their race and lessen the weight of their vote.[4] The 15th Amendment of the U.S. Constitution also prohibits abridging the right to vote on the basis of race.[5] The Voting Rights Act, enacted in 1965 to enforce the 15th Amendment,[6] prohibits the denial, on the basis of race or color, of the equal opportunity to participate in the political process and elect candidates of their choice.

As you create the five districts that are compact in form, composed of adjoining territory, and substantially equal in population, you must be solicitous of the Voting Rights Act's prohibition against voting procedures have the purpose or effect of abridging the right to vote based on race, but mindful of the Equal Protection Clause's prohibition against intentionally segregating voters based upon race.

I. TRADITIONAL DISTRICTING CRITERIA: COMPACTNESS, CONTIGUITY, AND OTHERS

Over the years, the courts have identified a number of valid considerations when drawing districts. These include: (1) compactness, (2) contiguity, (3) respect for political subdivisions, (4) community shared interests, (5) geography, and even (6) avoiding contests between incumbents or protection of incumbency.[7] Two of these considerations are mandatory under our Charter: compactness and contiguity. These two factors are intended to prevent political gerrymandering.[8]

A. Compactness

When reviewing our Charter's compactness requirement, the Maryland Court of Special Appeals looked to cases construing an identical compactness requirement in the State Constitution.[9]

---

[4] See Bush v. Vera, 517 U.S. 952, 959 (1996); Shaw v. Reno, 509 U.S. 630, 641-643 (1993).

[5] The Fifteenth Amendment states, ""The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

[6] See In re Legislative Redistricting of the State, 370 Md. 312, 326 n.8 (2002).

[7] See Miller v. Johnson, 515 U.S. 900, 916 (1995); Abrams v. Johnson, 521 U.S. 74, 98 (1997).

[8] In re Legislative Districting, 299 Md. 658, 675 (1982). The term gerrymander "was given birth in 1812 following a cartoonist's drawing of a Massachusetts legislative district that he described as appearing like a 'salamander.' An astute observer suggested that the district might more properly be described as a 'gerrymander' after then Governor of Massachusetts Eldridge Gerry who had a role, albeit a minor one, the construction of the district." In re Legislative Districting, 299 Md. at 676 n. 8.

[9] Ajamian v. Montgomery County, 99 Md. App. 665, 690 (1994). Art. III, § 4 of the Maryland Constitution requires that "[e]ach [state] legislative district shall . . . be compact in form."

[T]he ideal of compactness, in geometric terms, is a circle, with the perimeter of a district equidistant from its center. With the possible exception of Colorado, however, no jurisdiction has defined or applied the compactness requirement in geometric terms. On the contrary, most jurisdictions have concluded that the constitutional compactness requirement, in a state legislative redistricting context, is a relative rather than an absolute standard.[10]

Compactness is a requirement for a close union of territory rather than a requirement dependent upon a district being of any particular shape or size. But it is subservient to the federal constitutional requirement of substantial equality of population among districts.[11]

B.   Contiguity

Like our Charter, the State Constitution also has a contiguity requirement.[12] "The contiguity requirement mandates that there be no division between one part of a district's territory and the rest of the district; in other words, contiguous territory is territory touching, adjoining and connected, as distinguished from territory separated by other territory."[13]

Contiguity is also subservient to the federal constitutional requirement of equality of population among districts.[14]

II.   SUBSTANTIALLY EQUAL POPULATION: ONE PERSON, ONE VOTE

The Equal Protection Clause of the Fourteenth Amendment requires that state and local districts assure that one citizen's vote is approximately equal in weight to that of every other citizen, also known as the "one person, one vote" principle. This means that the government must give each qualified voter an equal opportunity to participate in an election, "and when members of an elected body are chosen from separate districts, each district must be established on a basis that will ensure, as far as is practicable, that equal number of voters can vote for

---

[10] *In re Legislative Districting*, 299 Md. 658, 676 (1982).

[11] *See In re Legislative Districting*, 299 Md. 658, 680 n.14 (1982).

[12] Art. III, § 4 of the Maryland Constitution states that "[e]ach [state] legislative district shall consist of adjoining territory."

[13] *In re Legislative Districting*, 299 Md. 658, 675 (1982).

[14] *See In re Legislative Districting*, 299 Md. 658, 680 (1982).

proportionally equal numbers of officials."[15]

Over time, the courts have established a formula for analyzing the "maximum population deviation" among districts for legislatively-enacted redistricting plans for state or local representatives.[16] The court first creates a hypothetical ideal district by dividing the total population[17] of the political unit (state, city, or county) by the total number of district-elected representatives who serve that population (in our case, that number is 5). Then the court adds together the percentage population variation of the largest and smallest district in comparison to the ideal district. If that figure is under 10% the court regards the difference as *de minimis* and is unlikely to find an Equal Protection violation. If that figure is over 10% the court regards the difference as presumptively invalid and the government must provide substantial justification to sustain the plan.[18] Finally, there is a level of population disparity beyond which the government can offer no possible justification. Although it is not clear precisely what that upper level is, the Supreme Court has stated that a maximum deviation of 16.4% "may well approach tolerable limits."[19]

The Commission should strive to create districts which meet the formula described above. In our case, the hypothetical ideal district is the total county population divided by 5. The sum of the percentage variation of the largest and smallest district in comparison to that ideal district should be under 10%.

---

[15] *Hadley v. Junior College Dist. of Metro. Kansas City*, 397 U.S. 50, 56 (1970).

[16] The Supreme Court has repeatedly recognized that congressional apportionment plans, which are tested under Art. I, § 2 of the United States Constitution, are subject to stricter standards of population equality than are state or local legislative districting plans, which are tested under the Equal Protection Clause of the Fourteenth Amendment. *See Daly v. Hunt*, 93 F.3d 1212, 1216 n.5 (4th Cir. 1996). Court ordered apportionment plans must also meet more exacting standards. *See id.* at 1217 n.7

[17] The courts have often used total population as the pertinent measure rather than voting-age population. The use of total population advances "representational equality," ensuring "that all constituents, whether or not they are eligible to vote, have roughly equal access to their elected representatives to voice their opinions or otherwise to advance their interests." *Daly v. Hunt*, 93 F.3d 1212, 1223 (4th Cir. 1996). The use of voting age population advances "electoral equality," ensuring "that, regardless of the size of the whole body of constituents, political power, as defined by the number of those eligible to vote, is equalized as between districts holding the same number of representatives. It also assures that those eligible to vote do not suffer dilution of that important right by having their vote given less weight than that of electors in another location." *Id.*

[18] *See Daly v. Hunt*, 93 F.3d 1212, 1217-18 (4th Cir. 1996). Unlike a § 2 Voting Rights Act case (described below), the plaintiff need not demonstrate that the malapportionment actually lessened his ability to participate in the political process or to receive equally effective access to an elected representative. The harm is presumed in one person, one vote cases.

[19] *Mahan v. Howell*, 410 U.S. 315, 329 (1973).

III.   VOTING RIGHTS ACT OF 1965

While creating districts substantially equal in population, the Commission must be aware of Section 2 of the Voting Rights Act of 1965,[20] which prohibits any law or practice which results in a denial or abridgement of the right to vote based upon race.[21] A plaintiff can establish a violation of Section 2 by proving that:

> **based on the totality of circumstances,** . . . the political processes leading to nomination or election in the . . . political subdivision are not equally open to participation by members of a [protected minority] in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of [the minority] have been elected to office in the State or political subdivision is **one circumstance** which may be considered: Provided, That nothing in this section establishes a right to have members of a [minority] protected class elected in numbers equal to their proportion in the population.[22]

Taken as a whole, Section 2 "prohibits any practice or procedure that, 'interacting with social and historical conditions,' impairs the ability of a protected class to elect its candidate of choice on an equal basis with other voters."[23]

Opportunity is the touchstone under Section 2; the statute only protects the plaintiffs' right to equal opportunity or equal access to the political process.[24] It does not entitle any of the protected classes to be represented by a member of its own group.[25] Under the statute, no group

---

[20] 42 U.S.C. § 1973. Another provision, Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c, provides a mechanism to oversee proposed changes to districting schemes or electoral structures in "covered jurisdictions" — states or counties that had, as of certain dates, maintained voting "tests or devices" serving to disenfranchise minority voters. These are principally states from the Deep South, but also include Alaska and counties in New York and California. Montgomery County, Maryland is not a covered jurisdiction.

[21] Prior to a 1982 amendment, a plaintiff had to prove discriminatory intent. Now, a Section 2 plaintiff need not prove that the challenged law was enacted with a racially discriminatory intent, but only that the law has a discriminatory result. *Thornburg v. Gingles*, 478 U.S. 30, 43-44 (1986).

[22] 42 U.S.C. § 1973(b) (emphasis added).

[23] *Voinovich v. Quilter*, 507 U.S. 146, 153 (1993).

[24] *See Johnson v. De Grandy*, 512 U.S. 997 (1994).

[25] *Lodge v. Buxton*, 639 F.2d 1358, 1374 (5th Cir. 1982), *aff'd sub nom., Rogers v. Lodge*, 458 U.S. 613, 624-26 (1982).

has a right to electoral victory.[26] In the same vein, the statute also does not entitle any group of persons to have their political clout maximized.[27]

The opportunity to participate in the political process is affected when a minority group's voice at the polls is diluted "either by the dispersal of [a minority group] into districts in which they constitute an ineffective minority of voters or from the concentration of [the minority group] into districts where they constitute an excessive majority."[28] Thus, plaintiffs may successfully challenge districting plans under Section 2 on the grounds that the district lines as drawn diluted their voting strength.[29]

As described below, courts interpreting Section 2 review many factors to analyze whether the right to equal opportunity or access to the political process is impaired.

A.   The Three Preconditions to Suit Under Section 2 Of The Voting Rights Act

To establish a Section 2 violation, a minority group must establish the existence of three threshold conditions: 1) the minority group must be "sufficiently large and geographically compact to constitute a majority in a single-member district"; 2) the minority group must be able to show that it is "politically cohesive"; and 3) the majority "votes sufficiently as a bloc to enable it . . . usually to defeat the minority's preferred candidate."[30] The plaintiffs' failure to sustain their burden of proof on any one of these three factors is fatal to their case because, in their absence, the court cannot consider the structure or device being discharged to be the cause of the minority's inability to elect its preferred candidate.[31]

---

[26] *See Whitcomb v. Chavis*, 403 U.S. 124, 153-55 (1971).

[27] *See Bartlett v. Strickland*, 2009 U.S. LEXIS 1842 28, 129 S. Ct. 1231, 1243 (2009); *Johnson v. De Grandy*, 512 U.S. 997 (1994).

[28] *Voinovich v. Quilter*, 507 U.S. 146, 154 (1993).

[29] *See, e.g. League of United Latin American Citizens v. Perry*, 548 U.S. 299 (2006) (finding portion of Texas redistricting plan violated Section 2 of Voting Rights Act because it diluted voting strength of minorities).

[30] *See also League of United Latin American Citizens v. Perry*, 548 U.S. 399, 425 (2006) (citing *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986)). Although these preconditions apply in cases which attack purely at-large, mixed at-large/district, and purely district systems, *Growe v. Emison*, 507 U.S. 25, 40 (1993), the proof will vary in each case. For example, with regard to the first factor, if plaintiffs are challenging the use of a multimember (at-large) district, they will have to show that "within each contested multimember district there exists a minority group that is sufficiently large and compact to constitute a single-member district." *Thornburg*, 478 U.S. at 50 n.16. On the other hand, plaintiffs challenging a single-member districting plan "might allege that the minority group is sufficiently large and compact to constitute a single-member district that has been split between two or more . . . single-member districts, with the effect of diluting the potential strength of the minority vote. *Id.*

[31] *See Thornburg v. Gingles*, 478 U.S. 30, 48-51 (1986).

B. The "Totality of the Circumstances" Test: Factors Reviewed by Courts to Decide Whether Members of a Minority Group Have Less Opportunity To Participate In The Political Process Than Others

A plaintiff's satisfaction of the three "necessary preconditions" does not, by itself, prove a Section 2 violation. Under the statute, a plaintiff still has the burden of proving, "based on the totality of circumstances," the challenged electoral practice or structure results in an electoral system that is not equally open to participation by members of the plaintiff's class. Plaintiff must show that members of plaintiff's class have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.[32] The statute itself identifies only "one circumstance which may be considered" – the extent to which minorities are elected over time to determine whether a district plan prohibits participation by a group or class. Over time, in interpreting the Voting Rights Act, the Supreme Court has identified many other factors as relevant for a court to review in a Section 2 claim.

1. The Senate Factors

The Supreme Court reviews the following factors, identified by the Senate in 1982 when it amended Section 2, to determine whether a political process is open to participation by minorities:

1. Any history of discrimination touching the right to register, vote, or otherwise participate in the democratic process;

2. The extent of any racially polarized voting;

3. The use of any election devices (*e.g.*, majority vote requirements) which may lead to discrimination against minorities;

4. Evidence of exclusion of minorities from candidate slating procedures;

5. The extent to which the socioeconomic effects of past discrimination affect the ability of minorities to participate in the democratic process;

6. Whether campaigns have been characterized by overt or subtle racial appeal; and

7. The extent to which members of the minority group have been elected to public

---

[32] *See Johnson v. De Grandy*, 512 U.S. 997, 1011-12 (1994).

office in the jurisdiction.

Two other factors with some "probative value" are:

1.   Whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group; and

2.   Whether the policy underlying the state or political subdivision s use of such voting qualification, pre-requisite to voting, or standard, practice or procedure is tenuous.[33]

There is no requirement that any particular number of factors be proved or that a majority of them point one way or another.

2.   The Causation Factor

Courts may also consider evidence as to whether race-neutral reasons caused a lack of electoral success for minority groups. Courts have held that plaintiffs cannot prevail on a Section 2 claim if there is significant probative evidence that whites voted as a bloc for reasons unrelated to racial animus or racial antagonism (for example, party affiliation, organizational disarray, lack of funds, etc.).[34] In other words, a minority's lack of success in an election may be due to race-neutral reasons and not because of a lack of minority opportunity to participate that is the hallmark of a Section 2 violation.

3.   The Proportionality Factor

Another relevant consideration is whether the number of districts in which the minority group forms an effective majority is roughly proportional to its share of the population in the relevant area.[35] Although "proportionality" or "rough proportionality" is not a "safe harbor" for defendants, the Supreme Court has recognized that it is a strong indication that minority voters have equal opportunity "to participate in the political process and elect representative of their choice."[36]

---

[33] S. Rep. No. 417 at 28-29 (footnotes omitted), *reprinted in*, 1982 U.S. Code Cong. & Admin. News. (2d sess.) at 206- 207.

[34] *See Goosby v. Town Bd. of Town of Hempstead, N.Y.*, 180 F.3d 476, 493 (2d Cir. 1999); *Uno v. City of Holyoke*, 72 F.3d 973, 981-83 & 986-87 (1st Cir. 1995).

[35] *See League of United Latin American Citizens v. Perry*, 548 U.S. 399, 426 (2006).

[36] *See Johnson v. De Grandy*, 512 U.S. 997, 1019-20 (1994).

4. The "Packing" or "Cracking" of the Minority Vote

"Packing" and "cracking" can also be factors relevant to the "totality of the circumstances" analysis of a Section 2 claim. "Packing" occurs when politically cohesive minority voters are concentrated within a district to create a super-majority, in a situation where their numbers are large enough to constitute a majority to two or more districts. At the other end of the spectrum is "cracking" or "fragmenting;" this is when minority voters are spread out over several districts so they do not amount to a majority to any one district. Packing and cracking have legal significance in that they dilute the vote of minority voters and deprive them of the equal opportunity to participate in the political process and elect the candidates of their choice.[37]

IV. EQUAL PROTECTION CLAUSE AND RACIAL GERRYMANDERING

Where governments feel pressure under Section 2 to create majority-minority districts to ensure minority voters may elect a candidate on an equal basis with other voters, governments must be wary of the Equal Protection Clause's prohibition against intentionally segregating voters based upon race. The following rules have emerged through a series of Supreme Court cases.[38]

The government may consider race as a factor in districting, but it cannot be the predominant motivating factor. If race is the predominant motivating factor, the court will subject the plan to "strict scrutiny" and require the government to demonstrate a compelling government interest to support its predominant consideration of race. The government may subordinate traditional districting criteria (discussed above) to race only if there is a compelling governmental interest.

Compliance with Section 2 is a compelling governmental interest (allowing predominant consideration of race), but the government must have strong evidence that Section 2 liability is present. (In other words, the government must have strong evidence that a minority group could establish the three preconditions to a Section 2 violation and under the totality of the circumstances, their opportunity to participate is not equal to other groups.)

Even then, the government must narrowly tailor its plan — race may not be a predominant factor **substantially more than reasonably necessary to avoid Section 2 liability.** For example, districts must still be reasonably compact because Section 2 does not require the government to create districts that are not reasonably compact. On the other hand, a district

---

[37] *See Voinovich v. Quilter,* 507 U.S. 146, 153-154 (1993).

[38] *See Hunt v. Cromartie,* 526 U.S. 541 (1999); *Shaw v. Hunt (Shaw II),* 517 U.S. 899 (1996); *Bush v. Vera,* 517 U.S. 952 (1996); *Miller v. Johnson,* 515 U.S. 900 (1995); and *Shaw v. Reno (Shaw I),* 509 U.S. 630 (1993).

created need not be the most compact (need not have the least amount of irregularity) to be least restrictive alternative.

V. EQUAL PROTECTION CLAUSE AND POLITICAL GERRYMANDERING

The Supreme Court has recognized that political gerrymandering may rise to the level of a deprivation of equal protection guaranteed by the Fourteenth Amendment to the U.S. Constitution.[39] But the burden on a plaintiff in such a case is very high. In order to prevail on such a claim, the plaintiff must demonstrate not only that the party that controlled the districting process (1) intentionally designed the apportionment plan so as to disadvantage the opposing party, but also that (2) there has been a disadvantage or actual discriminatory effect to the plaintiff party in that the challenged scheme effectively shut plaintiff's party out of the political process.[40] A single election result will not suffice to prove the second element of such a claim.[41]

---

[39] *Davis v. Bandemer*, 478 U.S. 109, 127, 139 (1986); *Duckworth v. State Board of Elections*, 213 F.Supp.3d 543, 557 (D. Md. 2002).

[40] The Supreme Court's decisions on political gerrymandering are fraught with disagreement over whether constitutional challenges to political gerrymandering present a legal issue – or a "justiciable claim" – for the Court, or whether it is a "political question," or an issue best left for resolution by the political branch of government.

In 1986, the Supreme Court decided in *Davis v. Bandemer* that political gerrymandering could violate the equal protection clause of the 14th Amendment, but the portion of the opinion articulating the standards for review of a political gerrymander claim was a "plurality" opinion –only four of the nine justices agreed in the standards for a claim. *See Davis*, 478 U.S. at 127. Plurality opinions do not have the same binding effect as a decision issued with the support of the majority of the Court.

In 2004, Justice Scalia, writing what was again a plurality opinion, stated that *Davis v. Bandemer* should be overruled and that constitutional challenges to districting plans based upon claims of political gerrymander should not be heard by courts. *See Vieth v. Jubelirer*, 541 U.S. 267, 306 (2004). Justice Scalia argued that the *Davis* standards under which a political gerrymandering claim could succeed were unmanageable in application: in the 18 years since the *Davis* case, no one successfully obtained judicial relief in a claim that a political gerrymander was unconstitutional. *See id.* at 280-81; *id.* at 306 (stating that *Davis* has resulted in 18 years of "essentially pointless litigation"). His opinion was not joined by a majority of the court and therefore does not have binding effect upon subsequent claims. *See Vieth*, 541 U.S. at 306.

Two years later, in 2006, the Court revisited the issue of political gerrymandering in another plurality opinion that found no constitutional violation due to alleged political gerrymandering. *See League of United Latin American Citizens v. Perry*, 548 U.S. 399, 423 (2006). A majority of the justices agreed in the finding of no constitutional violation, but a majority could not be reached as to the appropriate test to be applied in deciding whether a political gerrymander is unconstitutional. *See id.*

In the absence of majority agreement on the Supreme Court as to what standards apply in a political gerrymandering claim, the Commission should view the standards articulated in *Davis v. Bandemer* (intentional discrimination and inability to participate), as the appropriate test, as at least two Maryland federal district courts have used the *Davis* test to resolve claims of unconstitutional political gerrymander. *See Duckworth v. State Board of Elections*, 213 F.Supp.2d 543 (D. Md. 2002); *Marylanders for Fair Representation, Inc. v. Schaefer*, 849 F.Supp. 1022 (D. Md. 1994).

[41] *See Duckworth v. State Board of Elections*, 213 F.Supp. 2d 543, 556 (D. Md. 2002); *Marylanders for Fair Representation, Inc. v. Schaefer*, 849 F.Supp. 1022, 1038-43 (D. Md. 1994).

montgomery county population by council districts, 2010

Montgomery County's population gained almost 100,000 people, or 11.3 percent, in the last decade, to total 971,777 people. The County's population grew more diverse over the last decade, becoming a majority minority county for the first time. The five Council Districts reflect the increasing diversity that characterizes Montgomery County in 2010.

POPULATION INCREASE

- Council District 2 had the highest total population (214,315) and the greatest increase (20.5 percent), gaining 36,469 people between 2000 and 2010. Germantown and Clarksburg, two of the County's fastest-growing communities, accounted for 86 percent of the population increase.
- Population growth in the cities of Rockville and Gaithersburg fueled the 14.3 percent gain in Council District 3, to total 197,661 people in 2010.
- Council District 4 gained 16,051 people over the decade, totaling 189,652 in 2010, a 9.2 percent gain.
- Council Districts 1 and 5 each grew by about 6 percent. District 1 gained 10,906 to total 185,462; District 5, the county's least populated district, gained 10,219 people to reach 184,687 residents.
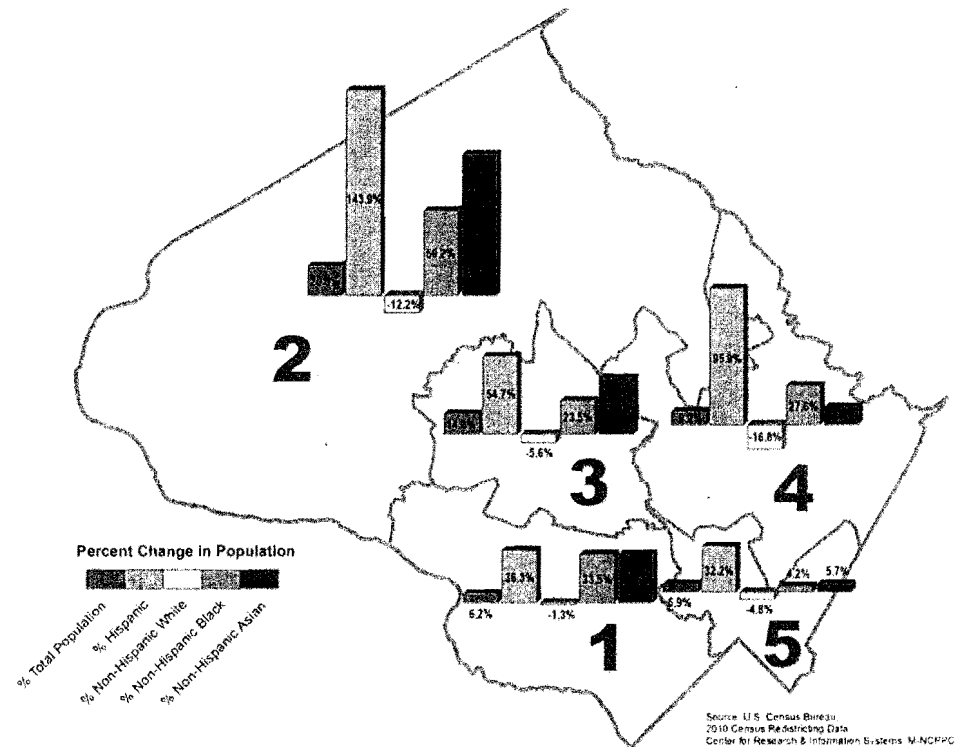
COUNCIL DISTRICT POPULATION CHANGE 2000 - 2010*

Council Districts	2000	Total Population % of total	2010	% of total	2000-2010 Gain	% of change
District 1	174,556	20.0%	185,462	19.1%	10,906	6.2%
District 2	177,846	20.4%	214,315	22.1%	36,469	20.5%
District 3	172,870	19.8%	197,661	20.3%	24,791	14.3%
District 4	173,601	19.9%	189,652	19.5%	16,051	9.2%
District 5	174,468	20.0%	184,687	19.0%	10,219	5.9%
Total	873,341	100.0%	971,777	100.0%	98,436	11.3%

* District boundaries established 2001

Montgomery County Planning Department. M-NCPPC
MontgomeryPlanning.org

Council District 2 had the highest total population (214,315) and the greatest increase (20.5 percent) between 2000 and 2010. Germantown and Clarksburg, two of the County's fastest-growing communities, accounted for 86 percent of the district's population increase.

CHANGE IN POPULATION, 2000-2010 by Council Districts

Percent Change in Population

% Total Population
% Hispanic
% Non-Hispanic White
% Non-Hispanic Black
% Non-Hispanic Asian

Source: U.S. Census Bureau
2010 Census Redistricting Data
Center for Research & Information Systems. M-NCPPC

- Minorities (all people identifying themselves as other than non-Hispanic white) make up at least half of the population in each district except for Council District 1.
- Council District 5 has the highest percentage of minorities (113,314 people or 61.4 percent), while Council District 4 has the highest number of minorities (114,576 or 60.4 percent).
- Those of Hispanic or Latino origin, the county's fastest-growing group, became the largest minority in 2010. About 29 percent of all Hispanics in the county live in Council District 5, which has the greatest number of Latinos (47,077) among the districts. Council Districts 2, 3 and 4 each have more than 33,000 Hispanics, comprising 16 to 18 percent of each area's population. Hispanics are the second largest minority group in Council District 1, with 13,869 people or 7.5 percent of the area's population.
- Blacks make up 16.6 percent of the county's population and predominately reside in the eastern part of the county. Council District 4 has 48,342 black residents, or 25.5 percent of the population; Council District 5 has 45,281 black residents, comprising 24.5 percent.
- Council District 3 has the highest number (40,972) and the highest percentage of Asians (20.7 percent) among all the Council Districts. The percentage of Asians living in Council Districts 1, 2, and 4 range from 12 percent to 14.7 percent, which is close to the 13.9 percent found countywide. Council District 5 has the lowest concentration – 15,137 Asians or 8.2 percent.

POPULATION CHANGE WITHIN COUNCIL DISTRICTS* BY RACE, 2000-2010

Council Districts	Hispanic	White	Black	Asian	Other	Pop. increase
Change in Number						
District 1	3,693	(1,758)	1,979	5,612	1,380	10,906
District 2	19,780	(14,730)	13,547	15,684	2,188	36,469
District 3	12,651	(5,327)	4,526	11,591	1,350	24,791
District 4	17,207	(15,143)	10,443	2,773	771	16,051
District 5	11,463	(3,595)	1,823	812	(284)	10,219
County Total	64,794	(40,553)	32,318	36,472	5,405	98,436
Percent Change						
District 1	36.3%	-1.3%	33.5%	33.6%	35.0%	6.2%
District 2	143.9%	-12.2%	59.2%	98.7%	43.9%	20.5%
District 3	54.7%	-5.6%	23.5%	39.5%	26.2%	14.3%
District 4	95.9%	-16.8%	27.6%	12.4%	14.8%	9.2%
District 5	32.2%	-4.8%	4.2%	5.7%	-4.7%	5.9%
Total	64.4%	-7.8%	25.0%	37.0%	21.3%	11.3%

* District boundaries established 2001

COUNCIL DISTRICTS* BY POPULATION, RACE AND HISPANIC CHARACTERISTICS, 2010

2010 Data	District 1 Population	%	District 2 Population	%	District 3 Population	%	District 4 Population	%	District 5 Population	%	Total	Percent
Total Population	185,462	100.0%	214,315	100.0%	197,661	100.0%	189,652	100%	184,687	100.0%	971,777	100%
Minority Population												
Hispanic or Latino	13,869	7.5%	33,525	15.6%	35,775	18.1%	35,152	18.5%	47,077	25.5%	165,398	17.0%
Black	7,887	4.3%	36,422	17.0%	23,757	12%	48,342	25.5%	45,281	24.5%	161,689	16.6%
Asian & Pacific Islander	22,339	12.0%	31,572	14.7%	40,972	20.7%	25,084	13.2%	15,137	8.2%	135,104	13.9%
Other Race	5,319	2.9%	7,176	3.3%	6,509	3.3%	5,998	3.2%	5,815	3.2%	30,821	3.2%
Total	49,414	26.6%	108,695	50.7%	107013	54.1%	114,576	60.4%	113,314	61.4%	493,012	50.7%
White Population	136,048	73.4%	105,620	49.3%	90,648	45.9%	75,076	39.6%	71,373	38.6%	478,765	49.3%

* District boundaries established 2001

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Ervin

AN ACT to revise the boundaries of Council districts.

By amending
　　Montgomery County Code
　　Chapter 16, Elections
　　Section 16-2

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets]	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets]]	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

1   **Sec. 1. Section 16-2 is amended as follows:**

2   **16-2. Boundaries of Council districts.**

3   The boundaries of the 5 Council districts required under Section 103 of the

4   County Charter are as follows.

5   [*District 1:* The southern boundary of District 1 begins at the junction of the

6   boundary lines of Montgomery County (Maryland), the District of Columbia, and

7   Fairfax County (Virginia); then northwesterly along the boundary line of

8   Montgomery County and Fairfax County to a point on a line of prolongation from

9   Muddy Branch; then north along said line of prolongation, crossing the Potomac

10   River and circumscribing around the northwestern end of Watkins Island to Muddy

11   Branch; then meandering northerly and easterly along the center line of Muddy

12   Branch to its intersection with Turkey Foot Road; then easterly along the center line

13   of Turkey Foot Road to its junction with Travilah Road; then northeasterly along the

14   center line of Travilah Road to its junction with Piney Meetinghouse Road; then

15   southerly along the center line of Piney Meetinghouse Road to its intersection with

16   the right-of-way of the Potomac Electric Power Company (PEPCO) power line; then

17   easterly along the center line of the PEPCO right-of-way to its intersection with

18   Watts Branch; then meandering northeasterly along the center line of Watts Branch

19   to its intersection with the southern municipal boundary line of the City of Rockville;

20   then southeasterly along the southern municipal boundary line to its junction with the

21   center line of Falls Road; then southerly along the center line of Falls Road to its

22   intersection with the southern municipal boundary line of the City of Rockville; then

23   southeasterly and northeasterly along the municipal boundary line of the City of

24   Rockville to its junction with the center line of Seven Locks Road; then southerly

25   along the center line of Seven Locks Road to its intersection with the center line of

26   Montrose Road; then east along the center line of Montrose Road to its junction with

27   the municipal boundary line of the City of Rockville east of Wilmart Street; then

28   northerly and easterly along the municipal boundary line to the center line of East

29   Jefferson Street; then north along the center line of East Jefferson Street to the

30   municipal boundary line of the City of Rockville; then easterly along the municipal

31   boundary line to the center line of Rockville Pike (Md. Route 355); then

32   northwesterly along the center line of Rockville Pike to its intersection with Halpine

33   Road; then northeasterly along the center line of Halpine Road to a point on a line of

34   prolongation from Fishers Lane; then easterly along said line of prolongation to

35   Fishers Lane; then easterly along the center line of Fishers Lane to its junction with

36   the western boundary line of Parklawn Cemetery; then following the western,

37   southern and eastern boundary lines to the junction with the Rock Creek Park

38   boundary line; then east, south, and again east, along the Rock Creek Park boundary

39   line, and east on a line of prolongation from the Rock Creek Park boundary line to

40   Rock Creek at a point opposite to Edgebrook Road; then meandering southeasterly

41   along the center line of Rock Creek to its intersection with the boundary line of

42   Montgomery County and the District of Columbia; then southwest along said

43   boundary line to its junction with the boundary lines of Montgomery County, the

44   District of Columbia and Fairfax County, the point of beginning.]

45   [*District 2:* The southwestern boundary of District 2 begins at the confluence

46   of Muddy Branch with the Potomac River; then continuing south along a line of

47   prolongation from Muddy Branch across the Potomac River and circumscribing

48   around the northwestern end of Watkins Island, to the boundary line of Montgomery

49   County and Fairfax County; then northwesterly and northeasterly along said

50   boundary line, continuing as the boundary line of Montgomery County and Loudoun

51   County (Virginia), to its junction with the boundary line of Montgomery County and

52   Frederick County (Maryland); then northeast along said boundary line, continuing as

53   the boundary line of Montgomery County and Carroll County (Maryland) to its

54   convergence with the boundary line of Montgomery County and Howard County

55   (Maryland); then southwesterly and southeasterly along the boundary line of

56   Montgomery County and Howard County to its intersection with Georgia Avenue

57   (Md. Route 97); then southerly along the center line of Georgia Avenue to the

58   municipal boundary line of Brookeville; then northerly, easterly and southerly along

59   the municipal boundary to the center line of Brighton Dam Road; then easterly and

60   northeasterly along the center line of Brighton Dam Road to its intersection with the

61   center line of Hawlings River, then meandering southerly along the center line of

62   Hawlings River to its intersection with the center line of Gold Mine Road; then

63   northeasterly along the center line of Gold Mine Road to its junction with the center

64   line of New Hampshire Avenue (Md. Route 650); then southeasterly along the center

65   line of New Hampshire Avenue to its junction with the center line of Brooke Road;

66   then southwest and southeast along the center line of Brooke Road to its intersection

67   with the center line of Olney-Sandy Spring Road (Md. Route 108); then southwest

68   and northwest along the center line of Olney-Sandy Spring Road to its junction with

69   the center line of Old Baltimore Road; then south and westerly along the center line

70   of Old Baltimore Road to its junction with the center line of Georgia Avenue; then

71   southerly along the center line of Georgia Avenue to its junction with the center line

72   of Emory Lane; then westerly along the center line of Emory Lane to its junction

73   with the center line of Cashell Road; then northwesterly along the center line of

74   Cashell Road to its junction with the center line of Bowie Mill Road; then

75   northeasterly along the center line of Bowie Mill Road to its junction with the center

76   line of Olney-Laytonsville Road (Md. Route 108); then northwesterly along the

77   center line of Olney-Laytonsville Road to its junction with the center line of

78   Muncaster Road; then southwesterly along the center line of Muncaster Road to its

79   junction with the center line of Muncaster Mill Road (Md. Route 115); then

80   northwesterly along the center line of Muncaster Mill Road, continuing as Snouffer

81   School Road at Woodfield Road (Md. Route 124), to its intersection with the center

82   line of Goshen Road; then south along the center line of Goshen Road to its junction

83   with the center line of Odend'hal Avenue; then westerly along the center line of

84   Odend'hal Avenue to its intersection with the southwest side of Lost Knife Road;

85   then northwesterly along the southwest side of Lost Knife Road to its junction with

86   the center line of Montgomery Village Avenue; then southwesterly along the center

87   line of Montgomery Village Avenue to its intersection with the municipal boundary

88   line of the City of Gaithersburg; then westerly, northerly, and northwesterly along the

89   municipal boundary line to its intersection with the center line of Watkins Mill Road;

90   then northeasterly along the center line of Watkins Mill Road to its intersection with

91   a northern municipal boundary line of the City of Gaithersburg; then northwesterly,

92   southwesterly, westerly, southerly, and again northwesterly along the municipal

93   boundary line to its intersection with the center line of Game Preserve Road; then

94   southerly along the center line of Game Preserve Road to its intersection with the

95   center line of Frederick Road (Md. Route 355); then northwesterly along the center

96   line of Frederick Road to its intersection with Great Seneca Creek; then meandering

97   southwesterly along the center line of Great Seneca Creek to its intersection with the

98   right-of-way of the Potomac Electric Power Company (PEPCO) power line; then

99   southeasterly along the center line of the PEPCO right-of-way to its intersection with

100 Darnestown Road (Md. Route 28); then southwesterly along the center line of

101 Darnestown Road to its junction with the center line of Jones Lane; then southerly

102 along the center line of Jones Lane to its junction with the center line of Turkey Foot

103 Road; then southeasterly along the center line of Turkey Foot Road to its intersection

104 with Muddy Branch; then meandering southwesterly along the center line of Muddy

105 Branch to its confluence with the Potomac River, the point of beginning.]

106   [*District 3:* The Southwestern boundary of District 3 begins at the intersection

107 of Muddy Branch and Turkey Foot Road; then northwesterly along the center line of

108 Turkey Foot Road to its junction with the center line of Jones Lane; then northerly

109   along the center line of Jones Lane to its junction with the center line of Darnestown

110   Road (Md. Route 28); then northeasterly along the center line of Darnestown Road to

111   the right-of-way of the Potomac Electric Power Company (PEPCO) power line; then

112   northwesterly along the center line of the PEPCO right-of-way to its intersection with

113   Great Seneca Creek; then meandering northeasterly along the center line of Great

114   Seneca Creek to its intersection with the center line of Frederick Road (Md. Route

115   355); then southeasterly along the center line of Frederick Road to its intersection

116   with the northern municipal boundary line of the City of Gaithersburg; then

117   northerly, southeasterly, again northerly, easterly, again northeasterly, and

118   southeasterly along the municipal boundary line to its intersection with the center line

119   of Watkins Mill Road; then southwesterly along the center line of Watkins Mill Road

120   to its intersection with the northern municipal boundary line of the City of

121   Gaithersburg; then southeasterly, southerly, and westerly along said municipal

122   boundary line to its intersection with the center line of Montgomery Village Avenue;

123   then northeasterly along the center line of Montgomery Village Avenue to its

124   junction with the southwest side of Lost Knife Road; then southeasterly along the

125   southwest side of Lost Knife Road to its junction with Oden'hal Avenue; then

126   easterly along the southern edge of Oden'hal Avenue to its intersection with the

127   center line of Goshen Road; then north along the center line of Goshen Road to its

128   junction with the center line of Snouffer School Road; then southeasterly along the

129   center line of Snouffer School Road, continuing as Muncaster Mill Road (Md. Route

130   115) at Woodfield Road (Md. Route 124), to the intersection of Muncaster Mill Road

131   with the North Branch of Rock Creek; then meandering southwesterly along the

132   center line of the North Branch of Rock Creek to its northeastern confluence with

133   Lake Bernard Frank; then southwesterly along the center line of Lake Bernard Frank

134   to its southwestern confluence with the North Branch of Rock Creek; then

135   meandering southwesterly along the center line of the North Branch of Rock Creek to

136   its confluence with Rock Creek; then meandering southerly along the center line of

137   Rock Creek to a point opposite to Edgebrook Road; then west along a line of

138   prolongation from a southern boundary line of Rock Creek Regional park, to that

139   boundary line; then west, north, and again west to the eastern boundary line of

140   Parklawn Cemetery; then following that boundary line westerly, southwesterly,

141   northwesterly, again westerly, and again northwesterly to its intersection with the

142   center line of Fishers Lane; then westerly along the center line of Fishers Lane, and

143   continuing along a line of prolongation from the center line of Fishers Lane to the

144   center line of Halpine Road; then southwesterly along the center line of Halpine

145   Road; then southwesterly along the center line of Halpine Road to its intersection

146   with the center line of Rockville Pike (Md. Route 355); then southeasterly along the

147   center line of Rockville Pike to its intersection with the municipal boundary line of

148   the City of Rockville; then westerly along the municipal boundary line to the center

149   line of East Jefferson Street; then south along the center line of East Jefferson Street

150   to the municipal boundary line of the City of Rockville; then westerly and southerly

151   along the municipal boundary line to its junction with the center line of Montrose

152   Road; then west along the center line of Montrose Road to its intersection with the

153   center line of Seven Locks Road; then northerly along the center line of Seven Locks

154   Road to the municipal boundary line of the City of Rockville; then westerly along the

155   municipal boundary line to its intersection with the center line of Falls Road; then

156   northerly along the center line of Falls Road to its junction with the municipal

157   boundary line of the City of Rockville; then northwesterly along the municipal

158   boundary line to its intersection with the center line of Watts Branch; then

159   meandering southwesterly along the center line of Watts Branch to its intersection

160   with the Potomac Electric Power Company (PEPCO) right-of-way; then westerly

161   along the PEPCO right- of-way to its intersection with the center line of Piney

162   Meetinghouse Road; then northeasterly along the center line of Piney Meetinghouse

163   Road to its junction with the center line of Travilah Road; then southwesterly along

164   the center line of Travilah Road to its junction with the center line of Turkey Foot

165   Road; then westerly along the center line of Turkey Foot Road to its intersection with

166   Muddy Branch, the point of beginning.]

167   [*District 4:* The southeastern boundary of District 4 begins at the intersection

168   of the boundary line of Montgomery County and Prince George's County (Maryland)

169   with Cherry Hill Road; then northwesterly along the center line of Cherry Hill Road

170   to Columbia Pike (U.S. Route 29); then southwesterly along the center line of

171   Columbia Pike, continuing as Colesville Road (U.S. Route 29) at Northwest Branch,

172   to the intersection of Colesville Road and University Boulevard West (Md. Route

173   193); then northwesterly along the center line of University Boulevard West to its

174   junction with the center line of Arcola Avenue; then northwesterly along the center

175   line of Arcola Avenue to its junction with the eastern boundary line of Wheaton

176   Regional Park; then northerly, easterly, northeasterly, again easterly, northerly and

177   northeasterly along the park boundary line to its intersection with the center line of

178   Randolph Road; then southwesterly along the center line of Randolph Road to its

179   intersection with the center line of Connecticut Avenue (Md. Route 185); then

180   southerly along the center line of Connecticut Avenue to its intersection with the

181   center line of Veirs Mill Road (Md. Route 586); then northwesterly along the center

182   line of Veirs Mill Road to its intersection with Rock Creek; then meandering

183   northerly along the center line of Rock Creek to its junction with the North Branch of

184   Rock Creek; then meandering northeasterly along the center line of the North Branch

185   of Rock Creek to its southwestern confluence with Lake Bernard Frank; then

186   northeasterly along the center line of Lake Bernard Frank to its northeastern

187   confluence with the North Branch of Rock Creek; then meandering northeasterly

188   along the center line of the North Branch of Rock Creek to its intersection with

189   Muncaster Mill Road (Md. Route 115); then northwesterly along the center line of

190   Muncaster Mill Road to its junction with the center line of Muncaster Road; then

191   northeasterly along the center line of Muncaster Road to its junction with the center

192   line of Olney-Laytonsville Road (Md. Route 108); then southeasterly along the center

193   line of Olney-Laytonsville Road to its junction with the center line of Bowie Mill

194   Road; then southwesterly along the center line of Bowie Mill Road to its junction

195   with the center line of Cashell Road; then southeasterly along the center line of

196   Cashell Road to its junction with the center line of Emory Lane; then easterly along

197   the center line of Emory Lane to its intersection with the center line of Georgia

198   Avenue (Md. Route 97); then northerly along the center line of Georgia Avenue to its

199   intersection with the center line of Old Baltimore Road; then easterly and northerly

200   along the center line of Old Baltimore Road to its junction with the center line of

201   Olney-Sandy Spring Road; then southeasterly and northeasterly along the center line

202   of Olney-Sandy Spring Road to its junction with the center line of Brooke Road; then

203   northwesterly and northeasterly along the center line of Brooke Road to its junction

204   with the center line of New Hampshire Avenue (Md. Route 650); then northwesterly

205   along the center line of New Hampshire Avenue to its junction with the center line of

206   Gold Mine Road; then southwesterly along the center line of Gold Mine Road to its

207   intersection with the center line of Hawlings River; then meandering northerly along

208   the center line of Hawlings River to its intersection with Brighton Dam Road; then

209   southwesterly and westerly along the center line of Brighton Dam Road to its

210   junction with the municipal boundary line of Brookeville; then northerly, westerly,

211   and southerly along the municipal boundary line to its intersection with Georgia

212   Avenue; then northerly along the center line of Georgia Avenue to its intersection

213   with the boundary line of Montgomery County and Howard County; then

214   southeasterly along said boundary line to its junction with the boundary line of

215   Montgomery County and Prince George's County; then southwesterly along said

216   boundary line to its intersection with Cherry Hill Road, the point of beginning.]

217   [*District 5:* The southern boundary of District 5 begins at the junction of the

218   boundary lines of Montgomery County, Prince George's County, and the District of

219   Columbia; then northwest along the boundary line of Montgomery County and the

220   District of Columbia to the northernmost apex of the District of Columbia; then

221   southwest along said boundary line to its intersection with Rock Creek; then

222   meandering westerly and northwesterly along the center line of Rock Creek to its

223   intersection with Veirs Mill Road (Md. Route 586); then southeast along the center

224   line of Veirs Mill Road to its intersection with the center line of Connecticut Avenue

225   (Md. Route 185); then northerly along the center line of Connecticut Avenue to its

226   intersection with the center line of Randolph Road; then northeasterly along the

227   center line of Randolph Road to its junction with the eastern boundary line of

228   Wheaton Regional Park; then southeasterly, southerly, westerly, southwesterly, again

229   westerly, and again southerly along that boundary line to its junction with Arcola

230   Avenue; then southeasterly along the center line of Arcola Avenue to its junction

231   with the center line of University Boulevard West (Md. Route 193); then

232   southeasterly along the center line of University Boulevard West to its intersection

233   with the center line of Colesville Road (U.S. Route 29); then northeasterly along the

234   center line of Colesville Road, continuing as Columbia Pike (U.S. Route 29) at

235   Northwest Branch, to its intersection with the center line of Cherry Hill Road; then

236   southeasterly along the center line of Cherry Hill Road to its intersection with the

237   boundary line of Montgomery County and Prince George's County; then southwest,

238   southeast, south, and southwesterly along the boundary line to its junction with the

239   boundary line of Montgomery County and the District of Columbia, the point of

240   beginning.]

241   *District 1:* The southern boundary of District 1 begins at the junction of the

242   boundary lines of Montgomery County, Maryland, the District of Columbia and

243   Fairfax County, Virginia; then northwesterly, meandering along the west bank of

244 the Potomac River, the boundary line of Montgomery County and Fairfax County;

245 then continuing northwesterly, meandering along the Potomac River, to the

246 boundary line of Montgomery County, Maryland and Loudoun County (Virginia);

247 then continuing northwesterly and northeasterly along the western boundary of the

248 Potomac River to its junction with the boundary of Montgomery County, Maryland

249 and Frederick County, Maryland; then northeasterly along said boundary line to its

250 junction with the center line of Dickerson Road (MD Route 28); then southeasterly

251 and southwesterly along the center line of said road, continuing as Darnestown

252 Road (MD Route 28); then continuing southeasterly along the center line of said

253 road to its intersection with the center line of Turkey Foot Road; then southeasterly

254 along the center line of said road to its junction with the center line of Travilah

255 Road; then easterly and northeasterly along the center line of said road to its

256 junction with center line of Piney Meetinghouse Road; then southerly along the

257 center line of said road to its intersection with the Potomac Electric Power

258 Company right-of-way; then southeasterly along said right-of-way to its

259 intersection with the center line of Falls Road (MD Route 189); then easterly to its

260 junction with the center line of Montrose Road; then easterly along the center line

261 of said road and a straight line of prolongation to its junction with the center line of

262 Rockville Pike (MD Route 355); then northwesterly along the center line of said

263 road to its intersection with the center line of Halpine Road and a line of

264 prolongation to the center line of the CSX Railroad right-of-way; then southeast

265 along the center line of said right-of-way to its intersection with the municipal

266 boundary of the Town of Kensington; then northeasterly and east along said

267 municipal boundary line to the center line of Connecticut Avenue (MD Route

268 185); then north along the center line of said road to its junction with the center

269 line of Lawrence Avenue; then east along the center line of said road to its junction

270 with the center line of University Boulevard West (MD Route 193); then

11

271 northeasterly along the center line of said road to its intersection with the center

272 line of Drumm Avenue; then southwesterly along the center line of said road and

273 continuing south along a line of prolongation to its junction with the center line of

274 Meredith Avenue (at Oberon Street); then south along the center line of Meredith

275 Avenue to its intersection with the center line of Edgewood Road; then westerly

276 along the center line of said road and a line of prolongation to the center line of the

277 CSX Railroad right-of-way; then continuing southeasterly along said right-of-way

278 to its intersection with the center line of Brookville Road; then southwesterly along

279 the center line of said road to its junction with the center line of Lyttonsville Place;

280 then southeasterly along the center line of said road to its intersection with the

281 center line of the Georgetown Branch Trail; then southwesterly along the center

282 line of said trail to its junction with Brookville Access Road; then southwest along

283 the center line of Brookville Access Road to its junction with the center line of

284 Grubb Road; then southeasterly along the center line of said road to its intersection

285 with the center line of East West Highway (MD Route 410); then northeasterly,

286 easterly and northeasterly along the center line of said road to its junction with the

287 center line of Rosemary Hills Drive; then southeasterly along a line of

288 prolongation from the center line of said road to its intersection with the boundary

289 line of Montgomery County, Maryland and the District of Columbia; then

290 southwesterly along said boundary line to the boundary line of Montgomery

291 County, Maryland, the District of Columbia and Fairfax County, Virginia, the

292 point of beginning.

293   ***District 2:*** The southern boundary of District 2 begins at the junction of the

294 center line of Lake Winds Way and the center line of Travilah Road; then westerly

295 along the center line of said road to its junction with the center line of Turkey Foot

296 Road; then northwesterly along the center line of said road to its junction with the

297 center line of Darnestown Road (MD Route 28); then southwesterly and

298 northwesterly along the center line of said road, continuing northeasterly and

299 northwesterly as Dickerson Road (MD Route 28) to the boundary line of

300 Montgomery County, Maryland and Frederick County, Maryland; then

301 northeasterly along said county boundary line to the point at Parrs Spring where

302 the boundary lines of Montgomery County, Maryland, Frederick County,

303 Maryland, and Howard County, Maryland converge; then southwesterly and

304 southeasterly along the boundary line of Montgomery County, Maryland and

305 Howard County, Maryland following the center line of the Patuxent River to its

306 intersection with the center line of Mullinix Mill Road; then southwesterly along

307 the center line of said road to its junction with the center line of Damascus Road

308 (MD Route 108); then southeasterly along the center line of said road to its

309 junction with the center line of Jarl Drive; then southwesterly along the center line

310 of said road and a line of prolongation to its junction with the center line of Great

311 Seneca Creek; then meandering southeasterly and southwesterly along the center

312 line of said creek to its intersection with the center line of Woodfield Road (MD

313 Route 124); then southwesterly along the center line of said road to its junction

314 with the center line of the north end of Hadley Farms Drive; then westerly,

315 southerly and southeasterly along a line encompassing all of the streets connected

316 to Hadley Farms Drive to the junction of said line with the center line of Cabin

317 Branch Tributary at a point east and south of Boxberry Terrace; then meandering

318 southwesterly along the center line of said tributary to its intersection with the

319 center line of Snouffer School Road; then southeasterly along said road to its

320 intersection with the center line of Flower Hill Way; then southerly and

321 southeasterly along the center line of said road to its junction with the center line of

322 Woodfield Road (MD Route 124); then southwesterly along the center line of said

323 road to its intersection with the center line of Emory Grove Road; then

324 northwesterly along said road to its intersection with the center line of Goshen

325 Road; then south along the center line of said road to its intersection with the

326 center line of Odend'hal Avenue; then west along the center line of said road to its

327 intersection with the center line of Lost Knife Road; then northwest along the

328 center line of said road to its junction with Montgomery Village Avenue (MD

329 Route 124); then southwest along said road to the municipal boundary of the City

330 of Gaithersburg to the center line of Watkins Mill Road; then southwest along said

331 road to the municipal boundary and its junction at the center line of Whetstone

332 Run; then meandering southwesterly and northerly along the center line of said run

333 to its intersection with the municipal boundary line of the City of Gaithersburg;

334 then northwesterly and southwest along said municipal boundary line and

335 intersecting with the Potomac Electric Power Company right-of-way to its junction

336 with the center line of Old Game Preserve Road; then northwesterly along the

337 center line of said road to its junction with the center line of Arrowsmith Court;

338 then northwesterly along the center line of said road to its junction with the center

339 line of Game Preserve Road; then southwesterly along the center line of said road

340 to its intersection with the center line of North Frederick Avenue (MD Route 355);

341 then northerly along the center line of said road to its intersection with the center

342 line of Great Seneca Creek; then meandering westerly and southerly along the

343 center line of said creek to its intersection with the center line of the Potomac

344 Electric Power Company right-of-way; then southeasterly along the center line of

345 said right-of-way to its intersection with the center line of Darnestown Road (MD

346 Route 28); then easterly along the center line of said road to its intersection with

347 the center line of Dufief Mill Road; then southwesterly along the center line of said

348 road to its junction with the center line of Lake Winds Way; then southerly along

349 the center line of said road to its junction with the center line of Travilah Road, the

350 point of beginning.

351   ***District 3:*** The southwestern boundary of District 3 begins at the center line

352   of the Potomac Electric Power Company right-of-way and the center line of Piney

353   Meetinghouse Road; then northeasterly and northerly along the center line of said

354   road to its junction with the center line of Travilah Road; then southwesterly along

355   the center line of said road to its junction with the center line of Lake Winds Way;

356   then northwesterly along the center line of said road to its junction with the center

357   line of Dufief Mill Road; then northeasterly along the center line of said road to its

358   junction with the center line of Darnestown Road (MD Route 28); then

359   northwesterly along the center line of said road to its junction with the center line

360   of the Potomac Electric Power Company right-of-way; then northwesterly along

361   the center line of said right-of-way to its intersection with the center line of Great

362   Seneca Creek; then meandering northeasterly along the center line of said creek to

363   its intersection with the center line of Frederick Road (MD Route 355); then

364   southeasterly along the center line of said road to its intersection with the center

365   line of Game Preserve Road; then northeast along the center line of said road to its

366   junction with the center line of Arrowsmith Court; then southeasterly along the

367   center line of said road to its junction with the center line of Old Game Preserve

368   Road; then southeasterly along the center line of said road to its junction with the

369   northwestern municipal boundary line of the City of Gaithersburg and the Potomac

370   Electric Power Company right-of-way; then north and easterly along said

371   municipal boundary line to its intersection with the center line of Watkins Mill

372   Road; then southwesterly along the center line of said road to its junction with the

373   municipal boundary (south of Whetstone Run); then southeasterly and south along

374   said municipal boundary line to its intersection with the center line of Montgomery

375   Village Avenue (MD Route 124); then northeasterly along the center line of said

376   road to its junction with the center line of Lost Knife Road; then southeasterly

377   along the center line of said road to its junction with Odend'hal Avenue; then east

378   along the center line of Odend'hal Avenue to its junction with the center line of

379   Goshen Road; then north along the center line of said road to its intersection with

380   the center line of Emory Grove Road; then southeasterly along the center line of

381   said road to its intersection with the center line of Woodfield Road (MD Route

382   124); then southwesterly along the center line of said road to its junction with the

383   center line of Midcounty Highway; then southeasterly along the center line of said

384   road to its junction with the center line of Shady Grove Road; then northeasterly

385   along the center line of said road to its junction with the center line of Muncaster

386   Mill Road (Md. Route 115); then southeasterly along the center line of said road to

387   its junction with the center line of Norbeck Road (MD Route 28); then east along

388   the center line of said road to its junction with a line of prolongation to the

389   northeastern boundary of Leisure World of Maryland (Corporate Mutual 16); then

390   southeasterly, southwesterly and westerly along said corporate boundary line to its

391   junction with the center line of Georgia Avenue (MD Route 97); then southeasterly

392   along the center line of said road to its junction with the center line of Aspen Hill

393   Road; then west and southwesterly along the center line of said road to its junction

394   with Veirs Mill Road (MD Route 586); then northwest along the center line of said

395   road to its intersection with the center line of Rock Creek; then southeasterly

396   meandering along the center line of said creek to its junction with the southern

397   boundary line of Rock Creek Park; then west, north and west along said park

398   boundary line to its junction with the southeast corner of the boundary line of

399   Parklawn Memorial Park Cemetery; then westerly and northerly along said

400   cemetery boundary to its junction with the center line of an unnamed creek; then

401   northwesterly meandering along said creek to a line of prolongation to the center

402   line of Fishers Lane; then west along the center line of said road and a line of

403   prolongation to the center line of Halpine Road; then southwest along the center

404   line of said road to its intersection with the center line of Rockville Pike (MD

405 Route 355); then southeasterly along the center line said road to its junction with a

406 line of prolongation to the center line of Montrose Road; then westerly along the

407 center line of said road to its junction with the center line of Falls Road (MD Route

408 189); then southwesterly along the center line of said road to its junction with the

409 center line of the Potomac Electric Power Company right-of-way; then

410 northwesterly along the center line of said right-of-way to the center line of Piney

411 Meetinghouse Road, the point of beginning.

412 ***District 4:*** The southeastern boundary of District 4 begins at the junction of

413 the center line of Ednor Road and the center line of the Patuxent River, the

414 boundary line of Montgomery County, Maryland and Howard County, Maryland;

415 then northwesterly meandering along said county boundary line to its intersection

416 with the center line of Mullinix Mill Road; then southwesterly along the center line

417 of said road to its junction with the center line of Damascus Road (MD Route 108);

418 then southeasterly along the center line of said road to its junction with the center

419 line of Jarl Road; then southwesterly along the center line of said road to its

420 junction with the center line of Great Seneca Creek; then east and southwesterly

421 meandering along the center line of said creek to its intersection with the center

422 line of Woodfield Road (MD Route 124); then southeasterly along the center line

423 of said road to its north junction with the center line of Hadley Farms Drive; then

424 westerly, southerly and southeasterly along a line encompassing all streets

425 connected to Hadley Farms Drive to a junction with the center line of Cabin

426 Branch Tributary at a point south of Boxberry Terrace; then meandering

427 southwesterly along the center line of said tributary to its intersection with the

428 center line of Snouffer School Road; then southeasterly along the center line of

429 said road to its intersection with the center line of Flower Hill Way; then

430 southwesterly and southeasterly along the center line of said road to its intersection

431 with the center line of Woodfield Road (MD Route 124); then southwest along the

432   center line of said road to its junction with the center line of Midcounty Highway;

433   then southeasterly along the center line of said road to its junction with the center

434   line of Shady Grove Road; then northeasterly along the center line of said road to

435   its junction with the center line of Muncaster Mill Road (MD Route 115); then

436   southeasterly along the center line of said road to its intersection with the center

437   line of Norbeck Road (MD Route 28); then east along the center line of said road

438   to its junction with a line of prolongation to the northeastern boundary of Leisure

439   World of Maryland (Corporate Mutual 16); then southeasterly, southwesterly and

440   westerly along said corporate boundary line to its junction with the center line of

441   Georgia Avenue (MD Route 97); then southeasterly along the center line of said

442   road to its junction with the center line of Aspen Hill Road; then west and

443   southwesterly along the center line of said road to its junction with the center line

444   of Veirs Mill Road (MD Route 586); then northwest along the center line of said

445   road to its intersection with the center line of Rock Creek; then meandering

446   southeasterly along the center line of said creek to its junction with the southern

447   boundary line of Rock Creek Park; then west, north and south along said park

448   boundary line to its junction with Parklawn Memorial Park Cemetery continuing

449   west along said cemetery boundary line; then southwest, northwest and north along

450   said cemetery boundary line to its junction with the center line of an unnamed

451   creek; then meandering west along the center line of said creek to the center line of

452   Fishers Lane; then west along the center line of said road and a line of prolongation

453   to the center line of the CSX Railroad right-of-way; then continuing southeasterly

454   along the center line of said right-of-way to its junction with the center line of

455   Summit Avenue; then northeast along the center line of said road to its junction

456   with the municipal boundary of the Town of Kensington; then northeast and east

457   along said municipal boundary line to its intersection with Connecticut Avenue

458   (MD Route 185); then north along the center line of said road to its intersection

459   with the center line of Lawrence Avenue; then east along the center line of said

460   road to its junction with the center line of University Boulevard West (MD Route

461   193); then northeasterly along the center line of said road to its junction with the

462   center line of Drumm Avenue; then southwesterly along the center line of said road

463   and a line of prolongation to the center line of Drumm Avenue to its intersection

464   with the center line of Plyers Mill Road; then east along the center line of said road

465   to its intersection with the center line of Georgia Avenue (MD Route 97); then

466   southeast along the center line of said road to its intersection with the center line of

467   Dennis Avenue; then easterly along the center line of said road to the center line of

468   Sligo Creek; then northerly meandering along the center line of said creek to its

469   junction with the center line of University Boulevard West (MD Route 193); then

470   southeasterly along the center line of said road to its junction with a line of

471   extended prolongation (at Arcola Avenue) following said line northeasterly and

472   southeasterly to its junction with the center line of Northwest Branch; then

473   northerly meandering along the center line of said branch to a line of prolongation

474   and its convergence with the center line of Springbrook Drive; then southeasterly

475   along the center line of said road to its junction with the center line of Warrenton

476   Drive; then northeasterly along the center line of said road to its junction with New

477   Hampshire Avenue (MD Route 650); then north along the center line of said road

478   to its junction with the center line of Norwood Road; then northwesterly along the

479   center line of said road to its junction with the center line of Ednor Road; then

480   northeasterly along the center line of said road to its junction with the center line of

481   the Patuxent River, the boundary line of Montgomery County, Maryland and

482   Howard County, Maryland, the point of beginning.

483   ***District 5:*** The southwestern boundary of District 5 begins at the boundary

484   line of Montgomery County, Maryland and the District of Columbia (at Rosemary

485   Hills Drive); then continuing northwest along a line of prolongation to its junction

486   with the center line of East West Highway (MD Route 410); then west along the

487   center line of said road to its intersection with the center line of Grubb Road; then

488   northwest along the center line of said road to its junction with the center line of

489   Brookville Access Road; then north along the center line of Brookville Access

490   Road to its junction with the center line of Georgetown Branch Trail; then

491   northeasterly along the center line of said trail to its intersection with the center

492   line of Lyttonsville Place; then northwesterly along the center line of said road to

493   its junction with the center line of Brookville Road; then northeasterly along the

494   center line of said road to its intersection with the center line of the CSX Railroad

495   right-of-way; then northwesterly along the center line of said right-of-way and a

496   line of prolongation east to the center line of Edgewood Road; then east along the

497   center line of said road to its intersection with the center line of Meredith Avenue;

498   then north along the center line of said road and a line of prolongation (at Oberon

499   Street) to the center line of Drumm Avenue; then northwesterly along the center

500   line of said road to its intersection with the center line of Plyers Mill Road; then

501   east along the center line of said road to its intersection with the center line of

502   Georgia Avenue (MD Route 97); then southeasterly along the center line of said

503   road to its intersection with the center line of Dennis Avenue; then easterly along

504   the center line of said road to the center line of Sligo Creek; then northerly

505   meandering along the center line of said creek to its junction with the center line of

506   University Boulevard West (MD Route 193); then southeasterly along the center

507   line of said road to its junction with a line of prolongation (at Arcola Avenue); then

508   northeasterly along the center line of said line of prolongation extending

509   northeasterly to its junction with the center line of Northwest Branch; then

510   northerly meandering along the center line of said branch to a line of prolongation

511   easterly to the center line of Springbrook Drive; then easterly along the center line

512   of said road to its junction with the center line of Warrenton Drive; then

513 northeasterly along the center line of said road to its junction with the center line of
514 New Hampshire Avenue (MD Route 650); then north along the center line of said
515 road to its junction with the center line of Norwood Road; then northwesterly along
516 the center line of said road to its junction with the center line of Ednor Road; then
517 northeasterly along the center line of said road to its junction with the center line of
518 the Patuxent River, the boundary line of Montgomery County, Maryland and
519 Howard County, Maryland; then southeasterly meandering along said river, the
520 county boundary line, to its junction with the boundary line of Montgomery
521 County, Maryland and Prince George's County, Maryland; then southwesterly
522 along said county boundary line, continuing as said county boundary to its junction
523 with the boundary line of Montgomery County, Maryland and the District of
524 Columbia (Eastern Avenue); then northwest and southwest along said county
525 boundary line to a point of prolongation from East West Highway (at Rosemary
526 Hills Drive), the point of beginning.

527 *Approved:*

528 _____   _____
     Valerie Ervin, President, County Council   Date

529 *Approved:*

530 _____   _____
     Isiah Leggett, County Executive   Date

531 *This is a correct copy of Council action.*

532 _____   _____
     Linda M. Lauer, Clerk of the Council   Date

LEGISLATIVE REQUEST REPORT

Bill 31-11

Council Districts - Boundaries

DESCRIPTION:	Revises the boundaries of the 5 County Council districts. As introduced, the boundaries are those proposed by the Commission on Redistricting in its report submitted to the Council on October 4.
PROBLEM:	If any changes need to be made in the redistricting plan submitted by the Commission on Redistricting, they must be made by enacting legislation because otherwise the Council can only accept the plan as submitted.
GOALS AND OBJECTIVES:	To allow the Council to make changes in the redistricting plan submitted by the Commission on Redistricting.
COORDINATION:	Board of Elections
FISCAL IMPACT:	Minimal.
ECONOMIC IMPACT:	Minimal.
EVALUATION:	Unnecessary.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Jeffrey L. Zyontz, Legislative Attorney 240- 777- 7896
APPLICATION WITHIN MUNICIPALITIES:	Applies only to County Council districts.
PENALTIES:	Not applicable